

**City of Beaufort**  
**Battery Creek Retrofit (RFP 2016-106)**  
**Additional Questions and Answers Submitted by February 22, 2016**

1. In the questions and answers uploaded on the City's websites, an Army Corps permit and NPDES permit is referenced however these permits are not part of the contract documents. These documents are need to be supplied to the contractor to provide an accurate price.

**Answer: The Army Corps and NPDES Permit will be uploaded to the City's website.**

2. How is final grading measured? The amount of grading is over 42,000 sy but the pay quantity is only 15,000 sy.

**Answer: The grading limits were re-evaluated to double check the quantities; resulting in a revised value of 23,600 SF. The limits of grading include the access road, the stockpile area, the forebay, the forebay overflow, the pond overflow/outlet and the pond banks. The grading limits do not include the 6,500 SF pond bottom, as the bottom of the pond doesn't need to be fine graded. It is assumed that the dredging will be sufficient to get the bottom elevation to roughly the -5 elevation needed. Please note that the pond data note incorrectly calls out the bottom elevation as -7. The bottom contour of -5 is the correct depth to which dredge volumes should be calculated.**

3. How is payment being made for the tideflex valve referenced on sheet 401?

**Answer: The Tideflex valve was added as a line item to the bid sheet.**

4. How is onsite excavation being paid, specifically the forebay? This doesn't look to be included in the 15000cy of dredge to stockpile?

**Answer: Forebay excavation (1,100 CY) was added as a separate line item to the bid sheet.**

**Much of this material will be pluff mud so it was assumed that the material should be hauled off for offsite disposal and not stockpiled with the sandy material dredged from the pond.**

5. The answer to question 6 references pumping into bags yet the item is pumping to stockpile. Please advise if it is the intent to pump into geotubes, to create a cdf, or to dredge into a stockpile and have the water runoff into check dam ditches. Without know the type of material, we cannot determine how to "pile the material". If it is pluff mud, we cannot "stockpile" it?

**Answer: The dredge is to be pumped to sediment bags for dewatering. Temporary diversion ditches directing water runoff back to the pond or to one of the constructed inlets will be required as part of the dredging process. Once the material in the bags is sufficiently dry enough to be worked, the bags can be cut open, removed, and the material can be fine graded. However the City is open to contractor recommended specific means and methods for stockpiling, drying, and final placement of the dredge material. The material dredged from the pond is expected to be mostly sandy material.**

6. It appears that some bid items have not been included in the bid form. Tree Protection Fencing, Floating Turbidity Barrier, Erosion Control Mats, Concrete Washout, Tideflex Valve, Emergency Overflow Rip Rap.

**Answer: These items were added to the bid quantities.**

7. It appears that the clearing quantity of 3.40 acres is not correct the NPDES limits of disturbance on Sheet C503 notes 9.70 ac which is close to what we have. If you take out the existing pond surface of 2.20 ac that would leave 7.5 ac of clearing. There is also clearing required for the new Chain Link Fence that is outside the NPDES limits that I assume would be measured for payment under the clearing bid item.

**Answer: The clearing quantity was re-evaluated but will remain at 3.40 acres. Clearing the entirety of the NPDES limits of disturbance (L.O.D.) is not needed. The L.O.D. was purposefully set larger than needed to allow flexibility during construction should additional area be required for stockpiling. The fence construction may need hand clearing or selective bush-hogging, but the property owner wants limited disturbance to the vegetation along the road frontages to maintain screening of the property. The proposed fence will follow the path of an old barbwire fence running along the property line. Please factor the limited hand-clearing and the working conditions into the linear foot price of the fence.**



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69-A HAGOOD AVENUE  
CHARLESTON, SOUTH CAROLINA 29403-5107

January 25, 2016

Regulatory Division

City of Beaufort  
Sligh Environmental Consultants, Inc.  
Jeffrey Williams  
31 Park of Commerce Way, Suite 200B  
Savannah, Georgia 31405

Dear Mr. Williams:

**PLEASE READ THIS LETTER CAREFULLY AND COMPLY WITH ITS PROVISIONS**

This is in response to your application dated May 1, 2015, requesting a Department of the Army permit.

This is to inform you that the public interest review has been completed and it has been determined that the proposed activity is not contrary to the public interest. As such, a permit can be issued under the provisions of the Federal laws for the protection and preservation of the navigable waters of the United States.

Enclosed are two copies of Permit #2015-00562-1JC which have been prepared for the District Engineer's signature. Please review all of the conditions to which this permit is subject and, if acceptable to you, sign each copy to this office in the enclosed self-addressed envelope. Upon receipt of these properly signed permits and requisite processing fee, the District Engineer or his designee will sign each copy and return one copy to you. As you review the permit documents, be especially mindful that

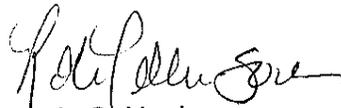
**IT SHALL NOT BE LAWFUL TO DEVIATE FROM THE PLANS EITHER  
BEFORE OR AFTER COMPLETION OF THE WORK,**

unless a plan reflecting the modification has previously been submitted to and approved by the Department of Army.

In addition, please note that the permit not only authorizes the work but also its intended use. No use other than that specified in this document can be made of permitted work or structures.

Compliance with all conditions of the permit is essential. Failure to do so will tend to invalidate the permit and may result in its revocation.

Respectfully,

  
Travis G. Hughes  
Chief, Regulatory Division

Date: January 25, 2016

File No.: 2015-00562-1JC

NOTIFICATION OF APPLICANT OPTIONS (NAO)  
FOR PARTIES ISSUED A DEPARTMENT OF THE ARMY INDIVIDUAL PERMIT

You are hereby advised that the following options are available to you in your evaluation of the enclosed permit:

1) You may sign the permit, and return it to the district engineer for final authorization. Your signature on the permit means that you accept the permit in its entirety, and waive all rights to appeal the permit, or its terms and conditions.

2) You may decline to sign the permit because you object to certain terms and conditions therein, and you may request that the permit be modified accordingly. You must outline your objections to the terms and conditions of the permit in a letter to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this NAO, or you will forfeit your right to request changes to the terms and conditions of the permit. Upon receipt of your letter, the district engineer will evaluate your objections, and may: (a) modify the permit to address all of your concerns, or (b) modify the permit to address some of your objections, or (c) not modify the permit, having determined that the permit should be issued as previously written. In any of these three cases, the district engineer will send you a final permit for your reconsideration, as well as a notification of appeal (NAP) form and a request for appeal (RFA) form. Should you decline the final proffered permit, you can appeal the declined permit under the Corps of Engineers Administrative Appeal Process by submitting the completed RFA form to the division engineer. The RFA must be received by the division engineer within 60 days of the date of the NAP that was transmitted with the second proffered permit.

## DEPARTMENT OF THE ARMY PERMIT

Permittee: **CITY OF BEAUFORT**  
**SCOTT DADSON**

**1911 BOUNDARY STREET**  
**BEAUFORT, SOUTH CAROLINA 29902**

Permit No: **2015-00562-1JC**

Issuing Office: **CHARLESTON DISTRICT**

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### **Project Description:**

The proposed work consists of a stormwater treatment project that would impact 0.148 acres of a jurisdictional tidal ditch. In detail, the tidal ditch will be impacted by excavation, fill, and installation of riprap within two areas of the ditch, as well as installation of an emergency overflow weir and a tide gate in accordance with the attached drawings entitled: Battery Creek Stormwater Retrofit; SAC-2015-00562-1C; Sheets 1 thru 9 of 9 dated July 1, 2015.

### **Project Location:**

The propose project is located east of and adjacent to SC Highway 170, and west of and adjacent to Old Jericho Road within the City of Beaufort, in Beaufort County, South Carolina.

### **Permit Conditions:**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **31 March 2021**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

SEE PAGE 4

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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

\_\_\_\_\_  
**(PERMITTEE)**  
**CITY OF BEAUFORT**  
**SCOTT DADSON**

\_\_\_\_\_  
**(DATE)**

\_\_\_\_\_  
**(PRINT NAME)**

\_\_\_\_\_  
**(DATE)**

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
**(DISTRICT ENGINEER)**  
**MATTHEW W. LUZZATTO, P.E., PMP**  
 or his Designee  
**Travis G. Hughes**  
**Chief, Regulatory Division**

\_\_\_\_\_  
**(DATE)**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

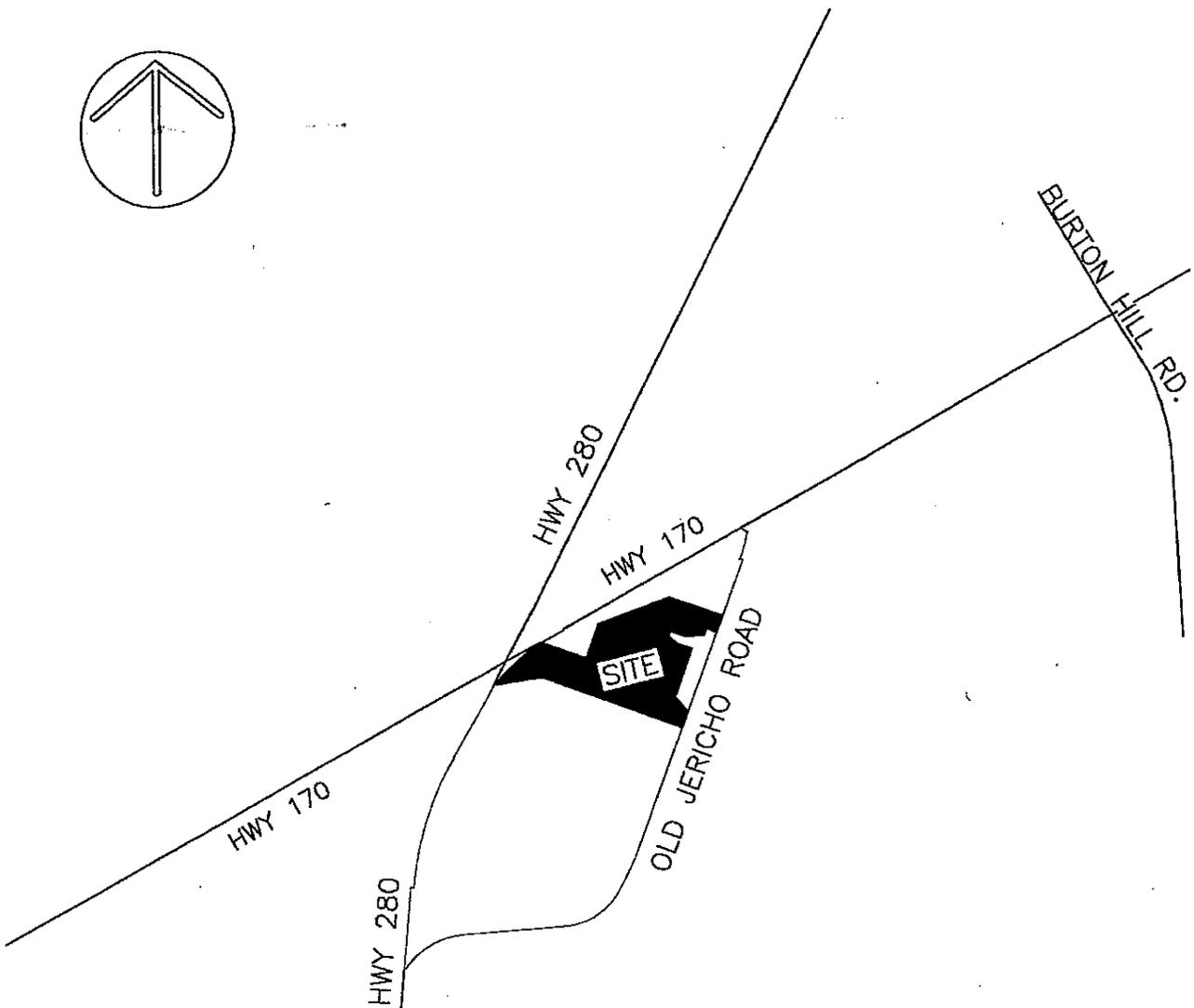
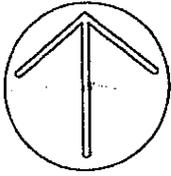
\_\_\_\_\_  
**(TRANSFEREE)**

\_\_\_\_\_  
**(DATE)**

CONDITIONS FOR PERMIT #2015-00562-1C:

**Special Conditions:**

- a) That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.
  
- b) That the permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
  1. A copy of this permit;
  2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
  3. A statement that any required mitigation was completed in accordance with the permit conditions;
  4. The signature of the permittee certifying the completion of the work and mitigation.
  
- c) That the permittee shall install silt fences in the tidal linear conveyances downstream of where the discharge of fill material will occur and maintain the silt fences until the fill material is stabilized.
  
- d) That the permittee shall conduct all work during dry conditions.



PERMITTED  
PLANS



SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

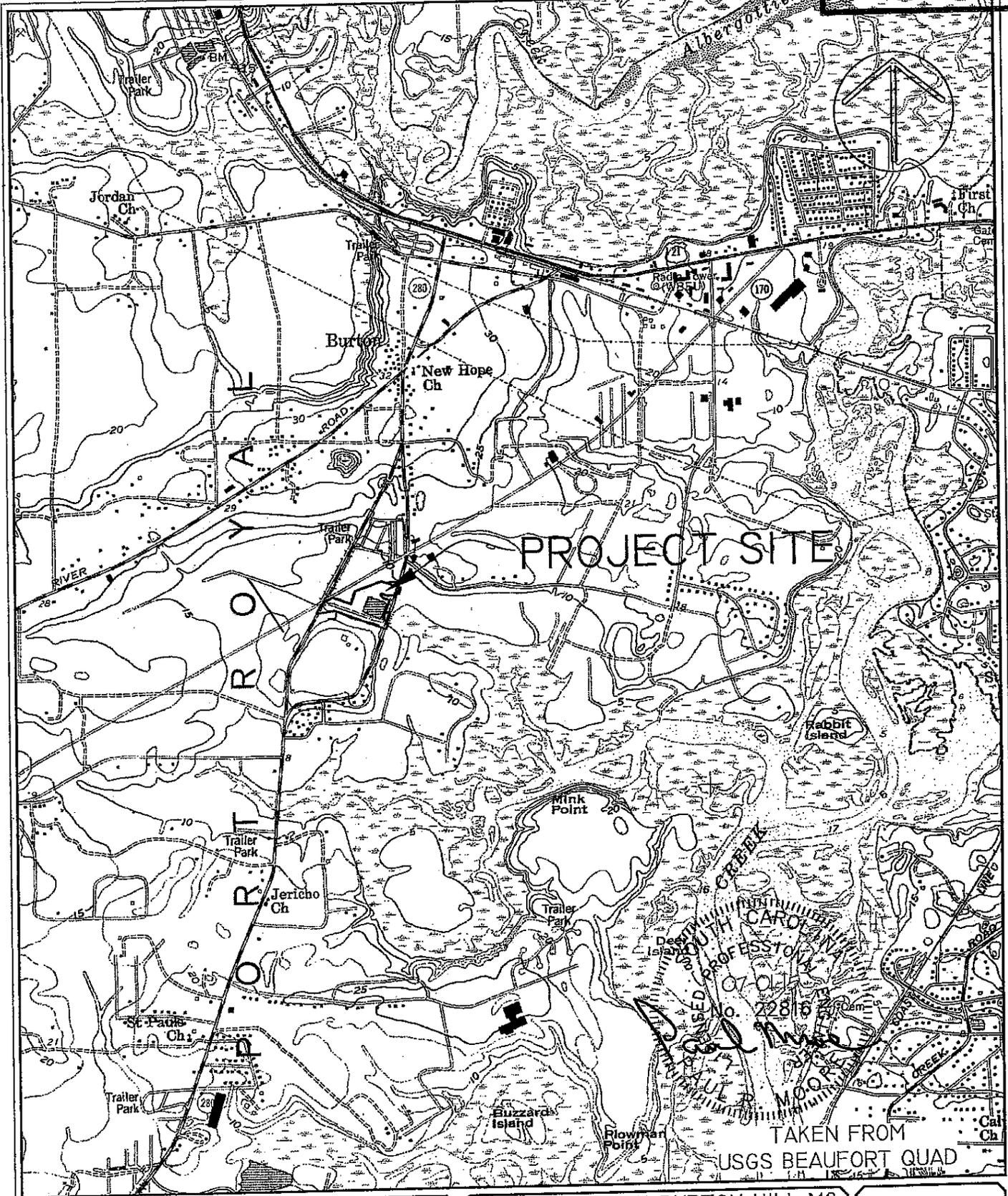
BATTERY CREEK-BURTON HILL M2

VICINITY MAP

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: NONE  
PROJECT #090093A

SHEET 1 OF 9



PROJECT SITE

TAKEN FROM  
USGS BEAUFORT QUAD



P. O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

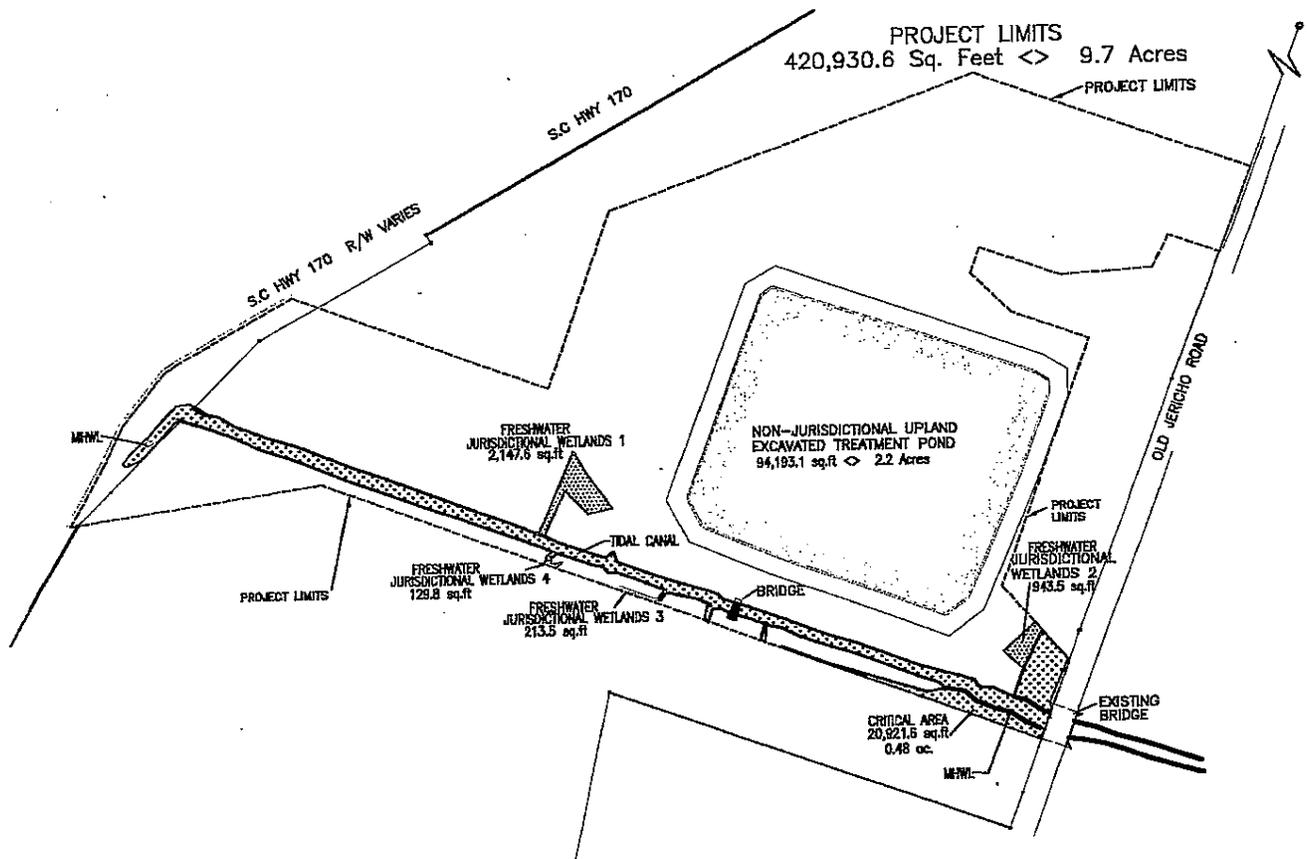
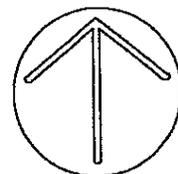
BATTERY CREEK-BURTON HILL M2

USGS MAP

BEAUFORT COUNTY, SOUTH CAROLINA

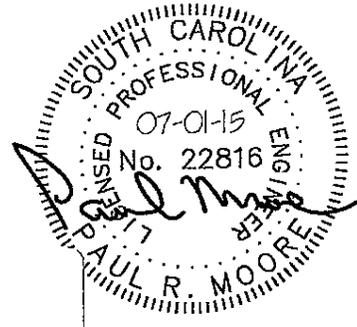
DATE: 07-01-15  
SCALE: 1"=2000'  
PROJECT #090093A

SHEET 2 OF 9



**PERMITTED  
PLANS**

CRITICAL AREA APPROVED BY:  
GEORDY MALINGER ON 10-22-14



**SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT**



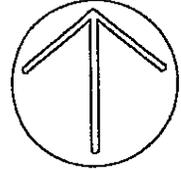
P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

**BATTERY CREEK-BURTON HILL M2  
EXISTING SITE CONDITIONS**  
BEAUFORT COUNTY, SOUTH CAROLINA

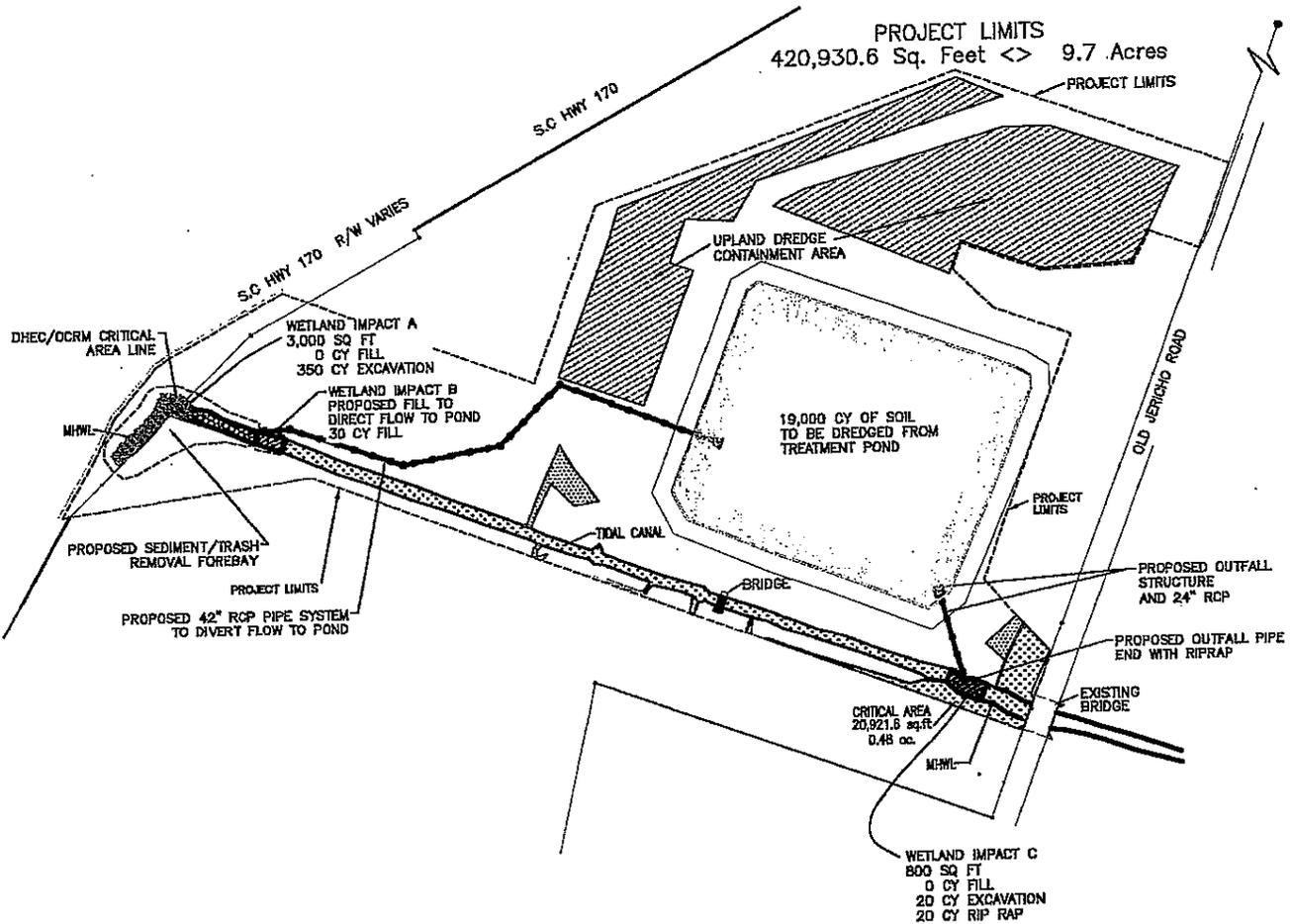
DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #1090093A

SHEET 3 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



**PERMITTED  
PLANS**



TOTAL PROJECT LIMITS:  
CRITICAL AREA:  
FRESHWATER JURISDICTIONAL WETLAND:  
UPLAND EXCAVATION:  
CRITICAL AREA EXCAVATION:  
CRITICAL AREA FILL:  
RIPRAP REVETMENT:

420,930.6	SQ FT	9.7	AC.
20,921.6	SQ FT	0.48	AC.
3,434.4	SQ FT	0.79	AC.
5,442.0	SQ FT	725	CY
2,358.0	SQ FT	370	CY
340.0	SQ FT	30	CY
3,726.0	SQ FT	128	CY



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

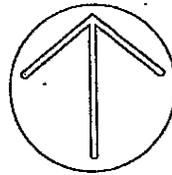
BATTERY CREEK-BURTON HILL M2  
PROPOSED WETLAND IMPACTS

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #090093A

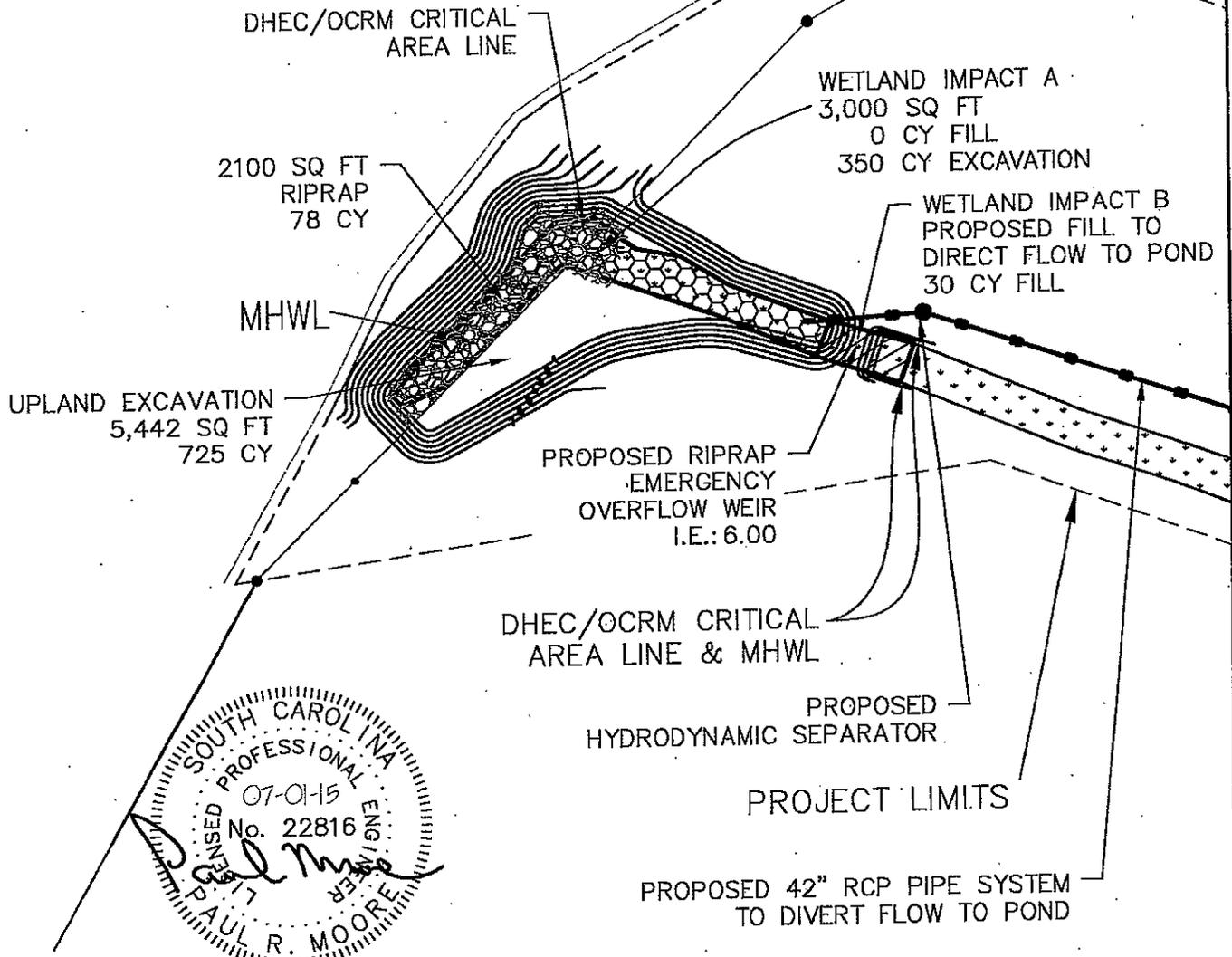
SHEET 4 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



**PERMITTED  
PLANS**

S.C HWY 170 R/W VAF



SOUTH CAROLINA  
PROFESSIONAL ENGINEER  
07-01-15  
No. 22816  
PAUL R. MOORE

-  CRITICAL AREA / SECTION 10 WETLANDS TO BE FILLED
-  CRITICAL AREA / SECTION 10 WETLANDS TO BE EXCAVATED



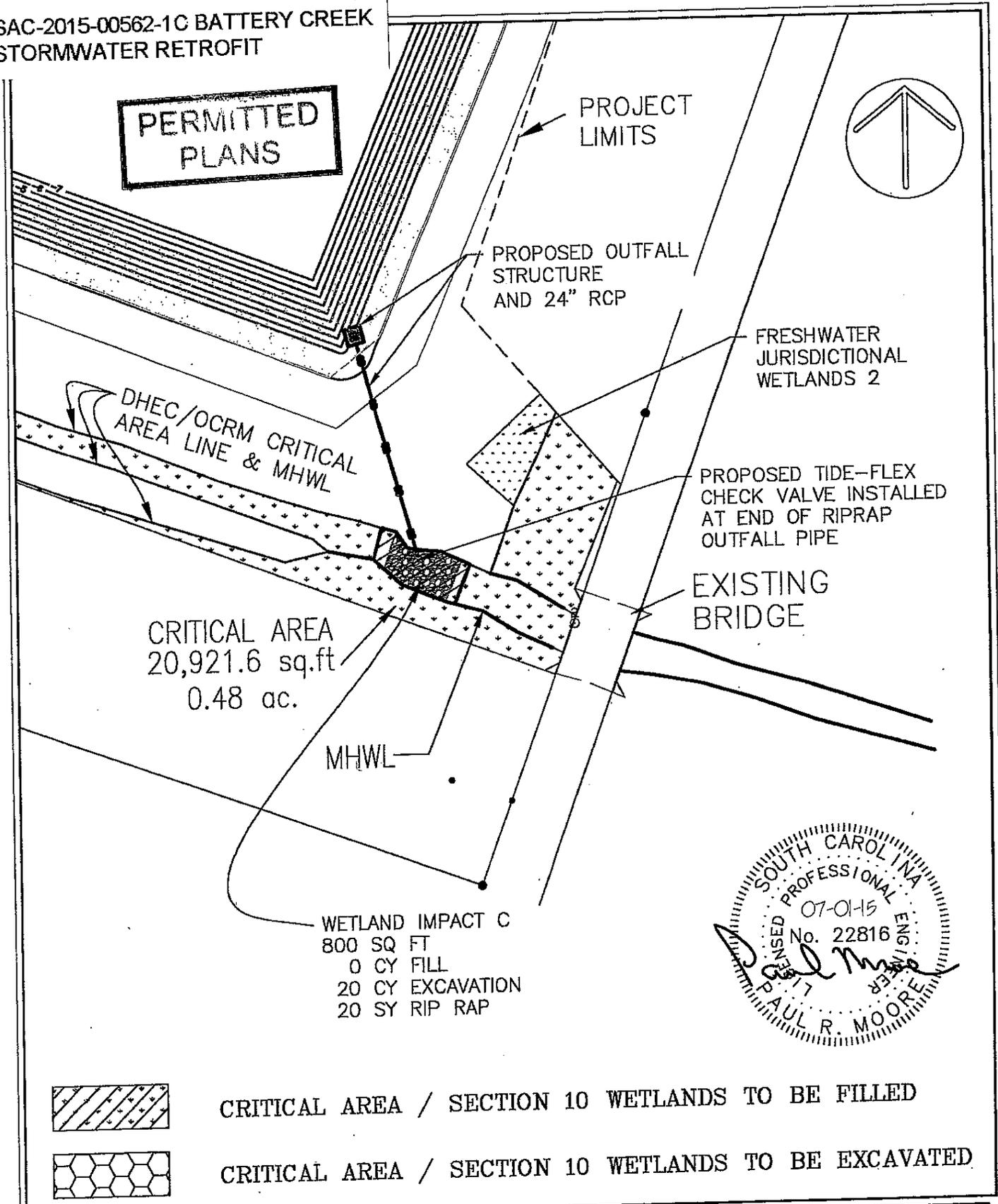
**Ward  
Edwards  
ENGINEERING**

P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2  
**IMPACT A**  
BEAUFORT COUNTY, SOUTH CAROLINA

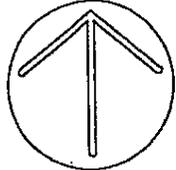
DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A  
SHEET 5 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



PERMITTED  
PLANS

PROJECT  
LIMITS



PROPOSED OUTFALL  
STRUCTURE  
AND 24" RCP

FRESHWATER  
JURISDICTIONAL  
WETLANDS 2

DHEC/OCRM CRITICAL  
AREA LINE & MHWL

PROPOSED TIDE-FLEX  
CHECK VALVE INSTALLED  
AT END OF RIPRAP  
OUTFALL PIPE

CRITICAL AREA  
20,921.6 sq.ft  
0.48 ac.

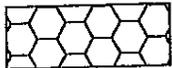
EXISTING  
BRIDGE

MHWL

WETLAND IMPACT C  
800 SQ FT  
0 CY FILL  
20 CY EXCAVATION  
20 SY RIP RAP



CRITICAL AREA / SECTION 10 WETLANDS TO BE FILLED



CRITICAL AREA / SECTION 10 WETLANDS TO BE EXCAVATED



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

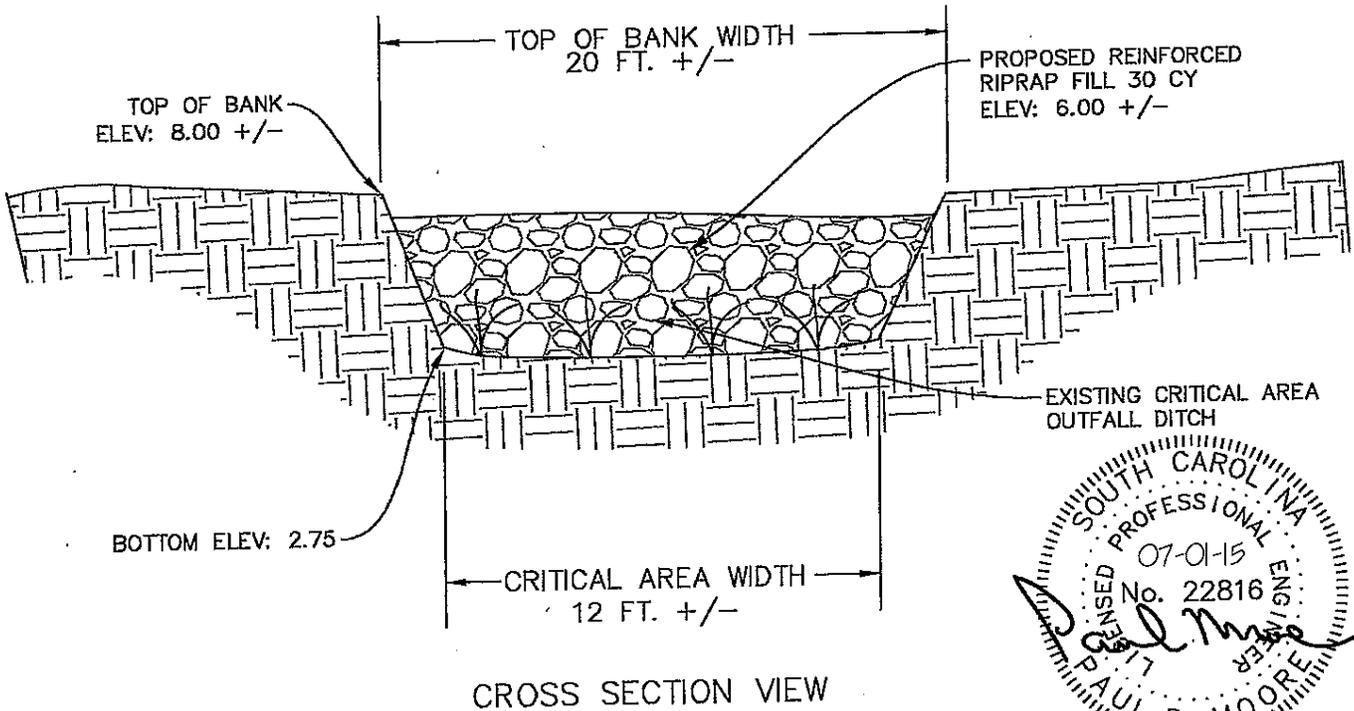
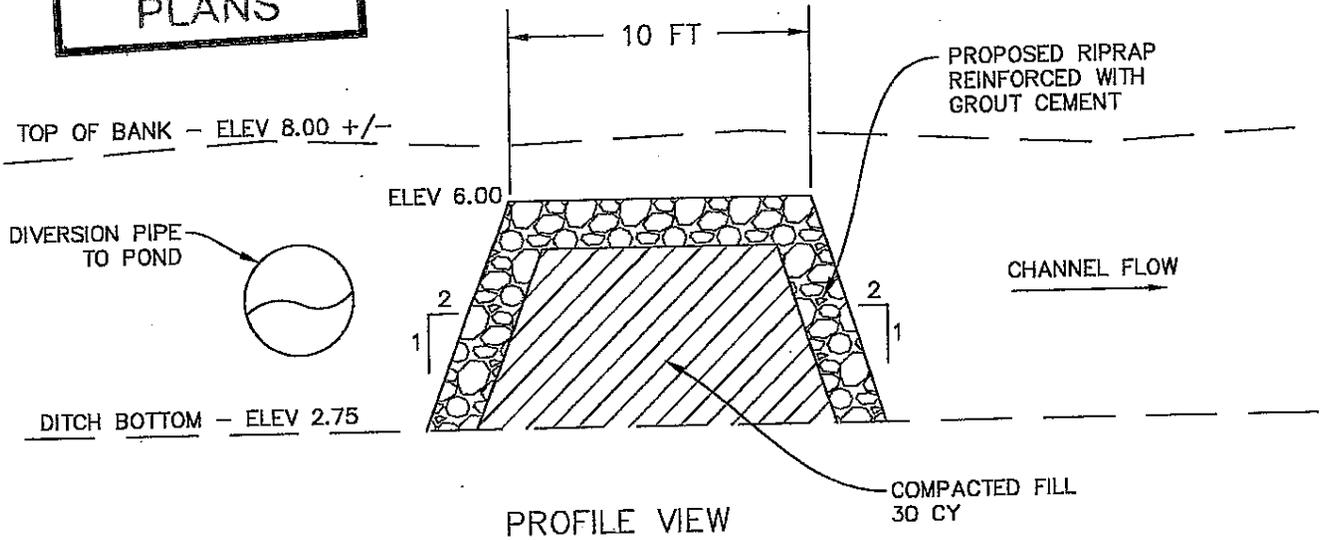
BATTERY CREEK-BURTON HILL M2  
**IMPACT C**  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A

SHEET 6 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

**PERMITTED  
PLANS**



SOUTH CAROLINA  
PROFESSIONAL ENGINEER  
07-01-15  
No. 22816  
PAUL R. MOORE



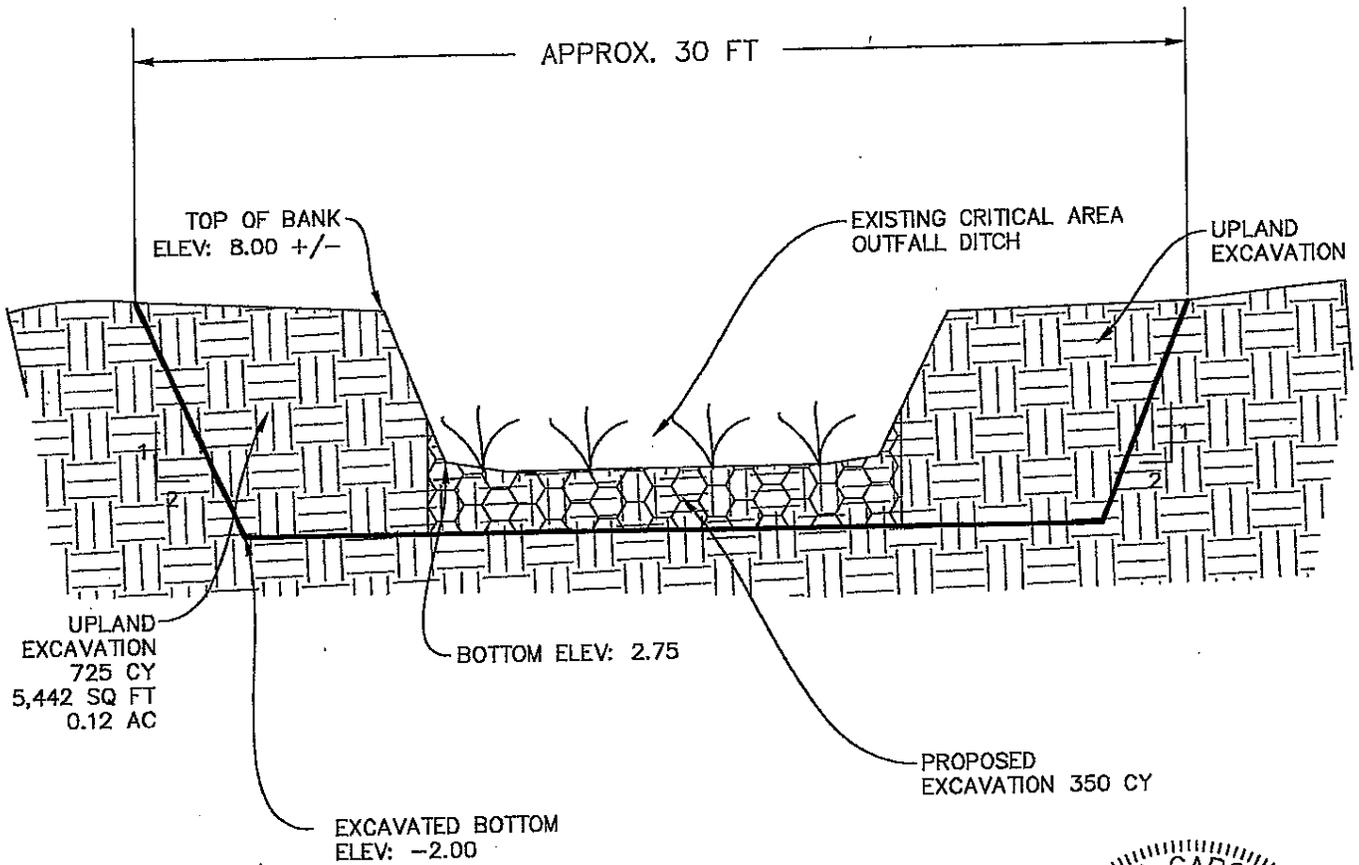
P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2  
IMPACT B SECTION  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A  
SHEET 7 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

PERMITTED  
PLANS



SOUTH CAROLINA  
REGISTERED PROFESSIONAL ENGINEER  
07-01-15  
No. 22816  
PAUL R. MOORE



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

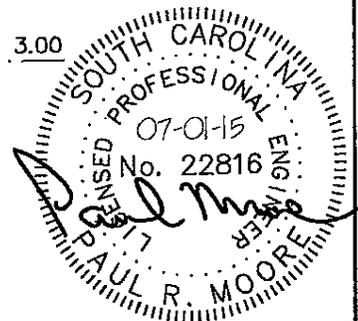
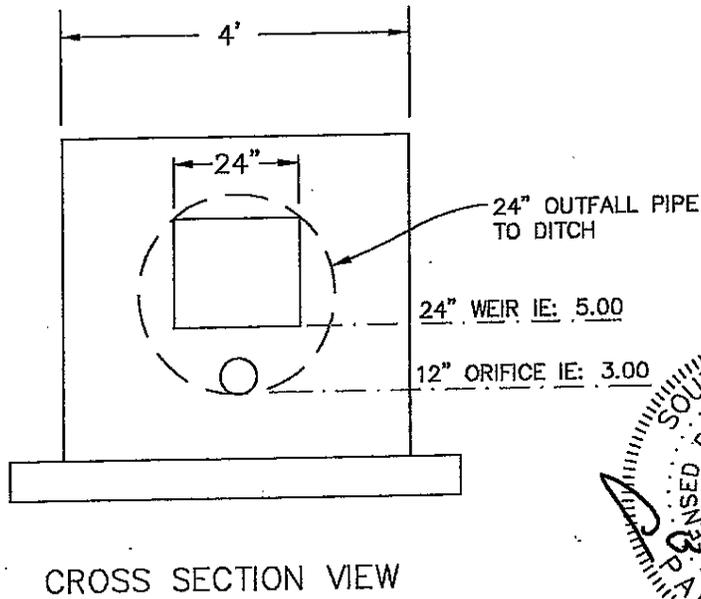
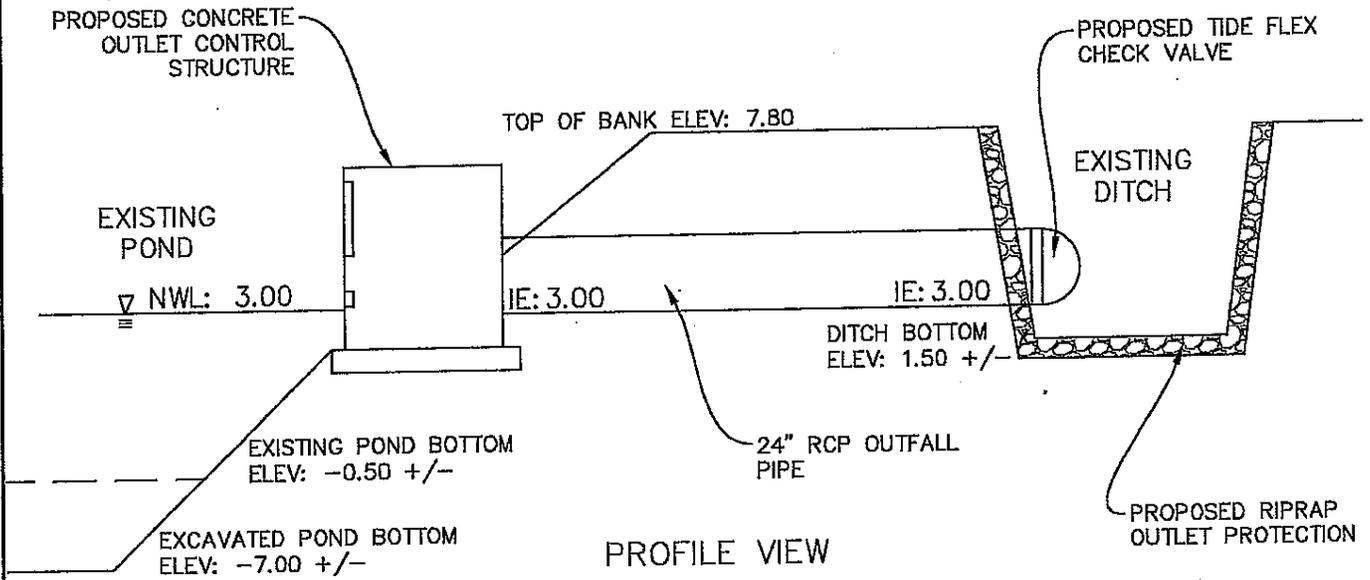
BATTERY CREEK-BURTON HILL M2  
IMPACT A SECTION  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 8 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

**PERMITTED  
PLANS**



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2

**IMPACT C SECTION**

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 9 OF 9

**MAJOR ACTIVITY**

**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
CONTROL  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**

**CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION**

**Permittee(s):** Beaufort City Of  
**Permit Number(s):** 2015-00562-1C  
**Date of Issuance:** December 15, 2015  
**Expiration Date:** December 15, 2020  
**Location:** On and adjacent to Battery Creek at Hwy 170 & Old Jericho Road, Burton, Beaufort County, South Carolina

**SEE SPECIAL  
CONDITION(S)**

This permit is issued under the provisions of S. C. Code Ann. Section 48-39-10, *et seq.*, and 23A S.C. Code Ann. Regs. 30-1 through 30-18 (Supp. 2005). **Please carefully read the project description and special conditions that appear on this permit/certification as they will affect the work that is allowed and may modify the work from that shown on the submitted plans. All special conditions attached to the permit will take precedent over submitted plans.** The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as S.C. Code Ann. Section 40-11-5 through 430, requires that all construction with a total cost of \$5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes. Your signature on and acceptance of this permit denotes your understanding of the stated law regarding use of licensed contractors. **All listed special and general conditions will remain in effect for the life of the permit. This applies to permittee, future property owners, or permit assignees.**

**DESCRIPTION OF THE PROJECT, AS AUTHORIZED**

The plans submitted by you, attached hereto, show the work consists of making storm water improvements. Specifically, the applicant seeks to impact 0.148 acres of a jurisdictional tidal ditch. Storm water runoff currently entering Battery Creek from this location receives no pretreatment and is directly discharged via the on-site tidal ditch. The proposed project would re-route the storm water through an on-site pond prior to entering Battery Creek. The individual impacts are outlined in the attached drawings. The work as described is for the treatment of approximately 500 acres of upstream storm water runoff into Battery Creek.

# MAJOR ACTIVITY

## CRITICAL AREA SPECIAL CONDITIONS

1. The rip-rap utilized in the project must be free of debris and is comparable in size to one-man granite stone.
2. All rip-rap is placed at the erosional escarpment as it exists at the time of construction and landward of any marsh vegetation.
3. An as-built survey of the structure(s) must be submitted to the Department within 90 days from completion of construction. The survey must be performed by a registered land surveyor, must show all components of the structure(s), and must list the starting and ending coordinates of the structure(s) in the SC State Plane Coordinate System, which can be obtained by survey-grade Global Positioning System equipment.
4. 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 shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

**SEE SPECIAL  
CONDITION(S)**

## WATER QUALITY SPECIAL CONDITIONS

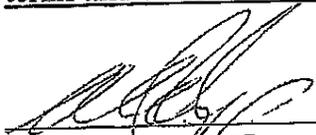
1. The applicant must implement best management practices that will minimize erosion and migration of sediments on and off the project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, hay bales, silt fences, or other devices capable of preventing erosion, migration of sediments, and bank failure. All disturbed land surfaces and sloped areas affected by the project must be stabilized and appropriately sloped upon project completion.
2. All necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands during construction.
3. Construction activities must avoid to the greatest extent possible, encroachment into any wetland area not designated as impact areas.

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.

THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT MAY CONSIDER APPROPRIATE.

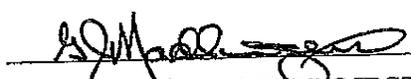
Permit Number: 2015-00562-1C

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

  
\_\_\_\_\_  
(PERMITTEE(S))  
Beaufort, City Of

12/23/2015  
\_\_\_\_\_  
(DATE)

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

  
\_\_\_\_\_  
(SENIOR WETLAND PROJECT MANAGER) (DATE)

George J. Madlinger, III  
Or Other Authorized State Official

December 15, 2015  
\_\_\_\_\_  
(DATE)

**MAJOR ACTIVITY**

**SEE SPECIAL  
CONDITION(S)**

**MAJOR ACTIVITY**

**SEE SPECIFIC  
CONDITION(S)**

**GENERAL CONDITIONS:**

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

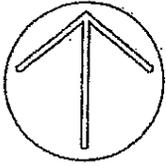
1. The permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. If the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than thirty days prior to the expiration date.
3. All authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. 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. 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. The permittee shall permit 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. Any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by OCRM.
8. This permit may not be transferred to a third party without prior written notice to OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit and thereby agreeing to comply.
9. 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. The permit construction 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. The structure or work authorized herein shall be in accordance with the permit, as issued, and shall be maintained in good condition. Failure to build in accordance with the permit, as issued, or failure to maintain the structure in good condition, shall result in the revocation of this permit.
12. The authorization for activities or structures herein constitutes a revocable license. OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by OCRM that such activity or structures violates the public's health, safety, or

# MAJOR ACTIVITY

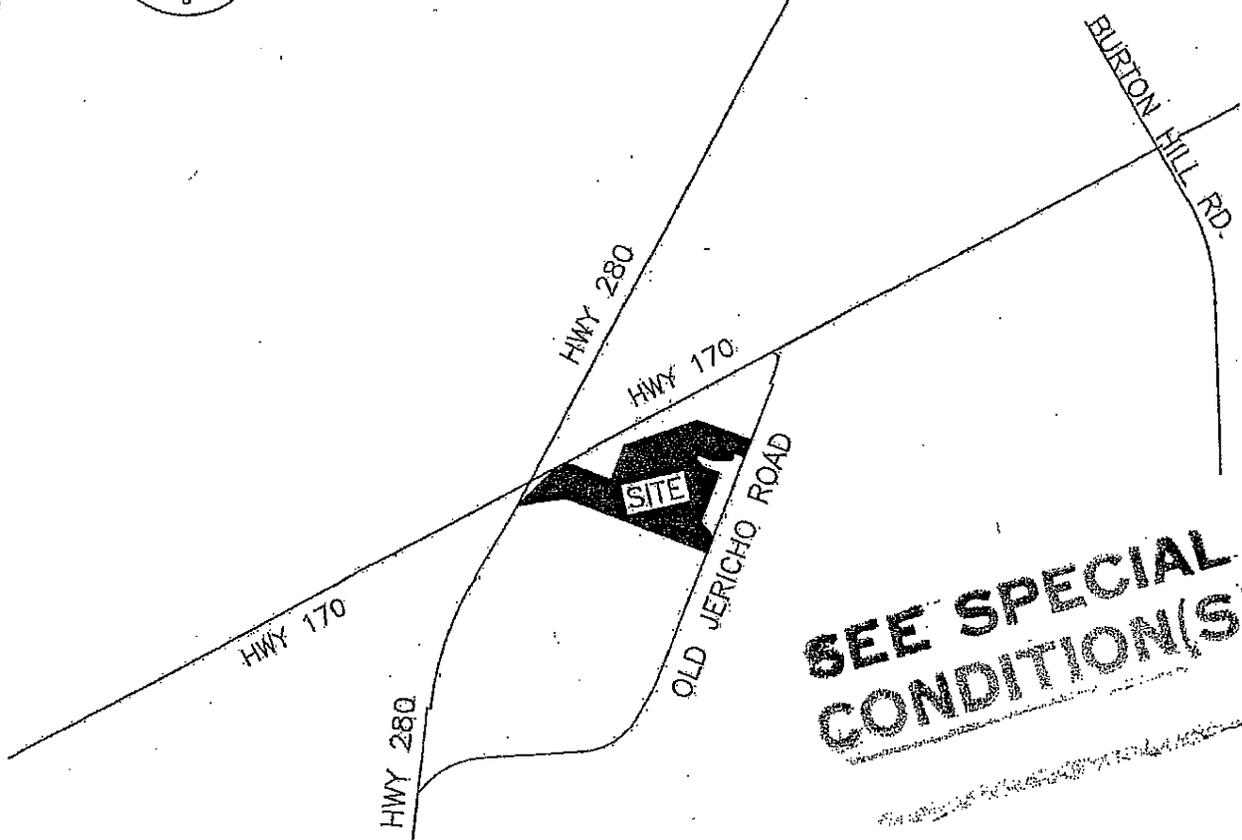
welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.

13. 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 in violation of the terms and/or conditions, including any special conditions of the permit. That the permittee, upon receipt of 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, OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to OCRM. (South Carolina Code Section 1-23-370 shall govern the procedure for revocation, suspension or modification herein described).
14. Any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against OCRM or the State of South Carolina or any employee, agent, or representative of OCRM or the State of South Carolina.
15. 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. Extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of others. This permit authorizes no invasion of adjacent 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.

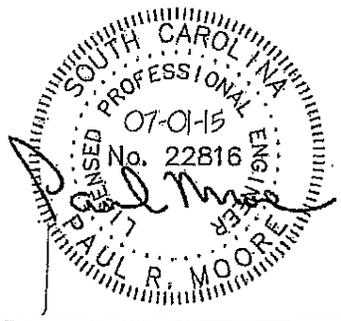
**SEE SPECIAL  
CONDITION(S)**



**MAJOR ACTIVITY**



**SEE SPECIAL  
CONDITION(S)**



SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

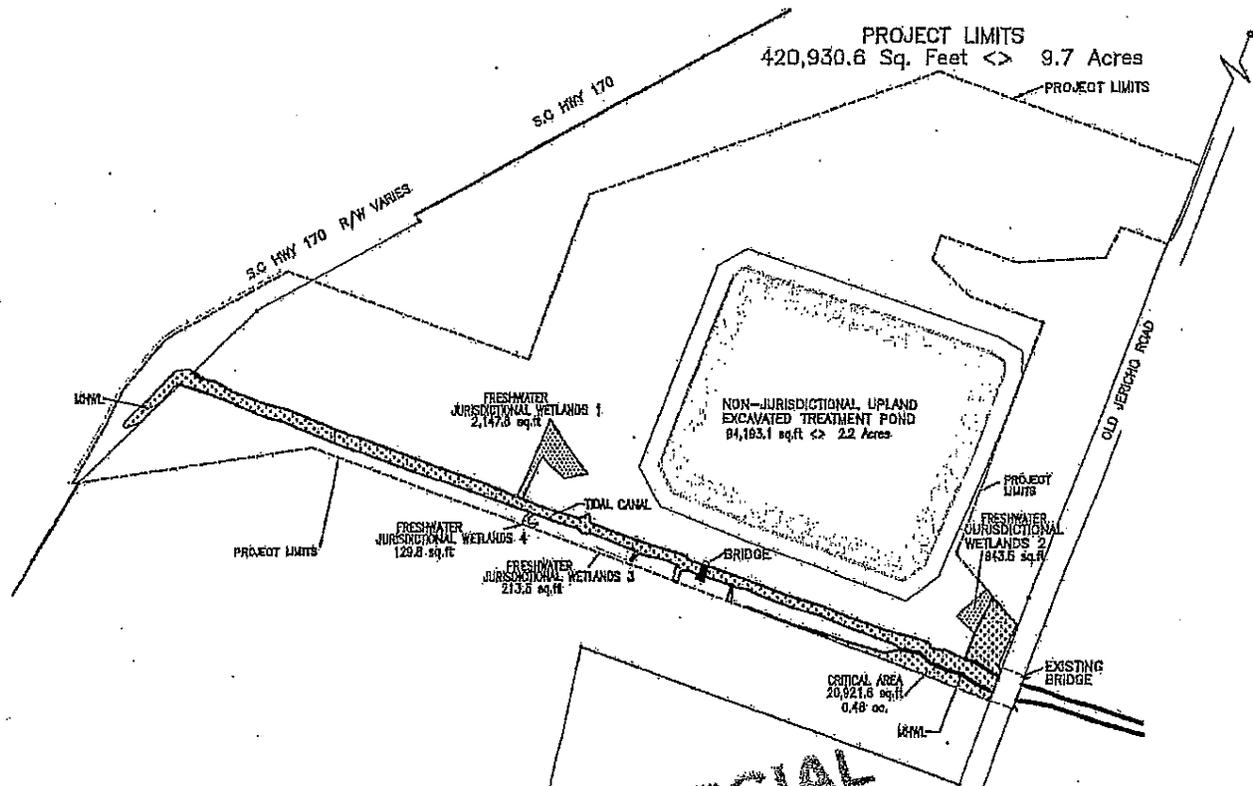
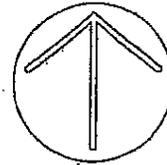
BATTERY CREEK-BURTON HILL M2  
**VICINITY MAP**  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: NONE  
PROJECT #090093A  
SHEET 1 OF 9

6 of 18



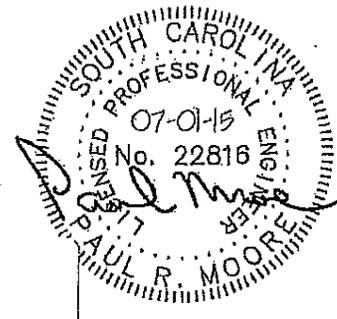
# MAJOR ACTIVITY



**SEE SPECIAL  
CONDITION(S)**

CRITICAL AREA APPROVED BY:  
GEORDY MALINGER ON 10-22-14

**SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT**



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

**BATTERY CREEK-BURTON HILL M2  
EXISTING SITE CONDITIONS**

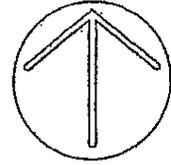
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #090093A

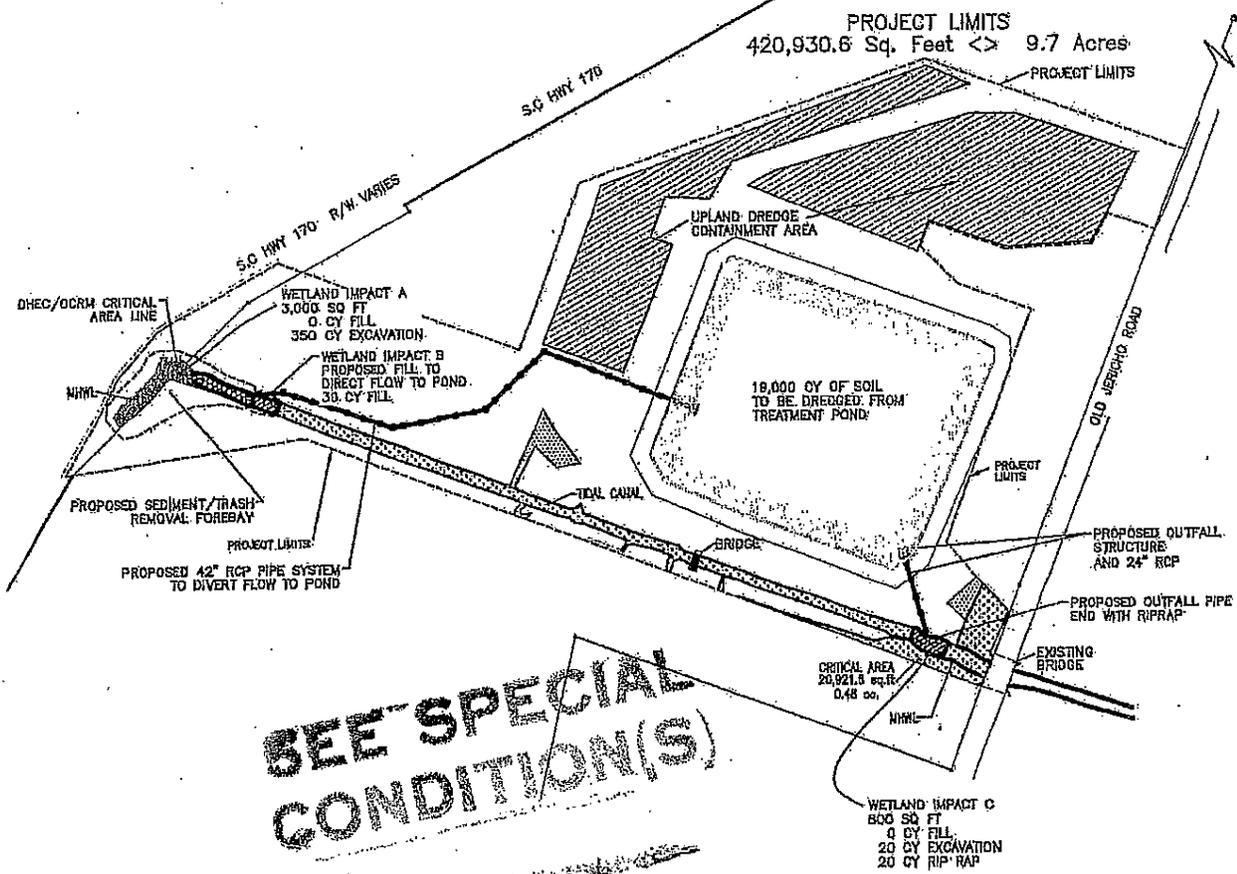
SHEET 3 OF 9

80818

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

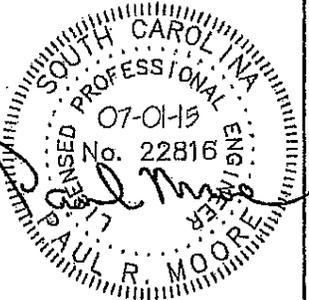


**MAJOR ACTIVITY**



**BEE SPECIAL  
CONDITION(S)**

TOTAL PROJECT LIMITS:	420,930.6 SQ FT	9.7 AC.
CRITICAL AREA:	20,921.6 SQ FT	0.48 AC.
FRESHWATER JURISDICTIONAL WETLAND:	3,434.4 SQ FT	0.79 AC.
UPLAND EXCAVATION:	5,442.0 SQ FT	725 CY
CRITICAL AREA EXCAVATION:	2,358.0 SQ FT	370 CY
CRITICAL AREA FILL:	340.0 SQ FT	30 CY
RIPRAP REVETMENT:	3,726.0 SQ FT	128 CY



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2  
PROPOSED WETLAND IMPACTS  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #090093A  
SHEET 4 OF 9

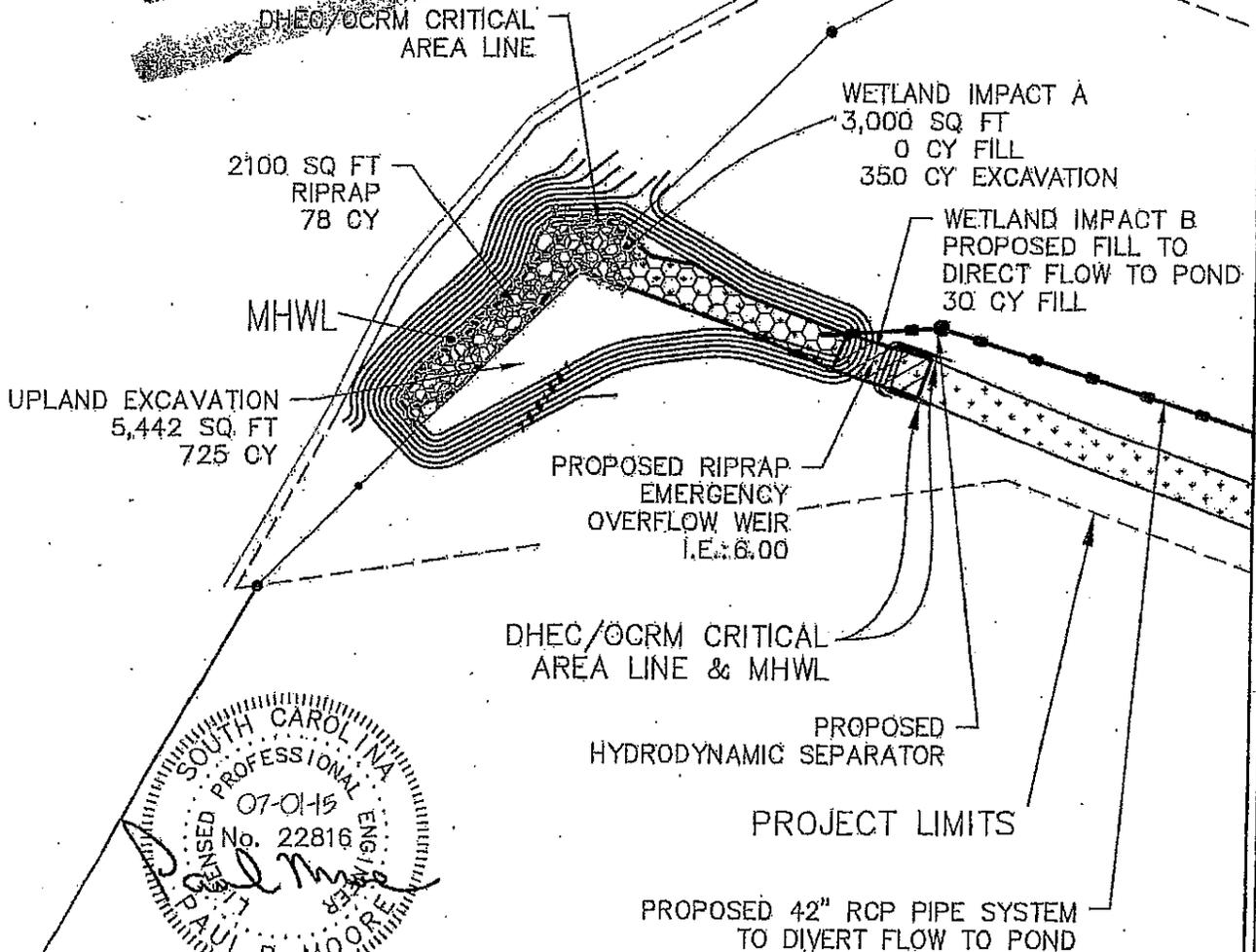
90818

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

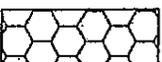
**MAJOR ACTIVITY**

**SEE SPECIAL  
CONDITION(S)**

S.C HWY 170 R/W VAR



SOUTH CAROLINA  
PROFESSIONAL ENGINEER  
07-01-15  
No. 22816  
*Paul R. Moor*  
PAUL R. MOOR

-  CRITICAL AREA / SECTION 10 WETLANDS TO BE FILLED
-  CRITICAL AREA / SECTION 10 WETLANDS TO BE EXCAVATED



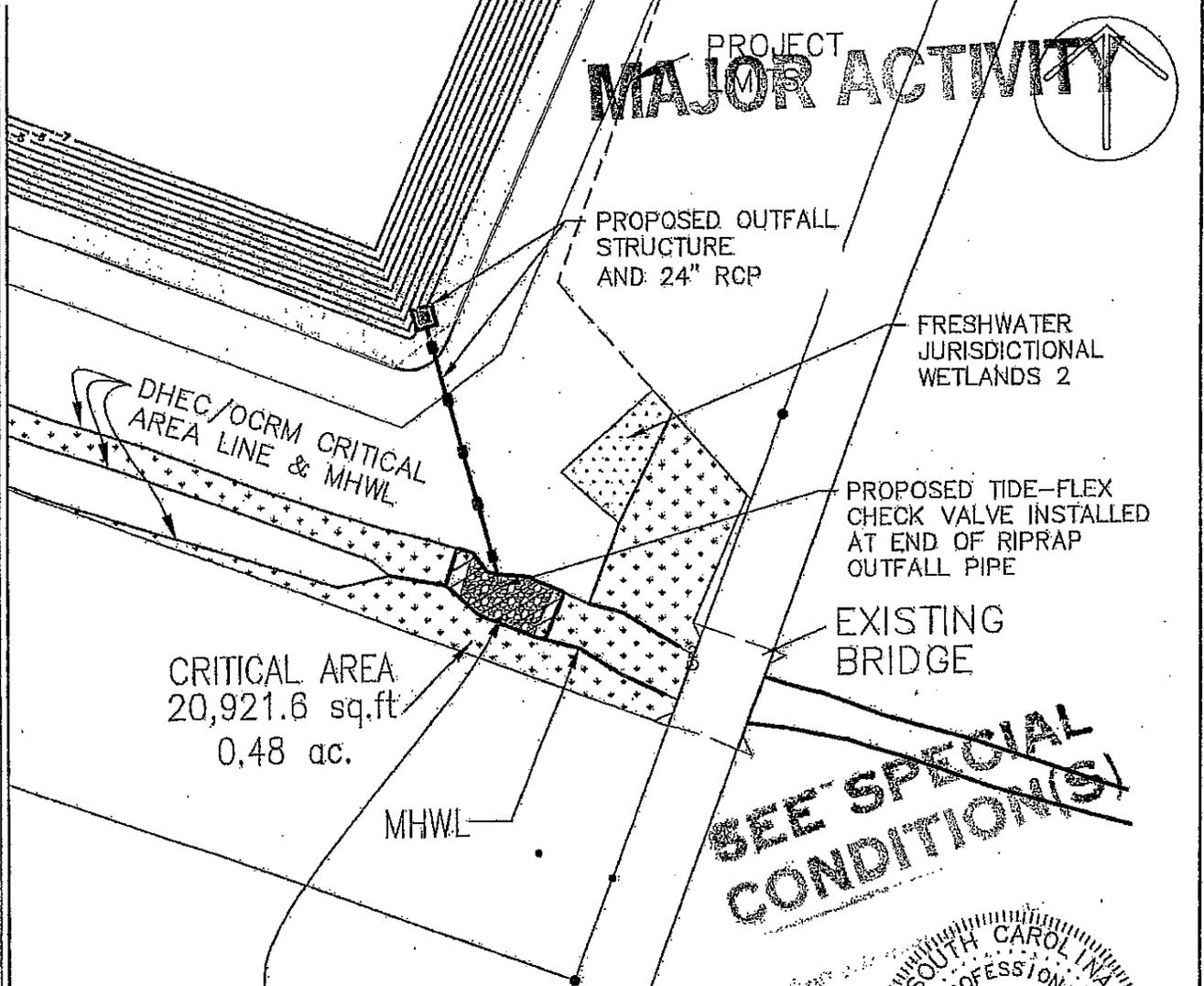
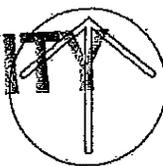
P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2  
**IMPACT A**  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A  
SHEET 5 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

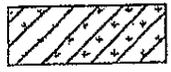
PROJECT  
**MAJOR ACTIVITY**



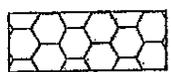
CRITICAL AREA  
20,921.6 sq.ft  
0.48 ac.

WETLAND IMPACT C  
800 SQ FT  
0 CY FILL  
20 CY EXCAVATION  
20 SY RIP RAP

**SEE SPECIAL  
CONDITION(S)**



CRITICAL AREA / SECTION 10 WETLANDS TO BE FILLED



CRITICAL AREA / SECTION 10 WETLANDS TO BE EXCAVATED



P.O. BOX 384  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

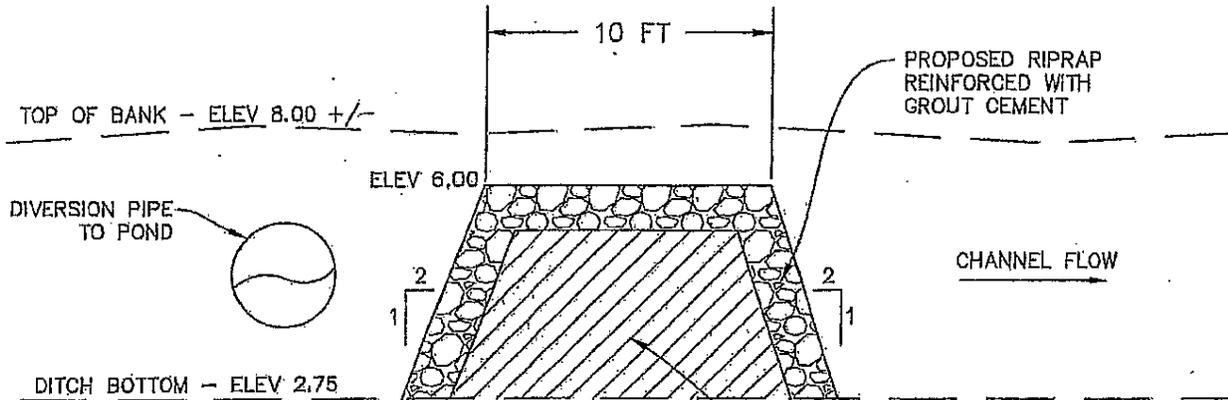
BATTERY CREEK-BURTON HILL M2  
**IMPACT C**  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A  
SHEET 6 OF 9

110818

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

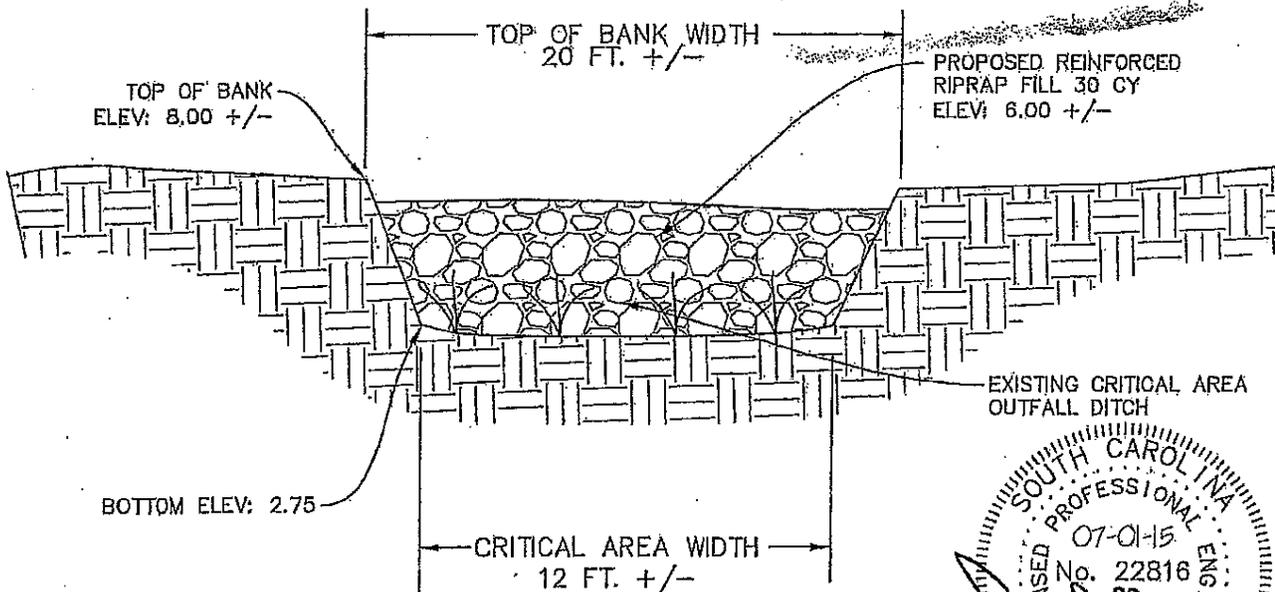
**MAJOR ACTIVITY**



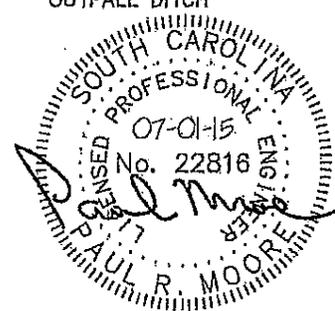
PROFILE VIEW

COMPACTED FILL  
30 CY

**SEE SPECIAL  
CONDITION(S)**



CROSS SECTION VIEW



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2

IMPACT B SECTION

BEAUFORT COUNTY, SOUTH CAROLINA

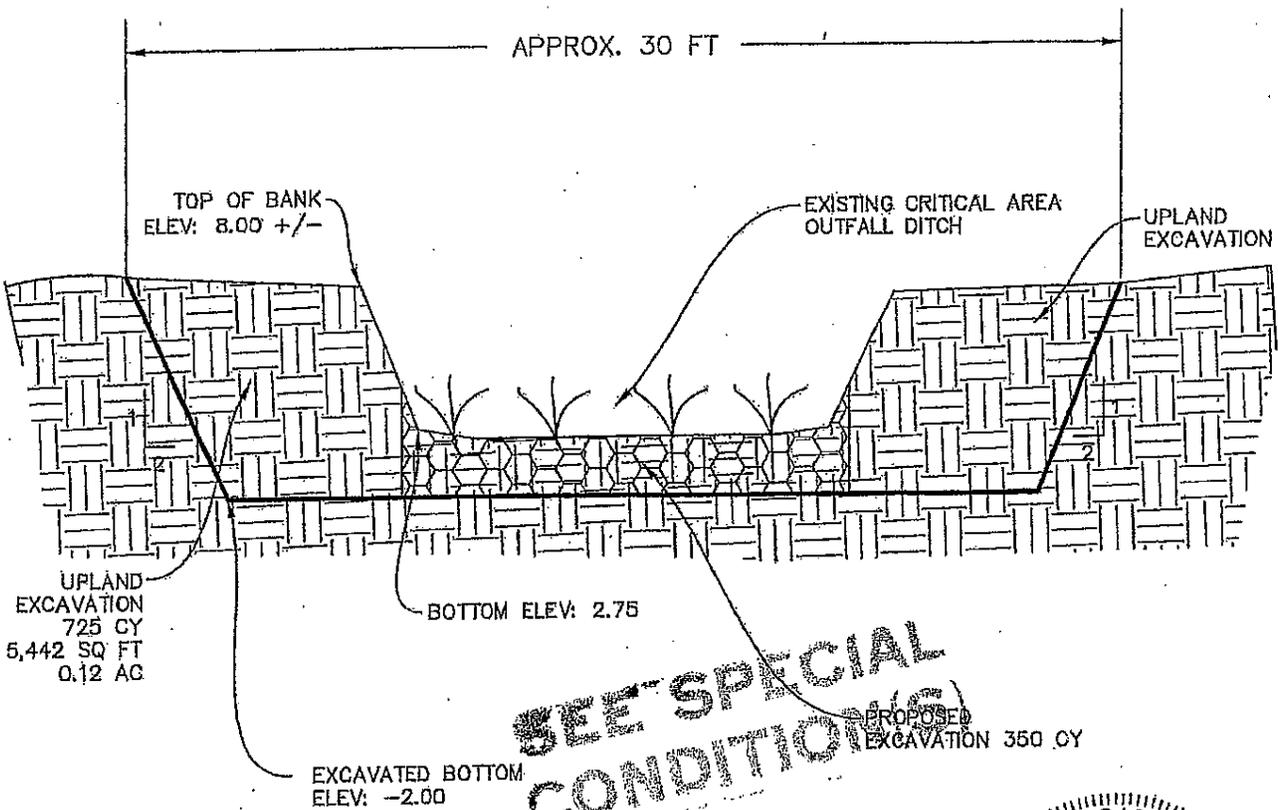
DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 7 OF 9

120818

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

**MAJOR ACTIVITY**



**SEE SPECIAL  
CONDITION(S)**



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

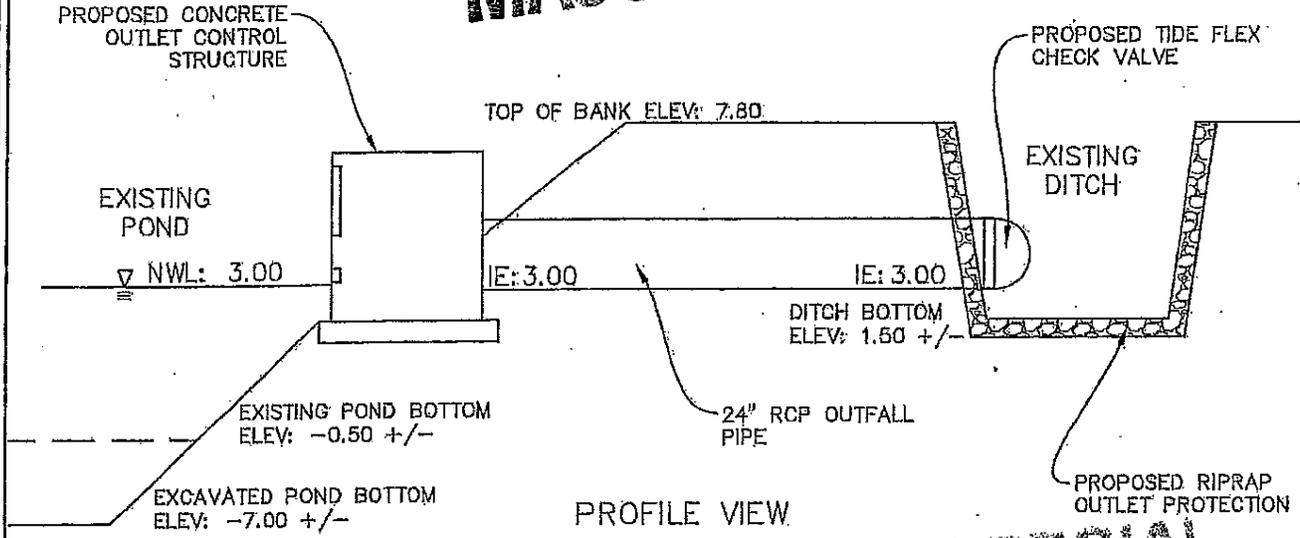
BATTERY CREEK-BURTON HILL M2  
IMPACT A SECTION  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A  
SHEET 8 OF 9

130818

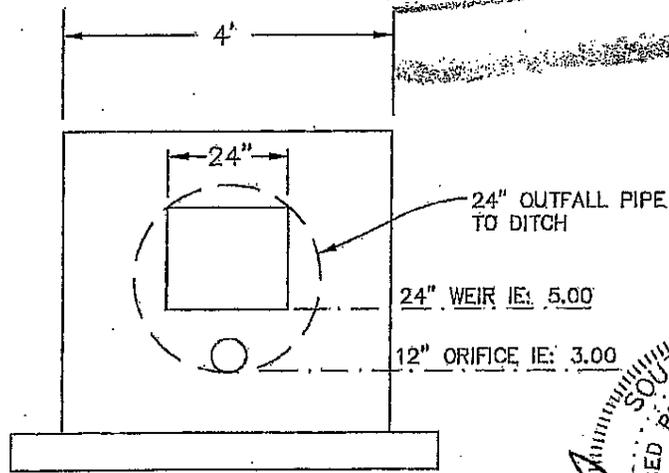
SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

**MAJOR ACTIVITY**

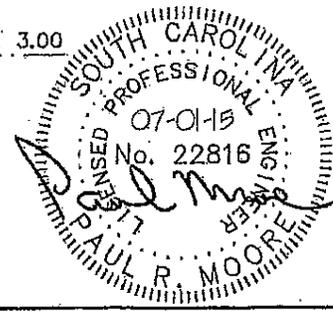


PROFILE VIEW

**SEE SPECIAL  
CONDITION(S)**



CROSS SECTION VIEW



P.O. BOX 384  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEWARDS.COM

BATTERY CREEK-BURTON HILL M2

IMPACT C SECTION

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 9 OF 9

140818

Battery Creek Stormwater Improvement Impacts  
Beaufort County, South Carolina  
July 2, 2015

**MAJOR ACTIVITY**

**Impact A:**

Impact A is currently considered a Tidal / Critical Area Ditch. The proposed plan for Impact A is to excavate 5,442 sq ft (725 cubic yards) of uplands and excavation of 3,000 sq ft (350 cubic yards) of what is currently considered tidal ditch / Critical Area for the creation of a catch basin to assist in trash collect that is anticipated entering with the received upstream stormwater. For stabilization of this area, install 2,100 sq ft (78 cubic yards) of rip rap will be required.

See sheet 5 of 9 & sheet 8 of 9 of the permit exhibits for an overview and typical cross section.

**Impact B:**

The proposed Impact B is for the installation of an emergency overflow weir. This weir will be set at an elevation that will not allow tidewaters to flood or move into the upstream area (Impact A, catch basin). The total amount of impact associated with the weir construction is 340 sq ft (30 cubic yards). Impact area B will also ensure that the stormwater generated upstream will be diverted to the proposed settling pond. The area upstream of impact B (catch basin) would not receive tide and would be converted to freshwater once the weir is constructed. This would prohibit tide waters from entering the proposed stormwater treatment pond

See sheet 5 of 9 & sheet 7 of 9 of the permit exhibits for an overview and typical cross section.

**Impact C:**

Impact C is the proposed outfall for the stormwater design. This impact will require installation of a tide gate, excavation of tidal ditch / Critical Area, and installation of rip rap for bank stabilization. The tidal ditch excavation will total 800 sq ft (20 cubic yards) and is necessary for rip rap installation. The total amount of rip rap to be installed within Impact C is 800 sq ft (20 cubic yards) to replace the excavated material.

See sheet 6 of 9 & sheet 9 of 9 off the permit exhibits for an overview and typical cross section.

**Stormwater Pond:**

The existing 2.2 acres pond was excavated out of uplands. There is no inflow or outfall structures associated with the pond. Thus, we have considered this pond non-jurisdictional. The proposed stormwater treatment plan would utilize this pond for stormwater treatment. The pond will require the dredging of 19,000 cubic yards to facilitate treatment and storage the stormwater prior to being discharged into Battery Creek.

**SEE SPECIAL  
CONDITION(S)**



South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15<sup>th</sup> day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
  - The grounds for amending, modifying, or rescinding the staff decision;
  - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
  - the relief requested;
  - a copy of the decision for which review is requested; and
  - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:  
South Carolina Board of Health and Environmental Control  
Attention: Clerk of the Board  
2600 Bull Street  
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).

4. The filing fee may be paid by cash, check or credit card and must be received by the 15<sup>th</sup> day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will

respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

*NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.*

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

## II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
  - include the place, date and time of the Conference;
  - state the presentation times allowed in the Conference;
  - state evidence may be presented at the Conference;
  - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
  - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

## III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
  - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
    - Type of decision (permit, enforcement, etc.) and description of the program.
    - Parties.
    - Description of facility/site
    - Applicable statutes and regulations
    - Decision and materials relied upon in the administrative record to support the staff decision.
  - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
  - Rebuttal by Department staff [15 minutes]
  - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.

## DEPARTMENT OF THE ARMY PERMIT

Permittee: **CITY OF BEAUFORT**  
**SCOTT DADSON**

**1911 BOUNDARY STREET**  
**BEAUFORT, SOUTH CAROLINA 29902**

Permit No: **2015-00562-1JC**

Issuing Office: **CHARLESTON DISTRICT**

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### **Project Description:**

The proposed work consists of a stormwater treatment project that would impact 0.148 acres of a jurisdictional tidal ditch. In detail, the tidal ditch will be impacted by excavation, fill, and installation of riprap within two areas of the ditch, as well as installation of an emergency overflow weir and a tide gate in accordance with the attached drawings entitled: Battery Creek Stormwater Retrofit; SAC-2015-00562-1C; Sheets 1 thru 9 of 9 dated July 1, 2015.

### **Project Location:**

The propose project is located east of and adjacent to SC Highway 170, and west of and adjacent to Old Jericho Road within the City of Beaufort, in Beaufort County, South Carolina.

### **Permit Conditions:**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **31 March 2021**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

SEE PAGE 4

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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

\_\_\_\_\_  
 (PERMITTEE)  
 CITY OF BEAUFORT  
 SCOTT DADSON

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(PRINT NAME)

\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
 (DISTRICT ENGINEER)  
 MATTHEW W. LUZZATTO, P.E., PMP  
 or his Designee  
 Travis G. Hughes  
 Chief, Regulatory Division

\_\_\_\_\_  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

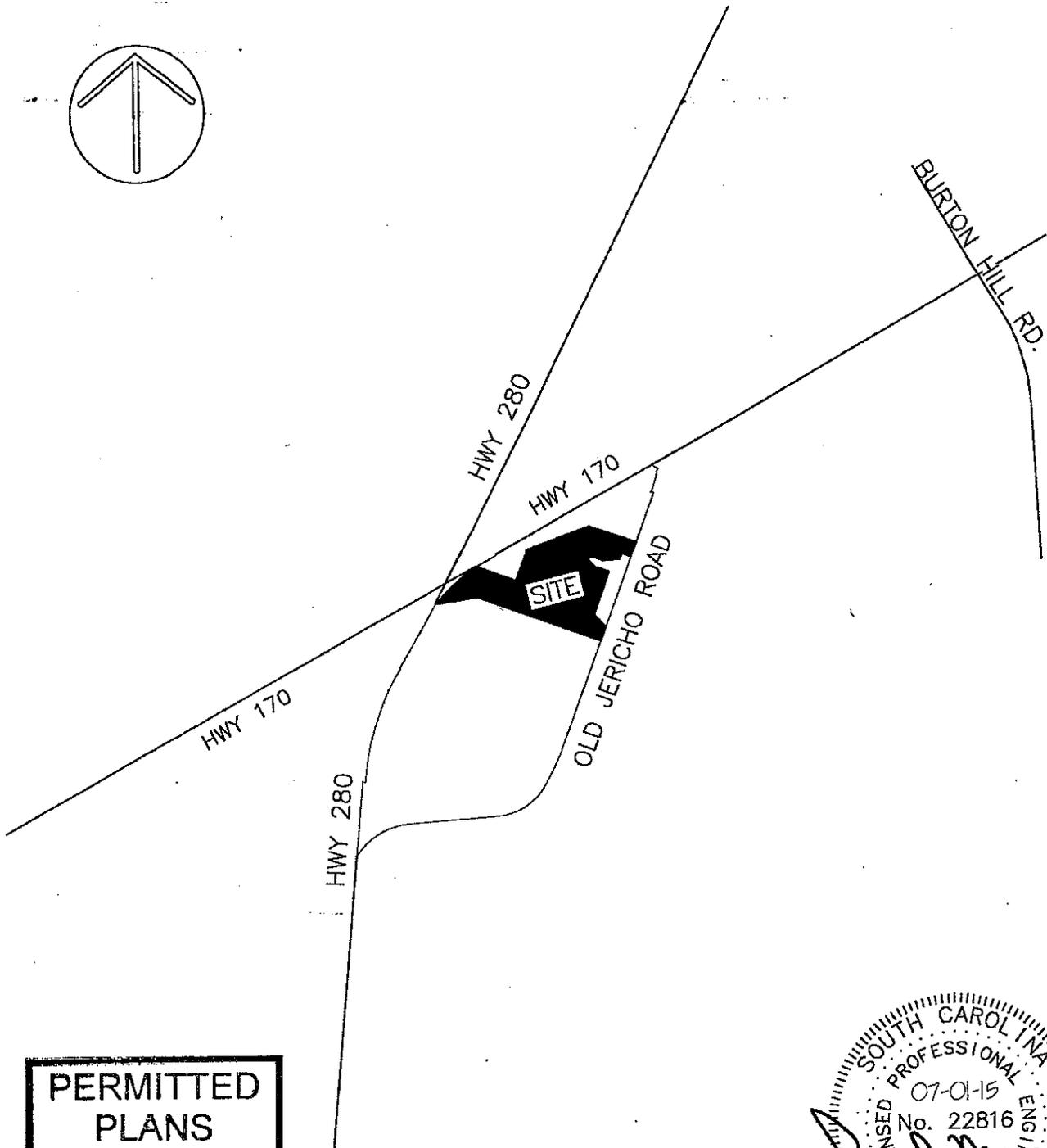
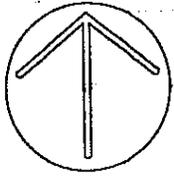
\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

CONDITIONS FOR PERMIT #2015-00562-1C:

**Special Conditions:**

- a) That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.
  
- b) That the permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
  1. A copy of this permit;
  2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
  3. A statement that any required mitigation was completed in accordance with the permit conditions;
  4. The signature of the permittee certifying the completion of the work and mitigation.
  
- c) That the permittee shall install silt fences in the tidal linear conveyances downstream of where the discharge of fill material will occur and maintain the silt fences until the fill material is stabilized.
  
- d) That the permittee shall conduct all work during dry conditions.



**PERMITTED  
PLANS**



**SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT**



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

**BATTERY CREEK-BURTON HILL M2**

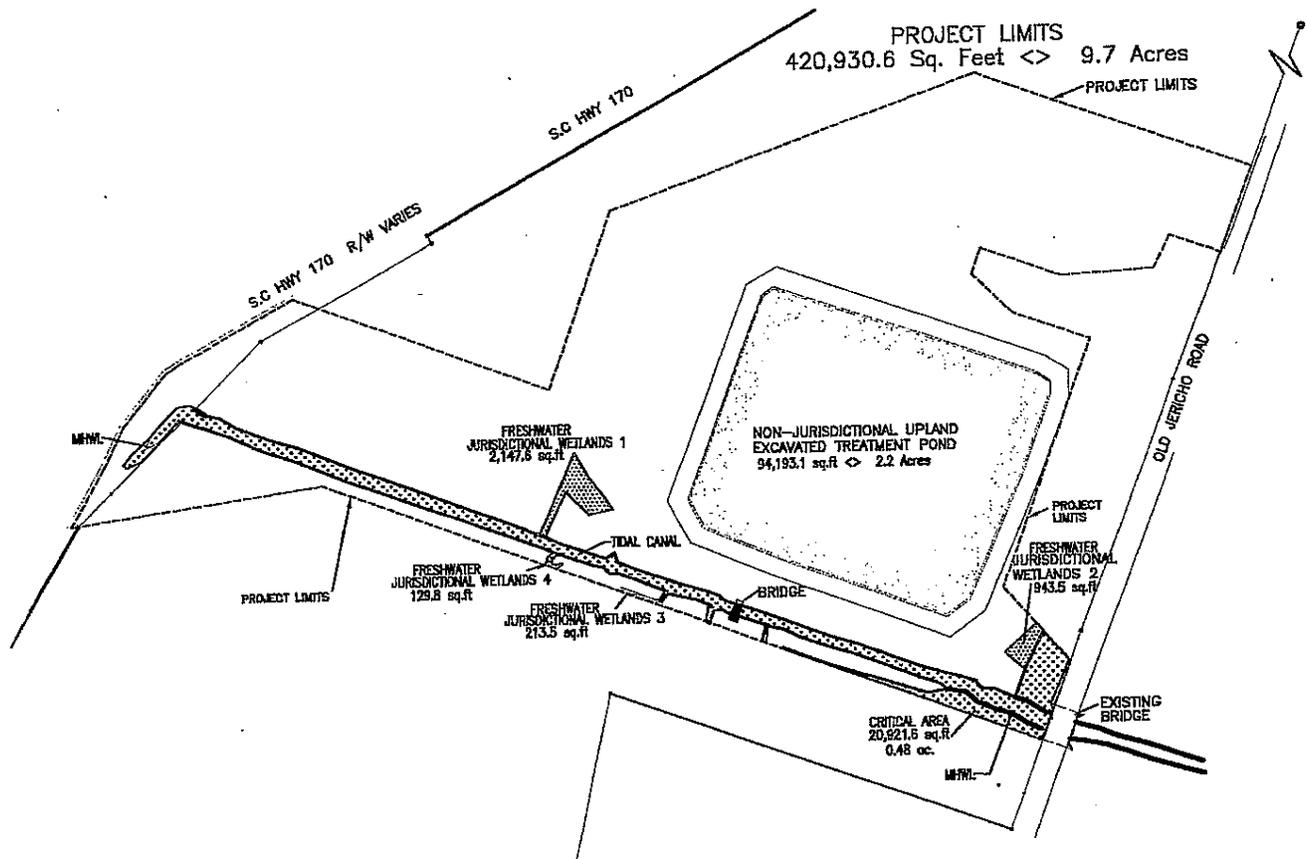
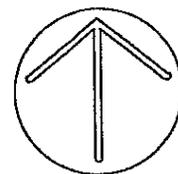
**VICINITY MAP**

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: NONE  
PROJECT #090093A

SHEET 1 OF 9





**PERMITTED  
PLANS**

CRITICAL AREA APPROVED BY:  
GEORDY MALINGER ON 10-22-14



**SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT**

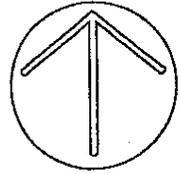


P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

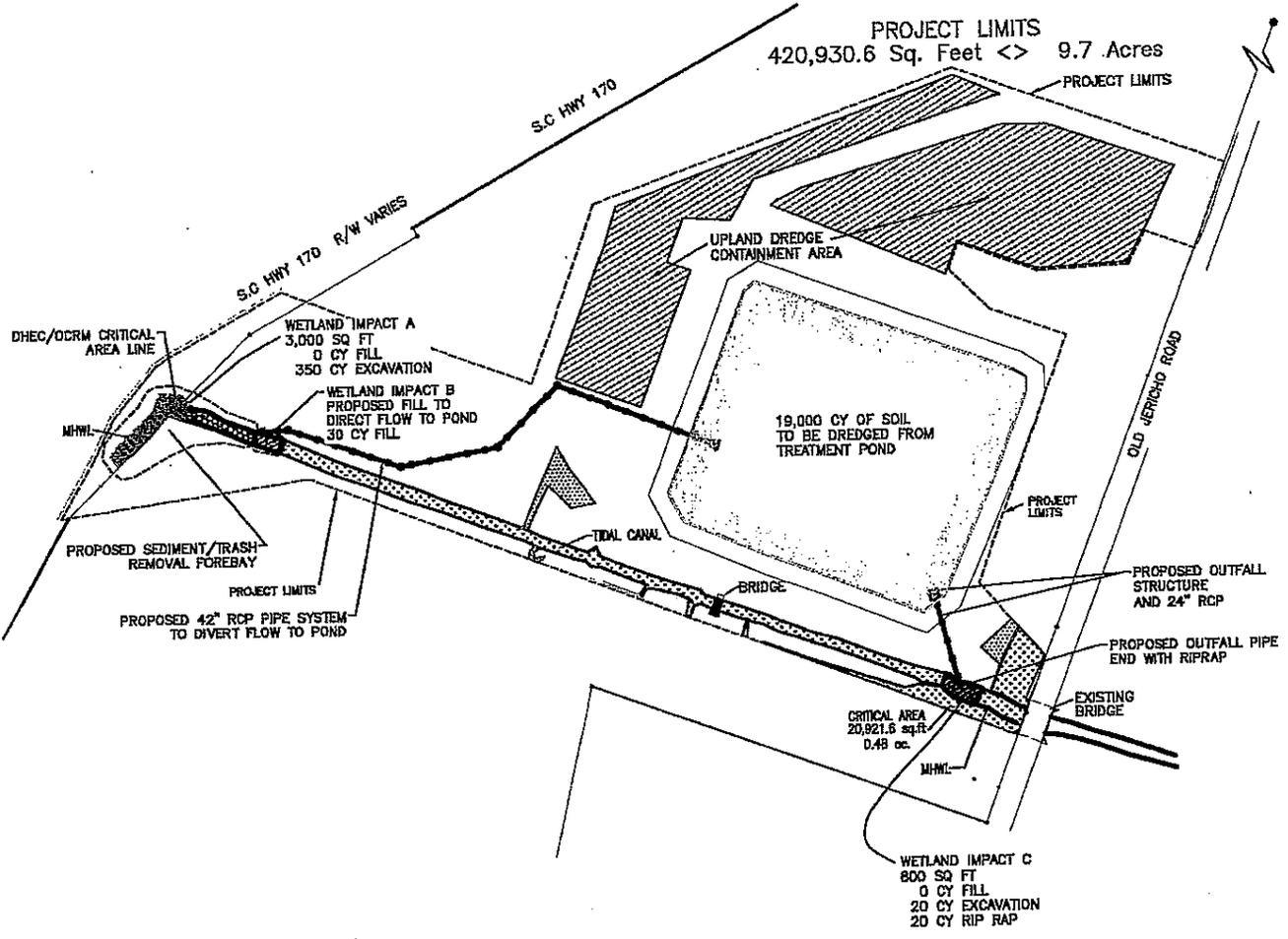
**BATTERY CREEK-BURTON HILL M2  
EXISTING SITE CONDITIONS**  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #090093A  
SHEET 3 OF 9

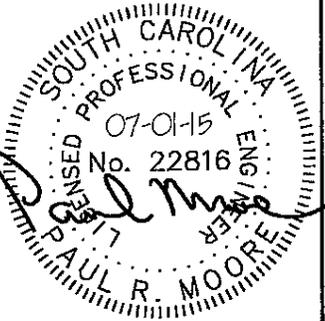
SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



**PERMITTED  
PLANS**



TOTAL PROJECT LIMITS:	420,930.6 SQ FT	9.7 AC.
CRITICAL AREA:	20,921.6 SQ FT	0.48 AC.
FRESHWATER JURISDICTIONAL WETLAND:	3,434.4 SQ FT	0.79 AC.
UPLAND EXCAVATION:	5,442.0 SQ FT	725 CY
CRITICAL AREA EXCAVATION:	2,358.0 SQ FT	370 CY
CRITICAL AREA FILL:	340.0 SQ FT	30 CY
RIPRAP REVETMENT:	3,726.0 SQ FT	128 CY



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

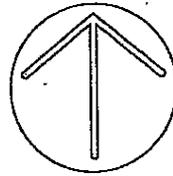
BATTERY CREEK-BURTON HILL M2  
PROPOSED WETLAND IMPACTS

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #090093A

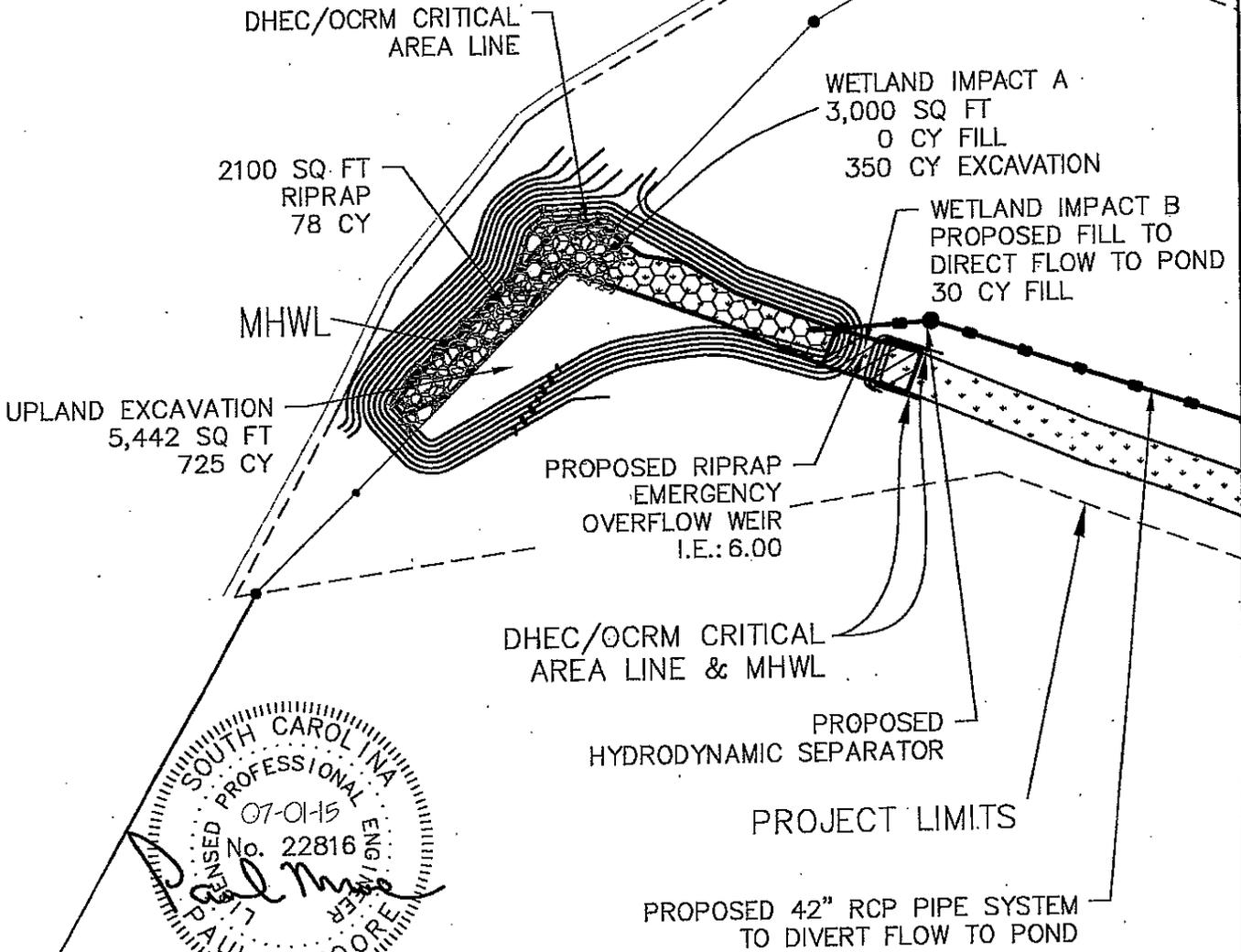
SHEET 4 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



**PERMITTED  
PLANS**

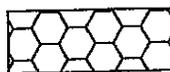
S.C HWY 170 R/W VAF



SOUTH CAROLINA  
REGISTERED PROFESSIONAL ENGINEER  
07-01-15  
No. 22816  
*Paul R. Moore*  
PAUL R. MOORE



CRITICAL AREA / SECTION 10 WETLANDS TO BE FILLED



CRITICAL AREA / SECTION 10 WETLANDS TO BE EXCAVATED



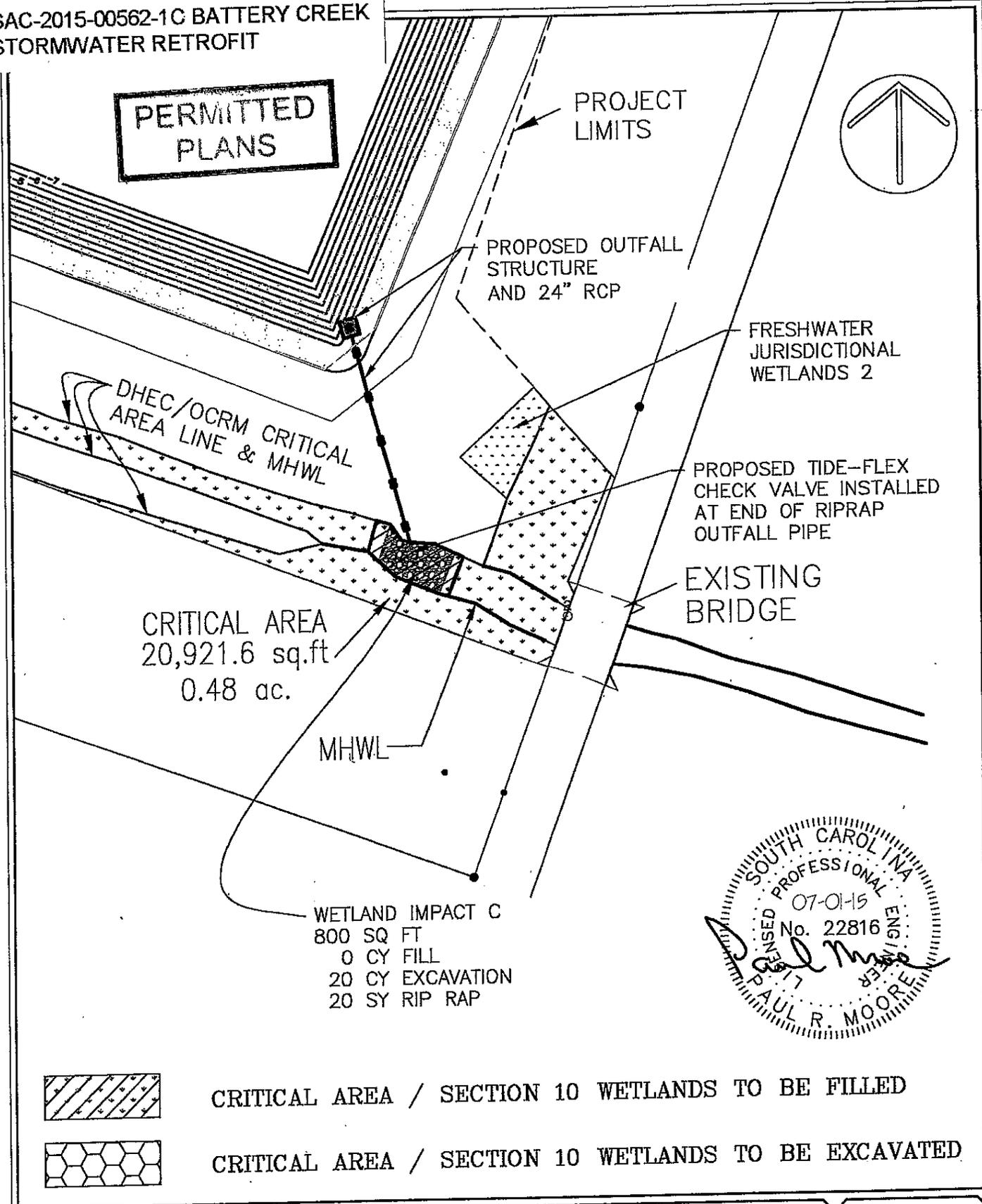
P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2  
**IMPACT A**  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A

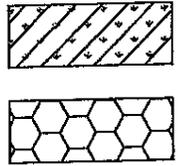
SHEET 5 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



CRITICAL AREA  
20,921.6 sq.ft  
0.48 ac.

WETLAND IMPACT C  
800 SQ FT  
0 CY FILL  
20 CY EXCAVATION  
20 SY RIP RAP



CRITICAL AREA / SECTION 10 WETLANDS TO BE FILLED

CRITICAL AREA / SECTION 10 WETLANDS TO BE EXCAVATED



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

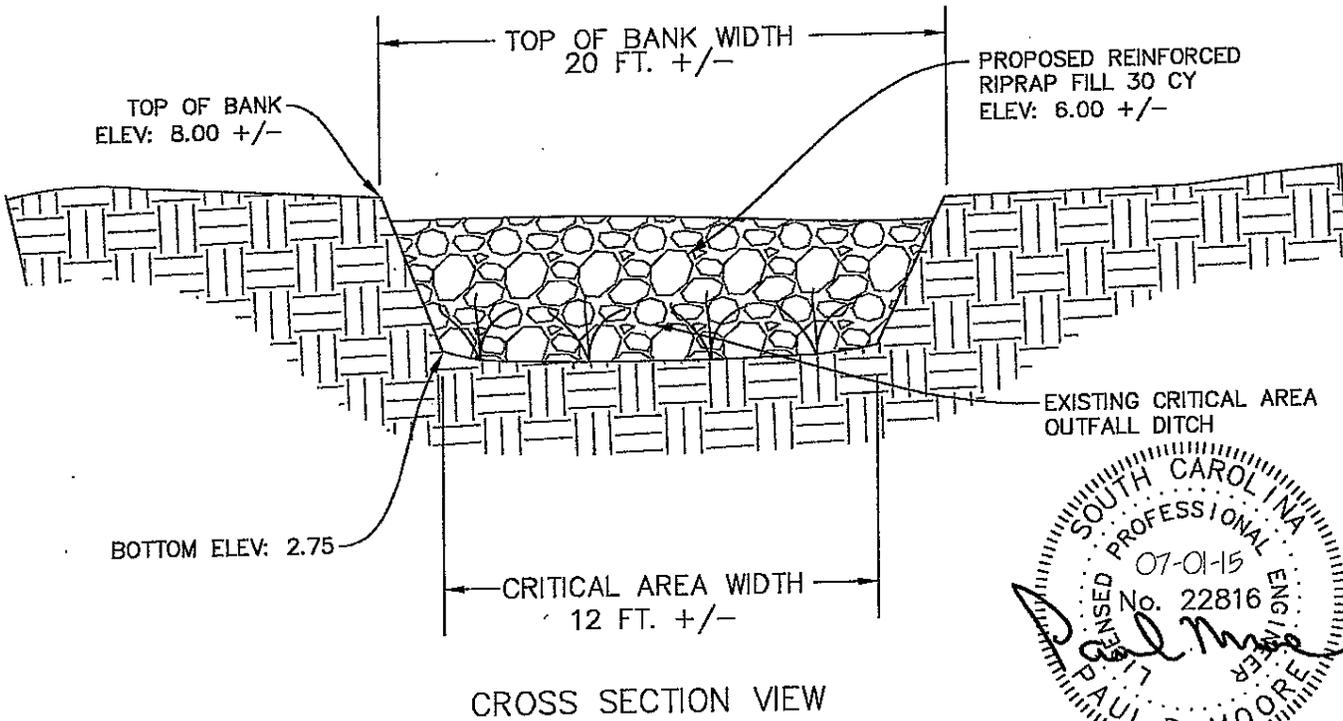
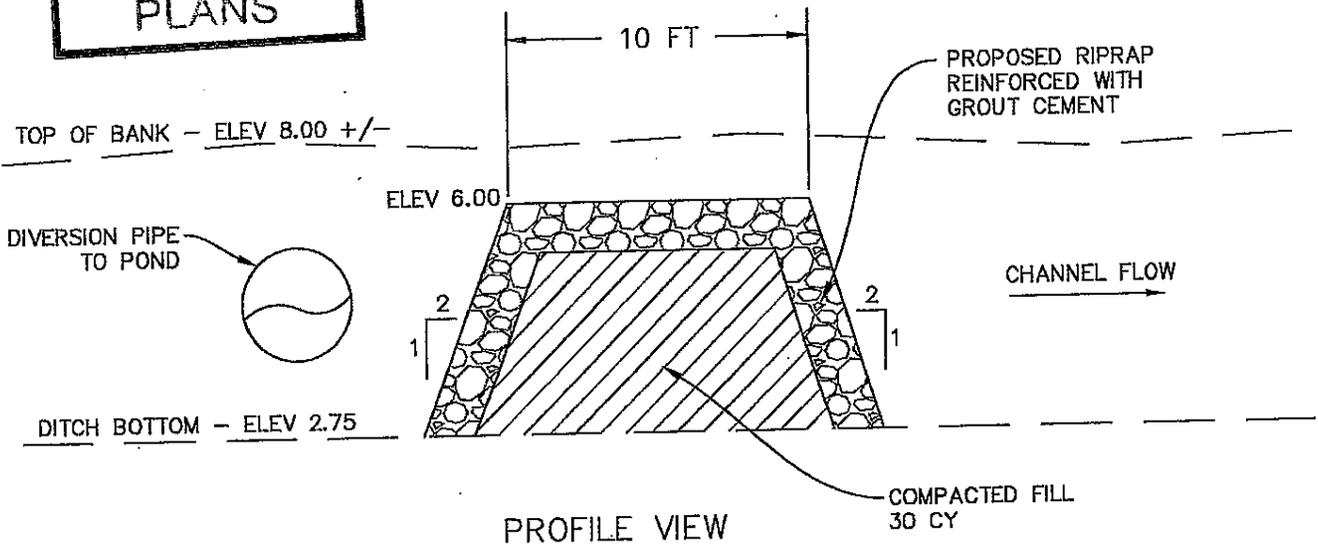
BATTERY CREEK-BURTON HILL M2  
**IMPACT C**  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A

SHEET 6 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

**PERMITTED  
PLANS**



SOUTH CAROLINA  
PROFESSIONAL ENGINEER  
07-01-15  
No. 22816  
PAUL R. MOORE



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2

IMPACT B SECTION

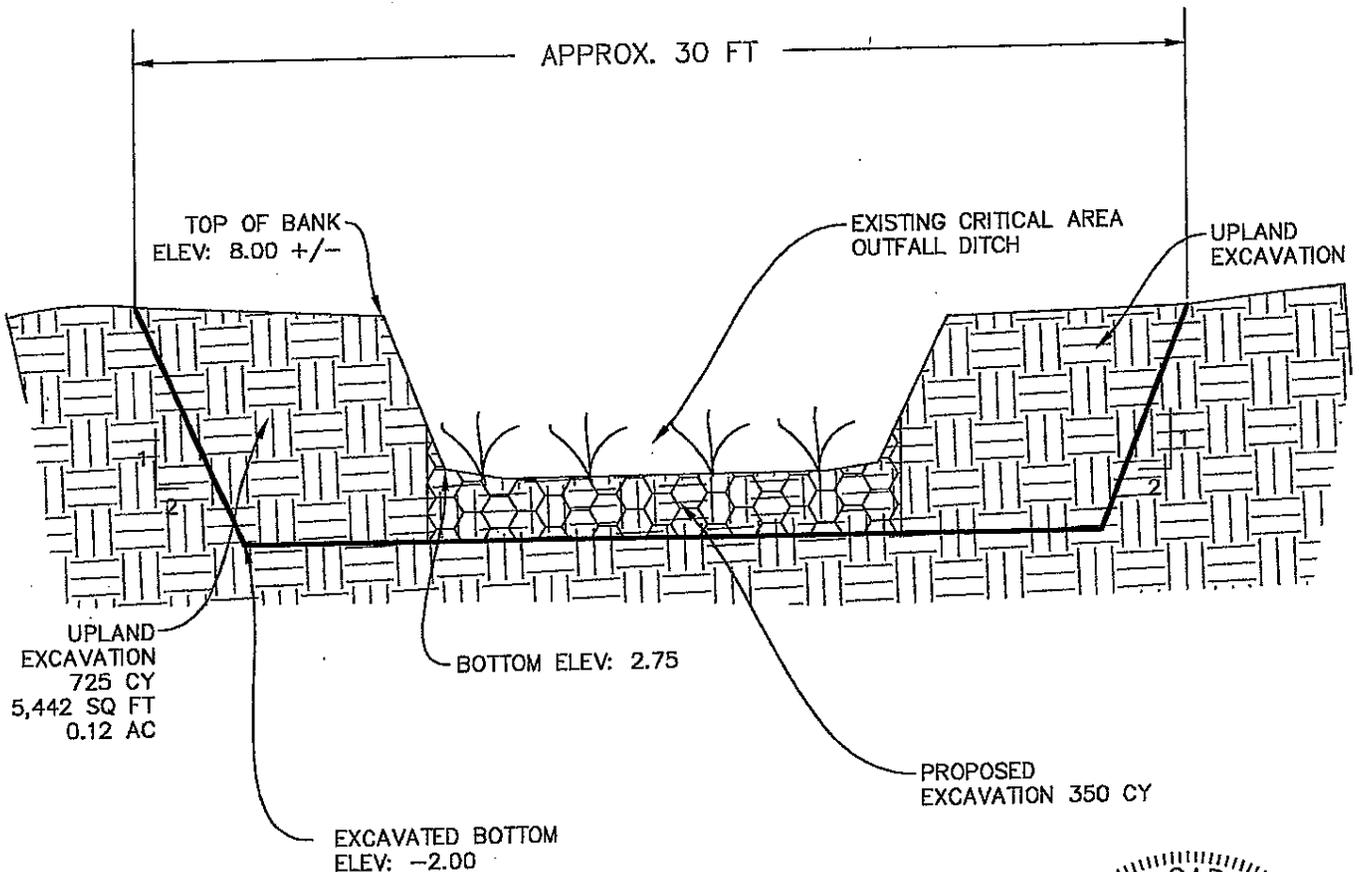
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 7 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

PERMITTED  
PLANS



SOUTH CAROLINA  
LICENSED PROFESSIONAL ENGINEER  
07-01-15  
No. 22816  
*Paul Moore*  
PAUL R. MOORE



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

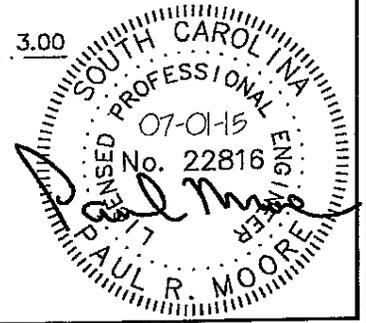
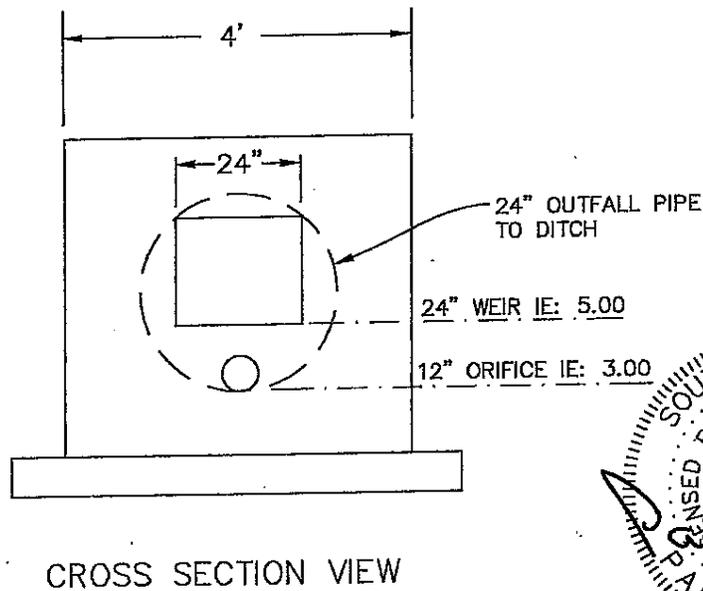
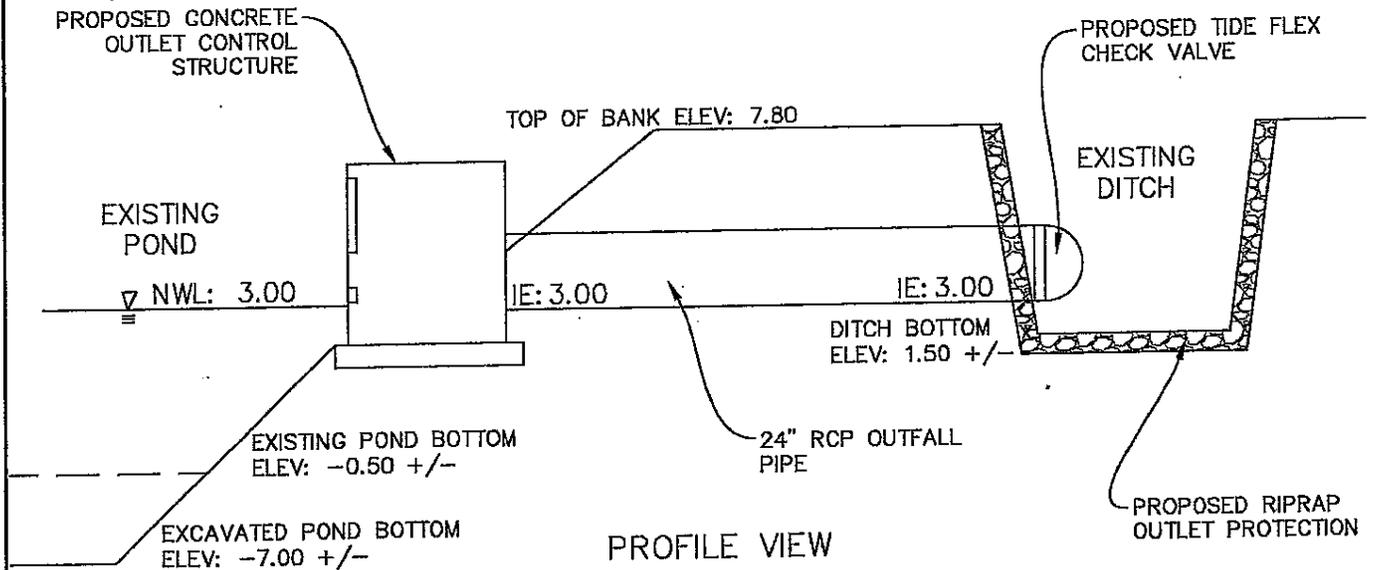
BATTERY CREEK-BURTON HILL M2  
IMPACT A SECTION  
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 8 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT

**PERMITTED  
PLANS**



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2

IMPACT C SECTION

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 9 OF 9



Catherine E. Heigel, Director

*Promoting and protecting the health of the public and the environment*

July 23, 2015

BILL PROKOP  
CITY OF BEAUFORT  
1911 BOUNDARY ST  
BEAUFORT SC 29902-3825

RE: BATTERY CREEK BURTON HILL M2 RETROFIT, Beaufort County  
File Number: 07-15-05-03  
NPDES Coverage Number: SCR10W842

Dear Bill Prokop:

The Department of Health and Environmental Control (Department or DHEC) has approved the Stormwater Pollution Prevention Plan (SWPPP) for the referenced project on **July 23, 2015**. Based on your submission of the Notice of Intent (NOI) and in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000 (CGP), this project has been granted coverage under the CGP. This project's general permit coverage number is **SCR10W842**. The total disturbed area for this site is **9.7 acres**.

**Additional sets of final plans must be provided to the Department so that stamped, final plans are available for use on site, as required by the CGP.**

See attached DHEC Office of Ocean and Coastal Resource Management (DHEC-OCRM) certification dated 06/23/2015 for additional conditions related to the Coastal Zone Consistency determination.

This NPDES coverage and approved site plans are not valid for creating any new impervious area. This coverage is valid for site preparation only, such as clearing, grubbing, and grading (if shown on approved plans). A new application package must be submitted and approved for any impervious surfaces.

An as-built survey, signed and sealed by a S.C. Licensed Land Surveyor, should be submitted for the 1 structure(s) on this site. The survey(s) should show grades, contours, and depths for all structures and should include the elevations and dimensions of all outlet structures, including but not limited to pipes, orifices, risers, weirs, and emergency spillways. A statement signed by the project's S.C. Registered Engineer indicating that the structure(s) was installed and is operating as shown on approved plans and in approved calculations is required. If the elevations or dimensions of the structures listed above do not match those used in the approved plans, provide a certification statement signed by the projects S.C. Registered Engineer indicating that the structure, as built, will function as shown in approved calculations. A new analysis of the structure (routing) may be necessary. The as-built survey and/ or analysis must be accepted by the Department before a Notice of Termination (NOT) can be submitted.

The CGP can be downloaded at the following website: <http://www.scdhec.gov/environment/water/swater/docs/CGP-permit.pdf> or you may request a copy from us via email ([stormwatercgp@dhec.sc.gov](mailto:stormwatercgp@dhec.sc.gov)). You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the CGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991 (1991 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify this DHEC EQC Regional Office prior to starting any land-disturbing activity. The address and telephone number of the EQC office are as follows:

Beaufort EQC Office  
104 PARKER DR  
BEAUFORT SC 29906  
843-846-1030

Inspections of this site must be performed by qualified personnel as described in Section 4.2.E of the CGP.

You should be aware that this approval is only applicable for the SWPPP that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is not authorized. Any future work for this project not shown on the stamped, approved plans will require that you submit another site plan for review and approval. All major modifications require review and approval by the Department. Minor modifications to the approved SWPPP may be made by the SWPPP preparer and do not require review and approval by the Department; these changes should be signed and dated by the SWPPP preparer. If you have a question about whether a modification is major or minor, contact the Coastal Stormwater Permitting Section at (843) 953-0200.

A copy of the stamped, approved SWPPP (including a copy the CGP, contractor certifications, inspection records, rainfall data, etc), NOI, and CGP coverage letter from DHEC must be retained and available at the construction site (or accessible within 30 minutes during normal business hours) from the date of commencement of construction activities to the date of final stabilization. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.

All contractors who will conduct land-disturbing activities at the site must complete a Contractor Certification Form. Annual Blanket Utility Providers must provide a copy of their annual blanket registration information. You are also responsible for listing all contractors in the SWPPP and for holding a pre-construction conference with each contractor before they can conduct land-disturbing activity at the site.

The Department may conduct periodic inspections of your site. Any violations found during these inspections may result in enforcement action.

This NPDES coverage should be terminated by the permittee when one of the conditions listed in Section 5.1 of the CGP has been met. You must submit a Notice of Termination (NOT) to cancel your NPDES coverage under the CGP. Please see section 5.1 of the CGP for additional information required to be submitted with the NOT.

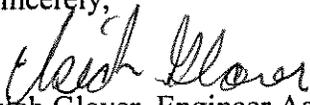
You are responsible for obtaining any other federal, state, or local permit that may be required for this project. In particular, any permits through the U.S. Army Corps of Engineers for the placement of fill material in Waters of the United States. Please note we have not sent a copy of this letter to any county or city building official. You must send a copy of this letter to these agencies, if necessary.

***If material excavated during construction activities leaves the site, a mine operating permit may be needed. You are responsible for contacting the Mining and Reclamation Section to determine if a mining permit is required for the site. The Mining and Reclamation Section can be reached at (803)896-4261 or via e-mail at [AskMines@dhec.sc.gov](mailto:AskMines@dhec.sc.gov).***

Please see the enclosed "Notice of Appeal Procedure" document for information about the procedures for appealing this NPDES coverage.

If you have any questions or cannot access the referenced websites, please call me at 843-953-0200.

Sincerely,



Isiah Glover, Engineer Associate  
Coastal Stormwater Permitting  
SCDHEC-Bureau of Water

cc: Paul R Moore—WARD EDWARDS ENGINEERING

cc: Region 8, Beaufort EQC Office

# South Carolina Board of Health and Environmental Control

## Guide to Board Review

### Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

#### I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
  - The grounds for amending, modifying, or rescinding the staff decision;
  - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
  - the relief requested;
  - a copy of the decision for which review is requested; and
  - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:  
South Carolina Board of Health and Environmental Control  
Attention: Clerk of the Board  
2600 Bull Street  
Columbia, South Carolina 29201  
Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will respond to

the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

*NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.*

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

## II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
  - include the place, date and time of the Conference;
  - state the presentation times allowed in the Conference;
  - state evidence may be presented at the Conference;
  - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
  - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

## III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
  - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
    - Type of decision (permit, enforcement, etc.) and description of the program.
    - Parties
    - Description of facility/site
    - Applicable statutes and regulations
    - Decision and materials relied upon in the administrative record to support the staff decision.
  - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
  - Rebuttal by Department staff [15 minutes]
  - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council.. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

**The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.**



**NOTICE OF INTENT (NOI)**  
 For Coverage(s) of Primary Permittees  
 Under South Carolina NPDES General Permit  
 For Stormwater Discharges From Construction Activities SCR100000  
 (Maintain As Part of On-Site SWPPP)

**For Official Use Only**

File Number: \_\_\_\_\_  
 Permit Number: SCR10  
 Submittal Package Complete: \_\_\_\_\_

Submission of this Notice of Intent constitutes notice that the Applicant identified in Section II intends to be authorized as a Primary Permittee in the state of South Carolina under NPDES General Permit SCR100000. Fees required for review and NPDES coverage of each application type are as listed on page 2 of the instructions.

SOUTH CAROLINA  
 DEPT OF HEALTH AND ENVIRONMENTAL CONTROL  
 ENVIRONMENTAL QUALITY CONTROL  
 STORMWATER PERMITTING SECTION  
 APPROVED - FOR CONSTRUCTION ONLY

DHEC PERMIT #: SCR10W842  
 FILE #: 07-15-05-03  
 DATE ISSUED: 7/23/15  
 BY: Christy Glover

Date: 04/06/2015  
 Project/Site Name: Battery Creek- Burton Hill M2 Retrofit County: Beaufort  
 (Modification or Change of Information Only) Prior Approved NPDES Permit or File Number: \_\_\_\_\_

Do you want this project to be considered for the Expedited Review Program (ERP)?  Yes or  No (See Instructions)

**I. Notice of Intent (NOI) Application Type(s)**

- A. Project (Application/Review) Type(s) (Select ALL that apply):  
 New Project (Initial Notification) Ongoing Project:  Permitted or  Un-Permitted  
 Late Notification  Low Impact Development (LID) or Project Design Above Regulatory Requirements  
 New Owner/Operator or Company Name Change (see instructions, attach Form A (Transfer of Ownership))  
 Major Modification: (see instructions, attach Form B (Major Modifications))  
 MS4 Project Review  
 Ocean and Coastal Resource Management (OCRM) Review  
 Change of Information/Other (Specify): \_\_\_\_\_

B. If Applicable, identify the entity designated as MS4 Reviewer and MS4 Operator (i.e., Lexington County, City of Greer, etc.): MS4 Reviewer \_\_\_\_\_ MS4 Operator \_\_\_\_\_

**II. Primary Permittee Information**

Person or  Company If a Company, are you a  Lending Institution or  Government Entity?  
 Company EIN (if applicable): EIN: 57-6000223

- A. Primary Permittee Name: City of Beaufort  
 Mailing Address: 1911 Boundary St City: Beaufort State: SC Zip: 29902  
 Phone: 843-525-7010 Fax: \_\_\_\_\_ Email Address: ltaylor@cityofbeaufort.org (Lamar Taylor)
- B. Contact/ODSA Name (if different from above OR if owner is a company): Bill Prokop, bprokop@cityofbeaufort.org  
 Mailing Address: 1911 Boundary St City: Beaufort State: SC Zip: 29902  
 Phone: 843-525-7010 Fax: \_\_\_\_\_ Email Address: ltaylor@cityofbeaufort.org (Lamar Taylor)
- C. Property Owner Name (if different from above): Myrtle Bush Farms, attn: Dr. John Gray  
 Mailing Address: P.O. Box 4037 City: Beaufort State: SC Zip: 29903  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email Address: jwgray@hargray.com

**III. Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) Preparer Information**  Change of Information

- A. C-SWPPP Preparer Name: Paul Moore, PE  
 B. Registered Professional  Engineer  Landscape Architect  Tier B Land Surveyor S. C. Registration #: 25124  
 C. Company/Firm Name: Ward Edwards Engineering S. C. COA #: 00152  
 Mailing Address: P.O. Box 381 City: Bluffton State: SC Zip: 29910  
 Phone: 843-837-5250 Fax: 843-837-2558 Email Address: pmoore@wardedwards.com

**IV. Project/Site Information**

- A. Type of Construction Activity(ies) (Select ALL that apply):  
 Commercial  Industrial  Institutional  Mass Grading  Linear  Utility/Infrastructure  
 Residential: Single-family  Residential: Multi-family  Multi-use (Commercial & Residential)  
 Site Preparation (No New Impervious Area)  Other (Specify) Water Quality BMP Construction
- B. Site Address/Location (street address, nearest intersection, etc.) Old Jencho Road  
 City/Town (if in limits): Beaufort, SC Zip Code: 29902  
 Latitude: 32° 25' 31" N Longitude: - 80° 43' 33" W (Source):  GPS  Web Site: Google Earth  
 Tax Map Number (s) (List all): R120 028 000 0138 0000

- C. Is this site located on Indian Land?  Yes  No
- D. Proposed Start Date: 07/01/2015 Proposed Completion Date: 12/01/2015
- E. Disturbed Area (nearest tenth of an acre): 9.7 Total Area (acres): 236
- F. Modification Only: (nearest tenth of an acre): Disturbed Area: Current (Approved) Area: \_\_\_\_\_  
 Disturbed Area Change (Increase Only): \_\_\_\_\_ Total Disturbed Area (After Change): \_\_\_\_\_
- G. Is this project part of a Larger Common Plan for Development or Sale (LCP)?  Yes  No  
 LCP/ Overall Development Name: \_\_\_\_\_ Check here if this is the First Phase.
- Previous State Permit/File Number: \_\_\_\_\_ Previous NPDES Coverage Number: SCR10
- H. Any Flooding Problems exist downstream of or adjacent to this site?  Yes  No (If yes, provide detailed description of flooding problems and applicable floodway/flood zone information in the C-SWPPP).
- I. Active S.C. DHEC Warning Notice, Notice to Comply or Notice of Violation for this site or LCP?  Yes  No
- J. List Relevant State and Federal Environmental Permits or Approvals applied for or obtained for this site (e.g., RCRA, USACOE, Nationwide, etc.). If None, list None.

K. Any Waiver(s)/Variances/Exceptions Requested for this Project? (If yes, identify below and include Waiver Request and Justifications in the C-SWPPP for each proposed request).

1. Small Construction Activity Waiver(s) From NPDES permitting (Section 1.4 & Appendix B)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, identify requested waiver: <input type="checkbox"/> Rainfall Erosivity Waiver <input type="checkbox"/> TMDL Waiver <input type="checkbox"/> Equivalent Analysis Waiver	
2. Detention Waiver (72-302(B))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3. Other (Specify): _____

V. Waterbody Information (Attach additional sheet(s) as needed)  Change of information

A. Receiving Waterbody(s) (RWB) Information (List the nearest and next nearest receiving waterbodies to which the sites stormwater discharges will drain. If stormwater discharges drain to multiple waterbodies, list all such waterbodies).

1. Name of Receiving Waterbodies (RWB)	2. Distance to RWB (feet)	3. Classification of RWB
a. Nearest: <u>Unnamed tributary to Battery Creek</u>	2200	SA
b. Next Nearest: <u>Unnamed tributary to Battery Creek</u>	4600	SA
c. Coastal Zone ONLY: Coastal Receiving Water (CRW): <u>Battery Creek</u>	4600	Not Applicable
d. Other Waterbodies: _____		

B. Waters of the U.S. / State Information (Attach additional sheet(s) as needed)

Waters of the U.S./ State	1. On the site?	2. Delineated/ Identified?	3. Impacts?	4. Amount of impacts
a. Jurisdictional wetlands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	___ Ac
b. Non-jurisdictional wetlands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	___ Ac
c. Other Water(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	___ Ac ___ Feet
d. Coastal Zone ONLY: Direct Critical Area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	.06 Ac ___ Feet

5. If yes for Impacts in B.3, describe each impact and activity, and list all permits (e.g., USACOE Nationwide Permit, DHEC General Permit) and certifications that have been applied for or obtained for each impact:  
Critical area fill and rip rap placement for outfall

C. S.C. Navigable Waters (SCNW) Information (Section 2.6.5) The Department will address any issues related to State Navigable Waters' Program under SC Regulation 19-450 during the review of the C-SWPPP for activities that will **NOT** require a 404 permit or a 401 certification. (Attach additional sheet(s) as needed).

1. Are S. C. Navigable Waters (SCNW) on the site:  Yes  No

a. If no, do not complete this question. Proceed to Section D (Impaired Waterbodies).

b. If yes, provide the name of S.C. Navigable Waters (SCNW) on the site: \_\_\_\_\_

2. If yes for C.1, will construction activities cross over or occur in, under, or thru the SCNW?  Yes  No  
 If yes, describe SCNW activities (e.g., road crossing, sub-aqueous utility line, temporary or permanent structures, etc.) and proceed to Section C.3:

3. Identify permits providing coverage of SCNW activities proposed for your site. If NONE, list none.

Permits/Certifications	Permit or Certification No.	Corresponding Covered SCNW Activity(ies)
a. DHEC General/ Other DHEC Permit	none	
b. USACOE 404 Permit or 401 Certification	none	
c. SCNW Permit If applied for or issued, identify Date applied for or issued:	none	<input type="checkbox"/> All Activities or <input type="checkbox"/> Some Activities (Describe):

d. If a SCNW Permit has **NOT** been applied for provide an additional plan sheet that shows plan and profile views (drawn to scale) of the SCNW and associated activities. Include a description of all proposed activities on this plan.

**D. Impaired Waterbodies Information** [Attach additional sheet(s) as needed]

**1. 303(d) Listed Impaired Waterbodies**

a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4 and the Name of the Corresponding Waterbody?	b. Is this WQMS(s) listed on the most current 303(d) list? If No, proceed to Section 2 of this table. If Yes, complete items c thru f.	c. List the pollutant(s) identified as "CAUSES" of the impairment	d. Will any pollutants causing the impairment be present in your site's construction stormwater discharges?	e. If yes for d, list the "USE SUPPORT" impairment(s) affected by the pollutant(s) identified in c.
Nearest DHEC WQMS(s)	Corresponding Waterbody			
15-19	Battery Creek	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FC	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
15-28	Battery Creek	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
MD-004	Beaufort River	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DO	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

f. If yes for d above, will use of the BMPs proposed for your project ensure the site's discharges will **NOT** contribute to or cause further WQS violations for the impairment(s) listed in c?  Yes  No  
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

**2. TMDL Impaired Waterbodies**

a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4?	b. Has a TMDL(s) been developed for this WQMS(s)? If No, identify as such below and proceed to Section VI. If Yes, complete items c thru f of this table.	c. If yes for b, what pollutants are listed as "CAUSES" or causing the impairment?	d. If yes for b, has the standard been "ATTAINED" or "Fully Supported" for the impairment(s)?	e. If no for d (Not Attained), will any pollutants causing the impairment be present in your site's construction stormwater discharges?
15-19	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
15-28	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
MD-004	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DO	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

f. If yes for e above, are your discharges consistent with the assumptions and requirements of the TMDL(s)?  Yes  No  
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

**VI. Signatures and Certifications DO NOT SIGN IN BLACK INK! Read the Certifications below (in entirety). Provide date, printed name, and signatures below. If you are a New Owner/Operator as Primary Permittee you must also sign and date the applicable Comprehensive SWPPP Acceptance & Compliance Agreement below.**

**C-SWPPP PREPARER:** "One copy of the C-SWPPP, all specifications and supporting calculations, forms, and reports are herewith submitted and made a part of this application. I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of Title 48, Chapter 14 of the Code of Laws of SC, 1976 as amended, pursuant to Regulation 72-300 et seq. (if applicable), and in accordance with the terms and conditions of SCR100000." (This should be the person identified in Section III).

Paul Moore, PE

Printed Name of C-SWPPP Preparer

*Paul R. Moore*

Signature of C-SWPPP Preparer

22816

S. C. Registration #

**PRIMARY PERMITTEE:** "I or I (on behalf of my company and its contractors and agents), as the case may be, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that DHEC enforcement actions may be taken if the terms and conditions of the C-SWPPP are not met and I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

"I or I (on behalf of my company and its contractors and agents), as the case may be, also hereby certify that all land-disturbing construction and associated activity pertaining to this site shall be accomplished pursuant to and in keeping with the terms and conditions of the approved plans and SCR100000. I also certify that a responsible person will be assigned to the project for day-to-day control. I hereby grant authorization to the to S. C. Department of Health and Environmental Control (DHEC) and/or the local implementing agency the right of access to the site at all times for the purpose of on site inspections during the course of construction and to perform maintenance inspections following the completion of the land-disturbing activity." (See Section 122.22 of S.C. Reg. 61-9 for signatory authority information.) Having understood the above information, I am signing this certification as Primary Permittee to the aforementioned NPDES general permit."

Bill Prokop

Printed Name of Primary Permittee

Signature of Primary Permittee

*Durham City Manager*

Title/Position

Date Signed

April 14 2015



Catherine E. Helgel, Director

*Promoting and protecting the health of the public and the environment*

## Coastal Zone Consistency Certification Modification

To: Isiah Glover, Project Manager – EQC-BOW Coastal Stormwater Permitting Section  
From: Christine Koczera, Project Manager - OCRM, Coastal Zone Consistency Section  
Cc: Curtis Joyner, Section Manager - OCRM, Coastal Zone Consistency Section  
Re: Battery Creek Retrofit  
Site location: Old Jericho Road, Beaufort, Beaufort County  
Date: June 23, 2015  
CZC #: CZC-15-0459  
PN#: SCR10W842

The staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the above referenced Coastal Zone Consistency request for 9.7 acres of land disturbance for the retrofit of an existing upstream pond to aid in the improvement of both stormwater runoff water quality and quantity control in Beaufort County and certifies that the above referenced project is **Consistent** with the policies and guidelines contained in the S.C. Coastal Zone Management Program provided that:

- in the event that any historic or cultural resources and archaeological or paleontological remains 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 pursuant to South Carolina Code of Laws. Historic or cultural resources consist of those sites named to the National Register and those sites that are eligible for the National Register and other areas of special historic significance. Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (ie, older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent vessel remains. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

This Coastal Zone Consistency did not include a review and authorization for any direct or indirect wetland impacts to freshwater wetlands or critical area. Any impacts to Critical Areas as determined by SCDHEC-OCRM, and/or freshwater wetlands, as determined by the U. S. Army Corps of Engineers must be authorized by the appropriate agency.

This certification shall serve as the final DHEC OCRM Coastal Zone Consistency approval and does not alleviate the applicant's responsibility to obtain other required local, state or federal approvals.