



General Permit No.: SC GP-98-002 (R)  
Name of Applicant: Public Utility Companies  
Effective Date: 02/15/2022  
Expiration Date: 02/16/2027

## South Carolina Department of Health and Environmental Control General Permit

By authority of the South Carolina Department of Health and Environmental Control (the Department) pursuant to regulations and procedures established under South Carolina Regulation 19-450, *Permits for Construction in Navigable Waters et seq.*, Code of Laws of South Carolina, 1976, as amended (R.19-450), a General Permit to perform work in or affecting the navigable waters of South Carolina is hereby issued to:

### Public Utility Companies

To authorize, subject to the general and special conditions contained herein,

### Installation of Utilities by Directional Boring and Aerial Crossing

Within:

### Statewide Navigable Waters Identified Herein

#### **I. Permit Activities**

**A. Authorized Activities.** This General Permit authorizes the following activities:

**1. Installation of Utilities by Directional Boring.** This General Permit authorizes installation of utilities consisting of pipes, cables, lines, or wires for transmission purposes including, but not limited to, electricity, telephone, telegraph, internet, radio, television, water, and sewer, using directional boring (a.k.a. horizontal directional drilling or HDD) under navigable waters of South Carolina subject to R.19-450, provided the work conforms to the terms and conditions of this General Permit.

**2. Installation of Utilities by Aerial Crossing.** This General Permit also authorizes installation of utilities consisting of cables, lines, or wires by aerial crossing over navigable waters of South Carolina subject to R.19-450, but limited to only those utilities that are for the

purpose of electrical power transmission, and provided the work conforms to the terms and conditions of this General Permit.

**B. Activities Not Authorized.** This General Permit does not authorize construction of any kind other than that described above in Section I.A.1 and I.A.2.

## **II. Permit Area**

**A. Included Waters.** This General Permit authorizes construction in, on, over, or under all navigable waters of South Carolina, as defined at R.19-450.2.C, except those navigable waters identified in Part II.B of this General Permit.

**B. Excluded Waters.** This General Permit does not authorize construction in, on, over, or under waters within the critical area of the coastal zone of South Carolina, as defined at Section 48-39-10 of the South Carolina Coastal Zone Management Act (48-39-10 *et. seq.*), including coastal waters and tidelands.

## **III. Obtaining Authorization to Construct under this General Permit**

**A. Duty to Apply.** In order to be authorized to construct, an applicant must apply as specified in Part III.A.1 of this General Permit.

**1. Application.** Applicants are required to apply for authorization through the Department's ePermitting Portal here: <https://epermweb.dhec.sc.gov/ncore/external/home>. The ePermitting Portal allows applicants to create a user account, enter information about a site where proposed activities are to occur, and apply for authorization for those activities, including uploading documents such as drawings and paying applicable fees. The fee for General Permit authorizations is \$50.00. If you would like to see tutorials on how to use ePermitting, please visit our ePermitting Training web page here: <https://www.scdhec.gov/epermitting-training>. Applicants may also find helpful information on the Department's Navigable Waters web page here: <https://scdhec.gov/bow/navigable-waters>.

**Please Note:** 1) Construction involving Navigable Waters of the United States may also be subject to federal permitting jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). If an application is received for construction in these waters, the applicant will be instructed to submit a copy of the application to the Charleston District U.S. Army Corps of Engineers Regulatory Program.

2) Electrical power transmission lines that are part of a water power project are subject to the regulatory authorities of the Department of Energy under the Federal Power Act of 1920 (See 33 CFR 322.5(i)(1)). If an application is received for a permit for lines which are part of such a water power project, the applicant will be instructed to submit a copy of the application to the Department of Energy.

**2. Other Information.** When considered appropriate by the Department, other information may be required prior to issuing an authorization to construct.

## **B. Authorization.**

- 1. Effective Date of Authorization.** A permittee is authorized to construct on the date of the Department's letter to the permittee, and/ or the permittee's agent, giving notice of authorization.
- 2. Period of Authorization.** A permittee is authorized to construct for three (3) years after the date of the Department's letter giving notice of authorization. Construction must be completed within three (3) years of the date of the Department's letter, unless the authorization period is extended as set forth in Part III.B.3 of this General Permit.
- 3. Extension of Authorization Period.** A permittee may extend the period of authorization or time to construct, provided a request is submitted to the Department in writing prior to the "construction must be completed by" date in the Department's letter giving notice of authorization. The extension request must state whether there has been any change in the circumstances (e.g. application details) since the last authorization was granted and the reason for the extension of time.
- 4. Transfer of Authorization.** Authorizations under this General Permit are issued in the name of the applicant and may not be assigned to another without the written permission of the Department and the written agreement of the transferee to abide by all the terms and conditions of this General Permit.
- 5. Other Required Authorizations.** Construction authorized by this General Permit may also require Federal, State, and/ or local authorization(s).

All navigable waters of South Carolina are considered public trust properties owned by the State. The State of South Carolina is the custodian of these lands and/or waters, and it is within the interest of the State to protect the public interest in which these lands are held. Any easements requested across, over, under or through state-owned property, including marshlands and navigable waters, require the approval of the South Carolina Department of Administration, upon approval of the State Fiscal Accountability Authority. Real Property Services reviews and assesses all such easement requests and presents easement requests to the five-member State Fiscal Accountability Authority for final approval of those easement requests determined to be necessary and beneficial. Applicants must submit a completed easement application to Real Property Services. For details about this requirement, please visit the South Carolina Department of Administration website ([https://admin.sc.gov/real\\_property/easements](https://admin.sc.gov/real_property/easements)) or contact them directly.

South Carolina Department of Administration  
1200 Senate Street  
Columbia, SC 29201  
Telephone: (803) 734-8120

The request for a State easement is the final step in the permitting process. All other required permits must be obtained prior to requesting the South Carolina Department of Administration and State Fiscal Accountability Authority approval.

#### **IV. General Conditions**

- A.** Authorization granted in accordance with this General Permit constitutes a revocable license to use the lands and waters within the jurisdiction of the State.
- B.** The Department may require the permittee to modify or remove activities or structures authorized herein if it is determined by the Department that such modification or removal is consistent with the requirements of R.19-450.
- C.** All activities authorized by this General Permit shall be consistent with and limited by the terms and conditions of this General Permit; any unauthorized activity different from or inconsistent with this General Permit may result in the modification, suspension, or revocation of the authorization in whole or in part, and the institution of such legal proceeding as the State of South Carolina may consider appropriate.
- D.** This General Permit does not convey, nor shall it be interpreted as conveying expressly or implicitly, any property right in the land or water in which the permitted activity is located. This General Permit shall not be construed or interpreted as alienating public property for private use, nor does it authorize the permittee to alienate, diminish, infringe upon or other-wise restrict the property rights of other persons or the public.
- E.** The grant, denial, modification, suspension, or revocation of an authorization or the removal of a structure authorized under R.19-450 shall not be the basis for any claim for damages against the State of South Carolina. In no way shall the State be liable for any damage as the result of the erection of permitted works.
- F.** Authorized activities must not block or obstruct navigation or the flow of any waters unless specifically authorized herein.
- G.** No attempt must be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the work authorized by this General Permit.
- H.** No spoil, dredged material, or any other fill material will be placed below the mean high water or ordinary high water elevation, unless specifically authorized herein.
- I.** The permittee must make every reasonable effort to perform the authorized work in a manner that will minimize adverse impacts to fish, wildlife, and water quality.
- J.** The permittee must maintain any authorized structure in good condition in accordance with approved plans and specifications.
- K.** The permittee must allow the Department or its authorized agents or representatives to make periodic inspections at any time deemed necessary to assure that the activity being performed is in accordance with the terms and conditions of this General Permit.

**L.** The Department may impose other project-specific special conditions on activities authorized pursuant to this General Permit that the Department determines are necessary to minimize adverse impacts to navigability or any of the public interest factors described under R.19-450.9 - Review of Comments and Action by the Department.

**M.** The Department may require an applicant to apply for authorization through the individual permit process with public notice requirements if it determines that authorization under this General Permit might result in more than minimal adverse impacts on navigability or any of the public interest factors described under R.19-450.9 - Review of Comments and Action by the Department.

## **V. Special Conditions**

### **A. Special Conditions Applicable to all Activities**

- 1.** The permittee must make every reasonable effort to locate utility line construction within existing crossing easements.
- 2.** This General Permit does not authorize any excavation or filling in wetlands or other Waters of the U.S.
- 3.** Prior to the work beginning, a silt fence, silt barrier or other suitable sediment control device(s) must be placed between the construction area and the adjacent waters and/ or wetlands. The device(s) must be kept in a functioning capacity until the construction area is stabilized.
- 4.** All necessary measures must be taken to prevent gasoline, oil, tar, trash, construction debris, and other pollutants from entering the adjacent waters and wetlands.
- 5.** Once construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
- 6.** Upon completion of construction activities, all disturbed areas, including stream banks, must be permanently stabilized with native vegetative cover. Disturbed stream banks should be restored by planting native woody vegetation appropriate for the ecoregion and by using bioengineering techniques for stream bank stabilization.
- 7.** In accordance with the South Carolina Underwater Antiquities Act of 1991 (South Carolina Code of Laws, Section 54-7-610 et. seq.), a person may not knowingly recover, collect, excavate, or disturb a submerged archaeological historic property or submerged paleontological property on submerged lands over which the State has sovereign control without a license from the South Carolina Institute of Archaeology and Anthropology (SCIAA). If such property is discovered during construction, the permittee agrees to avoid construction activities that may affect the property, to notify the SCIAA, and to comply with all requirements of State law concerning the property.

## **B. Special Conditions Applicable to Directionally Bored Crossings**

1. For all directionally bored crossings, entrance and exit excavations must take place entirely on high ground; that is, not in wetlands or other waters of the U.S.
2. All directionally bored crossings must have a minimum cover of 42 inches. A variance may be granted for good cause shown. Crossings of the Atlantic Intracoastal Waterway must maintain an elevation of -25.0 feet mean low water.
3. A remediation plan (or frac-out contingency plan) must be kept onsite for all directionally bored crossings. The plan should be designed to achieve the following objectives:
  - Minimizing the potential for a frac-out associated with drilling activities.
  - Providing for the timely detection of frac-outs.
  - Protecting environmentally sensitive areas including aquatic resources.
  - Ensuring an organized, timely, and appropriate response.
  - Ensuring that all appropriate notifications are made.

The plan should include preconstruction and construction measures, a list of responsible parties and responsibilities, incident response and follow-up procedures, and construction restart procedures. Incident response procedures must include a requirement to notify the Department's Division of Water Quality of any incidents.

4. Permittees must properly dispose of drilling fluid or mud in accordance with applicable requirements of State laws and regulations as administered by the SCDHEC Solid Waste Permitting and Monitoring Program.

**C. Special Conditions Applicable to Aerial Crossings.** Utilities consisting of cables, lines, or wires that cross over navigable waters aerially for the purpose of electrical power transmission must have sufficient clearance based on the low point of the cables, lines, or wires under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length or span, and type of supports. The clearance must be such that the cables, lines, or wires do not pose a safety risk to boaters or interfere in any way with the existing or classified uses of the waterbody.

## **VI. Consistency with the South Carolina Coastal Zone Management Program**

Construction authorized under this General Permit is consistent with the South Carolina Coastal Zone Management Program (48-39-10 *et. seq.*, and 15 CFR 93), provided the permittee adheres to all terms and conditions of this General Permit.

**VII. Penalties for Violation**

Any deviation from the terms or conditions of this General permit constitutes a violation of regulations and could result in removal of the structures or work, restoration of the waterway to its former condition, and/or imposition of penalties as provided by law.

**VIII. 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 that would have qualified for authorization under this General Permit will be processed as individual permits.

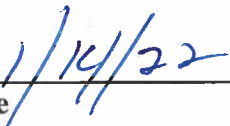
**IX. Duration of General Permit**

This General Permit authorizes construction started within five (5) years and completed within eight (8) years of the date of issuance of this General Permit unless this General Permit is revoked in the interim. Revocation of this General permit will not affect work authorized when the General Permit was in effect. If the expiration date of this General Permit is reached prior to the Department's issuance of a replacement General Permit, then this General Permit will remain in effect until a new General Permit is issued and/ or this General Permit is revoked.

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

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Title