



S.C. Department of Health and
Environmental Control

Permit for Construction in Navigable Waters

in Accordance with R. 19-450 et. seq., 1976 S.C. Code of Laws

PERMITTEE: SC DHEC

PERMIT NUMBER: GP 2009-001 (revised)

DESCRIPTION OF WORK: **The revised general permit would authorize activities that are subject to permitting by the US Army Corps of Engineers and qualify for a nationwide permit and also need a Construction in Navigable Waters permit. Project is located in Navigable Waters in all Counties of South Carolina**

DATE PERMIT ISSUED: September 8, 2022

CONSTRUCTION MUST BE COMPLETED BY: September 8, 2027

We have reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the permitting requirements of R. 19-450 et. seq., 1976 S.C. Code of Laws.

This permit is subject to see attached General Permit GP 2009-001 (Revised) on the attached page as well as the general conditions.

The SC Department of Health and Environmental Control reserves the right to impose additional conditions on this Permit to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State standards.

All activities authorized by this permit remain subject to the requirements of all applicable laws, regulations and ordinances of federal, state, and local governments. The permittee may not conduct or maintain any activities authorized by this permit unless such activities also comply with all other applicable laws, regulations and ordinances of federal, state and local governments.

This permit shall not be deemed to be in derogation of any property rights or interests of persons or entities other than the permittee with respect to (a) property upon which the permitted activity is situated, or (b) property affected by the permitted activity. This permit confers upon the permittee no greater rights than the permittee possessed before issuance of the permit with respect to property rights or interests of third persons or entities.

Chuck Hightower, Manager
Water Quality Certification
and Wetlands Section

9/8/22
Date

SPECIAL CONDITIONS

SC DHEC

GP 2009-001 (revised)

1. See attached GP 2009-001 (Revised)

General Permit No.: SC GP 2009-001
Name of Applicant: The General Public
Effective Date: September 8, 2022
Expiration Date: September 8, 2027

South Carolina Department of Health and Environmental Control

General Permit

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R.19-450, Permits for Construction in Navigable Waters (et seq., Code of Laws of South Carolina, 1976), as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (the Department) to:

The General Public

To authorize, subject to the general and special conditions contained herein, activities that are subject to permitting by the US Army Corps of Engineers (Corps) and qualify for a nationwide permit (NWP) issued by the Corps where such activities have been certified by the Department in accordance with Section 401 of the Clean Water Act and the S.C. Coastal Zone Management Program in the Coastal Zone and are in accordance with all conditions pursuant to those certifications. This general permit also authorized activities that are subject to permitting by the Corps pursuant to an NWP issued in accordance with Section 10 of the Rivers and Harbors Act of 1899 for which a 401 Water Quality Certification is not required.

Special Note: The Corps issues NWPs for activities that have minimal individual and cumulative adverse effects on the aquatic environment. On January 13, 2021, the Corps published a final rule in the Federal Register. In this notice, the Corps announced that it was reissuing 12 of the existing NWPs and four new NWPs. On December 27, 2021, the Corps published a final rule in the *Federal Register* (86 FR 73522) announcing the reissuance of 40 existing nationwide permits (NWPs) and one new NWP. These 41 NWPs went into effect on February 25, 2022.

NAVIGABLE WATERS IDENTIFIED HEREIN

I. Permit Area

This permit authorizes construction in, on, over, or under all navigable waters of South Carolina, as defined at R.19-450.2.C.

II. Authorization to Construct

A. Duty to Apply. In order to be authorized to construct under this permit, an applicant must apply as specified in Part II.A.1 or 2 below

1. For construction projects in these waters, the applicant should create a user account for ePermitting at <https://epermweb.dhec.sc.gov/ncore/external/home> and apply for a Permit for Construction in Navigable Waters. (There is a factsheet entitled Navigable Waters

Permitting Process located at the following website <https://scdhec.gov/bow/navigable-waters>) If the Corps of Engineers has issued a provisional letter that must be submitted in ePermitting, and if the project will be constructed using a non-reporting Nationwide Permit, the Nationwide Permit number must be included in the application and the project must conform to the general and special conditions pursuant to those permits including any 401 Water Quality Certification and Coastal Zone Consistency Conditions as applicable.

2. Complete Application The Department may request additional information to complete the application requirements Part II.A.1 or 2 of this permit.

B. Authorization

1. Authorization An applicant is authorized to construct under this permit on the date of the Department's letter to the applicant, or the applicant's agent, giving notice of authorization.

2. Period of Authorization An applicant is authorized to construct under this permit for three (3) years after the date of the Department's letter giving notice that the applicant has been authorized to construct under the permit. Construction must be completed within three (3) years of the date of the letter, unless the authorization time is extended as set forth in Part II.B.3 of this permit.

3. Extension of Authorization Time A permittee may extend the authorization time to construct under this permit for up to three years, provided the request is submitted to the Department in writing prior to the expiration of the last authorization period, and prior to [three years from date of issuance], the date this general permit expires. The letter must state whether there has been any change in the circumstances since the last authorization was granted and the reason for the extension of time.

III. General Conditions

A. Activities authorized by this General Permit shall be structures or activities that are authorized by the Corps for coverage under a Nationwide Permits and which conform to the general and special conditions pursuant to those permits including any 401 Water Quality Certification and Coastal Zone Consistency Conditions as applicable. Nationwide Permits eligible for authorization under this general permit shall be as follows:

Nationwide Permit Number 1: Aids to Navigation

Nationwide Permit Number 2: Structures in Artificial Canals

Nationwide Permit Number 3: Maintenance

Nationwide Permit Number 4: Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities

Nationwide Permit Number 5: Scientific Measurement Devices

Nationwide Permit Number 6: Survey Activities

Nationwide Permit Number 7: Outfall Structures and Associated Intake Structures

Nationwide Permit Number 9: Structures in Fleeting and Anchorage Areas

Nationwide Permit Number 10: Mooring Buoys

Nationwide Permit Number 11: Temporary Recreational Structures
Nationwide Permit Number 12: Oil or Natural Gas Pipeline Activities
Nationwide Permit Number 13: Bank Stabilization
Nationwide Permit Number 14: Linear Transportation Projects
Nationwide Permit Number 15: U.S. Coast Guard Approved Bridges
Nationwide Permit Number 18: Minor Discharges
Nationwide Permit Number 19: Minor Dredging
Nationwide Permit Number 20: Response Operations for Oil or Hazardous Substances
Nationwide Permit Number 22: Removal of Vessels
Nationwide Permit Number 25: Structural Discharges
Nationwide Permit Number 27: Aquatic Habitat Restoration, Establishment, and Enhancement Activities
Nationwide Permit Number 28: Modifications of Existing Marinas
Nationwide Permit Number 31: Maintenance of Existing Flood Control Facilities
Nationwide Permit Number 36: Boat Ramps
Nationwide Permit Number 37: Emergency Watershed Protection and Rehabilitation
Nationwide Permit Number 38: Cleanup of Hazardous and Toxic Waste
Nationwide Permit Number 53: Removal of Low-Head Dams
Nationwide Permit Number 54: Living Shorelines
Nationwide Permit Number 57: Electric utility Line and Telecommunications Activities
Nationwide Permit Number 58: Utility Line Activities for Water and Other Substances

B. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, and in the institution of such legal proceedings as the Department may consider appropriate.

C. All necessary measures must be taken to prevent oil, tar, trash and other pollutants from entering the navigable waters.

D. The permittee must make every reasonable effort to execute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environment values or historic or prehistoric values.

E. The permittee must execute the work authorized herein in a manner so as to minimize any degradation of water quality.

F. The permittee shall permit State law enforcement personnel, representatives of the Department, or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

G. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or Local laws or regulations, nor does it obviate the requirement to comply with any applicable standards required by ordinance for the construction of structures authorized herein.

H. This General Permit may either be modified, suspended, or revoked in whole or in part if the Department determines that such action would serve the public interest, and such modification, suspension or revocation shall not be an act entitling the permittee to compensation for any claimed loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.

I. A permittee who desires to abandon an authorized structure, or who permits a structure to fall in to a state of disrepair such that it no longer conforms to the conditions of this permit, may be required to remove the structure.

J. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

K. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.

L. A permittee, upon receipt of a notice from the Department of failure to comply with the terms, conditions, or standards of this General Permit, shall, within sixty (60) days (unless circumstances require more expeditious action to protect public health, safety, or environment), without expense to the State of South Carolina and in such manner as the agency may direct, effect compliance with terms, conditions and standards.

M. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by humans which remain from past historic or prehistoric times (i.e. older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or nonrecent (i.e. older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

N. The permittee must notify the South Carolina Department of Archives and History, State Historic Preservation Office, 8301 Parklane Road, Columbia, SC 29223) if any archaeological materials are encountered during the course of the work, Archaeological materials consist of any items, fifty years or older, which were made or used by humans. These items include, but are not limited to, stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present or underneath the surface of the ground.

O. Prior to beginning any land disturbance activity, appropriate erosion control measures, such as silt fences, silt barriers, or other devices must be placed around the construction area and maintained in a functioning capacity until the area is permanently stabilized.

P. Activities in the Critical Areas (as defined in 48-39-10, R 30.1(D) and R 30.10) are not eligible for coverage under this General Permit.

Q. If a state endangered species is found during project activities, the permittee must notify the South Carolina Department of Natural Resources. Take of endangered species listed under S.C. Code of Laws §50-15-30 is prohibited.

R. At the time the applicant submits its permit application to SCDHEC, SCDHEC shall also submit a copy of the application to the S.C. Department of Natural Resources (SCDNR). SCDNR shall have fifteen (15) days from the receipt of the application to notify SCDHEC of any relevant special or unique natural resource features or values (such as the presence of endangered species) and any measure needed to avoid impacts to such special features or values or to recommend that the project be elevated to individual permit status.

IV. Special Conditions NWP may contain special conditions specific to the 401 Certification and/or Coastal Zone Consistency Certifications. Adherence to these specific conditions is required for coverage under this General Permit in addition to the following:

- A. Construction activities must avoid and minimize, to the greatest extent practicable, disturbance of woody shoreline/riparian vegetation within the project area. Removal of vegetation should be limited to only what is necessary and where stabilization is needed, disturbed stream banks should be restored with the use of bioengineering techniques for stream bank stabilization that incorporate and promote streambank revegetation with native plant species. Plantings should consist of appropriate native species for the ecoregion and should exclude plant species found on the exotic pest plant council list: https://www.seppc.org/southcarolina/SCEPPC_LIST2014finalOct.pdf
- B. Where necessary to remove vegetation in riparian buffers/streambanks for temporary purposes, supplemental plantings should be installed following completion of work. These plantings should consist of appropriate native species for the ecoregion.
- C. Once the project is initiated, it must be carried to completion in an expeditious manner to minimize the period of disturbance to the environment.

V. Special Conditions for NWP 7

- A. While the U.S. Environmental Protection Agency standard for limiting through-screen design in accordance with Section 316(b) of the Clean Water Act, is 0.5 feet per second (fps) or less, to better protect larval fish and weaker swimming species, the SCDNR recommends intake velocities of 0.25 fps or less.
- B. A passive screen with openings no larger than 0.10 inches should be included.
- C. Allow for complete removal of the intake and associated equipment upon completion of withdrawals,
- D. Intakes should be located in at least 3 feet of water and inspected regularly to ensure proper function.

VI. Special Conditions for NWP 12, 14, 57 and 58

- A. All excavations should be backfilled with the excavated material after installation of the appropriate structures. Sidecast spoil material from trench excavation should be placed on the side of the trench opposite streams and wetlands. Spoil material from trench excavation

should be placed on the side of the trench to be reused as back fill with the A-horizon placed back in its original position. Excess spoil material must be removed to an approved upland disposal site.

- B. Stream banks at crossings must be restored after construction has been completed. Disturbed stream banks can be restored by planting woody vegetation and by using bioengineering techniques for stream bank stabilization.
- C. Right-of-ways through and adjacent to streams should be maintained in low growing, woody vegetation to minimize stream bank erosion and sedimentation. Maintenance of this right-of-way should be conducted with mowing rather than with chemicals to reduce the potential for contamination and negative impacts on aquatic resources. If chemicals are used, a 50-foot buffer on either side of the stream crossing should be established where no herbicide treatments would be allowed. This will serve to retain the riparian vegetation while reducing the amount of chemical runoff into the aquatic environment.
- D. Any open trench must be temporarily fenced to reduce the likelihood of wildlife becoming trapped and must include a ramped section which would allow wildlife to escape. A full visual inspection of every open trench section must be made daily to identify any trapped wildlife in need of rescue.

VII. Special Conditions for NWP 12, 57 or 58 not issued under SC GP 98-002

- A. The use of HDD should be encouraged on all streams when possible; however, due to terrain and other limitations that it is not always possible. In such instances, the use of the flume method should be the required method for use over the dam and pump or open cut stream crossing methods. The flume method essentially provides a stream flow by-pass during construction, minimizing impacts to aquatic resources.

VIII. Special Conditions for NWP 27

- A. A Tier I sediment evaluation, in accordance with the Inland Testing Manual, is required for any project area immediately upstream of a dam removal project. If the Tier I evaluation indicates contaminated sediments are present, a Tier II evaluation may be required.

IX. Penalties for Violation Authorization obtained under this General Permit limits the size, length and use of structures. Any deviation from the specifications or other terms or conditions of the General Permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.

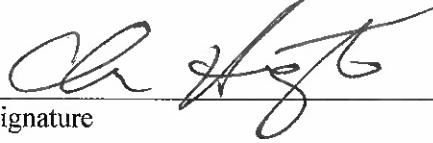
X. Revocation of General Permit This General Permit may be withdrawn by issuance of a public notice at any time the Department determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by this General Permit will be processed as individual permits.

XI. Duration of the General Permit This General Permit authorizes construction started within five (5) years and completed within eight (8) years of the date of issuance of this General Permit unless this General Permit is revoked in the interim. Revocation of this General permit will not affect work authorized when the General Permit was in effect. If the expiration date of this General Permit is reached prior to the

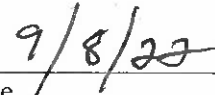
Department's issuance of a replacement General Permit, then this General Permit will remain in effect until a new General Permit is issued and/ or this General Permit is revoked.

This General Permit shall become effective on the date signed by the Department.

By Authority of the South Carolina Department of Health and Environmental Control



Signature



Date



Title