UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 27 2018

CERTIFIED MAIL 70091680000201411930
RETURN RECEIPT REQUESTED

Mr. John Harper
Wiregrass Construction, Inc.
170 East Main Street
Dothan, Alabama 36301

RE: Information Request Letter 308-018-005

Dear Mr. Harper:

The U.S. Environmental Protection Agency, Region 4, has learned that Wiregrass Construction Company, Inc., (Wiregrass) controls property on which sand and gravel mining has been conducted without U.S. Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404 permits, 33 U.S.C. § 1344. The location of the approximately 400-acre tract, known as the Trace Pit, is north and south of County Road 85, Deatsville, Autauga County, Alabama, near 32.625° north latitude and 86.426° west longitude (See Exhibits A and B).

The EPA is investigating Wiregrass's compliance with the CWA. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that Wiregrass provide the information set forth in Enclosure A within thirty (30) days of receipt of this letter. Your response should be sent to:

Mr. Mike Wylie
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
Marine Regulatory and Wetlands Enforcement Section
61 Forsyth Street S.W.
Atlanta, Georgia 30303

All information submitted must be accompanied by the following certification signed by a duly authorized company official in accordance with 40 C.F.R. § 122.22:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If Wiregrass believes that any of the requested information is Confidential Business Information (CBI), it may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If Wiregrass does not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to Wiregrass. Additional information regarding the EPA's requirements for confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

The Securities and Exchange Commission (Commission) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist you, the EPA has enclosed a document entitled "Notice of Securities and Exchange Commission Registrants Duty to Disclose Environmental Legal Proceedings."

We have also enclosed a document that provides information for small businesses that may be subject to an EPA enforcement action. This document is for your use and to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve Wiregrass of its obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action.

If you have any questions concerning this matter, please contact Mr. Mike Wylie at (404) 562-9409 or have your attorney contact Mr. Paul Schwartz at (404) 562-9576.

Sincerely,

Thomas McGill
Chief
Oceans, Wetlands and Streams Protection Branch

Enclosures

cc: Mr. James Cherry, U. S. Corps of Engineers, Mobile District

Ms. Catherine McNeill, ADEM

Mr. Jeff Kitchens, ADEM

EPA SECTION 308 INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this information request.

2. Precede each answer with the number of the Question to which it corresponds.

3. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.

4. You must provide the information requested even though you may contend that it includes confidential business information (CBI) such as trade secrets. You may, if you desire, assert a CBI claim covering part or all of the information requested, under 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words "trade secret," "proprietary," or "company confidential" stamped or typed on it. Information covered by such claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the regulation set forth above. **If you do not assert a confidentiality claim, when you submit your information to the EPA, the EPA may disclose the information to the public without further notice to you.** You should read the above cited regulations carefully before asserting a CBI claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in the Questions below:

5. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.

6. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.

7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.

8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last

known home address and home telephone number, and present or last known job title, position or business.

9. The term "identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.

10. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set-forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

11. The term "Discharge Area" means the wetlands and streams that have been impacted either through filling and excavating or mechanical land clearing with side cast of dredged and/or fill material. More specifically, the Discharge Area is located within an approximately 400-acre parcel, north and south of County Road 85, Deatsville, Autauga County, Alabama, near 32.625° north latitude and 86.426° west longitude. The Discharge Area is indicated on the enclosed Exhibits A and B.

12. The term "Site" means the parcel or parcels of land on which the Discharge Area is located and is better known as the approximately 400-acre Trace Pit, Autauga County, Alabama.

13. The term "Work" means any land clearing activities, ditching, dredging, side casting, road construction, stream crossing construction, mechanical land clearing, piping of streams, timber harvesting, excavating, mining or filling activities that have occurred in wetlands or streams at the Site since you owned, controlled, or did any Work on the Site.

14. The term "you" and/or "Respondent" shall mean Wiregrass Construction Company, Inc.

Questions

Please provide the EPA with the following information or documents pertaining to the Discharge Area identified in Exhibits A and B:

15. Copies of any deeds, leases, easements, mineral rights or other documents revealing the ownership interest or interests in the Site.

16. The name and address of any contractor, subcontractor, consultant, agent, or individual who directed or participated in the Work at the Site.

17. The types of equipment used to carry out the Work, and the names and addresses of the person and/or companies that own and/or operate the equipment.

17. The types of equipment used to carry out the Work, and the names and addresses of the person and/or companies that own and/or operate the equipment.

18. The date upon which Work was commenced and the date upon which the Work was completed or will be completed.

19. A description of all Work at the Site performed by Respondent, or on behalf of the Respondent by its contractor(s), subcontractor(s), consultant(s), or agent(s).

20. A description of any Work performed at the Site by any entity other than the Respondent, its contractor(s), subcontractor(s), consultant(s), or agent(s).

21. A description of the entire scope of activities at the Site including any maps, engineering or mining plans.

22. A description of the condition of the overall Site before Work commenced.

23. A description of the condition of the Discharge Area before Work commenced.

24. Copies of any on-site environmental assessments, including environmental assessments of soils, vegetation or hydrology at the Site.

25. Copies of any State or local permits including mining permits that may have been received for the Work on the Site.

26. Please provide all Federal permits you received to conduct Work at the Site. If you did not obtain Federal permits for Work at the Site, please explain why.

27. Plans for any additional filling, excavating, mining or other land disturbing activities at the Site.

28. Copies of notes regarding any written or verbal communication with Federal, State, or local agencies regarding the Work.

29. The names and activities of all contractors or consultants or other entities that assisted with securing any local, state, or federal permits or easements associated with the Site.

30. Copies of any contracts covering Work at the Site.

31. Please provide annual production volumes in cubic yards since you have started Work at the Site.

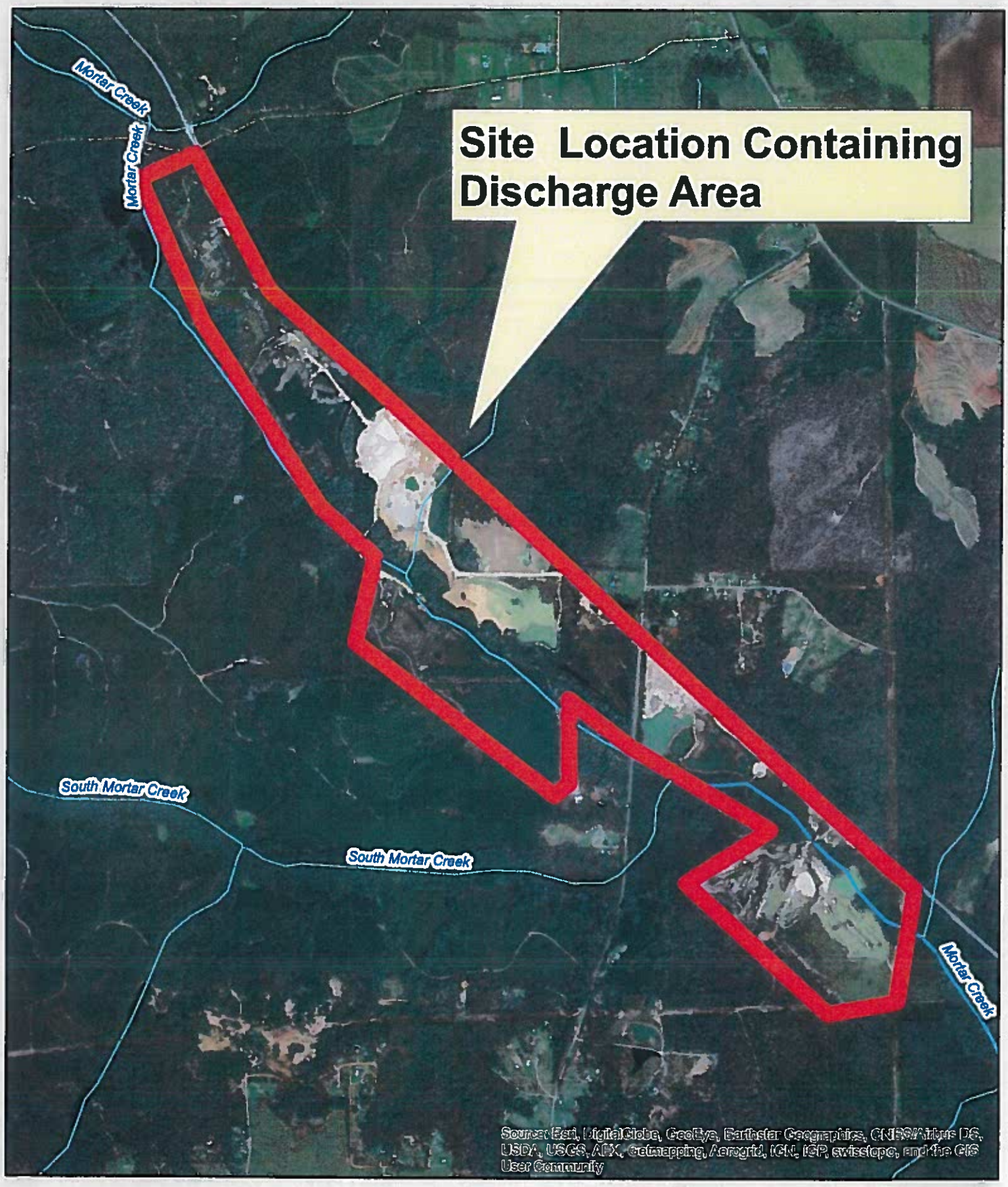

Exhibit A
Wiregrass Construction Company, Inc.
Deatsville, Alabama

0 0.225 0.45 0.9 Miles

N

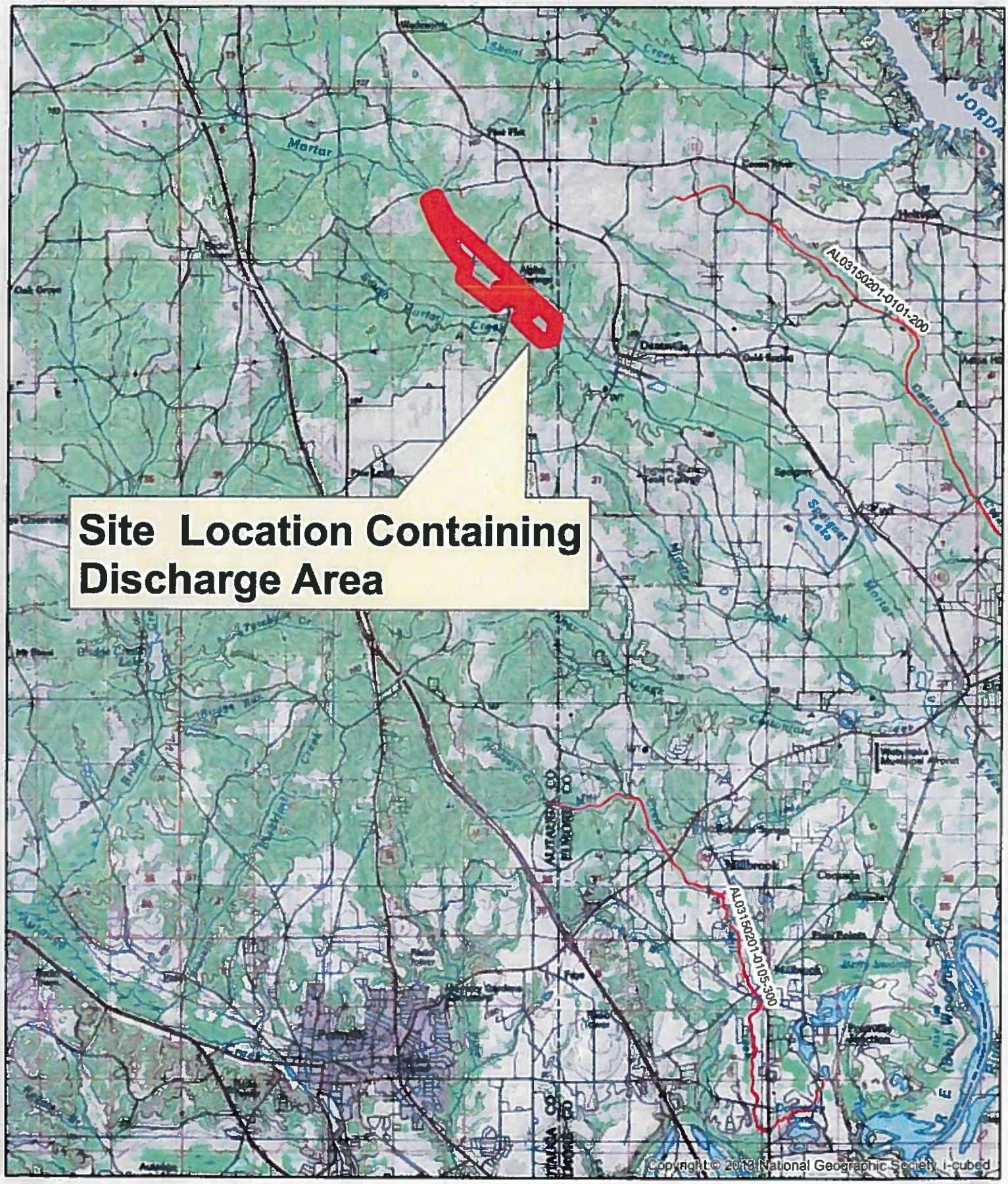

Exhibit B
Wiregrass Construction Company, Inc.
Deatsville, Alabama

0 1.25 2.5 5 Miles

N

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U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

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Total	

FEB 27 2018

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Sent

Street or PO

City, S

Mr. John Harper
Wiregrass Construction, Inc.
170 East Main Street
Dothan, Alabama 36301

PS Form 3800, August 2006 See Reverse for Instructions