UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

[SEQ CHAPTER \h \r 1]~~CERTIFIED~~ [SEQ CHAPTER \h \r 1]~~ELECTRONIC~~ MAIL ~~RETURN~~ ~~CONFIRMATION OF ELECTRONIC MAIL~~ RECEIPT REQUESTED

M~~r~~s. ~~Henry Brown~~Mary Shahid
~~Pine Hope~~Nexsen Pruet, LLC
~~1053 Dominion Drive~~205 King Street, Suite 400
~~Hanahan~~Charleston, South Carolina ~~29406~~29401
MShahid@nexsenpruet.com

Re: Pine Hope Plantation, Berkeley County, South Carolina

Dear ~~Mr~~Ms. ~~Brown~~Shahid:

On August 13, 2019, the U.S. Environmental Protection Agency Region 4, became the lead enforcement agency on the above-referenced Clean Water Act (CWA) section 404 enforcement case in accordance with the Memorandum of Agreement between the U.S. Army Corps of Engineers (Corps) and the EPA. On October 16, 2019, the EPA conducted a CWA section 404 Inspection on parcels owned and/or operated by Pine Hope, LLC in Berkeley County, South Carolina.

The EPA reviewed information in a May 21, 2018 letter prepared by your counsel, Mary Shahid, information provided by the Corps and the South Carolina Forestry Commission, and information gathered during the October 16, 2019 site inspection. The May 21, 2018 letter from Ms. Shahid outlined several actions that could be taken by Pine Hope, LLC to address unauthorized activities at Pine Hope Plantation. The EPA, after reviewing the materials outlined above, is proposing a potential resolution for this matter:

1. Construct cross-drainage in common fire-line road at South Carolina Forestry Commission recommended spacing for wetland roads (Exhibit A).
2. Place a ditch plug at location previously proposed (Exhibit A).
3. Remove culverts and construct low-water crossings in ditch crossings along the common fire-line road (Exhibit B).
4. Backfill and stabilize the two lateral ditches (Exhibit B).
5. Place a permanent outlet control structure at head of Mary Ann Branch (currently there is a dilapidated adjustable water level control structure at this location) with outlet elevation set at full pool elevation (Exhibit C).
6. Remove crossings and culverts at crossings 1 and 2 (Exhibit D) or place culverts at stream grade at these locations.
7. Provide location, acreage, and protection instrument proposal for buffer and preservation areas proposed and/or contemplated in the May 21, 2018 letter from Ms. Shahid.

This draft proposal, once approved by EPA management, will become part of the settlement through an Administrative Order on Consent (AOC). Please respond in writing within 14 days indicating that you

agree in principle to the substance of this proposal. Upon receipt of your written response and proposal for buffer(s) and preservation, EPA will begin developing a draft AOC to effectuate the settlement in principle. Should you have any questions, please contact Mr. Christopher Parker at (404) 562-9838 or parker.christopher@epa.gov. For legal questions, please have your attorney contact Ms. Michele Wetherington, EPA Associate Regional Counsel, at (404) 562-9613 or wetherington.michele@epa.gov.

Sincerely,

Daniel J. O'Lone, Chief
Waterways and Wetlands Enforcement Section
Water Enforcement Branch