



# Memo

**To:** Patty Barnes  
Water Facilities Permitting Division

**From:** Brett Caswell   
Industrial Wastewater Permitting Section  
Water Facilities Permitting Division

**Subject:** Permit Modification  
King Tract, LLC  
Southern Mine – King Tract

**Date:** June 19, 2020

The Bureau of Water received this modification request on January 31, 2020 to expand the site's affected acreage to mine fill dirt from the current 5 acres to 59.47 acres. Pursuant to this modification, there were questions raised by the community regarding this mine and several others in the Awendaw area of Charleston County. From a water quality standpoint, these issues were related to low pH in the wastewater discharge. Investigation of this facility's DMRs revealed several violations of the pH limit of 6.5 to 8.5 allowable for this site (the Intercoastal Waterway is shellfish harvesting waters). Upon this discovery, a Notice of Alleged Violation (NOAV) was issued to the facility on December 17, 2019, and in response to this a Corrective Action Plan (CAP) was required to be submitted, which the facility did on April 21, 2020.

The CAP addressed the lack of monthly discharge monitoring reports (DMRs) submitted from the July 2018 to August 2019 reporting periods and also the violation of permit limits for pH from August through October 2017 and from March through June 2018.

The facility has agreed to resume submitting monthly DMRs, even in the months when they have not discharged. While there is no ongoing discharging of wastewater from the general permit area covered under mining permit GP1-002089 covered by the current NPDES permit coverage, discharging will continue upon approval of mining permit I-002242 and this NPDES modification.

Low pH of the surface water is correlated to the naturally occurring vegetative degradation (pine) in the area. The facility was proactive in implementing the following actions to come back into compliance in order to consistently meet the permit limits for pH: 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), and; broadcast lime treatment to the bank of existing GP mine area. Samples were taken and the results submitted to the Department. The pH reading in the pit before application of lime was 4.69. After the lime was applied in the manner described above, a sample was taken again that reflected a value of 7.46, which is within the range of the permit. Therefore, lime application as noted above should be sufficient to regulate the pH. These sampling protocols and the augmentation practices will continue for the duration of the issued mine permit and modified NPDES general permit coverage.

Given the above information, the Department approves the modification to expand and mine up to an affected acreage of 59.47 acres. This mining coverage is located within one of the coastal counties regulated by the Office of Coastal

Resource Management (OCRM). As part of the general permit's Coastal Zone Consistency determination (CZC), OCRM requires the following conditions in any approval letters for mines in the coastal zone:

1. All construction BMPs must be installed, inspected and maintained to retain sediment onsite and to protect adjacent wetlands and waters (if any) 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.

2. If appropriate, best management practices to include the use of rock check dams, spill pads, diffusers and other means of appreciable erosion control must be located at the point of discharge to prevent released wastewater from negatively effecting receiving wetlands, if any.

3. 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 shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

Please note the changes to this permit coverage as noted in bold below.

General Permit: SCG731329

PSC or Site Name: Marcinak Construction Co., Inc./Southern 1 Mine **(NEW)**

Mining Permit: I-002242 **(NEW)**

Affected acreage: From 5 to 59.47

Receiving Waters: Tributary to the Atlantic Intercoastal Waterway (SFH)

Contact: Mr. Chad Marcinak

Contact Phone #: (843) 906-5140 **(NEW)**

Company Phone #: (770) 457-1611 **(NEW)**

E-mail: admin@marcinakconstruction.com **(NEW)**

NPDES Address: Marcinak Construction Co., Inc.

P.O. Box 2465

Mt. Pleasant, SC 29465

Site Address: Line 1: Hwy 17 & Seewee Road

Line 2:

City: Awendaw State: SC Zip: 29429

County: Charleston



**Notice of Intent (NOI)**  
**NPDES General Permit for Discharges**  
**Associated with Nonmetallic Mineral Mining Facilities**  
**SCG730000**

Submission of this Notice of Intent constitutes notice that the party identified in this form intends to be authorized by a NPDES permit issued for Nonmetallic Mineral Mining discharges in a State location identified in this form. Becoming a permittee obligates such a discharge to comply with all terms and conditions of the permit. **ALL NECESSARY INFORMATION MUST BE INCLUDED WITH THIS FORM. AN ANNUAL OPERATING FEE OF \$100 IS REQUIRED FOR COVERAGE UNDER THIS PERMIT. See Instructions.**

**I. Site/Operator Information**

Name of the Mining or Pit Site: Southern Mine - King Tract  
 Site Address: S-10-584 (Seewee Road)  
 Site City: Awendaw State: SC Site County: Charleston Site ZIP (if available): 29429  
 Tax map # (list all): Portion of TMS #625-00-00-007  
 Company/Operator Name: King Tract, LLC, Attn: Jason A. Smithgall Phone: (770) 457-1611  
 Company/Operator Physical Address (do not use PO Boxes): 270 Carpenter Drive, Suite 520  
 City: Atlanta State: GA ZIP: 30328 Operator Status:  Federal  State  Public  Private

**II. Site Contact Information**

Contact Name: Chad Marcinak Phone: (843) 906-5140  
 Contact Title: Vice President/Marcinak Construction Co., Inc.  
 Mailing and Billing Address: P.O. Box 2465  
 City: Mount Pleasant State: SC ZIP: 29465 Email (optional): admin@marcinakconstruction.com

**III. Site and Discharge Information**

- A. Materials to be Mined: sand, fill dirt (if material is mined solely as fill dirt, write fill dirt in the blank, not "sand" or "clay")  
 B. SIC or Activity Codes: Primary: 1499 2nd: \_\_\_\_\_ 3rd: \_\_\_\_\_ 4th: \_\_\_\_\_  
 (The primary SIC codes for nonmetallic mining activities are in the 1400 series, for example fill dirt pits have the SIC code of 1499. Please list any other SIC codes that apply to this activity.)  
 C. Total number of acres to be affected by the mining activity: 59.47 acres  
 D. Does the site currently have Nonmetallic Mineral Mining Discharge General Permit coverage?  
 If Yes complete this permit number SCG73; otherwise mark  No  
 E. List any other NPDES or ND Permit numbers for the site: SC G731329 SC ND  
 F. Is this site exempt from the Mining Act?  Yes, Reason for exemption: \_\_\_\_\_  No, Mining Permit #: I-002242  
 G. Will this site discharge mine dewatering (see instructions for definition)?  Yes  No  
 Will this site discharge a process-generated wastewater (see instructions for definition)?  Yes  No  
 Will this site discharge mine equipment wash water (see instructions for definition)?  Yes  No  
 Will this site discharge suction dredge water (see instructions for definition)?  Yes  No  
 H. Provide the latitude and longitude (to the nearest 15 seconds) of the site, and the name of the nearest receiving water body (ex: to unnamed tributary to Saluda River). If any answer in G. above is "yes", also list each outfall and the flow (in gallons per day).

Outfall Number or Storm Water	Flow (gallons per day)	Latitude			Longitude			Receiving Waters
		Deg	Min	Sec	Deg	Min	Sec	
N/A	max 200k/min 80K	32	96	35	79	66	49	unnamed tributary to Atlantic
								Intracoastal Waterway

- I. Describe the discharge flow path from the point it exits the system to the point it enters the receiving water (attach a separate sheet if more space is needed). Please note, if applicable, that easements have been obtained for any conveyances of the discharge not on property of the permittee, which are not waters of the State.

Discharge water from the mine pit will exit the retention pond via culvert beneath the mine access road and outfall to existing ditch system within parent parcel wholly owned by applicant. Discharge water will flow through existing silvicultural ditch system, beneath Seewee Road, and thence to an unnamed tributary that outfalls into the Atlantic Intracoastal Waterway northeast of the project site.

- J. Locate the site and any discharges on a U.S. Geological Survey 7½ minute quad sheet. An 8½ x 11 copy of the portion of the map with the site and the discharge identified should be submitted with this NOI.

USGS Map Quadrant Name: Seewee Bay, SC

- K. Provide a map of the site that shows the following:
- The property boundary and all areas that will be affected by mining activities (i.e. the pits or excavation areas, overburden areas, material stockpiles, etc.)
  - Location of planned access and haul roads on the area to be affected.
  - Location and name (if appropriate) of streams, lakes, wetlands and existing drainage ditches within the area to be permitted. Use arrows to indicate direction of water flow in such streams and drainage ditches.
  - A legend showing the name of applicant, name of the proposed mine, north arrow, county, scale, date of preparation and name and title of the person who prepared the site map.
- L. Describe all operations that contribute wastewater to the discharge and any treatment that is provided. Attach any existing data on the quality of the discharge.

The operation contributing wastewater to the discharge is limited to mine pit de-watering only. Measures described in the attached, approved C.A.P. associated with existing SCG731329 will be adhered to for meeting discharge pH requirements of the issued permit.

- M. Use the space below to bring to the Department's attention any additional information you feel should be considered in the permit decision. Attach an additional sheet if necessary.

The proposed discharge flow path is the same as existing SCG731329 and methodology of discharge water entering the existing silvicultural ditch system is consistent with the existing GP-1. The location of the new retention pond and pump are identified on the attached mine drawings.

#### IV. Certification

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 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.

Print Name: KENG TRACT LLC  
JASON A. SMITHGALL ~~VICE PRESIDENT~~ OF MANAGER Title: VP OF M

Signature: [Handwritten Signature] VP OF M Date: 1/31/20

PORTION OF SEWEE BAY, SC USGS QUADRANGLE MAP PROVIDED BY SCDNR



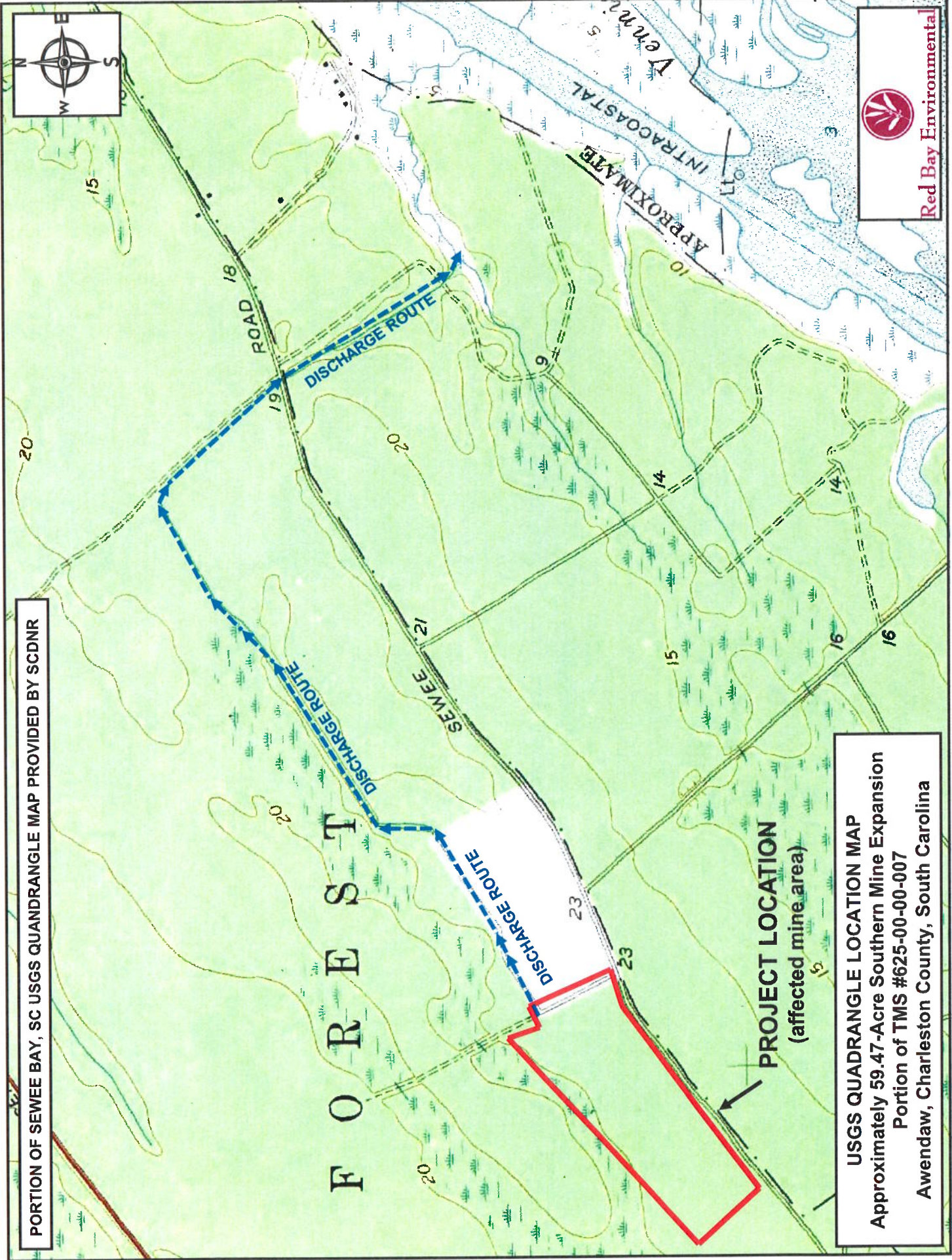
**PROJECT LOCATION**



**USGS QUADRANGLE LOCATION MAP**  
Approximately 59.47-Acre Southern Mine Expansion  
Portion of TMS #625-00-00-007  
Awendaw, Charleston County, South Carolina



**Red Bay Environmental**



PORTION OF SEWEE BAY, SC USGS QUADRANGLE MAP PROVIDED BY SCDNR

**USGS QUADRANGLE LOCATION MAP**  
Approximately 59.47-Acre Southern Mine Expansion  
Portion of TMS #625-00-00-007  
Awendaw, Charleston County, South Carolina



# FRANCIS MARION FOREST

**PROJECT AREA**  
2,590,545.7 sq.ft.  
59.47 acres

**PHASE 1**  
5.0 acres

**KING TRACT**  
TMS 625-00-00-007  
(±1,329 acres)

**SEEWEE ROAD**

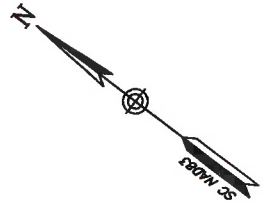
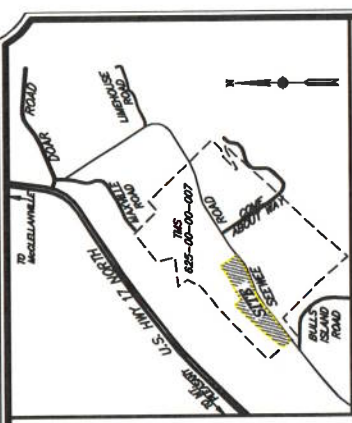
**FUTURE MINE RESERVES AND SILVICULTURAL/AGRICULTURAL MANAGEMENT**  
(±1,090 acres)

**COME ABOUT WAY**

**FUTURE RESERVE LINE 100' POWERLINE EASEMENT**

**RESIDUAL PORTION OF KING TRACT**

**RESIDUAL PORTION OF KING TRACT**



**SITE SUMMARY**

PHASE 1 (EX. MINE) (GPI-002089)	5.0 acres
PERMITTED AREA	59.47 acres
PROPOSED MINE AREA	50.41 acres
BUFFER AREA/UND. WET	9.36 acres
WETLAND EXCAVATION	3.46 acres
FUTURE RESERVE AREA (BUFFER AREA)	1,090 acres (114 acres)
<b>TOTAL TMS 625-00-00-007</b>	<b>1,329 acres</b>

**OVERALL 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: NOVEMBER 11, 2019

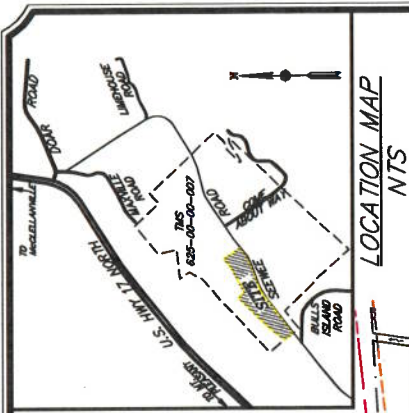
SCALE: 1" = 1,500'

**TIM ELMER RLS, LLC**

523 MAN O WAR LANE  
MONCK'S CORNER, SC 29461  
Phone: (843) 482-0795  
Text: (843) 693-0795  
TDElmer1@aol.com

**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.

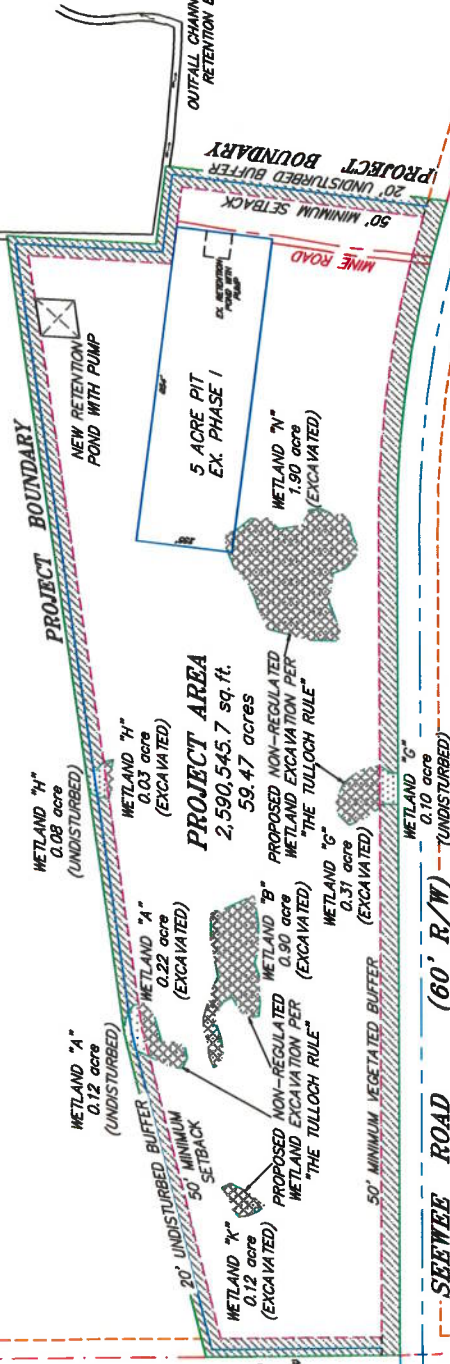


**FRANCIS MARION FOREST**

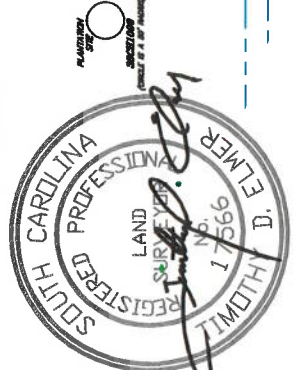
**KING TRACT**  
TMS 625-00-00-007  
(±1,329 acres)

OUTFALL CHANNEL FROM RETENTION BASIN

FUTURE MINE RESERVES AND SILVICULTURAL/AGRICULTURAL MANAGEMENT (±1,090 acres)



**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



**FRANCIS MARION FOREST**

**SITE SUMMARY**

PHASE I (EX. MINE)	5.0 acres
PERMITTED AREA	59.47 acres
PROPOSED MINE AREA	50.41 acres
BUFFER AREA/UND. WET	9.36 acres
WETLAND EXCAVATION	3.48 acres
FUTURE RESERVE AREA (BUFFER AREA)	1,090 acres (114 acres)
<b>TOTAL TMS 625-00-00-007</b>	<b>1,329 acres</b>

**PHASE II EXPANSION AREA 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: NOVEMBER 19, 2019

SCALE: 1" = 500'





## 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](mailto: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 ongoing 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:

- 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](mailto: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,

A handwritten signature in black ink, appearing to read 'J. Goff', enclosed within a hand-drawn oval.

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](mailto: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



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 Lin 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**



**Red Bay Environmental**