



September 17, 2020

Sent Certified Mail

Mr. Chad Marcinak
King Tract, LLC
270 Carpenter Drive, Suite 520
Atlanta, GA 30328

RE: Approval of Application and Reclamation Plan for a Mine Operating Permit
Issuance of Mine Operating Permit I-002242
Southern Mine – King Tract, Charleston County

Dear Mr. Marcinak:

The S.C. Department of Health and Environmental Control (DHEC) has approved the application and reclamation plan for the Southern Mine – King Tract as of September 17, 2020. DHEC has approved the reclamation bond submitted in the amount of \$98,126.00.

With the receipt of the reclamation bond and the approval of the application and reclamation plan, this letter serves as official notification that the Mine Operating Permit for the Southern Mine – King Tract is being issued as of the date of this letter. Enclosed are the permit document, reclamation plan, and mine and reclamation maps.

A guide to board review outlining the procedure for requesting a final review is enclosed. Should there be any questions or if we may be of further assistance, please do not hesitate to contact the project manager, Haley Smarr, at 803-898-3887 or by e-mail at smarrha@dhec.sc.gov. Jonathan Summa is the regional mine inspector for Charleston County.

Sincerely,

Juli E. Blalock, Assistant Bureau Chief
Bureau of Land and Waste Management

Cc: Joe Koon – BLWM
Haley Smarr – BLWM
Jonathan Summa – Regional Inspector
Brett Caswell – BOW
Town of Awendaw, awendaw@tds.net
Charleston County: JMiller@charlestoncounty.org, JWerking@charlestoncounty.org,
stormwater@charlestoncounty.org
Chad Marcinak, chad.marcinak02@gmail.com
Jason Smithgall, Jason.smithgall@southfundcompanies.com
Bob Rogers, broger13@bellsouth.net
Judson Goff, jagoff@comcast.net



S.C. Department of Health and
Environmental Control

MINE OPERATING PERMIT

PART I:

Southern Mine – King Tract King Tract, LLC

King Tract, LLC, a corporation, has been granted a Mine Operating Permit, Mine Permit Number I-002242, to operate the Southern Mine – King Tract in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 *et seq.*, 1976) and Regulations 89-10 *et seq.* The operator shall conduct this operation as represented in documents submitted to support the issuance of this permit.

JOSEPH M. KOON, MANAGER
MINING AND RECLAMATION SECTION

PERMIT NUMBER: I-002242
ORIGINALLY ISSUED: September 17, 2020

In accordance with Section 48-20-60 of the South Carolina Mining Act, this Mine Operating Permit will remain valid unless it terminates as set forth in R.89-270 or is revoked in accordance with Section 48-20-160 and R.89-280. The anticipated mining completion date is shown on the *Schedule for Conservation and Reclamation Practices* in the *Reclamation Plan*.

The approved *Permit Application*, *Reclamation Plan*, and all supplemental information referenced herein, are an integral part of this permit. *Land Entry Agreements and Mine Maps* as identified in Part II and Part IV, respectively, are also a part of this permit.

I-002242

King Tract, LLC

Home Office Address: King Tract, LLC
270 Carpenter Drive, Suite 520
Atlanta, GA 30328

Local Office Address: Same as Home Office Address

Address for Official Mail: Same as Home Office Address

Company personnel and title to be the contact for official business and correspondence [South Carolina Department of Health and Environmental Control (DHEC) should be notified in writing immediately of any change in contact, address, telephone or fax numbers]:

Chad Marcinak
Operator

Telephone: 843-906-5140
Email: chad.marcinak02@gmail.com

LOCATION: The mine is located on the Sewee Bay Quadrangle, SC U.S.G.S. 7.5' Topographic Map. The approximate geographic coordinates for the site are:

Latitude: 32.964 Longitude: -79.666

DESCRIBE LOCATION: The operation is in Charleston County, approximately 5.0 mile(s) southwest of Awendaw, S.C. Specifically, the site is located 2.2 miles south/southwest of the junction of US-17 and S.C. Secondary Hwy S-10-432 (Doar Road). The site is bisected by S.C. Secondary Hwy S-10-584 (Sewee Road), between Come About Way and Bulls Island Road.

Part II: MINE OPERATIONS

King Tract, LLC, also referred to as the operator, is permitted to mine sand at the Southern Mine – King Tract. The maximum depth to the pit floor will be 25 feet below ground surface (to an approximate elevation of -5ft. mean sea level) measured from the lowest ground surface elevation. Mining will take place on tracts of land owned by the referenced operator. These tracts of land are identified in the submitted *Land Entry Agreements* (LEAs).

MINE/PIT CHARACTERIZATION:

The sand will be excavated and stockpiled on site. Ground clearing will be accomplished by bulldozer. Excavation, stockpiling, and the loading of material will be done by excavator. Dump trucks will be used to haul material off-site. Grading for reclamation will be done with a bulldozer. Adequate amounts of topsoil shall be stockpiled for reclamation of the affected area. Excess topsoil not needed for reclamation may be sold.

PROCESSING PLANT LOCATED ON MINE SITE:

Processing plants are not permitted at this mine site. Screens set to remove roots or other organic matter from the topsoil are not considered to be processing and are allowed on this site.

MINE DEWATERING:

The water table at the mine site is relatively shallow and dewatering is necessary to facilitate mining. Additionally, where feasible, stormwater runoff shall be diverted into the pit, collected into the sump, and discharged in the same manner as groundwater. Any accumulation of groundwater and stormwater shall be pumped into a sediment basin prior to discharge. Water discharged from the mine to a receiving stream must be discharged through an outfall regulated by an NPDES permit.

If DHEC determines a drinking water well or water supply well is being adversely affected by dewatering activities at the permitted mine site, the operator shall be responsible for repairing, deepening, or re-drilling such wells. If an impact to a well occurs, the operator shall supply the owner with a temporary water supply (e.g., bottled water for drinking, provisions for laundry) until a permanent water supply is re-established.

Active pumping and discharge of water shall cease if the dewatering discharge causes flooding conditions to property downstream of the mine site.

BLASTING:

Blasting Operations are not permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES:

A reconnaissance cultural resources survey was conducted in the Phase II 59-acre affected area in August 2019 by Chicora Foundation, Inc. No significant cultural or historical sites were identified. SC State Historic Preservation Office (SHPO) concurred with these findings in a letter dated September 27, 2019 from Mrs. Keely Shroer, Staff Archaeologist.

Prior to activity in Future Reserves, the operator shall contact the SHPO concerning the need for additional cultural resource surveys. DHEC and SHPO must review and approve the information submitted prior to any mining activity in the expansion area. See Part X: *Additional Terms and Conditions* #11 of this Mine Operating Permit.

VISUAL SCREEN:

To appropriately screen the Phase II operation from view, the operator shall maintain a minimum 50-foot undisturbed buffer between mining activity and adjacent private property lines. A 15-foot high vegetated earthen berm sloped 2:1 shall be constructed and maintained on the mine side of this undisturbed buffer along Sewee Road. This buffer shall be permanently flagged prior to the initiation of any mine activity and shall remain until Phase II is complete. See Part X: *Additional Terms and Conditions* #4 of this Mine Operating Permit.

NOISE MONITORING AND CONTROL: The operator shall use Best Management Practices (BMPs) to minimize noise from the mine site. These noise BMPs shall include, at a minimum, proper maintenance of mufflers on equipment (trucks, track hoes, pumps, etc.) and consideration of special buffering measures if planning to operate equipment during nighttime hours.

OTHER STATE OR FEDERAL PERMITS: The operator must obtain, maintain, and update, as appropriate, all necessary State and Federal permits in order to construct and operate the mine.

1) NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities (SCG731329)

LAND ENTRY AGREEMENTS: The operator is required to furnish and maintain up-to-date *Land Entry Agreements* on all lands covered under this permit. Any change in ownership on any portion of land covered by this permit, the operator is responsible for furnishing the appropriate and completed *Land Entry Agreements* (Forms MR-600 or MR-700) to DHEC within 30 days of the change of ownership.

Landowner(s) as Listed on *Land Entry Agreement(s)*:
TMS #: 625-00-00-007, King Tract, LLC

Total acres of the contiguous tract(s) of land for which the permit is granted:

OWNED 1,329.47 LEASED 0.0 TOTAL 1,329.47

Part III: PERMITTED LAND

This permit allows the operator to conduct mining operations within the permitted land as defined through the *Land Entry Agreement* submitted as part of the application. Permitted land as defined by Section 48-20-40(18) is "the affected land in addition to (a) lands identified for future mining to become affected land; (b) and undisturbed or buffer area that is or may become adjacent to the affected land." Therefore, this permit grants the operator the right to conduct active mining operations within the specified affected land, delineate land for future mine areas as future reserves, and to establish undisturbed buffer zones to mitigate any adverse effects to the surrounding environment.

AFFECTED LAND: 59.47 acres of land are to be affected by King Tract, LLC under the current mine plan; 59.47 of the affected acres are currently bonded. The affected acres are derived from the operator's response in the *Application for a Mine Operating Permit* and are shown on the approved mine map(s).

FUTURE RESERVES: 928 acres are identified as future reserves and are specified on the mine site map. Prior to the initiation of activity in future reserves, the operator shall submit detailed mine and reclamation plans to DHEC for approval. Any activity within the future reserve areas (e.g. removal of timber) shall require **prior** notification and approval by DHEC. Also see Part X: *Additional Terms and Conditions 9-12* of this Mine Operating Permit.

BUFFER AREAS: 342 acres are identified as buffer area, setbacks, or areas that will not be disturbed beyond the pre-mine natural state. These buffer areas are identified on the mine site map. Acres designated as buffer areas are not bonded under the reclamation bond. Any activity within the buffer areas (e.g. removal of timber) shall require **prior** notification and approval by DHEC.

TOTAL PERMITTED AREA: 1,329.47 acres as submitted on the *Land Entry Agreement(s)*.

Part IV: MAPS

The mine site and reclamation maps were prepared by Tim Elmer RLS, LLC. These maps are further identified with the following SCDHEC map numbers and are part of the operating permit:

SM-2242-1V1 Permitted Area Mine Map Dated: March 12, 2020, Revised March 31, 2020
SM-2242-2V1 Phase II Mine & Reclamation Map Dated: March 12, 2020, Revised Sept. 9, 2020

Part V: RECLAMATION BOND

The Reclamation Bond is based upon the total affected acres. Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$98,126.00. The reclamation bond shall remain in force and continuous throughout the life of the mining operation and shall only be released, partially or in full, back to the operator after the operator has completed reclamation in accordance with the approved *Reclamation Plan* and the minimum standards in R.89-330.

Part VI: PROTECTION OF NATURAL RESOURCES

1. Describe the area of and around the mine site. Specify topography, surface water systems, wildlife habitats, residential houses, commercial properties, recreational areas, and/or public roads.

Current land use within the permitted area is silviculture as prepared loblolly pine plantation and a five-acre General Mine Operating Permit (GP1-002089). Adjacent property uses include residential and commercial properties, municipal use, and Francis Marion National Forest. The topography of this area is slightly variable (i.e., mostly flat), with surface elevation ranging from 15-20ft. MSL. On-site freshwater wetlands (non-jurisdictional, isolated) will be mitigated and included in the affected area or buffered appropriately. There are also existing silvicultural drainage ditches that will continue to be used to convey water to the existing King Canal. The site is situated west of estuarine wetlands associated with the Intracoastal Waterway. Common wildlife typical to this area can be found in and around this site; the South Carolina Department of Natural Resources (SCDNR) did not comment on any threatened or endangered species. See Part X: *Additional Terms and Conditions* #12 of this Mine Operating Permit.

2. Methods used to prevent physical hazards to persons and to any neighboring dwelling, house, school, church, hospital, commercial or industrial building, or public road.

A gate shall be installed at the entrance to the mine site and kept locked during inactive periods. *Warning* and/or *Danger* signs shall be posted around the perimeter of the property.

Operator shall use BMPs to prevent accumulation of sediment/soil on public roads carried by trucks and other vehicles exiting the mine site; any accumulations shall be removed by the operator daily or more frequently if needed. To reduce the potential of track out on public roads, the operator shall pave the width of the haul road from Sewee Road fifty (50) feet in length into the permitted area. The operator shall construct a crushed stone "mud mat" that extends the width of the haul road from the fifty (50) feet paved area and stretching a minimum of fifty (50) feet in length.

The operator shall establish a protected area or establish procedures to minimize fuel spillage or incidental spillage of other petroleum products during storage, refueling of equipment or in the performance of routine maintenance on equipment. Contaminated materials resulting from contact with petroleum products shall be removed from the site and disposed of properly to prevent contamination to ground and surface water resources.

3. Methods used to prevent an adverse effect on the purposes of a publicly owned park, forest, or recreation area.

In order to prevent an adverse effect on publicly owned land, the operator shall maintain a 50-foot undisturbed buffer along the border between the mining activity and Francis Marion National Forest.

4. Measures taken to insure against substantial deposits of sediment in stream beds or lakes.

The operator shall comply with the NPDES General Permit for Non-metallic Mineral Mining and Stormwater Pollution Prevention plan developed for the mine. 3.48 acres of non-jurisdictional, isolated wetlands within Phase II 59.47 acres will be excavated per the CZC Determination from Office of Coastal and Resources Management (OCRM) (see Appendix B). These excavated wetlands will be mitigated for through the purchase of mitigation credits.

See Part X: *Additional Terms and Conditions* # 5 & 10 of this Mine Operating Permit.

5. Measures taken to insure against landslides or unstable mine walls.

To minimize the potential for landslides or unstable mine walls, the operator shall grade side slopes as excavation progresses, and maintain slopes no steeper than a 3H:1V gradient. The operator is responsible for maintaining stable mine walls and appropriate setbacks to prevent significant slumping that may encroach into non-permitted lands.

6. Measures taken to insure against acid water generation at the mine site that may result in pollution on adjacent property.

Compliance with the *NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities (SCG731329)* will insure against acid water generation at the mine site. See Part X: *Additional Terms and Conditions* #6 of this Mine Operating Permit.

7. Measures taken to minimize or eliminate fugitive dust emissions from the permitted area.

The mine operator will use a watering truck to control fugitive dust created by moving equipment along haul roads. The frequency of watering will depend on weather conditions and volume of traffic.

Part VII: STANDARD CONDITIONS OF MINE OPERATING PERMIT

1) SURVEY MONUMENTS: In accordance to R.89-130, the operator shall install and maintain the two required permanent survey monuments, or control points, within the permitted area as shown on the mine site map. At the discretion of DHEC, the operator may be required to mark the area to be affected with flagging or other appropriate measures.

2) RIGHT OF ENTRY: Pursuant to Section 48-20-130 and R.89-240, the operator shall grant DHEC and/or duly appointed representatives access to the permitted area for inspection to determine whether the operator has complied with the reclamation plan, the requirements of this chapter, rules and regulations promulgated hereunder, and any terms and conditions of this permit.

3) RECORDS RETENTION: All records are to be maintained through additional terms and conditions of this permit or by regulations. Records shall be kept on site or at the office identified for receipt of official mail and open for inspection during normal business hours. The records shall be maintained for a minimum of three (3) years or as specified by DHEC. The operator shall furnish copies of the records upon request to DHEC.

4) PERMIT MODIFICATIONS: Pursuant to Section 48-20-80, the operator may modify the permit and/or *Reclamation Plan* upon approval by DHEC. Requests for permit and/or *Reclamation Plan* modifications may be made to DHEC on Form MR-1300. The operator shall submit any requested supporting data for consideration during DHEC's evaluation of the modification request. If a modification request is determined to be substantial by DHEC, the modification request will be public noticed pursuant to R.89-100 and a modification fee will be required as specified in R.89-340. If DHEC determines activities proposed under the *Reclamation Plan* and other terms and conditions of the permit are failing to achieve the purpose and requirements of the S.C. Mining Act and Regulations, DHEC shall notify the operator of its intentions to modify the permit and/or *Reclamation Plan* pursuant to Section 48-20-150.

5) TRANSFER OF PERMIT: Pursuant to Section 48-20-70, this permit may be transferred to another responsible party. The transfer of the permit must be conducted in accordance with R.89-230. The transferor of the permit will remain liable for all reclamation obligations until all required documents, plans, and the replacement reclamation bond have been submitted and approved by DHEC. The transfer will be considered

complete when all parties have received notification by certified letters of the approval of the transfer by DHEC.

6) DURATION OF MINE OPERATING PERMIT: In accordance with Section 48-20-60, this Mine Operating Permit will remain valid unless this permit terminates as set forth in R.89-270 or is revoked in accordance with Section 48-20-160 and R.89-280. The proposed anticipated mining completion date is shown on the *Schedule for Conservation and Reclamation Practices* in the *Reclamation*.

Pursuant to R.89-80(B), the operator shall conduct reclamation simultaneously with mining whenever feasible. Reclamation shall be initiated at the earliest practicable time, but no later than 180 days following termination of mining of any segment of the mine and shall be completed within two years after completion or termination of mining on any segment of the mine.

Part VIII: ENFORCEMENT ACTIONS

Pursuant to Section 48-20-30 of the S.C. Mining Act, "DHEC has ultimate authority, subject to the appeal provisions of this chapter, over all mining, as defined in this chapter, and the provisions of the chapter regulating and controlling such activity." This allows DHEC to assist, cooperate with, or supersede other State agencies in taking enforcement action on violations of the State Regulations or violations of the S.C. Mining Act to ensure the purposes of this Act are enforced.

COMPLIANCE: The operator shall comply at all times with all conditions of this mine operating permit. Non-compliance with this mining permit, statute, or regulations could lead to permit revocation and bond forfeiture pursuant to Sections 48-20-160 and 48-20-170 or other enforcement action allowed by law.

Compliance with the Mine Operating Permit requires the operator to conduct the mining operation as described in the approved *Application for a Mine Operating Permit*. Variance from the *Application for a Mine Operating Permit*, this permit, statute or regulation, without first receiving DHEC approval, shall be deemed non-compliance with the permit.

An operator or official representative of the mine operator who willfully violates the provisions of the S.C. Mining Act, rules and regulations, or willfully misrepresents any fact in any action taken pursuant to this chapter or willfully gives false information in any application or report required by this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. Each day of continued violation after written notification shall be considered a separate offense. The operator is responsible for all mining activity on the permitted mine site.

Part IX: REPORTS

1) ANNUAL RECLAMATION REPORTS: The operator shall comply with Section 48-20-120 and Regulation 89-210 and submit an *Annual Reclamation Report* on Form MR-1100 as supplied by DHEC. The form for the report will be sent by regular mail to the operator to the mailing address shown on the previous year's *Annual Reclamation Report*. The operator should receive the report form from DHEC by July 1 of each year; however, the operator is ultimately responsible for obtaining the *Annual Reclamation Report* form and is not excused from penalty fees for failure to submit the report on time.

The Annual Operating Fee is a part of the *Annual Reclamation Report*. Failure to submit a complete *Annual Reclamation Report* and fee, in accordance with Section 48-20-120 and R.89-340, will result in a late penalty payment. The *Annual Reclamation Report* and Annual Operating Fee are required if there is any permitted land not fully reclaimed and released by DHEC by June 30 of each year.

2) SPECIAL REPORTS: DHEC may at any time request information, data, or explanations from the operator as to conditions relating to the permitted mine site. Such requests from DHEC shall be made in writing to the operator with an appropriate time frame stated for the submittal of the requested information to DHEC. The operator must produce the information requested within the timeframe specified by DHEC.

Part X: ADDITIONAL TERMS AND CONDITIONS

1. If archaeological materials are encountered prior to or during the construction of mine facilities or during mining, the S.C. Department of Archives and History and DHEC should be notified immediately. Archaeological materials consist of any items, fifty years or older, which were made or used by humans. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, oyster shell, worked wood, bone and stone, metal and glass objects, human skeletal remains, and concentrations of charcoal and stones below the ground surface. These materials may be present on the ground surface and/or under the surface of the ground.
2. Temporary or permanent placement of refuse and debris (e.g., concrete, brick, asphalt) from off-site locations is prohibited without approval by DHEC. Topsoil fill approved by DHEC may be brought in from off-site sources only for the purposes of mine land reclamation.
3. In the future, if determined to be necessary by DHEC, an appropriate fence will be installed around the affected area.
4. For Phase II mining activities, the operator shall maintain a minimum fifty (50) foot undisturbed buffer and a 15-foot-high berm sloped 2:1 (horizontal: vertical) along the mine side of the buffer. This buffer shall be permanently flagged prior to the initiation of any mine activity and shall remain until Phase II is complete. The operator shall maintain a minimum 100-foot undisturbed buffer between future land disturbing activities and the following public roads: Sewee Road and Come About Way.
5. The operator shall comply with the approved Coastal Zone Consistency Determination issued under the SC Coastal Zone Management Program by DHEC's Office of Ocean and Coastal Resource Management (OCRM). See Appendix B.
6. Implementation of the Corrective Action Plan (CAP) dated January 15, 2020 as documented by letter dated April 21, 2020 shall continue for the duration of this Mine Operating Permit and NPDES General Permit SCG731329. See Appendix C.
7. The operator shall install a flow meter on the effluent side of the dewatering pump. The flow will be logged daily and be available to DHEC upon request.
8. The operator shall restrict mine operations to 7am to 5:30pm Monday through Friday with no operations at night, on weekends, or on Holidays. No artificial lights are allowed.

Future Reserve Conditions

9. The operator shall maintain a minimum 75-foot undisturbed buffer between land disturbing activities and wetlands in the future reserve areas shown on the mine map. A jurisdictional determination by the US Army Corps of Engineers must be provided, reviewed, and approved by DHEC's Mining Section prior to mining activity in the future reserve areas. No land disturbance activities within the future reserve areas of this Mine Operating Permit shall commence until an approval letter is given by DHEC.
10. Prior to mining activity in future reserves, the operator shall obtain a Coastal Zone Consistency Determination by DHEC's OCRM.
11. Prior to mining activity in future reserves, the operator shall contact SHPO concerning the need for additional cultural resource surveys. DHEC and SHPO shall review and approve the information submitted prior to any mining activity.
12. Prior to mining activity in future reserves, DHEC will consult the US Fish and Wildlife Service and SCDNR concerning the presence of threatened / endangered species to determine if a species survey should be conducted.

APPENDIX A

MODIFICATIONS TO MINE PERMIT I-002242

NUMBER	DATE	DESCRIPTION OF MODIFICATION (PA= Permitted Acreage; AA= Affected, Bonded Acreage; FR= Reserves Acreage, B= Buffer Acreage)
Issued	9/17/20	Permit issued; PA = 1,329.47 ac., AA = 59.47 ac., FR = 928 ac., B = 342 ac. Cancellation of General Mine Operating Permit GP1-002089 with the issuance of I-002242


APPENDIX B

COASTAL ZONE CONSISTENCY DETERMINATION



Coastal Zone Consistency Determination

To: Haley Smarr, BOW Coastal Stormwater Permitting Section

From: Christopher M Stout, OCRM Coastal Zone Consistency Section 

Applicant: Chad Marcinak, Southpit LLC

Project Name: Southern Mine King Tract Expansion

Finding: **Conditionally Consistent with the SC Coastal Zone Management Program**

Site Location: Sewee Road (S-10-584), Awendaw, Charleston County, South Carolina (TMS#: 6250000007)

Reference #: HNH-YKVJ-HYJB, I-002242

Date: May 12, 2020

The staff of the Office of Ocean and Coastal Resource Management (OCRM) reviewed the above referenced Coastal Zone Consistency project request which consists of the expansion of an existing 5-acre mine to include 1,329 acre site. The initial mining operation would disturb 59.47 acres and include proposed mine area, sediment control pond, spoil storage, on-site staging/stockpiling, and access/haul road. The balance of the tract is proposed for future mine reserves that is currently under existing silvicultural/agricultural management. The proposed project will utilize the existing discharge ditching (vegetated) that includes approximately 5,400 linear feet of King Canal to Sewee Road and outfalls to approximately 1,600 linear feet of existing canal to critical associated with the Atlantic Intracoastal Waterway. Excavation of material will be performed by track-hoe equipment and will be performed to a depth between 20-25 feet.

The proposed initial mining operation project includes the excavation of 3.48 acres of existing, isolated wetlands. These wetlands impacts are proposed to be mitigated through the purchase of 31.3 credits from an approved mitigation bank.

Site reclamation is proposed to include reestablishment of the mining pit as open water and grassland areas surrounding.

This OCRM Coastal Zone Consistency certification review is only for the initial expansion into the 59.47 acres of active mining operations due to the potential presence for freshwater wetlands across the remainder of the proposed future reserves.

We hereby certify that the above referenced project is **Conditionally Consistent** with the **Guidelines for Evaluation of All Projects** as well as the Coastal Industries (*Mining*), Wildlife and Fisheries Management, Activities in Areas of Special Resource Significance (*Wetlands*), and Stormwater Management (*Mines and Landfills*) policies contained in the S.C. Coastal Zone Management Program provided the following conditions are included in the permits and adhered to by the applicant.

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
2. All construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.
3. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.
4. The pumping of groundwater from sediment basins must be done with floating intakes only. Pumping of the basin must cease whenever the water levels come to within 2 feet of the pond bottom.
5. Prior to the proposed impacts of 3.48 acres of wetlands, mitigation will be provided through the purchase of 31.3 credits from an approved mitigation bank. A copy of the proof of purchase of the 31.3 mitigation credits must be submitted to the Department prior to beginning work in this area of the project.

This determination shall serve as the SCDHEC OCRM Coastal Zone Consistency Determination for the work described above. However, this determination **does not** serve as a Department permitting decision and **does not** alleviate the applicant's responsibility to obtain any applicable State or Federal permit(s) for the work. Local government authorizations **may also** be required.

APPENDIX C

Corrective Action Plan for Notice of Violation NPDES Permit SCG731329



Red Bay Environmental

January 15, 2020

Mr. Brandon Kersbergen
SC Department of Health and Environmental Control
Bureau of Water
Water Pollution Compliance and Enforcement Division
2600 Bull Street
Columbia, South Carolina 29201-1708
via email: kersbebl@dhec.sc.gov

**RE: Corrective Action Plan for Notice of Violation
Marcinak Construction/Southern 1 Mine
NPDES Permit #SCG731329
Awendaw, Charleston County, South Carolina**

Dear Mr. Kersbergen:

The following information is being submitted on behalf of Marcinak Construction Company, Inc. (Marcinak) in response to the above referenced Notice of Violation dated December 17, 2019. The information below contains a Corrective Action Plan (CAP) that addresses the lack of monthly discharge monitoring reports (DMRs) for the July 2018 to August 2019 reporting periods and the violation of permit limits for pH for August through October 2017 and March through June 2018. The proposed corrective action measures discussed below have been prepared in consultation with Marcinak and the SCDHEC.

DMR Submittal Violation:

The submittal of monthly DMRs will continue for the duration of the effective period of validity for the current mining authorization and will continue on a monthly basis upon the issuance of the permit (I-002242) that is currently being processed by the SCDHEC. It is understood by Marcinak that the submittal of monthly DMRs must continue even in the event of the cessation of discharge for any particular monthly monitoring period and that the submitted DMRs should note that no discharging of wastewater has occurred during the specified monitoring period. Please note that there is no on-going discharging of wastewater from the general permit area (GP-002089) covered by the NPDES permit referenced above. Discharging will continue upon approval of I-002242. The permit application being processed for the expansion of the authorized general permit area will utilize the same discharge network that is currently in place.

Violation of Permit Limits for pH:

Marcinak will implement the following actions to address the potential source(s) contributing to the pH violations to meet the permit limits for pH. Marcinak will augment the site for pH sampling that will include, but not be limited to the following practices:

720 Hawkebill Court Mt. Pleasant, SC 29464
Office: 843.654.5962 • Mobile: 843.810.3311 • Fax: 843.654.5966
jagoff@comcast.net

- lime treatment of the existing GP mine area (direct treatment to surface water)
- lime treatment of the existing sediment retention basin (direct treatment to surface water)
- broadcast lime treatment to the bank of existing GP mine area

In addition to the measures identified above, sampling will include both an up-gradient sample and down-gradient sample for pH. As noted, there is no current discharging from the GP mine area. Discharging will commence upon approval of I-002242 and the resulting expansion of the GP area. This sampling protocol and the augmentation practices described above will continue for the duration of the effective validity of the issued mine permit and/or the discharging from the mine area.

At your earliest convenience, please process this information and proceed with approval of the CAP. Please contact me at (843) 810-3311 or jagoff@redbayenvironmental.com with any questions regarding this material, or if you require any additional information for approval of the CAP. Thank you for your continued assistance with this project.

Sincerely,



Judson A. Goff

C: Mr. Chad Marcinak, Marcinak Construction Company



Red Bay Environmental

April 21, 2020

Mr. Brett Caswell
Industrial Wastewater Permitting
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708
via email: caswelbm@dhec.sc.gov

**RE: Corrective Action Plan Results
King Tract – Southern Mine GP1-002089
Portion of TMS #625-00-00-007
Awendaw, Charleston County, South Carolina**

Dear Mr. Caswell:

Pursuant to the prior submitted and approved Corrective Action Plan (CAP) for the existing general permit area of the King Tract-Southern Mine (GP1-002089), the following information is being transmitted regarding implementation of the plan. Per the CAP, the GP site was augmented on 04/20/20 for pH sampling per the following practices:

- lime treatment of the existing GP mine area (direct treatment to surface water)
- lime treatment of the existing sediment retention basin (direct treatment to surface water)
- broadcast lime treatment to the bank of existing GP mine area

Prior to the site augmentation, an initial pH sample was collected from the existing pit with a result of 4.69 pH. Site augmentation was then implemented by the application of the lime to the above referenced areas via a tractor with a PTO-driven broadcast spreader. Upon completion of the lime application and a period of settling another pH sample was collected from the existing pit with a result of 7.46 pH which is within the acceptable range specified in the prior issued pH violation(s). Attached is photograph documentation of the application implementation as well as the sampling results.

At your earliest convenience, please process the information and update the existing project file. Please contact me at (843) 810-3311 with any questions regarding this material, or if you require any additional information. Thank you for your continued assistance with this project.

Sincerely,

Judson A. Goff

Attachments: Photo documentation of Implementation of Corrective Action Plan

720 Hawksbill Court Mt. Pleasant, SC 29464
Office:843.654.5962 • Mobile:843.810.3311 • Fax:843.654.5966
jagoff@comcast.net



Photo 1: Tractor and Spreader utilized for application of Lime (04/20/20).

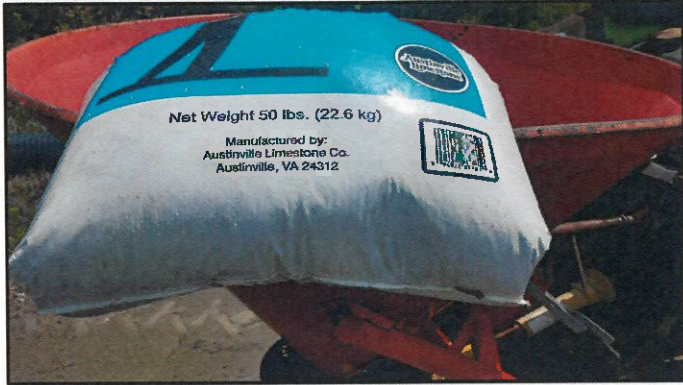


Photo 2: View of packaged Lime that was applied to GP Mine area side slopes and surface water perimeter (04/20/20).

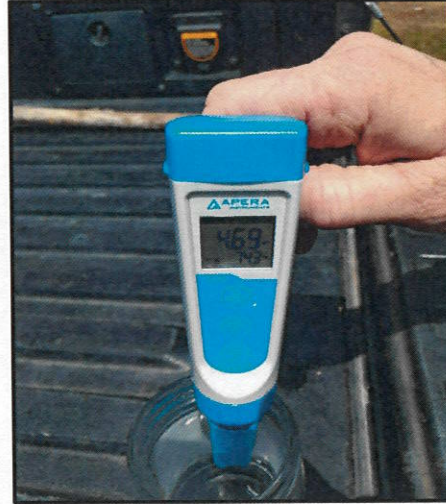


Photo 3: Pre-application of Lime pH Sample results from pit (04/20/20).

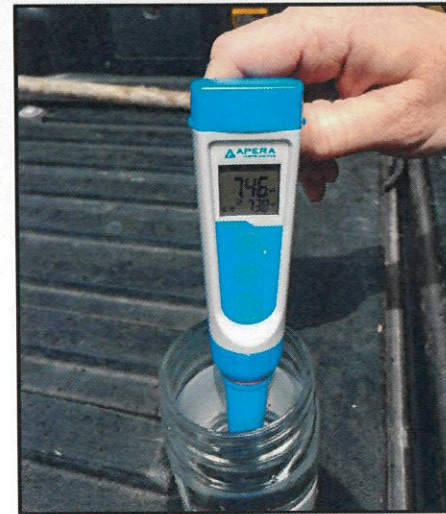


Photo 4: Post-application of Lime pH Sample results from pit (04/20/20).

Corrective Action Plan Photos
King Tract – Southern Mine General Permit Area
Portion of TMS #625-00-00-007
Awendaw, Charleston County, South Carolina





Mining
Form
MR-500

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
BUREAU OF LAND AND WASTE MANAGEMENT
DIVISION OF MINING AND SOLID WASTE PERMITTING
2600 Bull Street, Columbia, SC 29201
Telephone Number: (803) 896-4261 Fax Number: (803) 896-4001

RECLAMATION PLAN
DHEC FORM 500 DATE VERSION ADOPTED 7/1/94

As required in Section 48-20-90 of the South Carolina Mining Act, "An operator shall submit with his application for an operating permit a proposed reclamation plan. The reclamation plan for an operating permit only must be furnished to the local soil and water conservation district in which the mining operation is to be conducted. The plan must include as a minimum each of the elements specified in the definition of 'reclamation plan' in Section 48-20-40 and information required by the department. The reclamation plan must provide that reclamation activities, particularly those relating to control of erosion, to the extent feasible, must be conducted simultaneously with mining operations and be initiated at the earliest practicable time after completion or termination of mining on a segment of the permitted land. The plan must provide that reclamation activities must be completed within two years after completion or termination of mining on each segment of the area for which an operation permit is requested unless a longer period specifically is permitted by the department."

I. APPLICANT INFORMATION

1. Name of Company: King Tract, LLC
2. Name of Proposed Mine: Southern Mine - King Tract County: Charleston
3. Home Office Address: 270 Carpenter Drive, Suite 520

(Street and P.O. Box)	GA	30328	(Telephone No.)
<u>Atlanta</u>	(State)	(Zip Code)	<u>(770) 457-1611</u>
(City)	(State)	(Zip Code)	(Fax No.)
4. Local Office Address: (same as above)

(Street and P.O. Box)	(City)	(State)	(Zip Code)	(Telephone No.)
(Street and P.O. Box)	(City)	(State)	(Zip Code)	(Fax No.)
5. Name of company personnel and their title to be the contact for official business and correspondence: Jason A. Smithgall, VP
6. Location of Mine: S-10-584 (Seewee Road) Awendaw

State or County Hwy No.	Nearest Town or City
-------------------------	----------------------

II. ENVIRONMENTAL PROTECTION

1. Describe practices to protect adjacent resources such as roads, wildlife areas, woodland, cropland and others during mining and reclamation.
 BMPs will be initiated prior to and maintained for the duration of mining and reclamation activities. Mine areas are separated from adjacent resources by a forested buffer. In addition, a temporary earthen (overburden storage for reclamation) will be in place during active mining activities. Affected area will continually be graded to direct runoff to active mine pit for treatment.
2. Describe proposed methods to limit significant adverse effects on adjacent surface water and groundwater resources.
 In addition to the measures described above, silt fencing will be utilized to protect against runoff and sedimentation of adjacent areas. The detention system will be properly maintained throughout duration of mining activities along with adherence to BMPs. Dewatering will only occur when necessary and water sampling will continue.
3. Describe proposed methods to limit significant adverse effects on known significant cultural or historic sites within the proposed permitted area.
 There are no known significant cultural or historical sites located within the boundaries of the proposed permitted area. Proposed permitted area and future reserves consist of existing, mechanically prepped loblolly pine plantation.

4. Describe method to prevent or eliminate conditions that could be hazardous to animal or fish life in or adjacent to the permitted area.

Forested buffer zone will remain in place for the duration of mining and reclamation activities. The temporary overburden berm will also be in place during active mining activities. The detention system within the mine area will be properly maintained as well as sampling for Total Suspended Solids (TSS) and pH.

5. Describe how applicant will comply with State air quality and water quality standards as established by the S.C. Department of Health and Environmental Control.

Fuel storage for mining equipment will be properly operated and maintained. Surface water management will be properly maintained and monitoring of discharge from mining area will continue for the duration of mining activities.

III. RECLAMATION OF AFFECTED AREA

6. State useful purpose(s) the affected land is being proposed for reclamation. More than one purpose may be checked, but information should be submitted to support the feasibility for each proposed purpose.

- | | |
|---|---|
| a. Lake or pond <input checked="" type="checkbox"/> | f. Grassland <input checked="" type="checkbox"/> |
| b. Agriculture <input type="checkbox"/> | g. Recreation <input checked="" type="checkbox"/> |
| c. Woodlands <input checked="" type="checkbox"/> | h. Wetlands <input type="checkbox"/> |
| d. Residential <input type="checkbox"/> | i. Park <input type="checkbox"/> |
| e. Commercial <input type="checkbox"/> | j. Other <input type="checkbox"/> |

7. State the final maximum surface gradient(s) (slope) in soil, sand, or other unconsolidated materials on reclaimed land. Surface gradients steeper than 3H:1V (18 degrees or 33 percent) may be required to submit geotechnical data and studies to demonstrate that the steeper slopes will remain stable following final reclamation.

Final slopes will not exceed gradients of 3:1. These areas will initially be temporarily grassed to be followed by permanent vegetated means following extraction.

8. How will the final slopes in unconsolidated material be accomplished? If the slope will be by backfilling, demonstrate that there is adequate material to accomplish the stated final gradient. If gradient is to be achieved by bringing in material from outside the permitted area, state the nature of the material and approximate quantities. If the gradient is to be achieved by grading, show that there is adequate area for grading to achieve gradient (i.e., adequate distance between the property line and edge of highwall). Operator should show calculations or other appropriate information to demonstrate that there is adequate materials in backfilling and grading to meet the requirements for final slope.

Final slopes in unconsolidated material will be accomplished by backfill and grading of overburden berm surrounding mine area during active mining activities. Dozer and Excavator equipment will be utilized for achieving final slopes (26,400 yards of overburden). In addition, off-site clay, sand clay and topsoil will be available for final slope grades in the event of a shortfall of on-site overburden. A 50-foot wide clear zone for berm along margin of active mine area will allow for implementation of final slope grading activities. (50ac x 1600cy per acre X 4in depth =26,400cy berm)

9. Describe the plan for revegetation or other surface treatment of affected area(s). The revegetation plan shall include but not be limited to the following: (a) planned soil test; (b) site preparation and fertilization; (c) seed or plant selection; (d) rate of seeding or amount of planting per acre; (e) maintenance.

Following grading activities for final slopes, the affected area will be disked with drag harrow equipment. Upon completion a seed/fertilizer application will be applied at the rate of Bahia - 25lbs per acre, Clover - 25lbs per acre, Brown Top Millet - 50lbs per acre, rye 50lbs per acre / Fertilizer 10-10-10 @ 350lbs per acre & Lime 2,000lbs per acre. This application rate is based on soil sampling, etc. from existing, on-site GP-1 active mine area.

10. Provide, as a separate document, a closure plan of the mine and permitted facilities to prevent a release of contaminants from being harmful to the environment. A closure plan is not necessary for all mines, but is required where the possibility exists for (a) acid rock drainage; (b) where the National Pollutant Discharge Elimination Systems (NPDES) Permit has discharge limitation parameters other than pH and Total Suspended Solids (TSS); (c) chemically treated tailings or stockpiles (excludes fertilizer or lime for revegetation purposes).

The resulting mine area open water pond will be utilized for recreational purposes only. The potential for acid rock drainage is not present. The existing NPDES requirements for the existing on-site GP-1 mine area are for pH and TSS only. Chemically treated tailings or stockpiles will not be a part of the proposed mining operation.

11. Method of control of contaminants and disposal of mine waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of mineral substances mined and includes all waste materials deposited on or in the permit area from any source.

Screened topsoil and overburden will be stockpiled on-site and utilized for construction of temporary berm around margin of active mine area for duration of mining activities. The mine area will be graded to direct runoff to the active mine and integrated detention system. Trash and other debris will be transported to County landfill for disposal or contracted for collection and disposal.

12. Method of reclaiming settling and/or sediment ponds.

The integrated detention system and sediment pond will be integrated into the resultant open water pond following the completion of mining and reclamation activities. The separation of mine area and detention/sediment pond will be excavated. The existing GP-1 area and proposed expanded mine area will be one open water pond.

13. Describe method of restoration or establishment of stream channels, stream banks and site drainage to a condition minimizing erosion, siltation and other pollution.

Following active extraction activities, the level of discharge from the integrated detention system will be drastically reduced to small volumes. Existing BMPs (i.e. sediment traps, rock check dams, etc.) will be maintained until reclaimed mine area has stabilized.

14. What are the maintenance plans to insure that the reclamation practices established on the affected land will not deteriorate before released by the Department?

Site will be continually monitored and any required maintenance grading will be performed to protect against erosion and sedimentation prior to stabilization of mine area. Non-vegetated areas will be re-seeded and fertilized as needed to ensure stabilization and vegetative coverage.

15. For final reclamation, submit information about practices to provide for safety to persons and to adjoining property in all excavations. Identify areas of potential danger (vertical walls, unstable slopes, unstable surface on clay slimes, etc.) and provide appropriate safety provisions. These provisions can include but are not limited to setbacks, fencing,

The site will be permanently posted with no trespassing signage and access roadway will be secured by locked gates. Existing forested buffers will remain. Final slopes will not exceed 3:1.

16. What provisions will be taken to prevent noxious, odious, or foul pools of water from collecting and remaining on the mined area? For mines to be reclaimed as lakes or ponds, provide supporting information that a minimum water depth of four (4) feet on at least fifty percent (50%) of the pond surface area can be maintained.

Bottom of mine area will be appropriately graded to provide consistent pond bottom. Mine area will be graded to prevent ponding outside of and adjacent to resulting open water pond. Per required dewatering protocol for existing GP-1 area, a minimum water depth of 4' for at least 50% of the pond surface will be maintained following extraction activities.

17. Identify any structures (e.g. buildings, roads) that are proposed to remain as part of final reclamation. Provide justification for leaving any structures.

No structures associated with mining activities will remain following extraction and reclamation activities. The access roadway for existing GP-1 area and the proposed mine area will remain for access to mine area residual (future mine reserves and silvicultural management area).

18. Attach two (2) copies of a map of the area (referred to as the RECLAMATION MAP) that shows the reclamation practices and conservation practices to be implemented. The following should be shown:
- A. The outline of the proposed final limits of the excavation during the number of years for which the permit is requested.
 - B. The approximate final surface gradient(s) and contour(s) of the area to be reclaimed. This would include the sides and bottoms of mines reclaimed ponds and lakes.
 - C. The outline of the tailings disposal area.
 - D. The outline of disposal areas for spoil and refuse (exclusive of tailings ponds).
 - E. The approximate location of the mean shore line of any impoundment or water body and inlet and/or outlet structures which will remain upon final reclamation.
 - F. The approximate locations of access roads, haul roads, ramps or buildings which will remain upon final reclamation.
 - G. The approximate locations of various vegetative treatments.
 - H. The proposed locations of re-established streams, ditches or drainage channels to provide for site drainage.
 - I. The proposed locations of diversions, terraces, silt fences, brush barriers or other Best Management Practices to be used for preventing or controlling erosion and off-site siltation.
 - J. Proposed locations of the measures to provide safety to persons and adjoining property.
 - K. Segments of the mine that can be mined and reclaimed as an ongoing basis.
 - L. The boundaries of the permitted area.
 - M. The boundaries of the affected area for the anticipated life of the mine.
 - N. The boundaries of the 100-year floodplain, where appropriate.
 - O. Identify sections of mine where the final surface gradient will be achieved by grading and/or backfilling.
 - P. A legend showing the name of the applicant, the name of the proposed mine, the north arrow, the county, the scale, the date of preparation and the name and title of the person who prepared the map.

THE REQUIRED RECLAMATION MAP SHALL HAVE A NEAT, LEGIBLE APPEARANCE AND BE OF SUFFICIENT SCALE TO CLEARLY SHOW THE REQUIRED INFORMATION LISTED ABOVE. THE BASE FOR THE MAP SHALL BE EITHER A SPECIALLY PREPARED LINE DRAWING, AERIAL PHOTOGRAPH, ENLARGED USGS TOPOGRAPHIC MAP OR A RECENTLY PREPARED PLAT. RECLAMATION MAP SHOULD BE THE SAME SCALE USED FOR THE SITE MAP.

IV. SCHEDULE FOR IMPLEMENTATION OF CONSERVATION AND RECLAMATION PRACTICES

19. As stated in Section 48-20-90 of the S.C. Mining Act, reclamation activities, to the extent feasible, must be conducted simultaneously with mining operations. Identify which areas or segments of the mine are not feasible to reclaim simultaneously with mining. Provide reasons why reclamation can not proceed simultaneously with mining in these areas.
- The berm to be constructed with overburden material will be constructed/maintained to coincide with extraction activities. Mine will remain as open water pond following cessation of extraction. Final slope preparation will be on-going were practicable.

20. Section 48-20-40(16)(l) of the S.C. Mining Act requires a "time schedule, including the anticipated years for completion of reclamation by segments." This time schedule should meet the requirements of Section 48-20-90 of the Mining Act.

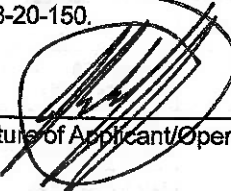
SCHEDULE FOR IMPLEMENTING CONSERVATION AND RECLAMATION PRACTICES

Conservation & Reclamation Practices	Segment # or Area	Planned		*Applied		Notes
		Amount	Year	Amount	Month/Year	
Wetland Delineation	Permit Area	59.47 ac	Completed			Completed. USACE JD is attached.
Buffer Zone & Berm	Mine Area	11.06 ac	2019			Maintained for duration of extraction
Detent./Sediment Pond	Mine Area	0.2 ac	2019			Maintained for duration of extraction
Est. Final Slopes	GP-1 Area	?	2019			Monitoring and maintenance of slopes
Est. Final Slopes	Mine Area	?	2024			Monitoring and maintenance of slopes

* Completed by the Department

YOU ARE NOTIFIED THAT:

- 1) You, the operator, must file an application to modify the reclamation plan in the event actual reclamation varies from the set forth hereinabove; and
- 2) If at any time it appears to the Department that the activities under the reclamation plan are failing to achieve the purposes and requirements of the S.C. Mining Act, the Department may modify the RECLAMATION PLAN in accordance to Section 48-20-150.



Signature of Applicant/Operator or his Authorized Representative

Judson Goff - Red Bay Environmental

Printed Name of Applicant/Operator or his Authorized Representative

CONSULTANT TO KING TRACT, LLC

Title

09/24/19


Date

Department Use Only

Permit No.: 2242 Date Application Approved: 9/17/20 Date Bond Rec'd: 9/3/20
Bond Amount: \$98,126 Blanket or Single Bond: _____ Permit Issuance Date: 9/17/20

ACTION TAKEN ON THIS RECLAMATION PLAN

Approved Denied Approved with Additional Terms and Conditions

By: 

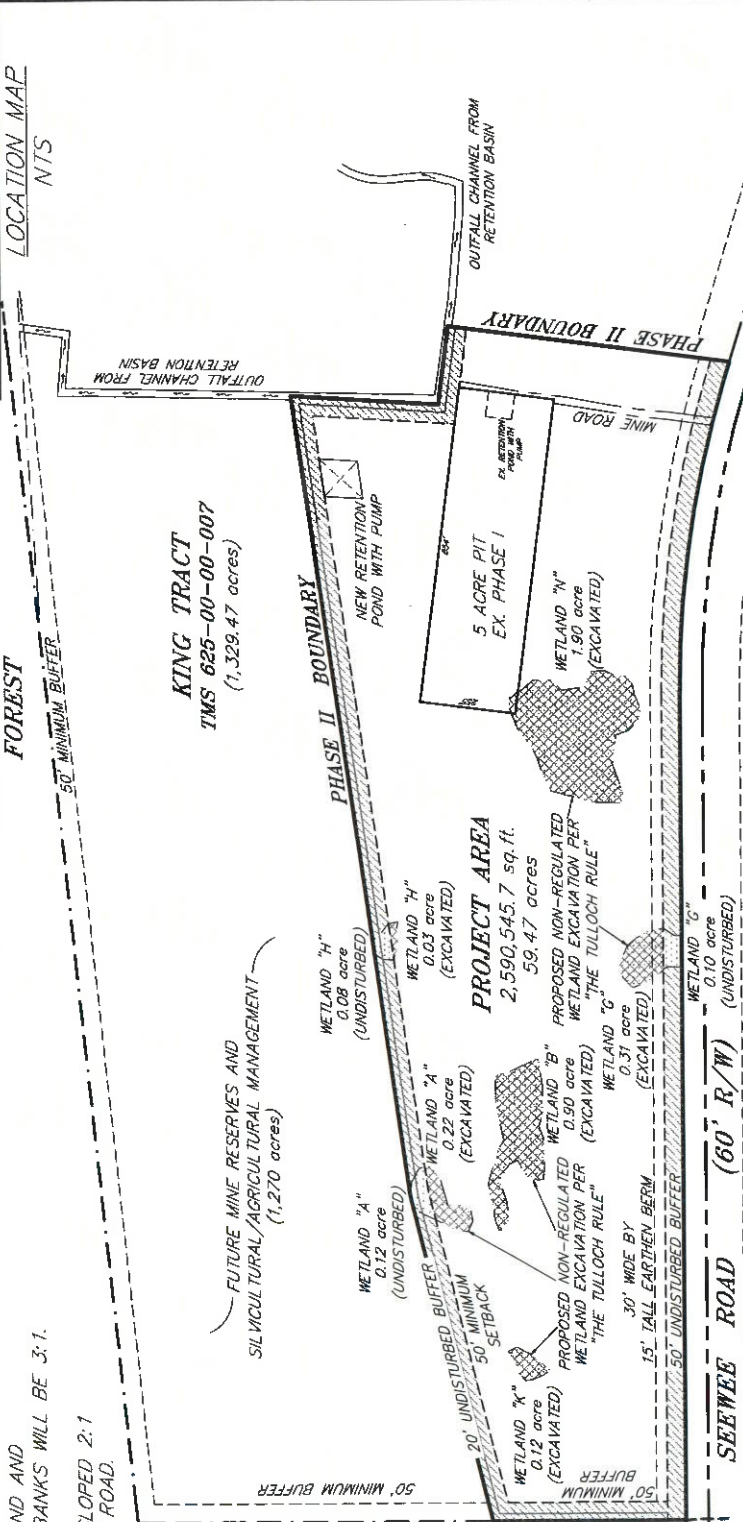
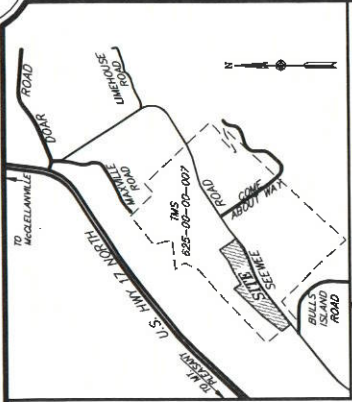
~~DIVISION DIRECTOR~~ Section Manager

Date: 9/17/20

NOTES:

1. DISCHARGE WATERS WILL BE FILTERED THROUGH RETENTION BASIN PRIOR TO DISCHARGE THROUGH EXISTING OUTFALL DITCHES.
2. POND LIMITS INCLUDE STOCKPILE AREAS.
3. EXISTING SILVICULTURAL/MINE ACCESS ROAD AND OUTFALL DITCHES WILL BE USED FOR THE SITE.
4. PHASE I MINE AREA WILL BE INCORPORATED INTO PROJECT AREA FOR PHASE II.
5. PHASE II WILL BE RECLAIMED POND AND GRASSLANDS/TIMBERLANDS. POND BANKS WILL BE 3:1.
6. 50' MIN. BUFFER W/ 15' BERM SLOPED 2:1 ALONG NORTHERN SIDE OF SEEWEE ROAD. WILL BE GRADED BACK 3:1 AT RECLAMATION.

APPROVED BY
 SOUTH CAROLINA DEPARTMENT OF HEALTH
 AND ENVIRONMENTAL CONTROL
 DIVISION OF MINING & SOLID WASTE MGT
 BY: Joe Kean, Manager
 TITLE: SM-2242-1V1
 DATE APPROVED: 9/17/20
 PERMIT NUMBER: 1-002242



TIM ELMER RLS, LLC
 523 MAN O WAR LANE
 MONCK'S CORNER, SC 29461
 Phone: (843) 482-0795
 Text: (843) 693-0795
 TDElmer@aol.com

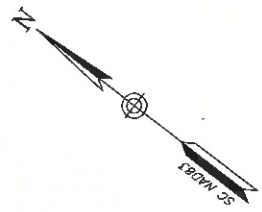
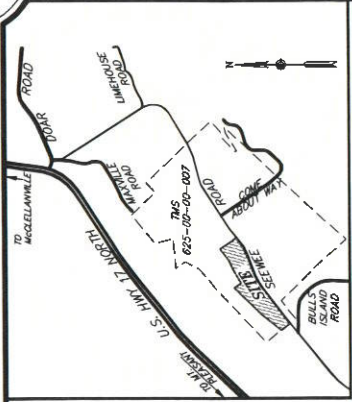
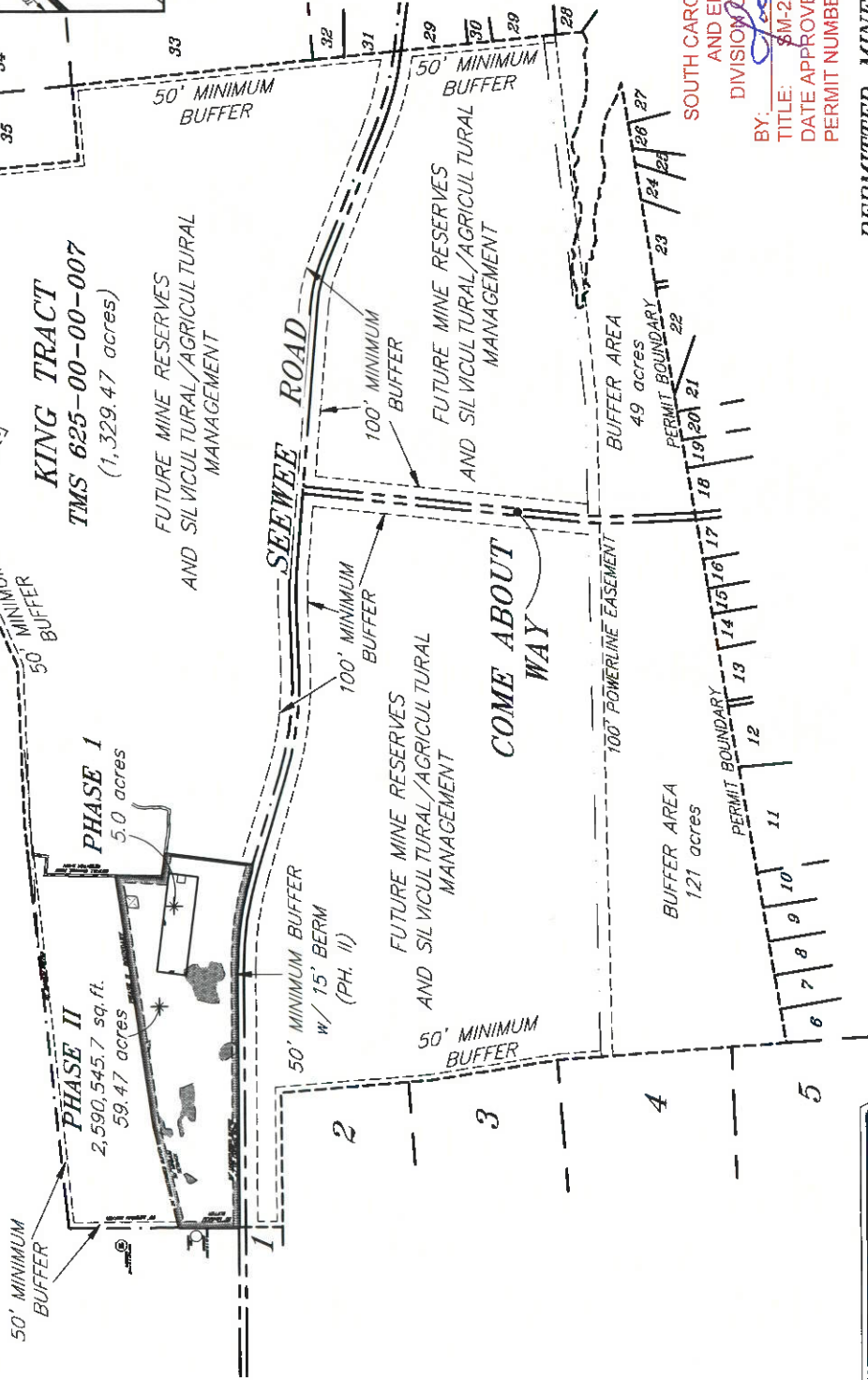
SITE SUMMARY

PHASE II MINE AREA	59.47 acres
incl. PHASE II BUFFER AREA	9.36 acres
incl. PHASE II WET. EXCAVATION	3.48 acres
FUTURE RESERVE AREA	1,270 acres
PERMITTED AREA	1,329.47 acres

PHASE II MINE & RECLAMATION MAP
 SOUTHERN PIT EXPANSION
 KING TRACT, LLC
 A PORTION OF TMS 625-00-00-007
 LOCATED IN THE TOWN OF AWENDAW,
 CHARLESTON COUNTY, SOUTH CAROLINA
 DATE: MARCH 12, 2020
 SCALE: 1" = 500'



FRANCIS MARION FOREST



TIM ELMER RLS, LLC
 523 MAN O WAR LANE
 MONCK'S CORNER, SC 29461
 Phone: (843) 482-0795
 Text: (843) 693-0795
 TDElmerf@AOL.com

SITE SUMMARY

PHASE II MINE AREA	59.47 acres
FUTURE RESERVE AREA	1,270 acres
(incl. BUFFER AREA)	342 acres
PERMITTED AREA	1,329.47 acres

APPROVED BY
 SOUTH CAROLINA DEPARTMENT OF HEALTH
 AND ENVIRONMENTAL CONTROL
 DIVISION OF MINING & SOLID WASTE MGT
 BY: *Joe Pava*, Manager
 TITLE: SM-2242-2V1
 DATE APPROVED: 9/17/20
 PERMIT NUMBER: 1-002242

PERMITTED MINE MAP
 SOUTHERN PIT EXPANSION
 KING TRACT, LLC
 A PORTION OF TMS 625-00-00-007
 LOCATED IN THE TOWN OF AWENDAW,
 CHARLESTON COUNTY, SOUTH CAROLINA
 DATE: MARCH 12, 2020
 SCALE: 1" = 1,500'

South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and
 - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:
South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201
Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will

respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
 - include the place, date and time of the Conference;
 - state the presentation times allowed in the Conference;
 - state evidence may be presented at the Conference;
 - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - Type of decision (permit, enforcement, etc.) and description of the program.
 - Parties
 - Description of facility/site
 - Applicable statutes and regulations
 - Decision and materials relied upon in the administrative record to support the staff decision.
 - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
 - Rebuttal by Department staff [15 minutes]
 - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council.. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.