Winer Legal Services, LLC

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Jonathan W. Winer, Esq.
Senior Counsel

November 17, 2016

Ms. Andrea Schaller
Watershed & Wetlands Branch
U.S. EPA – Region 5
77 West Jackson Boulevard, WW-16J
Chicago, Illinois 60604-3590

RE: Request for Information Under Section 308(a) of the Clean Water Act (CWA)

Dear Ms. Schaller:

Please find enclosed responses to your request for information sent to my client, Yuhasz Bros, LLC on October 27, 2016.

Respectfully,

Jonathan W. Winer

JWW;kag

Enclosure

APPENDIX B

1. Did you or anyone on your behalf perform any land clearing and/or tiling installation and/or activity that occurred at the Site through September 2016?

   Land clearing – yes. Tiling installation – no.

2. Provide the names and addresses of all employees. contractors, subcontractors, agents and/or consultants. that performed work and/or oversaw work at the Site that occurred through September 2016.

   Tom and Joe Yuhasz, 8549 Route 46 South, Orwell, OH 44076

3. Provide copies of all contracts between you and each of your contractors and/or subcontractors for the work that occurred at the Site on or through September 2016.

   none

4. Provide the names and addresses of any individual and/or business that you hired, retained, or requested to perform any environmental site assessment(s), wetlands delineation(s), and/or wetlands investigation(s) at the Site.

   N/A

5. Prior to purchasing the Site, did you ever lease any part of the Site? If so:

   a) provide a copy of any lease agreement(s);
   b) provide details on which fields that were subject to the lease(s); and,
   c) describe the actives performed by you or on your behalf at the Site.

   Yes, we had a crop lease on certain lands (see Lease enclosed)

6. Provide a copy of the real property conveyance documents (general warranty deeds or other similar documents, if applicable) for Ashtabula County Permanent Parcel Numbers: 610040000400, 610040000600, 610040000701 and Trumbull County Permanent Parcel Number: 60901281.

   General Warranty Deed with Reservation of Oil & Gas Rights as recorded in Instrument No. 201605020007661, Trumbull County Records.
   General Warranty Deed with Reservation of Oil & Gas Rights as recorded in Vol. 611, Page 374, Ashtabula County Records.

7. Provide copies of all observations, results and/or conclusions of any environmental site assessment(s), wetlands delineation(s), and/or wetlands investigation(s), including field notes, wetlands datasheets, and wetland and stream assessments, performed at the Site.

None

8. Provide copies of all documents and/or correspondence created, generated, and/or exchanged regarding the sale or protection of wetlands on your property by Cleveland Museum of Natural History or other third parties.

See email correspondence from Western Reserve Land Conservancy dated July 28, 2016

9. Provide copies of all documents and/or correspondence created, generated, and/or exchanged regarding during the purchase of the properties from 534, LLC regarding the wetlands on your property.

-Termination of Royalty Agreement, Lien and Mutual Release
-General Warranty Deed with Reservation of Oil & Gas Rights for Ashtabula County properties
-General Warranty Deed with Reservation of Oil & Gas Rights for Trumbull County properties
-7 Statements of Conveyance of Current Agricultural Use Valuation Property
-Borrower's Estimated Settlement Statement

10. Did you, individually or as part of a business, partnership, or corporation, previously apply for or receive any Dredge and Fill Permit (including Nationwide, Regional, General, Individual or After-The-Fact) pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344? If yes, please provide a copy of the application. related correspondence, and/or permit.

No

11. Provide any and all documents demonstrating your knowledge of the Clean Water Act Section 404 Program prior to September of 2016, including but not limited to, permits, permit application materials, and correspondence.

None

12. Provide copies of correspondence sent and/or received among you, your employees, agents, and/or consultants, and the U.S. Army Corps of Engineers about or related to all environmental site assessment(s), wetlands delineation(s), and/or wetlands investigation(s) by any party at the Site.

-letter from Jonathan Winer to Harold Keppner, Chief of Unauthorized Activities Enforcement Department of the Army dated 10/18/16

13. Explain whether you knowingly discharged dredged or fill material into wetlands and/or waters of the U.S. at the Site without a Clean Water Act Section 404(b) Permit from the U.S. Army Corps of Engineers.

No

14. During the period through September 2016, at times better known to you, you and/or your contractors, subcontractors, consultants, and/or agents allegedly discharged dredged or fill material into waters of the U.S. at the Site. Provide the following information for work at the Site:

a) Its specific purpose(s) or reason(s);
b) The date this work commenced;
c) The dates this work continued;
d) The date this work concluded;
e) The amount of dredged or fill material discharged into wetlands;
f) The acreage of wetlands which received dredged or fill material;
g) The acreage of wetlands impacted by the dredged or fill material; and,
h) The date any dredged or fill material was removed from wetlands.
i) Your specific daily work;
j) Your contractors, subcontractors, agents and/or consultants' specific daily work.

I am unaware of any such discharge of fill or dredged material

15. Provide a detailed description of your or your contractors, subcontractors, agents, and/or consultants' vegetation-clearing, excavation, earthmoving, tiling, draining and/or dredging or filling that occurred at the Site as depicted by the Site Location Map (Attachment 1).

Land was cleared for farming. Trees, land and brush removed.

16. Explain your and/or your contractors, subcontractors, agents, and/or consultants' method to clear vegetation, excavate, move earth, and/or dredge or fill at, into or upon the areas labelled I or II in Attachment 1 at the Site.

Unable to decipher Attachment I

17. Identify all equipment you and/or your contractors, subcontractors, agents and/or consultants used or employed to clear vegetation, excavate, move earth, and/or dredge or

fill at, into or upon the areas labelled I or II in Attachment 1 at the Site. Also, identify the owners of each piece of equipment.

Unable to decipher Attachment I

18. Provide copies of all documents that indicate the quality and quantity of the dredged or fill material you or your contractors, subcontractors, agents and/or consultants placed into or upon the areas labelled I or II in Attachment 1 at the Site. If you have no documents, provide a narrative response with an estimate..

Unable to decipher Attachment I

19. Provide copies of all documents and information for all work at the Site, including but not limited to, project plans and work logs.

None

20. Provide copies of all aerial and ground photos you and/or your agents, consultants, contractors and/or subcontractors have of the Site, including any and all photos depicting or showing the Site before- during, and after work commenced at the Site, including but not limited to, original film positives and negatives, digital photos, and marked-up aerial photos. Include a narrative for each photo submitted that provides the date the photo was taken and a description of the area depicted in the photo (e.g., directional and orientation references).

Aeriel photographs from the following years: 1938, 1950, 1959, 1966, 1979, 1994, 2003, 2004, 2005, 2006, 2009, 2012 and 2014

21. Provide copies of all documents and information you and/or your agents, consultants, contractors and/or subcontractors have that describe the Site' s physical attributes and immediate surroundings before, during, and after work commenced at the Site, including but not limited to:

a) Topographical (elevation) surveys, including any drawing(s) of vertical or horizontal elevations;
b) Engineering plans or maps.
c) Water resources maps.
d) Plant community maps.
e) Tile drainage maps.

None

22. Provide any other information or documents you deem relevant to this Request.

Ashtabula County Auditor Records regarding parcel numbers: 610040000400; 610040000600; 610040000701

23. You or another officer of Yuhasz Bros., LLC. must submit all requested information under an authorized signature with the following certification:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate. and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Joseph W. Yuhasz
President of Yuhasz Bros, LLC

SWORN TO BEFORE ME and subscribed in my presence this 17th day of November, 2016.

NOTARY PUBLIC
My Commission expires: 10/17/21
Ashtabula County, Ohio
Kelly A. Gilpin