



NOTICE of INTENT
FOR COVERAGE UNDER A GENERAL MINE OPERATING PERMIT - GP1
 FORM MR-400GP1 ADOPTED 1/15/99; Revised 8/14/15

 The South Carolina Mining Act, Sections 48-20-10 through 48-20-310, Code of Laws of South Carolina, 1976, as amended provides in part: "No operator may engage in mining without having first obtained from the Department an operating permit which covers the affected land and which has not been terminated, been revoked, suspended for the period in question, or otherwise become invalidated." (Section 48-20-60). Section 48-20-55 states "The Department may develop and implement general permits for the regulation of mining limited to excavations for topsoil or sand/clay fill material which do not require further processing. General permits developed by the Department must contain at a minimum, standard plans and specifications for environmental protection, storm water management, public health and safety protection, and reclamation of affected lands in accordance with promulgated regulations."

I. APPLICANT INFORMATION

A. Name of Applicant _____

Type of business entity: Corporation _____ Partnership _____ Limited Partnership _____ Sole Proprietorship _____

B. Name of Proposed Mine _____ County* _____

**Coastal Zone Consistency certification must be issued for operations in Charleston, Beaufort, Berkeley, Colleton, Dorchester, Georgetown, Horry, or Jasper counties*

C. Home Office Address _____

Street **and** PO Box

Telephone Number

 City State Zip Code

Fax Number

D. Local Office Address _____

Street **and** PO Box

Telephone Number

 City State Zip Code

Fax Number

E. Official Mail is to be sent to: Home Office _____ Local Office _____

F. Name, title and contact information of party responsible for official business and correspondence:

 Name

 Title

 E-mail Address

 Mobile Phone Number

G. Location of Mine: _____

State or County highway number

 Nearest town or city

II. OPERATIONS AND SITE CHARACTERIZATION

A. OPERATIONS

1. Material(s) to be mined: sand/clay_____ topsoil_____
 2. Total acres requested to be affected under this proposed operation: _____ acres
A maximum of 5 acres can be affected under the GPI. Sites affecting 2 acres or less, may begin mining upon written notification from the Department of the receipt of a complete GPI NOI packet (NOI, maps, CZM certification, financial assurance, NPDES NOI or permit number).
 3. Projected depth of mining: _____ feet *Maximum depth allowed is 20 feet.*
 4. State the anticipated number of years this site will be mined: _____ years
 5. a) Provide county or municipality zoning designation for the area where the mine will be located: _____
(NA if area is not zoned)
b) Does the zoning designation allow mining as a land use? Yes_____ No*_____
- * Section 48-20-250 of the SC Mining Act states no provisions of the Act supersede a zoning regulation or ordinance. Local officials are notified of coverage under the GPI. If restrictions do not allow for mine activities, the county/ municipality has the authority to stop mining activities.*

B. MAPS

1. Accurately locate the mine on a SC highway map and submit with this NOI.
2. a) Name of 7.5' U.S.G.S. Topographic Map that mine site is located: _____
b) Accurately locate the mine on a U.S.G.S. 7.5' Topographic Map and submit with this NOI. An 8.5 x 11 inch photocopy of the applicable portion of the topographic map is sufficient.
3. a) State number of houses (frame, trailer), commercial buildings, churches, etc. within the following distances of the mine:
1000 ft. _____ 500 ft. _____ 200 ft. _____
b) On the diagram below* showing the mine site, locate the existing land uses within 1000 feet of the proposed mine site at the time of submittal of the GPI Notice of Intent. The land uses shown should include: grassland, forest, ponds, lakes, streams, rivers, wetlands, houses, churches, commercial facilities, roads, property lines and fences. This is *only* an indication of the adjacent land uses and not intended to be a scaled drawing of the area.
** this information can be submitted on an aerial image of the area (from county GIS page, Google Earth, etc.). The proposed mine site and any buildings constructed after the photo was taken must be noted; all information requested must be labeled.*



MINE

II. OPERATIONS AND SITE CHARACTERIZATION (con't)

B. MAPS (con't):

- 4. Submit a drawing depicting the property boundaries derived from a land survey plat, county parcel map, or other scaled map approved by the Department. This map shall include the proposed: a) dimensions of the pit and distances to adjacent property lines; b) all haul roads, gates, fences, natural barriers, or other means of restricting public access; c) stockpile storage areas; d) sediment basins and other storm water control measures; e) other criteria as required in Section IV of the GPI.

C. PUBLIC SAFETY AND SCREENING

- 1. a) Will existing vegetation be adequate to screen this site from homes within 500 feet of the operation? Yes_____ No_____
 - b) State the distance between the edge of the excavation and the adjacent property line. _____ feet

GPI requires a minimum 50 feet setback distance to adjacent property lines.
- 2. A perimeter fence and locking gate are required for sites located within 1000 feet of an obvious gathering place for children (e.g., schools, playgrounds, day cares). Is the mine within 1000 feet of a gathering place for children? Yes*_____ No_____

*Fencing must be provided. What type of fence will be constructed? _____

D. RECLAMATION/ WETLANDS/ STORMWATER/ CULTURAL RESOURCES

- 1. What is the anticipated land use upon final reclamation of the mine?

grassland_____ pond_____ commercial_____ other (describe)_____
- 2. a) Is the proposed mine located in jurisdictional wetlands? Yes_____ No_____
 - b) Are wetlands, streams, rivers, or other water bodies located near the area where mining will occur? Yes*_____ No_____

**a 50' undisturbed setback from the water resource must be marked and maintained for the life of operation.*
 - c) Will the access road to the site be constructed through wetlands? Yes*_____ No_____

**If YES, is there another route for access so the road will not disturb wetlands? Yes_____ No_____*
The GPI does not allow for access roads in wetlands for sites in the SC Coastal Zone Management Area (CZM) including the counties of Charleston, Beaufort, Berkeley, Colleton, Dorchester, Georgetown, Horry, or Jasper.
- 3. a) Will stormwater be contained onsite? Yes_____ No_____
 - b) Will groundwater be pumped and discharged from the mine? Yes_____ No_____

Prior to operations, the Operator must receive coverage under the appropriate NPDES discharge permit.
- 4. Is the proposed mine site located in an area known to have significant cultural or historic resources determined eligible for the National Register of Historic Places (NRHP)? Yes*_____ No_____

**50' undisturbed setback from this resource must be marked and maintained for the life of operation.*

III. LAND OWNERSHIP

- A. 1) Tax Map Parcel Number: _____
 - 2) Landowner Name as noted on County Tax Records: _____
- B. 1) Is the land owned or leased by the applicant/operator? Owned*_____ Leased_____

**the applicant name must match the owner name listed on the county tax records*
- 2) If the land is owned by the applicant, will the site be mined by the applicant or a contractor*?
 - a) Applicant _____
 - b) Contractor* _____ Will more than one contractor mine the site? Yes_____ No_____

**If mine operations are contracted, the permit holder is responsible for 1) compliance with the permit, GPI Reclamation Plan, Act and regulations, 2) maintaining the financial assurance, and 3) required reclamation until coverage under the GPI is cancelled.*

III. LAND OWNERSHIP *(con't)*

B. 3) If the land is leased, complete the following information for the landowner listed in III A2:

Landowner's address: _____
(Street & PO Box, if applicable)

(City/ State/ Zip code)

Landowner phone #: _____
(Area code/ Number)

Landowner e-mail address: _____

IV. CERTIFICATION

A. LAND OWNER CERTIFICATION

The Landowner has granted the applicant, hereinafter sometimes referred to as Operator, permission to conduct a mining operation on the referenced tract of land. Coverage under the GPI Mine Operating Permit will be granted to the applicant. The applicant is responsible for maintaining access to the site to ensure compliance with the GPI permit, Reclamation Plan and the SC Mining Act and regulations until reclamation is accepted by the Department.

The Landowner acknowledges that due to required responsibilities for the operator under the GPI (posting of financial assurance, compliance, reclamation), no other entity can mine the area without permission from the permit holder. Coverage and responsibilities under the GPI are cancelled with the Department's acceptance of the reclamation of the mine.

The operator is required to conduct operations and reclamation in accordance with the GPI permit, Reclamation Plan, and the SC Mining Act and regulations. The Landowner acknowledges that Section 48-20-130, Code of Laws of South Carolina, provides that accredited representatives of the Department, at all reasonable times, may enter the land subject to the operating permit for inspection purposes.

The Landowner acknowledges the anticipated final land use, as indicated in Section II, D. (1), may change. The Department can accept reclamation to any final land use that meets the criteria in Section I: Final Land Use Reclamation Standards of the approved GPI Reclamation Plan as set in the regulations.

Mines operating under a GPI are required to post and maintain financial assurance with the South Carolina Department of Health and Environmental Control (Department). The Landowner acknowledges and agrees that if a bond is forfeited pursuant to Section 48-20-170, Code of Laws of South Carolina, 1976 (as amended), the Department and its representatives and/ or contractors shall have the right, and are hereby permitted, to make whatever entries on the subject land and to take whatever actions as may be necessary in the sole judgment of the Department or its representatives, in order to carry out reclamation which the operator has failed to complete by the terms of the permit or reclamation plan.

As the landowner, I acknowledge the above statements.

Landowner: _____
Legal Signature

Printed Name

IV. CERTIFICATION (con't)

B. APPLICANT CERTIFICATION

The applicant hereby certifies all information and details contained hereinabove, within any supporting documents and the map are true and correct to the best of their knowledge. It is fully understood that any willful misrepresentation of facts will be cause for revocation of coverage under the GPI permit.

The applicant acknowledges Section 48-20-110, Code of Laws of South Carolina, states each applicant for an operating permit shall file financial assurance. The bond must be continuous and liability under the bond must be maintained as long as reclamation is not completed in compliance with the approved reclamation plan unless released only upon written notification from the Department.

The applicant acknowledges Section 48-20-130, Code of Laws of South Carolina, provides in part: "Upon receipt of the operator's annual report or report of completion of reclamation and at any other reasonable time the Department may elect, the Department shall inspect the permit area to determine if the operator has complied with the reclamation plan, the requirements of this chapter, regulations promulgated by its authority, and the terms and conditions of this permit. Accredited representatives of the Department at all reasonable times may enter upon the land subject to the certificate of exploration or operating permit for the purpose of making the inspection."

The applicant acknowledges the requirement for posting financial assurance and the yearly submittal of the Annual Operating Fee/ Annual Reclamation Report. Financial assurance and the fees/reports are required until coverage under the GPI permit is cancelled by the Department.

As the authorized representative of the applicant, I acknowledge the above statements.

Legal Signature of Authorized Representative

Printed Name of Authorized Representative

Title of Authorized Representative

Date

DEPARTMENT USE ONLY

GPI NOI Number: _____

BOND INFORMATION: Bond received date: _____

Bond Type: Surety____ Assign of Savings____ Cash____ Other (describe)_____

Bond Company: _____ Bond Number _____

ACTION TAKEN: Coverage Approved _____ Coverage Denied _____ Individual MOP Required _____

Division Director

Date

GENERAL MINE OPERATING PERMIT (GP1) INFORMATION
 GP1 Submittal Information, Instructions for Completing NOI Form, Financial Assurance

The S.C. Mining Act (Act) defines mining as "the breaking of the surface soil to facilitate or accomplish the extraction or removal of ores or mineral solids for sale or processing or consumption in the regular operation of a business". A general mine operating permit (GP) was developed for mines having limited operations and minimum potential for environmental impacts. Section 48-20-55 allows the Department to deny coverage under the GP1 and require an Individual mine operating permit to ensure environmental protection or public safety.

GP1 RESTRICTIONS: Eligibility for the GP1 is restricted to mines that:

- 1) mine only sand/clay and/or topsoil;
- 2) disturb 5 acres or less;
- 3) do not process on-site;
- 4) limit the depth of mining to 20' (unless the mine must extend to an adjacent road to enhance the commercial value of the property); and,
- 5) avoid activities in wetlands, endangered species habitats, or areas with significant cultural and historic resources.

✓ check when included	<u>CHECKLIST - GP1 Submittal Package</u>	
_____	\$600.00 Application Fee	Payable to SCDHEC
_____	Notice of Intent – Coverage under General Mine Operating Permit [Form MR-400GP1 (D-3114)]	Complete NOI, maps, signatures
	Maps: _____ highway map showing location of mine (Section II B. 1 of GP1) _____ topographic map showing location of mine (Section II B. 2 of GP1) _____ vicinity map outlining the mine (Section III B. 3 of GP1) _____ mine map (Section III B. 4 of GP1)	
	Signatures: _____ landowner signature _____ applicant signature	
_____	Coastal Zone Consistency Certification (CZC) application (for mines located in Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, Jasper counties)	Submit: a) the CZC application, or b) a copy of application sent to OCRM, or c) a copy of the certification issued for the mine
_____	NPDES coverage information [Bureau of Water (BOW)] (National Pollution Discharge and Elimination System permits are required for all mine operations)	Can include a) original NPDES NOI and fee (it will be forwarded to BOW), or b) a copy of the NOI sent to BOW, or c) a permit number if the NPDES coverage has been issued
_____	Financial Assurance (reclamation bond) must be posted <i>prior to coverage being granted</i> : A permit number will be assigned upon receipt of the GP1 NOI. The applicant can initiate the process to obtain a bond. To reduce the time for granting coverage, the applicant can submit the bond during the GP1 NOI review process	The applicant will have 60 days to post financial assurance upon notification the NOI is approved; <i>coverage will not be granted until the bond is received</i> . If the bond is not received within 60 days, the application may be cancelled
for sites ≤2 acres	Section 48-20-55 of the Act allows mines disturbing ≤2 acres to begin operations upon <i>receipt of a complete application</i> by the Department. <i>The Department must acknowledge the application is complete before any activity may begin.</i>	<u>Complete application consists of:</u> a) fee, b) complete GP1 NOI with maps, c) NPDES permit information, d) proof of CZC certification (if needed), e) financial assurance

ZONING: Section 48-20-250 of the SC Mining Act states no provisions of the Act supersede a zoning regulation or ordinance. Local officials are notified of coverage granted under the GP1. If zoning/ land use restrictions do not allow for mine activities, the county/ municipality has the authority to stop mining activities.

ANNUAL OPERATING FEE: Section 48-20-120 of the Act requires an Annual Operating Fee (AOF) be submitted yearly. The annual fee is due by July 31st. An invoice will be mailed to the responsible party listed, however operators are responsible for submitting the fee regardless of receiving the invoice (to avoid late penalties, contact the Department if the invoice is not received).

The AOF is due *until coverage under the permit is cancelled by the Department*. Coverage under the GP1 will be cancelled only when site reclamation has met the minimum standards as set by the GP1 Reclamation Plan. Once the operator determines the reclamation standards have been achieved, the Department needs to be contacted to schedule an inspection of the final reclamation [Section V (L) of the GP1].

ANNUAL RECLAMATION REPORT (ARR) - Form MR-1100: In addition to the AOF, §48-20-120 of the Act requires operators submit a report of activity at the site each year. Operators mining under a GP1 must complete and submit the Form MR-1100 (*Annual Reclamation Report*) to detail the progress of mining and reclamation at the site.

An ARR form will be included with the invoice for the AOF and is due by July 31st. However operators are responsible for submitting the report regardless of receiving the form/ invoice (to avoid late penalties, contact the Department if the form is not received or download it from the Department webpage).

The ARR is due *until coverage under the permit is cancelled by the Department*. Coverage under the GP1 will be cancelled only when site reclamation has met the minimum standards as set by the GP1 Reclamation Plan. Once the operator determines the reclamation standards have been achieved, the Department needs to be contacted to schedule an inspection of the final reclamation [Section V (L) of the GP1].

COMPLIANCE WITH GP1 REQUIREMENTS: It is the responsibility of the operator to understand conditions of both the GP1 and the GP1 Reclamation Plan and to remain in compliance with these requirements at all times. Violation of GP1 potentially can result in civil penalties, revocation of coverage under the GP1, and the denial of any future mine operating permits (either GP1 or Individual permits).

OTHER DEPARTMENT PERMITS REQUIRED: Other Department permits/ certifications needed include:

- 1) *NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities* - issued by the Department's Bureau of Water (BOW).
- 2) *Coastal Zone Consistency Certification* - issued by the Department's Office of Ocean and Coastal Resource Management (OCRM) for any proposed mine located in the Coastal Zone Management Area (CZM) [Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper counties].

CONTACT INFO:

South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management
Division of Mining and Solid Waste Management
2600 Bull Street
Columbia, S.C. 29201

Telephone Number: (803) 898-1362
Fax Number: (803) 898-1426
E-mail: AskMines@dhec.sc.gov
Webpage address: <http://www.scdhec.gov>

INSTRUCTIONS FOR COMPLETING NOTICE OF INTENT FOR COVERAGE UNDER GP1

(Form MR-400GP1/DHEC D-3114)

Completion and submission of this form (with all required information) are necessary for any applicant requesting coverage under the General Mine Operating Permit (GP1). Prior to granting coverage, the financial assurance (reclamation bond) must be posted and Coastal Zone Certification issued (if applicable).

PART I. APPLICANT INFORMATION:

- a) Provide name of applicant requesting permit and check the type of business entity.
- b) Provide the name of the proposed mine and the county where the proposed site is located. If the site is located within Coastal Zone Management Area (CZM) [Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, or Jasper counties], a Coastal Zone Consistency form must be submitted for approval by the Department's Office of Ocean and Coastal Resource Management (OCRM).
- c) List information for the home office including complete address, telephone and fax numbers.
- d) List information for the local office including complete address, telephone and fax numbers.
- e) If the *Home Office Address* is different from the *Local Office Address*, designate the address for receipt of *Official Mail*.
- f) Name of person responsible for receipt of Department correspondence; their title, mobile phone number, e-mail address.
- g) Note the location of mine by highway number and nearest town.

Part II: OPERATIONS AND SITE CHARACTERIZATION: Questions 1 - 3 help determine eligibility under the GP1.

A. OPERATIONS:

- 1) Check material(s) to be mined. By law, only sand/ clay and/ or topsoil may be mined under the GP1. An Individual Mine Operating Permit must be issued for any other mineral commodity.
- 2) State number of acres to be disturbed by mine activity. Under a GP1, a maximum of five acres can be affected (disturbed). Affected acres include the actual pit *plus* any stockpiles, access/ haul roads or sediment traps associated with the mining. If, prior to mining, a road exists that can be used for the access road, that road will not be considered in affected acres. If an access road must be constructed, the acreage disturbed by road construction *must be included* in the total affected acreage.

Section 48-20-55 of the S.C. Mining Act allows mines disturbing two acres or less to begin operations once the Department receives a *complete* application packet. A *complete application packet consists of:* a) fee, b) complete GP1 NOI with maps, c) NPDES NOI coverage information, d) CZM certification (if necessary), and, e) financial assurance. *The applicant must wait until the Department confirms the application is complete before any activity may begin.*

- 3) State the depth of mining.
 - a. If the site is to be reclaimed as an enclosed basin or to a land use other than commercial/ industrial property, the GP1 is limited to 20' below the original ground surface (Figures 1 and 2).

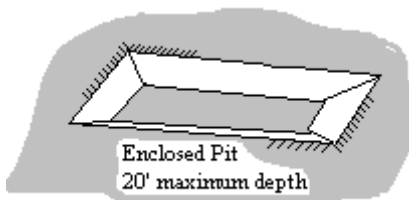


Figure 1

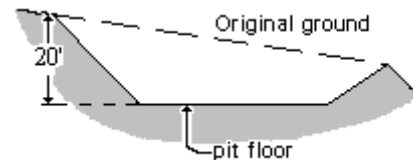


Figure 2

- b. If the mined land is located adjacent to a public road and will be reclaimed to commercial/ industrial property, it may be exempt from this depth limit. For these sites, excavations can bring the mined property to road level (thereby creating additional level land adjacent to the road). With this exemption, the 20' depth limit would not apply, but mining could not extend below the elevation of the adjacent road.

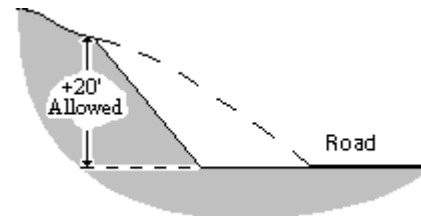


Figure 3

- 4) Provide an estimate on the duration of mining. The answer should indicate the predicted time mining operations will occur. The GP1 requires reclamation be initiated within 180 days after mining is terminated *at or on any portion of the site*. Grading, soil preparation and seeding are expected to be concurrent with excavation with maintenance/ repairs as needed.

A. OPERATIONS (con't)

5) State the zoning designation of the area. The SC Mining Act does *not* supersede local zoning ordinances. Local officials are noticed of coverage granted under the GP1. If zoning/ land use restrictions do not allow for mine activities, the county/ municipality has the authority to stop mining activities.

- a. List the zoning designation of the area where mining under the GP1 will occur. If the area is not zoned, place *NA* (Not Applicable) in the space for the designation.
- b. State if mining is an allowed activity based on zoning designation,. The applicant is responsible for determining if the designated zoning allows for mine activity.

B. MAPS: Several maps are required in the Notice of Intent, including:

- 1) A SC highway map showing the location of the mine. Submit a map showing the location of the mine; include the nearest city for a reference point.
- 2) USGS Topographic Map:
 - a. Provide name of 7.5' USGS topographic map where the site is located.
 - b. Outline the location of the mine on the topographic map. A 8.5" x 11" photocopy of appropriate area is acceptable. The map legend should include names of company, proposed mine, and name of topographic quad sheet.
- 3) Sketch of the uses of land adjacent to the proposed mine. This is not intended to be a scaled drawing of the area.
 - a. Indicate the number of residences, churches, business, etc. found within 1000' from the site.

For example, if 2 houses are within 150' of the mine and 1 church is located 800' from the mine, the answer is:

1000' 1 500' 0 200' 2 *the numbers should not be cumulative*

b. Sketch the current uses of lands adjacent to the proposed mine site. See Figure 4.

- 1) The sketch can be submitted in the space provided in the NOI or can be based on a recent aerial image (from the county GIS site, Google Earth, etc). If aerial imagery is used, note the date of the image, mine site, and any buildings constructed since the image.
- 2) Land uses shown should include grassland, forest, ponds, lakes, streams, rivers, wetlands, houses, churches, commercial facilities, roads, property lines and fences.

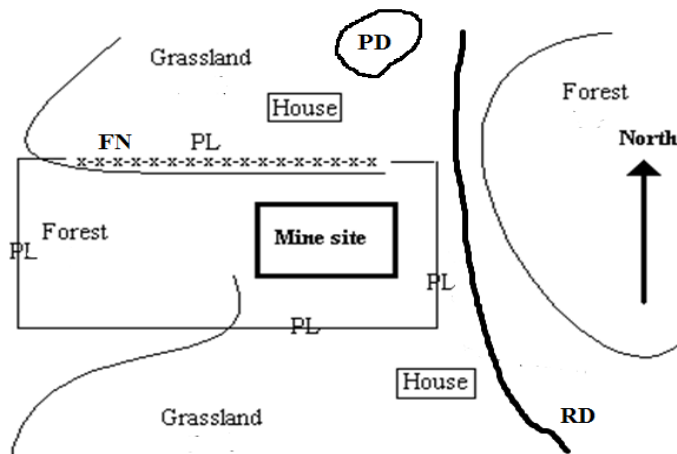


Figure 4

Land uses shown in the example include property lines (*PL*), roads (*RD*), houses, fence (*FN*), pond (*PD*), grassland, and forest.

Other uses to include may be lakes (*L*), streams (*ST*), rivers (*RV*), wetlands (*WL*), churches (*CH*), commercial facilities (*CF*), and playground/ parks (*PG*).

4) A mine map derived from a land survey plat, county parcel map, or other *scaled* map approved by the Department. This drawing should show the property boundaries and be the basis for the mine map. The map shall include the criteria required in Section IV; depicting:

- a. Proposed dimensions of the pit and distances to adjacent property lines
 - 1) A minimum setback of 50' must be maintained between the edge of the pit and adjacent properties
 - 2) An undisturbed buffer of at least 20' in width is required along all property lines; no part of the mining operation (e.g. berms, new roads, stockpiles) may infringe upon this buffer
- b. All proposed haul roads, gates, fences, natural barriers, or other means of restricting public access
- c. Proposed stockpile storage areas
- d. Proposed sediment basins and other storm water control measures

B. MAPS (con't)

- 4) e. other criteria required in Section IV of the GP1 Permit
 - 1) Mining shall not occur in rivers, streams, creeks or wetlands. All references to wetlands include jurisdictional and non-jurisdictional wetlands as determined by the Army Corps of Engineers (ACOE) and defined by hydrology, soils, and vegetation.
 - 2) The edge of the pit, berms, stockpiles, erosion BMPs, and haul roads shall maintain a 50' undisturbed buffer from rivers, streams, creeks, ponds, lakes, and wetlands;
 - 3) Mine accesses crossing streams and/or wetlands are not authorized under this Permit.
 - 4) The operator shall not locate the mine in an area known to have significant historical or cultural resources.
 - 5) Mining operations shall not be located within environmentally sensitive habitats or where threatened or endangered species are known to exist.

C. PUBLIC SAFETY AND SCREENING

- 1) a. Indicate whether existing vegetation is sufficient to screen the view of the operation from adjacent residences.
 - b. State the distance from the edge of the excavation and the property line.

The GP1 requires a minimum 50' setback from the excavation to the property line (see Figure 5).

Mines within 500' of residential houses, commercial properties, recreational areas, and/or public roads should be screened from view. If the thickness shrubs/trees adequately blocks the view from adjacent property, the existing vegetation should be left in place.

If existing vegetation is not sufficient, the construction of a berm may be required. Upon completion of construction, the berm shall be seeded to establish vegetation for sediment and erosion control.

- 2) Indicate if the location of proposed mine is within 1000' of an obvious gathering place for children. If the mine is within 1000' of a school, playground, park, church, or any other area of public safety concern, a fence and locking gate must be installed as a measure to control access to the operation.

If a fence is required, describe the type of fence to be installed. Fence requirements are outlined in Section 89-140 of the regulations.

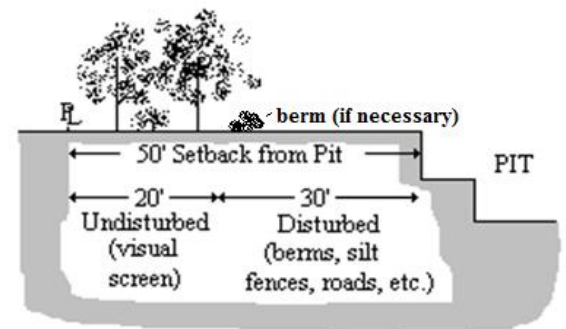


Figure 5

D. RECLAMATION/ WETLANDS/ STORMWATER/ CULTURAL RESOURCES

- 1) Indicate the planned reclamation of the mine site. The predicted final use may change but any practice must meet the requirements as stated in the GP1 reclamation plan.
- 2) Mining in wetlands is not allowed under a GP1. The applicant/ operator must satisfy the ACOE and/ or the OCRM that mining will not disturb wetlands.
 - a. Check if mining will occur in wetlands. If there are indications of potential wetlands in the area where mining will occur, the applicant should contact the ACOE, OCRM, or a competent wetland specialist to determine if wetlands are in or near the area requested.
 - b. Check if wetlands or surface waters are present at or near the site. If yes, the operator must maintain a 50' undisturbed buffer between mine activities and water resource. This 50' buffer line *must be visibly marked* for the duration of mining to avoid accidental encroachment into the undisturbed buffer (see Figure 6).

D. RECLAMATION/ WETLANDS/ STORMWATER/ CULTURAL RESOURCES (con't)

2) b.

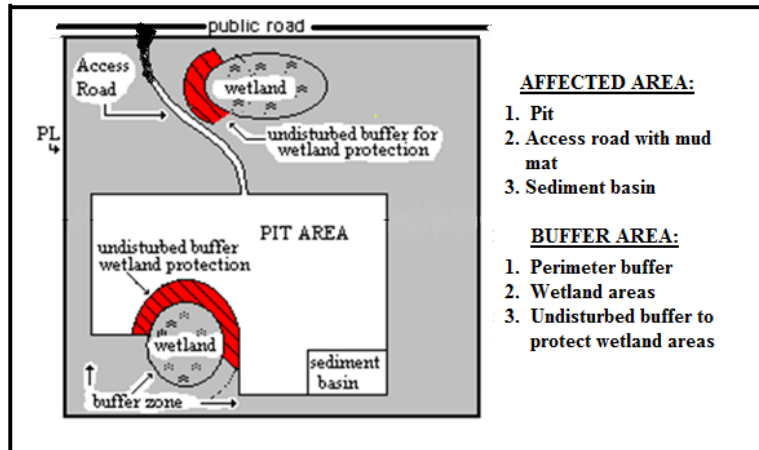


Figure 6

- c. Indicate if the access road will need to cross wetland areas. If access will cross a wetland area, check whether an alternate route exists in an upland area. The ACOE has a Nationwide Permit allowing *temporary* access roads across wetlands to access mine sites. With proper installation, these temporary access roads are allowed until the termination of mining. Per the approved GP1 reclamation plan, the road must be removed and the wetlands restored at the end of mining. Access roads should be constructed in wetlands only if there is no alternate upland route to the mine site.

The GP1 does not allow for temporary mine access roads across wetlands in the CZM area of SC. If an access road must be constructed through wetlands in the CZM area, the operator must contact OCRM for permitting and proper mitigation before granting coverage under the GP1 permit.

- 3) Describe water management at the site. The appropriate NPDES permit must be obtained.
 - a. Indicate if stormwater will be contained on-site
 - b. Note whether pumping of groundwater will be necessary. Dewatering activity may not create downstream flooding, adversely alter hydrology to aquatic sites, or impact neighboring water wells.
- 4) Check if the proposed mine is located in an area of known cultural and/ or historic (C&H) interest. Archaeological materials (items 50 years or older and made/ used by humans) can be present on or under the ground surface. These include, but not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, oyster shell, worked wood, bone and stone, metal and glass objects, human skeletal remains, and concentrations of charcoal and stones below the ground surface.

If the applicant has knowledge of C&H resources on the site where mining is planned, mining is not authorized until an archaeological survey is conducted to locate the C&H resources. This survey must be approved by the S.C. Department of Archives and History (SCDAH). Each significant resource shall be protected by a minimum *50' undisturbed buffer*. The buffers shall be visibly marked prior to mine activity and maintained for the duration of activity.

Part III: LAND OWNERSHIP

- A) Based on current county tax records, note the legal ownership of the parcel where the proposed mine is located.
 1. Note the tax map parcel number assigned to the tract of land
 2. Complete the name of the landowner; the landowner is the party responsible for payment of taxes
- B) Relationship of applicant to landowner. If contractors are used, the permit holder will be responsible for: a) resolution of any conflicts between different contractors adversely affecting reclamation, b) submittal of fees and reports, c) ensuring compliance with the permit, SC Mining Act and regulations, d) violations/ civil penalties committed by contractors, e) maintaining the financial assurance, and f) meeting reclamation requirements until coverage under the permit is cancelled by the Department.
 1. Does the applicant own or lease the land? If the name of the applicant is not the same as the landowner noted in A) 2 the land is considered to be leased.
 2. If applicant is the landowner, note whether the mine will be operated by a) the applicant or b) a contractor. If the operation is contracted, note if multiple contractors will be allowed access to the mine.
 3. Complete the requested contact information for the landowner noted in A) 2.

Part IV: CERTIFICATION

A. Land Owner Certification

The landowner (even if the landowner is the applicant) must acknowledge by signature that:

- 1) The applicant has permission to conduct a mining operation on the referenced tract of land
- 2) The applicant is responsible for maintaining access to the site until reclamation is accepted by the Department
- 3) No other entity can mine the area without permission from the permit holder
- 4) Accredited representatives of the Department, may enter the land subject to the mine permit at all reasonable times for inspection purposes
- 5) The Department can accept reclamation to any land use approved by the Reclamation Plan
- 6) The operator must post and maintain financial assurance; if a bond is forfeited, the Department and its representatives and/ or contractors shall have the right to enter the site for mine reclamation

B. Applicant Certification

Due to the accountability associated with mining, the applicant requesting coverage under the GP1 should be the person/company excavating the site. The applicant is responsible for a) mine operations, b) compliance with the permit, Act and regulations, c) posting/maintaining financial assurance, and d) required reclamation. The applicant should not be a landowner wanting a permit to allow several contractors to mine the site. Typically, landowners do not have the equipment to accomplish required reclamation. The applicant should have the equipment, resources, and expertise to mine and, therefore, should have the equipment, resources and expertise to operate/reclaim the mine as required.

The authorized representative for the applicant, by signature, certifies:

- 1) All information submitted for the application is correct; willful misrepresentation may be cause for revocation of permit coverage
- 2) Financial assurance shall be posted and remain in effect until reclamation is accepted and coverage under the permit cancelled by the Department
- 3) Representatives of the Department may conduct inspections at all reasonable times
- 4) The responsibility to post and maintain financial assurance
- 5) The responsibility for submission of the Annual Operating Fees and the Annual Reclamation Report until coverage under the GP1 is cancelled by the Department

Financial Assurance (Reclamation Bond)

Per Section 48-20-110 of the Act, prior to operating a mine in SC, an applicant must submit financial assurance (reclamation bond) to ensure the mine will be reclaimed. Monies are held by the State until coverage under the permit is cancelled. If an operator becomes unable to complete reclamation or does not meet the requirements under the regulations, the State will use the bond for reclamation of the site.

Prior to being granted coverage under the GP1, the applicant must submit the bond to the Department. Upon notification of the decision, the applicant has 60 days to submit the financial assurance (Regulation 89-260). Failure to submit the bond within this timeframe may cancel the application for coverage under the General Mine Operating Permit - GP1.

The amount of the reclamation bond is set by law based on the amount of land to be disturbed ("affected") by the operation. For GP1 operations, the financial assurance is set at \$10,000.00. An operator may post separate bonds for each mine or "blanket" operations under one bond.

There are several options (with required forms) to post a reclamation bond including:

Surety Bonds: With surety bonds, the surety company must be licensed to conduct business in South Carolina. Surety riders must show the name of the mine being bonded and the application number (which will become the permit number). Bond **Form MR-800** must be completed and submitted with a Power of Attorney. The surety bond number should be noted on the top right-hand corner of page 1.

Assignment of Savings: When posting a savings account (e.g. certificate of deposit, passbook), the bank must be located in South Carolina. Accounts must be issued jointly in the name of the operator and the State of South Carolina. **Form MR-1000** is completed by the applicant and the financial institution. Bond **Form MR-900** must be completed by the applicant. Both forms must be completed and submitted to the Department.

Cash: When posting cash, **Forms MR-900** and **MR-1000** must be completed and submitted to the Department.

Irrevocable Letter of Credit (ILOC): An ILOC must be issued or confirmed by a South Carolina bank meeting the requirements outlined in Regulation 89-180(E). Bond **Form MR-1050**, the actual ILOC, must be completed by the financial institution; the institution has the option of using their letterhead, but the wording must be exactly as written in Form MR-1050. The applicant also must submit a Power of Attorney granting the Department the power to assign, appropriate, apply, or transfer the deposit [see R.89-180 (E) (3)]. **Form MR-900** may be submitted instead of this Power of Attorney. Forms/ Power of Attorney must be completed and submitted to the Department.

Registered Securities: All registered securities must be assigned and registered to the State of South Carolina. Prior to posting registered securities, the applicant must have a securities analyst conduct an evaluation of the financial performance of the underlying entity (*and on an annual basis thereafter*). This report and Bond **Forms MR-900** and **MR-1000** (with the principal's signature on page 2) must be submitted to the Department.

Bond Forms: all forms can be found on the SCDHEC webpage (<http://www.scdhec.gov>)

- Form MR-800: *Reclamation Bond Form to Post a Surety Bond*
- Form MR-900: *Reclamation Bond Form to Post a Bond Other Than a Surety Bond*
- Form MR-1000: *Reclamation Bond Form Assignment*
- Form MR-1050: *Reclamation Bond Form to Post an Irrevocable Letter of Credit*