

D H E C



PROMOTE PROTECT PROSPER

South Carolina Department of Health

## Permit for Construction in Navigable Waters

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

**PERMITTEE:** Progress Energy Co., Inc. and lake view property owners adjacent to the waters of Lake Robinson in Darlington and Chesterfield Counties, South Carolina.

**PERMIT NUMBER:** GP 2003-001(Revised)

**DESCRIPTION OF WORK:** Construction, repair and maintenance of private non-commercial piers, docks, boat lifts, boat houses/slips, bulkheads, riprap and bio-engineering for erosion control, and heat exchange coils for heat pumps.

**DATE PERMIT ISSUED:** November 24, 2009

**CONSTRUCTION MUST BE COMPLETED BY:** November 24, 2014

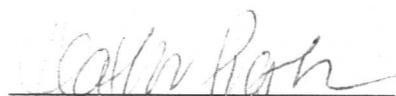
We have reviewed the application for this permit and comments related thereto and determined that there is a reasonable assurance that construction projects authorized under this permit will be conducted in a manner consistent with the permitting requirements of R. 19-450 et. seq., 1976 S.C. Code of Laws.

This Construction in Navigable Waters Permit is subject to all of the terms and conditions contained therein.

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.

  
Heather Preston, Director  
Division of Water Quality

11/24/09  
Date



**General Permit No.:** SC GP-2003-001 (Revised)  
**Name of Applicant:** Progress Energy Carolinas, Inc. and Lake View Property Owners adjacent to the shoreline of LAKE ROBINSON in Darlington and Chesterfield Counties, South Carolina  
**Effective Date:** November 24, 2009  
**Expiration Date:** November 24, 2014

**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, et seq., Code of Laws of South Carolina, 1976, as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to:

Progress Energy Carolinas, Inc.  
and Lake View Property Owners  
adjacent to the shoreline of LAKE ROBINSON  
in Darlington and Chesterfield Counties, South Carolina.

to authorize the construction, repair and maintenance of private noncommercial piers, docks, boat lifts, boat houses/slips, bulkheads, riprap and bio-engineering for erosion control and heat exchange coils for heat pumps.

This General permit is subject to the following conditions:

**I. General Conditions:**

A. Structures authorized by this General Permit shall be private, noncommercial, simple piers, docks, boat lifts, boat houses/slips, bulkheads, rip-rap and bio-engineering for erosion control and heat exchange coils for heat pumps conforming to the standards contained herein. Other construction of any kind within the waters of Lake Robinson is not authorized by this document.

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 SCDHEC may consider appropriate.

C. The structure owner must make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural

environmental values or historic or prehistoric values.

D. The structure owner must prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

E. The structure owner shall permit State law enforcement personnel, representatives of the SCDHEC, Progress Energy Carolinas, Inc. (PEC) 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.

F. The structure owner shall maintain structures authorized herein in good condition.

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 or Federal Energy Regulatory Commission regulations, nor does it obviate the requirement to obtain PEC assent or to comply with any applicable standards required by ordinance for the construction of structures authorized herein. PEC and other appropriate governmental authorities are not limited by this document and may impose more stringent requirements than those stated herein as deemed appropriate.

H. This General Permit may be either modified, suspended, or revoked in whole or in part if the SCDHEC 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. No attempt shall be made by the structure owner to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.

J. If the display of lights and signals on any structure authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the structure owner.

K. A structure owner 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.

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

M. 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.

N. Structure owners are advised of the possibility that piers, docks, boat lifts, boat houses/slips,

bulkheads, rip-rap and bio-engineering for erosion control and heat exchange coils for heat pumps may be subject to damage by wave wash from passing vessels. The issuance of this General Permit does not relieve structure owners from taking all proper steps to insure the integrity of their structures permitted hereby and the safety of boats moored thereto from damage by wave wash, and the structure owners shall not hold the SCDHEC liable for any such damage.

O. A structure owner upon receipt of a notice from the SCDHEC 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 or remove the structure from Lake Robinson.

P. This General Permit relates only to simple, noncommercial piers, docks, boat lifts, boat houses/slips, bulkheads, rip-rap and bio-engineering for erosion control and heat exchange coils for heat pumps and does not convey the right to place any closed structure or structures for any nonwater related use on or adjacent to the authorized structures without prior SCDHEC authorization.

Q. This General Permit authorizes the construction and continued use of certain structures in the navigable waters of Lake Robinson by landowners adjacent to Lake Robinson. This authorization is a revocable privilege and if changed circumstances warrant, the SCDHEC may revoke such privilege and require removal of a structure at the expense of the owner.

R. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Mr. Jim Spirek 803 777-8170) 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 man, 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.

S. The permittee must notify the South Carolina Department of Archives and History (Ms. Caroline Wilson 803 896-6169, Historic Preservation Division, 8301 Parklane Road, Columbia, South Carolina 29223) if any archaeological materials are encountered during the course of the work. Archaeological materials consists of any items, fifty years or older, which were made or used by man. 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 on the ground surface and/or under the surface of the ground.

T. Prior to beginning any land disturbing 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.

U. Structures authorized herein must not encroach across adjoining property lines nor the imaginary lakeward extension of the adjoining property lines.

**II. Special Conditions:** The following conditions set forth minimum criteria and do not preclude the establishment of more stringent criteria by appropriate authority or agreement.

A. Docks, Piers and Boat Lifts

1. Docks and piers shall not exceed 5 feet in width. Docks and piers may be constructed in waters with a depth of up to six (6) feet but in no event may they extend beyond the lesser of: 1) seventy-five (75) feet in length from the normal lake shoreline or 2) one third the distance across the affected waterway. Docks and piers shall not interfere with navigation, ingress or egress to adjoining property or be in any manner hazardous. In some locations, such as narrow coves, the maximum size may not be permitted or structures may not be permitted at all.

2. Floating docks are allowed only for use by the physically disabled as determined by PEC.

3. Piers, whether permanent, floating or a combination of both, may be up to 750 square feet in overall size (surface area). A maximum of 375 square feet is allowed without a pierhead or floating dock.

4. A variance, granted by SCDHEC, in the dimensions related to the length of piers and docks may be granted where shoreline or lake characteristics or conformity with existing structures makes conformance to those requirements impractical and other requirements of this permit are met.

5. Handrailing is permissible provided that the sides are not enclosed. Obstruction of cross vision (ability of boater to see objects/persons on the other side of the structure) is prohibited.

6. Enclosed storage areas are permitted provided they do not exceed 32 square feet in surface area. Storage areas must be located on the landward end of the pier or pierhead and must only be used to store water-based items, i.e., swimming, boating or fishing related equipment.

7. All permanent (fixed) docks must be built horizontally whereby the decking is at least one (1) foot above the full lake level.

8. Enclosed docks are not permitted. No sinks, toilets, showers, fueling systems/pumps or any other type of equipment or construction which will create or cause any liquid or solid waste or other potential pollutant to be discharged into the waters of the lake is permitted.

9. White reflective tape or white reflectors are required and must be maintained on each outermost waterward corner of the dock or pier and every ten (10) feet on both sides of the length of the pier.

10. Flotation for floating docks for the physically disabled shall be of materials manufactured for marine use. Materials must resist puncture and penetration and must not be subject to damage by animals. The uncoated, beaded polystyrene will not be permitted for any new construction or as replacement for existing facilities. Reuse of plastic, metal or other previously used drums or containers for encasement or flotation purposes is prohibited. Existing approved flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it must be replaced with approved flotation.

11. Docks must be single-story structures.

12. Private docks used to moor houseboats for habitation are not allowed by this General Permit. An individual Construction in Navigable Waters Permit is required to authorize these structures. Habitation conditions include, but are not limited to: sleeping overnight or staying on, around or within the moored boat for more than three consecutive days, hardwiring electric power or hardpiping plumbing to the boat, establishing a mailing address for the boat.

13. Boat Lifts connected to piers are allowable provided they do not block cross-vision. Lifts for personal watercraft such as jet skis will also be allowed. Not more than two (2) jet ski lifts per waterfront lot will be allowed.

14. Preexisting structures that do not conform to the Special Conditions contained herein may remain over the water for their useful lives, as long as they are in compliance with federal, state, and local laws and regulations (termed "grandfather" provisions). When major repairs involving more than 50 percent of the value of the structure, as determined by a certified licensed appraiser, are made, the structure must be repaired so as to be in compliance with the Special Conditions contained herein. If an existing structure is destroyed by fire or by other means, the replacement structure must be built in compliance with the Special Conditions and is not subject to the "grandfather" provisions.

#### B. Boat Houses/Slips

1. Boat houses/slips shall not be greater than 16 feet wide for a single slip or 24 feet wide for a double slip. The length shall not exceed 35 feet. However, the total surface area allowed for boat houses/slips in addition to docks and piers shall not exceed 850 square feet. The waterward edge of the boat house/slip shall not be constructed in waters with a depth of more than six (6) feet and in no event may extend beyond the lesser of: 1) 75 feet from the shore or 2) extend more than one third the distance across the affected waterway.

2. Roofs may be gabled or monosloped. Enclosed boat houses/slips are not permitted.

3. Boat houses/slips must be single-story structures.

4. Enclosed storage areas are permitted provided they do not exceed 32 square feet in surface area. Storage areas must be located on the landward end of the boat house/slip and must only be used to store water based items., i.e., swimming, boating or fishing related equipment.

5. No sinks, toilets, showers, fueling systems/pumps, or any other type of equipment or construction which will create or cause any liquid or solid waste or other potential pollutant to be discharged into lake waters is permitted.

6. Boat houses/slips must be fixed structures.

7. Preexisting structures that do not conform to the Special Conditions contained herein may remain over the water for their useful lives, as long as they are in compliance with federal, state, and local laws and regulations (termed "grandfather" provisions). When major repairs involving more than 50 percent of the value of the structure, as determined by a certified licensed appraiser, are made, the structure must be repaired so as to be in compliance with the Special Conditions contained herein. If an existing structure is destroyed by fire or by other means, the replacement structure must be built in compliance with the Special Conditions and is not subject to the "grandfather" provisions.

#### C. Bulkheads (Retainer Walls)

1. Bulkheads for erosion control may be no more than 500 feet in length.

2. The bulkhead backfill may not exceed an average of one cubic yard per running foot placed along the bank in navigable waters.

3. Bulkheads for erosion control must be constructed from pressure treated wood, concrete, vinyl or fiberglass, designed specifically for retainer wall use.

4. Bulkheads must generally follow the project boundary, to the extent practicable, and must be placed against the existing erosional scarp and landward of any wetland vegetation to prevent the loss of wetlands.

5. Bulkhead backfill must consist of clean earthen materials free of all potential sources of pollution.

6. The backfilled area must be stabilized with a vegetative cover after construction to minimize erosion.

#### D. Riprap and Bio-engineering

1. Riprap and bio-engineering for erosion control must generally follow the project boundary, to the extent practicable, and must be placed against the existing erosional scarp and landward of any wetland vegetation to prevent the loss of wetlands.

2. Riprap must consist of clean stone free of all potential sources of pollution. Preexisting riprap structures consisting of masonry material that otherwise meet the requirements of this permit are allowable. Any repair/replacement of these structures must consist of stone material.

3. The riprap revetment may be no more than 500 feet in length.
4. The riprap may not exceed an average of one cubic yard per running foot placed along the bank in navigable waters.
5. Riprap may be used in combination with bulkheads (retainer walls) provided that the combined total does not exceed 500 feet in length.

E. Heat Exchange Coils for Heat Pumps

1. The structures must not adversely affect navigation.
2. The heating/coolant medium used within the supply piping must be water.
3. Excavated material from trench excavation not used as backfill must be deposited on high ground and properly contained and stabilized to prevent erosion.
4. Stone used as trench backfill must be clean stone free of all potential sources of pollution.
5. All supply and return piping must be buried a minimum of two feet below the lakebed from the 222 elevation to a depth of five feet below maximum drawdown.
6. The exposed portions of the coils must be anchored to the lake bottom.

**III. Required Authorization:** Each person seeking authorization for the activities described in this General Permit must first obtain written approval from PEC. In obtaining authorization, each person shall provide written evidence to PEC that all landowners immediately adjacent to the property upon which the activity is to occur have been notified of the proposed activity. Failure to provide such evidence shall preclude authorization under this General Permit.

**IV. 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.

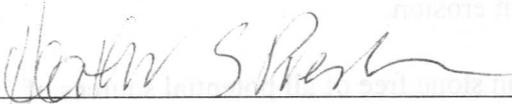
**V. Revocation of General Permit:** This General Permit may be withdrawn by issuance of a public notice at any time the SCDHEC determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation any future activities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

**VI. Reporting of Activities Authorized by the General Permit:** PEC shall furnish the South Carolina Department of Health and Environmental Control an annual tabulation of all activities authorized under the General Permit, including the location and type of work performed. The report is due by the 25th day of the following month.

**VII. Duration of the General Permit:** This permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. A revocation of the General Permit will not affect the work that had been authorized when the General Permit was in effect.

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

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

  
\_\_\_\_\_  
Signature

11/24/09  
\_\_\_\_\_  
Date

Director, Water Quality Division  
\_\_\_\_\_  
Title