



Case # BZA-08-22-00607

Charleston County BZA Meeting of October 3, 2022

Applicant/Property Owner: Gervais Hills of Acorn Haven, LLC
(Owner of TMS # 275-00-00-074, -075, and -292)

Property Owner: Jimmie Harold McCants
(Owner of TMS # 275-00-00-051)

Representative: Mike Johnson of Three Oaks Contractors, Inc.

Property Location: 3290 Joe Wright Road, 2954 and 2986 Edenvale Road and
3053 Edenborough Road – Johns Island

TMS#: 275-00-00-051, -074, -075, and -292

Zoning District: Agricultural Residential (AGR) and Rural Agricultural (AG-8)
Zoning Districts

Request: Special Exception request for the establishment of a Resource
Extraction/Mining use in the Agricultural Residential (AGR) and
Rural Agricultural (AG-8) Zoning Districts.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.3 Use Types, §6.3.3 Special Exception Uses states, "An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance." Table 6.1.1, Use Table indicates resource extraction in the AGR and AG-8 Zoning Districts is a use type allowed only if it complies with use-specific conditions of §6.4.14, all other applicable regulations of this Ordinance and is approved by the BZA as a Special Exception. Article 6.4 Use Conditions, §6.4.14 Resource Extraction, A. Applications states, "All uses involving Resource Extraction shall complete the Site Plan Review process and obtain a Zoning Permit. Prior to Site Plan Review approval, the applicant shall receive approval or written documentation of exemption from the South Carolina Department of Health and Environmental Control (SCDHEC). B. Special Exceptions: "Resource Extraction uses that do not meet the conditions below shall comply with the Special Exception procedures of this Ordinance and all requirements of sub-section A. Applications, above, shall apply. The applicant shall receive Special Exception approval and approval from SCDHEC, prior to Site Plan Review approval. The Board of Zoning Appeals may, on a case-by-case basis, also require conditions of approval, including but not limited to, requiring the excavation area be screened and that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed."



Table 6.1.1, Use Table

Land Uses	ZONING DISTRICTS																	Condition			
	RM	AG 15	AG 10	AG 8	AGR	RR3	S3	R4	M8	M 12	MHS	MHP	OR	OG	CN	CR	CT		CC	I	
Slaughter House and Meat Packing																				S	
Stone or Shell Products Manufacturing																		C	S	§ 6.4.57	
Tobacco Products Manufacturing																				A	
Toy or Artwork Manufacturing			C	C	C												C	C	C	A	§ 6.4.57
Watercraft (Commercial or Recreational) Manufacturing, including Related Parts																				A	
Wood Products Manufacturing			C	C	C												C	C	C	A	§ 6.4.57
Other Miscellaneous Manufacturing and Production			C	C	C												C	C	C	A	§ 6.4.57
WAREHOUSE AND FREIGHT MOVEMENT																					
Warehouse and Distribution Facilities																				A	
Cold Storage Plants																				A	
Freight Container Storage Yards, excluding Fuel Storage Facilities																				C	§ 6.4.52
Freight Forwarding Facilities, including Truck Terminals, Marine Terminals, or Packing and Crating Facilities																			C	C	§ 6.4.49
Fuel Storage Facilities, excluding Nuclear Fuels																				A	
Household Moving Storage																				A	
Grain Terminals and Elevators																				A	
Parcel Services																				A	
Retail Store Warehouses																				A	
Stockpiling of Sand, Gravel, or other Aggregate Materials																				A	
Storage of Weapons or Ammunition																				S	
OTHER USES																					
RECYCLING SERVICES																					
Recycling Center																				A	
Recycling Collection, Drop-Off	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	A	§ 6.4.55
RESOURCE EXTRACTION/MINING																					
Resource Extraction/Mining, including Borrow Pits, Mining, Oil or Gas Extraction, Quarries, or Sand or Gravel Operations	S	S	S	S	S	S														S	§ 6.4.14
TRANSPORTATION																					



Table 6.1.1, Use Table

Land Uses	ZONING DISTRICTS																	Condition			
	RM	AG 15	AG 10	AG 8	AGR	RR3	S3	R4	M8	M 12	MHS	MHP	OR	OG	CN	CR	CT		CC	I	
Aviation, including Private Air Strips	S	S	S	S																C	§6.4.56
Railroad Facility																				A	
Sightseeing Transportation, Land or Water	S	S	S	S												A			A	A	Art. 5.3
Taxi or Limousine Service															A	A			A	A	
Urban Transit Systems																				A	
Water Transportation, including Coastal or Inland Water Passenger Transportation			S	S		S									A	A			A	A	Art. 5.3

Effective on: 10/20/2020, as amended

ARTICLE 6.2 DEFINITIONS

All of the types of uses listed in the Table 6.1-1 are defined in CHAPTER 12.

Effective on: 11/20/2001, as amended

ARTICLE 6.3 USE TYPES

This Article explains how to interpret Table 6.1-1, Use Table. The top of Table 6.1-1 contains the Zoning Districts and left side of the table contains the use types. Under the hierarchy established by this Ordinance, the RM district is the least intensive base zoning district, while the I district is the most intensive base zoning district. The uses listed in Table 6.1-1 are permitted or not permitted in each Zoning District according to the letter coding described in Sections 6.3.1 through 6.3.5 below.

§6.3.1 A Uses Allowed by Right

An "A" indicates that a use type is allowed by right in the respective zoning district, subject to compliance with all other applicable regulations of this Ordinance. A Use Allowed by Right is defined in CHAPTER 12 of this Ordinance as a principal use allowed without the requirement of a Special Exception.

Effective on: 11/20/2001, as amended

§6.3.2 C Uses Subject to Conditions

A "C" indicates that a use type is allowed in the respective zoning district only if it complies with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1. The number provides a cross-reference to the use-specific conditions contained in this Chapter.

Effective on: 11/20/2001, as amended

§6.3.3 S Special Exception Uses

An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance. A cross-reference to the applicable conditions can be found in the "Condition" column of Table 6.1-1. The number provides a cross-reference to the use-specific conditions contained in this Chapter.



§6.4.14 Resource Extraction

A. Applications

All uses involving Resource Extraction shall complete the Site Plan Review process and obtain a Zoning Permit. Prior to Site Plan Review approval, the applicant shall receive approval or written documentation of exemption from the South Carolina Department of Health and Environmental Control (SCDHEC).

B. Special Exceptions

Resource Extraction uses that do not meet the conditions below shall comply with the Special Exception procedures of this Ordinance and all requirements of sub-section A. Applications, above, shall apply. The applicant shall receive Special Exception approval and approval from SCDHEC, prior to Site Plan Review approval. The Board of Zoning Appeals may, on a case-by-case basis, also require conditions of approval, including but not limited to, requiring that the excavation area be screened and that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed.

C. Special Exception Exemptions for Residential and Bona Fide Agricultural Uses

Excavation or grading activities solely for residential use, recreational use, or Bona Fide Agricultural Use shall be exempt from the Special Exception procedures of this Ordinance if the use complies with all of the following conditions:

1. The resource extraction operation shall be limited to one (1) year;
2. The resource extraction operation shall not be located within 50 feet of any property boundary and/or within 250 feet of any building intended for human occupancy existing at the time of permit application;
3. The resource extraction operation shall be two (2) acres or less, provided that the total accumulated area(s) dedicated to resource extraction uses on a parcel is less than five (5) acres. The Special Exception procedures of this Ordinance shall apply if the total accumulated resource extraction area is greater than five (5) acres; and
4. No more than one (1) resource extraction use shall be permitted on the same property within one (1) year from the date of Zoning Permit approval for a previous resource extraction use.

D. Plat Alternative for Bona Fide Agricultural Uses

The Planning Director may waive the requirement that an approved and recorded plat of the subject property be submitted as part of a resource extraction application for a Bona Fide Agricultural Use when the proposed use complies with all of the conditions of sub-section C, above, and a scaled survey, scaled aerial photograph, or print of equal quality is submitted.

E. Special Exception Exemption for Solid Waste Disposal Facility

Excavation or grading activities required to prepare, operate, or close a permitted solid waste disposal facility site shall be exempt from the Special Exception procedures of this Ordinance.

Effective on: 5/4/2010, as amended

§6.4.15 Restaurants, Bars and Lounges Serving Alcoholic Beverages

All proposed bars, lounges and restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a lot in a residential zoning district or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district.

Effective on: 11/20/2001, as amended

§6.4.16 Self-Service Storage (Mini-Warehouse) Facility

Self-Service Storage facilities shall be subject to the following standards.

A. Performance Standards

1. Front Setback

All structures, including the accessory manager's office/apartment, must be set back a minimum of 25 feet from the right-of-way or the district minimum setback, whichever is greater.

CASE # BZA-08-22-00607 AND BZA-08-22-00608
TMS # 275-00-00-051, 275-00-00-074,
275-00-00-075, AND 275-00-00-292

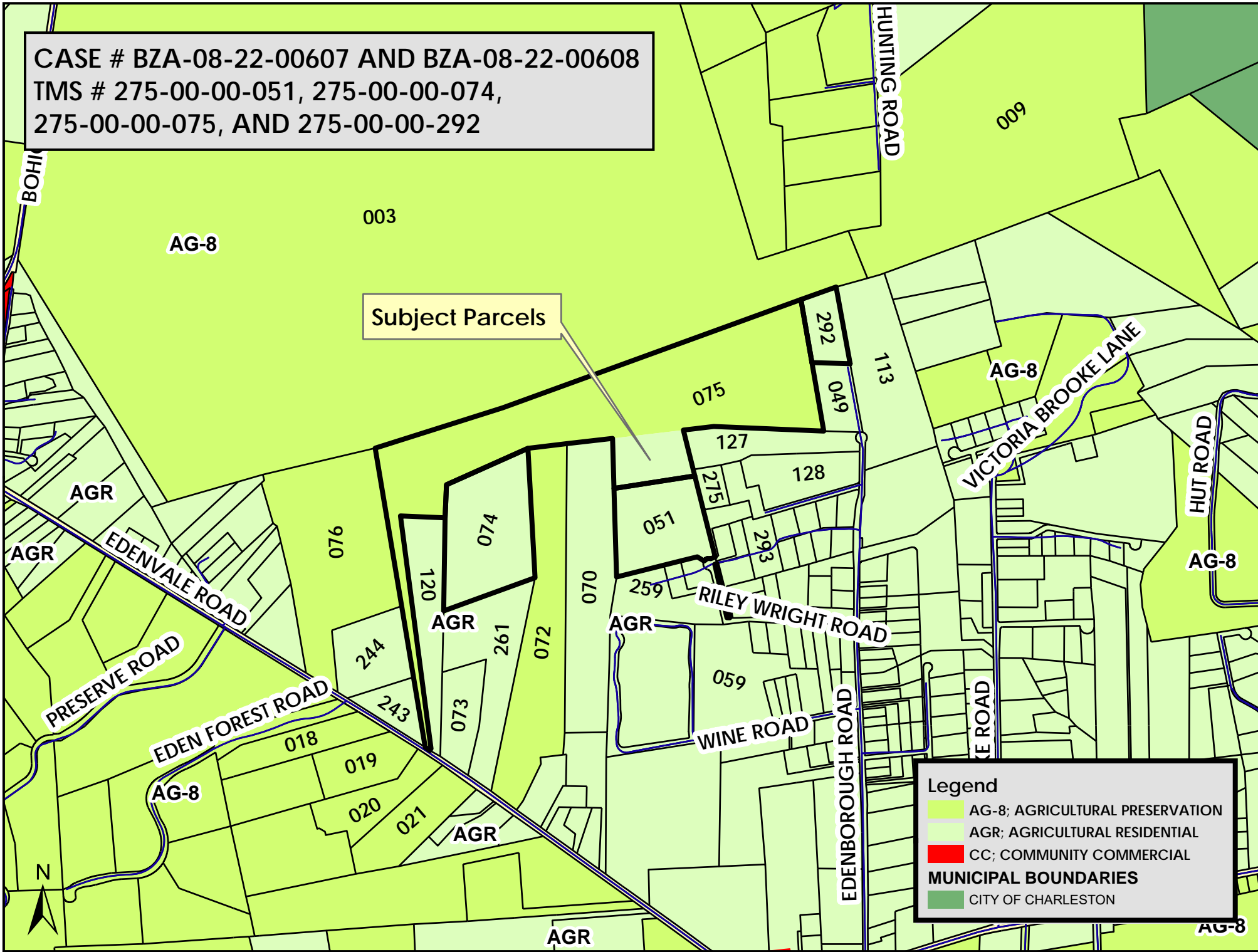
Subject Parcels

Legend

- AG-8; AGRICULTURAL PRESERVATION
- AGR; AGRICULTURAL RESIDENTIAL
- CC; COMMUNITY COMMERCIAL

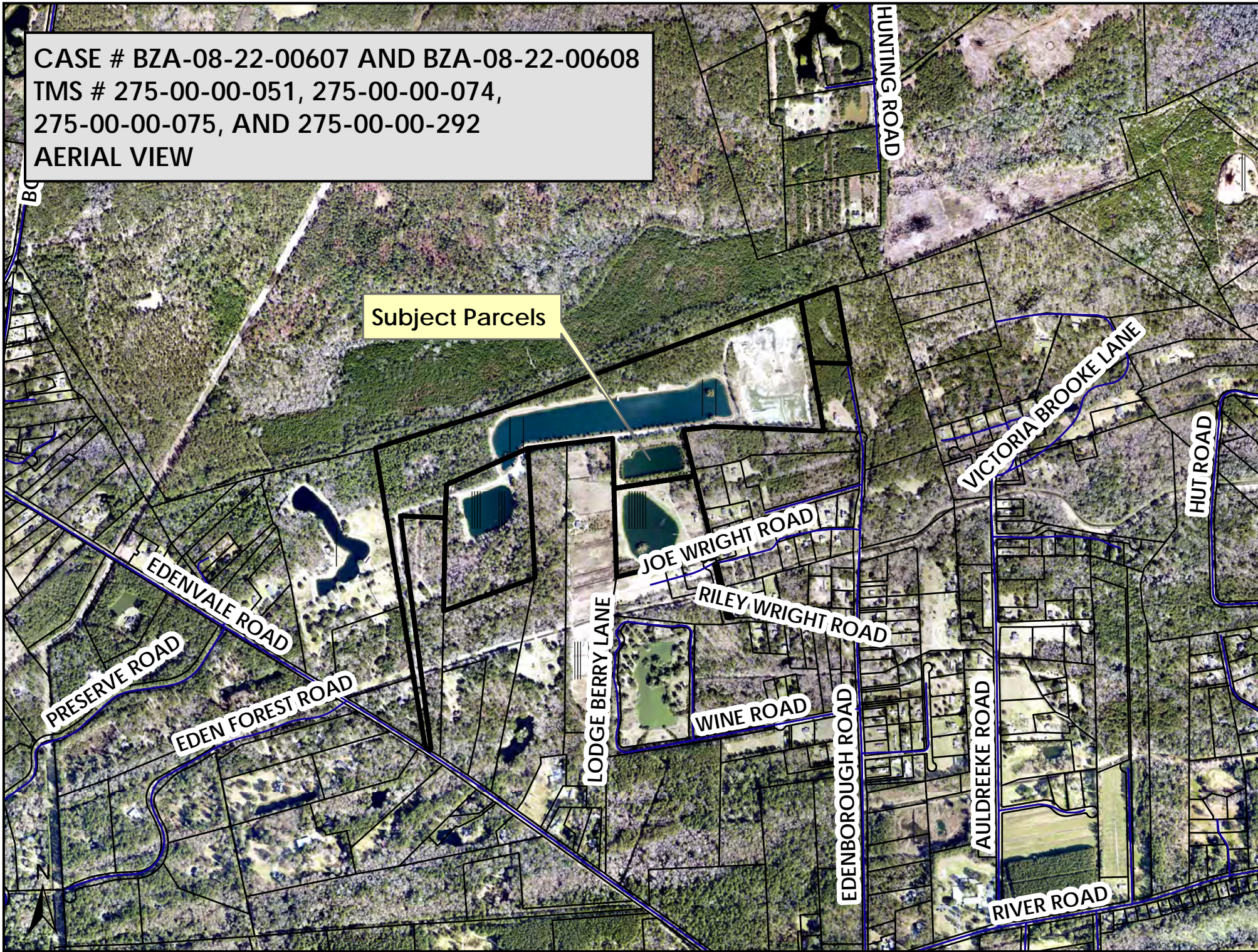
MUNICIPAL BOUNDARIES

- CITY OF CHARLESTON



CASE # BZA-08-22-00607 AND BZA-08-22-00608
TMS # 275-00-00-051, 275-00-00-074,
275-00-00-075, AND 275-00-00-292
AERIAL VIEW

Subject Parcels





BOHICKET RD

EDENVALE RD

PRESERVE RD

EDEN FOREST RD

LODGE BERRY LN

JOE WRIGHT RD

WINE RD

EDENBOROUGH RD

CAROLINE LN

AUDREEKE RD

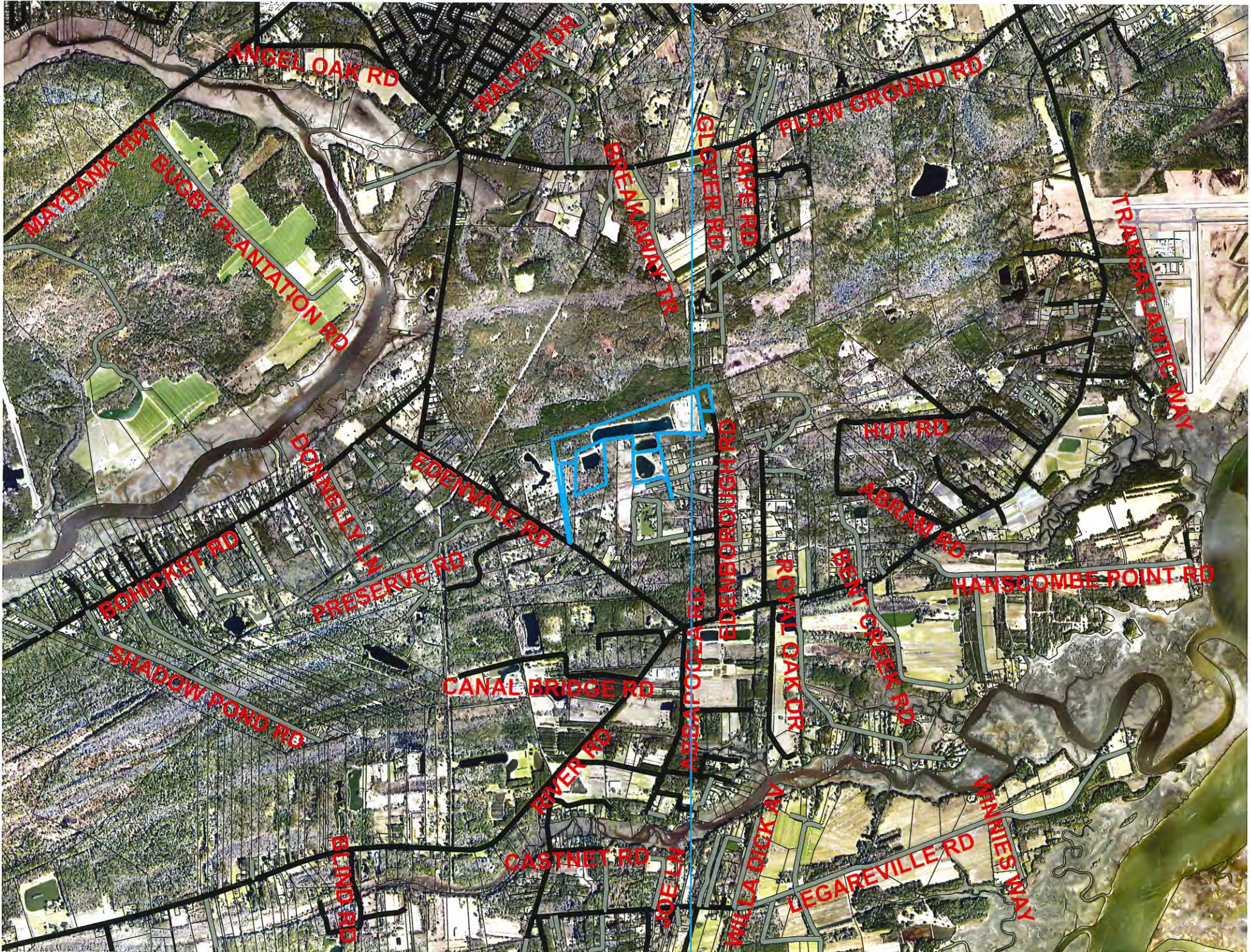
RIVER RD

FRANK GEDDES DR

JENNIFER RD

VICTORIA BROCKE LN

TIMOTHY SIMMONS RD



Case # BZA-08-22-00607

BZA Meeting of October 3, 2022

Subject Property: Joe Wright Rd, Edenvale Rd, & Edenborough Rd – Johns Island

Proposal: Special Exception request for the establishment of a Resource Extraction/Mining use in the Agricultural Residential (AGR) and Rural Agricultural (AG-8) Zoning District.



Case # BZA-08-22-00608

BZA Meeting of October 3, 2022

Subject Property: Joe Wright Rd, Edenvale Rd, & Edenborough Rd – Johns Island

Proposal: Variance request to reduce the required 100' (Industrial Type 2 land use buffer) by 50' to 50' for the proposed Resource Extraction/Mining use and by 90' to 10' for the mine haul road.



Subject Property Overall Mine Site



Subject Property Existing Haul Road



Subject Property

Pond Segments 1 - 4



Pond B2005 and A2015



Subject Property Segment B2007



Subject Property

Segments A2005 and A2010



Subject Property

Proposed Expansion to Segment 16



Proposed Segment 19



Subject Property

Proposed Segments 16 & 18



Subject Property

Proposed Segments 16 & 18



Subject Property

Proposed Segments 16 & 18



Subject Property

Proposed Segment 22



Subject Property

TMS # 275-00-00-051



Staff Review:

The applicant and property owner, Gervais Hills of Acorn Haven, represented by Mike Johnson of Three Oaks Contractors, Inc., is requesting a Special Exception for the establishment of a Resource Extraction/Mining use in the Agricultural Residential (AGR) and Rural Agricultural (AG-8) Zoning District at 3290 Joe Wright Road, 2954 and 2986 Edenvale Road, and 3053 Edenborough Road (TMS # 275-00-00-051, 275-00-00-074, 275-00-00-075 and 275-00-00-292) on Johns Island. The property owner of TMS # 275-00-00-051 is Jimmie Harold McCants. The subject properties and surrounding properties are located in the Agricultural/Residential (AGR) or the Rural Agriculture (AG-8) Zoning District.

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.3 Use Types, §6.3.3 Special Exception Uses states, "An "S" indicates that a use type is allowed only if reviewed and approved in accordance with the Special Exception procedures of this Ordinance, subject to compliance with use-specific conditions and all other applicable regulations of this Ordinance." Table 6.1.1, Use Table indicates resource extraction in the AGR and AG-8 Zoning Districts is a use type allowed only if it complies with use-specific conditions of §6.4.14, all other applicable regulations of this Ordinance and is approved by the BZA as a Special Exception. Article 6.4 Use Conditions, §6.4.14 Resource Extraction, A. Applications states, "All uses involving Resource Extraction shall complete the Site Plan Review process and obtain a Zoning Permit. Prior to Site Plan Review approval, the applicant shall receive approval or written documentation of exemption from the South Carolina Department of Health and Environmental Control (SCDHEC). B. Special Exceptions: "Resource Extraction uses that do not meet the conditions below shall comply with the Special Exception procedures of this Ordinance and all requirements of sub-section A. Applications, above, shall apply. The applicant shall receive Special Exception approval and approval from SCDHEC, prior to Site Plan Review approval. The Board of Zoning Appeals may, on a case-by-case basis, also require conditions of approval, including but not limited to, requiring the excavation area be screened and that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed."

Currently, the four (4) subject properties are in the Site Plan Review process (ZSPR-07-21-00623) for the development of the proposed resource extraction use. The requests include current active areas, retroactive, and planned future expansions. The four properties combined are 110.25 acres with 60.88 acres of total affected area. The applicant's letter of intent explains, "*Special Exception approval is requested to address the zoning use deficiencies identified in the Site Plan Review comments for application #ZSPR-07-21-00623 dated July 8, 2022. This request will include retroactive approval for areas where mining has been completed, approvals for current excavation that has been stopped as well as approval for future segments planned for resource extraction. A breakdown of the varieties is below:*

- *RetroactiveRequests*
 - A. *3.87 acre unpermitted increase to mine segments 1-4 (parcel 074) and 5-14 (parcel 075)*
 - B. *3.47 acre unapproved mine segment B2007 (parcel 075)*
 - C. *5.81acre unapproved mine segments A2015 & B2005 (parcel 051)*
- *Current Active Areas (parcel075)*
 - A. *Segment 15: 2.75 acres*

- B. Segment 16 / A2005: 9.43 acres
- C. Segment A2010: 8.41 acres
- Planned Future Expansions
 - A. Mine segments 18 & 19 (parcel 075)
 - B. Mine segment 22 (parcel 075 & 292)

The applicant's letter of intent explains, "The Chicken Farm mine has been in operation by Three Oaks Contractors since January of 1998 once the Charleston County Planning Board issued their approval of the conditional use permit (CUP #1280-P) on December 16, 1997. The mine operating permit (#I-001129) was issued by SCDHEC Division of Mining & Solid Waste Permitting on October 13, 1997. All mining activity performed (Clearing, site preparation, excavation, dewatering, discharge management, hauling, etc..) has been and will continue to be per the conditions and regulations set forth in the permit approvals. Each mine segment described above went through the permitting process with the mining division of SCDHEC and with each issued Mine Modification, the conditions set forth in the approval were reinforced. For over two decades this mine has operated in the community without incident and the included letters of support from neighboring property owners are evidentiary of this. An unintentional oversight led to the exclusion of this Board from the mine expansion process. All modification submissions prior to 2019 were prepared by the property owner. For the initial expansion (Modification 02-1), the property owner was under the impression that the conditional use approval that was granted would be applicable to the entirety of the parcels involved and when an inquiry of the process to add mining segments was made to the Mining division of SCDHEC, the property owner was told only of the requirements necessitated by Mining. The omission of involvement of Charleston County for the expansion was an honest oversight that was unfortunately repeated for each subsequent mine modification. Through the submission of this application, we are seeking to bring the mine into full compliance with Charleston County."

The applicant is also requesting a Variance (Case # BZA-08-22-00608) to reduce the required 100' (Industrial Type 2 land use buffer) by 50' to 50' for the proposed Resource Extraction/Mining use and by 90' to 10' for the mine haul road.

Staff conducted site visits on September 15, 2022 and September 16, 2022. Please review the attachments for further information regarding this request.

Planning Director Review and Report regarding Approval Criteria of §3.6.5:

§3.6.5(1): *Is consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district "Description";*

Response: **The subject properties are located in the Rural Area and implement the Rural Area policies and Agricultural Residential future land use category of the Charleston County Comprehensive Plan. Per the Plan, "By-right uses include residential development, agriculture, and other uses necessary to support the viability of agriculture." The applicant's letter of intent states, "The proposed use is consistent with the original Conditional Use approval granted in 1997. Per the reclamation plans filed with SCDHEC, the mined areas are all set to be returned to either ponds or grasslands, thus remaining**

available for Agricultural Preservation in the form of undeveloped open spaces and wooded areas. The allowance of the continuation of the mining use provides an appropriate public service in the form of providing a needed source for soil materials that benefits the local Johns Island community." **Thus, the request may meet this criterion.**

§3.6.5(2): *Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;*

Response: **The proposed use may be compatible with existing uses in the vicinity and may not adversely affect the welfare or character of the immediate community. The applicant's letter of intent states, "The proposed use has been in action since 1997 without incident and has not had a detrimental effect on the character of the immediate community, as stated in several letters of support from adjoining property owners." Therefore, the request may meet this criterion.**

§3.6.5(3): *Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;*

Response: **The project is currently in the Site Plan Review process to ensure compliance with the Ordinance. However, as previously mentioned the applicant is also requesting a buffer variance (Case # BZA-08-22-00608). Therefore, the request may not meet this criterion. However, the applicant's letter of intent contends, "Wooded buffers are in place along the overall mine boundary, varying in width from 50' to 100'. Earthen berms are present in some areas where vegetation was absent. The presence of these features limits the listed impacts (noise/dust/glare/odor) to adjacent properties. The average number of hauls from this site is +/- 20 per day, which does not constitute a significant impact to traffic the local roadways (Edenvale, Bohicket, & River roads). Working hours of 7:00 - 5:00 Monday - Saturday have been and will continue to be observed.**

§3.6.5(4): *Where applicable, will be developed in a way that will preserve and incorporate any important natural features;*

Response: **The proposed plan for the resource extraction use preserves and incorporates important natural features. The applicant's letter of intent states, "With the exception of the proposed mining expansion areas, no further development is planned for these parcels. As stated, the reclamation plans filed with SCDHEC call for ponds and grasslands at the conclusion of the mining operation for each mine segment. The intention is to continue to utilize these completed ponds, grassland and wooded areas for private recreational activities such as boating, skiing, swimming, hunting & fishing." Therefore, the request meets this criterion.**

§3.6.5(5): *Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and*

Response: **The applicant is currently in the Site Plan Review process to ensure compliance with the applicable requirements of this Ordinance and to**

coordinate with other pertinent regulatory agencies such as SCDHEC. The applicant's letter of intent states, "Approval was granted for resource extraction/mining for parcels 074 & 075 in 1997. The additional subsequent segments have been expansions of the original mine, therefore the 2.5 mile requirement of Section 6.4.14 B.1 should not be applicable. 6.4.14 B.2 - Direct access to Edenvale Road is in place. 6.4.14 B.3 - A sign has been in place since mine operation began in 1997. 6.4.14 B.4-A minimum of 50' of buffer has been observed and at the time of excavation, no dwelling was within 250'. 6.4.14 B.5 - Some berms exist, additional berming can be added if necessary. 6.4.14 B.6 - Hours of operation are 7:00 - 5:00 Monday - Saturday. **Therefore, the request may meet this criterion.**

§3.6.5(6): Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Response: **Vehicular traffic and pedestrian movement on adjacent roads may not be hindered or endangered. The applicant's letter of intent states,** "appropriate signage (stop sign) is present at the intersection of the mine access road and Edenvale Road. Pedestrian travel along Edenvale Rad at the mine location is limited and restricted to the road shoulders or the travel lane, as no sidewalks are present." **Therefore, the request may meet this criterion.**

Board of Zoning Appeals' Action:

According to Article 3.6 Special Exceptions, Section §3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), (adopted July 18, 2006), Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §3.6.5A.

In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§3.6.5B).

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-08-22-00607, [Special Exception request for the establishment of a Resource Extraction/Mining use in the Agricultural Residential (AGR) Zoning District and Rural Agricultural (AG-8) Zoning District at 3290 Joe Wright Road, 2954 and 2986 Edenvale Road, and 3053 Edenborough Road (TMS # 275-00-00-051, 275-00-00-074, 275-00-00-075 and 275-00-00-292) on Johns Island in Charleston County], based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

- 1. Prior to zoning permit approval, the applicant shall complete the Site Plan Review process.**
- 2. The days and hours of operation for this project shall not exceed Monday through Saturday, 7:00 am to 5:00 pm.**

3. The applicant/property owner(s) shall obtain all applicable (zoning and building permits) for unpermitted building and structures.
4. The applicant shall provide a 100' land use buffer along parcel 275-00-00-076 (Segment 19).
5. The applicant shall be responsible for any damage to roads associated with the resource extraction and coordinate with the State in maintaining and repairing the roads as necessary.
6. The applicant shall provide fertilization treatments for Grand Trees located at project haul roads.
7. The applicant shall install chain link tree barricades at the drip line of all Grand Trees within 40' the total mine and disturbance area. These barricades are meant to aid in the preservation of these protected trees and shall be in place at all times during construction. The barricades shall be inspected and approved by County Staff prior to issuing the Zoning Permit to start construction of this proposed resource extraction.
8. The applicant or owner shall post an all-weather sign on the haul road entrance gate visible from the Edenvale Road Right-of-Way listing the name and contact information of the mine operator. This person listed will serve as a contact for this project, in case there are any compliance issues that arise during the mining operation.
9. Any further mine expansion or changes will require review and approval from the Board of Zoning Appeals.



SPECIAL EXCEPTION APPLICATION
Charleston County Board of Zoning Appeals (BZA)

Property Information			
Subject Property Address: 2986 Edenvale Road			
Tax Map Number(s): 275-00-00-074, 075 & 292			
Current Use of Property: Agricultural			
Proposed Use of Property: Resource Extraction			
Applicant Information (Required)			
Applicant Name (please print): Gervais Hills			
Name of Company (if applicable): Acorn Haven, LLC			
Mailing Address: PO Box 409			
City: Ravenel	State: SC	Zip Code: 29470	
Email Address: ghills@3oakscontractors.com		Phone #: 843-564-1315 Ext 225	
Applicant Signature: <i>[Signature]</i>		Date: 3-21-2022	
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: Mike Johnson / Three Oaks Contractors, Inc.			
Mailing Address: PO Box 409			
City: Ravenel	State: SC	Zip Code: 29470	
Email Address: mjohnson@3oakscontractors.com		Phone #: 843-564-1315 Ext 234	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print):			
Name of Company (if applicable, LLC etc.):			
Property Owner(s) Mailing Address:			
City:	State:	Zip Code:	Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
FOR OFFICE USE ONLY:			
Zoning District: ABR + A6-8	Flood Zone: X (658 + 666k)	Date Filed: 8/19/2022	Fee Paid: \$250 # 72712
Application #: BZA-08-22-00607	TMS #: 275-00-00-074, -075, and, -292	Staff Initials: jji	



SPECIAL EXCEPTION APPLICATION
Charleston County Board of Zoning Appeals (BZA)

Designation of Agent

Property Information			
Subject Property Address: 3290 Joe Wright Road			
Tax Map Number(s): 275-00-00-051			
Current Use of Property: Agricultural			
Proposed Use of Property: Resource Extraction			
Applicant Information (Required)			
Applicant Name (please print): Gervais Hills			
Name of Company (if applicable): Acorn Haven, LLC / Three Oaks Contractors, Inc.			
Mailing Address: PO Box 409			
City: Ravenel	State: SC	Zip Code: 29470	
Email Address: ghills@3oakscontractors.com		Phone #: 843-564-1315 Ext 225	
Applicant Signature: <i>[Signature]</i>			Date: 3-17-2022
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company:			
Mailing Address:			
City:	State:	Zip Code:	
Email Address:		Phone #:	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print): Jimmie Harold McCants			
Name of Company (if applicable, LLC etc.):			
Property Owner(s) Mailing Address: 3059 Maybank Highway			
City: Johns Island	State: SC	Zip Code: 29455	Phone #: 843-559-9182
Property Owner(s) Email Address:			
Property Owner(s) Signature: <i>Jimmie Harold McCants</i>			Date: 20 March 2022
FOR OFFICE USE ONLY:			
Zoning District: AGR	Flood Zone: X (666k)	Date Filed: 8/19/2022	Fee Paid: \$250
Application #: BZA-08-22-00607	TMS #: 275-00-00-051	Staff Initials: jhw	

Description of Request

Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

See attached addendum

Applicant’s response to Article 3.6 Special Exceptions, §3.6.5 Approval Criteria

Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 6 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.

1. Is the proposed use consistent with the recommendations contained in the Charleston County Comprehensive Plan and the character of the underlying zoning district “Purpose and Intent”? Explain:

The proposed use is consistent with the original Conditional Use approval granted in 1997. Per the reclamation plans filed with SCDHEC, the mined areas are all set to be returned to either ponds or grasslands, thus remaining available for Agricultural Preservation in the form of undeveloped open spaces and wooded areas. The allowance of the continuation of the mining use provides an appropriate public service in the form of providing a needed source for soil materials that benefits the local Johns Island community.

2. Describe how the proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community.

The proposed use has been in action since 1997 without incident and has not had a detrimental effect on the character of the immediate community, as stated in several letters of support from adjoining property owners.

3. Describe what adequate provisions have been or will be made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.

Wooded buffers are in place along the overall mine boundary, varying in width from 50' to 100'. Earthen berms are present in some areas where vegetation was absent. The presence of these features limits the listed impacts (noise/dust/glare/odor) to adjacent properties. The average number of hauls from this site is +/- 20 per day, which does not constitute a significant impact to traffic the local roadways (Edenvale, Bohicket, & River roads). Working hours of 7:00 - 5:00 Monday - Saturday have been and will continue to be observed.

4. If applicable, will the property be developed in a way that will preserve and incorporate any important natural features? Explain:

With the exception of the proposed mining expansion areas, no further development is planned for these parcels. As stated, the reclamation plans filed with SCDHEC call for ponds and grasslands at the conclusion of the mining operation for each mine segment. The intention is to continue to utilize these completed ponds, grassland and wooded areas for private recreational activities such as boating, skiing, swimming, hunting & fishing.

5. Explain how the proposed use complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance.

Approval was granted for resource extraction/mining for parcels 074 & 075 in 1997. The additional subsequent segments have been expansions of the original mine, therefore the 2.5 mile requirement of Section 6.4.14 B.1 should not be applicable. 6.4.14 B.2 - Direct access to Edenvale Road is in place. 6.4.14 B.3 - A sign has been in place since mine operation began in 1997. 6.4.14 B.4 - A minimum of 50' of buffer has been observed and at the time of excavation, no dwelling was within 250'. 6.4.14 B.5 - Some berms exist, additional berming can be added if necessary. 6.4.14 B.6 - Hours of operation are 7:00 - 5:00 Monday - Saturday.

6. Will the proposed use hinder or endanger vehicular traffic and pedestrian movement on adjacent roads? Explain:

No, appropriate signage (stop sign) is present at the intersection of the mine access road and Edenvale Road. Pedestrian travel along Edenvale Rad at the mine location is limited, and restricted to the road shoulders or the travel lane, as no sidewalks are present.

In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Addendum

Charleston County BZA Special Exception Application for 275-00-00-051, 074, 075 & 292 – Supplemental Attachment

Description of Request:

Special Exception approval is requested to address the zoning use deficiencies identified in the Site Plan Review comments for application #ZSPR-07-21-00623 dated July 8, 2022. This request will include retroactive approval for areas where mining has been completed, approvals for current excavation that has been stopped as well as approval for future segments planned for resource extraction. A breakdown of the varieties is below:

- Retroactive Requests
 - A. 3.87 acre unpermitted increase to mine segments 1-4 (parcel 074) and 5-14 (parcel 075)
 - B. 3.47 acre unapproved mine segment B2007 (parcel 075)
 - C. 5.81 acre unapproved mine segments A2015 & B2005 (parcel 051)
- Current Active Areas (parcel 075)
 - A. Segment 15: 2.75 acres
 - B. Segment 16 / A2005: 9.43 acres
 - C. Segment A2010: 8.41 acres
- Planned Future Expansions
 - A. Mine segments 18 & 19 (parcel 075)
 - B. Mine segment 22 (parcel 075 & 292)

Explanation of Retroactive Requests:

- A. The expansion of segments 5-14 was permitted through SCDHEC with mine modification 02-1 as segment 15 (2.75 acres) on the east and segment 17 (4.1 acres) on the west on August 12, 2003. The limits to Segments 1-4 were established in the field in a manner that excluded the necessity of any clearing, as the area was an existing open field. There is no intention of any expansion to the pond to gain the additional permitted area.
- B. Mine segment B2007 was approved by SCDHEC with mine modification 07-1 on December 12, 2007. Of the permitted 5.54 acres, only 3.47 were excavated and that excavation was completed in 2011. This segment is currently in reclamation and there are no plans for further excavation.
- C. The excavation was performed under the approval of SCDHEC Mining Permit I-01129 (Modification 05-1 & 05-2 initially and again with Modification 15-1) for the Chicken Farm Mine, operated by Three Oaks Contractors, Inc. in the form of segment B2005 for the 3.6 acre portion and A2015 for the 2.21 acre portion. An agreement was entered into with the property owner, at that time, whereby the owner desired a pond and in exchange for the mineral rights, the work was performed by the Chicken Farm Mine operator, Three Oaks Contractors, Inc. The property owner provided a plot plan (attached) while Three Oaks procured the necessary SCDHEC approvals amending the active mining permit to include additional area. These segments are currently in reclamation and there are no plans for further excavation.

Explanation of Active Areas:

Addendum

- A. The remainder of Segment 15 (1.1 acres, mine modification 02-1) is active with current excavation. No further clearing is scheduled and the backfill to grasslands for the eastern extremity will commence at the completion of the excavation. The western end of this segment will remain in its current reclamation state, as a portion of the 16.94 acre lake.
- B. Segment 16 (9.43 acres) was originally permitted through SCDHEC along with segments 15 & 17 with mine modification 02-1 on August 12, 2003. The reclamation practice for a portion of segment 16 was changed from pond to grasslands to allow for soil backfill with mine modification 05-2 on February 3, 2006. This newly defined area was assigned the label of A2005, to distinguish the completed excavation portion from the remaining permitted area. The reclamation process is currently ongoing within segment A2005.
- C. Segment A2010 (8.41 acres) was permitted through SCDHEC with mine modification 10-1 dated May 6, 2011. This segment is in the reclamation process of soil backfill and will lie in state as grasslands once reclamation is completed

Planned Future Expansions:

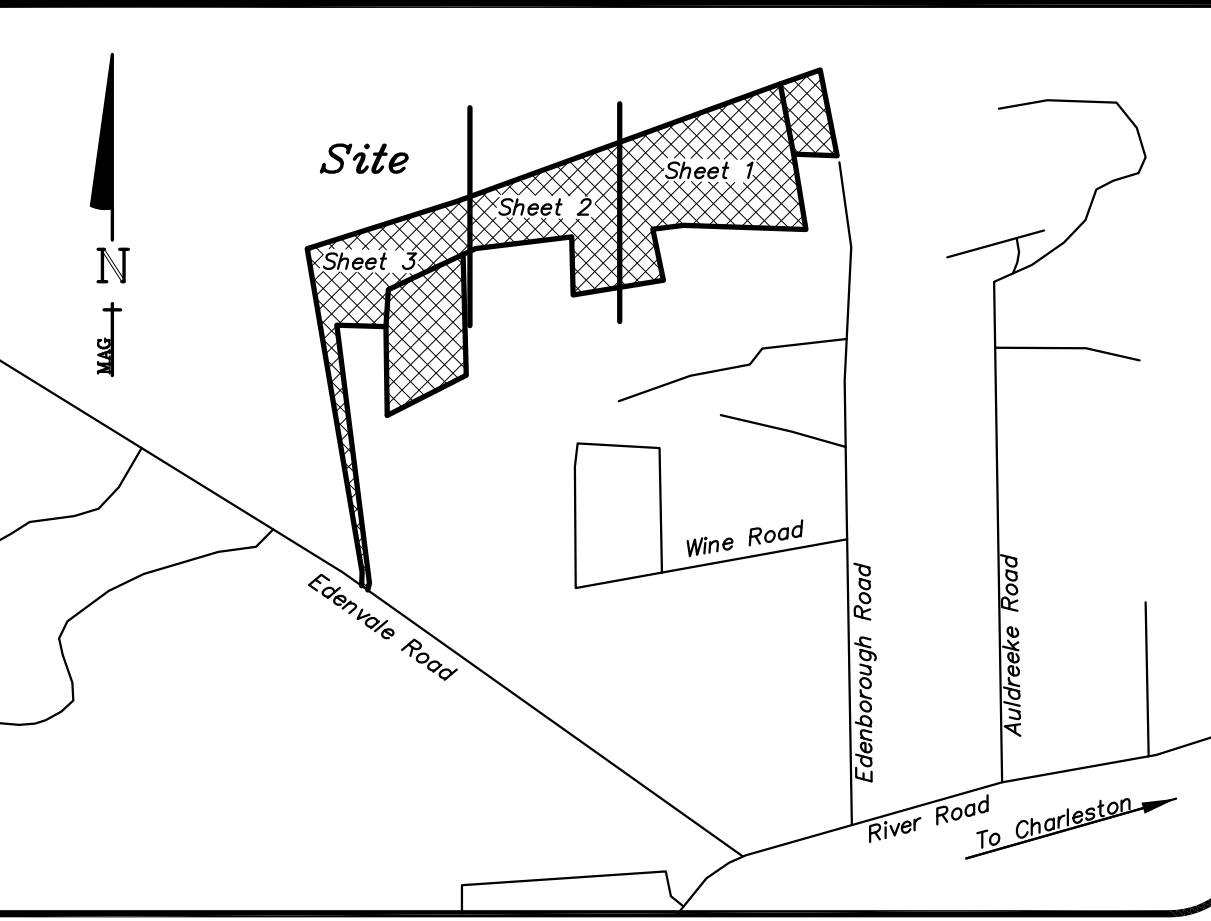
- A. Mine segments 18 & 19 have been permitted through SCDHEC with mine modification 19-1, dated April 2, 2020. Due to the realization of the necessity of County site plan approval, these areas are being reconfigured and will be finalized once Site Plan approval is gained. The mining permit with SCDHEC will be updated to reflect the new layout as well as the updated acreages. The planned excavation of these segments will follow all state mining regulations set forth in the mine operating permit and will not modify the current discharge offsite.
- B. The SCDHEC permitting process for segment 22 has been placed on hold, pending Site Plan approval. As with segments 18 & 19, along with the remainder of segment 16, any future mining activity will be per the state mining regulations as laid out by the operating permit

The Chicken Farm mine has been in operation by Three Oaks Contractors since January of 1998 once the Charleston County Planning Board issued their approval of the conditional use permit (CUP #1280-P) on December 16, 1997. The mine operating permit (#I-001129) was issued by SCDHEC Division of Mining & Solid Waste Permitting on October 13, 1997. All mining activity performed (Clearing, site preparation, excavation, dewatering, discharge management, hauling, etc..) has been and will continue to be per the conditions and regulations set forth in the permit approvals. Each mine segment described above went through the permitting process with the mining division of SCDHEC and with each issued Mine Modification, the conditions set forth in the approval were reinforced. For over two decades this mine has operated in the community without incident and the included letters of support from neighboring property owners are evidentiary of this. An unintentional oversight led to the exclusion of this Board from the mine expansion process. All modification submissions prior to 2019 were prepared by the property owner. For the initial expansion (Modification 02-1), the property owner was under the impression that the conditional use approval that was granted would be applicable to the entirety of the parcels involved and when an inquiry of the process to add mining segments was made to the Mining division of SCDHEC, the property owner was told only of the requirements necessitated by Mining. The omission of involvement of Charleston County for the expansion was an honest oversight that was unfortunately repeated for each subsequent mine modifications. Through the submission of this application, we are seeking to bring the mine into full compliance with Charleston County.

Addendum

Attachments

1. SM-1129-V6 – Approved Site Plan included with Modification 15-1 Showing all prior and currently active mine segment locations.
2. Mine Operating Permit #1129
3. Approved Mine Modification 02-1
4. Approved Mine Modification 05-1 & 05-2
5. Approved Mine Modification 07-1
6. Approved Mine Modification 10-1
7. Approved Mine Modification 15-1
8. Approved Mine Modification 19-1
9. Letter of Support – 275-00-00-051 – McCants
10. Letter of Support – 275-00-00-244 – Domin
11. Letter of Support – 275-00-00-243 – Porch Rockin’
12. Letter of Support – 275-00-00-076 – Mosimann



LOCATION MAP
N.T.S.

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General Property Survey
I, F. Steven Johnson, Jr., a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

Professional Seal: F. Steven Johnson, Jr., PE & PLS S.C. No. 25478
 F. Steven Johnson, Jr., PE & PLS S.C. No. 25478
 This plat not a valid, true copy unless bearing the raised, embossed seal of the surveyor.

Professional Seal: George A.Z. Johnson, Jr., Inc. Engineers Land Surveyors No. 000213
 George A.Z. Johnson, Jr., Inc. Engineers Land Surveyors No. 000213

LEGEND:

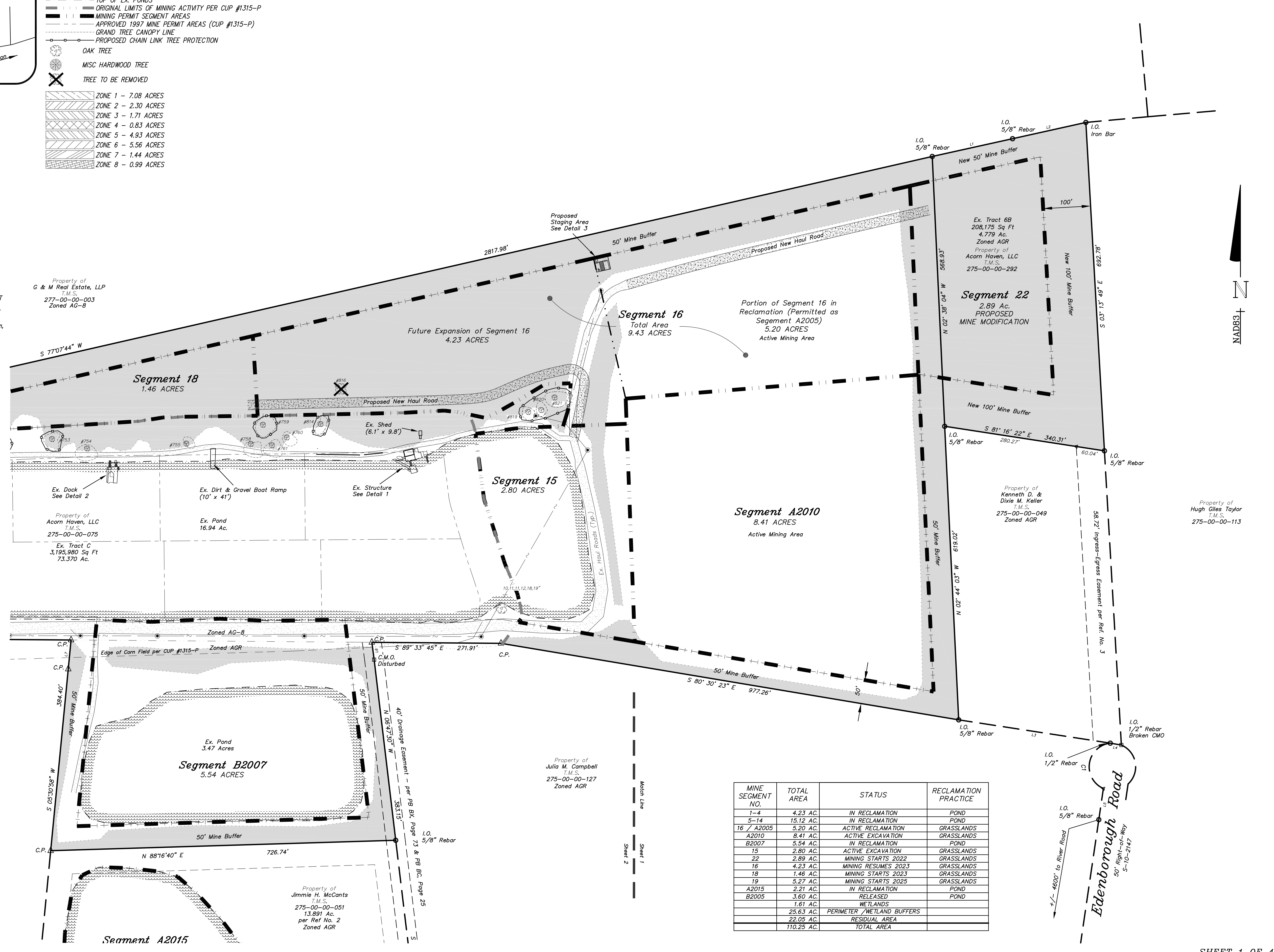
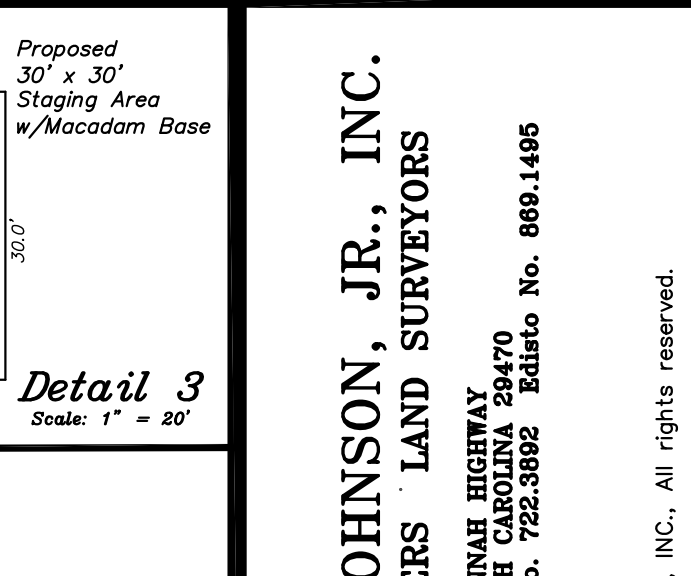
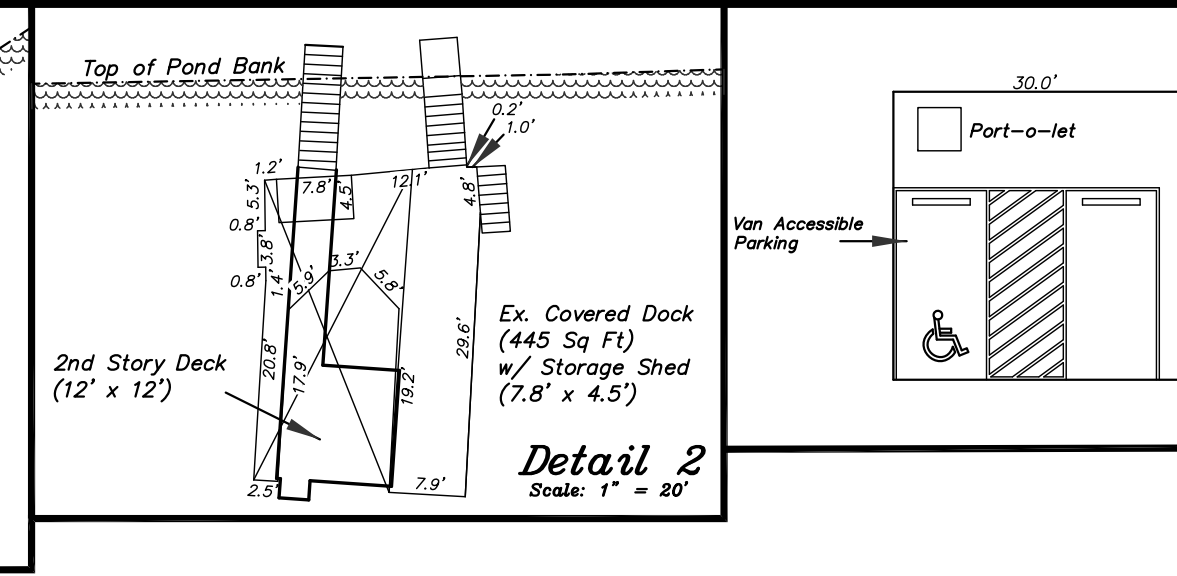
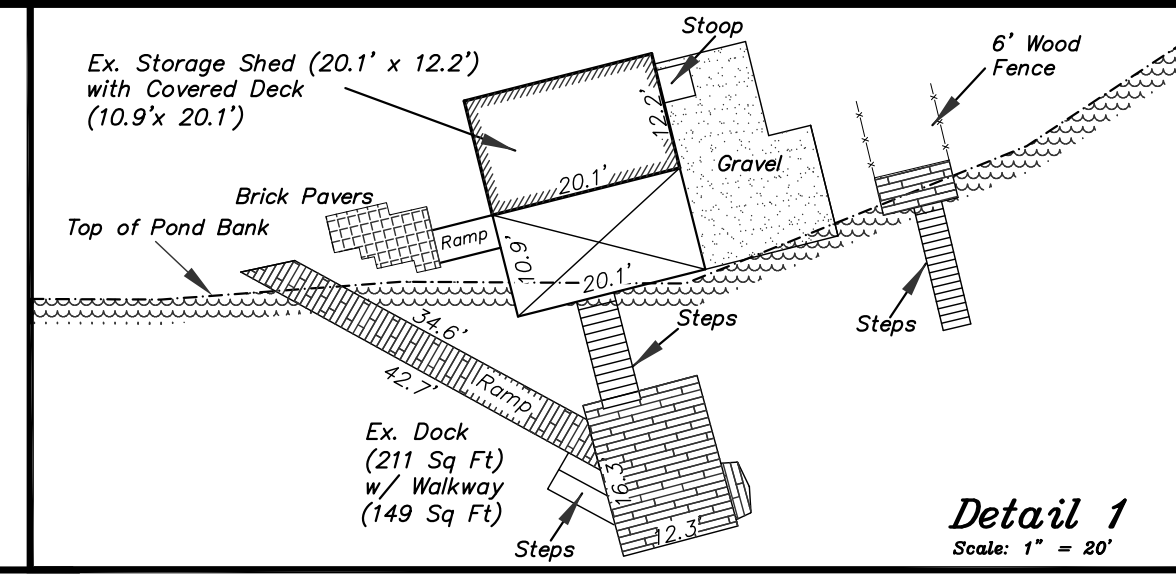
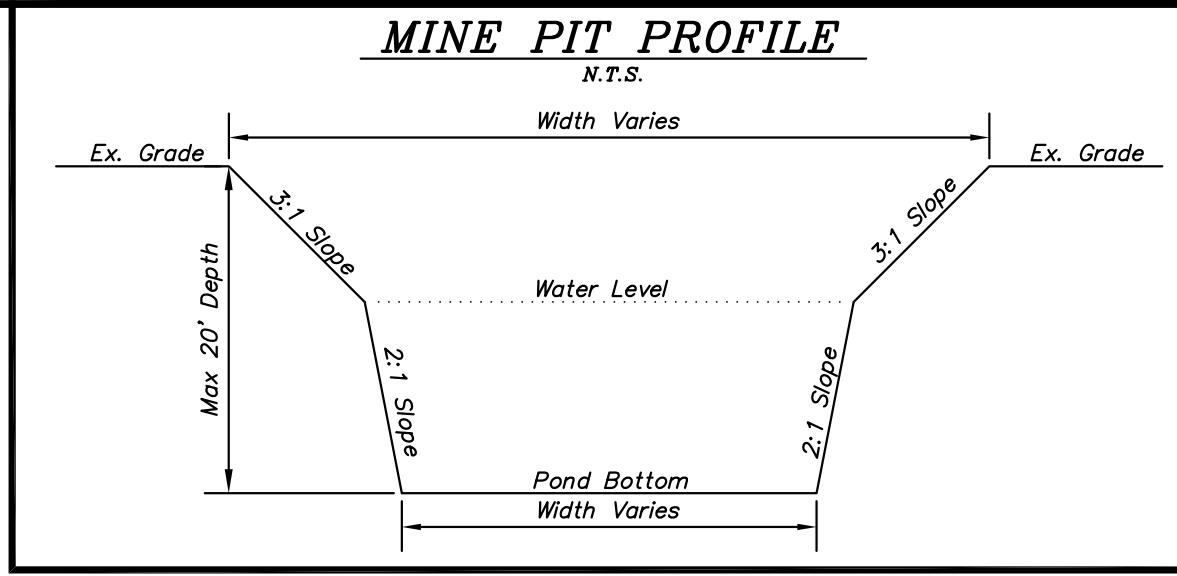
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ZONE ACRES:

- ZONE 1 - 7.08 ACRES
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- ZONE 6 - 5.56 ACRES
- ZONE 7 - 1.44 ACRES
- ZONE 8 - 0.99 ACRES



MINE SEGMENT NO.	TOTAL AREA	STATUS	RECLAMATION PRACTICE
1-4	4.23 AC.	IN RECLAMATION	POND
5-14	15.12 AC.	IN RECLAMATION	POND
16 / A2005	5.20 AC.	ACTIVE RECLAMATION	GRASSLANDS
A2010	8.41 AC.	ACTIVE EXCAVATION	GRASSLANDS
B2007	5.54 AC.	IN RECLAMATION	POND
15	2.80 AC.	ACTIVE EXCAVATION	GRASSLANDS
22	2.89 AC.	MINING STARTS 2022	GRASSLANDS
16	4.23 AC.	MINING RESUMES 2023	GRASSLANDS
18	1.46 AC.	MINING STARTS 2023	GRASSLANDS
19	5.27 AC.	MINING STARTS 2025	GRASSLANDS
A2015	2.21 AC.	IN RECLAMATION	POND
B2005	3.60 AC.	RELEASED	POND
	1.61 AC.	WETLANDS	
	25.63 AC.	PERIMETER /WETLAND BUFFERS	
	22.05 AC.	RESIDUAL AREA	
	110.25 AC.	TOTAL AREA	

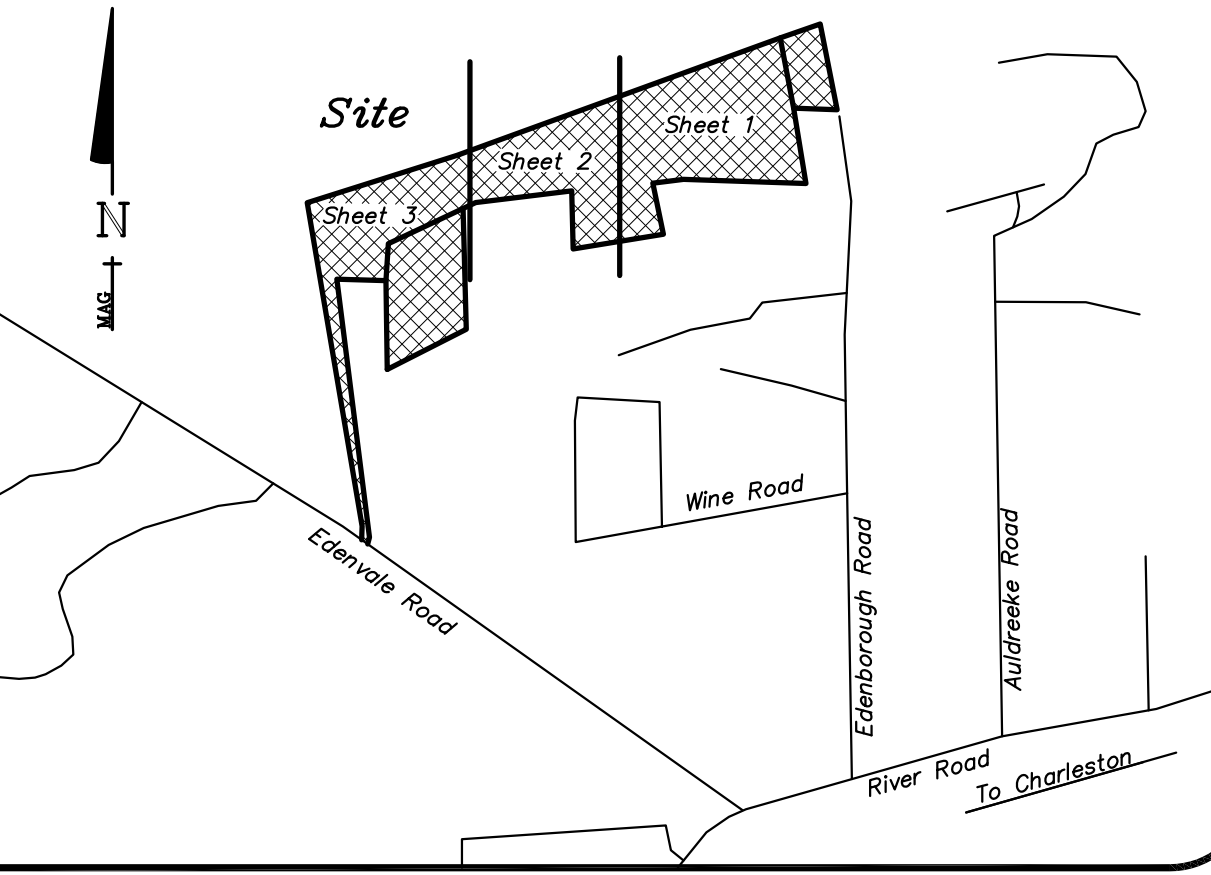
GEORGE A.Z. JOHNSON, JR., INC.
 ENGINEERS PLANNERS LAND SURVEYORS
 6171 SAVANNAH HIGHWAY, SUITE 200
 CHARLESTON, SOUTH CAROLINA 29405
 (843) 880-1492 Fax: (843) 880-1495

CHICKEN FARM MINE
 No. 2986 EDENVALE ROAD
 MINING SITE PLAN
 OWNED BY ACORN HAVEN, LLC
 LOCATED ON JOHNS ISLAND,
 CHARLESTON COUNTY, SOUTH CAROLINA

DATE: JUNE 14, 2021 SCALE: 1" = 100'
 100' 0' 100' 200' 300'
 SCALE IN FEET

NO.	REVISIONS	DATE
2	RESPONSE TO COMMENTS FROM 4/14/22	5/20/22
1	RESPONSE TO COMMENTS FROM 9/27/21	3/10/22

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George A.Z. Johnson, Jr., Inc.
Engineers
Land Surveyors
No. 000213

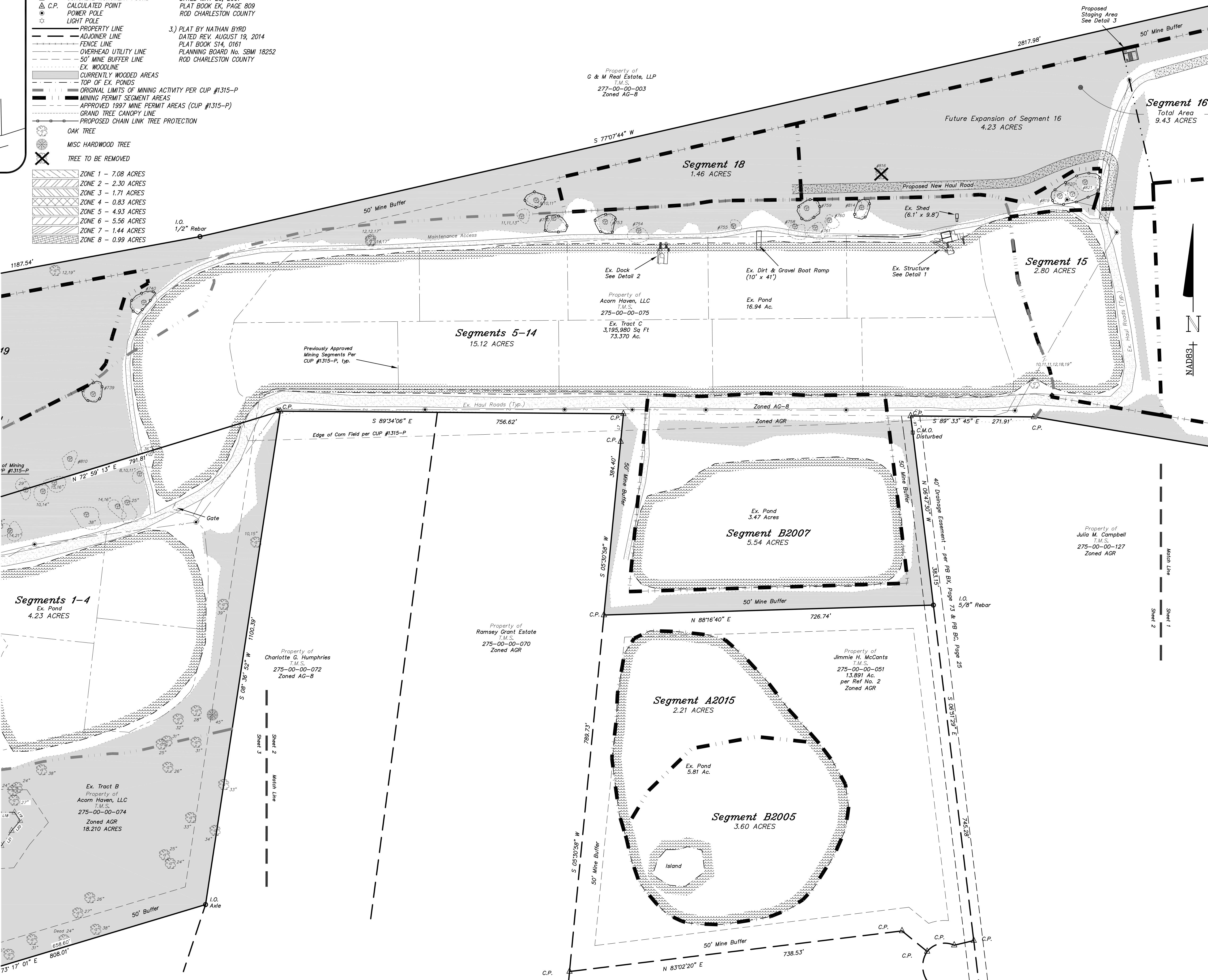
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ZONE 7 - 1.44 ACRES
ZONE 8 - 0.99 ACRES



GEORGE A.Z. JOHNSON, JR., INC.
ENGINEERS
PLANNERS
LAND SURVEYORS

6171 SAVANNAH HIGHWAY
Bldg 70
Charleston No. 25235902 Edisto No. 869.1495
(843) 880.1492

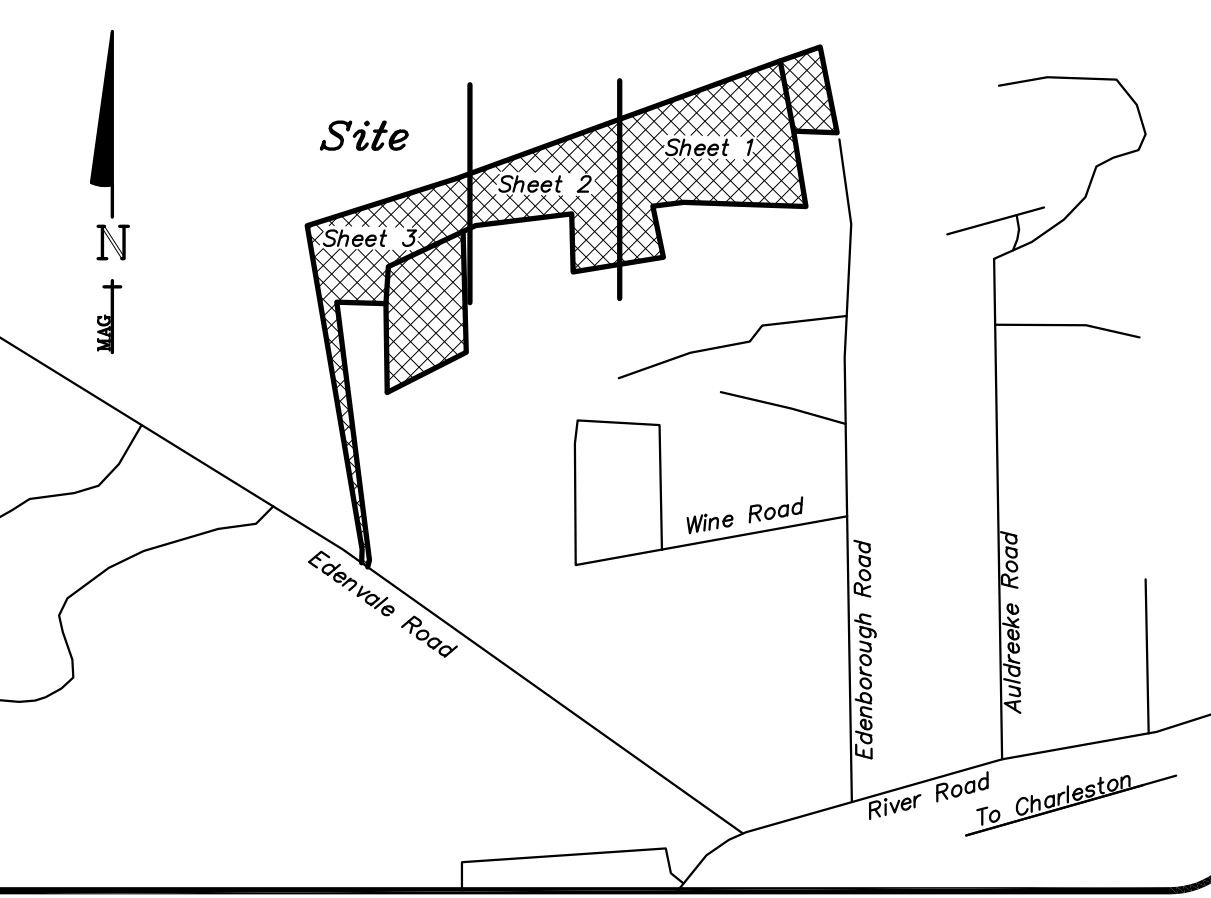
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NO.	REVISIONS	DATE
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DATE: JUNE 14, 2021 SCALE: 1" = 100'

100' 0' 100' 200' 300'
SCALE IN FEET

CHICKEN FARM MINE
No. 2986 EDENVALE ROAD
MINING SITE PLAN
OWNED BY ACORN HAVEN, LLC
LOCATED ON JOHNS ISLAND,
CHARLESTON COUNTY, SOUTH CAROLINA



LOCATION MAP
N.T.S.

- NOTES:**
- 1) ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 - 2) AREA DETERMINED BY COORDINATE METHOD.
 - 3) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
 - 4) THE UNITED STATES ARMY CORPS OF ENGINEERS HAS MADE A DETERMINATION OF THE PRESENCE OR ABSENCE OF WETLANDS AND/OR WATER OF THE UNITED STATES ON THIS PROPERTY/THOSE PROPERTIES AS OF THE DATE OF THIS PLAT PER SAC-2018-1267 & SAC-2020-01610.
 - 5) THIS PLAN REPRESENTS A GRAND TREE SURVEY FOR PARCELS 275-00-00-074, 075, 292 & 051. TREE SPECIES AND ASSOCIATED GRADING SHOWN HEREON ARE AS IDENTIFIED BY ARBOR CARE L.S.A. CERTIFIED ARBORIST DANNY MILLEMAN (#S.O. 5307A). TREE PRESERVATION / SAMPLING INFORMATION PREPARED BY ECOLOGICAL ASSOCIATES INC.
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 - 7) THIS PROPERTY IS LOCATED IN FLOOD ZONE X & AE ELEVATION 9, AS PER FEMA MAP COMMUNITY-PANEL No. 45019 C 0658, 0666 K, DATED 01-29-2021. IT IS THE OWNER'S/BUILDER'S RESPONSIBILITY TO VERIFY THIS FLOOD ZONE WITH LOCAL AUTHORITIES PRIOR TO BUILDING.
 - 8) DECLARATION IS MADE TO THOSE PERSONS FOR WHICH THIS PLAT WAS PREPARED. IT IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS. THIS DRAWING/PLAT IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF GEORGE A.Z. JOHNSON, JR., INC. IT SHALL NOT BE REPRODUCED OR USED IN ANY WAY, WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF F. STEVEN JOHNSON, JR., PE & PLS, SC REG No. 25478. COPYRIGHT © 2021, F. Steven Johnson, Jr.
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 - 14) SILT FENCE TO BE INSTALLED ALONG THE DOWNSTREAM SEGMENT AREA BOUNDARIES PRIOR TO BEGINNING ANY GRUBBING OR MINING ACTIVITY IN SAID SEGMENT

Tree #	Species	Diameter	Grade	Status
854	Laurel Oak	12" x 14"	D	No action
853	Live Oak	11" x 24"	B	No action
852	Laurel Oak	11" x 24"	D	Request to Remove
850	Water Oak	15" x 17"	D	No action
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847	Live Oak	12" x 14"	C	No action
845	Laurel Oak	11" x 14"	C	No action
844	Live Oak	14" x 15"	C	No action
835	Live Oak	11" x 16"	D (11"), C (16")	Request to Remove
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831	Live Oak	14" x 16"	B	No action
829	Laurel Oak	12" x 15"	D	No action
810	Water Oak	9" x 15"	D	No action
740	Live Oak	18" x 24"	C	No action
739	Laurel Oak	12" x 13"	D (12"), C (13")	No action
750	Laurel Oak	8" x 9" x 10" x 12"	C	No action
753	Live Oak	14" x 15"	B	No action
754	Live Oak	16" x 23"	C	No action
755	Live Oak	13" x 13"	C	No action
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760	Laurel Oak	9" x 11" x 11"	D	No action
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816	Laurel Oak	10" x 14"	D	Request to Remove
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General Property Survey
I, F. Steven Johnson, Jr., a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

George A.Z. Johnson, Jr., Inc.
Engineers
Land Surveyors
No. 000213

F. Steven Johnson, Jr., PE & PLS S.C. No. 25478
This plat not a valid, true copy unless bearing the raised, embossed seal of the surveyor.

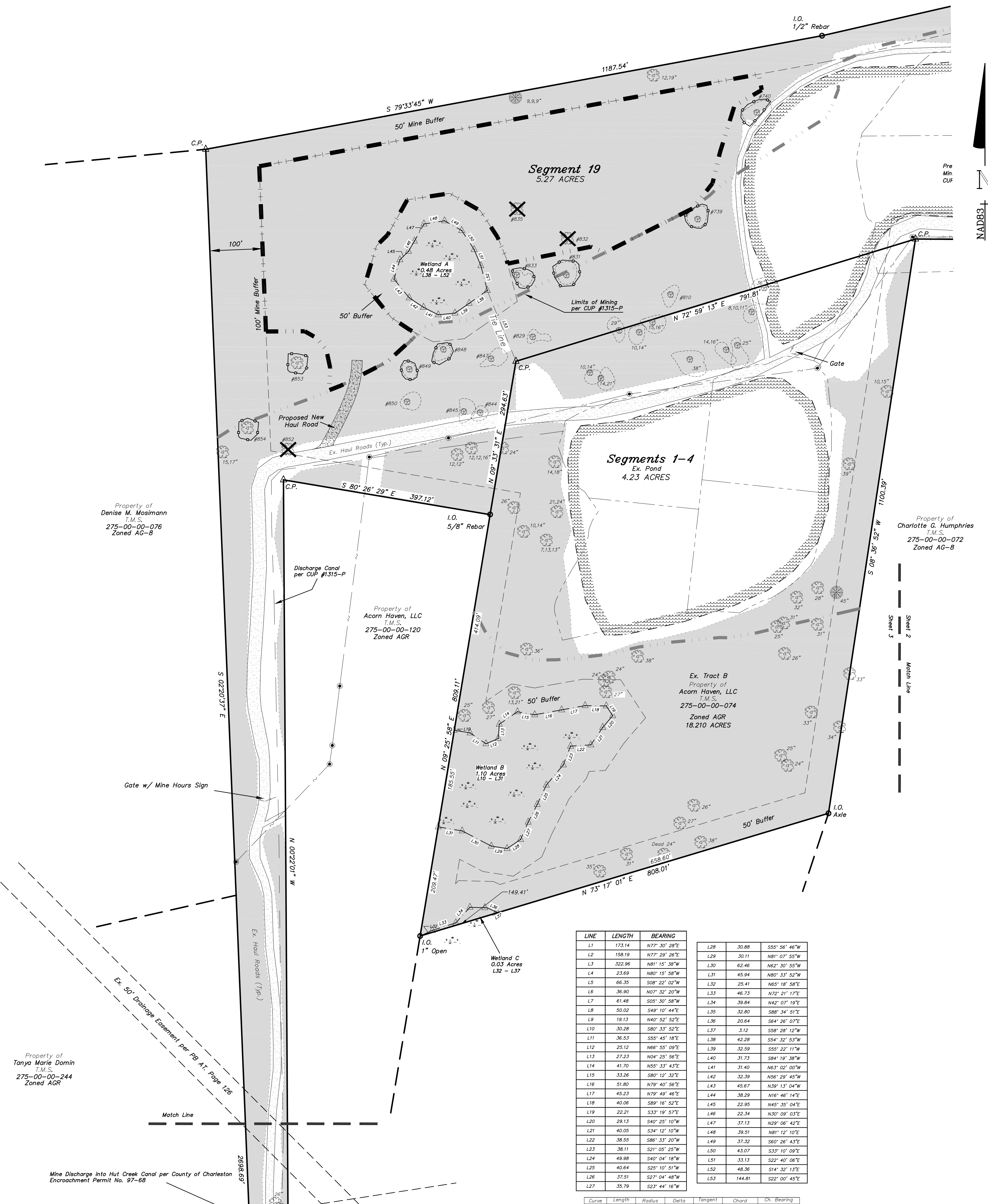
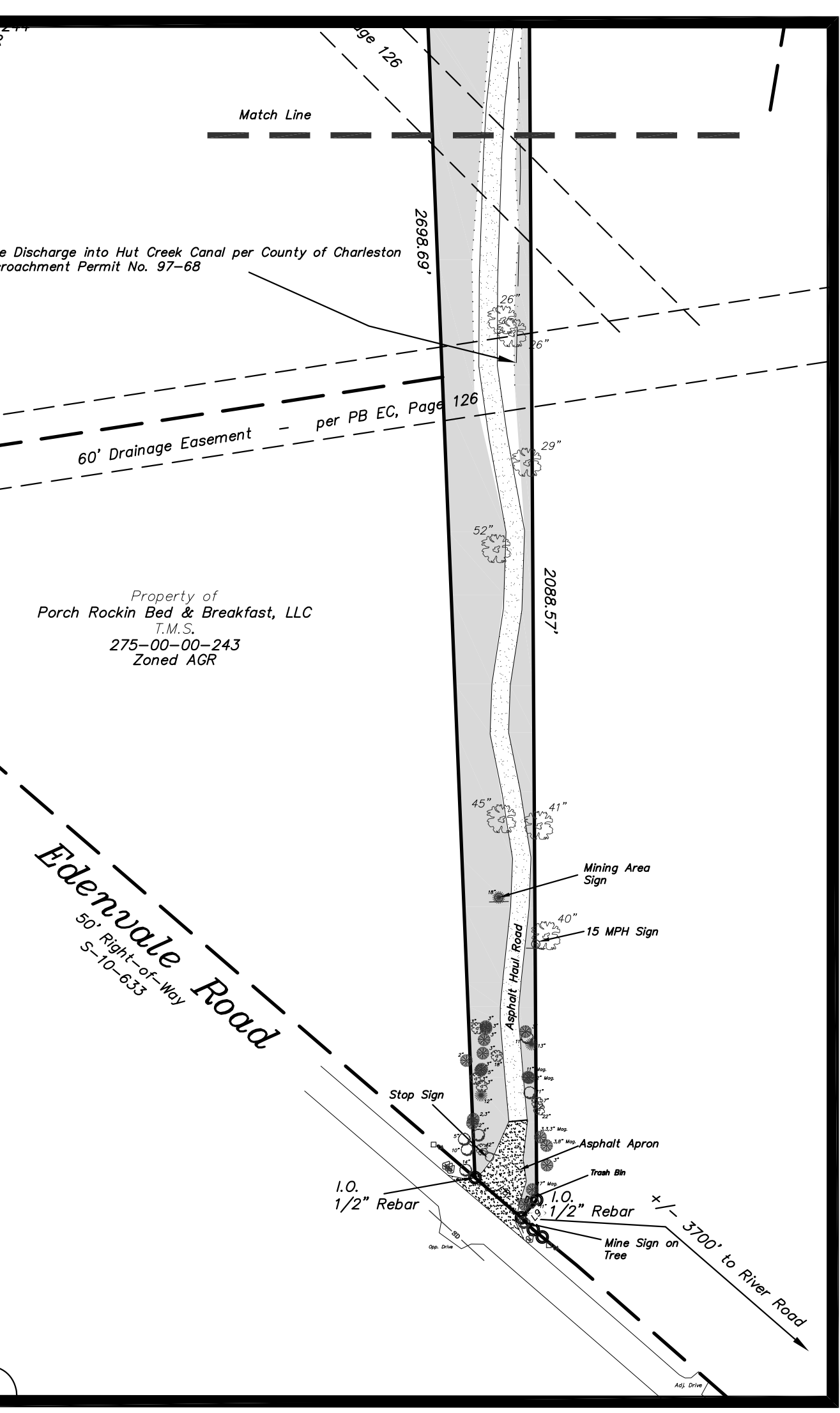
LEGEND:

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- I.N. IRON PIN NEW (5/8 REBAR)
- CONCRETE MONUMENT FOUND
- △ C.P. CALCULATED POINT
- ⊙ POWER POLE
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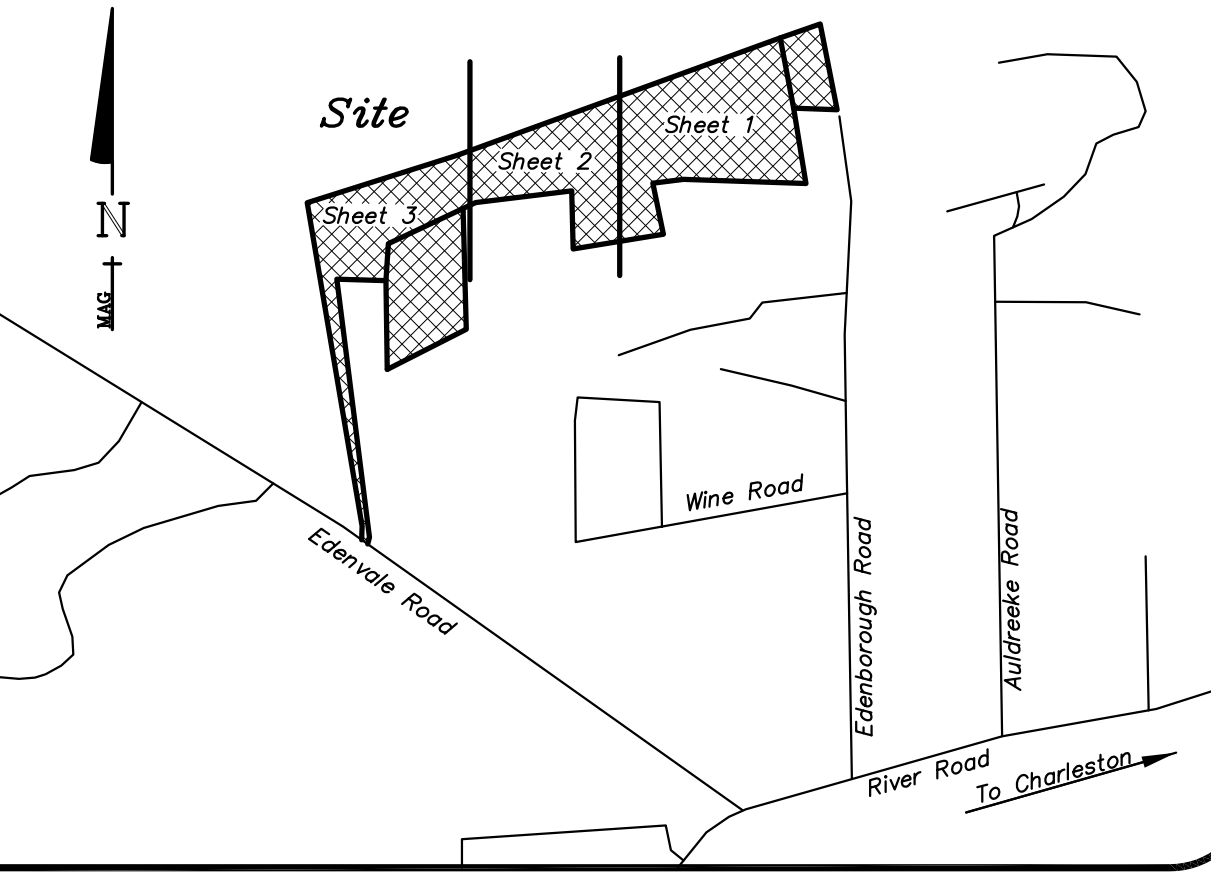
LINE	LENGTH	BEARING
L1	173.14	N77° 30' 28"E
L2	158.19	N77° 29' 26"E
L3	322.96	N81° 15' 38"W
L4	23.69	N80° 15' 38"W
L5	66.35	S08° 22' 02"W
L6	36.90	N07° 32' 02"W
L7	61.48	S05° 30' 58"W
L8	50.02	S49° 10' 44"E
L9	19.13	N40° 52' 52"E
L10	30.28	S80° 33' 52"E
L11	36.53	S55° 45' 18"E
L12	25.12	N66° 55' 09"E
L13	27.23	N04° 25' 56"E
L14	41.70	N55° 33' 43"E
L15	33.26	S80° 12' 32"E
L16	51.80	N79° 40' 58"E
L17	43.23	N79° 49' 48"E
L18	40.06	S89° 18' 52"E
L19	22.21	S33° 19' 57"E
L20	29.13	S40° 25' 10"W
L21	40.05	S34° 12' 10"W
L22	38.55	S86° 33' 02"W
L23	38.11	S21° 05' 25"W
L24	48.88	S40° 04' 18"W
L25	40.64	S25° 10' 51"W
L26	37.51	S27° 04' 48"W
L27	35.79	S23° 44' 16"W
L28	30.88	S55° 58' 46"W
L29	30.11	N81° 07' 55"W
L30	62.46	N62° 30' 55"W
L31	45.94	N80° 33' 52"W
L32	25.41	N65° 18' 58"E
L33	46.73	N72° 21' 17"E
L34	39.84	N42° 07' 19"E
L35	32.85	S68° 34' 51"E
L36	20.64	S64° 26' 07"E
L37	3.12	S58° 28' 12"W
L38	42.28	S54° 32' 53"W
L39	32.59	S55° 22' 11"W
L40	31.73	S84° 19' 38"W
L41	31.40	N63° 02' 00"W
L42	32.39	N56° 29' 45"W
L43	45.67	N39° 13' 04"W
L44	38.29	N16° 46' 14"E
L45	22.95	N45° 35' 04"E
L46	22.34	N30° 09' 03"E
L47	37.13	N29° 08' 42"E
L48	39.51	N81° 12' 10"E
L49	37.32	S80° 26' 43"E
L50	43.07	S39° 10' 09"E
L51	33.13	S22° 40' 08"E
L52	48.36	S14° 32' 13"E
L53	144.81	S22° 00' 45"E

CHICKEN FARM MINE
No. 2986 EDENVALE ROAD
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LOCATED ON JOHNS ISLAND,
CHARLESTON COUNTY, SOUTH CAROLINA

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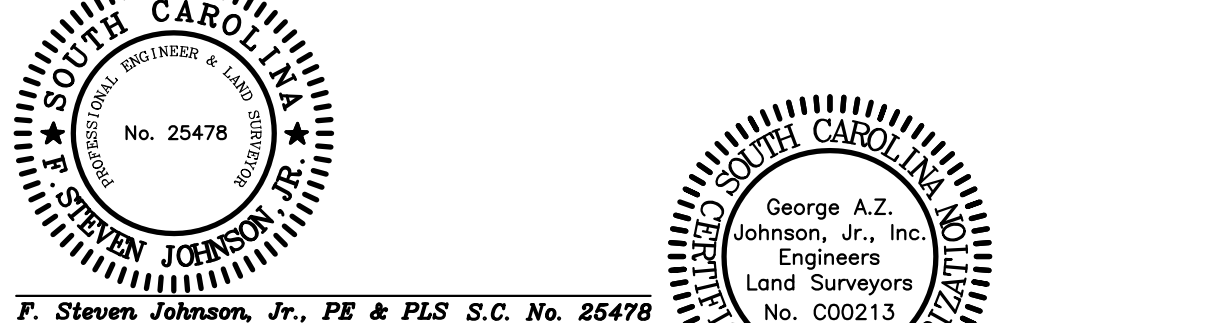


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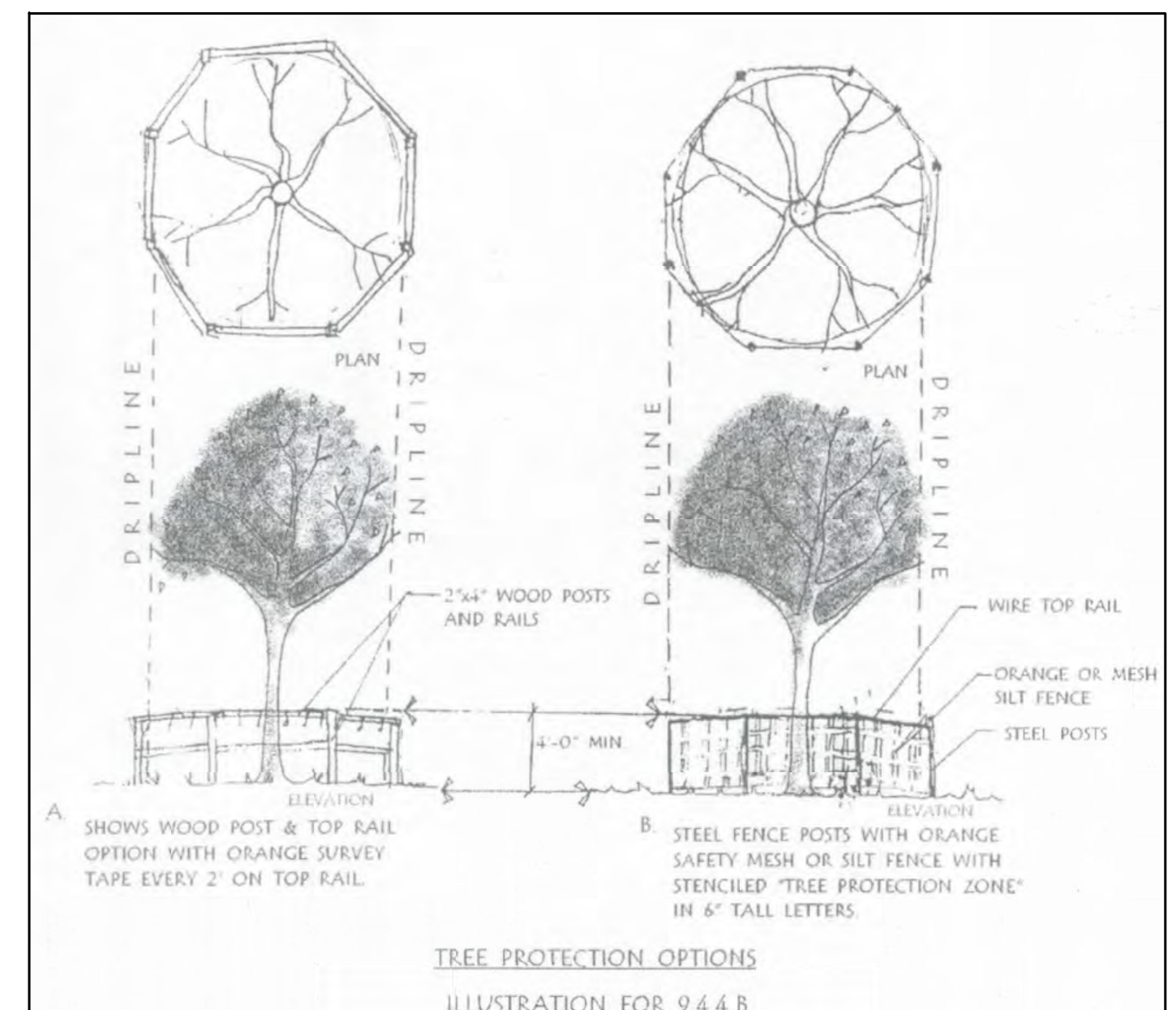
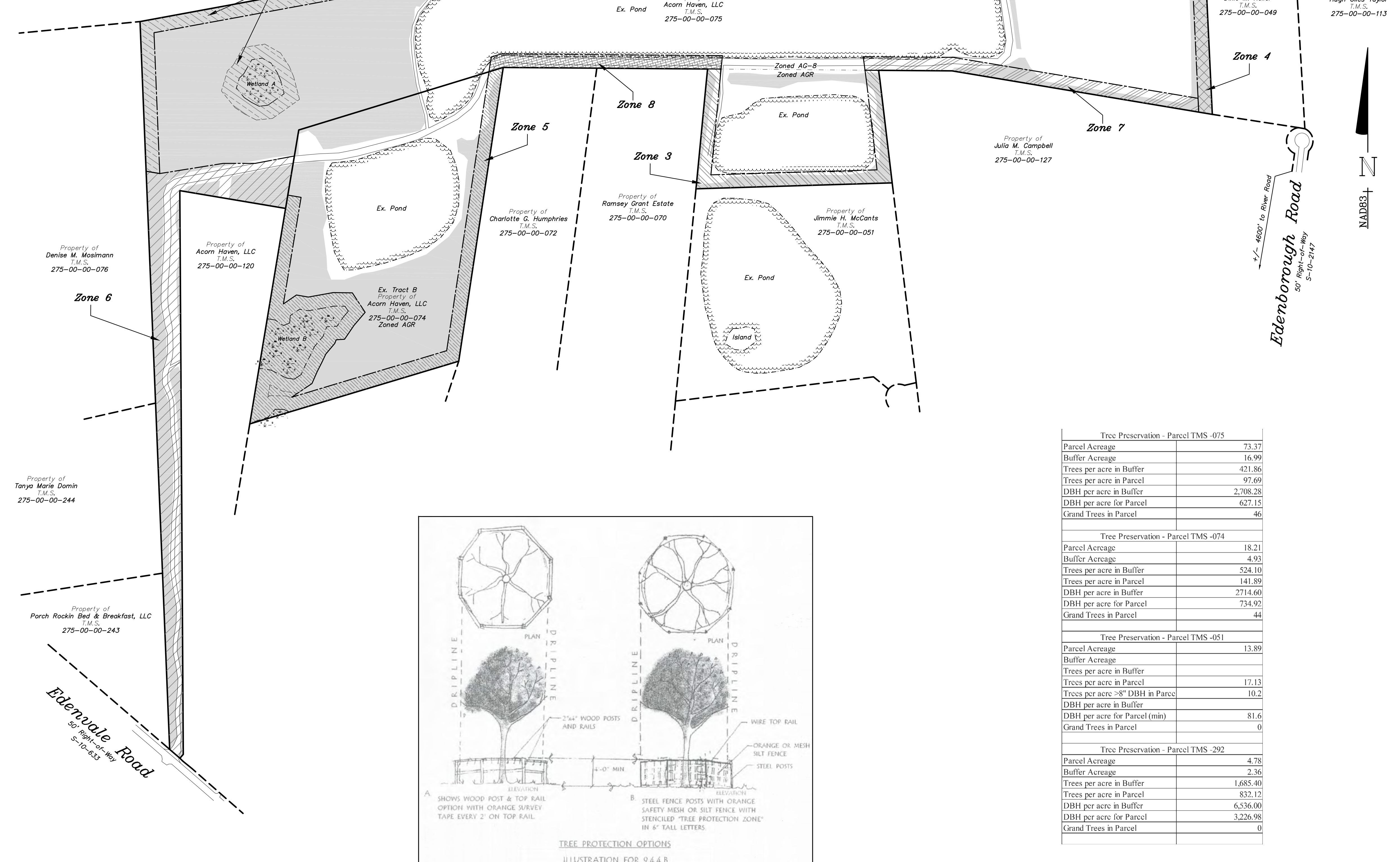
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Tree Preservation - Parcel TMS-075	
Parcel Acreage	73.37
Buffer Acreage	16.99
Trees per acre in Buffer	421.86
Trees per acre in Parcel	97.69
DBH per acre in Buffer	2,708.28
DBH per acre for Parcel	627.15
Grand Trees in Parcel	46

Tree Preservation - Parcel TMS-074	
Parcel Acreage	18.21
Buffer Acreage	4.93
Trees per acre in Buffer	524.10
Trees per acre in Parcel	141.89
DBH per acre in Buffer	2714.60
DBH per acre for Parcel	734.92
Grand Trees in Parcel	44

Tree Preservation - Parcel TMS-051	
Parcel Acreage	13.89
Buffer Acreage	
Trees per acre in Buffer	
Trees per acre in Parcel	17.13
Trees per acre >8\"/>	

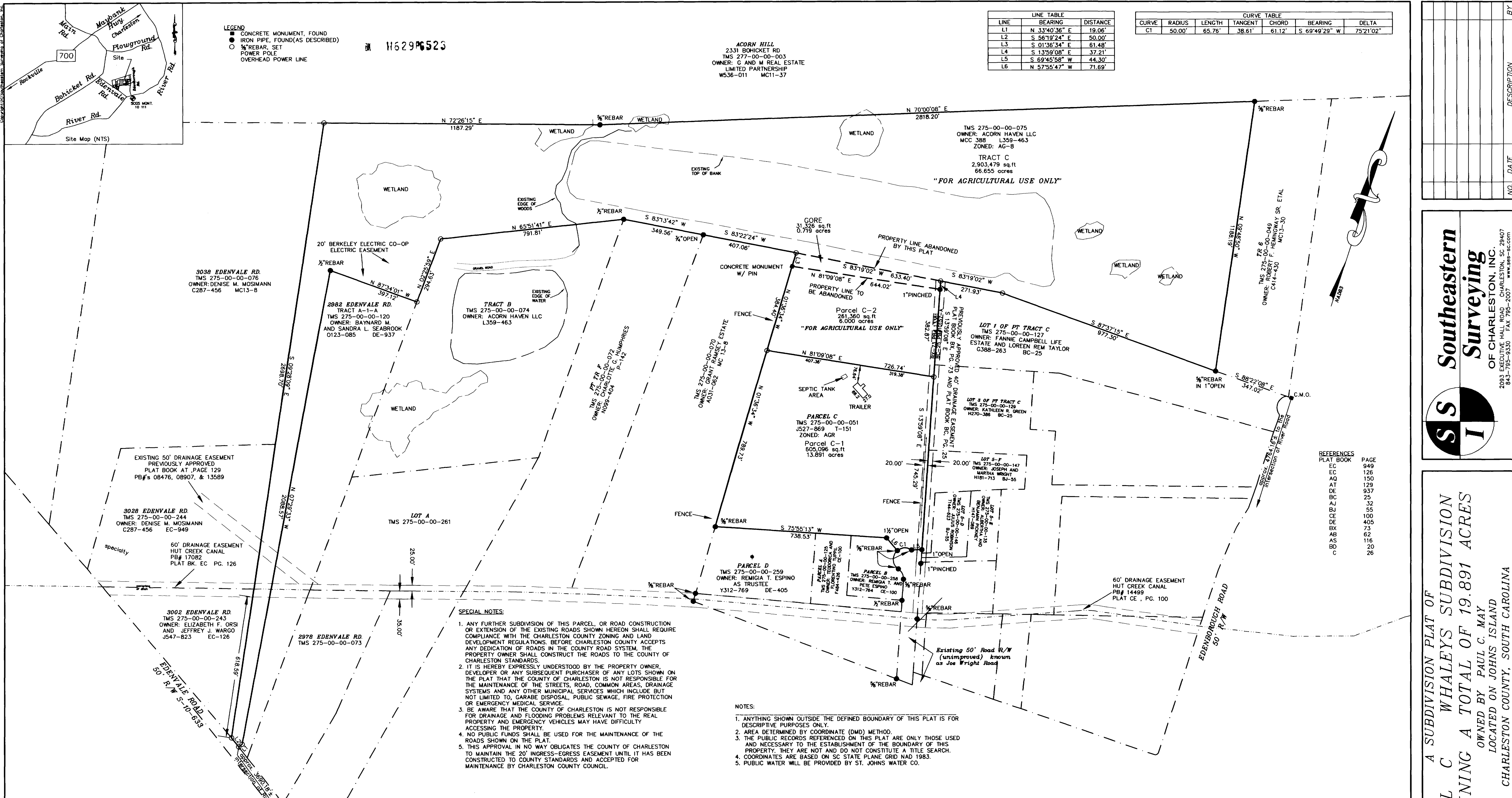
Tree Preservation - Parcel TMS-292	
Parcel Acreage	4.78
Buffer Acreage	2.36
Trees per acre in Buffer	1,685.40
Trees per acre in Parcel	832.12
DBH per acre in Buffer	6,536.00
DBH per acre for Parcel	3,226.98
Grand Trees in Parcel	0

GEORGE A.Z. JOHNSON, JR., INC.
ENGINEERS PLANNERS LAND SURVEYORS
6171 SAVANNAH HIGHWAY
Rt. 102, Box 24970
Charleston, SC 29407
(843) 880-1492
FAX: 843-880-1492
Edato No. 889,1495

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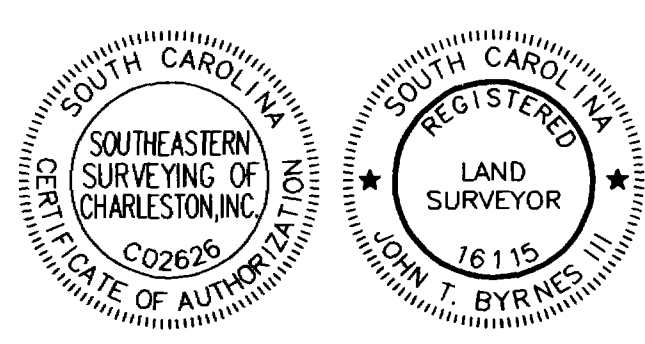
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SSI Southeastern Surveying, Inc.
 OF CHARLESTON, SC. 29407
 2083 EXECUTIVE HALL ROAD, CHARLESTON, SC 29407
 843-795-9330 FAX 795-2007 www.ses-sc.com

A SUBDIVISION PLAT OF
PARCEL C WHALEYS SUBDIVISION
 CONTAINING A TOTAL OF 19.891 ACRES
 OWNED BY PAUL C. MAY
 LOCATED ON JOHNS ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA



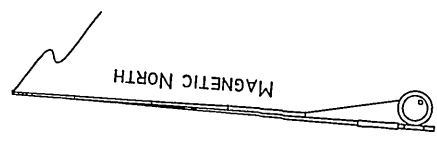
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.
 JOHN T. BYRNES III S.C.P.L.S. No. 16115

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CI	50.00'	130.89'	96.59'	S 04°41'50" E	149°59'34"

LINE	BEARING	DISTANCE
LI	S 85°22'42" W	23.72'

LEGEND

● PROPERTY CORNER FOUND AS DESCRIBED
 ○ MARKER SET - #5 REBAR
 △ CALCULATED POINT -
 ○ NO MARKER FOUND OR SET
 --- SUBJECT PROPERTY LINE
 --- ADJOINING/ADJACENT PROPERTY LINE,
 RIGHT OF WAY



NOTES

RESIDUAL TRACT IS CHARLESTON COUNTY TMS #275-00-00-049.

TRACT 6A & 6B APPEAR TO LIE IN FLOOD ZONE 'X' PER FEMA FIRM #45019C0660J.

THIS PLAT DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THIS PROPERTY. EASEMENTS OTHER THAN THOSE VISIBLE, OBVIOUS AND APPARENT AT THE TIME OF THE SURVEY, BUILDING SETBACK RESTRICTIONS, SUBGROUNDS UTILITIES, RESTRICTIONS ON LAND USE, ZONING REGULATIONS AND ANY OTHER FACTS A CURRENT TITLE SEARCH MAY DISCLOSE.

SURVEY REQUESTED BY CAROL LUCAS.

THERE ARE NO DWELLINGS ON LOT 6.

SUBJECT PROPERTY IS ZONED AGR - I DWELLING UNIT PER ACRE.

CHARLESTON COUNTY PLANNING DEPARTMENT NOTES

ANY FURTHER SUBDIVISION OF THIS PARCEL OR ROAD CONSTRUCTION OR EXTENSION OF THE EXISTING ROADS SHOWN HEREON SHALL REQUIRE COMPLIANCE WITH THE CHARLESTON COUNTY ZONING & LAND DEVELOPMENT REGULATIONS. BEFORE CHARLESTON COUNTY ACCEPTS ANY DEDICATION OF ROADS INTO THE COUNTY ROAD SYSTEM, THE PROPERTY OWNER SHALL CONSTRUCT ROADS TO THE COUNTY OF CHARLESTON STANDARDS.

IT IS HEREBY EXPRESSLY UNDERSTOOD BY THE PROPERTY OWNER, DEVELOPER OR ANY SUBSEQUENT PURCHASER OF ANY LOTS SHOWN ON THE PLAT THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE STREETS, ROAD, COMMON AREAS, DRAINAGE SYSTEMS AND ANY OTHER MUNICIPAL SERVICES WHICH INCLUDE BUT NOT LIMITED TO, GARBAGE DISPOSAL, PUBLIC SEWAGE, FIRE PROTECTION, OR EMERGENCY MEDICAL SERVICE.

BE AWARE THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR DRAINAGE AND FLOODING PROBLEMS RELEVANT TO THE REAL PROPERTY AND EMERGENCY VEHICLES MAY HAVE DIFFICULTY ACCESSING THE PROPERTY.

NO PUBLIC FUNDS SHALL BE USED FOR THE MAINTENANCE OF THE ROADS SHOWN ON THE PLAT.

THIS APPROVAL IN NO WAY OBLIGATES THE COUNTY OF CHARLESTON TO MAINTAIN THIS ROAD RIGHT OF WAY UNTIL IT HAS BEEN CONSTRUCTED TO COUNTY STANDARDS AND ACCEPTED FOR MAINTENANCE BY CHARLESTON COUNTY COUNCIL.

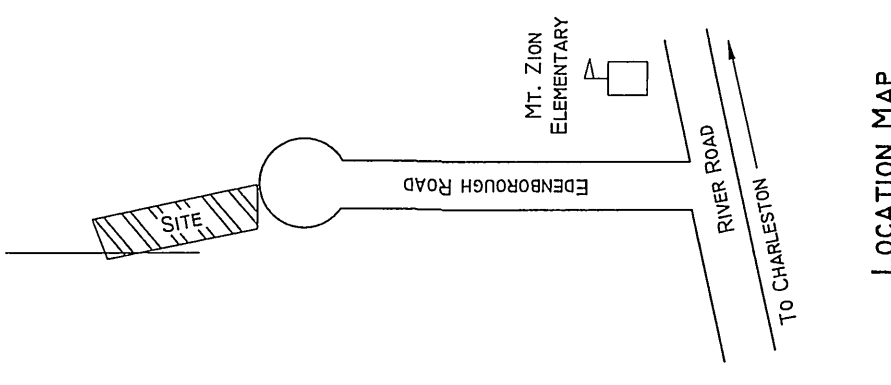
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

MATTAN DANNEN
 2041 FRANKFORD STREET
 CHARLESTON, SOUTH CAROLINA 29412
 843-570-3611

I/WE HEREBY DEDICATE THE INGRESS-EGRESS EASEMENT TO THE USE OF PROPERTY OWNERS FOREVER, OWNERS OF THESE LOTS, AND THEIR HEIRS AND ASSIGNS GUARANTEE ITS MAINTENANCE.

POK FOR CAROL LUCAS

- REFERENCES**
- PLAT BOOK AQ PAGE 92
 - PLAT BOOK EK PAGE 809
 - PLAT BOOK BC PAGE 25
 - PLAT BOOK AT PAGE 25
 - PLAT BOOK AT PAGE 129
 - PLAT BOOK MC13 PAGE 30
 - DEED BOOK 0636 PAGE 647
 - DEED BOOK W86 PAGE 332
 - DEED BOOK U39 PAGE 234
 - DEED BOOK R38 PAGE 3
 - SCDOT DOCKET #10,864
 - SCDOT FILE #10,308A
 - LETTER FROM CHARLESTON COUNTY CPW TO SCDOT DATED AUGUST 12, 1978



RESERVED FOR APPROVAL STAMPS

APPROVED FINAL PLAT

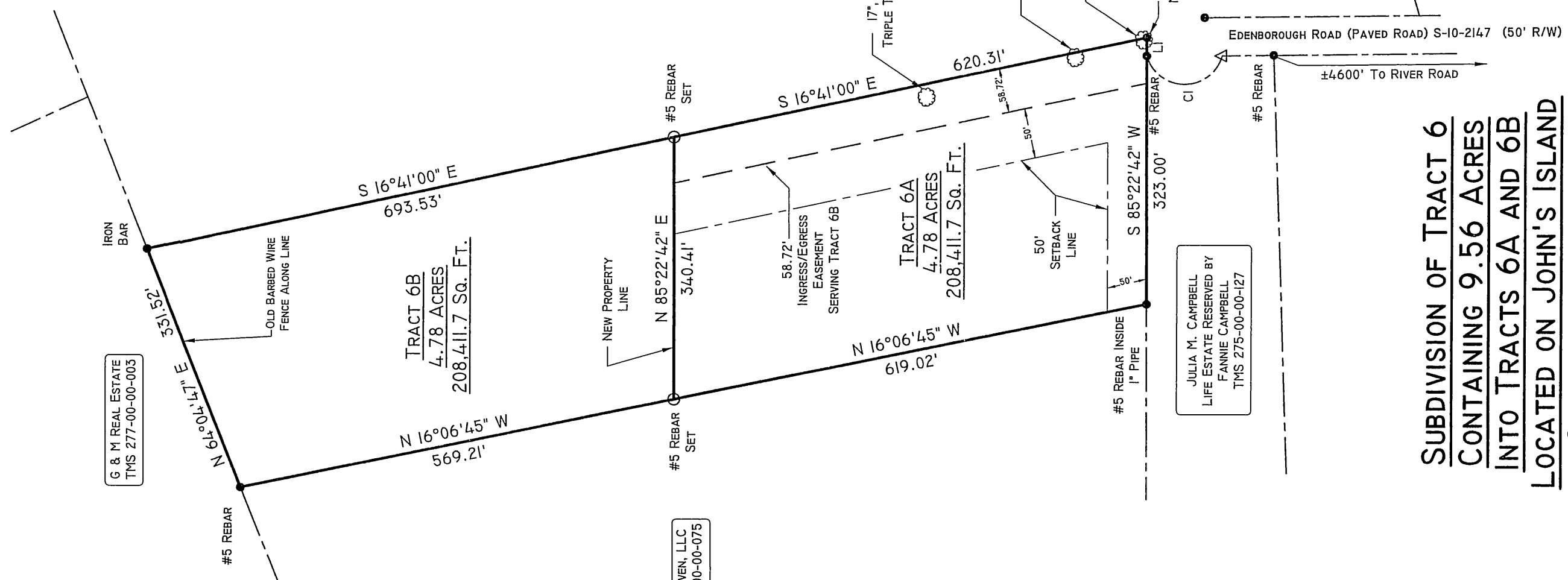
Julia M. Campbell
 Director of Planning
 Charleston County Planning Commission
 Appri. # *18252* Date *8-27-2014*

RECORDED
 DATE: 8/29/2014 TIME: 2:17:58 PM
 Book-Page **S14 0161** DocType **Small Plat**
 Charlie Lybrand, Register, Charleston County, SC



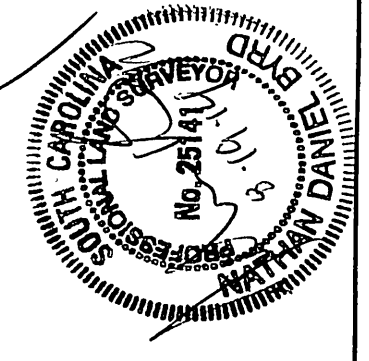
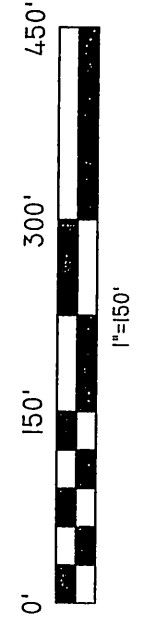
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 Postage \$0.00
 TOTAL \$10.00
 Drawer \$0.00
 Clerk \$0.00

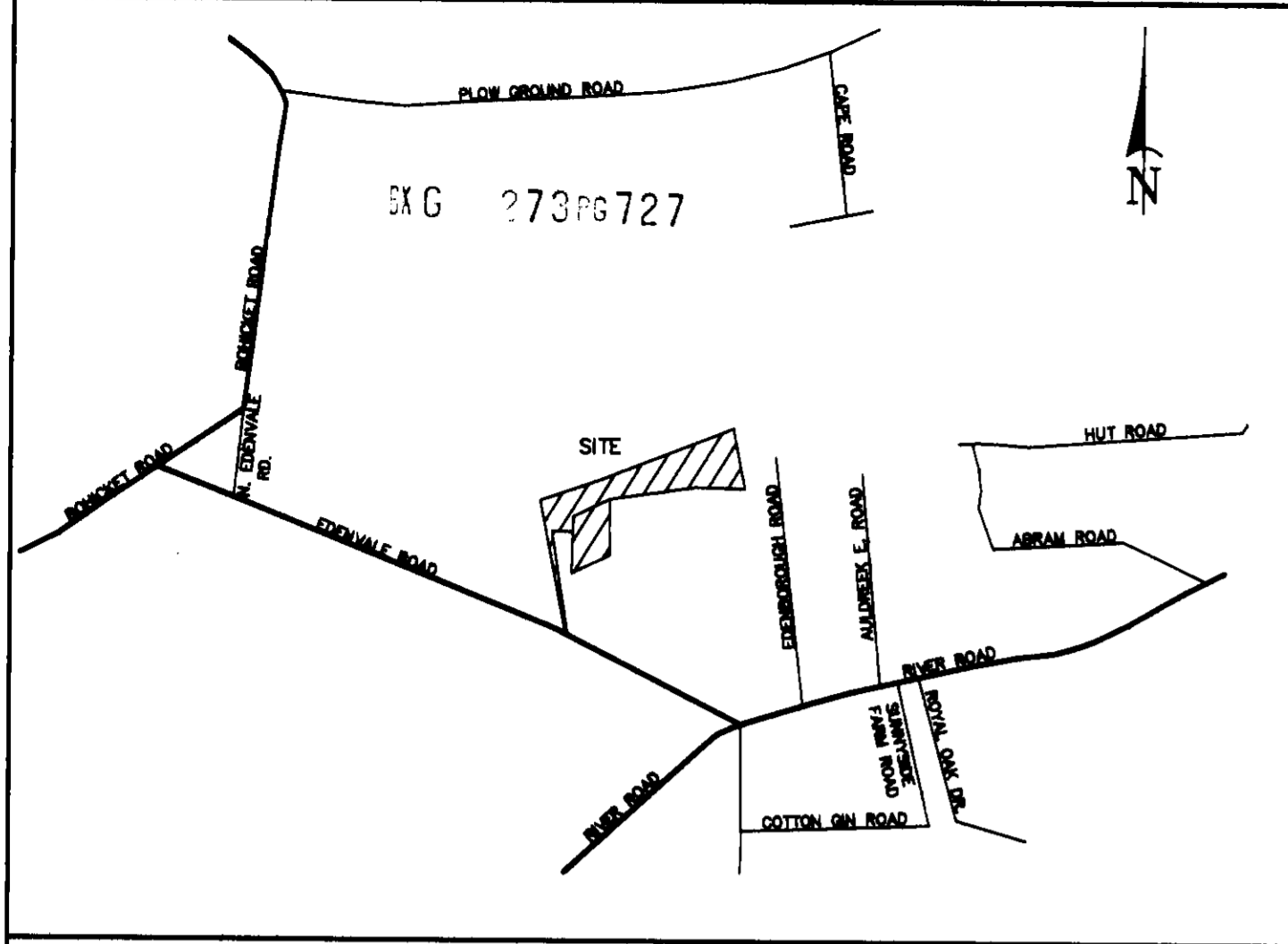
Location: **EDENBOROUGH RD**



**SUBDIVISION OF TRACT 6
 CONTAINING 9.56 ACRES
 INTO TRACTS 6A AND 6B
 LOCATED ON JOHN'S ISLAND
 CHARLESTON COUNTY,
 SOUTH CAROLINA**

FEBRUARY 22, 2014
 REVISED JUNE 19, 2014
 REVISED AUGUST 19, 2014



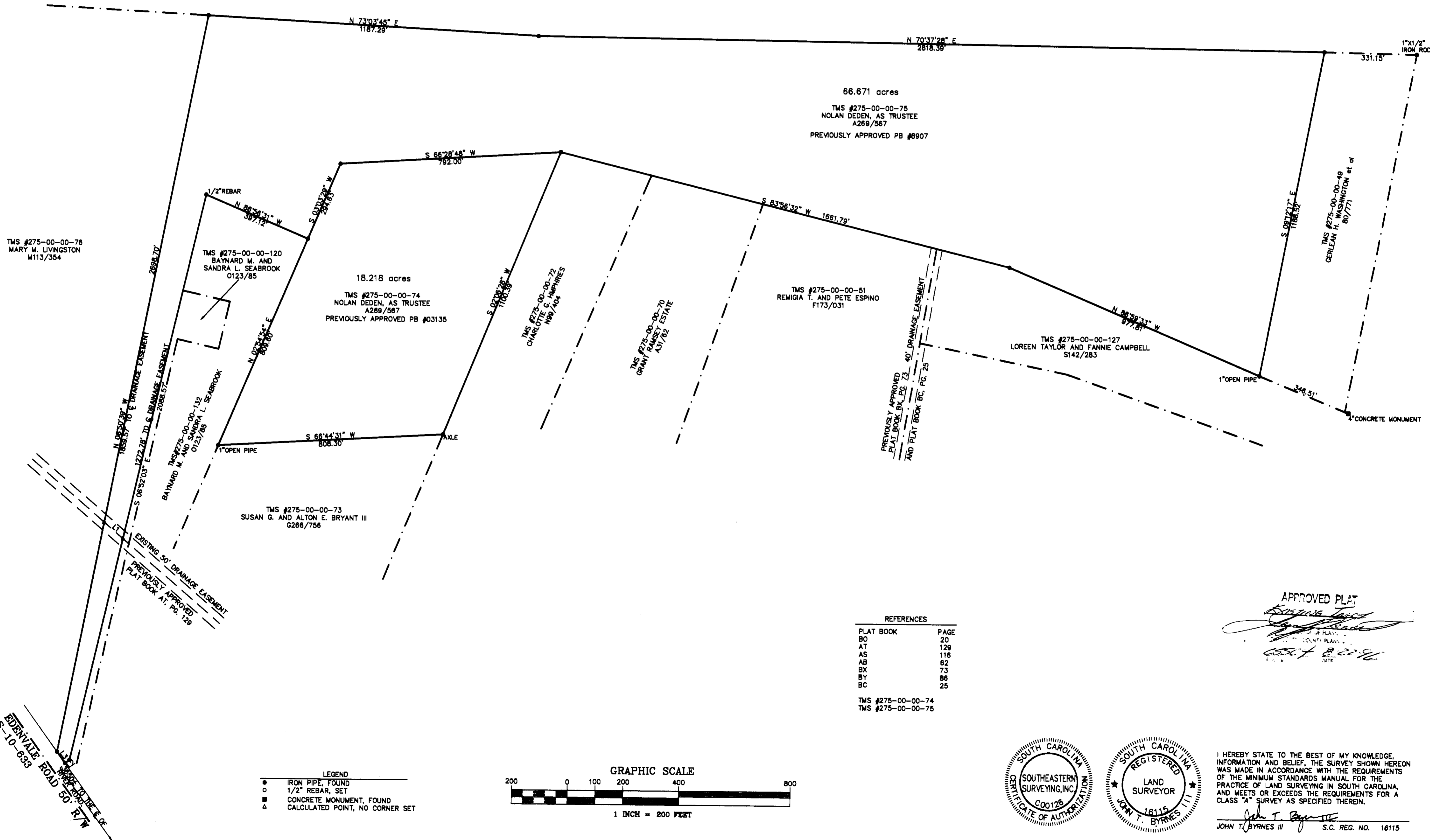


Charleston, South Carolina
 Office of Register Meane Conveyance
 Plat recorded this 22nd day of Aug 1996 at
 2:33 o'clock in Plat Book EB, page 292 and tracing copy
 filed in File No. 1113/354
 No. 1113/354
 to Mary M. Livingston
Chadi C. Ligon
 Register Meane Conveyance

TMS #277-00-00-03
 MARY MANIGAUULT GILBRETH
 AND
 LIFE EST. EDWARD MANIGAUULT
 Y92/399

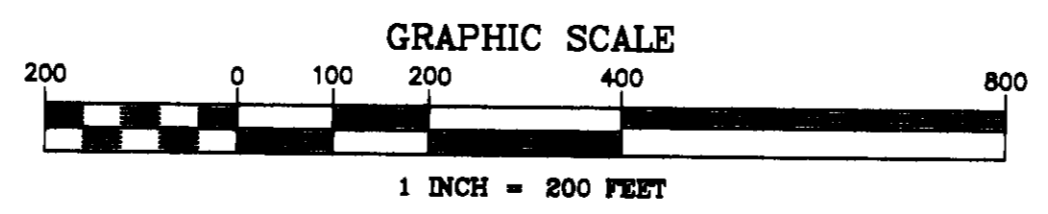
TMS #277-00-00-03
 MARY MANIGAUULT GILBRETH
 AND
 LIFE EST. EDWARD MANIGAUULT
 Y92/399

- NOTES:
1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 2. AREA DETERMINED BY D.M.D. METHOD.
 3. THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
 4. THE EXISTENCE OF U.S. ARMY CORPS OF ENGINEERS FRESHWATER WETLANDS HAS NOT BEEN DETERMINED BY THIS SURVEY. FRESHWATER WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND ARE SUBJECT TO ITS PERMITTING AUTHORITY.



LINE	DIRECTION	DISTANCE
L1	S 89°15'02" E	89.31
L2	N 34°18'06" E	19.06
L3	S 55°41'54" E	50.00

- LEGEND
- IRON PIPE, FOUND
 - 1/2" REBAR, SET
 - CONCRETE MONUMENT, FOUND
 - △ CALCULATED POINT, NO CORNER SET



REFERENCES

PLAT BOOK	PAGE
BO	20
AT	129
AS	116
AB	62
BK	73
BY	86
BC	25

TMS #275-00-00-74
 TMS #275-00-00-75



APPROVED PLAT
John T. Byrnes III
 REGISTERED LAND SURVEYOR
 16115

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.
John T. Byrnes III
 JOHN T. BYRNES III S.C. REG. NO. 16115

ADD ROAD NUMBER	NO.	DATE	DESCRIPTION	BY
1	8/22/96			

Southeastern Surveying, Inc.
 147 Wappoo Creek Drive - Suite 102
 Charleston, South Carolina 29412
 (803) 795-9330 FAX: 795-2007

A BOUNDARY SURVEY OF
 A 66.671 ACRE TRACT AND
 A 18.218 ACRE TRACT - EDENVALE ROAD
 OWNED BY NOLAN DE DEN, AS TRUSTEE
 LOCATED ON JOHN'S ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA

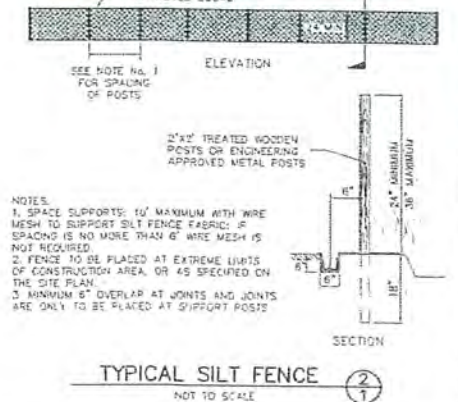
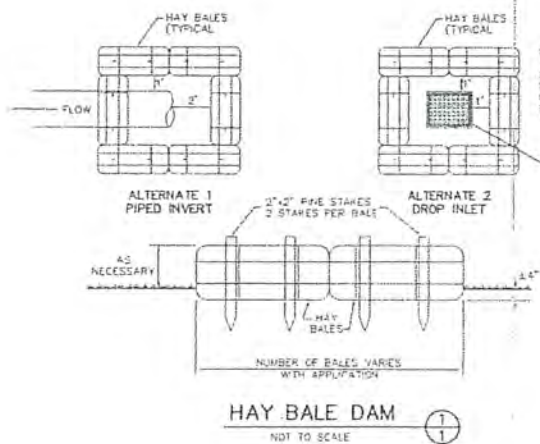
DATE:	AUG. 16, 1996
DRAWN:	JTB
CHECK:	MSB
JOB:	96147
DWG:	6147.DWG
SHEET:	1 OF 1

Modification 15-1
based on map dated
1/13/16 G. Hills

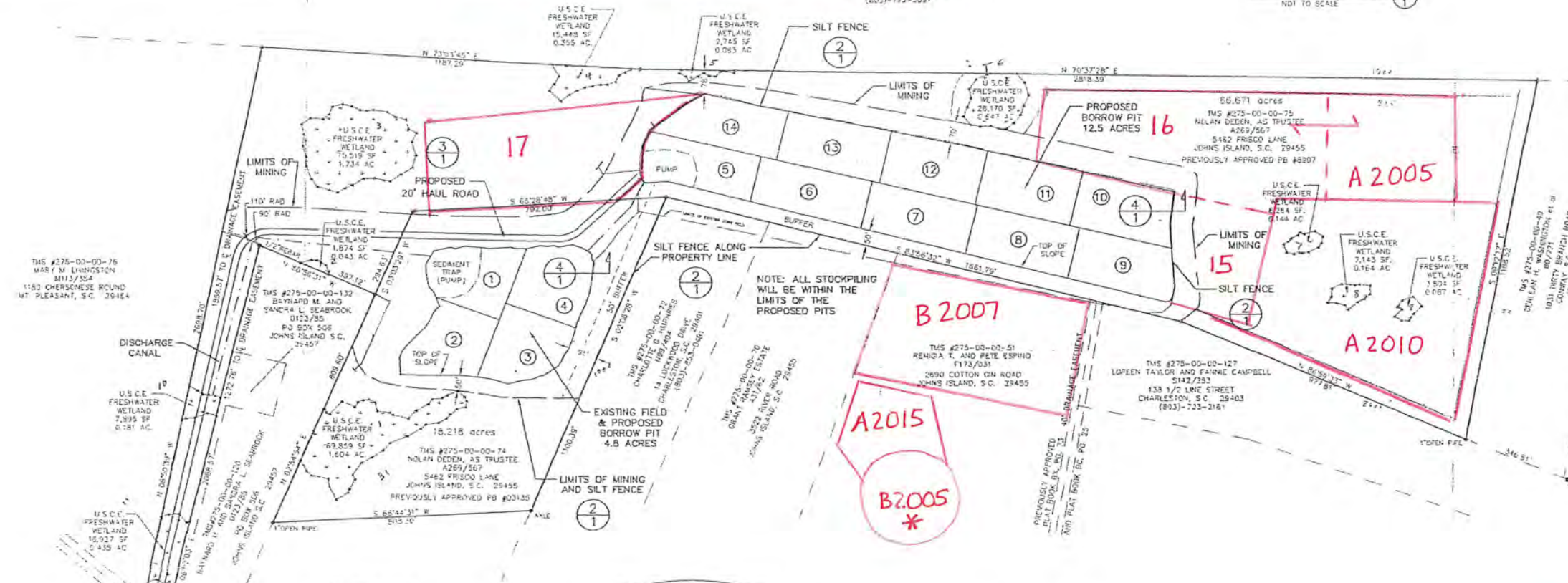
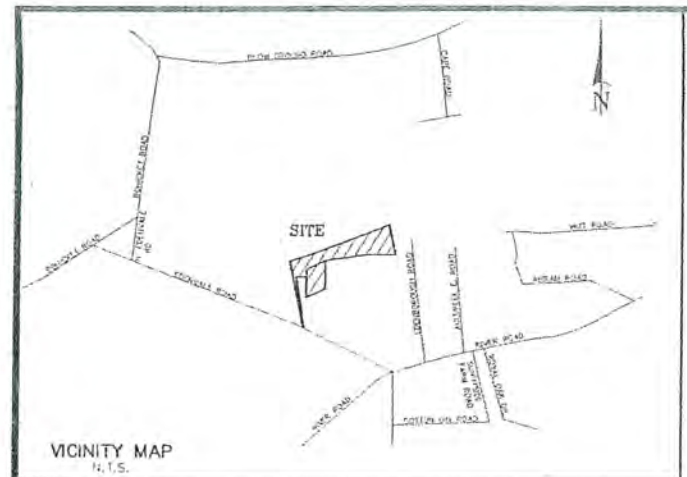
LINE	DIRECTION	DISTANCE
L1	S 69°15'01" E	89.31'
L2	N 34°18'08" E	19.66'
L3	S 55°47'54" E	50.00'

- NOTES:
1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 2. AREA DETERMINED BY D.M.D. METHOD.
 3. THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
 4. FRESHWATER WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND ARE SUBJECT TO ITS PERMITTING AUTHORITY.

APPROVED BY
**SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL
DIVISION OF MINING AND SOLID WASTE MGT**
BY Joan S. Hill Director
TITLE SM-1129-V6, RM-1129-V6
DATE APPROVED 7/5/16
PERMIT NO. I-001129



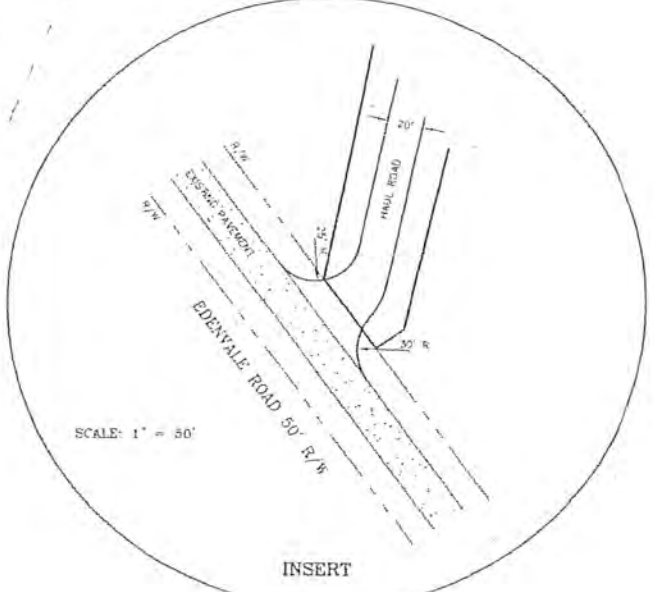
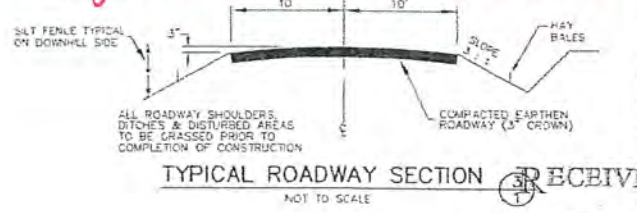
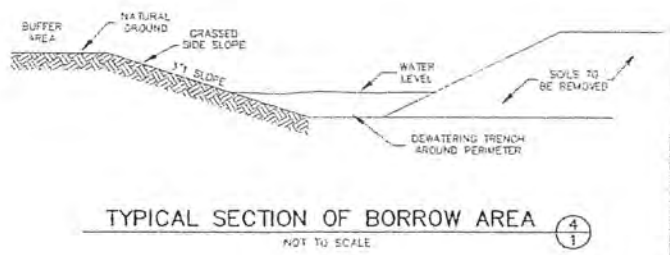
VICINITY MAP
N.T.S.



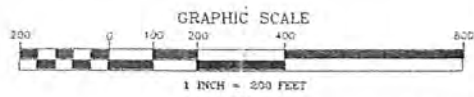
Modification 15-1
SM-1129-V6/ RM-1129-V6
I-001129
Composite Site/ Reclamation Map

Modification/ original map number	Segments	Map Comments
Issued/ SM-1129-V1	1 - 14	
02-1/ SM-1129-V2	15, 16, 17	15 - 2.75 ac; 16 - 9.35 ac; 17 - 4.1 ac
05-1 SM-1129-V3	B2005	3.6 ac
05-2/ (noted on SM-1129-V1)	A2005	backfill area A2005 (subset of Seg 16);
07-1/ SM-1129-V4b	B2007	2.54 ac
10-1/ SM-1129-V5	A2010	9.0 ac
15-1/ SM-1129-V6	A2015	2.5 ac

* Segment B2005 released 6/24/16



- NOTES:
- 1) ALL SURVEYING INFORMATION TAKEN FROM A PLAT BY JOHN T. SYRRES III DATED AUGUST 16, 1986 AND RECORDED IN THE CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EB PAGE 292.
 - 2) ACCORDING TO FLOOD INSURANCE RATE MAP 455413 0405 F DATED APRIL 17, 1987 THIS PROPERTY APPEARS TO BE IN ZONE C (ABOVE 500 YEAR FLOOD).
 - 3) THE APPLICANT IS THREE OAKS CONTRACTORS, INC.



FEB 28 1997
DIVISION OF MINING & SOLID WASTE PERMITTING
SD-0201

SITE MAP AND RECLAMATION PLAN

CHICKEN FARM
JOHNS ISLAND
CHARLESTON COUNTY, S.C.

SCALE: 1" = 200'
DATE: 1/29/97
APPROVED BY: DANIEL C. FORSBERG
DRAWN BY: JSC
REVISION DATE: SHEET 1 OF 1 JOB No. 972266

FORSBERG ENGINEERING & SURVEYING, INC.
DANIEL C. FORSBERG
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
No. 000343



2600 Bull Street
Columbia, SC 29201-1708

Bureau of Land and Waste Management

October 13, 1997

Mr. Gervais Hills
Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

RE: Acknowledgement of Receipt of Reclamation Bond
Issuance of Mine Operating Permit
Chicken Farm Mine
Mine Operating Permit Number 1129

Dear Mr. Hills:

The Division of Mining and Solid Waste Permitting acknowledges receipt of your surety bond for the Chicken Farm Mine. With all documents in order and properly executed, please find enclosed the Mine Operating Permit and the approved Reclamation Plan for the Chicken Farm Mine. This mine has a Life of Mine permit based on the termination date of mining as identified on the Reclamation Schedule in the approved Reclamation Plan.

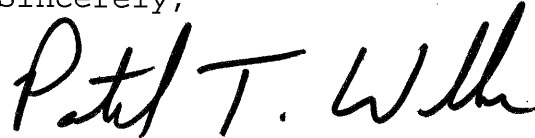
Please be advised, the Mine Operating Permit and the approved Reclamation Plan for this mining operation along with the regulations for the S.C. Mining Act are the primary documents that state how your company should conduct mining operations to comply with the S.C. Mining Act. It is important that you and other appropriate company officials read and understand these documents. These documents should be kept throughout the life of this mine and should be periodically reviewed by the appropriate company officials as part of mine inspections, Annual Reclamation Report preparation, permit modifications and during reclamation of the mine site.

Page 2
Mr. Hills
October 13, 1997

With the issuance of this Mine Operating Permit, your company is responsible for being familiar with all appropriate laws and regulations. The S.C. Department of Health and Environmental Control will be conducting mine inspections on a periodic basis to evaluate compliance with the permit, assist with technical questions on environmental protection and reclamation and to review for mine reclamation progress. The Department has individual inspectors assigned to specific geographic sections of the state. **Mr. Mark Williams**, in the Trident District office is the person responsible for working with you in **Charleston County**. If you should have any questions, please do not hesitate to call Mr. Williams at 803-740-1590.

Thank you for your cooperation and assistance. If you have any questions, please feel free to contact me.

Sincerely,



Patrick T. (Pat) Walker, Director
Division of Mining and
Solid Waste Permitting

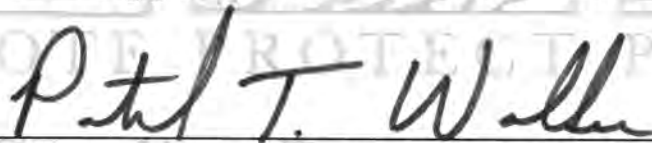
cc: Dave Scaturro
Mark Williams, Trident EQC Dist.
Merle Slaton, Mine Safety &
Health Administration

SOUTH CAROLINA
DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL CONTROL
MINE OPERATING PERMIT

PART I:

**Chicken Farm Mine
Three Oaks Contractors, Inc.**

a corporation, has been granted a Mine Operating Permit, Mine Permit Number 1129 from the S. C. Department of Health and Environmental Control to operate the Chicken Farm Mine in the County of Charleston. This permit grants Three Oaks Contractors, Inc. the right to operate the Chicken Farm Mine in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 et seq., 1976), and with Regulations 89-100 et seq. This permit document reflects submitted information from the application process for a Mine Operating Permit. The operator shall conduct this operation as generally represented in documents that have been submitted to support the issuance of this permit.



PATRICK T. WALKER, DIRECTOR
DIVISION OF MINING AND SOLID WASTE PERMITTING

PERMIT NUMBER: 1129

ISSUED: October 13, 1997

EXPIRES: December 31, 2011 or subsequent to modifications of the mine termination date as referenced in the Reclamation Schedule in the approved Reclamation Plan.

LAST MODIFICATION: XX-X (see Appendix A for synopsis of modifications)

APPROVAL DATE: XXXXXX

The approved Reclamation Plan attached to this Mine Operating Permit is 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.

1129

Three Oaks Contractors, Inc.

Home Office Address: Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Local Office Address: SAME AS ABOVE

Address for Official Mail: Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Company personnel and title to be the contact for official business and correspondence (SCDHEC should be notified immediately of any change in address, telephone or fax numbers):

Gervais Hills
Vice-President

Telephone: (803) 559-9515
Mobile Telephone:
Fax: (803) 559-2457

LOCATION: The mine is located on the Legareville U.S.G.S. 7.5' Topographic Map. The approximate U.T.M. coordinates for the site are:

Easting: 588,303

Northing: 3,616,636

The operation is located approximately 5 miles southwest of Charleston, SC. Specifically, the site is on Johns Island one mile east of the intersection of state secondary Hwys S-10-20 (Bohicket Road) and S-10-633 (Edenvale Road).

Part II: MINE OPERATIONS v.7/1/94

Three Oaks Contractors, Inc., herein after also may be referred to as the operator, is permitted to mine sand/clay fill material to a maximum depth of **20 feet below ground surface** on a tract of land **owned** by the referenced operator. This tract of land is identified in the submitted Land Entry Agreement (LEA). This LEA will be recorded with the appropriate agency (i.e., Register of Mesne Conveyance, Clerk of Court) in **Charleston County**.

The site has **0.0 acres** of previous mined land not permitted to be affected under this Mine Operating Permit. The Pre-Law Mined Land is identified as **PLML** on the submitted site map.

MINE/PIT CHARACTERIZATION: Fill material will be excavated by trackhoe and loaded onto various contractor trucks to be hauled off-site. Topsoil will be stripped and adequate amounts stockpiled for reclamation of affected areas. Excess topsoil not needed for reclamation may be sold.

PROCESSING PLANT LOCATED ON MINE SITE: There will be **no** onsite processing facility.

MINE DEWATERING: The mine floor will extend below the natural water table. Consequently, pit dewatering will be necessary to facilitate mining. Dewatering will only be conducted as necessary to minimize impacts to any surrounding resources dependent on the high water table. See Part X: Additional Terms and Conditions of this permit document for additional requirements.

BLASTING: Blasting operations **are not** permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES: There are no known significant cultural or historical sites on the permit area. See Part X: Additional Terms and Conditions of this permit document for additional requirements.

VISUAL SCREEN: This site cannot be seen easily from the road or from any homes. A 50' buffer zone of available existing vegetation will be maintained around the perimeter of the permit area to aid as a visual screen. If necessary to visually screen the mine from neighboring houses or highways, vegetated earthen berm(s) may need to be constructed of sufficient height to enhance the visual screen of natural vegetation.

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

OTHER STATE OR FEDERAL PERMITS:

- 1) NPDES Storm Water Permit
- 2) NPDES General Permit for Pit Dewatering of Mine Facilities

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 Agreement (Forms MR-600 or MR-700) to the Department within 30 days of the change of ownership.

Land Owner as Listed on Land Entry Agreement:

- 1) Three Oaks Contractors, Inc.

Total acres of the contiguous tracts of land for which the permit is granted:

OWNED 84.89 LEASED 0.00 TOTAL 84.89

Part III: PERMITTED LAND v.7/1/94

This permit is valid 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) land 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 affects to the surrounding environment.

A. AFFECTED LAND: Under the current mine plan, the total area to be affected by Three Oaks Contractors, Inc., not including future reserves, is 27.7 acres of land. The operator is permitted to affect up to 8.9 acres of land at any point in time in accordance with the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Once affected land is released by the S.C. Department of Health and Environmental Control as reclaimed in accordance with R.89-330, that land is no longer considered affected and the mine operator carries no further reclamation liability. The affected acres are derived from the operator's response in the APPLICATION FOR A MINING PERMIT (Form MR-400), page 3, line 2H.

The amount of the reclamation bond is based on the **total affected area** of land to be reclaimed under the approved Reclamation Plan. Section 48-20-110 specifies bond amount as follows:

<u>AFFECTED AREA</u>	<u>BOND AMOUNT</u>
Less than 10 acres	\$10,000
10 acres or more, but less than 15 acres	\$15,000
15 acres or more, but less than 25 acres	\$25,000
25 acres or more	\$25,000 or more

For mining operations permitted to affect less than 25 acres, the operator is required by Regulation 89-200 D. to modify their mining permit **prior to exceeding the total affected acres** for which the mine is permitted. Mining operations that are permitted to affect 25 acres or more shall not exceed the bonded acreage by more than ten percent (10%) without notifying the SCDHEC in writing. The SCDHEC will review bonding levels to determine if an increase in the reclamation bond is necessary.

B. FUTURE MINE RESERVES: 21.5 acres are identified as future mine 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 the SCDHEC as specified in the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Failure to submit such plans to the SCDHEC and commencement of mining activities would be a violation of this permit. (**Future reserve area is located in northeast corner of permit area** > .

C. BUFFER AREAS: 35.7 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 disturbance of the buffer areas (i.e., removal of timber) requires this Mine Operating Permit to be modified **prior** to any such disturbance. (**Buffer area contains the delineated wetlands, 5.5 acres; minimum of 50 foot setback from property lines, approximately 7.4 acres; and other portions of the permit area that are not designated to be affected by mining, approximately 28.3 acres.**)

TOTAL PERMITTED AREA: 84.9 acres (rounded off from 84.89) described on the submitted Land Entry Agreement as, "A 66.671 acre tract on Edenvale Road, Johns Island. TMS # 275-00-00-075 and an 18.218 acre tract on Edenvale Road, Johns Island, TMS# 275-00-00-074."

Part IV: MAPS v.7/1/94

The mine site map was prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying, Inc. and dated January 20, 1997. This map is further identified with the SCDHEC map number **MS-1129-V1** and is a part of the operating permit.

The reclamation map was also prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying, Inc. and dated January 20, 1997. This map is further identified with the SCDHEC map number **RM-1129-V1** and is a part of the operating permit.

Part V: RECLAMATION BOND v.7/1/94

The Reclamation Bond is based upon to total affected acres (Part III A. of this permit). Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$10,000. 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.

Section 48-20-110 allows an operator to maintain one reclamation bond (blanket bond) to cover two or more permitted mining operations in South Carolina. This permitted mine operation **IS** covered by a blanket bond for the dollar amount set at the time of this permit issuance. However, the bond amount total shown in Part V: RECLAMATION BOND of this Mine Operating Permit **MAY NOT** always reflect the total bond amount this operator has on file at the SCDHEC. To precisely determine the TOTAL reclamation bond amount, consult the Mining and Reclamation staff at SCDHEC and the bond documents on file for this operator. The TOTAL amount of this blanket bond will fluctuate as the other Mine Operating Permits covered with this blanket reclamation bond are either: 1) modified to increase or decrease affected land; 2) affected land reclaimed and released from the reclamation bond; and/or 3) adjustments to the blanket reclamation bond due to inflation, permit transfer or other changes in the mine site.

Financial Institution posting Reclamation Bond:

Name: Reliance Surety Company
Address: Philadelphia, Pennsylvania
Contact: Patricia, Dulin

Type of bond posted for Reclamation Bond: **Surety**

Total Bond Amount: -----**\$10,000**

Account Number: -----**B 2653872**

History of Reclamation Bond (Changes in bonding companies, type of bond, amount, etc.)

- 1) This mine is added to the blanket bond with the "Burnin Acres" Mine (permit #788) through a rider issued by Reliance Surety Co. The reclamation bond amount did not change and remained at \$10,000.00.

Part VI: PROTECTION OF NATURAL RESOURCES v.7/1/94

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.

The site is an agricultural field with farm ditches running through the site. The surrounding area is wooded and no homes can easily be seen. Wetlands on the site have been delineated and certified by the U.S. Army Corps of Engineers. Operator shall protect the wetlands by observing a 50 foot setback from the wetlands. See Part X: Additional Terms and Conditions for additional requirements.

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.

The site is approximately 2500 linear feet from a public road and will be posted with mining operation and no trespassing signs. Buffers will be around the site.

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

Operator shall use Best Management Practices (BMP) to prevent accumulation of sediment/soil on public road carried by trucks and other vehicles exiting the mine site. Any accumulations of sediment/soil on to the public road by trucks or other vehicles exiting the mine site shall be removed by the operator on a daily basis.

Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding outside of Three Oaks Contractor's property line. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur.

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

This site is not located near a publicly owned park, forest, or recreational area.

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

The primary focus of the sediment control plan will consist of the following: 1) minimize size of land disturbance and the clearing only of natural vegetation necessary to safely conduct mining operations; 2) the use of properly designed sediment control structures to treat stormwater runoff from disturbed areas prior to discharge; 3) where feasible, the revegetation of areas barren of vegetation on a continuing basis to stabilize the soil and reduce erosion and sediment loads in stormwater runoff.

To the degree feasible, stormwater runoff shall be routed into the pit or sediment basin. When and where necessary, the operator shall deploy temporary sediment control measures (silt fences, hay bales, brush barriers, etc.) to control sediment discharge outside the affected area. These temporary measures should only be utilized until such time permanent vegetation can be established or the stormwater is treated by a sediment retention basin.

A 0.50 acre sediment traps shall be establish in segments 1 and 5. These traps shall be constructed at the appropriate time with the bottom of the trap approximately 5 feet below the floor of the active mine. Sediment shall be trapped on site and not released outside the permitted area. The operator shall maintain the foot valve to the sump dewatering pump in the pit at least 3 feet above the floor of the sediment trap or accumulated sediment to prevent the intake and discharge of sediment. The discharge of the water into the receiving drainage ditch should be against an armored splash area of adequate size and construction to prevent scouring and erosion and to minimize resuspension of sediment.

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

Slopes shall be maintained at a gradient of 3H:1V. This gradient is less than the soil's natural angle of repose; consequently, the slope should remain stable. The limited depth (15 feet) should not pose a threat to adjoining property.

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

No materials are expected to be encountered which might lead to generation of acid water.

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

The mine operator will use appropriate measures (i.e., water truck, dust suppressants, etc.) to control fugitive dust created by moving equipment along haul roads. The operator, where feasible, shall establish vegetation in area barren of vegetation but are not active mine areas to stabilize the soil and reduce potential for wind erosion and blowing dust.

Part VII: STANDARD CONDITIONS OF MINE OPERATING PERMIT v.7/1/94

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 the SCDHEC, 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 Regulation 89-240, the operator shall grant the Department 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 and rules and regulations promulgated hereunder and any terms and conditions of this permit.

3) RECORDS RETENTION: Any records the Department requires the operator to maintain through additional terms and conditions of this permit or by regulations 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 the Department. The operator shall furnish copies of the records upon request of the SCDHEC.

4) PERMIT MODIFICATIONS: Pursuant to Section 48-20-80, the operator may modify the permit and/or Reclamation Plan upon approval by the Department. Requests for permit and/or Reclamation Plan modifications may be made to the Department on Form MR-1300. The operator shall submit any requested supporting data for consideration during the Department's evaluation of the modification request. If a modification request is determined to be substantial by the SCDHEC, 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 the Department 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 promulgated by the S.C. Mining Council, the Department 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 transferrer of the permit will remain liable for all reclamation obligations until all required documents, plans and replacement reclamation bond have been submitted and approved by the SCDHEC. The transfer will be considered complete when all parties have received notification by certified letters of the approval of the transfer by the SCDHEC.

6) LENGTH 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 shown on the **Schedule for Conservation and Reclamation Practices** in the Reclamation Plan is the termination date for the operating permit. The Mine Operating Permit termination date may be changed through a simple modification to this mining permit if active mining operations extend beyond the proposed termination date. The termination date of this permit may not be extended for the sole purpose of postponing reclamation of the mine site. Reclamation activities in the absence of active mining may be required pursuant to R.89-270.

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 within 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 v.7/1/94

Pursuant to Section 48-20-30 of the S.C. Mining Act, "The Department 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 the SCDHEC 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: Compliance with the Mine Operating Permit requires the operator to conduct the mining operation in the general manner as described in the Application for a Mining Permit. Variance from what has been characterized in the Application for a Mining Permit without first modifying this Mine Operating Permit may subject the operator to enforcement penalties.

The operator shall comply at all times with all conditions of this permit. Non-compliance with this mining permit and regulations promulgated by the S.C. Mining Council could lead to permit revocation and bond forfeiture pursuant to Sections 48-20-160 and 48-20-170.

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. The Department shall not accept as a defense from the operator that he was not responsible for any unpermitted actions within the permitted area. Illegal acts within the mining permit are also subject to enforcement actions from other State and Federal agencies. Depending upon the nature of such illegal acts, the S.C. Department of Health and Environmental Control may cooperate with other agencies in the investigation and prosecution of such acts.

Part IX: REPORTS v.7/1/94

1) ANNUAL RECLAMATION REPORTS: The operator shall comply with Section 48-20-120 and R.89-210 and submit an Annual Reclamation Report on Form MR-1100 as supplied by the Department. 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 the SCDHEC 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 (i.e. information 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 is required if there is any permitted land not fully reclaimed and **released by the SCDHEC by June 30 of each year.**

2) SPECIAL REPORTS: This permit does not preclude the SCDHEC from requesting information, data or explanations from the official representative of the operation as to conditions relating to the permitted mine site. Such request from the SCDHEC shall be made in writing to the operator with appropriate time frame stated for the submittal of the requested information to the office of SCDHEC.

Part X: ADDITIONAL TERMS AND CONDITIONS R.89-140

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 the S.C. Department of Health and Environmental Control should be notified immediately. Archaeological materials consist of any items, fifty years 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 remains. These materials may be present on the ground surface and/or under the surface of the ground.
2. In the future, if determined to be necessary by the S.C. Department of Health and Environmental Control, an appropriate fence will be installed around the affected area.
3. Operator shall establish an undisturbed 50 foot buffer zone around the wetlands. The wetlands buffer shall be marked prior to mining to prevent accidental disturbance to the buffer and/or wetlands. The access road wetlands crossing is considered temporary and the wetlands disturbed by the access road crossing shall be restored to wetlands after mining is completed. However, if the operator obtains the necessary permits from the U.S. Army Corps of Engineers, the crossing may remain as a permanent crossing.
4. Temporary or permanent placement of refuse and debris from off-site locations is prohibited. Topsoil, free of debris and contaminants and as defined in Regulation 89-10D, may be brought in from off-site sources, but only for the purposes of mine land reclamation.
5. The operator shall adopt the reclamation and conservation practices schedule as specified on the attached page. The schedule shall become a part of the Reclamation Plan.
6. The operator is responsible for replacing or repairing water wells on neighboring lands if the dewatering operations are determined to be responsible for adversely impacting neighboring wells.
7. Before the mining of Future Mine Reserves, the operator shall submit a mining plan and establish 50 buffer zones around the delineated wetlands.
8. Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding along drainage ditch from Three Oaks's property to where the drainage channel enters waters of the state. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur. Mine dewatering shall cease when the water level in the drainage ditch (as it leaves Three Oaks property) is one (1) foot from the top of the channel and mine dewatering shall not resume until freeboard in the drainage channel is greater than one (1) foot.

MODIFICATIONS TO THE MINE PERMIT

<u>MODIFICATION NUMBER</u>	<u>APPROVAL DATE</u>	<u>DESCRIPTION OF MODIFICATION</u> (PA = Permitted Acres; AA = Affected Acres)
--------------------------------	--------------------------	--

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
BUREAU OF SOLID AND HAZARDOUS WASTE MANAGEMENT
DIVISION OF MINING AND RECLAMATION

RECEIVED

2600 Bull Street
Columbia, SC 29201

FEB 28 1997

Telephone Number (803) 734-5200

Fax Number (803) 734-5199

DIVISION OF MINING &
SOLID WASTE PERMITTING
BSHWM

R E C L A M A T I O N P L A N
FORM MR-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 Three Oaks Contractors, Inc.
2. Name of Proposed Mine Chicken Farm County Charleston
3. Home Office Address 3761 Angel Oak Road 803-559-9515
(Street and P.O. Box) (Telephone No.)
Johns Island S.C. 29455
(City) (State) (Zip Code) 803-559-2457
(Fax No.)
4. Local Office Address same
(Street and P.O. Box) (Telephone No.)
(City) (State) (Zip Code) (Fax No.)
5. Name of company personnel and their title to be the contact for official business and correspondence: Gervais Hills Vice-President
6. Location of Mine: Edenvale Road Charleston
State or County Hwy No. Nearest Town or City

1. Describe practices to protect adjacent resources such as roads, wildlife areas, woodland, cropland and others during mining and reclamation.

The site is approximately 2500 linear feet from a public road with sufficient buffers from other lands. Wetlands on the tract will remain in their natural state. Minimal crossing of wetlands will be necessary for the haul road.

2. Describe proposed methods to limit significant adverse effects on adjacent surface water and groundwater resources.

Pumped groundwater will be routed through a graded canal that will allow for sediment capture and groundwater recharge.

3. Describe proposed methods to limit significant adverse effects on known significant cultural or historic sites within the proposed permitted area.

N/A

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

The mine will displace wildlife into the surrounding undisturbed areas, and ultimately will provide habitat for fish, Amphibians and migratory waterfowl. The mining is not expected to be hazardous to wildlife.

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.

The Stormwater/Groundwater discharge will meet the standards of SC DHEC. State Air Quality standards will be met. Excessive dusting will be controlled by water trucks if necessary.

111. RECLAMATION OF AFFECTED AREA

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

- | | |
|----------------------------------|---------------------------------|
| a. Lake or pond <u> X </u> | f. Grassland <u> X </u> |
| b. Agriculture <u> </u> | g. Recreation <u> </u> |
| c. Woodlands <u> </u> | h. Wetlands <u> X </u> |
| d. Residential <u> </u> | i. Park <u> </u> |
| e. Commercial <u> </u> | j. Other <u> </u> |

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.

3:1

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 bring 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 (ie. 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.

The Perimeter side slopes of the borrow area will be excavated at 3:1 slope and topped with topsoil where necessary prior to seeding. It is anticipated that Bermuda seed will grow on the slopes once excavated.

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.

The existing topsoil will be used to top the perimeter slopes (3:1) where necessary.

Seeding of Bermuda will be in accordance with SC Dot Standard Seeding Specifications (SEC.02821). The replacement of topsoil will provide a seed source to assist with Plant Diversity and Soil Stabilization.

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 exist for (a) acid rock drainage; (b) where the National Pollutant Discharge Elimination Systems (NPDES) Permit have 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 NPDES permit is expected to require Monitoring/Limitations of Ph. once the mining operations cease, the pumping of groundwater will end and surface flow of stormwater will continue. Sedimentation

FORM MR-500

PERMIT NO. 1129

should not be a problem page 3
after seeding.

1129

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.

The mine is not expected to produce contaminants since clean sands are expected to be mined.

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

Perimeters of sediment pond and outfall canal will be graded to 3:1 with seeding.

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

Temporary erosion control will be necessary during mining.
Sedimentation of stream channels is not anticipated.

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?

See Number 8. Bermuda grass will be established on side slopes.

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, signs, benching, guardrails and boulders.

The mining will be setback at least 50' from any adjoining property line or wetland. The site is approximately 2500 linear feet from a public road.

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.

The resulting ponds/Lakes are expected to be of variable depths. Side slopes and buffers will be vegetated and surrounding wooded wetlands are expected to be enhanced by the creation of open water from upland areas.

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

N/A

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 of 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.

Three Oaks Contractors, Inc.-- Chicken Farm Mine -- MOP 1129
 20. Section 48-20-40(16) (1) 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	
Install survey points	As shown on site map		1997			
Install locking gate	Access Road	1	1997			
Mark wetlands/buffer 50'	Permit area	All	1997			Prior to Mining
Mark 50' setbacks	Affect. area	27.7 ac	1997			
Const. Sed. Trap/sump	Segs 1 - 4	0.50 ac	1997			
Grade/TS/Veg.	Seg. 1	1.2 ac	1997			
Grade/TS/Veg.	Seg. 2	1.2 ac	1998			
Grade/TS/Veg.	Seg. 3	1.2 ac	1999			
Grade/TS/Veg.	Seg. 4	1.2 ac	2000			
Grade/TS/Veg. Sed trap	Segs 1 - 4	0.5 ac	2000			Const. completion
Const. Sed. Trap/Sump	Segs 5 - 14	0.5 ac	2001			
Grade/TS/Veg.	Seg. 5	1.2 ac	2001			
Grade/TS/Veg.	Seg. 6	1.2 ac	2002			
Grade/TS/Veg.	Seg. 7	1.2 ac	2003			
Grade/TS/Veg.	Seg. 8	1.2 ac	2004			
Grade/TS/Veg.	Seg. 9	1.2 ac	2005			
Grade/TS/Veg.	Seg. 10	1.2 ac	2006			
Grade/TS/Veg.	Seg. 11	1.2 ac	2007			
Grade/TS/Veg.	Seg. 12	1.2 ac	2008			
Grade/TS/Veg.	Seg. 13	1.2 ac	2009			
Grade/TS/Veg.	Seg. 14	1.2 ac	2010			
Grade/TS/Veg. Sed trap	Segs 5 - 14	0.5 ac	2010			Const. completion
Maintain Access Road	Mine-Edenva	All	1997/10			Note 3

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.

Gervais Hills
 Signature of Applicant/Operator or his Authorized Representative

Gervais Hills
 Printed Name of Applicant/Operator or his Authorized Representative

Vice President
 Title

2/20/97
 Date

===== Department Use Only =====

Permit No. 1129 Date Application Approved 6/29/97 Date Bond Rec'd _____

Bond Amount _____ Blanket or Single Bond Permit Issuance Date _____

ACTION TAKEN ON THIS RECLAMATION PLAN

____ Approved _____ Denied Approved with Additional Terms and Conditions

By: *P. T. J. White*
 DIVISION DIRECTOR

Date: June 29, 1997



2600 Bull Street
Columbia, SC 29201-1708

**Bureau of Land and Waste Management
Division of Mining and Solid Waste Management**

August 12, 2003

Mr. Gervais Hills
Three Oaks Contractors Inc
3761 Angel Oak Rd
Johns Island, SC 29455

RE: Approval of Modification to Mine Operating Permit (Mod 02-1)
Chicken Farm Mine; Permit No. I-01129

Dear Mr. Hills:

Based on the recommendation of Mark Williams of the Trident EQC District Office, the proposed modification to the referenced mining permit is approved. The approval is conditioned on the information provided by you on form MR-1300 and an updated site map. The modification increases the affected acreage from 27.79 acres to 43.9 acres.

Enclosed is the revised permit document and reclamation schedule. If you should have any questions about this permit, please feel free to contact me at 803-896-4264.

Sincerely,

Joan F Litton, Manager
Mining and Reclamation Section


pc: Mark Williams, Trident EQC District Office

SOUTH CAROLINA
**DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL CONTROL
MINE OPERATING PERMIT**

PART I:

**Chicken Farm Mine
THREE OAKS CONTRACTORS, INC.**

Three Oaks Contractors, Inc., a corporation, has been granted a Mine Operating Permit, Mine Permit Number 1129 from the S.C. Department of Health and Environmental Control (Department) to operate the Chicken Farm Mine in the County of Charleston. This permit grants Three Oaks Contractors, Inc. the right to operate the Chicken Farm Mine in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 *et seq.*, 1976), and Regulations 89-10 *et seq.* This permit document reflects submitted information from the application process for a Mine Operating Permit. The operator shall conduct this operation as represented in documents submitted to support the issuance of this permit.



R. CRAIG KENNEDY, P.G., ASSISTANT DIRECTOR
DIVISION OF MINING AND SOLID WASTE MANAGEMENT

PERMIT NUMBER: 1129
ISSUED: October 13, 1997
EXPIRES: December 31, 2017 or subsequent to modifications of the mine termination date as referenced in the Reclamation Schedule of the approved Reclamation Plan.
LAST MODIFICATION: Mod 02-1 (see Appendix A for synopsis of modifications)
APPROVAL DATE: August 12, 2003

The approved Reclamation Plan is 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.

Three Oaks Contractors, Inc.

Home Office Address: Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Address for Official Mail: Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Company personnel and title to be the contact for official business and correspondence (SCDHEC should be notified immediately of any change in address, telephone or fax numbers):

Gervais Hills
Vice President

Telephone: 843-559-9515
Fax: 843-559-2457

LOCATION: The mine is located on the Legareville, SC U.S.G.S. 7.5' Topographic Map. The approximate U.T.M. coordinates for the site are:

Easting: 588,303 Northing: 3,616,636

The operation is located in Charleston County approximately 5.0 miles SW of Charleston, SC. Specifically the site is on Johns Island one mile east of the intersection of state secondary highway S-10-20 (Bohicket Road) and S-10-633 (Edenville Road).

Part II: MINE OPERATIONS

Three Oaks Contractors, Inc., also referred to as the operator, is permitted to mine sand/clay to a maximum depth of 20 feet on a tract of land owned by the referenced operator. This tract of land is identified in the submitted Land Entry Agreement (LEA). This LEA will be recorded with the appropriate agency (i.e., Register of Mesne Conveyance, Clerk of Court) in Charleston County.

The site has **0.0 acres** of previous mined land not permitted to be affected under this Mine Operating Permit. The **Pre-Law Mined Land** is identified as **PLML** on the submitted site map.

MINE/PIT CHARACTERIZATION: The sand, sand/ clay and topsoil will be excavated and stockpiled on site. Ground clearing will be accomplished with excavator and/ or dozer. Excavation, stockpiling and loading of material will be done with the excavator and rubber-tired loader. Dump trucks will be used to haul material off-site. Grading for reclamation will be done with the dozer. 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: No processing will be done on site.

MINE DEWATERING: Mine dewatering will be necessary when the pit floor extends below the watertable and groundwater seeps into the mine. The groundwater will be collected in a sump and pumped from the pit to a previously mined area which serves as a storage/settling pond. Water discharged from the pit to a receiving stream must be discharged through an outfall regulated by NPDES permits.

Where feasible, stormwater runoff will be diverted into the pit, collected into the sump and discharged in the same manner as groundwater. See Part X: Additional Terms and Conditions of this permit document for additional requirements concerning dewatering and any dewatering impacts.

BLASTING: Blasting operations are not permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES: No significant cultural or historical sites have been identified. Note Part X: Additional Terms and Conditions of this Mine Operating Permit.

VISUAL SCREEN: This site cannot be seen easily from the road or homes on adjacent property. A 50 ft. undisturbed buffer, consisting of existing vegetation, will be maintained around the perimeter of the permit area to aid in visually screening the site. If necessary to visually screen the mine from neighboring houses or highways, vegetated earthen berm(s) may need to be constructed of sufficient height to enhance the visual screen of natural vegetation.

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

OTHER STATE OR FEDERAL PERMITS:

1) NPDES Mineral Mining: Groundwater, Storm Water and Process Wastewater

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 Agreement (Forms MR-600 or MR-700) to the Department within 30 days of the change of ownership.

Land Owner(s) as Listed on Land Entry Agreement(s): Three Oaks Contractors, Inc.

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

OWNED 84.89 LEASED 00.0 TOTAL 84.89

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 affects to the surrounding environment.

AFFECTED LAND: Under the current mine plan, the total area to be affected by Three Oaks Contractors, Inc., not including future reserves, is 43.9 acres of land. The operator is permitted to affect up to 9.9 bonded acres of land at any point in time in accordance with the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Once affected land is released by the Department as reclaimed in accordance with R.89-330, that land is no longer considered affected and the mine operator carries no further reclamation liability. The affected acres are derived from the operator's response in the APPLICATION FOR A MINING PERMIT (Form MR-400), page 3, line 2H.

The amount of the reclamation bond is based on the **total affected area** of land to be reclaimed under the approved Reclamation Plan. Section 48-20-110 specifies bond amount as follows:

<u>AFFECTED AREA</u>	<u>BOND AMOUNT</u>
Less than 10 acres	\$10,000.00
10 acres or more, but less than 15 acres	\$15,000.00
15 acres or more, but less than 25 acres	\$25,000.00
25 acres or more	\$25,000.00 or more

For mining operations permitted to affect less than 25 acres, the operator is required to modify their mining permit **prior to exceeding the total affected acres** for which the mine is permitted. Mining operations that are permitted to affect 25 acres or more shall not exceed the bonded acreage by more than ten percent (**10%**) without notifying the SCDHEC in writing. The SCDHEC will review bonding levels to determine if an increase in the reclamation bond is necessary.

FUTURE MINE RESERVES: 5.30 acres are identified as future mine 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 the SCDHEC as specified in the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Failure to submit such plans to the SCDHEC and commencement of mining activities would be a violation of this permit. Prior to expansion into the future reserves, the operator is required to revise the mine plan and reclamation schedule to include the areas to be affected. The Department shall be notified a minimum of sixty days prior to activities within future mine reserves unless another time frame is specified in the Additional Terms and Conditions.

BUFFER AREAS: 35.7 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 disturbance of the buffer areas (i.e. removal of timber) requires this Mine Operating Permit to be modified **prior** to any such disturbance.

TOTAL PERMITTED AREA: 84.9 acres (rounded off from 84.89 acres) as submitted on the Land Entry Agreement.

Part IV: MAPS

The mine site map was prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying, Inc. and dated January 20, 1997 and updated by Gervais Hills dated February 2002. This map is further identified with the SCDHEC map number **SM-1129-V2** and is a part of the operating permit.

The reclamation map was prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying, Inc. and dated January 20, 1997 and updated by Gervais Hills dated February 2002. This map is further identified with the SCDHEC map number **RM-1129-V2** and is a part of the operating permit.

Part V: RECLAMATION BOND

The Reclamation Bond is based upon the total affected acres (Part III A. of this permit). Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$10,000. 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.

Financial Institution posting Reclamation Bond:

Name: First National Insurance Company
Address: 2100 Rexford Road, #410
Charlotte, NC

Type of bond posted for Reclamation Bond: Surety

Total Bond Amount: \$10,000

Account Number: 6019144

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.

The site is an agricultural field with farm ditches running through the site. The surrounding area is wooded and no homes can be easily seen. Wetlands onsite have been delineated and certified by the U.S. Army Corps of Engineers. Operator shall protect the wetlands by maintaining an undisturbed buffer of 50 feet between mining activities and wetlands. See Part X. Additional Terms and Conditions for additional requirements.

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 will be installed at the entrance to the mine site and kept locked during inactive periods. The operator shall minimize highwalls during active mining to reduce potential of accidental falls from excessive highwalls. Warning and /or Danger signs shall be posted around the perimeter of the property. The site is approximately 2500 linear feet from a public road, with buffers to be maintained around the site.

A 50 foot setback shall remain along the property lines. This setback will be comprised of a 50 undisturbed buffer along property lines.

Operator shall use Best Management Practices (BMP) to prevent accumulation of sediment/soil on public roads carried by trucks and other vehicles exiting the mine site. The operator shall remove any accumulations of sediment/soil onto the public road by trucks or other vehicles exiting the mine site on a daily basis.

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 must be removed from the site and disposed properly to prevent contamination to ground and surface water resources.

Wetlands will be protected by an undisturbed 50 foot buffer. The operator is allowed to discharge accumulated stormwater, free of sediment, from the sediment basin into the wetland.

Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding outside of Three Oaks Contractors, Inc. property line. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur.

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

There are no publicly owned parks, forest or recreational areas near this mine site.

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

The primary focus of the sediment control plan will consist of the following: 1) minimize size of land disturbance and the clearing only of natural vegetation necessary to safely conduct mining operations; 2) the use of properly designed sediment control structures to treat storm water runoff from disturbed areas prior to discharge; 3) where feasible, the revegetation of areas barren of vegetation on a continuing basis to stabilize the soil and reduce erosion and sediment loads in storm water runoff.

To the degree feasible, stormwater runoff shall be routed into the pit or sediment basin. When and where necessary, the operator shall deploy temporary sediment control measures (silt fences, hay bales, brush barriers etc.) to control sediment discharge outside the affected area. These temporary measures should only be utilized until such time permanent vegetation can be established or the stormwater is treated by a sediment retention basin.

A 0.50 acre sediment trap shall be constructed within the bottom of mine segments 5 and 17 (if the mine operator desires, the sump can remain in segment 5 while mining segment 17). These traps shall be constructed at the appropriate time with the bottom of the trap approximately 5 feet below the floor of the active mine. Sediment shall be trapped on site and not released outside the permitted area. This should be accomplished with the use and proper maintenance of the sediment control pond and in the use of Best Management Practices in the pumping and routing of groundwater and stormwater from the pit to the sediment control basin for discharge. Water discharged from the basin shall meet limitations set by NPDES permit. The operator shall maintain the foot valve to the sump dewatering pump in the pit at least 3 feet above the floor of the sediment trap or accumulated sediment to prevent the intake and discharge of sediment. The outfall from the discharge shall be properly armored (i.e., rip rap, concrete, grass, etc.) to prevent scouring and erosion along the channel. Segments 1-4 shall be maintained as an additional ± 4.8 acre sediment basin for additional sediment and erosion control.

Part VI: PROTECTION OF NATURAL RESOURCES (cont'd.)

The sump shall be cleaned of sediment when 50% of the sump's capacity (measured from the floor of the basin to the basin discharge point (or pump intake) has diminished with accumulated sediment or when the capacity has diminished to the extent that the sump can no longer function as intended (all fines removed shall be placed in an area where runoff is channeled into the basin).

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

Final slopes will be 3H:1V to minimize potential for landslides or unstable mine walls. 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.

Acid water is not anticipated to be generated from the oxidation of existing minerals currently found on this site.

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

The mine operator will use appropriate measures (i.e. water truck, dust suppressants, etc.) to control fugitive dust created by moving equipment along haul roads. The operator, where feasible, shall establish vegetation in non-active mine areas barren of vegetation to stabilize the soil and reduce potential for wind erosion and blowing dust.

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 the Department 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 the Department 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: Any records the Department requires the operator to maintain through additional terms and conditions of this permit or by regulations 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 the Department. The operator shall furnish copies of the records upon request to the Department.

4) PERMIT MODIFICATIONS: Pursuant to Section 48-20-80, the operator may modify the permit and/or Reclamation Plan upon approval by the Department. Requests for permit and/or Reclamation Plan modifications may be made to the Department on Form MR-1300. The operator shall submit any requested supporting data for consideration during the Department's evaluation of the modification request. If a modification request is determined to be substantial by the Department, 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 the Department 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, the Department 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 transferee 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 the Department. The transfer will be considered complete when all parties have received notification by certified letters of the approval of the transfer by the Department.

6) LENGTH 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 shown on the **Schedule for Conservation and Reclamation Practices** in the Reclamation Plan is the termination date for the operating permit. The Mine Operating Permit termination date may be changed through a simple modification to this mining permit if active mining operations extend beyond the proposed termination date. The termination date of this permit may not be extended for the sole purpose of postponing reclamation of the mine site. Reclamation activities in the absence of active mining may be required pursuant to R.89-270.

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 within 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, "The Department 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 the Department 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: Compliance with the Mine Operating Permit requires the operator to conduct the mining operation in the general manner as described in the Application for a Mining Permit. Variance from what has been characterized in the Application for a Mining Permit without first modifying this Mine Operating Permit may subject the operator to enforcement penalties.

The operator shall comply at all times with all conditions of this permit. Non-compliance with this mining permit and regulations could lead to permit revocation and bond forfeiture pursuant to Sections 48-20-160 and 48-20-170.

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. The Department shall not accept as a defense from the operator that he was not responsible for any unpermitted actions within the permitted area. Illegal acts within the mining permit are also subject to enforcement actions from other State and Federal agencies. Depending upon the nature of such illegal acts, the Department may cooperate with other agencies in the investigation and prosecution of such acts.

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 the Department. 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 the Department 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 (i.e. information 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 is required if there is any permitted land not fully reclaimed and **released by the Department by June 30 of each year.**

2) **SPECIAL REPORTS:** This permit does not preclude the Department from requesting information, data or explanations from the official representative of the operation as to conditions relating to the permitted mine site. Such request from the SCDHEC shall be made in writing to the operator with appropriate time frame stated for the submittal of the requested information to the Department.

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 the S.C. Department of Health and Environmental Control 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. In the future, if determined to be necessary by the S.C. Department of Health and Environmental Control, an appropriate fence will be installed around the affected area.
3. Temporary or permanent placement of refuse and debris from off-site locations is prohibited. Topsoil, free of debris and contaminants and as defined in Regulation 89-10D, may be brought in from off-site sources, but only for the purposes of mine land reclamation.
4. Operator shall establish an undisturbed 50 foot buffer zone around the wetlands. The wetlands buffer shall be marked prior to mining to prevent accidental disturbance to the buffer and/or wetlands. The access road wetlands crossing is considered temporary and the wetlands disturbed by the access road crossing shall be restored to wetlands after mining is completed. However, if the operator obtains the necessary permits from the U.S. Army Corps of Engineers, the crossing may remain as a permanent crossing.
5. The operator shall adopt the "Reclamation and Conservation Schedule" as specified by the Department. This reclamation schedule is a part of the approved Reclamation Plan.
6. The operator is responsible for replacing or repairing water wells on neighboring lands if the dewatering operations are determined to be responsible for adversely impacting neighboring wells.
7. Before mining Future Reserves, the operator shall submit a mining plan and establish 50 foot buffer zones around the delineated wetlands.
8. Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding along the drainage ditch from Three Oaks Contractors, Inc. property to where the drainage ditch enters waters of the state. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur. Mine dewatering shall cease when the water level in the drainage ditch (as it leaves Three Oaks Contractors, Inc. property) is one (1) foot from the top of the channel. Mine dewatering shall not resume until the freeboard within the drainage channel is greater than one (1) foot.

APPENDIX A

MODIFICATIONS TO THE MINE PERMIT

NUMBER	APPROVAL DATE	DESCRIPTION OF MODIFICATION (PA=Permitted Acres; AA=Affected Acres)
Issued	10/13/97	Permit issued
Mod 02-1	08/12/03	Increase affected acreage by 16.2 acres.

20. Section 48-20-40(16)(1) 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	
Install survey points ¹	As shown on map		1997			maintain LOM
Install locking gate	Entrance to permit area		1997			maintain LOM
Maintain access roads						maintain LOM
Maintain reclamation on previously mined segments	mined out areas (seg. 5-14)	22.0 ac				see Note 4
Mark wetlands and 50' undisturbed buffer to property line and wetlands. ²	15, 16, 17		2002			
Maintain previously mined area as sediment basin	segments 1-4	5.7 ac				maintain LOM
Maintain dewatering sump	segments 5 or 17	0.5 ac	2002			maintained within active pit bottom, see Note 2
inspect, repair, maintain	PA	43.9 ac				until release by the Department

- Notes:
- Two permanent survey markers within the permitted area shall be located at least 100 feet apart as required in R.89-130.
 - Wetland markers should be established prior to the start of mining. Permanently flag buffers associated with wetlands and property lines.
 - Minimize the amount of disturbed acreage to reduce the potential for offsite sediment and erosion control concerns.
 - Reclamation of mined out areas should be initiated within 180 days of termination of mining in those areas or earlier if grading/ soil preparation/ seeding is feasible; amount of affected acreage must be minimized.
 - Mine and reclamation maps, reclamation schedule must be revised a minimum of 3 months prior to initiating activity in reserves.

Note 1 - Best Management Practices shall be installed and maintained as necessary to ensure stormwater is retained on site

Note 2 - Sediment basin shall be cleaned of sediment as necessary to ensure basin is functioning properly

Note 3 - Slopes shall be graded as excavations progress; i.e. final outer pit walls shall be graded to final slope (3:1), fertilized and seeded as each 300 to 600 foot long section becomes available for reclamation.

Note 4 - Reclamation/ vegetation shall be inspected on a regular basis and corrective measures taken to prevent erosion of final slopes.

AA - Affected Area BMPs - Best Management Practices LOM - Life of Mine PA - Permitted Area PL - Property Line ST - Sediment Traps
 SW - Stormwater TS - Topsoil WL - Wetlands



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

**Bureau of Land and Waste Management
Division of Mining and Solid Waste Management**

**Certified -
Return Receipt Requested
7001 2510 0008 6146 8982**

February 2, 2006

Mr. Gervais Hills
Three Oaks Contractors, Inc.
3761 Angel Road
Johns Island, S.C. 29455

RE: Approval of Modification (Mod 05-1, 05-2) - Permit I-01129
Chicken Farm Mine, Three Oaks Contractors, Inc.

Dear Mr. Hills:

With approval of the draft Mine Operating Permit document by Three Oaks Contractors, Inc., the application to modify (Modification 05-1, 05-2) the above referenced mine and reclamation plan has been approved as of February 2, 2006. Pursuant to Regulation 89-120, the application is approved with the terms and conditions outlined in the draft individual permit document.

With the approval of this modification and the proper execution of all reclamation bond documents, enclosed is the Mine Operating Permit and the revised reclamation schedule. The revised schedule needs to be added to the approved Reclamation Plan for Chicken Farm Mine. The permit document and the approved Reclamation Plan should be kept on file until the permit has been cancelled by the Department. The appropriate company officials should review these documents periodically as part of the mine inspections, preparation of the Annual Reclamation Report, any permit modifications, and during the reclamation of the mine site.

If you should have any questions, contact me at 803-896-4262 or via e-mail at kennedrc@dhec.sc.gov.

Sincerely,

R. Craig Kennedy, P.G., Assistant Director
Division of Mining and Solid Waste Management

enclosures

cc: M. Williams, DHEC Region 7 EQC

Modifications 05-1, 05-2

20. Section 48-20-40(16)(1) of the S.C. Mining Act requires a, Atime 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	
Install survey points	As shown on map		1997			See Note 1, maintain LOM
Install locking gate	Entrance to permit area		1997			maintain LOM
Maintain access roads						maintain LOM
Maintain reclamation on previously mined segments	mined out areas (seg. 5-14)	22.0 ac				see Note 4
Mark wetlands and 50' undisturbed buffer to property line and wetlands	15, 16, 17		2002			See Note 2, maintain LOM
Maintain previously mined area as sediment basin	Segments 1-4	5.7 ac				maintain LOM
Backfill Segment 16	16	3.8 ac	Jan 2010			See Note 3
Mark segment limits	B2005	3.63 ac	2005			Segment limits include: excavation, ditch, and road
Slope, topsoil, fertilize, seed	B2005	3.63 ac	2008			Haul road to remain
Maintain dewatering sump	segments 5 or 17	0.5 ac	2002			maintained within active pit bottom, see Note 2
inspect, repair, maintain	PA	43.9 ac				until release by the Department

- Notes:
- Two permanent survey markers within the permitted area shall be located at least 100 feet apart as required in R.89-130.
 - Wetland markers should be established prior to the start of mining. Permanently flag buffers associated with wetlands and property lines.
 - As required by Term and Condition #3 – soil material for backfilling shall be free of debris or contaminants. Elevation of the backfilled area should be consistent with surrounding undisturbed elevations. Reclamation should consist of: final grading to drain, topsoiling, fertilization, and seeding. Minimize the amount of disturbed acreage to reduce the potential for offsite sediment and erosion control concerns.

AA – Affected Area BMPs – Best Management Practices LOM – Life of Mine PA – Permitted Area PL – Property Line ST – Sediment Traps
 SW – Stormwater TS – Topsoil WL - Wetlands

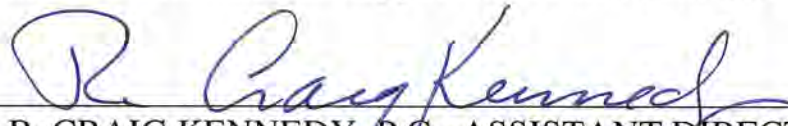
* Completed by the Department

SOUTH CAROLINA
**DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL CONTROL
MINE OPERATING PERMIT**

PART I:

**Chicken Farm Mine
THREE OAKS CONTRACTORS, INC.**

Three Oaks Contractors, Inc., a corporation, has been granted a Mine Operating Permit, Mine Permit Number 1129 from the S.C. Department of Health and Environmental Control (Department) to operate the Chicken Farm Mine in the County of Charleston. This permit grants Three Oaks Contractors, Inc. the right to operate the Chicken Farm Mine in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 *et seq.*, 1976), and Regulations 89-10 *et seq.* This permit document reflects submitted information from the application process for a Mine Operating Permit. The operator shall conduct this operation as represented in documents submitted to support the issuance of this permit.



R. CRAIG KENNEDY, P.G., ASSISTANT DIRECTOR
DIVISION OF MINING AND SOLID WASTE MANAGEMENT

PERMIT NUMBER: 1129

ISSUED: October 13, 1997

EXPIRES: December 31, 2017 or subsequent to modifications of the mine termination date as referenced in the Reclamation Schedule of the approved Reclamation Plan.

LAST MODIFICATION: Mod 05-2 (see Appendix A for synopsis of modifications)

APPROVAL DATE: February 2, 2006

The approved Reclamation Plan is 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.

Three Oaks Contractors, Inc.

Home Office Address: Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Address for Official Mail: Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Company personnel and title to be the contact for official business and correspondence (SCDHEC should be notified immediately of any change in address, telephone or fax numbers):

Gervais Hills
Vice President

Telephone: 843-559-9515
Fax: 843-559-2457

LOCATION: The mine is located on the Legareville, SC U.S.G.S. 7.5' Topographic Map. The approximate U.T.M. coordinates for the site are:

Easting: 588899.2 Northing: 3617322.5

The operation is located in Charleston County approximately 5.0 miles SW of Charleston, SC. Specifically the site is on Johns Island one mile east of the intersection of state secondary highway S-10-20 (Bohicket Road) and S-10-633 (Edenville Road).

Part II: MINE OPERATIONS

Three Oaks Contractors, Inc., also referred to as the operator, is permitted to mine sand/clay to a maximum depth of 20 feet on a tract of land owned by the referenced operator. This tract of land is identified in the submitted Land Entry Agreement (LEA). This LEA will be recorded with the appropriate agency (i.e., Register of Mesne Conveyance, Clerk of Court) in Charleston County.

The site has **0.0 acres** of previous mined land not permitted to be affected under this Mine Operating Permit. The **Pre-Law Mined Land** is identified as **PLML** on the submitted site map.

MINE/PIT CHARACTERIZATION: The sand, sand/clay and topsoil will be excavated and stockpiled on site. Ground clearing will be accomplished with excavator and/or dozer. Excavation, stockpiling and loading of material will be done with the excavator and rubber-tired loader. Dump trucks will be used to haul material off-site. Grading for reclamation will be done with the dozer. 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: No processing will be done on site.

MINE DEWATERING: Mine dewatering will be necessary when the pit floor extends below the watertable and groundwater seeps into the mine. The groundwater will be collected in a sump and pumped from the pit to a previously mined area which serves as a storage/settling pond. Water discharged from the pit to a receiving stream must be discharged through an outfall regulated by NPDES permits.

Where feasible, stormwater runoff will be diverted into the pit, collected into the sump and discharged in the same manner as groundwater. See Part X: *Additional Terms and Conditions* of this permit document for additional requirements concerning dewatering and any dewatering impacts.

BLASTING: Blasting operations are not permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES: No significant cultural or historical sites have been identified. Note Part X: *Additional Terms and Conditions* of this Mine Operating Permit.

VISUAL SCREEN: This site cannot be seen easily from the road or homes on adjacent property. A 50 ft. undisturbed buffer, consisting of existing vegetation, will be maintained around the perimeter of the permit area to aid in visually screening the site. If necessary to visually screen the mine from neighboring houses or highways, vegetated earthen berm(s) may need to be constructed of sufficient height to enhance the visual screen of natural vegetation.

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

OTHER STATE OR FEDERAL PERMITS:

- 1) NPDES Mineral Mining: Groundwater, Storm Water and Process Wastewater

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 Agreement (Forms MR-600 or MR-700) to the Department within 30 days of the change of ownership.

Land Owner(s) as Listed on Land Entry Agreement(s):
1) Three Oaks Contractors, Inc.
2) Paul May

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

OWNED 84.9 LEASED 3.6 TOTAL 88.5

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 affects to the surrounding environment.

AFFECTED LAND: Under the current mine plan, the total area to be affected by Three Oaks Contractors, Inc., not including future reserves, is 47.5 acres of land. The operator is permitted to affect up to 9.9 bonded acres of land at any point in time in accordance with the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Once affected land is released by the Department as reclaimed in accordance with R.89-330, that land is no longer considered affected and the mine operator carries no further reclamation liability. The affected acres are derived from the operator's response in the APPLICATION FOR A MINING PERMIT (Form MR-400), page 3, line 2H.

The amount of the reclamation bond is based on the **total affected area** of land to be reclaimed under the approved Reclamation Plan. Section 48-20-110 specifies bond amount as follows:

<u>AFFECTED AREA</u>	<u>BOND AMOUNT</u>
Less than 10 acres	\$10,000.00
10 acres or more, but less than 15 acres	\$15,000.00
15 acres or more, but less than 25 acres	\$25,000.00
25 acres or more	\$25,000.00 or more

For mining operations permitted to affect less than 25 acres, the operator is required to modify their mining permit **prior to exceeding the total affected acres** for which the mine is permitted. Mining operations that are permitted to affect 25 acres or more shall not exceed the bonded acreage by more than ten percent (**10%**) without notifying the SCDHEC in writing. The SCDHEC will review bonding levels to determine if an increase in the reclamation bond is necessary.

FUTURE MINE RESERVES: 5.3 acres are identified as future mine 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 the SCDHEC as specified in the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Failure to submit such plans to the SCDHEC and commencement of mining activities would be a violation of this permit. Prior to expansion into the future reserves, the operator is required to revise the mine plan and reclamation schedule to include the areas to be affected. The Department shall be notified a minimum of sixty days prior to activities within future mine reserves unless another time frame is specified in the Additional Terms and Conditions.

BUFFER AREAS: 35.7 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 disturbance of the buffer areas (i.e. removal of timber) requires this Mine Operating Permit to be modified **prior** to any such disturbance.

TOTAL PERMITTED AREA: 88.5 acres as described on the submitted on the Land Entry Agreements as:

- 1) "A 66.671 acre tract on Edenvale Road, Johns Island. TMS# 275-00-00-075 and an 18.218 acre tract on Edenvale Road, Johns Island. TMS# 275-00-00-074" [Three Oaks Contractors, Inc. property] and
- 2) "Joe Wright Road Residual, TMS 275-00-00-051" [May property]

Part IV: MAPS

The mine site maps were prepared and dated as indicated below. The maps are further identified with the SCDHEC map number as indicated and are part of the operating permit.

SM-1129-V1 Site Map and Reclamation Plan January 20, 1997, revised 10/15/97
Prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying

SM-1129-V2 Site Map and Reclamation Plan January 20, 1997, revised 10/15/97
(Mods 05-1, 05-2) Based on a map prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying

SM-1129-V3 Plot Plan May 21, 2005
(Mod 05-1) Prepared by Covert B. Nelson, Land Surveyor

The reclamation map was prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying, Inc. and dated January 20, 1997 and updated by Gervais Hills dated February 2002 (Mods 05-1, 05-2). This map is further identified with the SCDHEC map number **RM-1129-V2** and is a part of the operating permit.

Part V: RECLAMATION BOND

The Reclamation Bond is based upon the total affected acres (Part III A. of this permit). Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$10,000.00. 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.

Financial Institution posting Reclamation Bond:

Name: First National Insurance Company
Address: 2100 Rexford Road, #410
 Charlotte, N.C

Type of bond posted for Reclamation Bond: Surety

Total Bond Amount: \$10,000.00

Account Number: 6019144

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.

The site is an agricultural field with farm ditches running through the site. The surrounding area is wooded and no homes can be easily seen. Wetlands onsite have been delineated and certified by the U.S. Army Corps of Engineers. Operator shall protect the wetlands by maintaining an undisturbed buffer of 50 feet between mining activities and wetlands. See Part X. Additional Terms and Conditions for additional requirements.

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 will be installed at the entrance to the mine site and kept locked during inactive periods. The operator shall minimize highwalls during active mining to reduce potential of accidental falls from excessive highwalls. Warning and /or Danger signs shall be posted around the perimeter of the property. The site is approximately 2500 linear feet from a public road, with buffers to be maintained around the site.

A 50 foot setback shall remain along the property lines. This setback will be comprised of a 50 undisturbed buffer along property lines.

Operator shall use Best Management Practices (BMP) to prevent accumulation of sediment/soil on public roads carried by trucks and other vehicles exiting the mine site. The operator shall remove any accumulations of sediment/soil onto the public road by trucks or other vehicles exiting the mine site on a daily basis.

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 must be removed from the site and disposed properly to prevent contamination to ground and surface water resources.

Wetlands will be protected by an undisturbed 50 foot buffer. The operator is allowed to discharge accumulated stormwater, free of sediment, from the sediment basin into the wetland.

Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding outside of Three Oaks Contractors, Inc. property line. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur.

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

There are no publicly owned parks, forest or recreational areas near this mine site.

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

The primary focus of the sediment control plan will consist of the following: 1) minimize size of land disturbance and the clearing only of natural vegetation necessary to safely conduct mining operations; 2) the use of properly designed sediment control structures to treat storm water runoff from disturbed areas prior to discharge; 3) where feasible, the revegetation of areas barren of vegetation on a continuing basis to stabilize the soil and reduce erosion and sediment loads in storm water runoff.

To the degree feasible, stormwater runoff shall be routed into the pit or sediment basin. When and where necessary, the operator shall deploy temporary sediment control measures (silt fences, hay bales, brush barriers etc.) to control sediment discharge outside the affected area. These temporary measures should only be utilized until such time permanent vegetation can be established or the stormwater is treated by a sediment retention basin.

A 0.50 acre sediment trap shall be constructed within the bottom of mine segments 5 and 17 (if the mine operator desires, the sump can remain in segment 5 while mining segment 17). These traps shall be constructed at the appropriate time with the bottom of the trap approximately 5 feet below the floor of the active mine. Sediment shall be trapped on site and not released outside the permitted area. This should be accomplished with the use and proper maintenance of the sediment control pond and in the use of Best Management Practices in the pumping and routing of groundwater and stormwater from the pit to the sediment control basin for discharge. Water discharged from the basin shall meet limitations set by NPDES permit. The operator shall maintain the foot valve to the sump dewatering pump in the pit at least 3 feet above the floor of the sediment trap or accumulated sediment to prevent the intake and discharge of sediment. The outfall from the discharge shall be properly armored (i.e., rip rap, concrete, grass, etc.) to prevent scouring and erosion along the channel. Segments 1-4 shall be maintained as an additional ± 4.8 acre sediment basin for additional sediment and erosion control.

Part VI: PROTECTION OF NATURAL RESOURCES (con't.)

4. Measures taken to insure against substantial deposits of sediment in stream beds or lakes. (con't)

The sump shall be cleaned of sediment when 50% of the sump's capacity (measured from the floor of the basin to the basin discharge point (or pump intake) has diminished with accumulated sediment or when the capacity has diminished to the extent that the sump can no longer function as intended (all fines removed shall be placed in an area where runoff is channeled into the basin).

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

Final slopes will be 3H:1V to minimize potential for landslides or unstable mine walls. 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.

Acid water is not anticipated to be generated from the oxidation of existing minerals currently found on this site.

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

The mine operator will use appropriate measures (i.e. water truck, dust suppressants, etc.) to control fugitive dust created by moving equipment along haul roads. The operator, where feasible, shall establish vegetation in non-active mine areas barren of vegetation to stabilize the soil and reduce potential for wind erosion and blowing dust.

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 the Department 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 the Department 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: Any records the Department requires the operator to maintain through additional terms and conditions of this permit or by regulations 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 the Department. The operator shall furnish copies of the records upon request to the Department.

4) PERMIT MODIFICATIONS: Pursuant to Section 48-20-80, the operator may modify the permit and/or Reclamation Plan upon approval by the Department. Requests for permit and/or Reclamation Plan modifications may be made to the Department on Form MR-1300. The operator shall submit any requested supporting data for consideration during the Department's evaluation of the modification request. If a modification request is determined to be substantial by the Department, 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 the Department 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, the Department 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 transferee 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 the Department. The transfer will be considered complete when all parties have received notification by certified letters of the approval of the transfer by the Department.

6) LENGTH 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 shown on the **Schedule for Conservation and Reclamation Practices** in the Reclamation Plan is the termination date for the operating permit. The Mine Operating Permit termination date may be changed through a simple modification to this mining permit if active mining operations extend beyond the proposed termination date. The termination date of this permit may not be extended for the sole purpose of postponing reclamation of the mine site. Reclamation activities in the absence of active mining may be required pursuant to R.89-270.

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 within 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, "The Department 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 the Department 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: Compliance with the Mine Operating Permit requires the operator to conduct the mining operation in the general manner as described in the Application for a Mining Permit. Variance from what has been characterized in the Application for a Mining Permit without first modifying this Mine Operating Permit may subject the operator to enforcement penalties.

The operator shall comply at all times with all conditions of this permit. Non-compliance with this mining permit and regulations could lead to permit revocation and bond forfeiture pursuant to Sections 48-20-160 and 48-20-170.

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. The Department shall not accept as a defense from the operator that he was not responsible for any unpermitted actions within the permitted area. Illegal acts within the mining permit are also subject to enforcement actions from other State and Federal agencies. Depending upon the nature of such illegal acts, the Department may cooperate with other agencies in the investigation and prosecution of such acts.

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 the Department. 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 the Department 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 (i.e. information 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 is required if there is any permitted land not fully reclaimed and **released by the Department by June 30 of each year.**

2) SPECIAL REPORTS: This permit does not preclude the Department from requesting information, data or explanations from the official representative of the operation as to conditions relating to the permitted mine site. Such request from the SCDHEC shall be made in writing to the operator with appropriate time frame stated for the submittal of the requested information to the Department.

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 the S.C. Department of Health and Environmental Control 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. In the future, if determined to be necessary by the S.C. Department of Health and Environmental Control, an appropriate fence will be installed around the affected area.
3. Temporary or permanent placement of refuse and debris from off-site locations is prohibited. Topsoil, free of debris and contaminants and as defined in Regulation 89-10D, may be brought in from off-site sources, but only for the purposes of mine land reclamation.
4. Operator shall establish an undisturbed 50 foot buffer zone around the wetlands. The wetlands buffer shall be marked prior to mining to prevent accidental disturbance to the buffer and/or wetlands. The access road wetlands crossing is considered temporary and the wetlands disturbed by the access road crossing shall be restored to wetlands after mining is completed. However, if the operator obtains the necessary permits from the U.S. Army Corps of Engineers, the crossing may remain as a permanent crossing.
5. The operator shall adopt the "Reclamation and Conservation Schedule" as specified by the Department. This reclamation schedule is a part of the approved Reclamation Plan.
6. The operator is responsible for replacing or repairing water wells on neighboring lands if the dewatering operations are determined to be responsible for adversely impacting neighboring wells.
7. Before mining Future Reserves, the operator shall submit a mining plan and establish 50 foot buffer zones around the delineated wetlands.
8. Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding along the drainage ditch from Three Oaks Contractors, Inc. property to where the drainage ditch enters waters of the state. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur. Mine dewatering shall cease when the water level in the drainage ditch (as it leaves Three Oaks Contractors, Inc. property) is one (1) foot from the top of the channel. Mine dewatering shall not resume until the freeboard within the drainage channel is greater than one (1) foot.

APPENDIX A

MODIFICATIONS TO THE MINE PERMIT

NUMBER	APPROVAL DATE	DESCRIPTION OF MODIFICATION (PA=Permitted Acres; AA=Affected Acres)
Issued	10/13/97	Permit issued; PA= 84.9 ac, AA = 27.2 ac, FR = 21.5 ac, Buffer = 35.7 ac
Mod 02-1	08/12/03	Increase AA by 16.2 ac; PA= 84.9 ac, AA = 43.9 ac, FR = 5.3 ac, Buffer = 35.7 ac
Mod 05-1	2/3/06	Increase PA by 3.6 ac; PA= 88.5 ac, AA = 47.5 ac, FR = 5.3 ac, Buffer = 35.7 ac
Mod 05-2	2/3/06	Change in Reclamation Practice/ Schedule: Seg A2005 – backfill pond with soil, extend to January 2010



Mining Form MR-1300

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

APPLICATION FOR MODIFYING A MINE OPERATING PERMIT AND/OR RECLAMATION PLAN

Name of Mine: Chicken Farm Mine Permit Number: 1129

Name of Company: Three Oaks Contractors, Inc. County: Charleston

Home Office Address: 3761 Angel Oak Road Johns Island, SC 29455
(Street or P.O. Box) (City) (State) (Zip)

Telephone: 843-559-9515

Mine Office Address:
(Street or P.O. Box) (City) (State) (Zip)

Telephone:

Location of Mine: Edenvale Road, Johns Island, SC 29455
(State or County Highway) (nearest town or city)

REASONS FOR REQUESTING MODIFICATIONS

Change in the Land Use for Which Affected Land Will Be Reclaimed

Segment or Area: From: To:

Describe:

Change in Reclamation Practices:

Segment or Area: A2005, Northeast Corner From: 9-1-2005 To: January 2010

Describe: Backfill excavated pond with topsoil and poor quality soil.

Change in Schedule of Reclamation

Segment or Area: From: To:

Describe:

Increase Land Area (attach new map)

Segment or Area: From: To:

Describe:

Decrease Land Area (attach new map)

Segment or Area: From: To:

Describe:

RECEIVED

RECEIVED

OCT 3 1 2005

OCT 0 7 2005

mod 05-1

RECEIVED

OCT 07 2005



Mining Form MR-1300

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
BUREAU OF LAND AND WASTE MANAGEMENT
DIVISION OF MINING AND SOLID WASTE PERMITTING
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(Street or P.O. Box) (City) (State) (Zip)

Telephone: _____

Location of Mine: Edenvale Road, Johns Island, SC 29455
(State or County Highway) (nearest town or city)

REASONS FOR REQUESTING MODIFICATIONS

RECEIVED

OCT 31 2005

DIVISION OF MINING & SOLID WASTE MANAGEMENT
BL&WM

Change in the Land Use for Which Affected Land Will Be Reclaimed

Segment or Area: _____ From: _____ To: _____

Describe: _____

Change in Reclamation Practices:

Segment or Area: _____ From: _____ To: _____

Describe: _____

Change in Schedule of Reclamation

Segment or Area: _____ From: _____ To: _____

Describe: _____

Increase Land Area (attach new map)

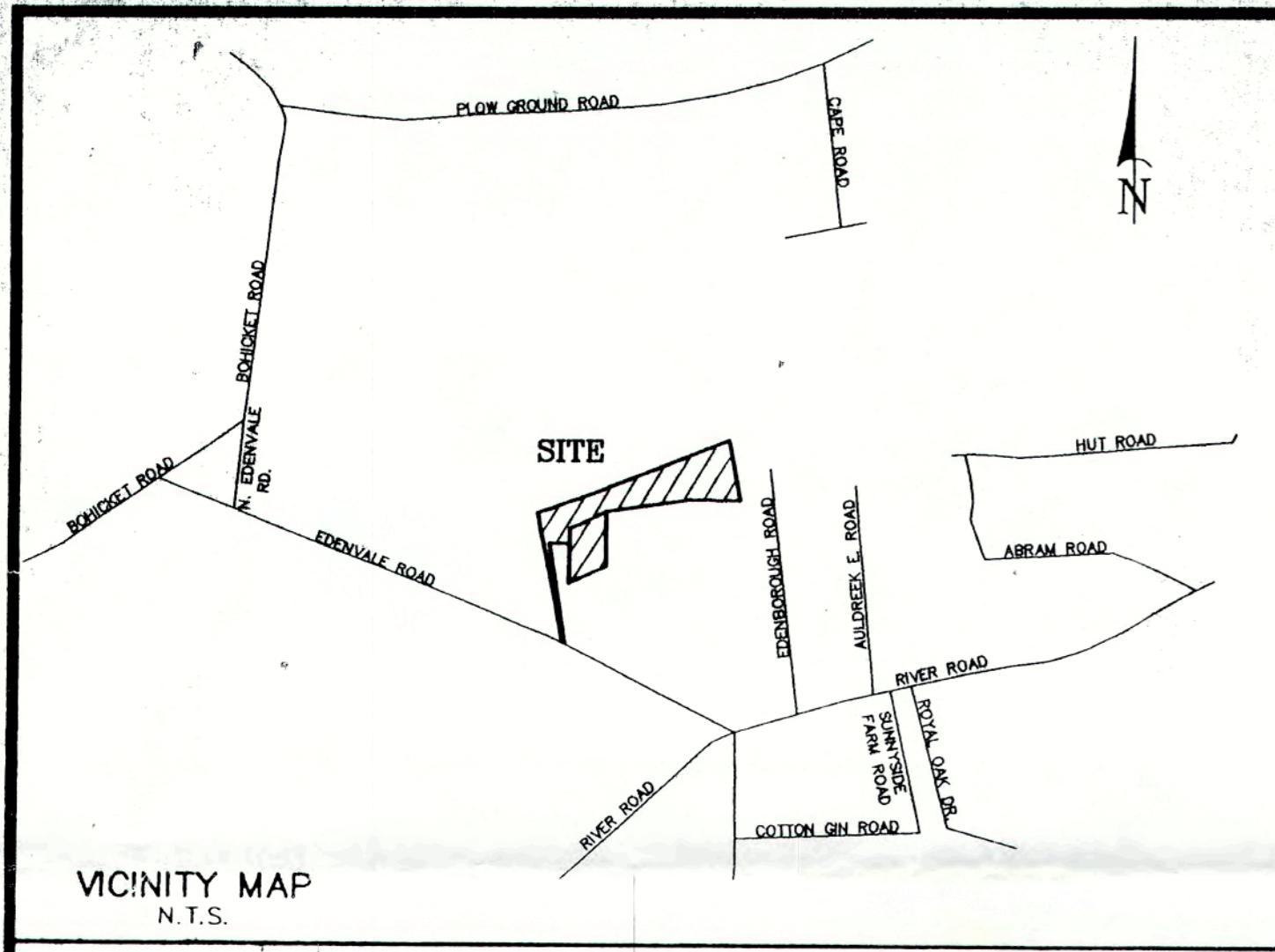
Segment or Area: B2005 From: 9-1-2005 To: 9-1-2008

Describe: Land leased from Paul May, TMS 275-00-00-051

Decrease Land Area (attach new map)

Segment or Area: _____ From: _____ To: _____

Describe: _____



LINE	DIRECTION	DISTANCE
L1	S 89°15'02" E	89.31'
L2	N 34°18'05" E	19.06'
L3	S 55°41'54" E	50.00'

- LEGEND
- IRON PIPE FOUND
 - 1/2" REBAR, SET
 - CONCRETE MONUMENT FOUND
 - ▲ CALCULATED POINT, NO CORNER SET

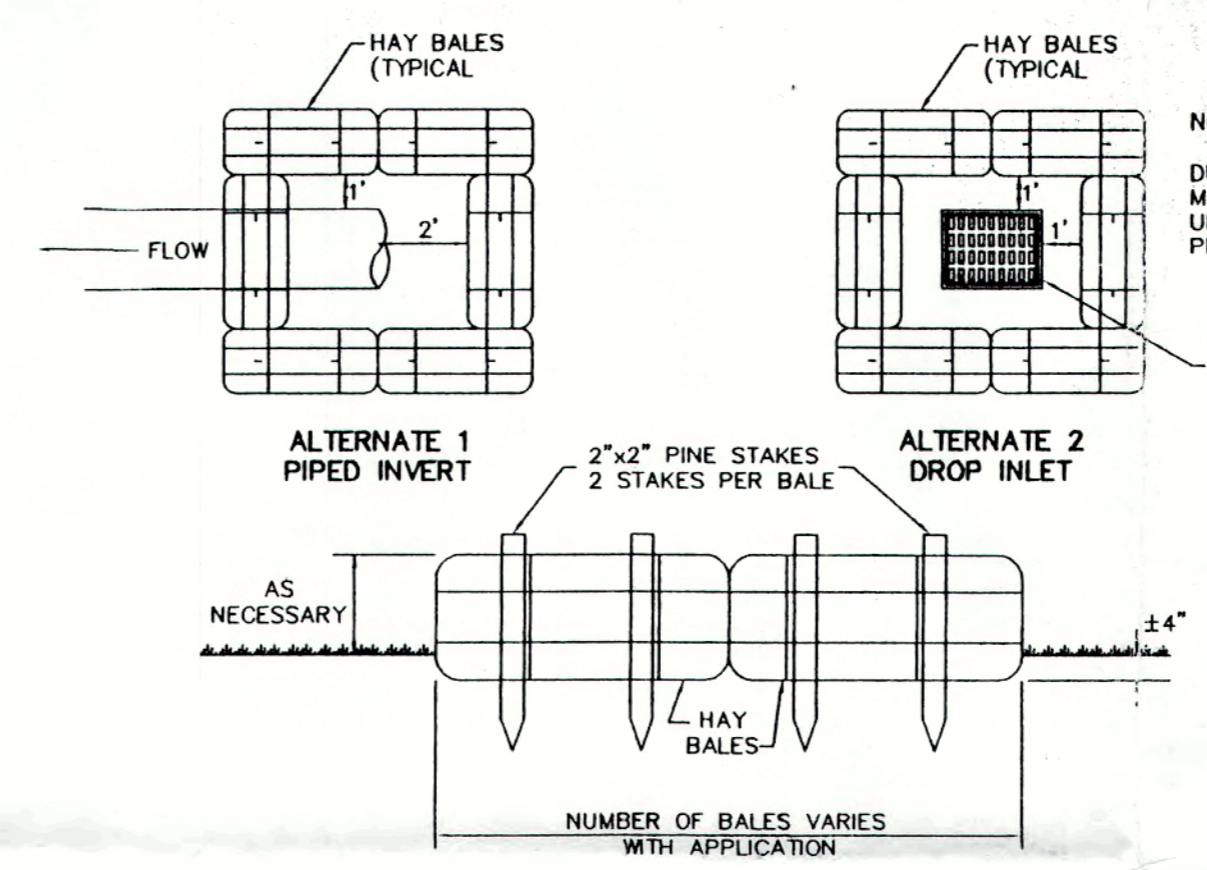
REFERENCES

PLAT BOOK	PAGE
BO	20
AT	129
AS	116
AB	62
BX	73
BY	86
BC	25

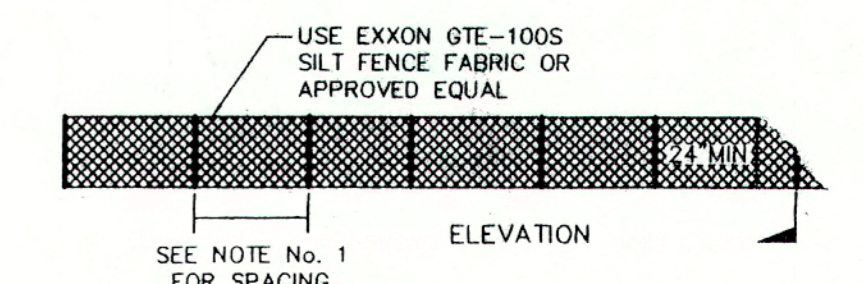
TMS #275-00-00-74
TMS #275-00-00-75

- NOTES:
- ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 - AREA DETERMINED BY D.M.D. METHOD.
 - THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
 - FRESHWATER WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND ARE SUBJECT TO ITS PERMITTING AUTHORITY.

TMS #277-00-00-03
MARY MANICHAULT GILBRETH AND
LIFE EST. EDWARD MANICHAULT
1312/398
1844 MAYBANK HIGHWAY
CHARLESTON, S.C. 29412
(803)-795-3091

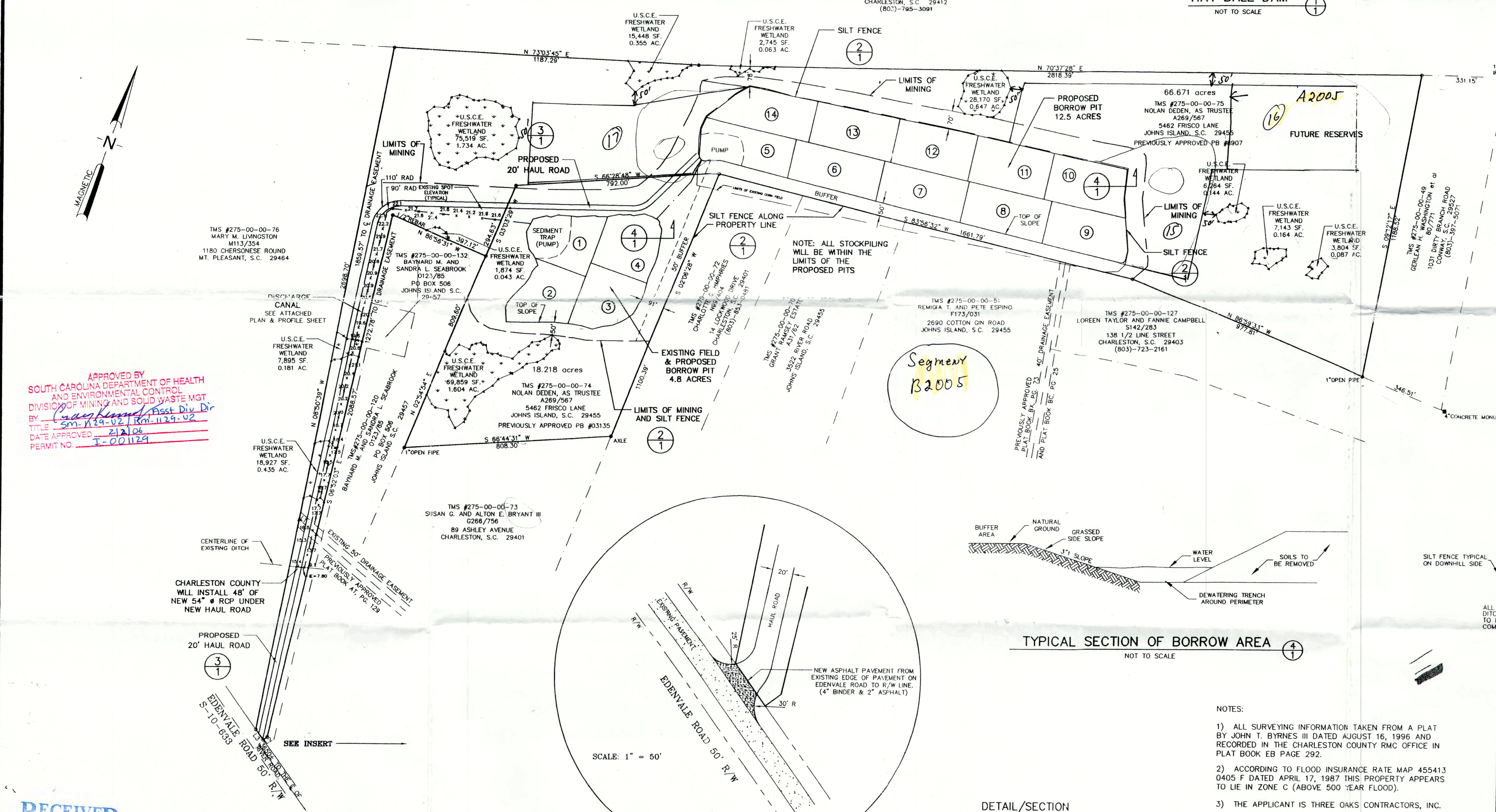


HAY BALE DAM (1)
NOT TO SCALE



TYPICAL SILT FENCE (2)
NOT TO SCALE

- NOTES:
- SPACE SUPPORTS: 10' MAXIMUM WITH WIRE MESH TO SUPPORT SILT FENCE FABRIC; IF SPACING IS NO MORE THAN 6' WIRE MESH IS NOT REQUIRED.
 - FENCE TO BE PLACED AT EXTREME LIMITS OF CONSTRUCTION AREA, OR AS SPECIFIED ON THE SITE PLAN.
 - MINIMUM 8" OVERLAP AT JOINTS AND JOINTS ARE ONLY TO BE PLACED AT SUPPORT POSTS.



Change in Reclamation Practice Area A2005
Oct 2005

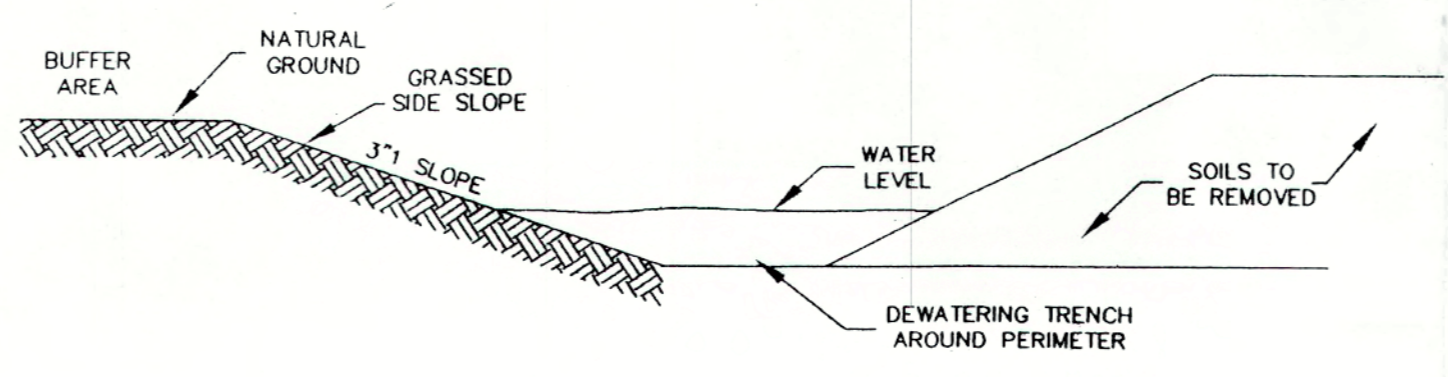
Increase in new Acreage Feb 2002

Area	Acres
15	2.34
16	9.35
17	4.10

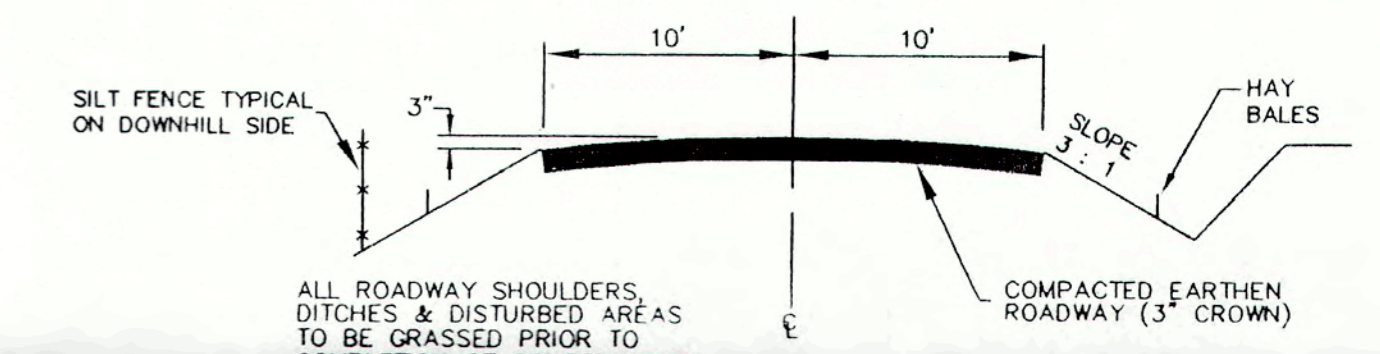
Increase in new Acreage Oct 2005

Area	Acres
B2005	2.54

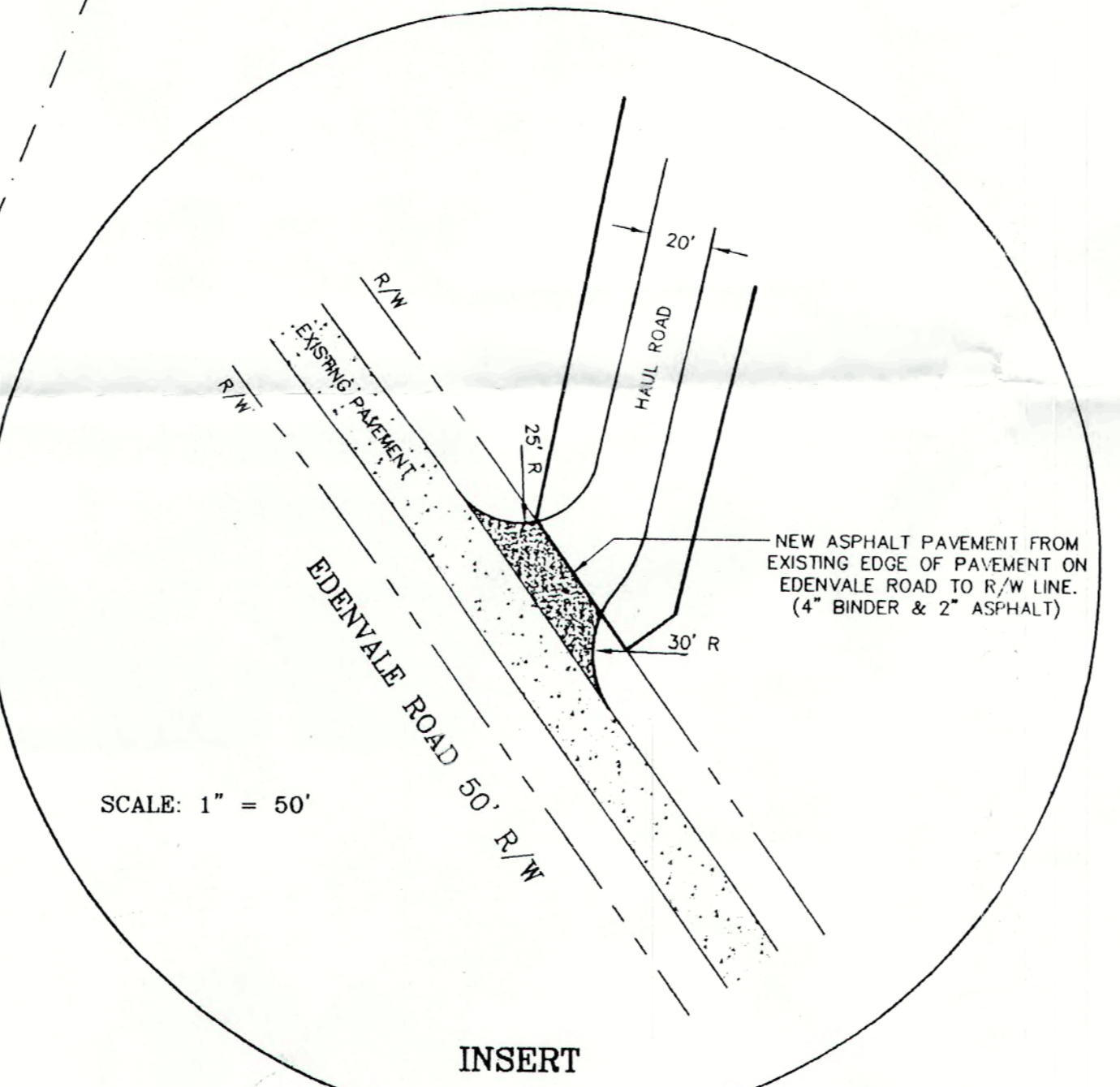
APPROVED BY
SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL
DIVISION OF MINING AND SOLID WASTE MGT.
BY: *Charles Byrnes, Asst. Dir.*
TITLE: *SM-1129-V2, RM-1129-V2*
DATE APPROVED: *2/2/05*
PERMIT NO.: *I-001129*



TYPICAL SECTION OF BORROW AREA (4)
NOT TO SCALE



TYPICAL ROADWAY SECTION (3)
NOT TO SCALE

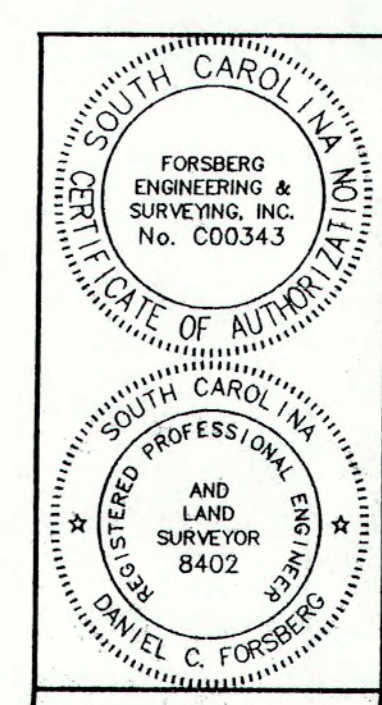
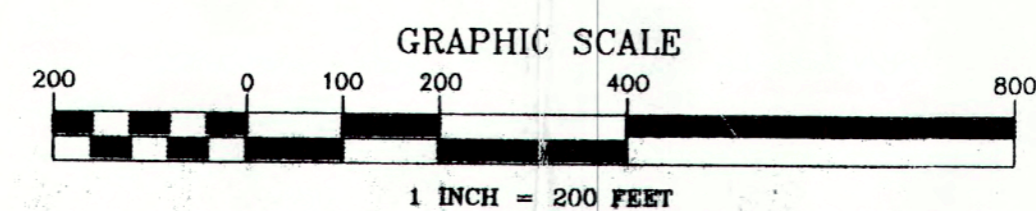


SCALE: 1" = 50'

INSERT

- DETAIL/SECTION INDICATOR
- DETAIL/SECTION NUMBER
 - SHEET ON WHICH DETAIL/SECTION IS DEPICTED

- NOTES:
- ALL SURVEYING INFORMATION TAKEN FROM A PLAT BY JOHN T. BYRNES III DATED AUGUST 16, 1996 AND RECORDED IN THE CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EB PAGE 292.
 - ACCORDING TO FLOOD INSURANCE RATE MAP 455413 0405 F DATED APRIL 17, 1987 THIS PROPERTY APPEARS TO LIE IN ZONE C (ABOVE 500' YEAR FLOOD).
 - THE APPLICANT IS THREE OAKS CONTRACTORS, INC.



SITE MAP AND RECLAMATION PLAN

CHICKEN FARM
JOHNS ISLAND
CHARLESTON COUNTY, S.C.

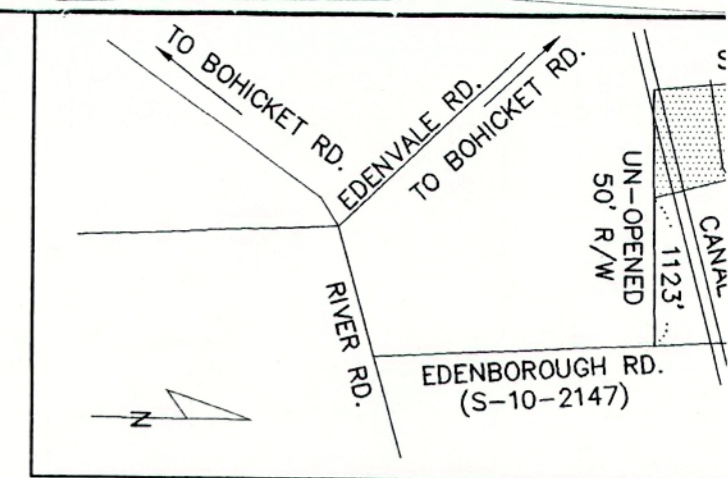
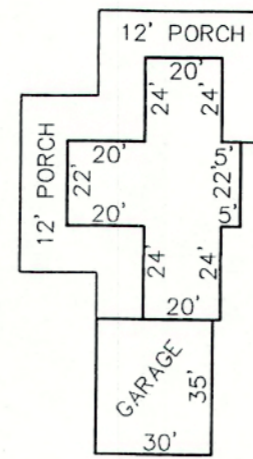
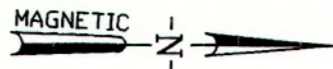
SCALE: 1" = 200'
DATE: 1/20/07

APPROVED BY: DANIEL C. FORSBERG
DRAWN BY: JSC
REVISED BY:

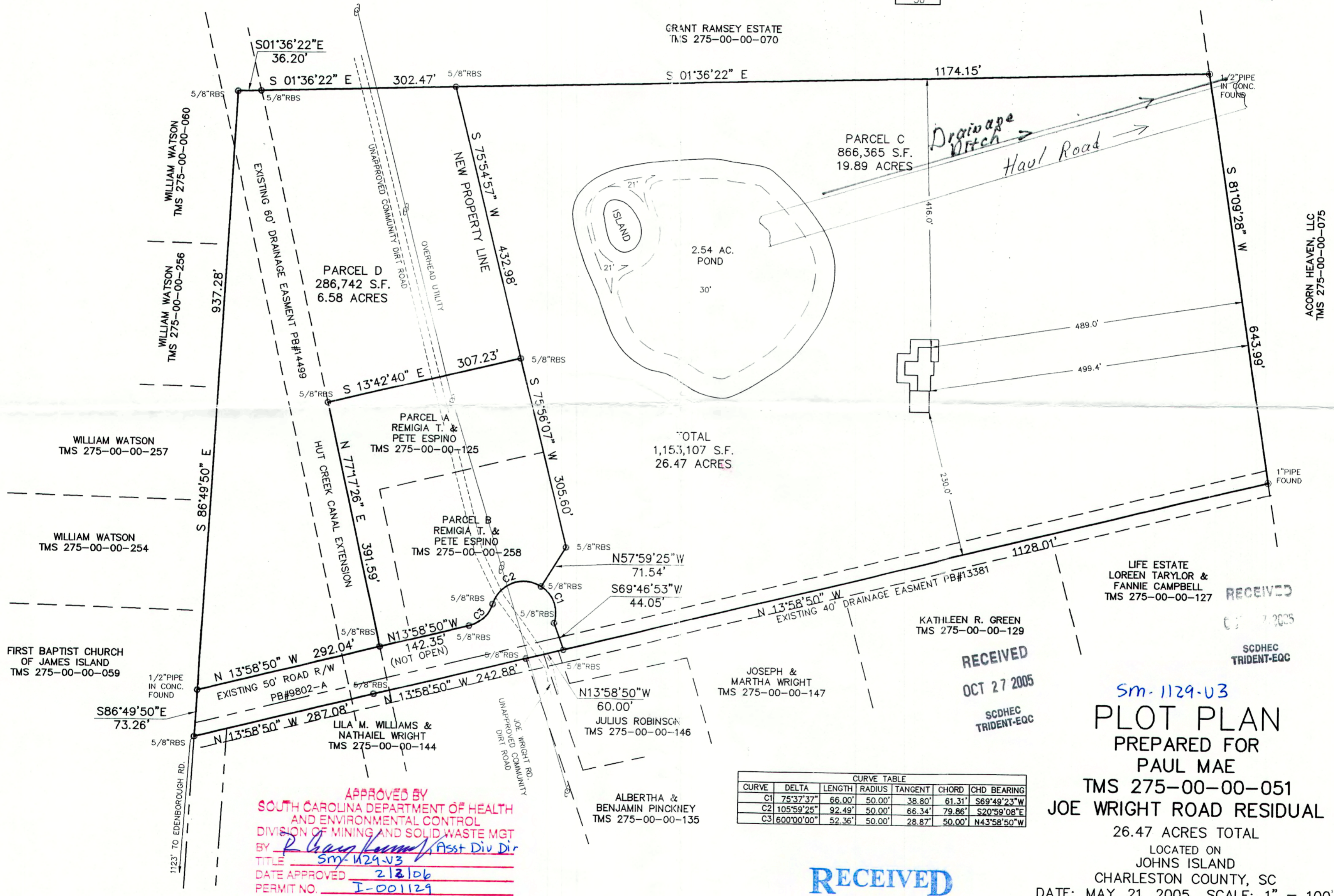
FORSEBERG ENGINEERING & SURVEYING, INC.
P.O. Box 20570
Charleston, South Carolina 29417
803/971-2822

DANIEL C. FORSBERG
REVISION DATE: 10/15/07
SHEET 1 OF 1
JOB No. 972

RECEIVED
OCT 31 2005
DIVISION OF MINING & SOLID WASTE MANAGEMENT
BL&WM



VICINITY MAP
(NOT TO SCALE)



FIRST BAPTIST CHURCH
OF JAMES ISLAND
TMS 275-00-00-059

WILLIAM WATSON
TMS 275-00-00-257

WILLIAM WATSON
TMS 275-00-00-254

WILLIAM WATSON
TMS 275-00-00-060

WILLIAM WATSON
TMS 275-00-00-256

PARCEL D
286,742 S.F.
6.58 ACRES

PARCEL A
REMIGIA T. &
PETE ESPINO
TMS 275-00-00-125

PARCEL B
REMIGIA T. &
PETE ESPINO
TMS 275-00-00-258

PARCEL C
866,365 S.F.
19.89 ACRES

TOTAL
1,153,107 S.F.
26.47 ACRES

ALBERTHA &
BENJAMIN PINCKNEY
TMS 275-00-00-135

JOSEPH &
MARTHA WRIGHT
TMS 275-00-00-147

KATHILEEN R. GREEN
TMS 275-00-00-129

LIFE ESTATE
LOREEN TARYLOR &
FANNIE CAMPBELL
TMS 275-00-00-127

RECEIVED
OCT 27 2005
SCDHEC
TRIDENT-EQC

RECEIVED
OCT 27 2005
SCDHEC
TRIDENT-EQC

APPROVED BY
SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL
DIVISION OF MINING AND SOLID WASTE MGT
BY R. Craig Lamm, Asst. Div. Dir.
TITLE Sm-1129-U3
DATE APPROVED 2/2/06
PERMIT NO. I-001129

CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHD BEARING
C1	75°37'37"	66.00'	50.00'	38.80'	61.31'	S69°49'23"W
C2	105°59'25"	92.49'	50.00'	66.34'	79.86'	S20°59'08"E
C3	600°00'00"	52.36'	50.00'	28.87'	50.00'	N43°58'50"W

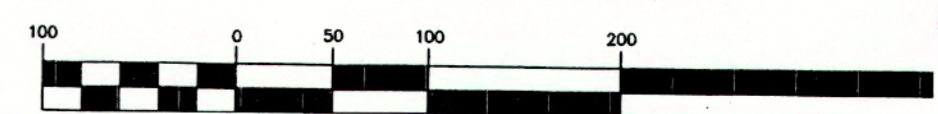
Sm-1129-U3
PLOT PLAN
PREPARED FOR
PAUL MAE
TMS 275-00-00-051
JOE WRIGHT ROAD RESIDUAL
26.47 ACRES TOTAL
LOCATED ON
JOHNS ISLAND
CHARLESTON COUNTY, SC
DATE: MAY, 21, 2005 SCALE: 1" = 100'

RECEIVED

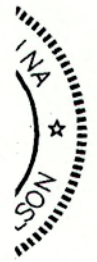
OCT 31 2005
DIVISION OF MINING &
SOLID WASTE MANAGEMENT
BL&WM

COVERT B. NELSON, LAND SURVEYOR
501 LONGSTREET ST. - SUMMERVILLE, SC 29483
843-821-7713

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCRDACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

mod 05-1



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

CERTIFIED MAIL
91 7108 2133 3932 9272 5427

December 12, 2007

Mr. Gervais Hills, Vice President
3761 Angel Oak Road
Johns Island, SC 29455

Re: Approval of Modification 07-01
Chicken Farm Mine, Three Oaks Contractors, Application I-001129

*6 acres
Land purchased from Paul
May*

Dear Mr. Hills:

The Department has reviewed your request to add the C-2 tract (6 acres) and Gore Tract (0.72 acres) to your permitted area. Enclosed is a modified permit increasing the permitted acreage from 88.5 acres to 95.2 acres.

If you should have any questions concerning this mine operating permit or responsibilities under the SC Mining Act, Please contact Alex Fulmer at (803) 896-4265, or me at (803) 896-4262.

Sincerely,

R. Craig Kennedy, PG, Assistant Director
Division of Mining and Solid Waste Management

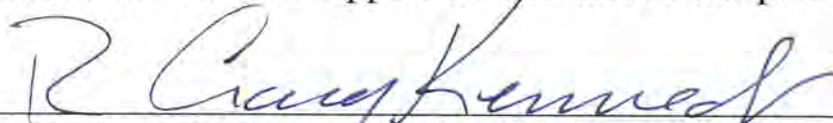
cc: Byron Amick, BOW
Mark Williams, EQC Region 7

SOUTH CAROLINA
DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL CONTROL
MINE OPERATING PERMIT

PART I:

Chicken Farm Mine
THREE OAKS CONTRACTORS, INC.

Three Oaks Contractors, Inc., a corporation, has been granted a Mine Operating Permit, Mine Permit Number I-001129 from the S.C. Department of Health and Environmental Control (Department) to operate the Chicken Farm Mine in the County of Charleston. This permit grants Three Oaks Contractors, Inc. the right to operate the Chicken Farm Mine in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 *et seq.*, 1976), and Regulations 89-10 *et seq.* This permit document reflects submitted information from the application process for a Mine Operating Permit. The operator shall conduct this operation as represented in documents submitted to support the issuance of this permit.


R. CRAIG KENNEDY, P.G., ASSISTANT DIRECTOR
DIVISION OF MINING AND SOLID WASTE MANAGEMENT

PERMIT NUMBER: I-001129

ISSUED: October 13, 1997

EXPIRES: December 31, 2017 or subsequent to modifications of the mine termination date as referenced in the Reclamation Schedule of the approved Reclamation Plan.

LAST MODIFICATION: Mod 07-1 (see Appendix A for synopsis of modifications)

APPROVAL DATE: December 12, 2007

The approved Reclamation Plan is 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-01129

Three Oaks Contractors, Inc.

Home Office Address:

Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Address for Official Mail:

Three Oaks Contractors, Inc.
3761 Angel Oak Road
Johns Island, SC 29455

Company personnel and title to be the contact for official business and correspondence (SCDHEC should be notified immediately of any change in address, telephone or fax numbers):

Gervais Hills
Vice President

Telephone: 843-559-9515
Fax: 843-559-2457

LOCATION: The mine is located on the Legareville, SC U.S.G.S. 7.5' Topographic Map. The approximate U.T.M. coordinates for the site are:

Easting: 588899.2

Northing: 3617322.5

The operation is located in Charleston County approximately 5.0 miles SW of Charleston, SC. Specifically the site is on Johns Island one mile east of the intersection of state secondary highway S-10-20 (Bohicket Road) and S-10-633 (Edenville Road).

Part II: MINE OPERATIONS

Three Oaks Contractors, Inc., also referred to as the operator, is permitted to mine sand/clay to a maximum depth of 20 feet on a tract of land owned by the referenced operator. This tract of land is identified in the submitted Land Entry Agreement (LEA). This LEA will be recorded with the appropriate agency (i.e., Register of Mesne Conveyance, Clerk of Court) in Charleston County.

The site has **0.0 acres** of previous mined land not permitted to be affected under this Mine Operating Permit. The **Pre-Law Mined Land** is identified as **PLML** on the submitted site map.

MINE/PIT CHARACTERIZATION: The sand, sand/clay and topsoil will be excavated and stockpiled on site. Ground clearing will be accomplished with excavator and/or dozer. Excavation, stockpiling and loading of material will be done with the excavator and rubber-tired loader. Dump trucks will be used to haul material off-site. Grading for reclamation will be done with the dozer. 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: No processing will be done on site.

MINE DEWATERING: Mine dewatering will be necessary when the pit floor extends below the watertable and groundwater seeps into the mine. The groundwater will be collected in a sump and pumped from the pit to a previously mined area which serves as a storage/settling pond. Water discharged from the pit to a receiving stream must be discharged through an outfall regulated by NPDES permits.

Where feasible, stormwater runoff will be diverted into the pit, collected into the sump and discharged in the same manner as groundwater. See Part X: *Additional Terms and Conditions* of this permit document for additional requirements concerning dewatering and any dewatering impacts.

BLASTING: Blasting operations are not permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES: No significant cultural or historical sites have been identified. Note Part X: *Additional Terms and Conditions* of this Mine Operating Permit.

VISUAL SCREEN: This site cannot be seen easily from the road or homes on adjacent property. A 50 ft. undisturbed buffer, consisting of existing vegetation, will be maintained around the perimeter of the permit area to aid in visually screening the site. If necessary to visually screen the mine from neighboring houses or highways, vegetated earthen berm(s) may need to be constructed of sufficient height to enhance the visual screen of natural vegetation.

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

OTHER STATE OR FEDERAL PERMITS:

- 1) NPDES Mineral Mining: Groundwater, Storm Water and Process Wastewater

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 Agreement (Forms MR-600 or MR-700) to the Department within 30 days of the change of ownership.

Land Owner(s) as Listed on Land Entry Agreement(s):

- 1) Three Oaks Contractors, Inc.
- 2) Paul May
- 3) Acorn Haven, LLC

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

OWNED 91.6 LEASED 3.6 TOTAL 95.2

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 affects to the surrounding environment.

AFFECTED LAND: Under the current mine plan, the total area to be affected by Three Oaks Contractors, Inc., not including future reserves, is 47.5 acres of land. The operator is permitted to affect up to 9.9 bonded acres of land at any point in time in accordance with the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Once affected land is released by the Department as reclaimed in accordance with R.89-330, that land is no longer considered affected and the mine operator carries no further reclamation liability. The affected acres are derived from the operator's response in the APPLICATION FOR A MINING PERMIT (Form MR-400), page 3, line 2H.

The amount of the reclamation bond is based on the **total affected area** of land to be reclaimed under the approved Reclamation Plan. Section 48-20-110 specifies bond amount as follows:

<u>AFFECTED AREA</u>	<u>BOND AMOUNT</u>
Less than 10 acres	\$10,000.00
10 acres or more, but less than 15 acres	\$15,000.00
15 acres or more, but less than 25 acres	\$25,000.00
25 acres or more	\$25,000.00 or more

For mining operations permitted to affect less than 25 acres, the operator is required to modify their mining permit **prior to exceeding the total affected acres** for which the mine is permitted. Mining operations that are permitted to affect 25 acres or more shall not exceed the bonded acreage by more than ten percent (**10%**) without notifying the SCDHEC in writing. The SCDHEC will review bonding levels to determine if an increase in the reclamation bond is necessary.

FUTURE MINE RESERVES: 5.3 acres are identified as future mine 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 the SCDHEC as specified in the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Failure to submit such plans to the SCDHEC and commencement of mining activities would be a violation of this permit. Prior to expansion into the future reserves, the operator is required to revise the mine plan and reclamation schedule to include the areas to be affected. The Department shall be notified a minimum of sixty days prior to activities within future mine reserves unless another time frame is specified in the Additional Terms and Conditions.

BUFFER AREAS: 42.4 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 disturbance of the buffer areas (i.e. removal of timber) requires this Mine Operating Permit to be modified **prior** to any such disturbance.

TOTAL PERMITTED AREA: 95.2 acres as described on the submitted on the Land Entry Agreements as:

- 1) "A 66.671 acre tract on Edenvale Road, Johns Island. TMS# 275-00-00-075 and an 18.218 acre tract on Edenvale Road, Johns Island. TMS# 275-00-00-074" [Three Oaks Contractors, Inc. property] and
- 2) "Joe Wright Road Residual, TMS 275-00-00-051" [May property]
- 3) "Parcel C-2 of TMS 275-00-00-051 and Gore (.719 acres) between Parcel C-2 and TMS 275-00-00-075"

Part IV: MAPS

The mine site maps were prepared and dated as indicated below. The maps are further identified with the SCDHEC map number as indicated and are part of the operating permit.

SM-1129-V1	Site Map and Reclamation Plan	January 20, 1997, revised 10/15/97
	Prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying	
SM-1129-V2	Site Map and Reclamation Plan	January 20, 1997, revised 10/15/97
(Mods 05-1, 05-2)	Based on a map prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying	
SM-1129-V3	Plot Plan	May 21, 2005
(Mod 05-1)	Prepared by Covert B. Nelson, Land Surveyor	
SM-1129-V4	Site Map and Reclamation Plan	January 20, 1997, revised 10/15/97
(Mods 07-1)	Based on a map prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying	

The reclamation map was prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying, Inc. and dated January 20, 1997 and updated by Gervais Hills dated February 2002 (Mods 05-1, 05-2). This map is further identified with the SCDHEC map number **RM-1129-V2** and is a part of the operating permit.

Part V: RECLAMATION BOND

The Reclamation Bond is based upon the total affected acres (Part III A. of this permit). Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$10,000.00. 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.

Financial Institution posting Reclamation Bond:

Name: First National Insurance Company
Address: 2100 Rexford Road, #410
Charlotte, N.C

Type of bond posted for Reclamation Bond: Surety

Total Bond Amount: \$10,000.00

Account Number: 6019144

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.

The site is an agricultural field with farm ditches running through the site. The surrounding area is wooded and no homes can be easily seen. Wetlands onsite have been delineated and certified by the U.S. Army Corps of Engineers. Operator shall protect the wetlands by maintaining an undisturbed buffer of 50 feet between mining activities and wetlands. See Part X. Additional Terms and Conditions for additional requirements.

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 will be installed at the entrance to the mine site and kept locked during inactive periods. The operator shall minimize highwalls during active mining to reduce potential of accidental falls from excessive highwalls. Warning and /or Danger signs shall be posted around the perimeter of the property. The site is approximately 2500 linear feet from a public road, with buffers to be maintained around the site.

A 50 foot setback shall remain along the property lines. This setback will be comprised of a 50 undisturbed buffer along property lines.

Operator shall use Best Management Practices (BMP) to prevent accumulation of sediment/soil on public roads carried by trucks and other vehicles exiting the mine site. The operator shall remove any accumulations of sediment/soil onto the public road by trucks or other vehicles exiting the mine site on a daily basis.

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 must be removed from the site and disposed properly to prevent contamination to ground and surface water resources.

Wetlands will be protected by an undisturbed 50 foot buffer. The operator is allowed to discharge accumulated stormwater, free of sediment, from the sediment basin into the wetland.

Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding outside of Three Oaks Contractors, Inc. property line. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur.

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

There are no publicly owned parks, forest or recreational areas near this mine site.

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

The primary focus of the sediment control plan will consist of the following: 1) minimize size of land disturbance and the clearing only of natural vegetation necessary to safely conduct mining operations; 2) the use of properly designed sediment control structures to treat storm water runoff from disturbed areas prior to discharge; 3) where feasible, the revegetation of areas barren of vegetation on a continuing basis to stabilize the soil and reduce erosion and sediment loads in storm water runoff.

To the degree feasible, stormwater runoff shall be routed into the pit or sediment basin. When and where necessary, the operator shall deploy temporary sediment control measures (silt fences, hay bales, brush barriers etc.) to control sediment discharge outside the affected area. These temporary measures should only be utilized until such time permanent vegetation can be established or the stormwater is treated by a sediment retention basin.

A 0.50 acre sediment trap shall be constructed within the bottom of mine segments 5 and 17 (if the mine operator desires, the sump can remain in segment 5 while mining segment 17). These traps shall be constructed at the appropriate time with the bottom of the trap approximately 5 feet below the floor of the active mine. Sediment shall be trapped on site and not released outside the permitted area. This should be accomplished with the use and proper maintenance of the sediment control pond and in the use of Best Management Practices in the pumping and routing of groundwater and stormwater from the pit to the sediment control basin for discharge. Water discharged from the basin shall meet limitations set by NPDES permit. The operator shall maintain the foot valve to the sump dewatering pump in the pit at least 3 feet above the floor of the sediment trap or accumulated sediment to prevent the intake and discharge of sediment. The outfall from the discharge shall be properly armored (i.e., rip rap, concrete, grass, etc.) to prevent scouring and erosion along the channel. Segments 1-4 shall be maintained as an additional ± 4.8 acre sediment basin for additional sediment and erosion control.

Part VI: PROTECTION OF NATURAL RESOURCES (con't.)

4. Measures taken to insure against substantial deposits of sediment in stream beds or lakes. (con't)

The sump shall be cleaned of sediment when 50% of the sump's capacity (measured from the floor of the basin to the basin discharge point (or pump intake) has diminished with accumulated sediment or when the capacity has diminished to the extent that the sump can no longer function as intended (all fines removed shall be placed in an area where runoff is channeled into the basin).

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

Final slopes will be 3H:1V to minimize potential for landslides or unstable mine walls. 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.

Acid water is not anticipated to be generated from the oxidation of existing minerals currently found on this site.

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

The mine operator will use appropriate measures (i.e. water truck, dust suppressants, etc.) to control fugitive dust created by moving equipment along haul roads. The operator, where feasible, shall establish vegetation in non-active mine areas barren of vegetation to stabilize the soil and reduce potential for wind erosion and blowing dust.

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 the Department 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 the Department 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: Any records the Department requires the operator to maintain through additional terms and conditions of this permit or by regulations 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 the Department. The operator shall furnish copies of the records upon request to the Department.

4) PERMIT MODIFICATIONS: Pursuant to Section 48-20-80, the operator may modify the permit and/or Reclamation Plan upon approval by the Department. Requests for permit and/or Reclamation Plan modifications may be made to the Department on Form MR-1300. The operator shall submit any requested supporting data for consideration during the Department's evaluation of the modification request. If a modification request is determined to be substantial by the Department, 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 the Department 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, the Department 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 transferee 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 the Department. The transfer will be considered complete when all parties have received notification by certified letters of the approval of the transfer by the Department.

6) LENGTH 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 shown on the **Schedule for Conservation and Reclamation Practices** in the Reclamation Plan is the termination date for the operating permit. The Mine Operating Permit termination date may be changed through a simple modification to this mining permit if active mining operations extend beyond the proposed termination date. The termination date of this permit may not be extended for the sole purpose of postponing reclamation of the mine site. Reclamation activities in the absence of active mining may be required pursuant to R.89-270.

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 within 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, "The Department 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 the Department 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: Compliance with the Mine Operating Permit requires the operator to conduct the mining operation in the general manner as described in the Application for a Mining Permit. Variance from what has been characterized in the Application for a Mining Permit without first modifying this Mine Operating Permit may subject the operator to enforcement penalties.

The operator shall comply at all times with all conditions of this permit. Non-compliance with this mining permit and regulations could lead to permit revocation and bond forfeiture pursuant to Sections 48-20-160 and 48-20-170.

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. The Department shall not accept as a defense from the operator that he was not responsible for any unpermitted actions within the permitted area. Illegal acts within the mining permit are also subject to enforcement actions from other State and Federal agencies. Depending upon the nature of such illegal acts, the Department may cooperate with other agencies in the investigation and prosecution of such acts.

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 the Department. 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 the Department 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 (i.e. information 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 is required if there is any permitted land not fully reclaimed and **released by the Department by June 30 of each year.**

2) **SPECIAL REPORTS:** This permit does not preclude the Department from requesting information, data or explanations from the official representative of the operation as to conditions relating to the permitted mine site. Such request from the SCDHEC shall be made in writing to the operator with appropriate time frame stated for the submittal of the requested information to the Department.

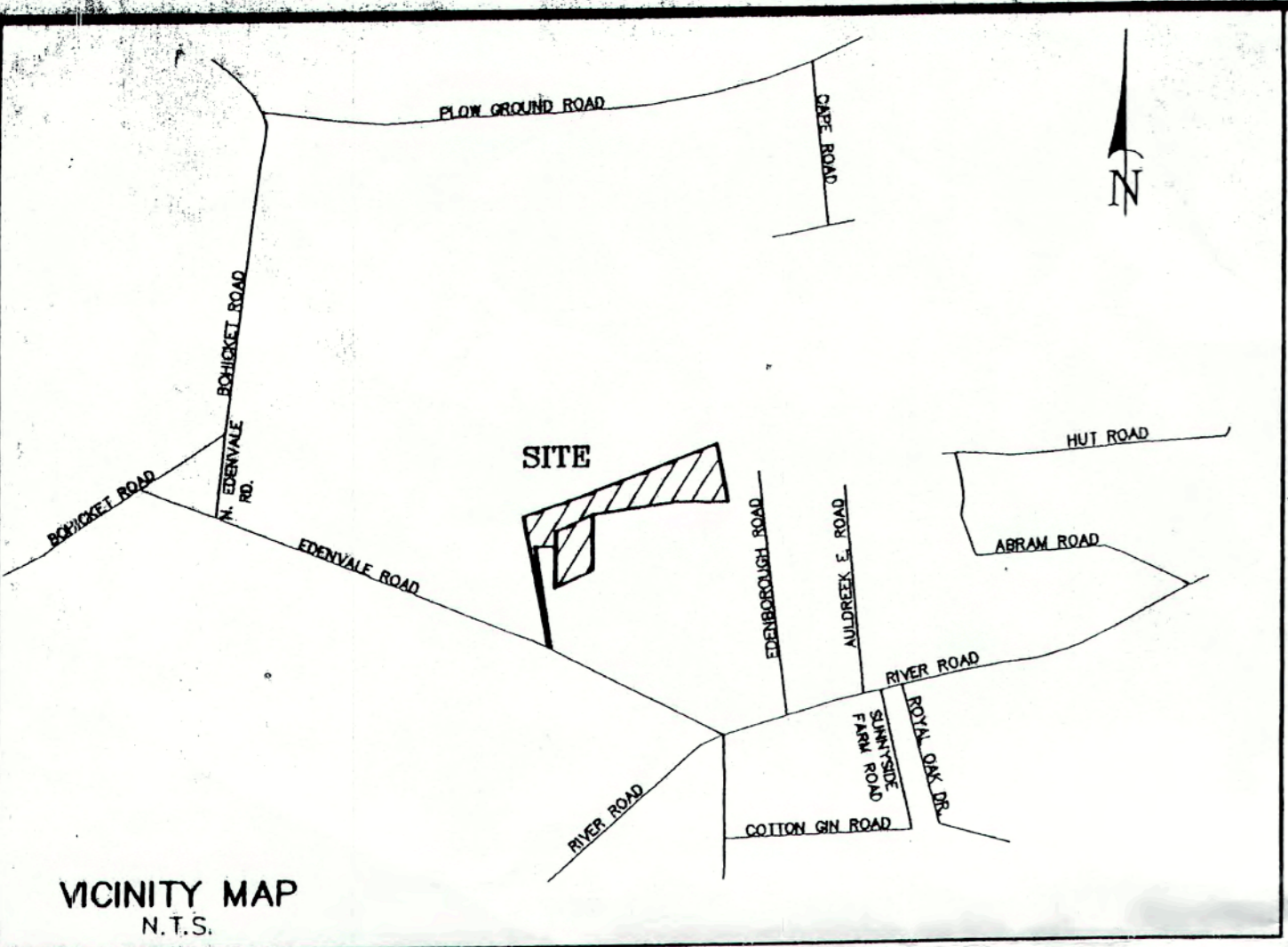
Part X: ADDITIONAL TERMS AND CONDITIONS

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 the S.C. Department of Health and Environmental Control 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. In the future, if determined to be necessary by the S.C. Department of Health and Environmental Control, an appropriate fence will be installed around the affected area.
3. Temporary or permanent placement of refuse and debris from off-site locations is prohibited. Topsoil, free of debris and contaminants and as defined in Regulation 89-10D, may be brought in from off-site sources, but only for the purposes of mine land reclamation.
4. Operator shall establish an undisturbed 50 foot buffer zone around the wetlands. The wetlands buffer shall be marked prior to mining to prevent accidental disturbance to the buffer and/or wetlands. The access road wetlands crossing is considered temporary and the wetlands disturbed by the access road crossing shall be restored to wetlands after mining is completed. However, if the operator obtains the necessary permits from the U.S. Army Corps of Engineers, the crossing may remain as a permanent crossing.
5. The operator shall adopt the "Reclamation and Conservation Schedule" as specified by the Department. This reclamation schedule is a part of the approved Reclamation Plan.
6. The operator is responsible for replacing or repairing water wells on neighboring lands if the dewatering operations are determined to be responsible for adversely impacting neighboring wells.
7. Before mining Future Reserves, the operator shall submit a mining plan and establish 50 foot buffer zones around the delineated wetlands.
8. Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding along the drainage ditch from Three Oaks Contractors, Inc. property to where the drainage ditch enters waters of the state. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur. Mine dewatering shall cease when the water level in the drainage ditch (as it leaves Three Oaks Contractors, Inc. property) is one (1) foot from the top of the channel. Mine dewatering shall not resume until the freeboard within the drainage channel is greater than one (1) foot.

APPENDIX A

MODIFICATIONS TO THE MINE PERMIT

NUMBER	APPROVAL DATE	DESCRIPTION OF MODIFICATION (PA=Permitted Acres; AA=Affected Acres)
Issued	10/13/97	Permit issued; PA= 84.9 ac, AA = 27.2 ac, FR = 21.5 ac, Buffer = 35.7 ac
Mod 02-1	08/12/03	Increase AA by 16.2 ac; PA= 84.9 ac, AA = 43.9 ac, FR = 5.3 ac, Buffer = 35.7 ac
Mod 05-1	2/3/06	Increase PA by 3.6 ac; PA= 88.5 ac, AA = 47.5 ac, FR = 5.3 ac, Buffer = 35.7 ac
Mod 05-2	2/3/06	Change in Reclamation Practice/ Schedule: Seg A2005 – backfill pond with soil, extend to January 2010
Mod 07-1	12/10/07	Increase PA by 6.7 ac; PA=95.2 ac, AA=47.5 ac, FR=5.3 ac, Buffer=42.4 ac



LINE	DIRECTION	DISTANCE
L1	S 69°15'02" E	89.31'
L2	N 34°18'06" E	19.06'
L3	S 55°41'54" E	50.00'

LEGEND

- IRON PIPE, FOUND
- 1/2" REBAR, SET
- CONCRETE MONUMENT, FOUND
- ▲ CALCULATED POINT, NO CORNER SET

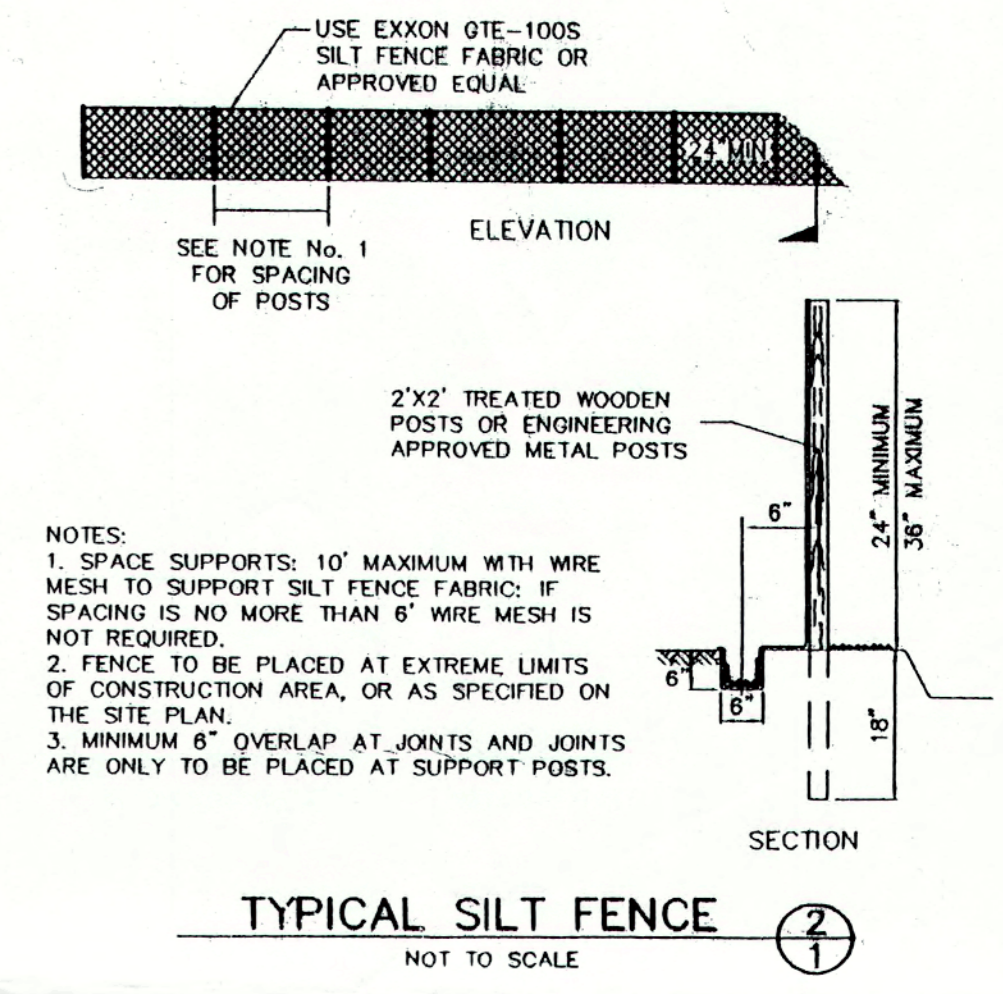
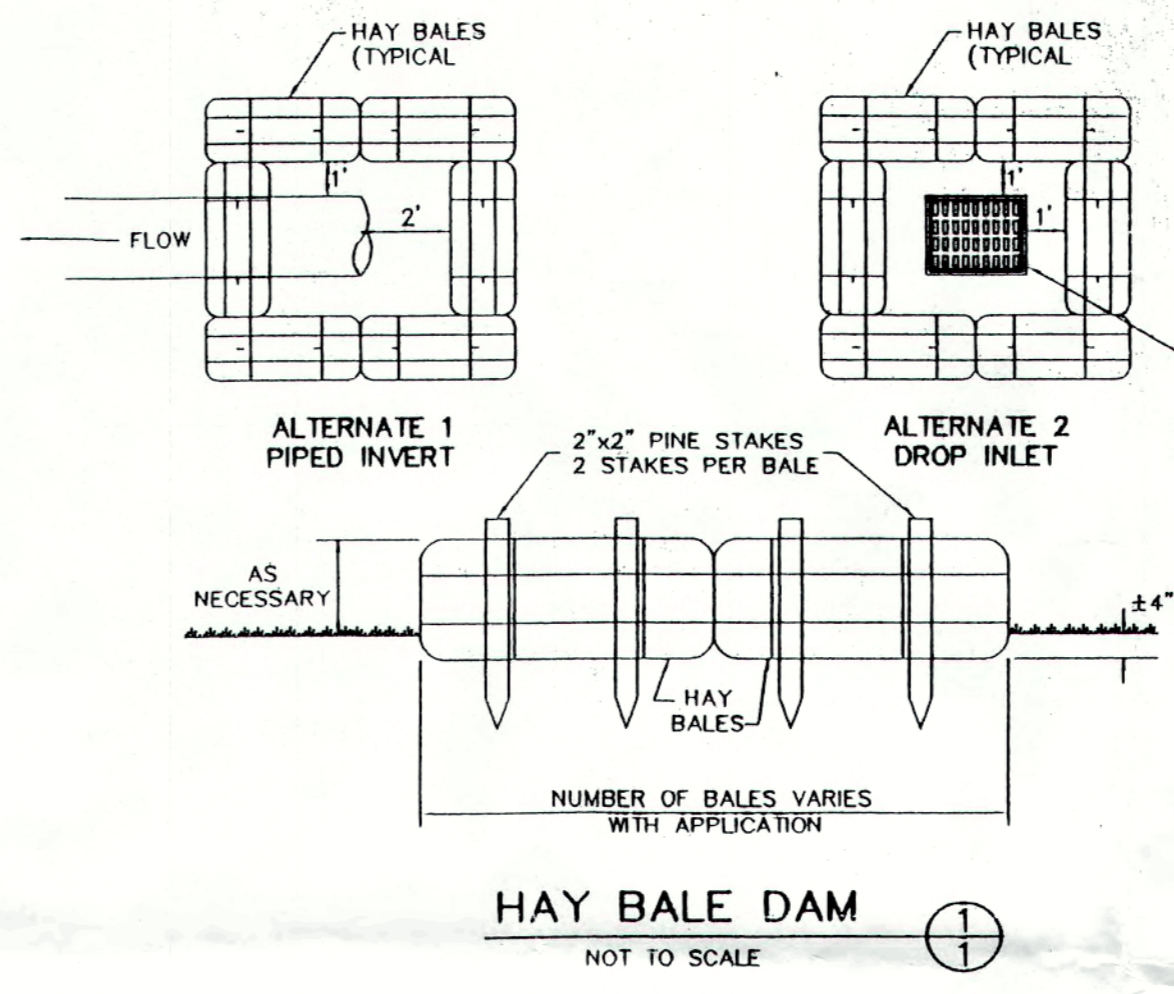
REFERENCES

PLAT BOOK	PAGE
BO	20
AT	129
AS	116
AB	62
BX	73
BY	86
BC	25

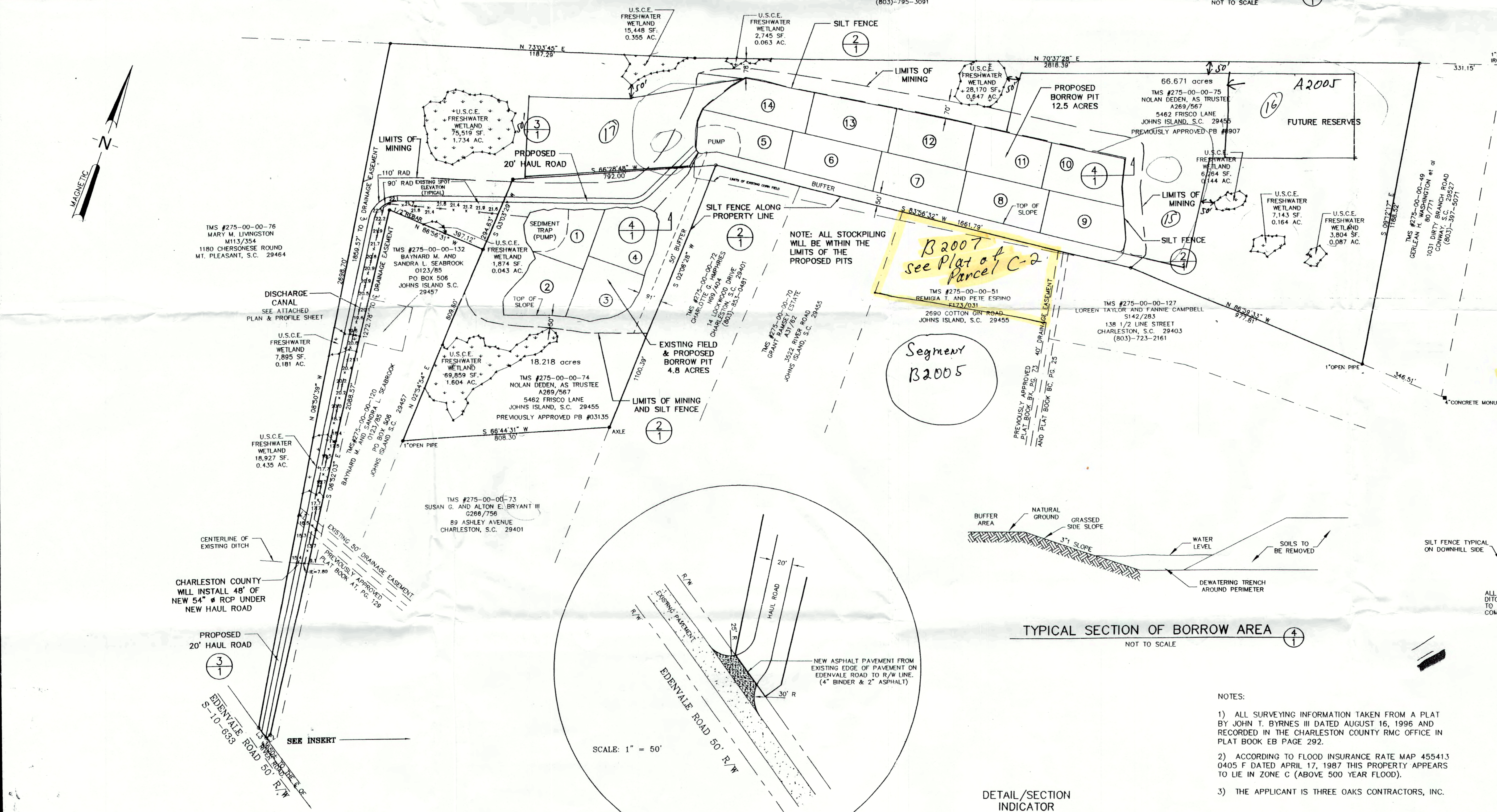
TMS #275-00-00-74
TMS #275-00-00-75

NOTES:

1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
2. AREA DETERMINED BY D.M.D. METHOD.
3. THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
4. FRESHWATER WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND ARE SUBJECT TO ITS PERMITTING AUTHORITY.



TMS #277-00-00-03
MARY MANIGAUULT GILBRETH
AND
LIFE EST. EDWARD MANIGAUULT
392/399
1844 MAYBANK HIGHWAY
CHARLESTON, S.C. 29412
(803)-795-3091



Change in Reclamation Practiced Oct 2005

Area A2005

Increase in new Acreage Feb 2002

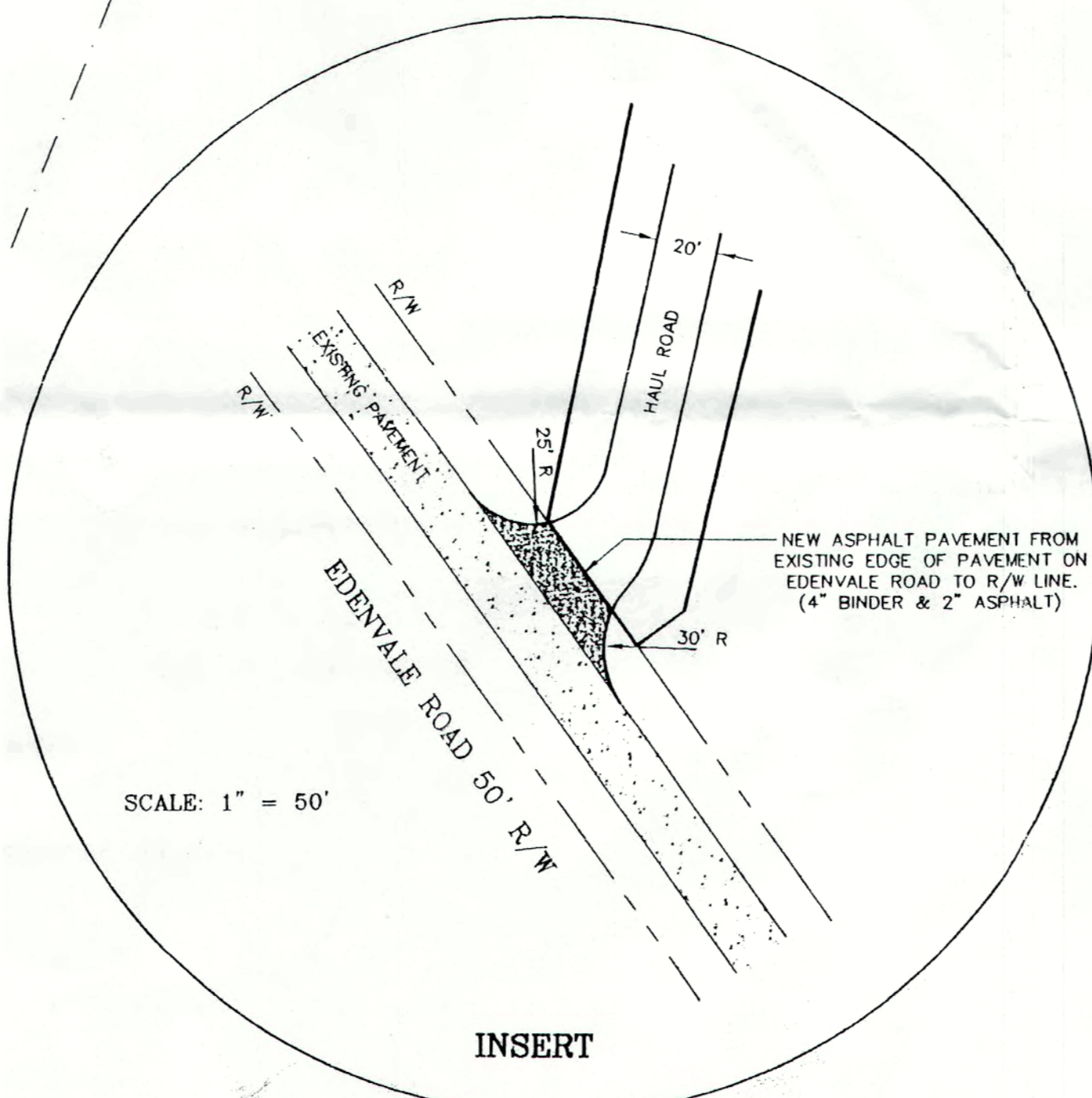
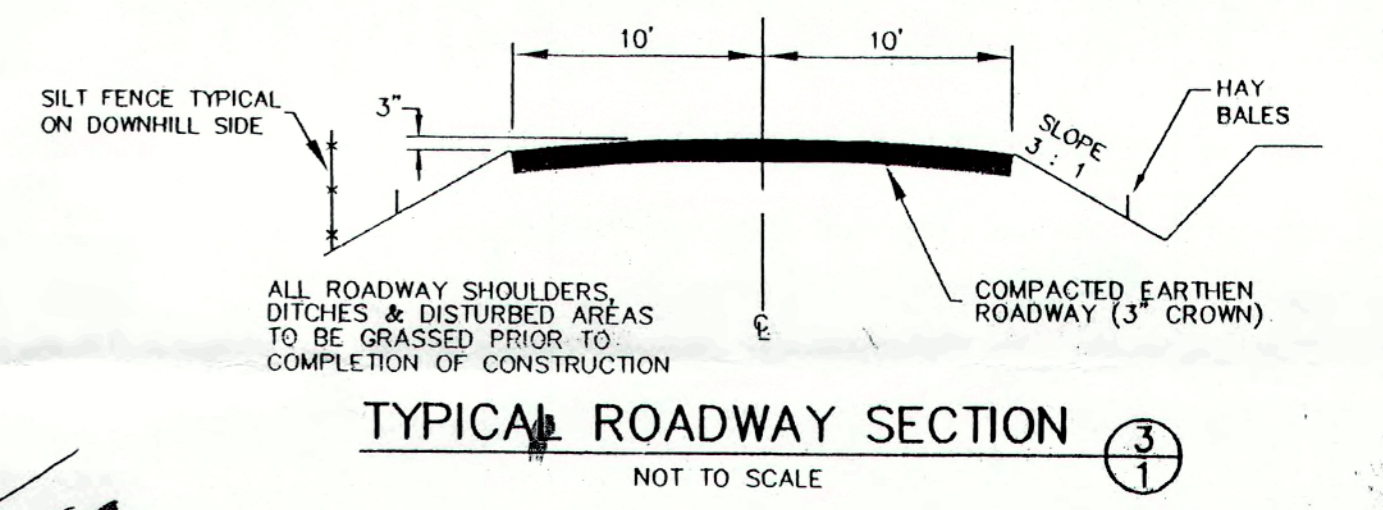
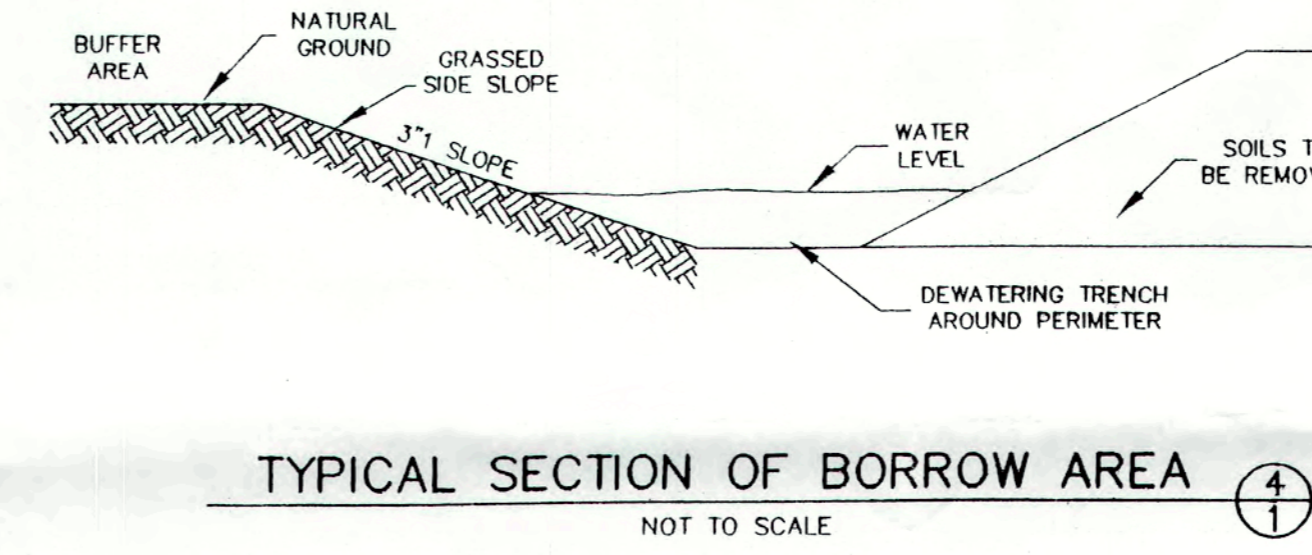
Area	Acreage
15	2.34
16	9.35
17	4.10

Increase in new Acreage Oct 2005

Area	Acreage
B2005	2.54

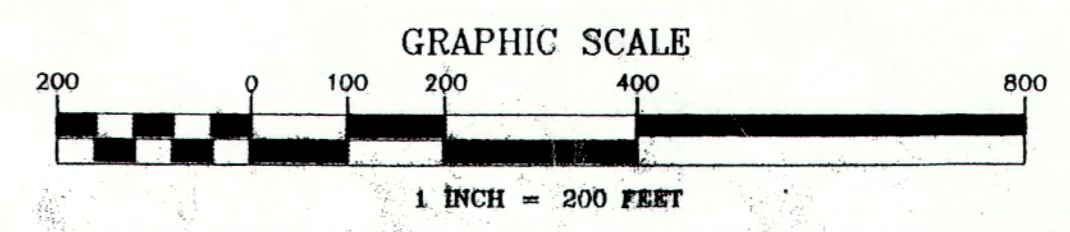
Increase in new Acreage Oct 2007

Area	Acreage
B2007	5.00



NOTES:

- 1) ALL SURVEYING INFORMATION TAKEN FROM A PLAT BY JOHN T. BYRNES III DATED AUGUST 16, 1996 AND RECORDED IN THE CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EB PAGE 292.
- 2) ACCORDING TO FLOOD INSURANCE RATE MAP 455413 0405 F DATED APRIL 17, 1987 THIS PROPERTY APPEARS TO LIE IN ZONE C (ABOVE 500 YEAR FLOOD).
- 3) THE APPLICANT IS THREE OAKS CONTRACTORS, INC.



SITE MAP AND RECLAMATION PLAN

CHICKEN FARM
JOHNS ISLAND
CHARLESTON COUNTY, S.C.

SCALE: 1" = 200'

DATE: 1/20/07

APPROVED BY: DANIEL C. FORSBERG

DRAWN BY: JSC

REVISOR: DANIEL C. FORSBERG

REVISION DATE: 10/18/07

SHEET 1 OF 1

JOB No. 972

FORSBERG ENGINEERING & SURVEYING, INC.

P.O. Box 30275
Charleston, South Carolina 29417
(803) 971-2822



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

Bureau of Land and Waste Management
Division of Mining and Solid Waste Management

Certified - Return Receipt Requested
91 7108 2133 3935 6298 2291

May 6, 2011

Mr. Gervais Hills
Three Oaks Contractors, Inc.
P. O. Box 409
Ravenel, S.C. 29470

RE: **Approval of Modification (10-1)**
Chicken Farm Mine, Permit I-001129
Charleston County

Dear Mr. Hill:

The Department has approved the requested application (Modification 10 -1) to the Chicken Farm Mine as of May 6, 2011. The requested modification revised the Reclamation schedule and adjusted the Affected and Buffer Acreages. The Department finalized a mine map outlining the area affected under this modification. With the approval of this modification, enclosed is the revised Mine Operating Permit with additional Terms and Conditions, revised reclamation reschedule and approved map.

Surety bond 6019144 with First National Insurance Company of North America serves as the reclamation bond for the Chicken Farm Mine. Based on inspections of the mine, the Department has determined the bond can be reduced from \$25,000.00 to \$10,000.00 as referenced in the revised document.

Three Oaks Contractors, Inc. needs to review the revised Mine Operating Permit and mine map. If the company has any comments or concerns with this revised document, contact the Department within 30 days from receipt of this letter to discuss the issues. If the company has not contacted the Department within this timeframe, it will be determined the revised document has been approved by the company.

The revised reclamation schedule needs to be added to the current approved Reclamation Plan in the company files. The permit document should be kept on file until the permit has been cancelled by the Department. The appropriate company officials should review the permit documents periodically as part of the mine inspections, preparation of the Annual Reclamation Report, any permit modifications, and during the reclamation of the mine site.

If you should have any questions, contact me at 803-896-4202 or via e-mail at colemakm@dhec.sc.gov.

Sincerely,

Kent M. Coleman, P.G., Director
Division of Mining and Solid Waste Management

enclosures

cc: M. Williams, DHEC Region 7 EQC

SOUTH CAROLINA
DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL CONTROL
MINE OPERATING PERMIT

PART I:

Chicken Farm Mine
Three Oaks Contractors, Inc.

Three Oaks Contractors, Inc., a corporation, has been granted a Mine Operating Permit, Mine Permit Number I-001129 from the S.C. Department of Health and Environmental Control (Department) to operate the Chicken Farm Mine in the County of Charleston. This permit grants Three Oaks Contractors, Inc. the right to operate the Chicken Farm Mine in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 *et seq.*, 1976), and Regulations 89-10 *et seq.* This permit document reflects submitted information from the application process for a Mine Operating Permit. The operator shall conduct this operation as represented in documents submitted to support the issuance of this permit.



KENT M. COLEMAN, P.G., DIRECTOR
DIVISION OF MINING AND SOLID WASTE MANAGEMENT

PERMIT NUMBER: I-001129

ISSUED: October 13, 1997

EXPIRES*: December 31, 2016

*or subsequent to modifications of the termination date referenced in the Reclamation Schedule of the approved Reclamation Plan.

LAST MODIFICATION (see Appendix A): 10-1

MODIFICATION APPROVAL DATE: May 6, 2011

The approved Reclamation Plan is 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-001129

Three Oaks Contractors, Inc.

Home Office Address: Three Oaks Contractors, Inc.
5629 Savannah Highway
Ravenel, S.C. 29470

Address for Official Mail: Three Oaks Contractors, Inc.
P.O. Box 409
Ravenel, S.C. 29470

Company personnel and title to be the contact for official business and correspondence (SCDHEC should be notified immediately of any change in contact, address, telephone or fax numbers):

Gervais Hills
Vice President

Telephone: 843-564-1315 ext. 225
Fax: 843-564-1322

LOCATION: The mine is located on the Legareville, SC U.S.G.S. 7.5' Topographic Map. The approximate U.T.M. coordinates for the site are:

Easting: 588899.2

Northing: 3617322.5

The operation is located in Charleston County approximately 5.0 miles southwest of Charleston, SC. Specifically the site is on Johns Island one mile east of the intersection of state secondary highways S-10-20 (Bohicket Road) and S-10-633 (Edenville Road).

Part II: MINE OPERATIONS

Three Oaks Contractors, Inc., also referred to as the operator, is permitted to mine sand/clay to a maximum depth of 20 feet on a tract of land owned by the referenced operator. This tract of land is identified in the submitted Land Entry Agreement (LEA). This LEA will be recorded with the appropriate agency (i.e., Register of Mesne Conveyance, Clerk of Court) in Charleston County.

The site has **0.0 acres** of previous mined land not permitted to be affected under this Mine Operating Permit. The **Pre-Law Mined Land** is identified as **PLML** on the submitted site map.

MINE/PIT CHARACTERIZATION: The sand, sand/clay and topsoil will be excavated and stockpiled on site. Ground clearing will be accomplished with excavator and/or dozer. Excavation, stockpiling and loading of material will be done with the excavator and rubber-tired loader. Dump trucks will be used to haul material off-site. Grading for reclamation will be done with the dozer. 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: No processing will be done on site.

MINE DEWATERING: Mine dewatering will be necessary when the pit floor extends below the watertable and groundwater seeps into the mine. The groundwater will be collected in a sump and pumped from the pit to a previously mined area which serves as a storage/settling pond. Water discharged from the pit to a receiving stream must be discharged through an outfall regulated by NPDES permits.

Where feasible, stormwater runoff will be diverted into the pit, collected into the sump and discharged in the same manner as groundwater. See Part X: *Additional Terms and Conditions* of this permit document for additional requirements concerning dewatering and any dewatering impacts.

BLASTING: Blasting operations are not permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES: No significant cultural or historical sites have been identified. Note Part X: *Additional Terms and Conditions of this Mine Operating Permit*.

VISUAL SCREEN: This site cannot be seen easily from the road or homes on adjacent property. A 50 foot undisturbed buffer, consisting of existing vegetation, will be maintained around the perimeter of the permit area to aid in visually screening the site. If necessary to visually screen the mine from neighboring houses or highways, vegetated earthen berm(s) may need to be constructed of sufficient height to enhance the visual screen of natural vegetation.

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

OTHER STATE OR FEDERAL PERMITS:

- 1) *NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities*

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 Agreement (Forms MR-600 or MR-700) to the Department within 30 days of the change of ownership.

Land Owner(s) as Listed on Land Entry Agreement(s):

- 1) Three Oaks Contractors, Inc.
- 2) Paul May
- 3) Acorn Haven, LLC

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

OWNED 84.9 LEASED 10.3 TOTAL 95.2

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 affects to the surrounding environment.

AFFECTED LAND: Under the current mine plan, the total area to be affected by Three Oaks Contractors, Inc., not including future reserves, is 56.5 acres of land. The operator is permitted to affect up to 9.9 bonded acres of land at any point in time in accordance with the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Once affected land is released by the Department as reclaimed in accordance with R.89-330, that land is no longer considered affected and the mine operator carries no further reclamation liability. The affected acres are derived from the operator's response in the APPLICATION FOR A MINING PERMIT (Form MR-400), page 3, line 2H.

The amount of the reclamation bond is based on the **total affected area** of land to be reclaimed under the approved Reclamation Plan. Section 48-20-110 specifies bond amount as follows:

<u>AFFECTED AREA</u>	<u>BOND AMOUNT</u>
Less than 10 acres	\$10,000.00
10 acres or more, but less than 15 acres	\$15,000.00
15 acres or more, but less than 25 acres	\$25,000.00
25 acres or more	\$25,000.00 or more

For mining operations permitted to affect less than 25 acres, the operator is required to modify their mining permit **prior to exceeding the total affected acres** for which the mine is permitted. Mining operations that are permitted to affect 25 acres or more shall not exceed the bonded acreage by more than ten percent (10%) without notifying the SCDHEC in writing. The SCDHEC will review bonding levels to determine if an increase in the reclamation bond is necessary.

FUTURE MINE RESERVES: 5.3 acres are identified as future mine 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 the SCDHEC as specified in the **Schedule for Conservation and Reclamation Practices** in the approved Reclamation Plan. Failure to submit such plans to the SCDHEC and commencement of mining activities would be a violation of this permit. Prior to expansion into the future reserves, the operator is required to revise the mine plan and reclamation schedule to include the areas to be affected. The Department shall be notified a minimum of sixty days prior to activities within future mine reserves unless another time frame is specified in the Additional Terms and Conditions.

BUFFER AREAS: 33.4 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 disturbance of the buffer areas (i.e. removal of timber) requires this Mine Operating Permit to be modified **prior** to any such disturbance.

TOTAL PERMITTED AREA: 95.2 acres as described on the submitted on the Land Entry Agreements as:

- 1) "A 66.671 acre tract on Edenvale Road, Johns Island. TMS# 275-00-00-075 and an 18.218 acre tract on Edenvale Road, Johns Island. TMS# 275-00-00-074" [Three Oaks Contractors, Inc.]
- 2) "Joe Wright Road Residual, TMS 275-00-00-051" [Paul May]
- 3) "Parcel C-2 of TMS 275-00-00-051 and Gore (.719 acres) between Parcel C-2 and TMS 275-00-00-075" [Acorn Haven, LLC]

Part IV: MAPS

The mine site maps were prepared and dated as indicated below. The maps are further identified with the SCDHEC map number as indicated and are part of the operating permit. The reclamation maps for the site are incorporated into the site maps.

SM-1129-V1	Site Map and Reclamation Plan Prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying	January 20, 1997, revised 10/15/97
SM-1129-V2b (Mods 05-1, 05-2)	Site Map and Reclamation Plan Based on a map prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying	January 20, 1997, revised 10/15/97, 3/4/10
SM-1129-V3 (Mod 05-1)	Plot Plan Prepared by Covert B. Nelson, Land Surveyor	May 21, 2005
SM-1129-V4a (Mod 07-1)	Based SM-1129-V1 Revised by Three Oaks Contractors, Inc.	received November 5, 2007
SM-1129-V4b (Mod 07-1)	Parcel C, Whales Subdivision Prepared by John T. Byrnes, III	May 25, 2007
SM-1129-V5 (Mod 10-1)	Based SM-1129-V1 Revised by Three Oaks Contractors, Inc.	received March 4, 2010

Part V: RECLAMATION BOND

The Reclamation Bond is based upon the total affected acres (Part III A. of this permit). Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$10,000.00. 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.

Financial Institution posting Reclamation Bond:

Name: First National Insurance Company
Address: 2100 Rexford Road, #410
Charlotte, N.C

Type of bond posted for Reclamation Bond: Surety

Total Bond Amount: \$10,000.00

Account Number: 6019144

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.

The site is an agricultural field with farm ditches running through the site. The surrounding area is wooded and no homes can be easily seen. Wetlands onsite have been delineated and certified by the U.S. Army Corps of Engineers. Operator shall protect the wetlands by maintaining an undisturbed buffer of 50 feet between mining activities and wetlands. See Part X. *Additional Terms and Conditions* for additional requirements.

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 will be installed at the entrance to the mine site and kept locked during inactive periods. The operator shall minimize highwalls during active mining to reduce potential of accidental falls from excessive highwalls. Warning and /or Danger signs shall be posted around the perimeter of the property. The site is approximately 2500 linear feet from a public road, with buffers to be maintained around the site.

A 50 foot setback shall remain along the property lines. This setback will be comprised of a 50 foot undisturbed buffer along property lines.

Operator shall use Best Management Practices (BMP) to prevent accumulation of sediment/soil on public roads carried by trucks and other vehicles exiting the mine site. The operator shall remove any accumulations of sediment/soil onto the public road by trucks or other vehicles exiting the mine site on a daily basis.

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 must be removed from the site and disposed properly to prevent contamination to ground and surface water resources.

Wetlands will be protected by an undisturbed 50 foot buffer. The operator is allowed to discharge accumulated stormwater, free of sediment, from the sediment basin into the wetland.

Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding outside of Three Oaks Contractors, Inc. property line. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur.

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

There are no publicly owned parks, forest or recreational areas near this mine site.

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

The primary focus of the sediment control plan will consist of the following: 1) minimize size of land disturbance and the clearing only of natural vegetation necessary to safely conduct mining operations; 2) the use of properly designed sediment control structures to treat storm water runoff from disturbed areas prior to discharge; 3) where feasible, the revegetation of areas barren of vegetation on a continuing basis to stabilize the soil and reduce erosion and sediment loads in storm water runoff.

To the degree feasible, stormwater runoff shall be routed into the pit or sediment basin. When and where necessary, the operator shall deploy temporary sediment control measures (silt fences, hay bales, brush barriers etc.) to control sediment discharge outside the affected area. These temporary measures should only be utilized until such time permanent vegetation can be established or the stormwater is treated by a sediment retention basin.

A 0.50 acre sediment trap shall be constructed within the bottom of mine segments 5 and 17 (if the mine operator desires, the sump can remain in segment 5 while mining segment 17). These traps shall be constructed at the appropriate time with the bottom of the trap approximately 5 feet below the floor of the active mine. Sediment shall be trapped on site and not released outside the permitted area. This should be accomplished with the use and proper maintenance of the sediment control pond and in the use of Best Management Practices in the pumping and routing of groundwater and stormwater from the pit to the sediment control basin for discharge. Water discharged from the basin shall meet limitations set by NPDES permit. The operator shall maintain the foot valve to the sump dewatering pump in the pit at least 3 feet above the floor of the sediment trap or accumulated sediment to prevent the intake and discharge of sediment. The outfall from the discharge shall be properly armored (i.e., rip rap, concrete, grass, etc.) to prevent scouring and erosion along the channel. Segments 1-4 shall be maintained as an additional ± 4.8 acre sediment basin for additional sediment and erosion control.

Part VI: PROTECTION OF NATURAL RESOURCES (con't)

4. Measures taken to insure against substantial deposits of sediment in stream beds or lakes. (con't)

The sump shall be cleaned of sediment when 50% of the sump's capacity (measured from the floor of the basin to the basin discharge point (or pump intake) has diminished with accumulated sediment or when the capacity has diminished to the extent that the sump can no longer function as intended (all fines removed shall be placed in an area where runoff is channeled into the basin).

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

Final slopes will be 3H:1V to minimize potential for landslides or unstable mine walls. 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.

Acid water is not anticipated to be generated from the oxidation of existing minerals currently found on this site.

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

The mine operator will use appropriate measures (i.e. water truck, dust suppressants, etc.) to control fugitive dust created by moving equipment along haul roads. The operator, where feasible, shall establish vegetation in non-active mine areas barren of vegetation to stabilize the soil and reduce potential for wind erosion and blowing dust.

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 the Department 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 the Department 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: Any records the Department requires the operator to maintain through additional terms and conditions of this permit or by regulations 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 the Department. The operator shall furnish copies of the records upon request to the Department.

4) PERMIT MODIFICATIONS: Pursuant to Section 48-20-80, the operator may modify the permit and/or Reclamation Plan upon approval by the Department. Requests for permit and/or Reclamation Plan modifications may be made to the Department on Form MR-1300. The operator shall submit any requested supporting data for consideration during the Department's evaluation of the modification request. If a modification request is determined to be substantial by the Department, 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 the Department 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, the Department 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 transferror 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 the Department. The transfer will be considered complete when all parties have received notification by certified letters of the approval of the transfer by the Department.

6) LENGTH 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 shown on the **Schedule for Conservation and Reclamation Practices** in the Reclamation Plan is the termination date for the operating permit. The Mine Operating Permit termination date may be changed through a simple modification to this mining permit if active mining operations extend beyond the proposed termination date. The termination date of this permit may not be extended for the sole purpose of postponing reclamation of the mine site. Reclamation activities in the absence of active mining may be required pursuant to R.89-270.

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 within 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, "The Department 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 the Department 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: Compliance with the Mine Operating Permit requires the operator to conduct the mining operation in the general manner as described in the Application for a Mining Permit. Variance from what has been characterized in the Application for a Mining Permit without first modifying this Mine Operating Permit may subject the operator to enforcement penalties.

The operator shall comply at all times with all conditions of this permit. Non-compliance with this mining permit and regulations could lead to permit revocation and bond forfeiture pursuant to Sections 48-20-160 and 48-20-170.

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. The Department shall not accept as a defense from the operator that he was not responsible for any unpermitted actions within the permitted area. Illegal acts within the mining permit are also subject to enforcement actions from other State and Federal agencies. Depending upon the nature of such illegal acts, the Department may cooperate with other agencies in the investigation and prosecution of such acts.

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 the Department. 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 the Department 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 (i.e. information 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 is required if there is any permitted land not fully reclaimed and **released by the Department by June 30 of each year.**

2) SPECIAL REPORTS: This permit does not preclude the Department from requesting information, data or explanations from the official representative of the operation as to conditions relating to the permitted mine site. Such request from the SCDHEC shall be made in writing to the operator with appropriate time frame stated for the submittal of the requested information to the Department.

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 the S.C. Department of Health and Environmental Control 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. In the future, if determined to be necessary by the S.C. Department of Health and Environmental Control, an appropriate fence will be installed around the affected area.
3. Temporary or permanent placement of refuse and debris from off-site locations is prohibited. Topsoil, free of debris and contaminants and as defined in Regulation 89-10D, may be brought in from off-site sources, but only for the purposes of mine land reclamation.
4. Operator shall establish an undisturbed 50 foot buffer zone around the wetlands. The wetlands buffer shall be marked prior to mining to prevent accidental disturbance to the buffer and/or wetlands. The access road wetlands crossing is considered temporary and the wetlands disturbed by the access road crossing shall be restored to wetlands after mining is completed. However, if the operator obtains the necessary permits from the U.S. Army Corps of Engineers, the crossing may remain as a permanent crossing.
5. The operator shall adopt the "Reclamation and Conservation Schedule" as specified by the Department. This reclamation schedule is a part of the approved Reclamation Plan.
6. The operator is responsible for replacing or repairing water wells on neighboring lands if the dewatering operations are determined to be responsible for adversely impacting neighboring wells.
7. Before mining Future Reserves, the operator shall submit a mining plan and establish 50 foot buffer zones around the delineated wetlands.
8. Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding along the drainage ditch from Three Oaks Contractors, Inc. property to where the drainage ditch enters waters of the state. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur. Mine dewatering shall cease when the water level in the drainage ditch (as it leaves Three Oaks Contractors, Inc. property) is one (1) foot from the top of the channel. Mine dewatering shall not resume until the freeboard within the drainage channel is greater than one (1) foot.
9. Temporary or permanent placement of refuse and debris from offsite locations is prohibited. Soils, free of debris and contaminants, may be brought in from off-site sources, but only for the purposes of mine land reclamation. (Modification 10-1)

APPENDIX A

MODIFICATIONS TO THE MINE PERMIT

NUMBER	APPROVAL DATE	DESCRIPTION OF MODIFICATION (PA=Permitted Acres; AA=Affected Acres)
Issued	10/13/97	Permit issued; PA= 84.9 ac, AA = 27.2 ac, FR = 21.5 ac, Buffer = 35.7 ac
Mod 02-1	08/12/03	Increase AA by 16.2 ac; PA= 84.9 ac, AA = 43.9 ac, FR = 5.3 ac, Buffer = 35.7 ac
Mod 05-1	2/3/06	Increase PA by 3.6 ac; PA= 88.5 ac, AA = 47.5 ac, FR = 5.3 ac, Buffer = 35.7 ac
Mod 05-2	2/3/06	Change in Reclamation Practice/ Schedule: Seg A2005 – backfill pond with soil, extend to January 2010
Mod 07-1	12/10/07	Increase PA by 6.7 ac; PA=95.2 ac, AA=47.5 ac, FR=5.3 ac, Buffer=42.4 ac
Mod 10-1	5/6/11	Move 9.0 ac from buffer to AA; PA = 95.2 ; AA: 47.5+9.0 = 56.5 ac; FR = 5.3; Buffer: 42.4-9.0 = 33.4ac; Revised R Sch

MODIFICATION 10-1

20. Section 48-20-40(16)(1) 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

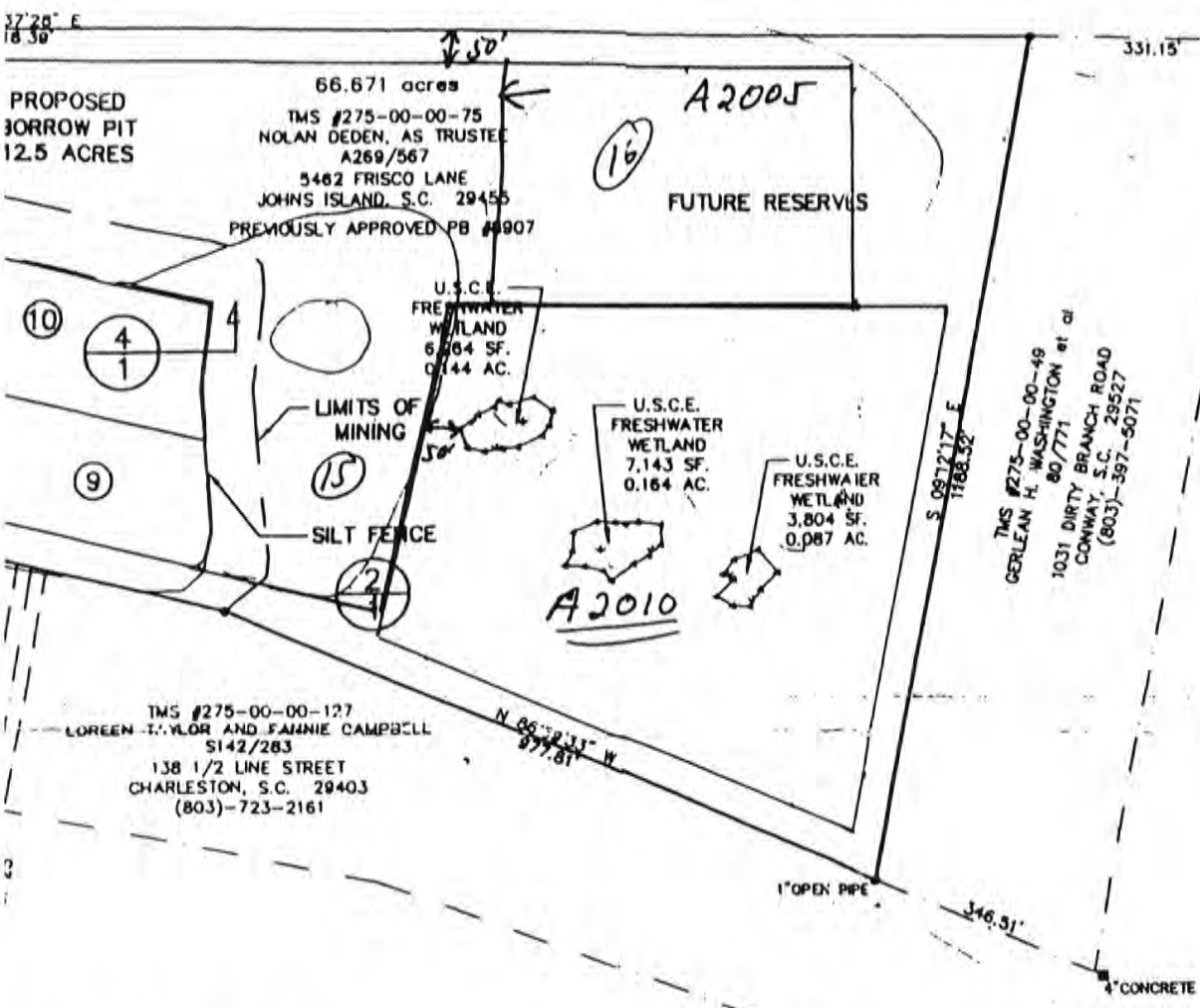
<i>Conservation & Reclamation Practices</i>	<i>Segment or Area</i>	<i>Planned</i>		<i>*Applied</i>		<i>Notes</i>
		<i>Amount</i>	<i>Year</i>	<i>Amount</i>	<i>Month/Year</i>	
Install survey points	As shown on map		1997			See Note 1, maintain LOM
Install locking gate	Entrance to permit area		1997			Maintain LOM
Maintain access roads						Maintain LOM
Maintain reclamation on previously mined segments	Seg. 5-14	22.0 ac				See Note 4
Mark wetlands and 50' undisturbed buffer to property line and wetlands	15, 16, 17		2002			See Note 2, maintain LOM
Maintain previously mined area as sediment basin	Seg. 1-4	5.7 ac				Maintain LOM
Backfill Segment 16	16	3.8 ac	1/10			See Note 3
Mark segment limits	B2005	3.63 ac	2005			Segment limits include; excavation, ditch, and road
Slope, topsoil, fertilize, seed	B2005	3.63 ac	2008			Haul road to remain
Maintain dewatering sump	Seg. 5 or 17	0.5 ac	2002			Maintained within active pit bottom, see Note 2
Mark wetlands and 50' undisturbed buffer to property line and wetlands	C-2 & Gore	6.7	2007			See Note 2, maintain LOM
Maintain previously mined area as sediment basin	Seg. 1-4	5.7 ac				Maintain LOM
Maintain dewatering sump	Seg. 5 or 17	0.5 ac				Maintain LOM
Mark segment limits, bufferr	A2010	9.0 ac	2011			
Slope, topsoil, fertilize, seed	C-2 & Gore	6.7 ac				Haul road to remain
Excavate/ backfill	A2010	9.0 ac				See Notes 4, 5
Slope, topsoil, fertilize, seed	A2010	9.0 ac				as mining progresses
Inspect, repair, maintain	PA	65.2 ac	2016			Until release by the Department

Notes

- Two permanent survey markers within the permitted area shall be located at least 100 feet apart as required in R.89-130.
- Wetland markers should be located prior to the start of mining. Permanently flag buffers associated with wetlands and property lines.
- As required by Term and Condition #3 – soil material for backfilling shall be free of debris or contaminants. Elevation of the backfilled area should be consistent with surrounding undisturbed elevations. Reclamation should consist of: final grading to drain, topsoiling, fertilization, and seeding. Minimize the amount of disturbed acreage to reduce the potential for offsite sediment and erosion control concerns.
- Minimize the amount of disturbed acreage to reduce the potential for offsite sediment and erosion control concerns.
- As required by Term and Condition #9 - only clean material can be used for backfill

AA – Affected Area BMPs – Best Management Practices LOM – Life of Mine PA – Permitted Area PL – Property Line ST – Sediment Traps
SW – Stormwater TS – Topsoil WL – Wetlands

* Completed by the Department



Change in Reclamation Practice
Oct 2005

Area
A2005

Increase in new Acreage
Feb 2002

Area	Acres
15	2.34
16	9.35
17	4.10

Increase in new Acreage
Oct 2005

Area	Acres
B2005	2.54

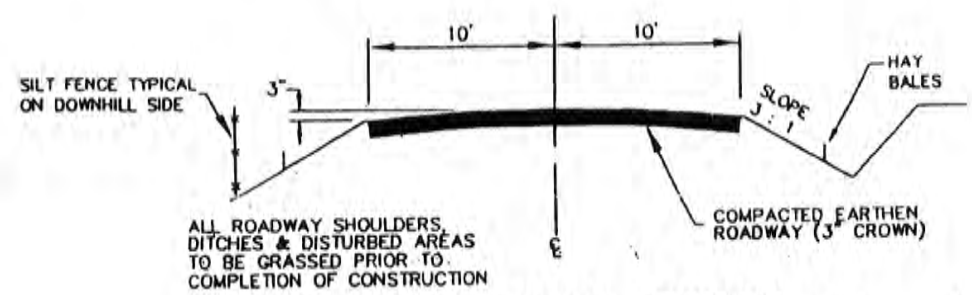
Increase in new Acreage
Oct 2007

Area	Acres
B2007	5.00

Increase in new Acreage March 2010

Area	Acres
A2010	9.0

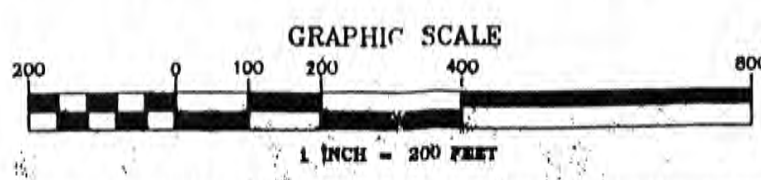
BLAWM
DIVISION OF MINING &
SOLID WASTE MANAGEMENT
MAR 0 4 2010



TYPICAL ROADWAY SECTION (3)
NOT TO SCALE

I-001129
Mod 10-1

- NOTES:
- 1) ALL SURVEYING INFORMATION TAKEN FROM A PLAT BY JOHN T. BYRNES III DATED AUGUST 16, 1996 AND RECORDED IN THE CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EB PAGE 292.
 - 2) ACCORDING TO FLOOD INSURANCE RATE MAP 455413 0405 F DATED APRIL 17, 1987 THIS PROPERTY APPEARS TO LIE IN ZONE C (ABOVE 500 YEAR FLOOD).
 - 3) THE APPLICANT IS THREE OAKS CONTRACTORS, INC.



	SITE MAP AND RECLAMATION PLAN		
	CHICKEN FARM JOHNS ISLAND CHARLESTON COUNTY, S.C.		
SCALE: 1" = 200'	APPROVED BY: DANIEL C. FORSBERG	DRAWN BY: ASO	
DATE: 1/20/97	REVISED BY:		
FORSBERG ENGINEERING & SURVEYING, INC.			
<small>P.O. Box 30075 Charleston, South Carolina 29417 803/771-2822</small>			
DANIEL C. FORSBERG	REVISION DATE: 10/18/07	SHEET 1 OF 1	JOB No: 972

SM-1129-V5
MODIFICATION 10-1
based on SM-1129-V1
portion of map received 3/4/10
shows Area A2010, 9.0 acres
transferred from buffer to affected acreage with re-assessment of wetland areas

I-001129
Three Oaks Contractors, Inc.
Chicken Farm Mine

APPROVED BY
SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL
DIVISION OF MINING AND SOLID WASTE MGT
BY: Ker M. Colman
TITLE: SM-1129-V5
DATE APPROVED: 5/6/11
PERMIT NO.: I-001129

- Approval -

SOUTH CAROLINA
DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL CONTROL
MINE OPERATING PERMIT

PART I:

Chicken Farm Mine
Three Oaks Contractors, Inc.

Three Oaks Contractors, Inc., a corporation, has been granted a Mine Operating Permit, Mine Permit Number I-001129 from the S.C. Department of Health and Environmental Control (Department) to operate the Chicken Farm Mine in the County of Charleston. This permit grants Three Oaks Contractors, Inc. the right to operate the Chicken Farm Mine in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 *et seq.*, 1976), and Regulations 89-10 *et seq.* This permit document reflects submitted information from the application process for a Mine Operating Permit. The operator shall conduct this operation as represented in documents submitted to support the issuance of this permit.



JOAN F. LITTON, DIRECTOR
DIVISION OF MINING AND SOLID WASTE MANAGEMENT

PERMIT NUMBER: I-001129
ISSUED: October 13, 1997

In accordance with Section 48-20-60 of the South Carolina Mining Act, 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 anticipated mining completion date shown on the *Schedule for Conservation and Reclamation Practices* in the *Reclamation Plan*.

LAST MODIFICATION (see Appendix A): 15-1
MODIFICATION APPROVAL DATE: July 5, 2016

The approved *Reclamation Plan* is 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-001129

Three Oaks Contractors, Inc.

Home Office Address: Three Oaks Contractors, Inc.
5629 Savannah Highway
Ravenel, S.C. 29470

Local Office Address: None

Address for Official Mail: Three Oaks Contractors, Inc.
P.O. Box 409
Ravenel, S.C. 29470

Company personnel and title to be the contact for official business and correspondence (SCDHEC should be notified in writing immediately of any change in contact, address, telephone or fax numbers):

Gervais Hills
Vice President

Telephone: 843-564-1315 ext. 225
Fax: 843-564-1322

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

Latitude: 32.6895 Longitude: -80.05245

The operation is located in Charleston County approximately 5.0 miles southwest of Charleston, SC. Specifically the site is on Johns Island one mile east of the intersection of state secondary highways S-10-20 (Bohicket Road) and S-10-633 (Edenvale Road).

Part II: MINE OPERATIONS

Three Oaks Contractors, Inc., also referred to as the operator, is permitted to mine sand/clay to a maximum depth of 20 feet on a tract of land leased by the referenced operator. This tract of land is identified in the submitted *Land Entry Agreement* (LEA). This LEA may be recorded with the appropriate agency (i.e., Register of Mesne Conveyance, Clerk of Court) in Charleston County.

The site has **0.0 acres** of previous mined land not permitted to be affected under this Mine Operating Permit. The **Pre-Law Mined Land** is identified as **PLML** on the submitted site map.

MINE/PIT CHARACTERIZATION: The sand, sand/clay and topsoil will be excavated and stockpiled on site. Ground clearing will be accomplished with excavator and/or dozer. Excavation, stockpiling and loading of material will be done with the excavator and rubber-tired loader. Dump trucks will be used to haul material off-site. Grading for reclamation will be done with the dozer. 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: No processing will be done on site.

MINE DEWATERING: Mine dewatering will be necessary when the pit floor extends below the watertable and groundwater seeps into the mine. The groundwater will be collected in a sump and pumped from the pit to a previously mined area which serves as a storage/settling pond. Water discharged from the pit to a receiving stream must be discharged through an outfall regulated by NPDES permits.

Where feasible, stormwater runoff will be diverted into the pit, collected into the sump and discharged in the same manner as groundwater. See Part X: *Additional Terms and Conditions* of this permit document for additional requirements concerning dewatering and any dewatering impacts.

BLASTING: Blasting operations are not permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES: No significant cultural or historical sites have been identified. Note Part X: *Additional Terms and Conditions* of this Mine Operating Permit.

VISUAL SCREEN: This site cannot be seen easily from the road or homes on adjacent property. A 50 foot undisturbed buffer, consisting of existing vegetation, will be maintained around the perimeter of the permit area to aid in visually screening the site. If necessary to visually screen the mine from neighboring houses or highways, vegetated earthen berm(s) may need to be constructed of sufficient height to enhance the visual screen of natural vegetation.

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

OTHER STATE OR FEDERAL PERMITS:

- 1) *NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities*

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 Agreement* (Forms MR-600 or MR-700) to the Department within 30 days of the change of ownership.

Land Owner(s) as listed on *Land Entry Agreement(s)*:

- 1) Acorn Haven, LLC
- 2) Paul May

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

OWNED 0.0 LEASED 105.5 TOTAL 105.5

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 affects to the surrounding environment.

AFFECTED LAND: Under the current mine plan, the total area to be affected by Three Oaks Contractors, Inc., not including future reserves, is 39.4 acres of land. The operator is permitted to affect up to 24.9 bonded acres of land at any point in time in accordance with the *Schedule for Conservation and Reclamation Practices* in the approved *Reclamation Plan*. Once affected land is released as reclaimed by the Department in accordance with R.89-330, that land is no longer considered affected and the mine operator carries no further reclamation liability. The affected acres are derived from the operator's response in the *Application for a Mine Operating Permit* (Form MR-400), page 3, line 2H.

The amount of the reclamation bond is based on the **total affected area** of land to be reclaimed under the approved Reclamation Plan. Section 48-20-110 specifies bond amount as follows:

<u>AFFECTED AREA</u>	<u>BOND AMOUNT</u>
Less than 10 acres	\$10,000.00
10 acres or more, but less than 15 acres	\$15,000.00
15 acres or more, but less than 25 acres	\$25,000.00
25 acres or more	\$25,000.00 or more

For mining operations permitted to affect less than 25 acres, the operator is required to modify their mining permit **prior to exceeding the total affected acres** for which the mine is permitted. Mining operations that are permitted to affect 25 acres or more shall not exceed the bonded acreage by more than ten percent (**10%**) without notifying the SCDHEC in writing. The SCDHEC will review bonding levels to determine if an increase in the reclamation bond is necessary.

FUTURE MINE RESERVES: 0.0 acres are identified as future mine 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 the SCDHEC as specified in the *Schedule for Conservation and Reclamation Practices* in the approved *Reclamation Plan*. Failure to submit such plans to the SCDHEC and commencement of mining activities would be a violation of this permit. Prior to expansion into the future reserves, the operator is required to revise the mine plan and reclamation schedule to include the areas to be affected. The Department shall be notified a minimum of sixty days prior to activities within future mine reserves unless another time frame is specified in the *Additional Terms and Conditions*.

BUFFER AREAS: 66.1 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 disturbance of the buffer areas (i.e. removal of timber) requires this Mine Operating Permit to be modified **prior** to any such disturbance.

TOTAL PERMITTED AREA: 105.5 acres as described on the submitted on the Land Entry Agreements dated September 14, 2005 (Paul May) and April 28, 2016 (Acorn Haven, LLC).

Part IV: MAPS

The mine site/ reclamation map was based on an original map prepared by Daniel C. Forsberg of Forsberg Engineering and Surveying with subsequent modifications by Gervais Hills with Three Oaks Contractors. The reclamation map for the site is incorporated into the site map. The last map edit was dated January 13, 2016 (Modification 15-1). This map is further identified with the SCDHEC map number SM-1129-V6/ RM-1129-V6 and is a part of the operating permit.

Part V: RECLAMATION BOND

The Reclamation Bond is based upon the total affected acres (Part III A. of this permit). Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$25,000.00. 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.

Financial Institution posting Reclamation Bond:

Name: First National Insurance Company
Address: 2100 Rexford Road, #410
Charlotte, N.C

Type of bond posted for Reclamation Bond: Surety

Total Bond Amount: \$25,000.00

Account Number: 6019144 (aka 43S000497)

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.

The site is an agricultural field with farm ditches running through the site. The surrounding area is wooded and no homes can be easily seen. Wetlands onsite have been delineated and certified by the U.S. Army Corps of Engineers. Operator shall protect the wetlands by maintaining an undisturbed buffer of 50 feet between mining activities and wetlands. See Part X, *Additional Terms and Conditions* for additional requirements.

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 will be installed at the entrance to the mine site and kept locked during inactive periods. A 50 foot undisturbed buffer shall remain along the property lines. The operator shall minimize highwalls during active mining to reduce potential of accidental falls from excessive highwalls. *Warning* and *Danger* signs shall be posted around the perimeter of the property.

The site is approximately 2500 linear feet from a public road; this distance in addition to buffers will minimize any adverse affects to the road. The operator shall use Best Management Practices (BMP) to prevent accumulation of sediment/soil on public roads carried by trucks and other vehicles exiting the mine site; any accumulations of sediment/soil onto the public road by trucks or other vehicles exiting the mine site on a shall removed daily basis or more frequently if necessary.

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 must be removed from the site and disposed properly to prevent contamination to ground and surface water resources.

Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding outside of the approved permitted area. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur.

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

There are no publicly owned parks, forest or recreational areas near this mine site.

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

The operator shall comply with the NPDES discharge permit and *Stormwater Pollution Prevention Plan* developed for the mine.

Active pumping and discharge of water from the active pit through the sediment basin shall cease if the dewatering discharge causes flooding conditions to property downstream of the mine site.

The wetlands shall be protected by a minimum 50 foot undisturbed buffer. Additionally, the operator shall install any appropriate BMPs to ensure no sediment encroaches wetland areas; BMPs shall be installed to the mine-side of the undisturbed buffer. The operator is allowed to discharge accumulated stormwater, free of sediment, from the sediment basin into wetlands.

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

Final slopes will be 3H:1V to minimize potential for landslides or unstable mine walls. 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.

Acid water is not anticipated to be generated from the oxidation of existing minerals currently found on this site.

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

The mine operator will use appropriate measures (i.e. water truck, dust suppressants, etc.) to control fugitive dust created by moving equipment along haul roads. The operator, where feasible, shall establish vegetation in non-active mine areas barren of vegetation to stabilize the soil and reduce potential for wind erosion and blowing dust.

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 the Department 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 the Department 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: Any records the Department requires the operator to maintain through additional terms and conditions of this permit or by regulations 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 the Department. The operator shall furnish copies of the records upon request to the Department.
- 4) PERMIT MODIFICATIONS: Pursuant to Section 48-20-80, the operator may modify the permit and/or *Reclamation Plan* upon approval by the Department. Requests for permit and/or *Reclamation Plan* modifications may be made to the Department on Form MR-1300. The operator shall submit any requested supporting data for consideration during the Department's evaluation of the modification request. If a modification request is determined to be substantial by the Department, 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 the Department 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, the Department 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 the Department. The transfer will be considered complete when all parties have received notification by certified letters of the approval of the transfer by the Department.
- 6) LENGTH 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 shown on the *Schedule for Conservation and Reclamation Practices* in the *Reclamation Plan* is the termination date for the operating permit. The Mine Operating Permit termination date may be changed through a simple modification to this mining permit if active mining operations extend beyond the proposed termination date. The termination date of this permit may not be extended for the sole purpose of postponing reclamation of the mine site. Reclamation activities in the absence of active mining may be required pursuant to R.89-270.

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 within 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, "The Department 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 the Department 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: Compliance with the Mine Operating Permit requires the operator to conduct the mining operation in the general manner as described in the *Application for a Mine Operating Permit*. Variance from what has been characterized in the *Application for a Mine Operating Permit* without first modifying this Mine Operating Permit may subject the operator to enforcement penalties.

The operator shall comply at all times with all conditions of this permit. Non-compliance with this mining permit and regulations could lead to permit revocation and bond forfeiture pursuant to Sections 48-20-160 and 48-20-170.

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. The Department shall not accept as a defense from the operator that he was not responsible for any un-permitted actions within the permitted area. Illegal acts within the mining permit are also subject to enforcement actions from other State and Federal agencies. Depending upon the nature of such illegal acts, the Department may cooperate with other agencies in the investigation and prosecution of such acts.

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 the Department. 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 the Department 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** (i.e. information 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 is required if there is any permitted land not fully reclaimed and **released by the Department by June 30 of each year.**

2) SPECIAL REPORTS: This permit does not preclude the Department from requesting information, data or explanations from the official representative of the operation as to conditions relating to the permitted mine site. Such request from the SCDHEC shall be made in writing to the operator with appropriate time frame stated for the submittal of the requested information to the Department.

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 the S.C. Department of Health and Environmental Control 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. In the future, if determined to be necessary by the Department, an appropriate fence will be installed around the affected area.
3. Temporary or permanent placement of refuse and debris from off-site locations is prohibited. Topsoil, free of debris and contaminants and as defined in Regulation 89-10D, may be brought in from off-site sources, but only for the purposes of mine land reclamation.
4. Operator shall establish an undisturbed 50 foot buffer zone around the wetlands. The wetlands buffer shall be marked prior to mining to prevent accidental disturbance to the buffer and/or wetlands. The access road wetlands crossing is considered temporary and the wetlands disturbed by the access road crossing shall be restored to wetlands after mining is completed. However, if the operator obtains the necessary permits from the U.S. Army Corps of Engineers, the crossing may remain as a permanent crossing.
5. The operator is responsible for replacing or repairing water wells on neighboring lands if the dewatering operations are determined to be responsible for adversely impacting neighboring wells.
6. Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding along the drainage ditch from permitted area to where the drainage ditch enters waters of the state. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur. Mine dewatering shall cease when the water level in the drainage ditch (as it leaves the permitted area) is one foot from the top of the channel. Mine dewatering shall not resume until the freeboard within the drainage channel is greater than one foot.
7. Temporary or permanent placement of refuse and debris from offsite locations is prohibited. Soils, free of debris and contaminants, may be brought in from off-site sources, but only for the purposes of mine land reclamation. (Modification 10-1)
8. The operator shall adopt the "Reclamation and Conservation Schedule" as specified by the Department. This reclamation schedule is a part of the approved Reclamation Plan. (Modification 15-1)

APPENDIX A

MODIFICATIONS TO MINE PERMIT I-001129

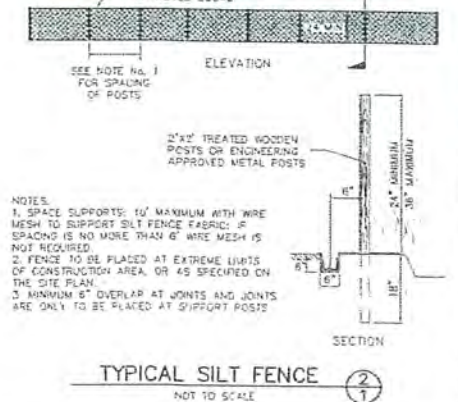
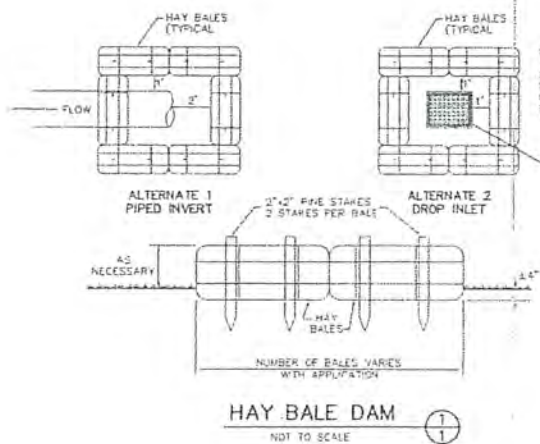
NUMBER	APPROVAL DATE	DESCRIPTION OF MODIFICATION (PA = Permitted Ac; AA = Affected Ac; FR = Reserves; B = Buffer)
Issued	10/13/97	Permit issued; PA= 84.9 ac, AA = 27.2 ac, FR = 21.5 ac, Buffer = 35.7 ac
02-1	08/12/03	Increase AA by 16.2 ac; PA= 84.9 ac, AA = 43.9 ac, FR = 5.3 ac, Buffer = 35.7 ac
05-1	2/3/06	Increase PA by 3.6 ac; PA= 88.5 ac, AA = 47.5 ac, FR = 5.3 ac, Buffer = 35.7 ac
05-2	2/3/06	Change in Reclamation Practice/ Schedule: Seg A2005 - backfill pond with soil, extend to January 2010
07-1	12/10/07	Increase PA by 6.7 ac; PA=95.2 ac, AA=47.5 ac, FR=5.3 ac, Buffer=42.4 ac
10-1	5/6/11	Move 9.0 ac from Buffer to AA; PA = 95.2 ac; AA: 47.5+9.0 = 56.5 ac; FR = 5.3; Buffer: 42.4-9.0 = 33.4ac; Revised R Sch
15-1	7/5/16	Move 2.5 acres from Buffer to AA; adjust acreages based on LEAs, releases; Revised RSch; PA = 105.5 ac, AA = 39.4 ac; FR = 0.0; Buffer = 66.1 ac

Modification 15-1
based on map dated
1/13/16 G. Hills

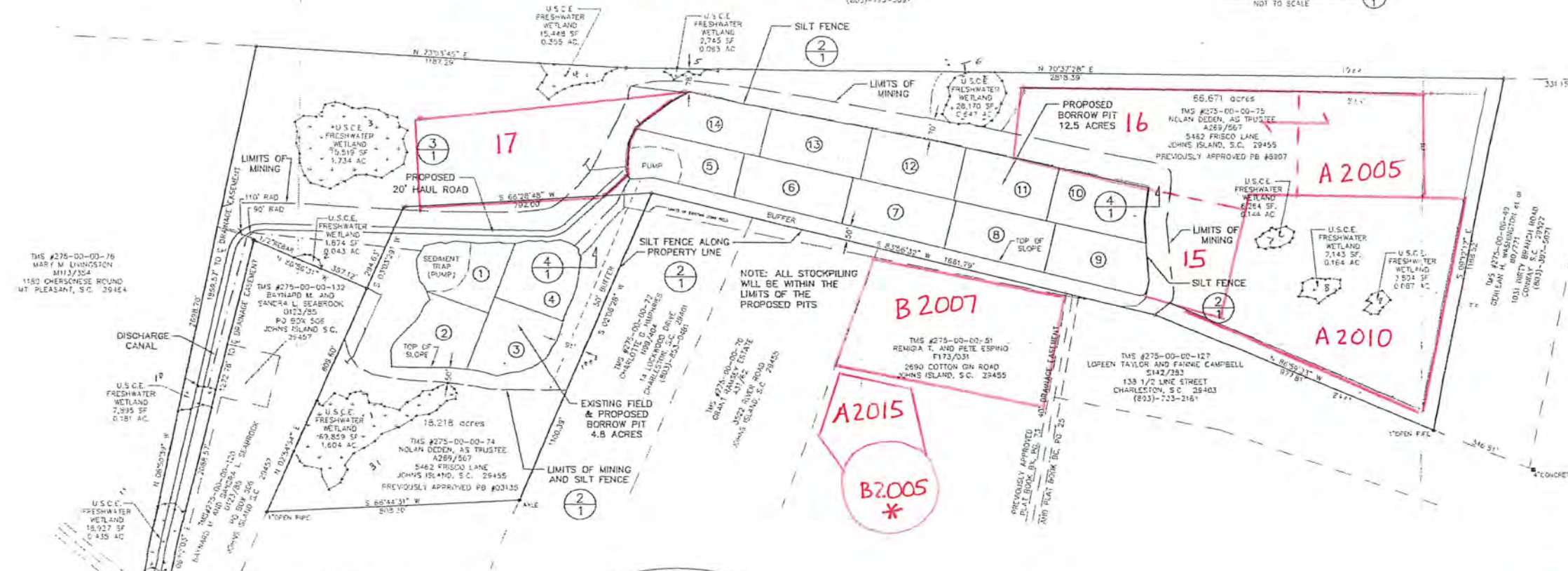
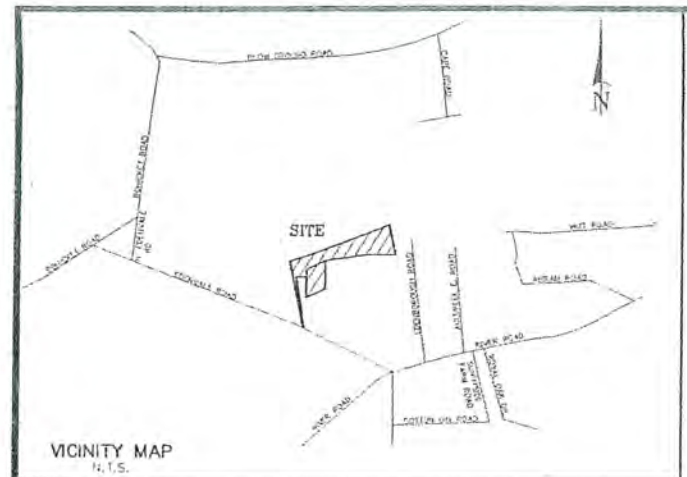
LINE	DIRECTION	DISTANCE
L1	S 69°15'01" E	89.31'
L2	N 34°18'08" E	19.66'
L3	S 55°41'54" E	50.00'

- NOTES:
1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 2. AREA DETERMINED BY D.M.D. METHOD.
 3. THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
 4. FRESHWATER WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND ARE SUBJECT TO ITS PERMITTING AUTHORITY.

APPROVED BY
**SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL
DIVISION OF MINING AND SOLID WASTE MGT**
BY Joan S. Hill Director
TITLE SM-1129-V6, RM-1129-V6
DATE APPROVED 7/5/16
PERMIT NO. I-001129



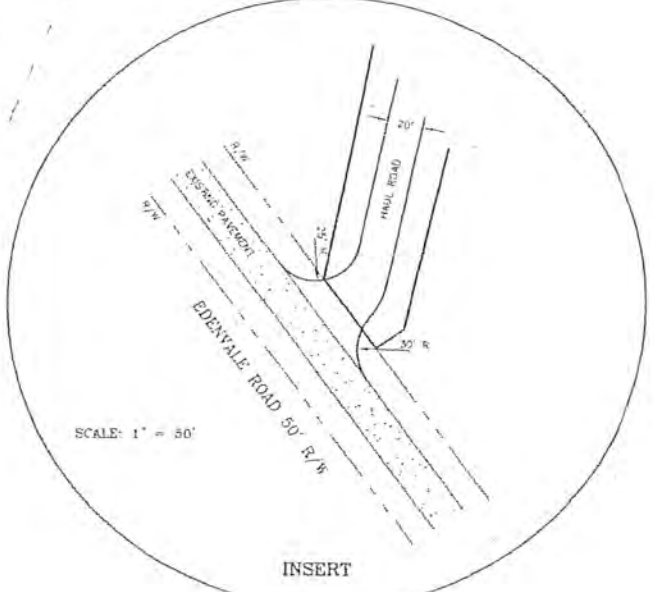
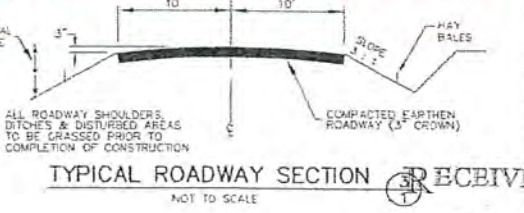
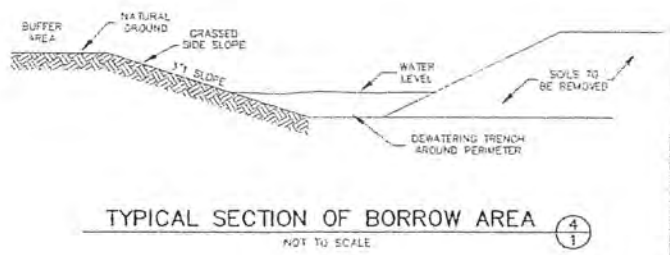
VICINITY MAP
N.T.S.



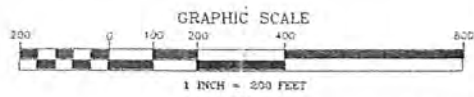
**Modification 15-1
SM-1129-V6/ RM-1129-V6
I-001129
Composite Site/ Reclamation Map**

Modification/ original map number	Segments	Map Comments
Issued/ SM-1129-V1	1 - 14	
02-1/ SM-1129-V2	15, 16, 17	15 - 2.75 ac; 16 - 9.35 ac; 17 - 4.1 ac
05-1 SM-1129-V3	B2005	3.6 ac
05-2/ (noted on SM-1129-V1)	A2005	backfill area A2005 (subset of Seg 16);
07-1/ SM-1129-V4b	B2007	2.54 ac
10-1/ SM-1129-V5	A2010	9.0 ac
15-1/ SM-1129-V6	A2015	2.5 ac

* Segment B2005 released 6/24/16



- NOTES:
- 1) ALL SURVEYING INFORMATION TAKEN FROM A PLAT BY JOHN T. SYRRES III DATED AUGUST 16, 1986 AND RECORDED IN THE CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EB PAGE 232.
 - 2) ACCORDING TO FLOOD INSURANCE RATE MAP 455413 0405 F DATED APRIL 17, 1987 THIS PROPERTY APPEARS TO BE IN ZONE C (ABOVE 500 YEAR FLOOD).
 - 3) THE APPLICANT IS THREE OAKS CONTRACTORS, INC.



SITE MAP AND RECLAMATION PLAN
CHICKEN FARM
JOHNS ISLAND
CHARLESTON COUNTY, S.C.

SCALE: 1" = 200'
DATE: 1/29/97
APPROVED BY: DANIEL C. FORSBERG
DRAWN BY: JSC
REVISION DATE: SHEET 1 OF 1 JOB No. 972266

FORSBERG ENGINEERING & SURVEYING, INC.
DANIEL C. FORSBERG



April 2, 2020

CERTIFIED LETTER
RETURN RECEIPT REQUESTED

Mr. Gervais Hills
Three Oaks Contractors, Inc.
5629 Savannah Highway
Ravenel, SC 29470

RE: **Approval of Application and Reclamation Plan for a Mine Operating Permit**
Modification of Mine Operating Permit I-001129
Chicken Farm Mine, Charleston County

Dear Mr. Hills:

The S.C. Department of Health and Environmental Control (DHEC) has approved the application and reclamation plan for the modification of Chicken Farm Mine as of April 2, 2020. DHEC has approved the reclamation bond submitted in the amount of \$57,000.00.

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 Chicken Farm Mine has been modified as of the date of this letter. Enclosed are the updated permit document, mine map, and reclamation map.

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, Director
Division of Mining and Solid Waste Management

cc Joe Koon – BLWM
Haley Smarr – BLWM
Jonathan Summa – Regional Inspector
Brett Caswell – BOW
Jennifer Miller, JMiller@charlestoncounty.org – Charleston County
Jennifer Werking, JWerking@charlestoncounty.org – Charleston County
Gary McClellan, stormwater@charlestoncounty.org – Charleston County



S.C. Department of Health and
Environmental Control

MINE OPERATING PERMIT

PART I:

Chicken Farm Mine Three Oaks Contractors, Inc.

Three Oaks Contractors, Inc., a corporation, has been granted a Mine Operating Permit, Mine Permit Number I-001129, to operate the Chicken Farm Mine 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.

JOE KOON, MANAGER
MINING AND RECLAMATION SECTION

PERMIT NUMBER: I-001129
ORIGINALLY ISSUED: October 13, 1997
MODIFIED: April 2, 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-001129

Gervais Hills

From: Nick Roark <ecologynr@gmail.com>
Sent: Tuesday, April 21, 2020 11:03 AM
To: Gervais Hills
Subject: Re: Approved Application and Reclamation Plan for Modification

Gervais, permit looks good. See Part VII.6 on Pg 6 of the permit document for duration/expiration. There is essentially no expiration date for this permit, it is valid until it is either terminated by you, revoked by SCDEHEC, or until you are finished, in accordance with the Reclamation Schedule. The Reclamation Schedule, separate document, indicates you will be finished in 2047, but the end date is not set in stone. call to discuss if you need to, thanks.T

On Wed, Apr 8, 2020 at 2:10 PM Gervais Hills <ghills@3oakscontractors.com> wrote:

Nick,

Please review and advise if I need to take any further action. Also, confirm the "completion date".

Thanks

-----Original Message-----

From: scanner@3oakscontractors.com [<mailto:scanner3@cipsupport.com>]

Sent: Wednesday, April 08, 2020 1:27 PM

To: Gervais Hills <ghills@3oakscontractors.com>

Subject: Scanned image from 3 Oaks

Reply to: scanner@3oakscontractors.com <scanner@3oakscontractors.com> Device Name: 3 Oaks Device

Model: MX-M365N

Location: Not Set

File Format: PDF (Medium)

Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

Adobe(R)Reader(R) can be downloaded from the following URL:

Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are registered trademarks or trademarks of Adobe Systems Incorporated in the United States and other countries.

<http://www.adobe.com/>

--

Nick Roark

Ecological Associates, Inc.

P.O Box 357

Johns Island, S.C. 29457-0357

(843) 412-6616

Part II: MINE OPERATIONS

Three Oaks Contractors, Inc., also referred to as the operator, is permitted to mine sand at the Chicken Farm Mine. The maximum depth to the pit floor will be 20 feet below ground surface measured from the lowest ground surface elevation. Mining will take place on tracts of land leased by the referenced operator. These tracts of land are identified in the submitted *Land Entry Agreements* (LEAs).

MINE/PIT CHARACTERIZATION:

The sand, sand/clay and topsoil will be excavated and stockpiled on site. Ground clearing will be accomplished with excavator and/or dozer. Excavation, stockpiling and loading of material will be done with the excavator and rubber-tired loader. Dump trucks will be used to haul material off-site. Grading for reclamation will be done with the dozer. 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:

No processing will be done on site.

MINE DEWATERING:

Mine dewatering will be necessary when the pit floor extends below the water table and groundwater seeps into the mine. The groundwater will be collected in a sump and pumped from the pit to a previously mined area which serves as a storage/settling pond. Water discharged from the pit to a receiving stream must be discharged through an outfall regulated by NPDES permits.

Where feasible, stormwater runoff will be diverted into the pit, collected into the sump and discharged in the same manner as groundwater. See Part X: *Additional Terms and Conditions* of this permit document for additional requirements concerning dewatering and any dewatering impacts.

BLASTING:

Blasting operations are not permitted at this mine site.

SIGNIFICANT CULTURAL OR HISTORICAL SITES:

No significant cultural or historical sites have been identified. Note Part X: *Additional Terms and Conditions* of this Mine Operating Permit.

VISUAL SCREEN:

This site cannot be seen easily from the road or homes on adjacent property. A 50ft undisturbed buffer, consisting of existing vegetation, will be maintained around the perimeter of the permit area to aid in visually screening the site. If necessary, to visually screen the mine from neighboring houses or highways, vegetated earthen berm(s) may need to be constructed of sufficient height to enhance the visual screen of natural vegetation.

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, trackhoes, 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.

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.

Land Owner(s) as Listed on *Land Entry Agreement(s)*:

TMS #: 275-00-00-074, Acorn Haven, LLC

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.

The site is an agricultural field with farm ditches running through the site. The surrounding area is wooded and no homes can be easily seen. Wetlands onsite have been delineated and certified by the U.S. Army Corps of Engineers. Operator shall protect the wetlands by maintaining an undisturbed buffer of 50 feet between mining activities and wetlands. See Part X. *Additional Terms and Conditions* for additional requirements.

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 will be installed at the entrance to the mine site and kept locked during inactive periods. A 50 foot undisturbed buffer shall remain along the property lines. The operator shall minimize highwalls during active mining to reduce potential of accidental falls from excessive highwalls. *Warning* and */or Danger* signs shall be posted around the perimeter of the property.

The site is approximately 2500 linear feet from a public road; this distance in addition to buffers will minimize any adverse affects to the road. The operator shall use Best Management Practices (BMP) to prevent accumulation of sediment/soil on public roads carried by trucks and other vehicles exiting the mine site; any accumulations of sediment/soil onto the public road by trucks or other vehicles exiting the mine site on a shall removed daily basis or more frequently if necessary.

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 must be removed from the site and disposed properly to prevent contamination to ground and surface water resources.

Pursuant to R.89-140(D), the operator shall dewater the mine in a manner that will not increase the potential for flooding outside of the approved permitted area. The volume of water discharged from the mine must be monitored to ensure downstream flooding does not occur.

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

There are no publicly owned parks, forest or recreational areas near this mine site.

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.

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

Final slopes will be 3H:1V to minimize potential for landslides or unstable mine walls. 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.

Acid water is not anticipated to be generated from the oxidation of existing minerals currently found on this site.

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

The mine operator will use appropriate measures (e.g. water truck, dust suppressants) to control fugitive dust created by moving equipment along haul roads. The operator, where feasible, shall establish vegetation in non-active mine areas barren of vegetation to stabilize the soil and reduce potential for wind erosion and dust emissions.

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. Operator shall establish an undisturbed 50ft buffer zone around the wetlands. The wetlands buffer shall be marked prior to mining to prevent accidental disturbance to the buffer and/or wetlands. The access road

APPENDIX A

MODIFICATIONS TO MINE PERMIT I-001129

NUMBER	DATE	DESCRIPTION OF MODIFICATION (PA= Permitted Acreage; AA= Affected, Bonded Acreage; FR= Reserves Acreage, B= Buffer Acreage)
Issued	10/13/97	Permit issued; PA= 84.9 ac, AA = 27.2 ac, FR = 21.5 ac, Buffer = 35.7 ac
02-1	08/12/03	Increase AA by 16.2 ac; PA= 84.9 ac, AA = 43.9 ac, FR = 5.3 ac, Buffer = 35.7 ac
05-1	2/3/06	Increase PA by 3.6 ac; PA= 88.5 ac, AA = 47.5 ac, FR = 5.3 ac, Buffer = 35.7 ac
05-2	2/3/06	Change in Reclamation Practice/ Schedule: Seg A2005 - backfill pond with soil, extend to January 2010
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10-1	5/6/11	Move 9.0 ac from Buffer to AA; PA = 95.2 ac; AA: 47.5+9.0 = 56.5 ac; FR = 5.3; Buffer: 42.4-9.0 = 33.4ac; Revised R Sch
15-1	7/5/16	Move 2.5 acres from Buffer to AA; adjust acreages based on LEAs, releases; Revised RSch; PA = 105.5 ac, AA = 39.4 ac; FR = 0.0; Buffer = 66.1 ac
19-1	4/2/20	Move 13.34 acres from Buffer to AA; PA=105.5 ac.; AA = 60.88 ac.; FR = 0.0 ac.; Buffer = 44.62 ac.; Based on better GIS technology, mine acreages have been adjusted accordingly; Revised Reclamation Schedule; Received LEA for A2015 & B2005

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. The applicant is not authorized to impact any wetlands. In the event any impacts to wetlands occur, the US Army Corps of Engineers and DHEC-OCRM must be notified and all work must cease to minimize additional impacts until the applicant receives authorization.

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.

S.C. Department of Health and Environmental Control
2600 Bull Street Columbia, SC 29201 (803) 895-3432 www.scdhec.gov



Mining Form MR-1300

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) 898-1362 Fax Number: (803) 898-1426

APPLICATION FOR MODIFYING A MINE OPERATING PERMIT AND/OR RECLAMATION PLAN

Name of Mine: Chicken Farm Mine Permit Number: 1129

Name of Company: Three Oaks Contractors, Inc. County: Charleston

Home Office Address: P.O. Box 409 Ravenel, SC 29470
(Street or P.O. Box) (City) (State) (Zip)

Telephone: 843-564-1315

Mine Office Address: P.O. Box 409 Ravenel, SC 29470
(Street or P.O. Box) (City) (State) (Zip)

Telephone: 843-564-1315

Location of Mine: Edenvale Road Johns Island, SC
(State or County Highway) (nearest town or city)

REASONS FOR REQUESTING MODIFICATIONS

Change in the Land Use for Which Affected Land Will Be Reclaimed

Segment or Area:

From: To:

Describe:

Change in Reclamation Practices:

Segment or Area: All Segments

From: Reclamation by creating ponds To: Reclamation by backfilling and creating ponds

Describe: Reclamation in all mine pits will consist of a combination of backfilling with soil and creation of open water ponds.

Change in Schedule of Reclamation

Segment or Area:

From: To:

Describe:

Increase Land Area (attach new map)

Segment or Area: Adding Mine Segments 18, 19, 20, and 21 (13.34 ac. total). See attached Mine Modification Map dated 12/14/18.

From: 39.4 acres of AA (as of last modification 7/5/16) To: 52.74 acres of AA

Describe: * Three mine segments totaling 13.34 ac. have been added. All added segments are expansions of existing pits

Decrease Land Area (attach new map)

Segment or Area: _____

From: _____ To: _____

Describe: _____

Other

Describe: *Based on better technology, acreage numbers have been adjusted accordingly.

I hereby request modification of the above permit and/or reclamation plan and certify that the information originally submitted on the application has not changed (except as provided herein above) and that this mine is now in compliance with the South Carolina Mining Act.

[Signature]
Signature of Operator or his Authorized Representative
Vice President Cervan Hills
Title
11/14/18
Date

First National Insurance Company of America _____ as surety, hereby consents to the above referenced modification and acknowledges and agrees that its bond shall remain in effect in the event the modification is approved (CONSENT TO BE OBTAINED BY OPERATOR).

ATTEST:

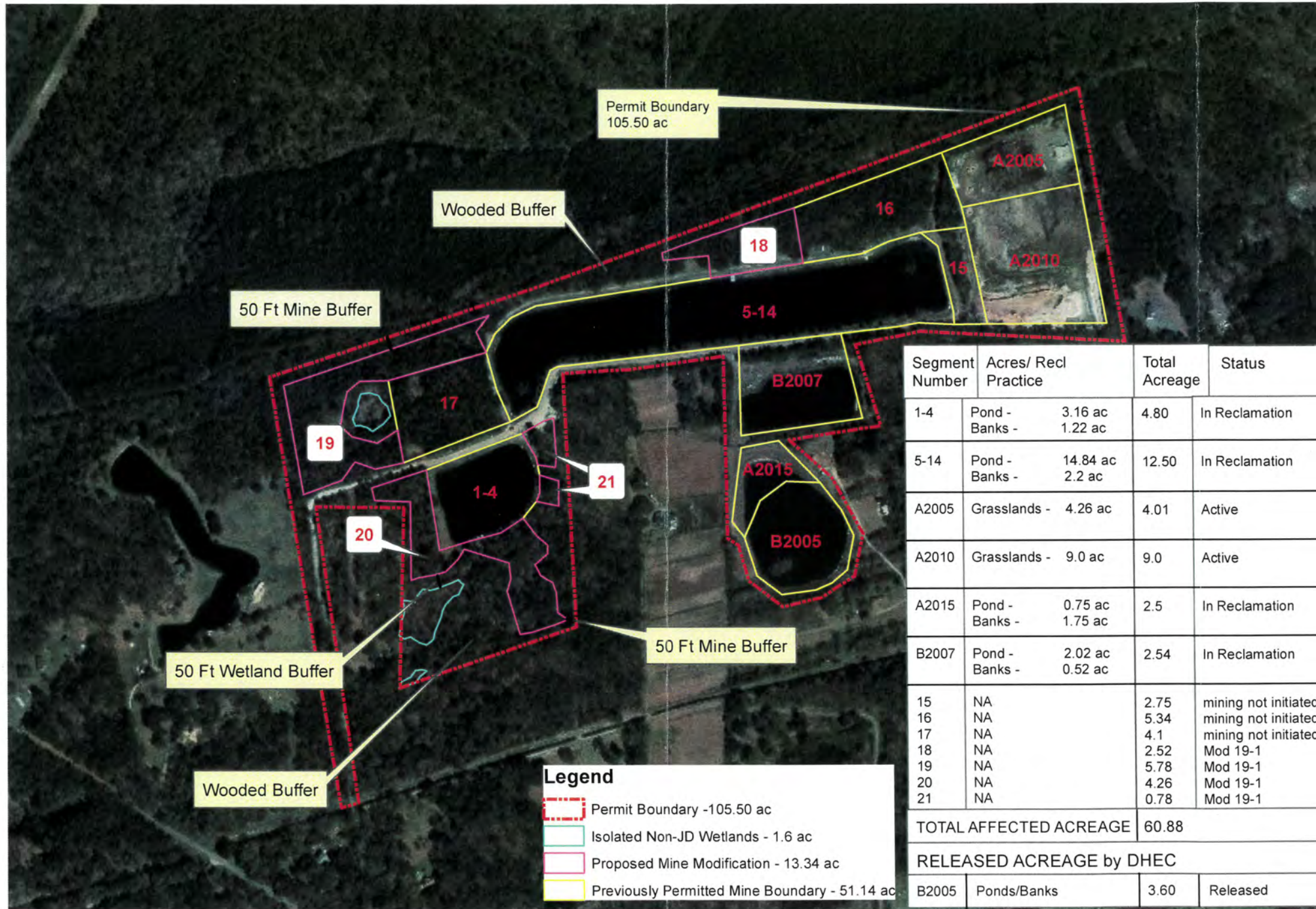
BY: [Signature] (L.S.)
Secretary or Assistant Secretary
(Affix Corporate Seal if applicable)

Three Oaks Contractors, Inc. _____ (L.S.)
Principal
[Signature] (L.S.)
Title VICE PRESIDENT

[Signature]
Licensed South Carolina Agent

First National Insurance of America _____ (L.S.)
Surety
[Signature] (L.S.)
Attorney-in-fact

Approved: [Signature]
Date: 4-2-2020



Chicken Farm Mine
 Three Oaks Contractors, Inc.
 Charleston County
 South Carolina

Chicken Farm Mine Proposed Mine Modification Map

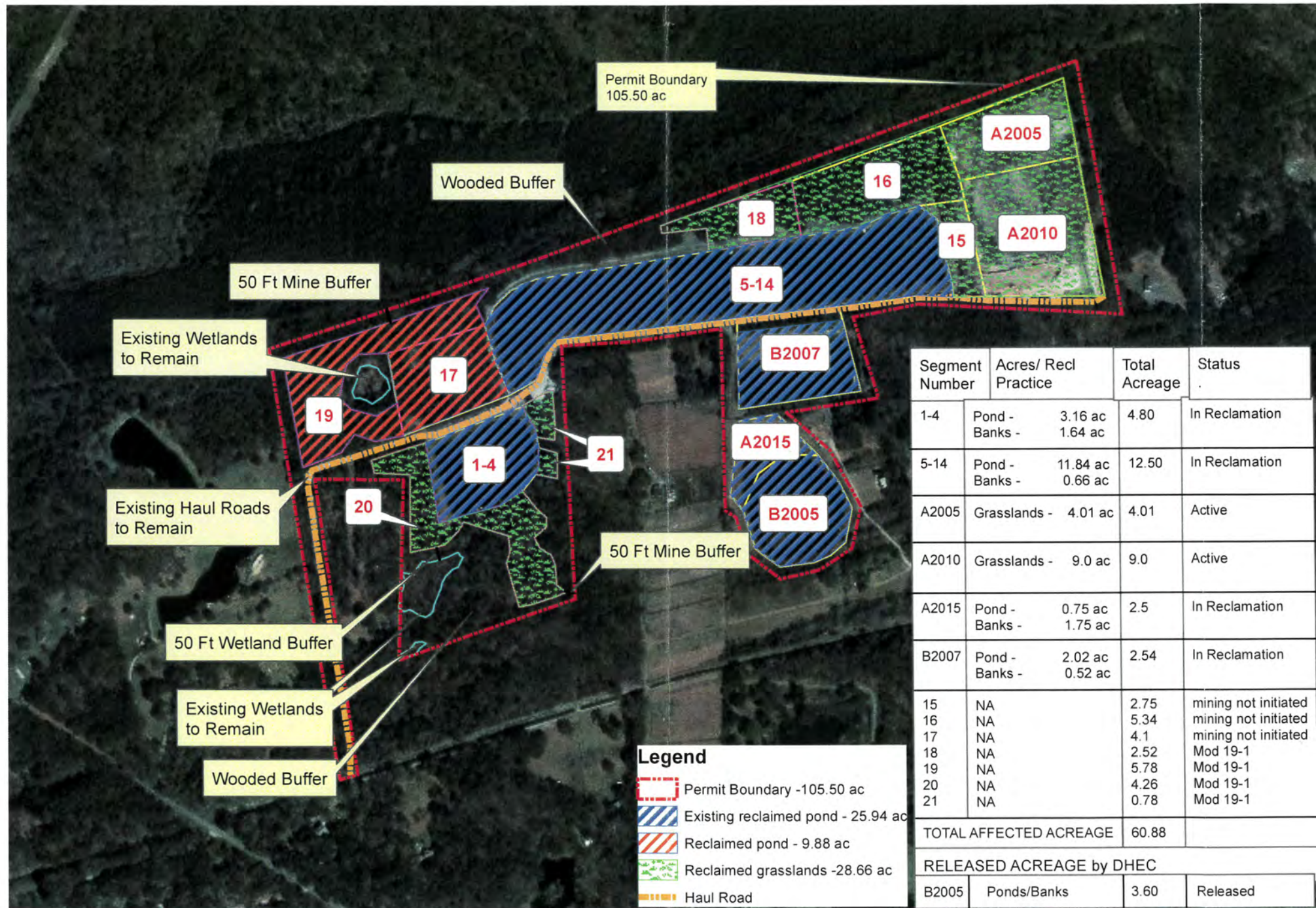
Date: 3/25/2020

Ecological Associates, Inc
 PO Box 357
 Johns Island, S.C. 29457
 (704) 517-4804
 carlwgambrell@gmail.com

0 310 620 Feet



APPROVED BY
 SOUTH CAROLINA DEPARTMENT OF HEALTH
 AND ENVIRONMENTAL CONTROL
 DIVISION OF MINING AND SOLID WASTE MGT
 BY Joe Koon
 TITLE SM-1129-V7
 DATE APPROVED 4-2-2020
 PERMIT NO. I-001129

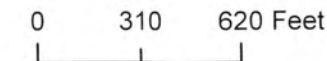


Chicken Farm Mine
 Three Oaks Contractors, Inc.
 Charleston County
 South Carolina

Chicken Farm Mine Proposed Reclamation Map

Date: 3/25/2020

Ecological Associates, Inc
 PO Box 357
 Johns Island, S.C. 29457
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 carlwgambrell@gmail.com



APPROVED BY
 SOUTH CAROLINA DEPARTMENT OF HEALTH
 AND ENVIRONMENTAL CONTROL
 DIVISION OF MINING AND SOLID WASTE MGT
 BY Joe Koon
 TITLE RM-1129-V7
 DATE APPROVED 4-2-2020
 PERMIT NO. I-001129

Jimmie McCants
3059 Maybank Highway
Johns Island SC 29455

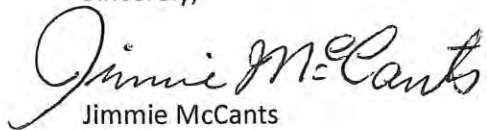
November 1, 2021

RE: Three Oaks Sand Mine

To Whom it May Concern:

Please allow this letter to serve as a vote of support for the continuation of the mining activity by Three Oaks Contractors on Edenvale Road. I have owned the adjacent parcel (051) for several years and do not have any objection to the proposed expansion of the mine.

Sincerely,


Jimmie McCants

Tanya Domin
3028 Edenvale Road
Johns Island SC 29455
TMS #275-00-00-244

November 15, 2021

RE: Three Oaks Sand Mine

To Whom It May Concern:

I have owned property on Edenvale Road next to Three Oaks' sand mine since 2010, I have had no issues with the mining activity or Three Oaks. I am in support of the continuation of the mining as well as the proposed expansion.

My 10 acres is next door to the road to the mine. At no time have the dirt trucks bothered my land or traffic I caused an issue of traffic on Edenvale Rd. Their trucks tend to even drive the speed limit unlike other residential cars that cut through Edenvale to get to River or Bohicket at a high rate of speed. Their mine entrance is a 1000 feet from Edenvale Rd, on a paved driveway before you get to their mine gate so there is no dust from their trucks, so they are having a positive effect on vehicular traffic. It also allows me to get shellsand when I need to repair my driveway verses having to order dirt from off the island which would then cause more trucks to utilize the over used main road.

I think it is a shame that Charleston County has shut down their business since August. When a simple notice letter verses a cease and assist was ordered. Think about how that has hurt our whole community, all the money they have lost while you decide if they should be granted a permit, all their people driving trucks that are out of work and this is a mine that has been in operation for 24 years with a State DHEC permit. The mining operation was on Edenvale long before any residential development. Charleston County changes laws and does not notify land owners.

Three Oaks has been a good neighbor and great habitat for deer, turkeys and other wildlife. They are using their land in an appropriate agricultural way, rather than selling it to a developer that would clear cut the forest to build hundreds of homes, creating more traffic problems for our Edenvale Road neighborhood. All of their neighbors are buffered by forests which protect the adjacent properties from any adverse factors.

I believe they should be allowed to continue their mining operation as it complies with the state regulations for a DHEC mining permit and is a purposeful use of AG land that serves our immediate community on Johns Island.

Sincerely,

Tanya Domin



3002 Edenvale Road
Johns Island SC 29455
TMS #275-00-00-243

November 15, 2021

RE: Three Oaks Sand Mine

To Whom it May Concern:

I have owned property on Edenvale Road next to Three Oaks' sand mine for several years. I have had no issues with the mining activity or Three Oaks. I would rather have a dirt mining operation than the 100 acres turn into a housing development with high volume and high speed traffic going past my front, side and backyard. I also have small children that I do not want to endanger. If Charleston County does not allow them to continue the mining operation, I fear the owners would choose to sell the land to create a subdivision.

I am in support of the continuation of the mining as well as the proposed expansion.

Sincerely,


843-834-3573

Denise Mosimann
3038 Edenvale Road
Johns Island SC 29455
TMS #275-00-00-076

November 15, 2021

RE: Three Oaks Sand Mine

To Whom it May Concern:

I have owned property on Edenvale Road next to Three Oaks' sand mine since 1997, prior to the mining operation beginning, and have had no issues with the mining activity or Three Oaks. I am in support of the continuation of the mining as well as the proposed expansion.

My 32 acres is next door to the mine. I have dirt roads that are often in need of material to repair them. Why should I have to use Murray Sand Co. from Dorchester County when I have a local business that serves Johns Island? Charleston County has shut down their business since August, and I can't use them to fix my driveway. Think about how that has hurt our whole community, all the money they have lost while you decide if they should be granted a permit, all their people driving trucks that are out of work and this is a mine that has been in operation for 24 years with a State DHEC permit. The mining operation was on Edenvale long before any residential development. There were only a few mobile homes on our street and no one objected to the mine. The mining operation was already here and those newer property owners who bought land after 1997, and built houses have known there was a mining operation.

Three Oaks has been good a steward to the 100 acres habitat for deer, turkeys and other wildlife. They are using their land in an appropriate agricultural way, rather than selling it to a developer that would clear cut the forest to build hundreds of homes, creating traffic problems for our Edenvale Road neighborhood. All of their neighbors are buffered by forests which protect the adjacent properties from any adverse factors. Their mine entrance is a 1000 feet from Edenvale Rd, on a paved driveway before you get to their mine gate so there is no dust from their trucks. They also drive the speed limit on Edenvale Rd, unlike a lot of careless drivers speeding through our neighborhood. So they are having appositive affect on vehicular traffic. I am the closest neighbor to the mine and I cannot hear any of the mining operation at my house so there is not a noise issue.

I believe they should be allowed to continue their mining operation as it complies with the state regulations for a DHEC mining permit and is a purposeful use of AG land that serves our immediate community on Johns Island.

Sincerely,

Denise Mosimann

