



Engineering LLC

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OPERATIONS AND MAINTENANCE MANUAL
Ripley Light Marina
56 Ashley Pointe Drive
Charleston, Charleston County, South Carolina

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Submitted to:

South Carolina Department of Health and Environmental Control
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Operations and Maintenance Manual

**Ripley Light Marina
56 Ashley Pointe Drive
Charleston, Charleston County, South Carolina**

1.0 INTRODUCTION/MARINA OPERATIONS

The Ripley Light Marina (RLM) facility is located at 56 Ashley Pointe Drive in Charleston, South Carolina. The location of this site is shown on Figure 1, which contains an inset map with an excerpt from the United States Geologic Survey (USGS) 7.5-minute quadrangle map of Charleston, South Carolina. As shown on Figure 1, the marina is located in a marina basin adjacent to the Ashley River in Charleston, Charleston County, South Carolina. This Operation and Maintenance (O&M) Manual has been prepared to fulfill the requirements of the South Carolina Department of Health and Environmental Control - Office of Ocean and Coastal Resource Management (SCDHEC-OCRM) Permit Number OCRM-03-349-S.

1.1 General Description

RLM is a full service, private marina containing 82 wet boat slips, 220 drystack boat slips (total of 302 boat spaces), a marina office, a fuel dock, a staging dock for boat transportation via forklift, and 1,285 LF of aluminum and concrete bulkhead. The marina is located on both sides of Ashley Pointe Drive in the West Ashley section of Charleston. The wet slip marina portion is located in a natural canal on the north side of the street, while the drystack area is on the south side of the street. The site is accessed from Albemarle Road off Folly Road, near where it merges with the eastbound lane of U.S. Highway 17 (Savannah Highway). Marina layout and specific locations of docks are shown on Figures 2 - 7. By water, the marina is located in a natural canal, just off the west bank of the Ashley River, seaward of the Ashley River draw bridges on U.S. Hwy. 17, and 1 mile north of the Charleston Harbor.

The wet slips can accommodate boats up to sizes of 80 feet, depending on the vessel's beam width, and typically remains 80-90% occupied by motor and sailing yachts. See Figures 2-4 for the current layout of the facility. Accommodations for patrons include diesel and gasoline pumps for fueling, a separate pump-out service dock for sewage holding tanks, which is available free to all marina patrons, and full private restroom with shower facilities which are contained inside a separate building located inside the drystack area. All of these facilities are available to both dry and wet slip customers/owners. The wet slips are double wide, allowing the yacht to tie along side a 15 ft. finger pier which is serviced by Charleston Water System potable water, with a 10 sq. ft. storage box, and with either (2) 30 amp, or (2) 50 amp power receptacles.

The drystack area is open-aired and allows 220 spaces on 5 levels of steel racks. It can accommodate various sizes of boats, depending on style and weight, and the height level of storage. The boats are moved in and out of the racks and water by a Wiggins boatlift, which can handle up to 20,000 lbs. (The capacity diminishes as the height of the lift increases). There is a staging area around the fuel dock for drystack boat use. Occupancy of the drystack varies with the season. The marina remains 80-90% occupied year-round.

There are approximately 72 parking spaces located throughout the marina and around the condominiums. All of these parking spaces are dedicated to the marina and their boat owners and guests. Parking is by permit only.

RLM is in the process of applying for the necessary permits to replace its concrete floating docks with aluminum floating docks with IPE decking. As part of the marina modifications, new utility pedestals (with both electricity and potable water) will replace the existing structure, multiple finger piers will be extended to the same length as the other existing finger piers (35'), and additional fish cleaning stations will be installed. A depiction of the proposed modifications are shown on Figures 5-7.

As noted above, the RLM facility is a private marina. The RLM facility does have electrical hook-ups, potable water, sewage/wastewater pump-out facilities, and fueling facilities. Based on this information, the items noted below in Section 2.0 that are not applicable will be marked as such.

1.2 Permits Issued Authorizing the Marina

The permits listed below have been issued to the RLM for its marina facilities. Copies of selected permits are included in Appendix IV.

1.P/N # 84-2T-253 Originally issued to Village Centers, Inc. to construct a marina and dredge. It was issued with 7 special conditions placed on it and the DHEC 401 Water Quality Certification had 5 conditions on it. This permit was amended at least 8 times and has been transferred 3 times, first from Village Centers, Inc., to U.S. Shelter Corps., then to Shelter Realty Holdings, then to Donald Spann. This permit expired 06-30-95 and was completed.

2.P/N # 88-3T-133-P Issued to Donald Spann on 10-19-88, to construct a marina dock master/theme structure and bath-house dock; as amended. This permit was issued with 4 special conditions placed on it and the DHEC 401 Water Quality Certification contained 3 conditions. The permit was amended once to allow dredging outside the winter dredging window. This permit expired 10-19-91, and was never implemented.

3.P/N # 90-3T-221-P Issued to Don Spann on 10-23-90, to expand an existing marina, as amended. This permit was issued with 14 special conditions placed on it and SCDHEC 401 Water Quality Certification contained 12 conditions. There have been no

amendments or other changes associated with this permit. This permit expired 10-23-93 and was never implemented.

4. P/N # CC-94-027 Issued to Brian Swan on 03-25-94 to perform maintenance dredging in accordance with the guidelines contained in P/N # 84-2T-253. This permit contains 3 special conditions.

5. P/N # 2000-1P-582 Department of the Army maintenance dredging and disposal activities are performed in accordance with the conditions set forth in this permit which is in the name of Ripley Light Development Company, LLC. Collins Entertainment owned the site from 1996 to 2004.

6. P/N # OCRM-06-368-B SCDHEC-OCRM maintenance dredging and disposal activities are performed in accordance with the conditions set forth in this permit which is in the name of Ashley River Properties II, LLC.

7. P/N # 2011-00807-2IR SCDHEC-OCRM and Department of the Army maintenance dredging and disposal activities are performed in accordance with the conditions set forth in this permit which is in the name of Ashley River Properties II, LLC.

1.3 Marina Operations

The RLM representative responsible for daily marina operations is:

Mr. Bruce Wallace, Operations Manager
Telephone: 843-200-6764 (cell)

Personnel responsibilities are as follows:

Operations Manager – He is responsible for supervising the marina and drystack operations. He maintains proper accounting for all boats in the marina and the building and includes daily checklists and proper rack placement. He maintains cleanliness and upkeep of the area. He manages the associated equipment and ensures proper repair and working order of forklift trucks, pressure washer, tools, and rack hardware. He will support other departments when necessary.

Accountant/Business Manager – He administers accounts receivable and payable. He initiates billing, and is responsible for collections. He is responsible for secure transfer and deposits of all monies, and accurate bank reconciliation's. He maintains a ledger, and administers payroll bi-weekly. He administers all tax files monthly and annually. He creates accurate financial statements and sales report monthly and annually. He also maintains customer files.

Forklift Operator – He is responsible for the safe transport of boats to and from the water and storage rack. He takes direction from the drystack manager and assists in maintaining all equipment and the building.

Dockhands/Boathandlers – He is responsible for interacting with all potential customers and handling all sales on the fuel dock. His duties include assisting customers in whatever matter requested, completing all sales transactions, directing boat traffic for the fuel dock,

transferring boats to and from the forklift staging area, and washing and stowing boats. He receives direction in all matters relating to maintaining and housekeeping the outside areas.

Anyone who occupies a slip must comply with all State and Federal regulations governing marina operations. The RLM agreement indicates that failure to comply with State and Federal marina regulations as well as RLM regulations will result in termination of the agreement. Any violation to these regulations is to be reported to marina personnel. A copy of the RLM slip agreement is included in Appendix I.

The purpose of the marina facility is to provide access to the waterways in and around Charleston Harbor and safe moorage for privately owned vessels. The RLM operates its marina in accordance with applicable sections of SCDHEC-OCRM's Marina Regulations (R.30-12.E). A copy of the regulations is included in Appendix II.

All marina permits, expired or otherwise, and the current Operation and Maintenance manual, will be available, on file, in the marina office at any given time.

Marina operations conducted by staff personnel will be done between the hours of 8:00 AM - 5:00 PM, Monday through Sunday, during the winter months, and 8:00 AM - 6:00 PM, Monday through Thursday, and 8:00 AM – 7:00 PM Friday through Sunday, during seasonal months.

2.0 WATER QUALITY MANAGEMENT/POLLUTION PREVENTATION STRATEGIES

2.1 General Information

Ripley Light Marina is located in a canal on the west bank of the Ashley River between the U.S. 17 bridges and the new Highway 61 connector bridge. It is directly across from the Ashley Marina which is located on the east bank.

General information on the RLM facility is presented below. Please note that items presented below that are not applicable to the RLM facility are marked as such.

2.1.1 Waterbody Classification

The marina is located in class SC waters, and the nearest shellfish beds are located approximately 1/2 mile away, going north on the Ashley River's west bank. There are no shellfish beds in the canal which makes up the marina. A copy of the SCDHEC Water Classifications and Standards, R61-68/69 is included as Appendix III.

2.1.2 Marina and Services Relating to Water Quality Management and Pollution Prevention

There are 2 private restrooms and 2 private shower facilities inside the drystack building office area. Oil change refuse is disposed of in a collection tank located by the service department, which is regularly emptied by a private recycling company.

A pump-out service for holding tanks is provided at no charge to marina patrons, and is available at its own separate dock. The system is very user friendly, but even so, staff personnel will provide the service if present. The system is located on the north end of the west DSS dock. The unit is used to pump wastewater effluent to the terrestrial public wastewater facilities owned and operated by Charleston County.

Diesel and gasoline fuels shall be dispensed only at the fuel dock DSS pier fuel island. Fuel shall be pumped to remote dispensers via buried tanks equipped with automatic leak detectors installed on each. Pump shut-off switches are located at the head of the fuel dock bulkhead and one at the bottom of the fuel dock gangway. Design and construction of fueling facilities are maintained pursuant to SCDHEC 401 Certification conditions. In the event of a gas or oil spill on the water, see Section 2.3.3.

Receipt of a permit from the State of South Carolina to construct and operate a Coastal Marina imparts to the owner/operator a responsibility for the protection and integrity of the environment in which the marina is sited. Such marinas are subject to environmental protection and regulation by various federal, state and local regulatory agencies. These agencies administer a number of statutes and rules designed to prohibit or modify those marinas which would be unreasonable degrade the quality of the coastal environment. It is in the interest of the owner/operator, therefore, to follow policies and guidelines which are consistent with the public interest, specifically the protection of the recreational marina environment. The primary purpose of the OCRM marina operations plan is to present, in one standardized format, those policies and guidelines established for the management of the primary environmental risks in coastal marinas.

2.1.3 Marina Policy Related to Water Quality Management and Pollution Prevention Strategies

RLM's policy related to water quality management and pollution prevention strategies is intended to conform to SCDHEC-OCRM's Marina Regulations R.30-12.E.6 (b). A copy of R.30-12.E is included as Appendix II.

2.1.4 Live-aboard Management

Live-aboards will not be allowed at the RLM facility; therefore, this section is not applicable. Live-aboards are defined as person staying aboard for more than three consecutive nights.

2.2 Sewage Pollution and Management and Wastewater Pumpout Facilities

2.2.1 Wastewater Pumpout System Description

The pump-out system at Ripley Light Marina is an Epson pump out model diaphragm suction pump, with a backflow check valve on the discharge side. It is a fixed system on the dock, which flows directly into the city sewer system on Ashley Pointe Drive. It is located on the west DSS dock and will be operated only by designated marina personnel. Equipment operating instructions are maintained at the Operations Manager's office. It has been certified by SCDHEC.

The pump-out station shall be available for use during normal marina hours of operation. Signage will be placed on the west DSS dock stating pump-out service procedures. At least one trained marina employee shall be required to operate the pump-out station. The cost for the pump-out is free to all marina patrons.

The pump-out station shall be operated pursuant to published manufacturer's instructions. The sewage is discharged directly into the city sewer system located under Ashley Pointe Drive.

The use of the pump-out system is strongly encouraged and made attractive to the patrons due to the free charge, and the ease of operation. It is very efficient and done quickly. It is emphasized in our rules and regulations.

2.2.2 Restroom/Shower Facilities

The restroom and shower facilities are located inside the drystack building. There are 2 private unisex bathrooms, each of which contains a sink and a toilet, and 2 private shower closets. These facilities are open only during normal business hours for the marina patrons.

2.2.3 Contingency Plans for Wastewater Discharge or Spill

Contingency plans for wastewater discharge or spill (Standard operating procedures) - In the event of a spill, a report would be made to the SCDHEC Trident District Director and SC Wildlife and Marine Reserves Department. Sewage spill and clean-up shall be performed pursuant to emergency spill procedures contained in Appendix V, modified as the event dictates for the handling of domestic strength sewage. The general manager will ensure that all marina

employees are trained on proper procedures and equipment to be utilized to contain and clean-up sewage spills.

2.2.4 Litter/Trash Management and Recycling

Trash receptors are distributed throughout the marina as follows: two at the dry stack, one next to the fuel dock, and at the end of each wet slip finger pier. Recycling bins are located on the fuel dock by the gas hut. The garbage cans are emptied at the start of each day on weekdays, and twice on summer weekend days as the need arises. The marina patrons are warned of our littering policies, and will be asked once to comply upon violation. Items such as used batteries and used oil will not be left sitting on the dock overnight.

2.2.5 Other Facilities

Ripley Light Marina currently provides 4 fish cleaning stations which are located on A, B, D and E docks. The station consists of a 3 ft x 6 ft stainless steel countertop. As part of the current permitting process, eight additional fish cleaning stations will be installed throughout the floating docks. Fish remains are placed in the dumpsters and removed as needed. Fish remains are not to be placed into the water.

2.2.6 Marina Wastewater Pumpout and Sewage Pollution Management Regulations

The pump-out station shall be available for use during normal marina hours of operation. Signage will be placed on the west DSS Dock stating pump-out service procedures. All craft having Type III marina sanitation holding tanks can be serviced by the pump-out equipment. One trained marina employee shall be required to operate the pump-out station. The Operations Manager shall be responsible for proper operation and maintenance of the pump-out station.

2.3 Fueling System and Oil Pollution Management

2.3.1 Description of Fueling System and Facilities and Oil Pollution Management

Diesel and gasoline fuels shall be dispensed only at the fuel dock and DSS finger island. Fuel shall be pumped to remote dispensers via buried tanks equipped with automatic leak detectors installed on each. Pump shut-off switches are located at the head of the fuel dock bulkhead and one at the bottom of the fuel dock gangway. Manual pipeline shutoff valves are located at the pierhead connections, fuel dispensers, and storage tanks. Design and construction of fueling facilities shall be designed and maintained pursuant to SCDHEC 401 Certification conditions.

Storage for both diesel and gasoline is provided by separate steel tanks that are coated with fiberglass. The capacity of each is 12,000 gallons. The storage tanks are situated on high ground, next to the marina office, approximately 30-feet from the bulkhead. Pressure is provided by electrical pumps located in the tank, and piped to the fuel dock gangway via 3 inch plastic fuel pipe. An automatic leak detection system is installed in the storage tank, which monitors the fluid level automatically twice per day, and any time on demand.

Pump shut-off switches are located at the head of the fuel dock bulkhead and one at the bottom of the fuel dock gangway. Manual cut-off valves for each storage tank are located on the land side of the fuel dock gangway. These are in-line butterfly valves that are operated by a slotted T handle which is provided at the valve for immediate access.

The marina provides 89 octane unleaded gasoline and #2 diesel fuel.

Fuel is dispensed from two remote dispensers on the fuel dock and a fuel finger island on the west side of the DSS launch/recovery pier. Trained staff will monitor all fueling operations. City of Charleston regulatory conformance shall be as required by Section 907.10 of the Standard Fire Prevention Code.

Operation hours vary according to season. Normally, fuel pumps are open from 8:00 AM - 5:00 PM, Monday through Sunday, during the winter months, and 8:00 AM - 6:00 PM, Monday through Thursday, and 8:00 AM – 7:00 PM Friday through Sunday, during seasonal months. Fuel dock personnel are trained by marina management in the operation of fuel dispensers, and in emergency situations such as ruptured fuel lines, or spills.

Fueling policies are as follows: Marina personnel are responsible for providing the requested product to the customer by giving the hose nozzle to the customer, and then switching on the dispenser, allowing them to dispense the fuel. After the desired amount is pumped, the pump is then switched off, before the nozzle is handed back over to the employee for stowage. This ensures no spillage in the transfer process.

2.3.2 Pollution Strategies

Absorbent pads and boom are located in a bin at the marina office. Training in the use of spill equipment and procedures is provided by marina management. Collection of contaminated spill products is accomplished by containing the products in plastic, leak proof bags, and storing them until the appropriate authority is contacted for disposal. RLM is subject to state and federal regulations concerning discharge of petroleum products into open waters. Marina operations

relative to this aspect shall be carried out according to South Carolina Code of Laws and Federal Regulation as enforced by SCDHEC and the U.S. Coast Guard.

2.3.3 Fuel or Oil Spill Response

Responses will be handled in accordance with the guidelines found in Appendix V, "Contingency Plan for the Spill of Oil or Other Hazardous Substances."

2.4 Water Quality Monitoring Program

Not applicable.

2.5 Stormwater Management

Stormwater runoff is controlled by stormwater catch basins at the launch pier and one in the center of each drive isle of the rack system,.

2.6 Potable Water Supply System

Potable water is available at the RLM. Each slip has its own faucet that is connected to the Charleston Water System supply.

3.0 DREDGING/DISPOSAL

Maintenance dredging will be performed on an as-needed basis in response to marina shoaling. All dredged material will be deposited in an authorized confined disposal facility (CDF). Estimates of sediment accumulation are 10,000 to 15,000 cubic yards per year. The maintenance dredging will be performed by a hydraulic cutter head dredge, and will be performed during the winter months, when practicable.

RLM is allowed to participate with Ripley Light Yacht Club to utilize The Citadel's CDF. Based on the present maintenance dredging frequency at RLM, the anticipated life of the CDF is 20 years. Plans will be made to remove dredged material when the CDF capacity is reached.

4.0 CONTINGENCY PLAN FOR SPILLS OF OIL AND OTHER HAZARDOUS SUBSTANCES

The Harbor Master shall immediately notify SCDHEC and the U.S. Coast Guard in the event of oil or fuel discharge. Fuel spillage shall be contained by deployment of a floating sorbent boom and/or sorbent pads, as required. These materials shall be conveniently stored for immediate access. In the event of a major spill, the following procedures will be followed. The source of the spill will be identified and shutoff. The sorbent containment booms and pads shall be

deployed to confine spillage as much as possible. The SCDHEC and USCG shall be notified immediately. Local spill clean up contractors shall be called and mobilized as soon as possible to remove the spillage. Please refer to "Contingency Plan for Spills of Oil and Other Hazardous Substances" included in Appendix V.

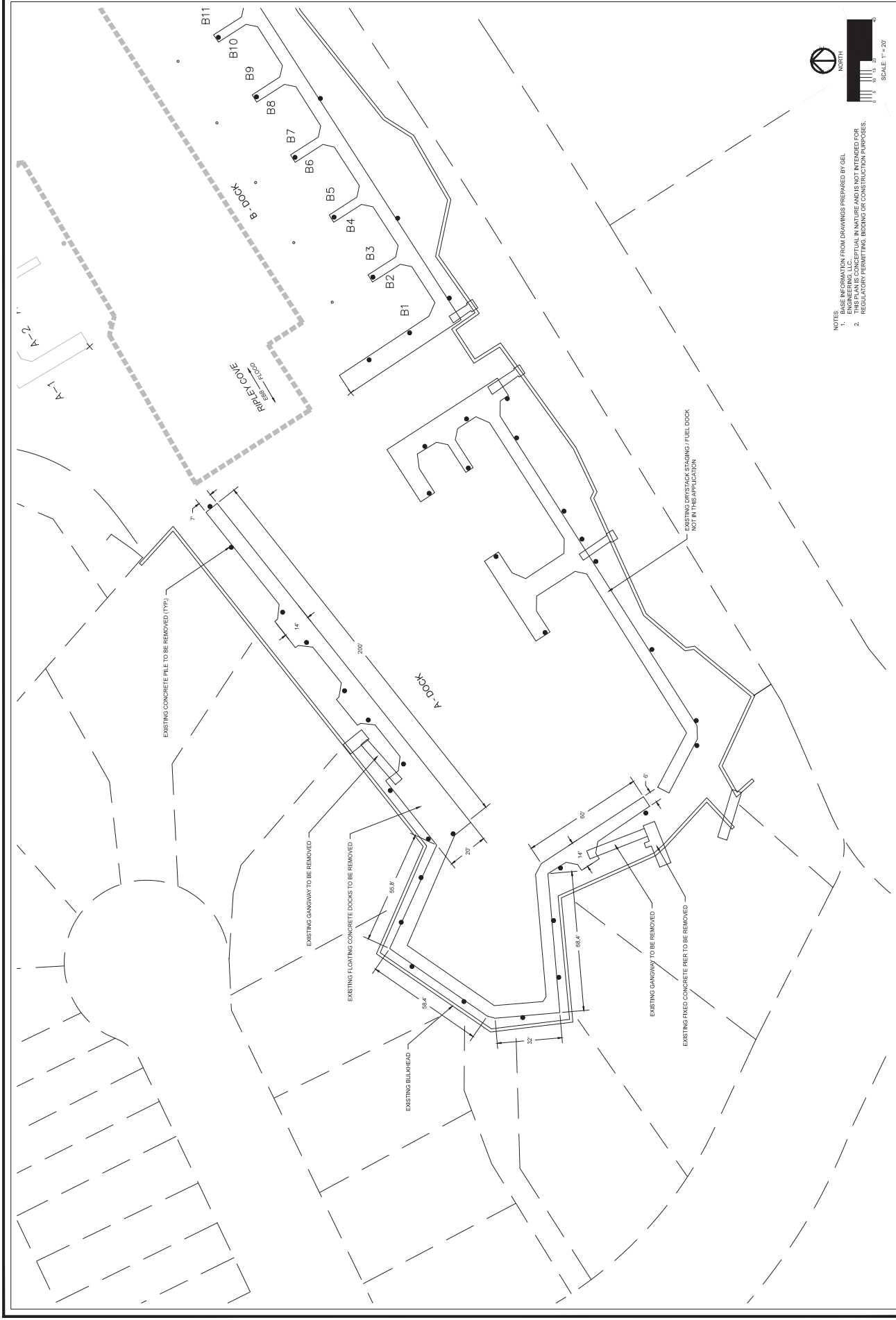
5.0 MARINA RULES AND REGULATIONS

The following are the RLM rules and regulations:

- All boats must be in good working condition and not in a state of disrepair. Any such boats will be removed at the slip owner's expense.
- In the event of an emergency, and an owner cannot be reached, the Association will make necessary repairs and the expense will be charged to the homeowner.
- Children under the age of twelve (12) must be supervised when on the docks.
- Pets permitted only if they do not disturb the peaceful enjoyment of others and must be leashed or controlled by strict voice command at all times. Pet owners must pick up and remove all pet waste.
- Trash must be placed in the dumpsters located on the fixed piers. Trash should be only that which is considered normal refuse.
- Fish remains must be disposed of by the owners in the dumpsters located on the fixed piers.
- Grills (charcoal, gas, or wood) and open flame devices are strictly prohibited on the docks.
- Batteries, paint cans, oil, etc. must be disposed of by the owners. The Association is not responsible for the removal of bulk items. Owners will be fined for items not removed.
- No vessel may be moored in such a way that any part of the bow, stern, beam, bow pulpit, swim platform, dinghies, etc protrude over the edge of the docks.
- No items may be stored, chained, or left unattended on the docks, piers, or finger docks.
- No jet skis, boats, boat trailers, etc. shall be parked in the parking spaces.
- Boats shall not be boarded without owner's permission except in emergency situations or to assist in mooring of another. Violations are considered trespassing and could result in legal action.
- Only routine maintenance shall be performed at the docks. Boat owners are responsible for proper disposal of maintenance materials.
- Fishing, swimming, running, skating, or cycling shall not be permitted on the common docks, piers, or finger docks.

- No modifications or alterations may be made to the dock, without written approval from the Board of Directors.
- All boat owners must abide by all South Carolina DNR Rules and Regulations.

FIGURES







PHOTOGRAPHS

PHOTOGRAPHS



Photograph 1: View of the dry stack area, boat launch/retrieval area, and fueling docks at the marina.



Photograph 2: Western view of the A-Dock access piers at the marina.



Photograph 3: Eastern view of the A-Dock access piers at the marina.



Photograph 4: General view of the dry stack area at the marina.



Photograph 5: Eastern view along the drystack staging and fuel dock at the marina.



Photograph 6: View of the diesel fuel pump at the fuel dock at the marina.



Photograph 7: View of the holding tank/pump-out at the fuel dock at the marina.



Photograph 8: View of the unleaded petroleum fuel pump at the marina.



Photograph 9: View of the drystack boat launch/retrieval area at the marina.



Photograph 10: Eastern view along the B-dock at the marina. An existing fish cleaning station is located along the dock.



Photograph 11: Eastern view along the C-Dock at the marina.



Photograph 12: General western view of the marina.

APPENDIX I

Slip Agreement and Marina Rules & Regulations

SLIPS AT RIPLEY OWNERS ASSOCIATION RULES AND REGULATIONS

Common area facilities are for owners, tenants, and invited guests only and must comply with the following Rules and Regulations:

1. All boats must be in good working condition and not in a state of disrepair. Any such boats will be removed at the slip owner's expense.
2. In the event of an emergency, and an owner cannot be reached, the Association will make necessary repairs and the expense will be charged to the homeowner.
3. Children under the age of twelve (12) must be supervised when on the docks.
4. Pets permitted only if they do not disturb the peaceful enjoyment of others and must be leashed or controlled by strict voice command at all times. Pet owners must pick up and remove all pet waste.
5. Trash must be placed in the dumpsters located on the fixed piers. Trash should be only that which is considered normal refuse.
6. Fish remains must be disposed of by the owners in the dumpsters located on the fixed piers.
7. Grills (charcoal, gas, or wood) and open flame devices are strictly prohibited on the docks.
8. Batteries, paint cans, oil, etc. must be disposed of by the owners. The Association is not responsible for the removal of bulk items. Owners will be fined for items not removed.
9. No vessel may be moored in such a way that any part of the bow, stern, beam, bow pulpit, swim platform, dinghies, etc protrude over the edge of the docks.
10. No items may be stored, chained, or left unattended on the docks, piers, or finger docks.
11. No jet skis, boats, boat trailers, etc. shall be parked in the parking spaces.
12. Boats shall not be boarded without owner's permission except in emergency situations or to assist in mooring of another. Violations are considered trespassing and could result in legal action.
13. Only routine maintenance shall be performed at the docks. Boat owners are responsible for proper disposal of maintenance materials.
14. Fishing, swimming, running, skating, or cycling shall not be permitted on the common docks, piers, or finger docks.
15. No modifications or alterations may be made to the dock, with out written approval from the Board of Directors.
16. All boat owners must abide by all South Carolina DNR Rules and Regulations.

THE ASSOCIATION IS NOT RESPONSIBLE FOR DAMAGES OR INJURIES RESULTING FROM VIOLATION OF THESE RULES. A \$25 FINE WILL BE LEVIED FOR ALL VIOLATIONS AND \$25 PER DAY IF THE VIOLATION IS NOT CORRECTED. ALL REMOVAL AND DISPOSAL COST WILL BE CHARGED TO THE OWNER OF THE SLIP.



EX-1 Y503PG634

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

RIPLEY LIGHT MARINA
REAL ESTATE AGREEMENT

THIS REAL ESTATE AGREEMENT ("Agreement") is made this 29th of April, 2004 by Ripley Cove, LLC, a South Carolina limited liability company (the "Developer") and Ripley Light Marina POA, Inc., a South Carolina non-profit corporation (the "Master POA").

RECITALS

A. The Developer has acquired title to the real property more fully described below as the "Residential Property", the "Dry Stack Property", and the "Wet Slip Property", collectively, the "Ripley Light Marina Property" or the "Property".

B. The Developer intends to develop the Residential Property into a residential development, to transfer the Dry Stack Property to an unrelated third party and to submit the Wet Slip Property to a horizontal property regime; and

C. The Developer has created the Master POA for the benefit of the Residential Property, the Dry Stack Property and the Wet Slip Property, and desires to establish certain easements over the Ripley Light Marina Property, and to establish certain operating agreements for the joint management of the Ripley Light Marina Property, which agreements shall run with the land and shall be binding on the Developer's successors and assigns.

ARTICLE 1. DEFINITIONS

1.1 Consumer Price Factor. The percentage (rounded to the nearest one-tenth) resulting from dividing the Consumer Price Index for All Urban Consumers-United States (the "CPI-US"), published by the United States Department of Labor during the month the calculation is to be done by the CPI-US published during the month of this Agreement. The CPI-US published during the month of this Agreement is 187.4. By way of illustration only to show a hypothetical determination of the Consumer Price Factor, if the CPI-US were 206.1 in January, 2009, the Consumer Price Factor would be 206.1 divided by 187.4 or 1.1.

1.2 Dry Stack Lot 4A That portion of the real property known as Lot 4A Combined as more fully described on the attached Schedule 1.2, together with all improvements located thereon.

1.3 Dry Stack Lot 6A The real property known as Lot 6A as more fully described on the attached Schedule 1.3, together with all improvements located thereon.

1.4 Dry Stack Lot 7 That portion of the real property known as Lot 7 as more fully described on the attached Schedule 1.4, together with all improvements located thereon, including all piers, bulkhead, boardwalk, gangways, floating docks, fixed docks and related

improvements, including one-half of the dock immediately east of the lift area within Dry Stack Lot 7.

1.5 Dry Stack Property. Collectively the real property and improvements located on Dry Stack Lot 4A, Dry Stack Lot 6A, Service Dock and Dry Stack Lot 7.

1.6 Master POA Ripley Light Marina POA, Inc., a South Carolina non-profit corporation.

1.7 Dry Stack Assessment The Dry Stack Assessment shall be \$12,500 per year, as adjusted by the Consumer Price Factor. The Master POA shall use the Dry Stack Assessment solely to meet its dredging obligations under this Agreement.

1.8 Non-Residential Wet Slips. The wet slips within the Wet Slip Regime that have not been legally restricted as Residential Wet Slips in Phase I. No more than 51 wet slips shall be designated as Non-Residential Wet Slips by the Developer in Phase I.

1.9 Property. Ripley Light Marina Property which is collectively the Residential Property, the Wet Slip Property and the Dry Stack Property.

1.10 Residential POA. The property owners association to be created for the Residential Property. Until the Residential POA is organized and operational, the term "Residential POA" shall mean the Developer.

1.11 Residential Property. That portion of the real property known as Lot 4A Combined as more fully described on the attached Schedule 1.11, which shall be all of Lot 4A Combined less and excepting Dry Stack Lot 4A and less and excepting Wet Slip Lot 4A.

1.12 Residential Wet Slips The wet slips within the Wet Slip Regime that have been permanently restricted to ownership by owners of residential units or parcels within the Residential Property in accordance with the requirements of the City of Charleston for the elimination of separate parking spaces for such wet slips. Not less than thirty (30) wet slips will be legally and permanently restricted by the Developer as Residential Wet Slips in accordance with City of Charleston parking requirements.

1.13 Ripley Light Marina Property. Collectively, the Residential Property, the Wet Slip Property and the Dry Stack Property.

1.14 Service Dock. Collectively, the fixed piers, bulkhead, boardwalks, gangways, floating docks and fixed docks attached to Dry Stack Lot 7 and more fully described on the attached Schedule 1.14.

1.15 Tagged Marina Parking Area. The seventy-two (72) permanent parking spaces to be provided by the Developer in accordance with ARTICLE 3 of this Agreement for the exclusive use of the owners of the Non-Residential Wet Slips and the employees and dry stack tenants of the Dry Stack Property.

1.16 Wet Slips. The Residential Wet Slips and the Non-Residential Wet Slips.

1.17 Wet Slip Lot 4A. That portion of the real property known as Lot 4A Combined as more fully described on the attached Schedule 1.17, together with all improvements located thereon, including all piers, bulkhead, boardwalks, gangways, floating docks, fixed docks and related improvements.

1.18 Wet Slip Lot 7. That portion of the real property known as Lot 7 as more fully described on the attached Schedule 1.18, together with all improvements located thereon, including all piers, bulkhead, boardwalks, gangways, floating docks, fixed docks and related improvements.

1.19 Wet Slip POA. The property owners association to be created for the Wet Slip Regime. Until the Wet Slip POA is organized and operational, the term "Wet Slip POA" shall mean the Developer.

1.20 Wet Slip Property. Collectively the real property and improvements located on Wet Slip Lot 4A and Wet Slip Lot 7.

1.21 Wet Slip Regime. The horizontal property regime to which the Wet Slip Property shall be submitted.

ARTICLE 2. MASTER POA

2.1 Property Subject to Agreement The Developer hereby subjects the Ripley Light Marina Property to this Agreement. The restrictions, easements, obligations and covenants shall run with the land and shall be binding on the owners of the Property, their successors, heirs and assigns.

2.2 Master POA The Wet Slip POA and the owner of the Dry Stack Property shall be members of the Master POA. The bylaws for the Master POA are attached as Exhibit A. The Wet Slip POA shall appoint two (2) of the three (3) Master POA directors, and the owner of the Dry Stack Property shall appoint one (1) of the three (3) directors. In the event that Dry Stack Lot 4A or Dry Stack Lot 7 is at any time owned by any person or entity other than the owner of Dry Stack Lot 6A, the owner of Dry Stack Lot 6A shall have the right to appoint the one director of the Master POA allotted to the Dry Stack Property and will also be responsible for paying the Dry Stack Assessment, unless such owners of the Dry Stack Property enter into a recorded agreement otherwise allocating such rights and obligations. Even though the Residential POA is not a member of the Master POA, the Master POA shall have the right to enforce the obligations owed by the Residential POA to the Property.

2.3 High Quality Project The Developer shall develop the Property as a high quality project. After the transfer of the common areas to the Master POA, the Master POA shall maintain the walkway around the marina basin in an attractive and good condition, commensurate with a high quality project. The owner of the Dry Stack Property shall maintain the Dry Stack Property in an

attractive and good condition, commensurate with a high quality project, including without limitation the bulkheads, the Service Dock and all improvements relating to the Dry Stack Property. The Wet Slip POA shall maintain the Wet Slip Property in an attractive and good condition, commensurate with a high quality project, including without limitation the bulkheads, wet slips and all improvements related to the Wet Slip Property. The Residential POA shall maintain the Residential Property in an attractive and good condition, commensurate with a high quality project, including without limitation all improvements related to the Residential Property. In the event that any owner fails to maintain its property in accordance with the provisions of this Agreement, the Master POA shall give not less than thirty (30) days notice of default. If the owner fails to cure the default within the designated period of time, the Master POA shall have the right to effect the repairs and maintenance and to assess such owner for the costs.

2.4 Marina Interests To the extent that the Master POA holds any licenses, permits or approvals relating to the marina facilities, including any docks, piers, gangway, floating docks and similar improvements, the Master POA shall hold these interests for the benefit of the Wet Slip POA and the owner of the Dry Stack Property.

2.5 General Obligations of Master POA. The Master POA shall be responsible for the dredging of the channel and areas adjacent to the Wet Slips and the Service Dock as provided in Section 2.6. The Master POA shall be responsible for managing the Tagged Marina Parking Area as provided in ARTICLE 3. The Master POA shall be responsible for obtaining adequate liability insurance for the common areas over which the Master POA has control, either by means of ownership or by permanent easements. The owner of the Dry Stack Property shall maintain adequate liability insurance on all of the Dry Stack Property, including the Service Dock and shall be responsible for its own casualty insurance. The Residential POA shall maintain adequate liability insurance on the Residential Property and shall be responsible for its own casualty insurance. The Wet Slip POA shall maintain adequate liability on all of the Wet Slip Property and shall be responsible for its own casualty insurance.

2.6 Dredging The Master POA shall undertake to keep the channel of the marina dredged and to maintain the areas around the Wet Slips and the Service Dock to a depth of seven (7') feet at mean low tide in the channel and six (6') feet at mean low tide around the floating dock areas and the Service Dock.

2.7 Access Easements. The Developer hereby grants to the Master POA permanent, transmissible, assignable, appurtenant, commercial easements for access across the walkway around the marina basin for the non-exclusive use and benefit of the owners of the Wet Slips, the Dry Stack Property and the Residential Property. The walkway around the marina basin shall cross the Dry Stack Lot 4A in a location reasonably acceptable to the owner of the Dry Stack Property. The Developer hereby grants to the Wet Slip POA an access easement across the gangway located with the Service Dock property that connects the dock area which is partially within the Dry Stack Property and partially within the Wet Slip Property.

2.8 Service Dock The Service Dock shall be used to provide fee based, ancillary services to the Wet Slip Property and others, including fuel service and bilge pump out services. The Service Dock shall not be converted to individual wet slips.

2.9 Garbage Collection Each of the Residential POA, the Wet Slip POA and the owner of the Dry Stack Property shall be responsible for their own refuse and garbage collection and disposal. Each will contract to have its garbage collected in sufficiently frequent intervals so that there is no unpleasant odors and the Property has a neat and attractive appearance and environment.

2.10 Public Walkway on Residential Property The Developer intends to construct a public walkway around the perimeter of the marina basin on the Residential Property. The Residential POA shall pay 100% of the cost of maintaining this walkway.

2.11 Management Company The Master POA shall employ one or more persons or firms to perform the Master POA duties under this Agreement.

ARTICLE 3. TAGGED MARINA PARKING

3.1 Developer To Create Parking. The Developer agrees to create, improve and otherwise provide, at the Developer's expense, for the benefit of the owners of the Non-Residential Wet Slips and the Dry Stack Property permanent parking spaces that are equal to the greater of (a) seventy two (72) parking spaces and (b) the cumulative City of Charleston zoning requirements for the Non-Residential Wet Slips and the Dry Stack Property ("Tagged Marina Parking Area"). The Tagged Marina Parking Area shall be located first on the Wet Slip Lot 7, Dry Stack Lot 7 and Dry Stack Lot 6A and any remaining deficiency shall be located on the Residential Property within a reasonable distance from the docks. The Tagged Marina Parking Areas shall provide permanent parking that is exclusive to the Non-Residential Wet Slip owners and the Dry Stack Property owner. Developer shall be solely responsible for obtaining City of Charleston approval for the parking plan for the Property and specifically for the Tagged Marina Parking Areas within three months of the date of this Agreement. Upon approval by the City of Charleston and approval of the subdivision plats for the Residential Property, the Developer and all parties subject to this Agreement shall execute an amendment to this Agreement which shall more specifically locate the Tagged Marina Parking Areas in accordance with the approved parking plan. The Developer shall improve, stripe and place appropriate signs on all Tagged Marina Parking Areas.

3.2 Permanent Parking Easements. The Developer hereby grants to the Master POA permanent, transmissible, assignable, appurtenant, commercial easements for parking across the Tagged Marina Parking Areas for the exclusive use and benefit of the owners of the Non-Residential Wet Slips and the owner of the Dry Stack Property. During any construction on the Residential Property that adversely impacts the Tagged Marina Parking Areas, the Developer shall provide temporary substitute parking on a one to one parking space basis; the Developer shall properly identify such temporary parking with suitable signage.

3.3 Limitation on Issuance of Parking Tags The Master POA shall issue numbered, hanging parking tags for the Tagged Marina Parking Areas, shall keep a record of all tags

(including any replacement tags) that have been issued, shall adopt policies and procedures relating to the Tagged Marina Parking Areas and shall otherwise police and enforce the provisions of this Agreement relating to such parking. The Master POA shall hire a manager to police and enforce parking restrictions in the Tagged Marina Parking Areas. The Master POA shall issue no more than one parking tag to each Non-Residential Wet Slip. If there are more than one owner of a Non-Residential Wet Slip, such owners shall determine among themselves how to share the use of the one parking tag. The Master POA shall issue no more than one parking tag to each dry stack space and no more than four parking tags for the Dry Stack Property employees. If there are more than one tenant of a dry stack space, such tenants shall determine among themselves how to share the use of the one parking tag. All Tagged Marina Parking Areas shall be available on a first come basis to the tag holders; provided, however, the Master POA shall be entitled to designate the Tagged Marina Parking Areas within Dry Stack Lot 6 as exclusive to dry stack tag holders. The owner of the Dry Stack Property and the directors of the Wet Slip POA shall have the right to inspect the records of the Master POA relating to the Tagged Marina Parking Areas and the issued parking tags during week day business hours.

3.4 Maintenance, Insurance and Taxes. The owner of the land subject to a Tagged Parking Areas easement shall maintain the parking spaces, pay the ad valorem taxes and carry liability insurance which names the other owners as additional insureds.

ARTICLE 4. SUBDIVISION OBLIGATIONS

4.1 Dry Stack Lot 7. As soon as practical after the date of this Agreement, the Developer agrees to cause Lot 7 to be subdivided into Dry Stack Lot 7 and Wet Slip Lot 7. The Developer will pay all expenses incurred in connection with the subdivision of Lot 7. The Developer agrees that no part of Lot 7 will be submitted to the Wet Slip Regime until the fee simple title to Dry Stack Lot 7 has been conveyed to the then current owner of Dry Stack Lot 6. As soon as the subdivision plat is recorded, the Developer agrees to convey fee simple title to Dry Stack Lot 7 to the then current owner of Dry Stack Lot 6, free and clear of all encumbrances except for those existing at the time the Developer acquired Lot 7 or those authorized by this Agreement. The Developer agrees not to encumber the fee simple title to Dry Stack Lot 7 prior to the transfer of Dry Stack Lot 7 except as provided in this Agreement.

4.2 Dry Stack Lot 4. As soon as practical after the date of this Agreement, the Developer agrees to cause Dry Stack Lot 4A to be subdivided as a separate parcel from Lot 4A Combined. The Developer will pay all expenses incurred in connection with this subdivision of Dry Stack Lot 4A. As soon as the subdivision plat is recorded, the Developer agrees to convey fee simple title to Dry Stack Lot 4A to the then current owner of Dry Stack Lot 6, free and clear of all encumbrances except for those existing at the time the Developer acquired Lot 4A Combined or those authorized by this Agreement. The Developer agrees not to encumber the fee simple title to Dry Stack Lot 4A prior to the transfer of Dry Stack Lot 4A, except as provided in this Agreement. Dry Stack Lot 4 shall not be subject to the restrictive covenants encumbering the Residential Property, shall not be subject to any assessments, rights of first refusals or other provisions of such restrictive covenants. The exterior design of the

improvements to be constructed on Dry Stack Lot 4A shall be subject to the prior approval of the Developer, which approval shall not be unreasonably withheld or delayed.

**ARTICLE 5.
EXCLUSIVE RIGHTS**

The owner of the Dry Stack Property shall have the exclusive right to sell gasoline, oil, diesel, marine supplies, ice, beer, soft drinks, snacks and other convenience foods on the Ripley Light Marina Property and none of these products shall be sold within the Residential Property or the Wet Slip Property. Notwithstanding any provision to the contrary, the Residential Property may include food and drink services at any pool facilities located on the Residential Property.

**ARTICLE 6.
MASTER POA ASSESSMENTS
AND ENFORCEMENT POWERS**

6.1 Assessments. The Residential POA shall be responsible only for those costs and expenses that are specified in this Agreement to be paid by the Residential POA. In the event that the Residential POA shall breach its obligations under this Agreement, any payments or expenses incurred by the Master POA with such a breach shall constitute an assessment against the Residential POA which is enforceable in accordance with this Article. The Dry Stack Property owner shall be assessed only for those costs and expenses of the Master POA that are specified in this Agreement to be paid by the owner of the Dry Stack Property and the annual Dry Stack Assessment. The remaining expenses and costs of the Master POA shall be paid by the Wet Slip POA.

6.2 Sub-POA Obligations The Developer agrees that the organizational documents of both the Residential POA and the Wet Slip POA shall include the right of each POA to assess its property owners and to lien the property of any owner that fails to pay the POA's assessments. The Developer agrees that the organizational documents of both Residential POA and the Wet Slip POA shall incorporate the obligations of this Agreement and shall entitle the Master POA to lien the property of any owner for such owner's pro rata share of any unpaid assessment or obligation owed by the Residential POA or the Wet Slip POA to the Master POA. The Developer agrees that the organizational documents for both the Residential POA and the Wet Slip POA shall entitle the Master POA to review the records of the POA to obtain information on the POA's owners and status of assessment payments.

6.3 Annual Budget and Annual Assessment. Each year, the Board of Directors of the Master POA shall develop a budget to cover the costs of the Master POA's obligations under this Agreement and shall assess the Wet Slip POA for the amount that exceeds the Dry Stack Assessment. The Dry Stack Assessment can only be used for dredging expenses. Each member of the Master POA shall pay its assessment within thirty (30) days of notice of the amount of its assessment from the Board.

6.4 Special Assessments. In the event that expenses exceed the annual budget, the Board of Directors of the Master POA shall have the right to make special assessments and shall

give notice to the Wet Slip POA for the amount of the special assessment. The Wet Slip POA shall pay the special assessment within thirty (30) days of notice from the Board.

6.5 Effect of Nonpayment of Assessments: Remedies of Master POA. All assessments and other sums payable hereunder by the Residential POA, the Wet Slip POA and the owner of the Dry Stack Property, together with interest on any unpaid balance, costs and attorneys' fees incurred by the Master POA in collecting the same, shall be the obligation of such owner or POA. If any proper assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the due date at the lesser of: (a) two percent (2%) per annum plus the prime rate of interest as established by Bank of America, as the same may fluctuate from time to time or (b) the maximum interest rate allowed by applicable law. In addition to other rights and remedies of the Master POA as provided herein or by law, the Master POA shall also have the following rights and remedies:

- (1) if the Residential POA or the Wet Slip POA has failed to pay its proper assessment or obligation to the Master POA because property owners who are members of the Residential POA or the Wet Slip POA have failed to pay the assessments against them, the Master POA shall have the right to file a lien against such property owners for its unpaid assessments and the Master POA shall have the same rights of collection and enforcement against such property owner as the Master POA has against the owner of the Dry Stack Property. The Wet Slip POA and the Residential POA agree to make its records available to the Master POA to determine which property owners have failed to pay their assessments to such POA.
- (2) file a notice of lien in the Charleston County R.M.C. Office, setting forth the amount of the unpaid lien, the property description and the name of the owner of the Dry Stack Property or the property owner who owns a part of the Wet Slip Property or the property owner who owns a part of the Residential Property, as applicable.
- (3) foreclose the lien against the applicable property, whereby all accrued interest, costs, and reasonable attorneys' fees, shall be added to the amount of such assessment.
- (4) in the event that the owner of the Dry Stack Property or the Wet Slip POA fails to pay its assessments within sixty (60) days of notice of default, the Master POA may revoke and invalidate the parking tags assigned to such member of the Master POA until the past due assessments and related costs have been paid in full.

The lien provided for in this Article shall be in favor of the Master POA and shall be for the benefit of the Master POA and all property owners of the Ripley Light Marina Property. The

Master POA may hold, lease, mortgage and convey any real or personal property that has been foreclosed.

6.6 Subordination of the Lien to the Mortgages. The lien for assessments provided for herein shall be subordinate to the lien of any mortgage now or hereafter existing on any part of the Ripley Light Marina Property. The sale or transfer of any such real property shall not affect the assessment lien; provided, however, that the sale or transfer of any such real property pursuant to a foreclosure or any proceedings in lieu thereof shall extinguish any such assessment lien existing prior to such foreclosure sale or any such proceedings in lieu thereof. Notwithstanding the extinguishment of any such assessment lien upon any foreclosure, the Master POA shall retain all rights to enforce the payment of past due assessments pursuant to all other rights and remedies provided hereby against the property owner who owned such real property prior to such foreclosure or proceeding in lieu thereof.

6.7 Escrow for Dry Stack Assessment The Master POA shall use the Dry Stack Assessment solely for dredging expenses. The Master POA shall maintain the funds from the Dry Stack Assessment in a segregated, interest bearing escrow account until needed for dredging payments.

ARTICLE 7. MISCELLANEOUS

7.1 Amendments This Agreement shall not be modified, amended or supplemented without the written approval of the Wet Slip POA, Residential POA and owner of the Dry Stack Property.

7.2 Run with Land The terms, provisions, easements, restrictions and covenants contained in this Agreement shall run with the Ripley Light Marina Property and shall be binding on the Developer, its successors in title, heirs and assigns and the subsequent owners of the Dry Stack Property, the Wet Slip Property and the Residential Property.

7.3 Term The permanent easements shall be perpetual. Any provision which is subject to the South Carolina Uniform Statutory Rule Against Perpetuity shall have a term of ninety (90) years. All other provisions shall have a perpetual term.

7.4 Severability. The determination by any court of competent jurisdiction that any provisions of this Declaration are unlawful, void or unenforceable, either in whole or in part, shall not affect the validity of any other provisions of this Agreement.

7.5 Rules and Regulations. The Board of Directors of the Master POA may adopt reasonable rules and regulations regarding the administration of this Agreement.

7.6 Developer Reservation The Developer reserves the right to add additional wet slips in future development phases.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Ripley Cove, LLC, a South Carolina limited liability Company, has caused these presents to be executed the day and year first above written.

IN THE PRESENCE OF:

[Signature]
[Signature]

RIPLEY COVE, LLC

By: [Signature]
 William M. Belote, Member
MANAGER

By: Pavilion Development Corporation, its Member

By: [Signature]
 Lowell Frasier
 Title: **MANAGER**

Ripley Light Marina, POA, Inc. a South Carolina non-profit corporation

By: [Signature]
 its: [Signature]

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Ripley Cove, LLC, a South Carolina limited liability company, by [Signature], personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

[Signature]
 Notary Public for
 My Commission Expires: 6/6/10

Schedule 1.2
Dry Stack Lot 4A

ALL that certain piece, parcel or tract of land situate, lying and being in Charleston County, South Carolina, shown as "Dry Stack Lot 4A, 2,982 sq. ft., 0.06 acres" on a plat entitled "MAP SHOWING LOT 6A WITH LEASE LOTS 'DRY STACK LOT 4A', 'DRY STACK SERVICE DOCK' AND 'DRY STACK LOT 7' ASHLEY POINTE LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA" dated April 23, 2004 prepared by W. Mason Lindsey, Jr., R.L.S. No. 11909 of Lindsey Land Surveying Co., containing 0.06 acres, more or less, being bounding on the east by the Dry Stack Service Dock and Dry Stack Lot 7, on the South by the right-of-way of Ashley Pointe Drive., on the West by , and on the North by the remainder of Lot 4A Combined. SAID tract being more particularly described as follows:

BEGINNING at a point in the concrete sidewalk on the northern side of Ashley Point Drive to the west of the grate inlet and running S 58°02'43"W a distance of 233.66 feet to a Scribe Mark in the Concrete, being the POINT OF BEGINNING; Thence N 58°03'10" East along the sidewalk running along the right of way of Ashley Point Drive a distance of 9.99 feet to a point; thence running N65°30'11"E a distance of 21.07 feet to a point; thence turning and running N 66°11'37"E a distance of 38.82 feet to a point; thence turning and running N 89°02'01"W a distance of 22.01 feet to a point; thence turning and running N 64°18'25"W a distance of 15.67 feet to a point; thence turning and running N 42°31'49"E a distance of 52.45 feet to a point; thence turning and running S 64°39'21"E a distance of 4.29 feet to a point; thence turning and running S 59°16'58"W a distance of 22.58 feet to a point; thence turning and running S 65°35'11"E a distance of 37.72 feet to a point; thence turning and running S16°21'13"E a distance of 1.75 feet to a point; thence turning and running S 33°43'55"E a distance of 10.28 feet to a point; being the Point of Beginning.

Schedule 1.3
Dry Stack Lot 6A

Parcel 3

LEGAL DESCRIPTION FOR LOT 6A, ASHLEY POINTE

All that piece, parcel or tract of land lying and being to the east of the terminus point of Merritt Road on the Ashley River in the City of Charleston, Charleston County, State of South Carolina, measuring and containing Zero and Eight Hundred Ninety-One One-Thousandths (0.891) acres and identified as being Lot 6A, Ashley Point, U.S. Shelter Corporation and generally bounded on the north and west by the Ashley Point Drive right of way, on the east by Lot 2B (Ashley Inns, A Limited Partnership), and on the south by the proposed expressway connector right of way and Lots E1\$ and E2\$ (U.S. Shelter Corporation), and more particularly located as follows: (Reference is hereby made to a plat entitled Revised Subdivision Plat of Tract A Known as Ashley Pointe, Lands of U.S. Shelter Corporation dated September 26, 1986, by G. Robert George & Associates, Inc.): Beginning at a point at the intersection of the east right of way line of Albemarle Road and the south right of way line of Merritt Road, North Forty-Eight (48) Degrees, Thirty-Eight (38) Minutes Fifty-Seven (57) Seconds East, a distance of Two Hundred Seventy-Eight and Sixty-Seven One-Hundredths (278.67) feet to an iron pin; thence across the right of way of Merritt Road North Forty-Five (45) Degrees Twenty-Five (25) Minutes Thirty-Eight (38) Seconds West a distance of Forty-Eight and Seventy One-Hundredths (48.70) feet to an iron pin found in the north right of way line of Merritt Road and common corner to the lands of Specialties, Inc.; thence crossing the right of way of the relocated Merritt Road with the north right of way line of the abandoned Merritt Road North Forty-Eight (48) Degrees Seventeen (17) Minutes Fifty-Seven (57) Seconds East a distance of One Hundred Fifty-Seven and Fifty One-Hundredths (157.50) feet to an iron pin and common corner to Lots E2\$ and MR1\$ (U.S. Shelter Corporation) in the east right of way line of the relocated Merritt Road; thence with said right of way line along a curve to the left (Radius = Two Hundred Eight-Five and Forty-Four One-Hundredths (285.44) feet; Delta Angle = Zero Four (04) Degrees Thirty-One (31) Minutes Forty-Three (43) Seconds) a curve length of Twenty-Two and Fifty-Six One-Hundredths (22.56) feet to an iron pin; thence North Zero Nine (09) Degrees Forty-Nine (49) Minutes Thirty-Five (35) Seconds East a distance of One Hundred Twenty-Two and Thirty-Five One-Hundredths (122.35) feet to an iron pin in the south right of way terminus line of Ashley Pointe Drive and the north right of way line of the proposed expressway connector, thence with the right of way line of the proposed expressway connector along a curve to the left (Radius = Six Hundred Sixty-Six and Twenty One-Hundredths (666.21) feet; Delta Angle = Zero Two (02) Degrees Fifty (50) Minutes Forty-Three (43) Seconds) a curve length of Thirty-Three and Zero Eight One-Hundredths (33.08) feet to an iron pin and point of beginning of Lot 6A, more particularly described as follows: Beginning at an iron pin, said pin being the true point of beginning of Lot 6A in the north right of way line of the proposed expressway connector and the south right of way terminus of Ashley Pointe Drive; thence with the north right of way line of the proposed expressway connector along a curve to the left (Radius = Six Hundred Sixty-Six and Twenty One-Hundredths (666.20) feet; Delta Angle = Twenty-Two (22) Degrees Fourteen (14) Minutes Thirteen (13) Seconds; and passing at Eight-Eight and Zero Six One-Hundredths (88.06) feet the northeast property corner of Lot E2\$ (U.S. Shelter Corporation), in all, a total curve length of

Two Hundred Fifty-Eight and Fifty-Six One-Hundredths (258.56) feet to an iron pin; thence North Seventy-Two (72) Degrees Fifty-Three (53) Minutes Thirty-Two (32) Seconds East a distance of One Hundred Three and Fifty-Four One-Hundredths (103.54) feet to an iron pin and common corner to Lot 2B (Ashley Inns, A Limited Partnership) and Lot 2C (U.S. Shelter Corporation); thence with the west line of Lot 2B North Twenty-Five (25) Degrees Fifty-Three (53) Minutes Zero Four (04) Seconds West a distance of One Hundred Forty-Nine and Forty-Four One-Hundredths (149.44) feet to an iron pin in the south right of way line of Ashley Pointe Drive; thence with said right of way line South Sixty-Five (65) Degrees Thirteen (13) Minutes Twenty-Five (25) Seconds West a distance of Two Hundred Forty-Three and Sixty-Six One-Hundredths (243.66) feet to an iron pin; thence South Fifty-Seven (57) Degrees Nineteen (19) Minutes Thirty-Three (33) Seconds West a distance of Seventy-Nine and Eighteen One-Hundredths (79.18) feet to an iron pin; thence along a curve to the left (Radius = Thirty-Eight and Seventy-Eight One-Hundredths (38.78) feet; Delta Angle = Forty-Five (45) Degrees Fifty-Two (52) Minutes Zero One (01) Seconds) a curve length of Thirty-One and Zero Four One-Hundredths (31.04) feet to an iron pin; thence South Thirty-Five (35) Degrees Thirty-Six (36) Minutes Nineteen (19) Seconds East a distance of Twenty-Six and Ninety-Six One-Hundredths (26.96) feet to an iron pin and point of beginning of Lot 6A.

Lot 6A herein conveyed is also shown on a plat entitled "Revised Subdivision Plat of Tract 'A' Known as Ashley Point Lands of U.S. Shelter Corp." dated September 16, 1988, and recorded in the RMC Office for Charleston County in Plat Book BM at pages 13, 14 and 15; said lot having such size, shape, metes, bounds and dimensions as will be shown on said plat, reference being made thereto for a more complete description.

Being a portion of the property conveyed to Span U.S.A., Inc. by deed of Shelter Realty Holdings Limited Partnership dated December 16, 1987, and recorded December 18, 1987, in Book K171 at page 279 in the RMC Office for Charleston County, SAVING AND EXCEPTING that property conveyed to the South Carolina Department of Highways and Public Transportation dated August 16, 1993, and recorded in the RMC Office for Charleston County in Book A238 at page 684.

Being a portion of the property conveyed to Ripley Cove, LLC, a South Carolina limited liability company by deed of Span-U.S.A., Inc. dated April 29, 2004 and recorded in the RMC Office for Charleston County simultaneously herewith.

Schedule 1.4
Dry Stack Lot 7

ALL that certain piece, parcel or tract of land situate, lying and being in Charleston County, South Carolina, shown as "Dry Stack Lot 7, 6,859 sq. ft., 0.15 acres" on a plat entitled "MAP SHOWING LOT 6A WITH LEASE LOTS 'DRY STACK LOT 4A', 'DRY STACK SERVICE DOCK' AND 'DRY STACK LOT 7' ASHLEY POINTE LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA" dated April 23, 2004 prepared by W. Mason Lindsey, Jr., R.L.S. No. 11909 of Lindsey Land Surveying Co., containing 0.15 acres, more or less, being bounding on the North by Dry Stack Service Dock, on the west by Dry Stack Lot 4A, on the South by the Right of way of Ashley Pointe Drive and on the east by West Slip Lot 7. SAID tract being more particularly described as follows:

BEGINNING at a point in the concrete sidewalk on the northern side of Ashley Point Drive to the west of the grate inlet at a Scribe Mark in the Concrete, being the Point of Beginning, and running along a curve having a radius of 3048.77 feet, a chord of 50.75 feet, and a bearing of N 57°39'27"E to a point, thence turning and running N 32°49'10"W a distance of 7.77 feet to a point; thence turning and running N78°03'25"W a distance of 30.71 feet to a point; thence turning and running S54°12'52"W a distance of 24.34 feet to a point, thence running S54°12'52"W a distance of 22.08 feet to a point; thence running S53°45'00"W a distance of 66.54 feet to a point; thence running S64°22'30"W a distance of 88.28 feet to a point; thence running S39°32'05"W a distance of 65.45 feet to a point; thence turning and running N 16°21'13"W a distance of 1.75 feet to a point; thence turning and running S 33°43'55"E a distance of 10.28 feet to a point; thence turning and running S58°02'43"W a distance of 233.66 feet to a point; being the Point of Beginning.

Schedule 1.11
Residential Property

Parcel 4A

All that certain piece, parcel or tract of land situate, lying and being in the City of Charleston, Charleston County, South Carolina, shown as Combined Parcel 4A, containing 5.035 acres on a plat of survey entitled, "Property Line Adjustment Plat Showing 5.035 Acres Owned by Pre-Stress Concrete Company About to be Purchased by Span U.S.A., Inc." dated May 20, 1988, prepared by G. Robert George & Associates, Inc., recorded in the RMC Office for Charleston County, South Carolina in Plat Book BS, at Pages 128; having the metes and bounds shown thereon.

SAVING AND EXCEPTING that parcel conveyed to the South Carolina Department of Highways and Public Transportation by deed dated August 6, 1993 and recorded in Book W-241, Page 505 in the RMC Office for Charleston County.

Being the same property conveyed to Fred Collins by Deed of Robert C. McNair dated May 27, 1984 and recorded May 31, 1994 in Book P-243, Page 879 in the RMC Office for Charleston County.

Being a portion of the property conveyed to Ripley Cove, LLC, a South Carolina limited liability company by deed of Fred Collins dated April __, 2004 and recorded in the RMC Office for Charleston County simultaneously herewith.

SAVING AND EXCEPTING: 1. DRY STACK LOT 4A PROPERTY; and 2. THE WET SLIP
LOT 4A PROPERTY

Schedule 1.14
Service Dock

ALL that certain piece, parcel or tract of land situate, lying and being in Charleston County, South Carolina, shown as "Dry Stack Service Dock, 18,577 sq. ft., 0.42 acres" on a plat entitled 'MAP SHOWING LOT 6A WITH LEASE LOTS 'DRY STACK LOT 4A', 'DRY STACK SERVICE DOCK' AND 'DRY STACK LOT 7' ASHLEY POINTE LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA" dated April 23, 2004 prepared by W. Mason Lindsey, Jr., R.L.S. No. 11909 of Lindsey Land Surveying Co., containing 0.42 acres, more or less, being bounding on the west by Dry Stack Lot 4A and Lot 4A Combined, on the North by a canal, on the East by Wet Slip Lot 7, and on the South by Dry Stack Lot 7. SAID tract being more particularly described as follows:

BEGINNING at a point in the concrete sidewalk on the northern side of Ashley Point Drive to the west of the grate inlet and running along a curve having a radius of 3048.77 feet, a chord of 50.75 feet, and a bearing of N 57°39'27"E to a point, thence turning and running N 32°49'10"W a distance of 7.77 feet to a point; thence turning and running N 78°03'25"W a distance of 30.71 feet to a point; thence turning and running S 54°12'52"W a distance of 24.34 feet to a point, being the POINT OF BEGINNING; Thence running S 54°12'52"W a distance of 22.08 feet to a point; thence running S 53°45'00"W a distance of 66.54 feet to a point; thence running S 64°22'30"W a distance of 88.28 feet to a point; thence running S 39°32'05"W a distance of 65.45 feet to a point; thence turning and running N 16°21'13"W a distance of 1.75 feet to a point; thence turning and running N 65°35'11"W a distance of 37.72 feet to a point; thence turning and running N 28°26'27"W a distance of 27.95 feet to a point; thence running N 27°43'22"E a distance of 6.08 feet to a point; thence running N 30°46'37"E a distance of 19.00 feet to a point; thence running N 25°33'30"E a distance of 26.80 feet to a point; thence turning and running N 56°48'40"E a distance of 171.17 feet to a point; thence running N 56°52'00"E a distance of 38.39 feet to a point; thence turning and running S 33°59'40"E a distance of 74.18 feet to a point; being the Point of Beginning.

BK Y503PG650

Schedule 1.17
Wet Slip Lot 4A

All of the bulkheads, piers, gangways and docks appurtenant to the Residential Property, together with a permanent, transmissible, assignable, appurtenant, commercial easement for access, ingress and utilities having a width of ten feet along the water's edge of the Residential Property.

Schedule 1.18
Wet Slip Lot 7Lot 7

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situate, lying and being in the City of Charleston, Charleston County, South Carolina, being known as Lot 7 as shown on a plat entitled, "REVISED SUBDIVISION PLAT OF TRACT 'A' KNOWN AS ASHLEY POINTE, LANDS OF U.S. SHELTER CORP." dated September 26, 1988 and recorded in the RMC Office for Charleston County in Plat Book BM, at Pages 13, 14 and 15; said lot having such size, shape, metes, bounds and dimensions as will be shown on said plat, reference being made thereto for a more complete description.

Being the same property conveyed to Span-U.S.A., Inc. by deed of Shelter Realty Holdings Limited Partnership dated December 16, 1987, and recorded December 18, 1987 in Book K-171, Page 279 in the RMC Office for Charleston County.

TMS No. 421-12-00-009

ALSO

All that piece, parcel or tract of land, situate, lying and being on Albemarle Point Road, in the City of Charleston, Charleston County, South Carolina, more particularly described as follows:

1. A plat captioned, "Plat of Property of Merritt Dredging Company" dated November 30, 1982 by Josiah M. Williams, III, RLS, which plat is recorded in the RMC Office for Charleston County in Plat Book AW, at Page 151.
2. A plat captioned, "Plat of Property Owned by Seaboard Coast Line Railroad, City of Charleston, Charleston County, South Carolina" by K.T. Dubis, P.E. and L.S., dated February 3, 1983, and recorded in the RMC Office for Charleston County on December 15, 1983 in Plat Book AY, at Page 174.

Being the same property conveyed to Span-U.S.A., Inc. by quitclaim deed of U.S. Shelter Corporation dated May 16, 1988, and recorded June 13, 1988 in Book L-175, Page 220 in the RMC Office for Charleston County.

Being a portion of the property conveyed to Ripley Cove, LLC, a South Carolina limited liability company by deed of Span-U.S.A., Inc. dated April ___, 2004 and recorded in the RMC Office for Charleston County in Book ___, Page ___.

SAVING AND EXCEPTING
DRY STACK LOT 7

SAVING AND EXCEPTING
SERVICE DOCK

OK Y503PG652

Exhibit A
By-Laws for Master POA

{10590545.7}

BYLAWS
OF
RIPLEY LIGHT MARINA POA, INC.

ARTICLE 1
ASSOCIATION

1.1 Name. The name of the corporation is **Ripley Light Marina POA, Inc.** (the "Association"). The Association is a nonprofit, mutual benefit corporation organized under the laws of South Carolina.

1.2 Principal Office. The address of the initial principal office of the Association is set forth in the Association's Articles of Incorporation. The Association may have such other offices, either within or outside the State of South Carolina, as the Board of Directors may determine. The Board may by Majority vote change the principal office of the Association, provided that within thirty days of such change, the Association shall file a notice of change of principal office with the Secretary of State of South Carolina.

1.3 Registered Agent. The Board may by Majority vote change the registered agent of the Association. Such change shall be effective upon delivery to the Secretary of State of South Carolina the required notice of change.

1.4 Definitions. The words used in these By-Laws shall be given their normal, commonly understood definitions. All capitalized terms used, which are not defined herein, shall have the same meaning as set forth in the **Real Estate Agreement** filed in the Public Records, in the County of Charleston, State of South Carolina, as it may be amended (the "REA"), unless the context indicates otherwise.

ARTICLE 2
MEMBERS

2.1 Membership. The Members of the Association shall be as set forth in the REA.

2.2 Meetings. The Directors shall call any meetings of the Members as may be required by law.

ARTICLE 3
BOARD OF DIRECTORS

3.1 Authority, Composition and Selection.

(a) Governing Body. The affairs of the Association shall be governed by a Board of Directors. Each Director shall have one equal vote.

(b) Number of Directors. The Board shall consist of three Directors.

(c) Appointment of Directors. Two of the three Directors shall be appointed by, and may be replaced at any time by, the Wet Slip POA. One of the three Directors shall be appointed by, and may be replaced at any time by, the owner of the Dry Stack Property.

3.2 Regular Meetings. Regular meetings of the Board may be held at such time and place as a majority of the Directors shall determine, but at least one such meeting shall be held during each fiscal year. Directors shall be given notice of regular meetings at least 5 days prior to such meeting.

3.3 Special Meetings. Special meetings of the Board shall be held when called by written notice signed by the President or any Director. The notice shall specify the time and place of the meeting and the nature of any special business to be considered. The notice shall be given to each Director by: (a) personal delivery; (b) first class mail, postage prepaid; (c) telephone communication, either directly to the Director or to a person at the Director's office or home who would reasonably be expected to communicate such notice promptly to the Director; (d) facsimile transmission (FAX); or (e) telegram, charges prepaid. All such notices shall be given at the Director's telephone number or sent to the Director's address as shown on the records of the Association. Notices sent by first class mail shall be deposited into a United States mailbox at least seven business days before the time set for the meeting. Notices given by personal delivery, telephone, FAX, or telegraph shall be delivered at least 48 hours before the time set for the meeting.

3.4 Waiver of Notice. The transactions of any meeting of the Board, however called and noticed or wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice if (a) a quorum is present, and (b) either before or after the meeting each of the Directors not present signs a written waiver of notice, which is to be filed with the minutes in the corporate records. A Director's attendance at a meeting waives any required notice of the meeting unless the Director objects to the lack of notice upon arriving at the meeting or prior to the vote on the matter which was not appropriately noticed.

3.5 Telephonic Participation in Meetings. Members of the Board or any committee designated by the Board may participate in a meeting of the Board or committee by means of conference telephone or similar communications equipment, by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection shall constitute presence in person at such meeting.

3.6 Quorum of Board of Directors. At all meetings of the Board, a majority of the Directors shall constitute a quorum for the transaction of business, and the votes of a majority of the Directors present at a meeting at which a quorum is present shall constitute the decision of the Board. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of Directors, if any action taken is approved by at least a majority of the required quorum for that meeting.

3.7 Compensation. Directors shall not receive any compensation from the Association for acting as such. However, any Director may be reimbursed for expenses incurred on behalf of the Association upon approval of a majority of the other Directors. Nothing herein shall prohibit the Association from compensating a Director, or any entity with which a Director is affiliated, for services or supplies furnished to the Association in a capacity other than as a Director pursuant to a contract or agreement with the Association, provided that such Director's interest and the material facts of the transaction were made known to the Board prior to entering into such contract and such contract was approved by a majority of the disinterested Board members.

3.8 Conduct of Meetings. The President shall preside over all meetings of the Board, and the Secretary shall keep a minute book of Board meetings, recording all Board resolutions and all transactions and proceedings occurring at such meetings.

3.9 Open Meetings. All meetings of the Board shall be open to all Members; provided that, the President may adjourn any meeting of the Board and reconvene in executive session, and may exclude persons other than Directors, to discuss matters of a sensitive nature, such as pending or threatened litigation, personnel matters, etc.

3.10 Action Without a Formal Meeting. Any action that may be taken at a Board of Director's meeting, may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the Directors and filed with the minutes in the corporate records. Such consent shall have the same force and effect as a unanimous vote of the Board.

3.11 Borrowing. The Association shall have the power to borrow money for any legal purpose subject to prior unanimous approval of the Board.

ARTICLE 4 OFFICERS

4.1 Officers. The officers of the Association shall be a President, Secretary and Treasurer. The President and Secretary shall be elected from among the members of the Board; other officers may, but need not be members of the Board. The Board may appoint such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have such authority and perform such duties as the Board prescribes. Any two or more offices may be held by the same person.

4.2 Election and Term of Office. The Board shall elect the officers of the Association by Majority vote, to serve until their successors are elected.

4.3 Removal and Vacancies. The Board may remove any officer by Majority vote whenever in its judgment the best interests of the Association will be served, and may fill any vacancy in any office arising because of death, resignation, removal, or otherwise, for the unexpired portion of the term.

4.4 Powers and Duties. The officers of the Association shall each have such powers and duties as generally pertain to their respective offices, as well as such powers and duties as may specifically be conferred or imposed by the Board of Directors. The President shall be the chief executive officer of the Association. The Treasurer shall have primary responsibility for receiving assessments.

4.5 Resignation. An officer may resign at any time by delivering written notice to the Association. A resignation is effective when the notice is effective or at any later time specified in the notice.

4.6 Agreements, Contracts, Deeds, Leases, Checks, Etc. All agreements, contracts, deeds, leases, checks, and other instruments of the Association shall be executed by such person or persons as may be designated by the Board.

4.7 Compensation. Compensation of officers shall be subject to the same limitations as compensation of Directors under Article 3.7.

ARTICLE 5 COMMITTEES

5.1 General. The Board may appoint such committees as it deems appropriate to perform such tasks and to serve for such periods as the Board may designate, subject to the restrictions set forth in the Articles of Incorporation and any further limitations imposed by the REA.

ARTICLE 6 MISCELLANEOUS

6.1 Conflicts. If there are conflicts between the provisions of South Carolina law, the Articles of Incorporation, the REA, and these By-Laws, the provisions of South Carolina law, the REA, the Articles of Incorporation and these By-Laws (in that order) shall prevail.

6.2 Books and Records.

(a) Corporate Records.

(i) Principle Office. The following records shall be kept at the Association's principle office: the REA, By-Laws, and Articles of Incorporation, including any amendments; copies of all resolutions adopted by the Board; the minutes of any meetings of the Members and copies of all written communications to Members within the preceding three years; names and addresses of current Directors and officers; and the most recent version of all reports filed with the Secretary of State.

(ii) Permanent Records. The Association shall also maintain the following records at its principle office or at some other suitable place as determined by the

Board: minutes of all Board meetings; and a record of all actions taken by the Members, Board or committee of the Board, with or without a meeting.

(iii) Membership List. The Association shall maintain a list of its Members arranged alphabetically.

(b) Inspection by Members. A Member is entitled to inspect and copy, at a reasonable time and location to be specified by the Board, for a proper purpose reasonably related to his or her interest in the Association, any and all of the records specified in this section of the Bylaws. A Member must give the Association written notice of this desire at least five days prior to the requested inspection date. The Association may impose a reasonable charge to cover the costs of labor and material for providing such copies.

6.3 Notices.

(a) Address. Except as otherwise provided in the REA, the Articles of Incorporation, or these By-Laws, all notices, demands, bills, statements, or other communications under the REA or these By-Laws shall be in writing and shall be deemed to have been duly given if delivered personally or if sent by United States mail, first class postage prepaid:

(i) if to a Member, at the address which the Member has designated in writing and filed with the Secretary of the Association or, if no such address has been designated, at the address of the property of such Member; or

(ii) if to the Association or Board, at the principal office of the Association or to the registered agent of the Association.

(b) Effective Date. Written notice is effective at the earliest of the following;

(i) when received;

(ii) five days after its deposit in the United States mail, if correctly addressed, with first class postage affixed;

(iii) on the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

6.5 Amendment. Amendments to these By-Laws shall become effective upon recordation in the Public Records, unless a later effective date is specified therein. Any procedural challenge to an amendment must be made within six months of its recordation or such amendment shall be presumed to have been validly adopted.

APPENDIX II

R.30-12(E) – OCRM REGULATIONS

SCDHEC - OCRM

CRITICAL AREA PERMITTING REGULATIONS



RULES AND REGULATIONS FOR PERMITTING IN THE CRITICAL AREAS OF THE COASTAL ZONE

THIS EDITION PUBLICATION DATE, April 25, 2008

(This packet replaces and supercedes all previous published Regulations)

DISCLAIMER:

This copy of the regulation is provided by DHEC for the convenience of the public. Every effort has been made to ensure its accuracy; however, it is not the official text. DHEC reserves the right to withdraw or correct this text if deviations from the official text, as published in the State Register, are found.

(b) Creation of permanent open water canals to install pipelines is prohibited since such projects usually interfere with drainage patterns and may adversely affect water quality through accelerated bank erosion;

(c) Dimensions of temporarily excavated canals for cables and pipelines should be minimal. Silt curtains are required for all excavations;

(d) Wherever feasible, all excavations in wetland areas must be backfilled with the excavated material after installation of the appropriate structure, while being careful to maintain the original marsh elevation. In addition, excavated material must be stockpiled on highground whenever feasible;

(e) Appropriate erosion control measures shall be employed during the crossing of wetland areas. Where appropriate, revegetation with suitable wetland species will be required;

(f) Alignments of new projects should be designed to utilize existing rights-of-way and topographic features, wherever feasible;

(g) The extension of public services, such as sewer and water facilities, involving the expenditure of public funds or issuance of government revenue bonds to previously undeveloped barrier islands will not be approved unless an overriding public interest can be demonstrated.

E. Marinas, including commercial and community docks with more than 250 linear feet of effective docking space.

(1) In addition to standards applicable for bulkheads and seawalls, dredging and filling, and navigation channels and access canals, the following standards apply to all structures defined as marinas in 30-1(D):

(a) Each applicant for a marina must submit an Operations and Maintenance Manual with the permit application. This Operations and Maintenance Manual must be in accordance with 30-12(E)(3), and approved in writing by the Department staff. The requirements for the Operations and Maintenance Manual may be modified if deemed necessary by the Department.

(b) All marinas affect aquatic habitats to some degree, but adverse effects can be minimized by utilizing proper location and design features. Applications for marinas shall include a comprehensive site plan showing location and number of all water-dependent and upland facilities such as parking and storage facilities.

(c) New marinas, which includes all structures defined as marinas in 30-1(D), are not allowed in waters classified for shellfish harvesting, except for any locked harbor, dry stack or expanded existing marina that does not close any additional waters for shellfish harvesting.

(i) An applicant for any marina in waters classified for shellfish harvesting, can request that the S.C. Department of Natural Resources (DNR) comment in writing on

whether the area around the proposed marina is suitable or not suitable for the natural growth and propagation of shellfish. The permit shall not be issued unless the Department, after giving great weight to the comments of the DNR, determines that natural physical conditions in the area surrounding the proposed marina preclude the natural propagation of shellfish.

(ii) The DNR's comments shall be based on criteria including:

- (1)** intertidal bottom types (including shell matrix depth and composition - shell, clay, silt);
- (2)** density of naturally occurring oyster beds (oyster strata types, bottom coverage, acreage);
- (3)** presence or absence of significant subtidal oyster populations;
- (4)** water depth;
- (5)** oyster population elevations;
- (6)** salinity regimes (including a review of historic data and recognition of possible future changes that could affect hydrography);
- (7)** presence or absence of significant clam populations;
- (8)** potential for expansion of existing natural oyster beds through cultivation;
- (9)** potential for shellfish production with non-traditional methods;
- (10)** the current shellfish management and water quality classifications;
- (11)** and any other factors relating to the natural physical conditions in the area deemed appropriate by the DNR including whether the area is likely to support the natural growth and propagation of shellfish in the reasonably foreseeable future.

(iii) This determination in no way affects or limits the ability of DNR to comment on the entire permit application before the Department.

(d) Marinas should be located in areas that will have minimal adverse impact on wetlands, water quality, wildlife and marine resources, or other critical habitats;

(e) Marinas must extend to the first navigable creek, within extensions of upland property lines or corridor lines, that has a defined channel as evidenced by a significant change in grade with the surrounding marsh; or having an established history of navigational access or use. Rare geographic circumstances, such as very close proximity of a significantly larger creek within extensions of property or corridor lines, may warrant marina extension to a creek other than the first navigable creek. A creek with an established history of navigational use may also be considered as navigable. Such creeks cannot be bridged in order to obtain access to deeper water. However, pierheads must be located over open water and floating docks which rest upon the bottom at mean low tide will not

normally be permitted. In exceptional cases, the Department may allow an open water channel to be bridged if other man made or natural restrictions prohibit current access or if site-specific conditions warrant such a crossing.

(f) To be eligible for a marina, a lot must have a minimum of 150 feet of frontage at the marsh edge, and 150 feet between its extended property lines at the location in the waterbody of the proposed structure.

(g) No marinas or other associated structures will be permitted closer than 20 feet from extended property lines with the exception of common marinas shared by two adjoining property owners. However, the Department may allow construction closer than 20 feet or over extended property lines where there is no material harm to the policies of the Act.

(h) Existing permitted and grandfathered marinas as of the effective date of these regulations may be maintained and rebuilt to their pre-existing size and configuration if damaged or destroyed. However, these marinas cannot expand beyond their current footprint if such expansion violates the requirements of 30-12.E(1)(f) and (g). Marinas that do not meet the frontage and offset requirements of 30-12.E(1)(f) and (g) may expand channelward provided all other applicable Department standards are met. Additionally, at such time as these marinas expand, even when remaining within their existing footprint, a permit will be required and applicable Department standards, including 30-12.E(2) and (3) relating to operation and maintenance, must be met.

(i) Marinas proposed for the exclusive use of occupants of the adjoining development will only be permitted in lieu of multiple private docks. Eliminating private docks on small creeks in exchange for permitting a marina with private slips on a larger waterbody is the preferred alternative of the Department. To determine the number of slips allowed within this type of marina, a ratio of 2.5 to 1 or 50 feet of slip length for every private dock (or lot served by a joint use dock) eliminated will be utilized. No leasing, or other transfer of space to individuals who do not reside in the community or other commercial uses are allowed at these marinas.

(j) Marinas shall not restrict the reasonable navigation or public use of State lands and waters.

(k) Marinas shall be constructed in a manner that does not restrict water flow and must avoid or minimize the disruption of currents. Dead-end or deep canals without adequate circulation or tidal flushing will not be permitted.

(l) The size and extension of the marina must be limited to that which is reasonable for the intended use.

(m) Marinas should use the least environmentally damaging alignment.

(n) Where marina construction would affect shellfish areas, the Department must consider the rights of the lessee, if applicable, and the public, and any possible detrimental impacts on shellfish resources.

(o) Marinas should be located in areas where the least initial and maintenance dredging will be required. New marinas that require initial and maintenance dredging must provide a permanent, dedicated spoil area capable of holding both the initial dredge volume and all anticipated maintenance needs. This spoil area must be reserved using deed restrictions or other legal instruments.

(p) Marinas must avoid or minimize the disruption of currents. Dead-end or deep canals without adequate circulation or tidal flushing will not be permitted.

(q) Marina design must minimize the need for the excavation and filling of shoreline areas.

(r) Open dockage extending to deep water is preferable to excavation for boat basins, and it must be considered as an alternative to dredging and bulkheading for marinas.

(s) Turning basins and navigation channels shall be designed to prevent long-term degradation of water quality. In areas where there is poor water circulation, the depth of boat basins and access canals should not exceed that of the receiving body of water to protect water quality.

(t) Project proposals shall include facilities for the proper handling of petroleum products, sewage, litter, waste, and other refuse in accordance with Department regulations.

(u) Dry storage type marinas are preferred whenever feasible, and an applicant for a marina permit will be required to show why a dry storage facility is infeasible, in whole or in part. Infeasibility may be shown where the applicant seeks a facility for large boats that cannot be accommodated in a dry storage facility or where there is inadequate upland space for the facility.

(v) Applications for marinas must include maintenance dredging schedules and dredged material disposal sites when applicable.

(w) Adequate parking for users of the marina shall be demonstrated as either one parking space for every three wet and/or dry slips or the spaces required by the applicable local government parking regulation, whichever is greater.

(x) Mooring fields associated with marinas are encouraged in place of pierheads and floating docks where the size of the waterbody and other site specific conditions are suitable. These mooring fields must be in compliance with R.30-12(P).

(2) The following standard conditions, along with any special conditions that may be appropriate, will be included in all permits for marinas unless the Department determines that such standard conditions are inappropriate

(a) The operations of the marina shall be reviewed by the Department as deemed appropriate, but at least every five years. Based on this review, the Department may require, among other things, changes or additions to the Operations and Maintenance Manual to address any water quality or other environmental problems, and a reduction in

the size of, or a change in the configuration of, the marina. Such action may be taken at any time the Department determines that significant state water quality compliance problems exist, at the time the Department enlarges the closure area, or at the time of a review.

(b) A water quality sampling program must be instituted and results submitted to the Department. This sampling program must be performed prior to construction and as specified in 30-12(E)(3)(c) below. This sampling must be performed by a Department certified laboratory at the expense of the permittee. If water quality monitoring indicates a decline in water quality, remedial action will be required.

(c) Dredging must be performed in accordance with 30-12(E)(3)(d) and 30-12(G).

(d) A stormwater plan for the marina and associated parking areas, including runoff from the permanent spoil disposal area and adjacent highland development, must be submitted to and approved in writing by the Department staff before any work is performed under the Department permit.

(3) The Operations and Maintenance Manual shall be submitted with the application and placed on public notice. This requirement may be waived at the discretion of the Department upon a determination that the uses of the facility warrant such a waiver. Depending on the type of facility, it shall contain the following information:

(a) Marina Operations

(i) An experienced operator shall be in charge of the marina. The permittee and its agents are responsible for compliance with the issued Operations and Maintenance Manual and with all conditions of the permit.

(ii) The marina permittee must include in the lease agreement with boat owners a provision requiring that boat owners comply with all applicable State and federal regulations. The marina permittee shall ensure that violations are reported promptly to the proper authorities.

(iii) A complete copy of the marina permit, including any required marina report, the Operations and Maintenance Manual, all conditions or requirements placed on the permit and copies of all water quality monitoring reports required pursuant to the permit, shall be readily available at the marina.

(iv) The marina permittee shall prominently display and distribute material pertaining to the maintenance of water quality standards at the marina and report violations of such standards to the proper authorities.

(b) Water Quality Management:

(i) Adequate working wastewater pump-out facilities shall be provided at each marina (unless specific exceptions are allowed in writing by the Department). These facilities must be adequate to handle all wastewater generated at the marina. The marina operator may charge a reasonable fee for the use of the pump-out facilities.

- (ii)** Adequate bathroom facilities must be provided in order to discourage any overboard discharge of sewage from boats. The number of toilets required for any given marina shall be determined by the nature and size of the marina and by its specific site location. However, two toilets and one lavatory for women and one toilet, one urinal, and one lavatory for men shall be required for all marinas with one hundred or fewer slips, and unless there are mitigating circumstances, the Department shall require one toilet and one lavatory for women and one toilet, one urinal, and one lavatory for men for every additional 100 boat slips or fraction thereof. Toilet facilities shall be constructed in a location to encourage their use. Additional facilities may be required where restaurants, motels, laundries, and other nonwater-dependent structures are located in close proximity to the marina. All pump-out and sewage facilities must be included in the public notice and certified in writing by the Department.
- (iii)** Plans for potable water supplied to the marina docks must be approved in writing by the Department.
- (iv)** Marina boat fueling systems must be equipped with emergency cutoffs at the harbor master's office, at the tank, at the pump and at the dock's edge.
- (v)** Depending on the size and type of boats using the marina, adequate booms must be available to isolate any oil spill around the fuel dock, a leaking boat, or a sunken boat.
- (vi)** Absorbent pads must be available at the marina for boat use and for removing incidental spills during fueling operations.
- (vii)** The discharge of sewage from boats is prohibited unless it is treated by a Marine Sanitation Device and complies with all applicable federal laws and regulations. The discharge of any other kind of waste into state waters, including, without limitation, garbage, refuse, trash or debris, is prohibited.
- (viii)** Adequate separate refuse containers for garbage shall be available at the marina and maintained daily. Containers for toxic substances shall not be placed over or near the water.
- (ix)** Boat repairs, paint scraping, boat painting, and other activities that may result in a discharge of waste or pollutants into State waters are prohibited;
- (x)** One reasonably sized dock master's office may be constructed within a permitted marina. This office will be limited to water dependent uses only such as fuel sales. Restroom facilities may be placed in this office, however, food and beverage services, clothing sales and other non-water dependent uses are prohibited.
- (c)** Water Quality Monitoring Requirements The specific program shall be determined by the Department. Any changes in requirements must be approved in writing by the Department. Sampling results must be supplied to the Department. The program may be discontinued or waived by the Department upon a showing that such information is not necessary to insure adequate protection of coastal resources.

(i) Monitoring requirements shall be tailored to the marina based on factors such as flushing, existing water quality, presence of shellfish, number of slips, and presence of fueling facilities.

(ii) A minimum standard monitoring program will consist of an annual sediment analysis. These samples shall be taken once a year between June and August with a minimum of one composite sample taken within the confines of the marina and one sample taken outside the marina. All sampling sites must be approved in writing by the Department staff and the DNR. Samples will be analyzed for polycyclic aromatic hydrocarbons, copper, zinc, lead, cadmium, chromium, and any other parameters required by the Department

(iii) Marinas in poorly flushed areas may be required to sample other parameters such as dissolved oxygen and/or fecal coliform bacteria. These monitoring requirements will be determined on a site-specific basis using the factors presented in (i) above.

(iv) Sampling requirements will be periodically reviewed and may be increased or reduced as conditions warrant.

(d) Dredging:

(i) Unless otherwise allowed by permit, all initial and maintenance dredging shall take place between December 1 and March 1, and all dredging shall be performed by hydraulic dredge.

(ii) Agitation dredging is prohibited.

F. Transportation:

(1) There is often a strong public need for transportation projects. Unfortunately, such projects can pose a significant risk of environmental degradation. However, careful consideration of environmental factors can guide development toward more favorable results. To the maximum extent possible, environmental considerations shall be harmonious with public safety considerations.

(2) The specific standards are as follows:

(a) In the planning of major transportation routes and airports, these projects should be sited for location inland from the critical areas;

(b) The location and design of public and private transportation projects must avoid the critical areas to the maximum extent feasible. Where coastal waters and tidelands cannot be avoided, bridging rather than filling of these areas will be required to the maximum extent feasible;

(c) Where wetlands will be destroyed, their value as wetlands will be assessed by the Department and weighed against public need for their destruction;

(d) To the maximum extent feasible, transportation structures must be designed so as not to alter the natural water flow and circulation regimes or create excessive shoaling or

APPENDIX III

WATER QUALITY CLASSES AND STANDARDS FOR TIDAL SALT WATERS

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL



R.61-68, *WATER CLASSIFICATIONS & STANDARDS*

Effective June 22 , 2012

(This version replaces and supercedes any former versions of the regulation.)

**Bureau of Water
S.C. Department of Health and Environmental Control
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DISCLAIMER

This copy of the regulation is provided by the Department for the convenience of the public. Every effort has been made to ensure its accuracy; however, it is not the official text. The Department reserves the right to withdraw or correct this text if deviations from the official text, as published in the State Register, are found.

PREAMBLE

Pursuant to South Carolina Code Sections 48-1-10, et seq. of the 1976 South Carolina Code of Laws, the Department of Health and Environmental Control shall promulgate regulations to implement the Pollution Control Act. R. 61-68, *Water Classifications and Standards*, establish appropriate classified water uses to be achieved and protected, establish general rules and specific water quality criteria to protect classified and existing water uses, establish antidegradation rules, protect the public health and welfare, and maintain and enhance water quality. The water quality standards also serve as a basis for decision making in other water quality program areas. National Pollutant Discharge Elimination System (NPDES) permit limitations for waste discharges are based upon the classifications and water quality standards of the receiving waters. This regulation also governs the control of toxic substances, thermal discharges, stormwater discharges, dredge and fill activities, and other water related activities.

In accordance with Section 303(c) of the Clean Water Act and 40 CFR 131, the United States Environmental Protection Agency (EPA) has approved these water quality standards on February, 28, 2013, for purposes of implementation of the Act.

Regulation History

Promulgated pursuant to South Carolina Code Section 48-1-10 et seq.

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A. PURPOSE AND SCOPE.

1. These regulations, promulgated pursuant to authority in the S. C. Pollution Control Act, Section 48-1-10 et seq., 1976 Code of Laws, establish a system and rules for managing and protecting the quality of South Carolina's surface and ground water. They establish the State's official classified water uses for all waters of the State, establish general rules and specific numeric and narrative criteria for protecting classified and existing water uses, and establish procedures for classifying waters of the State. The water quality standards include the uses of the waters, the numeric and narrative criteria, and the antidegradation rules contained in this regulation.
 - a. The uses of the waters of the State are defined and described in Sections B, C, E, F, G, and H of this regulation.
 - b. Numeric criteria for aquatic life and human health are numeric values for specific parameters and pollutants or water quality levels which have been assigned for the protection of the existing and classified uses for each of the classifications in South Carolina and are listed in Section D, E, G, H, and the Appendix. Narrative criteria for aquatic life and human health are general goals and statements of attainable or attained conditions of biological integrity and water quality of the waterbody. These narrative criteria rely upon the use of standardized measures and data analyses to make qualitative determinations of the water quality and use attainment. The Department uses scientifically sound and, where applicable, EPA-approved methods in making these determinations. Narrative criteria are listed in Sections C, D, E, F, G, and H.
 - c. Antidegradation rules provide a minimum level of protection to all waters of the State and also include provisions and requirements necessary to determine when and if water quality degradation is allowed. Antidegradation rules are described in Section D of this regulation.
2. Waters which meet standards shall be maintained. Waters which do not meet standards shall be improved, wherever attainable, to achieve those standards. However, the Department cannot assure that classified waters shall at all times meet the numeric water quality standards for such uses.
3. Recognizing the technical and economic difficulty in restoring water quality, the Department shall emphasize a preventive approach in protecting waters of the State.
4. It is a goal of the Department to maintain and improve all surface waters to a level to provide for the survival and propagation of a balanced indigenous aquatic community of flora and fauna and to provide for recreation in and on the water. It is also a goal to provide, where appropriate and desirable, for drinking water after conventional treatment, shellfish harvesting, and industrial and agricultural uses.
5. It is a goal of the Department to maintain or restore ground water quality so it is suitable as a drinking water source without any treatment.

B. DEFINITIONS.

1. The definition of any word or phrase employed in this regulation shall be the same as given in the South Carolina Pollution Control Act, 48-1-10, et seq, S.C. Code of Laws, 1976, hereafter referred to as the Act. Words or phrases which are not defined in the Act are defined as follows:
2. **7Q10** means the annual minimum seven day average flow rate that occurs with an average frequency of once in ten years as published or verified by the U. S. Geological Survey (USGS) or an estimate extrapolated from published or verified USGS data.
3. **30Q5** means the annual minimum thirty day average flow rate that occurs with an average frequency of once in five years as published or verified by the U. S. Geological Survey (USGS) or an estimate extrapolated from published or verified USGS data.
4. **Acute** means a stimulus severe enough to rapidly induce an effect; in aquatic toxicity tests, an effect observed in 96 hours or less typically is considered acute. When referring to aquatic toxicology or human health, an acute effect is not always measured in terms of lethality.
5. **Acute-to-chronic ratio** (ACR) means the ratio of the acute toxicity of an effluent or a toxicant to its chronic toxicity. It is used as a factor for estimating chronic toxicity on the basis of acute toxicity data, or for estimating acute toxicity on the basis of chronic toxicity data.
6. **Agricultural** means the use of water for stock watering, irrigation, and other farm purposes.
7. **Annual average flow** means the annual mean flow rate of a stream at a specific point as published or verified by the U. S. Geological Survey (USGS) or an estimated annual mean flow rate extrapolated from published or verified USGS data.
8. **Aquaculture** means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.
9. **Aquatic farm** means the cultivation, production, or marketing of domestic aquatic organisms which are any fish, aquatic invertebrates, or aquatic plants that are spawned, produced, or marketed as a cultivated crop in the waters of the State.
10. **Aquatic toxicity test** mean laboratory experiments that measure the biological effect (e.g., growth, survival, and reproduction) of effluents or receiving waters on aquatic organisms.
11. **Aquifer** means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of ground water to wells or springs.

12. **Balanced indigenous aquatic community** means a natural, diverse biotic community characterized by the capacity to sustain itself through cyclic seasonal changes, presence of necessary food chain species and by a lack of domination by pollutant tolerant species.
13. **Best management practice (BMP)** means a practice or combination of practices that are the most effective, practical ways of controlling or abating pollution from widespread or localized sources.
14. **Bioaccumulation** means the process by which a compound is taken up and retained by an aquatic organism, both from water and through food.
15. **Bioavailability** means a measure of the physiochemical access that a toxicant has to the biological processes of an organism. The less the bioavailability of a toxicant, the less its toxic effect on an organism.
16. **Bioconcentration** means the process by which a compound is absorbed from water through gills or epithelial tissues and is concentrated in the body.
17. **Bioconcentration factor (BCF)** means the ratio of a substance's concentration in tissue versus its concentration in water, in situations where the food chain is not exposed or represents equilibrium partitioning between water and organisms.
18. **Biological assessment** means an evaluation of the biological condition of a waterbody using biological surveys and other direct measurements of resident biota in surface waters and sediments.
19. **Biological criteria**, also known as biocriteria, mean narrative expressions or numeric values of the biological characteristics of aquatic communities based on appropriate reference conditions. Biological criteria serve as an index of aquatic community health.
20. **Biological monitoring**, also known as biomonitoring, means a description of the living organisms in water quality surveillance used to indicate compliance with water quality standards or permit effluent limits and to document water quality trends. Methods of biological monitoring may include, but are not limited to, toxicity testing such as ambient toxicity testing, whole effluent toxicity testing, and ambient assessment of the resident biological community.
21. **Chlorophyll *a*** means a photosynthetic pigment present in all types of green plants. It is used as a measure of algal biomass and is an indicator of nutrient enrichment.
22. **Chronic** means a stimulus that lingers or continues for a relatively long period of time, often one-tenth of the life span or more. Chronic should be considered a relative term depending on the life span of an organism. The measurement of a chronic effect can be reduced growth, reduced reproduction, etc., in addition to lethality.

23. **Classified uses** means those uses specified in Section G for surface waters and Section H for ground waters, whether or not those uses are being attained.
24. **Concentrated aquatic animal production facility** means a hatchery, fish farm, or other facility related to aquatic animal production which is not located in waters of the State and is subject to a National Pollutant Discharge Elimination System (NPDES) permit.
25. **Conventional treatment** as applying to potable water supplies means treatment including at least flocculation, sedimentation, filtration, and disinfection.
26. **Criterion continuous concentration (CCC)** means the highest instream concentration of a toxicant or an effluent to which the organisms can be exposed to protect against chronic (long-term) effects. EPA derives chronic criteria from longer term (often greater than 28 days) tests that measure survival, growth, reproduction, and in some cases bioconcentration.
27. **Criterion maximum concentration (CMC)** means the highest instream concentration of a toxicant or an effluent to which the organisms can be exposed for a brief period of time without causing an acute effect. EPA derives acute criteria from 48 to 96 hour tests of lethality or immobilization.
28. **Daily average** means the average of all samples taken during any 24 hour period.
29. **Daily maximum (for bacterial indicators only)** means the highest arithmetic average of bacterial samples collected [for each of the bacterial indicator species (i.e., *E. coli*, enterococci, and /or fecal coliform)] in any 24 hour period during a calendar month.
30. **Deleterious substances** mean those substances which in sufficient concentrations or levels have a harmful effect on classified or existing water uses.
31. **Ecoregions** mean areas of general similarity in ecosystems and in the type, quality, and quantity of environmental resources and are designed to serve as a spatial framework for the research, assessment, management, and monitoring of ecosystems and ecosystem components. The EPA has published a document that outlines the Level III ecoregions (please refer to U.S. Environmental Protection Agency. 1999. Level III ecoregions of the continental United States (revision of Omernik, 1987). Corvallis, Oregon, U.S. E.P.A.-National Health and Environmental Effects Research Laboratory, Map M-1.) The following are South Carolina Level III ecoregions: Blue Ridge Mountains, Piedmont, Southeastern Plains, and Middle Atlantic Coastal Plains.
32. **Ephemeral streams** mean streams that generally have defined natural watercourses that flow only in direct response to rainfall or snowmelt and in which discrete periods of flow persist no more than 29 consecutive days per event.
33. **Existing uses** means those uses actually being attained in or on the water, on or after November 28, 1975, regardless of the classified uses.

34. **Fishing** means the taking, harvesting, or catching of finfish or crustaceans for human consumption.
35. **Full pool elevation** means the maximum lake level attained before water releases over a fixed weir, spillway, or other discharge structure. In larger lakes and reservoirs, the full pool elevation is the maximum level established for management.
36. **Groundwater** means water below the land surface in a zone of saturation.
37. **Hydrograph controlled release (HCRs)** means the onsite storage or holding of treated wastewater or the use of an alternative discharge option contained in Section D.2.a. of this regulation, during specified critical streamflow conditions and then discharging the treated wastewater to the stream when streamflow is sufficient to assimilate the wastewater.
38. **Intermittent streams** means streams that generally have defined natural watercourses which do not flow year around, but flow beyond periods of rainfall or snowmelt.
39. **Lake** means any water of the State that is a freshwater pond, reservoir, impoundment, or similar body of water located wholly or partially within the State.
40. **LC₅₀** means the concentration of a toxicant at which lethality occurs to 50 percent of the test organisms during a specified exposure time period.
41. **Mixing zone** means:
 - a. For surface waters, an area where a discharge undergoes initial dilution and is extended to cover the secondary mixing in the ambient waterbody. A mixing zone is an allocated impact zone where water quality criteria can be exceeded as long as acutely toxic conditions are prevented (except as defined within a Zone of initial dilution) and public health and welfare are not endangered.
 - b. For ground waters, a hydrogeologically controlled three-dimensional flow path in the subsurface which constitutes the pathway for waste constituents to migrate from a source.
42. **Monthly average (for bacterial indicators only)** means the calendar month (i.e., 28 days, 29 days, 30 days, or 31 days) geometric mean of all bacterial samples collected [for each of the bacterial indicator species (i.e., *E. coli*, enterococci, and/or fecal coliform)] during that calendar month.
43. **Natural conditions** mean those water quality conditions unaffected by anthropogenic sources of pollution.
44. **No discharge zone (NDZ)** means a waterbody (or a portion of a waterbody) so designated that no discharging Marine Sanitation Devices (MSDs) are allowed on vessels on waterbodies so designated. All vessels located on such designated waterbodies shall be equipped with MSDs which discharge to a holding tank which shall be pumped out at a

designated pump-out location or shall discharge legally outside the boundary of the United States.

45. **No observed effect concentration (NOEC)** means the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation and determined using hypothesis testing.
46. **Nutrients** mean an element or chemical essential to life including, but not limited to, nitrogen and phosphorus.
47. **Organoleptic** effects mean those sensory effects associated with taste and smell.
48. **Outstanding recreational or ecological resource waters** means waters which are of exceptional recreational or ecological importance or of unusual value. Such waters may include, but are not limited to: waters in national or state parks or wildlife refuges; waters supporting threatened or endangered species; waters under the National Wild and Scenic Rivers Act or South Carolina Scenic Rivers Act; waters known to be significant nursery areas for commercially important species or known to contain significant commercial or public shellfish resources; or waters used for or having significant value for scientific research and study.
49. **Practical quantitation limit (PQL)** means a concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights volumes, and processing steps have been followed.
50. **Prohibited area** means an area adjacent to point source discharges or other sources of potential contamination in shellfish growing waters where the gathering of clams, mussels, or oysters is prohibited to protect public health.
51. **Primary contact recreation** means any activity with the intended purpose of direct water contact by the human body to the point of complete submergence, including but not limited to swimming, water skiing, and skin diving.
52. **Propagation** means the continuance of species through reproduction and growth in the natural environment, as opposed to the maintenance of species by artificial culture and stocking.
53. **Public water system** means any public or privately owned waterworks system which provides drinking water for human consumption, except those serving a single private residence or dwelling.
54. **Recharge area** means an area where an underground source of drinking water is poorly confined, is under water table conditions, and has a downward component of flow from the water table into the underground source of drinking water.

55. **Secondary contact recreation** means any activity occurring on or near the water which does not have an intended purpose of direct water contact by the human body to the point of complete submergence, including but not limited to fishing, boating, canoeing, and wading.
56. **Shellfish** mean bivalve mollusks, specifically clams, mussels, or oysters.
57. **Shellfish harvesting** means taking of bivalve mollusks, specifically clams, mussels, or oysters, for direct marketing or human consumption.
58. **Source for drinking water supply** means any source of surface water which is used for domestic consumption, or used in connection with the processing of milk, beverages, food or for other purposes which required finished water meeting regulations (40 CFR Part 141 and 40 CFR Part 143) established pursuant to the Safe Drinking Water Act (Public Law 93-523, 95-190) applicable to public water systems.
59. **Tidal conditions** mean conditions determined by the Department as appropriate for tidally influenced waters of the State to be analogous to the 7Q10 or the annual average flow for flowing waters of the State.
60. **Tidal saltwaters** means those waters whose elevation is subject to changes due to oceanic tides and which have chloride ion content in excess of 250 milligrams per liter (mg/l) (salinity = 0.48 parts per thousand).
61. **Toxic wastes** means those wastes or combinations of wastes including disease-causing agents which, discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), physical deformations, or restrict or impair growth in such organisms or their offspring.
62. **Underground source of drinking water (USDW)** means an aquifer or its portion:
- a. Which supplies any public water system or individual residential well; or
 - b. Which contains a sufficient quantity of ground water to supply a public water system or individual residential well; and,
 - (1) Currently supplies drinking water for human consumption; or
 - (2) Contains water with less than ten thousand milligrams per liter total dissolved solids.
63. **Variance** means a short-term exemption from meeting certain otherwise applicable water quality standards.
64. **Water table** means that level below the land surface at which all the voids are filled with water at a pressure equal to atmospheric.

- 65. **Weekly average** means the average of all samples taken during any consecutive seven day period.
- 66. **Whole effluent toxicity** (WET) means the aggregate toxic effect of an aqueous sample measured directly by an aquatic toxicity test.
- 67. **Zone of initial dilution** (ZID) means that minimal area of a mixing zone immediately surrounding the outfall where water quality criteria are not met, provided there is no acute toxicity to drifting organisms and public health and welfare are not endangered.

C. APPLICABILITY OF STANDARDS.

- 1. The water quality standards are applicable to both surface waters and ground waters.
- 2. Any exception specified in this regulation is to be applied exclusively to the situation for which it was incorporated and not as a general rule applicable to all situations or waters of the State.
- 3. Uses in all waters shall be protected, wherever attainable, regardless of flow and classification of waters.
- 4. Flow requirements, prohibitions, and exceptions.
 - a. Aquatic life numeric criteria.
 - (1) The applicable critical flow conditions for aquatic life criteria shall be defined as 7Q10 or tidal conditions as determined by the Department. The numeric criteria of this regulation are not applicable to waters of the State when the flow rate is less than 7Q10 except as prescribed below.
 - (2) The Department shall consider conditions that are comparable to or more stringent than 7Q10 where appropriate to protect classified and existing uses, such as below dams and in tidal situations. Only those situations where the use of 7Q10 flows are determined to be impracticable, inappropriate, or insufficiently protective of aquatic life uses shall be considered as a situation in which the Department may consider other flow conditions.
 - (3) The Department shall use the applicable critical flow conditions for the protection and maintenance of aquatic life for, but not limited to, the following: permit issuance, wasteload allocations, load allocations, and mixing zones.
 - (4) NPDES Permit conditions shall be based on a critical condition analysis (e.g., critical flow, temperature or pH, or a combination of factors which would represent a critical conditions). Regarding ambient water temperature as a component of a critical condition analysis, the Department may consider less stringent limits during November through February based on a critical ambient water temperature during November through February.

b. Human health and organoleptic numeric criteria.

- (1) The applicable critical flow conditions for human health shall be defined as annual average flow for carcinogens, 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, or tidal conditions as determined by the Department. The applicable critical flow conditions for organoleptic criteria shall be defined as annual average flow or tidal conditions as determined by the Department. The numeric criteria of this regulation are not applicable to waters of the State when the flow rate is less than the annual average flow for carcinogens or 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, except as prescribed below.
- (2) The Department shall consider conditions that are comparable to or more stringent than annual average flow, 7Q10, or 30Q5 (if provided by the applicant) where appropriate to protect the classified and existing uses, such as below dams and in tidal situations. Only those situations where the use of annual average flow, or 7Q10, or 30Q5 (if provided by the applicant) are determined to be impracticable, inappropriate, or insufficiently protective of human health uses shall be considered as a situation in which the Department may consider other flow conditions.
- (3) The Department shall use the applicable critical flow conditions for human health and organoleptic effects for, but not limited to, the following: permit issuance, wasteload allocations, load allocations, and mixing zones.

c. As described below, the Department may also consider conditions other than 7Q10 for use with an HCR.

- (1) After a complete antidegradation review in compliance with Section D.2., an HCR for oxygen-demanding substances may be permitted by the Department for the following situations:
 - i. If other flow-related effluent conditions are allowed by federal effluent guidelines as specified in 40 CFR Parts 400-499 (Chapter I, Subchapter N) and when used the numeric criteria shall not be exceeded and all water quality standards are maintained and protected;
 - ii. For industrial discharges, after application of advanced wastewater treatment, as determined by the Department, for the type of wastewater discharged;
 - iii. For other discharges, after application of advanced wastewater treatment which will be defined, for this purpose, at or below the following permit effluent limitations of $BOD_5 = 10 \text{ mg/l}$, $NH_3\text{-N} = 1 \text{ mg/l}$, and $DO = 6 \text{ mg/l}$.
- (2) In cases where an HCR may be allowed, the permit effluent limitations for toxics will not be variable and will be based on the critical flow conditions (chemical-specific or WET).

- (3) In cases where an HCR may be allowed, new or proposed expansions of existing permits shall require instream biological assessments and existing permits may require instream biological assessments.
5. Intermittent streams and ephemeral streams shall be considered waters of the State. The water quality standards of the class of the stream to which intermittent and ephemeral streams are tributary shall apply, disregarding any site-specific numeric criteria for the named waterbody. This does not preclude the development of site-specific numeric criteria for intermittent and ephemeral streams.
 6. The standards of adjacent waters must be maintained in basins excavated from high ground and constructed solely for berthing vessels. The standards of the adjacent waters must also be maintained with regard to impacts from created marina basins.
 7. The existing and classified uses of downstream waters shall be maintained and protected and existing uses shall be protected regardless of the classification of the downstream waters. In tidally-influenced waters, the existing and classified uses of both upstream and downstream waters shall be maintained and protected and the existing uses shall be protected regardless of the classification of the upstream and downstream waters.
 8. Where surface waters are not classified by name (unlisted) in R.61-69, Classified Waters, the water quality standards of the class of the stream to which they are tributary shall apply, disregarding any site specific numeric criteria for the named waterbody. In tidal areas where an unlisted tributary may affect or flows between two differently classified waterbodies, regardless of whether the location is upstream or downstream, the more stringent numeric criteria of the classified waters apply to the unlisted tributary, disregarding any site-specific numeric criteria for those waterbodies. This does not preclude the development of site-specific numeric criteria for unlisted tributaries.
 9. Because of natural conditions some surface and ground waters may have characteristics outside the standards established by this regulation. Such natural conditions do not constitute a violation of the water quality standards; however, degradation of existing water quality is prohibited unless consistent with Section D.4. of this regulation.
 10. A mixing zone for surface waters may be allowed by the Department. All water quality standards of the classification of the surface waters, including affected downstream waters, are applicable unless a mixing zone, setting forth certain conditions, is granted by the Department. When the Department grants a mixing zone, the mixing zone shall not be an area of waste treatment nor shall it interfere with or impair the existing uses of the waterbody. The size of the mixing zone shall be minimized, as determined by the Department, and shall be based upon applicable critical flow conditions. Since mixing zones are allocated impact zones where human health and aquatic life numeric criteria can be exceeded, the Department shall restrict their use. The following prohibitions and restrictions are established in order to support these important uses of the waters of the State.

- a. In order to protect human health, mixing zones are not allowed when: they would endanger public health and welfare, the mixing zone would adversely affect shellfish harvesting, or the mixing zone would be for bacteria (e.g. fecal coliform).
 - b. In order to protect aquatic life, mixing zones are not allowed when: a pollutant, excluding temperature or thermal, in a discharge would attract biota; the mixing zone would result in undesirable aquatic organisms or a dominance of nuisance species outside of the mixing zone; there is a reasonable expectation that a discharge would adversely affect a federally-listed endangered or threatened aquatic species, its habitat, or a proposed or designated critical habitat; the mixing zone would not allow safe passage of aquatic organisms when passage would otherwise be unobstructed; or the mixing zone would not allow for the protection and propagation of a balanced indigenous aquatic community in and on the water body.
 - c. In order to protect both human health and aquatic life, mixing zones are not allowed when: a discharge would not be predicted to or does not produce adequate mixing at the point of discharge; or a discharge would be to a waterbody where multiple discharges interact if the combined mixing zone would impair the waterbody outside the mixing zone. The Department may prohibit or limit mixing zones in waters of the State that may be considered a significant estuarine nursery habitat for resident species.
 - d. The size of the mixing zone shall be kept to a minimum and may be determined on an individual project basis considering biological, chemical, engineering, hydrological, and physical factors.
11. Mixing zones for ground waters may be allowed by the Department. In order to ensure the maintenance and protection of the uses of the waters of the State and in compliance with Section D of this regulation, any mixing zone granted by the Department shall be determined on an individual basis by the Department as prescribed below.
- a. The numeric standards for Class GB ground water, Section H.9., are applicable unless a mixing zone solely within the bounds of the property, setting forth certain conditions, is granted by the Department. Such a mixing zone shall be granted upon satisfactory demonstration to the Department that:
 - (1) Reasonable measures have been taken or binding commitments are made to minimize the addition of contaminants to ground water and/or control the migration of contaminants in ground water;
 - (2) The ground water in question is confined to a shallow geologic unit which has little or no potential of being an Underground Source of Drinking Water, and discharges or will discharge to surface waters without contravening the surface water standards set forth in this regulation;

- (3) The contaminant(s) in question occurs within the bounds of the property, and there is minimum possibility for ground water withdrawals (present or future) to create drawdown such that contaminants would flow off-site; and
 - (4) The contaminants or combination of contaminants in question are not dangerously toxic, mobile, or persistent.
 - b. [Reserved].
12. Site-specific numeric criteria for surface waters may be established by the Department to replace the numeric criteria of Sections E, G, and the appendix of this regulation or to add new numeric criteria not contained in this regulation. Establishment of such numeric criteria shall be subject to public participation and administrative procedures for adopting regulations. In addition, such site-specific numeric criteria shall not apply to tributary or downstream waters unless specifically described in the water classification listing R.61-69, Classified Waters.
13. In classifying and adopting standards for the waters of the State, the Department considers:
- a. The size, depth, surface area covered, volume, flow direction, rate of flow, stream gradient and temperature of the water;
 - b. The character of the district bordering such water and its suitability for the uses and with a view to conserving it and encouraging the most appropriate use of the lands bordering on such water for residential, agricultural, industrial, or recreational purposes;
 - c. The uses which have been made, are being made, may be made or are desired to be made of such waters for transportation, domestic, and industrial consumption, irrigation, swimming, fishing, fish culture, fire prevention, sewage disposal or other uses;
 - d. The present quality of such waters; and
 - e. Information, about the four items above, from government agencies, interested groups, and the public.

D. ANTIDegradation Rules.

- 1. Existing water uses and the level of water quality necessary to protect these existing uses shall be maintained and protected regardless of the water classification and consistent with the policies below.
 - a. A new activity or expansion of an existing activity shall not be allowed in Class ONRW, Class ORW, or Shellfish Harvesting Waters if it would exclude, through establishment of a prohibited area, an existing shellfish harvesting or culture use. A new activity or expansion of an existing activity which will result in a prohibited area may be allowed in

Class SA or Class SB waters when determined to be appropriate by the Department and would not remove or impair an existing use.

- b. Existing uses and water quality necessary to protect these uses are presently affected or may be affected by instream modifications or water withdrawals. The stream flows necessary to protect classified and existing uses and the water quality supporting these uses shall be maintained consistent with riparian rights to reasonable use of water.
 - c. Existing or classified ground water uses and the conditions necessary to protect those uses shall be maintained and protected.
2. Where surface water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife, and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after intergovernmental coordination and public participation, that allowing lower water quality is necessary to important economic or social development in the areas where the waters are located. In allowing such lower water quality, water quality adequate to fully protect existing and classified uses shall be maintained. The highest statutory and regulatory requirements for all new and existing point sources shall be achieved and all cost-effective and reasonable best management practices for nonpoint source control shall be achieved within the State's statutory authority and otherwise encouraged. In order to fulfill these goals, the Department shall consider (a) and (b) below when evaluating any proposed expansion or new discharge to waters of the State that will lower water quality to a measurable effect. This includes, but is not limited to, the new or increased loading of any pollutant or pollutant parameter in the effluent regardless of whether the discharge flow changes.
- a. An alternatives analysis, conducted by the applicant, must demonstrate to the Department that none of the following applicable alternatives that would minimize or eliminate the lowering of water quality are economically and technologically reasonable:
 - (1) Water recycle or reuse;
 - (2) Use of other discharge locations;
 - (3) Connection to other wastewater treatment facilities;
 - (4) Use of land application;
 - (5) Product or raw material substitution;
 - (6) Any other treatment option or alternative.
 - b. After the alternatives analysis is completed, the Department shall evaluate whether a proposed discharge that will result in the lowering of water quality of a waterbody, and for which there are no economically or technologically reasonable alternatives, is necessary for important economic or social development. For this to be accomplished, several economic and social factors must be considered. If an evaluation of the economic and social factors reveals that affordable treatment options that, combined with any alternatives, would prevent the need for the lowering of water quality, the Department shall deny the request. Conformance of the proposed discharge with the applicable §208 Areawide Water Quality Management Plans may demonstrate importance to economic

and social development as well as intergovernmental coordination and public participation. Activities requiring permits or certification by the Department shall provide for public participation through the Department's existing public notification processes. Economic and social factors to be considered may include the following:

- (1) Employment (increases, maintenance, or avoidance of reduction);
 - (2) Increased industrial production;
 - (3) Improved community tax base;
 - (4) Improved housing; and/or
 - (5) Correction of an environmental or public health problem.
3. The water quality of outstanding resource surface waters designated as Class ONRW or Class ORW shall be maintained and protected through application of the standards for these classifications as described in Section G.
 4. Certain natural conditions may cause a depression of dissolved oxygen in surface waters while existing and classified uses are still maintained. The Department shall allow a dissolved oxygen depression in these naturally low dissolved oxygen waterbodies as prescribed below pursuant to the Act, Section 48-1-83, et seq., 1976 Code of Laws:
 - a. For purposes of section D of this regulation, the term "naturally low dissolved oxygen waterbody" is a waterbody that, between and including the months of March and October, has naturally low dissolved oxygen levels at some time and for which limits during those months shall be set based on a critical condition analysis. The term does not include the months of November through February unless low dissolved oxygen levels are known to exist during those months in the waterbody. For a naturally low dissolved oxygen waterbody, the quality of the surface waters shall not be cumulatively lowered more than 0.1 mg/l for dissolved oxygen from point sources and other activities; or
 - b. Where natural conditions alone create dissolved oxygen concentrations less than 110 percent of the applicable water quality standard established for that waterbody, the minimum acceptable concentration is 90 percent of the natural condition. Under these circumstances, an anthropogenic dissolved oxygen depression greater than 0.1 mg/l shall not be allowed unless it is demonstrated that resident aquatic species shall not be adversely affected pursuant to Section 48-1-83. The Department may modify permit conditions to require appropriate instream biological monitoring.
 - c. The dissolved oxygen concentrations shall not be cumulatively lowered more than the deficit described above utilizing a daily average unless it can be demonstrated that resident aquatic species shall not be adversely affected by an alternate averaging period.

E. GENERAL RULES AND STANDARDS APPLICABLE TO ALL WATERS.

1. The General Assembly of South Carolina in the Act has declared the following policy: "It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of

its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine fauna and flora, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this Act, the Department of Health and Environmental Control shall have authority to abate, control and prevent pollution.”

2. The classes and standards described in Section G and H of this regulation implement the above State policy by protecting the waters of South Carolina. Consistent with the above policy, the Department adopts the following general standards in items 3-17 for all waters of South Carolina.
3. No waters of the State shall be used for the sole or principal purpose of transporting or treating wastes.
4.
 - a. Any discharge into waters of the State must be permitted by the Department and receive a degree of treatment and/or control which shall produce an effluent which is consistent with the Act, the Clean Water Act (P.L. 92-500, 95-217, 97-117, 100-4), this regulation, and related regulations. No permit issued by the Department shall be interpreted as creating any vested right in any person. Additionally, any discharge into waters of the State containing sanitary wastes shall be effectively disinfected as necessary to meet the appropriate standards of this regulation. The Department may require best management practices (BMPs) for control of stormwater runoff as part of the requirements of an NPDES permit, a State construction permit, or a State 401 Water Quality Certification.
 - b. When not specifically covered by permit reporting requirements, any unauthorized discharge into waters of the State which may cause or contribute to an excursion of a water quality standard must be reported by the responsible party to the Department orally within 24 hours of becoming aware of such conditions. Further, written notification must be provided to the Department (Bureau of Water) within five (5) days of becoming aware of such conditions and the written notice must include the following:
 - (1) A description of the discharge and cause;
 - (2) The duration of the discharge, including exact dates and times, and if not corrected, the time that the unauthorized discharge is expected to cease, and what steps are being taken to eliminate, minimize, and prevent recurrence of the discharge.
5. All ground waters and surface waters of the State shall at all times, regardless of flow, be free from:
 - a. Sewage, industrial waste, or other waste that will settle to form sludge deposits that are unsightly, putrescent, or odorous to such degree as to create a nuisance, or interfere with classified water uses or existing water uses;

- b. Floating debris, oil, grease, scum, and other floating material attributable to sewage, industrial waste, or other waste in amounts sufficient to be unsightly to such a degree as to create a nuisance or interfere with classified water uses or existing water uses;
 - c. Sewage, industrial, or other waste which produce taste or odor or change the existing color or physical, chemical, or biological conditions in the receiving waters or aquifers to such a degree as to create a nuisance, or interfere with classified water uses (except classified uses within mixing zones as described in this regulation) or existing water uses; and,
 - d. High temperature, toxic, corrosive, or deleterious substances attributable to sewage, industrial waste, or other waste in concentrations or combinations which interfere with classified water uses (except classified uses within mixing zones as described in this regulation), existing water uses, or which are harmful to human, animal, plant or aquatic life.
6. Waters where classified uses are not being attained can be reclassified for protection of an attainable use and standards designated for that use where:
- a. Natural conditions prevent the attainment of the use; or
 - b. Natural, ephemeral, intermittent, low flow conditions, or water levels prevent the attainment of the use; or
 - c. Human caused conditions or sources prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or
 - d. Dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or
 - e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, preclude attainment of aquatic life protection uses; or
 - f. Controls more stringent than those required by Sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.
7. Before the Department may grant a variance for any water of the State, there must be a demonstration that one of the following factors for reclassifying uses has been satisfied:
- a. Natural conditions prevent the attainment of the use; or
 - b. Natural, ephemeral, intermittent, low flow conditions, or water levels prevent the attainment of the use; or

- c. Human caused conditions or sources prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or
 - d. Dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or
 - e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, preclude attainment of aquatic life protection uses; or
 - f. Controls more stringent than those required by Sections 301(b) and 306 of the Clean Water Act would result in adverse social and economic impact, disproportionate to the benefits to the public health, safety or welfare as a result of maintaining the standard.
8. If the demonstration necessary under Section E.7 above has been satisfied, the Department may then grant a variance provided the following apply:
- a. The variance is granted to an individual discharger for a specific pollutant(s) or parameter(s) and does not otherwise modify water quality standards; and
 - b. The variance identifies and justifies the criterion that shall apply during the existence of the variance; and
 - c. The variance is established as close to the underlying criterion as is possible and upon expiration of the variance, the underlying criterion shall become the effective water quality standard for the waterbody; and
 - d. The variance is reviewed every three years, at a minimum, and extended only where the conditions for granting the variance still apply; and
 - e. The variance does not exempt the discharger from compliance with any applicable technology or other water quality-based permit effluent limitations; and
 - f. The variance does not affect permit effluent limitations for other dischargers.
9. Prior to removing any uses or granting a variance, notice and an opportunity for a public hearing shall be provided.
10. Discharge of fill into waters of the State is not allowed unless the activity is consistent with Department regulations and will result in enhancement of classified uses with no significant degradation to the aquatic ecosystem or water quality.
11. In order to protect and maintain lakes and other waters of the State, consideration needs to be given to the control of nutrients reaching the waters of the State. Therefore, the Department shall control nutrients as prescribed below.

- a. Discharges of nutrients from all sources, including point and nonpoint, to waters of the State shall be prohibited or limited if the discharge would result in or if the waters experience growths of microscopic or macroscopic vegetation such that the water quality standards would be violated or the existing or classified uses of the waters would be impaired. Loading of nutrients shall be addressed on an individual basis as necessary to ensure compliance with the narrative and numeric criteria.
 - b. Numeric nutrient criteria for lakes are based on an ecoregional approach which takes into account the geographic location of the lakes within the State and are listed below. These numeric criteria are applicable to lakes of 40 acres or more. Lakes of less than 40 acres will continue to be protected by the narrative criteria.
 - (1) For the Blue Ridge Mountains ecoregion of the State, total phosphorus shall not exceed 0.02 mg/l, chlorophyll *a* shall not exceed 10 ug/l, and total nitrogen shall not exceed 0.35 mg/l.
 - (2) For the Piedmont and Southeastern Plains ecoregions of the State, total phosphorus shall not exceed 0.06 mg/l, chlorophyll *a* shall not exceed 40 ug/l, and total nitrogen shall not exceed 1.50 mg/l.
 - (3) For the Middle Atlantic Coastal Plains ecoregion of the State, total phosphorus shall not exceed 0.09 mg/l, chlorophyll *a* shall not exceed 40 ug/l, and total nitrogen shall not exceed 1.50 mg/l.
 - c. In evaluating the effects of nutrients upon the quality of lakes and other waters of the State, the Department may consider, but not be limited to, such factors as the hydrology and morphometry of the waterbody, the existing and projected trophic state, characteristics of the loadings, and other control mechanisms in order to protect the existing and classified uses of the waters.
 - d. The Department shall take appropriate action, to include, but not limited to: establishing numeric effluent limitations in permits, establishing Total Maximum Daily Loads, establishing waste load allocations, and establishing load allocations for nutrients to ensure that the lakes attain and maintain the above narrative and numeric criteria and other applicable water quality standards.
 - e. The criteria specific to lakes shall be applicable to all portions of the lake. For this purpose, the Department shall define the applicable area to be that area covered when measured at full pool elevation.
12. a. The water temperature of all Freshwaters which are free flowing shall not be increased more than 5°F (2.8°C) above natural temperature conditions and shall not exceed a maximum of 90°F (32.2°C) as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided in C.10. has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.

- b. The weekly average water temperature of all Shellfish Harvesting, Class SA and Class SB waters shall not exceed 4°F (2.2°C) above natural conditions during the fall, winter or spring, and shall not exceed 1.5°F (0.8°C) above natural conditions during the summer as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided for in C.10. has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.
 - c. The weekly average water temperature of all Freshwaters which are lakes shall not be increased more than 5°F (2.8°C) above natural conditions and shall not exceed 90°F (32.2°C) as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided in C.10. has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.
13. Numeric criteria based on organoleptic data (prevention of undesirable taste and odor) are adopted herein. Those substances and their criteria are listed in the appendix. For those substances which have aquatic life and/or human health numeric criteria and organoleptic numeric criteria, the most stringent of the three shall be used for derivation of permit effluent limitations.
14. Numeric criteria for the protection and maintenance of all classes of surface waters are adopted herein and are listed in Sections E, G, and the appendix. Footnotes that further describe the application of these numeric criteria are included in the appendix.
- a. Application of numeric criteria to protect aquatic life.
 - (1) The stated CMC value shall be used as an acute toxicity number for calculating permit effluent limitations.
 - (2) The stated CCC value shall be used as a chronic toxicity number for calculating permit effluent limitations.
 - (3) If metals concentrations for numeric criteria are hardness-dependent, the CMC and CCC concentrations shall be based on 25 milligrams/liter (mg/l) hardness (as expressed as CaCO₃) if the ambient hardness is less than 25 mg/l. Concentrations of hardness less than 400 mg/l may be based on the actual mixed stream hardness if it is greater than 25 mg/l and less than 400 mg/l and 400 mg/l if the ambient hardness is greater than 400 mg/l.
 - (4) If separate numeric criteria are given for fresh and salt waters, they shall be applied as appropriate. In transitional tidal and estuarine areas, the Department shall apply the more stringent of the criteria to protect the existing and classified uses of the waters of the State.

(5) The Department shall review new or revised EPA criteria for adoption by South Carolina when published in final form.

(6) If the State develops site-specific criteria for any substances for which EPA has developed national criteria, the site-specific criteria shall supersede the national criteria.

b. Application of numeric criteria to protect human health.

(1) If separate numeric criteria are given for organism consumption, water and organism consumption (W/O), and drinking water Maximum Contaminant Levels (MCLs), they shall be applied as appropriate. The most stringent of the criteria shall be applied to protect the existing and classified uses of the waters of the State.

(2) The Department shall review new or revised EPA criteria for adoption by South Carolina when published in final form by EPA.

(3) If the State develops site-specific criteria for any substances for which EPA has developed national criteria, the site-specific criteria shall supersede the national criteria.

(4) Adoption of EPA human health criteria does not preclude the Department from considering health effects of other pollutants or from considering new or revised EPA criteria when developing effluent permit conditions.

c. Application of criteria for the derivation of permit effluent limitations.

(1) Numeric criteria for substances listed in Sections E, G, and the appendix shall be used by the Department to derive NPDES permit effluent limitations at the applicable critical flow conditions as determined by the Department unless an exception is provided below.

(2) When the derived permit effluent limitation based on aquatic life numeric criteria is below the practical quantitation limit for a substance, the derived permit effluent limitation shall include an accompanying statement in the permit that the practical quantitation limit using approved analytical methods shall be considered as being in compliance with the limit. Appropriate biological monitoring requirements shall be incorporated into the permit to determine compliance with appropriate water quality standards. Additionally, if naturally occurring instream concentration for a substance is higher than the derived permit effluent limitation, the Department may establish permit effluent limitations at a level higher than the derived limit, but no higher than the natural background concentration. In such cases, the Department may require biological instream monitoring and/or WET testing.

(3) When the derived permit effluent limitation based on human health numeric criteria is below the practical quantitation limit for a substance, the derived permit effluent limitation shall include an accompanying statement in the permit that the practical quantitation limit using approved analytical methods shall be considered as being in

compliance with the limit. Additionally, if naturally occurring instream concentration for a substance is higher than the derived permit effluent limitation, the Department may establish permit effluent limitations at a level higher than the derived limit, but no higher than the natural background concentration.

- (4) NPDES permit effluent limitations for metals shall normally be expressed on the permits as total recoverable metals, but the Department may utilize a federally-approved methodology to predict the dissolved fraction, partitioning coefficient, or the bioavailable portion of metals in calculating these limits.
- (5) Except as provided herein, where application of MCLs or W/O numeric criteria using annual average flow for carcinogens, 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, or comparable tidal condition as determined by the Department results in permit effluent limitations more stringent than limitations derived from other applicable human health (organism consumption only), aquatic life, or organoleptic numeric values; MCLs or W/O shall be used in establishing permit effluent limitations for human health protection. The Department may, after Notice of Intent included in a notice of a proposed NPDES permit in accordance with Regulation 61-9.124.10, determine that drinking water MCLs or W/O shall not apply to discharges to those waterbodies where there is: no potential to affect an existing or proposed drinking water source and no state-approved source water protection area. For purposes of this section, a proposed drinking water source is one for which a complete permit application, including plans and specifications for the intake, is on file with the Department at the time of consideration of an NPDES permit application. for a discharge that will affect or has the potential to affect the drinking water source.
- (6) Except as provided herein, where the Department may determine that an NPDES permitted discharge will not cause, have reasonable potential to cause, or contribute to an exceedence of the numeric criterion for turbidity under the following conditions:
 - i. The facility withdraws its surface intake water containing turbidity from the same body of water into which the discharge is made;
 - ii. The facility does not significantly concentrate or contribute additional turbidity to the discharged water;
 - iii. The facility does not alter the turbidity through chemical or physical means that would cause adverse water quality impacts to occur.
- (7) Site-specific permit effluent limitations and alternate criteria less stringent than those derived in accordance with the above requirements may be derived where it is demonstrated that such limits and criteria shall maintain the existing and classified uses, adequate opportunity for public participation in such derivation process has occurred, and the effluent shall not cause criteria for human health to be exceeded. Where a site-specific permit effluent limitation and alternate criterion has been derived, such derivation shall be subject to EPA review as appropriate. Also, at a minimum,

opportunity for input in derivation of a site-specific permit effluent limitation and alternate criterion shall be provided via public notice in NPDES permit notices.

- (8) In order to protect recreational uses in freshwaters (including FW, and all types of Trout Waters) of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (<i>E. coli</i>)	126 MPN per 100 ml
ii. Daily Maximum (<i>E. coli</i>)	349 MPN per 100 ml (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(11)ii. below) may be specified (in addition to the limits above) for the protection of downstream waters (regardless of their individual classification) with shellfish uses.
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(8)i. and c(8)ii. above) one or more bacterial limitations for fecal coliform, <i>E. coli</i> and/or enterococci to protect both uses in the specific receiving water body and also to protect any upstream and/or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

- (9) In order to protect recreational uses in Class SA saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (enterococci)	35 MPN per 100 ml
ii. Daily Maximum (enterococci)	104 MPN per 100 ml (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(11)ii. below) may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of

	their individual classification) with shellfish uses.
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(9)i. and c(9)ii. above) one or more bacterial limitations for fecal coliform, <i>E. coli</i> and /or enterococci to protect both uses in the specific receiving water body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(10) In order to protect recreational uses in Class SB saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (enterococci)	35 MPN per 100 ml
ii. Daily Maximum (enterococci)	501 MPN per 100 ml (see c(12) below)
iii. Class SA recreational daily maximum and/or shellfish protection	Class SA daily maximum (see c(9)ii. above) recreational use requirements for enterococci and/or Class SFH requirements (see c(11)i. and c(11)ii. below) for fecal coliform may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of their individual classification).
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(10)i. and c(10)ii. above) one or more bacterial limitations for fecal coliform, <i>E. coli</i> and /or enterococci to protect both uses in the specific receiving water body and also to protect any upstream or downstream uses that may be

	required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(11) In order to protect for the consumption of shellfish, for any discharge either directly or indirectly in Class SFH waters or in Class SA, Class SB, ORW or ONRW waters with existing and/or approved shellfish harvesting uses as described in Section C.7, including protection of shellfish upstream and/or downstream uses in all waters regardless of their classification, NPDES permit effluent limitations shall be specified as indicated below:

i. For protection of shellfish uses-Monthly Average (Fecal coliform)	14 MPN per 100 ml
ii. For protection of shellfish uses- Daily Maximum (Fecal coliform)	43 MPN per 100 ml (see c(12) below)
iii. For protection of recreational uses - Monthly Average (enterococci)	35 MPN per 100 ml
iv. For protection of recreational uses-Daily Maximum (enterococci)	104 MPN per 100 ml (see c(12) below)
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(11)i. through c(11)iv. above) one or more bacterial limitations for fecal coliform, <i>E. coli</i> and /or enterococci to protect both uses in the specific receiving water body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above shall apply independently regardless of the water classification at the point of discharge.
vi. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) compliance with the bacterial standards shall be determined in accordance with c(13) below.

- (12) Provided the permittee verifies in writing to the Department that conditions (12)i. through (12)iv. below have been met, the permittee would be in compliance with the daily maximum bacterial requirement. However, nothing in this regulation precludes the Department from taking action, depending on the individual circumstances to protect public health and/or the environment.
- i. If the facility exceeds the permitted Daily Maximum bacterial limitation listed above (for *E. coli*, enterococci or fecal coliform) but two (2) additional samples collected within 48 hours of the original sample result do NOT exceed the required Daily Maximum limit; and
- (A) For all waters not involving shellfish protection (regardless of the specific water classification), the individual bacterial sample result has not exceeded 800 MPN per 100ml, and for those waters involving shellfish protection, the individual bacterial sample result for fecal coliform has not exceeded 200 MPN per 100ml; and
- (B) There is neither an existing Consent Order nor Administrative Order associated with the facilities operation of their disinfection system; and
- (C) Either:
1. For facilities that routinely collect ten (10) bacterial samples per month (or 120 or more samples per calendar year), there were no more than four (4) total bacteria samples exceeding the daily maximum limit in the previous twelve (12 months); or
2. For facilities other than those listed in (C) 1. above (e.g. smaller facilities or those that do not routinely collect 10 samples or more per month), there was no more than one (1) bacterial sample exceeding the daily maximum limit in the previous twelve (12 months); and
- ii. The permittee verifies that all disinfection equipment was fully functional, and the solids handling system was fully functional during that monitoring period; and
- iii. Any additional bacterial sampling collected during the monthly monitoring period when the daily maximum exceedance occurred was reasonably distributed in time while maintaining representative sampling; and
- iv. The permittee must provide sufficient laboratory data sensitivity (e.g., dilutions) to accurately represent the effluent bacterial concentration to utilize this procedure. Effluent bacterial results reported as greater than (>) do not meet this criteria, since the actual results are unknown.
- (13) For waters of the State, where a permit has been issued pursuant to R.61-9.122.26 and R.61-9.122.34, the Department shall consider the permittee in compliance with the

established bacterial (i.e., *E. coli*, enterococci, fecal coliform) criteria for recreational uses of the waterbody if the permittee is in compliance with their permit.

- (14) TMDL(s), WLA(s), and LA(s) included in currently approved freshwater fecal coliform TMDL documents shall be converted to *E. coli* utilizing a translator equation established by the Department and shall be based upon existing targets included in approved freshwater fecal coliform bacteria TMDL documents.
- (15) All effluent permit limitations which include WET shall require that the WET tests be conducted using *Ceriodaphnia dubia* (*C. dubia*), except as stated. If the salinity of a discharge to a saline waterbody is high enough to be toxic to *C. dubia*, *Mysidopsis bahia* (*M. bahia*) shall be used. If the hardness of a waterbody is low enough to be toxic to *C. dubia*, then *Daphnia ambigua* (*D. ambigua*) may be used. Low salinity discharges to saltwater may be tested using either *C. dubia* or *M. bahia* with salinity adjustment, as determined by the Department. The Department may consider an alternative species if it can be demonstrated that the proposed species meets the requirements of 40 CFR 136.4 and 5., as approved by EPA. EPA test methods (40 CFR 136) for acute and chronic toxicity testing with freshwater organisms or marine and estuarine organisms must be followed. The Department may consider an alternative method if it can be demonstrated that the proposed method meets the requirements of 40 CFR 136, and is approved by EPA.

d. Evaluation of ambient water quality.

- (1) If the numeric criterion for toxic pollutants is lower than the analytical detection limit, the criterion is not considered violated if the ambient concentration is below the detection limit and the instream indigenous biological community is not adversely impacted.
- (2) If the ambient concentration is higher than the numeric criterion for toxic pollutants, the criterion is not considered violated if biological monitoring has demonstrated that the instream indigenous biological community is not adversely impacted.
- (3) In order to appropriately evaluate the ambient water quality for the bioavailability of the dissolved portion of hardness dependent metals, the Department may utilize a federally-approved methodology to predict the dissolved fraction or partitioning coefficient in determining compliance with water quality standards established in this regulation.
- (4) The assessment of fecal coliform for purposes of evaluating the shellfish harvesting use for South Carolina's Shellfish Management Units is conducted in accordance with provisions of S.C. Regulation 61-47, Shellfish. R.61-47 also includes specific language describing the use of the allowable 10% exceedence value in the shellfish program.
- (5) The assessment of enterococci for purposes of issuing swimming advisories for ocean beaches for recreational use will be based on the single sample maximum of 104/100 ml.

- (6) The assessment of enterococci and *E. coli* for purposes of Section 303(d) listing determinations for recreational uses shall be based on the geometric mean with an allowable 10% exceedence, where sufficient data exists to calculate a geometric mean. In the absence of sufficient data to calculate a geometric mean, the assessment shall be based on the single sample maximum with an allowable 10% exceedence.
15. The Department may require biological or other monitoring in NPDES permits to further ascertain any bioaccumulative effects of pollutants. Such monitoring may include analyses of fish and shellfish, macroinvertebrates, macrophytes, and/or sediments in order to assess the accumulation of pollutants in tissues or sediments that:
 - a. May cause or have the potential to cause adverse impacts to the balanced indigenous aquatic community; and
 - b. May cause or have the potential to cause adverse impacts to human health and/or terrestrial flora and fauna.
16. The Department may consider other scientifically-defensible published data which are appropriate for use in developing permit limits and evaluating water quality for constituents for which EPA has not developed national criteria or South Carolina has no standards.
 - a. The Department shall apply a sensitivity factor to aquatic toxicity data unless, in the Department's judgment, the data represent a minimum of three appropriately sensitive species representing three taxonomic groups (plant, macroinvertebrate, and fish).
 - (1) If only an acute toxicity effect concentration for a number of species for a particular pollutant is given as an LC_{50} , the lowest concentration should be divided by an acute-to-chronic ratio (ACR) of 10 and a sensitivity factor of 3.3, for an acceptable instream concentration in order to protect against chronic toxicity effects.
 - (2) If a chronic toxicity effect concentration for a number of species for a particular pollutant is given as a no observed effect concentration (NOEC), the lowest concentration should be divided by a sensitivity factor of 3.3 in order to protect against chronic toxicity to the most sensitive species.
 - b. The Department must notify the permittee that other such data were used in developing permit limits and provide justification for their use.
17. Tests or analytical methods to determine compliance or non-compliance with standards shall be made in accordance with methods and procedures approved by the Department and the EPA. In making any tests or applying analytical methods to determine compliance or non-compliance with water quality standards, representative samples shall be collected in accordance with methods and procedures approved by the Department and the EPA. Consideration of representative sample methods shall include the following:

- a. Surface water and ground water samples shall be collected so as to permit a realistic appraisal of quality and actual or potential damage to existing or classified water uses. For ground waters, consideration shall be given to, but shall not be limited to, depth to water table, flow direction, and velocity. For surface waters, time of day, flow, surface area, and depth shall be considered.
- b. Biological assessment methods may be employed in appropriate situations to determine abnormal nutrient enrichment, trophic condition, LC₅₀, concentration of toxic substances, acceptable instream concentrations, or acceptable effluent concentrations for maintenance of a balanced indigenous aquatic community.
- c. Temporal distribution of samples in tidally influenced waters shall cover the full range of tidal conditions.
- d. Ambient toxicity tests used for screening purposes shall be conducted using *Ceriodaphnia dubia* (*C. dubia*), except as stated. If salinity of a waterbody is high enough to be toxic to *C. dubia*, *Mysidopsis bahia* (*M. bahia*) will be used. If the hardness of a waterbody is low enough to be toxic to *C. dubia*, then *Daphnia ambigua* (*D. ambigua*) may be used. The Department may consider an alternative species if it can be demonstrated that the proposed species meets the requirements of 40 CFR.136.4 and 5, as approved by EPA. EPA test methods (40 CFR Part 136) for acute and chronic toxicity testing with freshwater organisms or marine and estuarine organisms must be followed. The Department may consider an alternative method if it can be demonstrated that the proposed method meets the requirements of 40 CFR.136, and is approved by EPA.

F. NARRATIVE BIOLOGICAL CRITERIA.

1. Narrative biological criteria are contained in this regulation and are described throughout the sections where applicable. The following are general statements regarding these narrative biological criteria.
 - a. Narrative biological criteria in Section A.4. describe the goals of the Department to maintain and improve all surface waters to a level that provides for the survival and propagation of a balanced indigenous aquatic community of fauna and flora. These narrative criteria are determined by the Department based on the condition of the waters of the State by measurements of physical, chemical, and biological characteristics of the waters according to their classified uses.
 - b. Section C.10. describes narrative biological criteria relative to surface water mixing zones and specifies requirements necessary for the protection and propagation of a balanced indigenous aquatic community.
 - c. Narrative biological criteria shall be consistent with the objective of maintaining and improving all surface waters to a level that provides for the survival and propagation of a balanced indigenous aquatic community of fauna and flora attainable in waters of the State; and in all cases shall protect against degradation of the highest existing or

classified uses or biological conditions in compliance with the antidegradation rules contained in this regulation. Section D.1.a. describes narrative biological criteria relative to activities in Outstanding National Resource Waters, Outstanding Resource Waters and Shellfish Harvesting Waters.

- d. In order to determine the biological quality of the waters of the State, it is necessary that the biological component be assessed by comparison to a reference condition(s) based upon similar hydrologic and watershed characteristics that represent the optimum natural condition for that system. Such reference condition(s) or reaches of waterbodies shall be those observed to support the greatest variety and abundance of aquatic life in the region as is expected to be or would be with a minimal amount of disturbance from anthropogenic sources. Impacts from urbanization and agriculture should be minimal and natural vegetation should dominate the land cover. There should also be an appropriate diversity of substrate. Reference condition(s) shall be determined by consistent sampling and reliable measures of selected indicative communities of flora and fauna as established by the Department and may be used in conjunction with acceptable physical, chemical, and microbial water quality measurements and records judged to be appropriate for this purpose. Narrative biological criteria relative to activities in all waters are described in Section E.
- e. In the Class Descriptions, Designations, and Specific Standards for Surface Waters Section, all water use classifications protect for a balanced indigenous aquatic community of fauna and flora. In addition, Trout Natural and Trout Put, Grow, and Take classifications protect for reproducing trout populations and stocked trout populations, respectively.

2. [Reserved].

G. CLASS DESCRIPTIONS, DESIGNATIONS, AND SPECIFIC STANDARDS FOR SURFACE WATERS.

- 1. All surface waters of the State, except as discussed in Section C., shall be identified within one of the classes described below. The Department may determine in accordance with Section 312 of the Clean Water Act that for some waterbodies (or portions of waterbodies), the designation of No Discharge Zone (NDZ) for Marine Sanitation Devices (MSDs) shall be enacted with application of the existing classified standards of the waterbody. Those waters classified by name shall be listed in Regulation 61-69 along with the NDZ designation, if applicable.
- 2. Where a surface water body is tributary to waters of a higher class, the quality of the water in the tributary shall be protected to maintain the standards of the higher classified receiving water.
- 3. For items not listed in each class, criteria published pursuant to Sections 304(a) and 307(a) of the Federal Clean Water Act or other documents shall be used as guides to determine conditions which protect water uses. Many of these criteria are listed in the appendix to this regulation. For consideration of natural conditions, refer to Sections: C.9., D.4., E.12.,

E.14.c.(2), E.14.c.(3), F.4.d., G.4., G.6., and G.9. For the following numeric criteria for turbidity (with the exception of Outstanding National Resource Waters, Outstanding Resource Waters, Trout waters, and Shellfish Harvesting Waters), compliance with these turbidity criteria may be considered to be met as long as the waterbody supports a balanced indigenous aquatic community when land management activities employ Best Management Practices (BMPs). For consideration, BMPs must be in full compliance with all specifications governing the proper design, installation, operation and maintenance of such BMPs and all applicable permit conditions and requirements must be met.

4. **Outstanding National Resource Waters (ONRW)** are freshwaters or saltwaters which constitute an outstanding national recreational or ecological resource.

Quality Standards for Outstanding National Resource Waters	
ITEMS	STANDARDS
a. Color, dissolved oxygen, fecal coliform enterococci, <i>E. coli</i> , pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department's statutory authority. Numeric and narrative criteria for Class ONRW shall be those applicable to the classification of the waterbody immediately prior to reclassification to Class ONRW, including consideration of natural conditions.

5. In order to maintain the existing quality of Class ONRW waters the following additional standards apply:

ITEMS	STANDARDS
a. Discharge from domestic, industrial, or agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	None allowed.
c. Dumping or disposal of garbage, cinders,	None allowed.

ashes, oils, sludge, or other refuse.	
d. Activities or discharges from waste treatment facilities in waters upstream or tributary to ONRW waters.	Allowed if there shall be no measurable impact on the downstream ONRW consistent with antidegradation rules.

6. **Outstanding Resource Waters (ORW)** are freshwaters or saltwaters which constitute an outstanding recreational or ecological resource or those freshwaters suitable as a source for drinking water supply purposes with treatment levels specified by the Department.

Quality Standards for Outstanding Resource Waters	
ITEMS	STANDARDS
a. Color, dissolved oxygen, fecal coliform enterococci, <i>E. coli</i> , pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department's statutory authority. Numeric and narrative criteria for Class ORW shall be those applicable to the classification of the waterbody immediately prior to reclassification to Class ORW, including consideration of natural conditions.

7. In order to maintain the existing quality of Class ORW waters the following additional standards apply:

ITEMS	STANDARDS
a. Discharge from domestic, industrial, or agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
c. Dumping or disposal	None allowed.

of garbage, cinders, ashes, oils, sludge, or other refuse.	
d. Activities or discharges from waste treatment facilities in waters upstream or tributary to ORW waters.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.

8. **Trout Waters.** The State recognizes three types of trout waters: Natural; Put, Grow, and Take; and Put and Take.

- a. **Natural (TN)** are freshwaters suitable for supporting reproducing trout populations and a cold water balanced indigenous aquatic community of fauna and flora. Also suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.
- b. **Put, Grow, and Take (TPGT)** are freshwaters suitable for supporting growth of stocked trout populations and a balanced indigenous aquatic community of fauna and flora. Also suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.
- c. **Put and Take (TPT)** are freshwaters suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses. The standards of Freshwaters classification protect these uses.

9. The standards below protect the uses of Natural and Put, Grow, and Take trout waters.

Quality Standards for Trout Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or	None alone or in combination with other substances or wastes in sufficient amounts to be injurious to reproducing trout populations in natural waters or

other wastes except those given in a. above.	stocked populations in put, grow, and take waters or in any manner adversely affecting the taste, color, odor, or sanitary condition thereof or impairing the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Not less than 6 mg/l.
f. <i>E. coli</i>	Not to exceed a geometric mean of 126/100 ml based on at least four samples collected from a given sampling site over a 30 day period, nor shall a single sample maximum exceed 349/100 ml.
g. pH.	Between 6.0 and 8.0.
h. Temperature.	Not to vary from levels existing under natural conditions, unless determined that some other temperature shall protect the classified uses.
i. Turbidity.	Not to exceed 10 Nephelometric Turbidity Units (NTUs) or 10% above natural conditions, provided uses are maintained.

10. **Freshwaters (FW)** are freshwaters suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

Quality Standards for Freshwaters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or

other wastes except those given in a. above.	to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/l with a low of 4.0 mg/l.
f. <i>E. coli</i>	Not to exceed a geometric mean of 126/100 ml based on at least four samples collected from a given sampling site over a 30 day period, nor shall a single sample maximum exceed 349/100 ml.
g. pH.	Between 6.0 and 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity. Except for Lakes.	Not to exceed 50 NTUs provided existing uses are maintained.
Lakes only.	Not to exceed 25 NTUs provided existing uses are maintained.

11. **Shellfish Harvesting Waters (SFH)** are tidal saltwaters protected for shellfish harvesting and uses listed in Class SA and Class SB. Suitable for primary and secondary contact recreation, crabbing, and fishing. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Shellfish Harvesting Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except	None alone or in combination with other substances or wastes in sufficient amounts to adversely affect the taste, color, odor, or sanitary condition of clams, mussels, or oysters for human consumption; or to

those given in a. above.	impair the waters for any best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/l with a low of 4 mg/l.
f. Fecal coliform.	Not to exceed an MPN fecal coliform geometric mean of 14/100 ml; nor shall the samples exceed an MPN of 43/100 ml.
g. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site over a 30 day period; nor shall a single sample maximum exceed 104/100 ml. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 ml.
h. pH.	Shall not vary more than 3/10 of a pH unit above or below that of effluent-free waters in the same geological area having a similar total alkalinity and temperature, but not lower than 6.5 or above 8.5.
i. Temperature.	As prescribed in E.12. of this regulation.
j. Turbidity.	Not to exceed 25 (NTUs) provided existing uses are maintained.

k. The Department may designate prohibited areas where shellfish harvesting for market purposes or human consumption shall not be allowed, consistent with the antidegradation rule, Section D.1.a. of this regulation.

12. **Class SA** are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption and uses listed in Class SB. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SA Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or	None allowed.

other refuse.	
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/l with a low of 4.0 mg/l.
f. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site over a 30 day period; nor shall a single sample maximum exceed 104/100 ml. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 ml.
g. pH.	Shall not vary more than one-half of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but not lower than 6.5 or above 8.5
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

- j. The Department shall protect existing shellfish harvesting uses found in Class SA waters consistent with the antidegradation rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

13. **Class SB** are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption or human consumption. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SB Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Not less than 4.0 mg/l.
f. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site over a 30 day period; nor shall a single sample maximum exceed 501/100 ml. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 501/100 ml.
g. pH.	Shall not vary more than one-half of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but not lower than 6.5 or above 8.5
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

- j. The Department shall protect existing shellfish harvesting uses found in Class SB waters consistent with the antidegradation rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

H. CLASS DESCRIPTIONS AND SPECIFIC STANDARDS FOR GROUND WATERS.

1. All ground waters of the State, except within mixing zones, shall be identified within one of the classes described below.
2. It is the policy of the Department to maintain the quality of ground water consistent with the highest potential uses. Most South Carolina ground water is presently suitable for drinking water without treatment and the State relies heavily upon ground water for drinking water. For this reason, all South Carolina ground water is classified Class GB effective on June 28, 1985.
3. The Department recognizes that Class GB may not be suitable for some ground water. Class GA is established for exceptionally valuable ground water and Class GC is established for ground water with little potential as an underground source of drinking water.
4. In keeping with this policy the Department declares that effective June 28, 1985, all ground waters of the State shall be protected to a quality consistent with the use associated with the classes described herein. Further, the Department may require the owner or operator of a contaminated site to restore the ground water quality to a level that maintains and supports the existing and classified uses (except classified uses within mixing zones, as described in this regulation). For purposes of this section, the term operator means any person in control of, or having responsibility for, the operation of on-site activities or property and owner means a person or a previous person who has assumed legal ownership of a property through the provisions of a contract of sale or other legally binding transfer of ownership. The term owner also means any person who owned, operated, or otherwise controlled activities at such site before the title or control of which was conveyed to a unit of State or local government due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means. However, nothing in this section shall be construed to supersede specific statutory or regulatory provision that relieves owners or operators of certain contaminated sites from liability for restoration of groundwater, including, without limitation, S.C. Code §44-2-80 (b) and (c). The term does not include a unit of State or local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign. The exclusion provided under this paragraph shall not apply to any State or local government which has caused or contributed to the release or threatened release of a contaminant from the site, and such a State or local government shall be subject to these provisions in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity.
5. A ground water monitoring program approved by the Department may be required for any existing or proposed disposal system or other activities to determine the ground water quality affected by such systems or activities. Such monitoring program may be required through the Department's permitting and certification programs.

6. Those ground waters which are classified Class GA or Class GC after petition and proper administrative procedures other than Class GB shall be described by location and listed in Regulation 61-69.
7. **Class GA** are those ground waters that are highly vulnerable to contamination because of the hydrological characteristics of the areas under which they occur and that are also characterized by either of the following two factors:
 - a. Irreplaceable, in that no reasonable alternative source of drinking water is available to substantial populations; or
 - b. Ecologically vital, in that the ground water provides the base flow for a particularly sensitive ecological system that, if polluted, would destroy a unique habitat.
8. The standards below protect these ground waters:

Quality Standards for Class GA Ground Waters	
ITEMS	STANDARDS
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None allowed.

9. **Class GB.** All ground waters of the State, unless classified otherwise, which meet the definition of underground sources of drinking water (USDW) as defined in Section B.

Quality Standards for Class GB Ground Waters	
ITEMS	STANDARDS
a. Inorganic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
b. Organic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
c. Man-made radionuclides, priority pollutant volatile organic compounds, herbicides, polychlorinated biphenyls, and other synthetic organic compounds not specified above, treated wastes, thermal wastes, colored wastes or other wastes of constituents thereof.	Not to exceed concentrations or amounts such as to interfere with the use actual or intended, as determined by the Department.

10. **Class GC** are those ground waters not considered potential sources of drinking water and of limited beneficial use, i.e., ground waters that exceed a concentration of 10,000 mg/l total dissolved solids or are otherwise contaminated beyond levels that allow cleanup using methods reasonably employed in public water system treatment. These ground waters also must not migrate to Class GA or Class GB ground waters or have a discharge to surface water that could cause degradation.

Quality Standards for Class GC Ground Waters	
ITEMS	STANDARDS
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None which interfere with any existing use of an underground source of drinking water.

I. SEVERABILITY.

Should any section, paragraph, or other part of this regulation be declared invalid for any reason, the remainder shall not be affected.

APPENDIX: WATER QUALITY NUMERIC CRITERIA FOR THE PROTECTION OF AQUATIC LIFE AND HUMAN HEALTH

This appendix contains three charts (priority pollutants, nonpriority pollutants, and organoleptic effects) of numeric criteria for the protection of human health and aquatic life. The appendix also contains three attachments which address hardness conversions and application of ammonia criteria. Footnotes specific to each chart follow the chart. General footnotes pertaining to all are at the end of the charts prior to the attachments. The numeric criteria developed and published by EPA are hereby incorporated into this regulation. Please refer to the text of the regulation for other general information and specifications in applying these numeric criteria.

PRIORITY TOXIC POLLUTANTS

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of: Water & Organism (µg/L)	Organism Only (µg/L)	
1	Antimony					5.6 B, ee	640 B, ee	65FR66443 SDWA
2	Arsenic	340 A, D, K	150 A, D, K	69 A, D, Y	36 A, D, Y	10 C	10 C	65FR31682 57FR60848 SDWA
3	Beryllium					J, ee	J, ee	65FR31682 SDWA
4	Cadmium	0.53 D, E, K	0.10 D, E, K	43 D, Y	9.3 D, Y	J, ee	J, ee	65FR31682 SDWA
5a	Chromium III	580 D, E, K	28 D, E, K			J, ee	J, ee	EPA820/B-96-001 65FR31682 SDWA
5b	Chromium VI	16 D, K	11 D, K	1,100 D, Y	50 D, Y	J, ee	J, ee	65FR31682 SDWA
6	Copper	3.8 D, E, K, Z, II	2.9 D, E, K, Z, II	5.8 D, Z, Y, ee	3.7 D, Z, Y, ee	1,300 T, ee		65FR31682

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		
7	Lead	7439921	14 D, E, Y	0.54 D, E, Y	220 D, Y	8.5 D, Y		65FR31682
8	Mercury	7439976	1.6 D, K, dd	0.91 D, K, dd	2.1 D, bb, dd	1.1 D, bb, dd	0.050 B, ee	65FR31682 SDWA
9	Nickel	7440020	150 D, E, K	16 D, E, K	75 D, Y	8.3 D, Y	610 B, ee	65FR31682
10	Selenium	7782492	L, Q, S	5.0 S	290 D, aa	71 D, aa	170 Z, ee	65FR31682 65FR66443 SDWA
11	Silver	7440224	0.37 D, E, G		2.3 D, G			65FR31682
12	Thallium	7440280					0.24	68FR75510 SDWA
13	Zinc	7440666	37 D, E, K	37 D, E, K	95 D, Y	86 D, Y	7,400 T, ee	65FR31682 65FR66443
14	Cyanide	57125	22 K, P	5.2 K, P	1 P, Y	1 P, Y	140 ee, jj	EPA820/B-96-001 57FR60848 68FR75510 SDWA
15	Asbestos	1332214					7 million fibers/L I, ee	57FR60848
16	2, 3, 7, 8-TCDD (Dioxin)	1746016					0.046 ppq O, C	State Standard SDWA
17	Acrolein	107028	3	3			6 ee, mn	74FR27535 74FR46587
18	Acrylonitrile	107131					0.051 B, C	65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of: Water & Organism (µg/L)	Organism Only (µg/L)	
19 Benzene	71432					2.2 B, C	51 B, C	IRIS 01/19/00 65FR66443 SDWA
20 Bromate	15541454						10 C	SDWA
21 Bromoform	75252					4.3 B, C	140 B, C	65FR66443 SDWA
22 Bromoacetic acid	79083						60 Total HAA5 C,mm	SDWA
23 Carbon Tetrachloride	56235					0.23 B, C	1.6 B, C	65FR66443 SDWA
24 Chlorite	67481						100	SDWA
25 Chlorobenzene	108907					130T, ee	1,600 T, ee	68FR75510 SDWA
26 Chlorodibromomethane	124481					0.40 B, C	13 B, C	65FR66443 SDWA
27 Chloroform	67663					5.7 B, C, hh	470 B, C, hh	62FR42160 SDWA
28 Dibromoacetic acid	631641						60 Total HAA5 C,mm	SDWA
29 Dichloroacetic acid	79436						60 Total HAA5 C,mm	SDWA
30 Dichlorobromomethane	75274					0.55 B, C	17 B, C	65FR66443 SDWA
31 1, 2-Dichloroethane	107062					0.38 B, C	37 B, C	65FR66443 SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of: Water & Organism (µg/L)	Organism Only (µg/L)	
32	1, 1-Dichloroethylene					330 ee	7,100 ee	68FR75510 SDWA
33	1, 2-Dichloropropane					0.50 B, C	15 B, C	65FR66443 SDWA
34	1, 3-Dichloropropene					0.34 ee	21 ee	68FR75510
35	Ethylbenzene					530 ee	2,100 ee	68FR75510 SDWA
36	Methyl Bromide					47 B, ee	1,500 B, ee	65FR66443
37	Methylene Chloride					4.6 B, C	590 B, C	65FR66443 SDWA
38	Monochloroacetic acid						60 Total HAA5 C,mm	SDWA
39	1, 1, 2, 2-Tetrachloroethane					0.17 B, C	4.0 B, C	65FR66443
40	Tetrachloroethylene					0.69 C	3.3 C	65FR66443 SDWA
41	Toluene					1,300 ee	15,000 ee	68FR75510 SDWA
42	1,2-Trans-Dichloroethylene					140 ee	10,000 ee	68FR75510 SDWA
43	Trichloroacetic acid						60 Total HAA5 C,mm	SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of: Water & Organism (µg/L)	Organism Only (µg/L)	
44	1, 1, 1-Trichloroethane					J, ee	J, ee	65FR31682 SDWA
45	1, 1, 2-Trichloroethane					0.59 B, C	16 B, C	65FR66443 SDWA
46	Trichloroethylene					2.5 C	30 C	65FR66443 SDWA
7	Vinyl Chloride					0.025 kk	2.4 kk	68FR75510 SDWA
8	2-Chlorophenol					81 B, T, ee	150 B, T, ee	65FR66443
9	2, 4-Dichlorophenol					77 B, T, ee	290 B, T, ee	65FR66443
50	2, 4-Dimethylphenol					380 B, T, ee	850 B, T, ee	65FR66443
51	2-Methyl-4, 6-Dinitrophenol					13 ee	280 ee	65FR66443
52	2, 4-Dinitrophenol					69 B, ee	5,300 B, ee	65FR66443
53	Pentachlorophenol	19 F, K	15 F, K	13 Y	7.9 Y	0.27 B, C	3.0 B, C, H	65FR31682 65FR66443 SDWA
54	Phenol					10,000 T, ee, nm	860,000 T, ee, nm	74FR27535 74FR46587
55	2, 4, 6-Trichlorophenol					1.4 B, C, T	2.4 B, C	65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:	MCL (µg/L)	
56	Acenaphthene					670 B, T, ee	990 B, T, ee	65FR66443
57	Anthracene					8,300 B, ee	40,000 B, ee	65FR66443
58	Benzidine					0.000086 B, C	0.00020 B, C	65FR66443
59	Benzo (a) Anthracene					0.0038 B, C	0.018 B, C	65FR66443
60	Benzo (a) Pyrene					0.0038 B, C	0.018 B, C	65FR66443 SDWA
61	Benzo (b) Fluoranthene					0.0038 B, C	0.018 B, C	65FR66443
62	Benzo (k) Fluoranthene					0.0038 B, C	0.018 B, C	65FR66443
63	Bis-2-Chloroethyl Ether					0.030 B, C	0.53 B, C	65FR66443
64	Bis-2-Chloroisopropyl Ether					1,400 B, ee	65,000 B, ee	65FR66443
65	Bi-s2-Ethylhexyl Phthalate (DEHP)	V	V	V	V	1.2 B, C	2.2 B, C	65FR66443 SDWA
66	Butylbenzene Phthalate	ii	ii	ii	ii	1,500 B, ee	1,900 B, ee	65FR66443
67	2-Chloronaphthalene					1,000 B, ee	1,600 B, ee	65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:	MCL (µg/L)	
68	Chrysene					0.0038 B, C	0.018 B, C	65FR66443
69	Dibenzo(a,h)Anthracene					0.0038 B, C	0.018 B, C	65FR66443
70	1, 2-Dichlorobenzene					420 ee	1,300 ee	68FR75510 SDWA
71	1, 3-Dichlorobenzene					320 ee	960 ee	65FR66443
72	1, 4-Dichlorobenzene					63 ee	190 ee	75 ee
73	3, 3'-Dichlorobenzidine					0.021 B, C	0.028 B, C	65FR66443
74	Diethyl Phthalate	ii	ii	ii	ii	17,000 B, ee	44,000 B, ee	65FR66443
75	Dimethyl Phthalate	ii	ii	ii	ii	270,000 B, ee	1,100,000 B, ee	64FR66443
76	Di-n-butyl Phthalate	ii	ii	ii	ii	2,000 B, ee	4,500 B, ee	65FR66443
77	2, 4-Dinitrotoluene					0.11 C	3.4 C	65FR66443
78	1, 2-Diphenylhydrazine					0.036 B, C	0.20 B, C	65FR66443
79	Fluoranthene					130 B, ee	140 B, ee	65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:	MCL (µg/L)	
80	Fluorene					1,100 B, ee	5,300 B, ee	65FR66443
81	Hexachlorobenzene					0.00028 B, C	0.00029 B, C	65FR66443 SDWA
82	Hexachlorobutadiene					0.44 B, C	18 B, C	65FR66443
83	Hexachlorocyclo- pentadiene					40 T, ee	1100 T, ee	50 ee
84	Hexachloroethane					1.4 B, C	3.3 B, C	65FR66443
85	Indeno 1,2,3(cd) Pyrene					0.0038 B, C	0.018 B, C	65FR66443
86	Isophorone					35 B, C	960 B, C	65FR66443
87	Nitrobenzene					17 B, ee	690 B, H, T, ee	65FR66443
88	N-Nitrosodimethylamine					0.00069 B, C	3.0 B, C	65FR66443
89	N-Nitrosodi-n- Propylamine					0.0050 B, C	0.51 B, C	65FR66443
90	N-Nitrosodiphenylamine					3.3 B, C	6.0 B, C	65FR66443
91	Pyrene					830 B, ee	4,000 B, ee	65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:	MCL (µg/L)	
92	1, 2, 4-Trichlorobenzene					35 ee	70 ee	68FR75510 SDWA
93	Aldrin	3.0 G, X		1.3 G, X		0.000049 B, C	0.000050 B, C	65FR31682 65FR66443
94	alpha-BHC					0.0026 B, C	0.0049 B, C	65FR66443
95	beta-BHC					0.0091 B, C	0.017 B, C	65FR66443
96	gamma-BHC (Lindane)	0.95 K		0.16 G		0.98 ee	1.8 ee	65FR31682 68FR75510 SDWA
97	Chlordane	2.4 G	0.0043 G, X	0.09 G	0.004 G, X	0.00080 B, C	0.00081 B, C	65FR31682 65FR66443 SDWA
98	4, 4'-DDT	1.1 G, gg	0.001 G, X, gg	0.13 G, gg	0.001 G, X, gg	0.00022 B, C	0.00022 B, C	65FR31682 65FR66443
99	4, 4'-DDE					0.00022 B, C	0.00022 B, C	65FR66443
100	4, 4'-DDD					0.00031 B, C	0.00031 B, C	65FR66443
101	Dieldrin	0.24 K	0.056 K, N	0.71 G	0.0019 G, X	0.000052 B, C	0.000054 B, C	65FR31682 65FR66443
102	alpha-Endosulfan	0.22 G, W	0.056 G, W	0.034 G, W	0.0087 G, W	62 B, ee	89 B, ee	65FR31682 65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health		FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:	MCL (µg/L)	
103	beta-Endosulfan	0.22 G, W	0.056 G, W	0.034 G, W	0.0087 G, W	62 B, ee	89 B, ee	65FR31682 65FR66443
104	Endosulfan Sulfate					62 B, ee	89 B, ee	65FR31682 65FR66443
105	Endrin	0.086 K	0.036 K, N	0.037 G	0.0023 G, X	0.059 ee	0.060 ee	68FR75510 SDWA
106	Endrin Aldehyde					0.29 B, ee	0.30 B, H, ee	65FR66443
107	Heptachlor	0.52 G	0.0038 G, X	0.053 G	0.0036 G, X	0.000079 B, C	0.000079 B, C	65FR31682 65FR66443 SDWA
108	Heptachlor Epoxide	0.52 G, U	0.0038 G, U, X	0.053 G, U	0.0036 G, U, X	0.000039 B, C	0.000039B, C	65FR31682 65FR66443 SDWA
109	Polychlorinated Biphenyls PCBs		0.014 M, X		0.03 M, X	0.000064 B, C, M	0.000064 B, C, M	65FR31682 65FR66443 SDWA
110	Toxaphene	0.73	0.0002 X	0.21	0.0002 X	0.00028 B, C	0.00028 B, C	65FR31682 65FR66443 SDWA

Footnotes:

- A This water quality criterion was derived from data for arsenic (III), but is applied here to total arsenic, which might imply that arsenic (III) and arsenic (V) are equally toxic to aquatic life and that their toxicities are additive. In the arsenic criteria document (EPA 440/5-84-033, January 1985), Species Mean Acute Values are given for both arsenic (III) and arsenic (V) for five species and the ratios of the SMAVs for each species range from 0.6 to 1.7. Chronic values are available for both arsenic (III) and arsenic (V) for one species; for the fathead minnow, the chronic value for arsenic (V) is 0.29 times the chronic value for arsenic (III). No data are known to be available concerning whether the toxicities of the forms of arsenic to aquatic organisms are additive.
- B This criterion has been revised to reflect The Environmental Protection Agency's q1* or RfD, as contained in the Integrated Risk Information System (IRIS) as of May 17, 2002. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.

- C This criterion is based on carcinogenicity of 10^{-6} risk. As prescribed in Section E of this regulation, application of this criterion for permit effluent limitations requires the use annual average flow or comparable tidal condition as determined by the Department.
- D Freshwater and saltwater criteria for metals are expressed in terms of total recoverable metals. As allowed in Section E of this regulation, these criteria may be expressed as dissolved metal for the purposes of deriving permit effluent limitations. The dissolved metal water quality criteria value may be calculated by using these 304(a) aquatic life criteria expressed in terms of total recoverable metal, and multiplying it by a conversion factor (CF). The term "Conversion Factor" (CF) represents the conversion factor for converting a metal criterion expressed as the total recoverable fraction in the water column to a criterion expressed as the dissolved fraction in the water column. (Conversion Factors for saltwater CCCs are not currently available. Conversion factors derived for saltwater CMCs have been used for both saltwater CMCs and CCCs). See "Office of Water Policy and Technical Guidance on Interpretation and Implementation of Aquatic Life Metals Criteria", October 1, 1993, by Martha G. Prothro, Acting Assistant Administrator for Water, available from the Water Resource center, USEPA, 401 M St., SW, mail code RC4100, Washington, DC 20460; and 40CFR§131.36(b)(1). Conversion Factors can be found in Attachment 1 – Conversion Factors for Dissolved Metals.
- E The freshwater criterion for this metal is expressed as a function of hardness (mg/L) in the water column. The value given here corresponds to a hardness of 25 mg/L as expressed as CaCO_3 . Criteria values for other hardness may be calculated from the following: $\text{CMC (dissolved)} = \exp\{m_A [\ln(\text{hardness})] + b_A\}$ (CF), or $\text{CCC (dissolved)} = \exp\{m_C [\ln(\text{hardness})] + b_C\}$ (CF) and the parameters specified in Attachment 2 – Parameters for Calculating Freshwater Dissolved Metals Criteria That Are Hardness-Dependent. As noted in footnote D above, the values in this appendix are expressed as total recoverable, the criterion may be calculated from the following: $\text{CMC (total)} = \exp\{m_A [\ln(\text{hardness})] + b_A\}$, or $\text{CCC (total)} = \exp\{m_C [\ln(\text{hardness})] + b_C\}$.
- F Freshwater aquatic life values for pentachlorophenol are expressed as a function of pH, and are calculated as follows: $\text{CMC} = \exp(1.005(\text{pH}) - 4.869)$; $\text{CCC} = \exp(1.005(\text{pH}) - 5.134)$. Values displayed in table correspond to a pH of 7.8.
- G This criterion is based on 304(a) aquatic life criterion issued in 1980, and was issued in one of the following documents: Aldrin/Dieldrin (EPA 440/5-80-019), Chlordane (EPA 440/5-80-027), DDT (EPA 440/5-80-038), Endosulfan (EPA 440/5-80-046), Endrin (EPA 440/5-80-047), Heptachlor (440/5-80-052), Hexachlorocyclohexane (EPA 440/5-80-054), Silver (EPA 440/5-80-071). The Minimum Data Requirements and derivation procedures were different in the 1980 Guidelines than in the 1985 Guidelines. For example, a "CMC" derived using the 1980 Guidelines was derived to be used as an instantaneous maximum. If assessment is to be done using an averaging period, the values given should be divided by 2 to obtain a value that is more comparable to a CMC derived using the 1985 Guidelines.
- H No criterion for protection of human health from consumption of aquatic organisms excluding water was presented in the 1980 criteria document or in the 1986 *Quality Criteria for Water*. Nevertheless, sufficient information was presented in the 1980 document to allow the calculation of a criterion, even though the results of such a calculation were not shown in the document.
- I This criterion for asbestos is the Maximum Contaminant Level (MCL) developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).
- J EPA has not calculated a 304(a) human health criterion for this contaminant. The criterion is the Maximum Contaminant Level developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).
- K This criterion is based on a 304(a) aquatic life criterion that was issued in the 1995 *Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water*, (EPA-820-B-96-001, September 1996). This value was derived using the GLI Guidelines (60FR15393-15399, March 23, 1995; 40CFR132 Appendix A); the difference between the 1985 Guidelines and the GLI Guidelines are explained on page iv of the 1995 Updates. None of the decisions concerning the derivation of this criterion were affected by any considerations that are specific to the Great Lakes.
- L The $\text{CMC} = 1/[(f1/\text{CMC1}) + (f2/\text{CMC2})]$ where f1 and f2 are the fractions of total selenium that are treated as selenite and selenate, respectively, and CMC1 and CMC2 are 185.9 $\mu\text{g/l}$ and 12.82 $\mu\text{g/l}$, respectively.
- M This criterion applies to total PCBs, (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses.)
- N The derivation of the CCC for this pollutant did not consider exposure through the diet, which is probably important for aquatic life occupying upper trophic levels.
- O This state criterion is also based on a total fish consumption rate of 0.0175 kg/day.
- P This water quality criterion is expressed as μg free cyanide (as CN)/L.
- Q This value was announced (61FR58444-58449, November 14, 1996) as a proposed GLI 303 I aquatic life criterion
- S This water quality criterion for selenium is expressed in terms of total recoverable metal in the water column. It is scientifically acceptable to use the conversion factor (0.996 – CMC or 0.922 – CCC) that was used in the GLI to convert this to a value that is expressed in terms of dissolved metal.
- T The organoleptic effect criterion is more stringent than the value for priority toxic pollutants.
- U This value was derived from data for heptachlor and the criteria document provides insufficient data to estimate the relative toxicities of heptachlor and heptachlor epoxide.
- V There is a full set of aquatic life toxicity data that show that DEHP is not toxic to aquatic organisms at or below its solubility limit.

- W This value was derived from data for endosulfan and is most appropriately applied to the sum of alpha-endosulfan and beta-endosulfan.
- X This criterion is based on a 304(a) aquatic life criterion issued in 1980 or 1986, and was issued in one of the following documents: Aldrin/Dieldrin (EPA 440/5-80-019), Chlordane (EPA 440/5-80-027), DDT (EPA 440/5-80-038), Endrin (EPA 440/5-80-047), Heptachlor (EPA 440/5-80-052), Polychlorinated Biphenyls (EPA 440/5-80-068), Toxaphene (EPA 440/5-86-006). This CCC is based on the Final Residue value procedure in the 1985 Guidelines. Since the publication of the Great Lakes Aquatic Life Criteria Guidelines in 1995 (60FR15393-15399, March 23, 1995), the EPA no longer uses the Final Residue value procedure for deriving CCCs for new or revised 304(a) aquatic life criteria.
- Y This water quality criterion is based on a 304(a) aquatic life criterion that was derived using the 1985 Guidelines (*Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, PB85-227049, January 1985) and was issued in one of the following criteria documents: Arsenic (EPA 440/5-84-033), Cadmium (EPA 440/5-84-032), Chromium (EPA 440/5-84-029), Copper (EPA 440/5-84-031), Cyanide (EPA 440/5-84-028), Lead (EPA 440/5-84-027), Nickel (EPA 440/5-86-004), Pentachlorophenol (EPA 440/5-86-009), Toxaphene, (EPA 440/5-86-006), Zinc (EPA 440/5-87-003).
- Z When the concentration of dissolved organic carbon is elevated, copper is substantially less toxic and use of Water-Effect Ratios might be appropriate.
- aa The selenium criteria document (EPA 440/5-87-006, September 1987) provides that if selenium is as toxic to saltwater fishes in the field as it is to freshwater fishes in the field, the status of the fish community should be monitored whenever the concentration of selenium exceeds $5.0 \text{ } \mu\text{g/L}$ in salt water because the saltwater CCC does not take into account uptake via the food chain.
- bb This water quality criterion was derived on page 43 of the mercury criteria document (EPA 440/5-84-026, January 1985). The saltwater CCC of $0.025 \text{ } \mu\text{g/L}$ given on page 23 of the criteria document is based on the Final Residue value procedure in the 1985 Guidelines. Since the publication of the Great Lakes Aquatic Life criteria Guidelines in 1995 (60FR15393-15399, March 23, 1995), the EPA no longer uses the Final Residue value procedure for deriving CCCs for new or revised 304(a) aquatic life criteria.
- cc This water quality criterion was derived in *Ambient Water Quality Criteria Salwater Copper Addendum* (Draft, April 14, 1995) and was promulgated in the Interim Final National Toxics Rule (60FR22228-22237, May 4, 1995).
- dd This water quality criterion was derived from data for inorganic mercury (II), but is applied here to total mercury. If a substantial portion of the mercury in the water column is methylmercury, this criterion will probably be under protective. In addition, even though inorganic mercury is converted to methylmercury and methylmercury bioaccumulates to a great extent, this criterion does not account for uptake via the food chain because sufficient data were not available when the criterion was derived.
- ee This criterion is a noncarcinogen. As prescribed in Section E of this regulation, application of this criterion for determining permit effluent limitations requires the use of 7Q10 or comparable tidal condition as determined by the Department.
- gg This criterion applies to DDT and its metabolites (i.e., the total concentration of DDT and its metabolites should not exceed this value).
- hh Although a new RfD is available in IRIS, the surface water criteria will not be revised until the National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) is completed, since public comment on the relative source contribution (RSC) for chloroform is anticipated.
- ii Although EPA has not published a completed criteria document for phthalate, it is EPA's understanding that sufficient data exist to allow calculation of aquatic life criteria.
- jj This recommended water quality criterion is expressed as total cyanide, even though the IRIS RfD the EPA used to derive the criterion is based on free cyanide. The multiple forms of cyanide that are present in ambient water have significant differences in toxicity due to their abilities to liberate the CN-moiety. Some complex cyanides require even more extreme conditions than refluxing with sulfuric acid to liberate the CN-moiety. Thus, these complex cyanides are expected to have little or no 'bioavailability' to humans. If a substantial fraction of the cyanide present in a water body is present in a complexed form (e.g., $\text{Fe}_4[\text{Fe}(\text{CN})_6]_3$), this criterion may be overly conservative.
- kk This recommended water quality criterion was derived using the cancer slope factor of 1.4 (Linear multi-stage model (LMS) exposure from birth).
- ll Freshwater copper criteria may be calculated utilizing the procedures identified in EPA-822-R-07-001.
- mm HAA5 means five haloacetic acids (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, bromoacetic acid and dibromoacetic acid).
- nn This criterion has been revised to reflect the EPA's cancer slope factor (CSF) or reference dose (RfD), as contained in the Integrated Risk Information System (IRIS) as of (Final FR Notice June 10, 2009). The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.

NON PRIORITY POLLUTANTS

Non Priority Pollutant		CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
			CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
							Water Organism (µg/L)	& Organism Only (µg/L)			
1	Alachlor								2 M	SDWA	
2	Ammonia	7664417	CRITERIA ARE pH AND TEMPERATURE DEPENDENT - SEE DOCUMENT FOR DETAILS C								EPA822-R99-014 EPA440/5-88-004
3	Aesthetic Qualities		NARRATIVE STATEMENT AND NUMERIC CRITERIA – SEE TEXT								Gold Book
4	Atrazine								3 M	SDWA	
5	Bacteria		FOR PRIMARY CONTACT RECREATION AND SHELLFISH USES – SEE TEXT								Gold Book
6	Barium	7440393					1,000 A, L		2,000 L	Gold Book	
7	Carbofuran	1563662							40 L	SDWA	
8	Chlorine	7782505	19	11	13	7.5			G	Gold Book SDWA	
9	Chlorophenoxy Herbicide 2, 4, 5, -TP	93721					10 A, L		50 L	Gold Book SDWA	
10	Chlorophenoxy Herbicide 2, 4-D	94757					100 A, L		70 L	Gold Book SDWA	
11	Chlorophyll a		NARRATIVE STATEMENT AND NUMERIC CRITERIA – SEE TEXT								State Standard
12	Chloropyrifos	2921882	0.083 F	0.041 F	0.011 F	0.0056 F				Gold Book	
13	Color		NARRATIVE STATEMENT – SEE TEXT								State Standard

Non Priority Pollutant		CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source
							For Consumption of:			
							Water Organism (µg/L)	& Organism Only (µg/L)	MCL (µg/L)	
14	Dalapon	75990							200 L	SDWA
15	Demeton	8065483		0.1 E						Gold Book
16	1,2-Dibromo-3-chloropropane (DBCP)	96128							0.2 M	SDWA
17	Di(2-ethylhexyl) adipate	103231							400 L	SDWA
18	Dinoseb	88857							7 L	SDWA
19	Dinitrophenols	25550587						69 L	5,300 L	65FR66443
20	Nonylphenol	1044051	28	6.6	7.0	1.7				71FR9337
21	Diquat	85007							20 L	SDWA
22	Endothall	145733							100 L	SDWA
23	Ether, Bis Chloromethyl	542881					0.00010 D, M	0.00029 D, M		65FR66443
24	Cis-1, 2-dichloroethylene	156592							70 L	SDWA
25	Ethylene dibromide								0.05 M	SDWA

Non Priority Pollutant		CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
							For Consumption of:				
							Water Organism (µg/L)	& Organism Only (µg/L)	MCL (µg/L)		
26	Fluoride	7681494							4000 L	SDWA	
27	Glyphosate	1071836							700 L	SDWA	
28	Guthion	86500		0.01 E			0.01 E				Gold Book
29	Hexachlorocyclo-hexane-Technical	319868						0.0123 L	0.0414 L		Gold Book
30	Malathion	121755		0.1 E			0.1 E				Gold Book
31	Methoxychlor	72435		0.03 E			0.03 E	100 A, L		40 L	Gold Book SDWA
32	Mirex	2385855		0.001 E			0.001 E				Gold Book
33	Nitrates	14797558						10, 000 L		10, 000 L	SDWA Gold Book
34	Nitrites	14797650								1,000 L	SDWA
35	Nitrogen, Total		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT								State Standard
36	Nitrosamines							0.0008 L	1.24 L		Gold Book
37	Nitrosodibutylamine, N	924163						0.0063 A, M	0.22 A, M		65FR66443

Non Priority Pollutant		CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source		
			CMC (µg/L)		CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:			MCL (µg/L)	
								Water Organism (µg/L)	& Organism Only (µg/L)			
38	Nitrosodiethylamine, N	55185						0.0008 A, M	1.24 A, M		Gold Book	
39	Nitrosopyrrolidine, N	930552						0.016 M	34 M		65FR66443	
40	Oil and Grease		NARRATIVE STATEMENT – SEE TEXT									Gold Book
41	Oxamyl	23135220								200 L	SDWA	
42	Oxygen, Dissolved	7782447	WARMWATER, COLDWATER, AND EXCEPTIONS FOR NATURAL CONDITIONS - SEE TEXT									Gold Book State Standard
43	Diazinon	333415	0.17	0.17	0.82	0.82					71FR9336	
44	Parathion	56382	0.065 H	0.013 H							Gold Book	
45	Pentachlorobenzene	608935					1.4 E	1.5 E			65FR66443	
46	pH		SEE TEXT									Gold Book State Standard
47	Phosphorus, Total		NARRATIVE STATEMENT AND NUMERIC CRITERIA -SEE TEXT									State Standard
48	Picloram	1918021								500 L	SDWA	
49	Salinity		NARRATIVE STATEMENT - SEE TEXT									Gold Book
50	Simazine	122349								4 L	SDWA	

Non Priority Pollutant		CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source			
			CMC (µg/L)		CCC (µg/L)		CMC (µg/L)		CCC (µg/L)		For Consumption of:		
											Water Organism (µg/L)	& Organism Only (µg/L)	MCL (µg/L)
51	Solids,Suspended,and Turbidity		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT									Gold Book State Standard	
52	Styrene	100425									100 L	SDWA	
53	Sulfide-Hydrogen Sulfide	7783064			2.0 E			2.0 E				Gold Book	
54	Tainting Substances		NARRATIVE STATEMENT - SEE TEXT									Gold Book	
55	Temperature		SPECIES DEPENDENT CRITERIA - SEE TEXT									Red Book	
56	1, 2, 4, 5-Tetrachlorobenzene	95943						0.97 D	1.1 D			65FR66443	
57	Tributyltin (TBT)	688733	0.46	0.063	0.37	0.010						EPA 822-F-00-008	
58	2, 4, 5-Trichlorophenol	95954						1,800 B,D	3,600 B,D			65FR66443	
59	Xylenes, Total										10, 000 L	SDWA	
60	Uranium										30	SDWA	
61	Beta particles and photon emitters										4 Millirems/yr	SDWA	
62	Gross alpha particle activity										15 picocuries per liter (pCi/l)	SDWA	

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)	
						Water Organism (µg/L)	& Organism Only (µg/L)		
63	Radium 226 and Radium 228 (combined)							5 pCi/l	SDWA

Footnotes:

- A This human health criterion is the same as originally published in the Red Book which predates the 1980 methodology and did not utilize the fish ingestion BCF approach.
- B This same criterion value is now published in the Gold Book.
- C The organoleptic effect criterion is more stringent than the value presented in the non priority pollutants table.
- C According to the procedures described in the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, except possibly where a very sensitive species is important at a site, freshwater aquatic life should be protected if both conditions specified in Attachment 3 - Calculation of Freshwater Ammonia Criterion are satisfied.
- D This criterion has been revised to reflect The Environmental Protection Agency's q1* or RfD, as contained in the Integrated Risk Information System (IRIS) as of April 8, 1998. The fish tissue bioconcentration factor (BCF) used to derive the original criterion was retained in each case.
- E The derivation of this value is presented in the Red Book (EPA 440/9-76-023, July, 1976).
- F This value is based on a 304(a) aquatic life criterion that was derived using the 1985 Guidelines (*Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, PB85-227049, January 1985) and was issued in the following criteria document: Chlorophylls (EPA 440/5-86-005).
- G A more stringent Maximum Residual Disinfection Level (MRDL) has been issued by EPA under the Safe Drinking Water Act. Refer to S.C. Regulation 61-58, *State Primary Drinking Water Regulations*.
- H This value is based on a 304(a) aquatic life criterion that was issued in the 1995 Updates: *Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water* (EPA-820-B-96-001). This value was derived using the GLI Guidelines (60FR15393-15399, March 23, 1995; 40CFR132 Appendix A); the differences between the 1985 Guidelines and the GLI Guidelines are explained on page iv of the 1995 Updates. No decision concerning this criterion was affected by any considerations that are specific to the Great Lakes.
- I South Carolina has established some site-specific standards for pH. These site-specific standards are listed in S.C. Regulation 61-69, *Classified Waters*.
- J U.S. EPA, 1976, Quality Criteria for Water 1976.
- K South Carolina has established numeric criteria in Section G for waters of the State based on the protection of warmwater and coldwater species. For the exception to be used for waters of the State that do not meet the numeric criteria established for the waterbody due to natural conditions, South Carolina has specified the allowable deficit in Section D.4. and used the following document as a source. U.S. EPA, 1986, Ambient Water Quality Criteria for Dissolved Oxygen, EPA 440/5-86-003, National Technical Information Service, Springfield, VA. South Carolina has established some site-specific standards for DO. These site-specific standards are listed in S.C. Regulation 61-69, *Classified Waters*.
- L This criterion is a noncarcinogen. As prescribed in Section E of this regulation, application of this criterion for determining permit effluent limitations requires the use of 7Q10 or comparable tidal condition as determined by the Department
- M This criterion is based on an added carcinogenicity risk. As prescribed in Section E of this regulation, application of this criterion for permit effluent limitations requires the use annual average flow or comparable tidal condition as determined by the Department.

ORGANOLEPTIC EFFECTS

Pollutant		CAS Number	Organoleptic Effect Criteria (µg/L)	FR Cite/Source
1	Acenaphthene	83329	20	Gold Book
2	Chlorobenzene	108907	20	Gold Book
3	3-Chlorophenol		0.1	Gold Book
4	4-Chlorophenol	106489	0.1	Gold Book
5	2, 3-Dichlorophenol		0.04	Gold Book
6	2, 5-Dichlorophenol		0.5	Gold Book
7	2, 6-Dichlorophenol		0.2	Gold Book
8	3, 4-Dichlorophenol		0.3	Gold Book
9	2, 4, 5-Trichlorophenol	95954	1	Gold Book
10	2, 4, 6-Trichlorophenol	88062	2	Gold Book
11	2, 3, 4, 6-Tetrachlorophenol		1	Gold Book
12	2-Methyl-4-Chlorophenol		1,800	Gold Book
13	3-Methyl-4-Chlorophenol	59507	3,000	Gold Book
14	3-Methyl-6-Chlorophenol		20	Gold Book
15	2-Chlorophenol	95578	0.1	Gold Book
16	Copper	7440508	1,000	Gold Book
17	2, 4-Dichlorophenol	120832	0.3	Gold Book

Pollutant		CAS Number	Organoleptic Effect Criteria (µg/L)	FR Cite/Source
18	2, 4-Dimethylphenol	105679	400	Gold Book
19	Hexachlorocyclopentadiene	77474	1	Gold Book
20	Nitrobenzene	98953	30	Gold Book
21	Pentachlorophenol	87865	30	Gold Book
22	Phenol	108952	300	Gold Book
23	Zinc	7440666	5,000	45FR79341

Footnote:

These criteria are based on organoleptic (taste and odor) effects. Because of variations in chemical nomenclature systems, this listing of pollutants does not duplicate the listing in Appendix A of 40 CFR Part 423. Also listed are the Chemical Abstracts Service (CAS) registry numbers, which provide a unique identification for each chemical.

WATER QUALITY CRITERIA ADDITIONAL NOTES

1. **Criteria Maximum Concentration and Criterion Continuous Concentration**

The Criteria Maximum Concentration (CMC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect. The Criterion Continuous Concentration (CCC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect. The CMC and CCC are just two of the six parts of a aquatic life criterion; the other four parts are the acute averaging period, chronic averaging period, acute frequency of allowed exceedence, and chronic frequency of allowed exceedence.

2. **Criteria for Priority Pollutants, Non Priority Pollutants and Organoleptic Effects**

This appendix lists all priority toxic pollutants and some nonpriority toxic pollutants, and both human health effect and organoleptic effect criteria issued pursuant to CWA §304(a), the SDWA, and the NPDWR. Blank spaces indicate that EPA has no CWA §304(a) criteria recommendations. Because of variations in chemical nomenclature systems, this listing of toxic pollutants does not duplicate the listing in Appendix A of 40CFR Part 423.

3. **Human Health Risk**

The human health criteria for the priority and non priority pollutants are based on carcinogenicity of 10^{-6} risk.

4. **Water Quality Criteria published pursuant to Section 304(a) or Section 303(c) of the CWA**

Many of the values in the appendix were published in the California Toxics Rule. Although such values were published pursuant to Section 303(c) of the CWA, they represent the EPA's most recent calculation of water quality criteria.

5. **Calculation of Dissolved Metals Criteria**

The 304(a) criteria for metals are shown as total recoverable metals. As allowed in Section E of this regulation, these criteria may be expressed as dissolved metals. Dissolved metals criteria may be calculated in one of two ways (please refer to Attachments). For freshwater metals criteria that are hardness-dependent, the dissolved metal criteria may be calculated using a hardness of 25 mg/l as expressed as CaCO_3 . Saltwater and freshwater metals' criteria that are not hardness-dependent are calculated by multiplying the total recoverable criteria before rounding by the appropriate conversion factors. The final metals' criteria in the table are rounded to two significant figures. Information regarding the calculation of hardness dependent conversion factors are included in the footnotes.

6. **Chemical Abstract Services Number**

The Chemical Abstract Services number (CAS) for each pollutant is provided (where available).

7. **Gold Book Reference**

The Gold Book reference listed in the appendix refers to the May 1, 1986 EPA publication EPA 440/5-86-001.

8. **Federal Register Reference**

The FR listed in the appendix refers to the appropriate *Federal Register* listing, and source refers to the origin of the value. Many of the numeric values contained in this appendix have been modified, revised, or altered and therefore, the source as listed may not be the same as it appears in this table. Also, South Carolina may have selected to use a different value or may have promulgated a different value in its previous iterations of this regulation, so differences from these sources should be expected.

9. **Maximum Contaminant Levels**

The appendix includes Maximum Contaminant Levels (MCLs) developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).

10. **Organoleptic Effects**

The appendix contains 304(a) criteria for pollutants with toxicity-based criteria as well as non-toxicity based criteria. The basis for the non-toxicity based criteria are organoleptic effects (e.g., taste and odor) which would make water and edible aquatic life unpalatable but not toxic to humans. The table includes criteria for organoleptic effects for 23

pollutants. Pollutants with organoleptic effect criteria more stringent than the criteria based on toxicity (e.g., included in both the priority and non-priority pollutant tables) are footnoted as such.

11. Category Criteria

In the 1980 criteria documents, certain water quality criteria were published for categories of pollutants rather than for individual pollutants within that category. Subsequently, in a series of separate actions, the EPA derived criteria for specific pollutants within a category. Therefore, in this appendix South Carolina is replacing criteria representing categories with individual pollutant criteria (e.g., 1, 3-dichlorobenzene, 1, 4-dichlorobenzene and 1, 2-dichlorobenzene).

12. Specific Chemical Calculations

A. Selenium

(1) Human Health

In the 1980 Selenium document, a criterion for the protection of human health from consumption of water and organisms was calculated based on a BCF of 6.0 l/kg and a maximum water-related contribution of 35 µg Se/day. Subsequently, the EPA Office of Health and Environmental Assessment issued an errata notice (February 23, 1982), revising the BCF for selenium to 4.8 L/kg. In 1988, EPA issued an addendum (ECAO-CIN-668) revising the human health criteria for selenium. Later in the final National Toxic Rule (NTR, 57 FR 60848), EPA withdrew previously published selenium human health criteria, pending EPA review of new epidemiological data.

This appendix includes human health criteria for selenium, calculated using a BCF of 4.8 L/kg along with the current IRIS RfD of 0.005 mg/kg/day. South Carolina included these water quality criteria in the appendix because the data necessary for calculating a criteria in accordance with EPA's 1980 human health methodology are available.

(2) Aquatic Life

This appendix contains aquatic life criteria for selenium that are the same as those published in the CTR. In the CTR, EPA proposed an acute criterion for selenium based on the criterion proposed for selenium in the Water Quality Guidance for the Great Lakes System (61FR584440). The GLI and CTR proposals take into account data showing that selenium's two prevalent oxidation state in water, selenite and selenate, present differing potentials for aquatic toxicity, as well as new data indicating that various forms of selenium are additive. The new approach produces a different selenium acute criterion concentration, or CMC, depending upon the relative proportions of selenite, selenate, and other forms of selenium that are present. EPA is currently undertaking a reassessment of selenium, and expects the 304(a) criterion for selenium will be revised based on the final reassessment (63FR26186). However, until such time as revised water quality criteria for selenium are published by the EPA, the water quality criteria in this appendix are EPA's current 304(a) criteria.

B. Chromium (III)

The aquatic life water quality criteria for chromium (III) included in the appendix are based on the values presented in the document titled: *1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water*.

C. PCBs

In this appendix, South Carolina is publishing aquatic life and human health criteria based on total PCBs rather than individual aroclors.

Attachment 1 - Conversion Factors for Dissolved Metals

Metal	Conversion Factor freshwater CMC	Conversion Factor freshwater CCC	Conversion Factor saltwater CMC	Conversion Factor saltwater CCC
Arsenic	1.000	1.000	1.000	1.000
Cadmium	$1.136672 - [(\ln \text{ hardness}) (0.041838)]$	$1.101672 - [(\ln \text{ hardness}) (0.041838)]$	0.994	0.994
Chromium III	0.316	0.860	--	--
Chromium VI	0.982	0.962	0.993	0.993
Copper	0.960	0.960	0.83	0.83
Lead	$1.46203 - [(\ln \text{ hardness}) (0.145712)]$	$1.46203 - [(\ln \text{ hardness}) (0.145712)]$	0.951	0.951
Mercury	0.85	0.85	0.85	0.85
Nickel	0.998	0.997	0.990	0.990
Selenium	--	--	0.998	0.998
Silver	0.85	--	0.85	--
Zinc	0.978	0.986	0.946	0.946

Attachment 2 - Parameters for Calculating Freshwater Dissolved Metals Criteria That Are Hardness-Dependent

Chemical	m_A	b_A	m_C	b_C	Freshwater Conversion Factors (CF)	
					Acute	Chronic
Cadmium	1.0166	-3.924	0.7409	-4.719	$1.136672 - [\ln(\text{hardness})(0.041838)]$	$1.101672 - [\ln(\text{hardness})(0.041838)]$
Chromium III	0.8190	3.7256	0.8190	0.6848	0.316	0.860
Copper	0.9422	-1.700	0.8545	-1.702	0.960	0.960
Lead	1.273	-1.460	1.273	-4.705	$1.46203 - [\ln(\text{hardness})(0.145712)]$	$1.46203 - [\ln(\text{hardness})(0.145712)]$
Nickel	0.8460	2.255	0.8460	0.0584	0.998	0.997
Silver	1.72	-6.52	--	--	0.85	--
Zinc	0.8473	0.884	0.8473	0.884	0.978	0.986

Hardness-dependent metals criteria may be calculated from the following:

CMC (total) = $\exp\{m_A [\ln(\text{hardness})] + b_A\}$, or CCC (total) = $\exp\{m_C [\ln(\text{hardness})] + b_C\}$

CMC (dissolved) = $\exp\{m_A [\ln(\text{hardness})] + b_A\}$ (CF), or CCC (dissolved) = $\exp\{m_C [\ln(\text{hardness})] + b_C\}$ (CF).

Attachment 3 - Calculation of Freshwater Ammonia Criterion

1. The one-hour average concentration of total ammonia nitrogen (in mg N/L) does not exceed, more than once every three years on the average, the CMC calculated using the following equation:

$$CMC = \frac{0.275}{1 + 10^{7.204 - \text{pH}}} + \frac{39.0}{1 + 10^{\text{pH} - 7.204}}$$

In situations where salmonids are absent, the CMC may be calculated using the following equation:

$$CMC = \frac{0.411}{1 + 10^{7.204 - \text{pH}}} + \frac{58.4}{1 + 10^{\text{pH} - 7.204}}$$

2. The thirty-day average concentration of total ammonia nitrogen (in mg N/L) does not exceed, more than once every three years on the average, the CCC calculated using the following equations:

When fish early life stages (ELS) are present:

$$CCC = \left(\frac{0.0577}{1 + 10^{7.688 - \text{pH}}} + \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right) \times \min(2.85, 1.45 \times 10^{0.028 \times (25 - T)})$$

When fish early life stages are absent:

$$CCC = \left(\frac{0.0577}{1 + 10^{7.688 - \text{pH}}} + \frac{2.487}{1 + 10^{\text{pH} - 7.688}} \right) \times 1.45 \times 10^{0.028 \times (25 - \max(T, 7))}$$

and the highest four-day average within the 30-day period does not exceed 2.5 times the CCC.

In the absence of information substantiating that ELS are absent, the ELS present equation will be used.

APPENDIX IV

Permits, Miscellaneous Letters, etc.

DEPARTMENT OF THE ARMY PERMIT

Permittee: DONALD C. SPANN

P. O. BOX 5231
GREENVILLE, SOUTH CAROLINA 29606-5231

Permit No. 90-3T-221

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:

To expand an existing marina for a floating concrete docking system in accordance with the attached drawings entitled: Phase IIA & IIB Ripley Light Marina Located in the Ashley River, Charleston County, South Carolina. Application By: Span U.S.A., Inc. Sheets 1A thru 4A of 4 Dated 5 April 1990.

Project Location:

This project is located in an unnamed canal adjacent to the Ashley River at Ripley Light Marina in Charleston County, South Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 30 June 2001. 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.
8. 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:

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

(X) 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.

Donald C. Spann
(PERMITTEE)
DONALD C. SPANN

16 April 1991
(DATE)

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

Clarence Ham
(DISTRICT ENGINEER)
JAMES T. SCOTT, LTC
or his Designee
Clarence A. Ham

APR 23 1991

(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)

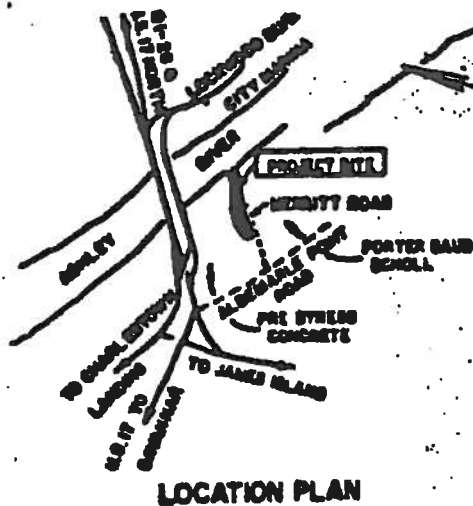
(DATE)

CONDITIONS FOR P/N #90-3T-221:

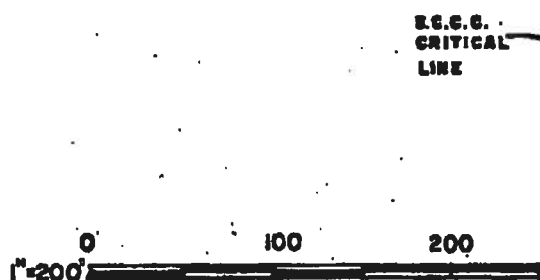
a. That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.

b. That those conditions which are contained in the South Carolina Coastal Council Permit are endorsed by this document and that any modification to those conditions or minor addition to the work shown on the attached plans is hereby authorized provided such modification is required by the State as a precondition to issuance of its permit.

c. That the permittee must advise the District Engineer, in writing, thirty (30) days prior to commencement of the maintenance dredging activity authorized by this document.

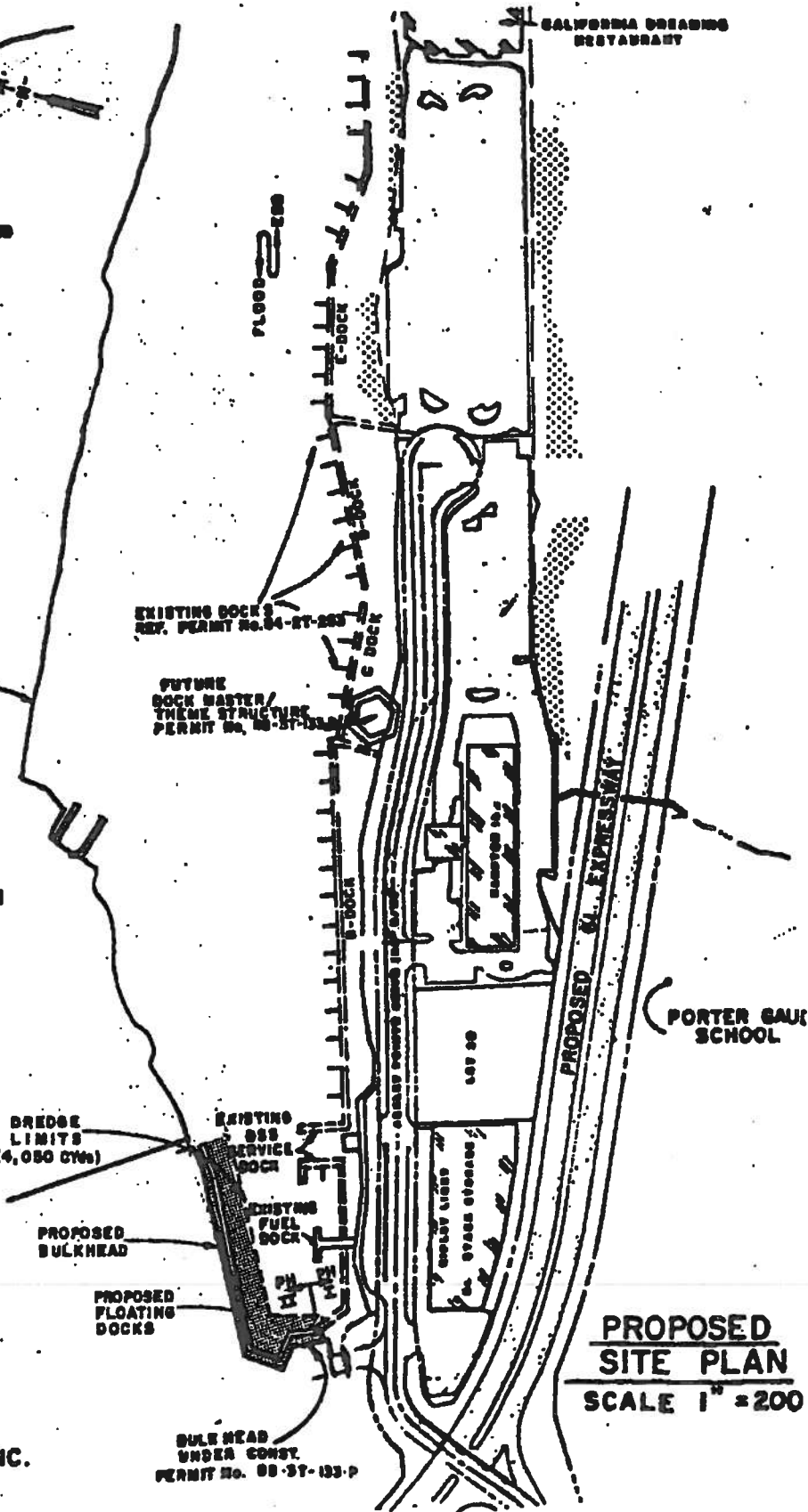


LOCATION MAP
NOT TO SCALE



PRE STRESS CONCRETE CO.
INC.

PHASE IIA & IIB
RIPLEY LIGHT MARINA
LOCATED: IN THE ASHLEY RIVER
CITY OF CHARLESTON,
CHARLESTON COUNTY,
SOUTH CAROLINA
APPLICATION BY: SPAN U.S.A., INC.
SHEET 1 OF 4 APRIL 5, 1990



PROPOSED
SITE PLAN
SCALE 1" = 200'

ROBERT D. WOOLVERTON ARCHITECT AIA

PROPOSED LAND USE PLAN

AREA POLLUTION									
Area	Area	Area	Area	Area	Area	Area	Area	Area	Area
Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Area 7	Area 8	Area 9	Area 10
Area 11	Area 12	Area 13	Area 14	Area 15	Area 16	Area 17	Area 18	Area 19	Area 20
Area 21	Area 22	Area 23	Area 24	Area 25	Area 26	Area 27	Area 28	Area 29	Area 30
Area 31	Area 32	Area 33	Area 34	Area 35	Area 36	Area 37	Area 38	Area 39	Area 40
Area 41	Area 42	Area 43	Area 44	Area 45	Area 46	Area 47	Area 48	Area 49	Area 50
Area 51	Area 52	Area 53	Area 54	Area 55	Area 56	Area 57	Area 58	Area 59	Area 60
Area 61	Area 62	Area 63	Area 64	Area 65	Area 66	Area 67	Area 68	Area 69	Area 70
Area 71	Area 72	Area 73	Area 74	Area 75	Area 76	Area 77	Area 78	Area 79	Area 80
Area 81	Area 82	Area 83	Area 84	Area 85	Area 86	Area 87	Area 88	Area 89	Area 90
Area 91	Area 92	Area 93	Area 94	Area 95	Area 96	Area 97	Area 98	Area 99	Area 100

[illegible]

PHASE IIA & IIB
RIPLEY LIGHT MARINA
LOCATED: IN THE ASHLEY RIVER
CITY OF CHARLESTON,
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SPAN U.S.A., INC.
SHEET 1A OF 4 APRIL 5, 1990

PHASE II-A:
BULKHEAD AND DOCK CONSTRUCTION ONLY.

LANDS OF
SPAN U.S.A.

LANDS OF
PRE-STRESS
CONCRETE CO.

NOTICE, ALL DREDGING BY MECHANICAL
EQUIPMENT FROM HIGHLAND.
DREDGE VOLUME = 4,050 CYds.

TREE CANOPY, TYPICAL

SOUTH CAROLINA
COASTAL COUNCIL
CRITICAL LINE

PROPOSED
BULKHEAD
LINE

FLOATING DOCK
SECTION TO BE REMOVED
DURING PHASE II-B CONSTRUCTION
END PHASE I-A PERMITTED DOCKS

END PHASE I-A
PERMITTED
BULKHEAD

SEATFORM
WAY ADDED

PHASE I-A
BULKHEAD UNDER CONSTRUCTION
PERMIT NO. 88-ST-133P

PHASE I-A
FLOATING DOCKS
UNDER CONSTRUCTION
PERMIT NO. 88-ST-133P

CANAL

EXISTING DOCKS
PERMIT NO. 84-2T-253

DREDGE LIMITS

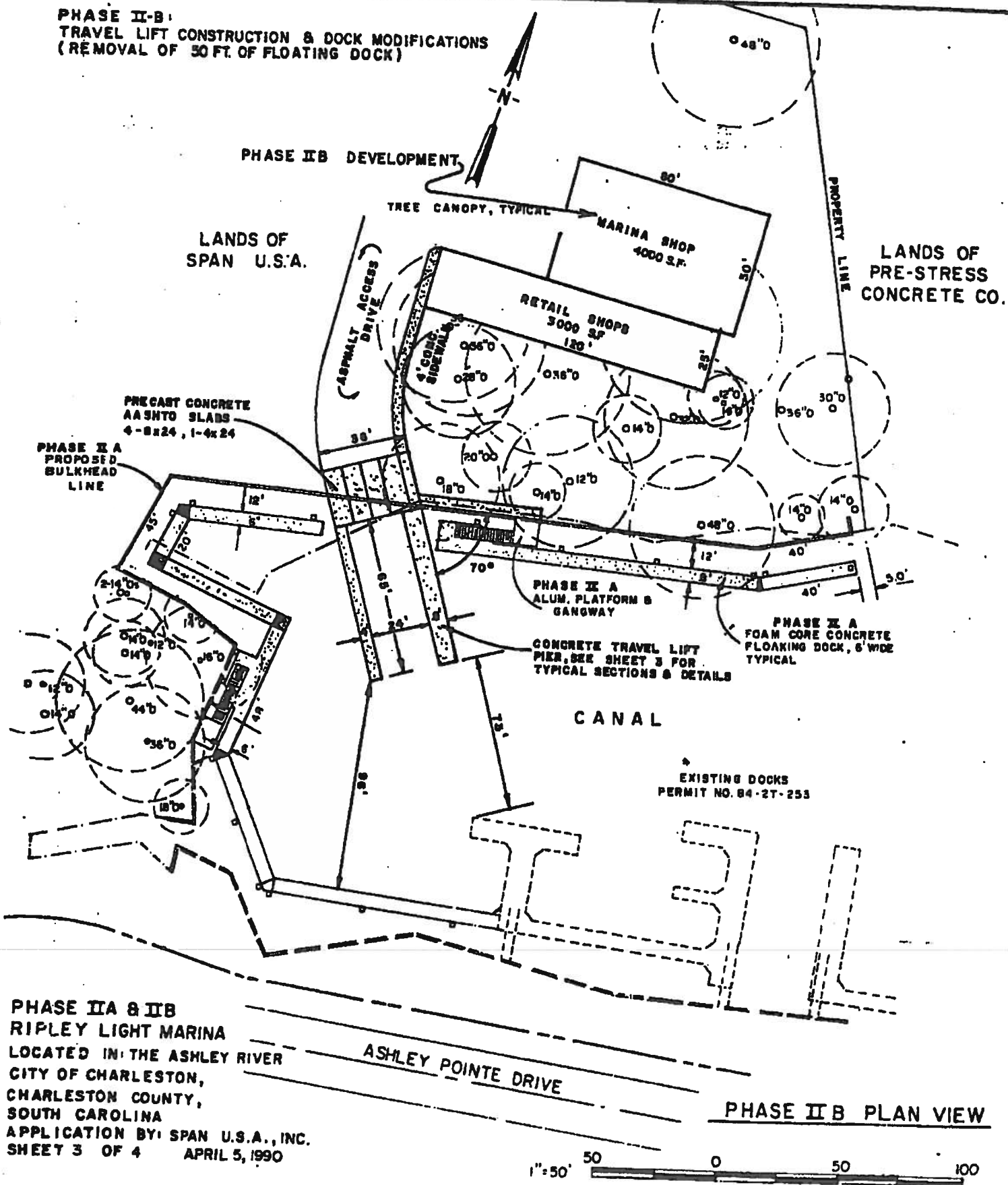
PHASE IIA & IIB
RIPLEY LIGHT MARINA
LOCATED IN THE ASHLEY RIVER
CITY OF CHARLESTON,
CHARLESTON COUNTY,
SOUTH CAROLINA
APPLICATION BY: SPAN U.S.A., INC.
SHEET 2 OF 4 APRIL 5, 1990

ASHLEY POINTE DRIVE

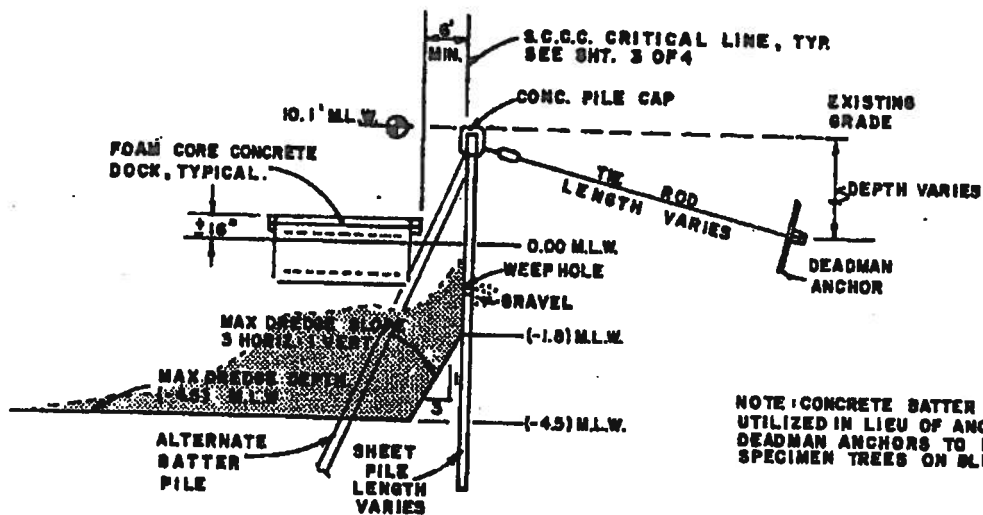
PHASE II A PLAN VIEW



**PHASE II-B:
TRAVEL LIFT CONSTRUCTION & DOCK MODIFICATIONS
(REMOVAL OF 30 FT. OF FLOATING DOCK)**

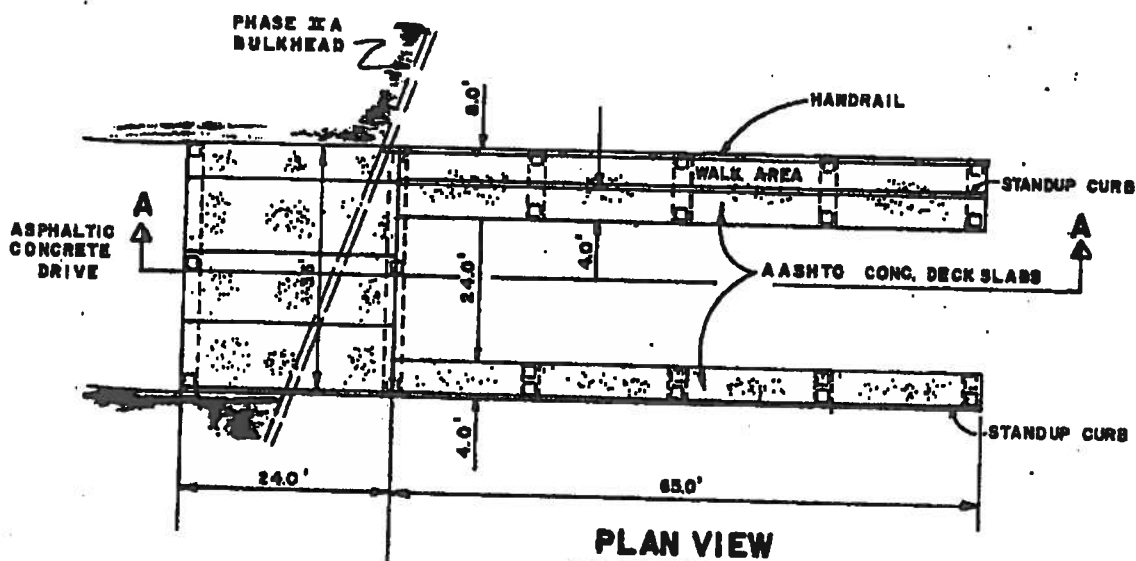


**PHASE II A & II B
RIPLEY LIGHT MARINA
LOCATED IN THE ASHLEY RIVER
CITY OF CHARLESTON,
CHARLESTON COUNTY,
SOUTH CAROLINA
APPLICATION BY: SPAN U.S.A., INC.
SHEET 3 OF 4 APRIL 5, 1990**

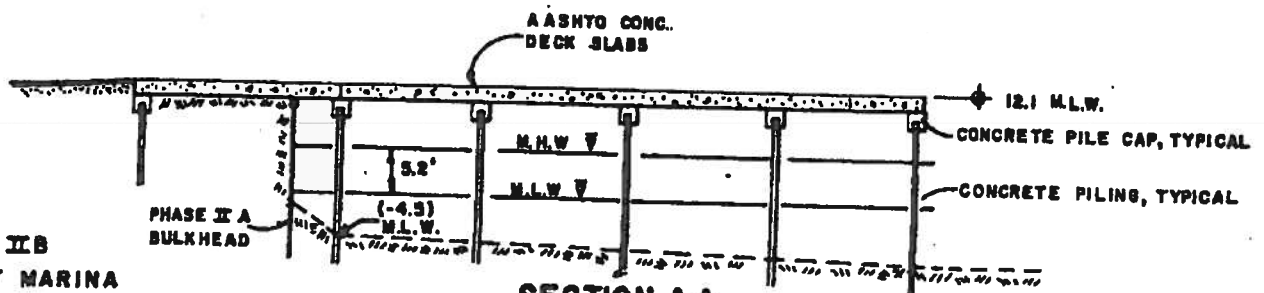


TYPICAL BULKHEAD SECTION

NOT TO SCALE.



PLAN VIEW



SECTION A-A

TRAVEL LIFT PIER DETAILS

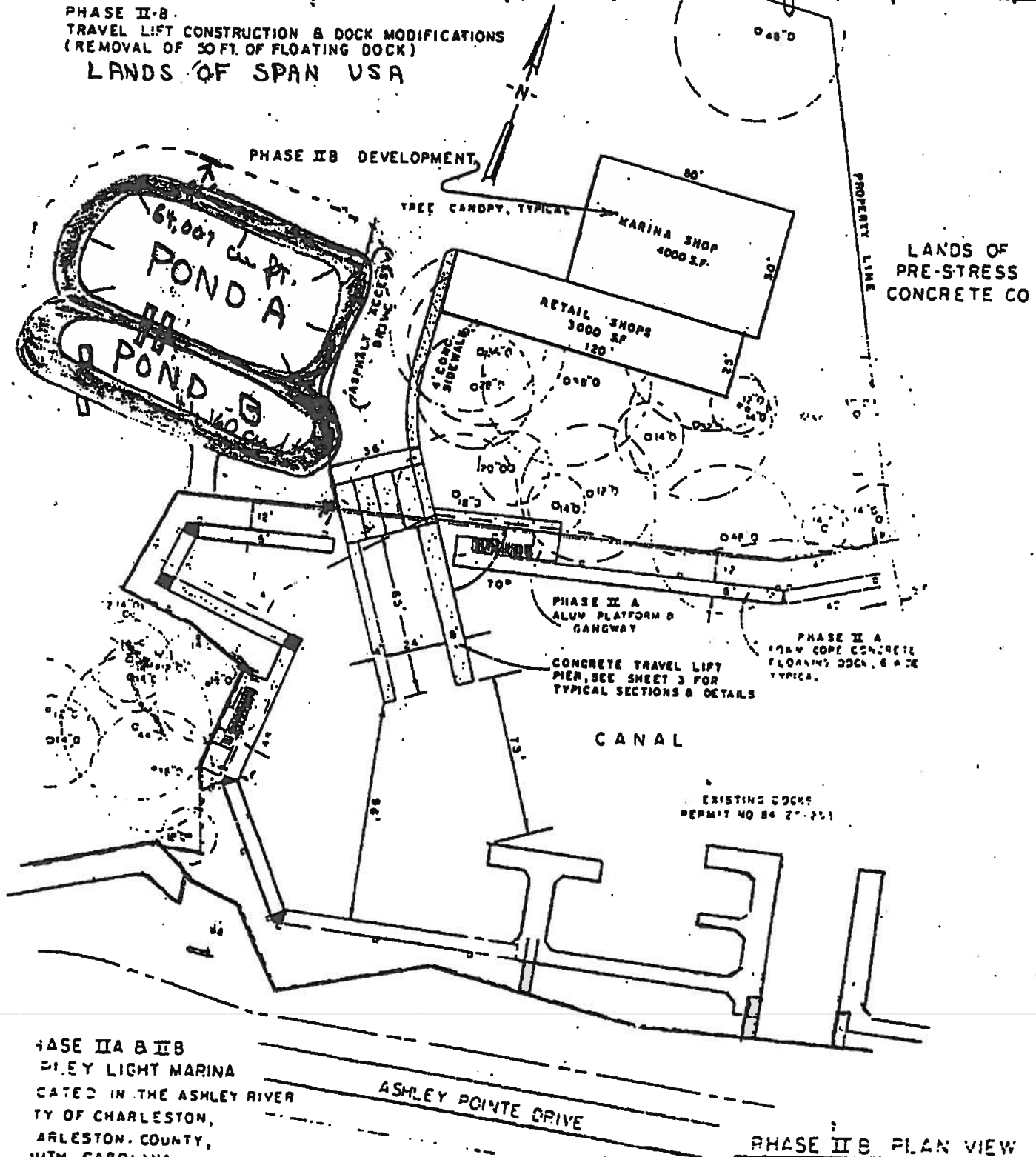
NOT TO SCALE

PHASE IIA & IIB
RIPLEY LIGHT MARINA
LOCATED IN THE ASHLEY RIVER
CITY OF CHARLESTON,
CHARLESTON COUNTY,
SOUTH CAROLINA

APPLICATION BY: SPAN U.S.A., INC.
SHEET 4 OF 4 APRIL 5, 1990

105,164 cu ft 11,684.99 yd capacity

PHASE II-B
TRAVEL LIFT CONSTRUCTION & DOCK MODIFICATIONS
(REMOVAL OF 50 FT. OF FLOATING DOCK)
LANDS OF SPAN USA



PHASE II-A & II-B
PILEY LIGHT MARINA
LOCATED IN THE ASHLEY RIVER
CITY OF CHARLESTON,
CHARLESTON COUNTY,
SOUTH CAROLINA
PREPARED BY SPAN U.S.A., INC.
SHEET 4A OF 4 JUL 5, 1990
APRIL 5, 1990

PHASE II-B PLAN VIEW

Application No. (84)-2T-253
Name of Applicant U. S. Shelter Corporation
Effective Date APR 18 1985
Expiration Date (if applicable) 30 June 1995

**DEPARTMENT OF THE ARMY
PERMIT**

Referring to written request dated 2 October 1984 for a permit to:
☒ Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

() Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (36 Stat. 1062; P.L. 92-532);

U. S. Shelter Corporation
110 East Andrews, Suite 214
Atlanta, Georgia 30305

is hereby authorized by the Secretary of the Army:
to construct a marina and dredge in a canal connected to the

in **Ashley River**

at **south of U. S. Highway #17 Bridge at Merritt Road in Charleston County, S. C.**

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings, give file number or other definite identification marks.)
entitled: **Proposed Marina, Lat: 32°46'00" Long: 79°57'30", Charleston County South Carolina, APPLICANT: Village Centers, Inc., Sheets 1 - 5 of 5: Sheets 1, 4, and 5 Dated 7/24/84, and Sheets 2, 2A, and 3 dated 3/8/85.**

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1361), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before 30 day of Jun, 19 95, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

RM
625
6TH FLOOR
FED.
BLDG
MTG

... that there shall be no ()enable interference with navigation by the ()ce or use of the activity authorized herein.

a. That this permit may not be transferred to a third party without prior written notice to the District Engineer, 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 in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

a. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

ii. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

a. That those conditions which are contained in the S. C. Coastal Council permit are endorsed by this document and that any modification to those conditions or minor addition to the work shown on the attached plans is hereby authorized provided such modification is required by the S. C. Coastal Council as a precondition to issuance of its permit.

b. That those conditions relating to water quality with special emphasis on Condition #2, which are contained in the certification of water quality issued by the S. C. Department of Health & Environmental Control, will be complied with.

c. All dredging will take place waterward of the existing vegetated marsh fringe.

d. All riprap will be placed landward of the existing vegetated marsh fringe.

e. That the permittee recognizes that wave wash resultant from commercial vessel movements within the canal has the potential to jeopardize even properly moored vessels and that if the permittee fails to or is unable to maintain adequate depths of water within the canal, commercial vessels navigating therein will unavoidably jeopardize other vessels within the canal. Accordingly, the permittee agrees to;

(1) both personally and by their actions and documents, ensure that itself, its successors and assigns will also cooperate with the duly designated representatives of Pre-stressed Concrete Company in mutual efforts to identify needed water depths and frequency of dredging.

(2) advise all parties using the permitted facilities that permission to do so is contingent upon cooperation with other competing interests within the canal and that they may be required to personally and independently relocate their vessels upon a need being identified by Pre-stressed Concrete Company and a ten day notice being given. This relocation will not be required at intervals exceeding three consecutive days in any consecutive thirty days and will be prefaced only by the failure of the permittee or its successors and assigns to maintain water depths in the canal consistent with those authorized herein.

f. That plans for maintenance dredging be presented to the District Engineer a minimum of thirty days prior to commencement of work.

The following Special Conditions w. applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

- a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
- b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.
- c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
- e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

- a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (ten years unless otherwise indicated);
- b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

- a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;
- b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.
- c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

- a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 230-228.
- b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

B. Urban Waller

PERMITTEE

4.17.85

DATE

U.S. Shelter Corporation
BY AUTHORITY OF THE SECRETARY OF THE ARMY

F. L. Smith, Jr., LTC

DISTRICT ENGINEER,
U.S. ARMY CORPS OF ENGINEERS

4.18.85

DATE

Transferor hereby agrees to comply with the terms and conditions of this permit.

Donald C. Spann

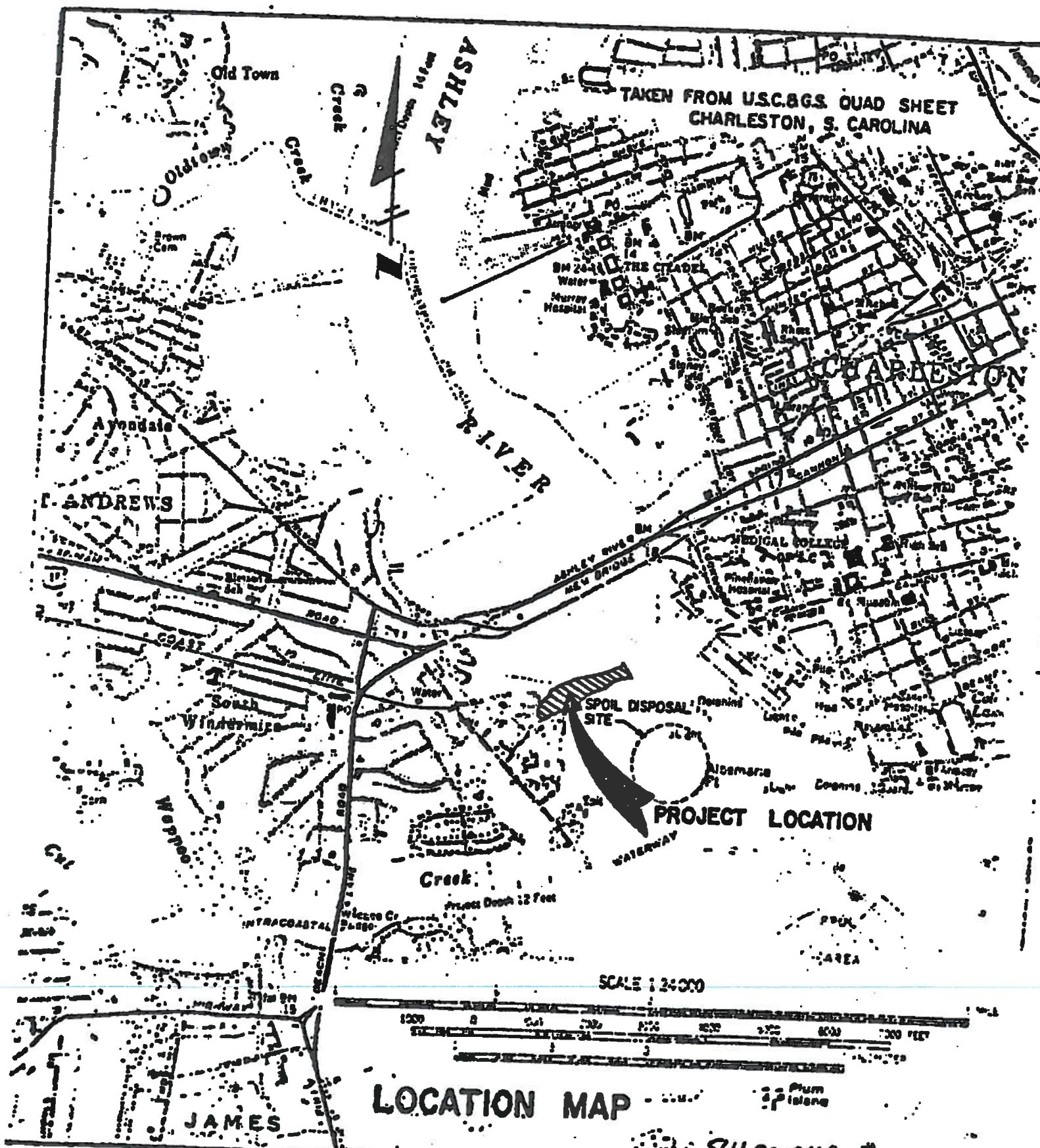
TRANSFEREE

4 March 1988

DATE

Signed & Sealed this 4th day of March, 1988

Helen H. Mullison 3/4/88
Helen H. Mullison, Notary Public
MYC 7/1/92



APPLICATION BY:

VILLAGE CENTERS, INC.
5500 INTERSTATE N. PARKWAY SUITE 560
ATLANTA, GEORGIA 30328

PROPOSED MARINA

LAT: 32°46'00" LONG: 79°57'30"
CHARLESTON COUNTY, S CAROLINA

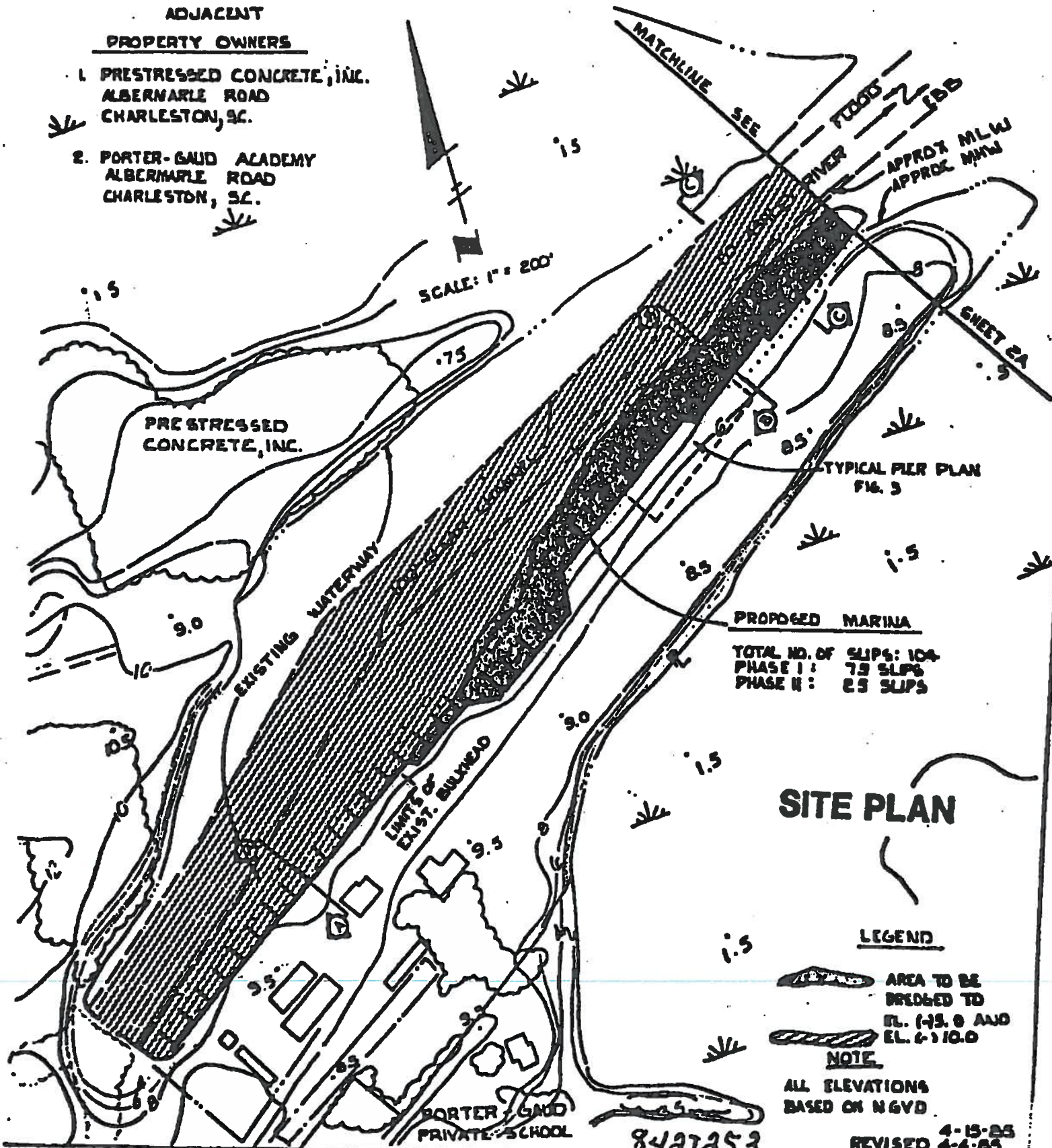
DATE: 7/24/84

FIGURE 1

**ADJACENT
PROPERTY OWNERS**

1. PRESTRESSED CONCRETE, INC.
ALBERMARLE ROAD
CHARLESTON, SC.

2. PORTER-GAUD ACADEMY
ALBERMARLE ROAD
CHARLESTON, SC.



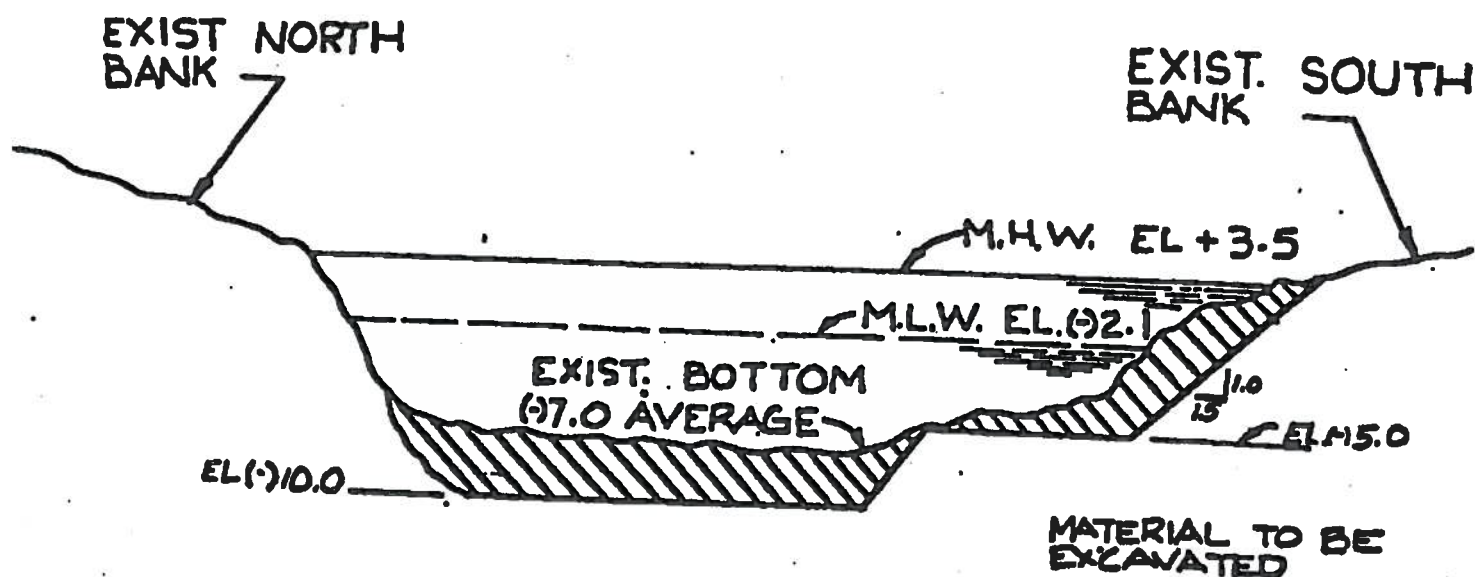
APPLICATOR BY:

Village Centers, Inc.
 5500 Interstate N. Parkway Suite 207
 Atlanta, Georgia 30328

PROPOSED MARINA
 LAT: 32°46'00" LONG: 79°57'30"
 CHARLESTON COUNTY
 SOUTH CAROLINA

Date: 3/8/85

FIGURE 2



EXISTING CHANNEL SECTION

SECTION C-C

N.T.S.

PREPARED BY:

Village Centers, Inc.
500 Interstate N. Parkway Suite 560
Atlanta, Georgia 30328

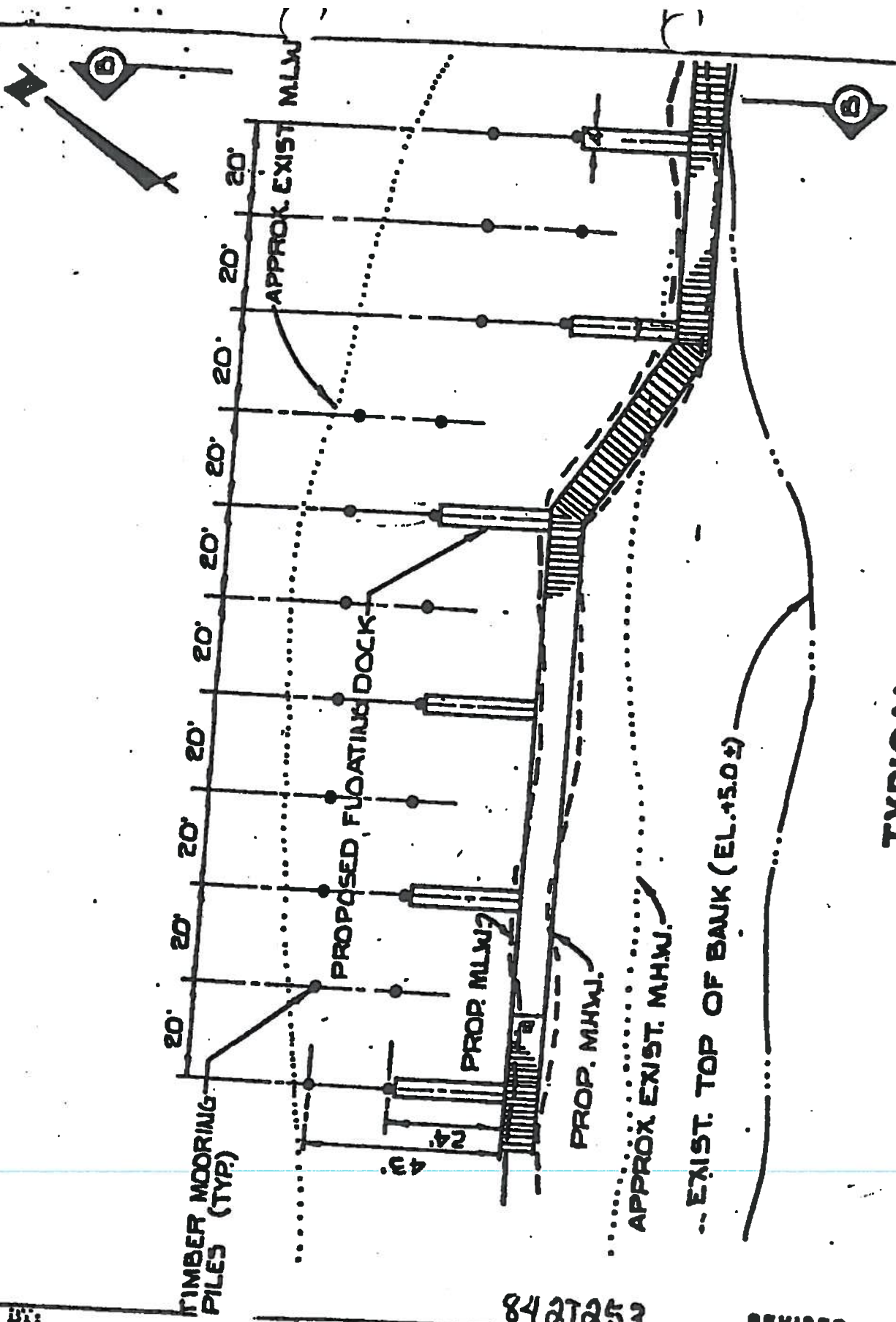
8427253

PROPOSED MARINA
LAT: 3246'00" LONG: 7957'30"
CHARLESTON COUNTY
SOUTH CAROLINA

REVISED 4-4-85

Date: 3/8/85

FIGURE 2A

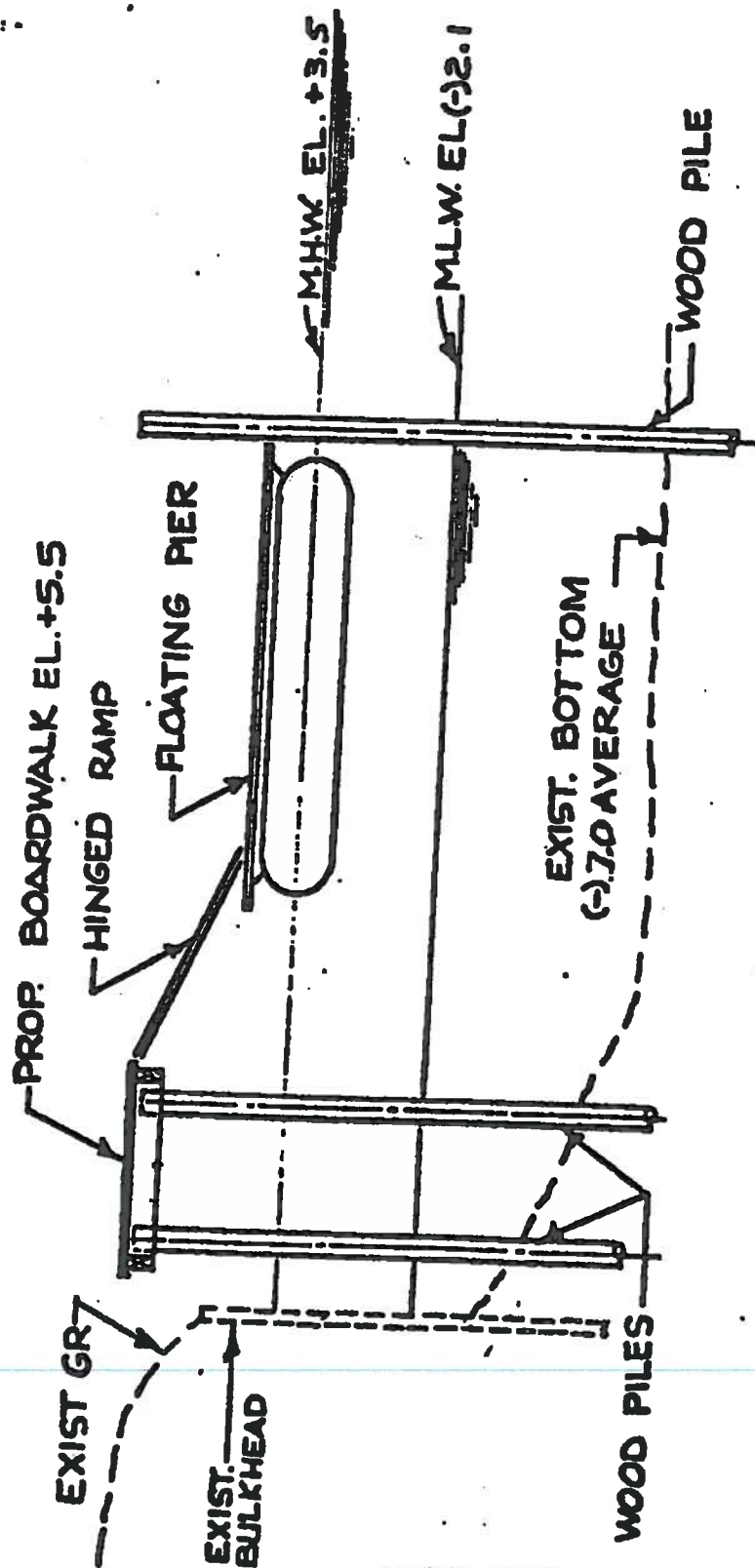


TYPICAL PIER PLAN
SCALE 1" = 30'

Prepared by:
 Village Centers, Inc.
 50 Interstate N. Parkway Suite 560
 Atlanta, Georgia 30328

8427253
 PROPOSED MARINA
 LAT: 3246'00" LONG: 7957'30"
 CHARLESTON COUNTY
 SOUTH CAROLINA

REVISED 4/10/88
 Date: 3/8/85
 FIGURE 3



PIER SECTION A-A
N.T.S.

84 21253

APPLICATION BY:

VILLAGE CENTERS, INC.

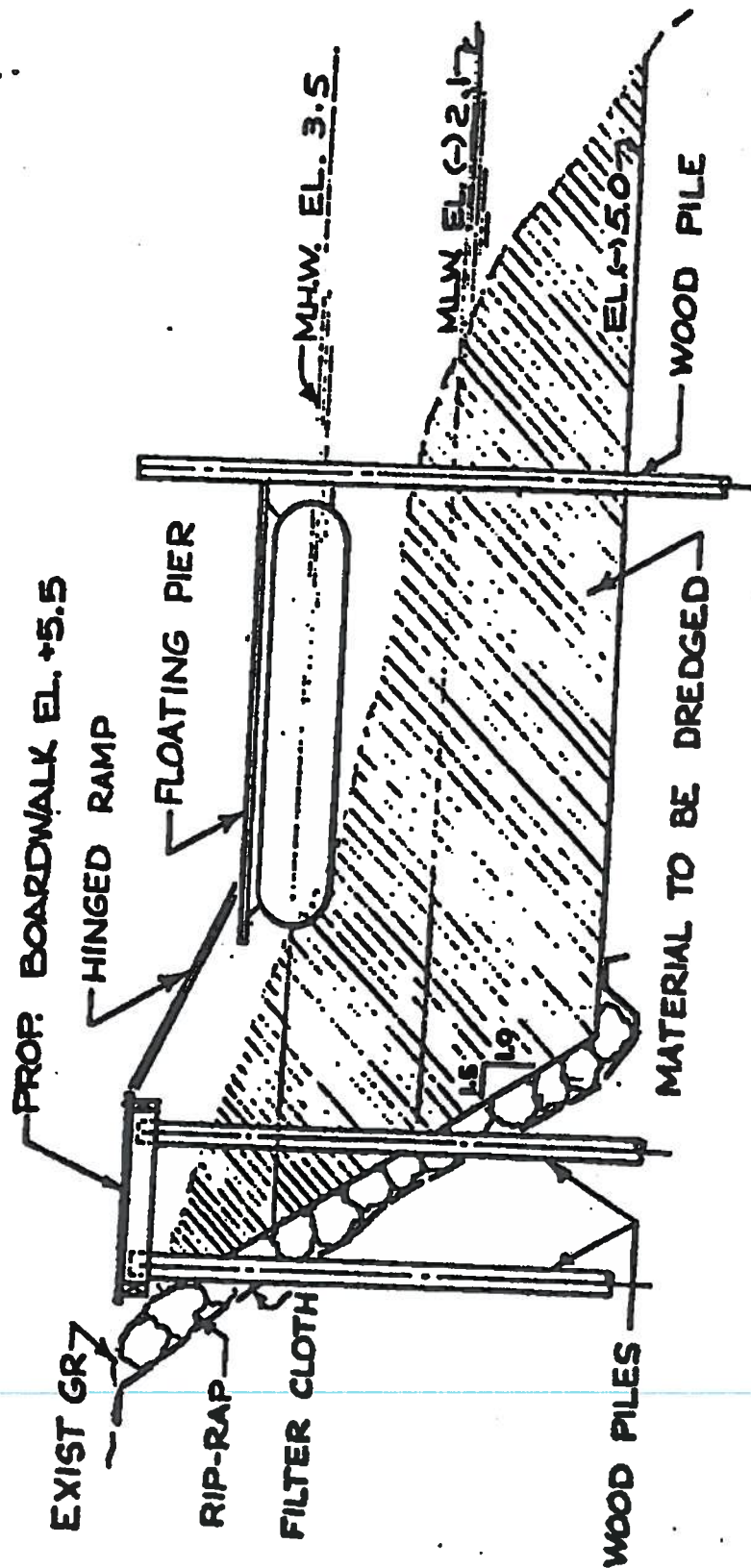
5500 INTERSTATE N. PARKWAY SUITE 560
ATLANTA, GEORGIA 30328

PROPOSED MARINA

LAT: 32°46'00" LONG: 79°57'30"
CHARLESTON COUNTY, S. CAROLINA

DATE: 7/24/84

FIGURE 4



PIER SECTION B-B
N.T.S.

8427853

APPLICATION BY:

VILLAGE CENTERS, INC.

1500 INTERSTATE N. PARKWAY SUITE 360
ATLANTA, GEORGIA 30328

PROPOSED MARINA

LAT: 32°46'00" LONG: 79°57'30"
CHARLSTON COUNTY, S. CAROLINA

DATE: 7/24/84

FIGURE 3

December 10, 1986

Regulatory Branch

Mr. G. Robert George
P. O. Box 32158
Charleston, South Carolina 29417-2158

This is in response to your letter dated November 17, 1986, requesting that the work shown on the plans attached hereto, sheets 1-10 of 10 dated October 6, 1986, be approved to supersede the work shown on the plans number 1-9 of 9, dated May 8, 1986, which were authorized by the Secretary of the Army in a letter dated September 22, 1986, from the District Engineer, Charleston, South Carolina (Permit #84-2T-253). The originally approved project consisted of the construction of a marina and dredging in an existing canal connected to the Ashley River south of U.S. #17 bridge at Merritt Road in Charleston County, South Carolina. The plans hereby authorized reflect the addition of a full dock, service, dock, and dry stack pier.

This letter, with enclosures, should be attached to the original permit. All of the conditions to which the work is made subject remain in full force and effect. In that this work appears subject to the jurisdiction of the South Carolina Coastal Council, it is highly recommended that you contact that agency to ascertain their requirements in this matter.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

CONCUR:

T. Hadden *[Signature]* 11/73

Stewart H. Bornhoft
Lt. Colonel, Corps of Engineers
District Engineer

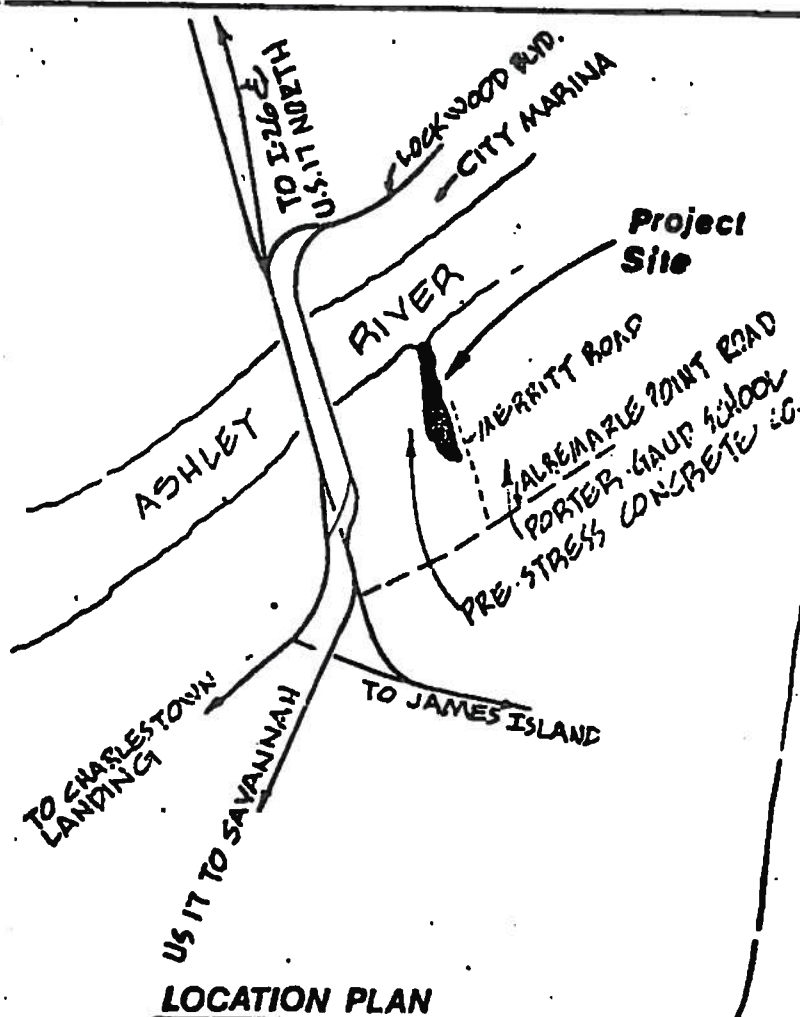
[Signature]
Ham/CO-*[Signature]*

Jordan *[Signature]* 11/73

Head/CO *[Signature]* 12/73

BCF:
S.C. Coastal Council
w/encl
~~Enclosure~~
S.C. Water Resources Commission
w/encl
Director, Atlantic Marine Center
w/encl
Inspector
w/encl

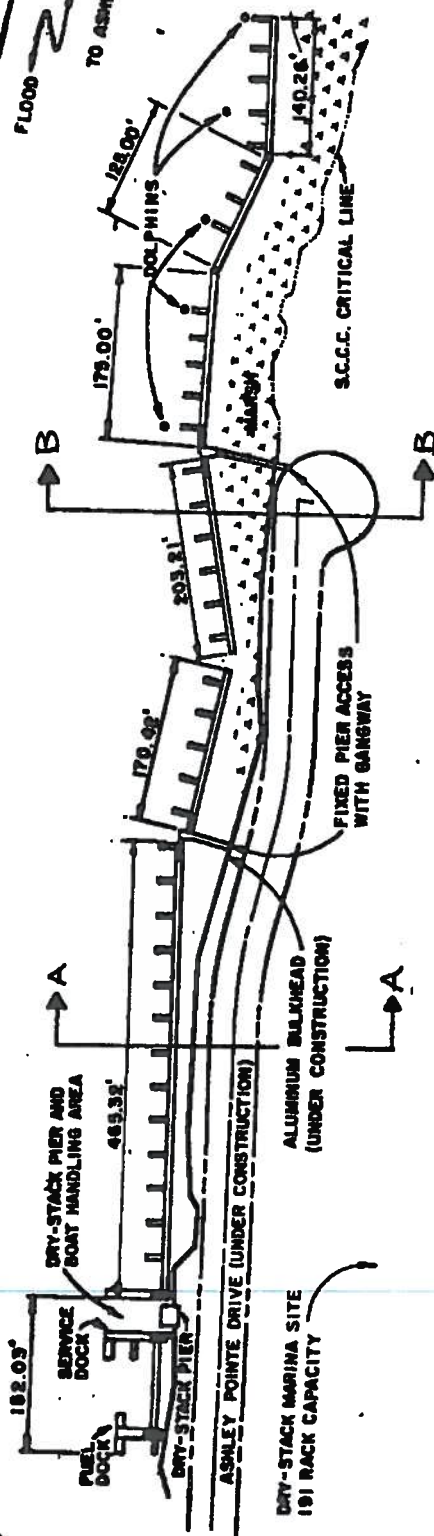
DEC 12 1986

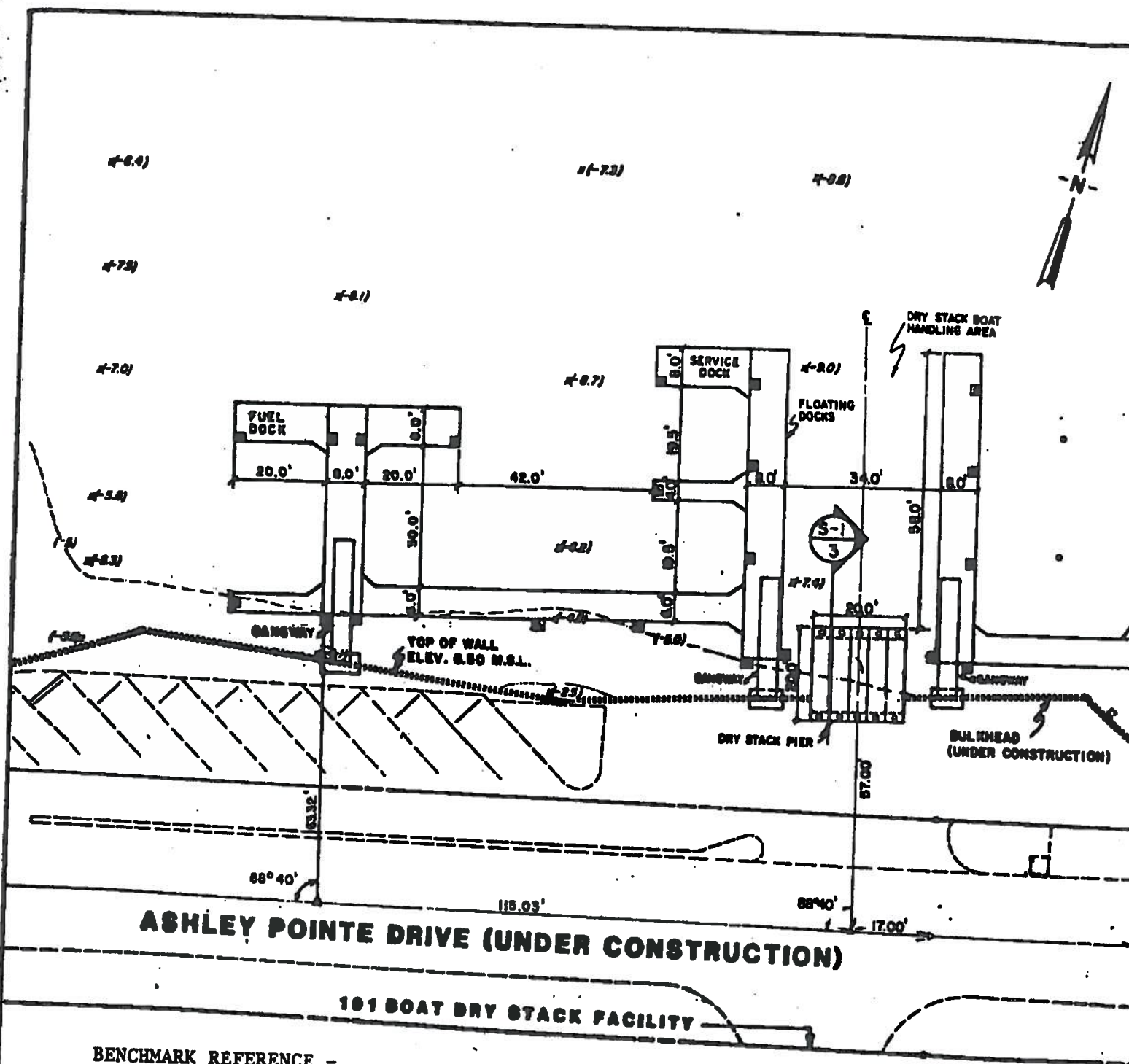


REFERENCES -

1. ARMY CORPS OF ENGINEERS PERMIT #84-2T-253, DATED 4-18-85
2. CONSTRUCTION DRAWINGS FOR ASHLEY POINTE DRIVE BY G. ROBERT GEORGE & ASSOCIATES, DATED DECEMBER 9, 1985
3. BULKHEAD ALIGNMENT PLANS FOR ASHLEY POINTE MARINA BY G. ROBERT GEORGE & ASSOCIATES, DATED MARCH 17, 1986

CONSTRUCTION OF FUEL DOCK AND SERVICE DOCK WITH DRY STACK PIER IN THE ASHLEY RIVER
LOCATED IN: CITY OF CHARLESTON
COUNTY OF: CHARLESTON STATE OF: S.C.
APPLICATION BY: SOUTHERN U.S. REALTY CORP.
SHEET 1 OF 10
OCTOBER 6, 1986



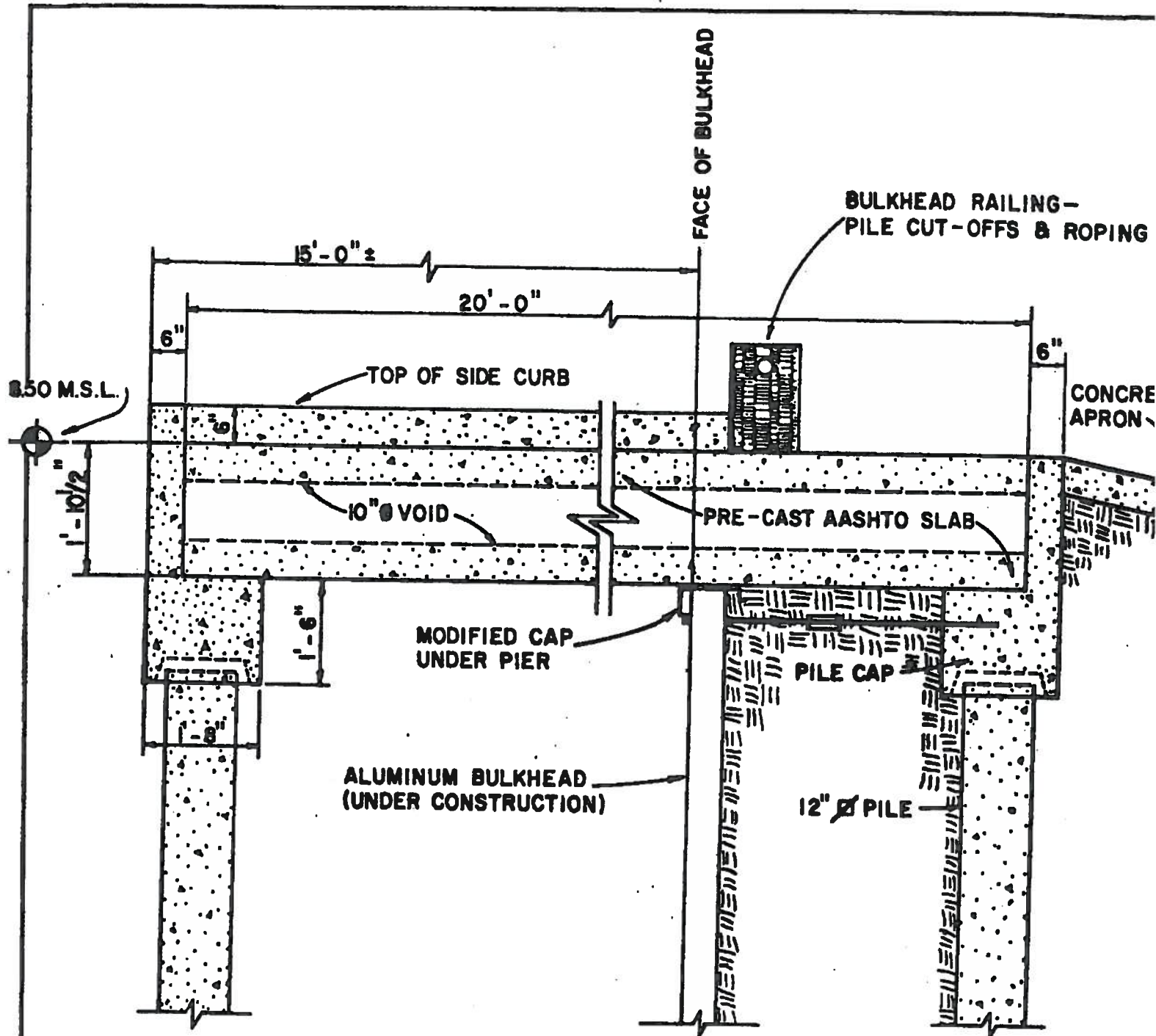


BENCHMARK REFERENCE -
 U.S.G.S. BRASS DISC STAMPED J69-1952
 LOCATED ON THE NORTH END OF THE ASHLEY
 RIVER BRIDGE ELEVATION 17.68 M.S.L.

CONSTRUCTION OF FUEL DOCK AND SERVICE
 DOCK WITH DRY STACK PIER
 IN THE ASHLEY RIVER
 LOCATED IN: CITY OF CHARLESTON
 COUNTY OF: CHARLESTON STATE OF: S.C.
 APPLICATION BY: SOUTHERN U.S. REALTY CORP.
 SHEET 2 OF 10
 OCTOBER 6, 1986

**PLAN VIEW
 OF
 FUEL DOCK, SERVICE DOCK,
 DRY STACK BOAT HANDLING AREA
 AND DRY STACK PIER**

1" = 30' scale feet



S-1
3

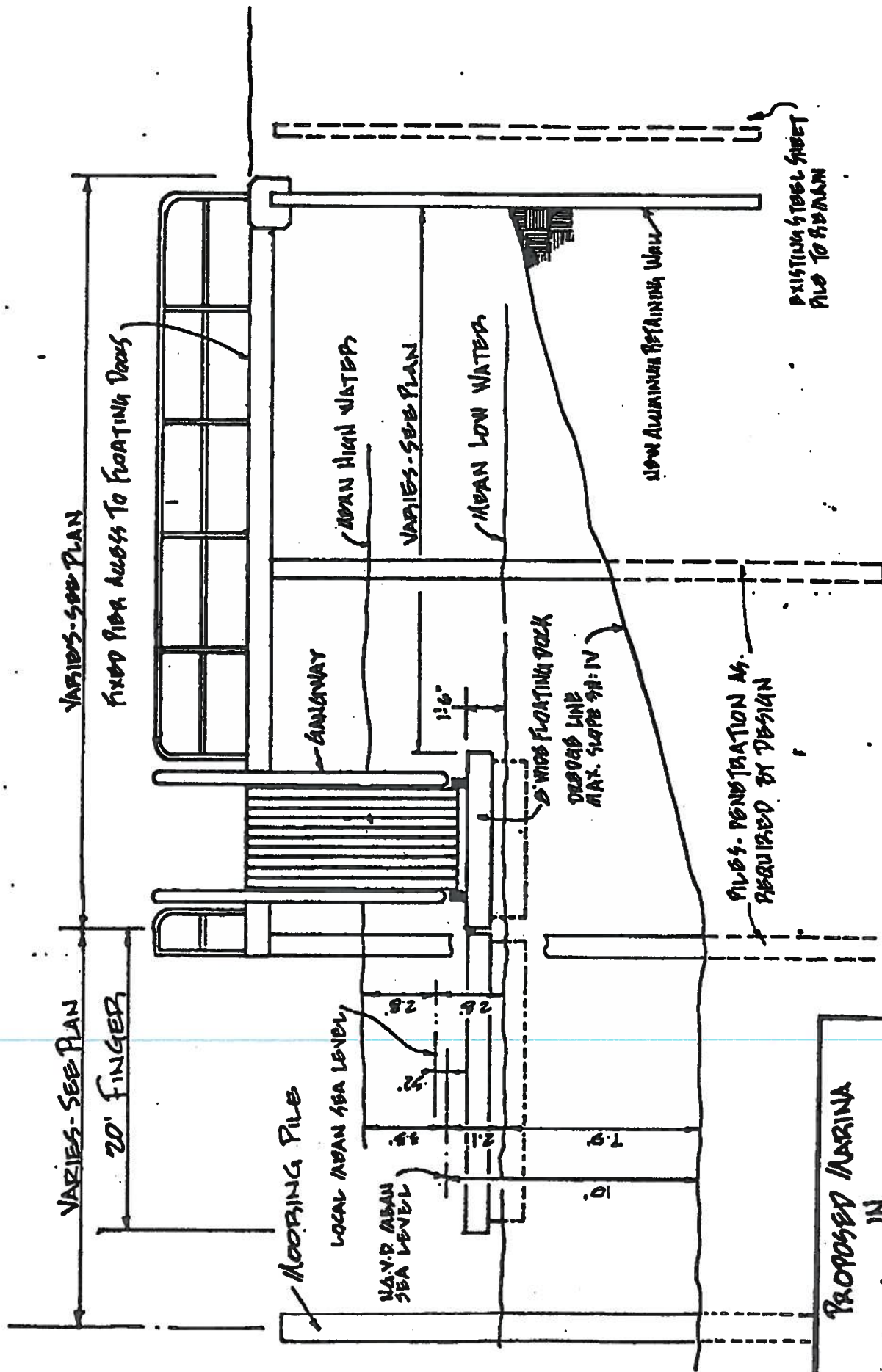
DRY STACK PIER SECTION

1" = 2'

CONSTRUCTION OF FUEL DOCK AND SERVICE
DOCK WITH DRY STACK PIER
IN THE ASHLEY RIVER
LOCATED IN: CITY OF CHARLESTON
COUNTY OF: CHARLESTON STATE OF: S.C.
APPLICATION BY: SOUTHERN U.S. REALTY CORP.
SHEET 3 OF 10
OCTOBER 6, 1986

506-7.7

4/10



SECTION "A-A"

NTS

PROPOSED MARINA

IN
THE ASHLEY RIVER
CHARLESTON CO. S.C.

SOUTHERN U.S. REALTY CORP.

5/0

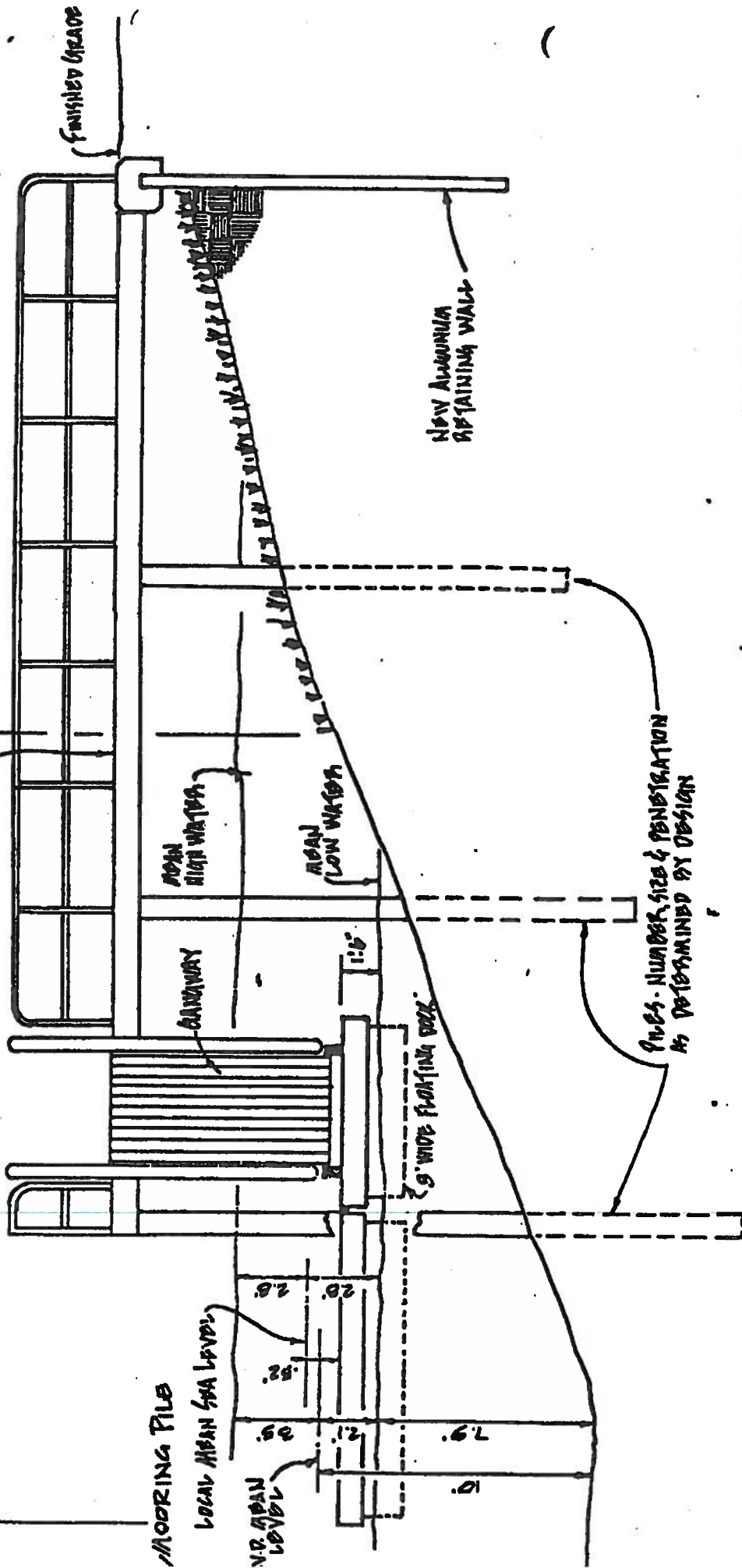
VARIES - SEE PLAN

20' FINGER

VARIES - SEE PLAN

EXISTING MARSH TO BE RETAINED

FIXED PIER ACCESS TO FLOATING DOCKS



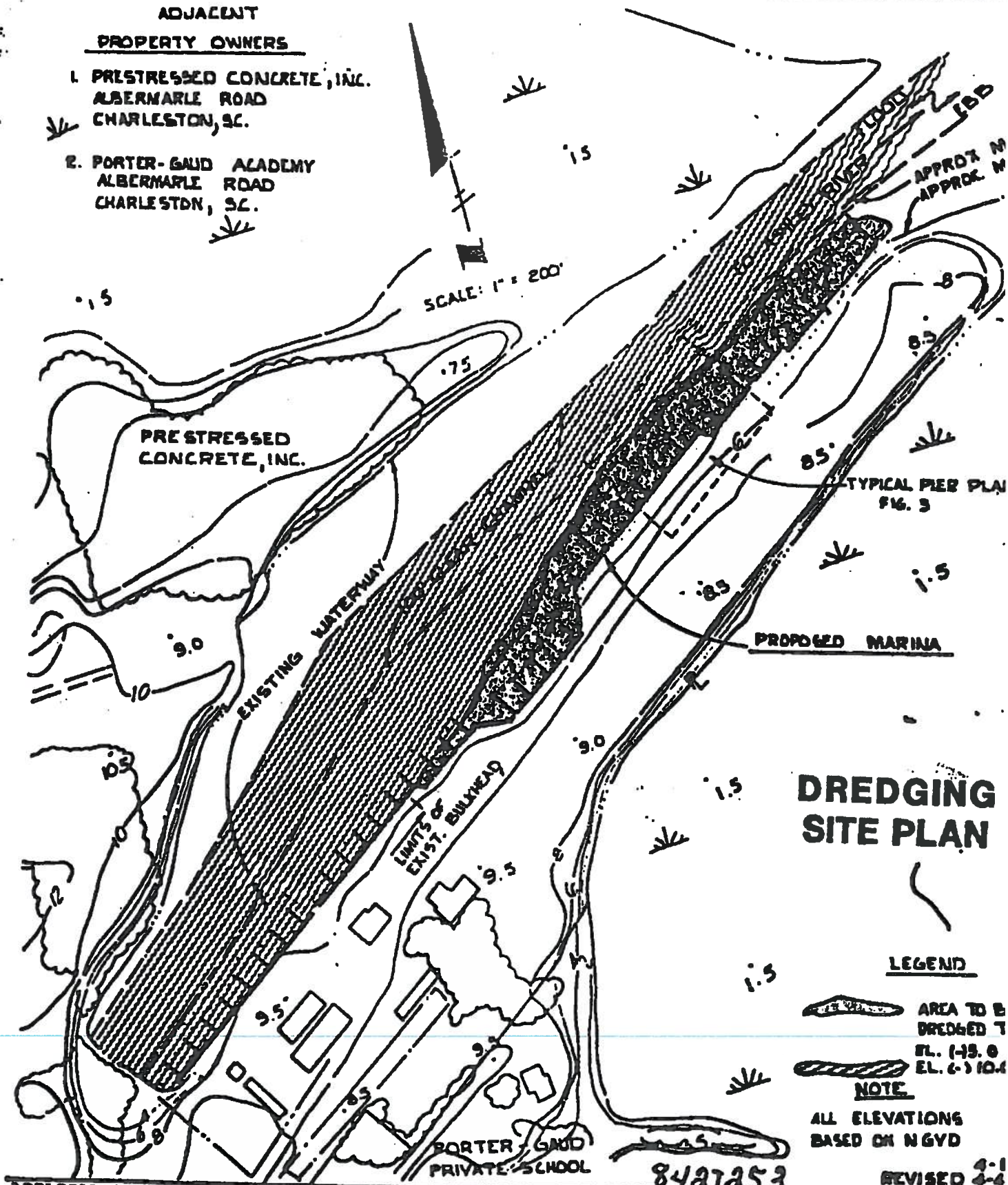
PROPOSED MARINA
IN
THE ASHLEY RIVER
CHARLESTON CO., S.C.

SECTION 'D-D'
NTS

**ADJACENT
PROPERTY OWNERS**

1. PRESTRESSED CONCRETE, INC.
ALBERMARLE ROAD
CHARLESTON, SC.

2. PORTER-GAUD ACADEMY
ALBERMARLE ROAD
CHARLESTON, SC.



**DREDGING
SITE PLAN**

LEGEND

AREA TO BE DREDGED TO
EL. (-) 9.0
EL. (+) 10.4

NOTE

ALL ELEVATIONS
BASED ON NGVD

APPLICATION BY:

SOUTHERN U.S. REALTY CORP.

6/10

PROPOSED MARINA

LAT: 32°46'00" LONG: 79°57'30"

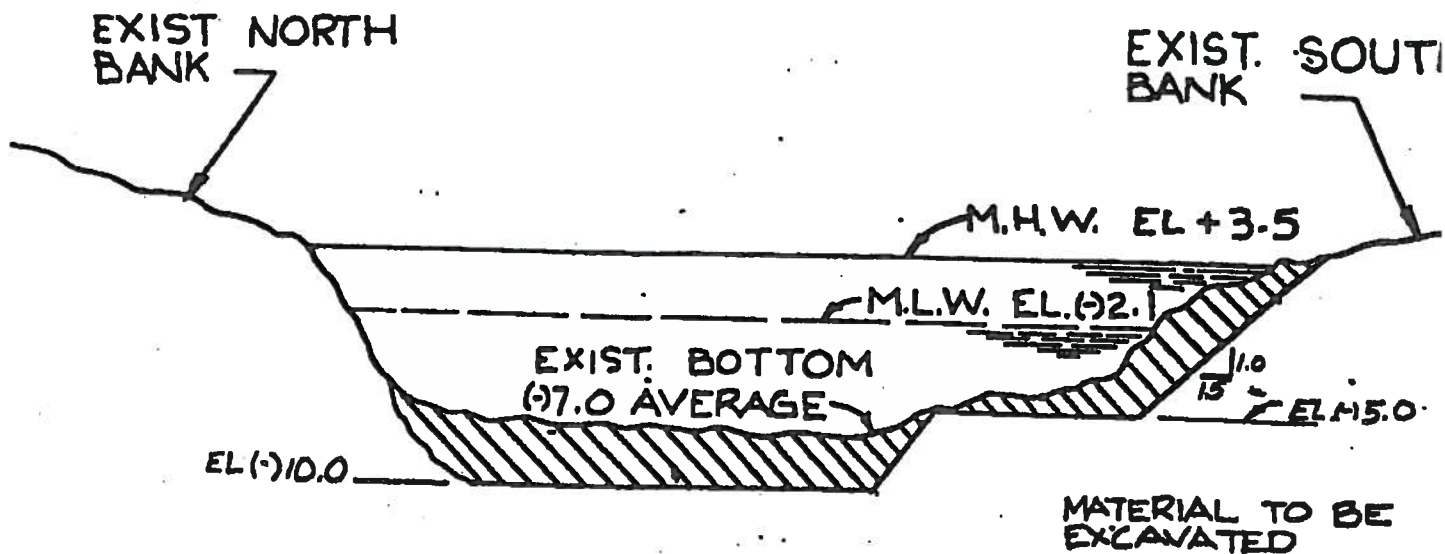
CHARLESTON COUNTY

SOUTH CAROLINA

REVISED 4-1
4-4

Date: 3/8

FIGURE 1



EXISTING CHANNEL SECTION

N.T.S.

7/10

APPLICATION BY:

SOUTHERN U.S. REALTY CORP.

8421253

PROPOSED MARINA

LAT: 3246'00" LONG: 7957'30"

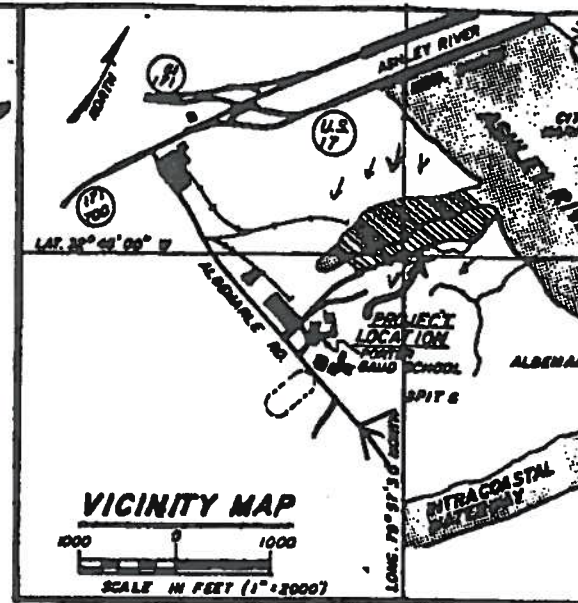
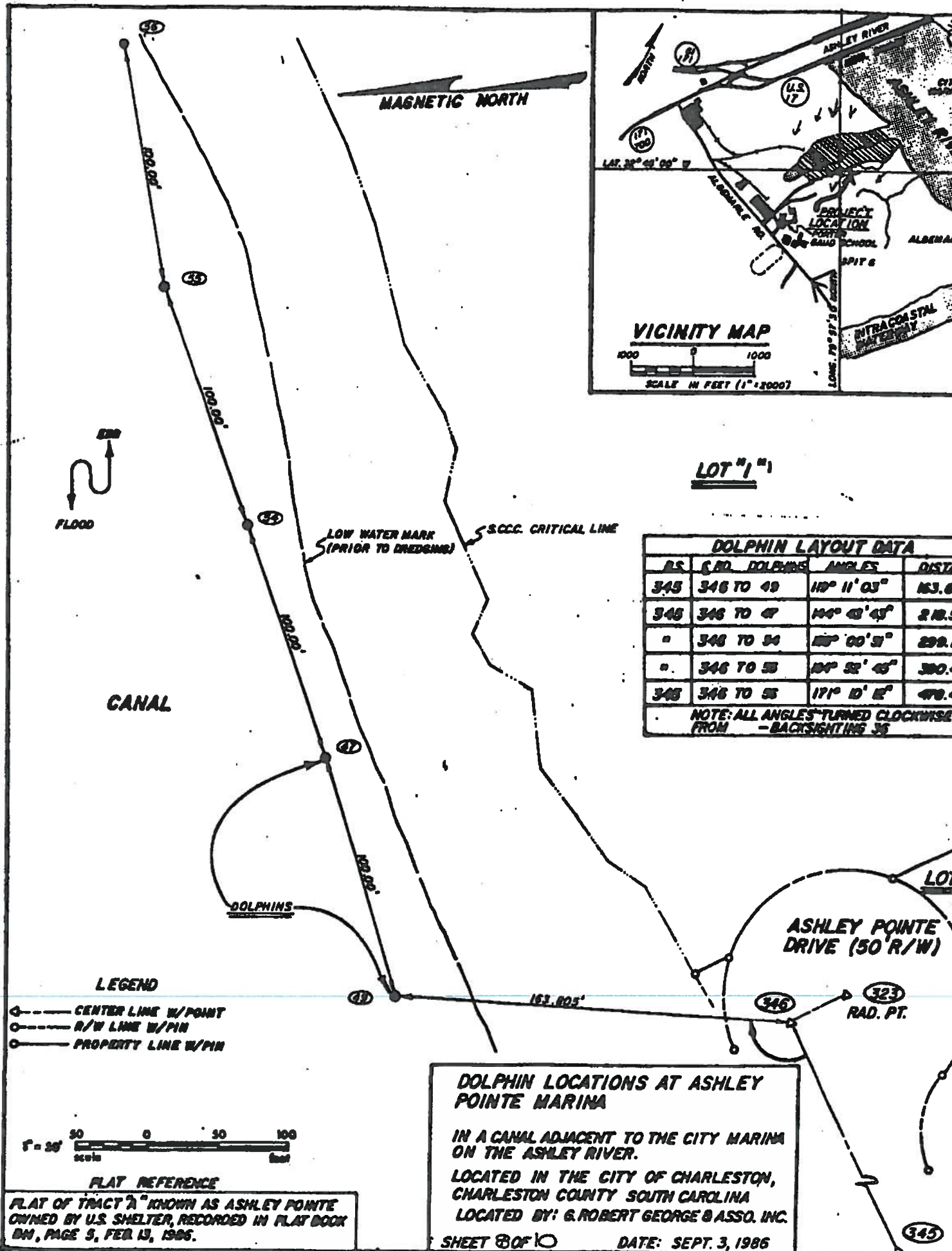
CHARLESTON COUNTY

SOUTH CAROLINA

REVISED 4-4-83

Date: 3/8/8

FIGURE 2A



LOT "1"

DOLPHIN LAYOUT DATA			
BS	END DOLPHIN	ANGLE	DIST
345	346 TO 49	110° 11' 03"	163.6
346	346 TO 47	144° 43' 43"	210.5
"	346 TO 54	100° 00' 31"	299.1
"	346 TO 55	104° 32' 45"	300.4
348	346 TO 55	171° 10' 12"	470.4

NOTE: ALL ANGLES TURNED CLOCKWISE FROM - BACKSIGHTING 35

LEGEND

- ——— CENTER LINE W/POINT
- ——— R/W LINE W/PIV
- ——— PROPERTY LINE W/PIV

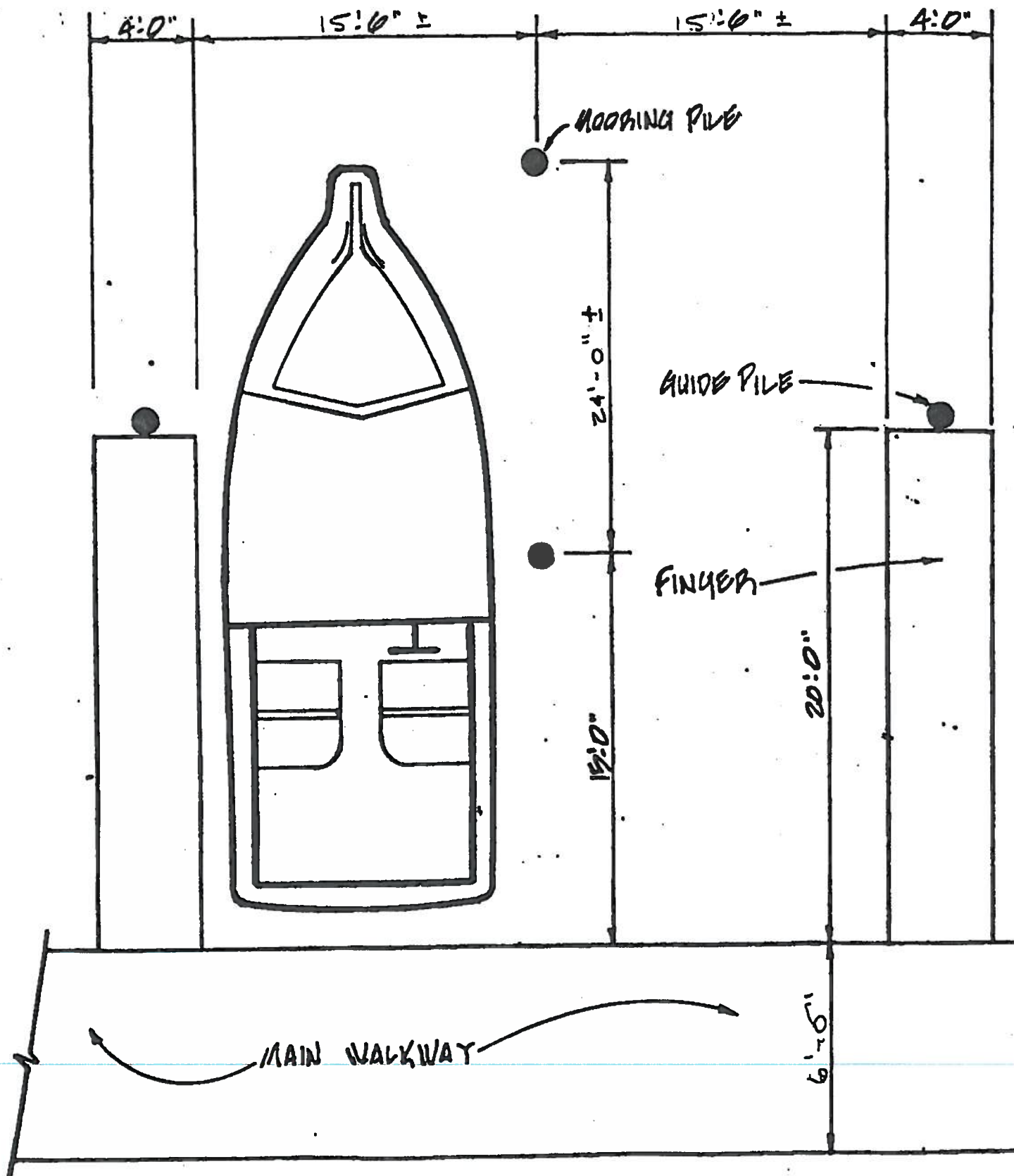


PLAT REFERENCE

PLAT OF TRACT "A" KNOWN AS ASHLEY POINTE OWNED BY U.S. SHELTER, RECORDED IN PLAT BOOK BW, PAGE 9, FEB 13, 1986.

DOLPHIN LOCATIONS AT ASHLEY POINTE MARINA

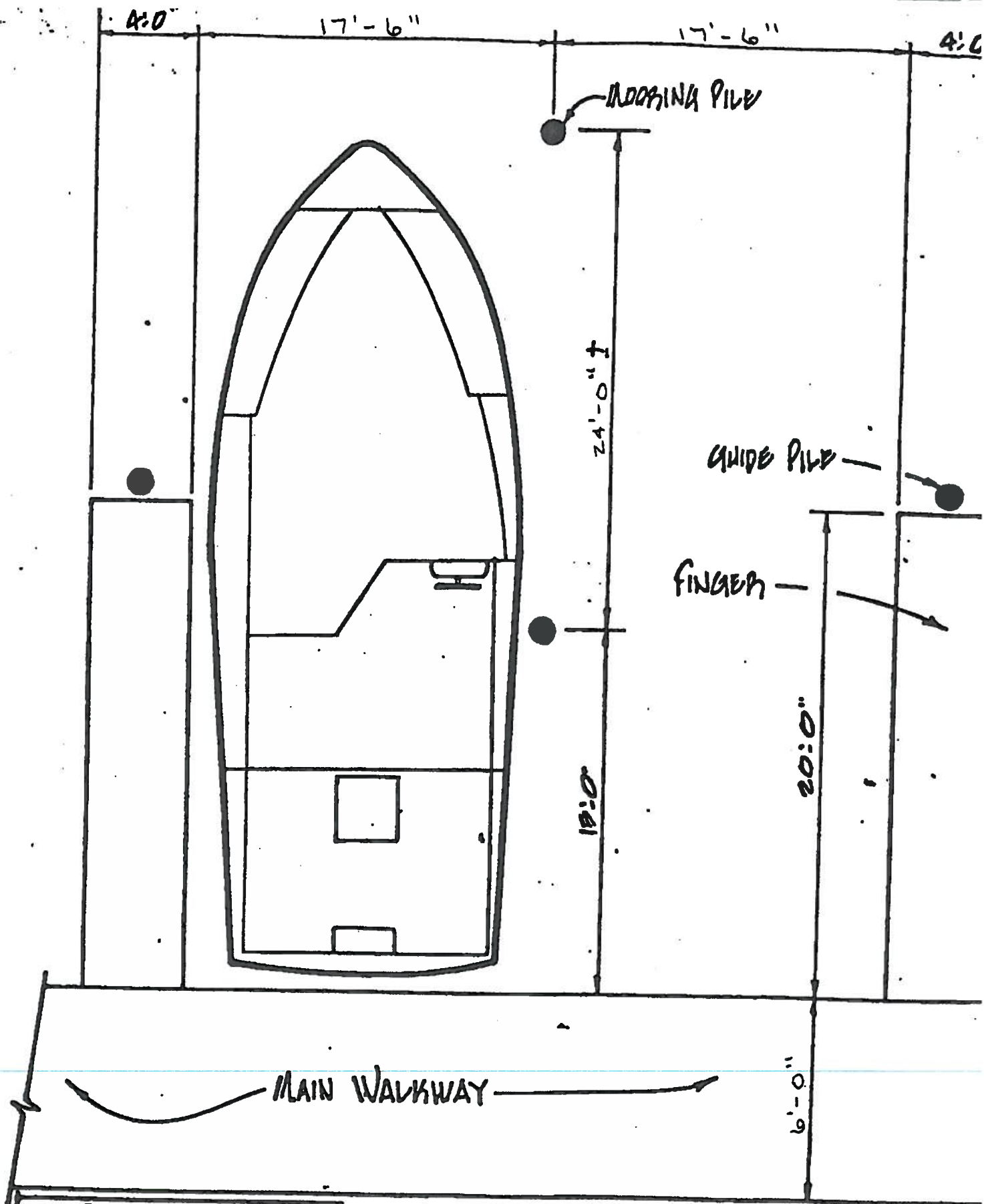
IN A CANAL ADJACENT TO THE CITY MARINA ON THE ASHLEY RIVER.
 LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY SOUTH CAROLINA
 LOCATED BY: G. ROBERT GEORGE & ASSO. INC.
 SHEET 8 OF 10 DATE: SEPT. 3, 1986



PROPOSED MARINA
 IN
 THE ASHLEY RIVER
 CHARLESTON CO. S.C.
 SOUTHERN U.S. REALTY CORP.

TYPICAL 30' BOAT SLIP
 (floating docks)

9/10



PROPOSED MARINA
IN
THE ASHLEY RIVER,
CHARLESTON CO., S.C.
SOUTHERN U.S. REALTY CORP.

TYPICAL 35' BOAT SLIP
(floating docks)

10/10

R-

September 22, 1986

Regulatory Branch

Mr. G. Robert George
G. Robert George and Associates
Post Office Box 32158
Charleston, South Carolina 29417

This is in response to your letter requesting that the work shown on the plans attached hereto, sheets 1 thru 6 of 9 dated May 8, 1986, sheet 7 of 9 dated September 3, 1986, sheets 8 and 9 of 9 dated April 15, 1986, and large scaled maps, sheet 1 thru 2 of 2 dated August 28, 1986, be approved to supersede the work shown on sheets 1, 4, and 5 of 5 dated July 24, 1984, and sheets 2, 2A and 3 dated March 8, 1985, which were authorized by the Secretary of the Army in a letter dated April 18, 1985, from the District Engineer, Charleston, South Carolina (Permit # 84-2T-253). The originally approved project consisted of constructing a marina and dredging in an existing canal connected to the Ashley River south of U. S. Highway #17 Bridge at Merritt Road in Charleston County, South Carolina. The plans hereby authorized reflect the reconfiguration of the docks as shown on the above referenced plans and the installation of five dolphins.

This letter, with enclosures, should be attached to the original permit. All of the conditions to which the work is made subject remain in full force and effect. In that this work appears subject to the jurisdiction of the South Carolina Coastal Council, it is highly recommended that you contact that agency to ascertain their requirements in this matter.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

CONCUR:

T. HADDEN/731N

RICHARD CO-P

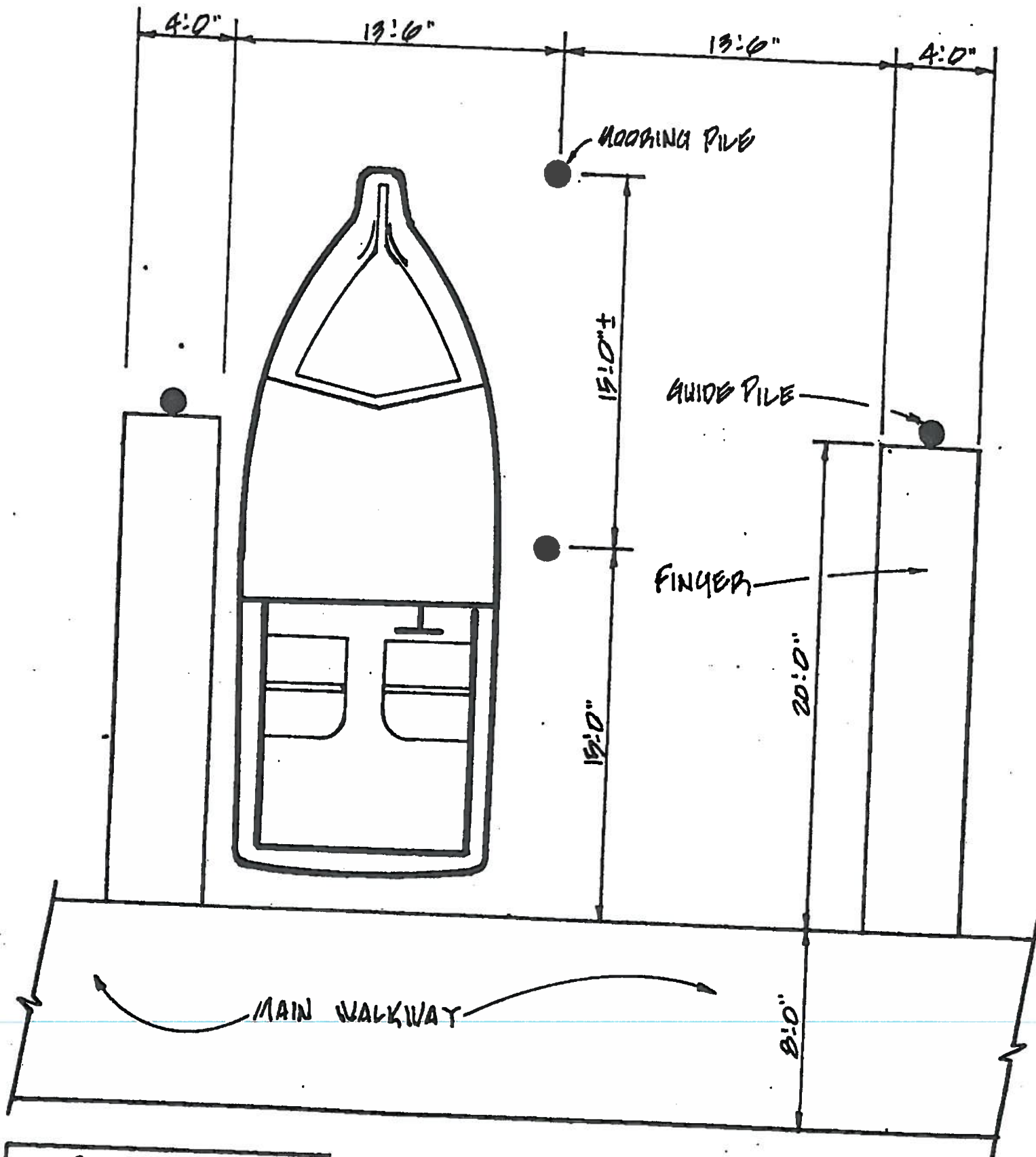
Stewart H. Bornhoft
Lt. Colonel, Corps of Engineers HAM/CO-P
District Engineer

Enclosures

BCF:
SCCC
w/encl
S.C. Water Resources Commission
w/encl
Director, Atlantic Marine Center
w/encl
Inspector
w/encl

JORDAN/OC
9/25
HSS/CON-OPS

SEP 23 1986

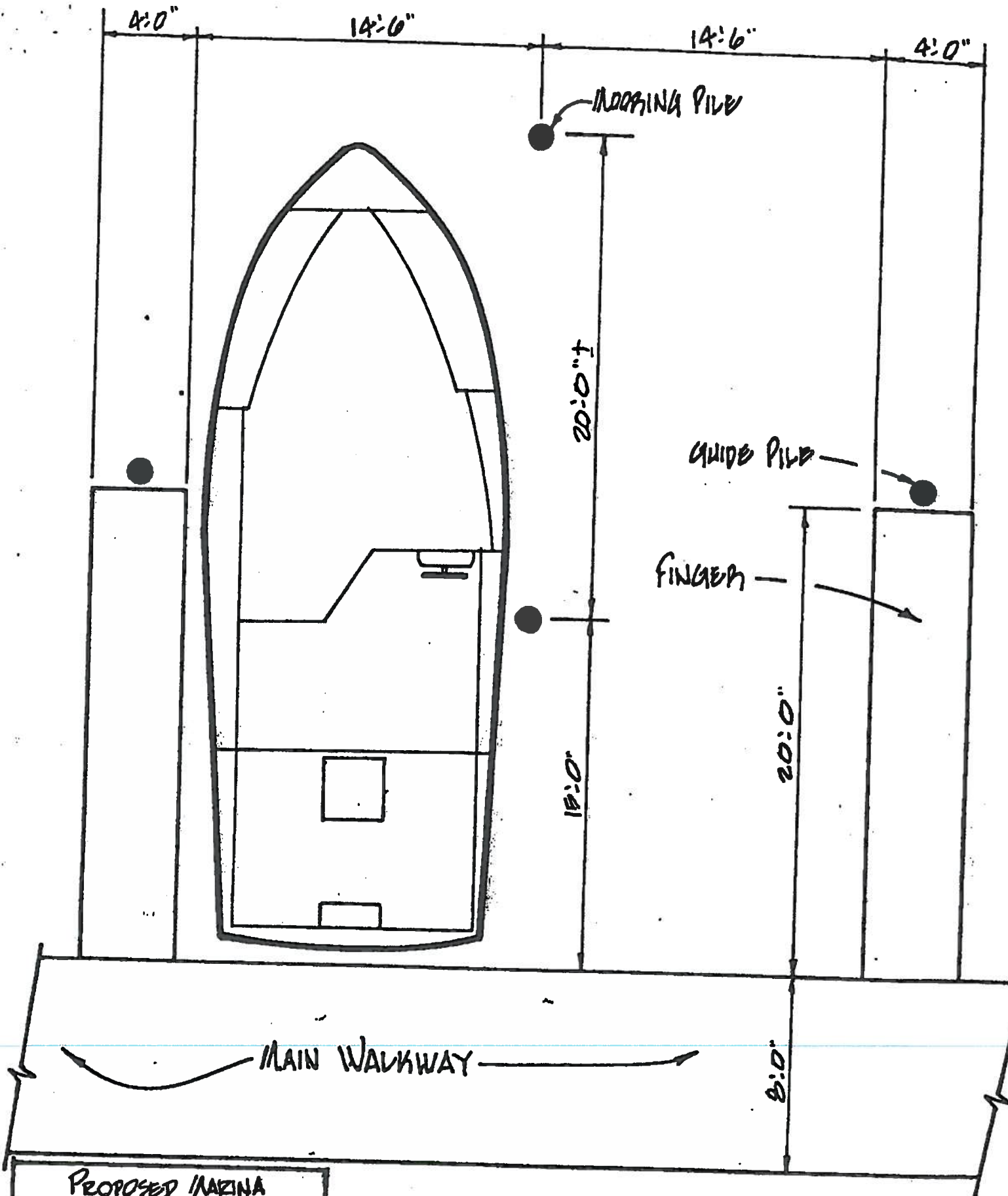


PROPOSED MARINA
IN
THE ASHLEY RIVER
CHARLESTON CO. S.C.
SOUTHERN U.S. REALTY CORP.

TYPICAL 30' BOAT SLIP
(floating docks)

2/9

5/8/86



PROPOSED MARINA
IN
THE ASHLEY RIVER
CHARLESTON CO., S.C.
SOUTHERN U.S. REALTY CORP.

TYPICAL 35' BOAT SLIP
(floating docks)

3/9

5/8/86

MOORING PILE

26'-0" ±

GUIDE PILE

FINGER

19'-0"

20'-0"

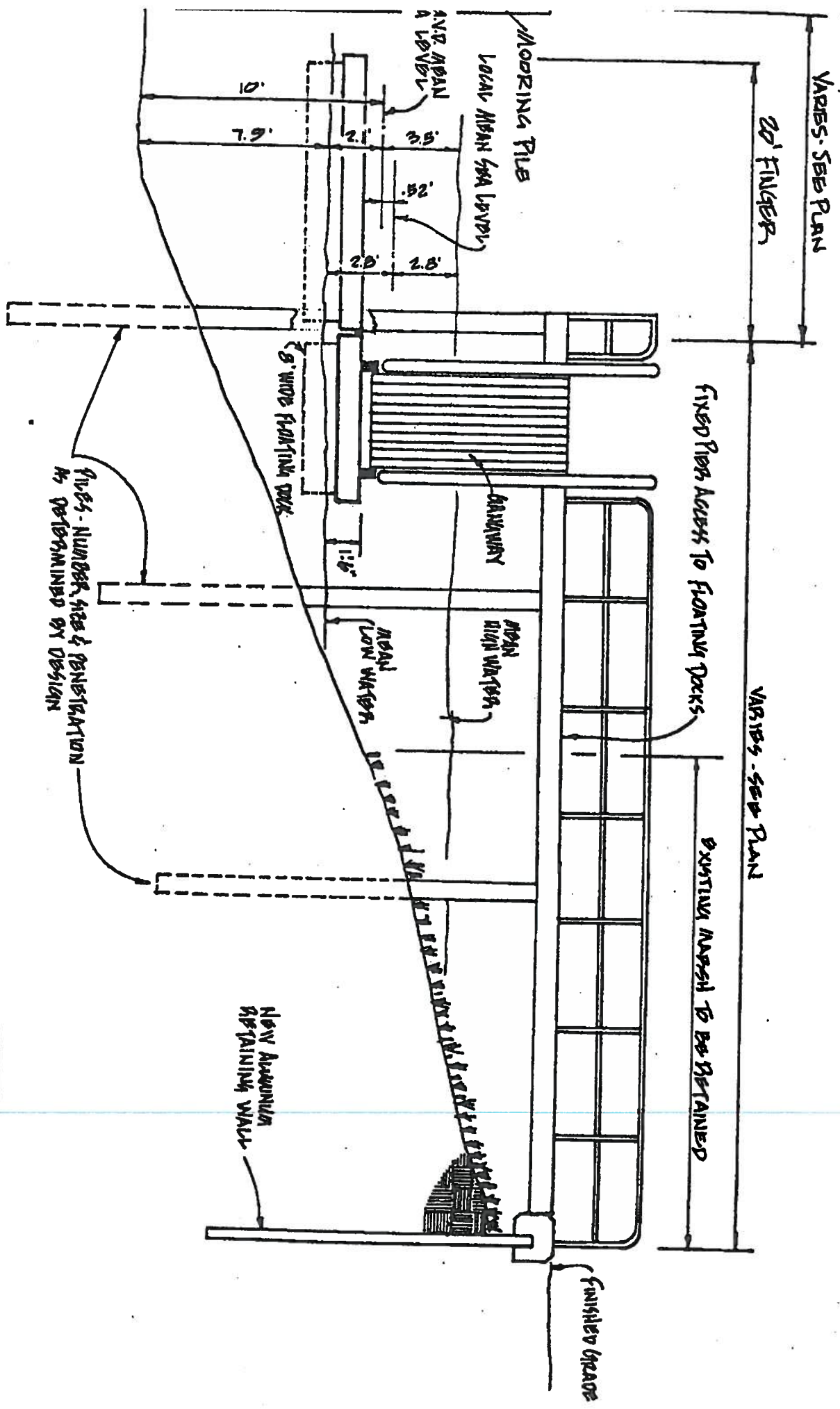
MAIN WALKWAY

8'-0"

PROPOSED MARINA
IN
THE ASHLEY RIVER
CHARLESTON CO., S.C.
SOUTHERN U.S. REALTY CORP.

TYPICAL 40' BOAT SLIP

4/9 (floating docks) 5/8/86



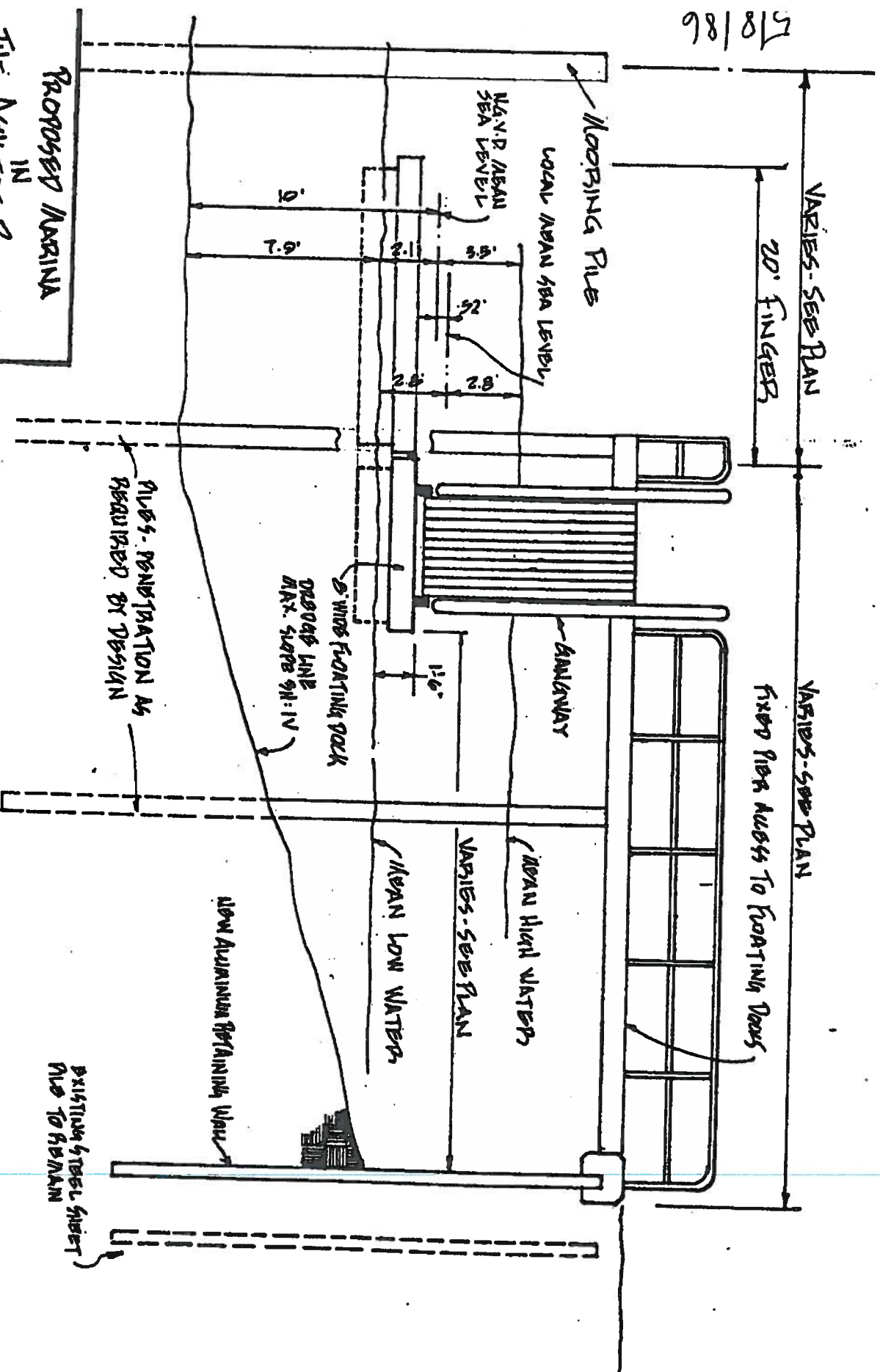
5/8/86

SECTION 'D-D'
NTG

PROPOSED MARINA
IN
THE ASHLEY RIVER
CHARLESTON CO., S.C.
SOUTHERN U.S. REFRIG. CORP.

6/9

5/8/86

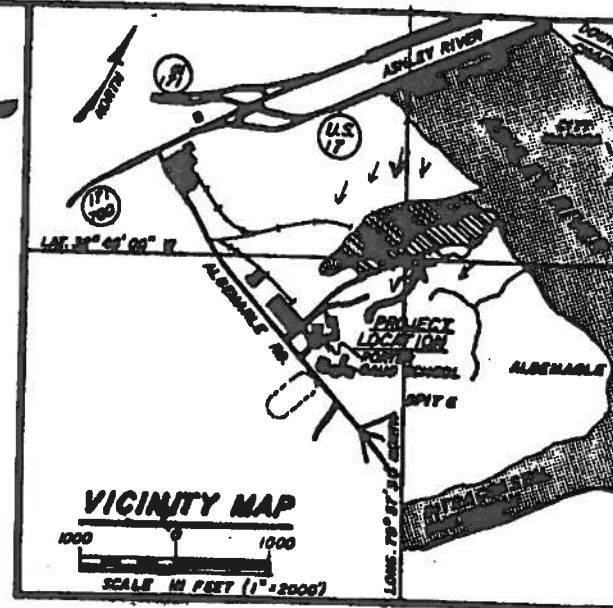


PROPOSED MARINA

IN
THE ASHLEY RIVER
CHARLESTON CO. S.C.
SOUTHERN U.S. REALTY CORP.

SECTION "A-A"

NTS



LOT #1

DOLPHIN LAYOUT DATA			
NO.	SUB. DOLPHIN	ANGLES	DISTANCE
345	345 TO 40	110° N' 03"	153.805'
346	346 TO 47	140° 45' 45"	212.580'
"	346 TO 54	120° 00' 30"	299.190'
"	346 TO 55	120° 55' 45"	390.440'
348	348 TO 55	170° 10' 12"	498.475'

NOTE: ALL ANGLES TURNED CLOCKWISE FROM - BACKSIGHTING TO - SIGHTING



CANAL

LOW WATER MARK (PRIOR TO DESIGN)
S.C.C.C. CRITICAL LINE

DOLPHINS

LEGEND

- CENTER LINE W/POINT
- R/W LINE W/PIV
- PROPERTY LINE W/PIV



PLAT REFERENCE

PLAT OF TRACT "A" KNOWN AS ASHLEY POINTE OWNED BY U.S. SHELTER, RECORDED IN PLAT BOOK BN, PAGE 5, FEB. 13, 1985.

DOLPHIN LOCATIONS AT ASHLEY POINTE MARINA

IN A CANAL ADJACENT TO THE CITY MARINA ON THE ASHLEY RIVER.
LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY SOUTH CAROLINA
LOCATED BY: G. ROBERT GEORGE & ASSO. INC.

SHEET 1 OF 1

DATE: SEPT. 3, 1986

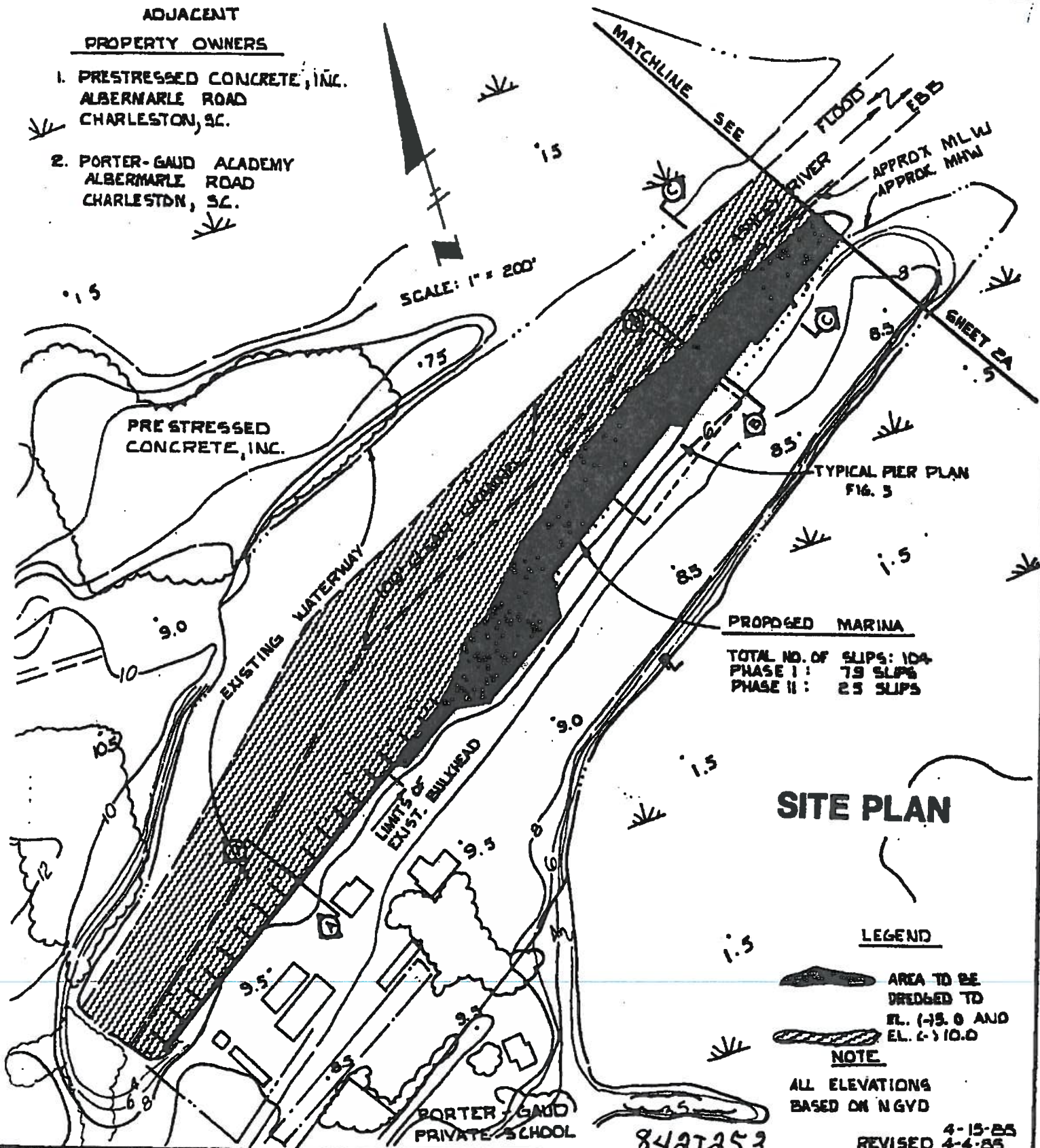
1000505-7.8

719

**ADJACENT
PROPERTY OWNERS**

1. PRESTRESSED CONCRETE, INC.
ALBERMARLE ROAD
CHARLESTON, SC.

2. PORTER-GAUD ACADEMY
ALBERMARLE ROAD
CHARLESTON, SC.



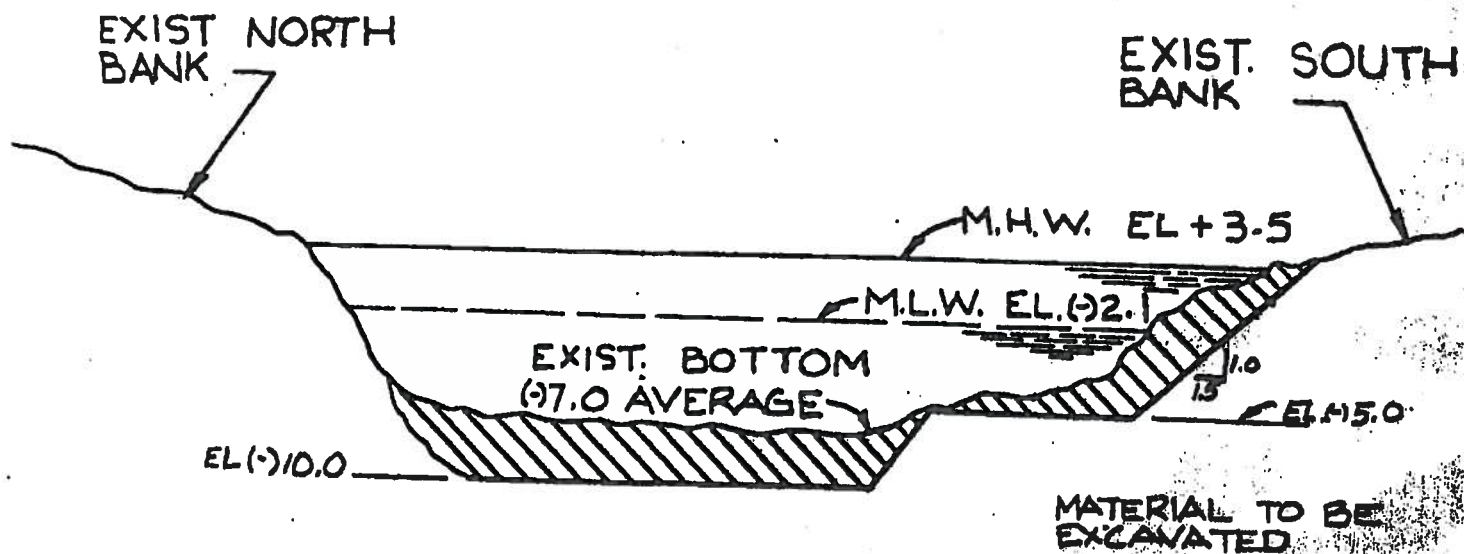
APPLICATION BY:

Village Centers, Inc.
5500 Interstate N. Parkway Suite 300
Atlanta, Georgia 30328

PROPOSED MARINA
LAT: 32°46'00" LONG: 79°57'30"
CHARLESTON COUNTY
SOUTH CAROLINA

Date: 3/8/85

FIGURE 2



EXISTING CHANNEL SECTION

SECTION C-C

N.T.S.

APPLICATION BY:

Village Centers, Inc.
1500 Interstate N. Parkway Suite 560
Atlanta, Georgia 30328

8421253

PROPOSED MARINA
LAT: 3246'00" LONG: 7957'30"
CHARLESTON COUNTY
SOUTH CAROLINA

REVISED 4-4-85

Date: 3/8/85

FIGURE 2A



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

FEB - 6 2007

Regulatory Division

Mr. J. Collin Bruner, CMCA
Sentry Management, Inc.
Post Office Box 12710
Charleston, South Carolina 29422-2710

Dear Mr. Bruner:

This letter is in response to your request for information regarding the definition of public and private marinas and information regarding the four permits noted below:

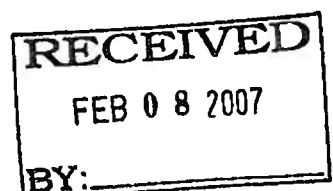
Permit #96-1T-139 was a dredging permit for Ripley Light Marina. The permit was issued on April 24, 1997. We were unable to locate a copy of the permit at this time; however, a copy of the public notice and associated drawings are enclosed.

Permit #84-2T-253 was the original permit authorizing construction and dredging of the marina. It was issued April 18, 1985 and expired on June 30, 1995. The permit was modified on September 22, 1986 and December 10, 1986. Copies of the permit and modifications are enclosed.

Permit 88-3T-133 was for a permit to construct a marina dock master/theme structure for commercial use. The permit was issued on March 17, 1989 and expired on March 31, 1992. A copy of the permit is enclosed.

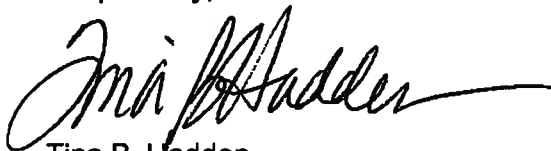
Permit 90-3T-221 was for a permit to expand the existing marina with a floating concrete docking system. It was issued April 23, 1991 and expired on June 30, 2001. A copy of the permit is enclosed.

All permits not only authorize the structures; they also authorize the specific "use". In response to your question regarding public and private marinas, a public marina is utilized by the public. Anyone can rent or lease the slips and the marina facilities are open to the public. A private marina is not available for use by the general public. It is owned, operated, and used by a specific group of individuals (subdivision residents). It is our understanding that the dry-stack is and will remain available for public use. However, the wet slips are now owned and leased by private individuals. Since you have already converted these facilities from public to private, you are in violation of your permit. Therefore, changing this permit from a public to a private marina is actually an "after-the-fact" procedure. By issuing a public notice, we are notifying the public of the change. We cannot predict what comments we will receive in response to the public notice. Comments will have to be addressed as they are received. Consequently, we cannot predict whether this change in "use" will be authorized.



We look forward to receiving your application and associated information (i.e. names and contact information for all private owners at the marina) in order to issue the public notice. We request that you submit the application within 30 days of receipt of this letter. In addition, our letter of July 25, 2006, requested documentation of removal of pilings and boats that were extending into the navigation channel. Subsequent telephone calls to my staff indicated that you were working towards these goals. In addition, my staff was informed that correspondence would be received from the Ripley Light Yacht Club Marina located on the north side of Ripley Cove concurring with your request to allow specific pilings to remain in place. To date, this office has not received that correspondence nor have we received any further documentation that you are working towards complying with the requirements of our July 25, 2006 letter. Please include a response to our July 25 letter within 30 days of receipt of this letter. If you fail to respond, please be advised that this matter will be referred through our Office of Counsel to the Department of Justice for legal action. If you have any questions, please call Robin Collier-Socha at 843/329-8167.

Respectfully,

A handwritten signature in black ink, appearing to read "Tina B. Hadden", with a long horizontal flourish extending to the right.

Tina B. Hadden
Chief, Regulatory Division

Enclosures

Copy Furnished:

Mr. R. Emery Clark
U.S. Dept. of Justice
District of South Carolina
1441 Main Street, Suite 500
Columbia, SC 29201

DEPARTMENT OF THE ARMY PERMIT

Permittee DONALD C. SPANN
88-3T-133
Permit No. _____
CHARLESTON DISTRICT
Issuing Office _____

POST OFFICE BOX 5231
GREENVILLE, SOUTH CAROLINA 29606

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:

To construct a marina dock master/theme structure for commercial use in accordance with the attached drawings entitled: Construction of the Ripley Light Marina Dock Master/Theme Structure, Bathhouse and Bulkhead - located in the Ashley River - Charleston County - South Carolina - Application by: Span America - Sheets 1 and 2 of 5, revised 13 January 1989; Sheets 3 and 4 of 5 dated 8 April 1988; and Sheet 5 of 5 revised 16 January 1988.

Project Location:

This project is located in an unnamed canal adjacent to the Ashley River at a location south of the northbound U. S. 17 Ashley River Bridge and immediately north of the proposed James Island/61 Expressway Bridge in the City and County of Charleston, South Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 MARCH 1992. 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:

- a. That those conditions which are contained in the S. C. Coastal Council permit are endorsed by this document.
- b. That those conditions contained in the attached South Carolina Department of Health and Environmental Control's letter dated August 31, 1988, which waived certification for this project will be complied with.

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.

**CALIFORNIA DREAMING
RESTAURANT**

**FEET 1 REV. 1/13/89 RELOCATED DOCK
MASTER STRUCTURE**

8851100

SCCC CRITICAL LINE STAKED
BY FRED MALLETTE JAN., 28, 1988

NOTE: SOUNDINGS ARE
M.S.L. DATUM

FUTURE PHASE II MARINA BULKHEAD
& DOCK EXTENSION

TREE CANOPY
LIMITS, TYR

TEMPORARY END
OF BULKHEAD

NEW ALUM. BULKHEAD
W/ CONG. CAP TOP EL. =
6.30' M.S.L.
SEE SHEET 5

1ST QTR. '89 SCCC/COE APPROVED
MAINTENANCE DREDGING AREA
COMMENCED 1/13/89

AASHTO PRE-CAST
CONC. BRIDGE
(SEE SHEET 4)

EXISTING DRAINAGE DITCH

EXISTING 18" RCP
TO BE REMOVED

EXISTING 8" RCP

NEW J.R.

NEW DRIVEWAY

EXISTING SIDEWALK

EXISTING ROADWAY
ASHLEY POINTE DRIVE

EXISTING 16" SPECIMEN OAK
TO BE SAVED

EXTEND EXISTING BULKHEAD
FROM EXISTING END TO NEW
BRIDGE PILE BENT.

EXISTING BULKHEAD
T.E. = 6.30' M.S.L.

**CONSTRUCTION OF THE
RIPLEY LIGHT MARINA DOCK
MASTER/THEME STRUCTURE
, BATHHOUSE & BULKHEAD
LOCATED: IN THE ASHLEY RIVER
CITY OF: CHARLESTON
COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
APPLICATION BY: SPAN AMERICA
SHEET 2 OF 5**

APRIL 8, 1988

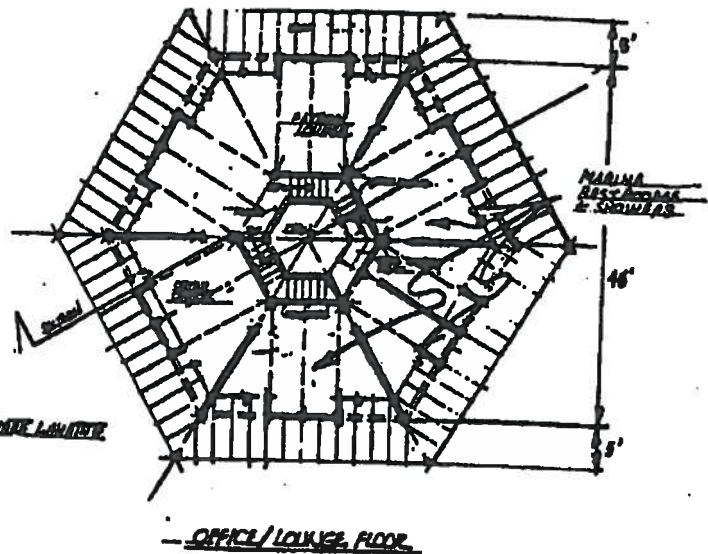
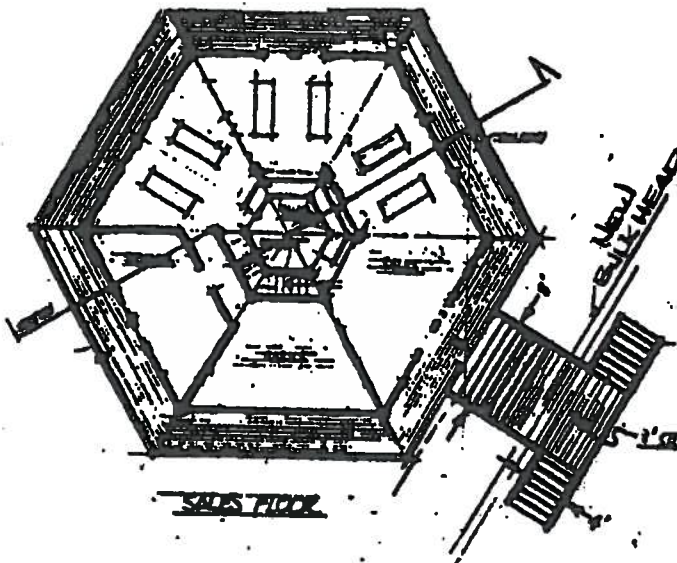
2 REV. 1/13/89 RELOCATED DOCK MASTER STRUCTURE
1 REV. 5/23/88 TO SHOW SECTIONS S-3 & S-4

SITE PLAN

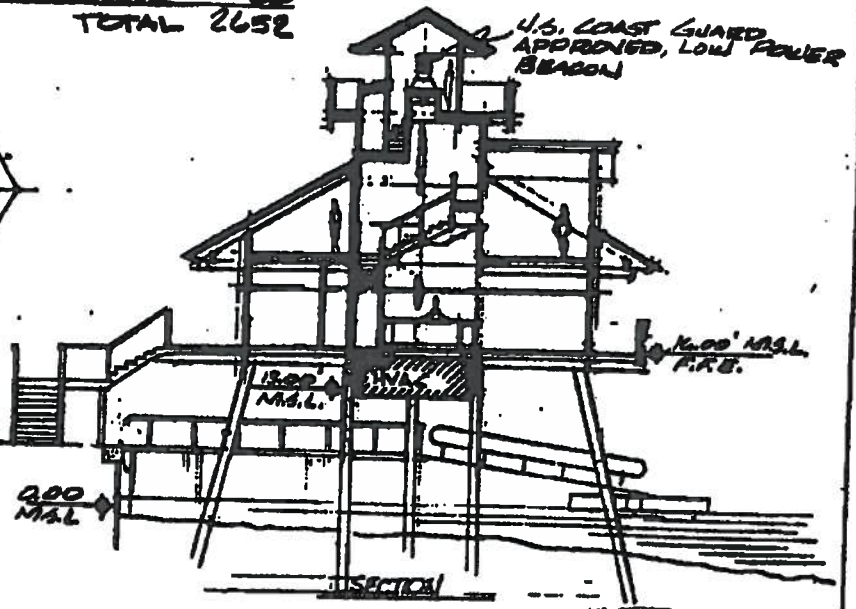
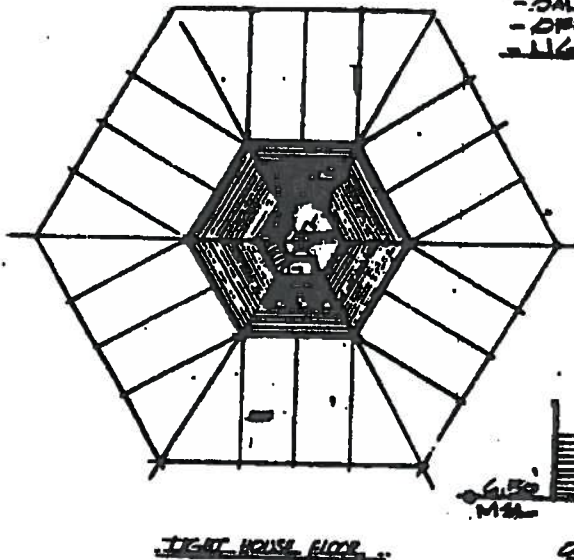
SCALE: 1" = 30'



8851133



AREAS (AIR CONDITIONED)
 - SALES FLOOR 1580 SF
 - OFFICE/LOUNGE 1212 SF
 - LIGHT HOUSE 600 SF
 TOTAL 2652



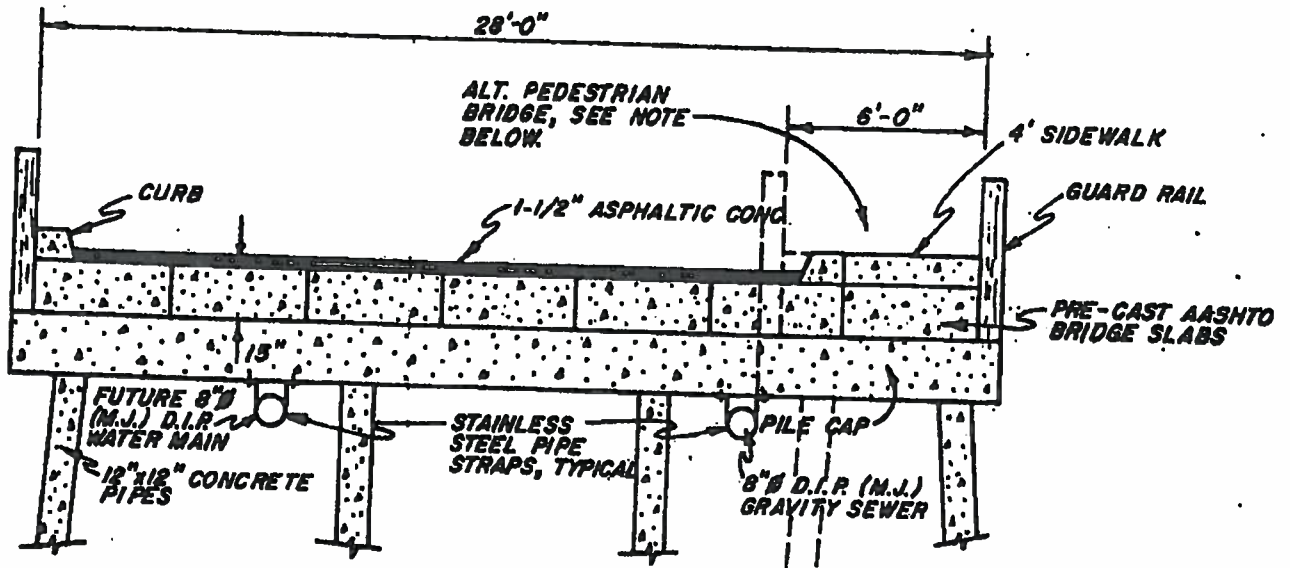
1"=20'
 20 0 20
 Scale feet

**CONSTRUCTION OF THE
 RIPLEY LIGHT MARINA DOCK
 MASTER/THEME STRUCTURE
 , BATHHOUSE & BULKHEAD**
 LOCATED: IN THE ASHLEY RIVER
 CITY OF: CHARLESTON
 COUNTY OF: CHARLESTON
 STATE OF: SOUTH CAROLINA
 APPLICATION BY: SPAN AMERICA
 SHEET 3 OF 5

APRIL 8, 1988

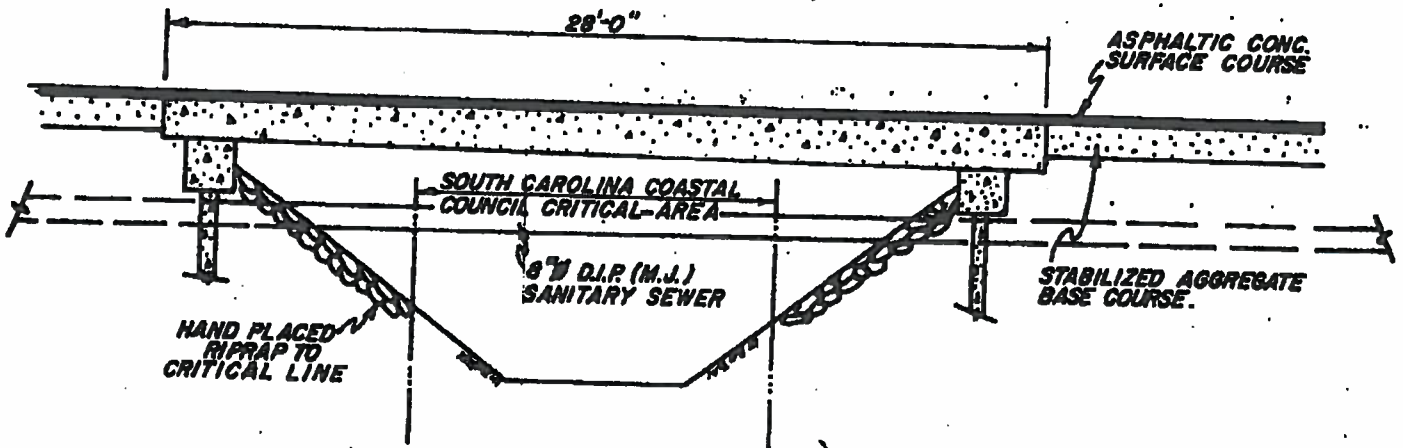
**ARCHITECTUAL PLANS AND
 SECTION FOR
 MARINA DOCK MASTER/THEME STRUCTURE**

883133



SECTION THRU PRE-CAST AASHTO BRIDGE

3/16" = 1'-0"
(NOT TO SCALE VERTICALLY)

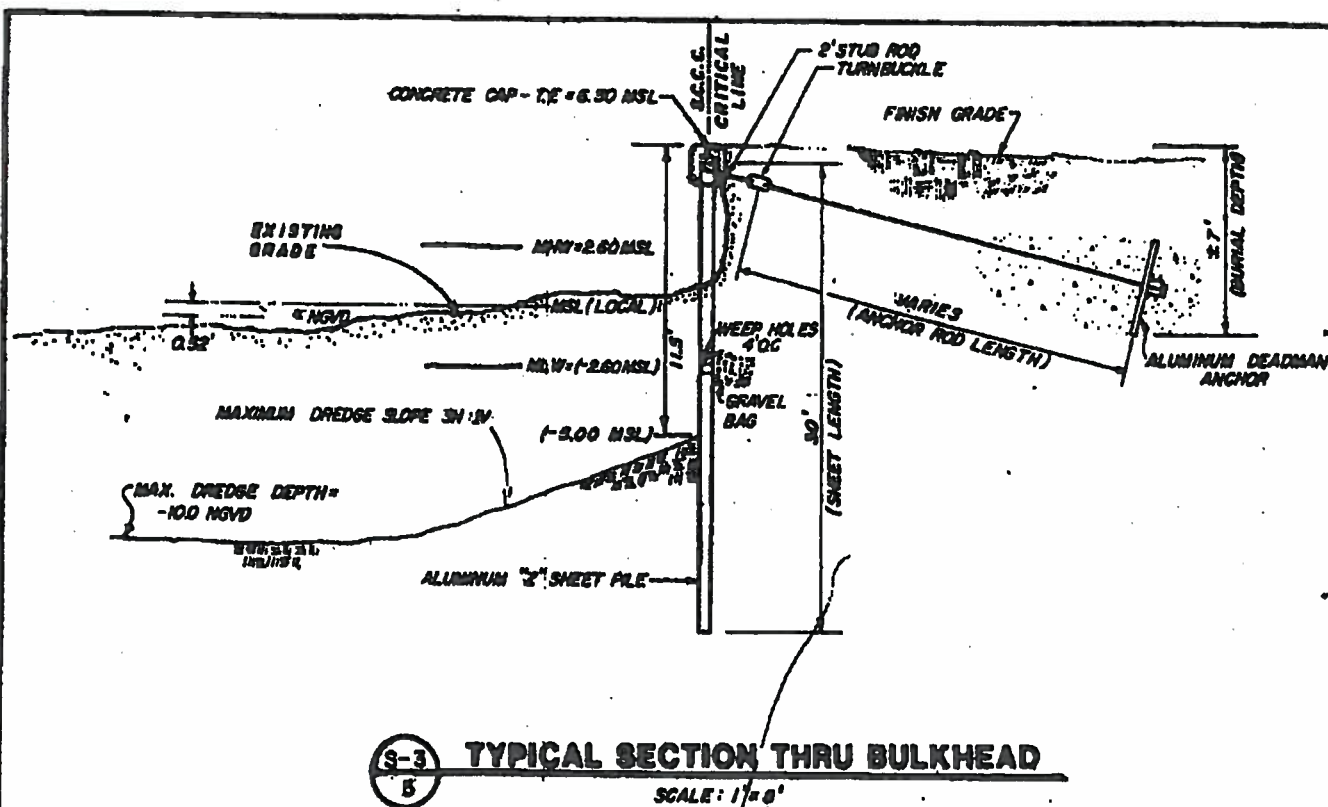


SECTION ACROSS PRE-CAST AASHTO BRIDGE

3/16" = 1'-0"
(NOT TO SCALE VERTICALLY)

**CONSTRUCTION OF THE
RIPLEY LIGHT MARINA DOCK
MASTER/THME STRUCTURE
, BATHHOUSE & BULKHEAD**
LOCATED: IN THE ASHLEY RIVER
CITY OF: CHARLESTON
COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
APPLICATION BY: SPAN AMERICA
SHEET 4 OF 5
APRIL 8, 1988

NOTE: PREFABRICATED 6 FT. WIDE PEDESTRIAN
WALKWAY/UTILITY SUPPORT BRIDGE MAY BE
CONSTRUCTED AT SIDEWALK LOCATION PRIOR TO
OR IN LIEU OF AASHTO BRIDGE CONTINGENT
UPON ALTERNATE SITE VEHICULAR ACCESS
ACQUISITION.



NOTE: 14" SQ. CONCRETE BATTER PILES @ 12' O.C. WILL BE UTILIZED IN LIEU OF ANCHOR RODS AND DEADMAN PLATES TO PROTECT SPECIMEN LIVE OAK TREES AT TOP OF EXISTING BLUFF LINE WHERE APPLICABLE.

**CONSTRUCTION OF THE
RIPLEY LIGHT MARINA DOCK
MASTER/THEME STRUCTURE
, BATHHOUSE & BULKHEAD
LOCATED: IN THE ASHLEY RIVER
CITY OF: CHARLESTON
COUNTY OF: CHARLESTON
STATE OF: SOUTH CAROLINA
APPLICATION BY: SPAN AMERICA
SHEET 5 OF 5
APRIL 8, 1988**

2 REV. 1/16/89 30' SHEETING & PILE NOTE.
1 REV. 5/23/88 SECTION S-3 TO SHOW EXISTING GRADE.

**JOINT
PUBLIC NOTICE**

CHARLESTON DISTRICT, CORPS OF ENGINEERS
334 MEETING STREET - ROOM 621
P.O. BOX 919
CHARLESTON, SOUTH CAROLINA 29402

and
THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

CESAC-CO-P

Refer to: P/N #96-1T-139-P

31 May 1996

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403, Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, (33 U.S.C. 1413), and the South Carolina Coastal Zone Management Act (48-39-10 et. seq) an application has been made to the Department of the Army by

RIPLEY LIGHT MARINA
56 ASHLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA 29407

for a permit to dredge in an existing marina basin adjacent to the

ASHLEY RIVER

and transport the resultant dredged material to the Charleston Ocean Dredged Material Disposal Site (ODMDS) located in the

ATLANTIC OCEAN

at a location adjacent to the Charleston Harbor Entrance Channel in Charleston County, South Carolina.
(Latitude - 32°36'28" - Longitude -79°43'48")

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned office until

12 O'CLOCK NOON, MONDAY, 1 JULY 1996

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of dredging, by hydraulic dredge, approximately 50,000 cubic yards material and transporting it to the Charleston Ocean Dredged Material Disposal Site (ODMDS) by split hull barges. As a requirement of previous permits, the applicant has performed quarterly monitoring at the marina since July 1994. This monitoring included limited surface water (salinity, dissolved oxygen, and fecal coliform) and sediment samples (Polynuclear Aromatic Hydrocarbons, Copper, Zinc, Lead, Cadmium and Chromium). The applicant also conducted sediment analysis on one sample at the upper reach of the canal for dioxin in July 1995. The ODMDS has been designated for use by the Administrator, EPA, pursuant to Section 103(c) of the Marine Protection, Research and Sanctuaries Act of 1972. Its location is shown on the attached drawings. The ocean disposal site has been used in the past by the Corps of Engineers for disposal of material from Charleston Harbor and by the S. C. State Ports Authority for disposal of material from the Wando, Union Pier and Columbus Street Terminals. The exact location of the disposal within the ODMDS site will be determined at a later date. Any additional testing requirements will be determined at a later date for this project. The above referenced monitoring reports and test results can be reviewed, by appointment, in the Corps of Engineers office at the address listed above between the hours of 8:00 and 3:00, Monday thru Friday. In the event that this material cannot be placed in the ODMDS, the applicant has proposed to

May 1996

place the material in an on-site disposal area. In addition to the runback from this disposal area, this office has determined that the runback from the barges is regulated under Section 404 of the Clean Water Act and will require a water quality certification. The purpose of the proposed work is to provide adequate depths for vessels utilizing this marina.

Approval of this permit will give Federal authorization for maintenance dredging for a period of ten (10) years from the date of issuance for the hydraulic dredging. The applicant will be required to present plans for maintenance dredging to the District Engineer a minimum of thirty (30) days prior to commencement of work. All maintenance dredging is to be performed in accordance with Federal and State regulations governing such activities at the time the maintenance dredging is undertaken. According to Corps of Engineers regulations, a permit for ocean disposal can only be valid for a three (3) year period.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers
ATTN: CESAC-CO-P
Post Office Box 919
Charleston, South Carolina 29402-0919.

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the S. C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The District Engineer has consulted the most recently available information and has determined that the proposed project is not likely to affect the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U. S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the proposed activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

31 May 1996

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If there are any questions concerning this public notice, please contact me at A/C 803-727-4330.

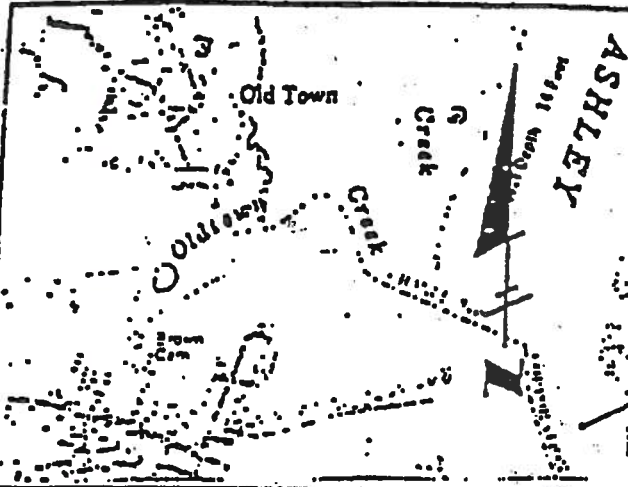


Tina B. Hadden
Project Manager
Regulatory Branch
U. S. Army Corps of Engineers

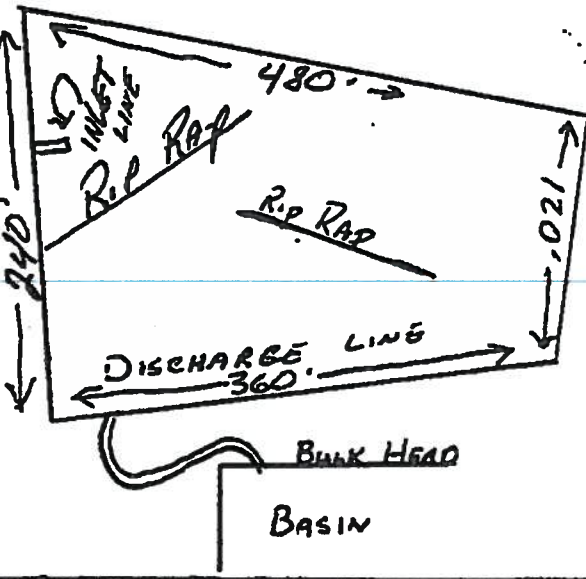
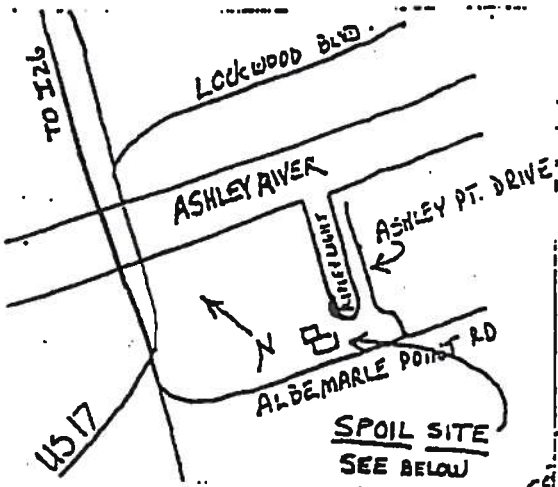
FIGURE 1

FIGURE 1-A

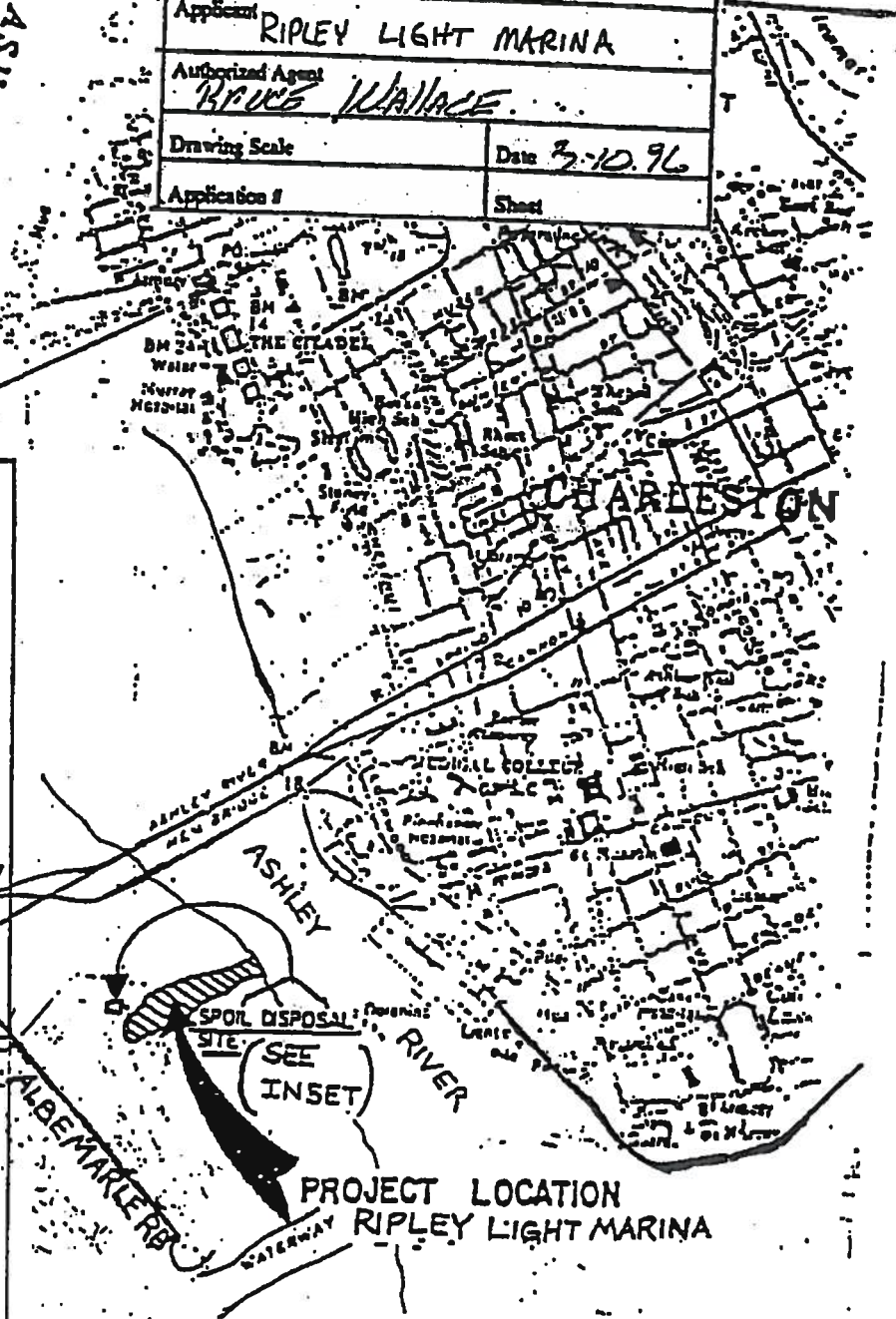
Project Title DREDGE RIPLEY LIGHT	
Project Location ASHLEY RIVER	
Applicant RIPLEY LIGHT MARINA	
Authorized Agent BRUCE WALLACE	
Drawing Scale	Date 3-10-96
Application #	Sheet



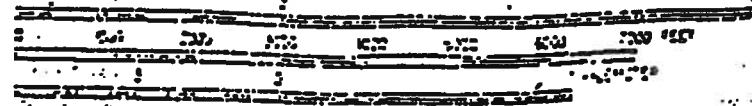
INSET



SPOIL POND
NOT TO SCALE
APPROX VOL 56,000 CY



SCALE 1:24,000



LOCATION MAP

8427249

LOCATION MAP

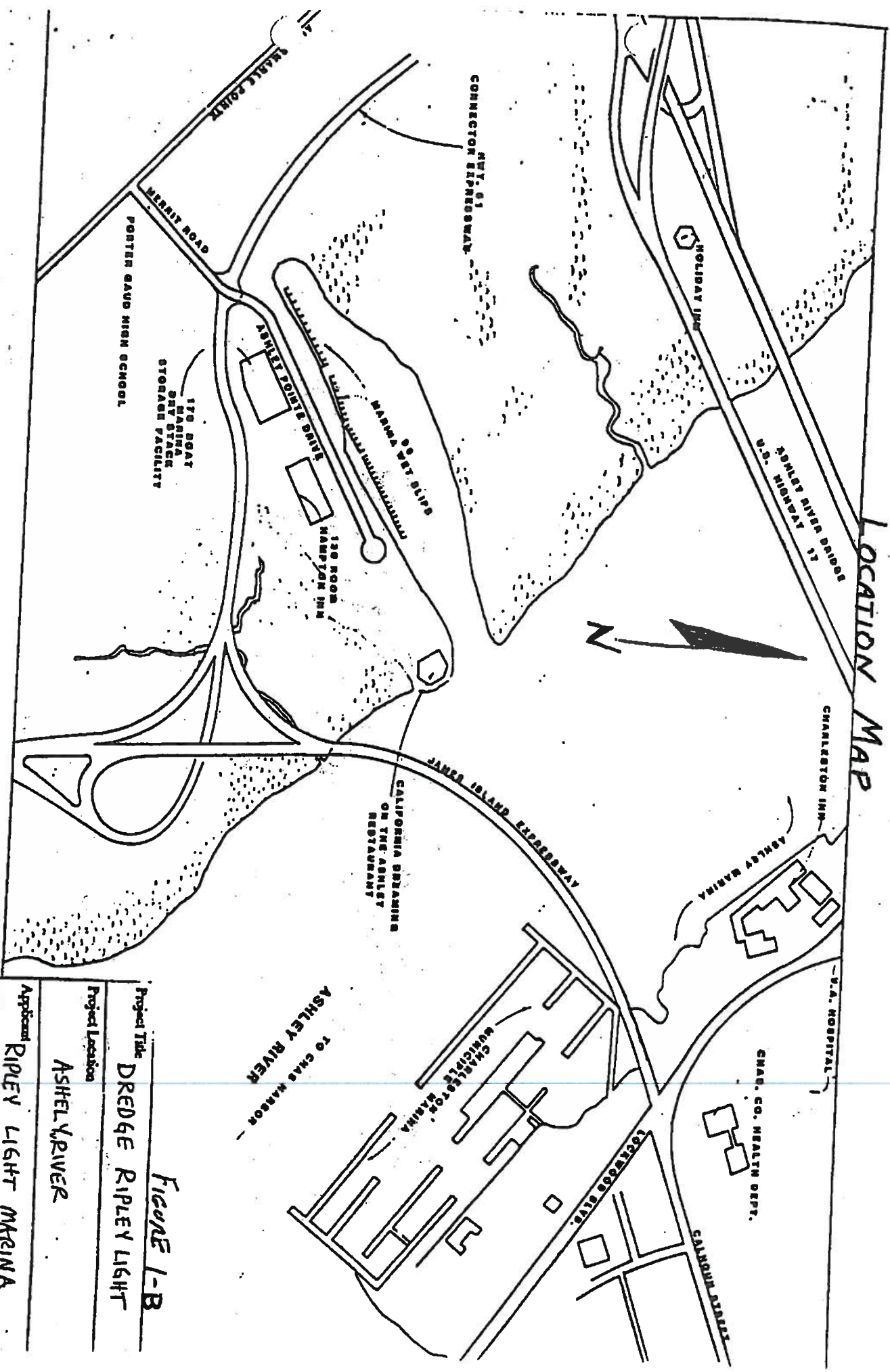
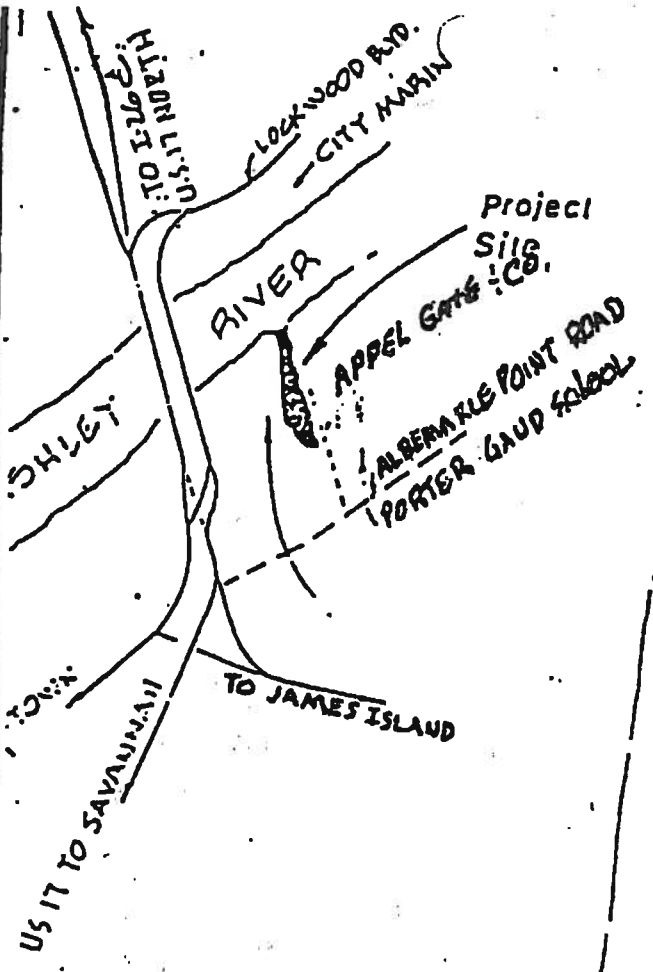


FIGURE 1-B

Project Title	DREDGE RIPLEY LIGHT
Project Location	ASHLEY RIVER
Applicant	RIPLEY LIGHT MARINA
Authorized Agent	RIPPLES WALLACE
Drawing Scale	Date 3-10-96

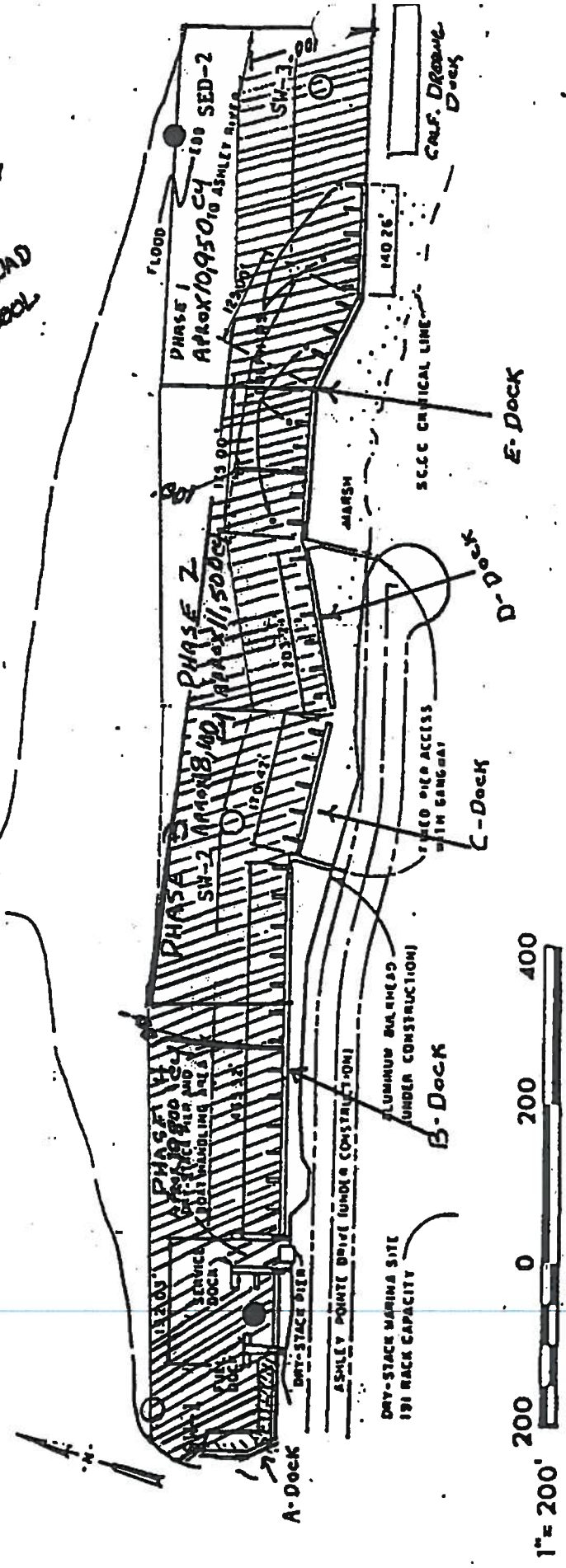


LOCATION PLAN

Legend:

- SW-1 Surface Water Sample Location
- SED-1 Sediment Sample Location
- Indicates generally where Sampling Areas

Hatching = DREDGE AREA



SITE PLAN

SCALE: As Shown

JOB NO: N/A

FIG NO: 2

Project Location

ASHLEY RIVER

Project

RIPLEY LIGHT MARINA

Authorized Agent

BRUCE E WALLACE

Drawing Scale

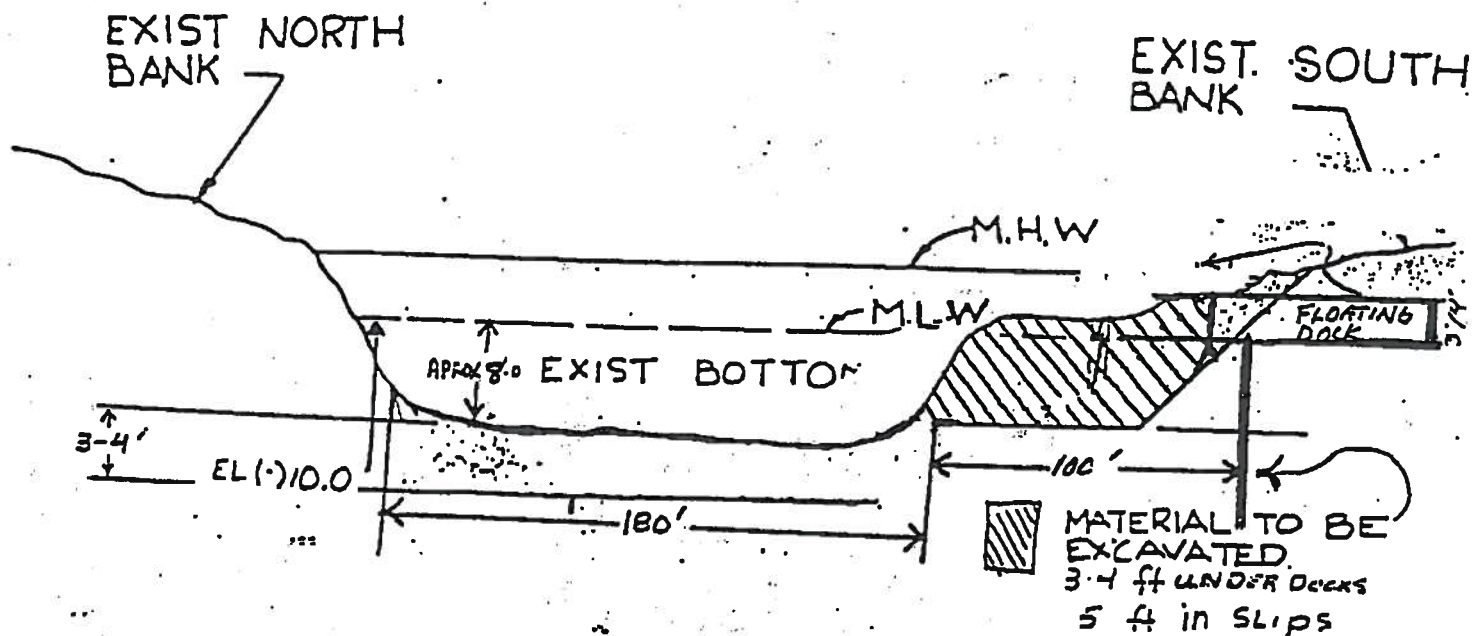
NOT TO SCALE

Date

3-15-96

Sheet No. 1

Sheet



EXISTING CHANNEL SECTION

NOT TO SCALE

CROSS SECTION E DOCK PHASE I

AREA TO BE DREDGED ALL PROPOSED DEPTHS AT M.L.W.
CROSS SECTION D-E DOCK PHASE 2
MATERIAL TO BE EXCAVATED 4-5 FT UNDER DOCK S-5 F

Project Location

ASHLEY RIVER

Project

RIPLEY LIGHT MARINA

Authorized Agent

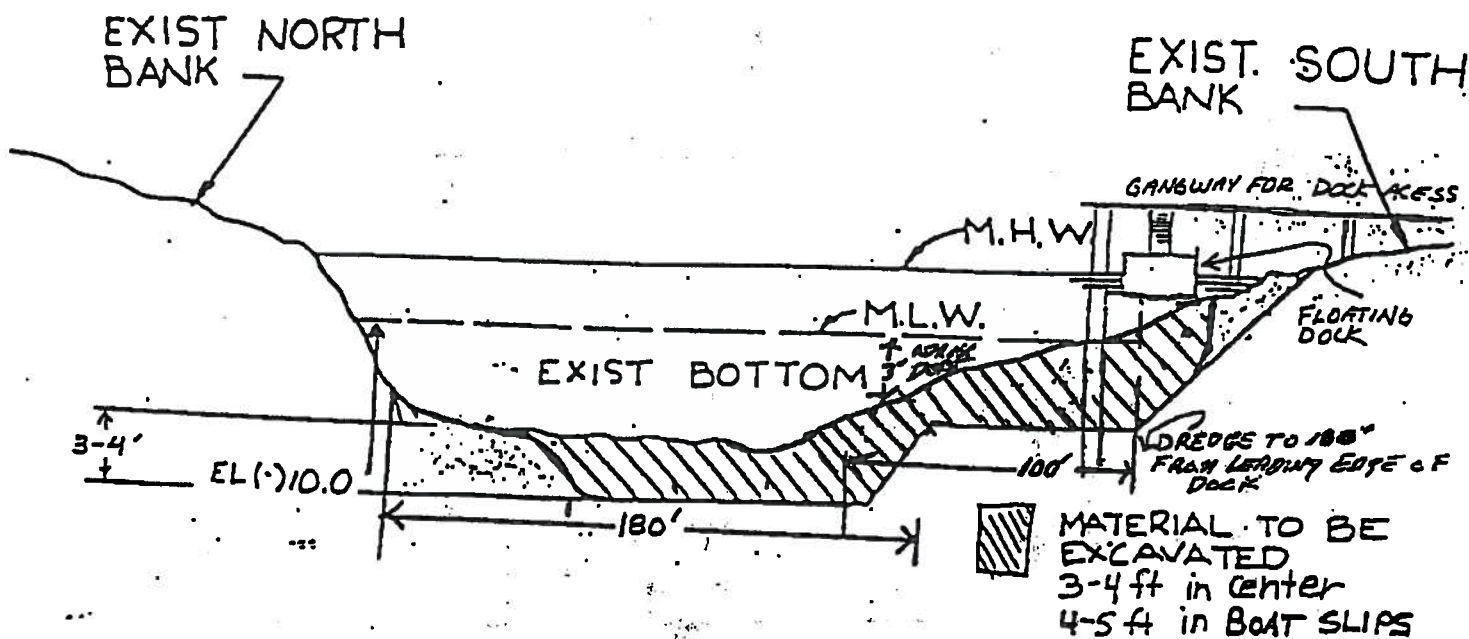
BRUCE E. WYLLAGE

Drawing Scale

Date 3-15-96

Specification #

Sheet



EXISTING CHANNEL SECTION

NOT TO SCALE

CROSS SECTION B-C DOCK PHASE 3
PROPOSED DEPTH AT M.L.W.

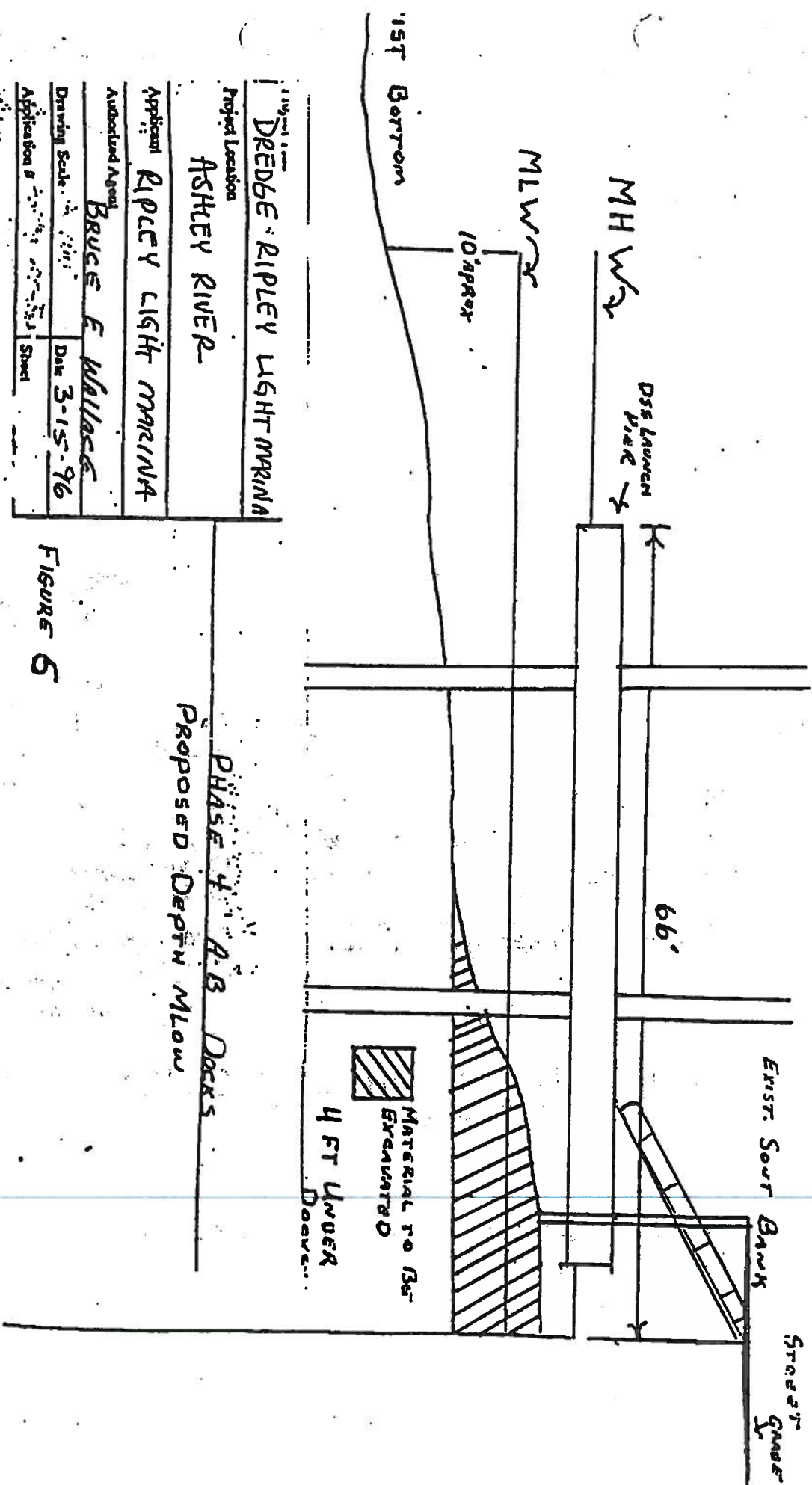


FIGURE 6



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

April 10, 2013

GEL Engineering, LLC
C/O Mr. Jack Walker
2040 Savage Road
Charleston, SC 29407

Re: P/N# 2011-00807-2IR, Ashley River Properties II, LLC - Amendment

Dear Mr. Walker:

The above referenced permit has been amended to allow the dredging activity to be conducted during the winter months between November 1 and March 31.

This amendment also removes Special Condition Number 11 from the issued permit, as the concerns of that condition will be properly satisfied by the requirements of Special Conditions 12 and 13.

This amendment is made a part of your permit and is subject to the full terms of the permit as issued.

This letter does not relieve you of the responsibility of acquiring any other applicable federal or local permits that may be required. Any person adversely affected by this action has the right to appeal as outlined in the enclosed "Notice of Appeal Procedure."

A construction placard must be posted conspicuously on site during authorized activities. If you do not possess a placard, one must be obtained prior to start of the period during which the activity is allowed to be conducted.

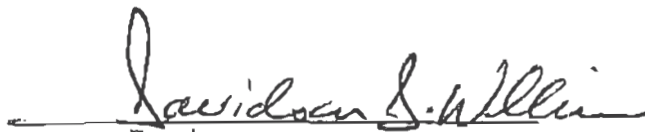
Please sign the attached copy of this letter indicating your acceptance of these terms and return the signed copy to this office. If this amendment letter is not signed and returned within thirty (30) days of issuance, OR appealed as described on the enclosed "Notice of Appeal Procedure", the Department reserves the right to cancel this permit amendment. Please carefully review the enclosed "Notice of Appeal Procedure" for information and deadlines for appealing this permit amendment.

Sincerely,



Fred Mallett
Wetland Section Project Manager

Enclosure



Permittee
Date April 10, 2013

cc: Mr. Blair Williams, Section Manager

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office • 1362 McMillan Ave, Suite 400 • Charleston, SC 29405-2047

Phone: 843-953-0200 • Fax: 843-953-0201 • www.scdhec.gov



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

Notice of Appeal Procedure
Pursuant to S.C. Code Section 44-1-60

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 calendar days after notice of the decision has been mailed or otherwise sent 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 the Department by the applicant, permittee, licensee, or affected person.

2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a timely written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3393. A filing fee in the amount of \$100 made payable to SC DHEC must also be received by the Clerk within the time allowed for filing a request for final review. However, if a request for final review is filed by facsimile, the filing fee may be mailed to the Clerk of the Board if the envelope is postmarked within the time allowed for filing a request for final review.

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

3. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 calendar days after notice of the decision has been mailed or otherwise sent to persons entitled to receive notice. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due. A request for final review will be returned to the requestor if the filing fee is not received on time as described above.

4. The request for final review should include the following:

- a. the grounds on which the Department's decision is challenged and the specific changes sought in the decision
- b. a statement of any significant issues or factors the Board should consider in deciding whether to conduct a final review conference
- c. a copy of the Department's decision for which review is requested

5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures. 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 30 calendar days after notice is mailed that the Board declined to hold a final review conference.

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

January 7, 2011



**SEE SPECIAL
CONDITION(S)**

Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

December 11, 2012

Ashley River Properties II, LLC
C/O Mr. Davidson Williams
95 Ripley Point Drive
Charleston, SC 29407

Re: 2011-00807-2IR - Ashley River Properties II, LLC

Dear Mr. Williams:

The SCDHEC Office of Ocean and Coastal Resource Management has reviewed your application to perform maintenance dredging within Ripley Cove, at 95 Ripley Point Drive, Charleston, Charleston County, South Carolina and has issued a permit for this work. You should carefully read the description of the authorized project and any special conditions that have been placed on the permit, as these conditions may modify the permitted activity. In addition, there are a series of general conditions that should be reviewed. The original and one photocopy of the permit, as issued, are enclosed. After carefully reading the permit, if you wish to accept the permit as issued, sign and date in the signature block entitled "PERMITTEE" on the original version of the permit and return it to this Department. Keep the photocopy for your records.

PLEASE READ CAREFULLY: You are required to sign and return the original version of your permit to this Department. If this permit is not signed and returned within thirty (30) days of issuance, OR appealed within 15 days as described on the enclosed "Notice of Appeal Procedure", the Department reserves the right to cancel this permit. Please carefully review the enclosed "Notice of Appeal Procedure" for information and deadlines for appealing this permit.

We have also enclosed a "request for a construction placard" card. You must send in this card before the time you wish to start construction. At that time a construction placard will be sent to you to post at the construction site.

PLEASE NOTE: You are not authorized to commence work under the permit until we have received the original version of the entire permit signed and accepted by you, and a construction placard has been issued and posted at the construction site. The receipt of this permit does not relieve you of the responsibility of acquiring any other federal or local permits that may be required.

Sincerely,


Fred Mallett
Wetland Section Project Manager

Enclosure

cc: Mr. Blair Williams, Wetland Section Manager
Mr. Chuck Hightower, Water Quality Section Manager
Mrs. Robin Collier - Socha, Army Corps Of Engineers
Mr. Ed Hama, Charleston County Public Works Department

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office • 1362 McMillan Ave, Suite 400 • Charleston, SC 29405-2047

Phone: 843-953-0200 • Fax: 843-953-0201 • www.scdhec.gov



Catherine B. Templeton, Director

Protecting and promoting the health of the public and the environment

Notice of Appeal Procedure
Pursuant to S.C. Code Section 44-1-60

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 calendar days after notice of the decision has been mailed or otherwise sent 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 the Department by the applicant, permittee, licensee, or affected person.

2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a timely written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3393. A filing fee in the amount of \$100 made payable to SC DHEC must also be received by the Clerk within the time allowed for filing a request for final review. However, if a request for final review is filed by facsimile, the filing fee may be mailed to the Clerk of the Board if the envelope is postmarked within the time allowed for filing a request for final review.

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

3. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 calendar days after notice of the decision has been mailed or otherwise sent to persons entitled to receive notice. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due. A request for final review will be returned to the requestor if the filing fee is not received on time as described above.

4. The request for final review should include the following:

- a. the grounds on which the Department's decision is challenged and the specific changes sought in the decision
- b. a statement of any significant issues or factors the Board should consider in deciding whether to conduct a final review conference
- c. a copy of the Department's decision for which review is requested

5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures. 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 30 calendar days after notice is mailed that the Board declined to hold a final review conference.

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

January 7, 2011

SEE SPECIAL CONDITION(S)

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

CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION

Permittee(s): Ashley River Properties II, LLC
Permit Number(s): 2011-00807-2IR
Date of Issuance: December 11, 2012
Expiration Date: December 11, 2017
Location: On and adjacent to Ripley Cove off of the Ashley River at 95 Ripley Pointe Drive, Charleston, Charleston County, South Carolina

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 any special conditions that may appear on this permit/certification as they will affect the work that is allowed. If there are no special conditions, then the work is authorized as described in the project description and as modified by the general conditions. The general conditions are also a part of this permit/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 project if work commences during the life of the permit. This applies to permittee, future property owners, or permit assignees.

DESCRIPTION OF THE PROJECT, AS AUTHORIZED

This permit has been issued for the activity as requested with minor changes. Specifically, the permittee will dredge approximately 60,000 cubic yards of material over an 8.25 acre area within Ripley Cove. The current average depths in the marina basin range from -2.0 feet MLW to -6.0 feet MLW. The applicant will dredge the marina basin to a depth of -8.0 feet MLW in the fairways and to a depth of -7.0 feet MLW in the slips. The material will be dredged using a hydraulic cutterhead dredge and will be transported via pipeline approximately 1.25 miles up the Ashley River to the Citadel's Upland Confined Disposal Facility. The purpose of the project is to allow recreational and commercial boat access to the Ashley River and surrounding waters during all stages of the tide.

SPECIAL CONDITIONS

1. Provided that with the issuance of this permit, the previous dredge permit, P/N OCRM-06-368-B, becomes invalid.

SEE SPECIAL CONDITION(S)

2. Provided that all dredging activity will be conducted during the winter months, between December 1 and March 1.
3. Provided that turbidity curtains are utilized during dredging operations to minimize turbidity and maintain water quality in adjacent waters.
4. Provided a final dredging plan is submitted to and approved, in writing, by OCRM staff prior to dredging. The dredging plan must include a dredging schedule, the establishment of a dredging log, and procedures to handle emergency situations.
5. Provided that all dredging is performed by hydraulic cutterhead dredge only. The permittee must make every effort to avoid having the dredge pipeline cross the marsh. If the pipeline does cross the marsh and wetlands are disturbed, the marsh must be restored to its original contours and conditions and may also require revegetation of denuded areas. The pipeline must be clearly marked with navigational lights and reflectors so that it is clearly visible at night.
6. Provided no marsh vegetation can be destroyed as a result of the dredging. This includes slumping of vegetation after the initial dredging itself.
7. Provided that access to the site must be obtained from an upland location when possible. If access cannot be gained solely from an upland location, any equipment should be operated from floating barges or from wetlands permitted to be impacted.
8. Provided the permittee is required to keep the adjacent critical areas free of construction materials, litter, debris chemical contaminants, etc.
9. Provided no materials are allowed to be stored in the critical areas adjacent to the construction site and all debris, litter, spillage and debris, etc. will be cleaned up at least once a week.
10. Provided OCRM staff has the right to stop work at any time if it becomes evident the spoil area cannot hold the spoil, the dikes appear to be in danger of failing, an unacceptable level of turbidity is released from the discharge pipe, or if the OCRM staff believes a violation of the permit has taken place.
11. Provided that upon drying, the Confined Disposal Facility is capped with the appropriate material to prevent forming a mosquito breeding habitat.
12. Provided the permittee contact Patricia Wright of the Department's Division of Vector Control in order to develop a management plan for mosquito control prior to commencing work.
13. Provided the permittee develops an agreement with the Charleston County Mosquito Control Program to allow Charleston County to control the mosquitoes.

CONDITION(S)

14. Provided the permittee notifies Ed Harne with the Charleston County Mosquito Control Program by phone at (843) 202-7886, at the commencement of placement of dredged material upon the Confined Disposal Facility.
15. Provided that a cross section survey of the final dredge depths must be submitted to the Department within 90 days of the expiration date of the construction placard. The survey must be performed by a registered land surveyor, must show the final dredge elevations in the fairways and slips and must be in Mean Low Water Survey Datum.
16. Provided that in the event that archaeological or paleontological remains are found during the course of work, the applicant should notify the South Carolina Institute of Archaeology and Anthropology (Mr. James Spirek at 803-777-8170) pursuant to South Carolina Underwater Antiquities Act of 1991, (Article 5 Chapter 7, Title 54, Code of Laws of South Carolina, 1976). 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.

401 WATER QUALITY CONDITIONS

1. Provided all necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters and wetlands during construction.
2. Provided the dredge material must be mixed or capped to the extent practicable with less contaminated sediments or soils from elsewhere in order to minimize the exposure to wildlife.
3. Provided that appropriate precautions must be taken in order to minimize the resuspension of sediments during dredging, and to maximize retention time of dredged material disposed in the Confined Disposal Facility before any effluent discharge.
4. Provided that all construction personnel must monitor water-related activities for the presence of manatees during May 15-October 15.
5. Provided that permanent manatee signs shall be posted at locations prominently visible to persons engaged in water related activities within and around the marina. The signs should include contact information for reporting manatee collisions and/or injury, as well as any sightings to Nichole Adimey of the US Fish And Wildlife Service, North Florida Field Office, at (904) 731-3079.

SEE SPECIAL CONDITION(S)

6. Provided that if manatee(s) are seen within 100 yards of the activity construction area all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operations of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment.
7. Provided to the extent possible the dredge material must be mixed or capped with clean sediments or soil from elsewhere.
8. Provided the dredged area must be sloped such that the rear is no deeper than the front and the front is no deeper than the adjacent waterbody to maintain water circulation.
9. Provided that to the extent practicable, precautions should be taken to minimize and contain resuspended sediments at the dredge site.

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.

**SEE SPECIAL
CONDITION(S)**

Permit Number: 2011-00807-2IR

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

Jarvis and A. Willm

(PERMITTEE(S))

Ashley River Properties II, LLC

April 4, 2013

(DATE)

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

Fred Mallett

(WETLAND SECTION PROJECT MANAGER)

Fred Mallett

Or his Designee

Other Authorized State Official

Dec. 11, 2012

(DATE)

April 4, 2013

Mrs. Fred Mallett
South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management
Regulatory Programs Division
1362 McMillian Avenue, Suite 400
Charleston, South Carolina 29405

RE: Request for Modification to Maintenance Dredge Permit, PN 2011-00807-21R
Ashley River Properties II, LLC
Charleston, Charleston County, South Carolina

Dear Mr. Mallett:

On behalf of Ashley River Properties II, LLC, we respectfully request that the following Special Conditions listed in the referenced Critical Area Permit are modified as per our previous discussions.

- Special Condition Number 2. ; "Provided that all dredging activity will be conducted during the winter months, between December 1 and March 1."

We respectfully request that Special Condition Number 2 is modified to the following;
"Provided that all dredging activity will be conducted during the winter months, between November 1 and March 31."

- Special Condition Number 11. ; "Provided that upon drying, the Confined Disposal Facility is capped with the appropriate material to prevent forming a mosquito breeding habitat."

We respectfully request that Special Condition Number 11 is eliminated from the list of Special Conditions. As discussed, we believe that, based on prior experience using this Confined Disposal Facility, Special Conditions 12 and 13 will satisfy the concerns noted by the Charleston County, Mosquito Control Division, in letter dated August 10, 2011.

Mr. Fred Mallett
April 4, 2013
Page 2 of 2

Thank you in advance for your help regarding this permit modification. If you have additional questions, or need further information, please contact me at 843-300-4250 or at 843-708-0956.

Sincerely,

Jack T. Walker
Senior Project Manager

cc: Charleston District, Corps of Engineers

fc: apr200211_ocrm_permit_mod_request_ltr.doc

GENERAL CONDITIONS:

SEE SPECIAL
CONDITION(S)

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

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within 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. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further, to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by OCRM.
8. That 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. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit 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. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition, shall result in the revocation of this permit.
12. That the authorization for activities or structures herein constitutes a revocable license. 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 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 therefor and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. 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 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against OCRM or the State of South Carolina or any employee, agent, or representative of OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of 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.

Walker, Jack

From: Walker, Jack
Sent: Thursday, April 04, 2013 5:13 PM
To: Mallett, Fred
Subject: Ashley River Properties II Dredge Permit, PN 2011-00807-21R
Attachments: 2013 04 04 ARP-2 DHEC Dredge Permit Signature Page.pdf; apr200211
_ocrm_permit_mod_request_ltr.pdf

Fred,

Hope you have a good weekend. I've attached the signature sheet from the permit that David Williams has signed. Also, I've attached a letter requesting the modification to the Special Conditions. Please let me know if you need anything else on this. Thanks for your help Fred. Jack

Jack T. Walker
Senior Scientist



PO Box 30712 - Charleston, SC 29417
Shipping:
2040 Savage Road - Charleston, SC 29407
843.769.7378 ext.4250 (Main)
843.769.7397 (Fax)
843.708.0956 (Cell)
www.gel.com



* NOTE: SCORING-DEIRM CRITICAL LINE
VERIFIED BY D.J. THOMPSON ON 12/20/2010.

DATE: 08/30/2011

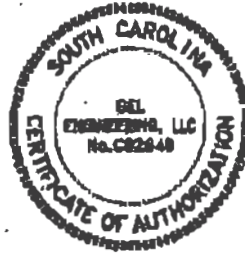
THE OIL INDUSTRY

Ashley River Properties
SAC#2011-00807-2IR

SEE SPECIAL
CON(S)

EXISTING CONC.
BULKHEAD

FACE OF BULKHEAD
S.C. DREDGE AREA
CRITICAL LINE



*NOTE: SCDHEC-OCRM
CRITICAL LINE VERIFIED
BY D.J. THOMPSON ON
12/28/2010

ASHLEY POINTE DRIVE
(see 2/19)

MAIN CHANNEL

PROPOSED
DREDGE AREA

S.C. DREDGE AREA
CRITICAL LINE

MATCH LINE SEE
SHEET 4

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATING: N/A

FIGURE 3
PROPOSED DREDGE AREA
PLAN A

NOT TO SCALE

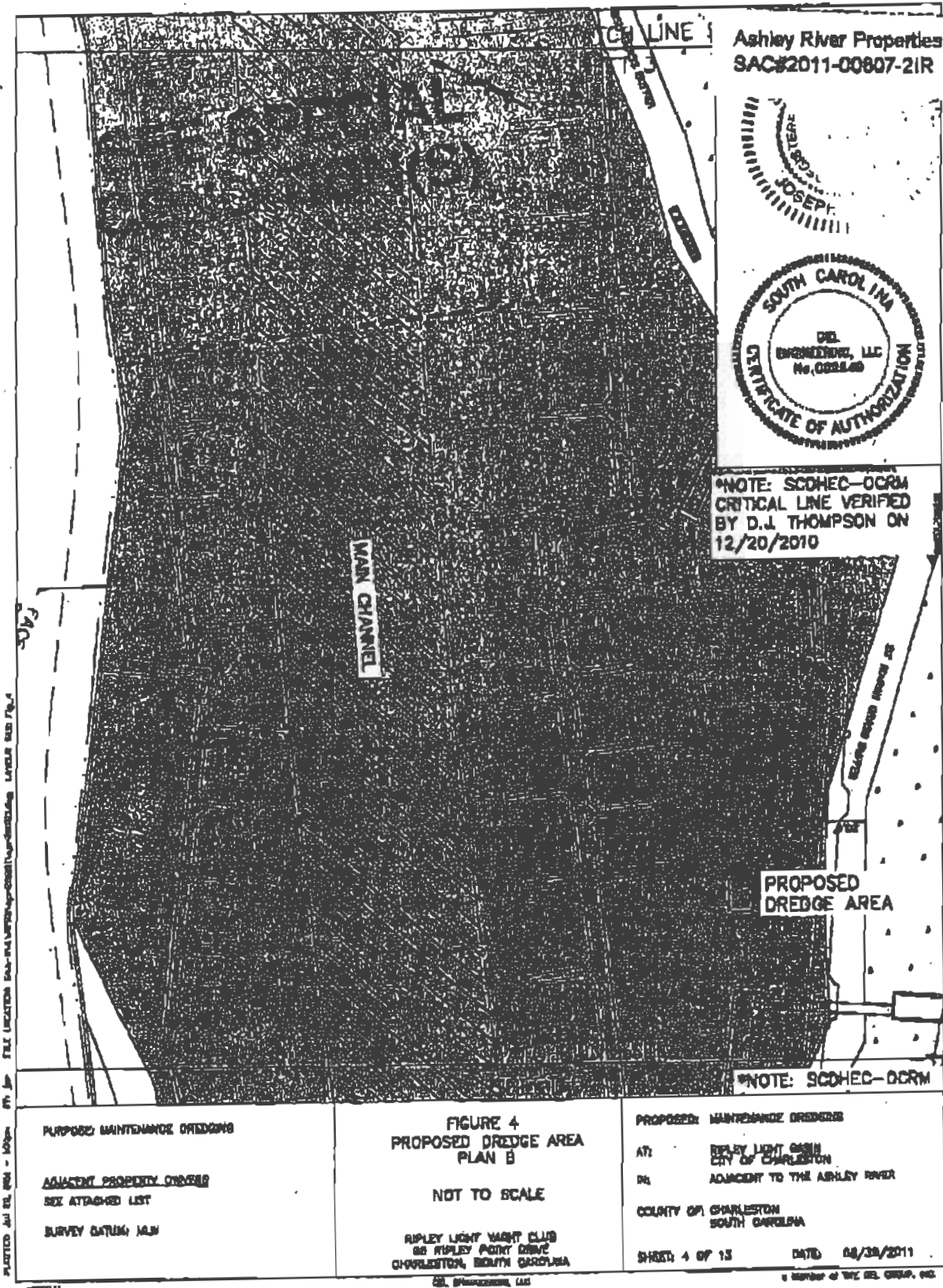
RIPLEY LIGHT YACHT CLUB
60 RIPLEY POINTE DRIVE
CHARLESTON, SOUTH CAROLINA

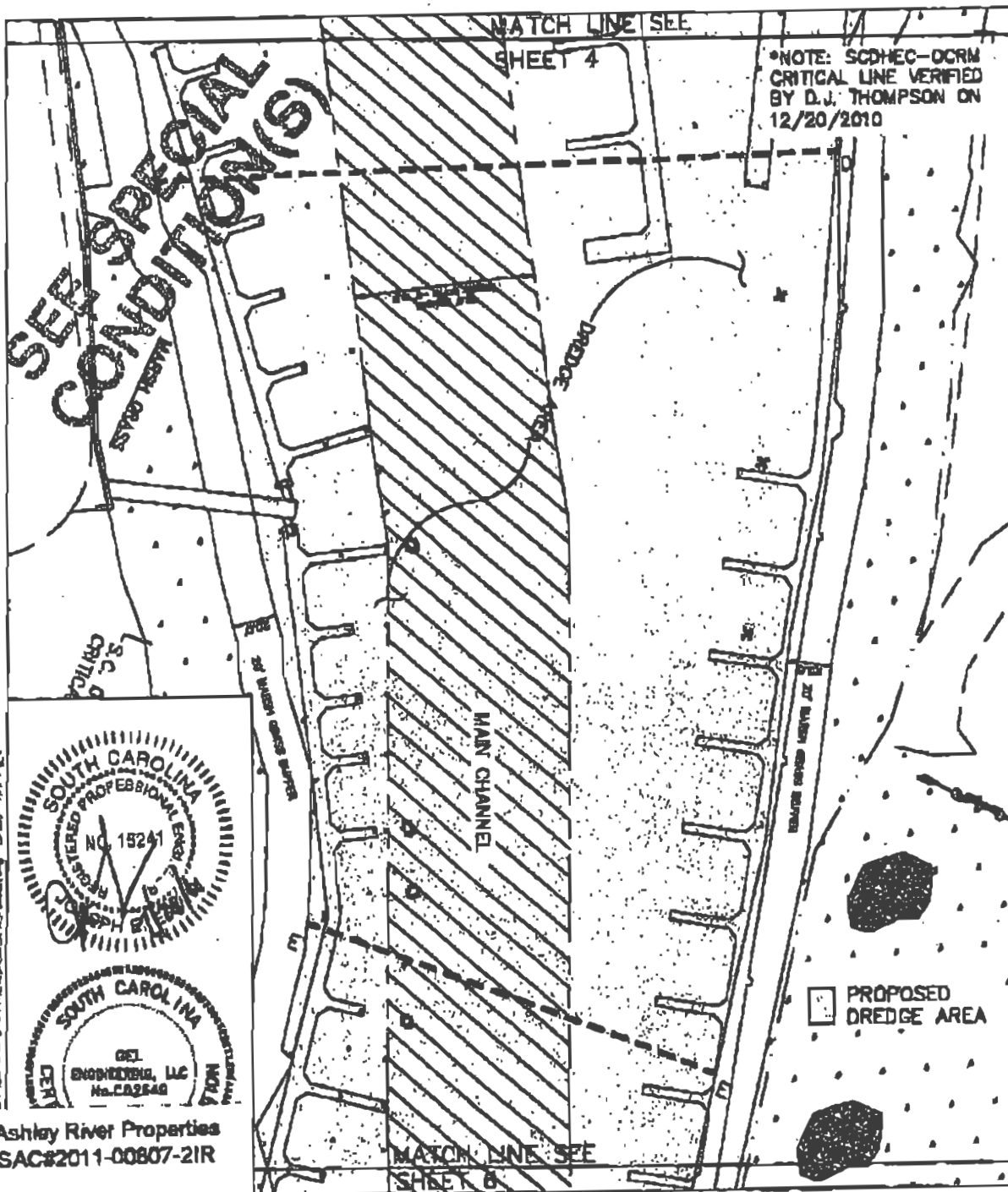
PROPOSED: MAINTENANCE DREDGING
AT: RIPLEY LIGHT BASIN
IN: CITY OF CHARLESTON
ADJACENT TO THE ASHLEY RIVER

COUNTY OF CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 13 DATE: 05/30/2011

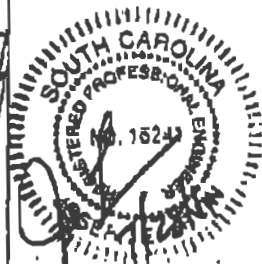
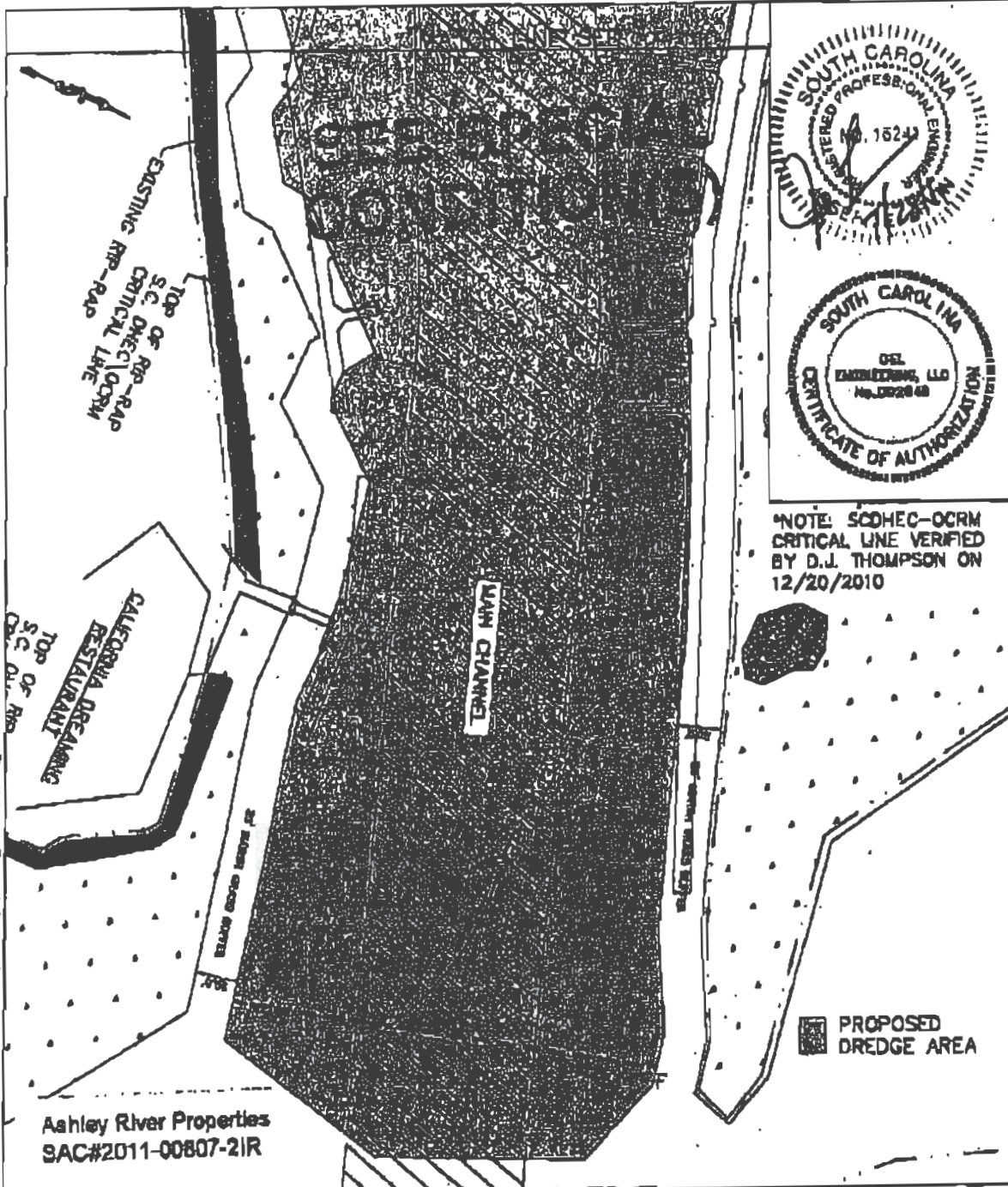
FILE LOCATION: 60 RIPLEY POINTE DRIVE, CHARLESTON, SC 29405





Ashley River Properties
SAC#2011-00807-21R

<p>PURPOSE MAINTENANCE DREDGING</p> <p>ADJACENT PROPERTY OWNERS SEE ATTACHED LIST</p> <p>SURVEY DATUM: MLLW</p>	<p>FIGURE 5 PROPOSED DREDGE AREA PLAN C</p> <p>NOT TO SCALE</p> <p>REFLEY LIGHT YACHT CLUB PO REFLEY POINT DRIVE CHARLESTON, SOUTH CAROLINA</p>	<p>PROPOSED MAINTENANCE DREDGING</p> <p>AT: REFLEY LIGHT YACHT CLUB CITY OF CHARLESTON</p> <p>IN: ADJACENT TO THE ASHLEY RIVER</p> <p>COUNTY OF CHARLESTON SOUTH CAROLINA</p> <p>SHEET 5 OF 13 DATE: 06/30/2011</p>
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*NOTE: SCDHEC-OCRM
CRITICAL LINE VERIFIED
BY D.J. THOMPSON ON
12/20/2010

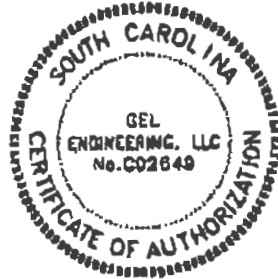
FILE LOCATED @ C:\ASHELY\PROJECTS\ASHLEY_RIVER_PROPERTIES\ASHELY_RIVER_PROPERTIES.dwg DATE 11/19/11

Ashley River Properties
SAC#2011-00807-2IR

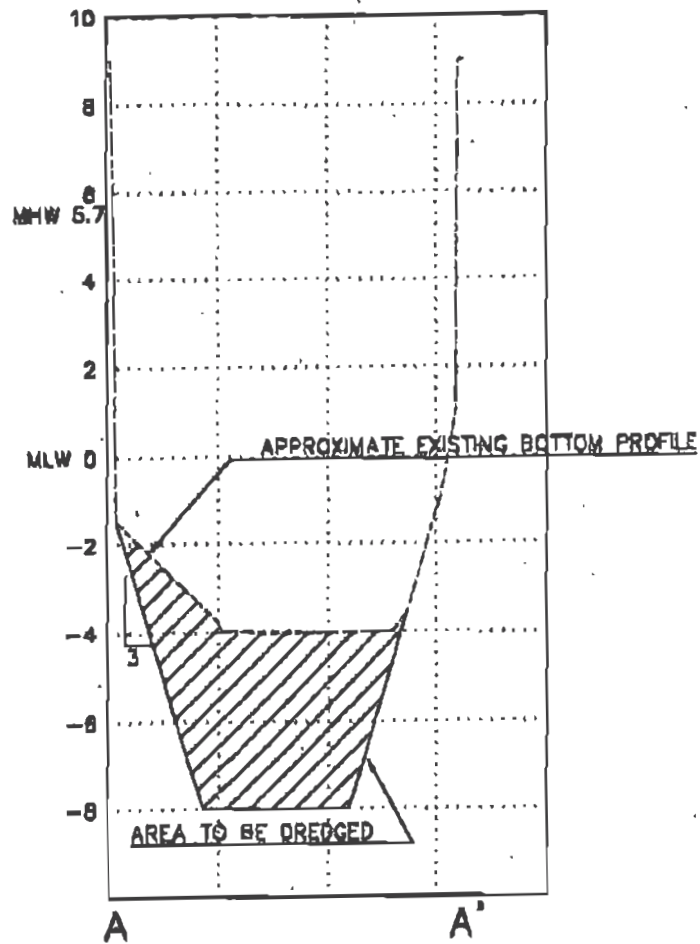
<p>PURPOSE: MAINTENANCE DREDGING</p> <p>ADJACENT PROPERTY OWNERS SEE ATTACHED LIST</p> <p>SURVEY DATUM: MAM</p>	<p>FIGURE 6 PROPOSED DREDGE AREA PLAN 0</p> <p>NOT TO SCALE</p> <p>RIPLEY LIGHT YACHT CLUB 80 RIPLEY POINT DRIVE CHARLESTON, SOUTH CAROLINA</p>	<p>PROPOSED: MAINTENANCE DREDGING</p> <p>AT: RIPLEY LIGHT YACHT CLUB CITY OF CHARLESTON</p> <p>IN: ADJACENT TO THE ASHLEY RIVER</p> <p>COUNTY OF: CHARLESTON SOUTH CAROLINA</p> <p>SHEET 6 OF 13 DATE: 06/30/2011</p>
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O&L ENGINEERING, LLC

a Member of THE O&L GROUP, INC.



**SEE SPECIAL
CONDITION(S)**



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

**Ashley River Properties
SAC#2011-00807-21R**

* EXISTING DOCKS NOT SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

**FIGURE 7
CROSS SECTION OF
PROPOSED DREDGE AREA A-A'**

NOT TO SCALE

RIPLY LIGHT YACHT CLUB
65 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
RE: ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 7 OF 13

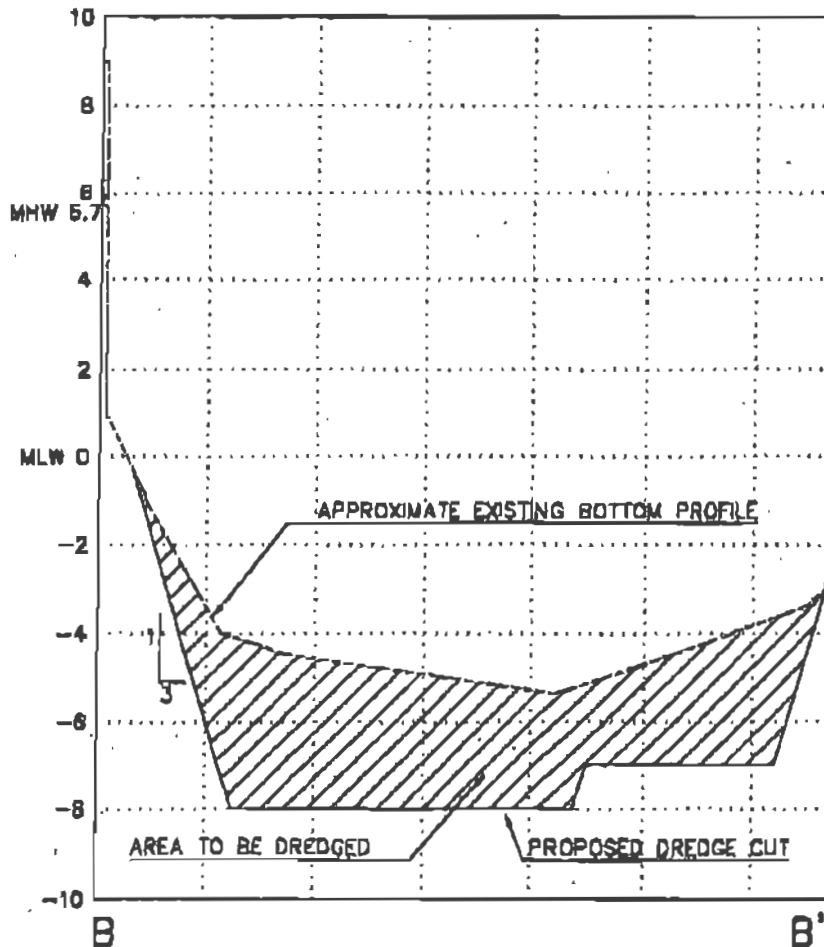
DATE: 08/30/2011

GEL ENGINEERING, LLC

a member of THE GEL GROUP, INC.

12/19

SEE SPECIAL CONDITION(S)



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-21R

* EXISTING DOCKS NOT SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 8
CROSS SECTION OF
PROPOSED DREDGE AREA B-B'

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
88 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

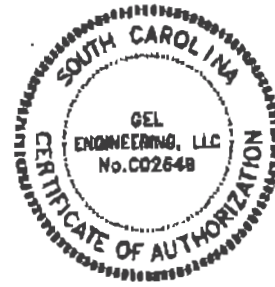
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BARN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

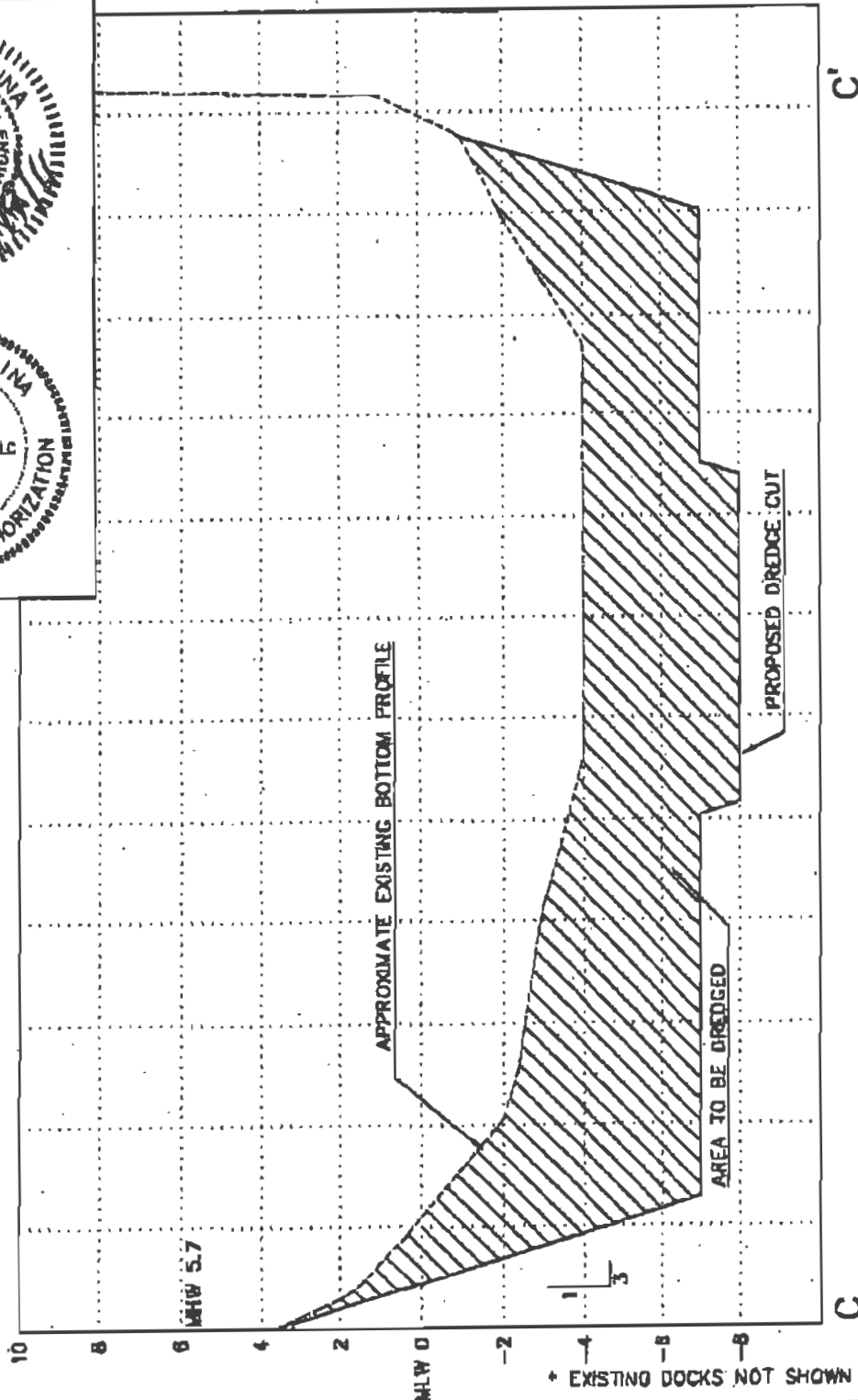
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 8 OF 13

DATE: 08/30/2011



**SEE SPECIAL
CONDITION(S)**



LEGEND

MLW MEAN LOW WATER
MLW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-21R

14/19

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

**FIGURE 8
CROSS SECTION OF
PROPOSED DREDGE AREA C-C'**

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
33 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

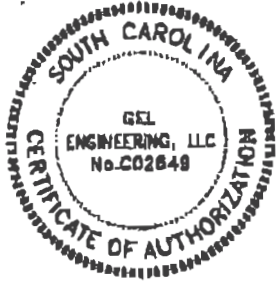
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 8 OF 13

DATE: 08/30/2011

GEL ENGINEERING, LLC

a member of THE GEL GROUP, INC.



**SEE SPECIAL
CONDITIONS**

EXISTING DOCKS NOT
SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLLW

**FIGURE 10
CROSS SECTION OF
PROPOSED DREDGE AREA D-D'**

NOT TO SCALE

RIPLY LIGHT YACHT CLUB
95 RIPLY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLY LIGHT BASIN
CITY OF CHARLESTON

RE: ADJACENT TO THE ASHLEY RIVER

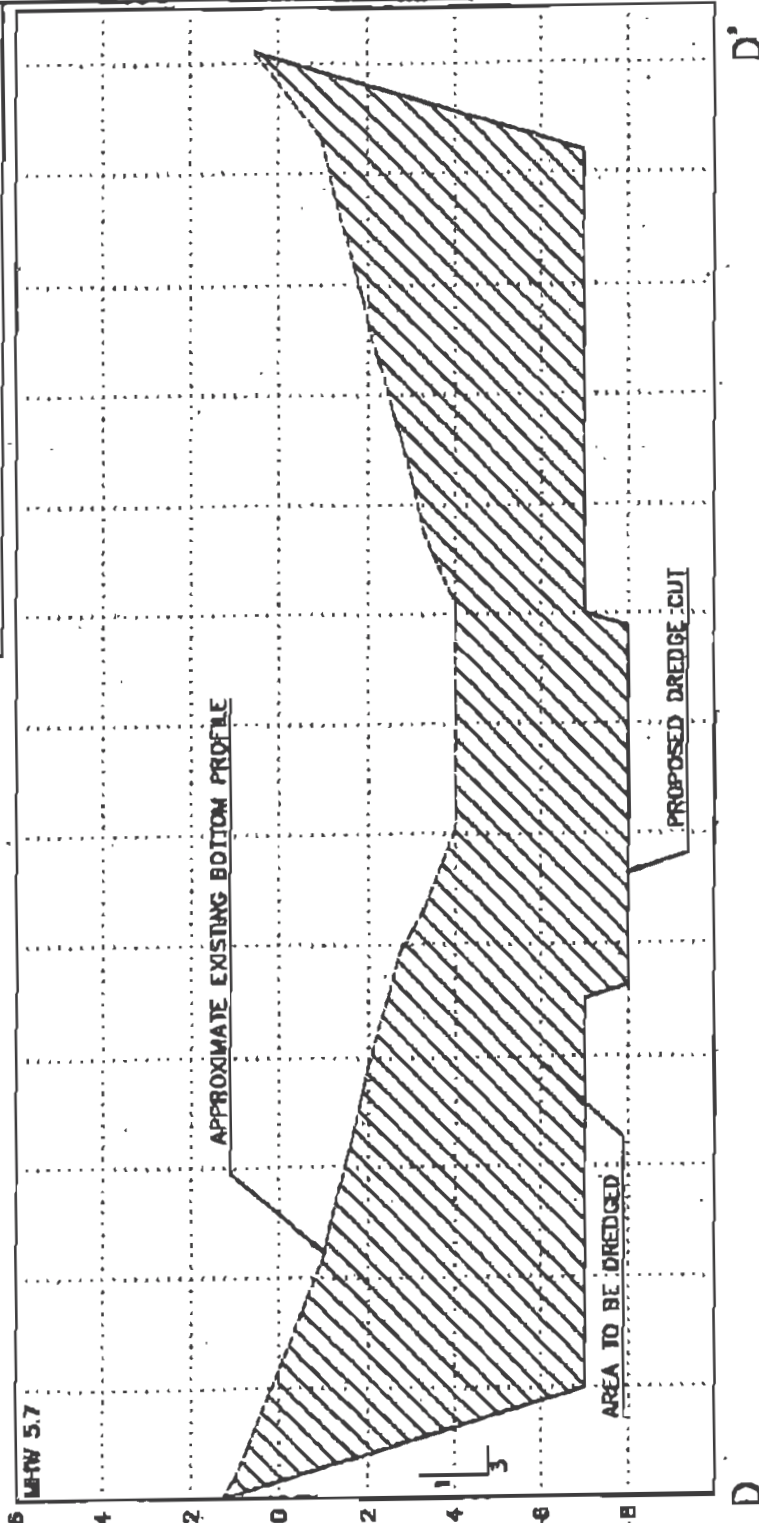
COUNTY OF CHARLESTON
SOUTH CAROLINA

SHEET: 10 OF 13

DATE: 08/30/2011

GEL ENGINEERING, LLC

a member of THE EEL GROUP, INC.

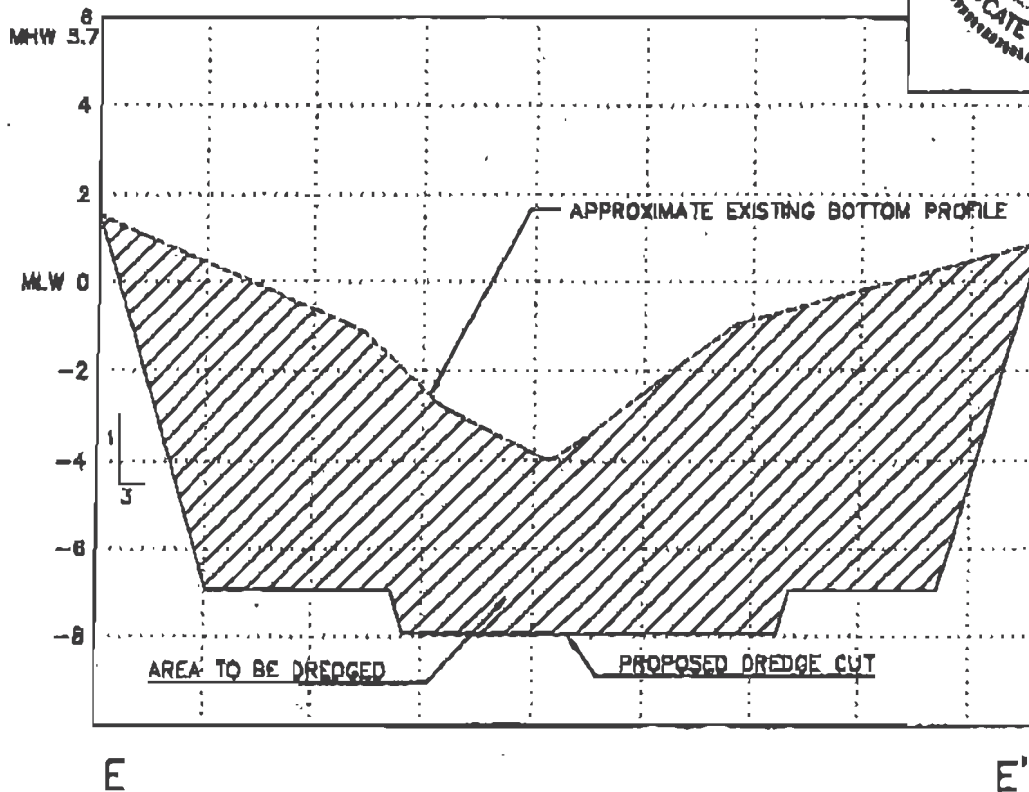
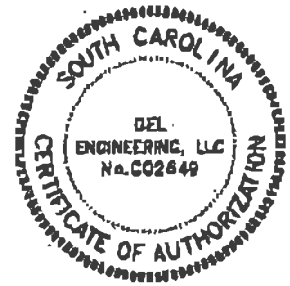


LEGEND:

MLW MEAN LOW WATER
MLHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2IR

SEE SPECIAL CONDITION(S)



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-21R

• EXISTING DOCKS NOT SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 11
CROSS SECTION OF
PROPOSED DREDGE AREA E-E'

NOT TO SCALE

RIPLY LIGHT YACHT CLUB
93 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

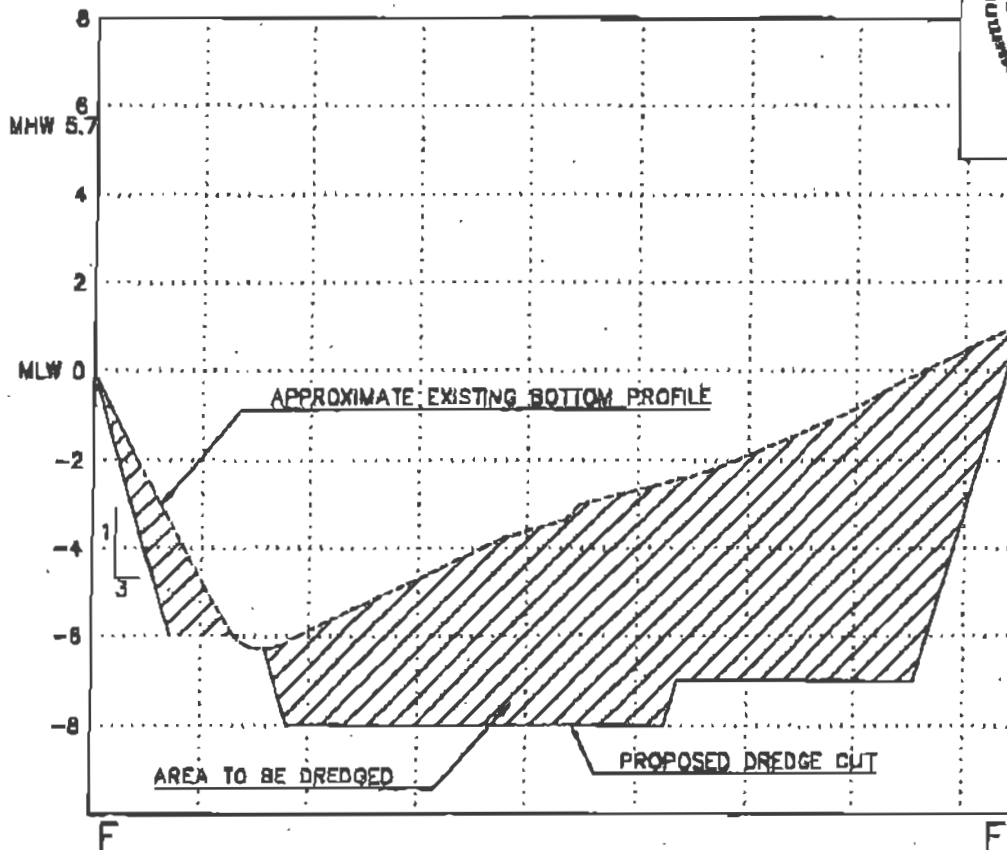
AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 11 OF 13

DATE: 08/30/2011

SEE SPECIAL
CONDITION(S)



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2/R

• EXISTING DOCKS NOT SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 12
CROSS SECTION OF
PROPOSED DREDGE AREA F-F'

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
85 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

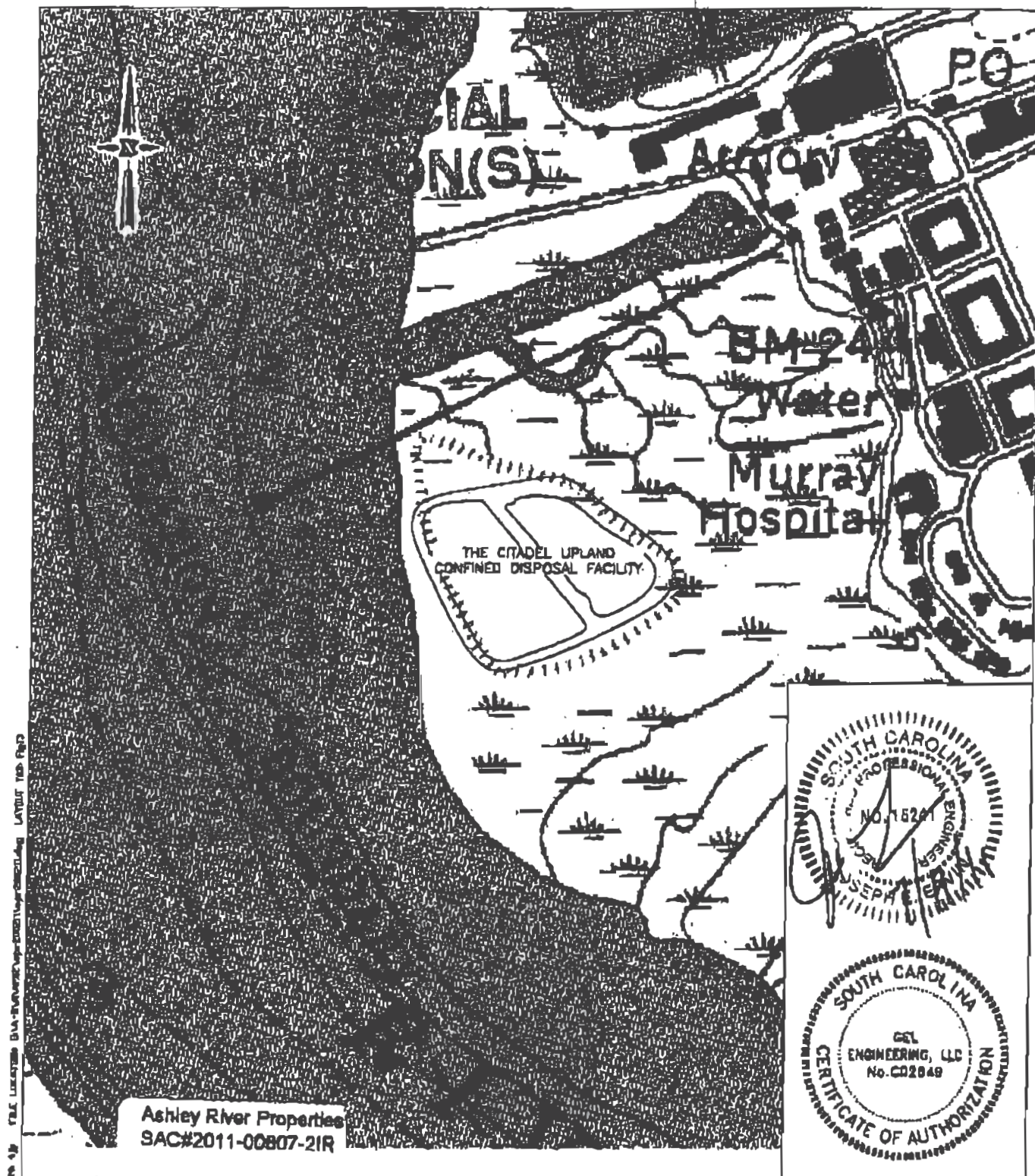
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

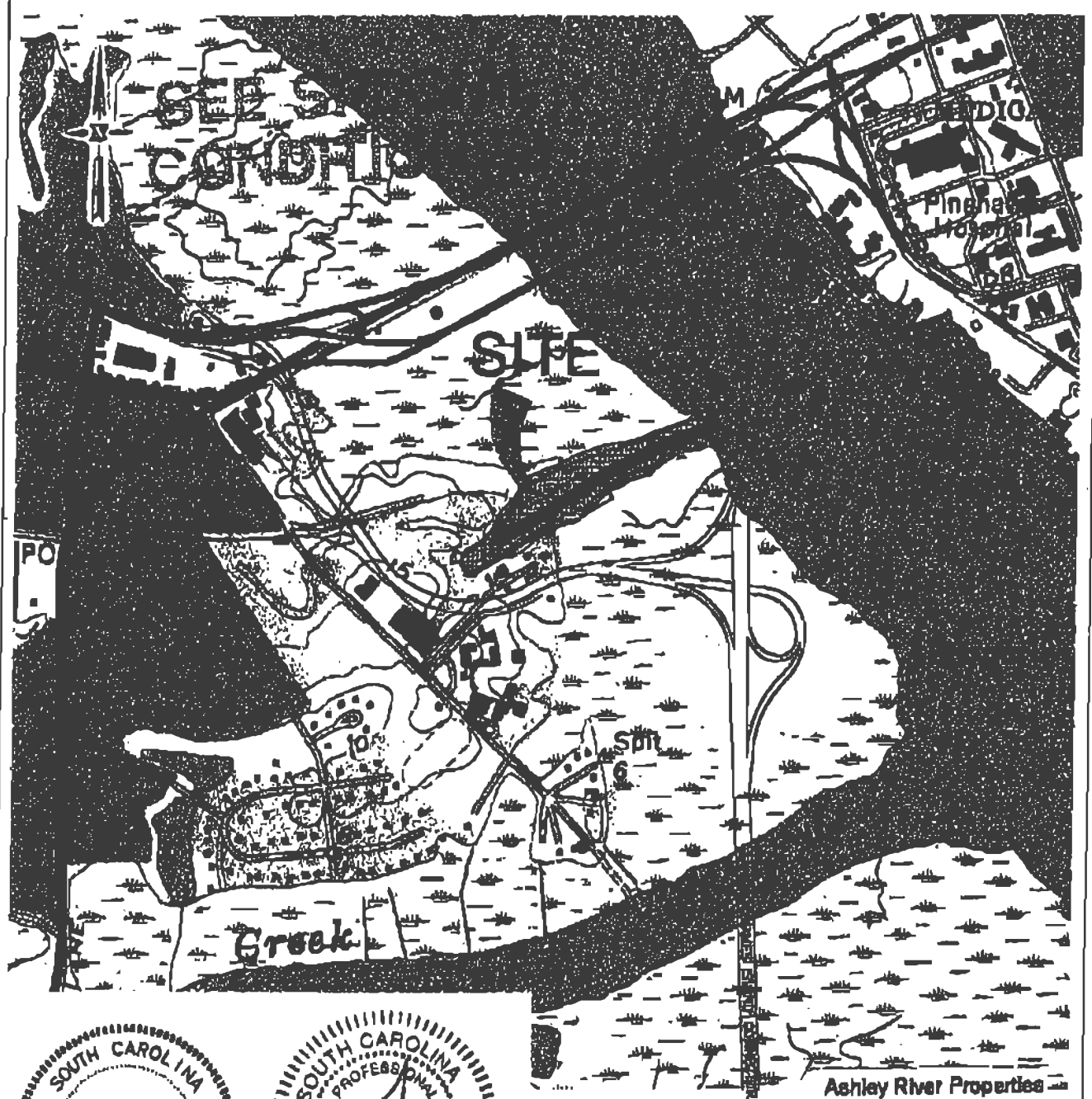
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 12 OF 13

DATE: 06/30/2011



PLATTED AS PER THE - DESIGN BY THE LOCATION GEL ENGINEERING, LLC, LATEST YARD FILE



GEL Engineering LLC

Ashley River Properties
SAC#2011-00807-21R

P.O. BOX 38712 Charleston, SC 29417
2546 Savage Road Charleston, SC 29405
P 803.738.7371 F 803.738.7372

a member of THE GEL GROUP INC
ENVIRONMENTAL • ENGINEERING • SURVEYING

www.gel.com

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 1
QUAD LOCATION MAP

SCALE: 1" = 1000'



RIPLEY LIGHT YACHT CLUB
65 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET 1 OF 13 DATE: 08/30/2011

DEPARTMENT OF THE ARMY PERMIT

Permittee: **ASHLEY RIVER PROPERTIES II, LLC**
C/O DAVIDSON WILLIAMS

95 RIPLEY POINTE DRIVE
CHARLESTON, SC 29407

Permit No: **2011-00807-2IR**

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 maintenance dredging Ripley Cove, which includes two existing marinas, Ripley Light Marina on the south side of the Cove and Ripley Light Yacht Club (Ashley River Properties II, LLC), on the north side of the Cove to provide the adequate depths for recreational and commercial vessels utilizing the cove and adjacent waterways in accordance with the attached drawings entitled: Proposed: Maintenance Dredging; At: Ripley Light Basin, City of Charleston, Adjacent to the Ashley River; County Of: Charleston, South Carolina. Sheets 1 thru 13 of 13 dated June 30, 2011.

Project Location:

The project site is located in Ripley Cove on the western side of the Ashley River at 95 Ripley Pointe Drive, Charleston, Charleston County, South Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **30 September 2023**. 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 PAGES 4, 5 & 6.

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.

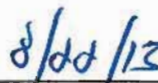
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable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

ASHLEY RIVER PROPERTIES II, LLC
C/O DAVIDSON WILLIAMS




(DATE)

DAVIDSON D. WILLIAMS

PRINT NAME

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



(DISTRICT ENGINEER)

JOHN T. LITZ, PMP

or his Designee

Tina B. Hadden

Chief, Regulatory Division

AUG 23 2013

(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.

(TRANSFEE)

(DATE)

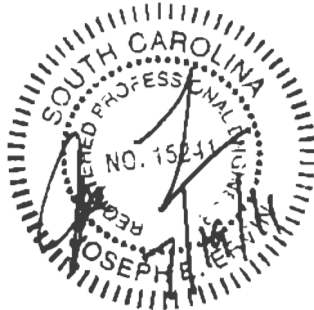
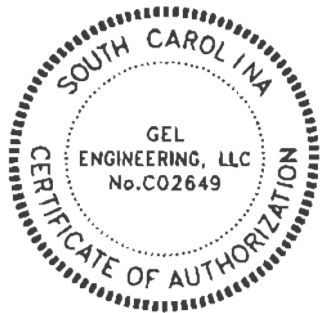
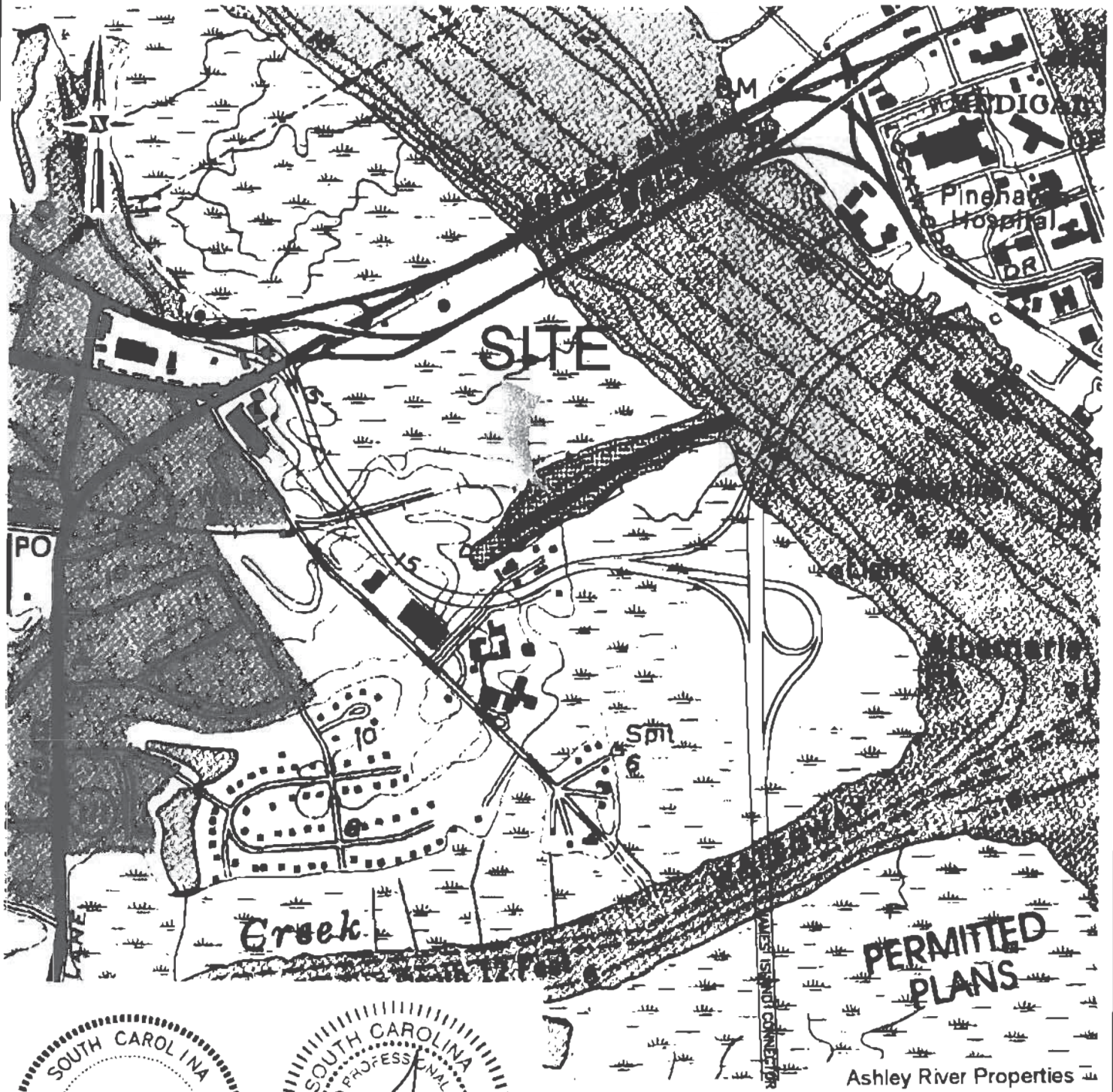
SPECIAL CONDITIONS FOR PERMIT #: 2011-00807-2IR

- 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. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- d. That the permittee insures that the contractor is aware that it is the expectation of this office that environmentally responsible dredging take place at all times. It is also a requirement of this permit that the disposal site have on-site inspector monitoring the disposal site and outfall 24 hours per day throughout the dredging activity to ensure that the disposal site and outfall are properly maintained. It is noted that increased turbidity will occur with heavy overflow from the disposal area that contains high levels of suspended solids. Therefore, it is essential that care and diligence is taken to assure that the disposal area embankments are not breached, material overflow does not occur, and the spillway is properly and carefully maintained. The material should be pumped into the disposal area at such a rate as to allow settling at the spillway thereby minimizing suspended solids. The contractor is NOT allowed to pump into the disposal area whereby the effluent from the disposal area is mud or water with high levels of suspended solids. If this occurs the inspector should require that dredging operations halt immediately, take pictures immediately of the area in the immediate vicinity of the discharge pipe, and contact this office immediately.
- e. That the permittee agrees that no placement or discharge of dredged material in Waters of the U.S. will occur.
- f. That the permittee must advise the District Engineer, in writing, thirty (30) days prior to commencement of the maintenance dredging activity authorized by this document.
- g. That the permittee agrees to conduct the work authorized herein in a manner that will not prevent or interfere with full and free use of the adjacent or nearby navigable waters of the United States by the boating public.
- h. That the permittee must contact the United States Coast Guard to ascertain and assist in the issuance of a Notice to Mariners advising the boating public of the place and time that the dredging activity will be occurring.

- i. That the permittee is responsible for properly installing and providing appropriate warning and marking devices to alert the boating public of any dangers (such as cables, anchors, buoys and other appurtenances) associated with the proposed dredging activity. All warning and marking devices must be marked and installed in accordance with United States Coast Guard standards.
- j. That the permittee agrees to contact the Boating Division of the South Carolina Department of Natural Resources to advise them of the place and time that the dredging activity will be occurring. The permittee will solicit any information that the Department may have on local boating traffic patterns and activities in the project area. Such information will be used to facilitate dredging plant and appurtenances setup and operation to insure safe navigation through the area of work."
- k. Approval of this permit will give Federal authorization for maintenance dredging for a period of ten years from the date of issuance provided all other special conditions are complied with.
- l. That the permittee agrees to provide the Corps of Engineers bathymetric surveys of the berthing area(s). The surveys will be referenced to "Mean Low Water". This survey must be submitted within sixty (60) days of the completion of the dredging.
- m. That prior to the commencement of any dredging authorized by this permit, the permittee agrees to install a floating silt curtain at the mouth of the marina basin or around the dredging activity itself. The curtain must be of sufficient depth to extend from the water surface to bottom sediments throughout all phases of the tidal cycle and include absorbent material to catch oil, creosote, and flotsam, to minimize the migration of suspended particles, and contain turbidity. Further, the silt curtain must have adequate positioning and anchoring devices to assure its performance and be adequately marked to insure safe navigation in the area. The bottom must be maintained to prevent its migration during various phases of tide and wave action. At 8:00 A.M. each morning and every four (4) hours thereafter until the completion of work that day, an inspection must be performed by the inspector on the silt curtain to insure its integrity. If the curtain is damaged, all dredging activity must immediately cease until the silt curtain is repaired or replaced. A log of these inspections must be maintained on site and ready for review by this office at any time.
- n. The permittee agrees that the dredged material must be mixed or capped to the extent practicable with less contaminated sediments or soils from elsewhere in order to minimize the exposure of wildlife.
- o. The permittee understands and agrees to provide for and/or obtain mosquito control efforts, including inspections and product application, for the use of the proposed disposal area. Agreements/coordination regarding these inspections and product application must be finalized prior to commencement of dredging.
- p. The permittee must notify Ed Harne, Taxonomist, at (843) 202-7886 of the Charleston County Mosquito Control Program at the commencement of placement of the dredged material upon the site.
- q. That the permittee agrees to provide the Corps of Engineers bathymetric surveys of the dredging locations. The survey will be referenced to "Mean Low Water" and performed by a registered land surveyor. This survey must be submitted within sixty (60) days of the completion of the dredging.
- r. The permittee shall perform dredging to the greatest extent practicable during the winter months from November 1 to March 31. However, in order to insure protection of West Indian Manatees that may enter the project area during dredging activities performed outside the winter months, the permittee will comply with the following:

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with them. All construction personnel must monitor water-related activities for the presence of manatee(s) during May 15 – October 15. All in-water work must be conducted only during the hours from one-half hour after sunrise to one-half hour before sunset.
2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973.
3. Any siltation barriers used during the project will be made of material in which manatees cannot become entangled, and must be properly secured, and regularly monitored to avoid manatee entrapment.
4. All vessels associated with the project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom. All vessels will follow routes of deep water whenever possible.
5. If manatee(s) are seen within 100 yards of the active dredging area, all appropriate precautions shall be implemented to ensure protection of the manatees. These precautions shall include the operation of all equipment no closer than 50 feet of any manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of the equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
6. Any collision with any/or injury to a manatee will be reported immediately to: Jim Valade of the U.S. Fish and Wildlife Service, North Florida Field Office, at (904) 731-3116, and Mr. Barry Beasley, Heritage Trust Program Manager, SC Department of Natural Resources, 1000 Assembly Street, Columbia, SC 29201-3117, PO Box 167, Columbia, SC 29202-0167.

PLOTTED: Jul 15, 2011 - 9:02am BY: LJP FILE LOCATION: G:\A-D\A\APR2\Apr-20021\Apr-20021.dwg LAYOUT TAB: Fig1



GEL Engineering LLC

a member of THE GEL GROUP, INC.
ENVIRONMENTAL • ENGINEERING • SURVEYING

P.O. BOX 30712 Charleston, SC 29417
2040 Savage Road Charleston, SC 29407
P 843.788.7378 F 843.788.7389

www.gel.com

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 1
QUAD LOCATION MAP

SCALE: 1" = 1000'



RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

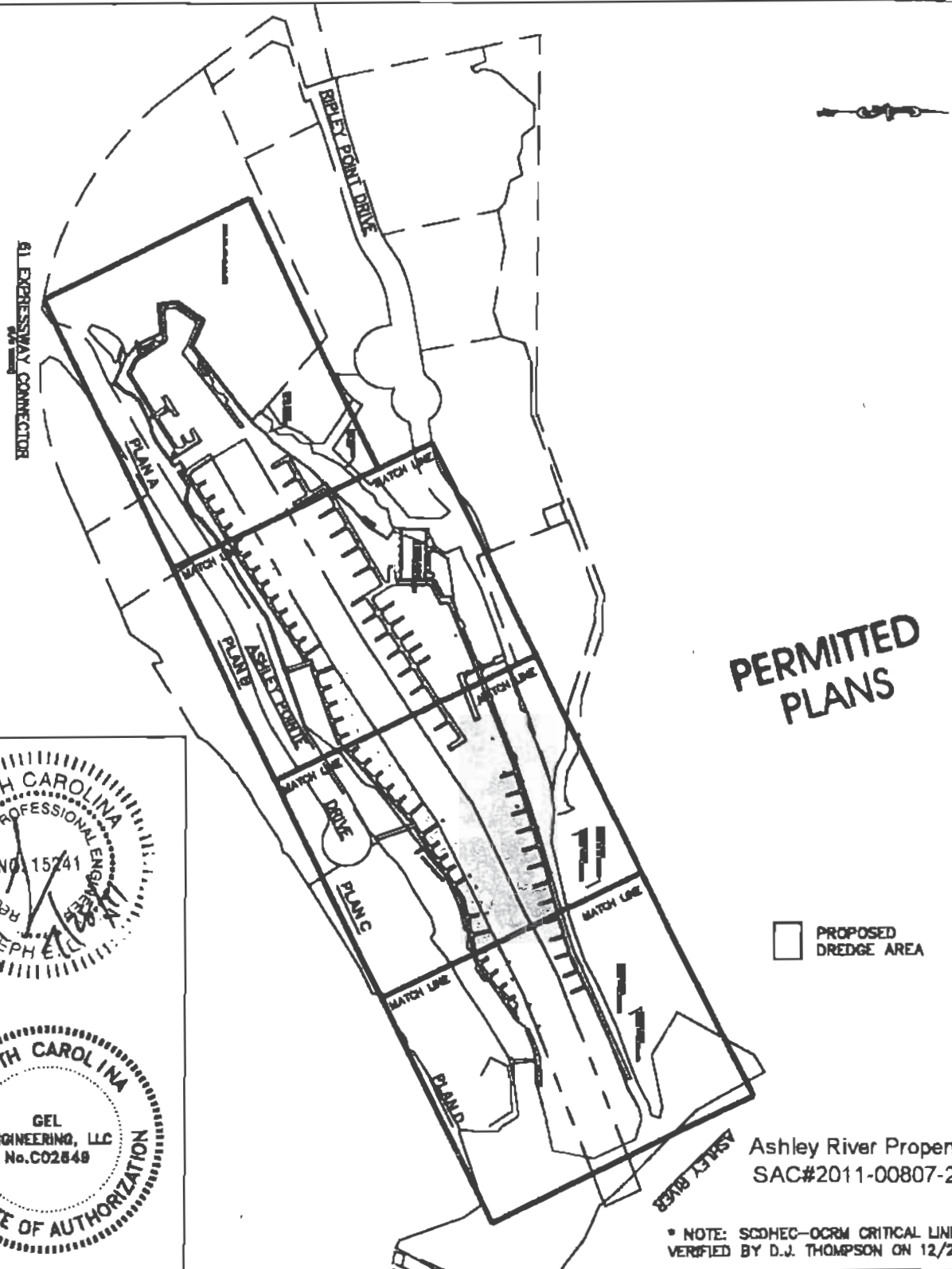
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 1 OF 13

DATE: 06/30/2011



PURPOSE: MAINTENANCE DREDGING

SURVEY DATUM: MLW

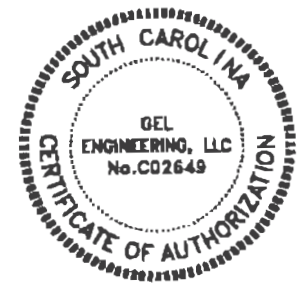
NOT TO SCALE

PROPOSED: MAINTENANCE DREDGING

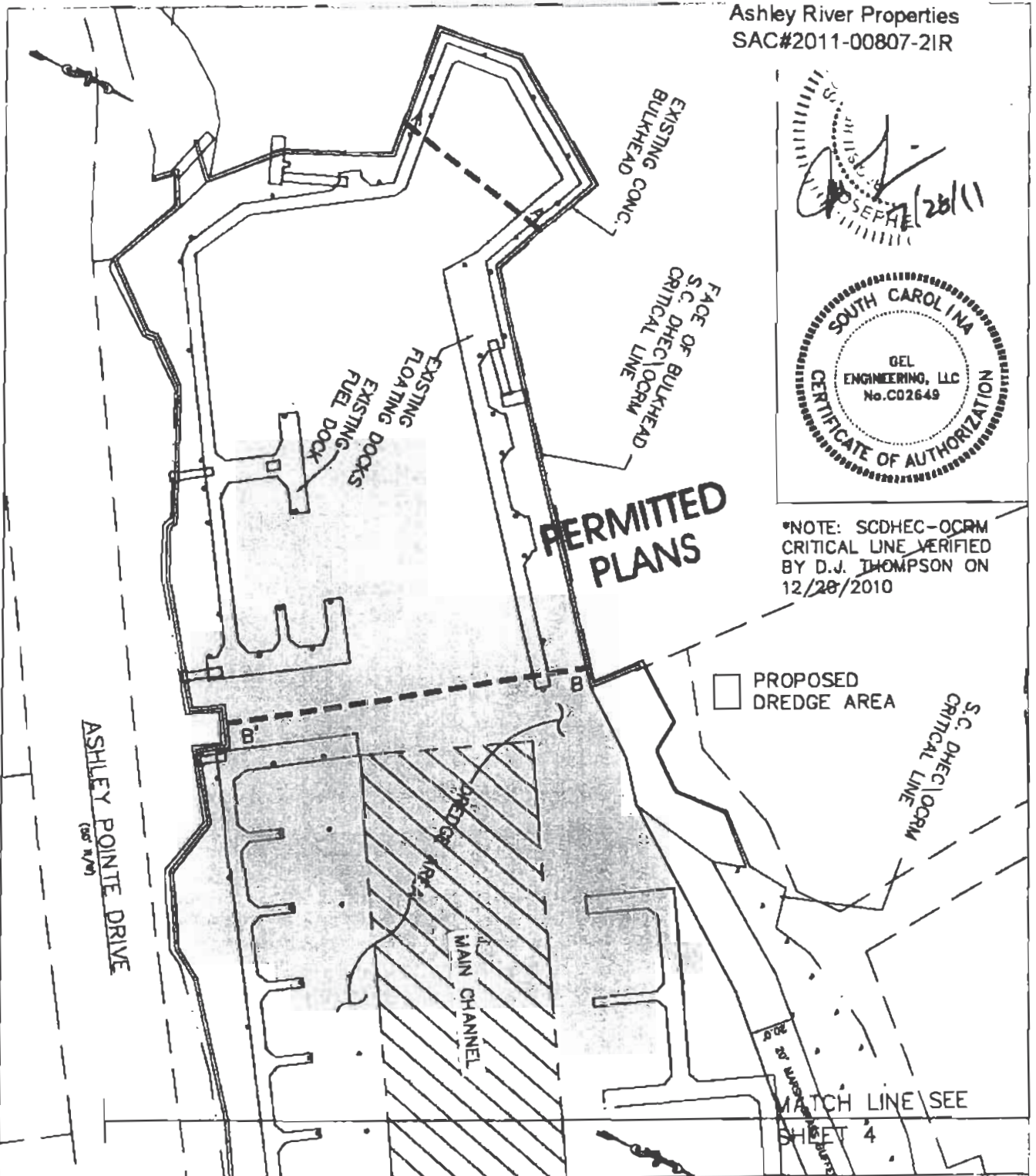
COUNTY OF: CHARLESTON
SOUTH CAROLINA

DATE: 08/30/2011

SEP 11/2011



*NOTE: SCDHEC-OCRM
CRITICAL LINE VERIFIED
BY D.J. THOMPSON ON
12/28/2010



PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 3
PROPOSED DREDGE AREA
PLAN A

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN

IN: ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 13

DATE: 08/30/2011

JOSEF
STERN



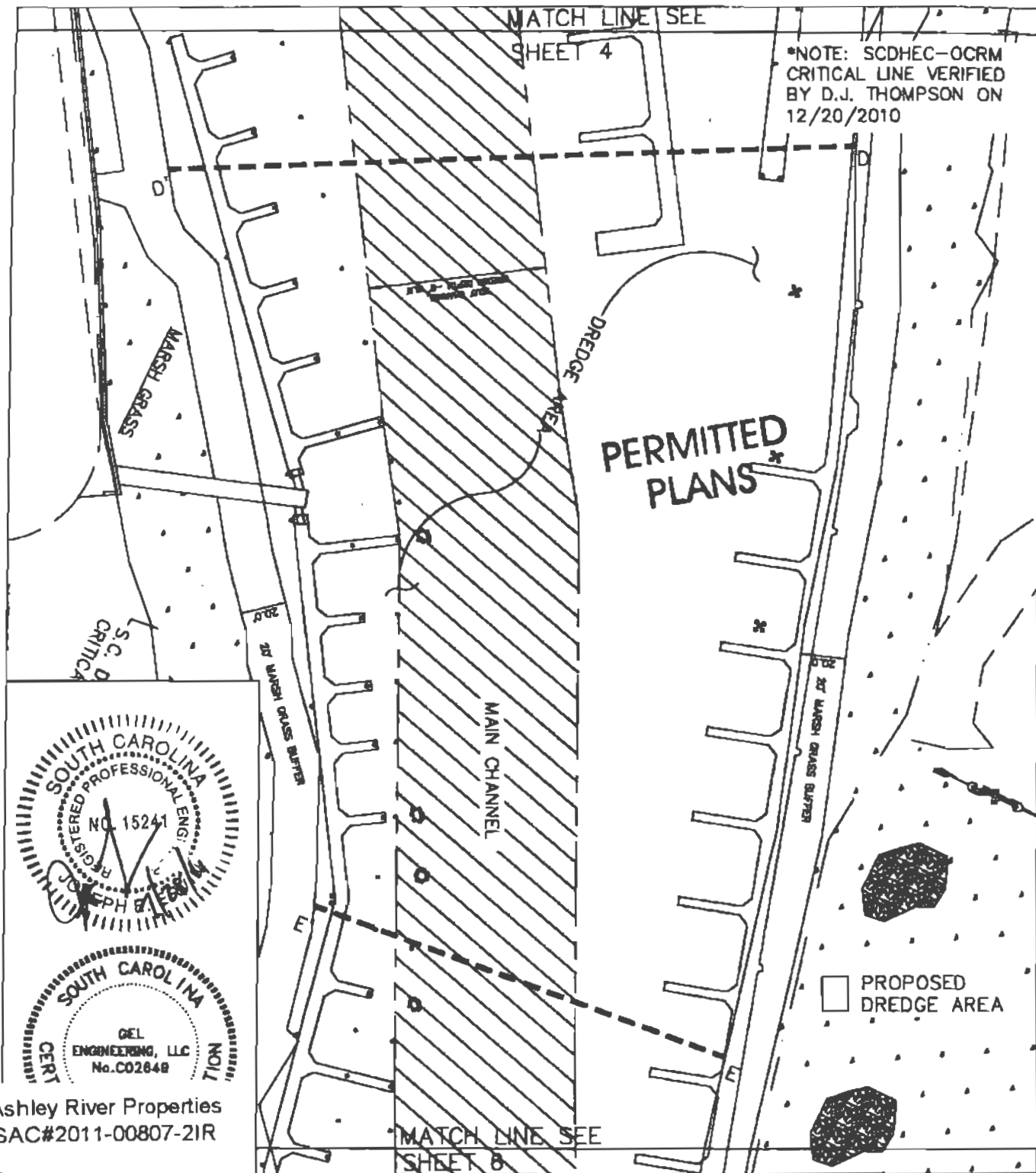
PERMITTED PLANS

☐ PROPOSED
DREDGE AREA

*NOTE: SCDHEC-OCRM

DATE: 06/30/2011

a Member of THE OIL GROUP, INC.



Ashley River Properties
SAC#2011-00807-2IR

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 5
PROPOSED DREDGE AREA
PLAN C

NOT TO SCALE

RIPLY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

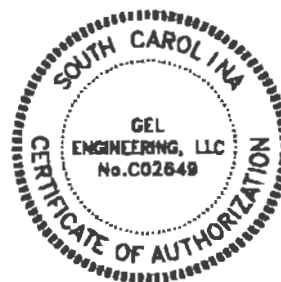
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 5 OF 13

DATE: 06/30/2011



**PERMITTED
PLANS**

 PROPOSED
DREDGE AREA

Ashley River Properties
SAC#2011-00807-2IR

SURVEY DATUM: MLW

FIGURE 6
PROPOSED DREDGE AREA
PLAN D

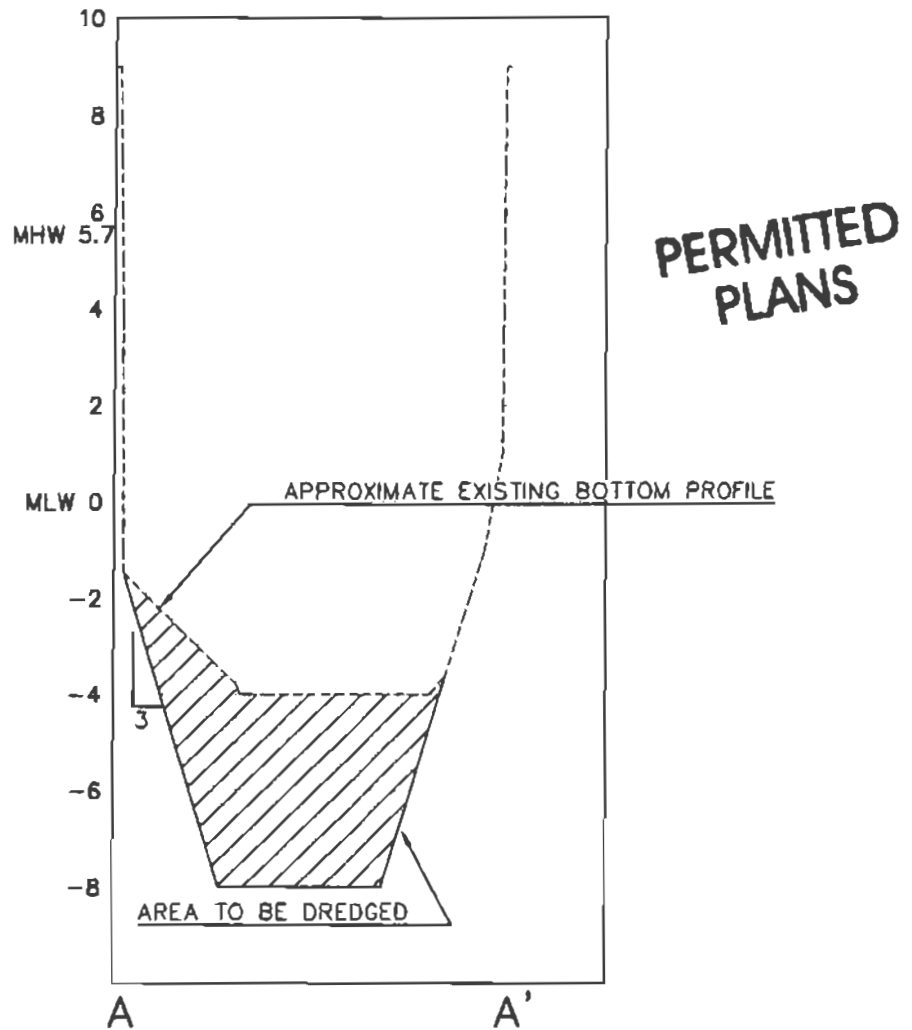
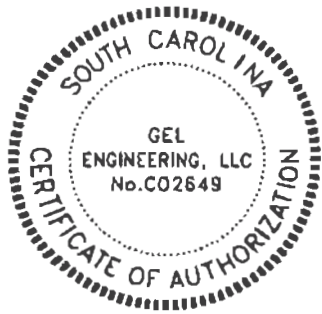
NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 6 OF 13

DATE: 08/30/2011



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2IR

* EXISTING DOCKS NOT SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLW

**FIGURE 7
CROSS SECTION OF
PROPOSED DREDGE AREA A-A'**

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE ASHLEY RIVER

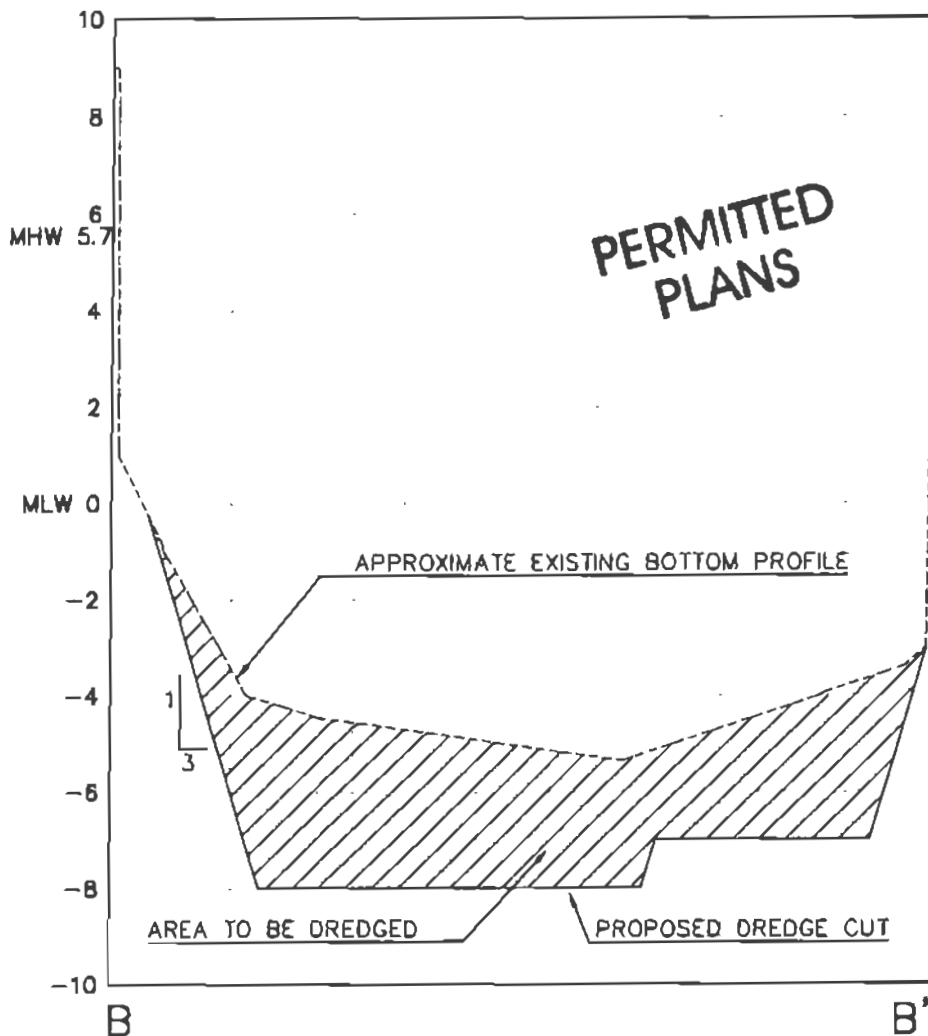
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 7 OF 13

DATE: 06/30/2011

PLOTTER: Jul 19, 2011 - 11:41am BY: jpc FILE LOCATION G:\A-D\A\PR2\Apr2002\1\Fig_7.dwg LAYOUT TAB: Model1

FILE LOCATION: G:\A-D\A\APR2\apr200211\fig_B.dwg LAYOUT TAB: Model
BY: Jpr
PLOTED: Jul 19, 2011 - 11:43am



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2IR

* EXISTING DOCKS NOT SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 8
CROSS SECTION OF
PROPOSED DREDGE AREA B-B'

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

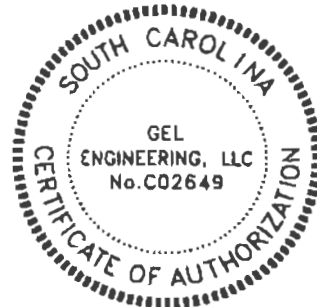
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

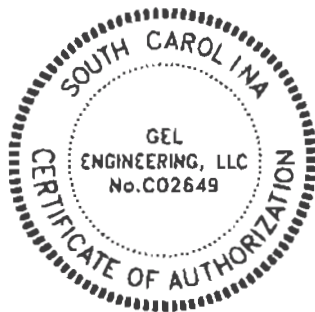
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 8 OF 13

DATE: 06/30/2011



PLDTED: JUN 19, 2011 - 11:47am



APPROXIMATE EXISTING BOTTOM PROFILE

PROPOSED DREDGE CUT

AREA TO BE DREDGED

Category	Count
MHW 5.7	6

• EXISTING DOCKS NOT SHOWN FOR CLARITY

C

LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2IR

SURVEY DATUM: MLW

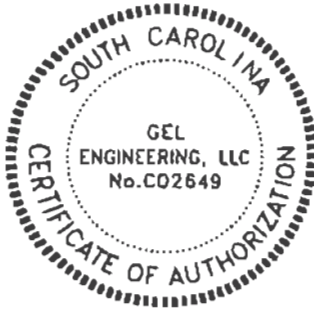
NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

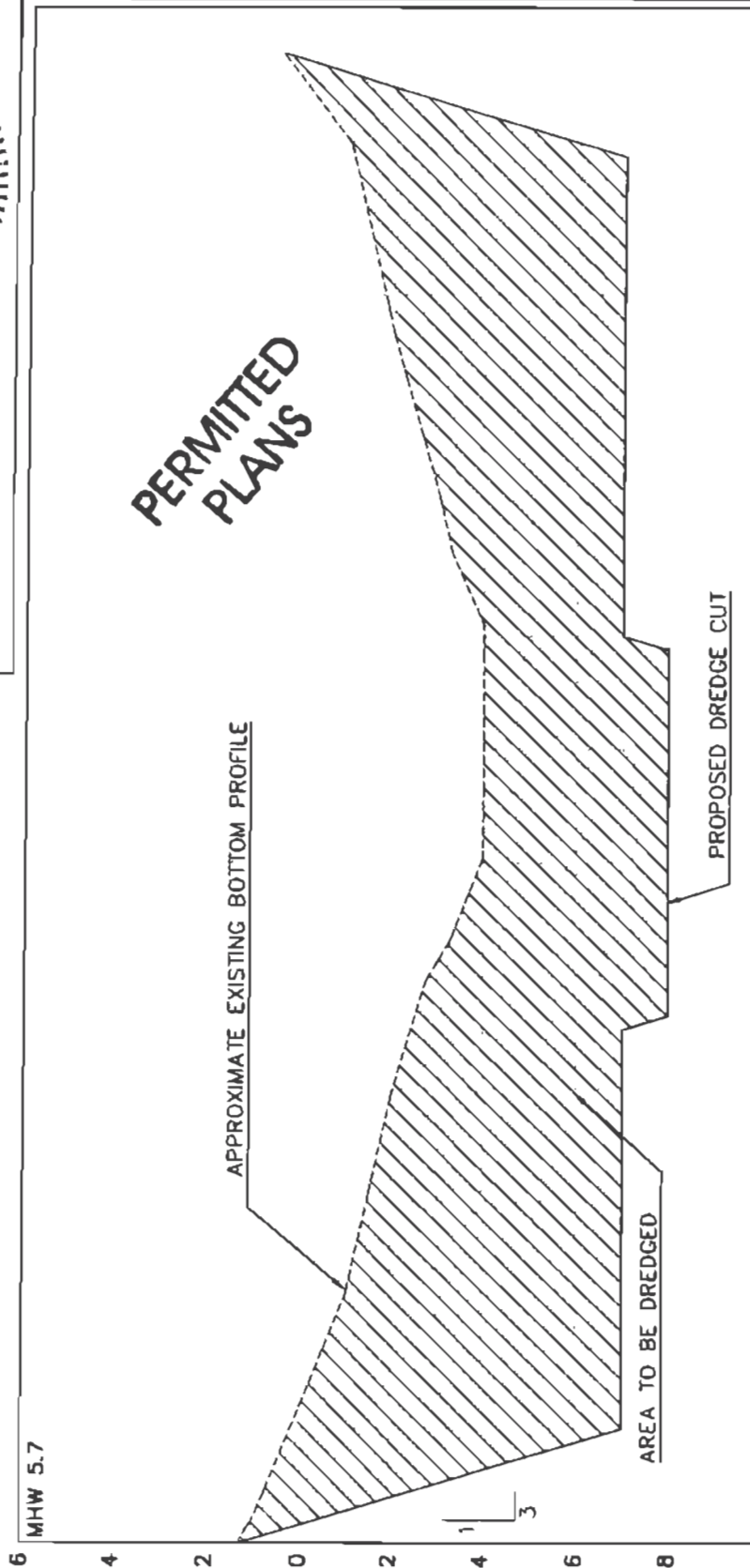
COUNTY OF CHARLESTON
SOUTH CAROLINA

SHEET: 9 OF 13

DATE: 08/30/2011



* EXISTING DOCKS NOT SHOWN FOR CLARITY



D'

D

LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2IR

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLW

**FIGURE 10
CROSS SECTION OF
PROPOSED DREDGE AREA D-D'**

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

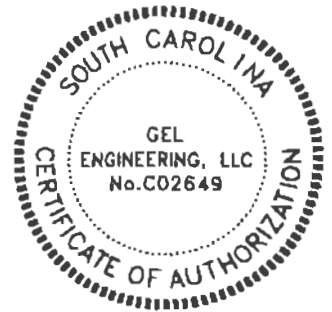
AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE ASHLEY RIVER

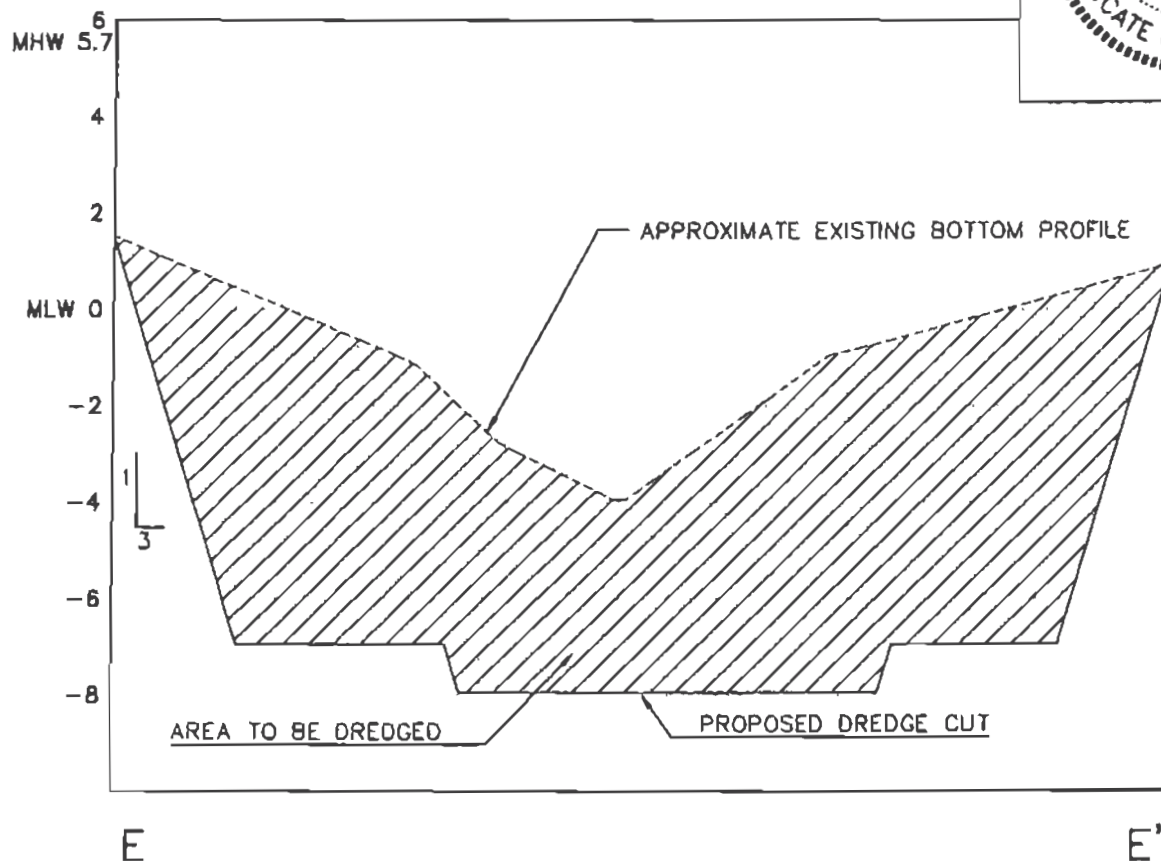
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET 10 OF 13

DATE: 06/30/2011



**PERMITTED
PLANS**



MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2IR

* EXISTING DOCKS NOT SHOWN FOR CLARITY

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST
SURVEY DATUM: MLW

FIGURE 11
CROSS SECTION OF
PROPOSED DREDGE AREA E-E'

NOT TO SCALE

RIPLEY LIGHT YACHT CLUB
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

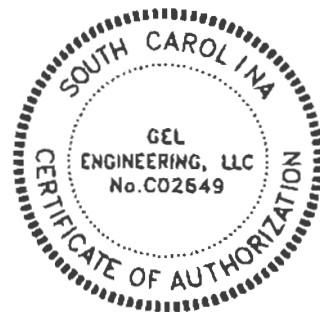
AT: RIPLEY LIGHT BASIN
CITY OF CHARLESTON

IN: ADJACENT TO THE ASHLEY RIVER

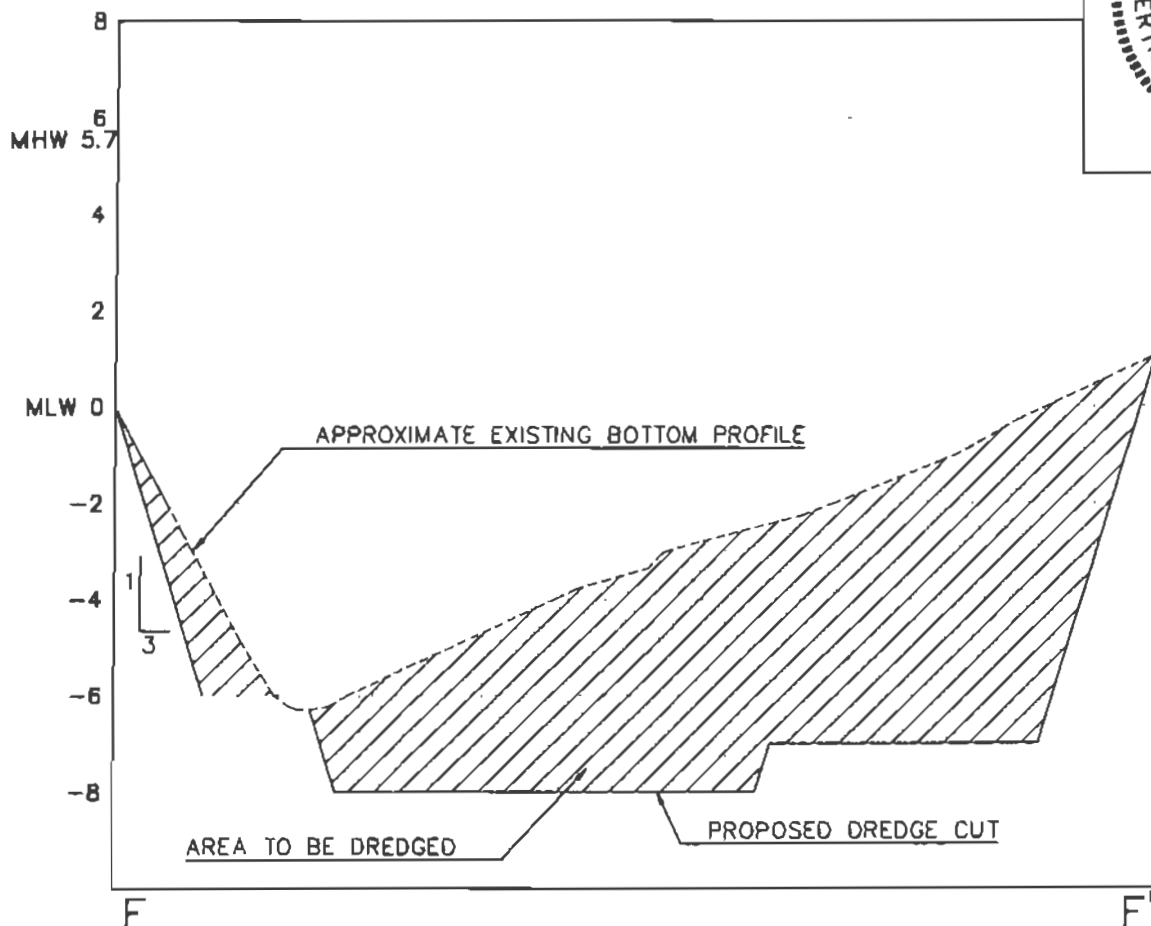
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 11 OF 13

DATE. 06/30/2011



PERMITTED PLANS



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

Ashley River Properties
SAC#2011-00807-2IR

• EXISTING DOCKS NOT SHOWN FOR CLARITY

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS
SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 12
CROSS SECTION OF
PROPOSED DREDGE AREA F-F'

NOT TO SCALE

RIPLY LIGHT YACHT CLUB
95 RIPLY POINT DRIVE
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLY LIGHT BASIN
CITY OF CHARLESTON
IN: ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 12 OF 13

DATE: 06/30/2011



Catherine B. Templeton, Director
Promoting and protecting the health of the public and the environment

10 10 2013

April 10, 2013

GEL Engineering, LLC
C/O Mr. Jack Walker
2040 Savage Road
Charleston, SC 29407

Re: P/N# 2011-00807-21R, Ashley River Properties II, LLC - Amendment

Dear Mr. Walker:

The above referenced permit has been amended to allow the dredging activity to be conducted during the winter months between November 1 and March 31.

This amendment also removes Special Condition Number 11 from the issued permit, as the concerns of that condition will be properly satisfied by the requirements of Special Conditions 12 and 13.

This amendment is made a part of your permit and is subject to the full terms of the permit as issued.

This letter does not relieve you of the responsibility of acquiring any other applicable federal or local permits that may be required. Any person adversely affected by this action has the right to appeal as outlined in the enclosed "Notice of Appeal Procedure."

A construction placard must be posted conspicuously on site during authorized activities. If you do not possess a placard, one must be obtained prior to start of the period during which the activity is allowed to be conducted.

Please sign the attached copy of this letter indicating your acceptance of these terms and return the signed copy to this office. If this amendment letter is not signed and returned within thirty (30) days of issuance, OR appealed as described on the enclosed "Notice of Appeal Procedure", the Department reserves the right to cancel this permit amendment. Please carefully review the enclosed "Notice of Appeal Procedure" for information and deadlines for appealing this permit amendment.

Sincerely,

Fred Mallett
Wetland Section Project Manager

Enclosure

cc: Mr. Blair Williams, Section Manager

Permittee
Date April 10, 2013

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office • 1362 McMillan Ave, Suite 400 • Charleston, SC 29405-2047

Phone: 843-953-0200 • Fax: 843-953-0201 • www.scdhec.gov



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

Notice of Appeal Procedure
Pursuant to S.C. Code Section 44-1-60

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 calendar days after notice of the decision has been mailed or otherwise sent 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 the Department by the applicant, permittee, licensee, or affected person.

2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a timely written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3393. A filing fee in the amount of \$100 made payable to SC DHEC must also be received by the Clerk within the time allowed for filing a request for final review. However, if a request for final review is filed by facsimile, the filing fee may be mailed to the Clerk of the Board if the envelope is postmarked within the time allowed for filing a request for final review.

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

3. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 calendar days after notice of the decision has been mailed or otherwise sent to persons entitled to receive notice. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due. A request for final review will be returned to the requestor if the filing fee is not received on time as described above.

4. The request for final review should include the following:

- a. the grounds on which the Department's decision is challenged and the specific changes sought in the decision
- b. a statement of any significant issues or factors the Board should consider in deciding whether to conduct a final review conference
- c. a copy of the Department's decision for which review is requested

5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures. 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 30 calendar days after notice is mailed that the Board declined to hold a final review conference.

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

January 7 2011



**SEE SPECIAL
CONDITION(S)**

Catherine E. Templeman, Director

Promoting and protecting the health of the public and the environment

December 11, 2012

Ashley River Properties II, LLC
C/O Mr. Davidson Williams
95 Ripley Point Drive
Charleston, SC 29407

Re: 2011-00807-2IR - Ashley River Properties II, LLC

Dear Mr. Williams:

The SCDHEC Office of Ocean and Coastal Resource Management has reviewed your application to perform maintenance dredging within Ripley Cove, at 95 Ripley Point Drive, Charleston, Charleston County, South Carolina and has issued a permit for this work. You should carefully read the description of the authorized project and any special conditions that have been placed on the permit, as these conditions may modify the permitted activity. In addition, there are a series of general conditions that should be reviewed. The original and one photocopy of the permit, as issued, are enclosed. After carefully reading the permit, if you wish to accept the permit as issued, sign and date in the signature block entitled "PERMITTEE" on the original version of the permit and return it to this Department. Keep the photocopy for your records.

PLEASE READ CAREFULLY: You are required to sign and return the original version of your permit to this Department. If this permit is not signed and returned within thirty (30) days of issuance, OR appealed within 15 days as described on the enclosed "Notice of Appeal Procedure", the Department reserves the right to cancel this permit. Please carefully review the enclosed "Notice of Appeal Procedure" for information and deadlines for appealing this permit.

We have also enclosed a "request for a construction placard" card. You must send in this card before the time you wish to start construction. At that time a construction placard will be sent to you to post at the construction site.

PLEASE NOTE: You are not authorized to commence work under the permit until we have received the original version of the entire permit signed and accepted by you, and a construction placard has been issued and posted at the construction site. The receipt of this permit does not relieve you of the responsibility of acquiring any other federal or local permits that may be required.

Sincerely,

Fred Mallett
Wetland Section Project Manager

Enclosure

cc: Mr. Blair Williams, Wetland Section Manager
Mr. Chuck Hightower, Water Quality Section Manager
Mrs. Robin Collar-Socha, Army Corps Of Engineers
Mr. Ed Hama, Charleston County Public Works Department

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office • 1362 McMillan Ave, Suite 400 • Charleston, SC 29403-2047

Phone: 843-953-0200 • Fax: 843-953-0201 • www.scdhec.gov



Catherine B. Tompkins, Director

Promoting and protecting the health of the public and the environment

Notice of Appeal Procedure
Pursuant to S.C. Code Section 44-1-60

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 calendar days after notice of the decision has been mailed or otherwise sent 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 the Department by the applicant, permittee, licensee, or affected person.

2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a timely written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3393. A filing fee in the amount of \$100 made payable to SC DHEC must also be received by the Clerk within the time allowed for filing a request for final review. However, if a request for final review is filed by facsimile, the filing fee may be mailed to the Clerk of the Board if the envelope is postmarked within the time allowed for filing a request for final review.

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

3. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 calendar days after notice of the decision has been mailed or otherwise sent to persons entitled to receive notice. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due. A request for final review will be returned to the requestor if the filing fee is not received on time as described above.

4. The request for final review should include the following:

- a. the grounds on which the Department's decision is challenged and the specific changes sought in the decision
- b. a statement of any significant issues or factors the Board should consider in deciding whether to conduct a final review conference
- c. a copy of the Department's decision for which review is requested

5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures. 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 30 calendar days after notice is mailed that the Board declined to hold a final review conference.

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

January 7, 2011

SEE SPECIAL CONDITION(S)

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

CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION

Permittee(s): Ashley River Properties II, LLC
Permit Number(s): 2011-00007-2IR
Date of Issuance: December 11, 2012
Expiration Date: December 11, 2017
Location: On and adjacent to Ripley Cove off of the Ashley River at 95 Ripley Points Drive, Charleston, Charleston County, South Carolina

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 any special conditions that may appear on this permit/certification as they will affect the work that is allowed. If there are no special conditions, then the work is authorized as described in the project description and as modified by the general conditions. The general conditions are also a part of this permit/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 project if work commences during the life of the permit. This applies to permittee, future property owners, or permit assignees.

DESCRIPTION OF THE PROJECT, AS AUTHORIZED

This permit has been issued for the activity as requested with minor changes. Specifically, the permittee will dredge approximately 60,000 cubic yards of material over an 8.25 acre area within Ripley Cove. The current average depths in the marina basin range from -2.0 feet MLW to -6.0 feet MLW. The applicant will dredge the marina basin to a depth of -8.0 feet MLW in the fairways and to a depth of -7.0 feet MLW in the slips. The material will be dredged using a hydraulic cutterhead dredge and will be transported via pipeline approximately 1.25 miles up the Ashley River to the Citadel's Upland Confined Disposal Facility. The purpose of the project is to allow recreational and commercial boat access to the Ashley River and surrounding waters during all stages of the tide.

SPECIAL CONDITIONS

1. Provided that with the issuance of this permit, the previous dredge permit, P/N OCRM-06-368-B, becomes invalid.

SEE SPECIAL CONDITION(S)

2. Provided that all dredging activity will be conducted during the winter months, between December 1 and March 1.
3. Provided that turbidity curtains are utilized during dredging operations to minimize turbidity and maintain water quality in adjacent waters.
4. Provided a final dredging plan is submitted to and approved, in writing, by OCRM staff prior to dredging. The dredging plan must include a dredging schedule, the establishment of a dredging log, and procedures to handle emergency situations.
5. Provided that all dredging is performed by hydraulic cutterhead dredge only. The permittee must make every effort to avoid having the dredge pipeline cross the marsh. If the pipeline does cross the marsh and wetlands are disturbed, the marsh must be restored to its original contours and conditions and may also require revegetation of denuded areas. The pipeline must be clearly marked with navigational lights and reflectors so that it is clearly visible at night.
6. Provided no marsh vegetation can be destroyed as a result of the dredging. This includes slumping of vegetation after the initial dredging itself.
7. Provided that access to the site must be obtained from an upland location when possible. If access cannot be gained solely from an upland location, any equipment should be operated from floating barges or from wetlands permitted to be impacted.
8. Provided the permittee is required to keep the adjacent critical areas free of construction materials, litter, debris chemical contaminants, etc.
9. Provided no materials are allowed to be stored in the critical areas adjacent to the construction site and all debris, litter, spillage and debris, etc. will be cleaned up at least once a week.
10. Provided OCRM staff has the right to stop work at any time if it becomes evident the spoil area cannot hold the spoil, the dikes appear to be in danger of failing, an unacceptable level of turbidity is released from the discharge pipe, or if the OCRM staff believes a violation of the permit has taken place.
11. Provided that upon drying, the Confined Disposal Facility is capped with the appropriate material to prevent forming a mosquito breeding habitat.
12. Provided the permittee contact Patricia Wright of the Department's Division of Vector Control in order to develop a management plan for mosquito control prior to commencing work.
13. Provided the permittee develops an agreement with the Charleston County Mosquito Control Program to allow Charleston County to control the mosquitoes.

CONDITION(S)

14. Provided the permittee notifies Ed Harne with the Charleston County Mosquito Control Program by phone at (843) 202-7886, at the commencement of placement of dredged material upon the Confined Disposal Facility.
15. Provided that a cross section survey of the final dredge depths must be submitted to the Department within 90 days of the expiration date of the construction placard. The survey must be performed by a registered land surveyor, must show the final dredge elevations in the fairways and slips and must be in Mean Low Water Survey Datum.
16. Provided that in the event that archaeological or paleontological remains are found during the course of work, the applicant should notify the South Carolina Institute of Archaeology and Anthropology (Mr. James Spirek at 803-777-8170) pursuant to South Carolina Underwater Antiquities Act of 1991, (Article 5 Chapter 7, Title 54, Code of Laws of South Carolina, 1976). Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent vessel remains. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

401 WATER QUALITY CONDITIONS

1. Provided all necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters and wetlands during construction.
2. Provided the dredge material must be mixed or capped to the extent practicable with less contaminated sediments or soils from elsewhere in order to minimize the exposure to wildlife.
3. Provided that appropriate precautions must be taken in order to minimize the resuspension of sediments during dredging, and to maximize retention time of dredged material disposed in the Confined Disposal Facility before any effluent discharge.
4. Provided that all construction personnel must monitor water-related activities for the presence of manatees during May 15-October 15.
5. Provided that permanent manatee signs shall be posted at locations prominently visible to persons engaged in water related activities within and around the marina. The signs should include contact information for reporting manatee collisions and/or injury, as well as any sightings to Nichole Adirney of the US Fish And Wildlife Service, North Florida Field Office, at (904) 731-3079.

SEE SPECIAL CONDITION(S)

6. Provided that if manatee(s) are seen within 100 yards of the activity construction area all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operations of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment.
7. Provided to the extent possible the dredge material must be mixed or capped with clean sediments or soil from elsewhere.
8. Provided the dredged area must be sloped such that the rear is no deeper than the front and the front is no deeper than the adjacent waterbody to maintain water circulation.
9. Provided that to the extent practicable, precautions should be taken to minimize and contain resuspended sediments at the dredge site.

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.

SEE SPECIAL CONDITION(S)

Permit Number: 2011-00807-2IR

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

Jarvis A. Willm

(PERMITTEE(S))

Ashley River Properties II, LLC

April 4, 2013

(DATE)

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

Fred Mallett

(WETLAND SECTION PROJECT MANAGER)

Fred Mallett

Or his Designee

Other Authorized State Official

Dec. 11, 2012

(DATE)



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

January 17, 2007

Ashley River Properties II, LLC
C/o Ryan Black
General Engineering & Environmental, LLC
P.O. Box 30712
Charleston, South Carolina 29417

SCDHEC
CONDITIONS(S)

Re: OCRM-06-368-B
Ashley River Properties II, LLC

Dear Mr. Black:

The SCDHEC Office of Ocean and Coastal Resource Management has reviewed your application to perform maintenance dredging on and adjacent to a tributary of the Ashley River at the Ripley Light Yacht Club Marina, 95 Ashley Point Drive, Charleston, Charleston County, South Carolina and has issued a permit for this work. You should carefully read any special conditions that have been placed on the permit, as these conditions will modify the permitted activity. In addition, there are a series of general conditions that should be reviewed. A copy of the permit, as issued, is enclosed. After carefully reading the permit, if you wish to accept the permit as issued, sign and date in the signature block entitled "PERMITTEE".

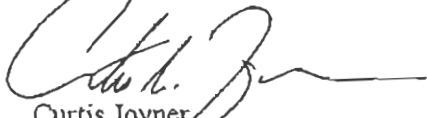
PLEASE READ CAREFULLY: You are required to return a signed copy of your permit to this Department. If this permit is not signed and returned within thirty (30) days of issuance OR appealed, the Department reserves the right to cancel this permit.

Additionally, please carefully review the enclosed "Notice of Appeal Procedure."

After we have received your accepted/signed permit, a State official, designated to act for the Office of Coastal Resource Management, will validate the permit and the completed permit will be returned to you accompanied with a "request for a construction placard" card. You must send in this card before the time you wish to start construction. At that time a construction placard will be sent to you to post at the construction site.

PLEASE NOTE: You are not authorized to commence work under the permit until we have received a copy of the entire permit accepted by you and you have received a copy signed by the permit Director or other authorized State official and a construction placard has been issued. The receipt of this permit does not relieve you of the responsibility of acquiring any other federal or local permits that may be required.

Sincerely,



Curtis Joyner
Manager, Critical Area Permitting
Enclosure

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office • 1362 McMillan Avenue, Suite 400 • Charleston, SC 29405

Phone: 843-744-5838 • Fax: 843-744-5847 • www.scdhec.gov



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

Notice of Appeal Procedure

The following procedures are in effect beginning July 1, 2006, pursuant to 2006 Act No. 387:

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 days after notice of the decision has been mailed to the applicant or respondent, unless a written request for final review is filed with the Department by the applicant, permittee, licensee, or affected person.
2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3323.

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

3. The request for final review should include the following:
 - a. the grounds on which the Department's decision is challenged and the specific changes sought in the decision
 - b. a statement of any significant issues or factors the Board should consider in deciding how to handle the matter
 - c. a copy of the Department's decision or action under review
4. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 days after notice of the decision has been mailed to the applicant or respondent. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due.
5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures.
6. The Board of Health and Environmental Control has 60 days from the date of receipt of a request for final review to conduct a final review conference. The conference may be conducted by the Board, its designee, or a committee of three members of the Board appointed by the chair.
7. If a final review conference is not conducted within 60 days, the Department decision becomes the final agency decision, and a party may request a contested case hearing before the Administrative Law Court within 30 days after the deadline for the final review conference.

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

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Ocean and Coastal Resource Management

Charleston Office • 1362 McMillan Avenue, Suite 400 • Charleston, SC 29405

Phone: 843-744-5838 • Fax: 843-744-5847 • www.scdhec.gov

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

CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION

Permittee(s): Ashley River Properties II, LLC

Permit Number(s): OCRM-06-368-B

Date of Issuance: January 17, 2007

Expiration Date: January 17, 2012

Location: On and adjacent to the Ashley River at Ripley Light Yacht Club Marina, 95 Ashley Point Drive, Charleston, Charleston County, South Carolina

SEE SPECIAL
CONDITIONS(2)

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 any special conditions that may appear on this permit/certification as they will affect the work that is allowed. If there are no special conditions, then the work is authorized as described in the project description and as modified by the general conditions. The general conditions are also a part of this permit/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 project if work commences during 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 the following: The work as proposed consists of performing maintenance dredging in a marina. The maintenance dredging will consist of excavating accumulated sediments from slips and the channel at the Ripley Light Yacht Club Marina. The proposed dredge depths will be -6.0' Mean Low Water (MLW) for the slips and -7.0' MLW for the channel. Dredging will be by hydraulic dredge and will involve the removal of approximately 35,000 cubic yards of material. The spoil material will be placed in the Citadel Confined Disposal Facility by pipeline. The purpose for the proposed activity is to establish and maintain safe operating depths for private boats using the marina. Note: An Army Corps of Engineers permit for this activity (P/N# 2000-1P-582-P) is still active and does not expire until June 30, 2012.

CRITICAL AREA PERMIT SPECIAL CONDITIONS

1. Provided the Ripley Light Yacht Club Marina Operations and Maintenance Manual is revised to reflect the changes resulting from this permit prior to the initiation of any work on this facility. A copy of the revised Operations and

Maintenance Manual must be submitted to the Department before a construction placard can be issued for this activity.

2. Provided a final dredging plan is submitted to and approved, in writing, by OCRM staff prior to dredging. The dredging plan must include a dredging schedule, the establishment of a dredging log; procedures to handle emergency situations and specification of spoil area to be used.
3. Provided that if hydraulic dredging is to be utilized the permittee must make every effort to avoid having the dredge pipeline cross the marsh. If the pipeline does cross the marsh and wetlands are disturbed, the marsh must be restored to its original contours and conditions and may also require revegetation of denuded areas. The pipeline must be clearly marked with navigational lights and reflectors so that it is clearly visible at night.
4. Provided that if clamshell dredging should prove necessary, all measures must be taken to contain any fallout from the clamshell dredge to limit turbidity and prevent re-suspension of sediments as much as possible during dredging operations.
5. Provided dredging is limited, when possible, to the winter months (November 1 through March 31). The applicant may dredge outside of this window during the 2002 dredging event.
6. Provided that access to the project site must be obtained from an upland location when possible. If access cannot be gained solely from an upland location, any equipment should be operated from floating barges or from wetlands permitted to be impacted.
7. Provided the permittee is required to keep adjacent critical areas free of construction materials, litter, debris, chemical contaminants, etc.
8. Provided no materials are allowed to be stored in the critical area adjacent to the construction site and that all debris, litter, concrete spillage, etc be cleaned up at least weekly.
9. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
10. Provided that an as-built survey of the dock must be submitted to the Department within 90 days of the expiration date of the final construction placard. The survey must be performed by a registered land surveyor, must show all components of the dock, and must list the starting and ending coordinates of the dock walkway in the SC State Plane Coordinate System, which can be obtained by survey-grade Global Positioning System equipment.
11. Provided that in the event that archaeological or palaeontological remains are found during the course of work, the applicant should notify the South Carolina Institute of Archaeology and Anthropology (Mr. James Spirek at 803-777-8170) pursuant to South Carolina Underwater Antiquities Act of 1991, (Article 5 Chapter 7, Title 54, Code of Laws of South Carolina, 1976). 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.

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: OCRM-06-368-B

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

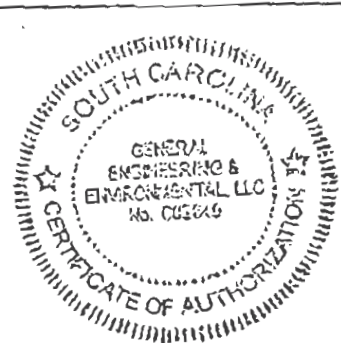
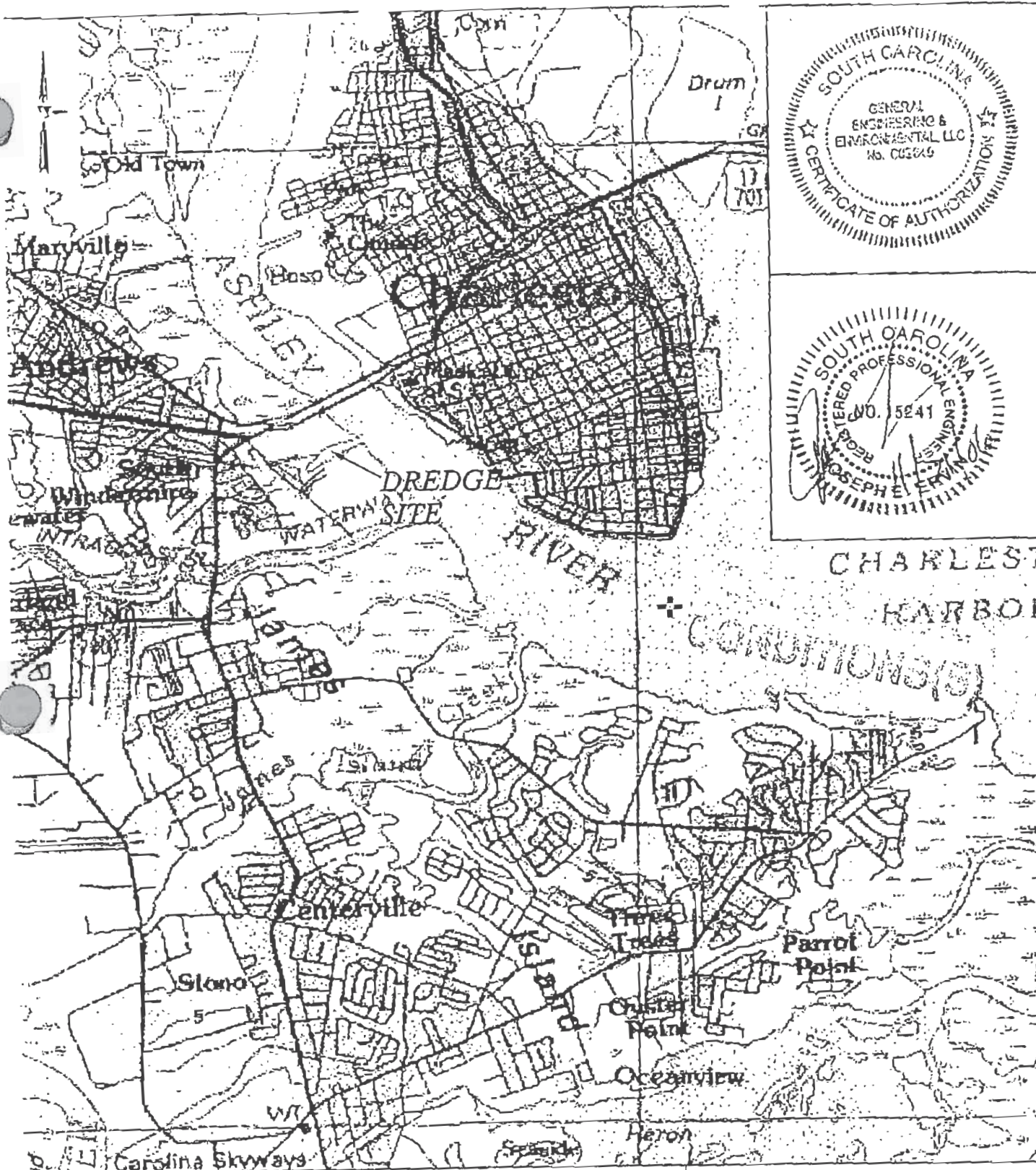
(PERMITTEE(S))
Ashley River Properties II, LLC

(DATE)

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

(MANAGER, CRITICAL AREA PERMITTING) (DATE)
Curtis M. Joyner
Or his Designee
Other Authorized State Official

Ref 30/8



CHARLESTON
HARBOR
CONDITIONS

PURPOSE: MAINTENANCE DREDGING

FIGURE 1
SITE LOCATION PLAN

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT YACHT CLUB MARINA

NOT TO SCALE

IN: ASHLEY RIVER

COUNTY OF: CHARLESTON,
SOUTH CAROLINA

SHEET: 1 OF 8

DATE: 11/21/08

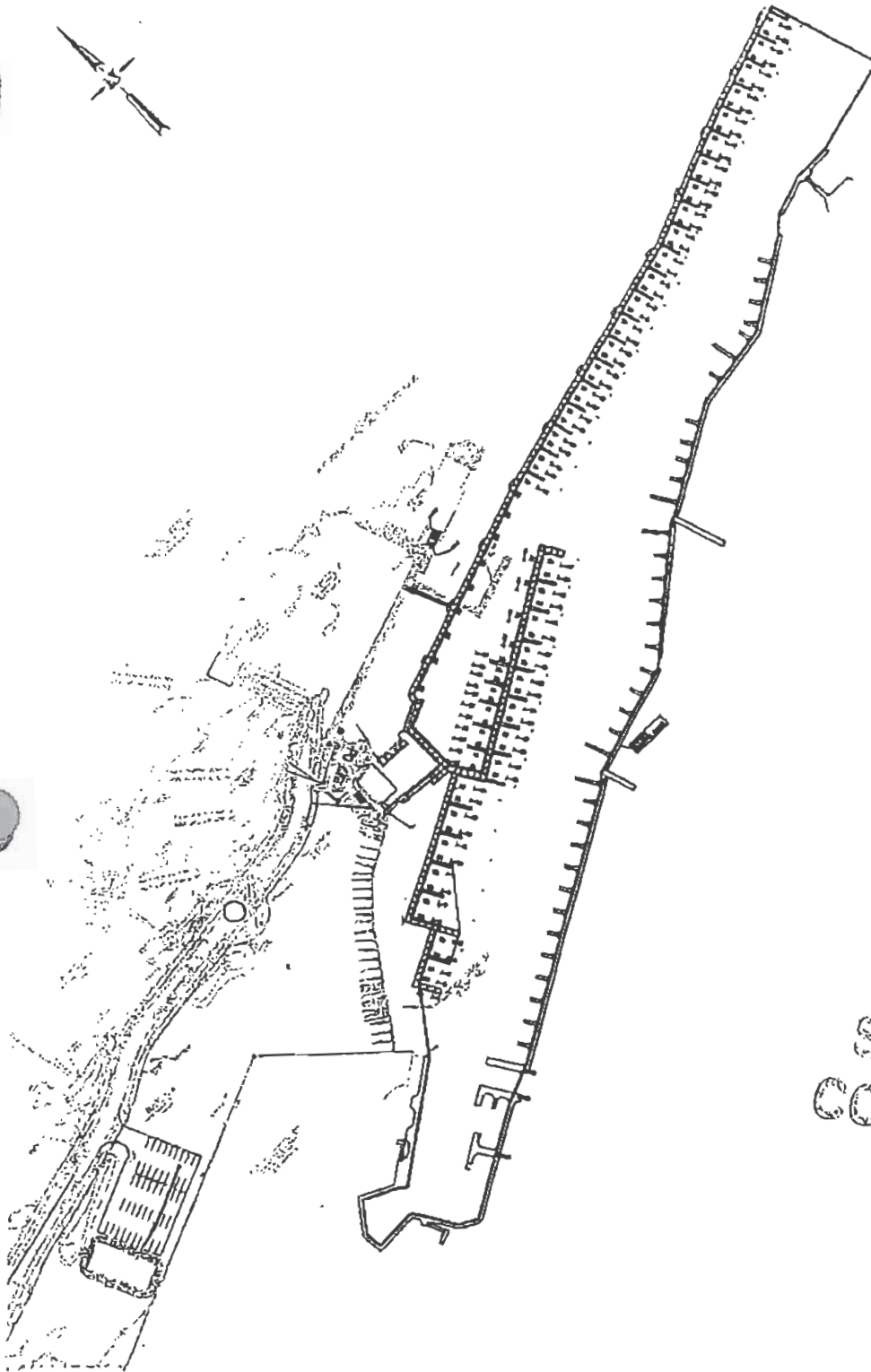
MAP DATUM: QUADRANGLE SHEET

91N # OCRM-06-368-B

ASHLEY RIVER PROPERTIES II, LLC
93 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA 29407

GENERAL ENGINEERING & ENVIRONMENTAL, LLC

a Member of THE GEL GROUP, INC.



SEE SPECIAL
CONDITIONS(S)

PURPOSE: MAINTENANCE DREDGING

FIGURE 2
OVERALL PLAN VIEW

NOT TO SCALE

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT YACHT CLUB MARINA

IN: ASHLEY RIVER

COUNTY OF: CHARLESTON,
SOUTH CAROLINA

SHEET: 2 OF 6

DATE: 11/21/08

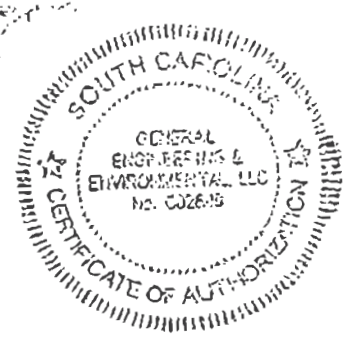
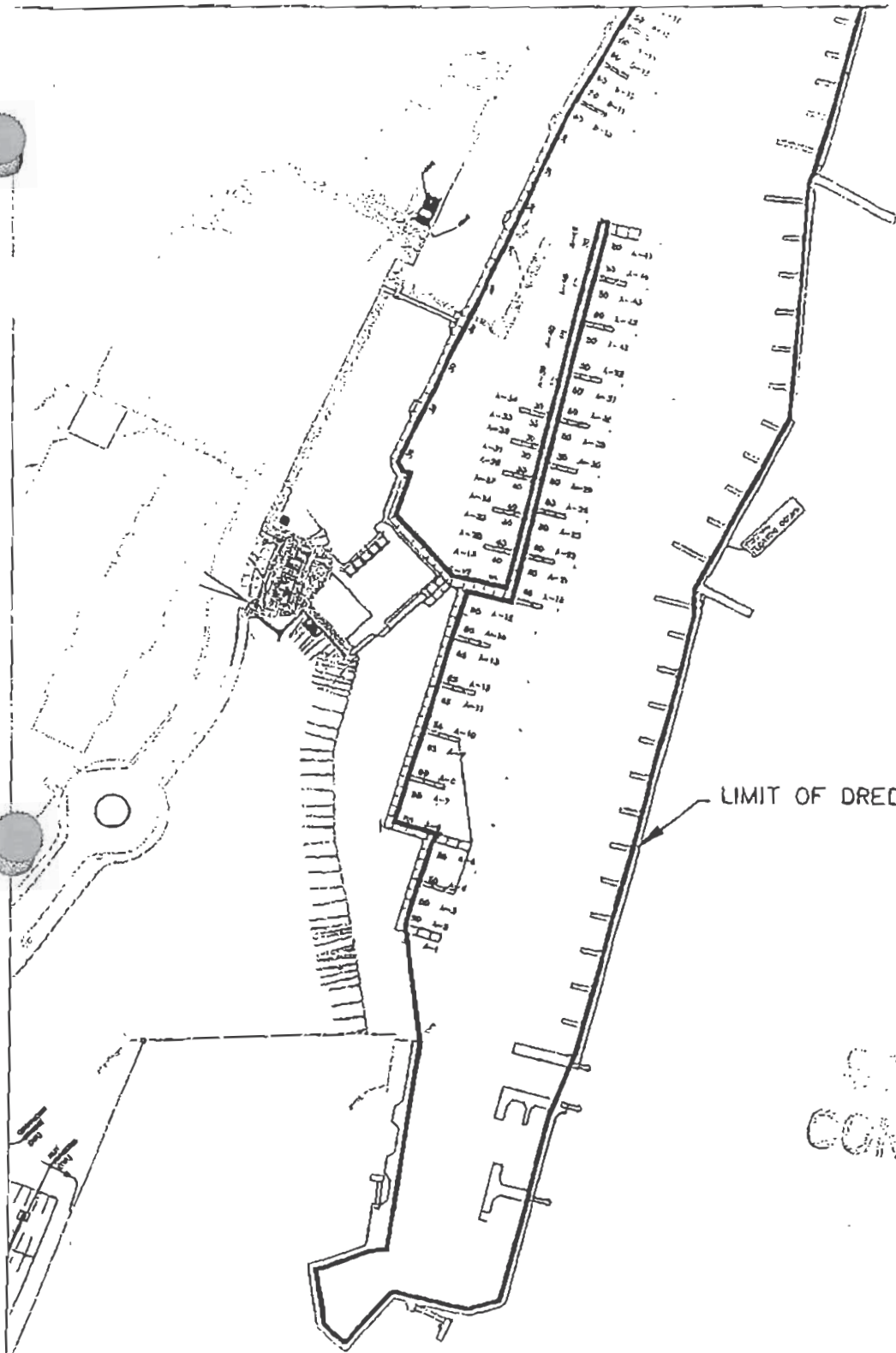
SURVEY DATUM: MLW

P/N # OCRM-06-368-B

ASHLEY RIVER PROPERTIES II, LLC
95 RIPLEY POINT DRIVE
CHARLESTON, SOUTH CAROLINA 29407

GENERAL ENGINEERING & ENVIRONMENTAL, LLC

a Member of THE GEL GROUP, INC.



SECTORIAL
CONDITIONS(S)

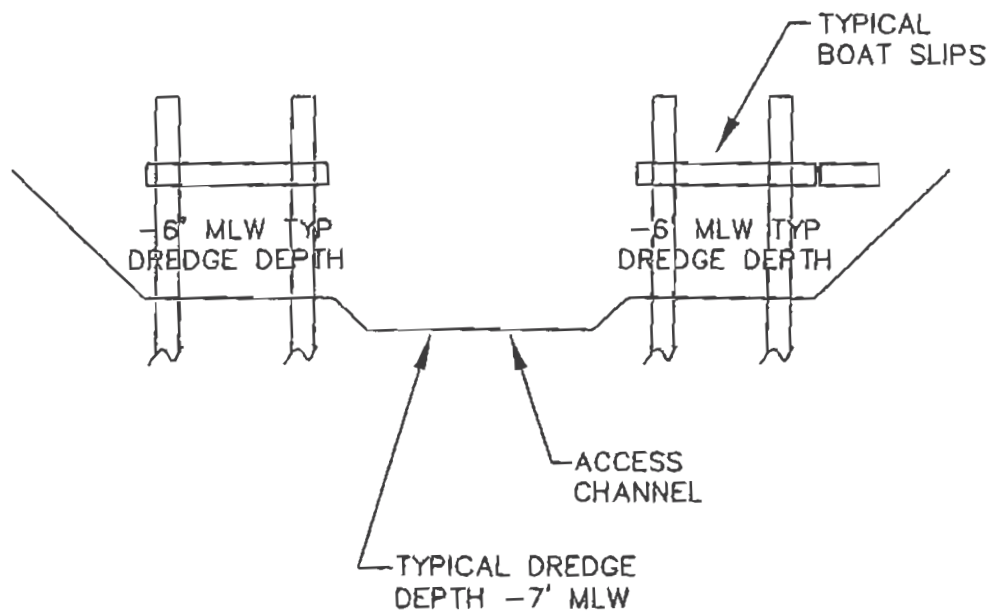


<p>PURPOSE: MAINTENANCE DREDGING</p> <p>DATE: 11/21/08</p> <p>PROJECT # OCRM-06-368-B</p>	<p>FIGURE 3 PROPOSED DREDGE AREA</p> <p>NOT TO SCALE</p> <p>ASHLEY RIVER PROPERTIES II, LLC 95 RIPLEY POINT DRIVE CHARLESTON, SOUTH CAROLINA 29407</p>	<p>PROPOSED: MAINTENANCE DREDGING</p> <p>AT: RIPLEY LIGHT YACHT CLUB MARINA</p> <p>IN: ASHLEY RIVER</p> <p>COUNTY OF: CHARLESTON, SOUTH CAROLINA</p> <p>SHEET: 3 OF 8</p>
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SEE SPECIFIC
CONDITIONS

0 Member of THE GEL GROUP, INC.



SEE SHEET 4
CONDITIONS

<p>PURPOSE: MAINTENANCE DREDGING</p> <p>KEY DATUM: MLW</p> <p>P/N # OCRM-06-368-B</p>	<p>FIGURE 5 TYPICAL CROSS SECTION</p> <p>NOT TO SCALE</p> <p>ASHLEY RIVER PROPERTIES II, LLC 95 RIPLEY POINT DRIVE CHARLESTON, SOUTH CAROLINA 29407</p>	<p>PROPOSED: MAINTENANCE DREDGING</p> <p>AT: RIPLEY LIGHT YACHT CLUB MARINA</p> <p>IN: ASHLEY RIVER</p> <p>COUNTY OF: CHARLESTON, SOUTH CAROLINA</p> <p>SHEET: 5 OF 6 DATE: 11/21/08</p>
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DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
53-A Hugood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

November 14, 2007

Regulatory Division

Mr. Ryan Black
Ashley River Properties II, LLC
95 Ripley Point Drive
Charleston, South Carolina 29407

Dear Mr. Black:

This is in response to our meeting of October 16, 2007 and the letter from Mr. Stan Barnett dated November 6, 2007, requesting that permit numbered PN#2000-1P-582 issued on May 10, 2002, be modified to reflect the changes on the attached drawings (Sheets 1 - 8 of 8 and dated November 12, 2007). These changes include re-locating the navigation channel that extends into Ripley Cove. This modification does not authorize any modifications to the dock structures or slip lengths as previously permitted. Furthermore, this modification does not relieve the permittee from all requirements to maintain safe navigation through the channel and Ripley Cove.

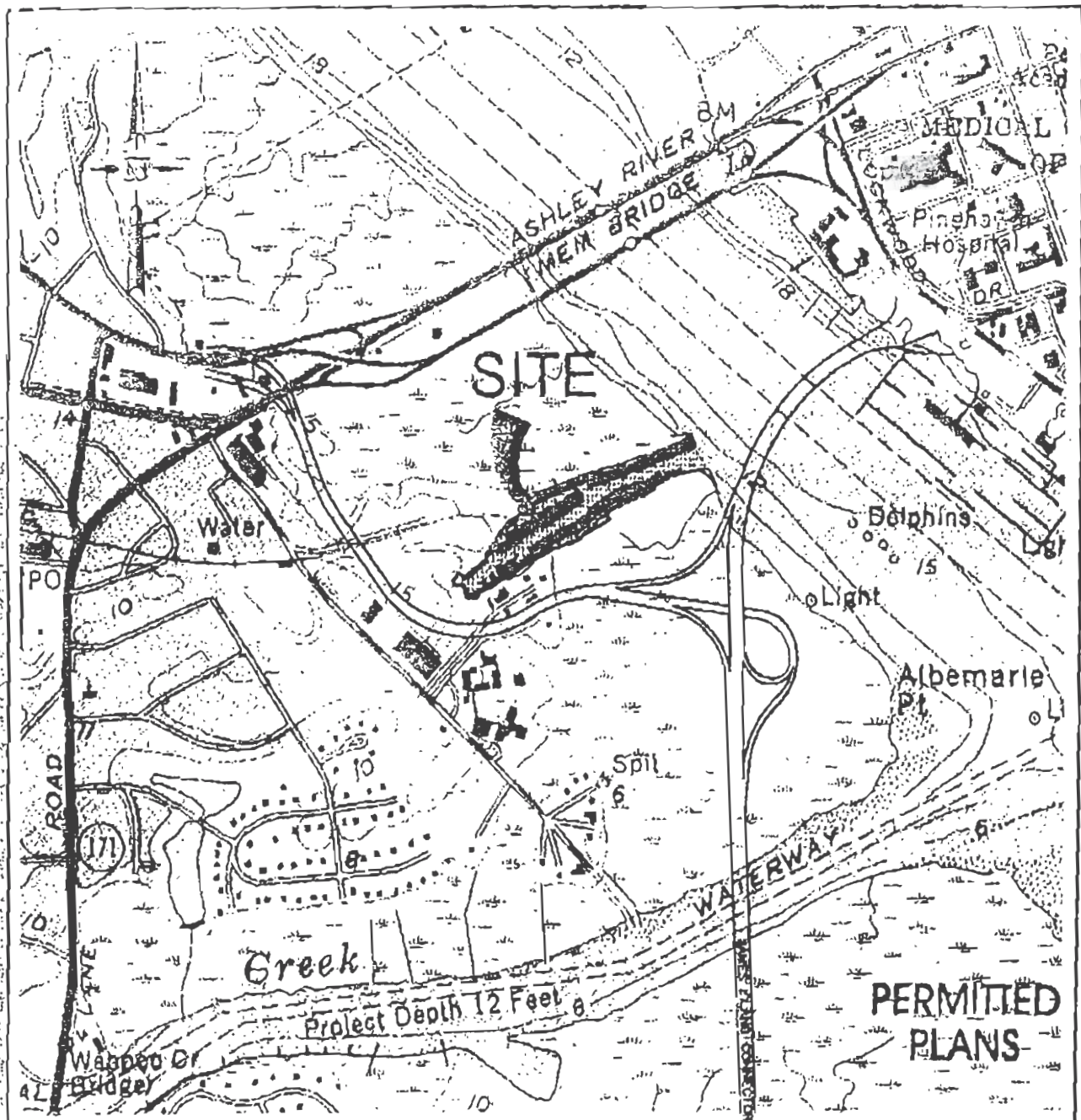
This is to inform you that your request for modification is granted. Please attach this letter with the modified drawings to the original permit. All of the conditions to which the work is made subject remain in full force and effect. In that this work appears subject to the jurisdiction of the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, it is highly recommended that you contact that agency to ascertain their requirements in this matter.

Respectfully,

for: J. Richard Jordan, III
Lieutenant Colonel, U.S. Army
District Commander

Tina B. Hadden
Chief, Regulatory Division

Enclosure



Engineering LLC

2010 NORTH CHARLTON STREET
 CHARLTON, SOUTH CAROLINA 29407
 (803) 733-1111

01/11/07

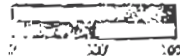
01/11/07

OUTSIDE PERMIT LOCATION

SURVEY DATA: CHARLTON 7.3 QUAD

FIGURE 1
 QUAD LOCATION MAP

SCALE: 1" = 1000'



SPLEY LIGHT MARINA, POA
 15 ASHLEY RIVER DRIVE
 CHARLTON, SOUTH CAROLINA 29407

PROPOSED: SPLEY LIGHT MARINA IMPROVEMENTS

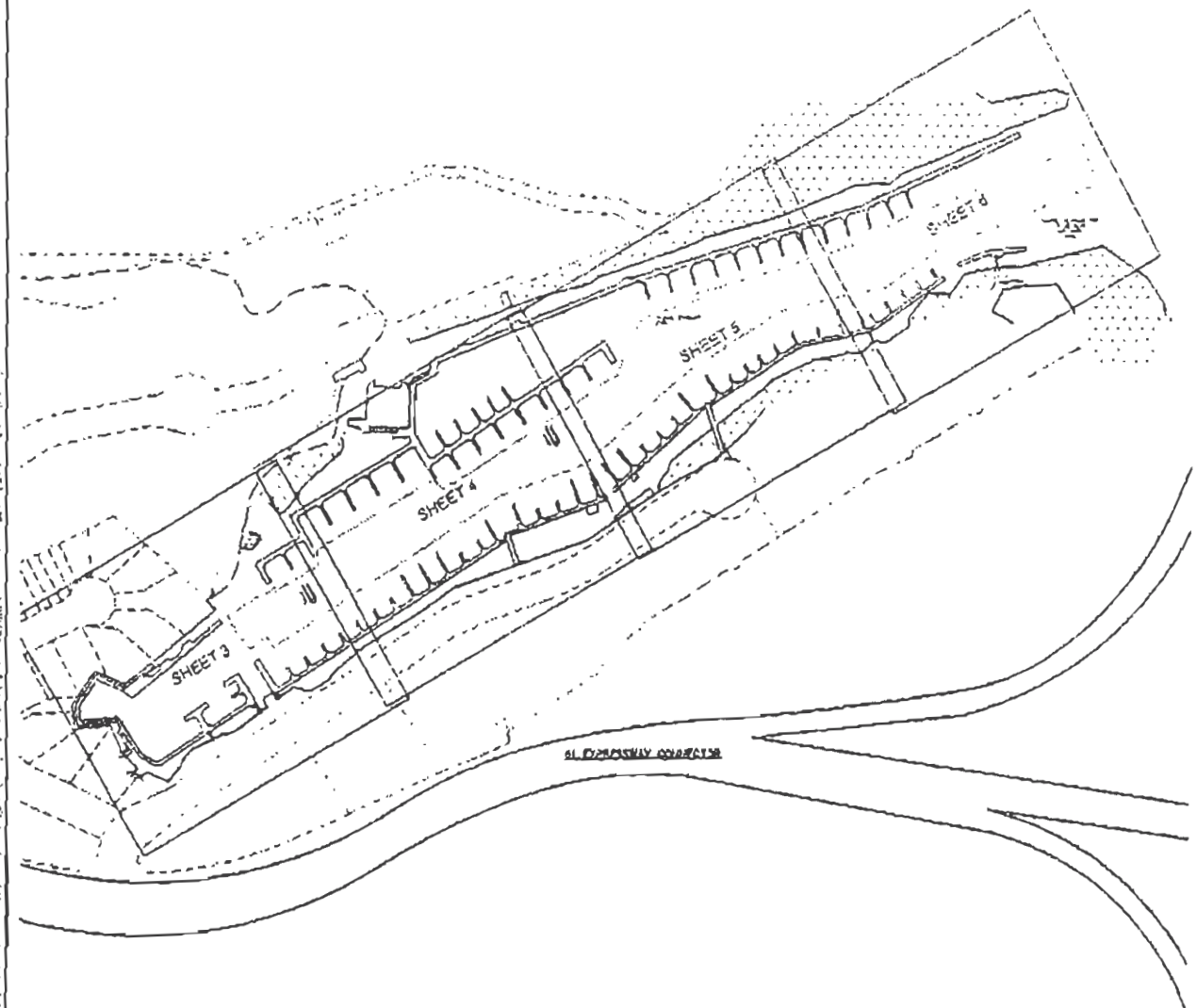
AT: SPLEY LIGHT MARINA

ON: ASHLEY RIVER

COUNTY OF CHARLTON,
 SOUTH CAROLINA

DATE: 1/11/07

DATE: 1/11/07



PERMITTED PLANS



Engineering LLC

MEMBER OF THE GEL GROUP INC.
ENVIRONMENTAL • ENGINEERING • SURVEYING

7000A 2010 Charleston, SC 29405
2540 George Road, Charleston, SC 29407
P 803.733.1111 F 803.733.1112

project number

revision

PURPOSE: PERMIT WORKSHEET

FIGURE 2
OVERALL PLAN VIEW

NOT TO SCALE

ASHELY CAT. 14.11.14.1

ASHLEY LIGHT MARINA, POA
18 ASHELY PORT DRIVE
CHARLESTON, SOUTH CAROLINA 29407

PROPOSED: ASHELY LIGHT MARINA DEVELOPMENTS

AT: ASHELY LIGHT MARINA

IN: ASHELY RIVER

COUNTY OF CHARLESTON,
SOUTH CAROLINA

SHEET 2 OF 7

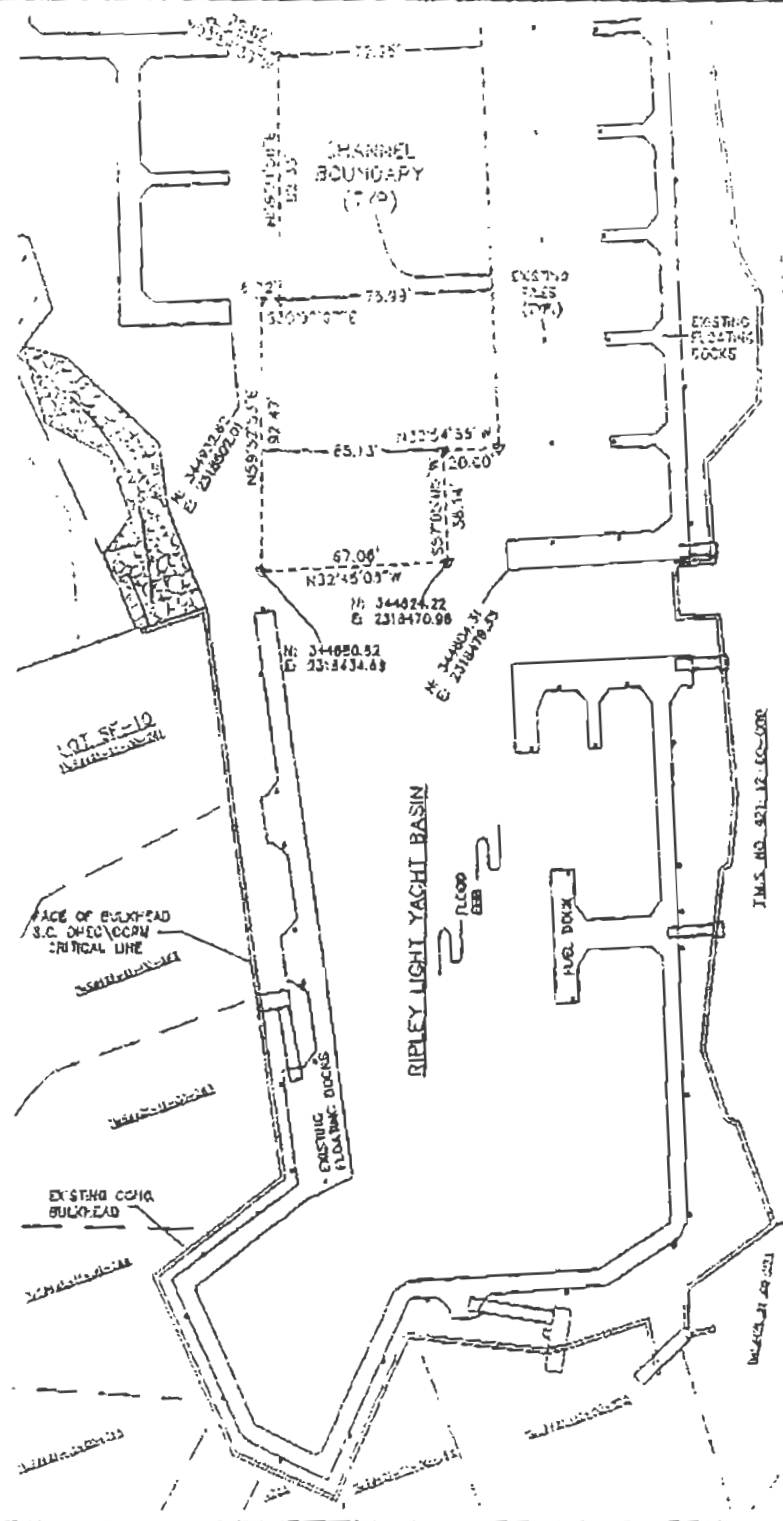
DATE: 11/11/07



GEL Engineering LLC

Professional Engineer
 State of South Carolina
 License No. 12345
 1000 Main Street, Suite 100
 Charleston, SC 29401
 Phone: (803) 123-4567
 Fax: (803) 123-4568
 Email: info@gel-engineering.com
 Website: www.gel-engineering.com

PERMITTED PLANS



ASHLEY POINTE DRIVE
 (50' R/W)

ASHLEY POINTE DRIVE
 (50' R/W)

MD-REM, LLC
 TMS. NO. 421-12-00-001

PERMITTED PLANS

PROPOSED RIPLEY LIGHT MARINA

**FIGURE 3
 PLAN VIEW**

SCALE: 1" = 50'

RIPLEY LIGHT MARINA, LLC
 33 ASHLEY POINTE DRIVE
 CHARLESTON, SOUTH CAROLINA 29407

PROPOSED RIPLEY LIGHT MARINA

AT RIPLEY LIGHT MARINA

ON ASHLEY POINTE DRIVE

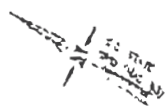
COUNTY OF CHARLESTON,
 SOUTH CAROLINA

Sheet 3 of 7

DATE: 11/10/17

BY: [Signature]

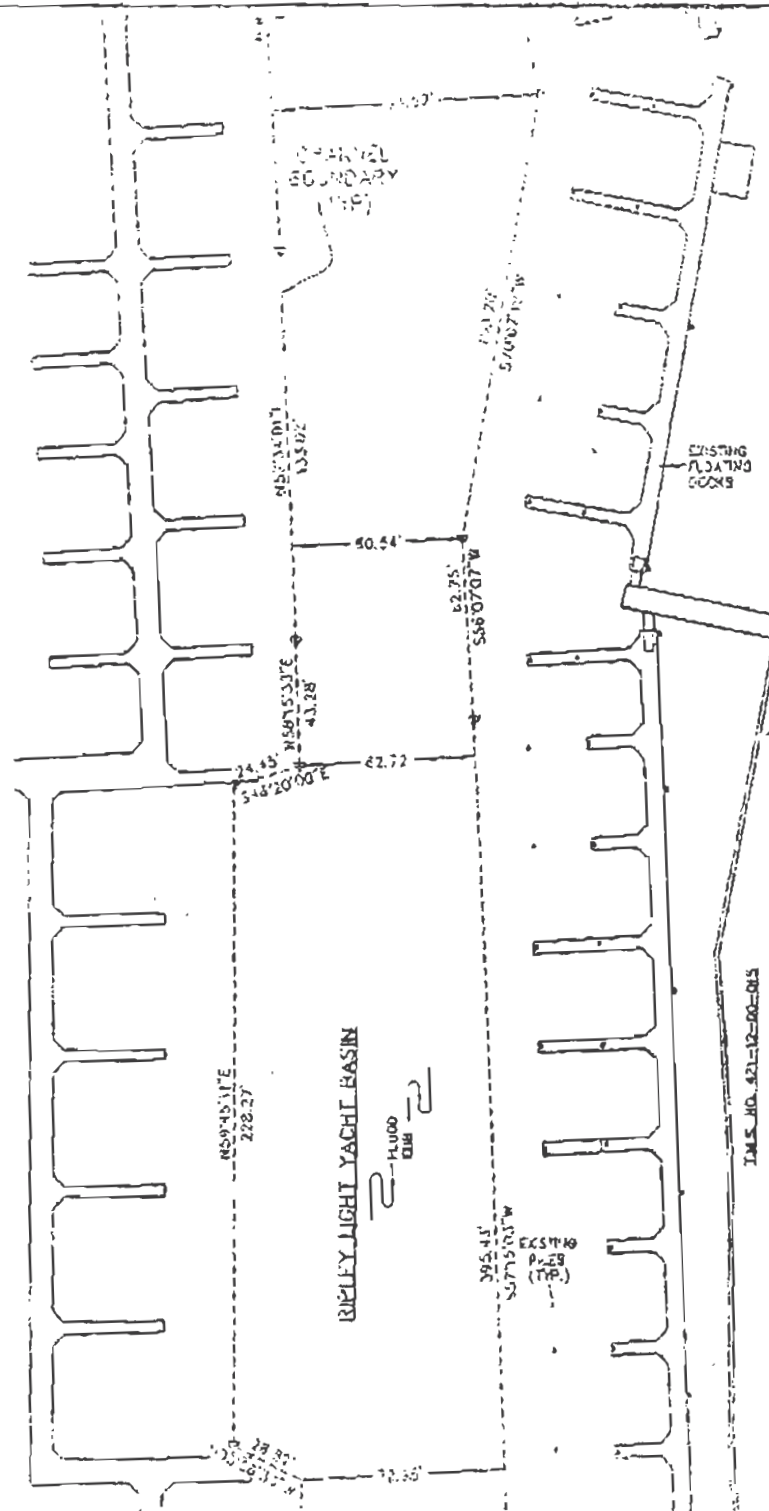
BY: [Signature]



GEL Engineering LLC
 a subsidiary of THE GEL GROUP INC.
 ENVIRONMENTAL • ENGINEERING • SURVEYING

PROJECT NO. 1012
 2014 GEL GROUP INC. CHARLOTTE, NC 28202
 PROJECT NO. 1012
 2014 GEL GROUP INC. CHARLOTTE, NC 28202

DATE: 11/12/17



PERMITTED PLANS

ASHLEY POINT DRIVE (56' R/W)

ASHLEY BASIN LIMITED PARTNERSHIP
 L.M.S. NO. 421-12-100-104

T.M.S. NO. 421-12-100-015

<p>APPROVED FOR SUBMISSION</p> <p>FOR BY DATE: 11/17</p>	<p>FIGURE 4 PLAN VIEW</p> <p>SCALE: 1"=100'</p> <p>RILEY LIGHT YACHT BASIN, PCA 58 ASHLEY POINT DRIVE CHARLOTTE, SOUTH CAROLINA 28202</p>	<p>PROJECT NO. 1012-12-100-015</p> <p>AT: RILEY LIGHT YACHT BASIN</p> <p>IN: ASHLEY POINT</p> <p>COUNTY OF CHARLOTTE, SOUTH CAROLINA</p> <p>SHEET 4 OF 7</p> <p>DATE: 11/12/17</p>
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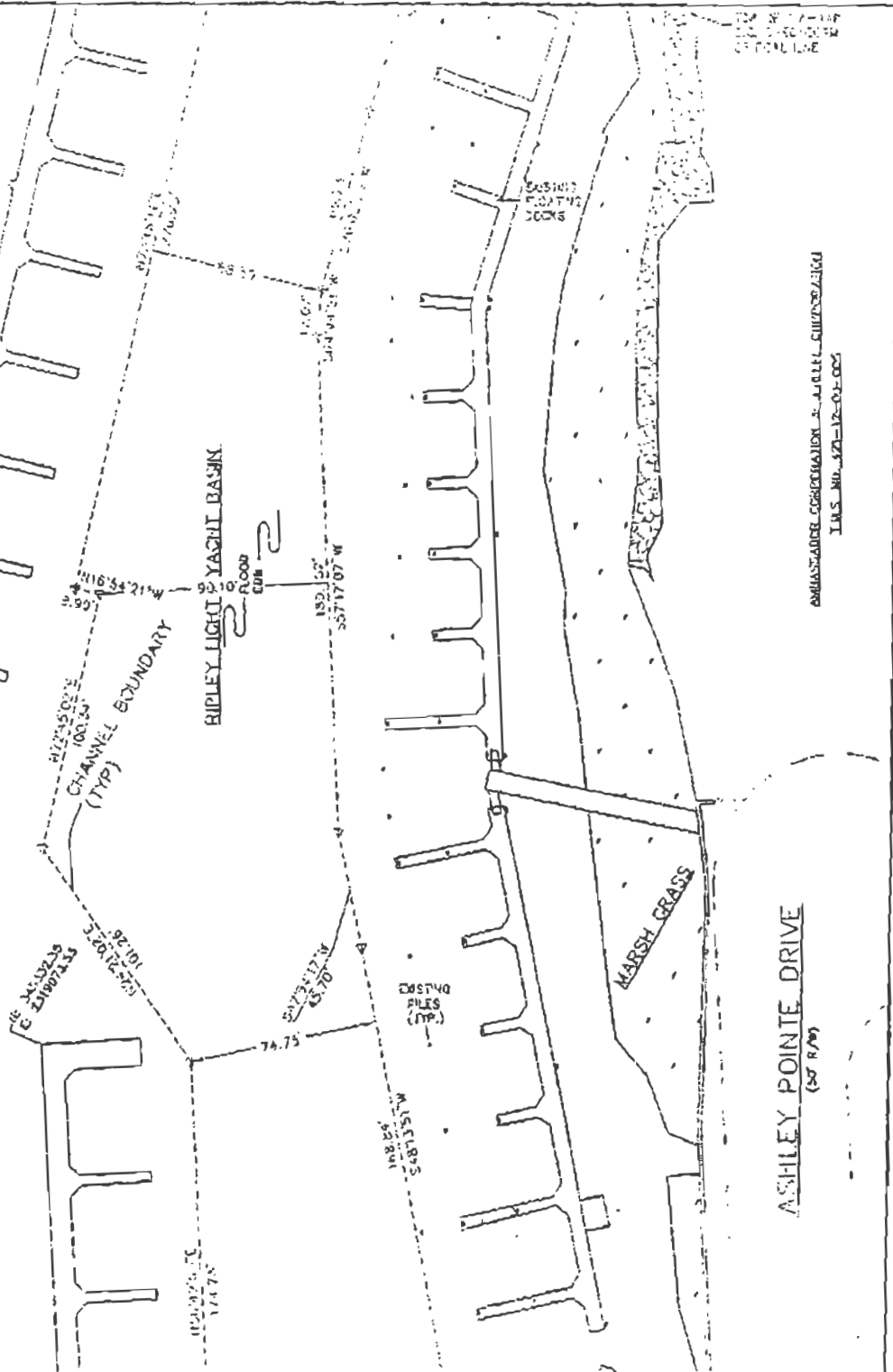
Engineering LLC

PLANNING ENGINEERING
1000 S. Highway 170, Suite 100
Charleston, SC 29407
P: 843.778.1111 F: 843.778.1112

PERMITTED PLANS

Project name

Project name



AMSTADLER CORPORATION 2000 LEE ROAD
TUSCALOOSA, AL 35401-1200

ASHLEY POINTE DRIVE
(S&W R/W)

PROPOSED MARINA IMPROVEMENTS

FIGURE 3
PLAN VIEW

SCALE: 1"=40'

PROPOSED: RIPLEY LIGHT MARINA IMPROVEMENTS

AT: RIPLEY LIGHT MARINA

IN: ASHLEY RIVER

COUNTY OF CHARLESTON,
SOUTH CAROLINA

SHEET: 3 OF 7

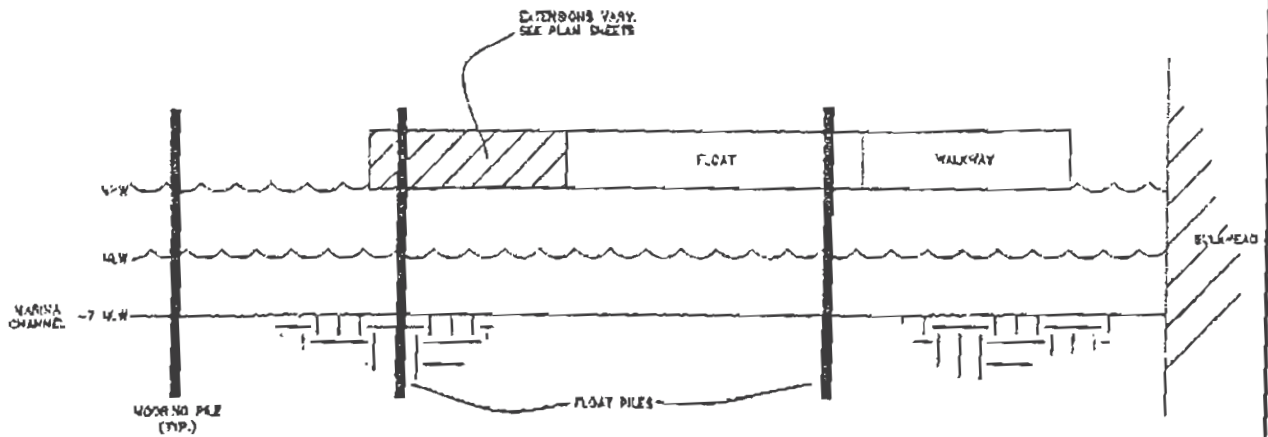
DATE: 10/10/07

SURVEY DATE: 1/11/07

RIPLEY LIGHT MARINA, POA
IN ASHLEY POINTE DRIVE
CHARLESTON, SOUTH CAROLINA 29407

BY: [Signature]

DATE: 10/10/07



PERMITTED PLANS



Engineering LLC

ENGINEERING THE SOLUTION FOR
ENVIRONMENTAL • CIVIL • MARINE • SURVEYING

P.O. BOX 10712 CHARLESTON, SC 29407
2540 LINDSEY ROAD CHARLESTON, SC 29407
CHARLESTON, SOUTH CAROLINA 29407

Project Name

Project Name

PURPOSE: PERMIT MODIFICATION

FIGURE 7
TYPICAL CROSS-SECTION VIEW

NOT TO SCALE

DRAWING NUMBER: 10.0

COLEY MONT MARINA, POA
105 ASHLEY WHITE DRIVE
CHARLESTON, SOUTH CAROLINA 29407

PROPOSED COLEY MONT MARINA IMPROVEMENTS

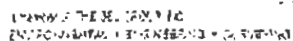
AT: COLEY MONT MARINA

ON: ASHLEY RIVER

COUNTY OF CHARLESTON,
SOUTH CAROLINA

SHEET: 7 OF 7

DATE: 11/10/17



<p>PROPERTY POINT LOCATION</p> <p>TURKEY CREEK</p>	<p>FIGURE 8</p> <p>TYPICAL CHANNEL</p> <p>CROSS-SECTION VIEW</p> <p>NOT TO SCALE</p> <p>TURKEY CREEK, POCA HON, ARKLEY POINT DRIVE CHARLESTON, SOUTH CAROLINA 29407</p>	<p>PROPOSED TURKEY CREEK DRAINAGE</p> <p>AR TURKEY CREEK DRAINAGE</p> <p>IN TURKEY CREEK</p> <p>COUNTY OF CHARLESTON, SOUTH CAROLINA</p> <p>DATE: 8/1/87</p>
--	---	--

Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management
CRITICAL AREA WATER QUALITY CERTIFICATION PERMIT

Permittee: Ripley Light Development Company LLC

Permit Number: 2000-1P-582-P

Date of Issuance: September 21, 2001

Expiration Date: September 21, 2006

Location: On and adjacent to the Ashley River at Ripley Light Marina, 56 Ashley Pointe Drive, Charleston, Charleston County, South Carolina.

**SEE SPECIAL
CONDITION(S)**

This permit/certification is issued under the provisions of S. C. Code Ann. Section 48-39-10, *et seq.*, and R.30-1 through R.30-20. Additionally, as required by R.61-101, Department staff have reviewed plans for this project and determined there is a reasonable assurance the project will be conducted in a manner consistent with Certification requirements of Section 401 of the Clean Water Act. We also certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended, that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This permit contains required certification pursuant to Section 401 of the Clean Water Act. Work may not commence under this permit until fifteen (15) days after final signature by an OCRM official. No work may be performed under this permit should an administrative appeal be filed within this 15 day period.

Please carefully read the project description and any Special Conditions, which may appear on this permit/certification, as they will affect the work, which is allowed. If there are no Special Conditions, then the work is authorized as described in the project description. The general conditions are also a part of this permit/certification and should be read in their entirety.

DESCRIPTION OF THE PROJECT

The plans submitted by you, attached hereto, show the work consists of the maintenance dredging of approximately 56,500 cubic yards of material from the Ripley Light Marina basin and entrance canal. The proposed dredging plan calls for a stepped bottom elevation to ensure sufficient basin flushing. The proposed cut elevations are -7.0 feet mean low water (MLW) within the canal and -6.0 feet MLW in the slip areas. It is proposed that the dredged material will be placed in a disposal basin located adjacent to the western end of the existing marina. When empty, the maximum capacity of the disposal basin is 57,500 cubic yards. This existing disposal basin has been used for the disposal of dredged material from previous dredging events at Ripley Light Marina. Prior to initiating any future dredging events, the Ripley Light Development Company, LLC intends to remove approximately 22,000 cubic yards of dredge material from the disposal basin to maximize its capacity for future dredging events. In addition, the size of the referenced disposal basin is proposed to be increased. The size of the disposal basin is proposed to be increased from approximately 1.3 acres to 4.2 acres with a volume capacity of 57,500 cubic yards. The base elevation of the disposal basin is 6.0 feet mean sea level (MSL). The material removed from the disposal basin is proposed to be used either on-site as landscape fill material or hauled off-site for disposal. The material proposed to be excavated consists mostly of fine, silty clays. The material will be dredged by a hydraulic dredge capable of pumping the dredge material at its in-situ solids content (approximately 30% solids by weight).

This technique will be used to maximize the amount of solids dredged, which will reduce the amount of effluent water discharged from the disposal area. The applicant has provided a "Sediment Quality

Data Dioxins/Furans Analyses and "Best Management Techniques Dredging Plan" with their application. It is noted that the maintenance dredging of the Ripley Light Marina was previously authorized by the Department of the Army and the SC Department of Health and Environmental Control/Office of Ocean and Coastal Resource Management by permit #96-1T-139-P. However, no dredging has been done under the existing permit. Based upon analytical testing done for the previous permit application (P/N# 96-1T-139-P) that showed elevated levels of contaminants of concern (dioxin/furans) in the material to be dredged, the referenced permit contains special conditions designed to minimize potential fish and wildlife exposure. As stated above, the applicant has re-tested the dredged material ("Sediment Quality Data Dioxins/Furans Analyses"). Based upon the recent analytical results, the applicant proposes less restrictive management of the dredged material as detailed in the proposed "Best Management Techniques Dredging Plan". The purpose of the proposed work is to establish and maintain safe operating depths for vessels using the Ripley Light Marina. Due to the change in the disposal basin from on-site to Morris Island, the request to dredge was revised to dredge to -7.0' MLW in the slips and -8.0' in the canal channel, thereby increasing the amount of dredge material to 70,000 cubic yards.

SPECIAL CONDITIONS

1. Provided that no marsh vegetation can be destroyed as a result of the dredging. This includes slumping of vegetation after the initial dredging itself. Vegetated wetlands adjacent to the disposal area, if disturbed, must be restored to their original contours and conditions.
2. Provided that a final dredging plan is submitted to and approved, in writing, by OCRM staff prior to dredging. The dredging plan must include a dredging schedule, the establishment of a dredging log, and procedures to handle emergency situations.
3. Provided the Citadel Disposal Basin is utilized for permanent spoil deposition as stated on the submitted September 11, 2001, "Terms of Agreement". The final agreement document, as voted on by the Citadel Board of Visitors, must be submitted to OCRM at its finalization.
4. Provided that to insure water quality standards are maintained, OCRM and the Division of Water Quality and Shellfish Sanitation, must be notified and any alternate disposal site must be reviewed and approved, in writing, prior to its use if the designated upland disposal area cannot be utilized.
5. Provided that turbidity curtains are installed downstream of the dredging operation and are maintained until all dredging ceases.
6. Provided the depth of dredging is limited to -6.0 ft. mean low water (MLW) in the slips and -7.0 ft MLW in the channel.
7. Provided dredging is limited, when possible, to the winter months (November 1 through March 31).
8. The dredged area must be sloped such that the rear portions are no deeper than the front and that the front portion is no deeper than the adjacent waterway.
9. Provided all necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands.
10. Provided that prior to the beginning of any construction activities, a silt fence, silt barrier or other suitable device must be placed between the dredge area and the Ashley River. This device must be maintained in a functioning capacity until the area is permanently stabilized upon project completion.
11. Provided that if access cannot be gained solely from an upland location, any equipment should be operated from floating barges.
12. Provided the applicant must adhere to all project revisions dated April 24, 2001, received by the Division of Water Quality on April 30, 2001.

13. Provided barges must be covered or not loaded with an excessive volume of material to avoid accidental introduction of spoil material into waters of the State during transport to the disposal site.
14. Provided the Department will allow the applicant to utilize hydraulic dredging techniques if feasible.
15. Provided the permittee develop a mosquito management plan for the Citadel dredge disposal site with the Charleston County Mosquito Abatement Program prior to the issuance of the OCRM construction placard. Call Martin Hyatt at 202-7800.
16. Provided that if archaeological or paleontological remains are encountered prior to or during construction, we request that work stop and the State Historic Preservation Office be notified at 803-734-8615. If these materials include any underwater archaeological or paleontological remains the permittee should also notify the SC Institute of Archaeology and Anthropology at 803-777-8170 pursuant to SC Code of Laws 34-7-400, et seq. Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures or nonrecent (i.e., older than 100 years) vessels ruins. Paleontological remains consist of old animal's remains, original or fossilized, such as teeth, tusks, bone or entire skeletons.

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND (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.

CAUTION: Section 48-39-150(D) allows any person adversely affected by the issuance of this permit to appeal the decision by filing a written Notice of Intent to Appeal within 15 days after notification of the permit's issuance. In the event of an appeal, the Department reserves the right to order a stay of any use or activity authorized herein pending a final decision, when, in the judgment of the Department, the interests of the public would be best served. EFFECTIVE SEPTEMBER 5, 2001, pursuant to Temporary Amendments of the Rules of the Administrative Law Judge Division, the Division is requiring a \$70.00 filing fee to be accompanied with any written request for an appeal of a final agency decision. The written request must be filed with OCRM and a copy, with the \$70.00 fee, sent directly to the Division at P O Box 1167, Columbia, SC 29211. The appeal will not be processed by the Division unless the fee is submitted.

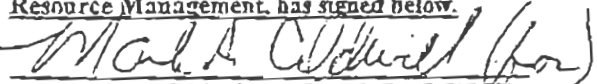
THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE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

2000-1P-582-P

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

 9-25-01
(PERMITTEE) (Agent) (DATE)
Ripley Light Development Company LLC

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

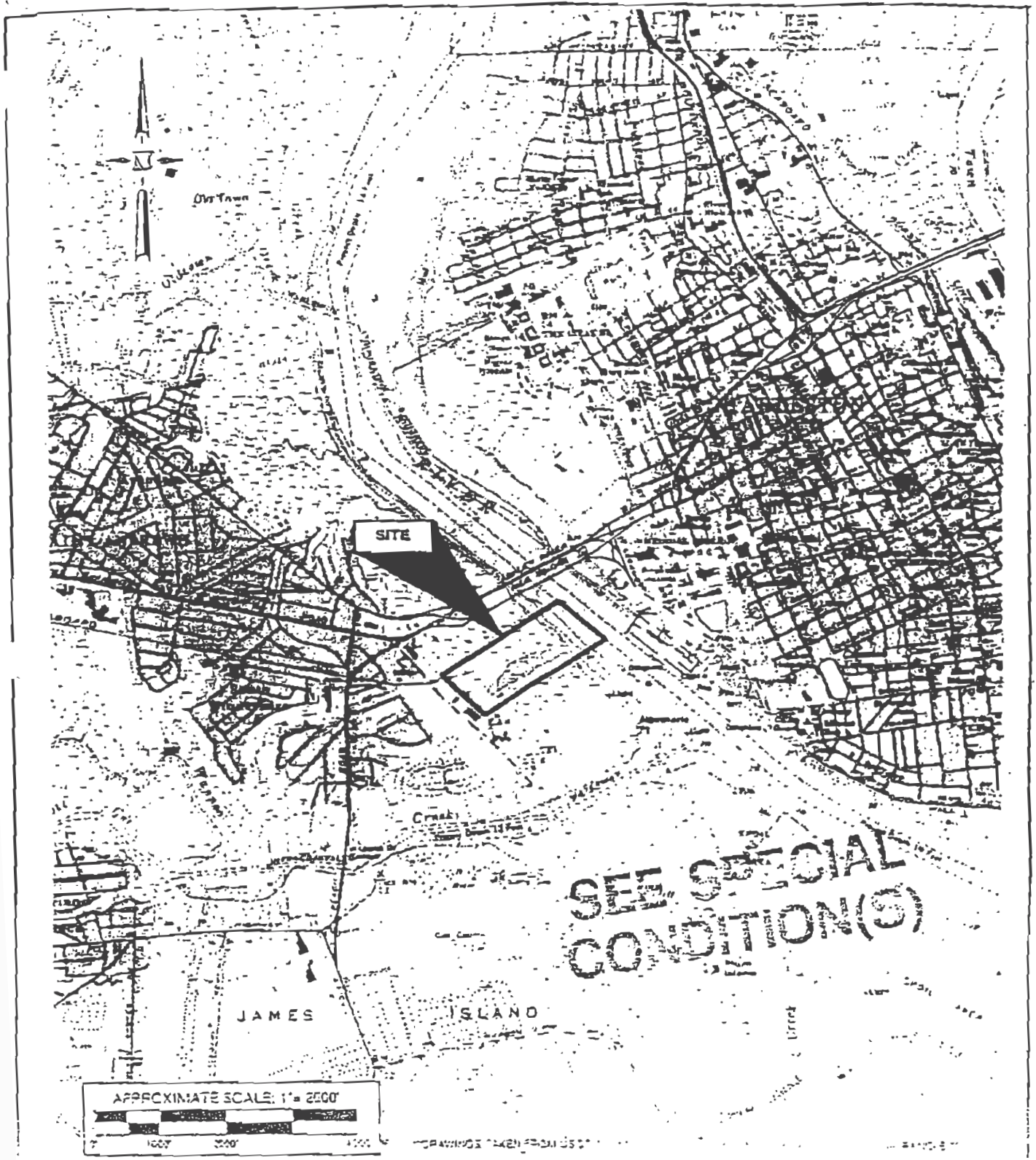
 9/25/01
(MANAGER, CRITICAL AREA PERMITTING) (DATE)
Curtis Joyner
Or his Designee Other Authorized State Official

GENERAL CONDITIONS

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

That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the South Carolina Department of Health and Environmental Control, OCRM, and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.

2. That if the activity authorized herein is not constructed or completed within 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 sixty days prior to the expiration date.
 3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
 4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
 5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges, nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
 6. That the permittee shall permit the Department or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
 7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the Department.
 8. That this permit may not be transferred to a third party without prior written notice to the Department, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferred subscribing to this permit and thereby agreeing to comply.
 9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- That SCDHEC-OCRM shall be notified in writing upon commencement of work and that a permit placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition shall result in the revocation of this permit.
 12. That the authorization for activities or structures herein constitutes a revocable license. The Department may require the permittee to modify activities or remove structures authorized herein if it is determined by the OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the permittee is notified that SCDHEC-OCRM intends to revoke the permit, permittee agrees to immediately stop work pending resolution of the revocation.
 13. That the Department shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. That the permittee, upon receipt of the Department's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the Department shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the Department. (South Carolina Code Section 1-223-370 shall govern the procedure for revocation; suspension or modification herein described).
 14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the Department or the State of South Carolina or any employee, agent, or representative of the Department the State of South Carolina.
 15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
 16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of others. This permit authorizes no invasion of adjacent private property, and SCDHEC-OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.



THROUGH: WATERSIDE BRIDGING

ADJACENT PROPERTY: WATERSIDE

SEE ATTACHED LIST

SURVEY DATA: 4/1/60

FIGURE 1
SITE LOCATION MAP

RIPLEY LIGHT DEVELOPMENT COMPANY
CHARLESTON, SOUTH CAROLINA

THROUGH: WATERSIDE BRIDGING

RIPLEY LIGHT WATERSIDE

CITY OF CHARLESTON

RIPLEY LIGHT CANAL

CONCEPT OF THE RIPLEY RIVER

CHARLESTON

DATE: 11/14/60

NS
00-023

ASHLEY POINTE DRIVE
(50' R/W)

EXISTING CONC.
BULKHEAD

FACE OF BULKHEAD
S.C. DHEC/OCRM
CRITICAL LINE

**US SPECIAL
CONDITIONS**

EXISTING DOCKS
EXISTING FUEL DOCK

DREDGE AREA
(-2.0') CHANNEL LIMITS

CONC. DEBRIS
TO BE REMOVED

S.C. DHEC/OCRM
CRITICAL LINE

NEW GRANITE
RIP-RAP

MATCH LINE SEE
SHEET 4 OF 16

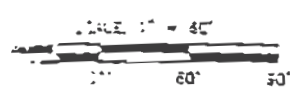
PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY NUMBERS

SEE ATTACHED LIST

SURVEY DATUM: M.S.L.

FIGURE 3
PROPOSED DREDGE AREA
PLAN A



REPLY LIGHT DEVELOPMENT COMPANY, LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

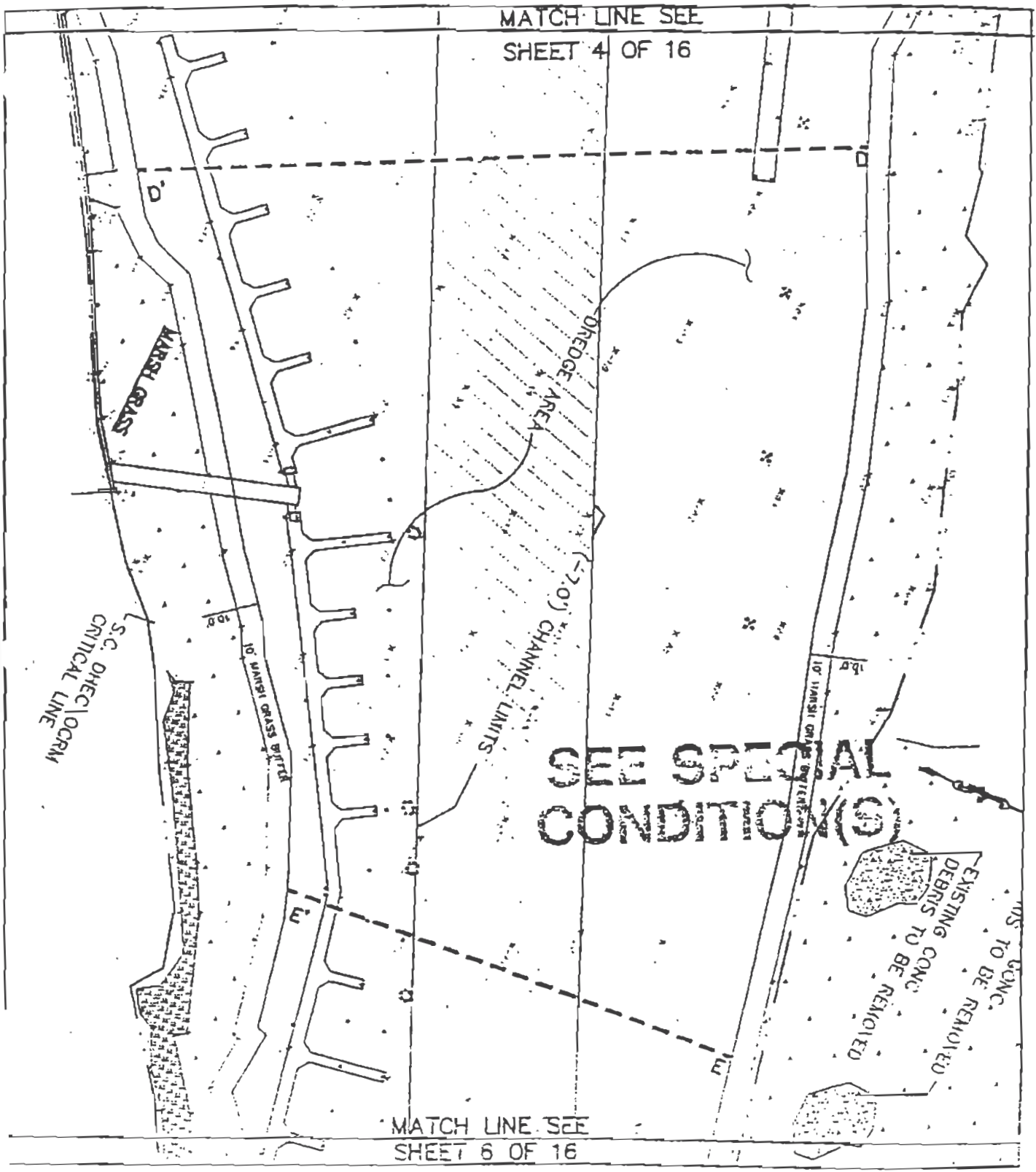
AT: RIPLEY LIGHT MARINA
CITY OF CHARLESTON
IN: RIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 3 OF 16

DATE: 11/14/00

GENERAL ENGINEER

6 of 20



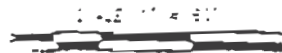
PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY LINES

SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 5
PROPOSED DREDGE AREA
PLAN C



RIPLY LIGHT DEVELOPMENT COMPANY, LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

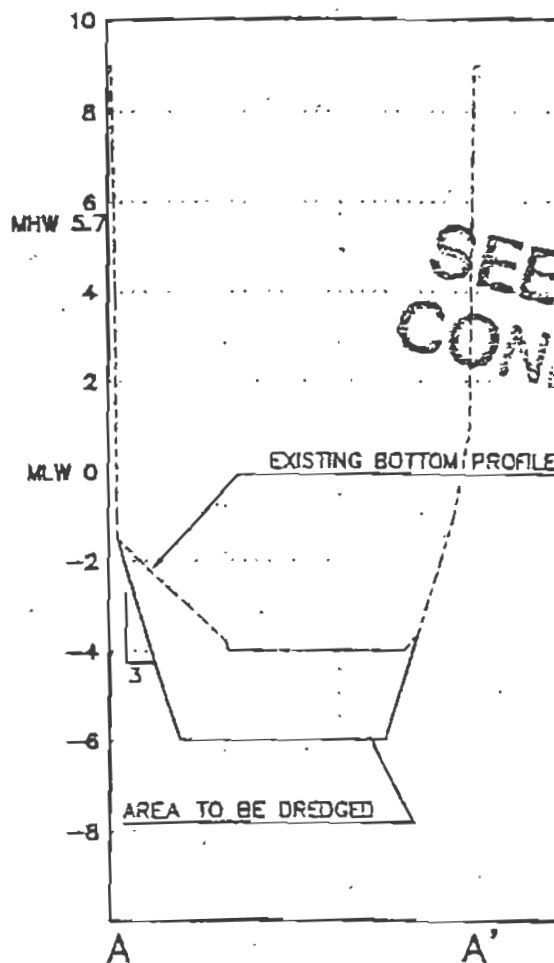
RIPLY LIGHT MARINA
CITY OF CHARLESTON
RIPLY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 5 OF 16

DATE: 11/14/00

GENERAL ENGINEER INC.



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

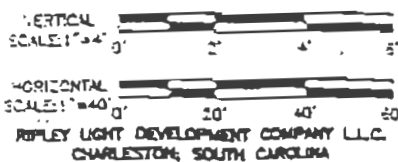
PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 7
CROSS SECTION OF
PROPOSED DREDGE AREA A-A'



PROPOSED: MAINTENANCE DREDGING

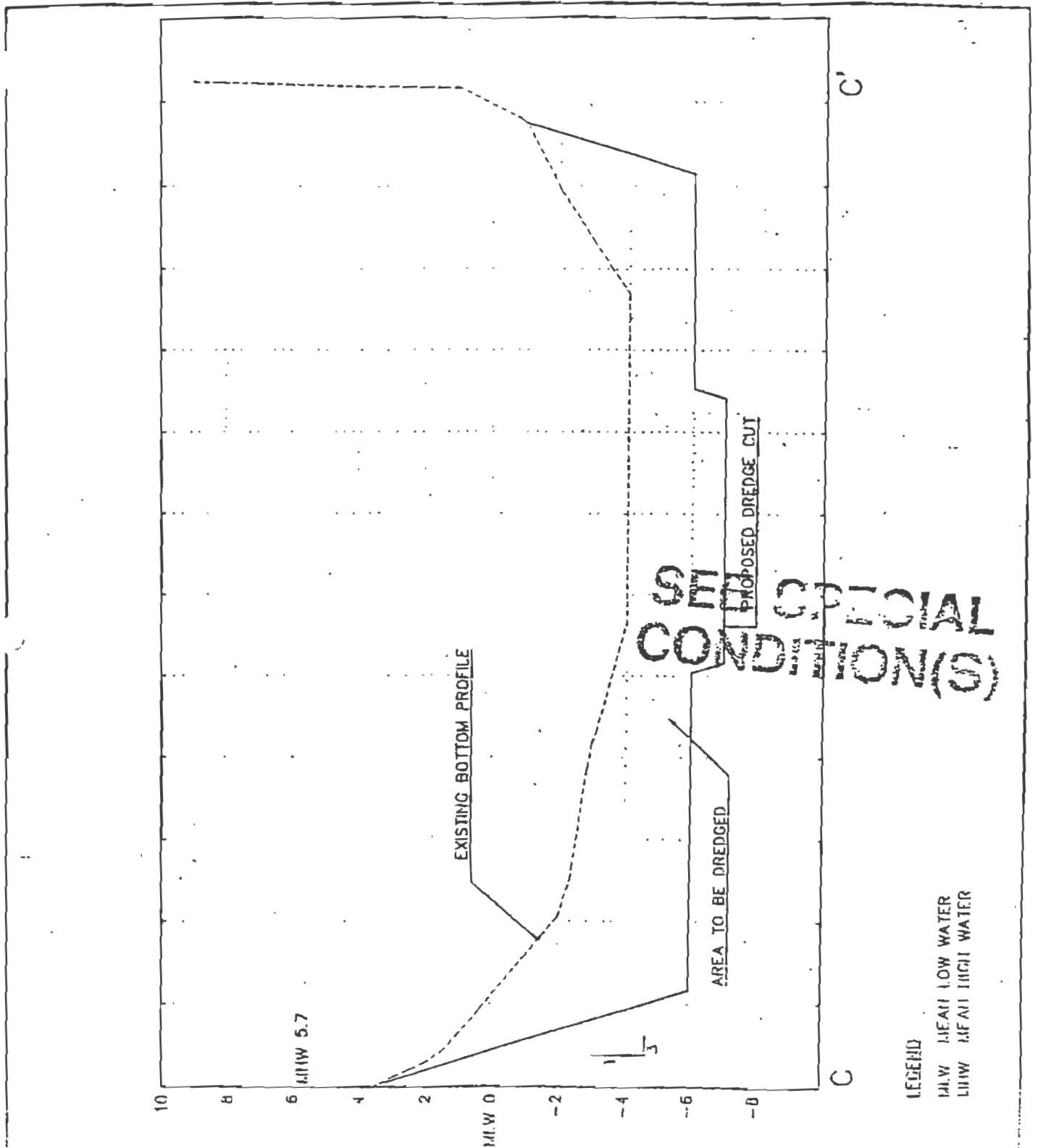
AT: RIPLEY LIGHT MARINA
CITY OF CHARLESTON

IN: RIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 7 OF 16

DATE: 11/14/00



PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLW

FIGURE 9
CROSS SECTION OF
PROPOSED DREDGE AREA C-C

VERTICAL
SCALE: 1"=4'

HORIZONTAL
SCALE: 1"=40'

RIPLY LIGHT DEVELOPMENT COMPANY LLC
CHARLESTON SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT MARINA
CITY OF CHARLESTON

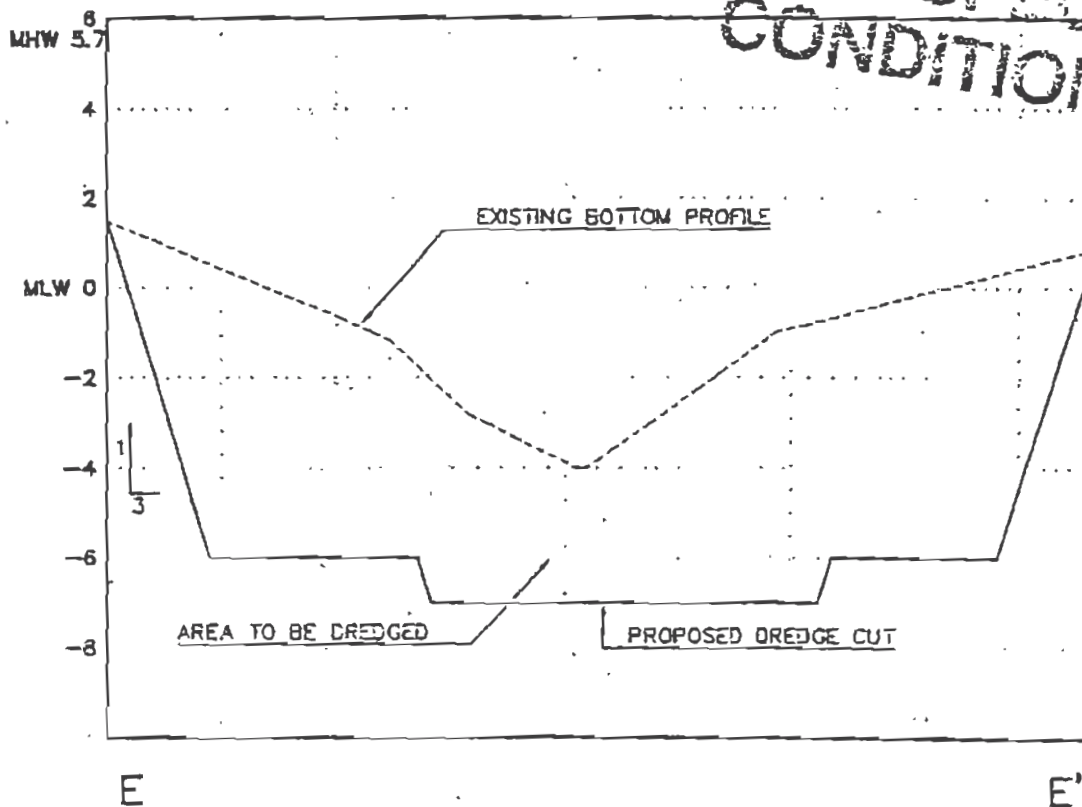
IN: RIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 9 OF 18

DATE: 11/14/00

SEE SPECIAL
CONDITION(S)



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

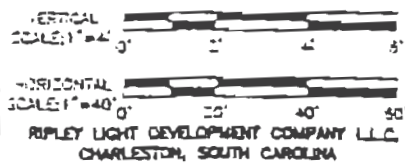
PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MHW

FIGURE 11
CROSS SECTION OF
PROPOSED DREDGE AREA E-E'



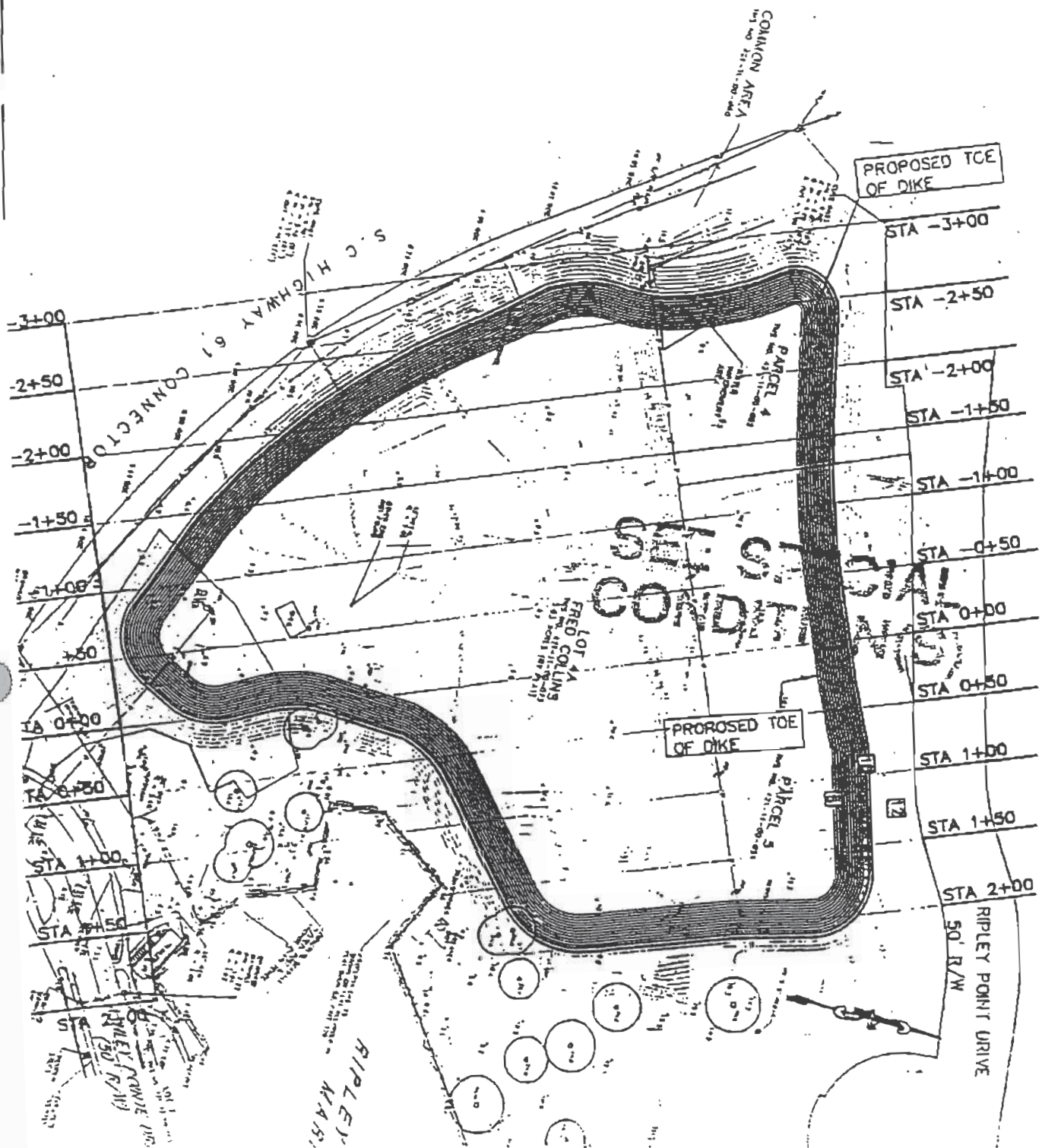
PROPOSED: MAINTENANCE DREDGING

AT: RUPLEY LIGHT MARINA
CITY OF CHARLESTON
WH: RUPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 11 OF 18

DATE: 11/14/00

GENERAL ENGINEER



PURPOSE: MAINTENANCE DREDGING

ASSET: RIPLEY POINT MARINA

SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 13
PROPOSED CONFINED DISPOSAL
BASIN

SCALE: 1" = 100'



RIPLEY LIGHT DEVELOPMENT COMPANY, LLC
CHARLESTON, SOUTH CAROLINA

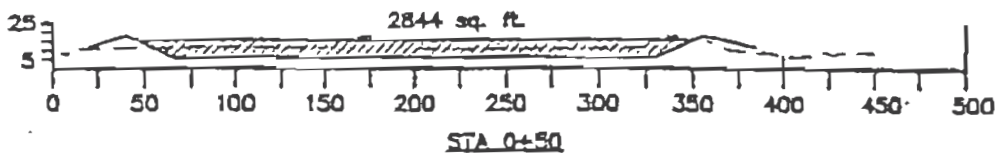
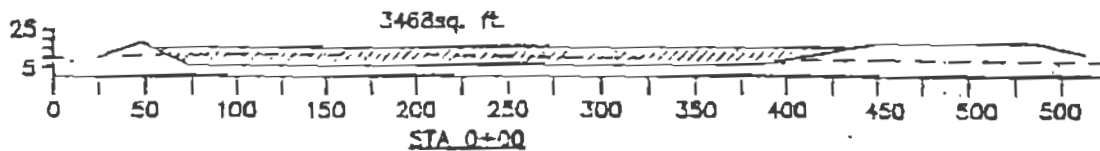
PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT MARINA
CITY OF CHARLESTON
IN: RIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER
COUNTY OF: CHARLESTON
SOUTH CAROLINA

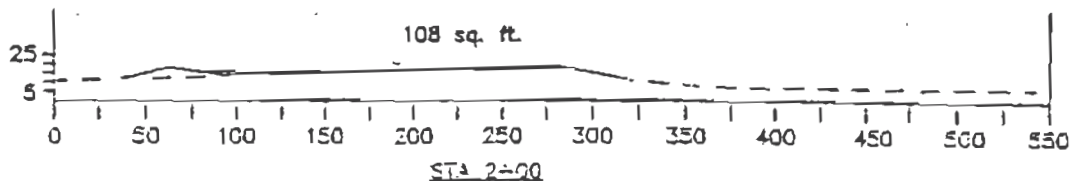
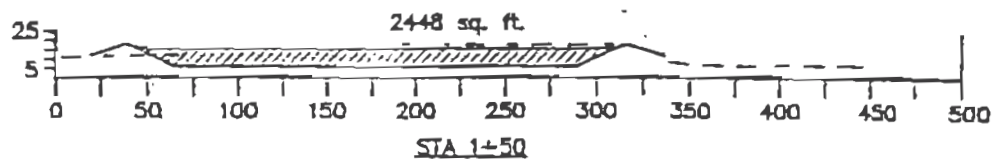
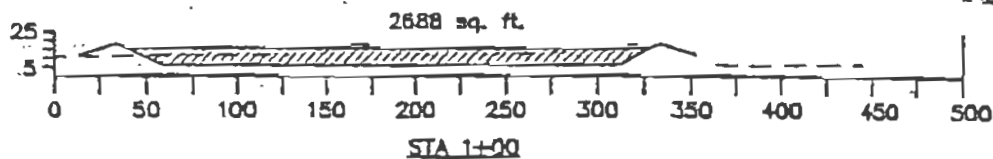
SHEET: 13 OF 18

DATE: 11/14/00

GENERAL ENGINEERING



SEE SPECIAL
CONDITION(S)



PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS:
SEE ATTACHED LIST

SURVEY DATE: N/A

FIGURE 15
CROSS SECTION OF
DISPOSAL BASIN
HORIZONTAL & VERTICAL
SCALE: 1" = 100'

0' 50' 100' 150'

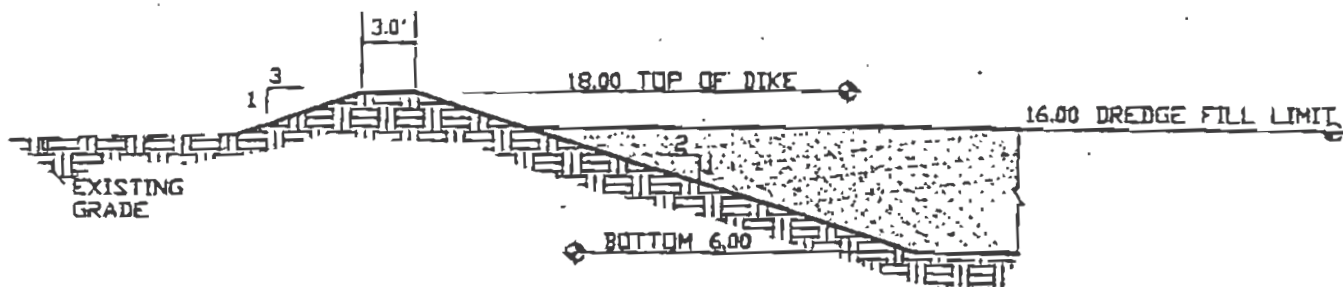
PIPLEY LIGHT DEVELOPMENT COMPANY, LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: PIPLEY LIGHT MARINA
CITY OF CHARLESTON
IN: PIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 13 OF 18

DATE: 11/14/00



TYPICAL DIKE SECTION

NOT TO SCALE

TOTAL EXCAVATION OF DREDGE AREA = 56,503 CYD
 MAXIMUM CAPACITY OF EXISTING DISPOSAL AREA = 11,886 CYD
 MAXIMUM CAPACITY OF NEW DISPOSAL AREA = 57,486 CYD

**SEE SPECIAL
 CONDITION(S)**

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 16
 TYPICAL DIKE SECTION
 OF DISPOSAL BASIN

NOT TO SCALE

RIPLY LIGHT DEVELOPMENT COMPANY, L.L.C.
 CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

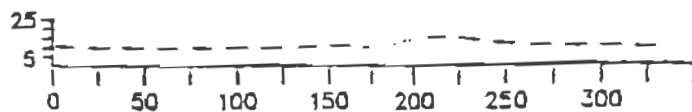
AT: RIPLEY LIGHT MARINA
 CITY OF CHARLESTON

IN: RIPLEY LIGHT CANAL
 ADJACENT TO THE ASHLEY RIVER
 COUNTY OF CHARLESTON
 SOUTH CAROLINA

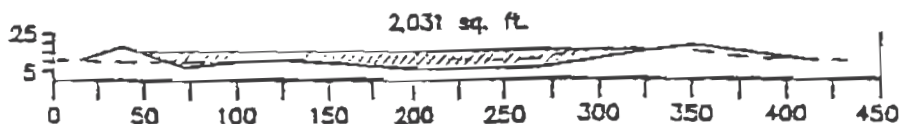
SHEET: 18 OF 18

DATE: 11/14/00

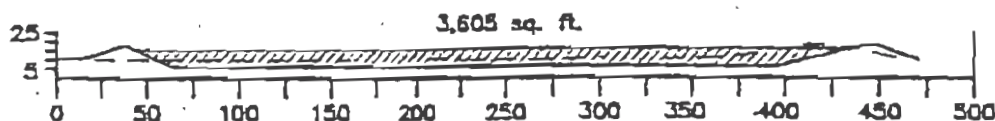
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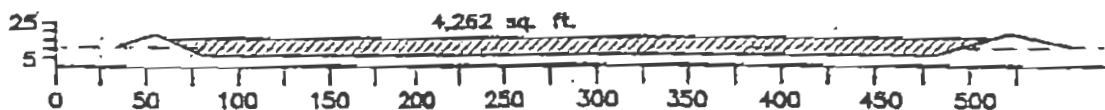
STA -3+00



STA -2+50

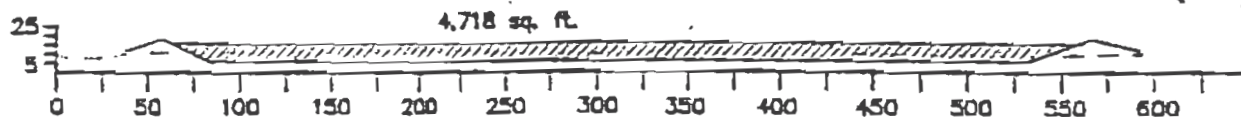


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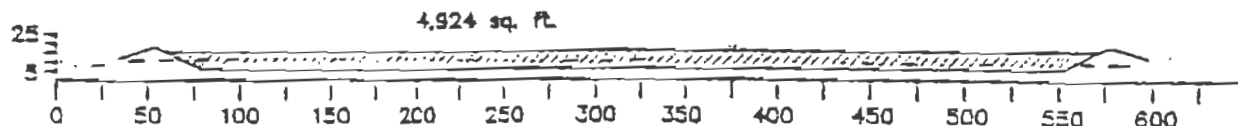


STA -1+50

SEE SPECIAL
CONDITION(S)



STA -1+00



STA -0+50

PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATE: N/A

FIGURE 14
CROSS SECTION OF
DISPOSAL BASIN
HORIZONTAL & VERTICAL
SCALE: 1" = 100'



REPLEY LIGHT DEVELOPMENT COMPANY, LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: REPLEY LIGHT MARINA
CITY OF CHARLESTON

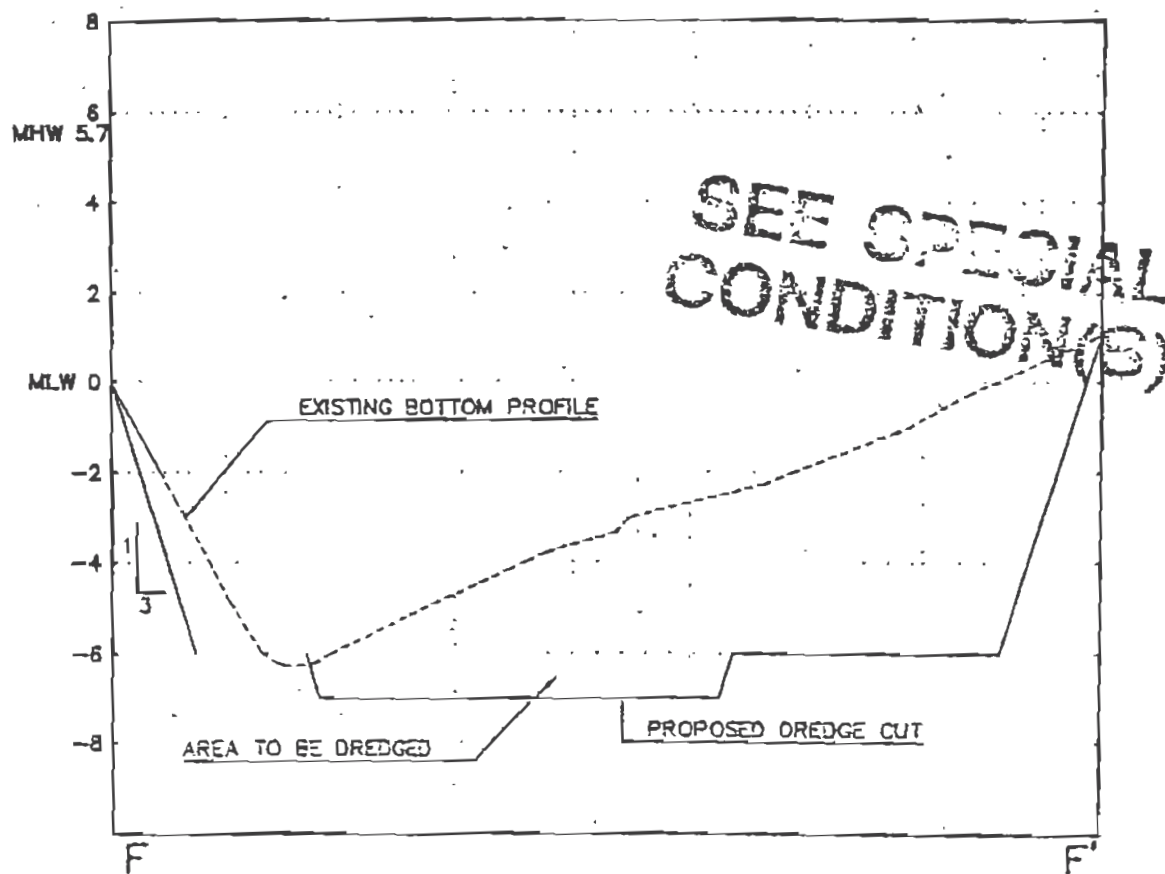
IN: REPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 14 OF 18

DATE: 11/14/00

14 OF 20



LEGEND

MLW MEAN LOW WATER
MHW MEAN HIGH WATER

PURPOSE: MAINTENANCE DREDGING

SEE ATTACHED LIST

URVEY DATUM: MLW

FIGURE 12
CROSS SECTION OF
PROPOSED DREDGE AREA F-F

VERTICAL
SCALE: 1"=4'

HORIZONTAL
SCALE: 1"=40'

REPLY LIGHT DEVELOPMENT COMPANY LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT MARINA
CITY OF CHARLESTON

IN: RIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

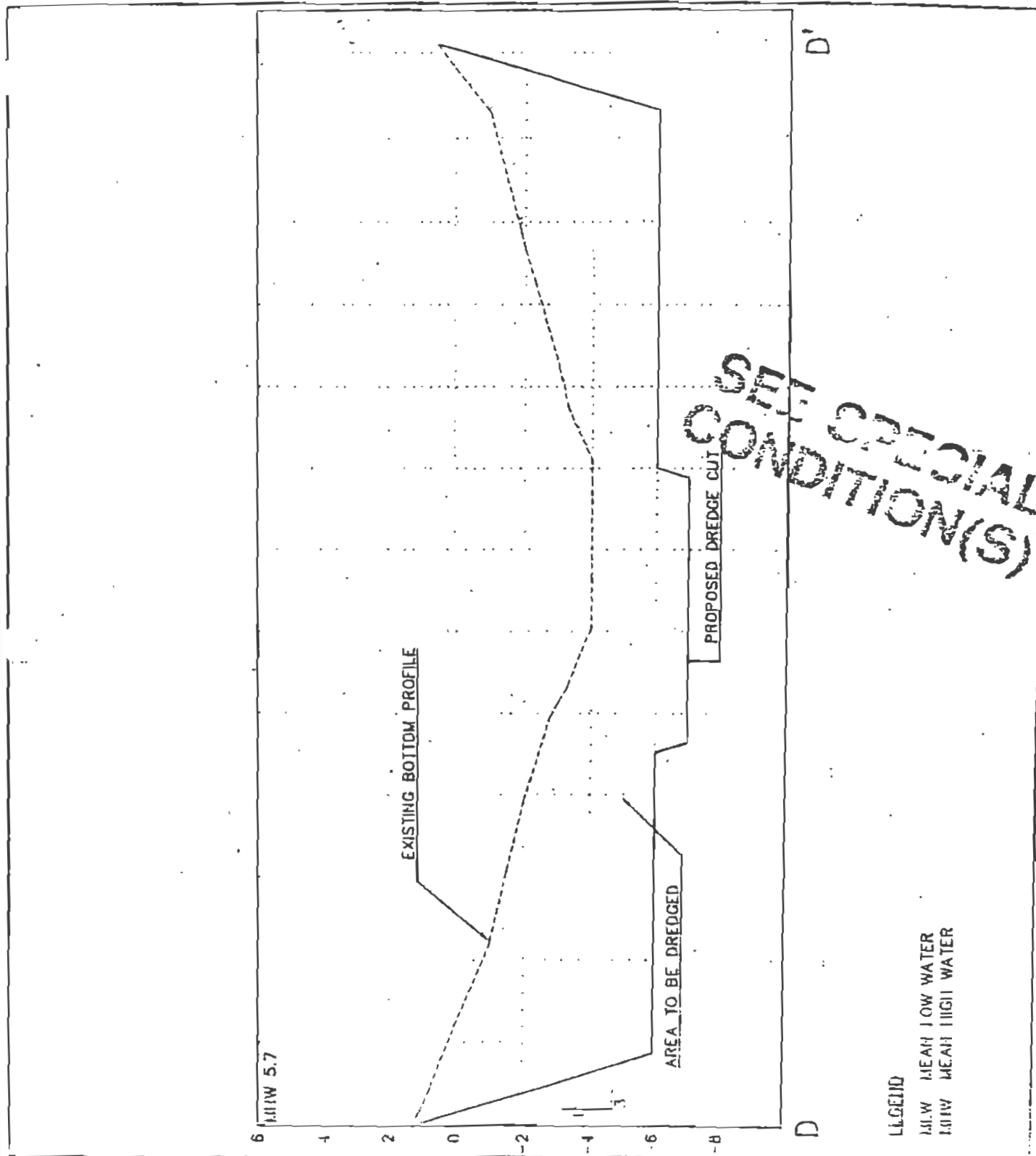
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 12 OF 16

DATE: 11/14/00

12 16 37

GENERAL CONTRACTOR



PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 10
CROSS SECTION OF
PROPOSED DREDGE AREA D-D'

VERTICAL
SCALE: 1"=4'

HORIZONTAL
SCALE: 1"=40'

16 15 2A
RIPLEY LIGHT DEVELOPMENT COMPANY LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

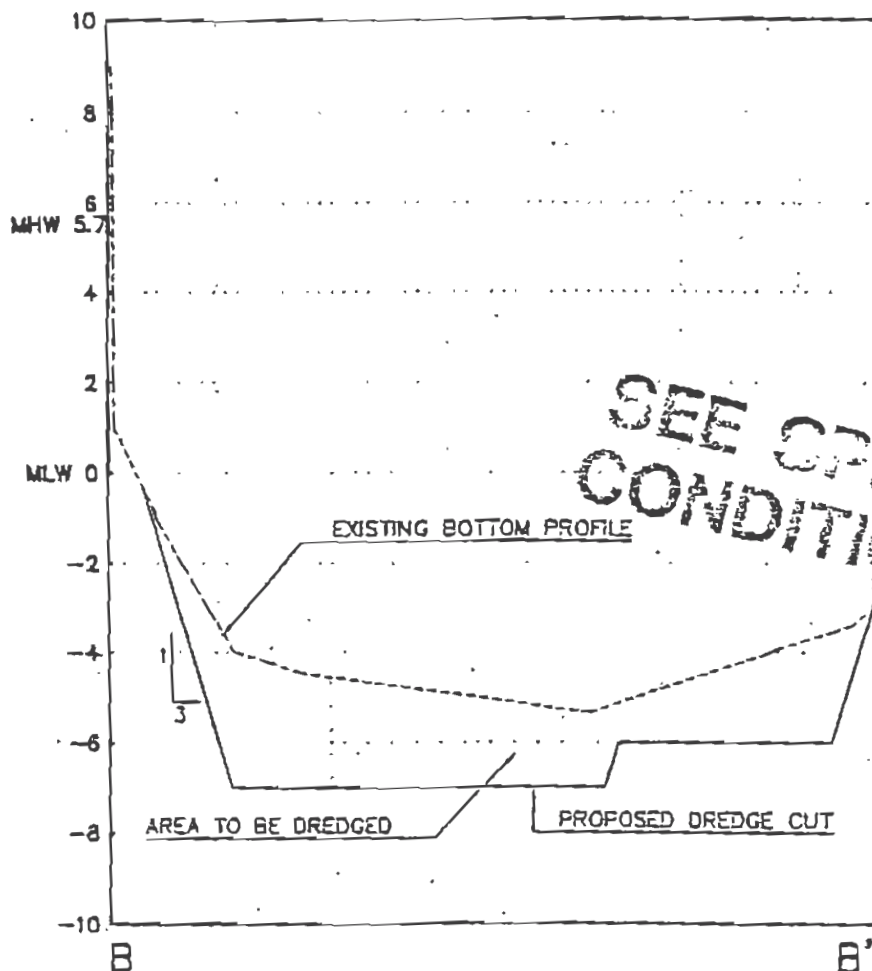
AT: RIPLEY LIGHT MARINA
CITY OF CHARLESTON
IN: RIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

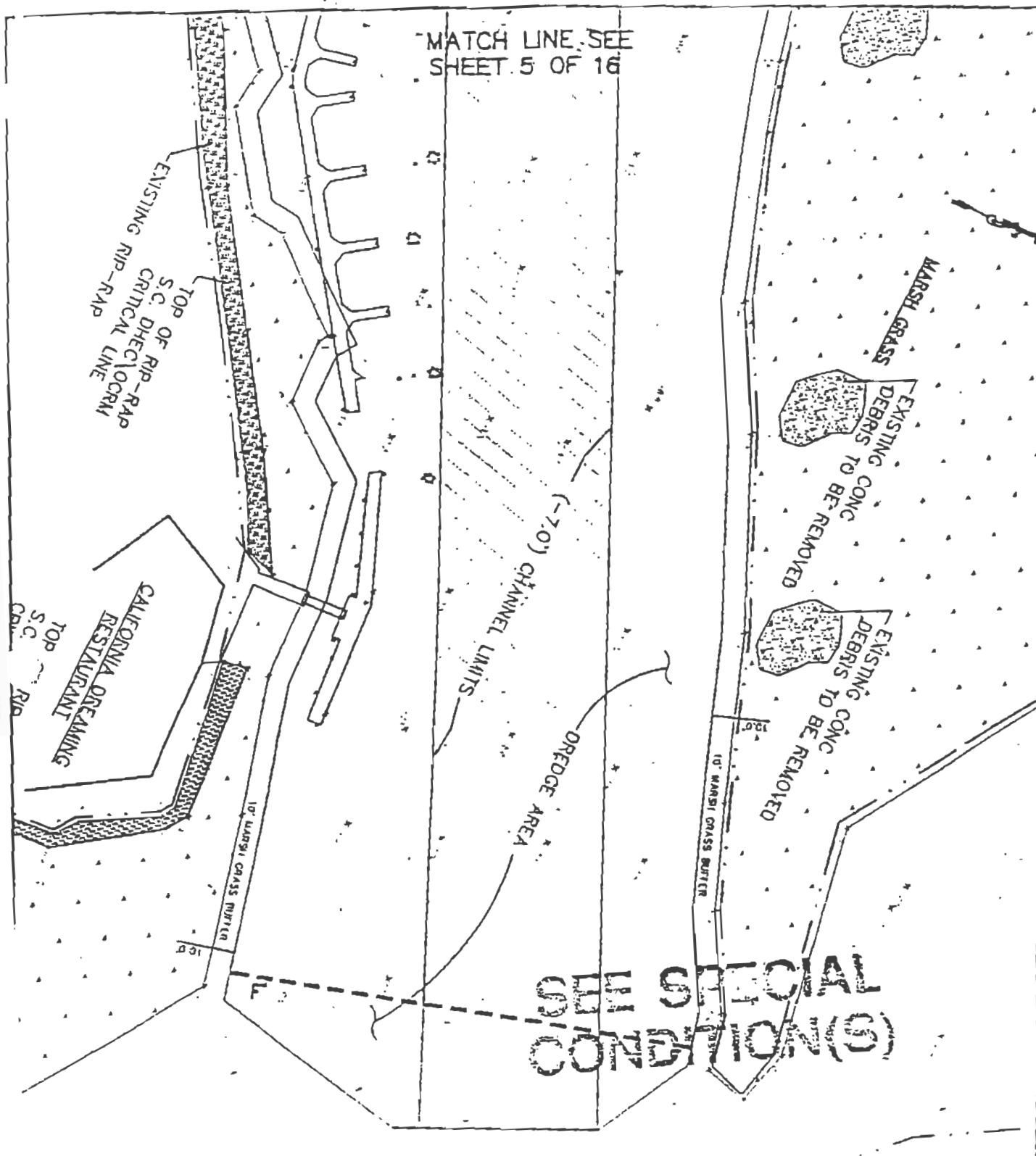
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 10 OF 18

DATE: 11/14/00

CORRECTION ENGINEER





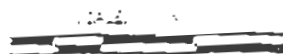
PURPOSE: MAINTENANCE DREDGING

ADJACENT PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 1
PROPOSED DREDGE AREA
PLAN 1



TRIPLE POINT DEVELOPMENT COMPANY, LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: RIPLEY LIGHT MARINA
CITY OF CHARLESTON

IN: RIPLEY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

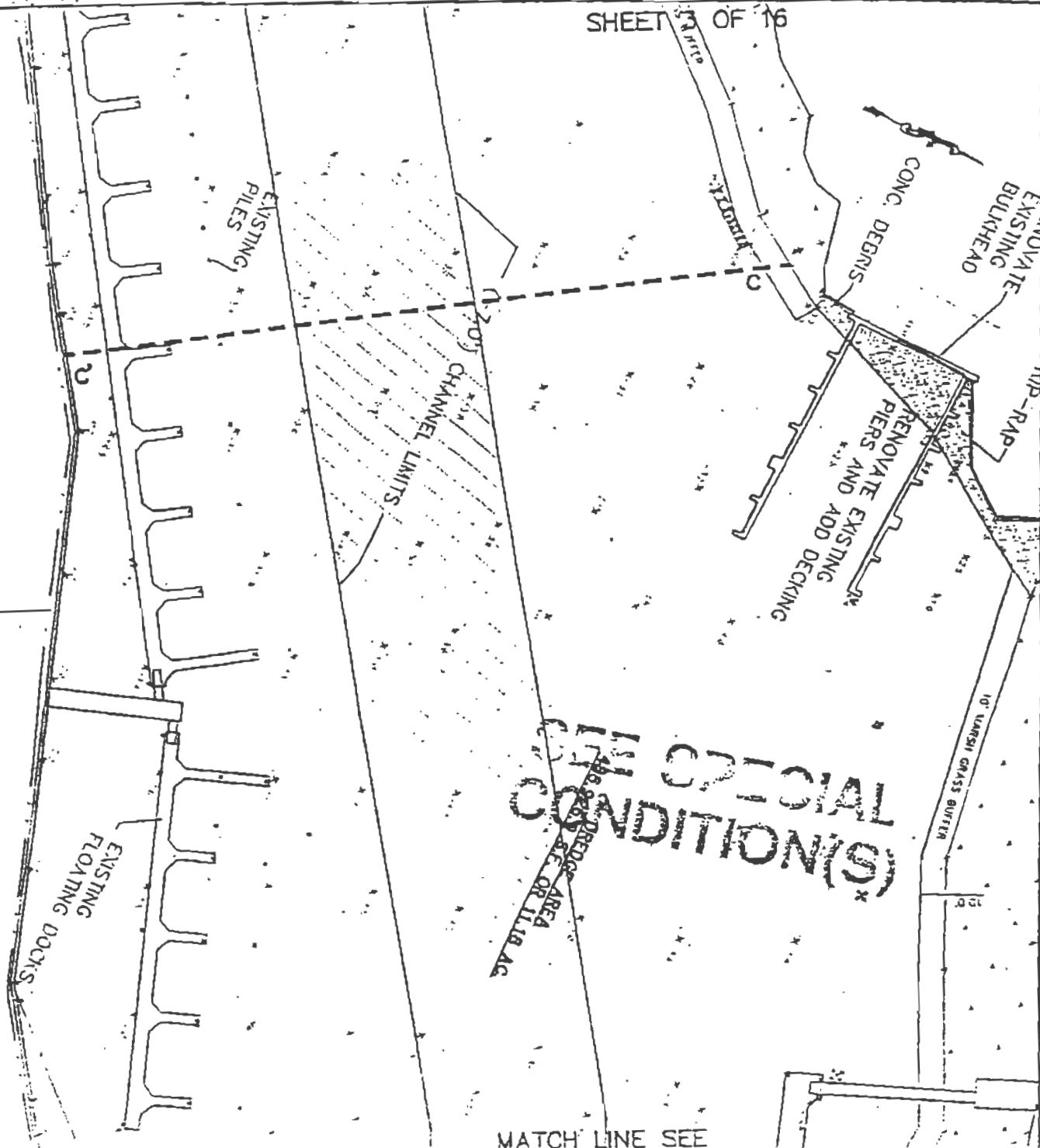
COUNTY OF: CHARLESTON
SOUTH CAROLINA

SHEET: 6 OF 16

DATE: 11/14/00

GENERAL ENGINEERING

MATCH LINE SEE
SHEET 3 OF 16



MATCH LINE SEE
SHEET 5 OF 16

PROPOSED MAINTENANCE DREDGING

EXISTING PROPERTY OWNERS

SEE ATTACHED LIST

SURVEY AREA

FIGURE 4
PROPOSED DREDGE AREA
PLAN 5

SCALE 1" = 50'



RIPLY LIGHT DEVELOPMENT COMPANY LLC
CHARLESTON, SOUTH CAROLINA

PROPOSED MAINTENANCE DREDGING

AT
RIPLY LIGHT MARINA
CITY OF CHARLESTON

ON
RIPLY LIGHT CANAL
ADJACENT TO THE ASHLEY RIVER

COUNTY OF CHARLESTON
SOUTH CAROLINA

SHEET 4 OF 16

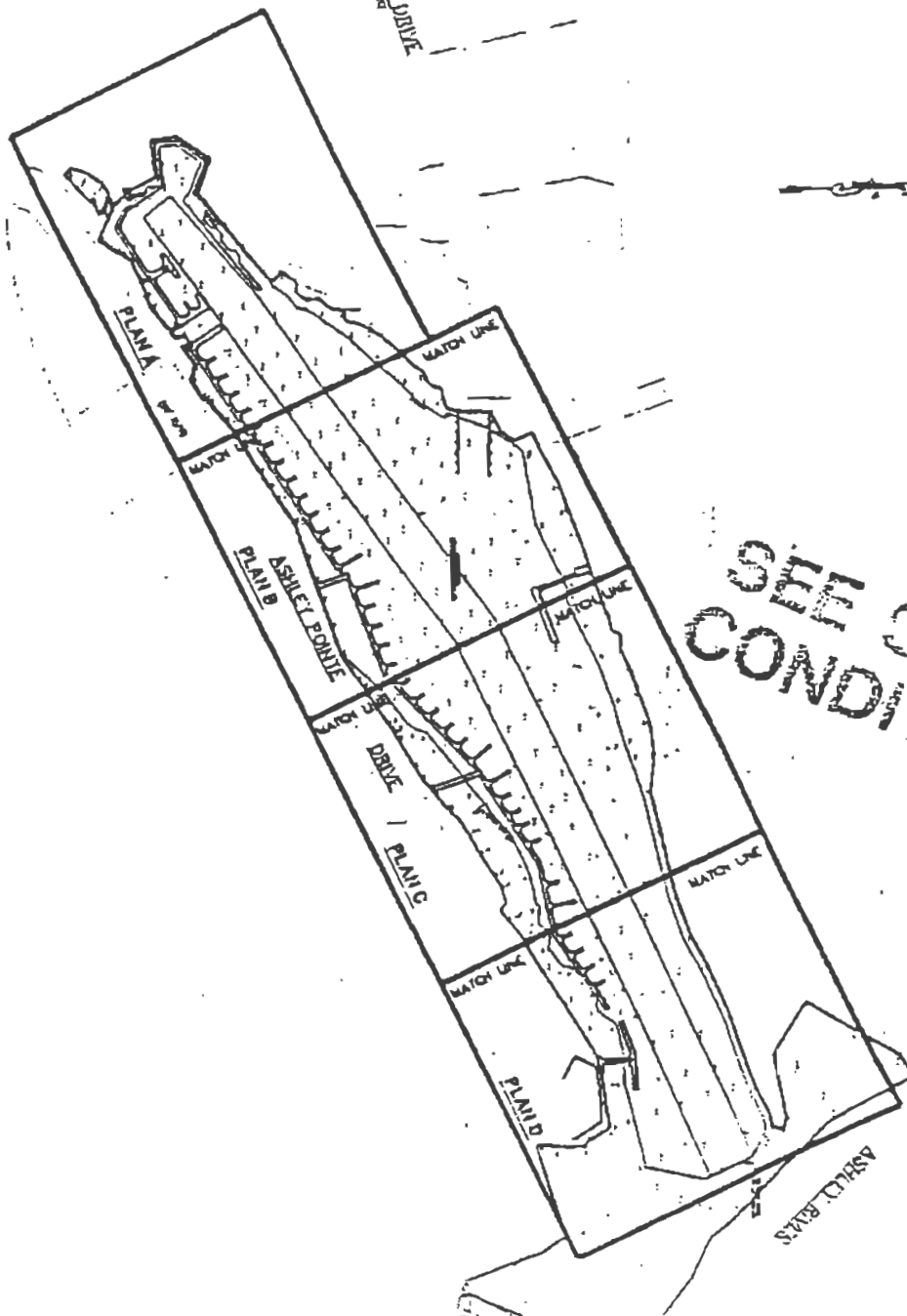
DATE 11/14/00

GENERAL ENGINEERING

19 OF 20

81 EXPRESSWAY CONNECTOR
 100' WIDE

REPLY POINT DRIVE
 100' WIDE



SEE SPECIAL
 CONDITION(S)

PURPOSE: MAINTENANCE DREDGING

SUGGESTED DREDGE DEPTH: 10 FEET

SEE ATTACHED LIST

SURVEY DATUM: MLLW

FIGURE 2
 DREDGE AREA— PLAN VIEW

SCALE: 1" = 300'



REPLY LIGHT DEVELOPMENT COMPANY LLC
 CHARLESTON, SOUTH CAROLINA

PROPOSED: MAINTENANCE DREDGING

AT: REPLY LIGHT MARINA
 CITY OF CHARLESTON

ON: REPLY LIGHT CANAL
 ADJACENT TO THE ASHLEY RIVER

COUNTY OF: CHARLESTON
 SOUTH CAROLINA

SHEET: 2 OF 18

DATE: 11/14/00

GENERAL ENGINEERING



Office of Ocean & Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

(843) 744-5838

(843) 744-5847 (fax)

Christopher L. Brooks, Deputy Commissioner

November 20, 2001

Mr. Jack Walker
General Engineering Laboratories Inc
P O Box 30712
Charleston, SC 29417

Re: 2001-1H-315-P
Ripley Light Development Company LLC

Dear Mr. Walker:

The SCDHBC Office of Ocean and Coastal Resource Management has reviewed your application to construct a marina at a location adjacent to Ripley Points Drive, Charleston, Charleston County, South Carolina and has issued a permit for this work. You should carefully read any Special Conditions that we have placed on the permit, as they may modify the permitted activity. In addition, there are a series of General Conditions that you should also review.

A copy of the permit, as issued, is enclosed. After carefully reading the permit, if you wish to accept the permit as issued, sign and date in the signature block entitled "PERMITTEE".

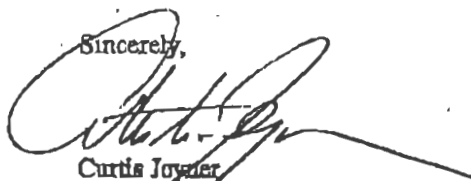
PLEASE READ CAREFULLY: You are required to return a signed copy of your permit to this Department. If this permit is not signed and returned within thirty (30) days of issuance OR a written notice of Intent to Appeal filed within fifteen days (15), the Department reserves the right to cancel this permit. **EFFECTIVE SEPTEMBER 5, 2001**, pursuant to Temporary Amendments of the Rules of the Administrative Law Judge Division, the Division is requiring a \$70.00 filing fee to be accompanied with any written request for an appeal of a final agency decision. The written request must be filed with OCRM and a copy, with the \$70.00 fee, sent directly to the Division at P.O. Box 11667, Columbia, SC, 29211. The appeal will not be processed by the Division unless the fee is submitted.

After we have received your accepted/signed permit a State official, designated to act for the Office of Coastal Resource Management will validate the permit and the completed permit will be returned to you from this department. At that time a request for construction placard card will be sent. You must send in this card before the time you wish to start construction. At that time a construction placard will be sent to you to post at the construction site.

PLEASE NOTE: You are not authorized to commence work under the permit until we have received a copy of the entire permit accepted by you and you have received a copy signed by the permit Director or other authorized State official and a construction placard has been issued.

The receipt of this permit does not relieve you of the responsibility of acquiring any other federal or local permits that may be required.

Sincerely,



Curtis Joyner
Manager, Critical Area Permitting

Enclosure

APPENDIX V

S.C. DHEC "CONTINGENCY PLAN FOR SPILLS OF OIL AND OTHER HAZARDOUS SUBSTANCES"

Contingency Plan for the Spill of Oil and Other Hazardous Substances

The Ripley Light Marina will conduct its operations in such a manner to encourage all individuals who handle oil or other hazardous materials to prevent spills through planning, good housekeeping, adequate and proper equipment maintenance, and safe operations of related equipment. Should a spill of oil or other hazardous material occur, immediate action will be taken to contain the spill and stop any further release of the material. All responsible parties and jurisdiction agencies will be immediately notified of the spill.

Procedure for Reporting Spills

The following agencies will be immediately notified if a spill occurs.

State and Federal:

SCDHEC Emergency Response Section, Columbia, SC	888-481-0125
USCG Charleston, SC	843-720-3240
National Response Center, Washington, DC	800-424-8802
SCDHEC-OCRM, Charleston, SC	843-953-0200

Local:

Charleston Fire Department, Police Department	911
---	-----

As much pertinent information as possible will be given, including:

- Locations of Spill;
- Source of Spill;
- Time of Spill;
- Volume of Spill;
- Nature and potential danger of spilled material;
- Anticipated movement of the spilled material;
- Responsible Party (name, address, phone number, etc.)
- Action already taken; and,
- Weather conditions at spill site.

Ripley Light Marina personnel and ship owners will cooperate with all governmental agencies to insure proper implementation of the "State of South Carolina Contingency Plan for Spills and Releases of Oil and Other Hazardous Substances" prepared by the South Carolina Department of Health and Environmental Control. A copy of this plan (in part) is attached.

Spill Containment and Cleanup

Upon discovering a spill, Ripley Light Marina personnel will immediately make every effort to contain the spill and stop it at its source, when this can be done without danger to the health and safety of those involved. Containment may involve blocking stormwater drains, building berms and/or dikes, deploying sorbent booms and/or absorbent materials and other barriers to prevent the spread of the pollutant, and other measures to minimize health and environmental damage.

Cleanup and removal of spill material and contaminated spill materials will be undertaken after consultation with appropriate governmental agencies to determine the best method(s) for removal. Disposal of the pollutant and/or contaminated pollutant material will be in a manner and location approved by the South Carolina Department of Health and Environmental Control.

The **Oil Spill Recovery Organization** is:

Moran Environmental (843) 767-8900

Spill Handling Procedures

Spill handling procedures will be in accordance with the latest edition of the "State of South Carolina Contingency Plan for Spills and Releases of Oil and Other Hazardous Substances" prepared by the South Carolina Department of Health and Environmental Control. A copy of this plan (in part) is attached.



State of South Carolina

Contingency Plan

For Spills and Releases of
Oil & Hazardous Substances



April 2011 Edition

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Distribution List

DHEC EQC REGIONS (one copy each)

DHEC Central Office (one copy each)

EQC Deputy Commissioner
All EQC Bureau Chiefs
Director, Waste Assessment and Emergency Response
Manager, Emergency Response Section
Manager, Nuclear Response and Emergency Environmental Surveillance
Manager, Waste Assessment Section
Emergency Response Section
Waste Assessment Section

Other South Carolina Agencies (one copy each)

South Carolina Governor's Office
Adjutant General - Emergency Management Division
Adjutant General - National Guard
Department of Agriculture
Office of the State Archeologist
Civil Air Patrol
Clemson University
Department of Corrections
S.C. Budget and Control Board

Other South Carolina Agencies (continued)

Forestry Commission

Department of Labor, Licensing and Regulation

- Division of Labor

- Division of State Fire Marshal

- State Fire Academy

Department of Natural Resources

Department of Parks, Recreation and Tourism

State Ports Authority

Department of Public Safety

- Highway Patrol

- State Transport Police

State Law Enforcement Division

Public Service Commission

Department of Transportation

Federal Agencies

U.S.E.P.A., Region IV, Atlanta, Ga.

U.S.C.G. COTP Sector - Charleston, SC

U.S.C.G. COTP MSO - Savannah, Ga.

Local Government (one copy each)

Each of the 46 county Emergency Preparedness Directors

Environmental Contact Points

Georgia Dept. of Natural Resources

North Carolina Dept. of Environmental & Natural Resources

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STATE OF SOUTH CAROLINA OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN

Subpart A - Introduction

300.1 Purpose and objective.

Prevention of spills of oil and hazardous substances is the best possible method of spill control. Encouraging all individuals who handle such materials to avoid spills through planning, housekeeping, equipment maintenance, and safe handling practices stresses this control method. However, in the event a spill does occur, immediate action by all responsible parties and jurisdictional agencies is required. Therefore, the purpose of this plan is to provide for a pattern of coordinated and integrated response by agencies of the State and Federal governments in order to protect the public health and the environment from the effects and consequences of spills. This plan also outlines the responsibilities and capabilities of State and Federal groups and encourages the development of other government and private capabilities to handle spill incidents.

The State On-Scene Coordinator must use and insure that response actions/operations are consistent with the National Contingency Plan (NCP), the State of South Carolina Contingency Plan (this plan), and the S.C. Emergency Operations Plan (SCEOP).

The format of this plan is based on 40 CFR 300 (NCP). This plan does not supersede the National Contingency Plan. The intent of the plan is to provide and establish procedures to respond to spills in conjunction with or in the absence of Federal response actions. The existing Charleston Area Contingency Plan outlining the U.S. Coast Guard's detail disaster and spill response, in conjunction with State and Local authorities, and the U.S. E.P.A's Inland Plan are the detailed plans for Federal responses. The details of planning, operations, logistics, organization, etc., have been previously accounted for in these plans. Sections in this plan labeled [Reserved] are covered in these other plans or are not applicable to a response in SC.

The objectives of this plan are to provide for efficient, coordinated action to minimize damage from oil and hazardous substance discharges, including containment, cleanup, and disposal. This plan, including the Appendixes, provides for:

- Coordinating between Local, County, and other State plans.
- The establishment of a simple, effective procedure for reporting spills so that the first observer of a spill incident can initiate the alert, thus insuring the earliest possible notice to the State.
- A procedure to designate a State Response Team, State On-Scene Coordinator (SOSC), and Region Emergency Response Teams who have the responsibility to alert and coordinate the resources of manpower, equipment, and materials to control, contain, and cleanup spills.
- The assignment of duties and responsibilities among State Agencies and departments for coordination with Federal and local agencies, such as the U.S. Environmental Protection Agency, U.S. Coast Guard, and local response organizations such as fire departments, police,

and County Emergency Management/Preparedness divisions.

- The development of local contingency plans and mutual assistance groups so that the spiller can take prompt, effective action in the control and cleanup operations, thereby, minimizing financial liabilities associated with cleanup and restoration.
- A procedure of reimbursement to the State of South Carolina for reasonable cost incurred in the containment and cleanup of such discharge.

300.2 Authority and application.

This Plan is intended to be the State level implementing mechanism for achieving the objectives of §48-43-30 and §44-56-200 of the South Carolina Code of Law, 1976, as amended, and Federal Act 96-510 of 1980, as amended, as related to spills of oil and/or hazardous substances. In conjunction with this Plan, responders must also be aware of the State Emergency Powers Act (§6-11-1420) which gives certain additional authority to the “Fire Authority having jurisdiction” during an emergency response action. The SOSC recognizes this authority and will make all efforts to include the local fire authority in the Incident Command System/Unified Command Structure that will be utilized within this Plan. This Plan has been developed in compliance with §48-43-550 of the South Carolina Code of Law, 1976, as amended, which states:

"The Department shall from time to time adopt, amend, repeal, and enforce reasonable regulations relating to the cleanup and removal of discharges of pollutants into the waters or onto the coasts of this State.

Such regulations shall include, but are not limited to:

... (e) Creation by contract or administrative action of a state response team which shall be responsible for creating and maintaining a contingency plan of response, organization, and equipment for handling emergency cleanup operations. The state plans shall include detailed emergency operating procedures for the State as a whole and the team shall from time to time conduct practice alerts. The contingency plan shall contain all necessary information for the total containment and cleanup of pollution, including but not limited to an inventory of equipment and its location, a table of organization with the names, addresses, and telephone numbers of all persons responsible for implementing every phase of the plan, a list of available sources of supplies necessary for cleanup and a designation of priority zones to determine the sequence and methods of cleanup. The state response team shall act independently of agencies of the federal government but is directed to cooperate with any federal cleanup operation,..."

The Department's response to oil and hazardous substance spills and releases is mandated and guided by the S.C. Pollution Control Act (PCA), S.C. Hazardous Waste Management Act (HWMA), S.C. Oil and Gas Act (O&GA), among others. Under the Federal Clean Water Act (CWA), the Department serves as a member of the Federal Regional Response Team. For inland planning and response, the Department coordinates with the USEPA in implementing the NCP and the Area Plan developed per the Oil Pollution Act of 1990 (OPA90). In the coastal area, the Department ensures that state interests and concerns are addressed and cooperates with the U.S.

Coast Guard, who is designated federal on-scene coordinator, in implementing the NCP and the Area Plan developed per OPA90.

Our response authorities are primarily as follows:

- §48-1-90 of the Pollution Control Act, Chapter 1 of Title 48 Environmental Protection and Conservation, Code of Laws of South Carolina, 1976, states that "...It shall be unlawful for any person, directly or indirectly, to throw, drain, run, allow to seep or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes and other wastes, except as in compliance with a permit issued by the Department..."
- §48-43-520 (4), of the 1977 South Carolina Oil and Gas Act confers upon the Department power to: "... (a) Deal with the hazards and threats of danger and damage posed by such transfers (of pollutants [defined as oil of any kind and in any form -e.g. gasoline, pesticides, ammonia, chlorine, and derivatives thereof] between vessels, between onshore facilities and vessels, and between terminal facilities within the jurisdiction of the State and State waters) and related activities" and "(b) Require the prompt containment and removal of pollution occasioned thereby ...".

§48-43-530(1) continues: "The Department may call upon any other state agency for consultative services and technical advice and the other agencies are directed to cooperate with the Department".

§48-43-550 directs "The Department shall from time to time adopt, amend, repeal, and enforce reasonable regulations relating to the cleanup and removal of discharges of pollutants into the waters or onto the coasts of this State. Such regulations shall include, but not be limited to:

- (a) Operation and inspection requirements for terminal facilities, vessels, and other matters relating to certification under this article but shall not require vessels to maintain spill prevention gear, holding tanks of any kind, and containment gear in excess of federal requirements.
- (b) Procedures and methods of reporting discharges and other occurrences prohibited by this article.
- (c) Procedures, methods, means, and equipment to be used by persons subject to regulation by this article on the removal of pollutants.
- (d) Development and implementation of criteria and plans to meet pollution occurrences of various degrees and kinds..."

§48-43-560 states "(1) Any person discharging pollutants in violation of this article shall immediately undertake to contain, remove, and abate the discharge to the Department's satisfaction. Notwithstanding the above requirements, the Department may undertake the

removal of the discharge and may contract and retain agents who shall operate under the direction of the Department. (2) If the person causing a discharge, or the person in charge of facilities at which a discharge has taken place, fails to act, the Department may arrange for the removal of the pollutant, except that if the pollutant was discharged into or upon the navigable waters of the United States, the Department shall act in accordance with the national contingency plan for removal of such pollution as established pursuant to the Federal Clean Water Act, as amended, and the costs of removal incurred by the Department shall be Paid in accordance with the applicable provisions of the law. Federal funds provided under this act shall be used to the maximum extent possible prior to the expenditure of state funds. (3) In the event of discharge the source of which is unknown, any local discharge cleanup organization shall, upon the request of the Department or its designee, immediately contain and remove the discharge."

- The Federal Water Pollution Control Act as amended, has provisions relating to the national contingency plan for the reporting of, responding to, and removing of pollutants. Spills of oil or reportable quantities of hazardous substances to navigable waters or releases of reportable quantities under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) are required to be reported immediately to the National Response Center (1-800-424-8802).
- The South Carolina Hazardous Waste Management Regulations 61-79.265 Subpart D requires that all fully regulated generators or treaters, storers, or disposers of hazardous wastes have a contingency plan and emergency procedures which must be implemented upon release of a hazardous waste. In addition, spilled hazardous materials may become hazardous wastes, and must be managed and disposed in accordance with these regulations
- The S.C. Hazardous Waste Management Act has incorporated Federal CERCLA under Section 44-56-200. When read broadly, the Department has authority to enforce the Reportable Quantity provisions along with Response Authority provisions under the Federal statute. Under CERCLA, as amended, Section 104 identifies Response Authorities which are stated as follows:

"Whenever:

- (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or
- (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment. When the President determines that such action will be done properly and promptly by the

owner or operator of the facility or vessel or by any other responsible party, the President may allow such person to carry out the action,..."

In taking a response action DHEC must be consistent with the National Contingency Plan.

300.2.1 State Policy.

"It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety, and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this act, the Department of Health and Environmental Control shall have authority to abate, control and prevent pollution." (§48-1-20, S.C. Code of Laws, 1976, as amended).

300.2.2 Federal Policy.

Section 1510.21 of the National Contingency Plan states: "The Congress has declared that it is the policy of the United States that there should be no discharge of oil or hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or upon the waters of the contiguous zone." (Section 311 (b)(1) of the Act PL 92-500).

Navigable waters are broadly defined under the Clean Water Act and Federal Oil Pollution Act to include all waters that are used in interstate or foreign commerce, all interstate waters including wetlands, and all interstate waters, such as lakes, rivers, streams, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. Essentially, the term navigable water refers to any natural surface water in the United States. Case law has also established that navigable water includes anything that could have a "hydraulic connection" to navigable waters.

300.3 Scope.

This Plan is effective for all jurisdictional land, air, and waters of the State, both coastal and inland. The provisions of the Plan are applicable to all State Agencies mentioned in §48-43-570 of the South Carolina Code of Law, 1976, as amended, as well as all other State Agencies included in this Plan. Implementation of the Plan is compatible with and complementary to currently effective State and Federal legislation.

300.4 Abbreviations.

Department and Agency title abbreviations:
DHEC - South Carolina Department of Health & Environmental Control
OCRM – DHEC’s Office of Ocean and Coastal Resource Management
SCDOT - South Carolina Department of Transportation
EPA - U. S. Environmental Protection Agency
EMD - South Carolina Emergency Management Division

EQC - DHEC Environmental Quality Control
ERS - DHEC Emergency Response Section
SCPSC- South Carolina Public Service Commission
SCHP - Highway Patrol, Dept. of Public Safety
SCDNR - South Carolina Department of Natural Resources
USCG - U. S. Coast Guard

Operational abbreviations:

ROSC - Regional On-Scene Coordinator
RERT - Regional Emergency Response Team
EFIS - Environmental Facility Information System
ERT - Emergency Response Team
FOSC - Federal On-Scene Coordinator
MSO - USCG, Marine Safety Office
OSC - On-Scene Coordinator
Plan - State of South Carolina Contingency Plan for Oil & Hazardous Substance (this plan)
RPM - Remedial Project Manager
RRT - Regional Response Team - Federal Region IV
SCP - State Contingency Plan
SOSC - State On-Scene Coordinator
SPCC - Spill Prevention, Containment, and Countermeasure Plan
SRT - State Response Team

300.5 Definitions.

Terms are defined for the purpose of this plan. Terms not defined in this section have the meaning given by CERCLA, the OPA, CWA, O&GA, HWMA, or PCA.

Activation means notification by telephone or other expeditious matter or, when required, the assembly of some or all appropriate members of the RRT, and/or SRT.

CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Re-authorization Act of 1986, as amended.

Department shall mean the South Carolina Department of Health and Environmental Control.

Discharge, for the purpose of this Plan includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil or hazardous substance into the environment of the State. For the purpose of this Plan, discharge also means threat of discharge.

Drinking water supply for the purpose of this Plan mean any raw or finished water source that is or may be used by a public water system or as drinking water by one or more individuals such as wells.

Emergency Response Team - personnel from the DHEC EQC, Regional response member and Bureau of Land and Waste Management, Emergency Response Section.

Environment means the waters, and any land surface or subsurface strata, or ambient air within or connected to the jurisdictional boundaries of the State of South Carolina.

Hazardous substance for the purpose of this Plan means any substance, or combination of substances that are defined as:

- “Hazardous Waste” under the South Carolina Hazardous Waste Management Act and promulgated regulation,
- “Hazardous Substance” under State CERCLA,
- “Oil” or “Gas” under the South Carolina Oil and Gas Act,
- “Pollutant” under the South Carolina Oil and Gas Act,
- “Pollution” under the South Carolina Pollution Control Act or the Oil and Gas Act,
- “Hazardous Material” as used in the South Carolina Hazardous Waste Management Act.

Incident for the purpose of this Plan means any spilling, leaking, pouring, emitting, emptying, or dumping of an oil or hazardous substance, whether intentional or unintentional, into the environment.

Natural resource means land, fish, wildlife, plant, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State of South Carolina.

Oil means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoils, but excludes liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

RQ (Reportable Quantity) Chemical means any chemical that is listed in 40 CFR Table 302.4 (CERCLA) and/or is listed as an Extremely Hazardous Substance (EHS) in 40 CFR Section 305 Appendix A and/or B.

Regional Emergency Response Team (RERT)— Pre-designated staff from each DHEC EQC Region Office that are responsible, in part, for emergency response work under this plan.

Release / Spill. For the purpose of this Plan, spill shall mean the release, spill, discharge, or escape of any pollutant into the air, land, or water, whether intentional or unintentional, of the State. Spill and release may be used interchangeably.

Size classification of discharges refers to the following size classes of oil and hazardous substance discharges, which are provided as guidance to the SOSC and serve as criteria for the actions delineated within this Plan. They are not meant to imply associated degrees of hazard to public health or welfare, nor are they a measure of environmental injury, nor does it relate to a

Responsible Parties reporting requirement. Any discharge that poses a substantial threat to public health or welfare or the environment or results in significant public concern shall be classified as a major discharge regardless of the quantitative measures:

CATEGORY	AMOUNT SPILLED	TERMINOLOGY
Level 1	none, but potential ?? risk	Potential
Level 2	OIL - <1,000 gallons and/or RQ Chemical - <Listed RQ and/or Non-RQ Substance - <500 gallons	Minor
Level 3	OIL - 1,000-10,000 gallons and/or RQ Chemical - ≥Listed RQ and/or Non-RQ Substance - ≥500 gallons	Medium
Level 4	OIL - ≥10,000 gallons and/or RQ Chemical - ≥Listed RQ and/or Hazardous Substance - ≥500 gallons	Major

State On-scene coordinator means the official pre-designated by the Department to coordinate and direct state response under this Plan. The Department has designated the Manager of the Emergency Response Section of DHEC as the SOSC.

State Response Team for the purpose of this Plan shall include the SOSC, ROSC, ERT, RERT, and all Allied Agencies.

Waters means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

300.6 Use of number and gender.

As used in this plan, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the cause may require.

300.7 Computation of time.

Personnel time will be tracked by event according to the size and structure of the Incident Command System utilizing the appropriate ISC documentation forms. DHEC Codes will be

established for use in the PCAS (Personnel Cost Accounting System) as needed.

Subpart B - Responsibility and Organization for Response

300.100 Duties of Department delegated to SOSOC.

The Department has designated the responsibilities of the State On-Scene Coordinator to the Manager, Emergency Response Section.

300.105 General organizational concepts.

State agencies should:

1. Plan for emergencies and develop procedures for addressing hazardous substance incidents;
2. Coordinate their planning, preparedness, and response activities with one another;
3. Coordinate their planning, preparedness, and response activities with other affected states, county and local governments, and private entities;
4. Make available those facilities or resources that may be useful in a response situation, consistent with agency authorities and capabilities.

Three fundamental kinds of activities are performed pursuant to this Plan.

- Preparedness planning and coordination for response to a hazardous substance incident.
- Notification and communications; and
- Response operations at the scene of an incident.

The organizational elements created to perform these activities are:

- The SRT is responsible for statewide response and preparedness planning, for coordinating regional planning, for providing policy guidance and support to the ROSC.
- The ERS is responsible for statewide response and technical support to any federal, state, or local agency during an incident involving a hazardous substance.
- The RERT is responsible for response and technical support within a set geographical area to federal, state, and local agencies.
- The SOSOC is primarily responsible for directing response efforts and coordinating all efforts at the scene of a hazardous substance incident requiring state involvement.

The specific duties and responsibilities of the SRT, ERS, RERT, and SOSOC are contained in more detail later on in Subpart B. Additionally, the Department has set up a Disaster Coordination Team that will activate to assist during major incidents or disasters.

The basic framework for the response management structure is a system that brings together the functions of the Federal Government, the State Government, Local Government and the responsible party to achieve an effective and efficient response, where the OSC (federal or state) maintains coordinating authority.

300.105.1 Incident Command System.

An Incident Command System (ICS) will be used by all agencies during all emergency response efforts. The SOSOC will specifically use a UNIFIED COMMAND (UC) approach when implementing the ICS. The Unified Command is a larger accommodating structure that ensures that responsibilities are defined, efforts and resources are combined, and maximum efficiency is achieved within a cooperative environment. While the NCP mandates that the FOSC has ultimate authority to direct the response, an ICS led by a UC maintains a cooperative environment, promoting overall efficiency in the emergency response. The SOSOC will assure that local response agencies are appropriately represented at the command level of the UC system.

The organizational concepts of the state response system are depicted in Appendix A. Appendix A illustrates the ICS/UC that will be used when implementing this plan. This Plan has adopted the Incident Command System/Unified Command (ICS/UC) response management system. This system is consistent with the National Contingency Plan (NCP) and meets the OSHA requirements of 29 CFR 1910.120(q).

300.105.2. EQC Regions and FOSC boundaries.

The State of South Carolina is divided into eight Environmental Quality Control (EQC) regions. Each regional office (12 offices) has technical personnel who make up the Regional Emergency Response Team. Each Regional Director is responsible for maintaining their respective Emergency Response Team. Each ROSC is responsible for initial investigation of spills and the coordination of control, containment and cleanup of spills of hazardous substances that occur within their specific geographical area or as needed statewide. The official record keeping system for all investigations, both Region and Central Office, will be the Environmental Facility Information System (EFIS).

The location of the (12) EQC offices and the jurisdictional area for each is in Appendix B. Appendix B illustrates the EQC region boundaries.

The Appendix C describes the pre-designated federal jurisdictional boundaries. Appendix C illustrates the federal boundaries within South Carolina. This illustration shows the EPA and USCG boundaries.

300.110 National Response Team.

National planning and coordination is accomplished through the NRT.

(a) The NRT consists of representatives from the agencies named in 40 CFR 300.175(b). Each agency shall designate a member to the team and sufficient alternates to ensure representation, as agency resources permit. The NRT will consider requests for membership on the NRT from other agencies. Other agencies may request membership by forwarding such requests to the chair of the NRT.

(b) The chair of the NRT shall be the representative of EPA and the vice -chair shall be the representative of the USCG, with the exception of periods of activation because of response

action. During activation, the chair shall be the member agency providing the OSC/ RPM. The vice chair shall maintain records of NRT activities along with national, regional, and area plans for response actions.

(c) While the NRT desires to achieve a consensus on all matters brought before it, certain matters may prove un-resolvable by this means. In such cases, each agency serving as a participating agency on the NRT may be accorded one vote in NRT proceedings.

(d) The NRT may establish such by-laws and committees as it deems appropriate to further the purposes for which it is established.

(e) The NRT shall evaluate methods of responding to discharges or releases; shall recommend any changes needed in the response organization; and shall recommend to the Administrator of EPA changes to the NCP designed to improve the effectiveness of the national response system, including drafting of regulatory language.

(f) The NRT shall provide policy and program direction to the RRTs.

(g) The NRT may consider and make recommendations to appropriate agencies on the training, equipping, and protection of response teams and necessary research, development, demonstration, and evaluation to improve response capabilities.

(h) Direct planning and preparedness responsibilities of the NRT include:

(1) Maintaining national preparedness to respond to a major discharge of oil or release of a hazardous substance, pollutant, or contaminant that is beyond regional capabilities;

(2) Publishing guidance documents for preparation and implementation of SARA Title III local emergency response plans;

(3) Monitoring incoming reports from all RRTs and activating for a response action, when necessary;

(4) Coordinating a national program to assist member agencies in preparedness planning and response, and enhancing coordination of member agency preparedness programs;

(5) Developing procedures, in coordination with the NSFCC, as appropriate to ensure the coordination of federal, state, and local governments, and private response to oil discharges and releases of hazardous substances, pollutants, or contaminants;

(6) Monitoring response-related re-search and development, testing, and evaluation activities of NRT agencies to enhance coordination, avoid duplication of effort, and facilitate research in support of response activities;

(7) Developing recommendations for response training and for enhancing the coordination of available resources among agencies with training responsibilities under the NCP;

(8) Reviewing regional responses to oil discharges and hazardous substance, pollutant, or contaminant releases, including an evaluation of equipment readiness and coordination among responsible public agencies and private organizations; and

(9) Assisting in developing a national exercise program, in coordination with the NSFCC, to ensure preparedness and coordination nationwide.

(i) The NRT will consider matters referred to it for advice or resolution by an RRT.

(j) The NRT should be activated as an emergency response team:

(1) When an oil discharge or hazardous substance release:

(i) Exceeds the response capability of the region in which it occurs;

(ii) Transects regional boundaries; or

- (iii) Involves a substantial threat to the public health or welfare of the United States or the environment, substantial amounts of property, or substantial threats to natural resources;
- (2) If requested by any NRT member.
- (k) When activated for a response action, the NRT shall meet at the call of the chair and may:
 - (1) Monitor and evaluate reports from the OSC/RPM and recommend to the OSC/RPM, through the RRT, actions to combat the discharge or release;
 - (2) Request other federal, state, and local governments, or private agencies, to provide resources under their existing authorities to combat a discharge or release, or to monitor response operations; and
 - (3) Coordinate the supply of equipment, personnel, or technical advice to

300.115 Regional Response Teams.

The Department is the official South Carolina representative to the Region IV RRT. The Director of the Division of Waste Assessment and Emergency Response is the primary member. The Manager of the Emergency Response Section is the alternate member. Associate state members are the SCEMD and the SCDNR.

300.115.1 Region IV Regional Response Team (RRT).

The RRT was organized as a part of the National Contingency Plan, which was developed in compliance with Section 311(c)(2) of the Clean Water Act, as amended [33 U.S.C. 1321(c)(2)]. An incident specific RRT can consist of fourteen (14) federal agencies, the affected state agency(s), and other select advisory agencies as appropriate to the spill incident.

300.115.1.1 The primary membership of the RRT is comprised of the following agencies with the main office and location indicated:

U.S. Coast Guard (USCG) (Co-Chair)	Commander, 7th CG District 909 SE 1st Ave Miami, Fl. 33131-3050
U.S. Environmental Protection Agency (EPA) (Co-Chair)	Region IV, 11 th Floor 61 Forsyth Street, SW Atlanta, Georgia, 30303-3104
Department of Transportation (DOT) Federal Highway Administration	61 Forsyth Street, SW, 17T75 Atlanta, Georgia, 30303-3104
Federal Railway Administration	61 Forsyth Street, SW, Atlanta, Georgia, 30303-3104

Department of Interior (DOI)	U.S. Fish and Wildlife R.B. Russell Federal Bldg. 75 Spring St; SW; Rm 1034 Atlanta, Ga. 30303
Department of Commerce NOAA	NOAA/NOS/ORCA/HMRAD 7600 Sand Point Way, NE Bin C15700 Seattle, WA 98115-0070
Department of Defense (DOD)	DCO Region IV (Army) COMNAVREG (Navy) CODE N451 P.O. Box 102 Jacksonville, FL; 32212-0102
Dept. of Homeland Security-FEMA	61 Forsyth St., SW Atlanta, Ga. 30303
Department of Labor, OSHA	61 Forsyth St., SW, Rm. 6T50 Atlanta, Ga. 30303
Department of Health & Human Services CDC-NCEH-ATSDR	61 Forsyth St., SW Atlanta, Ga. 30303
Department of Justice	Environmental Enforcement Room 1644 Washington, D.C., 20530
Department of Agriculture	U.S.D.A. Forest Service 1720 Peachtree Rd., NW Atlanta, Ga., 30309-2449
General Accounting Office	101 Marietta Tower Suite 200 Atlanta, Ga., 30323
Department of Energy	Savannah River Site P.O. Box A Aiken, S.C. 29802

South Carolina Dept. of Health
and Environmental Control

2600 Bull Street
Columbia, SC 29201

For planning purposes the following states are also members of the standing Federal Region IV RRT:

State of Alabama	State of Florida	State of Georgia	Commonwealth of Kentucky
State of Mississippi	State of North Carolina		State of Tennessee

300.115.2 Activation of the RRT.

Activation of the RRT shall be in accordance with the National and Regional Contingency Plans. To activate the RRT, the appropriate primary members shall be immediately notified. The responsibility for this initial notification of the RRT shall reside with the pre-designated FOSC. Initial notification shall be by telephone with additional documentation as per the National Contingency Plan. It is the responsibility of each RRT member to ensure that telephone numbers and names of team members and alternates are provided for inclusion into the Regional Contingency Plan and that they are kept up-to-date.

300.115.3 RRT Duties and Responsibilities.

In addition to the duties, functions, and responsibilities contained in the National Contingency Plan (1510.34), the following specific functions shall be performed by the RRT:

- (a) Assist the FOSC/SOSC in obtaining additional equipment and resources. In many cases, the FOSC/SOSC will have the need for equipment and resources that are not available locally. Oftentimes this equipment is known to be available from other federal agencies or related groups. Should such a request be received, the appropriate Primary or Advisory team member representing the source of this equipment or resource shall obtain all available information on its availability, time to scene, and other pertinent factors for transmittal to the OSC via the RRT. In addition, if requested, the appropriate RRT member shall assist in making arrangements for the delivery of the equipment to the spill site along with appropriate operating or advisory personnel.
- (b) Assist the FOSC/SOSC with response decisions as needed or requested. Such decisions include, but are not limited to, cleanup options, bioremediation, dispersant use, etc.

300.120 On-scene coordinators and remedial project managers: general responsibilities.

The SOSC or his designee will work through the ICS-UC to develop response objectives at the scene of a discharge or release. As part of the planning and preparedness for response, the Department has pre-designated specific technical staff within each EQC Regional office to be ROSCs.

The SOSC should ensure that persons designated to act as ROSCs are adequately trained and prepared to carry out actions under this plan, to the extent practicable.

The SOSC is responsible for maintaining this contingency Plan. This plan shall, as needed, be updated in cooperation with the RRT, other state agencies, and local government.

The SOSC is responsible for the coordination of public information. In accordance with Section 300.155.3 of this plan, when activated, the SOSC shall coordinate the preparation and release of all public information and the scheduling and location of all press conferences via the DHEC Media Relations representative.

300.120.1 The manager of the Emergency Response Section, DHEC, shall be the State On-Scene Coordinator (SOSC) unless otherwise designated by him or the Deputy Commissioner of the Office of Environmental Quality Control. Please refer to Appendix A of this Plan for the established DHEC Incident Command System.

300.120.2 The SOSC shall have jurisdiction over all spills of oil and hazardous substances within the State Boundaries. In the event that the spill is of the nature requiring USEPA or USCG to send a representative, decisions affecting the spill activities will be closely coordinated. (See Appendix C for pre-designated boundary lines between EPA and USCG.)

300.120.3 If in the opinion of the SOSC the resources of manpower and equipment on a spill scene are inadequate to protect the public health and the environment in any phase of the control, containment and emergency cleanup, he will initiate the necessary operational procedures to insure that protection. If necessary, he will augment the response with additional personnel from the South Carolina Department of Health and Environmental Control (DHEC), the South Carolina Department of Public Safety, Highway Patrol (SCHP), the South Carolina Department of Natural Resources (SCDNR), the DHEC Office of Ocean and Coastal Resources Management (OCRM), the South Carolina Forestry Commission (SCFC), contractors, and any industrial or mutual assistance groups. The United States Environmental Protection Agency (EPA) and/or the United States Coast Guard (USCG) will be kept posted of State actions. The SOSC will coordinate information transfer to the Federal agencies. The SOSC can request assistance or Federalization of a spill if any one of the following circumstances exists: (1) the spiller is unknown; (2) the spiller is not responding to the incident in a satisfactory manner; (3) the spill is beyond the capabilities of the State to handle; (4) or for oversight of response effort/technical assistance.

SOSC will ensure that emergency response procedures and guidelines are coordinated with the USEPA and USCG as put forth in the Memoranda of Agreement between South Carolina and the above two agencies (see Appendix D and E).

300.120.4 The SOSC will not be expected to know how to neutralize or decontaminate all of the thousands of hazardous substances that are in existence or may be produced in the future. If one of these chemicals is spilled, the SOSC is charged with obtaining any necessary technical

assistance. A continuing training program will be conducted to keep the DHEC response personnel abreast of new methods of oil and hazardous substance spill control, containment, neutralization, decontamination, cleanup, and removal.

300.120.5 The SOSC will be responsible for maintaining this Plan and necessary equipment manuals, procedure manuals, and cleanup contractor reference information. All ERS and RERT members as well as each EQC Regional Office, as applicable, will keep these manuals and references.

300.120.6 The SOSC will authorize a Central Office Duty Officer (CODO) to be on call 24 hours a day, every day of the year. The Duty Officer will be a member of the DHEC Emergency Response Team and will be on call on a rotational basis. The Duty Officer will be responsible for handling spill response calls that are telephoned into the 24-hour telephone line. The duty officer will be responsible, in part, for:

1. Recording all pertinent data as required, in part, in section 300.300.3 of this Plan and keeping an accurate log (EFIS) of all calls received.
2. Notify the appropriate ROSC for follow up and investigation.
3. Notify appropriate Federal, State, and local agencies as needed.
4. Notify SOSC of significant concerns that may require deployment of the ERS and/or the SRT, or other State resources.

300.125 Notification and communications.

The Department's emergency response number is continuously manned for handling notifications of oil and hazardous substance spills and fish kills. The Emergency Response number is also the reporting point for RQ releases under applicable state and federal regulations. The SERC designated this line for the EPCRA spill reporting point.

Notifications should be made to the Central Office Duty Officer, telephone (803) 253-6488 or toll-free at (888) 481-0125. All notices of discharges or releases received at the emergency response number will be handled immediately by telephone and forwarded to the appropriate ROSC.

300.125.1 Notification of Allied Agencies.

The SOSC should anticipate all possible resource needs during the response. If personnel, equipment, or other resources are needed for the response effort, notifications to the agency(s) controlling such resources will be as soon as possible. If at all possible, the primary contact for each allied agency will be notified well in advance of the actual time the resource is required to be on site.

Additionally, the SOSC is responsible for notifications to agencies and departments that may have a vested interest in the incident or has a need to know. The SOSC will notify each agency/department of the incident and give as much detail as needed to allow the agency/department to act or prepare for a response to the incident. Some of the agencies/departments are listed below.

- SCDHEC - ERS, R-1, ROSC, Media Relations, Director of Waste Assessment and Emergency Response, and any other specific program areas.
- SCDNR, SCDOT, SCHP, PSC, etc.
- SC Emergency Management Division
- Local Emergency Preparedness Divisions
- USEPA and/or USCG (Sector Charleston, COTP Savannah)
- North Carolina / Georgia

300.130 Determination to initiate response and special conditions.

The statutory authority for emergency response and removal actions for spills or releases of oils or hazardous substances arises from the Oil and Gas Act (Title 48, Chapter 43, Code of Laws of South Carolina, 1976, as amended) along with other State laws. The Act declares (§48-43-520) that police powers are granted to the Department and further directs the department to follow the Federal Water Pollution Control Act and especially the National Contingency Plan for the removal of pollutants or contaminants. Further, in §48-43-550(e), the Act mandates emergency cleanup responses for the state as a whole. It also grants independent actions from the Federal Government on any response operation but directs cooperation with any Federal response or cleanup operation.

The Hazardous Waste Management Act (§44-56-200) has adopted CERCLA as State Law. Section 104 of CERCLA, especially, directs response actions to be undertaken for a release or a substantial threat of a release to the environment or for one that provides an imminent and substantial threat to the public health or welfare. Section 104 further requires in (a)(1) that such actions be allowed to proceed by the appropriate response authority when determined that the remediation effort by the owner, operator, or any other responsible party can be done properly and promptly.

This contingency plan may be implemented under various conditions. This plan will be implemented during any DHEC field response to a spill/release. The SOSC may initiate a state response of various degrees depending on the severity of an incident. Listed below are a few of the conditions in which the SOSC may activate all or part of this plan for a spill or release. This list is not all-inclusive and should be used only as a guide.

- When a local agency (i.e. fire department) needs technical information/support on an oil or hazardous substance incident;
- When a death or injury has occurred due to a hazardous substance incident;
- When interstate highways or major roads are closed because of spills;
- When drinking water intakes are threatened;
- When an incident may impact adjoining states;
- When the assistance of the USEPA or USCG are required;
- Populated areas of the state are, or may need to be, evacuated;
- Large quantities of a hazardous substance(s) are involved or potentially involved.

300.130.1 Radiological

Where a release or discharge occurs involving radioactive materials, the response action will be in accordance with the State of South Carolina Operational Radiological Emergency Response Plan and/or State of South Carolina Technical Radiological Emergency Response Plan (SCORERP/SCTRERP). SCORERP/SCTRERP are plans that were developed under the Atomic Energy and Radiation Control Act (Title 13, Chapter 7, Code of Laws of South Carolina, 1976, as amended). The SOSC will work in conjunction and coordination with the lead under SCORERP. If the Department's emergency response number is notified of any radiological event, the CODO will immediately notify the DHEC Nuclear Response and Emergency Environmental Surveillance Duty Officer of the call.

300.130.2 Need for Federal Resources

Where the release or discharge situation exceeds the capabilities of the State and local government agencies, then the SOSC may call upon the appropriate FOSC to coordinate further response capability.

300.130.3 Disasters

The State Emergency Operations Center (SEOC) may be activated under the South Carolina Emergency Operations Plan, to address or prepare for responses to hazardous substance incidents related to an impending or declared disaster or other catastrophic event. DHEC EQC will operate under Emergency Support Function (ESF) 10 (HAZMAT). This Plan will be used in conjunction with other approved DHEC SOPs.

300.135 Response operations

The SOSC, consistent with 300.120 and 300.125, shall direct DHEC's response efforts and coordinate all other efforts through an ICS-UC at the scene of the release or discharge. The ROSC shall coordinate all required or necessary response actions with the SOSC. The Regional On-Scene Coordinator (ROSC) shall collect pertinent facts about the discharge or release to include if possible, source, cause, identification of all potentially responsible parties, the travel path and fate of the released materials, pathways to human and environmental exposure and their potential impacts, and level of overall threat to the health and welfare of citizens of South Carolina. The ROSC shall coordinate with all other responding authorities, including federal, state, local, and potential responsible parties. Through the implementation of a ICS/UC keep all responders informed as to the progress of the response effort. The ROSC shall use appropriate resources to gauge the health effects, if any, from the release to the public at large and the response workers at the scene and consult with the appropriate state, local, and federal agencies as needed. The ROSC shall develop a final incident report that chronicles the event and response effort. This report will be the official DHEC report containing all pertinent photographs, response memorandums, copies of responsible party reports, and the like. The body of this report will be generated using EFIS.

300.140 Multi-jurisdictional responses.

The SOSC will initiate an Incident Command System utilizing a Unified Command approach. The SOSC will direct all DHEC response efforts at the incident. The SOSC will,

through its Liaison Officer, maintain contact with all local government agencies/authorities and request input from such agencies/authorities as necessary, as to their concerns and priorities during the incident. Under all conditions (i.e. major chemical fire) the SOSOC will have local fire authorities present in the IC for direct consultation.

300.145 Special teams and other assistance available to the SOSOC.

One of the primary objectives of the spills program is to inform potential spillers of the importance of containment and cleanup so that they may take immediate action in the event of a spill; thus, mitigating potential public health exposure and environmental damage. However, there will be times when the members of the SRT must intervene, utilizing the available equipment and specialized forces of the state. Listed below are special teams and state agencies that have certain responsibilities under this plan. The SOSOC will maintain information such as: specific points of contact, equipment/resource list, responsibilities/capabilities list, and field communications capabilities for each special team or state agency.

300.145.1 State Response Team.

300.145.1(a) Primary membership of the State Response Team (SRT), as established in §48-43-520 of the South Carolina Code of Law, 1976, as amended, shall consist of the State On-Scene Coordinator, ROSC, members of the DHEC Emergency Response Section(ERS), and the DHEC Regional Emergency Response Teams(RERT).

300.145.1(b) Advisory membership of the SRT, as established in §48-43-570 of the South Carolina Code of Laws, 1976, as amended, will be comprised of the following agencies:

S.C. Department of Public Safety, Highway Patrol
S.C. Department of Transportation
S.C. Department of Natural Resources
S.C. Forestry Commission
S.C. DHEC Office of Ocean and Coastal Resource Management

300.145.1(c) The Headquarters of the SRT is located within the SCDHEC Bureau of Land and Waste Management, Stern Business Center, 8911 Farrow Road, Columbia, S.C., 29203, (803)896-4113 (mailing address: 2600 Bull Street, Columbia, SC, 29201).

300.145.1(d) In the event of a spill or release of oil or other hazardous substance it is the responsibility of the primary members of the SRT to:

- Protect human life at all times
- Protect public health
- Prevent or minimize contamination of the environment
- Keep a chronological log of all spill incidents
- Maintain progress reports for concerned parties
- Coordinate containment, cleanup and disposal activities at the spill
- Collection of short-term data, as appropriate
- Coordinate wildlife rescue, rehabilitation, and assessment

- Maintain accounting of the State funds and equipment utilized in the spill containment, cleanup and disposal
- Conduct Media Relations

300.145.1(e) In the event of a spill, the primary and advisory members of the SRT shall be activated as needed. The responsibility for initial notification of the secondary members shall rest with the SOSC. It is the responsibility of each SRT member to insure that telephone numbers and names of key personnel are provided to the SOSC and are kept up-to-date. The SOSC can provide notifications to SRT members as needed for spills that are categorized as Potential and Minor.

300.145.1(f) All ERS and RERT members are trained at least to the Technician Level as required by OSHA, per CFR 29, 1910.120. The ERT and RERT members receive additional training that includes, in part, Incident Command System and other related spill and emergency response training.

300.145.1(g) In the event that a spilled substance may have a detrimental effect on air quality and/or pose a threat to drinking water supplies, notification is made to the appropriate personnel within DHEC and local governments by the SOSC. Personnel within the appropriate program areas within DHEC will assist the SOSC in contacting the municipalities, industries and other persons potentially affected by the spill.

300.145.2 DHEC Emergency Response Section (ERS).

The ERS is a statewide response program. It is made up of trained responders from the Emergency Response Section in Columbia with support from other DHEC Central Office programs. The ERS has personnel that have training and equipment above and beyond that of the RERTs. The ERS responds statewide to assist the SOSC or the ROSC as well as all local agencies. The ERS has equipment and training to dress out in full level "A" personal protective equipment and perform air monitoring and sampling if needed. Most of the equipment is contained in a specially designed command/emergency vehicle. The ERS has and uses CGI/LEL/O₂ monitors, photo-ionization detectors, flame-ionization detectors, colorimetric indicator tubes, computer databases, and decontamination equipment. The ERS also has several vehicles and a spill trailer for limited oil spill response. The trailer contains several hundred feet of commercial boom as well as oil sorbents, portable lights, generators, and other items for oil spill response.

The Waste Assessment and Emergency Response Division maintains a field analytical laboratory for presumptive analysis of contaminants.

300.145.2.1 The ERS has various methods of communicating with the SOSC and other allied agencies. All ERS members have cellular telephones. Each ERS member also has radio communications equipment that operates in the 800 MHz bands. Direct radio communications are possible with SCHP, SCEMD, SCDNR, USCG, and various local fire and EMS departments on the Palmetto 800 System. Satellite telephones are maintained by the Duty Officer, Central Office field response (R-1) vehicles, Farrow Road Command Center, and located in each

Regional office.

300.145.3 Regional Emergency Response Teams .

When any Region's Emergency Response Team member responds to a spill event they shall be the official representative of the SOSC and assume the responsibilities thereof. The official designation shall be the Regional On-Scene Coordinator (ROSC).

300.145.3.1 The duties and responsibilities of the

ROSC are to:

- a) Provide initial response to all spills in their Region.
- b) Work to establish an ICS/UC approach to the incident.
- c) Assist in the preparation of a Site Safety Plan, to include, but not be limited to, identification of the identity and characteristics of the released material; determination of weather, topography, hydrology, vulnerable communities, facilities, water intakes, and natural resources; hazard recognition; establishment of an appropriate exclusion zone for responder safety; and recommendation of necessary public advisories/evacuations/shelter-in-place notices.
- d) Provide information, as needed, to news media and community groups during and after the emergency event.
- e) See that containment and cleanup procedures are initiated in a timely manner.
- f) Provide an effective communications link, during a spill event, between the SOSC and the responsible party and the party or parties retained to contain and clean-up the spill. The ROSC will communicate with the SOSC immediately any spill incident needing manpower or equipment from the ERS.
- g) Provide technical assistance to local agency representatives and spillers on hazard recognition.
- h) Assist the responders and spiller with the most effective course of action for combating the spill.
- i) Ensure that all information concerning potential threats to the public health and environment, such as drinking water supplies or air quality, is reported to the SOSC.
- j) Record DHEC costs incurred in responding to a spill if so requested by the SOSC.
- k) Make a detailed, written report on the circumstances surrounding the incident, waters and/or lands affected, and the PRPs involved, through the use of EFIS.
- l) Provide the support staff necessary for the proper functioning and assistance to the ERS as deemed necessary by the SOSC during emergency response operations through activation of the RERT.
- m) Formally notify the spiller of the requirements to control, contain, and cleanup and dispose of the spill and any contamination resulting thereof.
- n) Provide resource lists and options for cleanup alternatives to the spiller, if needed.
- o) Monitor progress of the response and any resulting cleanup efforts.
- p) Notify the responsible party of cleanup insufficiencies.
- q) Notify the SOSC of continuing insufficiencies with a recommendation for further State

and/or Federal action.

- r) Determination and recommendation of sampling or study needs to evaluate the effectiveness and completeness of the cleanup.
- s) Recommend enforcement action to penalize failure to properly contain and cleanup spills or negligent acts (both civil and/or criminal actions).

300.145.3.2 Farrow Road Command Center (FRCC)

The FRCC is located in room 1322 of the Stern Business Center, DHEC Emergency Response Section headquarters. The FRCC is used by the Central Office ERT to coordinate all DHEC EQC responses during major emergency response activities. The FRCC has numerous computer systems, GIS workstation, communications equipment, and a full reference library (chemical data, topographical maps, etc.). The FRCC will activate anytime DHEC Technical Assistance Teams (see next section) are activated.

300.145.4 Disaster Coordination Team and Technical Assistance Teams.

The EQC Disaster Coordination Team (DCT), comprised of a staff member of every EQC Bureau and EQC Administration, would respond as requested to the Stern Business Center. Operations for the incident are expected to continue on a 24-hour basis during the early phase of a major incident. The Deputy Commissioner and Bureau Chiefs will appoint a cadre of 3-4 members of their bureaus to rotate into the DCT. These staff members would interface with the FRCC and their individual bureaus or bureau sub-groups, coordinating the response effort of each Bureau. These could, depending on the complexity of the disaster incident, include Wastewater, Solid Waste, Hazardous Waste, Drinking Water, Air Quality, EQC-Labs, Environmental Services, Health Hazard Evaluation, Emergency Response, Management Services, and EQC Administration.

The DCT will aid in tracking all projects, share pertinent information with other program areas, provide information for briefings, provide information resources for all responders, and aid in the planning of incident recovery strategies.

As the incident stabilizes, this coordination team would return to their normal duty stations to continue addressing identified issues.

300.145.4.1 Each EQC Regional Office will develop a Technical Assistance Team (TAT). The Regional Director will appoint, at a minimum, a three-person team from existing RERT members. The team will be trained on how to respond in disaster situations. TATs are an asset for affected EQC Regions. TATs from unaffected regions will be mobilized to assist. Therefore, a maximum of 11 TATs, each having a minimum of two persons, will be dispatched to the affected areas of the state to perform the following tasks:

1. Make rapid assessments of hazardous substance incidents.
2. Inspect areas of concern, due to the nature of their business or materials known to be present;
3. Perform the responsibilities of the ROSC.
4. Insure that all incidents are stabilized so as to minimize impacts to the public health and the environment.

5. Will collect and record information onto standard forms and communicate it back to the FRCC.
6. Advise the FRCC of resources needed at each particular incident.
7. Will request assistance from a monitoring/sampling team if an exclusion (hot) zone entry is to be performed by DHEC.
8. Will coordinate local efforts and activities with the Regional EQC office personnel.
9. To interface with and provide technical assistance to local public response efforts and/or affected industries.

These TATs will be staffed with EQC Regional Emergency Response Team personnel who have been trained and equipped for these listed tasks. All communications will be directed to the Farrow Road Command Center for detailed analysis and further response assignments. TATs may also be assigned special duties involving other EQC program areas based on individual knowledge and availability.

300.145.5 Allied State Agencies

Listed below are numerous state agencies and departments that may have a vested interest, special need, or special resource that may come into play during a hazardous substance incident. Each of the agencies listed will have special equipment, talents, or needs associated with that agency during an incident. The SOSC may call for participation from the listed agencies/departments with various degrees of involvement depending on the severity of an incident. Each agency should be prepared to provide staff (as deemed necessary by the SOSC) to participate and operate within functional areas of an Incident Command System utilizing the Unified Command Structure (ICS/UC). Each agency/department will be responsible, in part, for the bullet items under each department/agency heading.

300.145.5.1 Adjutant General - S.C. Emergency Management Division

- Provides Coordination and Support through the resources of the SERT
- Serve as point of contact for access to the SCNG
- Serve as point of contact for State Emergency Communications Vehicle
- Communications system - radios and satellite telephones
- Provide support staff to operate under an ICS/UC

300.145.5.2 Adjutant General - S.C. National Guard (SCNG)

The utilization of South Carolina National Guard equipment and personnel depends upon the declaration of a state of emergency by the Governor AND the ordering of the National Guard to state active duty.

- Provide equipment and personnel trained in its use for the purpose of supporting disaster response efforts

300.145.5.3 Adjutant General - S.C. National Guard Civil Support Team (CST)

The utilization of the National Guard Civil Support Team equipment and personnel does not depend upon a declaration of a state of emergency by the Governor or the ordering of the National Guard to state active duty.

- Provide equipment and personnel trained in its use for the purpose of supporting a possible WMD or terrorist event. Depending upon the nature of a Hazardous Material release or incident the CST team may also provide assistance as requested.

300.145.5.4 Department of Agriculture

- Provide technical assistance in securing representative samples of materials suspected of chemical contamination.
- Provide laboratory analyses to identify contaminants such as pesticides (insecticides, fungicides, herbicides) and certain other toxic materials, (lead, arsenic, cyanide, strychnine, nitrates/nitrites), in soils, vegetation, and, to some extent, in water.
- Provide chemical, macroscopic, and microscopic analyses of food and feed products to determine quality and/or safety (excludes microbiologic analyses).

300.145.5.5 Office of the State Archaeologist

- Provide technical support in locating and assessing damage to archeological sites, both inland and coastal (out to the three mile limit).

300.145.5.6 Budget and Control Board

Procurement Services Division / Materials Management Office

- Location of various State Resources and Equipment
- Purchasing of needed resources
- Repair / replacement of office structures

Division of the State Chief Information Office

- State telecommunications, radios, cell phones, pagers, 800 mHz radios etc.
- Provide State Emergency Communications vehicle as coordinated through EMD

General Services Division

- Temporary offices for damaged state buildings, field offices for responding agencies
- Provide lists of vehicles (4X4's, etc), which may be available to assist at an incident
- State courier services

300.145.5.7 Civil Air Patrol

- Providing fixed-wing aircraft for aerial surveillance, reconnaissance, and for urgent airlift of personnel and supplies
- Providing real-time aerial videography (when available)

300.145.5.8 Clemson University

- Provide laboratory analyses to identify contaminants such as pesticides (insecticides, fungicides, herbicides) in soils, vegetation, and to some extent, in water.
- Provide technical assistance with pesticides.

300.145.5.9 Department of Corrections

- The Wateree River Correctional Institution can produce sandbags for use by DHEC

during an emergency. DOC cannot supply transportation of the sandbags to their intended use site.

- DOC can supply correctional facility work crews for use in non-hazardous work areas.
- DOC can supply secure transportation for correctional facility work crews as well as for other dangerous populations (e.g. Department of Mental Health) during an emergency.

300.145.5.10 Department of Health & Environmental Control (DHEC)

DHEC - Office of General Counsel

- Provide DHEC Staff with legal services including interpretations and advice and assist with Emergency Orders.

DHEC - Media Relations

- DHEC PIO will staff the Information Officer position in the ICS/UC (state), act as liaison to the DHEC Commissioner's Office, and provide staff and participate in the Joint Information Center.

DHEC - Information Resources

- Installation of special phone and fax lines at field command posts as needed.

DHEC - Photography Department

- Provide photographic services to include the use of photographer and darkroom for photographic documentation of an incident, as needed.

DHEC - Video Department

- Provide the use of studio for video teleconferencing and video documentation of incidents.

DHEC - Business Management/Finance

- Provide support and guidance on procurement.

DHEC - Office of Ocean and Coastal Resource Management

- Provide technical assistance, Provide Global Positioning Systems, coastal data, and regulation consultation.

DHEC - Environmental Quality Control (EQC), Administration & Health Hazard Evaluation

- Provide support and guidance on procurement, technical assistance, provide health advisories to the public, and conduct public health assessments.

DHEC - Environmental Quality Control (EQC-BLWM) Emergency Response Section

- Provide technical assistance on identifying areas that may contain hazardous materials. Review files submitted by industry to DHEC regarding presence of chemicals covered under the EPCRA (Emergency Planning and Community Right To Know Act) Tier II program (computer accessible).
- Provide and/or coordinate technical assistance on hazards associated with chemicals

- known to be present in the disaster area.
- If needed, provide technical assistance on hazardous material recognition and identification.
- Work to control and contain a hazardous material release to protect public health and/or the environment through coordination of responsible party responses or the use of Federal/State contractors.

DHEC – Bureau of Environmental Services

- Provide support from Shellfish Officers, equipment (i.e. watercraft and vehicles), and laboratory support via regional laboratories.

DHEC – Bureau of Environmental Services, Laboratory

- Provide real-time air monitoring, technical assistance, and 24-hour analytical support service.

DHEC – Bureau of Air

- Provide technical assistance through staff engineers and will provide air modeling if requested.

DHEC - Bureau of Water, Drinking Water

- Provide technical assistance, act as liaison for drinking water intakes, provide drinking water sampling and water system information on G.I.S.

DHEC - Bureau of Water, Biological Monitoring

- Provide biological assessments, collect tissue for analysis, water quality monitoring, shoreline assessment issues, and watercraft.

DHEC - Bureau of Land and Waste Management, Waste Assessment Section

- Provide technical assistance on waste disposal issues, technical assistance for field sampling and monitoring, and provide backup for the ERT.

DHEC - Bureau of Land and Waste Management, Infectious Waste

- Provide trained responders for infectious waste, an infectious waste cleanup contractor, and technical assistance on infectious waste issues.

DHEC - Bureau of Land and Waste Management, Solid Waste

- Provide consultation and monitoring for solid waste issues and regulations.

DHEC - Bureau of Land and Waste Management, Hazardous Waste

- Provide Emergency Hazardous Waste Treatment Permits, data and information on RCRA facilities and generators, and regulation consultation.

300.145.5.11 Forestry Commission

- Provide equipment to aid in site access, debris removal, containment dams, diversion

ditches, equipment transport, material handling, refrigerated transport, fire protection in flooded areas, cargo transport in rough terrain, passenger transport in rough conditions (ice, snow, flood, forested areas).

- Incident Management Teams to manage emergency incidents, receiving and distribution centers, small and large incidents.
- Provide statewide emergency radio communications through three Dispatch Centers with 24 repeaters.
- Damage assessment of forested areas and urban trees.

300.145.5.12 Department of Labor, Licensing and Regulation (LLR)

LLR-Division of Labor

- Provide standards interpretations

LLR - Office of the State Fire Marshal (SFM)

- The SFM will offer support during hazardous materials incidents under ESF 10 by acting as liaison between local fire departments and the DHEC On-Scene Coordinator. The SFM will request through ESF-4 to utilize the Firefighter Mobilization Act of 2000 to help obtain additional fire, hazmat, and rescue resources.
- The SFM will coordinate the collection and securing of containers of liquefied petroleum gas (LPG) and insure that LPG facilities of concern are assessed post disaster in order to minimize any potential releases.
- The SFM will provide and coordinate the required training of local fire departments if such fire department's assistance is required during hazardous materials incidents under this ESF.

LLR - State Fire Academy

- Chlorine Kits (Sizes A, B, C)
- Standard Fire and Hazmat Equipment used in training
- Lodging - Dormitory with Cafeteria (120 capacity)
(Breakfast and lunch normally – Dinner meals will be made available with advance notification.)

300.145.5.13 Department of Natural Resources

The mission of DNR in responding to oil or HAZMAT spills includes the following objectives:

- To support and advise the FOSC and the SOSC on natural resources at risk,
- To assist in mitigating injuries to natural resources, including effectively communicating to DNR projects supervisors managing coastal properties and/or strategic resources.
- To work cooperatively with the other Natural Resource Trustees (NRTs) to evaluate injuries to natural resources,
- To work cooperatively with the other NRTs to seek compensatory restoration on behalf of the public for injuries to natural resources,
- In the event of a “cash-out” settlement with the Responsible Party (RP), to use all sums recovered to restore, replace, or acquire the equivalent of the injured resource(s),

- To pursue recovery of any emergency response costs incurred by the DNR, and
- To pursue recovery of any Natural Resource Damage Assessment (NRDA) costs incurred by DNR.

When oil or HAZMAT spills occur or threaten surface waters and wetlands of South Carolina, DNR works in concert with federal, state and local agencies to implement a coordinated response. DNR Law Enforcement Division assists the State Law Enforcement Division (SLED) and the US Coast Guard with on-water traffic control and security. DNR biological staff also provides technical advice and local knowledge of natural resources that are at risk of being adversely affected by an oil or HAZMAT spill, and recommends strategies for avoiding or lessening any additional impacts. DNR also investigates the nature and extent of injury to natural resources, and seeks compensatory restoration for any such injury, as well as reimbursement for any costs incurred in conducting such investigations. In all phases of an incident response, the safety of the responding employee(s) and the general public is of foremost importance.

DNR has several specific roles and responsibilities in oil and HAZMAT spill incidents, including, but not limited to, the following:

1. To provide law enforcement resources as needed,
2. To provide technical support and advice to the FOSC and the SOSC on the occurrence of sensitive habitats and species that could be affected by an incident,
3. To assist with on-water support and aerial reconnaissance over flights,
4. To assist with shoreline damage assessments,
5. To make recommendations for appropriate spill containment strategies to protect sensitive habitats,
6. To make recommendations for appropriate clean-up techniques having the least potential for further environmental injury,
7. To assist in the coordination of wildlife rescue and rehabilitation efforts,
8. To conduct fish kill investigations, if necessary,
9. To make recommendations for appropriate habitat restoration or restocking, if necessary,
10. To evaluate injury to natural resources and pursue a formal Natural Resources Damage Assessment (NRDA), if deemed appropriate, and
11. Through the Office of the State Climatologist, to provide climate data (wind, temperature, precipitation, etc.), to assist in assessing incident impacts to natural resources.

Fish kills are of a mutual concern for both DHEC and SCDNR. Since fish kills are an indicator of water quality during spill events, SCDNR will notify the DHEC duty officer (via the 24 hour emergency telephone number) of any and all current fish kills that it is aware of. On the other hand, since fish kills are of great concern to the SCDNR, DHEC will notify SCDNR of any and all fish kills that it is aware of via the 24 hour Game Theft Hotline (1-800-922-5431). If reported fish kills are communicated in this manner, both agencies will be able to have their regional level personnel work out the details as to how the investigation will take place.

300.145.5.14 State Ports Authority

The SPA has operations in the ports of Charleston, Georgetown, and Port Royal. Charleston operates four separate terminals; Columbus Street, Union Pier, North Charleston, and Wando Welch.

- SPA can supply short-term fenced or warehouse storage for large spill equipment.
- SPA can supply access to multi-ton loading cranes for certain waterfront tasks.
- SPA can supply technical assistance with oil spills or HAZMAT releases in the port area.

300.145.5.15 Department of Public Safety (DPS)

DPS - Highway Patrol

- Transportation of samples and personnel.
- Traffic and crowd control.

DPS - State Transport Police

- Technical support on transportation of HAZMAT (over-the-road transportation) and technical support and investigations on transporters of HAZMAT.

300.145.5.16 State Law Enforcement Division (SLED)

SLED coordinates all Law Enforcement response for MAJOR incidents.

- Provide aircraft for surveillance and transportation of essential personnel.
- Law enforcement for criminal investigations of arson, releases, etc.
- Backup laboratory services for environmental and other samples.
- WMD/Terrorism response assistance

300.145.5.17 Public Service Commission (PSC)

- Provide technical support on intrastate pipelines and interstate pipeline inspections.
- Provide technical support and safety inspections of rail cars and motors.

300.145.5.18 Department of Transportation (DOT)

- Provide equipment and devices for traffic control.
- Provide heavy equipment to contain and/or divert released HAZMAT.
- Provide DOT vehicles that have interagency radio communications. Most district supervisors also have equipment and materials to construct under-flow and over-flow dams.
- Provide heavy equipment to gain access to release sites.

The DOT does not perform spill cleanup on highway right-of-ways. However, the DOT continues to have a large amount of equipment available for assistance in such matters. In the event of a major spill, the DOT State Maintenance Engineer should be notified. Sand can also be obtained to stabilize small spills of petroleum products. If assistance is needed on a minor spill, the Resident Maintenance Engineer in the effected county should be notified.

300.145.6 Other Interest Groups.

In addition to the involvement of the State and Federal Agencies previously mentioned, private industry and other organizations have an interest in the occurrence of pollution incidents

and in some cases, possess capabilities for response action. These groups that exist on the National, Regional, State, or local level are indicated below:

American Red Cross
American Petroleum Institute
Chambers of Commerce
Humane Society of the United States
Local State Universities and Colleges
National Audubon Society
Sierra Club / Isaac Walton League
State Environmental Groups
Local Emergency Management Agencies
Local Fire and Emergency Medical Services
Local Law Enforcement Agencies

300.150 Worker health and safety.

Response operations will comply with LLR (OSHA) regulations and standards. The ERT will follow the current EQC Procedures Manual, Emergency Response Program.

300.155 Public information and community relations.

Past experience on major spill incidents has emphasized the need for a thorough, well-established public information effort that provides factual information to all concerned media and individuals in a timely manner. Therefore, it is essential that this plan include guidelines concerning media relations.

300.155.1 General. When a pollution incident occurs, the public should be provided with timely, accurate information on the nature of the incident and the steps being taken to cope with the problem. This policy is designed to prevent misunderstandings with the public and to foster cooperation with interested and potentially effected parties.

This section provides the necessary guidelines and procedures for establishing responsibility in the preparation and release of information regarding spills incidents. This section will be implemented at the level directed by the SOSC.

300.155.2 Initial Public Information. In the event of a significant spill incident, the SOSC will contact the DHEC Division of Media Relations to respond, develop and coordinate all news releases for the event. Once contact is made with Media Relations, the SOSC will go over all events that have transpired. If it is known that the cleanup effort will go on for some time, a schedule of regularly held press conferences may be established and conveyed to the media. A landing page will be developed on the DHEC website to provide updated information. Media Relations will coordinate the production and posting of information on the website.

300.155.3 Public Information Specialist.

300.155.3.1 When deemed necessary by the SOSC, the Division of Media Relations will

assign an agency public information specialist to establish and direct a Joint Information Center at the Command Post under the organizational structure of the National Incident Management System. Agencies participating in the response may be required to provide staff to assist the public information specialist in the establishment and operations of the Joint Information Center at the Command Post or other designated location. The public information specialist shall maintain liaison with participating agencies, including other state government press offices, any applicable federal agency's public affairs or public information office, the media and concerned parties and industries.

The public information specialist shall report to the SOSC or his/her designee and shall be responsible for preparing news releases and for clearing them with the SOSC and Incident/Unified Commander.

300.155.3.2 In the event of a spill incident, it is essential that the SOSC through the Division of Media Relations prepare a listing of all local news media. This list should include radio, TV, wire services, and applicable websites. This list should also include the phone numbers for access to the news desk of each local media, along with individual contact names. An informative news release should be prepared and furnished to the media, which summarizes the responsibilities of the agency, the statutory basis for these responsibilities, discusses local liaison and coordination with Federal and local agencies and groups, and provides a contact within the staff of the SOSC where additional information can be obtained.

300.155.4 Subsequent Spill Incident Public Information.

Additional information of the progress of the cleanup effort should be relayed via a regularly held press conference, or through the release of regularly scheduled news releases. If operations permit, these press conferences may be held at the actual cleanup site or in close proximity.

300.155.4.1 Press Releases and Interviews. The release of public information after meetings of the ERS, RERT, SRT, and for any major policy consideration, shall be directed and coordinated by the DHEC Division of Media Relations and the SOSC.

300.160 Documentation and cost recovery.

In very unusual circumstances, the containment and cleanup of a spill may be done by DHEC. If a spill is from either an unknown source or if the spiller is unable or unwilling to take the proper actions to contain and/or remove the spill, the SOSC has the authority to activate any or all portions of the State Response Team and/or activate the DHEC Emergency Response Contractor in order to accomplish spill containment and cleanup activities. Personnel from other State or Federal Agencies and/or private spill cleanup contractors may also be requested to assist in the containment and cleanup of the spill.

Once cleanup operations have been completed and the spiller has been identified, DHEC will initiate actions as specified under §48-43-530 and/or §44-56-200 of the South Carolina Code of Law, 1976, as amended, to recover all cost incurred by the State. Reimbursement of

funds expended by the State in these cases can originate from one of two sources. First, DHEC can recoup cleanup cost for hazardous substances spills as specified in §44-56-200 (South Carolina Hazardous Waste Management Act) or §48-43-500 (South Carolina Oil & Gas Act) of the South Carolina Code of Law, 1976, as amended. Secondly, if the pollutant is an oil, and enters or threatens to enter navigable waters of the U.S., the Federal Oil Spill Liability Trust Fund (Oil Pollution Act of 1990: as established by Section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509)) can be used. §48-43-560 of the South Carolina Code of Law, 1976, as amended specifies the use of these funds prior to state money being expended.

The Oil Spill Trust Fund can only be used in cases, where the spill reaches or threatens United States navigable waters. If the spill does not reach or threaten to enter waters of the State, the SOSC will request equipment and personnel from the RERT and other State agencies to assist in the containment and cleanup. Careful accounting of the cost of manpower and equipment will be kept by each agency participating in the spill cleanup. When the spiller is identified, the funds expended in cleanup efforts will be recovered from the spiller.

§48-43-560 of the South Carolina Code of Law, 1976, as amended, authorizes the use, by the SOSC, of private cleanup contractors in cases of spills of unknown origin or spills not being properly cleaned up by the spiller. However, no funds have been appropriated by the State legislature to fund this action.

The State will also pursue cost recovery on significant spills to offset operational cost for monitoring and documenting those spills.

State agencies that participate during an incident should submit all costs incurred on a daily basis to the SOSC. These costs should include personnel and equipment used and should include a dollar value for use per hour. The SOSC will maintain a supply of the appropriate cost tracking forms for distribution. The SOSC will be responsible for seeking reimbursement from a Potentially Responsible Party (PRP) or from any federal funds available.

300.160.1 Local Governments should refer to 40CFR Part 310, Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases; Final Rule. Under this rule local governments are required to notify the FOSC of the incident within 24 hours, in order to be eligible for any cost reimbursement.

300.160.2 Local Governments should contact the USCG National Pollution Funds Center for information on claim reimbursement for oil pollution incidents. The SOSC may be contacted for assistance and guidance on cost recovery for oil pollution incidents.

Copies of all applications for cost reimbursement by local governments/agencies should be sent to the SOSC to assist in calculations of total cost per incident.

300.165 OSC reports. The SOSC will ensure that each discharge or release is documented by a spill report. The report should document the initial information received and the resulting

actions undertaken by the Department and other responding parties. The report should also record the situation as it developed, the actions taken, the resources committed, and the problems encountered. The official record keeping system used for these reports will be the Environmental Facility Information System (EFIS).

300.170 Federal agency participation.

Throughout the Federal government, there are many agencies with capabilities that can be utilized during a spill event. Listed below are some that can provide assistance:

- U.S. Coast Guard
 - DOT (USCG)
 - USCG Research and Development Center
 - USCG Oceanographic Unit
 - Emergency Port Tank Forces
 - USCG District Office Assistance
 - NOAA (to include Scientific Support Coordinator)
 -
- Environmental Protection Agency
 - Oil and Hazardous Materials Technical Assistance
- Department of Interior
 - U.S. Fish and Wildlife Service
 - U.S. Geological Service
 - National Park Service
 - U.S. Forrest Service

Request for federal assistance will be made by the SOSC for appropriate action through the FOSC or the Regional Response Team. Coordination of federal actions that effect the state's response actions will be accomplished by the SOSC.

300.175 State agencies: additional responsibilities and assistance.

[Reserved]

300.180 Local participation in response.

Within the 46 counties of South Carolina there are many agencies with capabilities that can be utilized during an incident. County and local governmental agencies have extensive knowledge of industrial sites, special populations, waterways and transportation routes, and areas of local concern within their jurisdiction. These agencies may also have resources that can be utilized during an incident. Some examples of these resources are listed below.

- 1) County and local government
 - a) Fire Department
 - i) Apparatus - tankers, pumpers, ladder trucks, etc.
 - ii) Specialty equipment - ladders, jacks, extrication equipment, etc.
 - iii) HAZMAT teams

- b) Emergency Medical Services
 - i) Ambulances, medics, etc.
- c) Law Enforcement
 - i) Aircraft
 - ii) Bomb trucks
- d) Other agencies
 - i) Water/wastewater Departments
 - ii) Sanitation Departments
 - iii) Animal Control
 - iv) Road Maintenance

Request for assistance from these agencies will be made to the SOSC through the Unified Command System. The SOSC and the Unified Command System will accomplish coordination of actions that affect the state's response. The SOSC will ensure that appropriate local representation of local response agencies is represented at the command level of the Unified Command System.

300.180.1 County Emergency Preparedness/Management Divisions.

Quite often the County Officials will be called to the scene when a spill or emergency situation arises. The County Officials can be an excellent source for obtaining local manpower, equipment, and accessing local knowledge.

300.185 Nongovernmental participation.

The SOSC will coordinate volunteers and non-profit groups/organizations through use of the Unified Command System based upon the magnitude of the event. For a spill on the Coast of SC, the SOSC will utilize the Area Contingency Plan.

300.185.1 Commercial/Industry Capabilities.

Within the general area of South Carolina there are private companies that have the capability and expertise to cleanup oil and hazardous substance spills. The SOSC updates and maintains an Cleanup Contractors List. This list, which is updated and maintained by the SOSC, contains the names, addresses, and telephone numbers of cleanup contractors, analytical laboratories, disposal facilities, and supply and equipment vendors. It is the purpose of this list to give spillers a starting point for response resources. The list should not be construed as a recommendation for these vendors by this agency. The contractors listed were surveyed by letter with a standard questionnaire and the results of the survey were not verified by this department.

300.185.2 Special Interest Capabilities.

[Reserved]

Subpart C - Planning and Preparedness

300.200. General.

Past experience has shown that, to be effective, it is essential that contingency planning for any pollution incident include a thorough consideration of pertinent and related factors, an analysis of pollution incident situations which could be created by these factors, and the development of a comprehensive plan to respond to these situations should they occur. It is also essential that effective contingency planning include maximum participation by those agencies, groups, and individuals who will be most directly involved with, and effected by a spill situation.

In consonance with the approach outlined above, the following paragraphs discuss the primary factors that have been considered in the development of this Plan. The factors discussed herein should not be considered as all inclusive since there are a number of significant factors that could arise for a given spill incident.

300.200.1 History of Spill Incidents.

In comparison with many other states, South Carolina has had a relatively small number of spills within its boundaries. Also, the volume of product involved in these spills has been relatively small in comparison to other states.

The largest petroleum spill in the state occurred in July 1996. This one incident resulted in the release of approximately 900,000 gallons of #2 fuel oil into the Reedy River. The largest hazardous substance release was a 10,000,000-gallon spill of sodium cyanide and heavy metal wastewater solution into the Little Fork Creek in October 1990.

Three distinct geographical regions exist in South Carolina. The Piedmont region, the Midlands region, and the Coastal region comprise a highly diverse topographical environment. Throughout the state, within each region exists many vulnerable and sensitive environmental areas ranging from upland trout streams in the Piedmont, extensive riverine systems in the midlands and estuarine/marsh ecosystems along the coast.

Diverse socioeconomic consideration within each region such as: recreation, industrial, agricultural and shipping coupled with a past history for catastrophic natural disasters, (i.e. tornadoes and hurricanes) renders the State susceptible to a number of potential incidents that could result in significant public health and environmental impacts. The potential for a detrimental release to the environment requires the State to maintain a broad encompassing contingency plan that must be applicable to a wide range of spills.

The plan addresses, but is not limited to, releases to the environment ranging from a massive open ocean spill moving into sensitive estuarine/marsh ecosystems to the large inland industrial chemical release in a densely populated area. It must also include plans for addressing the small spills such as transportation related incidents right down to the local service station spill.

300.200.2 Spill Response Equipment.

300.200.2.1 State.

Spill response equipment is not limited to the specific items of spill containment and cleanup. It also includes equipment considerations relating to transportation, communications, and disposal of waste materials. While it is not economically feasible for DHEC to stockpile such related equipment, it is absolutely essential that their locations and availability be specifically established.

The spill containment and cleanup equipment along with other resources that are available to DHEC personnel is considered adequate for most of our initial response actions. This equipment is located in the regional offices along with additional equipment that is available from the Central Office ERT and contracted resources. There are alternate sources available for subsequently obtaining additional equipment which are discussed in Section 300 of this Plan.

300.200.2.2 Federal.

During any event that the entity or person indicated to be the responsible party cannot or will not undertake proper measures to respond to the release, the SOSC should: 1) Immediately file a report with the National Response Center, 2) Contact the FOSC and seek concurrence for actions needed to be undertaken, 3) Inform FOSC that the Department wishes reimbursement for actions requiring expenditures to remove and dispose of unknown hazardous wastes and petroleum products threatening surface water of the State, 4) or request FOSC response to mitigate or control the spill.

300.200.2.3 Responsible Party.

In South Carolina the spiller (or the property owner if the spiller cannot be identified) is responsible for locating all necessary spill response contractors, equipment, etc., that is needed for a complete cleanup of the site. As a resource, the SOSC maintains a cleanup contractor list. The list shall not be construed as an endorsement of the contractors contained therein. The list is simply a collection of contractors statewide that do spill response work, their location, equipment, and contact numbers. The list should not be considered complete. The SOSC will not recommend nor endorse any firm, its services, or products.

300.200.3 Hydrological and Climatological Effects.

The moderate climate of South Carolina is typified by an absence of extended periods of extreme hot or cold weather. However, these extreme conditions are present for short durations in mid-summer and winter and must be considered in terms of their effects on the spilled substance and the personnel and equipment that are involved in the response action. For instance, high temperatures will result in less viscous oil and will allow for greater penetration of the oil into the soil. Climatological effects may also present significant problems to equipment during extremely hot weather conditions and the effects of hot, humid weather on personnel may result in a reduced effective working period.

300.200.4 Surveillance.

Within the context of this Plan, the operational requirements for surveillance will depend on the circumstances surrounding each pollution incident. Evaluation factors should include the type and quantity of material spilled, location, direction and speed of movement, proximity to critical water use areas, and the availability of response resources. The decision to provide surveillance will be qualified by the type, extent and duration of the spill incident. This decision will be re-evaluated as the situation progresses.

300.200.5 Usage of Spill Response Equipment.

Those aspects that are generally true for all equipment designed to be used in an effective emergency action are essentially true for spill response equipment. That is, the effectiveness of the equipment is directly related to the knowledge and limitations of the personnel deploying and utilizing the equipment. Therefore, it is essential that personnel working with the equipment be thoroughly trained. A good portion of the knowledge can be obtained from the manufacturer's instructions, however, there is no substitute for the first hand knowledge that comes from experience. The SOSOC will maintain appropriate equipment manuals, as needed, for the spill response equipment in inventory at DHEC.

300.200.6 Training Exercises.

Training exercises with cleanup and containment equipment involving removal from storage, transport, deployment, simulated usage, retrieval, cleaning, maintenance, and return to storage are planned. These training exercises will involve local industry, governmental agencies, and other interest groups to the maximum extent possible. Actual drill telephone notification, movement and deployment of equipment, and meetings with concerned personnel will be included. It is through such face-to-face encounters before a spill incident occurs that many potential problems based on lack of knowledge and misunderstandings can be mitigated or eliminated.

300.200.7 Other Hazardous Substances.

All of the planning factors discussed heretofore are equally applicable to oil and hazardous substances. In fact, the need for effective contingency planning is greater in the case of certain other hazardous substances due to the possible severe life and health hazards that exist. The SOSOC has at his/her disposal several valuable sources of hazardous chemical information systems. Such as, Wireless Information System for Emergency Responders (WISER), Computer-Aided Management of Emergency Operations (CAMEO), ALOHA and NIOSH are available along with numerous other bound documents and computer files. These reference sources are a valuable asset both in planning and executing response actions to hazardous substance spills and releases.

300.200.8 Liaison Prior to the Spill Incident.

Contact should be established with the appropriate offices of local government prior to a spill incident. Knowledge of access roads, support facilities, rural areas, water intakes, property ownership and access, etc., can usually be obtained readily when the local agency has been

previously advised of the duties and responsibilities of the SOSC and thus the need for this information. DHEC is working with Federal and local agencies in developing their response plans.

300.200.9 Liaison with Special Interest Groups.

Also of importance is the establishment of liaison with the local special interest groups. In as much as those groups represent the interest of the local community, they will have a strong interest in the progress of any significant spill incident and may have some important input regarding the conduct of cleanup operations and other spill related procedures. Such groups would include the local environmental, historical, and other special interest groups. These organizations often consist of personnel well versed in the ecological and detailed geographical aspects of the local area. Many are often long time residents of the area and possess invaluable knowledge of the impact of response actions or alternatives that may need to be considered. All of these local agencies and groups should be identified in the LEPC (Local Emergency Planning Committee) contingency plan with the appropriate telephone number and cognizant contact individual. Coordination of the actions of the various special interest groups will be the responsibility of the SOSC. Request for information or assistance will be made to the SOSC for appropriate action.

300.200.10 Liaison During the Spill Incident.

Initial contact should be made with local government as soon as possible. Coordination of media information is important to disseminate information concerning the incident to the public. It is advisable that a single release of public information concerning the spill situation be made from the SOSC. However, local public officials may desire to hold their own press conferences, therefore, a sound working relationship should be established by coordinating the release of public information with these offices. A separate briefing on the situation for local government officials may also be in order and the appropriate contact for the obtaining of further information should be provided. Any request for local assistance should be initiated through the ICS/UC approach.

300.205 Planning and coordination structure.

In coordination with the SC EMD, other ESFs, support agencies, county, local, and industry responders, the various elements of the Division of Waste Assessment & Emergency Response participates in numerous preparedness exercises, planning meetings, and response plan reviews. Updates and reviews to this plan and various other SOPs and response guidelines are done on a continuing basis. After Action Reviews of exercises and real events are major components of plan and response revisions.

300.210 Federal contingency plans.

The National Contingency Plan is a broad, far reaching plan that touches on all aspects of a Federal response to many forms of disaster and spills of national significance. Other plans such as the Charleston Area Contingency Plan, designed by a committee of State, Federal, local and non-governmental planners with the U.S. Coast Guard as the lead agency, has refined a response to the specific coastal areas of parts of South Carolina and Georgia. The U.S. EPA has

also developed a similar plan, the EPA Inland Plan, to respond to events in their area of coverage.

300.211 OPA facility and vessel response plans.

The Department is responsible for issuing certificates of registration to terminal facilities and vessels that conduct over-the-water transfers of petroleum products in coastal areas of the State. The South Carolina Oil and Gas Act, in conjunction with Federal Spill Prevention and Control Countermeasure Rule, set certain requirements for these facilities. These items include financial responsibility, containment, emergency response plans, equipment, and clean-up capabilities. In addition, most of these terminal facilities are part of the Charleston Liquid Spillage Cooperative Committee. The Committee meets regularly with State and Federal representatives and conducts periodic exercises to execute emergency plans for spill containment and removal.

300.212 Area response drills.

The SOSOC will participate in planned drills and exercises when requested as personnel and resources allows.

300.215 Title III local emergency response plans.

The S.C. Emergency Management Division maintains All Hazard Plans for all counties in S.C. Each County LEPC has developed an all hazards emergency response plan.

300.220 Related Title III issues.

DHEC's Bureau of Air collects and maintains all current Tier II facility information and diagrams. ERS and local emergency responders have on-line access to this database via E-plan.

Subpart D - Operational Response Phases for Oil Removal

300.300 Phase I - Discovery and notification.

The DHEC Emergency Response Section maintains a 24-hr/365 day reporting line for hazardous material releases, oil spills and fish kills. Calls requiring immediate responses and notifications are handled through the Duty Officer at 1-888-481-0125.

300.300.1 General.

The Emergency Response Program of the South Carolina Department of Health and Environmental Control shall, upon notification of a spill or release, initiate an immediate response action to assist at the spill site and notify all other appropriate local, State and Federal Agencies.

Notification of this reporting procedure and appropriate telephone numbers shall be distributed to all county EMD offices, state government agencies, as well as industries.

300.300.2 In accordance with §48-43-550 of the South Carolina Code of Law, 1976, as amended, (as well as other applicable State statutes and regulations) effective June 13, 1977, verbal reports of oil or other hazardous substance spills are to be made to SCDHEC at (803) 253-6488 or toll-free at (888) 481-0125. In accordance with applicable Federal laws and regulations, verbal reports of oil or hazardous substances discharges can be made to the National Response Center via their toll free telephone number (800) 442-8802. These reports will then be forwarded to the pre-designated FOSC and SOSC for investigation and appropriate action. As required by State and Federal statutes and regulations, follow-up written reports will be required of responsible parties.

300.300.3 In the event of a spill/release as much pertinent information as possible should be relayed to the proper authorities. This information should include the following:

1. Location
2. Soil, air, or water effected (name of body of water)
3. Source (i.e. tanker truck overturned)
4. Time/date and when it was discovered
5. Name of substance and estimated quantity
6. Nature and potential danger of material
7. Anticipated movement of spill/release
8. Responsible party(s) (address, phone number, and contact point)
9. Action already taken and anticipated
10. Weather conditions at spill site

300.305 Phase II - Preliminary assessment and initiation of action.

Notification of an event to the DHEC Duty Officer starts a process that begins with confirmation of the initial report. Based on the information being received and the attempt to make contact with responders that may be on-scene, the Duty Officer determines what resources

should be activated and what contacts should be made to expand response to an event. Follow-up of initial reports from the scene will dictate further response. The Regional On-Scene Coordinator is generally the first DHEC representative at an event. Central Office on-call staff man emergency vehicles capable of further technical support, which can be dispatched within 30 minutes of notification. Further support with more field capabilities from the Division of Waste Assessment & Emergency Response can be mobilized within two hours of notification.

300.310 Phase III - Containment, countermeasure, cleanup, and disposal.

The State On-Scene Coordinator shall be responsible for the overseeing of the containment, cleanup, and proper disposal of the spilled material. The SOSC shall work closely with the Waste Assessment Section of the Bureau of Land and Waste Management of the South Carolina Department of Health and Environmental Control to insure cleanup and proper disposal of waste is accomplished.

300.310.1 Spill Containment and Cleanup.

It is the responsibility of the spiller to properly contain and cleanup the spill in a timely and diligent manner. Containment involves building dikes, deploying booms and other barriers to prevent the spread of the pollutant, limiting access to only authorized persons if a hazardous situation exists, and other measures to minimize risk to public health and environmental damage.

Removal of the spill material from the site usually involves physical measures such as skimmers, sorbent materials, and other mechanical means of removal. Vacuum (VAC) trucks are an ideal means of removing quantities of the pollutant pooled behind a barrier, with the exception of pollutants with a very high or very low viscosity. In situations where extreme fire danger or other unusually hazardous circumstances exist or severe environmental damage may result from physical cleanup, other cleanup methods may be employed as approved by the SOSC.

300.310.2 Disposal.

The DHEC Bureau of Land and Waste Management regulates the land disposal of wastes resulting from spillage of oil and other hazardous substances. There are two primary regulations pertaining to the disposal of wastes in South Carolina. They are:

- Regulation 61-107, Solid Waste Regulations
- Regulation 61-79, Hazardous Waste Management Regulations

These regulations require that all systems utilized for land disposal of wastes, both hazardous and non-hazardous, in South Carolina have a written permit issued by DHEC prior to construction and operation. Sanitary landfills are designed to accommodate general solid waste and compatible types of industrial waste. Industrial landfills may be designed to handle general industrial waste or specific types of industrial refuse. On the other hand, hazardous waste landfills are permitted to handle a wide range of waste streams. Depending upon the nature of the waste involved in a spill, an existing landfill may or may not be capable of accepting the waste for disposal. If not, then an acceptable alternative must be sought.

Prior to initiating any disposal actions, the local Regional Hazardous Waste Consultant must be contacted. A Consultant is located in each of the EQC Regional offices (see Appendix B). The consultant can provide information on locating a suitable landfill disposal site and information on appropriate landfill officials to contact. In determining disposal options it is necessary to obtain information pertaining to waste characteristics. Such information should include quantity, chemical composition, and any other chemical, physical, or biological properties that will aid in evaluation of the waste.

The Hazardous Waste Management Regulations require generators of wastes to make a determination as to whether that waste is hazardous or non-hazardous. A waste may be hazardous either because it is specifically listed or because it meets one of the characteristics (ignitability, corrosivity, reactivity, or toxicity) of a hazardous waste, as described by the regulations. Xylene is an example of a listed hazardous waste. Leaded gasoline would meet the characteristics of both ignitability (flash point less than 140° F) and toxicity (greater than 5 ppm lead and greater than 0.5 ppm benzene as determined by the TCLP (toxicity characteristics leaching procedure)).

If the waste is hazardous, the generator must submit a notification (EPA Form 8700-12, Notification of Hazardous Waste Activity Form) to the Department. While the generator arranges (through an authorization process) for a permitted facility to treat, store, or dispose of the waste, he must assure that the wastes are properly containerized, labeled, and secured. A permitted hazardous waste transporter must transport the waste under a manifest system to the authorized facility. The generator must keep records, and a quarterly report must be filed with the Department. When recovered and reused, wastes are excluded from regulation. However, full compliance is required up to the point of reuse. Lists of permitted waste facilities and transporters can be obtained from the Bureau of Land and Waste Management.

Non hazardous wastes are not as stringently regulated, but while disposal is being arranged with a properly permitted facility and while disposal approval is being obtained from the Department, non hazardous wastes must be stored in a manner that prevents health and safety problems and releases to the environment. Disposal options vary with the nature and amount of the waste, and include use in asphalt manufacturing, cement manufacturing, use in brick manufacturing, use as a fuel in an industrial boiler, incineration, disposal in a permitted wastewater treatment facility, and disposal on a permitted landfill. The State operates no commercial disposal facilities, and disposal approvals will always be contingent on the facility's acceptance of each waste. Therefore, the generator must obtain agreement to accept the waste from the facility prior to applying to the Department for approval. Most Class III and Municipal solid Waste (MSW) landfills in South Carolina hold a Special Waste Analysis and Implementation Plan (SWAIP) permit which allows them to review and then accept or reject the disposal of waste streams in their landfill. Profiles for land disposal must be completed and approved by individual landfills prior to disposal. The Department provides approvals for all landfills which don't have a SWAIP approved by the Department. Waste management and transportation companies are familiar with changing regulations in South Carolina. Sometimes these companies are also equipped to arrange for short-term storage while disposal options are

pursued.

In general, only very lightly oiled soil or absorbent material may be land-filled. "Very lightly oiled" is considered to be less than 100 ppm of TPH (total petroleum hydrocarbons) for fuel oils, or less than 10 ppm of benzene, toluene, ethyl benzene, and xylene for more volatile petroleum products. More heavily oiled wastes must be burned in cement kilns, industrial boilers, or incinerators; or used in asphalt or brick manufacturing. Asphalt plants prefer oily soil to other absorbent. Cement kilns and industrial boilers prefer oily absorbent with high fuel value. Various incinerators are designed for liquid or solid feeds. Oily water, especially with pretreatment to recover product, may be suitable for disposal in wastewater treatment facilities. Each facility has different criteria for acceptance, but the minimum testing required would include:

- Oily Water - TPH, BTEX, Flashpoint
- Waste Oil w/ Soil - TPH, TCLP Metals, TOX (Total Organic Halogens)

A list of landfills, incinerators, wastewater treatment facilities, and asphalt, cement, and brick manufacturers are available through the Department's Waste Assessment Section.

In order for a waste to be accepted into a wastewater treatment facility, it must meet conditions imposed by the General Pretreatment Regulations (Section 403 of the Federal Water Pollution Control Act, as amended). It must be in accordance with a pretreatment program developed by the facility and approved by the Department. It also must be in accordance with the Department's approval for transportation of that waste to the facility. The facility may impose additional restrictions and conditions as allowed by sewer use ordinance.

In order for a waste to be accepted into a non hazardous waste landfill, the generator must have determined the waste to be non hazardous, and the landfill which is to receive the waste must have had either a permit from the Department for disposal of that specific waste, or an approval from the Department on a case by case basis. The generator of the waste, with the assistance of the landfill operator and the waste hauler, provides information about the waste to be used to apply to the Department for disposal approval. In the approval, special conditions may be imposed, as needed, to allow for proper management of the waste. The landfill may impose additional restrictions and conditions, or may decline to accept the waste.

Acceptance of non-hazardous waste at asphalt, cement, and brick manufacturing facilities must be in compliance with applicable permits and with specific disposal approval from the Department.

Federal and state legislation in the area of hazardous wastes has impacted the procedures involved in disposing of spillage material. The Resource Conservation and Recovery Act of 1976 (PL 94-580) and the South Carolina Hazardous Waste Management Act (§ 44-56-10 et seq. of the South Carolina Code of Law, 1976, as amended) ensure, as one of their major objectives, the proper "cradle to grave" management of hazardous wastes.

Regulations pursuant to these laws established requirements for the proper identification, transportation, storage, treatment, and disposal of hazardous wastes. However, in some situations, the SC Hazardous Waste regulations do allow the SOSC/ROSC to waive certain manifest and shipping requirements under R.263.30(b) and to issue a verbal Emergency Hazardous Waste Treatment permit under R.270.61 for treatment, storage and/or disposal of a hazardous waste when there is an imminent and substantial endangerment to human health or the environment. The SOSC/ROSC will assure that final disposal of hazardous waste involved in a spill is completed in a manner approved by the Department.

One very important disposal issue is that of deceased wildlife. There are set procedures in the Natural Resource Damage Assessment (NRDA) process for wildlife damage assessment. Therefore, no deceased wildlife of any kind should be disposed of prior to consulting with the SOSC and/or South Carolina's Natural Resource Trustees.

300.310.3 Salvage and Recovery.

Salvage and recovery of the material involved in a spill may be a feasible alternative depending on the extent of damage and the contamination incurred by the material. Salvage or recovery of a spilled material will be encouraged.

300.315 Phase IV - Documentation and cost recovery.

See Subpart A, 300.7. All responders for the Department and support agencies must collect and maintain documentation to support all actions during a response. In general, documentation shall be sufficient to support full cost recovery for resources utilized and shall identify the source and circumstances of the incident, the responsible party or parties, and impacts and potential impacts to public health and welfare and the environment.

300.317 National/State response priorities.

Safety of human life must be given top priority during every response action. Stabilizing the situation to preclude the event from worsening is the next priority. Stabilizing the situation includes securing the source of the spill and preventing additional spillage to reduce the need for follow-up response. Containment and removal tactics should be handled in a coordinated manner to ensure a timely, effective response that minimizes adverse impact to the environment.

300.320 General pattern of response.

When the SOSC receives a report of a discharge, actions normally should be taken in the following sequence:

- 1) Investigate the report to determine the pertinent information such as the threat posed to human health and the environment. The type, source, quantity and location of the discharge are key elements in the initial response determination.
- 2) Classify the threat or potential threat to public health and welfare, and the environmental impact.

3) When the investigation indicates the potential impacts to be severe, immediate activation of resources to the scene will be initiated. Notifications to the affected entities will be initiated. Resources required for a response will be determined on a case by case basis.

4) If the SOSC determines that the responsible party is applying resources necessary to stabilize and remove, minimize, or mitigate threat(s) to public health and the environment; and those efforts by the responsible party are according to existing laws and regulations, then over-site and monitoring of the release can proceed in a safe manner.

300.322 Response to substantial threats to public health or welfare of the United States.

[Reserved]

300.323 Spills of national significance (SONS).

A spill can be determined to be a SONS by the Administrator of the EPA for discharges occurring in the Inland Zone, and the Commandant of the USCG for discharges occurring in the Coastal Zone.

300.324 Response to worst case discharges.

EPA's Regional Contingency Plan (RCP) and USCG's Area Contingency Plans implement the NCP at the regional level and govern EPA's and USCG's response to worst case discharges of oil and releases of hazardous substances.

300.335 Funding.

The ERT relies on State funding to maintain personnel, supplies and equipment.

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SUBPART E - Hazardous Substance Response

300.400 General.

300.400.1 All requests for information on a hazardous substance involved in a spill will be directed to the State On-Scene Coordinator or his/her designee.

300.400.2 General Safety Rules for Handling Hazardous Materials Spills*.

When a spilled material is not identified, assume that it is hazardous and the response community should:

DO

1. Rope off area, or otherwise prevent contact of anyone or anything with spilled material. If it is a gas, dust or volatile liquid, evacuate surrounding and downwind area. **DO NOT APPROACH THE SPILLED MATERIAL.**
2. Provide first aid, remove contaminated clothing, decontaminate with soap and water, and call local Emergency Medical Service (ambulance) for treatment and transportation to the most appropriate medical facility. Note which medical facility the victim is taken to.
3. In a safe manner, find out what the spilled material is.
4. Detain vehicle from which spill occurred. Note any contaminated cargo. Detain persons and property that have contacted material.
5. Report incident to fire, police and health agencies, and ask for assistance.
6. If spilled material is a threat to reach water, insure that down stream water users are notified.

DO NOT

1. Wash unidentified material off roadway into a waterway or sewer without official authorization.
2. Handle leaking container or go into cargo area without proper protective equipment (PPE - i.e. SCBA, chemical suit, etc.).
3. Walk in spilled material or otherwise contaminate skin, boots, clothing, or vehicles.
4. Allow vehicles to ride over spilled material.
5. Allow anyone to eat, drink, or smoke near the spill, or provide a source of ignition.

When spilled material is identified:

DO

1. Obtain expert advice on what the hazards are and deal with them accordingly. DHEC ERT, fire departments and chemical manufacturers can provide advice, assistance and information.
2. Keep ALL un-needed personnel away from spill site.
3. If spilled material is a threat to reach water, insure that down stream water users are notified.
4. Forward the name of the material to the hospital or doctor to which anyone was sent because of exposure.

DO NOT

1. Attempt to clean up any toxic substance without adequate PPE.
2. Wash any material into a waterway or sewer without official authorization.

* The above rules are very basic. Unless the first arriving personnel have been trained, at a minimum, to the Awareness Level, they are not allowed to approach the area where the material is spilled. All responders to a hazardous substance spill or release **MUST** be trained (OSHA, 29 CFR Part 1910). Call the DHEC ERT at 253-6488 (24-hour number within the Columbia area) or 888-481-0125 (24-hour toll free number outside the Columbia area) in ALL cases of spilled or released hazardous substances.

300.400.3 In the event of a transportation accident in which a hazardous waste is involved in a spill, the shipper and/or the receiver will be contacted to assist in identifying all spilled material and cleanup of the material.

300.400.4 The State On-Scene Coordinator shall be responsible for initiating contingencies to activate the State Cleanup Contract. The contract will be activated for those situations where hazardous waste or suspect hazardous waste or hazardous substances have been dumped or abandoned with no identifiable responsible parties. The contractor will be responsible for a timely response, sampling, removal and disposal of materials as directed by the SOSC or his/her designee. The State Emergency Cleanup Contract can also be used when an identified responsible party refuses to take appropriate actions to contain and cleanup a release. DHEC will pursue cost recovery against all identified potential responsible party.

300.400.5 All reports of spills or discharges of radioactive material received by the Emergency Response Section will be forwarded to the Nuclear Response and Emergency Environmental Surveillance Section of DHEC.

300.405 Discovery and notification.
[Reserved]

300.410 Removal site evaluation.
[Reserved]

300.415 Removal action.
[Reserved]

300.420 Remedial site evaluation.
[Reserved]

300.430 Remedial investigation / feasibility study and selection of remedy.
[Reserved]

300.435 Remedial design / remedial action, operation and maintenance.
[Reserved]

300.440 Procedures for planning and implementing off-site response actions.
[Reserved]

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SUBPART F - State Involvement in Hazardous Substance Response

300.500 General.

The ERS and ERT work in support of all state and local responders to hazardous substance releases. The Waste Assessment & Emergency Response Division of SCDHEC is the ESF-10 primary with the State Response Team (SRT), coordinated by the S.C. Emergency Management Division. The Bureau of Land and Waste Management, SCDHEC, regulates the storage, treatment, and disposal of hazardous waste in South Carolina.

300.500.1 Law Enforcement - General

Law enforcement is one required area that cannot be overlooked throughout the response to a spill incident. Each of the federal, state, and local agencies on the scene may have investigative responsibilities relative to law enforcement and it is essential that these responsibilities be met. This is usually best accomplished by giving high priority to investigative efforts in the early phases of the response activity. In addition to the benefit of acquiring information while the facts surrounding the incident are fresh in the minds of all concerned, early investigative action may also avoid the problems later non-availability of witnesses and other evidentiary material. As has been repeatedly emphasized throughout this Plan, coordination of the many agency activities is required if actions taken are to be effective.

300.500.1.1 Local or State Law Enforcement.

In a spill situation involving a motor vehicle accident, the SOSC will work very closely with the STP, local or state law enforcement agency. The SOSC will notify the law enforcement officer-in-charge at the scene of his presence and the proposed actions needed to protect the public's health and the environment. The SOSC will make every effort not to interfere with the officer's investigation.

300.500.1.2 Federal Law Enforcement.

In those instances where Federal law enforcement is needed or required, the SOSC will contact the U.S. Coast Guard or the Environmental Protection Agency. The Federal On-Scene Coordinator will advise the proper federal agencies of the situation. See Section 300.500.2 for details on terrorism.

300.500.1.3 Initial Investigation.

In most instances, the ROSC will be the first DHEC representative to arrive at the scene. The ROSC shall direct the initial investigation effort. The initial investigation of the spill shall include the verification of spill information first reported, assessment of threats to public health, assessment of general environmental damage or potential damage, and initial contact with the spiller to begin containment and cleanup actions. Section 304 of this Plan goes into greater detail concerning the ROSC's responsibilities.

300.500.1.4 Collection of Samples.

It is essential that, in those cases where the identity of the source of the spill is not absolutely established, samples be obtained from all possible sources. Samples should be

obtained from all possible sources of contamination even if it is unlikely that they are the sources of the immediate pollution problem. Sampling for documentation will be performed as requested by the SOSC or his/her designee. Procedures for collection for samples are covered in the DHEC EQC Environmental Investigations Standard Operating Procedures and Quality Assurance Manual. The SOSC will coordinate any sampling requests with the Waste Assessment Section and the ROSC. Strict chain-of-custody protocols must be maintained for all samples collected.

300.500.1.5 Chain of Custody.

The chain of custody for all evidentiary material must be clearly established upon obtaining the evidence and must be maintained. Transfer of evidentiary material from the SOSC to other agencies shall be clearly indicated through the use of chain of custody forms or the equivalent.

300.500.1.6 Laboratory Results.

The results of any sampling shall be forwarded to the SOSC. The SOSC shall coordinate the submission of all samples to the appropriate laboratory for analysis and shall initiate request for further information desired. A copy of the analytical results on samples submitted will be forwarded to the ROSC involved in the spill incident for review and attachment to the spill report.

300.500.1.7 Letter of Response.

Following the cleanup of the spill, either the ERT or the ROSC as needed does a final inspection of the spill site. If the cleanup is represented by the spiller to have been completed satisfactorily to prevent future environmental damage, a Letter of Response can be issued if the SOSC/ROSC concurs. This letter does not release the spiller from further liability to the Department with respect to spill cleanup. This letter does not and is not intended to release the spiller from further liabilities involving other state agencies, federal agencies, local response authorities, cleanup contractors, and/or effected property owners. The intent of the letter is to document DHEC's response for the spiller and concurrence that actions were taken to minimize public health and environmental threats. The letter will emphasize that the emergency phase of the incident has been completed and no further emergency actions will be required. Our letters should close by stating that if contamination becomes evident in the future, that further assessment and/or remediation may be required.

300.500.1.8 Spill Incident Report.

Following the completion of spill cleanup to the SOSC's satisfaction, a formal written report of the spill investigation shall be completed. This report shall include, but not be limited to, a detailed, chronological description of the spill situation, the actions taken by the spiller in reporting, containing, and removing the spill, and initial observations of environmental damages due to the spill. A map of the spill site should be included in the report. Many times photographs may be of value in the report. The official record keeping system used for these reports will be the Environmental Facility Information System (EFIS).

300.500.1.9 Letter of Release.

All responsible parties seeking a Letter of Release or a Clean Closure Letter must be referred to the Waste Assessment Section.

300.500.2 Terrorism.

Information in this section comes, in part, from the *Terrorism Incident Appendix to the Federal Response Plan* and *Terrorism Incident Appendix to the South Carolina Emergency Operations Plan* (Appendix F, Appendix 25).

In June 1995, the White House issued Presidential Decision Directive 39 (PDD-39), “*United States Policy on Counterterrorism*”. PDD-39 directed a number of measures to reduce the Nation's vulnerability to terrorism, to deter and respond to terrorist acts, and to strengthen capabilities to prevent and manage the consequences of terrorist use of nuclear, biological, and chemical (NBC) weapons including weapons of mass destruction (WMD). PDD-39 discusses crisis management and consequence management.

The *Terrorism Incident Appendix to the South Carolina Emergency Operations Plan* defines a process for a coordinated and efficient response to terrorism incidents within the state of South Carolina. The Appendix establishes and develops policies and operations to define the roles and responsibilities of all federal, state, and local agencies involved in Crisis and Consequence Management. The Appendix incorporates the coordination mechanisms and structures of appropriate state, county, city, facility, and business/industry plans into the overall response and assigns specific functional responsibilities to appropriate departments and agencies and identify the actions that these departments and agencies will take in the overall response in coordination with federal, state, and local agencies.

Crisis management includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. The laws of the United States assign primary authority to the Federal Government to prevent and respond to acts of terrorism; State and local governments provide assistance as required. Crisis management is predominantly a law enforcement response. Based on the situation, a Federal crisis management response may be supported by technical operations, and by Federal consequence management, which may operate concurrently.

Consequence management includes measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses and individuals affected by the consequences of terrorism. The laws of the United States assign primary authority to the States to respond to the consequences of terrorism; the Federal Government provides assistance as required.

Lead Agency Responsibilities.

Crisis Management. PDD-39 validates and reaffirms existing Federal Lead Agency responsibilities for counterterrorism, which are assigned to the Department of Justice, as delegated to the Federal Bureau of Investigation (FBI), for threats or acts of terrorism within the

United States. The FBI leads the federal Crisis Management effort with assistance from other federal, state, and local agencies as necessary. Under the SC Emergency Operations Plan, the lead State agency is the South Carolina Law Enforcement Division (SLED). The lead county agency is the local law enforcement agency designated in the county EOP. The Crisis Management effort will be managed from the Joint Operations Center (JOC) when established, under the direction of the FBI's On-scene Commander (FBI OSC). Final authority to make decisions on-scene regarding the causes of the incident such as securing the scene perimeter, identifying and rendering weapons safe, and capturing terrorists rests with the FBI's OSC.

Consequence Management. PDD-39 states that the Federal Emergency Management Agency (FEMA) shall ensure that the Federal Response Plan (FRP) is adequate to respond to the consequences of terrorism. FEMA, with the support of all agencies in the FRP, shall act in support of the FBI in Washington, DC, and on the scene of the crisis, until such time as the Attorney General shall transfer the Lead Agency role to FEMA. FEMA retains responsibility for consequence management throughout the Federal response, and acts in support of the FBI as appropriate, until the Attorney General, in consultation with the FBI Director and the FEMA Director, determines that such support is no longer required. It is FEMA policy to use FRP structures to coordinate all Federal assistance to State and local governments for consequence management. Under the *SC Emergency Operations Plan*, the State of South Carolina and local agencies exercise the preeminent authority to make decisions regarding the consequences of terrorism. The lead State agency is the South Carolina Emergency Management Division. All actions will be coordinated with the FBI OSC. The federal government provides assistance as required and as requested by the State of South Carolina and local government agencies.

The SOSOC will act within a Unified Command structure for consequence management. The SOSOC must have an active liaison with SLED during the crisis management portion of the incident. This will assure that all state resources are being tracked and used to their best capability during an oil or hazardous substance release associated with a terrorist act.

300.505 EPA / State Superfund Memorandum of Agreement (SMOA).

[Reserved]

300.510 State assurance.

[Reserved]

300.515 Requirements for state involvement in remedial and enforcement response.

[Reserved]

300.520 State involvement in EPA-lead enforcement negotiations.

[Reserved]

300.525 State involvement in removal actions.

[Reserved]

Subpart G - Trustees for Natural Resources

300.600 Designation of federal trustees.

[Reserved]

300.605 State trustees.

The State trustees are the Governor's Office, SCDHEC, SC Department of Natural Resources.

300.610 Indian tribes.

[Reserved]

300.612 Foreign trustees.

[Reserved]

300.615 Responsibilities of trustees.

[Reserved]

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Subpart H - Participation by Other Persons

300.700 Activities by other persons.

[Reserved]

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Subpart I - Administrative Record for Selection of Response Action

300.800 Establishment of an administrative record.

[Reserved]

300.805 Location of the administrative record file.

[Reserved]

300.810 Contents of the administrative record file.

[Reserved]

300.815 Administrative record file for a remedial action.

[Reserved]

300.820 Administrative record file for a removal action.

[Reserved]

300.825 Record requirements after the decision is signed.

[Reserved]

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Subpart J - Use of Dispersants, Other Chemicals and In-Situ Burning

300.900 General.

[Reserved]

300.900.1 Dispersant Use In Coastal Waters.

The State has established a procedure that will be instrumental in the decision making process for dispersant approval in South Carolina coastal waters. From the combined efforts of SCDHEC-EQC & OCRM, SCDNR, the State has developed a list of information that will be needed in order to make an event-specific decision on dispersant use that would be in the best interest of the State of South Carolina.

The following is a listing of the information that will be required should a situation arise where dispersants are a viable response tool for a specific spill:

- (a) Location of spill?
- (b) What kind or type of oil was released?
- (c) How much was spilled?
- (d) What is the source of the spill?
- (e) What habitats will be threatened? (i.e., estuaries, marshes, beaches, refuges, open ocean, etc.)
- (f) What is the trajectory of the oil slick? What land areas will likely be affected?
- (g) Depth of water under slick?
- (h) Which dispersant is desired for use?
- (i) At what application rate would the slick be treated and how would it be applied?
- (j) What is the expected effectiveness of the dispersant?
- (k) How long of a window of opportunity do you expect for application of the dispersant?
- (l) If approved for full scale or trial application, what is the schedule of operation?
- (m) Why is the use of dispersant proposed over using conventional physical containment measures such as ocean booms, skimmers, etc.?
- (n) Toxicity data for dispersant to be applied. Any toxicity data available should be provided to the SOSC or faxed to (803) 896-4102.
- (o) Current weather conditions at the spill location and a two (2) day forecast.
- (p) Other miscellaneous information as appropriate.

In order to affect a timely response on dispersant approval, we ask that the above information be supplied along with the initial request for permission to use dispersants. The request to use a dispersant should be directed to DHEC's 24-hour numbers (803) 253-6488 or (888) 481-0125. The SOSC will obtain the necessary input from other State Agencies and notify the FOSC and/or the incident specific RRT, as appropriate, as to the State's decision. We currently estimate that a minimum of three (3) hours consultation time to confer with our colleagues at SCDHEC, SCDNR, OCRM, and other concerned parties will be needed to examine and evaluate all pertinent data relating to the incident before a dispersant use decision could be

made. The State will work within the framework of the Regional Response Team's Dispersant Usage Plan.

300.900.2 Bioremediation.

While the Department typically finds that mechanical removal is most appropriate, and generally does not recommend bioremediation during the emergency response phase of an oil spill, the SOSC will consider any method of cleanup proposed by the RP on a case-by-case basis. During such bioremediation applications, the State will work within the framework of the Regional Response Team's Bioremediation Spill Response Plan.

300.900.3 In-Situ Burning

The State will consider the use of in-situ burning (ocean, coastal, and inland) as a response strategy on oil spills, however the response scenario must undergo the stringent evaluation as put forth in the Regional Response Team In-Situ Burn Plan.

300.905 NCP Product Schedule.

On discharges of oil, response technologies that are dispersants and other chemical or biological products will only be considered for use if they are listed on the NCP Product Schedule. Current copies of the NCP Product Schedule may be obtained through the EPA. For response technologies that are considered for use, to include in-situ burning, the SOSC will seek the concurrence of the FOSC/ Regional Response Team prior to their use.

300.910 Authorization of use.

Unified Command, SOSC, and the RRT must approve the use of response technologies listed in Subpart J.

300.915 Data requirements.

[Reserved]

300.920 Addition of products to Schedule.

South Carolina does not maintain a State level product schedule. However, products used must be on the National Product Schedule.

Subpart K - Federal Facilities
[Reserved]

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Subpart L - REMOVED
NCP / CERCLA

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SUBPART M -Administration

300.900.1 General.

This plan was developed in accordance with §48-43, §48-56, and §48-1 of the South Carolina Code of Law, 1976, as amended.

300.900.2 Custodian.

The custodian of this plan, its Appendixes and any amendments and supplementary publications thereto, is the Manager of the Emergency Response Section, Division of Waste Assessment and Emergency Response, Bureau of Land and Waste Management, Environmental Quality Control Office, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. Telephone (803) 896-4113.

300.900.3 Procedures For Changing the Plan and Appendixes.

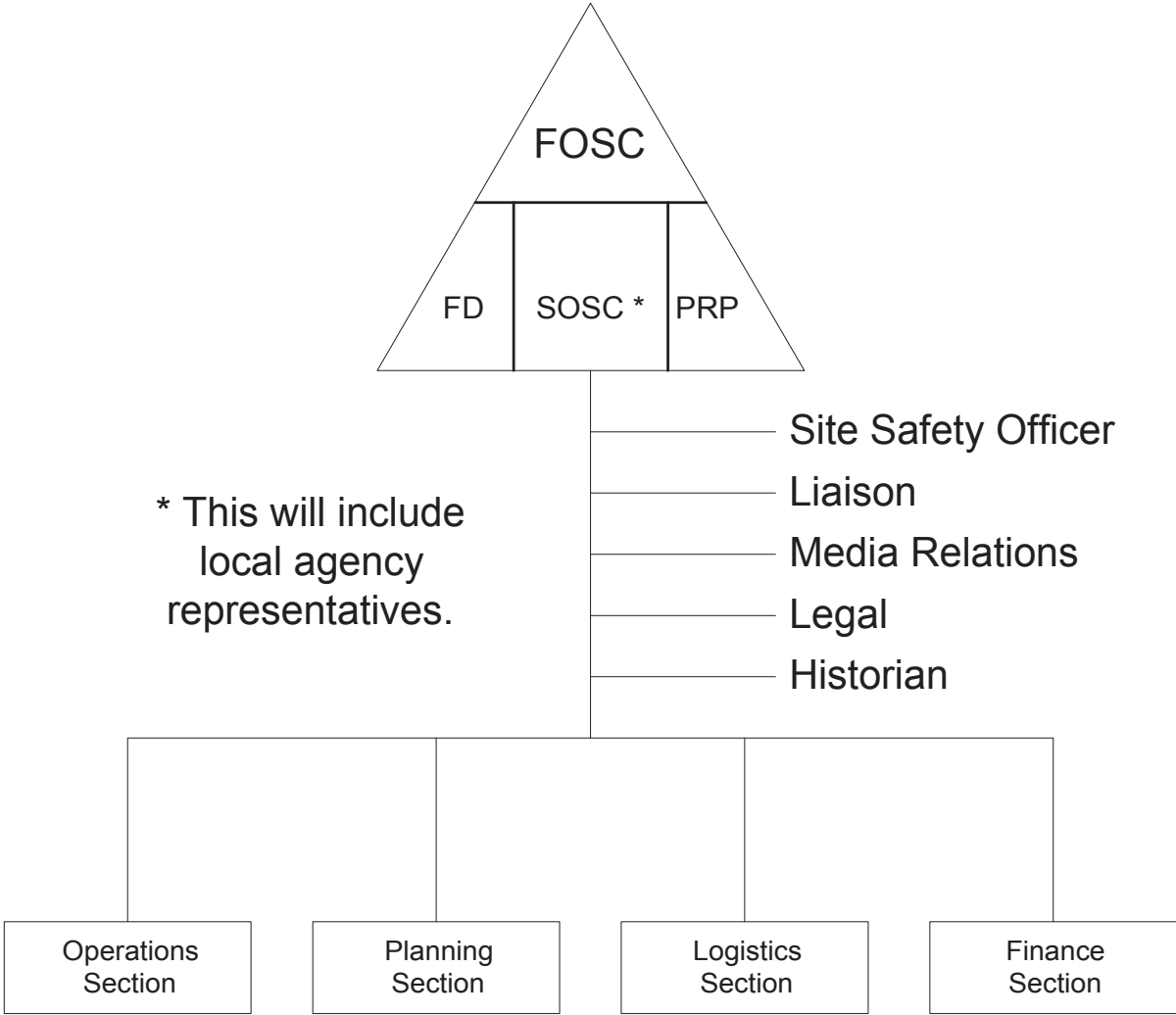
The Manager of the ERS is responsible for developing, implementing, and revising this plan. Recommendations for changes to this plan may be submitted to the address in Section 300.900.2 above.

300.900.4 State Coordination

Each of the agencies that are mentioned herein has received a copy of the Plan and has had an opportunity to comment on its content. Each of the members has decided to what extent that agency will participate in response to spills and releases of oil and other hazardous substances within the State as referenced in the Emergency Support Function (ESF) 10 SOP which is updated annually.

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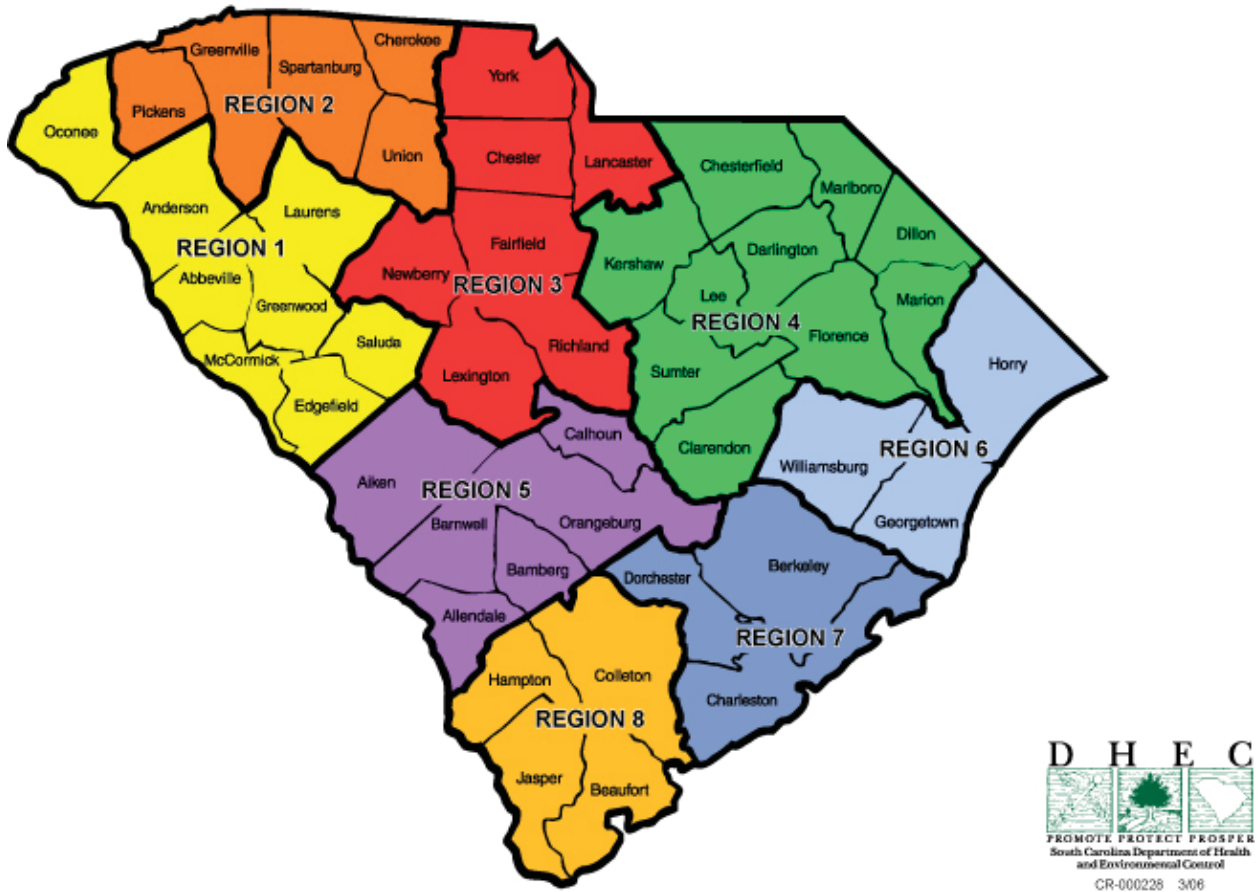
Appendix A - State/DHEC ICS / UC



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Appendix B - DHEC EQC Geographical Boundaries and Addresses

DHEC Regions



Appendix B - Continued
EQC Region Office Address and Location

Region 1 Anderson
(864) 260-5569
2514 Belton Hwy.
Anderson, SC 29621
Counties: Anderson and Oconee.

Region 2 Greenville
(864) 241-1090
301 University Ridge, Suite 5800
Greenville, SC 29601
Counties: Greenville and Pickens.

Region 2 Spartanburg
(864) 596-3800
900 S. Pine Street
Spartanburg, SC 29302
Counties: Cherokee, Spartanburg, and Union.

Region 3 Lancaster
(803) 285-7461
P.O. Box 100, 2475 DHEC Road
Lancaster, SC 29720
Counties: Chester, Lancaster, and York.

Region 3 Columbia
(803) 896-0620
P.O. Box 156, Building #5
State Park, SC 29147
Counties: Fairfield, Lexington, Newberry and Richland.

Region 8 Beaufort
(843) 846-1030, 104 Parker Drive
Burton, SC 29906
Counties: Beaufort, Colleton, Hampton, and Jasper.

Region 5 Aiken
(803) 641-7670
206 Beaufort Street, NE
Aiken, SC 29801
Counties: Aiken, Allendale, Bamberg,

Barnwell, Calhoun and Orangeburg.

Region 4 Florence
(843) 661-4825
145 East Cheves Street
Florence, SC 29506
Counties: Chesterfield, Darlington, Dillon, Florence, Marion, and Marlboro.

Region 7 Charleston
(843) 953-0150
1362 McMillan Ave., Suite 300
North Charleston, SC 29405
Counties: Berkeley, Charleston, and Dorchester.

Region 1 Greenwood
(864) 223-0333
613 South Main Street
Greenwood, SC 29646
Counties: Abbeville, Edgefield, Greenwood, Laurens, McCormick, and Saluda.

Region 6 Myrtle Beach
(843) 238-4378
927 Shine Avenue
Myrtle Beach, SC 29577
Counties: Georgetown, Horry, and Williamsburg.

Region 4 Sumter
(803) 778-6548
P.O. Box 1628,
105 North Magnolia Street
Sumter, SC 29151
Counties: Clarendon, Kershaw, Lee, and Sumter.

Appendix C - Boundary Lines between EPA and Coast Guard

Sector Charleston, South Carolina

U.S. Coast Guard Captain of the Port (COTP), Charleston, South Carolina will be the pre-designated OSC. Charleston USCG Headquarters includes the area from the North Carolina Border to Brunswick, Ga. All notifications for South Carolina should be routed through the Charleston Marine Safety Office.

The delineation and jurisdiction of the Coast Guard are as follows: From the North Carolina-South Carolina state boundary northwesterly along the boundary to U.S. Highway 17; thence southeasterly along U.S. Highway 17 to the Edisto River; thence southwesterly to I-95 (SC exit #33); thence southerly along I-95 to the eastern bank of the Savannah river; thence south to the eastern tip of Oyster Bed Island. Included with this zone are Charleston and Georgetown Harbor areas, including waterfront facilities, specifically:

- Ashley River from the Memorial Bridge (State Hwy 7) seaward;
- Wando River from State Highway 41 Bridge seaward;
- Cooper River from General Dynamics Private Aids 339 and 40 seaward;
- Sampit River/Winyah Bay (near Georgetown) area, from one mile west of U.S. Highway 17 Sampit River Bridge seaward. Also included are all portion of the Intracoastal Waterway (ICW) not within the area defined above.

Coastal areas on the eastern coast of South Carolina from the North Carolina - South Carolina state boundary southward to the southern tip of Bay Point, Edisto Island (near Edisto Beach), South Carolina.

USEPA Region IV

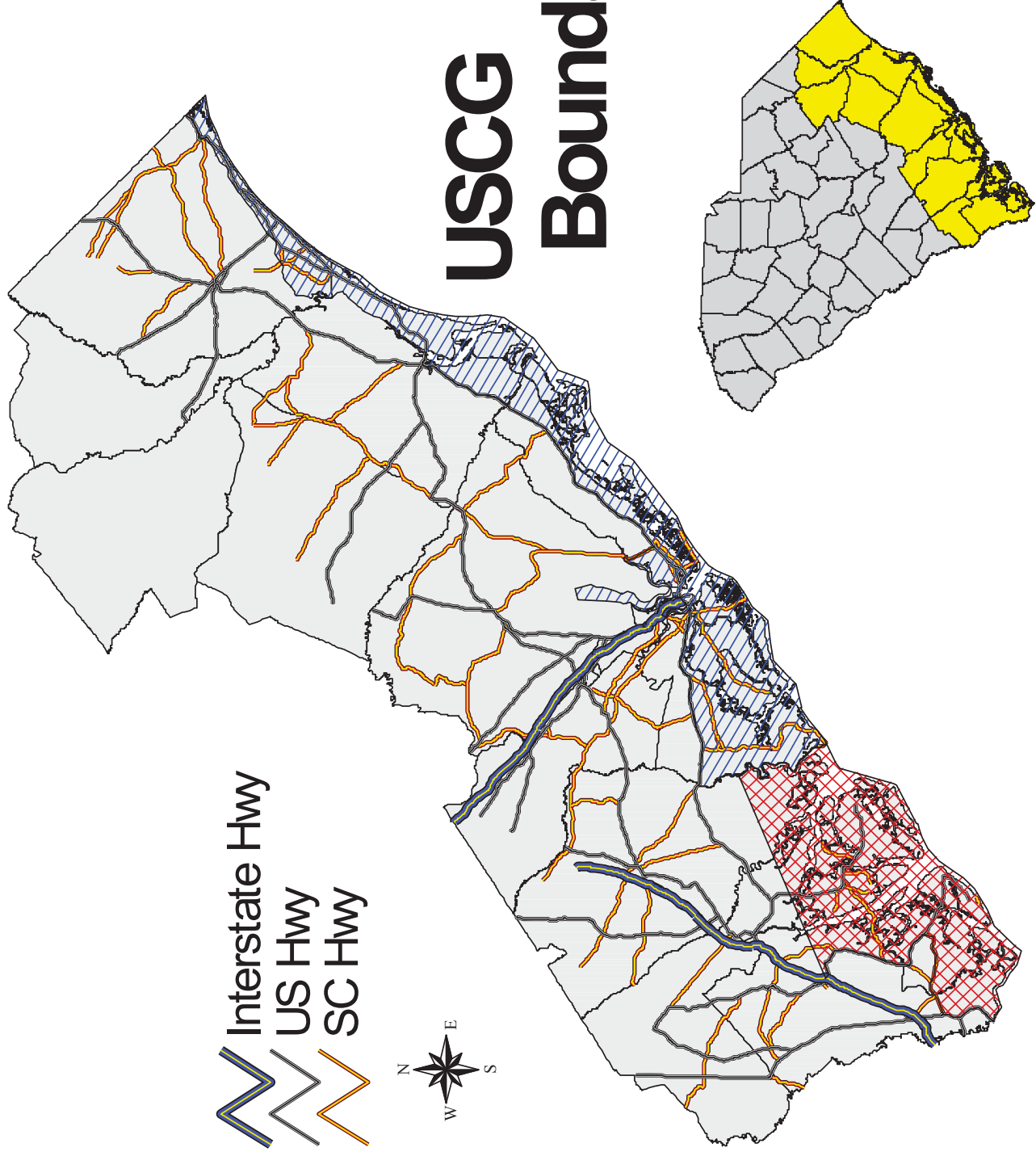
The USEPA has OSC jurisdiction over inland spills in South Carolina west of the line, described above.

A map showing the jurisdictional boundaries for EPA and USCG is on the next page.

Interstate Hwy
US Hwy
SC Hwy



USCG Boundary



Appendix D

MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF SOUTH CAROLINA

This Memorandum of Agreement (MOA) coordinates efforts between the United States Environmental Protection Agency Region 4 (EPA) and the state of South Carolina, Department of Health and Environmental Control (DHEC) in response to oil discharges and releases of hazardous substances under the provisions of the Clean Water Act (CWA) as amended by the Oil Pollution Act of 1990 (OPA 90) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended. The objective of this MOA is to define coordination and first response procedures and guidelines related to the emergency response to oil spills and hazardous substance releases in the inland zone between EPA and DHEC. This agreement does not apply to removal actions unassociated with emergency responses.

PART I GENERAL PROVISIONS

- A. Response to discharges of oil and certain releases of hazardous substances are governed by the CWA, 33 U.S.C. 1251 et seq. as amended by OPA 90 and CERCLA, 42 U.S.C. 9601 to 9675 et seq.
- B. The following planning documents are cited for reference and establish the authorities and procedures under which DHEC and EPA conduct responses to oil and hazardous substances.
 - 1. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, establishes the response organizations within the United States and requires a tiered contingency planning effort.
 - 2. EPA's Regional Contingency Plan (RCP) and Area Contingency Plan(s) (ACP) implement the NCP at the regional level and govern EPA's response to discharges of oil and releases of hazardous substances.
 - 3. The National Pollution Funds Center (NPFC) Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990" defines the procedures for requesting funds, seeking removal costs, submitting pollution reports (and the frequency of their issuance), payment, conducting litigation, entering into cooperative agreements, and submitting claims for reimbursement.
 - 4. The Memorandum of Understanding between the EPA and the United States Coast Guard (USCG) for use of the Oil Spill Liability Trust Fund (OSLTF), dated 28

October 1996, establishes the parameters by which EPA and other eligible entities can access the OSLTF.

5. The State of South Carolina Contingency Plan for Spills and Releases of Oil and Hazardous Substances details the state responsibilities, policies, and response actions to discharges of pollutants and releases of hazardous substances onto the waters and lands of the state of South Carolina.
- C. The NCP specifies that when an EPA On-Scene Coordinator (OSC) is notified of a significant discharge or release to the environment, the OSC shall notify the Governor, or designee, of the state affected by the discharge or release. The emphasis during spill response activities is on coordination and cooperation rather than on a more rigid system of command and control. The OSC, the state/local government representatives are all involved with varying degrees of responsibility. The OSC in every case retains the authority to direct the spill response, and must direct responses to spills that pose a substantial threat to the public health or welfare of the United States as required by the CWA. In many situations, however, the OSC will choose to monitor the actions of the responsible party and/or state/local governments and provide support and advice where appropriate. Throughout the duration of a spill, the OSC shall communicate and coordinate, to the extent practicable, with state and local authorities consistent with the RCP/ACP. Once the OSC determines (in consultation with the governor or his designated contact of the affected state) that the cleanup has been completed in a manner consistent with the NCP, state or local representatives may continue any specific cleanup with their own jurisdictions by using their own authority and funds. Through this MOA, the Parties agree to work together within the framework of the NCP and the RCP/ACP and their respective authorities to ensure a coordinated effort is undertaken in response to discharges of oil and releases of hazardous substances consistent with the NCP.

PART II PARTIES

- A. The parties to this MOA are the EPA Emergency Response and Removal Branch (ERRB) and South Carolina Department of Health and Environmental Control, Environmental Quality Control (EQC). The EPA OSC, as defined by the NCP and as pre-designated by the RCP, is the lead official in directing and monitoring all oil discharges or hazardous substance releases within the inland geographic area of Region 4.
- B. The laws of the state of South Carolina have designated DHEC to act on behalf of the state to oversee responses to discharges of oil and releases of hazardous substances. Employees of DHEC EQC are pre-designated as state on-scene coordinators (SOSC). The Director of the Division of Waste Assessment and Emergency Response is the sole designated state official who may request access to the OSLTF by the state of South Carolina.

- C. The EPA ERRB, and DHEC EQC, enter into this MOA to the extent permitted by law and as consistent with their respected policies and resources to facilitate notification and coordination of response actions to oil discharges and hazardous substances releases under the NCP and the RCP/ACP, and to facilitate with the processing and payment of claims by the NPFC to the state of South Carolina.
- D. Nothing in this MOA shall detract from the existing responsibilities or authority of each party hereto.

PART III PROGRAMMATIC PROVISIONS

A. RESPONSE, PREPAREDNESS AND PLANNING

- 1. Three fundamental kinds of activities are performed pursuant to the NCP:
 - a. Preparedness, coordination, and planning for response to a discharge of oil or a release of a hazardous substance, pollutant, or contaminant;
 - b. Notification and communication; and
 - c. Response operations at the scene of a discharge or release.

The National Response System as outlined in Part 300 of the NCP is the response management structure that brings together the functions of the federal government, the state government, the local authorities, and the responsible party to achieve an effective and efficient response.

- 2. The EPA is the primary federal agency tasked with responding to discharges of oil and releases of hazardous substances in the inland zone as defined in the NCP and described by the EPA and USCG MOU. The specific MOU designating EPA's area of response and the USCG area of response in the state of South Carolina are found in Appendix M of the RCP.
- 3. The EPA OSC is the pre-designated federal official responsible for preliminary assessments, containment, countermeasures, cleanup, disposal and planning for response operations for the inland zone. Under the authority of the CWA/OPA, CERCLA, and the NCP, the OSC may direct or monitor and provide technical support and assistance to all federal, state, local and private actions in response to an oil discharge or hazardous substance release. Limitations of resources and geographical distances make it impracticable for an EPA OSC to respond to the scene of every reported oil discharge or hazardous substance release. The EPA relies on DHEC Emergency Response Section (ERS) to respond and coordinate the response activities to most incidents in the state of South Carolina.

4. The state of South Carolina is a member of the EPA Regional Response Team (RRT) and is involved in planning, preparedness and response under the National Response System as outlined in the CWA/OPA, CERCLA and the NCP. State law designates DHEC as the responsible agency for coordinating oil and hazardous substance response and cleanup efforts in the state of South Carolina. The OSC will consult, as required by the NCP, with the SOSC concerning oil and hazardous substance response activities. Through this MOA, the parties agree to work together within the framework of the NCP and the RCP/ACP and their respective authorities to ensure a coordinated effort is undertaken in response to discharges of oil and releases of hazardous substances.

B. NOTIFICATION AND COORDINATION REQUIREMENTS

1. DHEC ERS will request the responsible party for the release to immediately notify the National Response Center for any release of a designated hazardous substance that meets or exceeds the established reportable quantity under 40 CFR Part 302. If the responsible party for the release is unknown, DHEC ERS will ensure this notification requirement is met.
2. DHEC ERS will request the responsible party for the discharge to immediately notify the National Response Center whenever an oil spill threatens or discharges into inland navigable waters of the United States under 40 CFR Part 110. If the responsible party for the discharge is unknown, DHEC ERS will ensure this notification requirement is met as follows:
 - a. For any discharge or threat of discharge of oil into inland navigable waters that is less than 250 gallons DHEC ERS is not required to report to EPA. However, for those oil discharges less than 250 gallons for which DHEC intends to file a claim for reimbursement from the OSLTF for response costs DHEC must notify the EPA OSC by telephone or submit the DHEC Environmental Quality Control Incident Report to the EPA OSC. The report will be completed and signed by the SOSC, and transmitted by fax to EPA within one working day. Upon receiving the report, the EPA OSC will review and sign the report and fax it back to the SOSC within one working day. This report, when executed by the DHEC ERS and EPA OSC, will be sufficient evidence of state notification and coordination of the removal actions to meet the requirements of 33 CFR, Sections 136.203 and 136.205, and the policies and procedures of the NPFC.
 - b. For any discharge or threat of discharge of oil into inland navigable waters that is greater than 250 gallons, timely telephone notification to the EPA OSC to coordinate response activities followed by transmission of the completed DHEC Environmental Quality Control Incident Report will satisfy the notification and coordination requirement.

3. The EPA Telephone Duty OSC shall notify and/or ensure notification is made immediately to DHEC ERS for every incident report received in the EPA Region 4 Regional Response Center from either the National Response Center or other party. The notification may be made by telephone or in writing in accordance with the DHEC ERS Notification Guidelines.

C. FEDERAL RESPONSE

Upon receipt of notification of any discharge of oil into or threatening navigable waters within the inland zone or release of any hazardous substances to the environment, the EPA Telephone Duty OSC will make an independent decision (consistent with EPA Region 4's "Emergency Response Team Standard Operating Procedures") whether to dispatch an OSC to the scene of the incident. The EPA OSC may or may not respond, depending upon the specific circumstances of the incident; the state, local, and/or the responsible party's capability to mitigate the incident; and whether or not assistance is requested. If an EPA response is determined to be necessary, EPA will inform and coordinate with the SOSOC and provide appropriate details. A response by an EPA OSC does not preclude the state of South Carolina from requesting reimbursement from the NPFC for state incurred expenses.

D. REIMBURSEMENT PROCESS

DHEC personnel regularly respond to oil discharges that impact or threaten to impact navigable waters within the inland zone in accordance with 40 CFR, Sections 300.305 and 300.310. Options for reimbursement include filing a claim with the NPFC at the conclusion of the response or entering into a Pollution Removal Funding Authorization (PRFA) with EPA.

1. Claims

Section 1012(a) of OPA 90 provides that the OSLTF is available for the payment of removal costs to state governments resulting from a discharge or a substantial threat of discharge of oil into navigable waters and the removal actions are conducted in a manner consistent with the NCP and are coordinated with the EPA OSC. The specific procedures for making a claim to the NPFC are documented in the NPFC Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990".

All the following criteria established by both parties of this MOA, for use by designated DHEC representatives to respond to discharges of oil, must be met if the state intends to seek reimbursement from the OSLTF.

- a. The discharge is into navigable waters or poses a substantial threat to navigable waters.

- b. The discharge will harm the environment or threaten to harm the environment by damaging or destroying state or federal resources.
- c. The actual or substantial threat of a discharge involves oil, but does not include CERCLA hazardous substances.
- d. Response actions by state personnel are in coordination with the EPA OSC and are consistent with the NCP.

2. Pollution Removal Funding Authorizations

A PRFA is a financial obligation document that commits the OSLTF to payment, by reimbursement, for uncompensated costs incurred in oil discharge response activities undertaken by another government agency working in coordination with the EPA OSC. The EPA OSC may enter into a PRFA with the state of South Carolina to supplement EPA resources whenever deemed necessary. To establish a PRFA, the EPA OSC and the state of South Carolina must agree upon and document the specific goods and services to be provided and provide a good faith estimate of the total anticipated costs. This agreement may initially be reached verbally, but should be reduced to writing as soon as practicable during a response by execution of a Non-Federal Agency Pollution Removal Funding Authorization form.

Whenever a PRFA is issued to the state of South Carolina, the EPA OSC shall specify in writing to the ERS the required documentation and the associated deadlines for all pollution reports (POLREPs), costs of personnel and equipment, invoices, final reports, etc. Problems, real or anticipated, should be immediately brought to the attention of the OSC.

It is essential that the EPA OSC and the NPFC case officer be kept informed about the financial and work related progress of the removal. POLREPs are a logical and effective way to accomplish this. Every POLREP should show the financial status of the removal, current ceiling, obligations to date, an estimate of all other costs to date, and any other facts and figures that explain the current status or have value for planning subsequent activities. In general, and unless not otherwise specified, the state shall submit weekly POLREPs until final cleanup/stabilization is accomplished. For short-term incidents (less than one week long) only one POLREP is necessary, unless specified by the EPA OSC. When possible, the state of South Carolina shall identify the name and address of the responsible party and report this information to the EPA OSC to support cost recovery efforts.

Upon completion of the removal activities, DHEC shall submit a Cost Documentation Package to the issuing EPA OSC with detailed records of expenditures and activities for which reimbursement is sought. DHEC must submit the final request for reimbursement, supported by the required documentation, within 60 days following the receipt of the final invoice for the response. If at the end of 60 days from the receipt of the invoice, there are any costs for which

reimbursement has not been requested, written notice will be sent to the issuing OSC by DHEC. After 90 days from receipt of the invoice, any balance remaining in the account may be de-obligated by the government. The NPFC Instruction 16451.2 "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990", defines all cooperative agreements, and procedures for claims for reimbursement.

PART IV EVALUATION OF THIS MOA

The parties of this MOA will independently evaluate the effectiveness of this MOA in light of the purpose and scope, particularly with respect to the underlying principles of cooperation and coordination of each other's response operations. Periodically, the parties will present their findings and any proposals to revise this MOA.

PART V MISCELLANEOUS PROVISIONS

- A. This agreement represents a voluntary understanding between EPA and DHEC.
- B. This MOA will be effective when executed by the Regional Administrator of the EPA and the Deputy Commissioner for EQC of DHEC, or their designated officials. This MOA will remain in effect until rescinded by either party in writing.
- C. The terms of this MOA may be changed at any time when both parties agree to do so in a written, executed amendment hereto with or without notice to any other person. This MOA may be terminated by either party at any time by providing written, signed notice to the other party thirty days prior to the termination date. Any action to amend, modify or terminate this MOA may only be taken by the Regional Administrator of the EPA or the Deputy Commissioner for EQC of DHEC, or by persons to whom this authority is subsequently delegated.
- D. This MOA does not create, alter, modify, abridge or in any way affect any rights, duties, obligations or liabilities of any person under the laws of the United States or the state of South Carolina. No legal action or claim based on this MOA may be brought against the United States, EPA or the state of South Carolina by any person.
- E. In the event that individual and severable portions of this MOA are found to be in conflict with either State or Federal law, regulations or policies and therefore of no effect, the MOA will remain in effect without those provisions unless either party notifies the other in writing that the entire agreement is terminated.

Executed this 14th day of December, 2000

(Signature on file)

Regional Administrator, EPA Region 4

(Signature on file)

Bob King
Deputy Commissioner for EQC, Department of Health and
Environmental Control

Appendix E

MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES COAST GUARD AND THE STATE OF SOUTH CAROLINA

WHEREAS, Congress enacted the Oil Pollution Act of 1990 (OPA 90) to protect the waters of the United States from oil pollution and hazardous substances and to plan for an effective and immediate response in the event of an oil spill or hazardous substance release, and the President subsequently designated the Coast Guard as the Federal On Scene Coordinator (OSC) within the South Carolina coastal zone; and

WHEREAS, Congress has decided in a number of enactments, including OPA 90, not to preempt the various States from regulating certain matters associated with the protection of waters within their jurisdiction from oil and hazardous substance pollution, which matters are also subject to regulation by the Coast Guard under OPA 90 and other statutes. The State of South Carolina has enacted legislation to protect the waters of the State from oil and hazardous substance pollution and to plan for the effective and immediate response, removal, abatement, and cleanup in the event of an oil spill or hazardous substance release and to augment State authority for the prevention and response to spills in waters under the jurisdiction of the State and provides that the South Carolina Department of Health and Environmental Control (DHEC) is the lead agency in responding to all discharges of pollutants in State waters; and

WHEREAS, Congress explicitly provided that the provisions of OPA 90 do not: (1) preempt or affect the authority of any State to impose additional liability or requirements respecting oil discharges or other oil pollution within such a State or removal activities in connection with such a discharge; (2) affect the authority of any State to establish or continue a fund any purpose of which is to pay for oil pollution or the substantial threat of oil pollution costs or damages, or to require any person to contribute to such a fund; or (3) affect the authority of any State to impose any fine or penalty for violation of law relating to a discharge; and

WHEREAS, South Carolina Code of Laws Title 44, Chapter 56 (South Carolina Hazardous Waste Management Act) empowers DHEC to implement and enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and subsequent amendments. The Hazardous Waste Management Act also directs DHEC to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions at permitted hazardous waste landfills, at accidents involving the transportation of hazardous materials, and at uncontrolled hazardous waste sites. Furthermore, the Act empowers DHEC to recover on behalf of the State all response costs expended from the Hazardous Waste Contingency Fund.

WHEREAS, South Carolina Code of Laws Title 48, Chapter 1 (South Carolina Pollution Control Act) gives DHEC the authority to abate, control and prevent pollution; and

WHEREAS, South Carolina Code of Laws Title 48, Chapter 43 (South Carolina Oil and Gas

Act) authorizes DHEC to prevent pollution of the water, air and land by oil or gas and States that DHEC “shall from time to time adopt, amend, repeal, and enforce reasonable regulations relating to the cleanup and removal of discharges of pollutants into the waters or onto the coasts of this State;” and

WHEREAS, the State of South Carolina Contingency Plan for Spills and Releases of Oil and Hazardous Materials is intended to be the mechanism by which the State implements the South Carolina Hazardous Waste Management Act, the South Carolina Pollution Control Act, and the South Carolina Oil and Gas Act in order to direct prevention, removal, abatement, response containment, and cleanup efforts with regard to all aspects of any oil spill or hazardous substance release in marine waters of the State, in accordance with any applicable marine facility or vessel contingency plan; and

WHEREAS, the Commander, Seventh Coast Guard District is the senior Coast Guard Officer within the State of South Carolina exercising Federal authority under OPA 90 and other Federal laws with respect to oil and hazardous substance pollution planning and response in waters subject to the jurisdiction of the United States in and outside the State of South Carolina and matters dealing with areas of vessel manning and safety equipage; and

WHEREAS, marine oil spills and hazardous substance releases require a rapid, efficient, and coordinated response and cleanup by Federal, State, and local agencies as well as from private entities to minimize the deleterious effects on human, wildlife, and other natural resources; and

WHEREAS, both the Coast Guard and the State recognize the critical roles each has within their respective areas of authority in preventing oil spills and hazardous substance releases and in planning for and responding to oil spills and hazardous substance releases; and

WHEREAS, the Parties recognize the cooperation between them in the implementation and exercise of their respective statutory and regulatory authority is essential to avoid conflict and unnecessary duplication; and

WHEREAS, the Parties believe and intend that by acting in a cooperative and coordinated manner, the effect will be an enhanced oil spill and hazardous substance release prevention and response effort in the State of South Carolina.

NOW THEREFORE, the Parties agree, to the extent permitted by law, and as consistent with their respective policies and available resources, to cooperate and to coordinate their efforts in implementing and exercising their respective statutory and regulatory duties related to oil spill and hazardous substance prevention and response.

I PURPOSE AND SCOPE OF THE AGREEMENT

A. This Memorandum of Agreement (MOA) coordinates the relationship between the State of South Carolina and the United States Coast Guard to provide the foundation for cooperation in the full range of marine pollution-related activities. Procedures and guidelines in this MOA that

relate to oil spill or hazardous substance responses refer only to first response emergency actions. This agreement does not apply to removal actions unassociated with emergency responses. The objective of this cooperative agreement is to ensure a sound State, regional, national and international marine environmental protection strategy by:

1. Minimizing duplication of requirements,
2. Making the most efficient use of State and Coast Guard resources, and
3. Eliminating barriers to marine transportation due to differing Federal and State regimes.

II

GENERAL PROVISIONS (JURISDICTION)

A. Under the provisions of Titles 14, 18, 19, 33, 40, 46, 49 and 50 United States Code (United States C.) the United States Coast Guard has authority to regulate vessels and shore facilities to ensure safety of life and property at sea, and protect the marine environment. The Coast Guard's regulatory and enforcement authority extends throughout the navigable waters of the United States, the high seas, and other waters over which the United States has jurisdiction. The State of South Carolina has similar statutory authority for the protection of the marine environment on waters within the State under South Carolina Code of Laws, Title 44, Chapter 56, and Title 48, Chapters 1 and 43.

B. The body of Federal marine pollution law and regulation, particularly as enhanced by the Oil Pollution Act of 1990 (OPA 90) and new regulations issued under its authority, and other laws and regulations, provide for a coordinated marine environmental protection effort across all pollution sources, including all transportation modes.

C. The body of State law providing for marine environmental protection effort across all pollution sources, including all transportation modes, is provided within South Carolina Code of Laws, Title 44, Chapter 56, and Title 48, Chapters 1 and 43.

D. Each party recognizes that the Coast Guard and the State have various overlapping authorities, and are committed to working together to complement rather than duplicate programs and resources.

III

PARTIES

A. The Parties to this MOA are the Seventh Coast Guard District (the "Coast Guard") and the DHEC, State of South Carolina (the "State"). The Commander, Seventh Coast Guard District has been delegated by the Commandant, United States Coast Guard final authority for performance within the coastal waters of South Carolina, which in general terms is maritime law enforcement, saving and protecting life and property, and safeguarding navigation and the environment.

B. South Carolina Code of Laws Title 48, Chapter 1 (South Carolina Pollution Control Act), Section 50 gives DHEC the power to cooperate with governments of the United States to formulate pollution control agreements.

C. The Commissioner of South Carolina's DHEC is one of the State's designated trustees for all the State's natural resources including its wildlife. DHEC is responsible for creating and maintaining a contingency plan and designating a State On-Scene Coordinator (SOSC). The SOSC is the manager of the Emergency Response Section of DHEC and can designate a representative to coordinate DHEC response activities on behalf of the SOSC. The Director of DHEC, Division of Waste Assessment and Emergency Response is the designated State official who can request State access to the Oil Spill Liability Trust Fund.

D. The Commander, Seventh Coast Guard District and the State enter into this MOA to the extent permitted by law and as consistent with their respective policies and available resources, to coordinate their respective statutory and regulatory duties related to protection of the marine environment.

E. Nothing in this MOA shall detract from the existing responsibilities or authority of each party.

IV DEFINITIONS

Except where otherwise specifically defined in the context of its use herein or where specifically set forth below, terms used in this MOA shall have the meaning as set forth in Federal and applicable State laws.

A. Specific definitions:

1. State Waters. Those waters of the United States which lie within the jurisdiction of the State of South Carolina and over which the Coast Guard has concurrent Federal authority for responding to oil spills and releases of hazardous substances.

2. On-Scene Coordinator (OSC). In accordance with 40 CFR 300.5, the OSC is the pre-designated Federal official responsible for ensuring immediate and effective response to a discharge or release. The U.S. Coast Guard designates OSCs for the United States coastal zone, while the United States Environmental Protection Agency (USEPA) designates OSCs for the United States inland zones. The jurisdictional boundary between these zones is specified in the Memorandum of Understanding between the USEPA and the U.S. Coast Guard, and is specifically delineated in Appendix M of the Region IV Regional Contingency Plan.

3. Coastal Zone: The coastal zone of South Carolina is delineated in the Memorandum of Understanding between the U.S. Environmental Protection Agency - Region 4 and U.S. Coast Guard - Fifth, Seventh, and Eighth Districts, dated November 3, 1999. U.S. Coast Guard Captain of the Port (COTP), Charleston, South Carolina will be the pre-designated OSC in the coastal areas on the eastern coast of South Carolina from the North Carolina – South Carolina

State boundary southward to the southern tip of Bay Point, Edisto Island, South Carolina. U.S. Coast Guard Captain of the Port (COTP), Savannah, Georgia will be the pre-designated OSC in the coastal areas from the southern tip of Bay Point, Edisto Island, South Carolina, south to South Carolina - Georgia border.

V PROGRAMMATIC PROVISIONS

NOTE: THIS IS NOT INTENDED TO BE AN ALL-INCLUSIVE LIST OF POTENTIAL AREAS OF MUTUAL INTEREST.

A. Oil and Hazardous Substance Response Preparedness. The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) establishes the response organization within the United States and requires tiered contingency planning efforts. The State, consistent with the NCP, defines its response organization through the State of South Carolina Contingency Plan for Spills and Releases of Oil and Hazardous Substances pursuant to South Carolina Statutes.

1. Planning Documents

a. National Oil and Hazardous Substances Pollution Contingency Plan (NCP): The Environmental Protection Agency (EPA) is the lead agency in drafting and the Coast Guard and EPA are jointly responsible for implementing the NCP which governs actions concerning spill and release response and cleanup for Federal, State, local agencies, responsible Parties, cleanup contractors and others participating in such actions in United States waters. The State will work with the Coast Guard to ensure State plans and policies for marine environmental protection are consistent with the NCP.

b. DHEC is responsible for developing and maintaining the Statewide Contingency Plan that details State responsibilities, policies, and actions governing response to spills and releases in waters of the State. DHEC has specific statutory authority and responsibility concerning marine oil spills and hazardous substance releases. The Coast Guard and the State will consult to ensure State plans and policies for marine environmental protection are consistent with the NCP.

c. Regional Contingency Plan: The Regional Contingency Plan (RCP) is prepared to comply with the NCP and to implement the NCP at the Regional level. The plan provides the structure and mechanisms for responding to a pollution incident, or threat of a pollution incident, in a timely, coordinated and effective fashion. Procedures for coordinating with the U.S. COAST GUARD Area Contingency Plans and other Federal, State, and local community emergency plans are presented in the RCP.

d. Area Contingency Plan: The Area Committees, established by the President under the authority of the Oil Pollution Act of 1990, are responsible for the development of Area Contingency Plans (ACP) for those Areas under the direction of the Federal On Scene Coordinator (OSC). The ACPs describe the responsibilities of owners, operators and Federal, State and local agencies in responding to oil spills and hazardous releases or threats of spills and

releases, list equipment and personnel available to respond, describe procedures for the use of dispersants and describe how the ACP integrates with other plans. The objective is to create consistency between the local, State, and national contingency plans. The Parties agree to consult with each other to enhance contingency planning and to ensure that the ACPs and State plan are uniform, subject to the requirements of existing law.

e. Facility Oil Spill Response Plans: Both Federal and State law require Facility Oil Spill Response Plans at terminal facilities. These plans describe facility capabilities to prevent and respond to pollution emergencies. The State and the Coast Guard will coordinate with the United States Department of Transportation, Minerals Management Service, and the Environmental Protection Agency in assessing facility contingency plans. Subject to the requirements of applicable law, regulations and policy, the Parties will develop a system to coordinate, to the extent practicable, the Parties' cooperative review and approval of facility contingency plans. The Parties agree to endeavor to conduct reviews of facility contingency plans in as much of a coordinated and non-duplicative manner as is permitted by applicable laws, regulations and procedures. The Coast Guard and the State will cooperate to ensure those requirements for facility response plans are compatible and do not conflict. Plans submitted to the State by terminal facilities are reviewed during the certification process.

f. Vessel Oil Spill Response Plans: Both Federal and State law require vessel oil spill response plans. These plans describe vessel capabilities to prevent and respond to pollution emergencies. Although the Parties recognize the need to independently review vessel plans for compliance with their respective laws and regulations, the Parties agree to endeavor to conduct reviews of vessel contingency plans in as much of a coordinated and non-duplicative manner as is permitted by applicable laws, regulations and procedures. The State shall accept to the maximum extent practicable the Federal vessel response plan requirements.

2. Government Committees. The NCP directs the organization of government committees to prevent and respond to pollution emergencies.

a. Regional Response Team. The Region IV Regional Response Team (RRT) is established as a coordinating committee by the NCP and includes the State along with the Federal agencies with pollution prevention and pollution response responsibilities. The Parties agree to jointly participate as members of the RRT. RRT participation includes both attending regularly scheduled meetings and responding during incident specific RRT mobilization.

b. Area Committees. Area Committees were established by OPA 90 to maximize State and local participation in contingency planning. The Parties agree to coordinate local response planning by jointly participating in the Area Committee planning process. Both Parties are strongly committed to participating in ACP development and the use of the Area Committees in conducting exercises and drills, consistent with the provisions of the NCP and applicable State contingency plans.

3. Drills and Exercises. Drills and exercises are required to ensure the readiness and interoperability of pollution response organizations. It is the intention of the Parties to encourage coordination, participation, and cross-training in periodic drills and exercises to

facilitate a better understanding of each Party's duties and responsibilities as well as to ensure a combined, effective, familiar working relationship at oil and hazardous substance spill incidents. The Parties agree to interact in the planning, scheduling, design, conduct and evaluation of exercises as time and resources permit. In this context, the Parties recognize the role that the National Strike Force Coordination Center, as the focal point for exercise strategy for all elements of the National Response System, will schedule, design, execute, evaluate and provide feedback on all National Response System exercises in conjunction with the appropriate RRT and Area Committees. The Parties agree to make available, as time and resources permit, any published annual reports as required by OPA 90 and State statutes concerning evaluations of drills and recommended changes to the National and Area Contingency Plans.

4. Certification of Oil Spill Response Organizations. Various Coast Guard commands evaluate, categorize, and certify oil spill response organizations. Within the limitations of their respective authority, and in the event the State passes regulations concerning the certification of oil spill response organizations, parties will cooperate to the maximum extent practicable in the evaluation, categorization, and certification of oil spill response organizations and the development of joint certification guidelines. The Parties will develop joint certification guidelines and conduct independent or joint reviews as necessary or desirable. The State shall accept to the maximum extent practicable the Federal compliance documents for Federal certification and shall prepare supplementary forms for compliance with State regulations.

B. Prevention.

1. Cooperative Implementation. The Parties are coordinating their efforts to prevent oil spills and hazardous substance releases in the marine environment. To the extent permitted under applicable laws, the Parties agree to cooperate in the execution of their respective regulatory responsibilities, to minimize duplication of effort, and seek to identify opportunities for innovative implementation of pollution prevention initiatives. Both Parties recognize the importance of encouraging cross training in each other's regulations and rules including the areas of inspection and response. Additionally, both Parties agree to regularly invite each other to participate in inspections and exercises. Each Party must exercise its own rulemaking implementation responsibilities independently and in accordance with applicable rulemaking procedures.

2. Vessel Inspection and Pollution Prevention. Each Party recognizes that the other must independently exercise its respective examination responsibilities in accordance with applicable law, regulations and policies. The Coast Guard conducts inspection programs for the purpose of enforcing both international agreements and domestic law aboard United States and foreign flagged vessels. The Parties should cooperate to establish consistent pollution prevention requirements, and to cooperatively monitor, examine and exchange information relative to those requirements, for vessels to operate in State waters. Both Parties agree to share all applicable information obtained from their respective vessel inspections and examination.

3. Vessel Screening. When the State determines that a particular vessel or vessels pose a

substantial threat of a discharge of oil or release of a hazardous substance, or pose an unreasonable risk of damage to the navigable waters or resources therein, that determination will be forwarded to the cognizant COTP. The COTP shall consider that information in making a determination under Federal law, including but not limited to 33 United States Code 1321(c) and 33 CFR 160, as to the appropriate action to be taken, if any.

4. Vessel Equipment. The Coast Guard conducts inspections and examinations to ensure compliance with requirements for equipment to ensure safety of life at sea aboard vessels. In the event that the State does perform inspections, the Parties should cooperatively examine pollution prevention and pollution response equipment aboard vessels and report noncompliance to the other party.

5. MARPOL 73/78. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. MARPOL is an international agreement implemented to reduce pollution from vessels. The Parties will cooperate in the enforcement of existing MARPOL requirements. The Coast Guard will keep the State informed concerning MARPOL regulations and both Parties will attempt to work together to limit the improper disposal of waste.

6. Facility Inspections. Facility inspections are conducted by both Parties to ensure compliance with pollution prevention and pollution response regulations. The State has statutory responsibility for oil transfer facilities and their operation within the State. Included in this responsibility is the requirement to establish regulation and inspection programs governing oil transfer facilities. This includes regulation and inspection of oil transfer operation between marine facilities and tank vessels. The Parties will coordinate their respective inspection and monitoring activities to the extent practicable to utilize the resources of both Parties efficiently and effectively. Cognizant inspectors from both Parties may carry out inspections and other activities jointly where appropriate. The Parties will cooperatively enforce requirements for pollution prevention and pollution response equipment at marine facilities. The Parties will cooperatively enforce requirements for trained and qualified personnel to be responsible for transfer operations at marine facilities. The Parties will work together to ensure that vessels properly dispose of wastes. The State will promptly inform the COTP and the U.S. Coast Guard will promptly inform the State of any situation or circumstance relative to facilities whose operation or equipment may significantly increase the potential for an unauthorized discharge or create an unusual or an unacceptable risk to public health and safety, or the safety of navigation within State waters.

7. Public Information/Education. The Parties agree that public education in areas of pollution prevention, which includes oil, hazardous substances, and garbage, is a high priority and each agency shall seek opportunities to coordinate pollution prevention public awareness and education programs.

C. Response. Federal law establishes the Coast Guard as the primary Federal agency tasked with responding to oil spills and hazardous substance releases on waters of the United States. In such cases, the Coast Guard OSC is the pre-designated official responsible for cleanup

operations. The OSC may direct or monitor all Federal, State, and private actions in response to an oil spill or a potential oil spill in State waters. The Parties will respond to marine oil spills and hazardous substance releases as required by and in accordance with the NCP. The OSC will consult, as required by OPA 90 and other applicable Federal law, with DHEC concerning oil and hazardous substance response activities. State law provides that DHEC is responsible for coordinating cleanup efforts of oil spills and hazardous substance releases within South Carolina waters. The Parties agree to work together within the framework of their respective authorities to ensure a coordinated effort with a minimum of duplication is undertaken in response to oil spills and hazardous substance releases.

1. Incident Command System (ICS). The Unified Command Structure (UCS) within the ICS will be used during pollution response operations. The UCS establishes lines of communication, information sharing and control for the conduct of an oil and hazardous substance response operation by the adoption of the Area Plan. This system ensures notification procedures are in place, which inform cognizant agencies of the State when actual or potential spills that may affect State waters are reported. The Parties agree to provide the earliest possible notification of discharges of oil and hazardous substances and imminent threats of such discharges to each other in accordance with applicable law, regulations and policies and consistent with the NCP. In order to provide an initial point of contact for the OSC in the event of an actual or potential discharge of oil or hazardous substances that may affect the coastal zone, DHEC represents all State agencies and will be the primary point of contact. The Parties agree to implement a UCS to ensure coordination of emergency response decision making during a pollution incident. In those circumstances where governmental action is required to develop and direct action to clean up or abate the effects of an oil spill or hazardous substance release, the Parties agree to consider best utilization of existing resources, avoiding duplication while taking advantage of resource availability. If the State assumes responsibility for response activity, the State will conduct those activities with concurrence from the OSC, in accordance with the NCP and ACP. The OSC will coordinate with the State in decision making relating to the conduct of the oil spill response operations including, but not limited to: salvage, lightering, safe haven, and other matters affecting the release of oil or hazardous substances, its containment or its cleanup. The Parties agree to establish a joint public information center to provide for the coordinated dissemination of information during a response operation. This provision does not preclude the Parties from making independent responses to the media and the public.

2. Approval Authorization. Officials from DHEC responding to a pollution incident are often the first officials at the scene in a position to observe the facts relevant to the initiation of a Federally funded response. When, prior to the arrival of Federal officials at the scene, such action appears appropriate, the designated State representative should make a specific request for a federally funded response to the Coast Guard OSC. If the OSC determines, based on information provided by the State representative, that a Federally funded response is appropriate, then the Coast Guard may contract for spill response in the normal manner. In such instances, appropriate South Carolina personnel will remain on-scene, investigate the source, and document the services being provided by the Federal contractor until relieved by Coast Guard personnel or expressly released by the OSC at the conclusion of the response.

Upon arrival, responding Coast Guard personnel will assume on-scene responsibility for the response activities and cleanup costs incurred pursuant to the Federal contract. South Carolina will provide appropriate documentation of the source and the response to the Coast Guard OSC in a timely manner. The following guidelines have been established for use by designated State representatives to request approval for Federally funded response.

- a. The spill is in the waters of the United States, poses a threat to the waters of the United States, poses a threat to the public's health or welfare, or generates critical public concern.
- b. The spill will harm the environment by damaging or destroying the State's natural resources including wildlife and their habitat.
- c. The spill is cleanable.
- d. Actions are in accordance with the NCP.

3. Notification and Coordination Requirements. DHEC Emergency Response Section (ERS) will request the responsible party for a hazardous substance release to immediately notify the National Response Center for any release of a hazardous substance that meets or exceeds the established reportable quantity under 40 CFR Part 302. If the responsible party for the release is unknown, DHEC ERS will ensure this notification requirement is met. DHEC ERS will request the responsible party for a discharge of oil to immediately notify the National Response Center whenever an oil spill threatens or discharges into inland navigable waters of the United States under 40 CFR Part 110. If the responsible party for the discharge is unknown, DHEC ERS will ensure this notification requirement is met. The Coast Guard OSC shall notify and/or ensure notification is made immediately to DHEC ERS for every incident report received from either the National Response Center or other party. The notification may be made by telephone or in writing in accordance with the DHEC ERS Notification Guidelines.

4. Natural Resource Protection. Both Parties recognize the importance of protecting and preserving natural resources in responding to an oil spill or hazardous substance release. Both Parties agree that response strategies and procedures will be established in consultation with the Unified Command, in accordance with applicable laws, regulations and policies, and procedures.

5. Response Monitoring and Technology. Both Parties agree that the stringency and methods used to clean up oil, oily debris, and hazardous substances shall be established in consultation with the Unified Command. The UC will decide what level of action is required by the responsible party, and may decide to direct the clean up operations by the responsible party or to assume responsibility for the cleanup operation. Both Parties agree, in consultation with the Unified Command, to provide timely input and recommendations to the OSC, to the extent practicable, on dispersant usage, in-situ burning, bioremediation, and other non-mechanical cleanup technologies. Both Parties agree that decisions to discontinue cleanup operations and demobilize response activities shall be in consultation with the Unified Command. In accordance with 40 CFR 300, the removal shall be considered complete when so determined by the OSC in consultation with the Governor of South Carolina. When the OSC

considers removal complete, OSLTF removal funding shall end. This determination shall not preclude additional removal actions under applicable State law.

6. Abandoned Unknown Containerized Substances. DHEC will routinely handle containers or drums that are not leaking and have washed ashore within the State's coastal jurisdiction. Upon notification of the incident, DHEC will assume responsibility for verification and initiate prompt removal, with the State's contractor as a potential resource. DHEC will attempt to coordinate with municipal or county officials to handle deteriorated containers or drums that no longer pose a pollution threat. The Coast Guard or their authorized representative will promptly remove containers or drums either floating in navigable waters or leaking and washed ashore. Both the Coast Guard and the State of South Carolina agree that they will provide timely notifications to one another of any containerized incidents. The State and the Coast Guard may negotiate, on a case-by-case basis, removal and disposal actions necessitated by unusual incidents.

VI POLLUTION INVESTIGATIONS

A. Subject to the requirements and limitations of applicable State and Federal law, the Parties agree to coordinate, to the extent practicable, pollution investigations including the sharing of reports, sample results, incident documentation, and other available information that may assist in the pollution investigation.

B. Each party will endeavor, to the extent practicable, to ensure that reports documenting "elements of the violation" are sufficient to pursue both a Federal and State action. This documentation should be made available upon request to the extent permitted by law.

VII INFORMATION MANAGEMENT

A. The exchange of information between the Federal government and the State relative to pollution events and current risks is necessary to develop appropriate preparedness, prevention and response systems. In accordance with existing guidelines, the Coast Guard and the State will share information from the databases they maintain in order to make accurate and timely decisions to prevent, prepare for, and respond to marine pollution incidents.

B. The Coast Guard and the State will furnish each other with policy, studies, research and development projects, rulemakings, and reports on marine pollution that may be of interest to the other party.

C. The Coast Guard District office will coordinate requests for data, status of investigations, studies, and civil penalty actions. The South Carolina Department of Health and Environmental Control shall perform a similar function for the State.

D. The Coast Guard and the State will furnish each other with the texts of bills or laws, rules or

regulations of mutual interest having to do with prevention of or response to pollution of the marine environment or any related matters that are the subject of this agreement, along with any published administrative interpretations thereof. Careful consideration will be given to all recommendations and comments by the State on regulatory proposals made by the United States Coast Guard as an Agency, under the requirements of the Administrative Procedure Act. The State will carefully consider all recommendations and comments by the Coast Guard on State proposed regulations.

E. In order to promote the efficiency and effectiveness of investigations where there is concurrent jurisdiction, the Coast Guard and the State agree to share information on such investigations in a timely manner. Under exemptions provided by law and in accordance with policies and procedures established by the Department of Justice and the Coast Guard, the Coast Guard agrees it will seek to withhold information provided by the State from release under the Freedom of Information Act if the State has determined that such information is specifically exempted from disclosure by State statute. If the Coast Guard releases information to State investigative agencies which it has determined to be exempt from public disclosure under 5 United States C. Section 552(b), the State will not disclose such information to persons or agencies not involved in the investigation to the extent provided by the exemptions within South Carolina statutes. If the State determines that the information must be disclosed pursuant to South Carolina law, the State shall notify the Coast Guard of its duty to disclose as soon as it becomes apparent to the State. The State agrees to notify the Coast Guard of any request for documents or information that involve joint or shared investigations of marine incidents. In sum, information should be released in accordance with existing Federal and State laws. The Coast Guard will not release State information, and the State will not release Coast Guard information, without prior consultation.

VIII

OSLTF FUNDING

This section provides National Pollution Funds Center (NPFC) funding information pursuant to Section 1012(d)(1) of the Oil Pollution Act of 1990 (OPA 90) (P.L. 101-380) and Section 104(a) of the Comprehensive Environmental Response, Compensation, And Liability Act of 1980 (CERCLA). This section addressing federal funding issues is available for use only as a reference for accessing the Oil Spill Liability Trust Fund (OSLTF) or the CERCLA Trust Fund and does not constitute a binding agreement. To the extent allowed, a State may access pollution funding under currently published regulations and NPFC procedures.

The U.S. Coast Guard's National Pollution Fund Center (NPFC) manages the Oil Spill Liability Trust Fund (the Fund). The State may receive payments from the Fund in its role as a response organization engaged in removal activities consistent with the National Contingency Plan (NCP), as an appropriate claimant for damages, and in its role as a natural resource trustee. DHEC personnel regularly respond to oil discharges that impact or threaten to impact navigable waters within the State in accordance with 40 CFR, Sections 300.305 and 300.310. Options for reimbursement include direct access, filing a claim with the NPFC at the conclusion of the response or entering into a Pollution Removal Funding Authorization (PRFA) with the Coast Guard.

1. Direct State Access. Section 1012(d)(1). Regulations under Section 1012(d)(1) of OPA 90 allow the NPFC, upon the request of the Governor of a State and as authorized by the OSC, to obligate the OSLTF for payment in an amount not to exceed \$250,000 for removal costs, consistent with the NCP, required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil. The NPFC's Technical Operating Procedures (TOPs) for State access under Section 1012(d)(1) of OPA 90, and the TOPS for Resource Documentation under OPA 90 are approved guidelines for State use to access the OSLTF under this section.

2. Claims: Section 1012(a) of OPA 90 provides that the OSLTF is available for the payment of removal costs to State governments resulting from a discharge or a substantial threat of discharge of oil into navigable waters and the removal actions are conducted in a manner consistent with the NCP and are coordinated with the Coast Guard OSC. The specific procedures for making a claim to the NPFC are documented in the NPFC Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990."

All the following criteria established by both parties of this MOA, for use by designated DHEC representatives to respond to discharges of oil must be met if the State intends to seek reimbursement from the OSLTF.

a. The discharge is into navigable waters or poses a substantial threat to navigable waters, as defined by the Federal Water Pollution Control Act (FWPCA). This legislation prohibits discharges of oil or hazardous substances, in such quantities as may be harmful, (1) into or upon the navigable waters of the U.S., adjoining shorelines, or into or upon the waters of the contiguous zone or (2) which may affect natural resources in the U.S. Exclusive Economic Zone (EEZ).

b. The discharge will harm the environment or threaten to harm the environment by damaging or destroying State or federal resources.

c. The actual or substantial threat of a discharge involves oil, but does not include CERCLA hazardous substances.

d. Response actions by State personnel are in coordination with the Coast Guard OSC and are consistent with the NCP.

3. Pollution Removal Funding Authorizations (PRFA): A PRFA is a financial obligation document that commits the OSLTF to payment, by reimbursement, for uncompensated costs incurred in oil discharge response activities undertaken by another government agency working in coordination with the Coast Guard OSC. The Coast Guard OSC may enter into a PRFA with the State of South Carolina to supplement Coast Guard resources whenever deemed necessary. To establish a PRFA, the Coast Guard OSC and the State of South Carolina must agree upon and document the specific goods and services to be provided and provide a good faith estimate of the total anticipated costs. This agreement may initially be reached verbally, but should be

reduced to writing as soon as practicable during a response by execution of a Non-Federal Agency Pollution Removal Funding Authorization form.

Whenever a PRFA is issued to the State of South Carolina, the Coast Guard OSC shall specify in writing to the ERS the required documentation and the associated deadlines for all pollution reports (POLREPS), costs of personnel and equipment, invoices, final reports, etc. Problems, real or anticipated, should be immediately brought to the attention of the OSC.

It is essential that the Coast Guard OSC and the NPFC case officer be kept informed about the financial and work related progress of the removal. POLREPs are a logical and effective way to accomplish this. Every POLREP should contain the financial status of the removal, current ceiling, obligations to date, an estimate of all other costs to date, and any other facts and figures that explain the current status or have value for planning subsequent activities. In general, and unless not otherwise specified, the State shall submit weekly POLREPs until final cleanup/stabilization is accomplished. For short-term incidents (less than one week long) only one POLREP is necessary, unless specified by the Coast Guard OSC. When possible, the State of South Carolina shall identify the name and address of the responsible party and report this information to the Coast Guard OSC to support cost recovery efforts.

Upon completion of the removal activities, DHEC must submit a Cost Documentation Package to the issuing Coast Guard OSC with detailed records of expenditures and activities for which reimbursement is sought. DHEC must submit the final request for reimbursement, supported by the required documentation, within 60 days following the receipt of the final invoice for the response. If at the end of 60 days from the receipt of the invoice, there are any costs for which reimbursement has not been requested, written notice will be sent to the issuing OSC by DHEC. After 90 days from receipt of the invoice, the government may de-obligate any balance remaining in the account. NPFC Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990", defines all cooperative agreements, and procedures for claims for reimbursement.

IX CERCLA FUNDING

A. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Trust Fund. National Pollution Funds Center (NPFC) Administration of the CERCLA Trust Fund. The NPFC administers the CERCLA Trust Fund in order to provide CERCLA funding to Coast Guard OSCs responding to hazardous substance pollution incidents within the coastal zone.

1. State Funding through the CERCLA Trust Fund. A Coast Guard OSC may request State assistance and participation in emergency removal actions under CERCLA in response to a hazardous substance incident or threatened incident where funding for these actions is provided via a Pollution Removal Funding Authorization (PRFA). Similarly, the State may request that a Coast Guard OSC issue a PRFA for State-initiated emergency removal actions at hazardous substance incidents. The only medium for the State to gain access to CERCLA Trust funding for emergency removal actions during a hazardous substance release is through the use of a

PRFA. State agencies may work directly for the Coast Guard OSC in performing removal actions. In these situations, the OSC issues a PRFA to the State to establish a working operational agreement and to obligate the CERCLA Trust Fund. The OSC actively directs and is responsible for the response actions.

X EVALUATION OF MOA

A. The Parties shall independently evaluate the effectiveness of this MOA in light of the purpose and scope, particularly with respect to the underlying principles of cooperation, the minimization of regional regulatory impacts on industry, and environmental protection.

B. At least every three years, the Parties shall present their findings and any proposals to revise this MOA as appropriate. In the interim, questions regarding this MOA should be directed to the Manager of the DHEC Emergency Response Section at (803) 896-4111 or the Chief of the Coast Guard's Seventh District Marine Response Branch at (305) 415-6871.

XI MISCELLANEOUS

A. This agreement represents a voluntary understanding between the Commander, Coast Guard Seventh District and the State of South Carolina, DHEC.

B. Provisions of this MOA shall be effective when signed by the Parties involved. This MOA will remain in effect until rescinded by either party in writing.

C. The terms of this agreement may be changed at any time by mutual agreement of the Parties by a written, signed amendment. Either party may terminate the agreement at any time. Any action to modify, amend, or terminate this agreement may only be taken by the Deputy Commissioner for EQC of DHEC or the Commander, Seventh Coast Guard District or persons to whom this authority is specifically delegated by them.

D. This agreement does not create any legally enforceable rights or obligations, substantive or otherwise. It is intended solely to improve the planning, coordination, and management of responsibilities and resources within and between the U.S. Coast Guard and the State.

E. This agreement does not alter any authority, jurisdiction or responsibilities of the signatories. Although signatories retain discretion to deviate from provisions of the agreement, each representative attests to his/her agency's willingness to endeavor to comply with the terms herein.

FOR THE STATE OF SOUTH CAROLINA, DHEC:

(Signature on file)

BOB KING
Deputy Commissioner for EQC
Department of Health and Environmental Control

DATE: June 23, 2010

FOR THE UNITED STATES COAST GUARD:

(Signature on file)

Captain, United States Coast Guard
Chief, Marine Safety Division
Seventh Coast Guard District

DATE :

APPENDIX VI

Severe Weather Preparedness Plan

Severe Weather Preparedness Plan for RIPLEY LIGHT MARINA

Purpose. To establish a marina severe weather preparedness plan which will minimize damages to the marina property and the tenants vessels resulting from high winds and water. This plan outlines the steps to be taken to respond to severe weather storms.

Discussion. In the event of a severe storm normal operations are disrupted and specific actions may be required to minimize property and personnel damage. This plan requires planning, logistics and operational actions to prepare for and counteract the effects of high wind and water.

Scope. This plan furnishes information and a checklist of items to be completed to secure the marina against the effects of a severe storm and to safeguard its personnel and property.

Action. All personnel assigned to this plan shall ensure compliance with this plan. Each person assigned to implementing this plan shall be familiar with the contents of this plan by reading it at the beginning of each year prior to the hurricane season and carrying out all tasks identified herein in the event of a severe storm. Post a copy of Tab C, the Emergency Listing, Tab F, and the Hurricane Response Checklist.

Concept of Operations. Severe weather can come in the form of lightning, hail storms, tornado, or a hurricane. Because hurricanes are the most severe and damaging, they will be addressed in detail, however, the concepts required in preparing them also applies to your local storm conditions.

HURRICANE PREPAREDNESS

The hurricane season is from 1 June through 30 November. During this season, the marina will maintain one of four material readiness phases. Phase 4, the lowest level of preparation, will be set automatically from 1 June through 30 November. Higher readiness phases will be set upon the approach of a storm.

Hurricane preparedness phases have been developed to ensure an orderly transition of the marina from a hurricane watch to the arrival of the hurricane. The marina owner or designee will direct the response and preparedness for each hurricane phase.

Any tropical disturbances along the Atlantic Coast can be considered a threat to the City of Charleston and the State of South Carolina. The conventional path for these storms is northerly, however, these paths are not always the pattern. Unexpected cold fronts can stall the forward movement of a storm and allow it to strengthen over warm waters.

Also, storms which make landfall on the Gulf Coast can come across the Appalachians and cause severe flooding and wind damage in South Carolina.

The passage of a hurricane could strongly affect an area in excess of one hundred miles. Winds build rapidly, up to speeds approaching 150 mph. It can be anticipated that commercial power will be interrupted for an extended period. General confusion in the community can be expected during pre and post hurricane efforts. The various drawbridges in the area will probably be disabled in the down position, severely hindering marine traffic.

Evacuation orders will be issued by local authorities in time to insure that evacuation can be completed prior to the arrival of sustained gale-force (39 mph) winds.

When your Local Emergency Management Advises Evacuation -- Do So!

The passing of the “eye” of the storm in your area is to be experienced with a great deal of caution. The direct passing of the “eye” presents a brief lull. Following this period of little wind will be a sudden blast of high velocity winds from the opposite direction. During the period of the “eye” passing, no one should venture outside or attempt to do anything in the exposed areas of the marina. Updates of the storms position can be obtained from your local radio, TV stations, and the marina weather service broadcasts.

A storm with winds below hurricane strength may still pose a threat to the marina. It may continue to build in strength before coming ashore as a hurricane, or it may come ashore at storm strength and still be strong enough to cause considerable wind, rain, and flood damage. in these situations the storm will be treated as a severe weather front and action appropriate to that weather system will apply.

Tenants at the marina are encouraged to develop hurricane plans consistent with the provisions of this plan.

HURRICANE CATEGORIES

The National Weather Service (NWS) categorizes tropical storms and hurricanes into five categories; lesser beginning with the lower numbers, and as the numbers get higher, the more severe the storm. The storm surges in the table below are without wind and waves and are given a mean sea level (MSL). Depending on the category of the storm, it is estimated that waves from 5 to 20 feet may be added to the surge. If the storm makes landfall at high tide you may add another 1.0 foot to 1.5 feet to the height.

Hurricane Category	Winds (MPH)	Storm Surge (FT.)	Central Pressure Millibars / Inches		Damage
I	74-95	4-5	≥ 980	≥ 28.94	Minimal
II	96-110	6-8	965-979	28.50-28.91	Moderate
III	111-130	9-12	945-964	27.91-28.47	Extensive
IV	131-155	13-18	920-944	27.17-28.47	Extreme
V	155+	> 18	< 920	< 27.17	Catastrophic

SAFFIR / SIMPSON HURRICANE SCALE

This plan has taken into consideration that each category of hurricane approaching the marina will require different levels of preparedness. As an example, a Category 1 hurricane with anticipated surge of 4 feet including tidal range may not justify moving stores to a second deck to protect them from flood water damage.

The maximum probabilities given for predicting the movement of a hurricane preceding the arrival of the storm are:

<u>Forecast Period</u>	<u>Maximum Probability</u>
72 Hours	10%
48 Hours	13% - 18%
36 Hours	20% - 25%
24 Hours	35% - 45%
12 Hours	60% - 70%

Note: The probabilities listed are the maximum values assigned to any location in advance of a predicted landfall. For example, the highest probability that the National Hurricane Center would assign to the event that a hurricane would strike Charleston, South Carolina with 72 hours would be 10 percent. Similarly, the highest probability assigned to the event that landfall would occur within 18 hours would be 45 percent.

Given these differences in probabilities the marina must be prepared to initiate the action plan on a low probability of it passing over the marina to achieve the 72 hour lead time necessary to execute the plan. All preparations should be completed prior to the arrival of sustained gale-force winds.

HURRICANE PHASES FOR THE MARINA

There are four hurricane phases which will be set by the marina. The speed of advance of a hurricane dictates the hurricane phase to be set. The following advance notice is considered adequate for the marina to accomplish the required readiness actions under most circumstances. These phases are:

Phase Four: A seasonal hurricane phase automatically set by the marina on 1 June of each year and extending to 30 November.

Phase Three: When a hurricane is approaching, a phase to indicate that sustained gale-force (39 mph) winds, or greater, are expected within 72-48 hours.

Phase Two: When a hurricane is approaching, a phase to indicate that sustained gale-force (39 mph) winds, or greater, are expected within 48-24 hours.

Phase One: When a hurricane is approaching, a phase of maximum preparedness set when winds of sustained gale-force (39 mph) or greater are expected within 24-12 hours.

Progression from Phase Four directly to Phase One can happen very rapidly, and is quite possible because of the erratic behavior of hurricanes and the difficulty of accurately predicting the paths of hurricanes.

COMMUNICATIONS

A communications center will be established with the following responsibilities.

Notify all marina employees and tenants of the hurricane warning and serve as a message center and update marina tenants with periodic status reports.

The communications center, located at Gold Crown Management, Inc, will be staffed by marina employees. The center can be reached at: **(843) 751-4027.**

The center will be established as soon as Phase Three is set. They will contact the marina committee directors and notify them of the warning within the first four (4) hours of the warning period. The telephone operators will attempt to contact all marina tenants during the initial 8 hour period of the warning. Two attempts will be made to contact each tenant.

During the hurricane approach and following the storm the message center will take calls from tenants concerning the warning status, the action plan and situation updates. The communication center will also relay specific messages to and from the marina every hour.

The marina switchboard will be reserved for hurricane operations, work crews, weather reports, security, service calls and emergency use.

TENANTS SHOULD NOT CALL THE SWITCHBOARD DURING WARNING PERIODS.

The communications center will function up to two days following the storm as required.

The communications center will be equipped with a radio link (**VHF**) to the marina in the event telephone communication is lost during the storm.

The communication center will operate between the hours of 4:30 P.M. and 10:30 P.M. to alert tenants and relay information concerning the progress and phases at the marina.

72 HOURS BEFORE ETA TO 24 HOURS AFTER THE STORM.

Communications Center Director: Windee Little
(843) 751-4027 (cell)

Team A

Communications Chief: BRUCE WALLACE
(843) 200-6764 (cell)

Operators: 1) Eric Adler

Other Teams as needed to relieve operators.

RESPONSIBILITIES PRIOR TO THE HURRICANE SEASON

INSTRUCTIONS FOR ADMINISTRATIVE STAFF

Prior to the hurricane season the following administrative functions will be carried out.

- 1) Review severe weather plan and update.
- 2) Post Hurricane Response Checklist, Tab F and Emergency listing, Tab C, and distribute copies of Hurricane Plan to all concerned with carrying out the plan.
- 3) Distribute copy of Marina Tenants Severe Weather Questionnaire, Tab B, to all tenants/slip renters. Follow-up on return of forms.
- 4) Distribute hurricane plan and literature on evacuation zones and emergency shelters to tenants at marina.

- 5) Plan and make a check list of merchandise, office records, and cash that will be evacuated. Determine what records and documents must be evacuated and identify where they are kept.
- 6) Make a list of volunteers, including phone numbers, address and responsibilities.
- 7) Develop a list of names and telephone numbers of an authorized, qualified and accessible alternate captain for all boats in the marina in case owner is absent during a storm.
- 8) Inventory possessions for insurance purposes, prioritize what must be evacuated and what can be protected. Be sure a copy of your inventory is kept in a safe place. Video if possible.
- 9) Review insurance coverage for flood and wind damage.
- 10) Develop agreements for rental trailer(s) to evacuate possessions, and leasing of cranes to move boats.
- 11) Develop a list of vendors for short notice delivery of portable toilet facilities and dry ice.
- 12) Ensure that the following are stocked and ready for issue:
 - Flashlights with batteries
 - Emergency high-intensity lights
 - Battery operated radio with weather frequency
 - Nylon line sized to tie down large items
 - Rain gear and boots
 - Plywood (CD X 1/2" X 4" X 8") and Lumber (2" X 4" X 16") for boarding windows and for immediate recovery operations
 - 16d double head form nails
 - 10' X 100' rolls of 4 mill polyethylene for draping high value material and equipment
 - Emergency water containers (5 gallon)
- 13) Review security requirements of facilities, marina and tenants vessels and update as necessary. Consider both pre and post storm security requirements.
- 14) Ensure pre-selected storm refuge mooring for boats are adequate. Consult your local waterways guides, sailing directives, and other local publications.
- 15) Develop a check off system for logging in personnel entering and leaving the marina during the storm.

HURRICANE RESPONSE CHECKLIST FOR ADMINISTRATIVE STAFF

PHASE FOUR

AUTOMATICALLY SET 1 JUNE THROUGH 30 NOVEMBER

- _____ Review severe weather preparedness plan and update.
- _____ Address areas of responsibilities and complete.
- _____ Distribute and post revised severe weather plan.
- _____ Brief marina personnel, tenants and volunteers on severe weather preparedness plan.
- _____ Ensure pre-selected refuge moorings for boats are adequate.
- _____ Coordinate plan's requirements with local authorities.
- _____ Check first aid supplies and restock.
- _____ Check emergency supplies and restock.
- _____ Make vendor list for rental and leased equipment.

PHASE THREE

72 - 48 HOUR PRIOR TO HURRICANE'S ETA

- _____ Initiate hurricane warning and activate communication plans.
- _____ Set up communications center (if one is planned).
- _____ After phase three is set, release unnecessary marina personnel so that they can prepare their homes and gather their personal belongings.
- _____ Notify tenants and volunteers of impending conditions.
- _____ Work closely with harbor master and marina volunteers to update posted storm information and disseminate other information to employees, boat owners and volunteers.
- _____ Process and mail all paperwork that can be completed immediately.
- _____ Close marina stores to general public.

- _____ Supplies must be earmarked for marina use at the first sign of a hurricane threat to avoid depletion of stock by customer demands.
- _____ Begin preparation of marina grounds:
 - Stock emergency food and water supplies.
 - Check emergency generators, lighting, and fuel supply. Obtain additional generators if required.
 - Check emergency equipment list. Arrange security staff schedule.
 - Secure outdoor furniture, large signs, flags, trash cans, carts, fire extinguisher, antennas and other loose items that can be affected by wind.
- _____ Back up computers and store archive tapes with records to be removed.
- _____ Start plans to evacuate personnel and equipment in flood prone (low-land) locations.
- _____ Request other companies or concerns with supplies and equipment at the marina to remove them.
- _____ Have supplies and equipment at other marinas brought back to the marina and secured.
- _____ Notify any suppliers to hold shipment until after the storm.
- _____ Have crane delivered for housing boats.
- _____ Ensure first aid supplies are on hand.
- _____ Arrange security staff and volunteers schedule.

PHASE TWO

48 - 24 HOURS PRIOR TO ETA

- _____ Maintain position of hurricane in communication center.
- _____ Maintain contact with local weather bureau / oceanographic center.
- _____ Ensure marina is secured from non-essential traffic.
- _____ Issue emergency supplies and equipment to crews as required.

- _____ Move files and expensive equipment to higher shelves and drape with plastic.
- _____ Implement check-in, check-out, and duty list for personnel entering and leaving the marina.

PHASE ONE

24 - 0 HOURS PRIOR TO ETA

- _____ Secure marina.
- _____ Coordinate status reports on hurricane position and intensities to crews, and tenants at marina.
- _____ Evacuate marina if directed.

RESPONSIBILITIES PRIOR TO HURRICANE SEASON

INSTRUCTIONS FOR FACILITIES AND MAINTENANCE STAFF

Prior to the hurricane season carry out the following facility functions.

Review severe weather preparedness plan and update as needed.

Inspect buildings to detect, repair, or secure potential sources of danger such as:

- Damaged or improperly secured doors, gaskets, windows, ventilation, openings, and tie downs.
- Structural weakness resulting from worn or weather-beaten supports, wooden light poles, and similar objects.
- Clogged or inoperable gutter and drain pipes, storm drains, sewers, and catch basins.
- Surrounding trees, with rotten limbs or large branches. Trim excess growth from trees and dispose of cuttings.
- Roofing systems for soundness. Remove any litter and debris.
- Inspect, service and repair as necessary all docks, piers, fingerwharfs or fingerslips and pilings, especially cleats, moorings, and utilities.
- Inspect and have serviced as necessary all fire fighting equipment, both portable and fixed installations.
- Inspect and have serviced as necessary all lifesaving equipment such as life jackets, work vests, life rings and lines, and life rafts or rescue vessels.
- Ensure that all essential vehicles and portable generators are operational, fueled and ready for use. Test run generators and restow.

- Inspect all storage shed outbuildings and portable office trailers for proper tie-down.
- Inspect and service as necessary all electrical lighting installations; and all fuel and natural gas supply and dispensing equipment. Check cut-off valves from fuel and water lines.
- Check all dry storage facility areas and racks for soundness and security. Note protection afforded same and consider associated hazards and contents at risk.
- Inspect all emergency lighting systems and ensure they are operational.
- Inspect and service all hauling equipment such as mobile lifts, hydrolifts and railways.
- Check emergency equipment and supplies and reorder to fill requirements, especially extra mooring lines, lumber for fender boards, chafing gear, screw anchors, flashlights, batteries, portable generators, electrical and manual bilge pumps and hull patching or repair supplies.

HURRICANE RESPONSE CHECKLIST FOR

FACILITY AND MAINTENANCE STAFF

PHASE FOUR

AUTOMATICALLY SET 1 JUNE THROUGH 30 NOVEMBER

- _____ Review severe weather preparedness plan, update and submit to administration.
- _____ Address areas of responsibility and complete.
- _____ Ensure that all essential vehicles and portable generators are operational and ready for use.
- _____ Inspect buildings, piers and wharf's.
- _____ Inspect all storage sheds, outbuildings, and portable office trailers for proper tie-down.
- _____ Inspect all emergency lighting systems and ensure they are operational.

PHASE THREE

72 - 48 HOUR PRIOR TO HURRICANE'S ETA

- _____ Schedule marina's crew for storm duties. Include "shore leave" for crew to prepare homes and families at the first notice of storm.
- _____ Secure all dumpsters with tie-downs.
- _____ Remove trash, debris, and excess materials.
- _____ Fuel all vehicles to 100 percent.
- _____ Fill all gas and diesel fuel storage tanks.
- _____ Clear all loose gear from wharf's and piers.
- _____ Secure piers, docks and dry storage areas:
 - Remove unclaimed trailers, boats and equipment from piers, docks and dry storage areas.
 - Move drink, ice machines, etc. to higher grounds.
 - Remove and secure trash cans from piers.
 - Anchor portable buildings.
 - Check cranes and sling hoist.
 - Schedule and commit removal of boats by crane.
 - Begin stripping removable boats and moving to hoisting area.
 - Coordinate securing marina facilities, equipment and boats.
 - Monitor the need to disconnect floating and fixed pier's power cables, water and fuel lines if tidal surge is expected. Be prepared to disconnect floating dock ramps and secure docks to fixed pier pilings.
- _____ Police marina and dock areas to stow away or secure loose equipment and items that could become missile hazards in high winds.
- _____ Secure all flammable, explosive or other hazardous materials.
- _____ Remove boats and trailers in outside dry storage "racks". Secure with tie-downs when moved.

PHASE TWO

48 - 24 HOURS PRIOR TO ETA

- _____ Inspect all work done in phase three.
- _____ Begin evacuation of board boats dinghies.
- _____ Evacuate trailerable boats to pre-designated area.
 - Notify owners or remove with marina personnel.
 - Arrange to have boats tied down after move.
- _____ Evacuate non trailerable boats.
- _____ Secure drystack storage area.
- _____ Activate flotilla plans for removal of vessels to safer location.
- _____ Board up all windows and glass doors.
- _____ Remove or lock all dock boxes and check tie downs.
- _____ Secure waterside sewage pump-outs. Turn off sewage grinder pump breakers at last call to evacuate marina.

PHASE ONE

24 - 0 HOURS PRIOR TO ETA

- _____ Brief departing released personnel on recall procedures.
- _____ Stage personnel who are scheduled to ride out the storm.
(When your emergency management advises evacuation -- do so!)
- _____ Respond to last minute items.
- _____ Secure fuel and oil tanks.
- _____ Secure main switch gear to piers and low lying areas.
- _____ Remove all excess gear from piers and dock area.
- _____ When appropriate (extra high tide or storm surge expected) loosen floating dock ramps from hinges and secure.

_____ At last call, remove outside life rings and fire extinguishers from floats and other outside locations.

_____ Secure power to marina if evacuated.

RESPONSIBILITIES PRIOR TO HURRICANE SEASON

INSTRUCTIONS FOR ALL MARINA PERSONNEL

Prior to the hurricane season take the following actions.

Each employee will have a written plan prepared for his/her personal preparation and evacuation in order to effectively reduce his/her required leave time. This will also ensure that other crew members can have adequate leave time. This plan should be discussed with your family so that they will be prepared and know what is expected of them. When preparing your plan you should consider the following:

Prepare your home and yard early in Phase Three to allow for an organized early evacuation. Your efforts should be to reduce wind and flood damage by boarding windows, raising furniture, covering books and appliances, etc.

Decide where to go. This will depend on the track and severity of the storm. local emergency shelters may not be as comfortable as a stay with out of town relatives, but will allow you to return more quickly.

If your family decides to go in different locations during evacuation, decide on destination, alternates and communication options to reduce anxiety over the well being of family members. Calling a designated out of state relative is one option to reestablish contact.

How will you evacuate? Plan your route and departure time to avoid low areas which may be flooded due to torrential rains and high tides. Consult the evacuation maps for your area. Scout your route ahead of time for local hazards and alternatives. Plan to leave early.

Decide what to take. Important documents should be designated in advance for removal. Small valuables, heirlooms, photos, etc. can be boxed for evacuation.

Build a hurricane inventory to include:

- Ice chest for ice and perishable food
- Potable water (plan 1 qt/person/day)
- Food (perishable, canned, snack)

- Can opener and utensils
- Flashlights and batteries
- Battery operated radio with weather frequency
- Extra clothing
- Rain gear and boots
- Toilet and first aid kit
- Required medicine supplies
- Bedding
- Cash, check book and credit cards

NOTE: Alcoholic beverages and firearms are not permitted in emergency shelters.

Be prepared to evacuate early and leave as soon as possible after evacuation has been called for. You may want to send your family ahead if other responsibilities may delay your own evacuation until Phase One.

Returning after an evacuation may be a time of despair or rejoicing. Concentrate on the positive aspects of your survival and meet the challenge with optimism and safety consciousness. The threat of storm related injuries is not over. Several deaths in the Charleston area after hurricane HUGO resulted from post-storm injuries from chain saws, falling trees, candle fires or electrocution. The threats of spoiled food, bad water, poor sanitation, and poisonous snakes should also be considered.

Because of the uncertainty of how long crew members will be required to be on duty, at first notice of a storm there will be staggered relief shifts to allow each person time to go home and prepare their homes and families. This will be done well in advance of the anticipated storm (as much as 2-3 days in advance).

In order to return to preparations as soon as possible, leave time will be scheduled with team leaders going first. Because the fatigue factor during and after the storm can be expected to be high, staffing prior to the storm's arrival should be kept at a minimum.

RESPONSIBILITIES PRIOR TO HURRICANE SEASON

INSTRUCTIONS FOR TENANTS

Prior to the hurricane season tenants will fill out Tab B and carry out the following functions.

Review Severe Weather Preparedness Plan.

Wetslip boat owners are required to:

- Complete the Marina Tenants Severe Weather Questionnaire. Give a copy to the marina Operations Officer and keep one for yourself. Keep current at the Marina Operations office the following information:
 - Telephone numbers.
 - Name and phone number of a qualified and accessible alternate captain in case owner is absent during a storm.
 - Copy of boat insurance policy.
- Keep an adequate inventory of storm gear aboard and maintain dock lines of proper size and condition.
- Ensure that your boat can get underway with its own power at all times.
- Ensure that your boat is adequately covered with liability insurance. the boat owner is liable for damages caused to the marina by his/her boat.
- Attend anchoring and evacuation clinics when given by the marina or local authorities.
- All tenants renting slips and/or dry storage space will be required to sign a slip rental agreement and have an individual severe storm action plan.

Dry rack boat owners are required to:

- Keep canvas tops down and secured.
- Keep bilge drain plugs pulled.

- Maintain a boat trailer in road-worthy shape for evacuating from dry racks and notify marina of your intentions well before deadline to avoid unnecessary tie-downs.
- Ensure that your boat is adequately covered with liability insurance. The boat owner is liable for damages caused by his/her boat.

HURRICANE RESPONSE CHECKLIST FOR TENANTS

PHASE FOUR

AUTOMATICALLY SET 1 JUNE THROUGH 30 NOVEMBER

- _____ Review severe weather preparedness plan, update and submit to administration.
- _____ Address areas of responsibility and complete.
- _____ Update Marina Tenants Severe Weather Questionnaire and return to office.
- _____ Know your evacuation route and shelter plan.
- _____ Ensure that your emergency gear is serviceable and ready for use.

PHASE THREE

72 - 48 HOURS PRIOR TO HURRICANE'S ETA

- _____ Secure your boat in accordance with your pre-approved plan.

PHASE TWO

48 - 24 HOURS PRIOR TO ETA

- _____ Evacuate the area.
(When your emergency management advises evacuation - do so!)

RESPONSIBILITIES PRIOR TO HURRICANE SEASON

INSTRUCTIONS FOR VOLUNTEERS

Prior to the hurricane season, volunteers will carry out the following facility functions.

Review Severe Weather Preparedness Plan.

Complete and keep current at the Marina Operations office the following information:

- Telephone numbers and address.
- Team captain or group assignments.

HURRICANE RESPONSE CHECKLIST FOR VOLUNTEERS

PHASE FOUR

AUTOMATICALLY SET 1 JUNE THROUGH 30 NOVEMBER

_____ Review severe weather preparedness plan, update and submit to administration.

_____ Address areas of responsibility and complete.

_____ Participate in exercises of hurricane plan.

PHASE THREE

72 - 48 HOURS PRIOR TO HURRICANE'S ETA

_____ Man communication center.

_____ Assist in securing marina and boats as agreed upon.

PHASE TWO

48 - 24 HOURS PRIOR TO HURRICANE'S ETA

_____ Continue to man communication center.

PHASE ONE

24 - 0 HOURS PRIOR TO HURRICANE'S ETA

_____ Evacuate marina and return to family.

RESPONSIBILITIES DURING STORM PHASES

DISCUSSION

Numerous tasks and precautions must take place in preparation for the hurricane or severe weather. The extent of the tasks and the number of personnel available will determine the amount of time required for the marina to complete the preparation. However, 72 hours is the minimal time allowable in most instances and is the criteria for implementing the following:

PHASE THREE (ALERT)

72 - 48 HOURS PRIOR TO HURRICANE'S ETA
(EARLIER IF A WEEKEND IS INVOLVED).

- Notify all personnel that the facility is on a hurricane alert. All personnel will commence preparations for putting the Severe Weather Preparedness Plan in action.
- The communications center will be manned and all volunteers and other parties will be notified of the hurricane alert.
- At 72 hours prior to ETA, put mobile or waterborne operations personnel on standby and start securing operations. Initiate plans to evacuate personnel and equipment in the flood prone (low-land) locations.
- Begin facility protection preparations by policing all yard, marina and dock areas to stow away or secure loose equipment and items. Store in covered or sheltered areas.
- Secure all flammable, explosive or other hazardous materials, such as compressed gas cylinders, in a safe, protected secure area.
- Boats from dry storage or other facilities on outside "racks" for small boats and trailers storage will be removed and secured in designated safe areas. Small boats and trailers will be provided protected storage or secured in place with ground screws.

- All vessel removal operations are to be well underway and completed during this forty-eight hour period. Commence plans for securing remaining vessels.
- As the department vessels are fueling, facility vessels and vehicles will also be topped off, as necessary, in preparation for securing all fueling operations and equipment. (Loss of electrical power during a hurricane may disrupt fuel supplies after the storm.
- Check and secure any loose siding or roofing on inside “rack” storage buildings. Remove boats if facility is in a lowland area and is in danger of flooding.
- If other companies or concerns have supplies or equipment in your facility, request that they have their items removed.
- Consider removing any equipment and supplies you may have at other locations.
- Take down large signs, antennas or other removable items subject to wind damage.
- Commence facility protection precautions. Storm shutters or other protective equipment and windows will be taped with masking tape to reduce the possibility of flying glass.
- Process and mail all paperwork that can be completed immediately. Set all new paperwork aside to be completed after the hurricane or storm.
- Remove expensive equipment or products to inland warehouses for storage. If this is not possible due to a lack of transportation equipment or limited time, stack expensive equipment or inventories in protected areas. Cover them with tarpaulins to protect them from water damage should the roof leak or the windows get blown out.
- Reduce inventories as much as possible and delay ordering materials, stocks or supplies until after the storm. If materials or inventories are en-route, try to divert them to a temporary warehouse or area not subject to the storm.
- Begin contacting vessel owners or their representatives in order to begin removing vessels from the facility, as necessary.
- Begin flotilla plans, if any, for vessel removals to safer locations, as necessary.
- Monitor storms progress.

PHASE TWO (WATCH)

48 - 24 HOURS PRIOR TO ETA. Commence and or complete the following actions.

- Notify all personnel that facility is on hurricane watch.
- Continue to monitor storm's progress.
- Complete securing operations in lowland locations. All dock structures, field buildings and offices will be secured.
- House type trailer units are to be moved to a safe location above the floodplain. If this is not possible they should be firmly anchored.
- In areas subject to flooding, move vehicles and/or equipment to the highest point available. If outside storage is necessary, do not park under trees, towers, signs, or power lines.
- All employee personal belongings will be removed from evacuated locations.
- All electrical power supplies to areas that may be flooded will be secured by turning off the power at the main breaker switch.
- All natural gas will be turned off at the main valve if the marina is vacated.
- All fuel supply tanks and lines will be secured at the shore side installation.
- All electric motors, pumps and like equipment at or below ground level will be disconnected and protected or placed in a safe location.
- If fresh water is supplied from municipal or other water lines, turn off the supply at the meter.
- Secure all equipment such as forklifts, trucks, travel lifts, mobile cranes, and work boats in protected areas, shops or warehouses as they may not be needed during the storm. Vehicles are to be parked with the emergency brake on.
- Complete securing all facility "shop" operations. Their equipment and operations are not needed and their interior, protective space will be utilized for storage of other facility equipment. Tape windows, secure and lock doors.
- For facilities planned to be manned during the hurricane, check that all emergency supplies are readily available such as first aid kits, fire protection equipment, sufficient stores of provisions, including bottled fresh water, fuel for emergency generators, battery-power lighting, flashlights or lanterns, battery powdered radios, VHF units and the like.

- Notification to manager or local police will be made when evacuation is complete and the location secured.

PHASE ONE WARNING

24 - 0 HOURS PRIOR TO ETA

In these hours prior to the projected arrival of the hurricane, the “Hurricane Warning” advisory will have been issued and it is highly likely that the hurricane will make landfall or pass near the marina facility. The following activities will be in progress or nearing completion:

- Notify all personnel that the facility is on hurricane warning.
- Continue to monitor storm’s progress.
- With all vessel protection and securing operations completed, make a final check of doubled mooring lines, tied off with sufficient slack and fender boards and/or other protective equipment in place.
- Secure as necessary any remaining operational facility buildings.
- Employees who are not manning facilities during the storm will be released no later than twelve hours prior to the storm. Instructions for reporting back to work after the storm will be given at that time.
- Whether manning or evacuating the facility, insure that all perimeter access points in the form of fences, gates, and building doors are locked and secured, except the main entrance gate.
- All facility preparations will be completed twelve hours prior to the hurricane’s arrival. Depending on the track of the storm, the extent of preparation based on information received may or may not be adequate. All precautions taken as a result of the hurricane warning should be based on the belief that the storm will hit the facility directly and with its full force. If the full precautionary measures have not been taken, there is probably little that can be done at this point to improve preparation. This is especially true if authorities issue an evacuation notice to the facility location or area. In that case, evacuate the area and hope that the measures taken will suffice. The protection of human life is more important than property loss or damage.

EMERGENCY SHUT DOWN - AT PHASE ONE

DRystack

1. **Shut off Gas** to Building.
 - a. Turn off furnace controls.
 - b. Shut off main valve at gas meter
(Located at Drystack entrance right side)
2. Shut down all Computers & Main Frame. Put all disks & Tapes in Safe.
3. Shut down all electrical power.
 - a. Main panel at wash down area.
 - Turn off small breaker.
 - Turn off main breaker.
 - b. Panel at drystack entrance.
 - Turn off all breakers.
 - Turn off main.
4. Shut off water at meter.

Location at grass next to street south end of drystack. Shut off tool located in key cabinet in office.
5. Secure waste oil tank remove dump tray on top and drive wood plug in opening.
6. Secure all gates and lock.
7. Fuel all equipment to max.
8. Fill 5-gallon gas can.
9. Park lifts in back lot, set park brakes and drop 3rd stage, tape exhaust flap down.
10. Have storage tanks filled up.

EMERGENCY SHUT DOWN - AT PHASE ONE

WETSLIP

1. **Shut gas line valves off.**

Location at head of fuel dock gangway under manhole cover (2 valves).

2. Shut all water off.

a. Shut off at meter (total of 3 meters)

- One located at DSS
- One located at B-C Gangway
- One located at bulkhead between C-E gangways

3. Shut down all electric.

Main breakers at the top of bulkhead at each gangway.

4. Remove all computers and credit card machines from fuel dock.

5. Remove oil from fuel dock.

6. All drystack boats removed from water.

7. Wire all dock box lids down.

8. Remove fire extinguishers.

EMERGENCY EQUIPMENT

- 1) Generator
- 2) Hand Held VHF
- 3) Flashlights and batteries
- 4) Coil of 3/4" Rope 250'
- 5) Absorbent booms and pads for oil spill
- 6) Gas cans
- 7) Rain Gear
- 8) Emergency Pump

DURING THE HURRICANE

The following suggestions are issued in the interest of personal safety:

- When your local emergency management advises evacuation - do so!
- Stay in a protected and safe place inland if possible.
- For facilities remaining manned, extreme caution will be exercised in all outdoor activities. In the event of injury, outside medical aid will probably not be immediately available.
- No one will attempt to move or re-secure a loose vessel or equipment during the storm period.
- Life jackets will be worn by anyone required to perform any activities on or near the docks or piers during severe storm phases.
- No vehicles or equipment will be operated during the storm period unless absolutely necessary.
- Stay tuned to new and weather broadcasts concerning the hurricane's movement so you will know when the danger has passed. hurricanes can take between 6 and 8 hours to pass through an area.
- Do not assume that the calm of the "eye" of the hurricane means the storm has passed. if the "eye" passes over you, there is still the other side of the hurricane to contend with. Remember, when the "eye" passes over you the wind will be in the opposite direction when it starts back up on the back side.

AFTER THE HURRICANE

The following should be considered when returning to the area:

- Extensive damage may have been caused by the hurricane while checking the condition of the marina facility is of a main concern, there may be limitations to access to the facility or at the facility itself. Flooded roads, downed power lines, washed out areas of beach or river areas are just a few of the problems. An inspection of the facility will be made as soon as practicable to determine conditions, damages and security of premises.
- Be alert to flash flooding that may occur due to heavy rains up stream or flooded canal areas even after the storm has ended. Also, be alert for tornadoes which are frequently associated with hurricanes or occur after the hurricane has passed. In crossing water, do not try to cross a stream or a

pool of water unless you are certain that the water will not be above your knees (or above the middle of your car's wheels) all the way across.

- Post storm security should be addressed as soon as you return to the marina to protect against vandalism.

Personnel returning to the facility and beginning the preliminary damage assessment are to be aware of the following:

- Be aware of snakes when going into grassy areas or other locations. Personnel should wear boots and be cautioned to look where they place their feet and hands.
- Be aware of possible downed electrical wires which should be considered "Hot" and avoided until the power company or facility electrical maintenance personnel service the wires.
- Check natural gas installations for leaking gas by smell only, not with matches or candles (for facilities with natural gas).
- Check facility fueling docks and tanks for leaking gasoline or diesel fuel, where applicable. (This may require filing a report with your local, state or federal environmental agency.)
- Electrical equipment of the facility that has been submerged in water is not to be started until it has been checked and repaired as necessary.
- Broken sewer or water mains are to be reported immediately to either the utility company responsible for repair or to the marina facility maintenance personnel if owned and maintained by the facility.
- Building's, shops and dock's electrical wiring is to be checked completely prior to turning on the main power switch.
- Wet electrical appliances, such as hot plates, toasters, calculators, typewriters, etc. will be inspected, and repaired or replaced as necessary, prior to operation.

Plan to return to the marina as soon as possible after the storm has passed, civil defense clearance given, and your family is taken care of. Telephone communications may not be possible at this time, so listen to the public radio broadcast for information, civil defense clearance, etc. on returning to the area.

As soon as the facility has been deemed safe for complete inspection, and where damage has occurred, a complete survey of the facilities, inventories, equipment and stocks will

be made and documented with photographs or video where possible. Any losses or damaged should be reported immediately to the insurance agent of the marina.

A written assessment of damages will be prepared as soon as possible. Estimated damages to docks and piers and other harbor facilities, cranes, mast hoist, boat sheds, toilets, showers, lockers, Harbor Master's office, fuel dock and office, electrical transformers, electrical service, and telephones are to be included in the assessment.

Return and account for any emergency equipment issued.

After making damage assessments, plan repairs and implement a repair program as soon as possible. While it is understandable that immediate repairs may need to be undertaken, all actions taken during the course of repairs prior to any insurance adjustment will be properly documented and filed. In the case of facility property damages, appraisers assigned by the insurance company will be involved in assisting with the claims. Insurance companies usually establish storm claims offices to handle the numerous claims after a hurricane strikes. In catastrophic situations, extra personnel are called in to handle the volume of claims.

If there has been any theft or vandalism loss or damage to the facility, other than storm related, a report will be made to local police or other law enforcement authorities so that appropriate actions can be taken. The incident report number and, if possible, a copy of the incident report, is to be obtained from the police to substantiate any insurance claim or tax property loss reporting.

It is obvious that vessel owners, captains, caretakers and others with vessel interests will inquire as to the status of their vessels. These inquiries should be fielded as best as possible, especially if there is no damage to their property. notification of any vessel damage should be made as soon as possible. Consider dedicating a phone line with a pre-recorded message to cut down on answering these calls. While it is understandable that vessel owners may want to return to marinas or yard facilities as soon as possible, they will be advised as to the situation at the facility and as to the availability of berthing facilities for their vessel as soon as practical. If damages preclude the facility from providing a berthing space for the vessels, the owners will be so notified and advised as to when the facility may be available to provide a berth.

If the facility is relatively undamaged, then efforts will be made to become operational and provide facility services to those who are not so fortunate. Controlled access and/or security at the facility may be required in any instance. Facility personnel will be put in charge of such security with considerations given to the handling of:

- Members and non-members in the case of yacht clubs.
- Tenants and non-tenants in the case of marinas or other facilities.
- Radio, television and press representatives.
- Outside salvage contractors, repairers, estimators, surveyors, adjusters and appraisers.

Marina Tenants

Severe Weather Questionnaire

Boat Owner: _____ Phone No. _____

Pier # _____ Slip # _____ Locker # _____

Alternate Captain: _____ Phone No. _____

Insurance Carrier: _____

Boat Type: _____ Boat Name: _____

PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AS APPROPRIATE

Group A - Dinghy (initial)

_____ I intend to remove my dinghy(s) and equipment from the marina grounds.

_____ I intend to temporarily store my dinghy(s) and equipment in the following location: _____

Group B - Trailerable Boats (initial)

_____ I intend to remove my boat(s) and equipment from the marina grounds, and relocate them to: _____

_____ I intend to temporarily store my boat(s) and equipment in the following location: _____

Group C - Non-Trailerable Boats Under 8000 Pounds (initial)

_____ I intend to secure my boat in the following location: _____

_____ I intend to haul out my boat for temporary storage in the following location: _____

Group D - Wetslip (initial)

_____ I intend to secure my boat at Ripley Light Marina, Inc.

_____ I intend to secure my boat in the following location: _____

_____ I intend to move my boat to another dock site or in the following
location: _____

_____ I intend to anchor my boat in the following location: _____

GROUND TACKLE ON BOARD

Anchor(s) _____

Chain(s) _____

Anchor Line(s) _____

Mushroom Anchor _____

Bridle(s) _____

Chafing Gear _____

_____ I have reviewed the marina's severe weather preparedness plan.

_____ I have a severe weather preparedness checklist onboard the boat
which is in conformance with the marina's plan.

_____ I have reviewed and rehearsed my severe weather preparedness
plan with my alternate captain.

DOCK BOX

_____ I understand that the dock box belongs to Ripley Light Marina,
Inc. _____ me, and _____
is _____ is not insurable under the marina
insurance policy.

_____ I intend to remove my dock box and/or belongings during a
hurricane warning.

Hurricane / Severe Weather Information

(Emergency Listing)

Ripley Light Marina, Inc.

Owner/Operator: **BRUCE E. WALLACE**

Emergency Phone: **200-6764**

Marina Storm Emergency Plan Director/Coordinators:

Director/Coordinator: Bruce E. Wallace **200-6764**

Marina:

Emergency Communications Center: (803) 766-2100
VHF Channel 16
Pager: (800) 379-1509

Post Storm Information: (803) 766-2100
Pager: (800) 379-1509

Emergency Phone Numbers:

Reliable Weather Information: VHF Channel # 1
National Weather Service (744-3207)

Nearest Coast Guard Unit: 724-7616

Local Emergency Management Coordinator

American Red Cross: 554-9900
Local Police 911 or 577-7434
State Police 554-4700

Basic Boat Owner Responsibilities:

1. Boat Owner must secure vessel (Fenders Ex Lines)
2. All power will be shut off, boat must be self-contained.

Instructions for Transient Boat Owners/Operators:

1. None allowed during high alert status.

Recommended:

Evacuation Routes: 17 North to I-26 West
Public Shelters:

Emergency Ground Transportation:

Location of:

Marina Severe Weather Preparedness Plan: General Office

Special Instructions: Marina Operations will restart at General Manager's discretion, or by designated replacement.

VENDOR LIST
FOR
EMERGENCY REPAIRS

- | | | |
|----|---|--|
| 1) | Fuel Pump Repairs: | Low Country Services
Contact: Jimmy Rice
(843) 821-3050 (Phone)
(843) 852-8389 (Beeper) |
| 2) | Fuel Supply | Cel-Oil
(803) 744-2525 |
| 3) | Forklift Repairs | Wrenn Handling
(843) 577-3090 |
| 4) | Plumbing | Blitch Plumbing
(843) 795-9674 |
| 5) | Electrical | Electric Supply
Contact: Hal Gooding
(843) 577-3500 |
| 6) | Spills/Hazardous
Materials/
Portable Toilet | Moran Environmental, Inc.
(843) 767-8900 |
| 7) | Phones | R&M Phones
Contact: Russell |
| 8) | Computers | Mantek Services, Inc.
Contact: Allen Ray
(843) 554-8000, ext. 239 |
| 9) | Docks | Cape Romain Contractors
Contact: Anthony Dupree
(843) 884-5167 |

As of June 1, approximately, so does our hurricane season begin, which will run through November 30.

To help you and Ripley Light Marina in the event of a hurricane making land fall in the Charleston area, we have on file a severe weather preparedness plan.

Our intentions are to notify all boat owners when a Phase Three alert has been put in place by the captain of the port, 2 - 48 hours ETA of a hurricane.

If you intend to remove your vessel from the marina, your plans will have to be made at this time. If you choose to leave, we will run the forklifts and fuel docks until a Phase Two is put into effect, 48 - 24 hours ETA of a hurricane. At this time, Ripley Light Marina will stop launching all boats from drystack and start securing all docks and remaining vessels. At the announcement of Phase One, 24 hours ETA a hurricane, Ripley Light Marina will shut down all services including all electrical service to docks and fuel pump, and secure the marina at 12 hours ETA a hurricane. The marina will be evacuated by all personnel, except for security. Every attempt will be made to keep your vessel safe, but as we all know only so much can be done to control Mother Nature.

We hope this schedule of emergency shut down of Ripley Light Marina will help you in making plans to secure your vessel in the event of a hurricane. Now is the time to make your plans. If we can help in any way, please don't hesitate to call on us.

In the event phone service is lost, we will monitor VHF channel 16 and have an 800 beeper now in effect.

APPENDIX VII

Fire Procedures

FIRE PROCEDURES

Ripley Light Marina

The following order of procedural steps is based on one person discovering a fire on the marina premises. If more than one person is present and can assist in carrying out these procedures, steps can be performed concurrently.

If you discover or are told of a fire in the marina, perform the following:

- _____ Turn “OFF” the fuel pump breakers (painted RED) on the main distribution panel.
- _____ “SHUT” the fuel supply valve on the access to the fuel dock.
- _____ Remove any injured person(s) from the immediate area or from the water near the fire if possible. Ensure that all people are off the boat.
- _____ Dial “911” for the Hilton Head Sea Pines Fire Department and provide the following information:
 - This is (your name) at the Ripley Light Marina at 56 Ashley Pointe Drive, Phone number is 843-766-2100.
 - There is a (description of object on fire) located on (give dock location or general land location).
 - Request EMS and any other medical assistance required.
 - Inform them of the extent of all injuries.
 - State the class of fire (wood, electrical or fuel).
 - Describe any hazardous conditions near the fire.
 - Describe the fire fighting efforts that are presently underway.
- _____ Call the U.S. Coast Guard at 803-724-7687 (Charleston), 912-652-4353 (Savannah, GA) or if no answer call 803-724-7616 or 912-652-4353.
- _____ If not present, call the Dockmaster at 843-766-2100 and inform him of the accident.
- _____ Remove all boats and other items as far away from the affected area as possible.
- _____ Ensure that the affected boat remains “made up to the dock”. Use whatever means available, i.e., chains and grapnel hooks.

Use all means available to fight the fire. Water should be used to cool down the area. Fire extinguishers should always be aimed at the base of the flames.

When the Fire Department arrives:

- The Fire Chief assumes charge of all aspects of the fire fighting operation.
- Inform the Fire Chief of the up-to-date status of the fire.
- Be prepared to assist the Fire Department in any manner required. At NO time will you engage in any independent fire fighting activity without the prior consent of the Fire Chief.

When the fire is out and the Fire Department is completed, perform the following:

- If there is an oil spill or seepage from the engine or fuel tanks, place an oil boom around the area to entrap the spill. Use oil absorbent rags to clean up spill or call for commercial assistance. Inform the U.S. Coast Guard at 1-800-424-8802.
- Remove all floating debris.
- If possible, de-water the boat to prevent it from sinking. Ensure that the intake hose is at the lowest point in the bilge to prevent further oil spills.
- Have the boat towed to a travel lift facility or boat ramp to load on a trailer and take the boat out of the water.

Restow all fire hoses, after allowing drying, and ensuring that all fire extinguishers are immediately recharged. Spare extinguishers of the same type should be in place while the spent ones are being recharged.