

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE: Steve R. Ingle
Twin Pines Minerals, LLC
2100 Southbridge Parkway, Suite 540
Birmingham, AL 35209

ORDER NO. EPD- -

Respondent.

CONSENT ORDER

Authority

WHEREAS, Twin Pines Minerals, LLC (“Respondent”) submitted an application for developing a heavy mineral sand mine along Trail Ridge in Charlton County, Georgia (the “Mine Site”); and

WHEREAS, under the Water Well Standards Act of 1985, O.C.G.A. § 12-5-120 et seq., as amended (hereinafter the “Act”), the General Assembly of Georgia designated the Director of the Georgia Department of Natural Resources, Environmental Protection Division, (hereinafter the “Director” and the “Division”) to administer certain provisions of the Water Well Standards Act and to act as administrative agent for the Water Well Standards Advisory Council (“Council”); and

WHEREAS, the Rules for Water Well Standards Advisory Council, Ga. Comp. R. and Regs. r. 770-1-.01 et seq., as amended, (hereinafter the “Rules”) authorized under O.C.G.A. § 12-5-124(1) of the Water Well Standards Act, were established and became effective; and

WHEREAS, O.C.G.A. § 12-5-126 of the Act authorizes Director to issue orders as may be necessary to enforce compliance with the provisions of the Act and the Rules; and

WHEREAS, O.C.G.A. § 12-5-135(a) of the Act requires that a performance bond or letter of credit be provided to the Director by any water well contractor or driller for the conduct of drilling operations to ensure compliance with the procedures and standards contained in this part; and

WHEREAS, O.C.G.A. § 12-5-125 of the Act requires that no person, including licensed water well contractors, drill any kind of well, borehole, or corehole, other than a water well or geothermal borehole, unless such person is acting under the direction of a professional geologist or a professional engineer; and

WHEREAS, O.C.G.A. § 12-5-134(5)(C) of the Act requires that geologic boreholes shall be constructed under the direction of a professional engineer or a professional geologist; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-5-133.1(a) requires that any person violating any provision of this part or the rules or regulations effective under this part shall be liable for a civil penalty not to exceed \$5,000.00 per day. Each day during which the violation or failure or refusal to comply continues shall be a separate violation; and

Background

WHEREAS, Respondent's application for developing a heavy mineral sand mine along Trail Ridge in Charlton County, Georgia, included the Geologic Characterization at Twin Pines Mine report (Report) dated October 31, 2019; and

WHEREAS, on November 9, 2022, the Division requested additional information from Respondent regarding the boreholes discussed in the Report; and

WHEREAS, in additional correspondence between Respondent and the Division on November 10, 2022, January 6, 2023, May 11, 2023, May 15, 2023, and May 19, 2023, the Respondent provided information regarding the boreholes discussed in the Report; and

WHEREAS, on January 6, 2023, the Division received a performance bond for drillers from Respondent; and

WHEREAS, James H. Powell, Jr., an employee of Respondent, submitted an application for reciprocity as a Professional Geologist to the Georgia State Board of Registration for Professional Geologists on September 13, 2017, but did not become a registered geologist in Georgia until May 4, 2018; and

WHEREAS, the Division alleges that the additional information provided by the Respondent to the Division demonstrated that over 107 days in 2018 and 2019 Respondent drilled 416 boreholes on five tracts (Adirondack, Dallas Police & Fire, Keystone, Loncalla, and TIAA) all located in Charlton County, Georgia without providing a performance bond or letter of credit to the Director for the conduct of drilling operations as required by O.C.G.A. § 12-5-135(a); and

WHEREAS, the Division alleges that the additional information provided by the Respondent to the Division demonstrated that over 24 days in 2018 Respondent drilled 86 boreholes on three tracts (Adirondack, Loncalla, and TIAA) all located in Charlton County, Georgia while not under the direction of a professional engineer or a professional geologist registered in the state of Georgia as required by O.C.G.A. § 12-5-125 and O.C.G.A. § 12-5-134(5)(c); and

Alleged Violations

WHEREAS, Respondent violated O.C.G.A. § 12-5-135(a) by drilling boreholes on 107 days without providing a performance bond or letter of credit to the Director for the conduct of drilling operations; and

WHEREAS, Respondent violated O.C.G.A. § 12-5-125 and O.C.G.A. § 12-5-134(5)(C) by drilling boreholes on 24 days while not under the direction of a professional engineer or a professional geologist registered in the state of Georgia; and

Conditions

WHEREAS, the Director has determined that an amicable disposition of the alleged violations set forth herein is in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions, the parties hereby resolve the allegations in this matter upon order of the Director and consent of Respondent as follows:

1. Within thirty (30) days of the execution date of this Order, Respondent shall submit to the Division a report signed and stamped by a licensed Georgia Professional Geologist or

Professional Engineer describing the status of all boreholes at the Mine Site. If any boreholes at the Mine Site are no longer in use and have not been properly abandoned in accordance with the requirements of the Act and consistent with the highest standard of care and practice of such professionals, the report shall also include plan, including the sequence and approximate timelines, for ensuring that all boreholes have been properly abandoned; and

2. Within thirty (30) days of the execution date of this Order, Respondent shall pay to the Division the sum of \$20,000.00, Twenty Thousand Dollars as a civil penalty in settlement of the alleged violations set forth herein. Payment shall be in the form of a certified check or money order made payable to the Georgia Department of Natural Resources (Environmental Protection Division) and shall be delivered to the Department:

Wei Zeng

Georgia Environmental Protection Division, Watershed Protection Branch

2 Martin Luther King, Jr. Drive, Suite 1057, East Tower

Atlanta, Georgia 30334

Deadlines

Time is of the essence in this Consent Order. Compliance with any deadline that falls on a Saturday, Sunday or state-recognized holiday shall be by the next business day.

Addresses

All notices, correspondence, etc., from the Director and the Division to Respondent relating to this Consent Order shall be sent to:

Steve R. Ingle

Twin Pines Minerals, LLC

2100 Southbridge Parkway, Suite 540

Birmingham, AL 35209

Respondent shall submit address changes to the Division in written notice sent by certified mail; such notice shall include this Order number.

All correspondence from Respondent to the Division relating to this Consent Order shall be sent to:

Wei Zeng

Georgia Environmental Protection Division, Watershed Protection Branch

2 Martin Luther King, Jr. Drive, Suite 1057, East Tower

Atlanta, Georgia 30334

Public Notice

This Consent Order may be subject to public notice and comment.

Required Submissions

Twin Pines Minerals, LLC

Upon the submission of any reports, plans, schedules or other information required by any Condition(s) of this Consent Order, the Division shall review the submission to determine its completeness. If the Division determines that the submission is complete, the division shall notify Respondent in writing that the submission is approved.

If the Division determines that the submission is incomplete, it shall provide Respondent with written notice of the deficiencies. Respondent shall have thirty (30) days from issuance of the Division's notice of deficiency to submit a corrected submission.

All submissions required by this Consent Order are, upon approval by the Division, incorporated by reference into, and made part of, this Consent Order. Any noncompliance with an approved submission shall be deemed noncompliance with this Consent Order.

Approval by the Division of any submission required by this Consent Order is not an agency determination that compliance with any state laws, regulations and/or permits, licenses, etc., will thereby be achieved, but is strictly limited to the completeness of the technical aspects of the submission with regards to the requirements of this Consent Order.

Force Majeure

Failure of Respondent to complete the requirement(s) of any Condition(s), other than payment obligations, by the deadline(s) specified therein may be excused by the Division if 1) Respondent's failure was caused by a force majeure event, and 2) Respondent complies with all notification requirements in this section. Respondent shall have the burden of proving to the Division that it was rendered unable, in whole or part, by the force majeure event to meet the deadline(s).

The term "force majeure event" as used herein shall be limited to the following: an act of war (whether declared or not), including an invasion, act of foreign enemies, or terrorism; a strike, lockout, or other labor or industrial blockade or embargo which is not attributable to any unreasonable action or inaction on the part of Respondent; public riot; specific incidents of exceptional adverse weather conditions or natural disasters such as a hurricane, flood, or earthquake; a fire or explosion affecting the Respondent's operations; failure to secure timely and necessary federal, state, or local approvals or permits, provided approvals or permits have been timely and diligently sought; and any other occurrence caused by unforeseeable circumstances beyond the reasonable control of Respondent, as determined by the Division in its sole discretion.

Within two (2) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall notify the Division verbally or in writing. Within seven (7) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall submit written notice to the Division of the force majeure event, the possible effects and the anticipated length (if known) of any delay. The Division shall review the submission and negotiate with Respondent regarding the length of the proposed extension of deadlines, if any. The Respondent shall exercise due diligence and adopt all reasonable measures to avoid or minimize any delay.

Effect of Order

Respondent consents and the Director executes this Consent Order solely for the purpose of addressing the alleged violations set forth herein. This Consent Order does not relieve Respondent of any obligations or requirements of any statute, rules, permit, or other matter administered by the Division except as specifically authorized herein, which authorization shall be strictly construed. This Consent

Order is not a finding, determination, or adjudication of a violation of any state laws, rules, standards and/or requirements, nor does Respondent by consenting to this Consent Order make any admission with respect to any factual allegation contained in this Consent Order or to any liability to any third party.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

Further Enforcement

Failure by Respondent to comply with any provision of this Consent Order may result in further enforcement action. Issuance of this Consent Order does not waive the Director's right to use the violation(s) alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

Finality

For the purpose of enforcement, this Consent Order constitutes a final order of the Director in accordance with applicable Georgia law. By agreement of the parties, this Consent Order shall be final and effective immediately upon execution by the Director, shall not be appealable, and Respondent does hereby waive all administrative proceedings and judicial hearings on the terms and conditions of this Consent Order.

Electronic Signatures

The parties agree that any electronic signatures on this Consent Order constitute original, valid signatures pursuant to the Uniform Electronic Transactions Act, O.C.G.A. § 10-12-1 *et seq.*

Jan 23, 2024

It is so ORDERED and CONSENTED TO on the following date _____.

For the Georgia Environmental Protection Division:

By: Jeffrey W. Cown

Jeffrey W. Cown, Director

For Respondent:

By: [Signature]

Printed

Name: STEVEN R. TUGGE

Title: PRESIDENT