



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: **South Carolina Electric and Gas Company and Land Owners adjacent to Lake Murray**

PERMIT NUMBER: **SC GP 80-14-001 (Revised)**

DESCRIPTION OF WORK: Construction, repair and maintenance of private, non-commercial docks, boat lifts, boat ramps, marine railways for dry storage, seawalls, retainer walls, riprap for erosion control, intake pipes for irrigation, minor excavation, subaqueous utility lines, and overhead powerlines on Lake Murray in Richland, Lexington, Saluda and Newberry Counties.

DATE PERMIT ISSUED: May 24, 2013

PERMIT EXPIRATION DATE: May 24, 2018

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.

Please reference the attached copy of the general permit for 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.

Heather Preston, Director  
Division of Water Quality

5/24/13  
Date

**General Permit No.:** SC GP 80-14-001 (Revised)

**Name of Applicant:** South Carolina Electric and Gas Company & Land Owners adjacent to Lake Murray

**Effective Date:** May 24, 2013

**Expiration Date:** May 24, 2018

## **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:

### South Carolina Electric and Gas Company

to authorize the construction, repair and maintenance of private, non-commercial docks, boat lifts, boat ramps, marine railways for dry storage, seawalls, retainer walls, riprap for erosion control, intake pipes for irrigation, minor excavation, subaqueous utility lines, and overhead powerlines within the boundaries of

### LAKE MURRAY in Richland, Lexington, Saluda and Newberry Counties, South Carolina

The US Army Corp of Engineers has issued a General Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1341), 2007-2506-8GN, authorizing similar work in or affecting navigable waters of South Carolina, pursuant to regulations and procedures

This General permit is subject to the following conditions:

I. Authorized Activities and Special Conditions:

1. Docks

1.1 Individual: Private docks and common courtesy docks for homeowners associations, whether permanent, floating or a combination of both may generally be up to 750 square feet in overall size (surface area) and 75 feet in length provided they do not interfere with navigation, ingress or egress to adjoining property or are in any manner hazardous. In some locations, such as narrow coves, the maximum size may not be permitted or docks may not be permitted at all. Floating docks or platforms attached to permanent docks, may be shifted out during periods of low water, provided they are secured by steel cables to anchors or adjacent uplands and they are returned to the authorized location once the water level rises.

- a) Docks should be located a minimum of fifteen (15) feet from adjacent property lines and should not encroach across the imaginary lakeward extension of said property lines. Common use docks, between adjacent property owners, are encouraged. The 15-foot setback from adjacent property lines will be waived for existing or proposed common use docks. A copy of the written agreement to construct a common use dock will be furnished to South Carolina Electric & Gas Company (SCE&G) by the participating property owners.
- b) All permanent docks must be built horizontally between the elevation of 360-foot and 362-foot contour.

- c) Handrails and roofs on docks are permissible, provided that the sides of the docks are not enclosed so as to obscure cross-vision. Roofs will not exceed 256 square feet in area nor exceed 16 feet beyond the 360' contour.
- d) No sinks, toilets, showers, etc., or any type of equipment or construction which will create or cause any liquid or solid waste to be discharged into the waters of the lake will be permitted.
- e) Flotation devices on floating docks shall be encased or encapsulated. Exposed foam bead flotation billets, metal barrels or similar devices are not permitted.
- f) Houseboats used for habitation may not be permanently moored at private docks. Permanent mooring must be at marinas with waste pumping and treatment facilities.
- g) If located on a cove, the combination of the dock and vessel may not block more than one third of the cove.

## 2. Erosion Control

2.1 Rip-rapping. Rip-rapping for erosion control at the 360-foot contour and below is permitted provided it is placed against the existing erosional scarp, it is aesthetically acceptable, and the materials used have received prior approval by SCE&G.

2.2 Seawalls or retainer walls. Seawalls or retainer walls for erosion control are permitted provided they are constructed on/or above the 360-foot contour. Earthen fills below the 360-foot contour are not authorized under this General Permit.

- a) The activity shall not exceed 500 feet in length along the bank.
- b) No material shall be placed in excess of the minimum needed for erosion protection. The activity will not exceed an average of 1 cubic yard of material per running foot placed along the bank below full pool elevation.
- c) Bio-engineering materials, such as vegetation and open celled blocks, are encouraged whenever possible for bank stabilization activities.
- d) Materials must be non-polluting and shall not be placed in any special aquatic site, wetland or stream.
- e) No material shall be the type, or placed in any location, or in any manner, that would impair surface water flow into or out of any water of the State.
- f) No materials shall be placed in a manner that would be eroded by normal or expected high flows or wave action.

## 3. Excavation

- a) Only excavation that removes accumulated sediments is authorized under this General Permit. No excavation that exceeds the original reservoir bottom is allowed. A variance to this stipulation may be granted in certain instances where additional depth is needed for advanced maintenance or deeper depths due to boat drafts. The variance will be considered approved for the purposes of this General Permit upon approval by SCE&G.

- b) The quantity of soil to be excavated shall not exceed 150 cubic yards for each single and complete project.
- c) All excavation must be conducted directly in front of the individual's lot and will be approximately perpendicular to the existing shoreline.
- d) All excavation must be performed in the dry.
- e) All excavated soil must be placed in uplands located above the 360-foot contour and must be stabilized to prevent erosion and re-entry into the lake.
- f) Dimensions of the excavation cannot exceed a 10-foot bottom width with a resultant 4:1 maximum side slope allowed in the excavated area.
- g) No excavation of vegetated areas shall be performed.
- h) Connection of canals excavated above the 360-foot contour with the main body of lake is not authorized by this General Permit.

4. Fish Attractors, Reefs, Fishery Enhancement, and Aquaculture Activities

- a) Authorized activities include placement of fish attractors and habitat structures, spawning bed renovation, benthic barriers for aquatic weed control, and non-native aquatic vegetation removal.
- b) Only clean material, free of pollutants may be placed in the waterway. Typical structures authorized for fish habitat include recycled Christmas trees, cinder blocks, root wads, gravel and PVC structures.
- c) Structures shall not pose a hazard to navigation. Certain clearances, as specified by SCE&G, may be required over structures placed on the lake bottom.
- d) Structures may not cause an impact greater than 10 cubic yards.

5. Utility Lines

5.1 Subaqueous Utility Lines. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication. The term "utility line" does not include activities, which drain a water of the State, such as drainage tile; however, it does apply to pipes conveying drainage from another area.

- a) Utility line crossings, including discharges of material for backfill or bedding, are authorized provided the land surface is restored to the pre-construction contours.
- b) All buried utility lines must be installed a minimum of four (4) feet below the bottom elevation of the lake.
- c) Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the State provided that the material is placed in such a manner that it is not dispersed by currents or other forces.
- d) The area of waters of the State that is disturbed must be limited to the minimum necessary to construct the utility line.

- b) All debris must be properly disposed. Disposal sites on public land for natural debris may be authorized on a case-by-case basis by SCE&G. Otherwise the disposal may not occur on public lands.
- c) Living vegetation securely attached to the substrate is not considered debris and is not authorized for removal.
- d) Debris removal does not include the dredging or excavation of gravel, sand, silt, or clay. Proposed excavation must comply with Section 3. above for authorization under this GP.

7. Dock Anchors

- a) Authorized activities include the use of anchors on the lake bottom to secure large docks and socking facilities for safety purposes.
- b) Dock anchors shall not hinder or pose a hazard to navigation.
- c) Dock anchors must be constructed of durable materials as specified by SCE&G.

8. Scientific Measuring Devices and Surveys

- a) Authorized activities include use of devices whose purpose is to measure and record scientific data, water quality monitoring stations, and survey activities including core sampling, bore holes, soil surveys, and historic research surveys by Federal, state, or local agencies/government bodies or lessees.
- b) Authorized activities shall not hinder or pose a hazard to navigation.

9. Piles and Pile Supported Structures

- a) Authorized activities include the installation and maintenance of piles and piles supported structures or the used of spud poles for Federal, state, and local agencies/government bodies or lessees.
- b) Structures shall not hinder or pose a hazard to navigation
- c) Wood treated with creosote or chromate copper arsenate (CCA) may not be used in construction.
- d) Special aquatic sites, including wetlands, shall not be impacted.

10. Boat Lifts, Boat Ramps and Marine Railways

- a) Authorized activities include the installation and maintenance of boat lifts boat ramps and marine railways related to recreational type of activities.
- b) Boat ramps will be constructed of concrete. Use of asphalt compounds or petroleum products are not authorized under this General Permit.
- c) All boat ramps should be located so as not to interfere with neighboring property owners access unless adjoining property owners agree to common use of the ramp. A copy of the written agreement will be furnished to the SCE&G by the participating property owners.

- e) In wetlands, the top six (6) to twelve (12) inches of the trench should be backfilled with topsoil from the trench excavation whenever practicable.
- f) Upon completion of construction, excess material must be immediately removed to upland areas above the 360-foot contour and stabilized.
- g) Any exposed slopes and steambanks must be stabilized immediately upon completion of the utility line.
- h) Alignments, which traverse shallow vegetated coves, are not authorized by this General Permit.

#### 5.2 Overhead Powerlines and Communication Lines.

- a) For overhead power and communications lines, refer to Department of the Army Regulations ER 1110-2-4401 dated 30 May 97. This regulation defines the minimum vertical clearances to be provided when relocating or replacing existing power and communication lines or when constructing new power and communication lines over waters of reservoir projects. Minimum vertical clearances over lake or reservoir areas, where sailboats are commonly operated, shall be not less than the following.
- b) Power line clearances shall be calculated with 15,850mm (52 feet) Reference Vessel Height (see note C below) substituted for Reference Components in the National Electric Safety Code (NESC), Table A-2a.
- c) Low voltage communication lines, as defined in Section 2 of the NESC, shall have a minimum vertical clearance of 15,850mm (52 feet)
- d) For those crossings that are located at the end of a cove or within other areas of the Lake Project area that may not be suitable for sailboating authorized work may not be required to meet the minimum clearance requirements if other appropriate clearances and safeguards are determined to be adequate. To ensure that proposed clearances are determined to be adequate, applicants must notify Lake Office and the U.S. Army Corps of Engineers and provide detailed plans of the proposed work. Written approval from the U.S. Army Corps of Engineers must be granted prior to commencement of work.
- e) All existing overhead lines that do not comply with this criteria will be required to come into compliance by meeting the above requirements at such time upgrades are requested by the Utility Company. Upgrades consist of underbuilds, increased voltage, and general maintenance and repairs.
- f) The term Reference Vessel Height, as used in Category 1 above, is the vessels total height above the water including mast and all appurtenances. It is based upon a vessel height of 14,630mm (48 feet), including mast plus a 1,220mm (4 foot) antenna or other appurtenances to the mast, and it shall replace each Water areas-sailboats Reference Component of Rule 232 in Table A-2a of Appendix A of NESC.
- g) Copies of all new overhead powerline plans must be sent to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

#### 6. Debris Removal

- a) Authorized debris removal includes the removal of debris such as stumps, tree limbs, appliances, lumber, and metal objects, from any waterway for navigational or drainage purposes.

- d) Boat ramps may be up to twelve (12) feet wide and the minimum length required to be functional. Private, non-commercial boat ramps are authorized. However, public and semi-public boat ramps (e.g. for common access by Homeowners Associations) may be granted a variance. A variance will be considered approved for purposes of this General Permit upon approval by SCE&G without controversy.
- e) Marine railways constructed for access to the lake from dry storage facilities located above the 360-foot contour are permitted. Railways constructed below the 360-foot contour are restricted to 2-foot elevation above the natural lake basin.
- f) All boatlifts will be constructed adjacent to the owners' dock. No covers are to be constructed over boatlifts. One boatlift will be allowed for individual docks.
- g) Boat Lifts will be allowed for all community docks not to exceed 20 slips.

11. Buoys and Signs

- a) Buoys and signs for the purpose of public information or safety may be authorized for Federal, state, or local agencies/government bodies or lessees.
- b) Buoys and signs shall not hinder or pose a hazard to navigation.

12. Intake Pipes

- a) Intake pipes for irrigation associated with a single-family residence may be placed along the bottom of Lake Murray provided that they do not interfere with navigation, ingress or egress to adjoining properties, or are in any manner hazardous.
- b) Intake pipes must be two (2) inches or smaller in diameter and should be buried below the land surface of the lake bottom or anchored to prevent them from floating to the surface. The intake pipe should be located greater than three (3) feet below the surface of the water where practicable.
- c) Intake pipes may not be installed in "environmentally sensitive areas" such as vegetated shallows.

13. Heat Exchange Coils for Heat Pumps

- a) The structures must not adversely affect navigation.
- b) The heating/coolant medium used within the supply piping must be water.
- c) The exposed portions of the coils must be anchored to the lake bottom.

II. General Conditions:

1. 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.
2. That the permittee agrees to make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and environmental resources, or historic or prehistoric values.

3. That the permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality.
4. That the permittee shall allow State law enforcement personnel, representatives of the SCDHEC 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.
5. The permittee shall maintain structures authorized herein in good condition.
6. 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 local or the South Carolina Electric and Gas Company assent or to comply with any applicable standards required by ordinance for the construction of structures authorized herein. South Carolina Electric and Gas Company and other appropriate governmental authorities are not limited by this document and may impose more stringent requirements than those stated herein as deemed appropriate.
7. 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.
7. No attempt shall be made by the permittee to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.
8. 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 or the S.C. Department of Natural Resources shall be installed and maintained by and at the expense of the permittee.
9. 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.
10. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.
11. Permittees are advised of the possibility that piers, docks, boat ramps, marine railways for dry storage, bulkheads, rip-rap and bio-engineering for erosion control may be subject to damage by wave wash from passing vessels. The issuance of this General Permit does not relieve permittees 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 permittees shall not hold the SCDHEC liable for any such damage.
12. That this General Permit does not authorize work of structures within areas that are mapped as "environmentally sensitive areas" (ESA) or any other areas that meet the ESA criteria as defined by South Carolina Electric and Gas in the Shoreline Management Plan (SMP) for Lake Murray.
13. That the term "permittee" means the individual authorized to accomplish work under this General Permit. The majority of activities authorized under this General Permit are limited to private, non-commercial use. However, subaqueous utility lines and overhead powerlines are

typically constructed and/or maintained by corporations or other commercial entities.

14. That a variance in the dimensions or locations of the activities authorized herein may be granted in instances where conformity with existing structures would be practical and in cases where exceptions would be desirable due to curvature and/or slope of the shoreline. This variance will be considered authorized upon approval by SCE&G, provided that there is no unreasonable interference with navigation.
15. That this permit does not authorize any activities located in areas of known or significant sediment contamination.
16. A permittee upon receipt of a notice from the SCDHEC or the South Carolina Electric and Gas Company 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 Murray.
17. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Dr. Jonathan Leader, (803) 576-6560) 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.
18. The Permittee must notify the South Carolina Department of Archives and History (Ms. Rebekah Dobrasko, (803) 896-6183, Historic Preservation Division, 8301 Parklane Rd., 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 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.
19. 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.
20. All activities authorized by this General Permit must be in compliance with the current Shoreline Management Plan.

### III. Prohibited Activities:

All work that exceeds the terms and conditions specified herein is prohibited unless an Individual of Nationwide Department of the Army Permit has been obtained from the Corps of Engineers. All work for purposes other than those specified herein is expressly not authorized by this document.

### IV. Required Authorization

1. Each person seeking authorization for the activities described in this General Permit must first obtain approval for such activities from the South Carolina Electric and Gas Company. In obtaining authorization, each person shall provide notice of the proposed activity to all landowners immediately adjacent to the property upon which the activity is to occur and shall submit to the South Carolina Electric and Gas Company written evidence that such notice has

been provided. Failure to provide such evidence shall preclude authorization under this General Permit.

2. If structures authorized under this General Permit are located on or adjacent to South Carolina State Highway right-of-way, the South Carolina Electric and Gas Company shall, prior to the granting of assent or authorization to proceed with such structure, notify in writing, in sufficient detail, the South Carolina Department of Transportation of the location and nature of such structure.

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 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.

VII. Reporting of Activities Authorized by the General Permit The South Carolina Electric and Gas Company shall furnish the South Carolina Department of Health and Environmental Control a monthly tabulation of all activities authorized under this General Permit, including the location and type of work performed. The report is due by the 25th day of the following month.

VIII. 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

 5/24/13  
Signature Date

Director, Water Quality Division  
Title