

May 5, 2014

Michael Hatten, Chief
North Regulatory Branch
U.S. Army Corps of Engineers Huntington District
502 Eighth St.
Huntington, WV 25701-2070

Subject: Permit Modification Request – Hyponex Shreve Facility
USACE Permit No. LRH-0-52798-WAL-Kiser Ditch
Ohio EPA ID No. 103673

Dear Mr. Hatten:

As you are aware, The Hyponex Corporation (“Hyponex”) operates a soil excavating and processing facility on a 570-acre property (“Property”) located near Shreve, Ohio (Figure 1). Hyponex has leased the Property from local farmers since 1989. In 1990, Hyponex obtained a U.S. Army Corps of Engineers (USACE) Clean Water Act Section 404 Permit and Ohio Environmental Protection Agency (Ohio EPA) Section 401 Water Quality Certification and began systematically excavating soil from the fields adjacent to Kiser Ditch to use in growing media mixtures. Twelve “Cells” were created for reference and labeled A through L, respectively. The 1990 Permits expired on December 31, 2010. Cells A, C, F, G, H, J, and L were completely excavated and portions of Cells I and K were excavated under the 1990 Permits. The wetland mitigation required under the 1990 Permits has been accomplished.

In 2013, the USACE and Ohio EPA issued new 404/401 permits to Hyponex for additional soil harvesting activities on the Property. These permits are valid until December 31, 2033, and authorize impacts to 24.9 acres of wetland, 4.63 acres of open water, and 160 linear feet of streams. Hyponex intends to implement all activities authorized in the 2013 Permits.

Hyponex is requesting that the current permits be modified to reflect a few changes to the soil harvest operation. The primary reasons for the proposed changes are to: 1) improve overall efficiency of the soil harvest operation, which will potentially reduce the duration of disturbance in regulated surface waters, and 2) remove remaining peat from open water areas in Cells I and K that were partially harvested under the 1990 Permits. The proposed changes and associated impacts are shown on Figure 2 and are discussed in the following sections.

Proposed Wetland Berm (Cell I) and Culvert (Cell K)

As shown on Figure 2, Hyponex proposes to construct a berm across the existing open water area of Cell I, west of the existing access road. This is within an area that is approved for wetland mitigation in the 2013 Permits. The purpose of the berm is to reduce the amount of water that enters that area during seasonal flooding of Kiser Ditch. This will in turn reduce the total area that needs to be dewatered for the soil harvesting operations. It will also provide better working conditions for fill placement and plantings associated with the approved wetland mitigation in that area.

The berm will be constructed on the west side of the existing access road on its northern end, and will continue west from the access road joining to an existing wetland area. The berm will be constructed of clay soils that are excavated from Cell I, and will be approximately 200 feet long, 10 feet wide (at top), and 6 feet high. The top of the berm will be set at the approximate elevation of 944, which matches the elevation of much of the existing wetland area on the Property.

A 12-inch diameter culvert will be installed at the southern end of the open water area and trenched across the existing access road to allow surface water to drain to the open water area east of the existing access road, which is approximately 2 feet lower in elevation. Berm and culvert details are included as Figures 3, 4 and 5.

It is anticipated that the berm and culvert will be installed in 2015. Since the top of the berm will match the elevation of much of the existing wetland area on the Property, it is considered permanent and will be included in the wetland mitigation acreage required for this project. The culvert will remain in place through 2016 when soil harvesting and wetland mitigation work is completed in Cells I and K.

Construction of the berm and culvert will temporarily impact an additional 0.11-acre of wetland area (Wetland 2) that was not authorized in the 2013 Permits. All other disturbance will be within the work limits of the 2013 Permits. Wetland mitigation will occur at the approved replacement ratio of 1.5:1, and will be accomplished at the previously approved wetland mitigation area along the east side of the existing access road (see Figure 2).

Proposed Kiser Ditch Berm Cut (Cell K)

As shown on Figure 2, Hyponex is proposing a new permanent berm cut on Kiser Ditch at the lower end of Cell K. The purpose of the berm cut is to reduce the dewatering effort required for soil harvest operations, and to improve long-term drainage to reduce the duration of inundation in this area that occurs as a result of seasonal flooding of Kiser Ditch. The improved drainage will benefit the future wetland mitigation efforts in this area by providing better conditions for the establishment of rooted vegetation. It is anticipated that construction of the new berm cut will take place in 2015. A berm cut detail is provided as Figure 6.

The proposed berm cut will be constructed with the same methods authorized in the 2013 permits for the three upstream berm cuts. Construction of the new berm cut will impact approximately 0.3-acre of wetland area (Wetland 2) and 45 linear feet/0.01-acre of stream (Kiser Ditch) that was not authorized in the 2013 permits. Wetland mitigation will occur at the approved replacement ratio of 1.5:1, and will be accomplished at the previously approved wetland mitigation area along the east side of the existing access road (see Figure 2). An additional stream monitoring location (SP-5) will be located on Kiser Ditch at the location of the new berm cut.

Proposed Additional Peat Harvest/Clay Borrow & Push Access (Cells I & K)

As shown on Figure 2, Hyponex is proposing to harvest peat and clay from open water portions of Cells I and K that were partially harvested under the 1990 Permits. In the applications for the 2013 Permits, work in this open water area was not proposed because it was assumed that all peat had been extracted from this



location. However, during peat harvesting operations in 2013, it was determined that approximately 47,200 cubic yards of usable material was still present in approximately 8.2-acres of this open water area.

Once the site is dewatered and the remaining peat is removed, Hyponex proposes to strip clay from this area (8.2-acres) and the remaining open water portion of Cell K (18.2-acres) and use that material to fill the approved wetland mitigation area to the east and west of the existing access road to desired elevations. It is expected that approximately 53,240 cubic yards of clay will need to be excavated and placed within the wetland mitigation area to reach desired elevations. This will be conducted in lieu of trucking soil material from the Elser parcel on the western edge of the Property.

Hyponex is proposing to cut an approximate 50-foot wide notch in the existing access road so that soil can be pushed from the clay borrow area into the wetland mitigation site. The new push access will temporarily impact 0.05-acre of wetland area that was not authorized in the 2013 Permits. Topsoil will be preserved during soil harvest activities and will be placed at a depth of no less than 6 inches over the clay fill to provide suitable conditions for the establishment of rooted vegetation.

The ability to utilize the open water areas of Cells I and K as a clay source will greatly improve the efficiency of the wetland mitigation effort and likely reduce the duration of disturbance in regulated surface waters. The intent is to scrape a thin layer of clay from the larger open water area rather than excavating a deeper pit from a smaller, localized area. Although the clay harvesting will lower bottom elevations in existing open water areas, it will not result in a loss or change of aquatic habitat type other than the 0.7-acre of open water area that is proposed to be filled to fulfill the wetland mitigation for wetland impacts associated with this permit modification request.

It is anticipated that the additional peat and clay harvesting from Cells I and K will begin in 2015 and continue through 2016 when soil harvesting and wetland mitigation work is completed in Cells I and K.

A summary of the proposed changes and associated impacts to wetlands and open water areas is provided below in Tables 1 and 2.

Table 1: Wetland Impact Summary

Location	Wetland ID*	Acreage of Impact	Material Excavated	Fill Material Placed	Schedule
Wetland Berm (Cell I)	Wetland 2	0.03 ac	NA	Native Soil = 65 cy	2015
Push Access (Cell I)	Wetland 2	0.05-ac	Native Soil = 100 cy	Native Soil = 100 cy	2015
Temporary Culvert (Cell K)	Wetland 2	0.08 ac	Native Soil = 25 cy	Native Soil = 25 cy	2015 – 2016
Kiser Ditch Berm Cut (Cell K)	Wetland 2	0.30 ac	Native Soil = 220 cy	Clean Rock = 110 cy	2015
Total		0.46 ac	Native Soil = 345 cy	Native Soil = 190 cy Clean Rock = 110 cy	

*Wetland 2 is a hydrologically connected/jurisdictional, non-forested, ORAM Category 2 wetland



Table 2: Open Water Impact Summary

Location	Acreage of Impact	Material Excavated	Fill Material Placed	Schedule
Wetland Berm (Cell I)*	NA	NA	NA	2015
Peat & Clay Harvest (Cell I)	6.8 ac	Native Soil = 58,310 cy	NA	2015 – 2016
Peat & Clay Harvest (Cell K)	19.6 ac	Native Soil = 42,130 cy	NA	2015 – 2016
Additional Wetland Mitigation (Cell I)	0.2 ac	NA	Native Soil = 970 cy	2015 – 2016
Additional Wetland Mitigation (Cell K)	0.5 ac	NA	Native Soil = 1,940 cy	2015 – 2016
Total	27.1 ac	Native Soil = 100,440 cy	Native Soil = 2,910 cy	

*Acreage of impact and fill to be placed within Cell I/K open water area west of existing access road was approved under 2013 Permits for wetland mitigation

Table 3: Stream Impact Summary

Location	Stream	Linear Feet/Acreage of Impact	Material Excavated	Fill Material Placed	Schedule
Kiser Ditch Permanent Berm Cut (Cell K)	Kiser Ditch	45 lf/ 0.01 ac	Native Soil = 3 cy	Clean Rock = 12 cy	2015
Total		45 lf/ 0.01 ac	Native Soil = 3 cy	Clean Rock = 12 cy	

Proposed Wetland Mitigation (Cells I & K)

The total additional wetland impact associated with this permit modification request is 0.46-acre of Category 2, non-forested wetland, which will require mitigation at a replacement ratio of 15:1. This will require 0.7-acre of wetland mitigation (0.46-acre x 1.5, rounded up to nearest 1/10). This 0.7-acre of wetland mitigation will be accomplished by placing additional clay fill and topsoil to match the elevations of the previously approved wetland mitigation area along the east side of the existing access road (see Figure 2). Wetland mitigation will be accomplished in accordance with methods described in the previously approved wetland mitigation plan for this project.

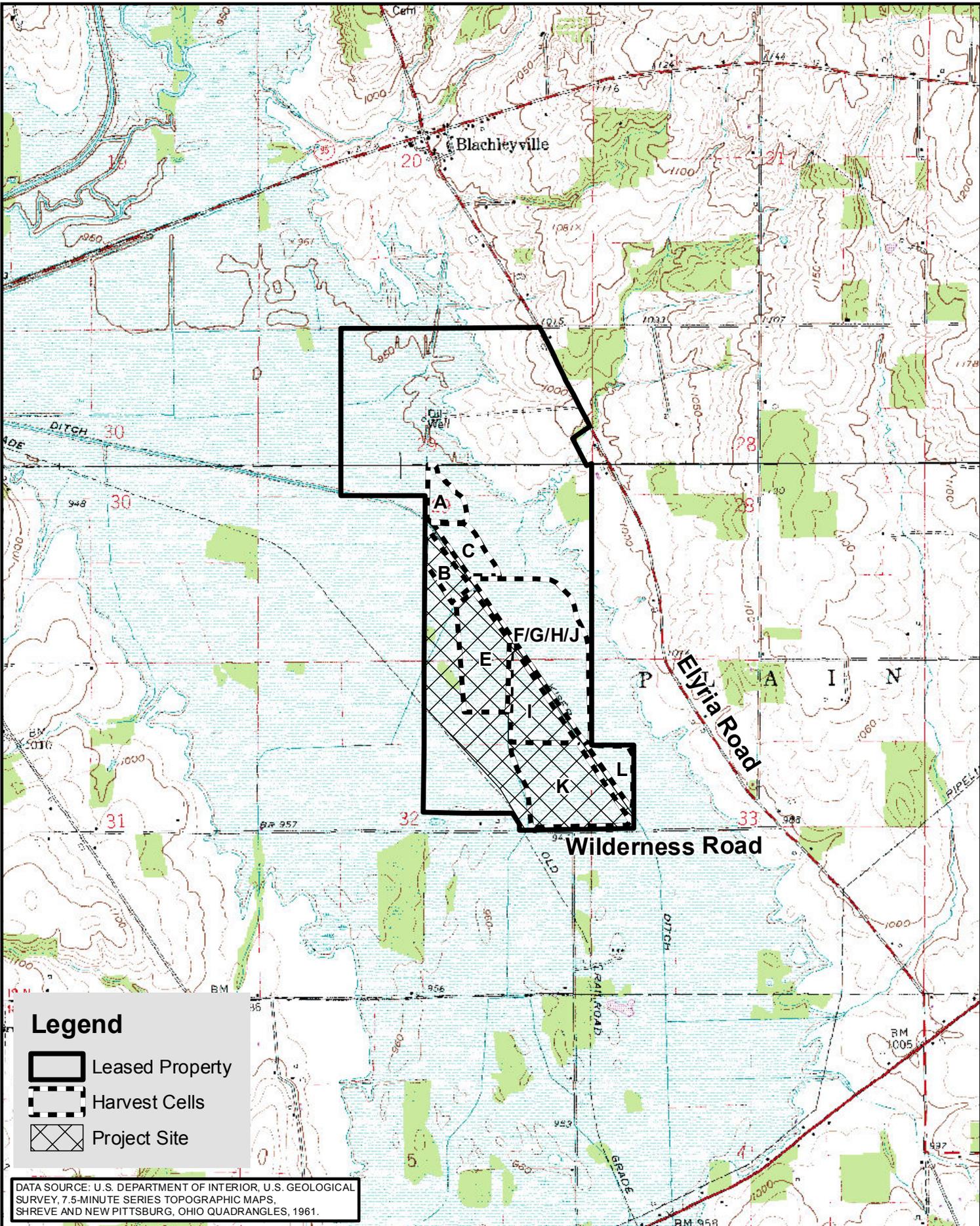
Based on conversations with the USACE and Ohio EPA, this permit modification request will require a 30 day public notice since it will cause additional impacts to regulated surface waters. The names and addresses of adjacent property owners are attached.

Please feel free to contact me via email (jdshady@coldwaterconsultants.com) or phone at (740) 936-5368 if you have any questions or require additional information.

Sincerely,

John Shady, PWS
 Coldwater Consulting, LLC

Cc: Joni Lung, Ohio EPA Division of Surface Water, 401/Isolated Wetland Permitting Section
 Jeffery Kendra, Plant Manager, The Scotts Miracle-Gro Company



Legend

-  Leased Property
-  Harvest Cells
-  Project Site

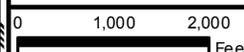
DATA SOURCE: U.S. DEPARTMENT OF INTERIOR, U.S. GEOLOGICAL SURVEY, 7.5-MINUTE SERIES TOPOGRAPHIC MAPS, SHREVE AND NEW PITTSBURG, OHIO QUADRANGLES, 1961.

T:\Projects\02_Scotsville_2013-2014_AsstGIS\MXD\2014_Permit Modification Request\Fig_1_Site_Location_Map.mxd

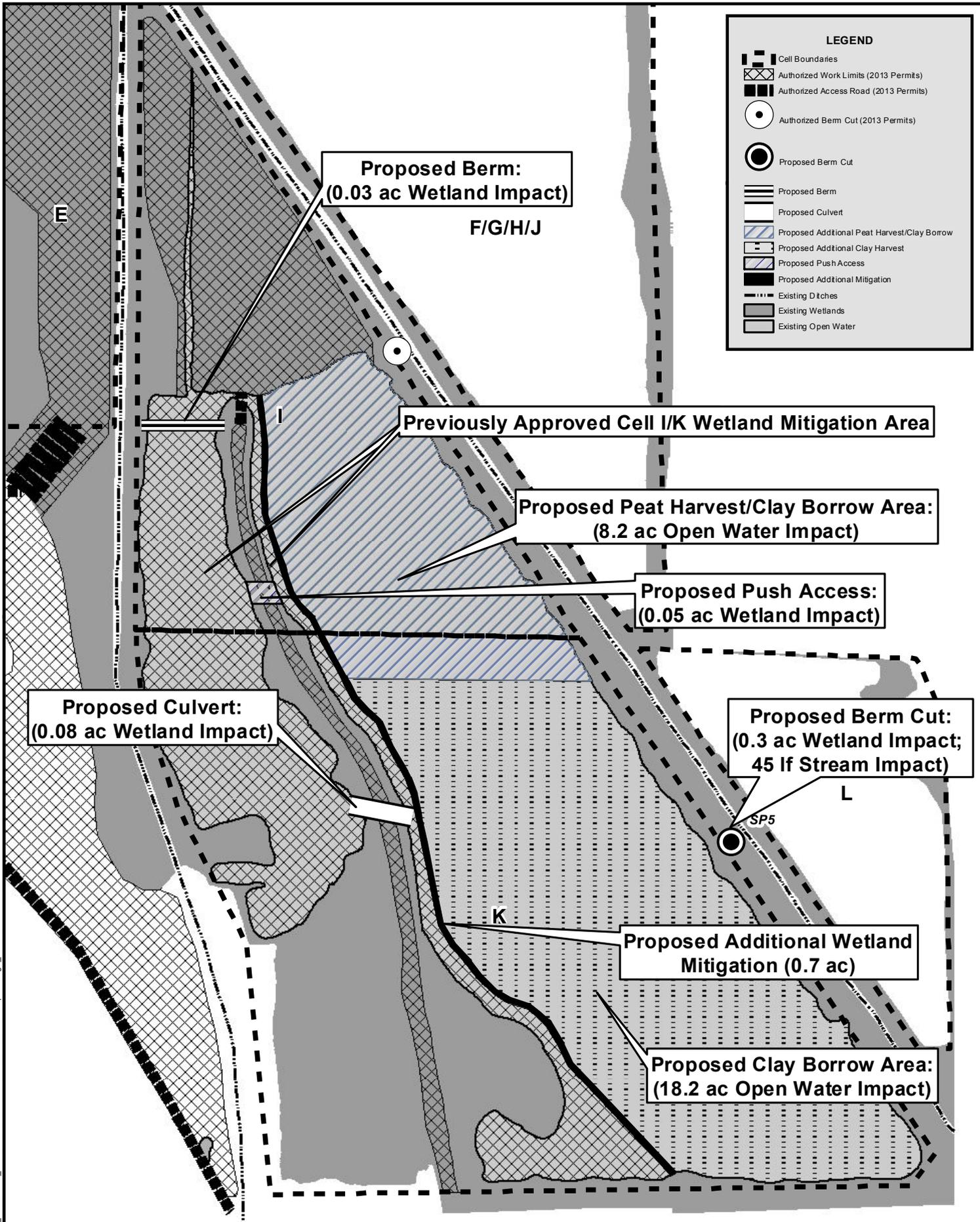


SHREVE FACILITY
HYPONEX CORPORATION

SITE LOCATION MAP

APRIL 2014
FIGURE 1

 Feet

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SHREVE FACILITY
HYPONEX CORPORATION

REVISED SITE PLAN

APRIL 2014

FIGURE 2

0 150 300 Feet

EXISTING WETLAND

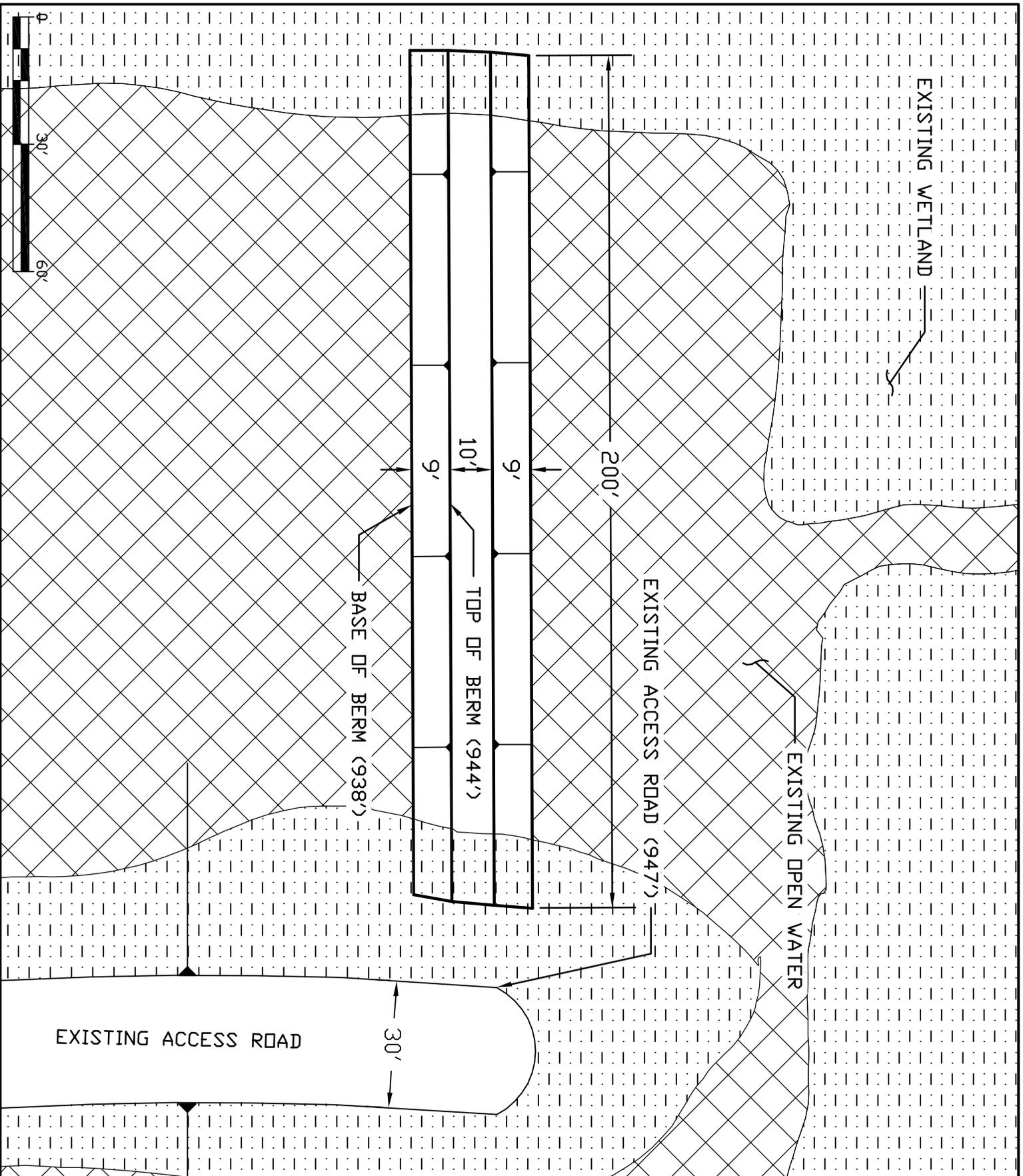
EXISTING OPEN WATER

EXISTING ACCESS ROAD (947')

TOP OF BERM (944')

BASE OF BERM (938')

EXISTING ACCESS ROAD



HYDROX CORPORATION

SHREVE FACILITY

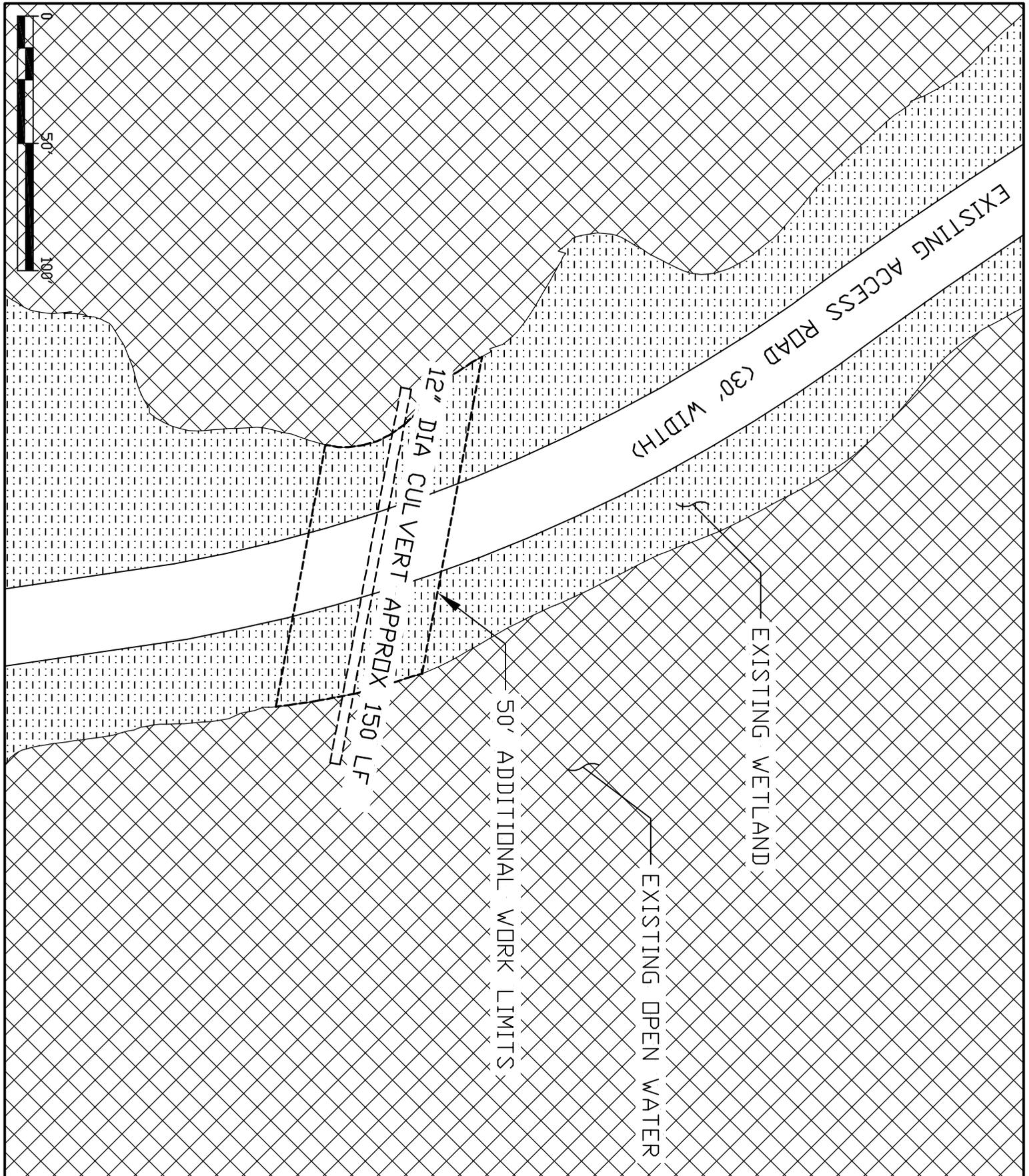
NO.	DATE	ISSUED FOR	BY

COPYRIGHT: APRIL 2014
 DATE: APRIL 2014
 PROJECT NO.: 002-010
 FILE NAME: PLAN SHEETS
 DESIGNED BY: JDS
 DRAWN BY: JPM
 CHECKED BY: _____
 FIGURE TITLE

BERM PLAN VIEW

SCALE: 1" = 30'

FIGURE 3



HYPODEX CORPORATION

SHREVE FACILITY

NO.	DATE	ISSUED FOR	BY

COMPANY: _____
 DATE: APRIL 2014
 PROJECT NO.: 002-010
 FILE NAME: PLAN SHEETS
 DESIGNED BY: JDS
 DRAWN BY: JPM
 CHECKED BY: _____
 FIGURE TITLE: _____

CULVERT
PLAN VIEW

SCALE: 1" = 50'

FIGURE 4



HYPOHEX CORPORATION

SHREVE FACILITY

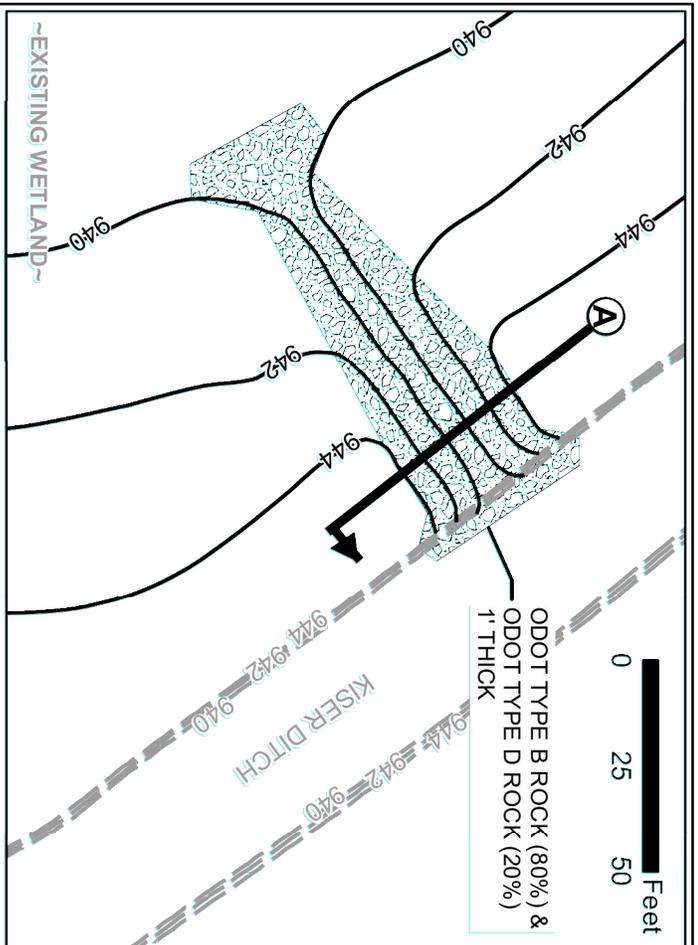
NO.	DATE	ISSUED FOR	BY

COMPONENT: _____
 DATE: APRIL 2014
 PROJECT NO.: 002-010
 FILE NAME: PLAN SHEETS
 DESIGNED BY: JDS
 DRAWN BY: JPM
 CHECKED BY: _____
 FIGURE TITLE

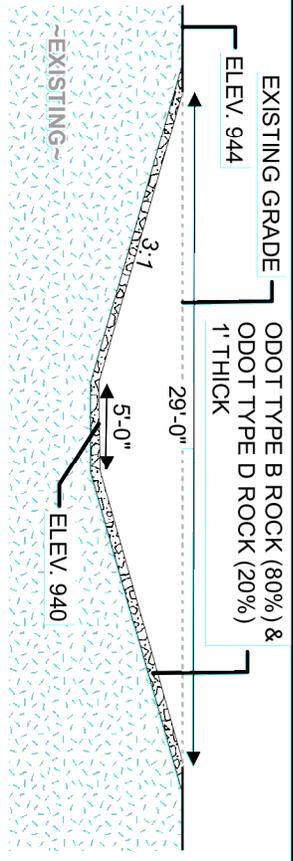
BERM CUT
DETAILS

SCALE: NOT TO SCALE

FIGURE 6



PROPOSED BERM CUT
TYPICAL PLAN



PROPOSED BERM CUT
SECTION A

PROPERTY OWNER MAILING ADDRESSES

Parcel numbers in **red font** are those leased by Hyponex Corporation; parcel numbers in **black font** are adjacent to the leased parcels.

43-00158.001, 43-00990.000

HERSHBERGER LEVI A
4165 S ELYRIA RD
SHREVE OH 44676

43-00158.000, 43-00990.002, 43-00159.000, 43-00122.046, 43-00990.004, 43-00991.000

WOOD LAND AND CATTLE CO LTD
5510 S ELYRIA RD
SHREVE OH 44676

43-00159.001, 43-00164.000, 43-00163.000, 43-00157.000

MILLER ERVIN A & ADA E S/T
10518 EMERSON RD
APPLE CREEK, OH 44606

43-00164.001

ELSER LOWELL D & DIXIE A
1410 BURBANK RD
WOOSTER OH 44691

43-00207.000

TATE FARMS COMPANY LTD
11581 TOWNSHIP ROAD 516
SHREVE OH 44676

43-00196.000

STATE OF OHIO DEPT OF NATURALRESOURCES
2045 MORSE RD BLDG C4
COLUMBUS OH 43229

43-00368.003

MCCULLOUGH MATTHEW KIM & LUANNTRUSTEES
4672 S FUNK RD
SHREVE OH 44676

43-00575.000, 43-00148.000

CARMONY ROSS A AKA ROSS
3987 BACK ORRVILLE RD
WOOSTER OH 44691

43-00164.002

DRAKE JOHN L JR
8171 WILDERNESS RD
SHREVE OH 44676

43-00667.000, 43-00897.000, 43-00990.001

WOOD CHARLES R & JEAN M
3716 S ELYRIA RD
SHREVE OH 44676

43-00825.000

CASEY MARK ALAN ETAL
4811 S ELYRIA RD
SHREVE OH 44676

43-00122.048

DAWSON RONALD E & JODY L S/T
4665 S ELYRIA RD
SHREVE OH 44676

43-00122.047

WEBB MICHAEL BYRON & JANITA ANN S/T
4563 S ELYRIA RD
SHREVE OH 44676

43-00122.049

RICKARD PATRICK L & CHRISTY S
4225 S ELYRIA RD
SHREVE OH 44676

43-00122.001

HESS JAY E & DAWN J S/T
4205 S ELYRIA RD
SHREVE OH 44676

43-00990.003

MILLER JOHN D & LEAH S/T
W5492 PANTHER CREEK RD
NEILLSVILLE WI 54456