D H E C

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Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

Public Notice

Revisions to SC DHEC – OCRM General Permits for:

Soil Boring(s), GP-13-SB
Directional Boring(s), GP-13-DB
Special Events, GP-13-SE

SC DHEC – OCRM is proposing to re-issue the above referenced general permits. Revisions have been made to each permit, including re-assigning the general permit numbers.

Copies of the proposed general permits are attached to this public notice. Written comments will be received on the proposed general permits until December 25, 2013. Comments should be sent to:

SC DHEC - OCRM
Attn: Blair Williams, Wetland Section Manager
1362 McMillan Ave, Suite 400
Charleston, SC 29405

November 25, 2013

South Carolina Department of Health and Environmental Control
Division of Ocean and Coastal Resource Management

General Permit – Soil Borings

Permittee:	Available to Citizens of South Carolina
Permit Number:	GP-13-SB
Date of Issuance	TBD
Expiration Date:	Five Years from the Date of Issuance
Location:	Within the tidelands of OCRM critical area in the eight counties of the Coastal Zone: Horry, Georgetown, Charleston, Berkeley, Dorchester, Colleton, Beaufort & Jasper

This permit is issued under the provisions of Act 123 of the 1977 South Carolina General Assembly and the Final Rules and Regulations of the South Carolina Department of Health and Environmental Control – Division of Ocean and Coastal Resource Management. Please Carefully Read the project description and any special conditions which appear on this permit because they will affect the work that is allowed. If no special conditions have been placed on this permit, then the work is authorized as described in the project description and as modified by the general conditions. The general conditions are also a part of this permit and should be read in their entirety. Please carefully read the enclosed "notice of appeal procedure"

Description of Project: Soil Borings

This permit has been approved as stated, subject to the following conditions:

Special Conditions:

1. Provided that the work is constructed in accordance with "Attachment A".

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND FIVE (5). BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

AN APPLICANT UTILIZING THIS GENERAL PERMIT HEREBY AGREES TO ABIDE BY THE TERMS AND CONDITIONS OF THE GENERAL PERMIT AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AS APPROVED BY THE AGENCY PERMITTING AUTHORITY. ANY DEVIATION FROM THESE CONDITIONS AND TERMS OF THIS GENERAL PERMIT OR THE PLANS AND SPECIFICATIONS OF THE PERMIT AS ISSUED SHALL BE GROUNDS FOR REVOCATION, SUSPENSION, OR MODIFICATION OF THIS GENERAL PERMIT AND THE INITIATION OF SUCH LEGAL PROCEEDINGS AS THE DHEC MAY CONSIDER APPROPRIATE.

GP-13-SB

Issued: TBD

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Permittee Date

This permit is effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.

Project Manager, Wetland Section Date

For Public Notice

South Carolina Department of Health and Environmental Control
Division of Ocean and Coastal Resource Management

General Permit – Soil Borings, GP-13-SB
"Attachment A"

Work: Soil Borings

Where: Within the tidelands of OCRM critical area in the eight counties of the Coastal Zone: Horry, Georgetown, Charleston, Berkeley, Dorchester, Colleton, Beaufort & Jasper

Description: Soil Borings

Special Conditions:

1. Any individual seeking authorization under this general permit, submit an application and include the following information (shown on computer generated drawings):

    - Proof of Ownership or other authorization to perform work on the proposed land
    - Specific date(s) of work
    - Exact location and number of the proposed soil borings
    - Depth of the proposed soil borings
    - Method of obtaining soil borings
    - Proposed Best Management Practices
    - Abandonment methods and Critical Area Restoration Plan

2. An individual authorization is limited to the scope of work described in the "Description" of the permit. Any deviation from the specifications or other terms or conditions of the General Permit will constitute a violation of the 1977 Coastal Zone Management Act and may result in having to stop work and restore the area(s) to the former conditions and/or imposition of penalties as provided by law.

3. The permittee must notify SC DHEC – OCRM, in writing, within 10 days of completion of work.

4. The permittee restores all disturbed Critical Area(s) to their original contours and conditions, no longer than 15 days of completion of work.

5. SC DHEC - OCRM reserves the right to require an individual permit if, in its determination, conditions warrant.

6. An individual authorization under this general permit will expire one year after issuance. It will not be extended. An individual authorization is non-transferrable.

GENERAL CONDITIONS FOR GP-13-SB:

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the South Carolina Coastal OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within **one year** of the date of issuance, this permit shall automatically expire. Individual authorizations under this general permit may not be extended
3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit the OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the OCRM.
8. That individual authorizations under this general permit may not be transferred.
9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the issued permit and shall be maintained in good condition. Failure to build in accordance with the issued permit or failure to maintain the structure in good condition shall result in the revocation of this permit.

12. That the authorization for activities or structures herein constitutes a revocable license. The OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by the OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That the OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the special conditions and/or the drawings submitted by the applicant. That the permittee, upon receipt of the Coastal OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the OCRM. (South Carolina Code Section 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the OCRM or the State of South Carolina or any employee, agent, or representative of the Coastal OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of other. This permit authorizes no invasion of adjacent of private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.