Message

From: Wetherington, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=72F68AFD3CA140CFB8E6B77A0DE014F5-WETHERINGTON, MICHELE]
Sent: 9/19/2019 6:11:23 PM
To: Wylie, Mike [wylie.mike@epa.gov]
Subject: FW: Pine Hope Plantation Site Visit [IWOV-NPCHAR1.FID1058209]
Attachments: 9_9_2014 letter from the Corps.PDF; 9_5_2017 letter from DOJ.PDF; Response letter - Henry Brown.PDF; 1-25-18 LT James Choate III, with Exhibits (signed).PDF; Pine Hope Plantation reponse to U. S. Attorney May 21.PDF; IMG_0799.JPG

No agreement to our site visit date request. "Before consenting to a third site visit it would be helpful to know what the EPA's concerns are and whether the proposals made to date in the attached exchange of correspondence are sufficient to relieve those concerns."
So we will have to coordinate a response to send to her. To the point, something along the lines of the ditching and drainage may have exceeded the silviculture exemption, and the proposals made may not be sufficient. Therefore, we need to see the site ourself.

Michele

From: Shahid, Mary D. <MShahid@nexsenpruet.com>
Sent: Thursday, September 19, 2019 2:05 PM
To: Wetherington, Michele <Wetherington.Michele@epa.gov>
Cc: Henry E Brown Jr Ex. 6 Personal Privacy (PP)
Subject: Pine Hope Plantation Site Visit [IWOV-NPCHAR1.FID1058209]

Michele: I'm copying my client, Henry Brown, on this response. I apologize that I didn't get back with you last week. I was able to speak with Mr. Brown this week and he is very upset about this request. By way of background, the Charleston District initiated action against Mr. Brown in 2014. A copy of the letter from the Charleston District is attached. Upon receipt of that letter Mr. Brown invited staff from the Charleston District to inspect Pine Hill Plantation and the site visit occurred on November 5, 2014. Mr. Brown heard nothing more from the Corps following the site visit until two and half years later, in March of 2017. The Corps referred the matter to the U. S. Attorney's office in Columbia, S. C. Mr. Brown received the attached letter from Brook Andrews on September 5, 2017. I responded on behalf of Mr. Brown by letter dated October 13, 2017, attached. We mutually agreed to a second site visit on November 21, 2017. We met with the Charleston District following the site visit on December 14, 2017. The Corps requested that certain measures be taken, which we agreed to by letter dated January 25, 2018. Mr. Andrews notified us by letter dated April 6, 2018 that Mr. Brown provide voluntary onsite restoration and mitigation. We replied on May 21, 2018 (attached) and asked the U. S. Attorney's office to recognize the existing buffering and preservation in place, along with volunteering additional BMPS. WE RECEIVED NOTHING BACK FROM THE U. S. ATTORNEY'S OFFICE OR FROM THE CORPS. This matter was unattended to for 16 months – and then I received your email.

Pine Hill Plantation is a tree farm. The attached photograph is a letter that Mr. Brown received from the EPA in 1989 when he sought confirmation regarding his forestry activities. All activities conducted at Pine Hill facilitate silviculture. Mr. Brown has consulted with multiple registered foresters regarding his operations. Herb Nicholson from the South Carolina Forestry Commission inspected Pine Hill, with the Corps of Engineers, and essentially confirmed that the activities were consistent with forestry operations.

Mr. Brown has cooperated fully with all investigative agencies in this matter. He has offered to take measures that were suggested by the Corps of Engineers. No one has given him the courtesy of a response to his offers to install pipes and a ditch plug (1/25/18 letter) and installation of additional pipes (5/21/18 letter) even though these offers were based on remediation measures suggested by the Corps. He has authorized two site visits. Importantly both the Corps and the DOJ insisted that Mr. Brown hire an environmental consultant – which he did. He retained Mac Baughman, registered forester and environmental consultant, and he heeded all of Mr. Baughman's advice. Mr. Baughman's services were

expensive and despite insisting that a consultant be retained, both the Corps and the DOJ ignored Mr. Baughman's opinions and suggestions. Please note that Mr. Brown was a young man of 79 when this investigation started. He is now 85 years old and believed that after sixteen months of silence from the U. S. Attorney and the Corps that this matter was resolved and he could put this behind him and enjoy what time he has left.

Before consenting to a third site visit it would be helpful to know what the EPA's concerns are and whether the proposals made to date in the attached exchange of correspondence are sufficient to relieve those concerns. Thank you for your consideration of the information provided and I look forward to speaking to you at your convenience.

Mary D. Shahid
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From: Wetherington, Michele <Wetherington.Michele@epa.gov>
Sent: Thursday, September 19, 2019 12:52 PM
To: Shahid, Mary D. <MShahid@nexsenpruet.com>
Subject: RE: Pine Hope Plantation Site Visit

{EXTERNAL EMAIL}

Hi Mary,

Have you been able to confirm the dates with Mr. Brown and your consultant? Our inspector has little flexibility with his schedule, so I am hopeful that you have.

Thanks,

Michele

Michele Wetherington
Associate Regional Counsel
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From: Shahid, Mary D. <MShahid@nexsenpruet.com>
Sent: Tuesday, September 10, 2019 2:55 PM
To: Wetherington, Michele <Wetherington.Michele@epa.gov>
Subject: RE: Pine Hope Plantation Site Visit

Thanks Michele. I'm in the process of trying to contact Mr. Brown and our forestry consultant to determine availability. Those dates work for me. I'll get back to you by the end of the week.

Mary D. Shahid
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From: Wetherington, Michele <Wetherington.Michele@epa.gov>
Sent: Monday, September 9, 2019 1:59 PM
To: Shahid, Mary D. <MShahid@nexsenpruet.com>
Subject: Pine Hope Plantation Site Visit

{EXTERNAL EMAIL}

Dear Ms. Shahid,

I hope you are doing well. I am an attorney at EPA Region 4. The Army Corps of Engineers forwarded Mr. Brown's alleged CWA violations to EPA last month. The EPA would like to conduct a site inspection and discuss with your client some potential CWA issues we have reviewed on Pine Hope Plantation. I am writing to request EPA access to your client's property, Mr. Henry Brown's Pine Hope Plantation near Vanilla Bay in Berkley County, South Carolina.

The EPA has identified the week of October 15 to 18 as available dates to meet with you and your client. We hope to meet on Tuesday afternoon after lunch and wrap up by Wednesday. If beginning on Tuesday will not work, then Thursday and Friday are also suitable dates for EPA to meet with you and your client. Will you please confirm that we will be able to meet on Tuesday October 15? I plan on accompanying EPA field staff to the Site and look forward to meeting you.

Thanks,

Michele

Michele Wetherington
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