



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 Department of Health and Environmental Control

PERMIT NUMBER: SC GP-98-002 (Revised)

DESCRIPTION OF WORK: This General Permit is to allow 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, to authorize the installation of utility lines by directional boring or aerial crossing by public utilities in State Navigable Waters, excluding navigable waters in the critical area of the coastal zone.

DATE PERMIT ISSUED: February 11, 2016

CONSTRUCTION MUST BE COMPLETED BY: February 11, 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.).


This Construction in Navigable Waters Permit and Coastal Zone Management Program Consistency Certification is subject to all of the terms and conditions contained therein.

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


Date

General Permit No.: SC GP-98-002 (Revised)
Name of Applicant: South Carolina Department of Health and Environmental Control
Effective Date: February 11, 2016
Expiration Date: February 11, 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, 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:

SC Department of Health and Environmental Control

To authorize the installation of utility lines by directional boring or aerial crossing by:

Public Utilities in
STATEWIDE NAVIGABLE WATERS,

excluding navigable waters in the critical area of the coastal zone, as defined at Section 48-39-10 of the South Carolina Coastal Zone Management Act (48-39-10 *et seq.*), and navigable waters where such construction projects may be authorized by a general permit already issued by the SCDHEC.

This General Permit is consistent with the Coastal Zone Management Program (48-39-10 et seq.) and is subject to the following conditions:

I. **General Conditions:**

A. Structures authorized by this General Permit shall be utility lines including, but not limited to phone, power, cable television, natural gas, and water and sewer, using directional boring under navigable waters of South Carolina subject to R. 19-450 and conforming to the standards contained herein. This General Permit also authorizes construction of aerial crossings over navigable waters of South Carolina, but limited to electrical transmission lines only, and subject to R. 19-450 and conforming to the standards contained herein. Other construction of any kind in, on, under or over navigable waters of South Carolina is not authorized by this document.

B. The activity 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 permittee 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 permittee must prosecute 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 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 permittee 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 nor does it obviate the requirement to comply with any applicable standards required by ordinance for the placement of structures authorized herein. 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 permittee to prevent full and free use by the public of all navigable waters adjacent to the activity authorized by this permit.

J. If the permittee permits a structure to fall into a state of disrepair such that it no longer conforms to the conditions of this permit, they may be required to remove the structure.

K. The existence or use of structures authorized herein shall not block or obstruct navigation or the flow of any waters.

L. The permittee shall not hold the SCDHEC liable for any damage to a permitted structure.

M. The permittee upon receipt of a notice from the SCDHEC of failure to comply with the terms, conditions, or standards of this General Permit shall, immediately

and in such manner as the SCDHEC may direct, effect compliance with terms, conditions, and standards or remove the structure(s) from the affected Navigable Waters of South Carolina.

N. This General Permit 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 permittee.

O. The permittee must make every reasonable effort to locate utility line construction within existing crossings.

II. **Special Conditions:**

A. No spoil, dredged material, or any other fill material shall be placed below the mean high water or ordinary high water elevation.

B. For all directionally bored crossings, access and exit excavations must take place entirely on high ground. No excavation or filling in wetlands is permitted.

C. Prior to the work beginning, a silt fence, silt barrier or other suitable sediment control device must be placed between the construction area and the affected wetland or waterway. This device must be kept in a functioning capacity until the area is stabilized.

D. All necessary measures must be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands.

E. 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.

F. Upon completion of construction activities, all disturbed areas, including stream banks, must be permanently stabilized with a vegetative cover. Disturbed stream banks should be restored by planting appropriate native woody vegetation and by using bioengineering techniques for stream bank stabilization.

G. 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.

H. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old 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 skeletal remains.

III. **Required Authorization:**

Each applicant must complete and submit to SCDHEC a Construction in Navigable Waters Permit application. The proposed work shall not be authorized until the Division of Water Quality has reviewed the completed application and provided the applicant with a General Permit letter of authorization. Each applicant must provide evidence to SCDHEC that all landowners immediately adjacent to the property upon which the activity is to occur have been notified of the proposed activity. Failure to provide such evidence shall preclude authorization under this General permit.

IV. **Penalties for Violation:**

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 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. **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. If this General Permit expires prior to SCDHEC's issuance of the replacement General Permit, then the current General Permit will remain in effect until a new one is issued.

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

Chad S. Pester
Signature

2/11/16
Date

Director, Water Quality Division
Title