

I-002297 | Fairfield Quarry | DHEC Response to SCDNR Comments

Eddy, Jeremy E. <eddyje@dhec.sc.gov>

Fri 7/17/2020 2:07 PM

To: MixonG@dnr.sc.gov <MixonG@dnr.sc.gov>

Cc: DanielT@dnr.sc.gov <DanielT@dnr.sc.gov>

📎 1 attachments (857 KB)

11 RFI Response to DNR Comments.pdf;

Mr. Mixon,

Please see the attached response from the applicant in regards to SCDNR's comments.

DHEC concurs with the applicant's response regarding the project boundaries. The NWP's 525.4ac covers all of the 201.8ac that the applicant is proposing to immediately affect, as well as relevant adjacent buffer areas. The Mine Operating Permit will condition the future delineation of the 522.8ac of Future Reserves before the permit may be modified to allow that area to be affected. Given the applicant's prediction of 15-20 years before any impacts to Future Reserves will be necessary, and the fact that the accuracy of an approved jurisdictional determination can only be relied upon for 5 years, it is deemed unnecessary to perform the determination of Future Reserves at this time.

DHEC also concurs with the applicant that the use of the Corps' *Guidelines for Preparing a Compensatory Mitigation Plan* do not apply to this scenario. The 100' and 200' buffers that SCDNR are recommending are used as part of a larger equation to create mitigation credits. The applicant is not proposing to create mitigation credits. Furthermore, the referenced document does not state that these buffer widths are protective of direct and/or indirect impacts to streams or wetlands, nor does it state that any lesser width is not protective.

The USACE, in their Nationwide 44 permit, requires "all permanent or temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species". The applicant has proposed to bury the bottom of a corrugated metal pipe with a 12-foot diameter at least six inches into the stream bed, which should maintain low flows and sustain the movement of aquatic species, as the USACE requires.

If you have any other concerns or additional information for DHEC to consider, please feel free to contact me.

Respectfully,

Jeremy Eddy, GIT

Project Manager, Mining and Reclamation Section

Division of Mining & Solid Waste Management

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