

General Overview

To address the fast-changing landscape of the Internet and the way citizens communicate and obtain information online, Chester County may consider participating in social media to reach a broader audience. Chester County supports the use of social media to further the goals of the County and the missions of its departments where appropriate.

Chester County endorses the secure use of social media tools to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity improvements. However, their application must not compromise data confidentiality and integrity. This policy establishes guidelines for the use of social media.

Social media offers government new ways of informing the public, engaging residents and targeting constituents with enlightening messages at a low cost. Creating a public common commentary online is not without difficulties. Moving forward in a deliberate, thoughtful manner is the County's chosen approach. By implementing effective policies, we can avoid those difficulties.

The Chester County Employee Handbook specifically addresses the use of social media by County employees. The purpose of this policy is to address the County's use of social media to communicate with the public during its interactions with the citizens of the County.

General Policy

It is the policy of Chester County to provide the use of Facebook or other public technology to involve only the sharing of information with no posting of information by anyone other than the County, and is not to be considered a type of public forum, whether now or in the future. The County does provide a live public forum where citizens may attend, in person, any County Council meeting and sign up to be heard, and encourages anyone who wants to be heard by Chester County Council to attend these meeting.

The County's use of Facebook shall be to provide information only and not to be a public forum. All comments shall be turned off prior to the opening of all Council meetings and will remain off during the entire meeting.

The United States Constitution protects the freedom of speech of citizens from undue restrictions by the government. Because the County is a government actor, the ways in which they can limit speech are restricted by constitutional protections, including the First Amendment.

To the extent that social media sites or resources permit users other than the County to generate content, such as by posting comments, the County must be cautious when deciding whether to permit such user-generated content. The County must decide which designation for its use of the social media and follow certain requirements before utilizing the social media site. Chester County has determined that it is appropriate for it to use

the Information Sharing Only requirements of the use of social media.

Specific Policy

It is the intent of Chester County to only share information with its use of Facebook or other social media platforms. The purpose of the County's use of this site/service is to provide access to all meetings of the County Council. The use of this site/service will not be accessible for comments to be posted directly by other users of this site/service but instead is intended for dissemination of information to interested users or subscribers. Chester County does reserve the right to re-post questions, ecomments, comments or other information provided by users to the County, for example by the creation of a frequently asked questions (FAQ) list or any other method, but such use of information submitted is done at the sole discretion of the Count and constitutes the sharing of relevant information by the County rather than by any individual who submits information.

This policy is being adopted by ordinance by the Chester County Council and can be amended by a subsequent ordinance in accordance with Title 4 of the South Carolina Code of Ordinances.

Chester County Planning Commission Minutes

December 20, 2022

CCMA22-24 Jeremiah Kibbey requests Tax Map# 101-00-00-099-000 at 2115 Great Falls Hwy., Blackstock, SC 29014 to be rezoned from Rural 2 (R2) to General Residential District (RG-2).

Jeremiah John Kibbey stated he lives at 2115 Great Falls Hwy., Blackstock, SC 29014 and his request is to rezone his property from R2 to RG-2 to allow another residence on the property which is just under 4 acres. His parents are getting older and having health problems and need his assistance.

Vice Chairman Smith asked if anyone had any questions. There were none. Vice Chairman Smith motioned to approve, second by Commissioner Howell. Vote 5-0 Approved.



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12.20.22 Case # CCMA22-24 Invoice# 5845

The applicant hereby requests that the property described to be rezoned from R-2 to RG-2

Please give your reason for this rezoning request:

I would like to add A mobile home to my property for my Parents who have health conditions and require help. I have 3.996 Acres with one Dwelling on property Now.

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: 2115 Great Falls Rd Blackstock SC 29014
 Tax Map Number: ~~101-00-00-000-000~~ Acres: 3.996
101-00-00-000-000

Any structures on the property: yes no . If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant(s): Jeremiah Hibbey
 Address 2115 Great Falls Rd Blackstock SC 29014
 Telephone: [REDACTED] cell [REDACTED] work _____
 E-Mail Address: [REDACTED]

Owner(s) if other than applicant(s): _____
 Address: _____
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: [Signature] Date: 10/20/2022
 Applicant signature: [Signature] Date: 10/20/2022

Make 110 pg. 111

110 pg. 111

PLAT OF SURVEY FOR
 HEYWARD MOSER
 BEING A 3.996 ACRE PORTION OF
 MARILYN L. MOSER PROPERTY
 LOCATED ON S.C. HWY. 97
 HAZELWOOD TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
 MARCH 10, 1997
 REFERENCE: TAX MAP/1101-0-0-52
 PLAT BOOK "WPG. 89"

RCPT# 011fl.../tl°
 CI: :
 CHEST=:
 SEP 4 1 07 PM '97

FILED

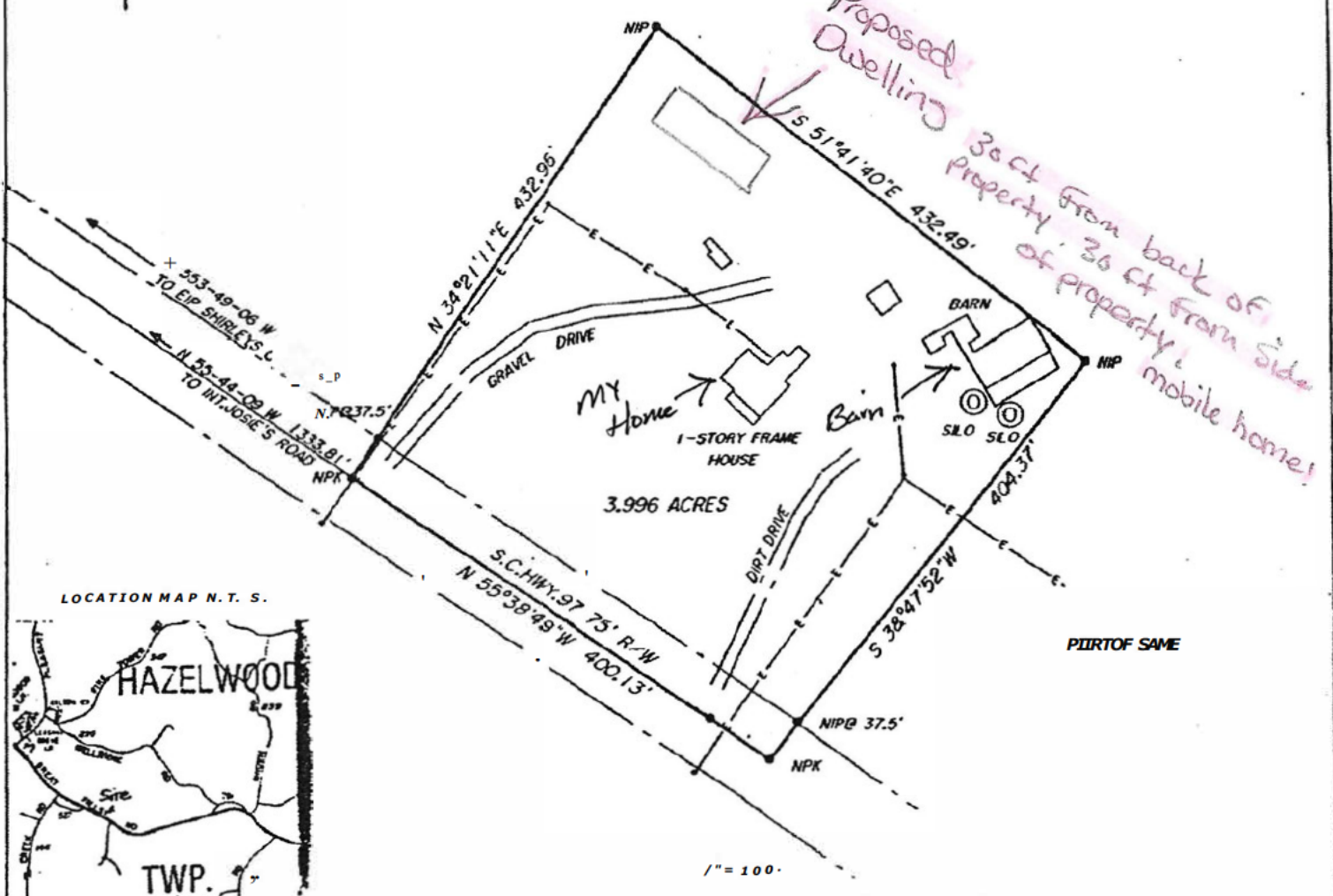
MAGNETIC NORTH

094415

Time 1:07 pm
 Recorded
 Month 09 Date 09 1997
 Book 115 Page 68
 Clerk of Court
 Chester Co. SC

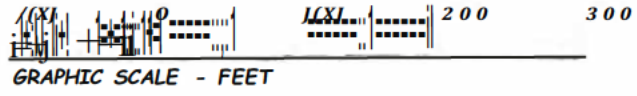
The publication of this plat has been approved by the
 County Land Development
 and Planning Commission
 of Chester County
 9/2/97
 181/c
 Chester County Planning Commission

TAX MAP 1101-0-0-5
 MARILYN L. MOSEH
 0.8.404 PG. 509: P.B. 74 PG. 89



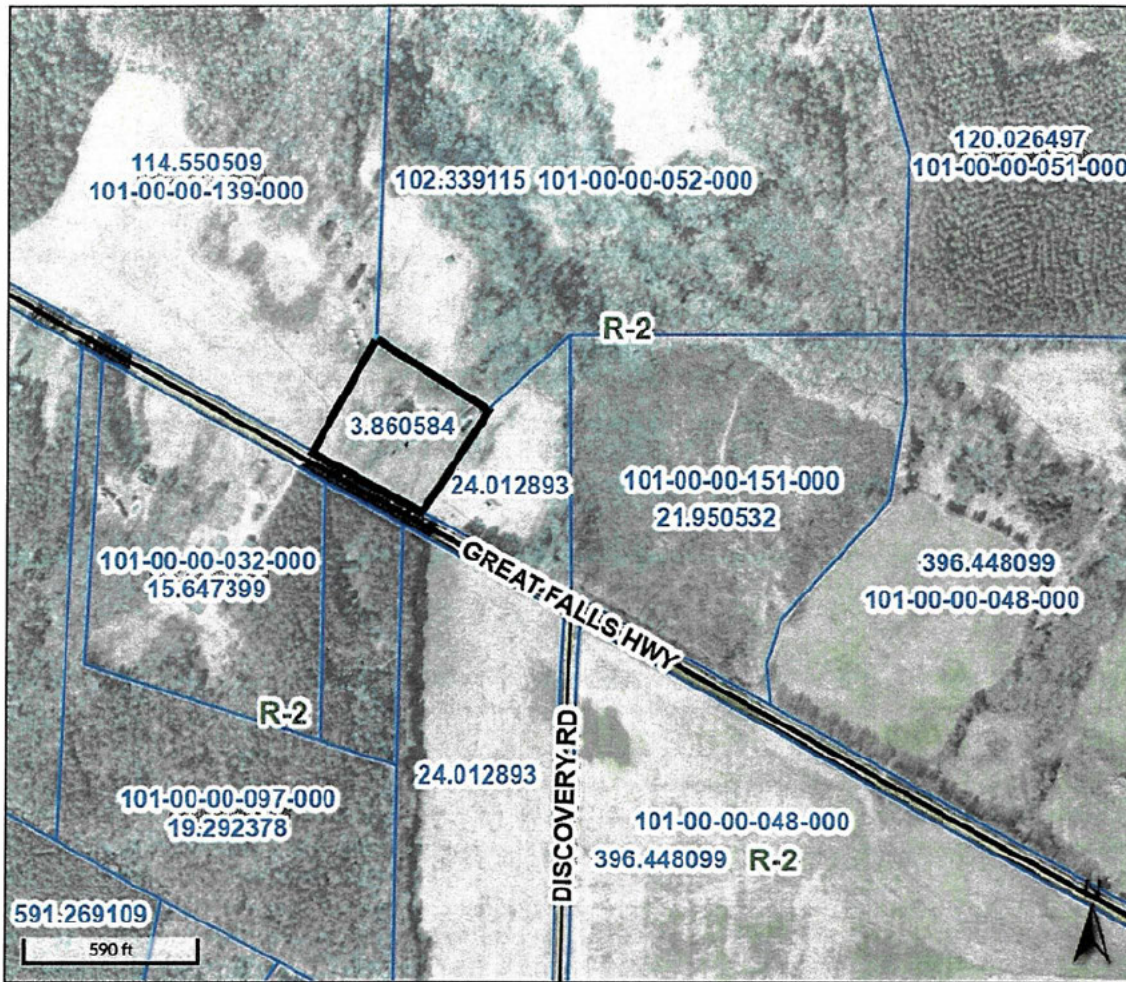
Proposed Dwelling
 36 ft from back of property
 36 ft from side of property
 mobile home!

LOCATION MAP N. T. S.



NOTE:
 EIP = EXISTING IRON PIN
 NIP = NEW IRON PIN
 A.F. = ALIEN

INFORMATION: SHOWN HEREON IS THE RESULT OF A SURVEY
 CONDUCTED BY THE SURVEYOR OF CHESTER COUNTY, SOUTH CAROLINA
 IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1962
 AND THE SURVEYING ACT OF 1977. THE SURVEYOR HAS NOT BEEN ADVISED
 OF ANY CHANGES IN THE BOUNDARIES OF THE PROPERTY SINCE THE
 DATE OF THE SURVEY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY
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 SURVEY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES IN THE
 BOUNDARIES OF THE PROPERTY SINCE THE DATE OF THE SURVEY.



Overview



Parcel ID	101-00-00-099-000	Alternate ID	n/a	Owner Address	RALLINGSARNOLD HANNAH
Sec/Twp/Rng	n/a	Class	R		ELIZABETH
Property Address	2115 GREAT FALLS HWY	Acres	3.861		2115 GREATFALLS HIGHWAY
					BLACKSTOCK SC 29014

District 01
Brief Tax Description n/a
 (Note: Not to be used on legal documents)

Date created: 10/24/2022
 LastData Uploaded: 10/24/2022 3:29:24AM

Developed by, L. **Schneider**
 GEOSPATIAL

Next Year (2023) Changes

Search Options

Map Number 101-00-00-099-000 iReal 100336197

History Year 1

Alerts

Has Additional Comments
Current Year Record Exists

Name 1 KIBBEY JEREMIAH J

Other Map Number



Owner Information

Post Initials 1 Reason for Change

Activity Date 09/27/2022

Name2

Land Value 39,900

Address 1 2m GREAT FALLS HWY

Building Value 293,900

Address 2 BLACKSTOCK SC

Total Market Value 333,800

Zip Code 129014 1

Total Tax Value 333,800

Codes

District r01

Fire Code 1sc 3 jsOUTHCHESTER

Town

Neighborhood IR2 3 IRURAL2

Subdivision 3

Use Class i j

Description

Legal

Location Street Number 2115 Street Name GREAT FALLS HWY

Suffi 1 Direction j

Additional Information

Appraisal Appeal 31

Owner Occupied 1

TIF r Base

Agricultural Use r3'

Reappraisal Notice r-3

MCIP r Industrial Park ID

Rollback ! 1

EMempt r

Conditions applicable to properties included within the Luck Stone Corporation (the "Applicant") application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled "Proposed Zoning and Special Exception Plan" as (i) "ID1" containing 79.41 acres (the "ID1 Property"), (ii) "GC" containing 25.72 acres (the "GC Property"), (iii) "ID3" containing 247.87 acres (the "ID3 Property") and (iv) "AG" containing 90.39 acres (the "AG Property").

Condition applicable to all properties:

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

Conditions applicable to the ID1 Property:

1. Prohibited Uses. No portion of the ID1 Property shall be used for any of the following uses:
 - i. Grain Milling
 - ii. Reconstituted wood products
 - iii. Converted Paper Products
 - iv. Mineral and Earth
 - v. Misc. Nonmetallic Mineral
 - vi. Aluminum Production
2. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.
3. Entrance Landscaping and Beautification. The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

4.

Conditions applicable to all areas rezoned to the GC classification (the “GC Property”):

1. Dedication of Property for Governmental Use. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the “Governmental Use Property”) as generally shown on the plan included in this application entitled “Updated and Compiled General Development Plan”. The County may accept the offer of dedication at any time within ~~five~~six (56) years after delivery by Applicant to the County of written notice of the commencement of mining activities on the ID3 Property; provided, however, that if the County does not respond to the offer of dedication, then Applicant shall send the County a written notice at the end of the 6-year period and the County shall have one (1) additional year to accept the offer of dedication. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property. For purposes of this condition, all written notices to the County shall be delivered to the County attorney, with copies to each of the County’s zoning administrator, the clerk of the County Council, and the County’s administrator (or their equivalents at the time of such notice).
2. Entrance Landscaping and Beautification. The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. Cemetery Access. The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. ~~Such access~~Access for such relatives and descendants shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time. The owner of the ID3 Property shall mow and remove saplings, on a bi-annual basis, within a 20’ wide area around the demarcated outside boundary of the cemetery (provided the owner shall not be obligated to conduct any maintenance within the cemetery itself).

Condition applicable to the area rezoned to the AG classification (the “AG Property”):

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may

Luck Companies - Chester County, SC: Rezoning and Special Exception Conditions

include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.

Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):

1. No portion of the ID3 Property shall be used for any of the following uses:
 - i. Biological and allied wholesaling
 - ii. Manufacturing of animal, chemical, gas, or arms and munitions
 - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
 - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
 - v. Hazardous waste carriers
 - vi. Municipal solid waste landfill
 - vii. Airport

2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.

3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.

5. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within ~~five~~^{six} (5~~6~~⁶) years after delivery by Applicant to the County of written notice of the commencement of mining activities on the ID3 Property; provided, however, that if the County does not respond to the offer of dedication, then Applicant shall send the County a written notice at the end of the 6-year period and the County shall have one (1) additional year to accept the offer of dedication. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement. For purposes of this condition, all written notices to the County shall be delivered to the County attorney, with copies to each of the County's zoning administrator, the clerk of

[the County Council, and the County's administrator \(or their equivalents at the time of such notice\).](#)

Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions, which shall be and remain in effect for the duration of the SC DHEC Surface Mining Permit applicable to the ID3 Property:

1. Hours of Operation. Hours of operation shall be limited as follows:
 - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through ~~Saturday ("Standard Operating Hours")~~ Friday only except as provided below.
 - (b) Shipping, Loading and Limited Processing: 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. Saturday ("Standard Operating Hours") except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
 - (c) Processing Plant (secondary, tertiary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
 - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).
5. DHEC Mining, Water Discharge and Air Permits.
 - (a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining

Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

(e) Ores and minerals extracted and processed from the ID3 Property will be limited to those which are granitic in nature, except that topsoil and fill dirt (which may include sand and clay) may also be extracted and processed from the ID3 Property, all in accordance with the State Mining Permit and applicable law. There shall be no lithium sold, extracted or processed from the ID3 Property.

6. Entrance Road.

~~(a)~~

(a) No later than the commencement of the sale of crushed stone from the ID3 Property, wheel wash and load wet-down rack infrastructure will be installed for traffic leaving the ID3 Property.

(b) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

~~(b)~~ Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

~~(c)~~ Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.
8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property-owner ~~or,~~ as ~~requested~~acknowledged by ~~the County~~DHEC, pursuant to the State Mine Permit, DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. From the submission of the complaint until DHEC's determination, Operator shall supply water (e.g., via a water tank, etc.) to the affected property owner as needed for such owner to receive the volume of water historically drawn from the property owner's well. If DHEC determines that Mining Operations ~~has~~have caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
9. Blasting.
 - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
 - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
 - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
 - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused

by blasting activities associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

(e) Prior to each blast, Operator shall notify by email, text and/or phone call those citizens and County staff who have provided their names and contact information to Operator. Operator will maintain the notification list and individuals may add their names to the list at any time by contacting the scale house at the quarry facility.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.

11. Noise.

(a) Airborne noise produced from Mining Operations other than blasting shall not exceed ~~80dba of continuous noise~~, for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property, (i) 80dba of continuous noise from 6:00 a.m. to 6:30 p.m. or (ii) 70 dba of continuous noise from 6:30 p.m. to 6:00 a.m. (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit. Operator shall maintain readings from such monitoring devices for a period of three (3) years and make such readings available to the County upon request.

(b) In connection with the initial development of the ID3 property and in adherence to condition 11(a) above, Operator shall make best efforts above current permitted design to enhance any berms, buffers or vegetation in a manner to reduce noise to adjacent properties which may be produced from temporary facilities located outside of the pit.

12. Reclamation Plan.

(a) As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations: (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.

(b) As required by Sections 48-20-110 and 48-20-120 of the South Carolina Code of Laws and as otherwise required pursuant to the South Carolina Mining Act, Operator shall, in connection with the State Mining Permit and associated reclamation plan and construction requirements for the ID3 Property, (i) submit to the State of South Carolina and thereafter maintain (until completion of reclamation activities) a reclamation bond in the amounts required by SC DHEC, (ii) provide all filings and reports required by DHEC with respect to the reclamation bond and DHEC's annual review thereof, and (iii) enter into an agreement with DHEC to allow DHEC or its assignee to enter the ID3 Property for the performance of work

related to the reclamation bond as required by DHEC. A copy of the Operator's SC DHEC reclamation plan and associated bond will be made available by the Operator to the County for the County's files.

13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programming or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

15. Plant Modifications.

(a) At such time as the pit reaches an average depth of 150 feet from the top of the rock and Operator installs a permanent Primary Plant within the pit, (i) Operator shall cease use of any temporary Primary Plant located outside the pit, and (ii) any dump-hopper within the pit shall have an elevation no higher than the top of the cut of the pit (i.e., the initial ground elevation before excavation of the pit).

(b) Upon installation of the permanent processing plant (for secondary, tertiary and/or finishing phases of plant operations), all screens and crushers above the top of the cut of the pit on the ID3 Property shall be enclosed for noise abatement.

(c) From the commencement of Mining Operations until such time as the Phase 2 portion of the ID3 Property (as identified on the GDP) is being mined or the preparation for construction of a permanent plant, if earlier, the portable plant associated with the Mining Operations shall be located within the pit for Phase 2, which location ensures closer proximity of the portable plant to SC Highway 9.

16. Reversion and Transfer Clause.

(a) Transfer of Special Exception. This Special Exception to allow Mining Purposes on the ID3 Property shall automatically terminate if operation of the stone quarry on the ID3 Property is transferred to a new quarry operator (hereinafter, the “transferee”) that has not been deemed acceptable by the County Council. A transferee may continue to operate hereunder if, prior to the transfer, a transferee is determined by the County Council to be an acceptable operator of the stone quarry located on the ID3 Property. A determination of a transferee’s acceptability shall be initiated by a written request from the Applicant to the County Council. Upon receipt by the County Council—verified by the clerk of the County Council—of a written request by the Applicant and required supporting documentation, the Council shall have sixty (60) days to review the request and issue a determination as to the acceptability of a transferee. Supporting documentation to be considered by the Council shall include: (i) a financial report that demonstrates a transferee’s financial ability to comply with all applicable rules and regulations, (ii) a letter from the state agency responsible for the regulation of stone quarries of each state in which a transferee owns or operates a stone quarry facility, if any, indicating whether a transferee is in compliance with all applicable state rules and regulations, and (iii) a list of each locality in which a transferee owns or operates a stone quarry, if any. This 60-day review by the County Council is not intended to constitute a new Special Exception application, and approval of a transferee shall not be unreasonably withheld, conditioned or delayed. Any approved transferee shall accept the special exception conditions as approved by the County Council and the County’s Zoning Board of Appeals, as applicable.


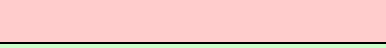



(b) Reversion of Permitted Uses. In the event this Special Exception is terminated following a transfer of the operation of the stone quarry on the ID3 Property to a transferee that has not been accepted by County Council in accordance with subsection (a) above, then the permitted uses applicable to the ID3 Property (i.e., Tax Parcel 089-00-00-025-000 and the applicable portions of Tax Parcels 089-00-00-002-000 and 089-00-00-001-000) shall revert to those uses permitted within the zoning district applicable to such properties prior to the rezoning and Special Exception of which these conditions are a part.

17. Correction Plans. In the event of an alleged violation of the conditions of this Special Exception that the County’s Planning Director reasonably believes could give rise to the termination of the Special Exception, or in the event that the County’s Planning Director has determined that such a violation has occurred, prior to the County taking any action to terminate the Special Exception or modify its conditions, the County’s Planning Director shall notify the Applicant and Operator in writing of the alleged violation or the determined violation (together with any evidence in support thereof) and the Applicant and/or Operator shall meet with the County’s Planning Director within a reasonable time after receipt of such written notice. If a violation is determined to have occurred, then Operator shall (i) immediately take action to remedy such violation in accordance with applicable industry standards, and (ii) within thirty (30) calendar days or such other reasonable time agreed to by the Operator and the County’s Planning Director, prepare a correction plan detailing the nature and timing of such correction, all as commercially reasonable and consistent with applicable industry standards, to be reviewed and approved by the County’s Planning Director, such approval not to be unreasonably withheld, conditioned or delayed. Each such correction plan, if applicable, shall be implemented promptly following approval from the County’s Planning Director and in accordance with its terms. If the same violation giving rise

to such correction plan occurs two or more times after approval of the correction plan by the County's Planning Director (and after allowing for such corrective time as is set forth in the plan), then the County may impose a daily monetary penalty on Operator until such violation is corrected, not to exceed \$500 per day. If any such violation shall remain uncorrected for a period of sixty (60) days after the correction date identified in the applicable correction plan, the County may thereafter take action to terminate the Special Exception.

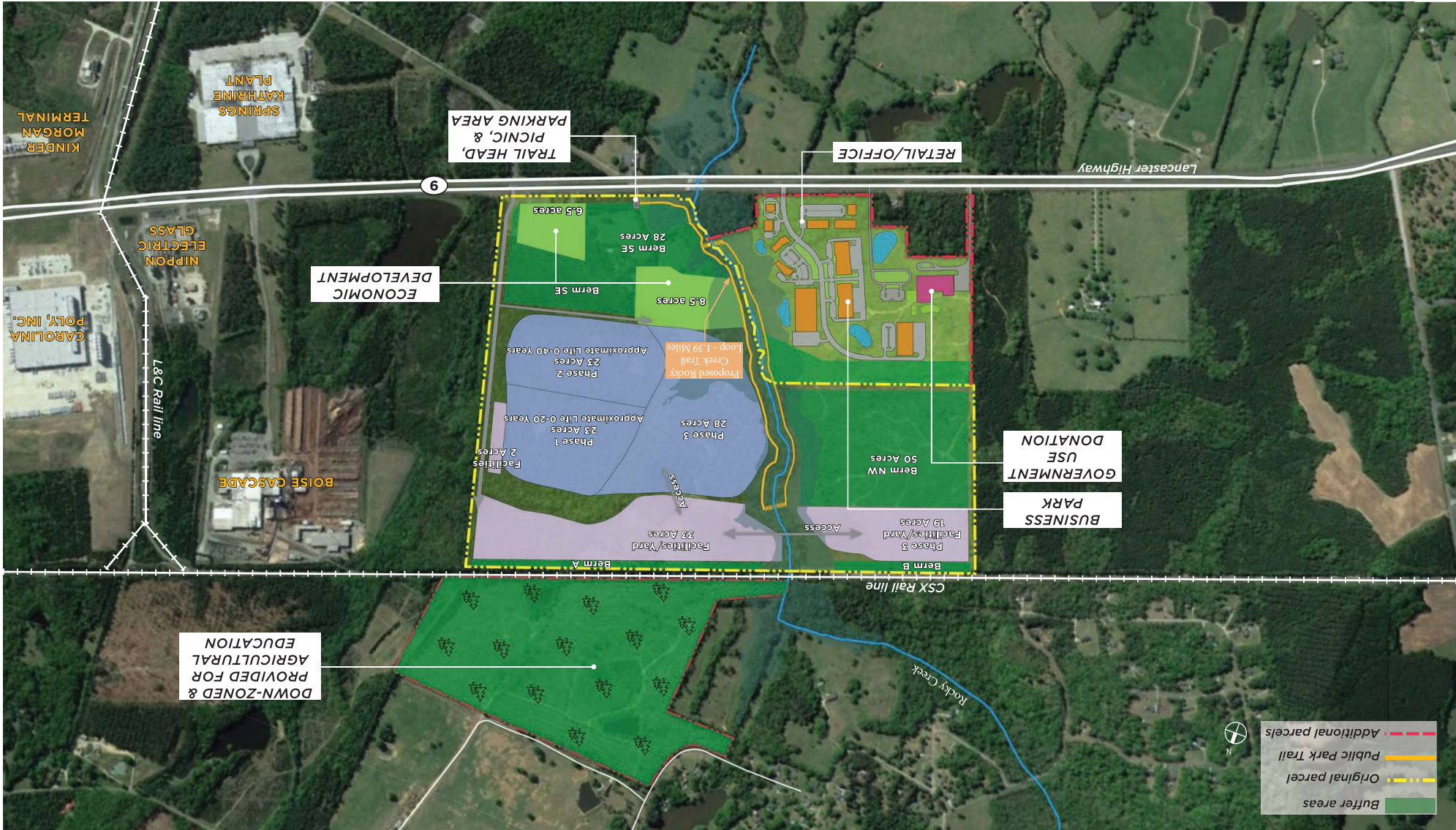
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Moved cell	
Split/Merged cell	
Padding cell	

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Moved to	1
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Format changed	0
Total changes	68

UPDATED & COMPILED GENERAL DEVELOPMENT PLAN





March 31, 2020

CERTIFIED LETTER
RETURN RECEIPT REQUESTED

Mr. Chuck Stilson
Luck Stone Corporation
515 Stone Mill Dr.; P.O. Box 29682
Richmond VA, 23242

RE: Approval of Application and Reclamation Plan for a Mine Operating Permit
Issuance of Mine Operating Permit I-002270
Chester Quarry, Chester County

Dear Mr. Stilson

The S.C. Department of Health and Environmental Control (DHEC) has approved the application and reclamation plan for the Chester Quarry as of March 31, 2020. DHEC has approved the reclamation bond submitted in the amount of \$794,880.00.

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 Chester Quarry is being issued as of the date of this letter. Enclosed are the permit document, reclamation plan, and approved maps. Upon issuance of the permit and final acquisition of the land by Luck Stone Corporation, per the attorney letter on file, a new attorney letter must be provided to DHEC. No mining activity may commence until this attorney letter is received and approved by DHEC.

A guide to board review outlining the procedure for requesting a final review is also enclosed. Should there be any questions or if we may be of further assistance, please do not hesitate to contact the project manager, Mason Brandes, at 803-898-1369 or by e-mail at brandemd@dhec.sc.gov.

Sincerely,

Juli E. Blalock, Director
Division of Mining and Solid Waste Management

cc Joe Koon – BLWM
Mason Brandes – BLWM
Brett Caswell – BOW
Lance Davis – BAQ
Veronica Barringer – EQC
Greg Harrington - EQC
Jeffrey Phillips – MSHA
Shane Stuart, Chester County - sstuart@chestercounty.org
Craig Kennedy - craigkennedy.kcs@gmail.com
Bruce Smith - BruceSmith@luckcompanies.com
Chuck Stilson - chuck.stilson@luckcompanies
DHEC File# 11219



S.C. Department of Health and
Environmental Control

MINE OPERATING PERMIT

PART I:

Chester Quarry Luck Stone Corporation

Luck Stone Corporation has been granted a Mine Operating Permit, Mine Permit Number I-002270, to operate the Chester Quarry in accordance with the S.C. Mining Act (S.C. Code Sections 48-20-10 *et seq.*, 1976) and Regulations 89-10 *et seq.* The operator shall conduct this operation as represented in documents submitted to support the issuance of this permit.

JOSEPH M. KOON, MANAGER
MINING AND RECLAMATION SECTION
DIVISION OF MINING AND SOLID WASTE MANAGEMENT

PERMIT NUMBER: I-002270
ORIGINALLY ISSUED: March 31, 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-002270

Luck Stone Corporation

Home Office Address: Luck Stone Corporation
515 Stone Mill Dr.; P.O. Box 29682
Richmond VA, 23242

Local Office Address: None

Address for Official Mail: Same as Home Office Address

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

Chuck Stilson, PE
Mine Engineer

Telephone: 804-721-9825
Email: chuck.stilson@luckcompanies.com

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

Latitude: 34.4342

Longitude: -81.0900

DESCRIBE LOCATION: This site is located on Highway 9, adjacent to and west of Chester Wood Products. This site is bounded to the north by Seaboard Coastline railroad and to the south by Hwy 9. Specifically, the site is located directly north of the intersection of Old Richburg Road and SC Highway 9.

Part II: MINE OPERATIONS

Luck Stone Corporation, also referred to as the operator, is permitted to mine granite at the Chester Quarry. The maximum depth to the pit floor will be 500 feet below ground surface to an elevation of 50 feet above mean sea level (MSL) measured from the lowest ground surface elevation. Mining will take place on tracts of land owned by the referenced operator. These tracts of land are identified in the submitted *Land Entry Agreements* (LEAs).

MINE/PIT CHARACTERIZATION:

The mining process will start with timbering and clearing of existing vegetation and stripping overburden. Removed overburden will be placed in permanent storage areas at designed locations. The exposed granite will be drilled, explosives loaded and blasted to fragment stone into manageable sizes to facilitate loading in haul trucks and crushing by the primary crusher. Stone passing through the primary crusher will be transported to a surge pile in the processing plant by conveyor for further processing.

PROCESSING PLANT LOCATED ON MINE SITE:

The processing plant consists of primary and secondary crushers, screens, conveyors, loading and hauling machines. Waste screenings and other fines from crushing, washing and screening the crushed stone will be stockpiled around the plant site or placed in overburden storage areas.

MINE DEWATERING:

Quarry dewatering will be necessary when the pit floor extends below the water table, with groundwater seepage from natural fractures/ joints and storm water accumulation. The water will be pumped into a series of sediment basins. Water discharged from the quarry to a receiving stream must be discharged through an outfall regulated by NPDES permit. See Part X: ADDITIONAL TERMS AND CONDITIONS numbers 7-9.

BLASTING:

Blasting operations are permitted at this mine site. Blasting activities shall be conducted in accordance with R. 89-150.H, under the direction of a SC Licensed Blaster and in compliance with regulations of the S.C. Fire Marshall. A minimum distance of 250 ft shall be maintained between the blast area and adjacent property boundaries. Prior to the initiation of mining, the operator shall conduct a pre-blast survey pursuant to R. 89-150. The survey shall be offered to owners of structures within 0.5-mile radius of any blasting.

Pursuant to R.89-150.I, the operator must maintain a minimum distance of 1,000 ft between the nearest point of blasting and any structure not owned by the operator as of the completed application date, unless the structure owner has granted a waiver. The operator shall be required to monitor each blasting event by seismograph and maintain blasting records documenting each blast. Blasting records will be made available upon request to DHEC. DHEC shall be notified following any incident of flyrock outside the permitted area. This notice shall be made within 24 hours of the blast followed with a written report within five business days.

SIGNIFICANT CULTURAL OR HISTORICAL SITES:

A Cultural Resource Survey of the Chester Greenfield Site dated February 2019 was conducted by S&ME. The survey identified two archaeological sites, one isolated find, and five above ground resources. The two archaeological sites (38CS418 and 38CS419), the isolated find (IF-1) and the five above ground resources (0023, 0299, 0300, 0301, 0302) were recommended not eligible for inclusion in the National Register of Historic Places (NRHP).

THREATENED AND ENDANGERED SPECIES:

A Protected Species Assessment of the Chester Greenfield Site Dated April 9, 2019, was conducted by S&ME. The assessment concluded that the site does not provide suitable habitat for federally listed endangered species in Chester County. A mussel survey was performed by Alderman Environmental Services, Inc. (Alderman) in March of 2019. The survey determined the on-site tributaries (Rocky Creek & the one significant unnamed tributary to Rocky Creek on-site) to be poor habitat for the Carolina Heelsplitter and none were observed on the site during the survey. The U.S Fish and Wildlife Service (Service) reviewed the mussel survey. A follow-up reconnaissance of Rocky Creek south of Highway 9 to the confluence with Grassy Creek

found poor Carolina Heelsplitter habitat and determined it extremely unlikely the Carolina Heelsplitter species would populate this reach of Rocky Creek.

VISUAL SCREEN:

To appropriately screen the operation from view, the operator shall maintain the buffers and visual screen features as shown on the permitted mine map SM-2270-V1. Property line buffers will be utilized leaving existing and enhanced vegetation. A vegetated earthen berm approximately 15 feet in height shall be located along the northern property line as shown on the mine map. Overburden storage areas once constructed and vegetated will also visually screen active mining operations.

NOISE MONITORING AND CONTROL: The operator shall use Best Management Practices (BMPs) to minimize noise from the mine site. Vegetated earthen berms and buffers are also used on-site to minimize noise beyond the mine permit area. Other 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.~~

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

TMS #: 089-00-00-025-000, Luck Stone Corporation
089-00-00-002-000, Luck Stone Corporation
089-00-00-001-000, Luck Stone Corporation

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

OWNED 276.6 LEASED 0.0 TOTAL 276.6

Part III: PERMITTED LAND

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

AFFECTED LAND: 249.0 acres of land are to be affected by Luck Stone Corporation under the current mine plan; 145.5 of the affected acres are currently bonded. The affected acres are derived from the operator's response in the *Application for a Mine Operating Permit* and are shown on the approved mine map(s).

FUTURE RESERVES: 0.0 acres are identified as future reserves and are specified on the mine site map. Prior to the initiation of activity in future reserves, the operator shall submit detailed mine and reclamation plans to DHEC for approval.

BUFFER AREAS: 27.6 acres are identified as buffer area, setbacks, or areas that will not be disturbed beyond the pre-mine natural state. These buffer areas are identified on the mine site map. Acres designated as buffer areas are not bonded under the reclamation bond. Any activity within the buffer areas (e.g. removal of timber) shall require **prior** notification and approval by DHEC.

TOTAL PERMITTED AREA: 276.6 acres as submitted on the *Land Entry Agreement(s)*.

Part IV: MAPS

The mine site maps were prepared by Kennedy Consulting Services, LLC and S&ME. These maps are further identified with the following SCDHEC map numbers and are part of the operating permit:

SM-2270-1V1	Mine Map – Phase I	Dated: February 27, 2019	Revised: December 11, 2019
SM-2270-2V1	Mine Map – Phase II	Dated: February 27, 2019	Revised: December 11, 2019
SM-2270-3V1	Overall Facility Plan	Revised: February 7, 2020	
GWM-2270-1V1	Groundwater Monitoring Well Locations	Dated: December 18, 2019	

The reclamation map was prepared by Kennedy Consulting Services, LLC. These maps are further identified with the following SCDHEC map numbers and are part of the operating permit.

RM-2270-1V1	Reclamation Map	Dated: February 27, 2019	Revised: December 11, 2019
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Part V: RECLAMATION BOND

The Reclamation Bond is based upon the total affected acres. Pursuant to Section 48-20-70 and R.89-200, the reclamation bond for this mining permit is set at \$794,880.00. The reclamation bond shall remain in force and continuous throughout the life of the mining operation and shall only be released, partially or in full, back to the operator after the operator has completed reclamation in accordance with the approved *Reclamation Plan* and the minimum standards in R.89-330.

Part VI: PROTECTION OF NATURAL RESOURCES

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

The quarry permit area lies in the Piedmont Physiographic Province. Prior to mining activities, the permit area was used as a cattle farm and residence; the immediate area around this site is a mix of residential and

commercial. The topography of this area has surface elevations ranging from 560-480 feet MSL, with high knolls falling toward Rocky Creek and its tributary. Rocky Creek and its unnamed tributary run north to south through the site. Common wildlife typical to this area can be found in and around this site; Orr Baptist Church is located to the south of the property across Highway 9. Craighbrow, Mallard Creek, and Quail Hollow communities are located to the northwest of the proposed mine site north of the seaboard railroad. Chester Middle School is located approximately 1 mile to the west and the City of Chester is located approximately 4 miles to the west.

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

A gate shall be installed at the entrance to the mine site and kept locked during inactive periods. *Warning* and/or *Danger* signs shall be posted around the perimeter of the property. A fence shall be constructed along the south and east side of the entrance road and office area as shown on Mine Map SM-2270-V1. At any time DHEC may require additional fencing or other safety measures to be installed where necessary.

Operator shall use BMPs to prevent accumulation of sediment/ soil on public roads carried by trucks and other vehicles exiting the mine site; any accumulations shall be removed by the operator on a daily basis or more frequently if needed. To reduce the potential of tracking debris on the highway, the operator shall provide and maintain an asphalt surfaced entrance roadway from SC Highway 9 to 100 feet beyond the scale house and office area toward the plant area. Roads interior to the plant and product stockpile area shall be maintained with crushed stone.

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

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

Any parks, forest, or recreation areas are located at a safe distance and buffered appropriately to avoid any adverse effects from mining operations.

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 Discharges Associated with Nonmetal Mineral Mining Facilities and Stormwater Pollution Prevention Plan developed for the mine. Active pumping and discharge of water from the active pit and any subsequent settling basins shall cease if the dewatering discharge causes flooding conditions to property downstream of the mine site. Rocky Creek and its tributaries shall be protected by a minimum 50-foot undisturbed buffer. Additionally, the operator shall install appropriate BMPs to ensure no sediment encroaches the creeks; BMPs shall be installed to the mine side of the undisturbed buffer.

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

To maintain stable mine walls, the unconsolidated saprolite shall be sloped to a stable configuration during mining (no steeper than 3:1 slope). The hard rock pit walls shall be benched per the Mine Safety Health Administration (MSHA) requirements to maintain stability and provide safety.

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 operator shall comply with DHEC Air Quality Construction Permit. Prior to mine development; the operator shall implement a Fugitive Dust Control Plan (FDCP) in accordance with their Air Quality Construction Permit.

Part VII: STANDARD CONDITIONS OF MINE OPERATING PERMIT

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

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

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

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

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

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

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

Part VIII: ENFORCEMENT ACTIONS

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

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