

**South Carolina Department of Environmental Services
Summary Response to Comments**

CFH Monroe, LLC | I-002428 | Monroe Tract Surface Mine
Jasper County, South Carolina
June 12, 2026

This summary is being provided in conjunction with the South Carolina Department of Environmental Services' (SCDES) decision to approve the permit application and issuance of a permit for the Monroe Tract Surface Mine located southwest of junction of Levy Road and S. Okatie Highway near the town of Levy in Jasper County, S.C. Operation of this mine is to excavate sand.

SCDES is committed to preserving South Carolina's air, land, water, and coast through science, service, and sustainability. Through the passage of environmental statutes and regulations, the S.C. General Assembly has established the conditions and criteria that SCDES follows in the permitting process. SCDES's role is to ensure that a proposed project meets all regulatory requirements that are protective of human health and the environment, and to provide local communities with meaningful opportunities to participate in our permitting process. If it has been determined that an applicant or application has met all applicable regulatory requirements, SCDES does not have the authority to withhold the issuance of a permit.

As part of the permitting process, SCDES engages other state and federal agencies, the surrounding communities, and the general public prior to making a final permit decision in order to:

- 1) Provide information about the proposed permitted activities in the communities;
- 2) Give agencies, community members, and other interested parties an opportunity to submit relevant information to SCDES for consideration prior to making a final permit decision; and,
- 3) Provide an opportunity to submit other concerns to the attention of SCDES and the applicant.

Public meetings and public hearings are methods SCDES uses to hear concerns and receive comments during the permitting process. A public meeting is an informal conversation with SCDES staff, to include questions and answers. A public hearing is a formal opportunity for comments to be stated and recorded by a court reporter for inclusion in the official file.

On May 22, 2025 SCDES held both a public meeting and hearing on the proposed Monroe Tract Surface Mine. These events were conducted in person at Agape Family Life Center located at 5855 S. Okatie Highway, Hardeeville, SC. SCDES also extended the period to accept written comments through June 6, 2025.

SCDES values all public comments received during the permitting process and is committed to addressing and considering all relevant information prior to making a final permit decision. Public input is an important part of the permitting process and can result in changes to permit conditions and operational practices if a permit is issued.

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The following responses are being provided in response to comments received during the public comment period, the public meeting, and the public hearing for Monroe Tract Surface Mine.

Section 1: The South Carolina Mining Act

The principal law governing mining in this state is Title 48 Chapter 20: The South Carolina Mining Act. The legislative purpose of the Act is to provide that: (1) the usefulness, productivity, and scenic value of all lands and waters involved in mining within the state receive the greatest practical degree of protection and restoration; and that (2) no mining may be carried on in the state unless plans for the mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining. A complete copy of the Act can be found here:

<https://www.scstatehouse.gov/code/t48c020.php>

The Act provides specific criteria for review of mine permit applications by SCDES. The Act does not supersede local zoning ordinances. Issues related to zoning (i.e., property value and industrial development) are under the jurisdiction of county and municipal planning departments and governed by zoning and land use regulations. SCDES has not been given the authority to consider the effect of a mining operation on property values. SCDES is required to evaluate the application in a timely manner and to consider relevant environmental issues.

The Act allowed the development of regulations to establish minimum standards for mining operations. Regulations 89-10 through 89-350 became effective on June 24, 1983 and have been subsequently modified. These regulations

outline the requirements for permitting the design, construction, operation, maintenance, reclamation, and closure of mine sites. The complete list of regulations can be found at:

<https://www.scstatehouse.gov/coderegs/Chapter%2089.pdf>

In reaching the decision to approve the permit application and issuance of a permit for the Monroe Tract Surface Mine, SCDES staff reviewed all information contained in the application, supplemental information submitted by the applicant, and all agency and public comments to ensure that the requirements of the Act and Regulations had been met. SCDES has determined that the applicant has met the applicable requirements and is approved to construct and operate the mine in accordance with the conditions and limits set forth in Permit No. I-002428.

Section 2: Additional Terms and Conditions

In response to information contained within the application, as well as by comments received by other agencies and the communities during the public comment period, SCDES addressed the concerns in the permit and incorporated additional terms and conditions as follows:

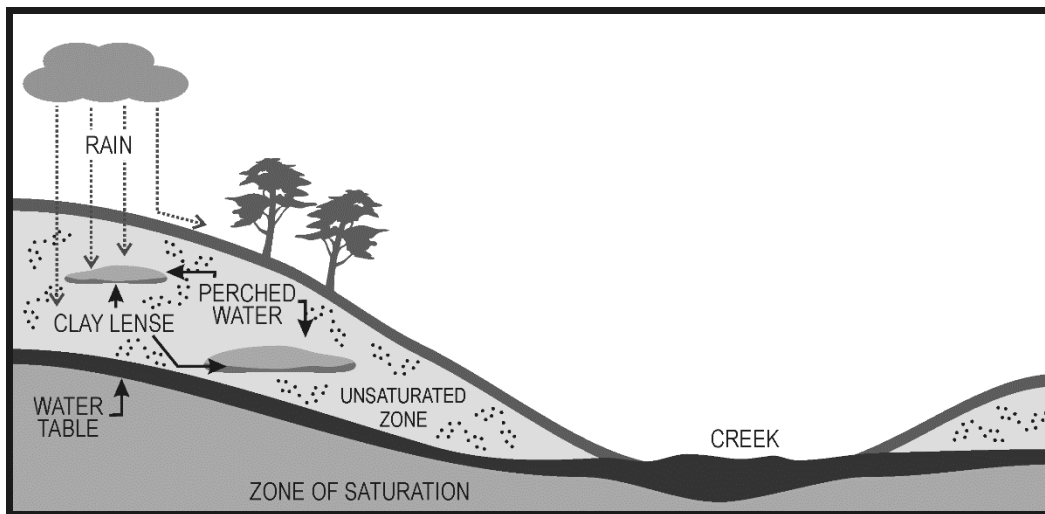
1. Temporary or permanent placement of refuse and debris (e.g., concrete, brick, asphalt) from off-site locations is prohibited without approval by SCDES. The operator is approved to use topsoil material brought in from off-site locations for the purpose of mine land reclamation. The operator must maintain records detailing information on the material including source location (TMS of parcel), estimated volume of soils brought into the mine, and the approximate location of the disposition in the mine. Laboratory results of any testing should be included. The logbook should be made available upon request by SCDES.
2. The operator will obtain appropriate permits for the demolition of structures on the property. All debris must be removed and disposed of at a SCDES permitted landfill facility.
3. The operator shall comply with the approved Coastal Zone Consistency Determination issued by the SCDES Bureau of Coastal Management (BCM). See Appendix A.
4. The operator shall comply with the SC Department of Natural Resources directives concerning protection of the Spotted Turtle (*Clemmys guttata*). See Appendix B.

Some of these conditions are also detailed in subsequent sections.

Section 3: Groundwater

Groundwater is water that collects or flows below the soil surface. The main source for groundwater is rainfall. Runoff from rainwater can go directly into water bodies or seeps into the ground. When water soaks (infiltrates) into the ground, gravity pulls the water down through the spaces between the soil particles and rocks until it reaches a depth where all of the spaces are filled with water, or saturated. The water level where the soils are saturated is called the water table. The area above the water table is called the unsaturated zone, the area below the water table is the saturated zone.

As shown in the following diagram, the water table is not always at the same depth below the land surface - the level moves up or down depending on rainfall and the rate water is removed (e.g., irrigation, industry, well). The unsaturated zone may contain pockets (lenses) of tightly bound clayey soils that do not allow the water to infiltrate. In this situation, the water will collect (perch) on the top of these impermeable lenses. This is "perched water" and is not the true water table along the top of the saturated zone.



SCDES considers the effects of mine activities on the quantity of groundwater available to nearby wells, wetlands, and surface waters. Both groundwater and rainwater will be collected and retained within the mine segments. In the initial Segment 1, both natural groundwater and precipitation channeled to the mine will be collected in a lower sump area and allowed to infiltrate. With each successive excavation, water will be collected in a sump then pumped to Segment 1. Water from Segment 1 will be pumped into a sediment basin for additional retention time. Excess water discharged from the site will gravity drain from the basin. Retaining water on site is essential for constructing a viable pond for final reclamation (standards require a minimum depth of 4' of water over 50% of the surface area).

The potential for any negative effect on groundwater supply, wetlands, or Osprey Lake is reduced due to several factors including the depth of excavation, holding water within the mine, and the presence of adjacent wetlands. The shallow depth (25 feet) will minimize the drawdown of groundwater resources from surrounding areas; water accumulated in or released from the mine will recharge adjacent wetlands and aquifer reducing potential impacts to groundwater reserves.

Section 4: Surface Water

Discharge Monitoring and Sediment Control: Stormwater flow will be routed into the mine. The operator shall use a system of sumps and a sediment basin to manage water prior to release from the mine. The sediment basin is approximately 1.9 acres in size and has a storage capacity of 3,443,000 gallons (460,250 cubic feet).

A sediment basin and sump will be constructed prior to excavation of Segment 1. With that initial cut, stormwater in the pit will be captured in the lower sump area. The collected storm/groundwater mixture will be pumped from Segment 1 into the sediment basin. Future sumps will be constructed in Segments 2 and 3 to collect water and allow settling time. Floating pumps will transfer clean water from these sumps through overground hoses into Segment 1 and eventually pumped into the basin.

The water mixture will be retained in the basin and allowed to infiltrate. Water retention will allow recharge of groundwater and additional time for any sediment to settle prior to discharge.

Eventually accumulated water will gravity flow from the basin through a turbidity curtain to further remove any potential sediment. Water drained from the basin will travel through a vegetated discharge ditch with a stone filter ring. The vegetation and ring serve to reduce water velocity, preventing erosion in the ditch and decreasing the potential for sediment transport offsite.

The mine has been issued a National Pollutant Discharge and Elimination System (NPDES) permit regulating discharges of water from the mine through Monkey John Swamp to the Wright River. The NPDES General Permit for

Discharges Associated with Nonmetal Mineral Mining Facilities (SCG731751) only allows gravity discharge of water from the operation. Under this permit, water can be pumped between segments and into a basin, but must exit the mine by gravity flow. Dewatering the mine via pumping is not allowed for this sand operation.

The NPDES permit requires the operator to have proper Best Management Practices (BMPs) and Stormwater Pollution Prevention Plan (SWPPP) to ensure compliance with the discharge permit.

Both groundwater and stormwater are considered clean sources of water. Water, meeting NPDES standards, may be discharged through the outfall into the wetlands. Water from sediment basin will gravity drain through a turbidity curtain into a vegetated discharge ditch with a stone filter ring. The vegetation will prevent erosion in the outfall ditch and the filter ring will trap any potential sediment.

No chemicals are used in the operation. Any spills from refueling of equipment must be removed and disposed of properly. Discharges from the outfall are subject to numeric effluent limits (total suspended solids and pH) and other permit requirements protective of human health and the environment. Should the operator be unable to meet the requirements of the NPDES permit, SCDES Bureau of Water would initiate compliance and/or enforcement procedures, accordingly.

Potential for Flooding: The mine operating permit is conditioned such that discharge of water shall cease if the dewatering causes flooding conditions to downstream properties. Water will only be pumped between the segments and into the sediment basin; the NPDES permit requires water be gravity drained from the mine.

Natural flooding resulting from heavy precipitation and low topography cannot be controlled. The natural purpose of wetlands is to absorb flood waters and excavations should not impact their function. However, having open cuts can be advantageous by holding stormwater within the mine. Those flood waters can then be released through the sediment basin when flood conditions abate.

The excavation should not negatively affect drainages in the surrounding area. The mine cut will serve as a basin to collect and retain stormwater from impacted ditches; the water will then be discharged as described. A *Stormwater Master Plan for Monroe Tract Surface Mine* (Thomas & Hutton, May 2024/ Revised July 2025) researched the potential for adverse effects of the project on the current drainage system in the area. The report concluded the reclaimed mine operation would not affect the current pre-development flow rates; post development runoff is detained on site and released at less than pre-developed rates to a maximum 100 year/ 24 hour storm event. The storm drainage system design meets or exceeds requirements of city, county, and state government entities.

SCDES has received information from neighbors that a prescriptive easement may be in place for this tract of land to receive stormwater from Osprey Lake and other southern properties and to discharge stormwater into pre-constructed ditches to the north of the site. The engineered controls described in this section should honor, and enhance, the responsibilities that this tract may have in accepting and discharging stormwater.

Section 5: Wetlands

Wetland systems are prominent in the vicinity surrounding the mine and drain to Monkey John Swamp.

On-site wetlands have been delineated (Resource + Land Consultants, June 13, 2025) and noted on the approved mine maps. Wetlands shall be protected by a minimum seventy five foot undisturbed buffer except along the haul road where a combination of a fifty foot buffer and installation of double rows of silt fence will be used. The protective buffers shall be marked prior to the initiation of mining activities and maintained throughout the life of the mine.

Silt fencing shall be installed along the mine side of the wetland buffers and extend down the access road. The silt fence shall be properly installed, maintained and inspected, especially after heavy rains, to ensure they remain effective and sediment does not impact wetlands.

The operator is allowed to gravity discharge accumulated water, free of sediment, from the mine into wetlands. The operator shall comply with the NPDES General Permit for Non-metallic Mineral Mining and Stormwater Pollution Prevention Plan developed for the mine.

Section 6: Buffers, Setbacks, and Visual Impacts

Buffer areas are areas that will not be disturbed beyond the pre-mine natural state, and provide distance between the mining operation and the neighboring properties and wetlands. The Act and Regulations do not have specific requirements for buffer areas, so they are developed on a case-by-case basis. The size of the buffer and setback from the permit boundary is dependent on the nature of the mine, the neighboring land use, and the purpose of the buffer area.

The operator has designated 28.5 acres as buffer. The operator shall maintain a minimum fifty foot buffer of undisturbed vegetation between mine activity and adjacent properties. As described in the Wetlands Section, fifty or seventy-five foot buffers are to be in place along wetland areas.

The vegetated buffers will assist in screening the operation from view. In addition to the vegetated buffers, an earthen berm will be constructed along the property line shared with the Osprey Lakes subdivision to further screen the activity.

Section 7: Noise

The majority of noise generated from mining activity is associated with motorized vehicles and equipment. The level of noise perceived at residences is usually related to the distance from the source of the sound, weather conditions, topography, and the type and condition of the equipment. Equipment such as trucks, dozers, and loaders usually has an average noise level determined by the manufacturer. The majority of the equipment averages 75 to 90 decibels (dB) at a distance of fifty feet. Sound decreases (attenuates) with distance at the rate of about 3 to 5 dB each time the distance between the source and the person hearing it is doubled.

Another factor used to buffer noise is topography. Overburden will be used to construct a berm along the boundary shared with Osprey Lakes subdivision to block the direct path of sound. Additionally, the mine operating permit requires the operator to maintain equipment (e.g., mufflers on trucks, trackhoes, pumps) to minimize noise from the site.

The combination of undisturbed vegetated buffers, earthen berms, maintenance of equipment, and distance from the operation will consequently reduce the potential for sound heard offsite. There may be instances when the sound of equipment (back up alarms, trucks, etc.) can be heard, but the decibel levels should not be excessive.

Although no state standards exist for noise emitted from this type of industry, the Mine Safety & Health Administration (MSHA) does have noise standards applicable for worker safety to protect hearing. Therefore noise, limited at the source to protect workers, has the added benefit of limiting noise beyond the permit area.

Section 8: Public Safety

Public safety around a mine site is always a concern. A primary method to ensure public safety is controlling access to the mine property. A gated entry and warning signs will caution about the presence of the mine. Grading slopes as excavations progress will minimize physical hazards to persons and adjoining land uses. Additionally, natural barriers (e.g., streams, wetlands, vegetation) and a constructed berm provide a deterrent for accidental entry into a mine site. The combination of these barriers and site characteristics will limit public exposure to the operations at the site.

Section 9: Traffic

A common concern expressed is the increase of truck traffic hauling mined material. The SC Mining Act only authorizes SCDES to regulate truck traffic on roads *inside* the permit boundary. SCDES can only evaluate impacts to public roads as it pertains to the physical effects from the mining operation (e.g. undermining, etc.). It does not give SCDES the authority to regulate or restrict vehicle traffic outside the permit boundary or deny a permit based on the potential increased use of such roads.

SCDES addresses protection of public roads by establishing undisturbed areas within the permit area to buffer roads from mine activity. The Monroe Tract Surface Mine is located approximately a mile from Levy Road so the road will not be impacted from excavations.

Other concerns with road systems, including use of the roads, general maintenance, or safety issues, are under the jurisdiction of S.C. Department of Transportation (SCDOT) (843-726-3431, Maintenance), S.C. Department of Public Safety (843-726-8801), Hardeeville Police Department (843-784-2233), or Hardeeville Department of Public Works (843-288-3902).

Section 10: Blasting

Blasting operations are not permitted at this mine site.

Section 11: Air Quality

Dust: Fugitive dust emissions from the proposed mining activities have been a concern with this proposed mine. The Division of Mining and Solid Waste Management is responsible for regulating dust emissions from a mining site. Sources of dust include: moving equipment, handling of the mineral resource and overburden, truck traffic, and wind erosion.

At active sites, the major contributors of dust are equipment and truck traffic. Properly constructed access roads with dust suppression methods (e.g., water trucks, sprinklers) is the most effective way to manage dust from traffic. The operator will use a watering truck. The frequency of watering will depend on weather conditions and volume of traffic.

Wind erosion of areas stripped of vegetation are sources for potential dust. 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. The vegetated earthen berm to be constructed along the Osprey Lakes subdivision will assist in controlling impacts from off-site dust.

The combination of minimizing land disturbance, re-vegetation of bare soils, and construction/ vegetation of the berm will lessen the potential for windblown dust leaving the site.

Health Risks with Dust Exposure: Health risks are mitigated by controlling the dust at the source. Source control measures include best management practices, such as water trucks, dust suppressants, sprinklers, etc.

The Mine Safety & Health Administration (MSHA) is responsible for protecting the health of workers at mine operations. As part of their duties, MSHA monitors exposure of workers to dust. Results from monitoring show the risk is greatest within work environments involving processing (crushing/grinding) and operating equipment. If a problem concerning overexposure exists, MSHA would require the company install some type of engineering control to eliminate the concern at the source.

Meeting MSHA requirements to control dust in the immediate work area will further minimize any exposure risk outside the permitted area. No elevated exposure risk is anticipated from the mine beyond the property line.

On a daily basis we are exposed to dust from non-industrial sources such as dirt roads, fields, and bare lots. Although the proposed mining operation does not add any new hazards, engineering and administrative controls have been designed to minimize the production of airborne dust. Based on the proposed controls at the mine (natural buffers, berm construction, distance from property lines, controls on the haul road), an increase in the exposure to silica or other materials beyond the property line is not anticipated.

Information on air monitoring in South Carolina is available on SCDES's Bureau of Air Quality website at:

<https://www.des.sc.gov/programs/bureau-air-quality/air-pollutants/ambient-air-monitoring-network>

Section 12: Zoning

Appropriate or compatible land use is determined by local government. SCDES has no authority regarding zoning in Jasper County or the City of Hardeeville. Specifically, the S.C. Mining Act states in Section 48-20-250, "*No provision of this chapter supersedes, affects, or prevents the enforcement of a zoning regulation or ordinance within the jurisdiction of an incorporated municipality or county or by an agency or department of this State, except when a provision of the regulation or ordinance is in direct conflict with this chapter.*" SCDES recognizes that each county and municipality across the state has different priorities and unique requirements. SCDES relies on county and municipal governments, through zoning and other ordinances to regulate where residential, commercial, and industrial zones may occur.

The mine tracts were annexed within the City of Hardeeville which maintains jurisdiction over properties within their limits. The parcels are currently zoned as Planned Development District (PDD) which allows for mining activity.

Section 13: Threatened or Endangered Species

The S.C. Mining Act and Regulations do not allow an undue adverse effect on wildlife or freshwater, estuarine, or marine fisheries. SCDES has interpreted an "undue" effect as an effect on a federally recognized endangered or threatened species that cannot be properly mitigated for. Comments were requested from natural resources agencies including U.S. Fish and Wildlife, and the S. C. Department of Natural Resources (SCDNR).

SCDNR reviewed and commented on the proposed operation (K. Brown, March 10, 2025). According to the SCDNR Natural Heritage Trust database, there are no records of threatened or endangered species within the proposed project site. SCDNR did determine the site had habitat suitable for the Spotted Turtle (*Clemmys guttata*), a state threatened species. SCDNR required either a survey or implementation of avoidance and minimization measures to ensure the turtle is protected.

Sligh Environmental Consultants, Inc. conducted a preliminary Threatened and Endangered Species survey to assess potential habitat and the presence of the Spotted Turtle (April 28, 2025, SECI# 01-25-058). Based on the current conditions, it was concluded the site contained marginal habitat conducive to the Spotted Turtle. It was recommended the operator observe management guidelines.

To ensure the threatened turtle is protected, the operator is required to implement avoidance and minimization measures as outlined in the March 2025 SCDNR letter.

With the required measures to address the potential for the only species of concern, SCDES determined the operation will not have an undue adverse effects on threatened and endangered species.

Section 14: Cultural and Historic Sites

The S.C. Department of Archives and History (SCDAH) recommended an archaeological reconnaissance survey be conducted due to the permit area's proximity to the Battle of the Savannah River Swamp (R. Larsen, March 12, 2025).

A *Cultural Resources Reconnaissance of the Monroe Tract Surface Mine* was conducted by Brockington and Associates, Inc. (May 2025). The reconnaissance did not identify any archaeological resources within the project tract. One new historic resource, the SAL Charleston & Savannah branch located along the western boundary of the project tract, was not recommended as eligible for the National Register of Historic Places.

The State Historic Preservation Office (SHPO) of the SCDAH concurred with the report. SHPO agreed the operation will have no effect on historic properties and that further cultural resources management is not currently required (R. Larsen, October 14, 2025, SHPO Project No. 25-RL0053).

If archaeological materials are encountered prior to or during mining, the operator is required to contact SCDAH, the S.C. Department of Anthropology and Archaeology, and SCDES.

Section 15: Land and Property Value/Economic Impact

The impact on property values and possible economic impacts is always a concern. All zoning decisions are made at the local level by a city or county zoning authority, usually before a permit request is received. SCDES cannot dictate where a facility locates or factor property value impacts into our permitting decision. We encourage residents to contact their local city or county council representatives for more information on how to get involved in local zoning and planning issues.

Section 16: Community/Quality of Life

Comments were received regarding the potential impacts of the proposed mine on the local community's way of life. SCDES is committed to fulfilling the agency's responsibilities to protect and promote the health of the public and the environment. Through the exercise of those responsibilities, SCDES works to improve the quality of life of individuals and communities. However, the agency may only act within the limits of its statutory and regulatory authority. Through statutes and regulations, the General Assembly has established conditions and criteria the agency uses to ensure public health and environmental protection. SCDES is required to make its permit decision based only on technical review of the permit application and the Act and Regulations in place at the time of SCDES's review.

Section 17: Operating Hours

SCDES does not have the authority to regulate operating hours at mine sites.

However, the City of Hardeeville does have a Noise Ordinance limiting construction activities to between 7:00 am - 7:00 pm Monday - Friday; 8:00 am - 5:00 pm on Saturday; and no construction on Sunday.

Section 18: Inspections

S.C. Mining Act 48-20-130 and Regulation 89-240 allow SCDES to conduct inspections and investigations of the permitted area at any reasonable time for the purpose of determining whether the operator has complied with the reclamation plan, requirements of the Mining Act, any rules and regulations promulgated thereunder, or the terms and conditions of the operating permit. The Mining Program will conduct site inspections routinely and compliance inspections as necessary.

The Bureau of Water's monitoring program includes documentation of quarterly visual inspections, an annual comprehensive site inspection, quarterly benchmark sampling, an impaired waters assessment (sampling is required if discharging to an impaired water), monthly effluent limitations monitoring (*required for wastewater only*), and other aspects like employee training, spill/leak assessments and documentation, and a Best Management Practices Plan. Compliance Evaluation Inspections (CEIs) are conducted at permitted facilities approximately once per year, unless a follow up inspection is needed at a particular facility due to non-compliance with permit guidelines, or in response to

a complaint; in such cases, a facility may be inspected at the Department's discretion in order to assess permit compliance, or refer to the Bureau of Water's enforcement section as appropriate.

Section 19: General Opposition

SCDES received several comments requesting denial of a permit. While SCDES appreciates all comments received, it is important to recognize that we do not have the authority to make permitting decisions based on community, business, employee, or customer approval or disapproval of a proposed operation. SCDES is required by law to make a decision based only on the technical review of an application and the regulatory requirements in place at the time of that review. In 48-20-70 of the Act, SCDES is required to grant an operating permit to the applicant if there are no technical reasons to deny the permit.

Any party directly affected by this permit may appeal the decision of SCDES. The appeal process is outlined in Section 48-20-190 of the SC Mining Act and 89-290 of the regulations.