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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: S.C. Public Service Authority (Santee Cooper)

PERMIT NUMBER: SC GP 97-001 (Revised 2008)

DESCRIPTION OF WORK: The proposed activity is a request to reissue the General Permit for private use activities in Lake Marion and Lake Moultrie, pursuant to regulations and procedures established under R. 19-450, Permits for Construction in Navigable Waters, as amended, to include the construction, repair and maintenance of private noncommercial piers, docks, boat ramps, moorings, boathouses, boatlifts, marine railways bulkheads, riprap and bio-engineering for erosion control by property owners adjacent to the waters of Lake Marion and Lake Moultrie.

DATE PERMIT ISSUED: March 18, 2008

EXPIRATION DATE: March 18, 2013

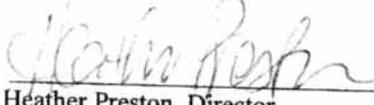
We have reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the permitting requirements of R. 19-450 et. seq., 1976 S.C. Code of Laws.

This permit is subject to the general conditions.

The S. C. 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 law, 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.

The 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

3/19/08
Date

General Permit No.: SC GP 97-001 (Revised)
Name of Applicant: South Carolina Public Service Authority (Santee Cooper)
Effective Date: March 18, 2008
Expiration Date: March 18, 2013

**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 Public Service Authority (Santee Cooper)

to authorize the construction, repair and maintenance of private noncommercial piers, docks, moorings, boat houses, boat ramps, marine railways for dry storage, groins, bulkheads, riprap and bio-engineering for erosion control by:

Lake Front Property Owners
adjacent to the waters of LAKE MARION and LAKE MOULTRIE
in Berkeley, Clarendon, Orangeburg, Sumter, and Calhoun Counties,
South Carolina

This General permit is subject to the following conditions:

I. General Conditions:

A. Structures authorized by this General Permit shall be private, single family, noncommercial, simple piers, docks, moorings, boat houses, boat ramps, marine railways for dry storage, groins, bulkheads, rip-rap and bio-engineering for erosion control on residential lots only and conforming to the standards contained herein. Only one pier, dock, boat ramp, railway, boat house or boat lift may be constructed on a single lot or tract of land. Other construction of any kind within the waters of Lake Marion or Lake Moultrie including excavation or filling 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 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 local Santee Cooper assent or to comply with any applicable standards required by ordinance for the construction of structures authorized herein. Santee Cooper 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, moorings, boat houses, boat ramps, marine railways for dry storage, groins, 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 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 Marion or Lake Moultrie.

P. This General Permit relates only to simple, noncommercial piers, docks, boat ramps, marine railways for dry storage, bulkheads and rip-rap for erosion control and does not convey the right to place any closed structure or structures for any nonwater related use on or adjacent to the pier, dock, boat ramp, marine railways for dry storage, bulkheads, rip-rap and bio-engineering for erosion control without prior SCDHEC authorization.

Q. This General Permit authorizes the construction and continued use of certain structures in the navigable waters of Lake Marion or Lake Moultrie by landowners adjacent to these lakes. 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. Rebekah Debrasko, 803-896-6169, Historic Preservation Division, 8301 Parklane Road, Columbia, South Carolina 292223) 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 sherds, 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 by this permit must be located a minimum of 10' from adjacent property lines and 10' from the imaginary lakeward extension of said property lines. A variance in the distance of a structure from the adjacent property lines may be granted in instances where conformity with existing structures would be practical and in cases where exceptions would be desirable due to curvature of the

shoreline. Common use structures, between adjacent property owners, are encouraged. The sideline limitation of 10 feet may be waived for proposed common use structures. A copy of the written agreement between participating property owners must be furnished to Santee Cooper.

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 and Piers

1. Piers shall not exceed 6' in width. Docks and piers may be constructed to a water depth of 4' but in no event may they extend beyond the lesser of: 1) fifty (50) feet in length from the normal lake shoreline (except as provided for in paragraph 3, below) 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 Berkeley County, dock walkways must not exceed 4' in width.
2. Piers and docks, whether fixed, floating or a combination of both, may have a "T" or "L" shaped terminus with each having dimensions not greater than 16' in length x 24' in width. The length of the terminus shall be included in the 50' maximum length prescribed for the structure in II.a.1. above.
3. A variance in the length of a structure may be granted where shoreline or lake characteristics or conformity with existing structures makes conformance with those requirements impractical and other requirements of this permit are met.
4. Hand railing is permissible provided that the sides are not enclosed and they do not exceed three (3) feet in height. Obstruction of cross vision (ability of boater to see objects/persons on the other side of the structure) is prohibited.
5. All fixed docks must be built horizontally whereby the decking is a minimum of two (2) feet above the maximum high water line of the lakes.
6. 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 to be discharged into the waters of the lakes is permitted.
7. 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 (20) feet on both sides of the length of the pier.
8. Flotation for floating docks shall be enclosed or encapsulated floatation. Styrofoam billets, barrels or similar devices are not permitted.
9. Docks must be single story structures.
10. 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.

B. Moorings

1. Mooring structures, i.e., dolphins, pilings or buoys, must be placed in association with piers and docks and shall not be located beyond 50' from the normal lake shoreline nor extend more than 1/3 the distance across the affected waterway, whichever is less, as provided for docks under paragraph IIA.(1), above. Mooring structures shall not be located in front of the associated pier or dock nor shall they be located greater than 20' laterally from the pier or dock.

2. The number of mooring structures shall be limited to two (2) per property except that a variance in the location and number of buoys may be considered provided their location does not extend beyond the distance prescribed in paragraph IIA.(1) nor shall they interfere with navigation or aesthetic values.

3. All mooring structures must be well marked with white reflectors or white reflective tape.

C. Boat Houses and Boat Lifts

1. Boat houses are only permitted in certain areas of Lake Marion as designated by Santee Cooper. Boat houses are allowed primarily in areas where high bluffs or hilly topography exist provided their construction does not obstruct cross vision.

2. Boat houses may be floating or fixed. Floatation material shall be enclosed or encapsulated floatation. Styrofoam billets, barrels or similar devices are not permitted.

3. 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 lake waters will be permitted.

4. Roofs may be gable, flat or hip. Gable or hip roofs are not to exceed 10' in height from top of pitch to the decking of the pier or 12' in height from the top of the pitch to water surface. Flat roofs are not to exceed 8' in height from top of pitch to the decking of the pier or 10' in height from the top of pitch to water surface. Enclosed boat houses are not permitted.

5. Boat houses are not to exceed 16' x 30' in dimensions.

6. Boat houses must be single story structures.

7. Covered boat lifts will be allowed in lieu of boat houses in those areas where water based boat houses are permitted.

8. Uncovered boat lifts will be considered for all areas of Lake Marion and Lake Moultrie

provided that when fully raised the bottom of the boat will not exceed the height of the decking of the pier. The total height of any portion of the boat lift may not exceed ten (10) feet above the ordinary high water elevation of the lake. Uncovered lifts for personal watercraft such as jet skis will also be considered; however, not more than two (2) per waterfront lot will be allowed.

D. Boat Ramps

1. Ramps must be constructed of reinforced concrete with a minimum thickness of 4". Asphalt compounds or petroleum base products are prohibited.
2. Ramps may generally be up to 12 feet wide and required length to be functional.
3. Ramps should conform to the existing topography, to the extent practicable, to minimize slope alterations. Excessive cut and/or fill to achieve the desired slope is not authorized.
4. Vegetated wetlands must be avoided to the extent possible, and if a proposed boat ramp would affect more than 500 square feet of vegetated wetlands, review and concurrence of the U.S. Fish and Wildlife Service and the S.C. Department of Natural Resources are required. In Berkeley County, boat ramps may not affect more than 200 square feet of vegetated wetland.
5. Upon completion of construction activities, all disturbed areas which are not paved must be restored to their original contours and must be permanently stabilized with a vegetative cover. This may include sprigging, trees, shrubs, vines or ground cover.

E. Marine Railways

1. Marine railways extending from onshore boat houses must not interfere with navigation.

F. Groins and Bulkheads

1. Groin walls must rise a minimum of 2' above the maximum high water mark of the lake.
2. White reflective tape or white reflectors are required and must be placed on each outermost waterward corner of the groin and every twenty (20) feet on both sides of the length of the groin.
3. Bulkheads for erosion control may be constructed from pressure treated wood, concrete, metal, vinyl or fiberglass subject to approval by Santee Cooper.
4. Bulkheads must generally follow the ordinary high water elevation, 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.

7. Bulkheads may be no more than 500 feet in length.

G Riprap or Bio-engineering

1. Riprap for erosion control must consist of clean stone free of all potential sources of pollution. Material must be approved by Santee Cooper.

2. Riprap must generally follow the ordinary high water elevation, 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.

3. Riprap revetments may be no more than 500 feet in length.

III. Required Authorization Each person seeking authorization for the activities described in this General Permit must first obtain approval for such activities from Santee Cooper. 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 Santee Cooper written evidence that such notice has been provided. 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 Santee Cooper 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.

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

Keith S. Prester
Signature

3/24/08
Date

Director, Water Quality Division
Title