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

FEB 04 2020

CERTIFIED MAIL 7019 0700 0000 6131 2920
RETURNED RECEIPT REQUESTED

Mr. Henry Brown
Pine Hope, LLC
1053 Dominion Drive
Hanahan, South Carolina 29406

Re: Clean Water Act, Section 404 Inspection Report
Pine Hope Plantation, Berkeley County, South Carolina

Dear Mr. Brown:

On October 16, 2019, the U.S. Environmental Protection Agency Region 4, conducted a Clean Water Act (CWA) section 404 Inspection (Inspection) on parcels owned and/or operated by Pine Hope, LLC in Berkeley County, South Carolina. The purpose of the Inspection was to evaluate Pine Hope, LLC's compliance with the requirements of sections 301 and 404 of the CWA, 33 U.S.C. §§ 1311 and 1344.

Enclosed is a copy of the EPA's Inspection report. If you have any questions, please call Mr. Mike Wylie at (404) 562-9409 or Mr. Christopher Parker at (404) 562-9838. For legal questions, please have your attorney call Ms. Michele Wetherington, EPA Associate Regional Counsel, at (404) 562-9613.

Sincerely,

Daniel J. O'Lone

Daniel J. O'Lone, Chief
Surface Water and Groundwater Section
Water Enforcement Branch

Enclosures

EPA United States Environmental Protection Agency

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Mike Wylie	Time In	7:56 AM	Start Date	October 16, 2019
		Time Out	5:00 PM	End Date	October 16, 2019
Inspector's Organization	USEPA, Water Enforcement Branch, Surfacewater and Ground Water Section				
Organization Requesting Inspection (if different)					
Inspection Type	Compliance determination	Inspection Status	Original		
Site Name	Pine Hope, LLC				
Site Address*	200 Pine Hope Lane				
City*	Cordesville	County*	Berkeley	State*	SC
Zip Code*	29434				
Latitude/Longitude*	33.168n, 79.905w	Estimated Size of Site (acres)	over 1300 acres		
Is there a home on the site?	☒ Yes ☐ No				
Inspector Signature	for Mike Wylie	Date	12/18/2019		
Supervisor Signature	Dan O'Leone	Date	1/6/2020		

United States Environmental Protection Agency

Clean Water Act Section 404: Site Visit/Case Develoment

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Pine Hope, LLC	Start Date	October 16, 2019
		End Date	October 16, 2019
Inspection Purpose	Initial site visit		

Opening Conference

☒ Presentation of Inspector Credentials

Name and Title (Use N/A if owner/operator not available to join the inspection)

Mike Wylie, Inspector

☒ Opening Conference

Name of person authorizing access if applicable

Mary Shahid, attorney for Mr. Henry Brown

Notes from Opening Conference

At 0745 on November 16, 2019, we met Mr. Brown, his son, daughter, granddaughter, attorney, and two reps from SC Forestry Commission and discussed the Corps transferring the case to EPA and why EPA requested an inspection. I showed Mr. Brown a map of the areas we would like to access and inspect, commencing on the southern portion of Vanilla Bay and traversing northwards to the edge of disturbance on the Brown property. We discussed the lack of precipitation of the preceding months in the vicinity, the outside influences on the Brown Property (DOT ditch). Mr. Brown discussed the adjacent U.S. Forest Service property and his and the Forest Service's fire issues, and his management of the property for timber and wildlife. We discussed access to the the southern end of the property and commenced our inspection.

☐ Access Issues if Any

Describe

Inspection Observations and Sample Collection

Site Owner* (Name, title and contact information)

Mr. Henry E. Brown Jr., Pine Hope, LLC, 1035 Dominion Drive, Hanahan, SC 29410

Additional Persons Present at Inspection

Michelle Wetherington, Kelly Laycock, Chris Parker - EPA; Jimmy Brown, Mr. Brown's daughter and granddaughter, Holly Welch and Eric West, SC Forestry Commission; Leica Caldwell - Mr. Brown's attorney, Mrs. Henry Brown

General Site Characteristics (layout of property, etc.)

The Pine Hope Plantation is an approximately 1300-acre tract of land of which we inspected the southern 488-acres. This portion of the larger parcel is adjacent to property owned by the U.S. Forest Service and contains a section of Vanilla Bay, a Carolina bay, pine plantations, excavated tributaries, several water features, a house, barn and improved land. The parcel drains to the north via Mary Anne Branch to Bullhead Run which is a tributary to Wadboo Creek which confluences with the Cooper River.

Site Overview (Past inspections, site description, permits, etc.)

In 1989, after being contacted by Mr. Brown's representative, Mr. Charlie Glover, the Corps informed Mr. Brown by letter that wetlands existed on the Pine Hope property. The Corps conducted two additional inspections of the Site in 2014 and 2018, citing issues with CWA section 404(f) activities. Mr. Brown related to EPA inspectors that he was growing trees on his property and that

Site Name	Pine Hope, LLC	Start Date	October 16, 2019
		End Date	October 16, 2019

the highway department was routing sediment into his property. Mr. Brown told inspectors that he had some problems with fire management on his property and that is why he excavated canals and raised roads on his property adjacent to the U.S. Forest Service property east of his site.

Scope of Inspection (Areas inspected or not inspected)

Attachment B depicts the general areas we inspected on the Pine Hope Plantation.

Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)

Overcast with early scattered showers, 70 degrees F.

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Site Name	Pine Hope, LLC	Start Date	October 16, 2019
		End Date	October 16, 2019

Field Work Conducted

After our initial discussion, EPA inspectors drove south to the head of Vanilla Bay. We traveled on a raised road along an excavated canal that Mr. Brown stated was a fire break to protect his property from fires on the adjacent U.S. Forest Service property. Inspectors traveled to Location #1 (attached map) and noted the road adjacent to Forest Service property was approximately three feet above the elevation of Vanilla Bay with no cross culverts along its length. The excavated canal at this point was approximately 10 feet wide and four to five feet deep. Inspectors found hydric soils, hydrophytic vegetation and evidence of wetland hydrology in Vanilla Bay at this location (see photo #16). Inspectors traveled north to Location #2 along the elevated road where we noted harvested areas west of the canal with little regrowth and several areas containing fill material. We noted the east to west cross ditch was 30 to 35 feet wide at this point and emptied into the roadside canal. An elevated road was constructed along the south side of the cross ditch with no culverts observed along its length. Inspectors found hydric soils, hydrophytic vegetation and evidence of wetland hydrology at this location. At this location we noted a culvert was placed under the elevated road to allow water to flow along the canal. However, no water was flowing at this time and the culvert invert was too high for water to flow (See photo #23). Inspectors crossed over the elevated road to Forest Service property and noted a fire break was constructed east of the road (see photo #24). Next, we traveled north to the west end of the second lateral canal near Location #5. At this location, the canal and fill on both sides was approximatively 90 to 100 feet wide (see photo #25). We left this location and followed the elevated road north and west to Location #6, or the approximate location of Mary Anne Branch on USGS topo maps. Here we found a gate valve that was impounding water (see photo #26). There was no evidence of Mary Anne Branch's former reach. We found an excavated area with fill material on both sides of the former location of Mary Anne Branch (see photos 27, 28 and 30). Traveling north along the excavated former run of Mary Anne Branch, we stopped near Location #7 at an earthen crossing of the canal. Here we found the upstream water level below a culvert, therefore, impounding water behind the crossing. At the downstream end of the culvert, the water level in the canal was approximately five feet lower than the bottom of the culvert, effectively blocking the migration of aquatic life (see photo #32). We next moved to an area that was between Locations # 7 and #8 where a tributary flowing from U.S Forest Service property confluenced with Mary Anne Branch. Additionally, a ditch carrying water from the west to the canal was located in this area. The canal was approximatively 60 to 75 feet wide at this location. At this location, we found dredged and/or fill material on both banks of the excavated Mary Anne Branch (see photo #34). We moved to Location #10 and excavated several soil pits, finding fill material on hydric soils (see photo #35) After a lunch break, we traveled back to Locations #1 and #2 to check the water table in wetlands adjacent to the excavated canal and raised road. Finally, we walked north along the excavated channel of Mary Anne Branch to wooded wetlan north of the Brown house. We observed the channel of Mary Anne Branch and its flow path to the north.

Closing Conference

Documents Received and/or Requested During the Inspection

N/A

Compliance Assistance Provided (If any)

None

Observations Relayed to Site Owner/Operator

At the closing conference, I discussed with Mr. Brown and his attorney our concerns regarding the forestry roads, large canals in wetlands functioning as a fire break, the excavation of Mary Anne Branch and side casting material into wetlands without a permit.

Actions Taken by Owner/Operator During the Inspection (If any)

Mr. Brown complained that the DOT was channeling sediment laden water into his property from west of Mary Anne Branch.

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Potential Issues of Concern Including Regulatory Citations

Silviculture issues: CWA Section 404(f)
Discharge into waters without a Corps permit: 33 CFR Part 323

Attachments*

- ☒ Maps and Sketches
- ☒ Photographs (including location) and Photo Log
- ☐ Other

Additional Notes