



## **South Carolina Department of Environmental Services Summary Response to Comments**

Luck Stone Corporation | I-002442 | Luck Stone Cherokee Quarry  
Cherokee County, South Carolina  
January 9, 2026

This summary is being provided in conjunction with the South Carolina Department of Environmental Services' (SCDES) decision to approve the permit application and issuance of a permit for the Luck Stone Cherokee Quarry located along Old Post Road in Gaffney, Cherokee County, South Carolina (S.C.) Operation of this site is to excavate gneiss.

SCDES is committed to preserving South Carolina's air, land, water, and coast through science, service, and sustainability. Through the passage of environmental statutes and regulations, the S.C. General Assembly has established the conditions and criteria that SCDES follows in the permitting process. SCDES's role is to ensure that a proposed project meets all regulatory requirements that protect human health and the environment, and to provide local communities with meaningful opportunities to participate in our permitting process. If SCDES determines that an applicant or application has met all applicable regulatory requirements, it does not have the authority to withhold the issuance of a permit.

As part of the permitting process, SCDES engages other state and federal agencies, the surrounding communities, and the general public prior to making a final permit decision in order to:

- 1) Provide information about the proposed permitted activities in the communities;
- 2) Give agencies, community members, and other interested parties an opportunity to submit relevant information to SCDES for consideration prior to making a final permit decision; and,
- 3) Provide them an opportunity to submit other concerns to the attention of SCDES and the applicant.

Public meetings and public hearings are methods SCDES uses to hear concerns and receive comments during the permitting process. A public meeting is an informal conversation with SCDES staff, including questions and answers. A public hearing is a formal opportunity to present comments, which are recorded by a court reporter for inclusion in the official file.

SCDES held a public meeting on the proposed Luck Cherokee Quarry on September 18, 2025. A public hearing was also held on September 18, 2025. These events were conducted in person at the Institute of Innovation in Gaffney, SC. SCDES also extended the period to accept written comments through October 3, 2025.

SCDES values all public comments received during the permitting process and is committed to considering information before making a final permit decision. Public input is an important part of the permitting process and can lead to changes in permit conditions and operational practices if a permit is issued.

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The following responses are being provided in response to comments received during the public comment period, the public meeting, and the public hearing for Luck Stone Cherokee Quarry.

Section 1: The South Carolina Mining Act

The principal law governing mining in this state is Title 48 Chapter 20: The South Carolina Mining Act. The legislative purpose of the Act is to provide that: (1) the usefulness, productivity, and scenic value of all lands and waters involved in mining within the state receive the greatest practical degree of protection and restoration; and that (2) no mining may be carried on in the state unless plans for the mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining. A complete copy of the Act can be found here:

<https://www.scstatehouse.gov/code/t48c020.php>

The Act provides specific criteria for SCDES’s review of mine permit applications. The Act does not supersede local zoning ordinances. Issues related to zoning, e.g., property values and industrial development) are under the jurisdiction of county and municipal planning departments and are governed by zoning and land-use regulations. SCDES has not been given the authority to consider the effect of a mining operation on property values. SCDES is required to evaluate the application in a timely manner and consider relevant environmental issues.

The Act authorizes the development of regulations establishing minimum standards for mining operations. Regulations 89-10 through 89-350 became effective on June 24, 1983, and have been subsequently modified. These regulations outline the requirements for permitting the design, construction, operation, maintenance, reclamation, and closure of mine sites. The complete list of regulations can be found here:

<https://www.scstatehouse.gov/coderegs/Chapter%2089.pdf>

In reaching the decision to approve the permit application and issue a permit for the Luck Stone Cherokee Quarry, SCDES staff reviewed all information contained in the application, the supplemental information submitted by the applicant, and all agency and public comments to ensure that the requirements of the Act and Regulations had been met. SCDES has determined that the applicant has met the applicable requirements and is approved to construct and operate the mine in accordance with the conditions and limits set forth in Permit No. I-002442.

## Section 2: Additional Terms and Conditions

In response to information in the application, and comments from other agencies and communities during the public comment period, SCDES incorporated additional terms and conditions into the final permit. These additional terms and conditions are as follows:

1. Temporary or permanent placement of refuse and debris (e.g., concrete, brick, asphalt) from off-site locations is prohibited without written approval by SCDES. Topsoil fill approved by SCDES may be brought in from off-site sources only for the purposes of mine land reclamation.

2. Prior to the initiation of any mining activities at this site, the operator shall submit a letter from an attorney that attests to the ownership of the land and ownership of the mineral rights by the permittee, which will validate the MR-600 submitted in the initial application. If the permittee does not purchase the land and mineral rights covered under this permit, an MR-700 must be submitted along with an updated attorney letter attesting to the landowner's ownership of the land and the mineral rights, and to an agreement between the landowner and permittee that allows the land to be mined.

3. Dam Impact Mitigation Responsibility: The operator shall be fully responsible for mitigating any structural or environmental damages to the Thicketty Creek WCD 19 Dam (the "Dam") that are demonstrated, through credible evidence, to have resulted strictly from mining activities conducted under this permit. Upon such determination by an independent, qualified third-party engineer or SCDES, the operator shall, at its sole expense, undertake all necessary corrective measures to repair, stabilize, or otherwise remedy the impacts to the Dam in a timely and effective manner. Baseline conditions of the Dam shall be assessed and recorded with an initial dam survey prior to blasting. Subsequent monitoring and reporting shall be conducted in accordance with Monitoring and Reporting Requirements below. Any additional development work, outside of the operator's activities, that occurs on properties around the mine permit area shall be analyzed separately for possible additive impacts to the dam structure.

Monitoring and Reporting Requirements: The operator shall collect and record piezometer and seismograph readings at the Dam and other relevant monitoring points on a monthly basis, or more frequently if required by SCDES. These readings shall be compiled into a quarterly report that includes: the date and time of each reading, Instrument locations, and a Summary of findings and any anomalies.

This data shall be submitted quarterly to the Division of Mining and Solid Waste Management by the 28th day of the month following the end of the quarter.

These reports shall be recorded and, upon request, made available to the Cherokee County Soil and Water Conservation District.

4. Prior to any mining activities, five (5) groundwater monitoring wells shall be constructed in the areas delineated in the approved Groundwater Monitoring Plan (Appendix B). These monitoring wells shall be constructed prior to the initiation of dewatering activities.

The monitoring wells shall be installed by a certified well driller in accordance with R.61-71: Well Standards and Regulations. The surveyed elevation of the measuring point, relative to an established benchmark, must be submitted with the driller/geologist's log for each well. Groundwater monitoring wells shall be measured monthly. Groundwater elevations shall be normalized to mean sea level, and hydrographs plotted for each monitoring well. This data shall be submitted quarterly to the Division of Mining and Solid Waste Management by the 28th day of the month following the end of the quarter.

5. Tricolored Bat: As of the issuance of this permit, the tricolored bat is not a federally or state-protected species; however, it has been proposed for federal listing. The operator shall consult with the U.S. Fish and Wildlife Service within thirty (30) days of the tricolored bat's federal listing (if/when approved) and shall comply with the USFWS's recommendations.

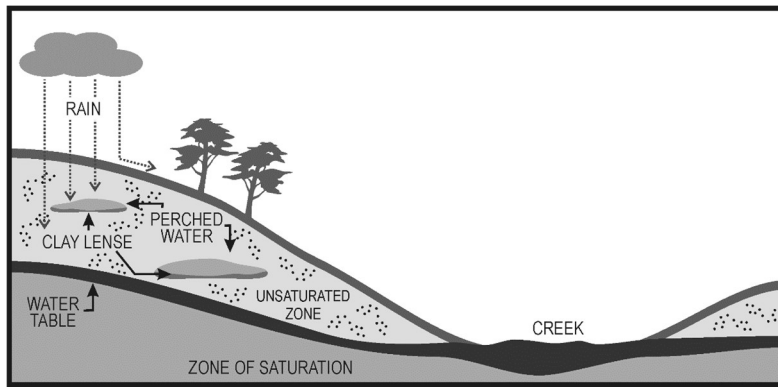
6. Sandplain Agalinis: The applicant shall maintain a minimum 50ft buffer from roadways, streams, and rights-of-way, where sandplain agalinis are typically found, per the approved mine map for this site. Should sandplain agalinis be found within the project area, the operator shall notify SCDES and SCDNR within 24 hours of an occurrence and contact Botany@dnr.sc.gov.

7. Dwarf-flowered Heartleaf: The operator shall establish and maintain a minimum 50ft undisturbed buffer around all existing populations and their habitat. Appropriate BMPs shall be installed to prevent sedimentation into these areas. Should any Dwarf-flowered Heartleaves be found within the project area, the operator shall notify SCDES and SCDNR within 24 hours of the occurrence.

### Section 3: Groundwater

Groundwater is water that collects or flows below the soil surface. The main source of groundwater is rainfall. Runoff from rainwater can go directly into water bodies or seep into the ground. When water soaks (infiltrates) into the ground, gravity pulls it down through the spaces between soil particles and rocks until it reaches a depth where all the spaces are filled with water, or saturated. The water level where the soils are saturated is called the water table. The area above the water table is called the unsaturated zone; the area below the water table is the saturated zone.

As shown in the following diagram, the water table is not always at the same depth below the land surface - the level moves up or down depending on rainfall and the rate at which water is removed (e.g., irrigation, industry, well). The unsaturated zone may contain pockets (lenses) of tightly bound clayey soils that prevent water infiltration. In this situation, the water will collect (perch) on the top of these impermeable lenses. This is "perched water" and is not the true water table along the top of the saturated zone.



## Section 4: Surface Water

Discharge Monitoring and Sediment Control: The operator is permitted to discharge wastewater and stormwater in accordance with the *NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities (SCG731604)*. Discharges from the outfall will be subject to numeric effluent limits (total suspended solids and pH) and other permit requirements that protect human health and the environment. Should the operator be unable to meet the requirements of the NPDES permit, SCDES's Bureau of Water would initiate its compliance and/or enforcement procedures accordingly.

The operator has indicated that during operations, water from the processing plant will be routed through a closed-circuit system to the collection pond, where the clarified water is then reused in the processing plant. Under normal rainfall conditions, this closed-circuit system will operate without discharging into the waters of the state. However, during extreme or prolonged rainfall events, the water volume may exceed the capacity of the wash circuit system. Under these circumstances, any excess water may be discharged into waters of the state through the regulated outfall.

Stormwater will be routed into the pit or any of the sediment basins throughout the site to capture sediment runoff. This sediment will be allowed settle out of the stormwater prior to discharge offsite. The NPDES permit requires the operator to have proper Best Management Practices (BMPs) and a Stormwater Pollution Prevention Plan (SWPPP) in place. Furthermore, the operator shall operate the site in accordance with the approved mine maps.

The NPDES general permit requires that stormwater outfalls have appropriate BMPs to minimize pollutant discharge. The permit also requires monitoring of stormwater discharges using benchmarks. Benchmark monitoring involves collecting a quarterly sample during the first 30 minutes of the stormwater discharge and analyzing it for Total Suspended Solids. If the average of the four quarterly benchmark samples is greater than 100 mg/l Total Suspended Solids, then the operator must either improve their BMP's or document that it is not feasible to improve their BMP's. If the average of the four quarterly benchmark samples is less than 100 mg/l Total Suspended Solids, benchmark sampling is no longer required during this permit term for that outfall.

Potential for Flooding: The mine operating permit is conditioned such that "Active pumping and discharge of water shall cease if the dewatering discharge causes flooding conditions to property downstream of the mine site". At no time will the operator be allowed to flood neighboring properties.

Thicketty Creek Watershed #19 Reservoir is located north of the mine site. The operator is fully responsible for mitigating any structural or environmental damages to the Thicketty Creek Watershed District Dam 19 that have resulted from mining activities from this site. The operator is required to monitor and report piezometer and seismograph readings per Part X: *Additional Terms & Conditions #3*.

## Section 5: Wetlands

Wetlands and streams are located within the mine permit area. All wetlands and streams will be avoided and protected with a minimum 50ft undisturbed buffer, as well as silt fencing to prevent sedimentation. Wetland impacts due to dewatering are not anticipated.

## Section 6: Buffers, Setbacks, and Visual Impacts

Buffer areas are areas that will not be disturbed beyond their pre-mine natural state and provide a buffer between the mining operation and neighboring properties and wetlands. The Act and Regulations do not have specific requirements for buffer areas, so they are developed on a case-by-case basis. The buffer size and setback from the permit boundary depend on the nature of the mine, neighboring land use, and the purpose of the buffer area.

The operator has designated 94.3 acres as buffer. The operator shall maintain a minimum 50ft undisturbed perimeter buffer between mining activity and all property lines for the majority of the site. Additionally, a minimum 50ft buffer will be maintained between mining activities and any wetlands.

The vegetation in the buffer will remain in its current state or be enhanced to provide for visual screening. Appropriate silviculture practices may be utilized to manage buffer areas that will allow thinning of timber under the direction of an S.C. licensed Professional Forester. Any land disturbance not consistent with accepted silviculture practices in the buffer areas will require the Mine Permit to be modified prior to such disturbances.

## Section 7: Noise

The majority of noise generated by mining activity is associated with motorized vehicles and equipment. The level of noise perceived at residences is usually related to the distance from the sound source, weather conditions, topography, and the type and condition of the equipment. Equipment such as trucks, dozers, and loaders usually have an average noise level determined by the manufacturer. The majority of the equipment averages 75 to 90 decibels (db) at a distance of fifty feet. Sound decreases (attenuates) with distance at about 3 to 5 dB each time the distance between the source and the person hearing it is doubled.

Another factor used to buffer noise is topography. Overburden will be used to construct berms to block the direct path of sound. Additionally, the mine operating permit requires the operator to maintain equipment (e.g., mufflers on trucks, trackhoes, pumps) to minimize noise from the site.

The combination of undisturbed vegetated buffers, earthen berms, maintenance of equipment, and distance from the operation will consequently reduce the potential for sound heard offsite. There may be instances when the sound of equipment (backup alarms, trucks, etc.) can be heard, but the decibel levels should not be excessive.

Although no state standards exist for noise emitted from this type of industry, the Mine Safety & Health Administration (MSHA) does have noise standards applicable for worker safety to protect hearing. Its noise, limited at the source to protect workers, has the added benefit of limiting noise beyond the permit area.

## Section 8: Public Safety

Public safety around a mine site is always a concern. A primary method to ensure public safety is controlling access to the mine property. A gated entry and warning signs will minimize physical hazards to persons and adjoining land uses. Additionally, natural barriers (e.g., streams, wetlands, vegetation) and constructed berms deter accidental entry into a mine site. The combination of these barriers and site characteristics will limit public exposure to the site's operations.



## Section 9: Traffic

A common concern expressed is the increase including truck traffic hauling mined material. The SC Mining Act only authorizes SCDES to regulate truck traffic on roads *inside* the permit boundary. SCDES can only evaluate impacts to public roads as they pertain to the physical effects from the mine site (e.g. blasting, undermining, etc.). It does not give SCDES the authority to regulate or restrict vehicle traffic outside the permit boundary or deny a permit based on the potential increased use of such roads.

Other concerns with road systems, including use of roads or general wear-and-tear issues, are under the jurisdiction of S.C. Department of Transportation (SCDOT), S.C. Public Service Commission, or Cherokee County Department of Public Works.

## Section 10: Blasting

Surface blasting requirements are regulated in R.89-150. All blasting is required to be performed by an S.C. licensed blaster and be within 1.0 inch per second peak particle velocity (PPV) at the closest inhabited structure, which is considered more than adequate to protect the structure's integrity.

Per Regulation 89-150.I., to provide for adequate public safety, SCDES is required to establish a minimum distance between blasting and any structure not owned by the operator. The operator shall observe a minimum 800ft setback from blasting to the nearest inhabited structure, in order to satisfy that part of the Regulation.

Ground vibrations, from blasting, may be felt outside the permit boundary. Federal guidelines on surface blasting state that a PPV of 2.0ips is considered safe for structures; South Carolina goes one step further and limits PPV to 1.0ips (Regulation 89-150.E.) at the closest structure for an additional measure of safety. So, while ground vibrations may be felt off-site as an annoyance, they are not considered intense enough to cause damage to structures or roads. Additionally, the air blast from a quarry may be heard off-site but would not be strong enough to produce damage to residential structures.

R.89-150.A. requires the operator to offer a Pre-Blast Survey of inhabited structures that are within one-half mile of any blasting at the landowners' approval. A copy of this report will be given to the operator, the landowner, and SCDES.

## Section 11: Air Quality

**Dust:** Concerns about fugitive dust emissions from the proposed mining activities at the site have been raised. Sources of dust include: moving equipment, handling of mineral resources and overburden, truck traffic, and wind erosion.

At active sites, major contributors of dust are equipment and truck traffic. Properly constructed access roads with dust suppression methods (e.g., water trucks, sprinklers) are the most effective way to manage dust from traffic. This mine permit requires use of appropriate measures (e.g., water truck, dust suppressants) to control fugitive dust created by moving equipment along haul roads. Additionally, the Air Quality Permit being issued by the Bureau of Air Quality (BAQ) requires wet suppression for control of particulate matter and fugitive dust, compliance with applicable state and federal emission standards, and the development and implementation of a comprehensive Fugitive Dust Control Plan.

Wind erosion of areas stripped of vegetation and material stockpiles is a source for potential dust. Under this mine permit, the operator, where feasible, shall establish vegetation in non-active mine areas that are barren of vegetation to stabilize the soil and reduce the potential for wind erosion and dust emissions. The combination of minimizing land disturbance and re-vegetation will lessen the potential for windblown dust.

Health Risks with Dust Exposure: Health risks are mitigated by controlling the dust at the source. Source control measures include best management practices such as water trucks, dust suppressants, and sprinklers.

MSHA is responsible for protecting the health of workers at mine operations. As part of their duties, MSHA monitors worker's exposure to dust. Results from monitoring show the risk is greatest within work environments involving processing (crushing/grinding) and operating equipment. If a problem concerning overexposure exists, MSHA would require the company install some type of engineering control to eliminate the concern at the source.

Meeting MSHA requirements for controlling dust in the immediate work area will further minimize exposure risk outside the permitted area. No elevated exposure risk is anticipated from the mine beyond the property line.

We are exposed to dust from non-industrial sources, such as dirt roads, fields, and bare lots on a daily basis. Although the proposed mining operation does not introduce any new hazards, engineering and administrative controls have been designed to minimize airborne dust. Based on the proposed controls at the mine (natural buffers, distance from property lines, controls on the haul road), an increase in the exposure to silica or other materials beyond the property line is not anticipated.

Comments and concerns about health risks associated with air emissions from proposed activities at the site are further addressed in the Response to Comments on the Air Quality Permit prepared by BAQ. As noted in the BAQ Response to Comments, the proposed site demonstrated compliance with applicable state ambient air quality standards established to be protective of public health, and other air quality regulations and air permit requirements further address particulate emissions from the site. Please see the BAQ Air Quality Permit and Response to Comments for further information.

Information on air monitoring in South Carolina is available on SCDES's Bureau of Air Quality website at:

<https://des.sc.gov/programs/bureau-air-quality/air-pollution/ambient-air-monitoring-network>

Information regarding the Air Quality Permit for this site can be found at:

<https://des.sc.gov/programs/bureau-air-quality/air-quality-department-decisions>

## Section 12: Zoning

Appropriate or compatible land use is determined by local government. SCDES has no authority regarding zoning in Cherokee County. Specifically, the S.C. Mining Act states in Section 48-20-250, *"No provision of this chapter supersedes, affects, or prevents the enforcement of a zoning regulation or ordinance within the jurisdiction of an incorporated municipality or county or by an agency or department of this State, except when a provision of the regulation or ordinance is in direct conflict with this chapter."* SCDES recognizes that each county and municipality across the state has different priorities and unique requirements. SCDES relies on county and municipal governments, through zoning and other ordinances, to regulate where residential, commercial, and industrial zones may occur.

## Section 13: Threatened or Endangered Species

The S.C. Mining Act and Regulations do not allow an undue adverse effect on wildlife or freshwater, estuarine, or marine fisheries. SCDES has interpreted an "undue" effect as an effect on a federally recognized endangered or threatened species that cannot be properly mitigated.

This site contains suitable habitat for the Tricolored Bat (*Perimyotis subflavus*) and the Sandplain Agalinis (*Agalinis decemloba*); the Dwarf-flowered Heartleaf (*Hexastylis naniflora*) is a species known to inhabit this area. Please see Part X: *Additional Terms and Conditions* #5-7 for additional information related to the protection/relocation of these species.



### Section 14: Cultural and Historic Sites

A pre-contact resource has been identified within the northern section of the site, and a stone structure has been identified within the western section of the site. A minimum 50ft undisturbed buffer shall be maintained between these resources and any land disturbing activity, as shown on the approved mine maps. This buffer shall be permanently flagged prior to the initiation of any mine activity. The flags shall be maintained throughout the site's active mine operation. If archaeological materials are encountered prior to or during the construction of mine facilities or during mining, the operator shall notify the S.C. Department of Archives and History and SCDES immediately.

### Section 15: Land and Property Value/Economic Impact

Comments were received regarding the impact to property values and possible economic impacts. All zoning decisions are made at the local level by a city or county zoning authority, usually before a permit request is received. SCDES cannot dictate where a facility locates or factor property value into our permitting decision. We encourage residents to contact their local city or county council representatives for more information on how to get involved in local zoning and planning issues.

### Section 16: Community/Quality of Life

Comments were received regarding the potential impacts of the proposed mine on the local community's way of life. SCDES is committed to fulfilling the agency's responsibilities to protect and promote public and environmental health. Through the exercise of those responsibilities, SCDES works to improve the quality of life of individuals and communities. However, the agency may only act within the limits of its statutory and regulatory authority. Through statutes and regulations, the General Assembly has established conditions and criteria the agency uses to ensure public health and environmental protection. SCDES is required to make its permit decision based only on the technical review of the permit application and the Act and Regulations in place at the time of SCDES's review.

### Section 17: Inspections

S.C. Mining Act 48-20-130 and Regulation 89-240 allow SCDES to conduct inspections and investigations of the permitted area at any reasonable time for the purposes of determining whether the operator has complied with the reclamation plan, requirements of the Mining Act, any rules and regulations promulgated thereunder, or the terms and conditions of the operating permit. The Mining Program will conduct routine site inspections and compliance inspections, as needed.

The Bureau of Water's monitoring program includes documentation of quarterly visual inspections, an annual comprehensive site inspection, quarterly benchmark sampling, an impaired waters assessment (TMDL sampling if discharging to an impaired water), monthly effluent limitations monitoring (if required), and other aspects like employee training, spill/leak assessments and documentation, and a Best Management Practices Plan. Compliance Evaluation Inspections (CEIs) are randomly conducted at permitted facilities approximately once every 5 years, unless a follow-up is needed at a particular facility due to non-compliance with permit guidelines; in such cases, a facility may be inspected at the Department's discretion to assess and/or enforce permit compliance. SCDES staff may also respond to complaints about a facility.

## Section 18: Land Entry Agreement

SCDES has received comments regarding the Land Entry Agreements (LEAs) submitted to the department during the application process. In response to these comments, SCDES included Additional Term and Condition #2 to the permit for this site, which will prevent any mining-related activities from occurring until the submitted LEA is validated by SCDES.

## Section 19: General Opposition

SCDES received several comments requesting the denial of a permit. While SCDES appreciates all comments received, it is important to recognize that we do not have the authority to make permitting decisions based on community, business, employee, or customer approval or disapproval of a proposed operation. SCDES is required by law to base its permitting decision only on the technical review of an application and the regulatory requirements in place at the time of that review. In 48-20-70 of the Act, SCDES is required to grant an operating permit to the applicant if there are no technical reasons to deny the permit.