

# Red Lake Update February 8, 2021

I am sorry I have not posted many updates lately, but the pond sediment challenges have changed. What follows is a summary of each.

I apologize for the amount of information here, but there has been a lot going on since the last time I updated you. I think you will find that I have not been idle.

## Stop the Sediment

This of course was our first target, or goal:

- Work with whomever can help us get control of the sediment going into the pond,
- Educate whomever wants to listen about the problem,
- Bring in as many parties as possible to help and support our goal.



### Results of Our First Target

- We worked with SCDHEC (mostly through Paul Quattlebaum), Lexington County Stormwater (mostly with Carey Suber), Lexington Town Council (mostly with Todd Carnes), Golden Hills (mostly with Dian Berry, and lately Chad Berry), and Golden Hills HOA (Great support from many), Golden Hills Residents (Great support from many),
- Together we (all mentioned above) have learned a lot more about sediment problems, and methods to control sediment.
- Together we were able to get the new Golden Hills housing development area much more stable - faster.
- Together we have been able to stop most of the sediment going into the lake. Although sometimes the water in the lake is still red, the sediment volume is much less than it used to be.
- A lot more sediment got into the lake than many would have liked, but at least we made it better than it would have been without us all working together. **NOTE: I provided what I was going to include in this post to Dian and Chad. Dian responded via email on January 21st 2021: "There is some silt that has washed through pipes and ditches during the project. The County was constantly monitoring this and repairs were made to address any of their concerns and the work done was approved."**

## Remaining Challenges with Sediment Control

We still have two silt challenges remaining; 1) helping Lexington County and DHEC know when individual contractors fail to protect the development from dirt and sediment flows from their construction sites, and 2) working with all powers that be to get the two ditches at the termination point of the stormwater system able to stop at least 80% of the sediment getting to the lake. Although the level of sediment getting to the lake is much less than it used to be before the corrections, it would be best to continue best practices to stop any new sediment coming in.



At this time this is what has been done, and needs to be done:

### Has Been Done

- Lexington County and DHEC has been meeting with the Berry's and their contractors to get the stormwater system complete and approved. The last update from Lex. County was from Carey Suber on the 21st, "I went out to inspect Golden Hills with Chad Berry last week and gave instructions on what needed to happen (to bring the termination ditches up to specs) and he assured me he would get right on it. They do have a bonded plat so technically they can start building on lots as long as Dhec and the County has approved the permits of which I have not seen yet and will check on."
- Information about the termination ditch progress and problems sent to Paul Quattlebaum on the 25th.

### Needs to Be Done

- Final walk through inspection on January 26th about the termination ditches (DHEC (It turned out that DHEC was not there for the meeting, but I don't know if they weren't invited, or just didn't come), Lex. County, Town of Lexington, CBG, Chad Berry, and Mike Husman.)
- Update website with education about silt screens for the construction sites starting in phase 5 development. Also list of contacts if a problem is seen.

### January 26th meeting results

- Carey Suber and the town of Lexington did a complete tour of the site giving all involved a list of things that still need to be completed to finish the job,
- I joined the meeting at the termination area ditch.
- I have not seen the report yet, but I believe the only items to be completed that really affect the pond will be:
  - **Nothing done at the end of the outlet pipes.** Everyone concluded that evidently some type of concrete baffles or barrier that should have been added at the end of the pipe will not be corrected because the engineering plans were bad, but they were signed off on by everyone (County of Lexington, and DHEC). They did say that at least the engineer is now gone. I said, "Shouldn't this be corrected." They all agreed that nothing will be done because DHEC signed off on the plans and they haven't said much is wrong with the site on their visits.

### Rock Check Dams in the Outlet Ditch.

All agreed that the engineering plans were no good - Rock Check Dams should have been built in the ditch. **NOTE: I provided what I was going to include in this post to Dian and Chad. Dian responded via email on January 21st 2021: "We do not agree that the ditch below #7 tee was not built or engineered correctly"**

However, they all agreed that since DHEC evidently isn't pushing it, they must be OK with it. However, thankfully Carey Suber said he could not accept the way the ditch is built at this time. He did say that CBG's responsibility ended at the end of the pipe, so it is Golden Hills that has to get the ditch right.

The meeting ended with Carey saying that he would write up his report and Golden Hills will have to make "some" corrections to the ditch. I don't know exactly what those corrections are going to be, but from the conversations I am not real sure how much is really going to be done. **NOTE: I provided what I was going to include in this post to Dian and Chad. Dian responded via email on January 21st 2021. "The things that we were asked to do during the inspection this week will be done as soon as weather permits."**

I guess the good thing is that the big damage is past, and all we now have is the opening of 50 home sites. I guess whatever additional silt is added to the lake will not make much difference in what has already occurred.

**There is a little piece about DHEC best practices for sediment rock dams if you want to know more check out the "Main Input Ditch" problem.**

## Next Step Repairing the Damage

While we continue to work on the above mentioned challenges with sediment, we have one final challenge to consider - how can we repair the possible damage done to the lake?

This is something I started working on back in November, and the reason not much has been reported is that it involves conversations that needed to be one-on-one to begin with.

What follows below is the communications between me and the Berry's.

**The following email is what kicked off the desired conversation with Dian. This was sent to her November 10th. This email details a plan to determine if there was a silting problem, or not.**

I was wondering if you could find the time to meet with me this week for about 20-30 minutes.

What I would like to discuss with you is the silting of the pond on hole #6. Since the large silt dump should be past us now, I think it may be a good idea to find out how much silt damage we do have in the lake.

My basic thinking is this:

- I believe the silt dump was somewhere between 100 to 200 cubic yards. This is based on documented depth of erosion cuts that were made in the road throughout a series of multiple rain episodes.
- I would propose that a small sampling survey of the pond be done by a pond silting expert. (They go out and do a series of core samples in the pond to see the silt history and determine how much of a silt problem we really do have.) I pray very little silting, or none, but we just don't know unless we check.
- I would suggest that we pay for this small sampling survey by cost sharing between the home owners fronting the lake, and the HOA. Of course I don't know if either is possible, but we're just talking at the moment.
- If the small sampling survey comes back with little or no silting problem - we do nothing but celebrate.
- If the small sampling survey comes back with a silting problem that suggests a compromising of the future of the pond - we decide as a group whether to go forward with a full sampling survey. The only purpose for completing a full sampling survey is to go forward with remediation of the pond.
- Of course remediation has to be paid for. If the full sampling survey comes back confirming a silting damage problem, I believe we will have enough evidence to attempt to collect damages from CBG and the County of Lexington. Both were clearly at fault for the damage.
- This will require all of us to decide if we want to go forward with the cost of retaining a lawyer for the lawsuit.

Please let me know if we can talk this over sometime this week. Just give me a couple meeting dates and time options and I will confirm back to you.

### On November 30th I got this response from Dian:

**After speaking with the County inspector, our contractor and engineer, we do not feel there has been a significant amount of silt washed into the pond from construction of Phase V. If there were excess silt built up in the pond, the ditch behind the house on hole # 6 would also be full of it. Upon inspection, both the County and DHEC have not seen a buildup and have found water flowing as engineered.**

**We, along with the Country, will continue to monitor the area. If there appears to be a problem, we will act accordingly if deemed necessary by the County and DHEC.**

### A Note About the Above Comment

I did call the County Inspector (Carey Suber) and the DHEC inspector Paul Wise. I can confirm that they did not tell me, **"have not seen a buildup and have found water flowing as engineered"**. Also, in a conversation with Chad and Dian when we met January 15th Chad did say that he agreed that the ditch along hole #6 was filled with silt. **NOTE: I provided what I was going to include in this post to Dian and Chad. Dian responded via email on January 21st 2021: "Chad did not say the ditch beside #6 is full of silt."**

### December 1st - My response to Dian

Thank you for your response. I would say I am surprised by your determination of no damage. However, I am guessing you would then have no problem if we go forward with a silt survey of the pond to confirm pond silt damage or no damage. Of course, there would be no cost to you for this.

Please let me know if you are OK with this.

### December 2nd - Dian to me

**More silt washed into the pond from the 2015 flood than whatever may have come from the current project. There will not be a way to distinguish from the two events.**

### December 2nd - My response to Dian

I would love to meet so we can discuss this. However, there is a way to tell when silt damage occurred. For the initial survey it is a simple process of taking a few core samples around the lake (these are easy to take because the silt is so soft). When you look at a core sample you see the silt layers with normal layers of pond scum separating the silt layers. Anyway, this clearly defines the layers. The top layer would be the one since the start of Phase 5.

### January 15th - My Notes about the meeting with Dian and Chad at their office

I believe the meeting went well. I believe we had a good meeting and discussed a lot. Through the meeting I encouraged us all to treat this as a neighbor-to-neighbor thing, and I believe we did during the meeting. However, both Dian and Chad made the point that they feel they have done a good job of doing what is right for this community, and believes the community should know that they have everyone's best interest in mind, but have to sometimes make decisions that may not seem to fit that desire - but don't forget that this is a business.

I do know that they do many things that are good for the community as a whole, however, I kept stressing that I think it would be a good idea to at least know if there is, or isn't a problem and then discuss options together.

This is pretty much how I think we left the meeting, but I felt that it was likely they would not want to do what I had suggested.

### January 20, 2021 - Dian to me

**We have been in contact with our attorney. We have decided not to take any action at this time regarding the pond. However, we will continue to monitor the situation. As we discussed, it is in our best interest to take care of the pond. If action is needed in the future, we will address it at that time.**

**Thanks for taking the time to meet with us. We appreciate your interest and input.**

### 1/21/2021 - Me to Dian and Chad

I am not at all surprised your lawyer said no. As I said in our meeting, "My experience with corporate lawyers is that they always say NO because it is easier for them."

However, I am disappointed to hear your decision not to discover if there is a problem with the silting of the pond or not.

I still don't quite understand your reasoning, not at least to discover if there is a problem or not. As we discussed, there could be a silting problem that will ultimately destroy the pond for all of us, or there could be no problem at all. If we don't do simple testing to see (at no cost to you) - we will not know until the pond turns into a swamp and will be very expensive or impossible to remediate, or we are lucky, and the pond turns out to be healthy.

Of course, the other problem is that doing nothing will cause us (you and the homeowners) to lose the opportunity to have the people who caused the damage pay for some or all of the damage. At least if we did the simple testing, we would have a neighborly conversation about possible solutions that work for ALL involved.

Again, I ask you as a neighbor, to work together to find out what the situation is we all face with the pond - no problem, or some level of a problem.

As we discussed in our meeting, I will do the following:

- \* I will draft a letter to the lakefront homeowners and the HOA about our conversations,
- \* I will send this letter to you for your comments, suggestions, added statement requests, or any other requested changes. I view this as a neighbor-to-neighbor conversation who want to work together for a better environment for all involved,
- \* I will draft a final letter to the homeowners and the HOA and post it on the site from whatever you return to me.

## The Way Forward From Here Concerning Sediment Control

- **Knowledge**  
I am in hopes that Dian and Chad will ultimately decide to at least find out if there is a problem with the silting, or not. I truly believe this is the best for everyone.
- **Communication**  
I am hoping this does not create any problems with communications between all of us. It is always better for all of us to be working together for the benefit of all involved. We don't want anyone to lose, or win. I want to see everyone win, and no one lose.
- **Beautiful Place**  
I am hoping that everyone remembers that this is a beautiful place, and praying that everyone will work together to keep it a beautiful place.

## Let's Talk About a Solution that Works for All

**This is the best solution.**