D H E C

PROMOTE PROTECT PROSPER

South Carolina 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: **The General Public**
PERMIT NUMBER: **SC GP 2009-001 (Revised)**
DESCRIPTION OF WORK: The proposed activity is to authorize, subject to the general and special conditions contained herein, activities that are subject to permitting by the US Army Corps of Engineer (Corps) and qualify for nationwide permits (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 are in accordance with all conditions pursuant to that certification. Some NWP contained herein are subject to Section 10 navigable waters only and the 401 Certification is not applicable.
DATE PERMIT ISSUED: April 13, 2016
CONSTRUCTION MUST BE COMPLETED BY: April 13, 2021

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. The SC Department of Health and Environmental Control has also determined that this work is consistent with the Coastal Zone Management Program (48-39-10 et. seq.).

The permittee must adhere to all terms and conditions of the general permit.

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 — 4/13/16

Heather Preston, Director
Division of Water Quality

Date

General Permit No.:	SC GP-2009-001 (Revised)
Name of Applicant:	The General Public
Effective Date:	April 13, 2016
Expiration Date:	April 13, 2021

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, excluding the Critical Area, and are in accordance with all conditions pursuant to those certifications. This general permit also authorizes activities that are subject to permitting by the Corps pursuant to a 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 environmental. On February 21, 2012 (77 FR 10184), the Corps published a final notice to reissue 48 NWPs, issue two new NWPs and not reissue one NWP.

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. This excludes the Critical Area as defined in the S. C. Coastal Zone Management Program.

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 may submit to the Department a Permit Application for Construction in Navigable Waters and a copy of the provisional letter provided by the Corps certifying one of the NWP listed in this General Permit. The application form may be obtained by going to the Department's Internet page at: http://www.scdhec.net/eqc/water/forms/navwtrs.pdf, or a copy may be obtained by calling the Department at (803) 898-4300. Mail the application to:

Division of Water Quality
Bureau of Water
SC DHEC
2600 Bull Street

Columbia, South Carolina 29201-1708

2. **Complete Application.** The Department may request additional information to complete the application requirements of 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 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 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 have received provisional approval 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: Aides 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: Utility Line 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: Oil Spill Cleanup
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 48: Commercial Shellfish Aquaculture Activities

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. 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 environmental values or historic or prehistoric values.

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

E. 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.

F. 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.

G. This General Permit may be either 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.

H. 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.

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

J. 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.

K. 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.

L. 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 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.

M. The permittee must notify the South Carolina Department of Archives and History, 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.

N. 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.

O. 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.

P. At the time the applicant submits its permit application to SCDHEC, SCDHEC shall also submit a copy of the application to 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.

V. 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.

VI. 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.

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

Heather Preston 4/13/16

Signature Date

Director, Water Quality Division

Title