



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

June 12, 2015

Mr. Ryan Condon
High Seas Properties
1030 Jenkins Rd., Unit C
Charleston, SC 29407

**Subject: Inspection and Repair Action for the Lexington Mill Pond Dam (D_0958)
Class 1, High Hazard, Lexington County**

Dear Mr. Condon

The SC Dams and Reservoirs Safety Act confers upon the South Carolina Department of Health and Environmental Control (the Department/DHEC) the regulatory authority over certain dams within the state. Section 72-5 of the Dams and Reservoirs Safety Act Regulations conveys to the Department the authority and responsibility to compel regulated dam owners to take remedial measures as necessary to protect life or property from danger imposed by unsafe dams.

After a site visit conducted Tuesday, June 9, 2015, it was confirmed that this dam is unsafe and in need of repairs. The Department now requires that a detailed inspection of the dam be performed and that the necessary repair plans with specification are submitted to DHEC for a review leading to permit approval. As owner of a regulated dam, which has been determined through preliminary inspection to be unsafe and a danger to property or life, the detailed inspection of the dam and any repair or removal work are your responsibility. You are now required to perform the actions necessary to either repair or remove the dam in compliance with South Carolina law by November 30, 2015. The first action required is the development of an action plan containing scheduled milestones. This action plan must be received by DHEC before the close of business on June 26, 2015. Additionally, a permit application prepared to correct all deficiencies discovered by the engineer during the detailed inspection must be submitted to DHEC by July 13, 2015.

Also, enclosed with this letter is an inspection report and photographs documenting a preliminary inspection performed by Mr. Steve Hauptman for our Midlands EQC Columbia Office. The general comments and recommendations in section IV of the report must be adequately addressed and scheduled in the action plan.

The action plan must include at a minimum the anticipated initiation and completion dates for the following actions:

- Detailed inspection performed by a SC registered professional engineer that will be submitted with the permit application package as described above.
- Preparation and submittal of a final permit application package (note-the deadline above for application submittal).
- Work required to remedy the condition of the dam (note- for scheduling purposes, allow 30 days for DHEC to issue a permit once the final permit application package is received).

- Actions as required to address comments and recommendations in section IV of the enclosed DHEC form 2604.
- Submittal of the Notice of Completion (this must be filed within 10 days of completion of permitted work).
- Issuance of Certification of Completion or Operation by DHEC (this may take up to 30 days once the Notice of Completion is received).

Please note- no further work to repair or remove this dam can lawfully be performed, unless the work is required to save the dam from failure during an emergency situation. The following links may be used to obtain copies of the Dams and Reservoirs Safety Act and Regulations:

Regulations- <http://www.scdhec.gov/Environment/docs/r72-1.pdf>

Act- <http://www.scstatehouse.gov/code/t49C011.php>

Additionally, you are required to immediately perform such actions needed to safely reduce the amount of the water impounded by this dam to a level where there is no longer a substantial danger of dam failure as determined by your engineer and approved by DHEC. This level must be maintained until certification of completion is issued by DHEC for the repair or removal work required to remedy the condition of this dam.

Please don't hesitate to contact me if you have any question or comments. I may be contacted by phone at 803-898-4212 or by email at pooleja@dhec.sc.gov (preferred).

Sincerely,



John A. Poole, PE - State Dam Safety Engineer
Surface Water Monitoring and Dams Safety Section

Enclosures: Completed DHEC Form 2604 and Inspection Photos
Notice of Ownership Transfer Form 2605

cc: Steve Hauptman - Midlands EQC Columbia Office