



526 South Church Street  
Mail Code EC13K  
Charlotte, NC 28202

o: 980.373.2663  
c: 704.497.3627  
f: 000.000.0000

Mar. 26, 2021

Mr. Greg Cassidy  
South Carolina Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

Subject: Interim Best Management Practice Work Plan  
Former Bramlette Manufactured Gas Plant  
400 East Bramlette Road, Greenville SC  
VCC 16-5857-RP

Dear Cassidy:

Please find enclosed two hard copies and one electronic copy on compact disk of the referenced report.

If you have any questions, please contact me at (980) 373-2663 or at [Richard.powell2@duke-energy.com](mailto:Richard.powell2@duke-energy.com).

Sincerely,

*Richard E. Powell*

Richard E. Powell, P.G.  
Lead Environmental Specialist

cc: Kevin Boland, CSXT  
Daniel Schmitt, Esq., CSXT

# **INTERIM SURFACE WATER BEST MANAGEMENT PRACTICE WORK PLAN**

**FORMER BRAMLETTE MGP SITE**  
**Bramlette Road, Greenville, South Carolina**  
**VCC 16-5857-RP**

*Prepared for*

**Duke Energy Carolinas, LLC**  
526 South Church St  
Charlotte, North Carolina 28202

*Prepared by*

Geosyntec Consultants, Inc.  
6770 South Washington Avenue  
Suite 3  
Titusville, Florida 32780

Project Number: FR7559

March 2021

# Interim Surface Water Best Management Practice Work Plan

## Former Bramlette MGP Site

*Prepared for*

**Duke Energy Carolinas, LLC**

526 South Church St  
Charlotte, North Carolina 28202

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6770 South Washington Avenue  
Suite 3  
Titusville, Florida 32780




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Andrew Brey  
Senior Geologist



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David Riotte  
Principal

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Jim Langenbach, P.E.  
Senior Principal Engineer



Project Number: FR7559A

March 2021

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## 1. INTRODUCTION

Geosyntec Consultants has prepared this Interim Surface Water Best Management Practice (BMP) Work Plan (WP) for the former Bramlette Manufactured Gas Plant (MGP) for Duke Energy Carolinas, LLC (Duke Energy). Implementation of the BMPs is proposed under Voluntary Cleanup Contract (VCC) 16-5857-RP between the South Carolina Department of Health and Environmental Control (SCDHEC) and Duke Energy.

### 1.1 Purpose

The purpose of this BMP WP is to summarize proposed interim surface water BMPs for the Former Bramlette MGP (Site). The objectives of the surface water BMPs are to (i) reduce the potential for discharge of coal tar residuals, oily sheens, anoxic biofilm, and sediments from the wetland area, located east of the Vaughn Landfill, (ii) reduce the potential transport of sediment in the ditch from the wetland area to the Reedy River; and (iii) reduce the potential for impacted sediments to migrate from the rip rap ditch located at the southern end of the Transflo property to the Reedy River.

### 1.2 Site Conditions

The Site, comprised of five parcels which cover approximately 30 acres and an affected surface water/wetland area on property owned by the Legacy Charter School, is bounded generally by the CSX Transportation railroad corridor to the north, west, and south, and by West Washington Street, the Legacy Charter School, and the City of Greenville Sanitation Department to the east. The Reedy River and Swamp Rabbit Trail define the western boundary of the Site (**Appendix A, Drawing No. 1**).

Surface water features within and adjacent to Parcels 3, 4 and 5 include drainage ditches, jurisdictional wetlands, and the Reedy River. Surface water within the wetlands to the northeast of the Vaughn Landfill (Parcel 2) flow west through a 30-inch concrete culvert bisecting the Vaughn Landfill, before flowing south towards the Reedy River (**Appendix A, Drawing No. 3**). Surface water continues to travel south within a ditch system through Parcel 4 and Parcel 5 before discharging into a rip rap lined ditch in located at the southern end of the Transflo property before discharging into the Reedy River near the southwest corner of Parcel 5 (**Appendix A, Drawing No. 3**).

On 19 October 2020, Geosyntec, SynTerra Corporation, and Duke Energy personnel walked the Site and observed the Site during unusually dry, low water conditions. In the wetlands adjacent to the northeast boundary of the Vaughn landfill (Parcel 3) seeps were observed in some areas where the source of the seeps appeared to include coal tar residual impacts. Geosyntec also observed within the wetlands, northeast of Parcel 3, a surface biofilm which appeared to be a mixture of coal tar residuals, biofilm, and iron oxides floating on the water surface. The surface biofilm was also observed to the west and southwest of the 30-inch concrete culvert. This finding combined with the observed drainage patterns on-Site indicate the potential for transport of coal tar residuals, biofilm, and sediments via the existing ditch system on Parcel 4 and Parcel 5.

Additionally, on 19 October 2020, Geosyntec personnel walked a portion of the drainage ditch, on Parcel 5, from the Reedy River discharge. During the site walk, the flow in the drainage ditch

was low, however, it appeared that at times of heavy rains, the surface water velocity in the ditch has the potential to increase, thus enhancing the potential for scouring and sediment to be transported off-Site to the Reedy River.

Based on the Site conditions observed on the Site walk, Geosyntec identified two locations that would benefit from the implementation of BMPs to reduce potential for transport of the coal tar residuals, biofilm, and sediments offsite. These two locations include:

- Parcel 3 – Surface water drainage ditch that bisects Parcel 3; this drainage ditch conveys surface waters from wetlands immediately adjacent to the northeast boundary of the Vaughn Landfill; and
- Parcel 5 – Surface water drainage ditch on Parcel 5 upstream of the Reedy River; and

In addition to Parcels 4 and 5, surface waters exiting from Parcel 5, flow through a culvert and into a rip rap lined ditch located at the southern end of the Transflo property. Historical sampling in the rip rap ditch indicates that there is potential for scouring and sediment to be transported off-Site to the Reedy River. Therefore, to reduce the potential for scouring and sediment transport from the ditch, the rip rap drainage ditch should be permanently capped and protected from scouring.

## 2. BMP DESCRIPTIONS

Selected BMP's to address the issues identified on the 19 October 2020 Site walk primarily consist of:

- A turbidity curtain consisting of an impermeable boom with a filter fabric skirt installed in the drainage channel between the two cells of the historic Vaughn Landfill;
- Two rock check dams constructed in the drainage channel running through Parcel 5; and
- Concrete cloth installed in the drainage swale located downstream from the Transflo property and adjacent to Parcel 5.

### 2.1 Turbidity Curtain and Sorbent Booms

A turbidity curtain with a filter fabric skirt will be installed in the drainage channel between the two cells of the historic Vaughn Landfill that bisects Parcel 3 to reduce the potential for transport of the coal tar residuals, biofilm, and sediments off-Site from the surface water drainage ditch from surface waters northeast of the Vaughn Landfill (**Appendix A, Drawing No. 4**). In addition, as needed, sorbent booms may be used to enhance or supplement the turbidity curtain. The sorbent booms would be placed at locations upstream and/or downstream of the turbidity curtain.

Turbidity curtains or containment booms are floating barriers consisting of a plain solid skirt or a skirt with a filter fabric that are designed to be installed perpendicular to the flow/current (**Figure 1**<sup>1</sup>). The turbidity curtains are intended to control the downstream movement of entrained sediments and floating particulates. The top portion of the silt curtain will be constructed of impermeable material to retain floatable material like oily sheens and biofilm, while the lower silt curtain material should allow water to pass while retaining most sediment in the channel.

Sorbent booms are hydrophilic and designed to control and absorb oils and hydrocarbons. These BMPs were selected because they are easily installed, are scalable and can be combined with other potential future remedial approaches.



*Figure 1: Example turbidity curtain with filter fabric skirt.*

<sup>1</sup> Source: <https://www.abasco.com/type1turbiditycurtain/spec.html>

## 2.2 Rock Check Dams

Two rock check dams will be constructed in the drainage channel running through Parcel 5 (**Appendix A, Drawing No. 5**). Initially, rock check dams with a filter fabric were evaluated, however, because of the potential for check dams with geosynthetic textiles to become clogged, which would thereby decrease its effectiveness, the addition of a geosynthetic textile is not included in this design. Rock check dams will be constructed with well graded stone or rip rap (**Figure 2<sup>2</sup>**). This style of check dam provides improved settling when combined with a shallow pool or depression upstream of the check dam. In addition to reducing flow velocities to promote settling, this type of check dam can also filter sediment. Rock check dams will reduce flow velocity and scouring and improve sedimentation in the drainage ditch on Parcel 5.



*Figure 2: Example Rock Check Dam*

## 2.3 Concrete Cloth

To prevent the potential for scouring and sediment to be transported off-Site to the Reedy River a concrete cloth will be installed in the drainage swale located downstream from the Transflo property and adjacent to Parcel 5 (**Appendix A, Drawing No. 6**). Concrete cloth is a flexible geosynthetic cementitious composite mat that will bend and curve, enabling it to follow the natural contours of the land including ditches and slopes (**Figure 3<sup>3</sup>**).



*Figure 3: Example of Concrete Cloth in Drainage Channel.*

<sup>2</sup> <http://scdhec.gov/sites/default/files/docs/Environment/docs/sedim-Dams.pdf>

<sup>3</sup> <https://nilex.com/products/concrete-cloth>



### 3. DESIGN INTENT AND ASSUMPTIONS

#### 3.1 Turbidity Curtain

Concrete bollards will be constructed on each bank of the drainage channel to secure the silt curtain. Each end of the silt curtain will be loosely secured to a bollard with a chain, allowing the silt curtain to rise with changes in water level. The silt curtain will be installed at an angle across the channel rather than perpendicular to flow, per manufacturer recommendations. As indicated on the plan set, the span between the bollards is approximately 20.1 feet (ft) to install each at an elevation of 929 ft above mean sea level (amsl). The length of the silt curtain will be approximately 22 ft. The silt curtain will be constructed of a 1-foot tall section of impermeable material with floats and a minimum 3-foot tall section permeable silt curtain connected below. Silt curtain materials will meet or exceed the requirements of SCDOT Standard Specification 815.07. The manufacturer will cut the bottom of the silt curtain to roughly match the shape of the channel bottom during fabrication. This design is based on the following assumptions:

- The typical water level of the west surface water area is 929 ft amsl.
- The east surface water area overflows to the south at approximately 930 ft amsl.
- The silt curtain will be able to rise as flows and water levels through the drainage channel increase.
- The top portion of the silt curtain should retain floatable material, while the silt curtain material should allow water to pass while retaining most sediment in the channel.
- Maximum flow velocities through the culvert and through the silt curtain should not dislodge or damage the silt curtain.
- No removal efficiency design criteria have been defined for the silt curtain.

#### 3.2 Permeable Rock Check Dams

The objectives rock check dams are to improve the existing conditions by reducing the overall surface water travel velocity and reducing sediment transport. Because the check dams are to be placed within a ditch located within a wetland, no removal efficiency was calculated. The rock check dams will be located so that the toe elevation of the upstream check is equal to the crest of the downstream check. This design is based on the following assumptions:

- Ditch checks are designed to be constructed in general accordance to SCDHEC standards, not to withstand a specific flow velocity, shear force, or design storm.

- This area has a large, complex drainage area with irregular and heavily vegetated areas for surface runoff to pond and receives drainage from many surrounding parcels. Characterizing the drainage patterns of this area would require a detailed hydraulics & hydrology study which is outside the scope of these interim measures.
- These check dams are not intended to be a permanent BMP. They are intended to limit the potential flow of sediment offsite while a permanent remedial action is designed and implemented. An extreme rain event could potentially wash out these check dams.

### 3.3 Riprap Removal and Concrete Cloth

Prior to the installation of the concrete cloth, the existing rip rap will be removed from the drainage swale located on the southeast side of the Transflo property. Following removal of rip rap, the ditch will be graded smooth and approximately 1-ft of sediment will be removed from the bottom of the ditch. The concrete cloth will be installed along the bottom and on the side walls of the ditch. The concrete cloth will be installed starting on the downstream end of the ditch and “shingled” using overlapping seams. The plastic backing of the concrete cloth will be placed against the subgrade. The seams will be sealed with #12 stainless steel screws in accordance with the manufacturer’s recommendations. To hold the concrete cloth in place and stabilize the underlying soil, a 1-ft wide by 1-ft deep anchor trench will be constructed at the top of slope around the entire perimeter. The concrete cloth will be hydrated after installation using a local potable water source. Following the curing of the concrete cloth, a 12-inch thick layer of new rip rap will be installed in the bottom of the ditch between the two existing culverts. This design is based on the following assumptions:

- The general shape, configuration, flow capacity, and hydraulics of the ditch will be similar to the existing conditions following the installation of the concrete cloth.
- The concrete cloth will allow for the inspection and removal of accumulated sediments, if needed.
- The concrete cloth will form a permanent cap over the existing sediments and will control the potential for scouring and sediment to be transported to the Reedy River.

#### 4. BMP INSPECTION AND MAINTENANCE PLAN

Inspections will be conducted monthly following construction of the BMPs. An example inspection form is included as **Appendix B**. The condition of the turbidity curtain, the permeable rock check dams, and the Site in general will be evaluated and documented during each inspection.

The turbidity curtain will be evaluated for the following during each inspection:

- Noticeable areas where the curtain is not successfully containing sediment and/or particulates;
- Anchors or chains that have become dislodged or loose;
- Accumulated debris or sediment;
- Damage or tears to the curtain; and
- Damage due to nuisance wildlife (i.e., beavers).

Accumulated sediment in front of the turbidity curtain will be removed when it reaches approximately 1 ft in height or when it appears that sediment is impeding flow. If necessary, observed accumulation of floatable material will be skimmed from the water surface and properly characterized for off-Site disposal. If oil sheens are observed on the water surface at the turbidity curtain location or other locations, sorbent booms will be temporarily deployed. The sorbent booms will be inspected weekly and adjusted and/or replaced as needed.

Permeable rock check dams will be inspected for sediment accumulation, erosion, and visible flow patterns. Accumulated sediment in front (upstream) of the rock ditch check will be removed when it reaches 1/3 the height of the rock ditch check or when it appears that sediment is impeding flow. Removed sediment will be properly characterized and disposed off-Site. The edges of rock check dams and the area immediately downstream of each check will also be inspected for erosion and evidence of runoff bypassing the check. The rock check dams will be repaired promptly if evidence of erosion of the channel, erosion of the rock ditch check itself, or flow bypassing the check is observed.

Although sediment accumulation and/or damage are not anticipated, the concrete cloth will be inspected at the same frequency as the other BMPs. The concrete cloth will be inspected and maintained, as needed.

## 5. PERMITTING AND SCHEDULE CONSIDERATIONS

### 5.1 Permitting Considerations

Although a formal jurisdictional wetland survey has not yet been completed, it is believed that both BMPs (turbidity curtain and rock check dams) are located within “Waters of the State” (a jurisdictional wetland) and an AE Flood Zone. Duke Energy has obtained a Nationwide 38 Permit for this project, as well as authorization for the associated Pre-Construction Notification (PCN). The PCN authorization letter from the United States Army Corps of Engineers is included as **Appendix C**.

The installation of the cloth concrete cloth is subject to the approval of an amended right of entry agreement from CSXT.

### 5.2 Proposed Project Schedule

The work will be performed in late 2<sup>nd</sup> Quarter or early 3<sup>rd</sup> Quarter of 2021 and is subject to receipt of the executed right of entry amendment from CSXT. The work duration is anticipated to be approximately 2 to 4 weeks. The implementation of the BMPs will be performed in coordination with TransFlo as to not impact their business operations.

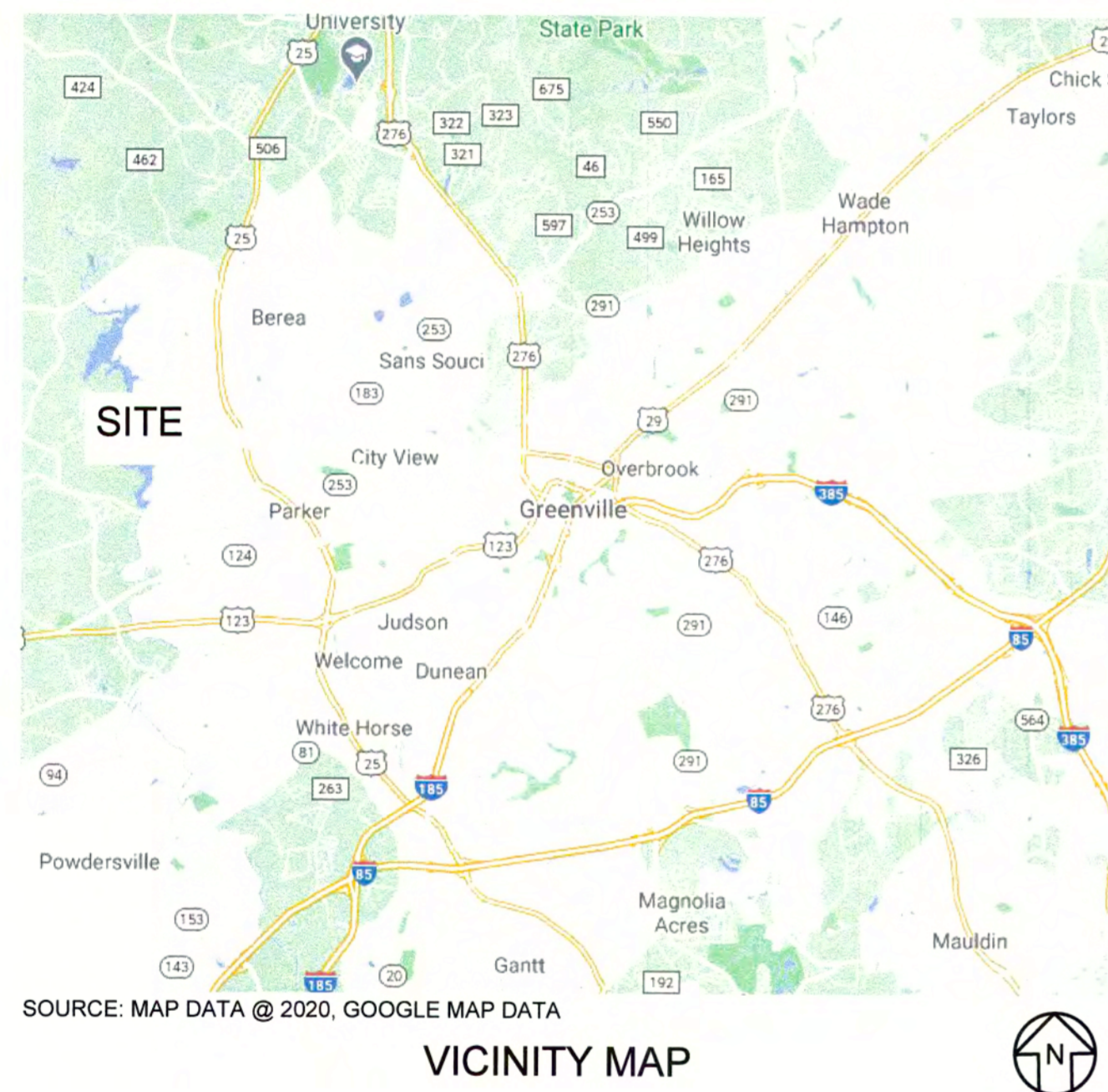
**APPENDIX A**  
Interim Best Management Practice Plan Design  
Drawings

# PARCEL 3 & 5 INTERIM BEST MANAGEMENT PRACTICE PLAN

## FORMER BRAMLETTE MGP SITE

### EAST BRAMLETTE ROAD, GREENVILLE, SOUTH CAROLINA

MARCH 2021



INDEX OF DRAWINGS	
DRAWING NUMBER	TITLE
1	TITLE SHEET, VICINITY & SITE MAPS, AND DRAWING INDEX
2	GENERAL NOTES
3	EXISTING CONDITIONS SITE PLAN
4	TURBIDITY CURTAIN PLAN AND DETAILS
5	PERMEABLE ROCK CHECK DAM PLAN AND DETAILS
6	RIP RAP DITCH RESURFACING



PREPARED FOR:  
**DUKE ENERGY, CAROLINAS, LLC**  
 523 SOUTH CHURCH STREET  
 CHARLOTTE, NORTH CAROLINA 28202

PREPARED BY:  
**GEOSYNTEC CONSULTANTS**  
 6770 SOUTH WASHINGTON AVENUE  
 SUITE 3  
 TITUSVILLE, FLORIDA 32780

REV	DATE	DESCRIPTION	SB	DR
0	03/19/2021	ISSUE FOR REVIEW	SB	DR
			DRN	APP
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TITLE: TITLE SHEET, VICINITY & SITE MAPS, AND DRAWING INDEX				
PROJECT: PARCEL 3 & 5 TEMPORARY BEST MANAGEMENT PRACTICE PLAN				
SITE: FORMER BRAMLETTE MGP SITE				
THIS DRAWING MAY NOT BE ISSUED FOR PROJECT TENDER OR CONSTRUCTION UNLESS SEALED.		CERTIFICATE OF AUTHORIZATION		DESIGN BY: SB DATE: MARCH 2021
				DRAWN BY: SB PROJECT NO.: FR7559.01.03
		CHECKED BY: JG FILE:		DRAWING NO.:
		REVIEWED BY: JG/DR/JL APPROVED BY: DR/JL		1 OF 6

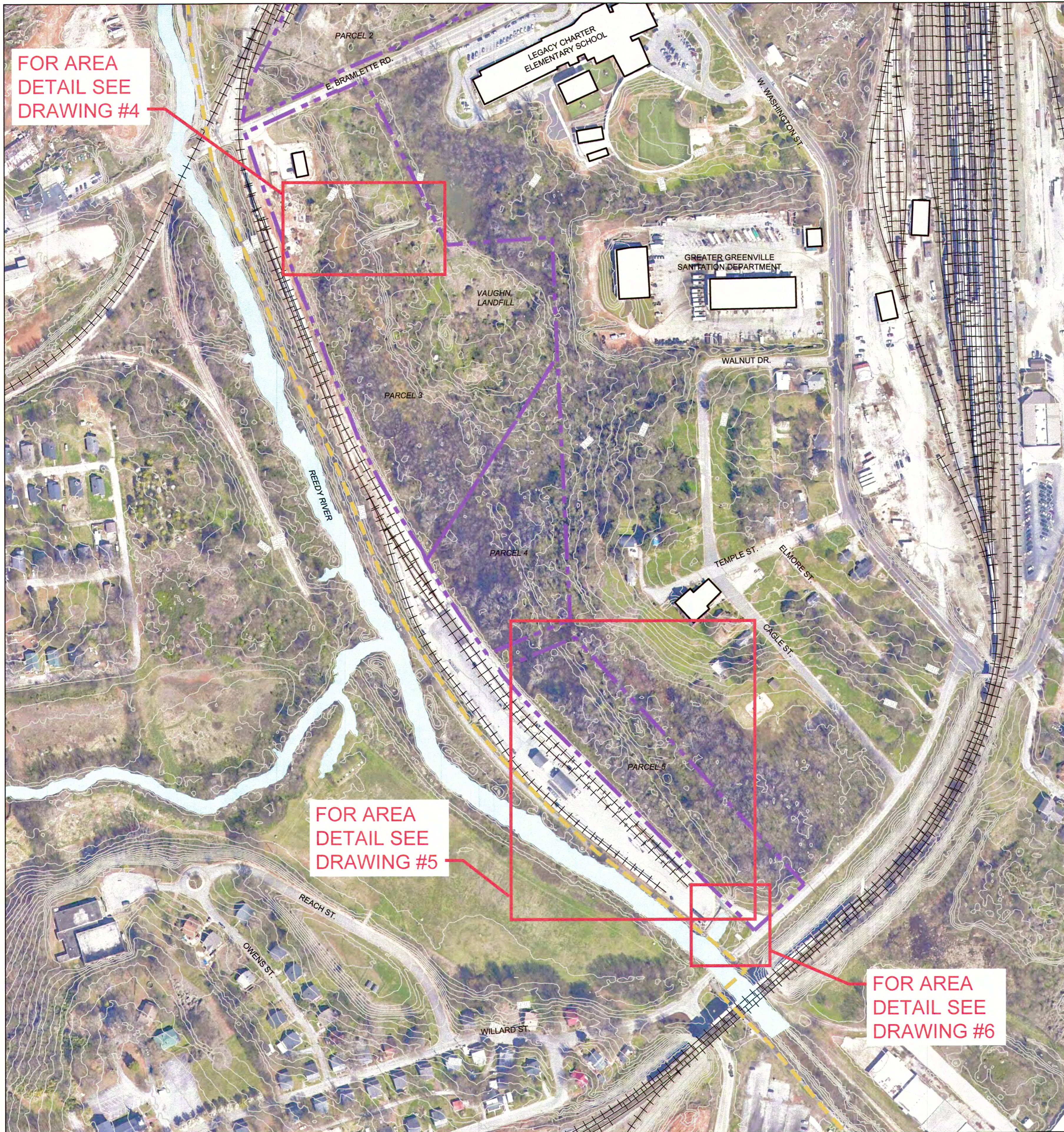
**DESIGN DRAWINGS  
NOT FOR CONSTRUCTION**

**GENERAL NOTES:**

1. REFER TO THE CONTRACT DOCUMENTS AND THESE DRAWINGS FOR DEFINITION OF TERMS, ABBREVIATIONS, ACRONYMS, SYMBOLS, LEGENDS, AND DRAWING NOTES. SYMBOLS AND ABBREVIATIONS ON THIS DRAWINGS MAY NOT NECESSARILY BE USED ON EVERY SHEET WITHIN THE DRAWINGS.
2. THE CONTRACTOR SHALL PERFORM ALL WORK SHOWN ON THESE DRAWINGS ACCORDING TO THE SPECIFIC REQUIREMENTS SHOW HEREIN AND THE SPECIFIC REQUIREMENTS SET FORTH IN THE CONTRACT DOCUMENTS (E.G., SPECIFICATIONS, CONSTRUCTION QUALITY ASSURANCE PLAN, ETC.).
3. COORDINATE SYSTEM USED FOR ALL DRAWINGS IS NAD 83 SOUTH CAROLINA STATE PLANE, INTERNATIONAL FEET, UNLESS SPECIFIED OTHERWISE.
4. TOPOGRAPHY (EXISTING GROUND CONTOURS) OBTAINED FROM CADD FILE ORIGINALLY PREPARED BY SYNTERRA CORPORATION.
5. BASEMAP FEATURES PROVIDED BY SYNTERRA CORPORATION.
6. LOCATIONS OF ALL STRUCTURES AND SITE CONDITIONS ARE BASED ON THE BEST AVAILABLE INFORMATION AND ARE NOT WARRANTED TO BE EXACT, NOR IS IT WARRANTED THAT ALL ARE SHOWN. UTILITIES ARE KNOWN TO BE PRESENT ON THE SITE ALONG PUBLIC ROADS/EASEMENTS AND DEVELOPED PROPERTIES; CONTRACTOR SHALL VERIFY UTILITY LOCATIONS PRIOR TO EXCAVATION.
7. THE CONTRACTOR IS RESPONSIBLE FOR ALL PROJECT SAFETY INCLUDING, BUT NOT LIMITED TO, EXCAVATION, TRAFFIC CONTROL, AND SECURITY.
8. THE CONTRACTOR IS RESPONSIBLE FOR ALL DAMAGES TO EXISTING AREAS AND FINAL CONSTRUCTED CONDITIONS DURING THE WORK AND ANY APPLICABLE WARRANTY PERIOD(S).
9. THE CONTRACTOR IS RESPONSIBLE FOR MANAGING, PREPARING, DISPOSING, OR OTHERWISE REMOVING ANY AND ALL DEBRIS, EXCESS MATERIALS, EXCESS SOILS, ETC., FROM THE SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
10. THE CONTRACTOR SHALL RECEIVE WRITTEN NOTICE AND APPROVAL OF ANY CHANGES TO THE CONTRACT DRAWINGS OR SPECIFICATIONS PRIOR TO THE EXECUTION OF ANY CHANGES BY THE CONTRACTOR. ANY DEVIATIONS PERFORMED WITHOUT ACCEPTANCE BY THE OWNER OR ENGINEER WILL NOT BE PAID FOR, AND MAY BE REQUIRED TO BE REDONE AT THE CONTRACTOR'S EXPENSE.
11. ALL WORK ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE CONTRACTOR'S APPROVED HEALTH AND SAFETY PLAN. THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING APPROPRIATE HEALTH AND SAFETY MEASURES AND TRAINING FOR ALL AREAS OF WORK.

0	03/19/2021	ISSUE FOR REVIEW	SB	DR	
REV	DATE	DESCRIPTION	DRN	APP	
					
6770 SOUTH WASHINGTON AVENUE, SUITE 3 TITUSVILLE, FLORIDA 32780 USA PHONE: 321.269.5880					
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PROJECT: PARCEL 3 & 5 TEMPORARY BEST MANAGEMENT PRACTICE PLAN					
SITE: FORMER BRAMLETTE MGP SITE					
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**DESIGN DRAWINGS  
NOT FOR CONSTRUCTION**



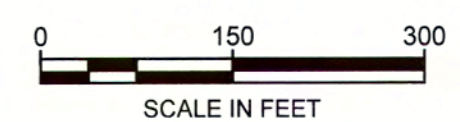
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**LEGEND:**

- EXISTING SURFACE CONTOURS
- PARCEL BOUNDARY
- SWAMP RABBIT TRAIL
- RAILROAD
- BUILDING

**NOTES:**

1. PROPERTY BOUNDARIES SOURCED FROM GREENVILLE COUNTY.
2. COORDINATE SYSTEM NAD 83 SOUTH CAROLINA STATE PLANE, INTERNATIONAL FEET.
3. BASEMAP FEATURES PROVIDED BY SYNTERRA CORPORATION.

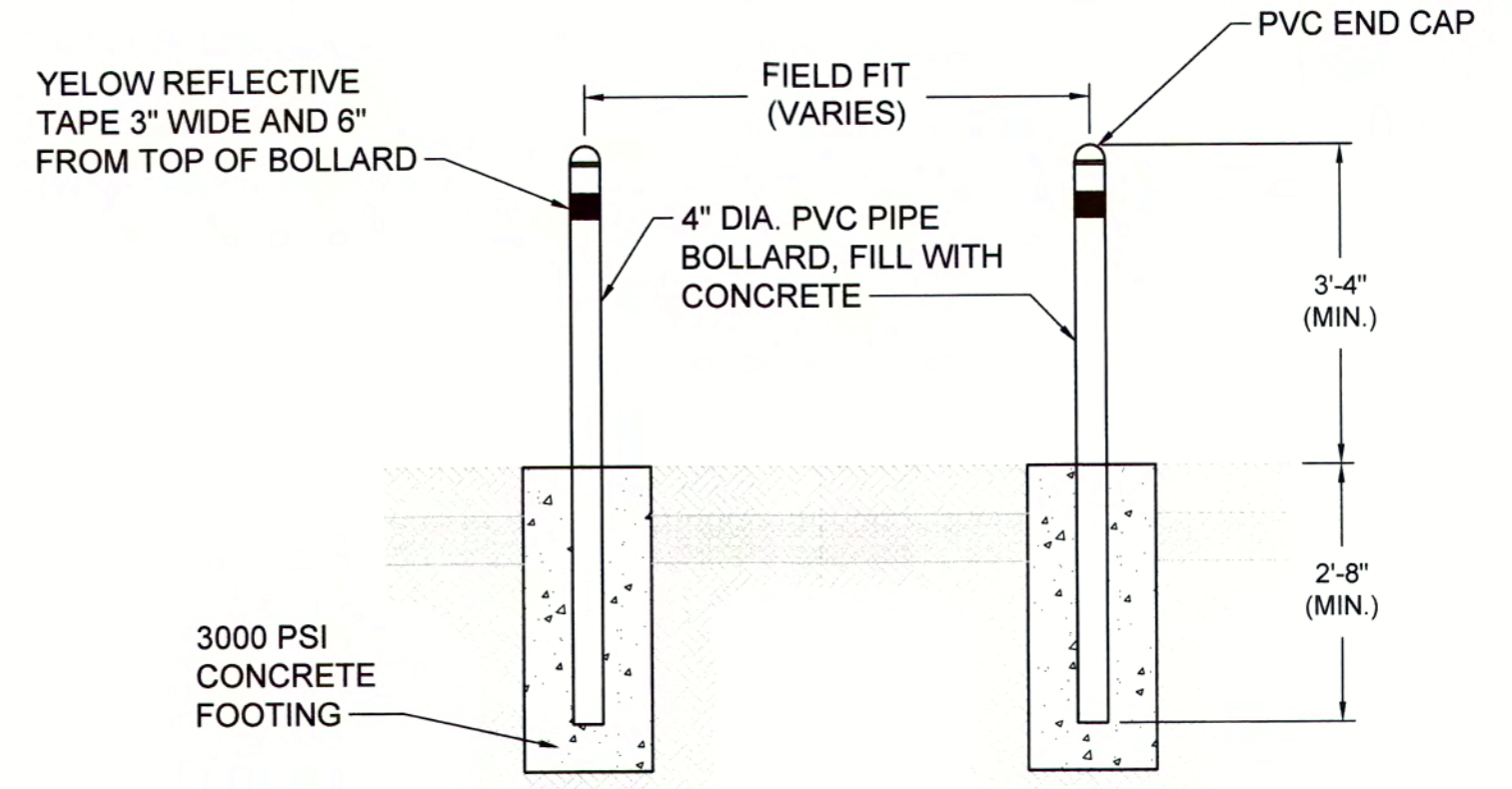
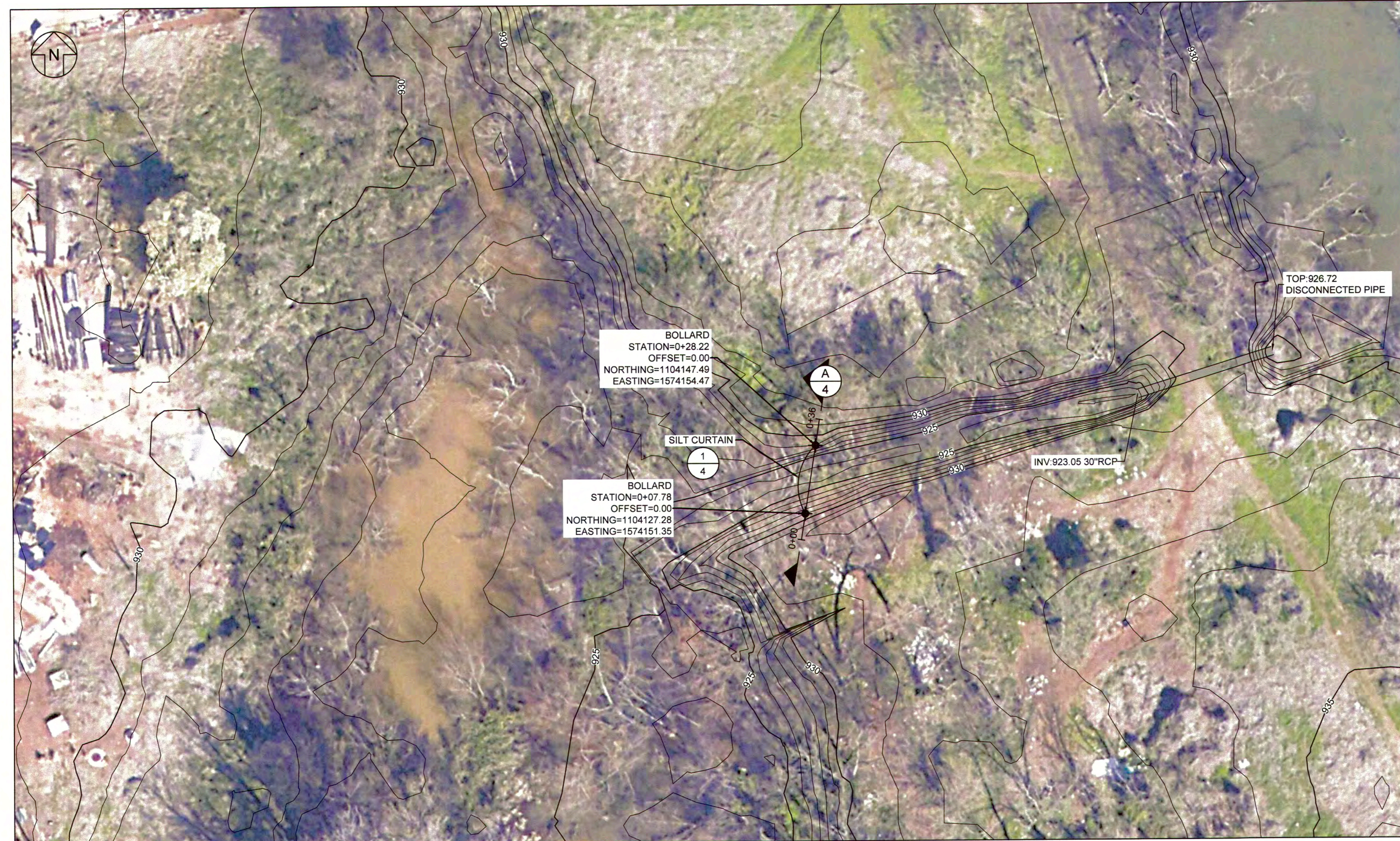


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TITLE: EXISTING CONDITIONS SITE PLAN				
PROJECT: PARCEL 3 & 5 TEMPORARY BEST MANAGEMENT PRACTICE PLAN				
SITE: FORMER BRAMLETTE MGP SITE				
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DATE: 3/18/21		REVIEWED BY: JG/DR/JL DRAWING NO.: 3 OF 6		APPROVED BY: DR/JL

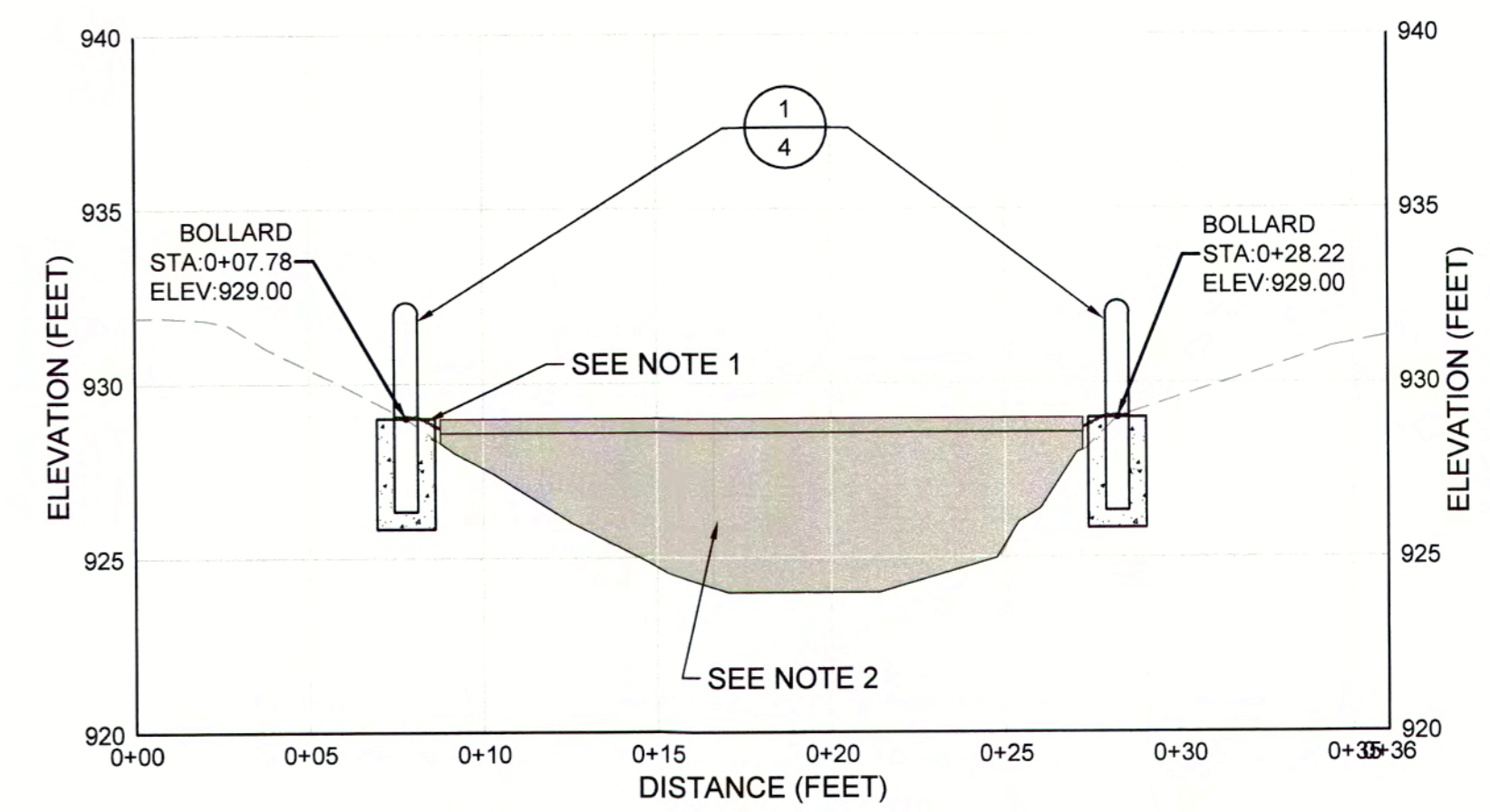
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**FRONT VIEW**  
**1** **DETAIL**  
**4** **BOLLARD**  
 SCALE: NOT TO SCALE



- NOTES:**
1. LOOSELY SECURE TOP AND BOTTOM OF TYPE I TURBIDITY CURTAIN TO BOLLARDS WITH CHAIN.
  2. TYPE I TURBIDITY CURTAIN WITH FILTER FABRIC SKIRT. TURBIDITY CURTAIN SHALL HAVE A 12-INCH TALL IMPERMEABLE OIL BOOM WITH 6-INCH EXPANDED POLYSTYRENE FILL FLOATS WITH FACTORY INSTALLED GROMMETS OR EQUIVALENT. FILTER FABRIC HEIGHT BELOW THE IMPERMEABLE OIL BOOM SHALL BE A MINIMUM OF 3-FEET.

**A** **SECTION**  
**4** **SILT CURTAIN**  
 SCALE: NOT TO SCALE

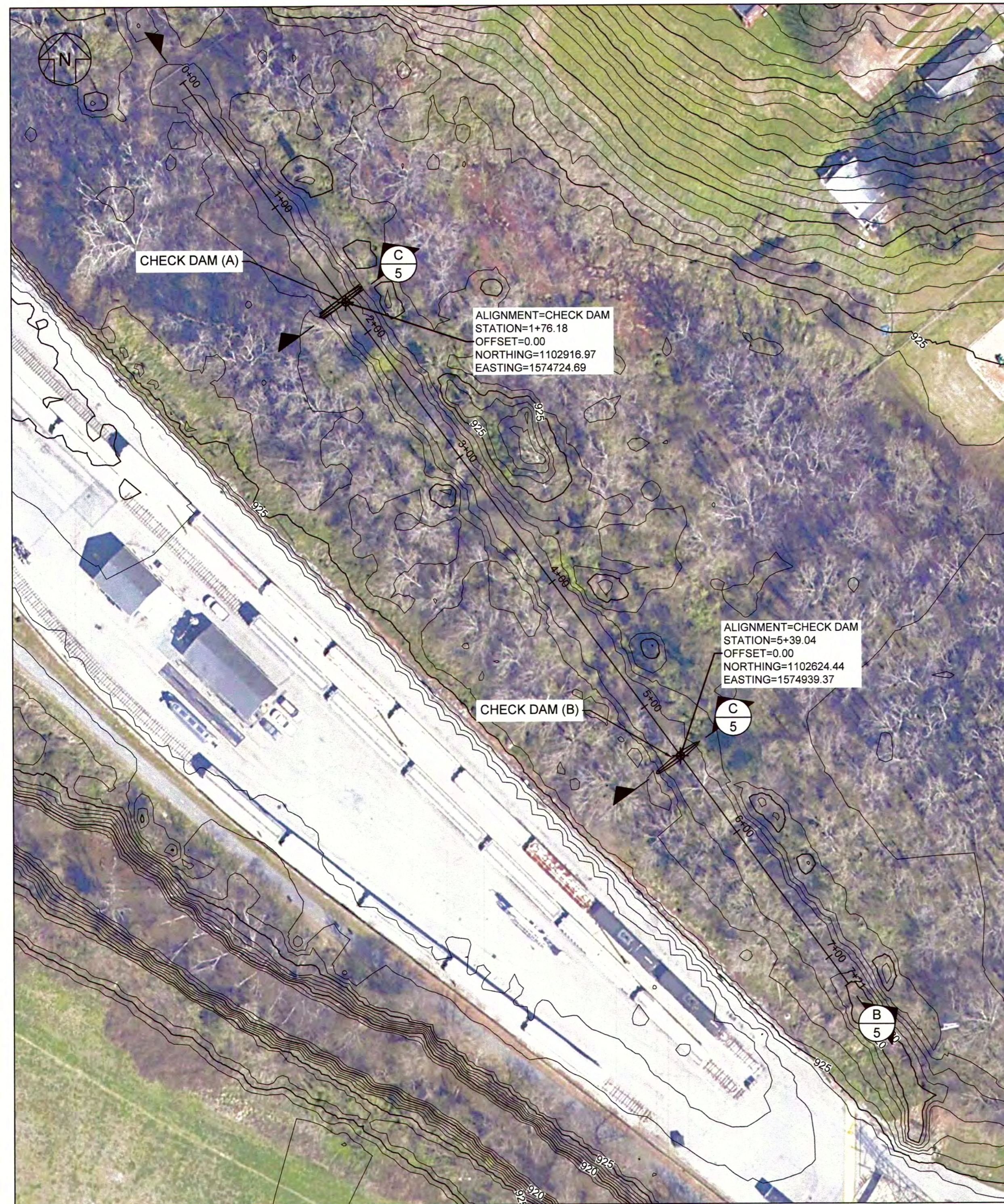
R:\FR7559\_BRAMLETTE\CD\ASHEET FILES\FR7559\_CD2 TURBIDITY CURTAIN PLAN.DWG

**DESIGN DRAWINGS  
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REV	DATE	DESCRIPTION	SB	DR
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6770 SOUTH WASHINGTON AVENUE, SUITE 3 TITUSVILLE, FLORIDA 32780 USA PHONE: 321.269.5880		
<b>TITLE:</b> TURBIDITY CURTAIN PLAN AND DETAILS		
<b>PROJECT:</b> PARCEL 3 & 5 TEMPORARY BEST MANAGEMENT PRACTICE PLAN		
<b>SITE:</b> FORMER BRAMLETTE MGP SITE		
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LANGENS	LANGENS	APPROVED BY: DR/JL <b>4</b> OF <b>6</b>



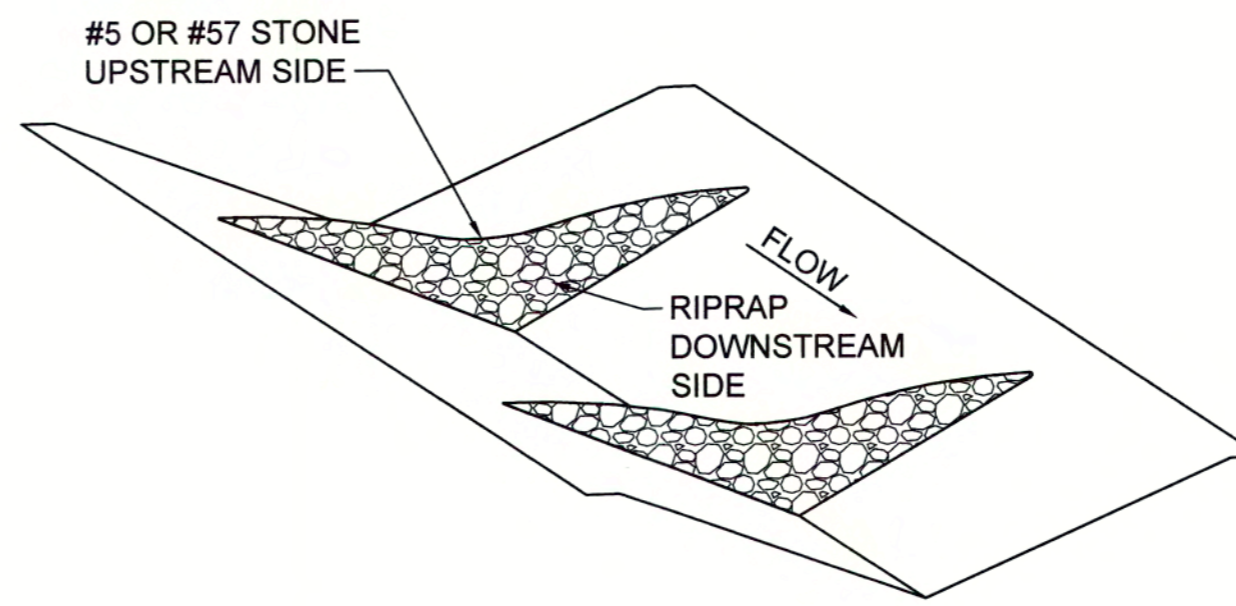
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NORTHING=1102916.97  
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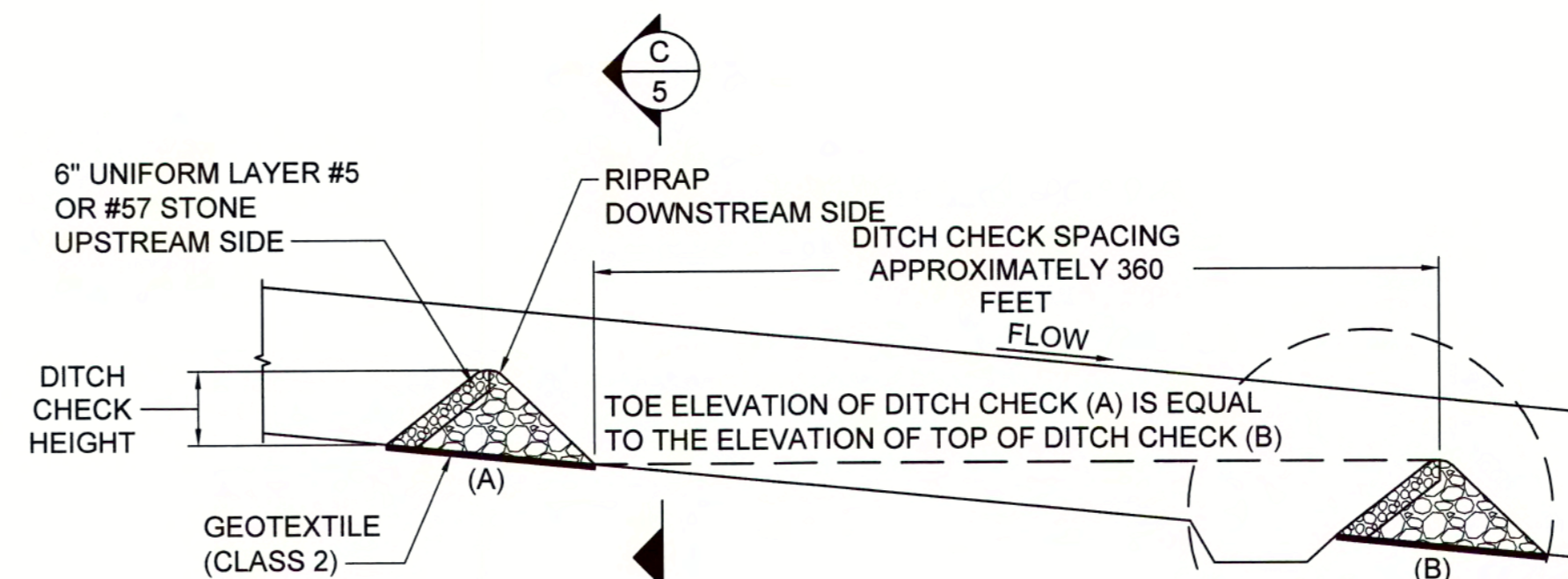
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**NOTES:**

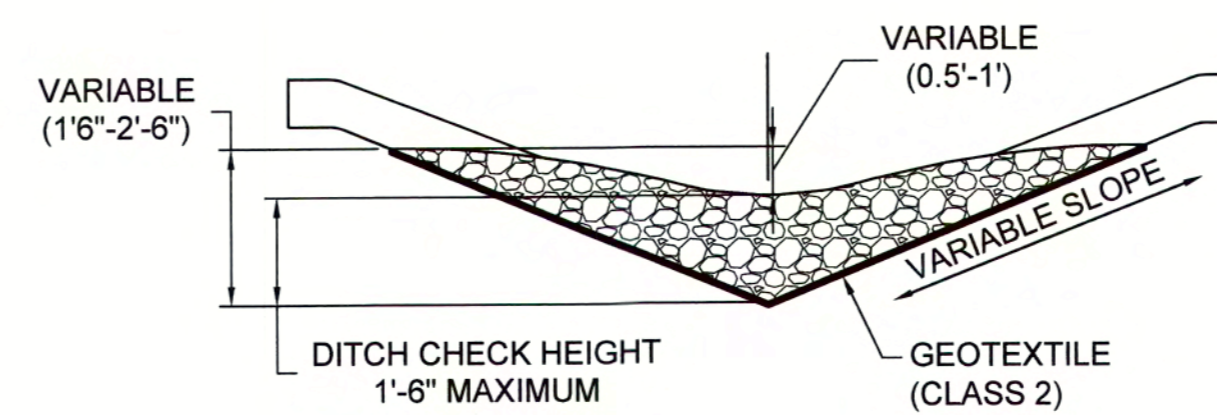
1. PLACE A NON-WOVEN GEOTEXTILE FABRIC MEETING AASHTO M288 CLASS 2 BENEATH THE ROCK PRIOR TO INSTALLATION OF THE ROCK.
2. RIPRAP SHALL BE CLASS A.
3. PLACE RIPRAP BY HAND.
4. PLACE 6" UNIFORM LAYER OF AGGREGATE NO. 5 OR NO. 57 STONE ON THE UPSTREAM FACE OF ROCK DITCH CHECK.
5. THE UPSTREAM AND DOWNSTREAM DITCH CHECK SLOPES SHALL BE NO STEEPER THAN 2:1.
6. HEIGHT OF DITCH CHECK SHALL BE NO MORE THAN 1.5 FEET.
7. REMOVE COLLECTED SEDIMENT UPSTREAM OF DITCH CHECK AS DETERMINED BY THE ENGINEER.
8. FINAL CHECK DAM LOCATION WILL BE DETERMINED IN THE FIELD BY ENGINEER.
9. ROCK DITCH CHECKS SHALL HAVE A MINIMUM TOP FLOW LENGTH OF 2-FEET.
10. REGULAR INSPECTIONS OF ROCK DITCH CHECKS SHALL BE CONDUCTED ONCE EVERY CALENDAR MONTH.
11. REMOVE ACCUMULATED SEDIMENT WHEN IT REACHES  $\frac{1}{3}$  THE HEIGHT OF THE ROCK DITCH CHECK.
12. REMOVED SEDIMENT WILL BE PROPERLY CHARACTERIZED AND DISPOSED OFF SITE.



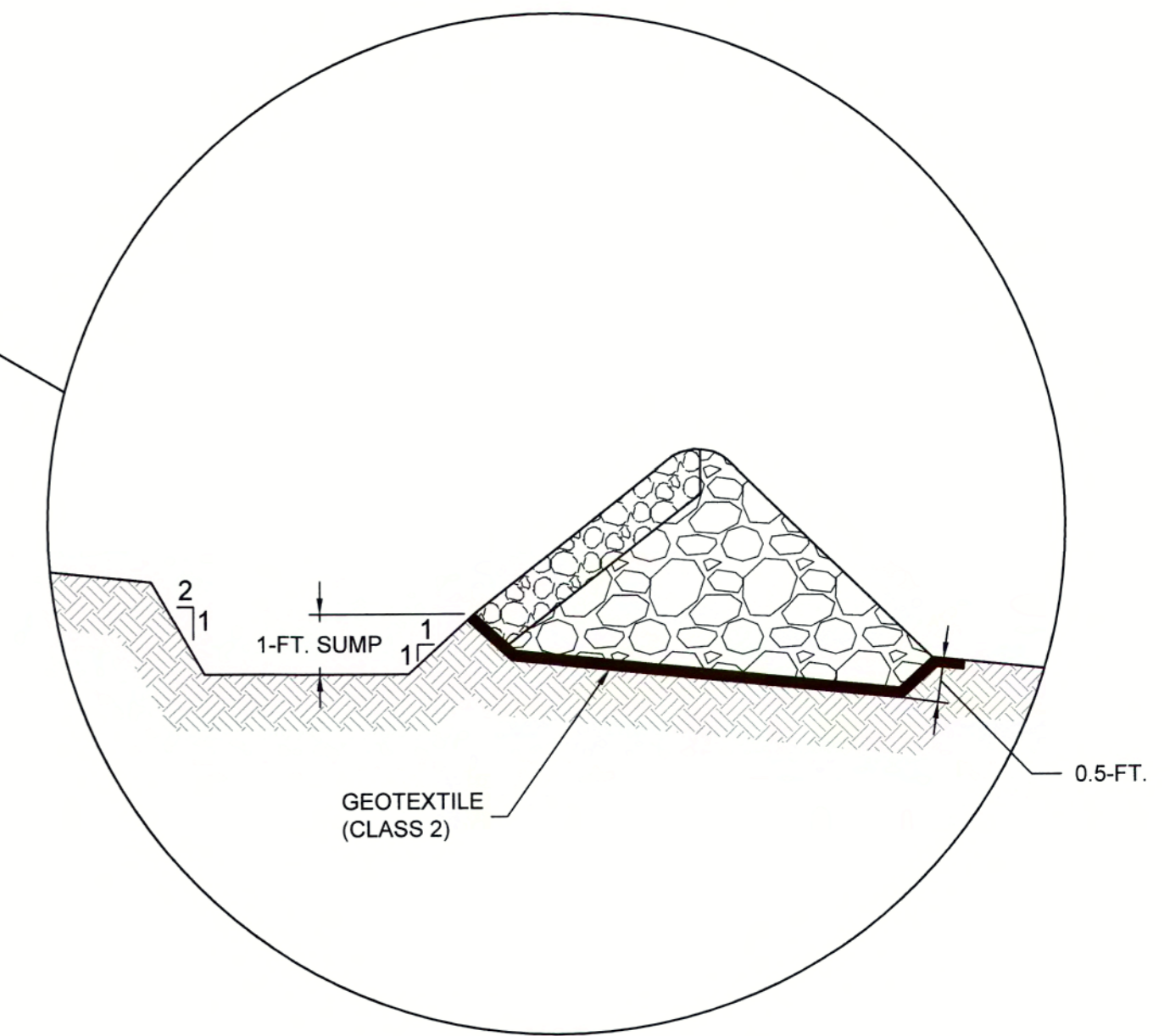
2  
5  
**DETAIL**  
**DITCH CHECK ISOMETRIC VIEW**  
SCALE: NOT TO SCALE



B  
5  
**SECTION**  
**DITCH CHECK ELEVATION VIEW**  
SCALE: NOT TO SCALE



C  
5  
**SECTION**  
**DITCH CHECK END VIEW**  
SCALE: NOT TO SCALE

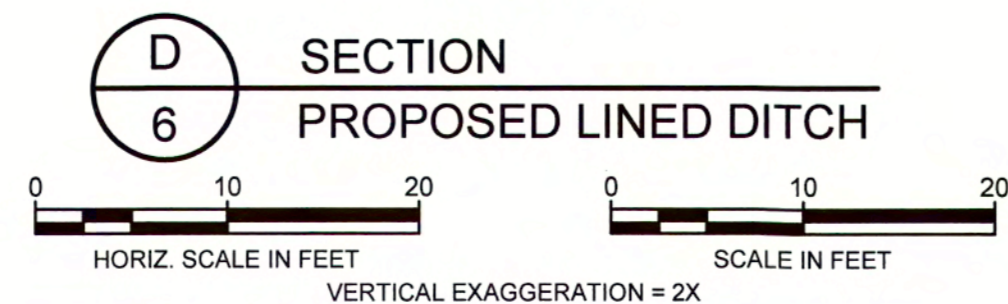
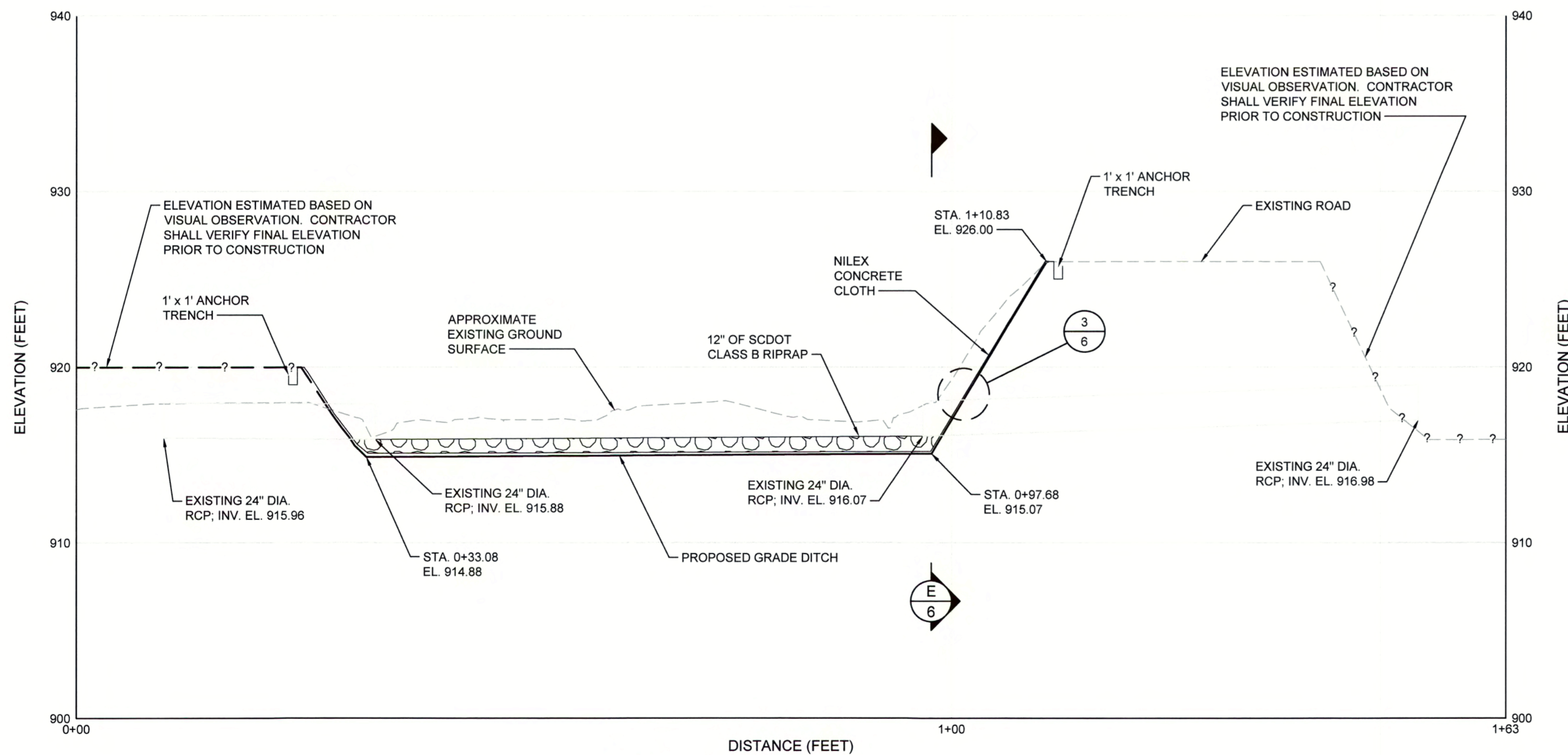
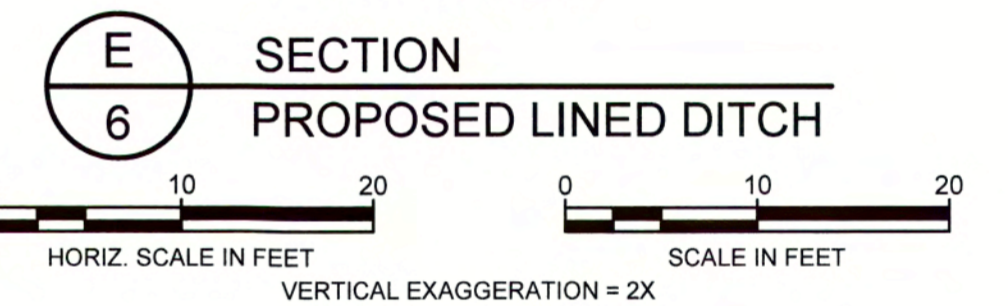
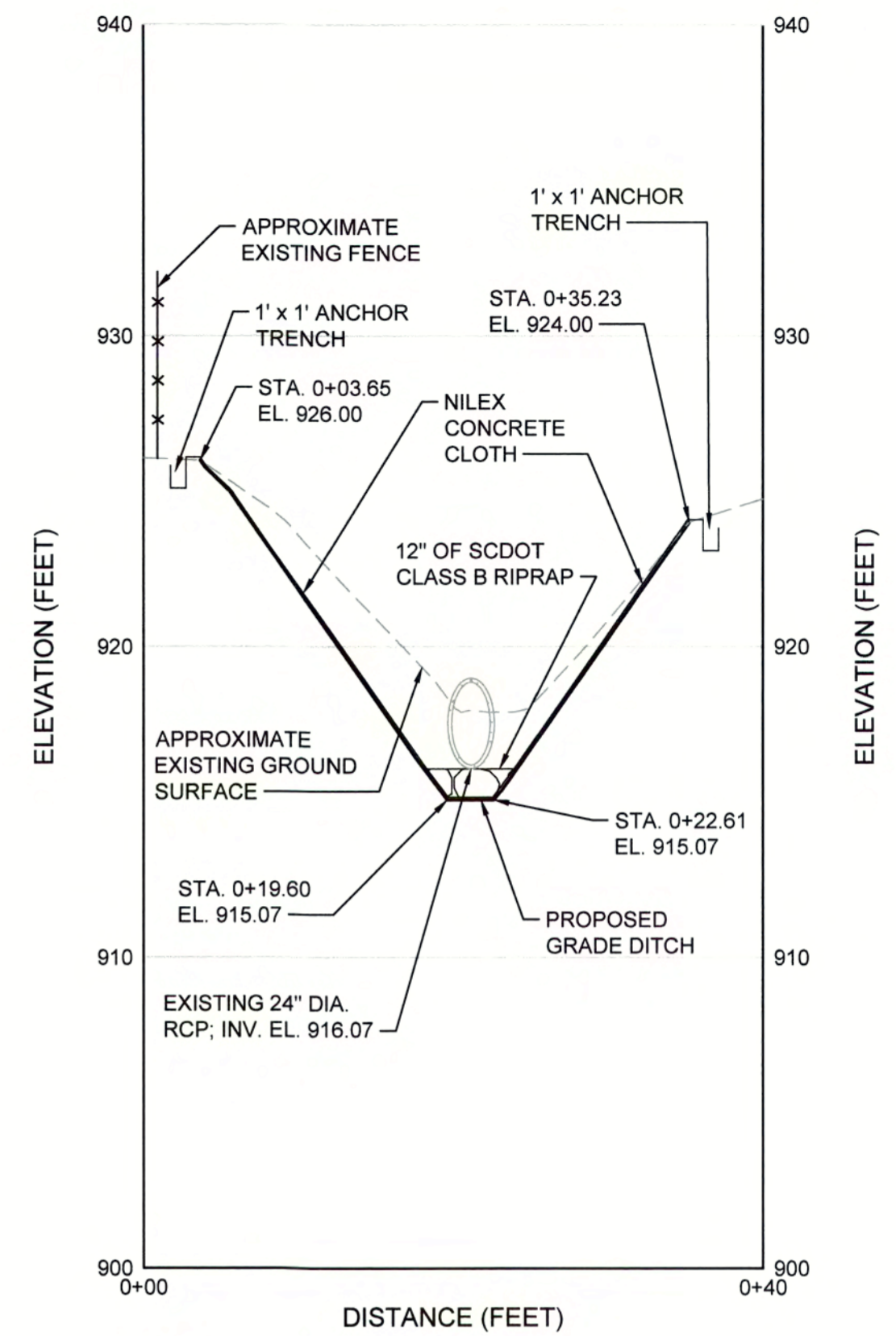
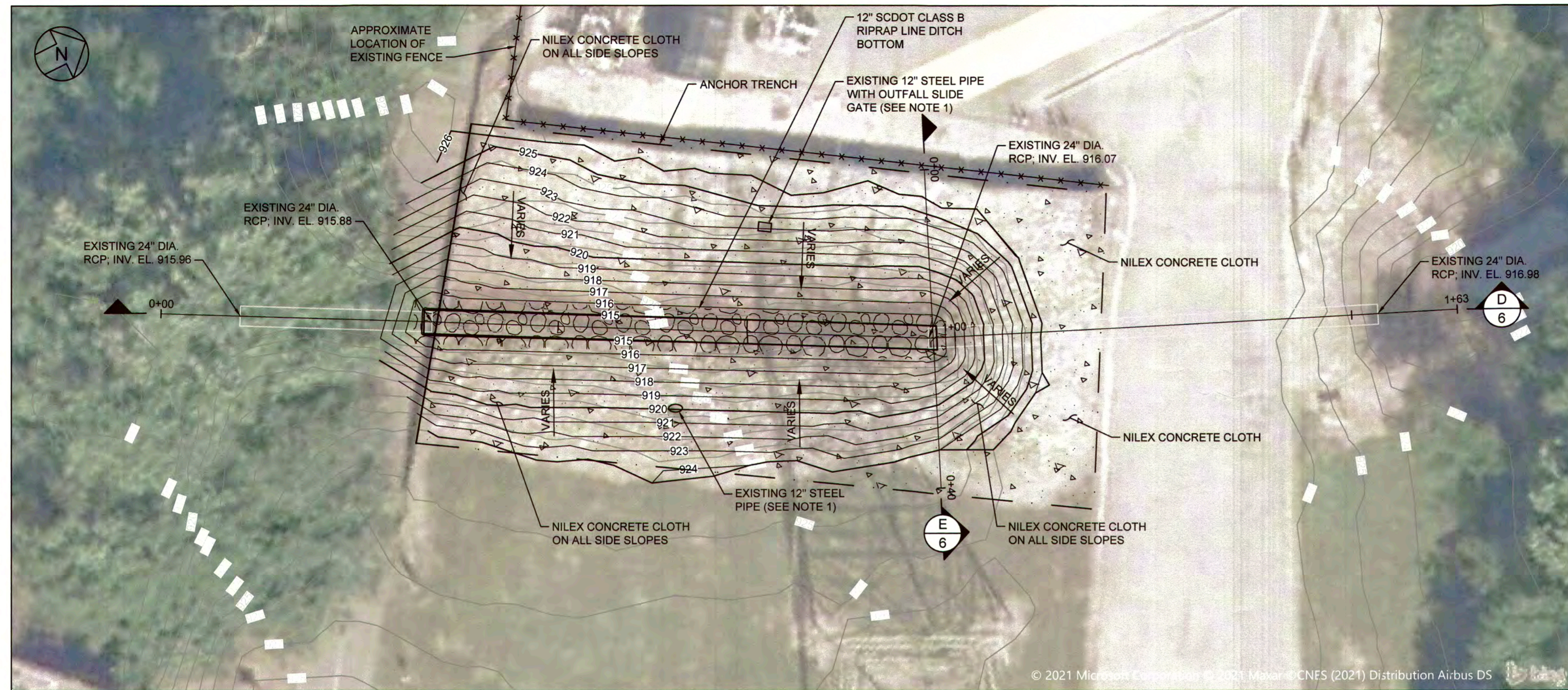


REV	DATE	ISSUE FOR REVIEW	DESCRIPTION	SB	DR
0	03/19/2021	ISSUE FOR REVIEW		DRN	APP

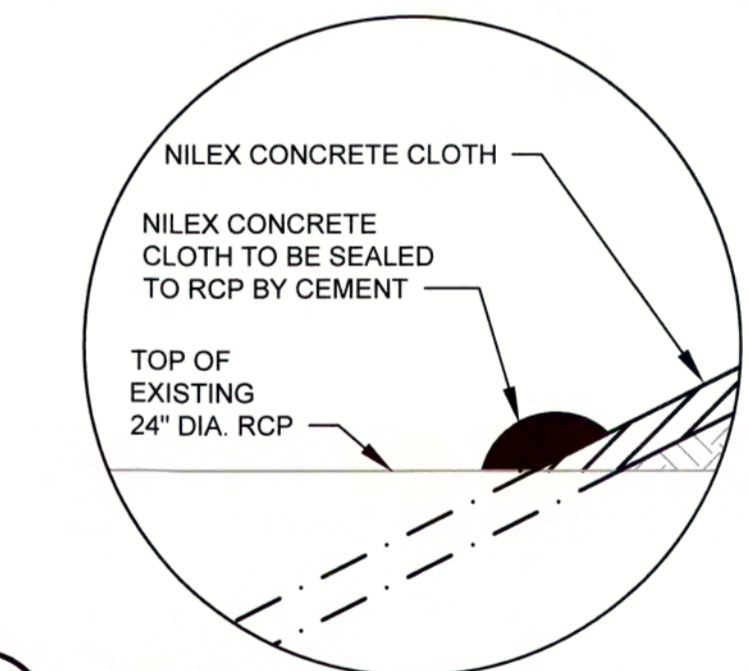
  

6770 SOUTH WASHINGTON AVENUE, SUITE 3 TITUSVILLE, FLORIDA 32780 USA PHONE: 321.269.5880			
<b>TITLE:</b> PERMEABLE ROCK CHECK DAM PLAN AND DETAILS			
<b>PROJECT:</b> PARCEL 3 & 5 TEMPORARY BEST MANAGEMENT PRACTICE PLAN			
<b>SITE:</b> FORMER BRAMLETTE MGP SITE			
THIS DRAWING MAY NOT BE ISSUED FOR PROJECT TENDER OR CONSTRUCTION UNLESS SCALED.	CERTIFICATE OF AUTHORIZATION 	DESIGN BY: SB DRAWN BY: SB CHECKED BY: JG REVIEWED BY: JG/DR/JL APPROVED BY: DR/JL	DATE: MARCH 2021 PROJECT NO.: FR7559.01.03 FILE: DRAWING NO.: <b>5</b> OF <b>6</b>

**DESIGN DRAWINGS  
NOT FOR CONSTRUCTION**



- NOTES:**
1. LOCATION OF INLET PIPES ARE ESTIMATED BASED ON VISUAL OBSERVATION. CONTRACTOR SHALL VERIFY LOCATION PRIOR TO CONSTRUCTION.
  2. PROPOSED DITCH TO BE LINED WITH NILEX CONCRETE CLOTH. DITCH BOTTOM WIDTH TO BE OVERLAIN BY 12" SCDOT CLASS B RIPRAP.



**3** DETAIL  
**6** CONCRETE CLOTH PIPE SEAM  
SCALE: NOT TO SCALE

REV	DATE	DESCRIPTION	SB	DR
0	03/19/2021	ISSUE FOR REVIEW	SB	DR

6770 SOUTH WASHINGTON AVENUE, SUITE 3 TITUSVILLE, FLORIDA 32780 USA PHONE: 321.269.5880			
<b>TITLE: RIP RAP DITCH RESURFACING</b>			
<b>PROJECT: PARCEL 3 &amp; 5 TEMPORARY BEST MANAGEMENT PRACTICE PLAN</b>			
<b>SITE: FORMER BRAMLETTE MGP SITE</b>			
THIS DRAWING MAY NOT BE ISSUED FOR PROJECT TENDER OR CONSTRUCTION, UNLESS SEALED.	CERTIFICATE OF AUTHORIZATION  GEOSYNTEC CONSULTANTS, INC. No. 773	DESIGN BY: SB DRAWN BY: SB CHECKED BY: JG REVIEWED BY: JG/DR/JL APPROVED BY: DR/JL	DATE: MARCH 2021 PROJECT NO.: FR7559.01.03 FILE: DRAWING NO.: <b>6</b> OF <b>6</b>

**DESIGN DRAWINGS  
NOT FOR CONSTRUCTION**

**APPENDIX B**  
Example Field Inspection Form

**Former Bramlette MGP Site  
Monthly BMP Inspection Form**

<b>General Information</b>		
Project Name: _____		
Location: _____		
Date of Inspection: _____		
Start Time: _____ End Time: _____		
Inspector's Name: _____		
Inspector's Title: _____		
Inspector's Contact Information: _____		
General Site Condition Notes:  _____  _____		
<b>Weather Information</b>		
Has there been a storm event since the last inspection? Y/N		
If yes, provide:		
Storm Start Date & Time: _____		
Storm Duration (hrs): _____		
Approximate Amount of Precipitation (in): _____		
Weather at time of this inspection? _____		
Activity	Maintenance Required?	Corrective Action Needed and Notes
1. Pond staff gauge (RI-SG-1) reading:		
2. Pond staff gauge (RI-SG-2) reading:		
3. Approximate depth of water behind turbidity curtain (inches).		
4. Is the turbidity curtain in good condition and secure?	Y / N / NA	
5. Is there floatable material behind the turbidity curtain?	Y / N / NA	
6. Approximate depth of sediment behind turbidity curtain:		
7. Are there noticeable areas where the curtain is not successfully containing sediment or floatable material?	Y / N / NA	
8. Are the ditch checks in good condition?	Y / N / NA	
9. Approximate depth of sediment behind ditch (inches).		
10. Approximate depth of sediment behind ditch check #2 (inches).		
11. Is there evidence of erosion around the edges of either rock check?	Y / N / NA	
12. Is there evidence of flow around the edges of either rock check?	Y / N / NA	
13. Is there evidence of erosion of either rock check?	Y / N / NA	

**APPENDIX C**  
Nationwide 38 Permit Pre-Construction  
Notification Authorization



**DEPARTMENT OF THE ARMY**  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
150 EXECUTIVE CENTER DRIVE, SUITE 205  
GREENVILLE, SOUTH CAROLINA 29615

January 27, 2021

Regulatory Division

Mr. Richard Powell  
Duke Energy Carolinas, LLC  
526 South Church Street, Mail Code EC13K  
Charlotte, North Carolina 28202  
[Richard.powell2@duke-energy.com](mailto:Richard.powell2@duke-energy.com)

Dear Mr. Powell:

This is in response to a Pre-Construction Notification (PCN) (SAC-2020-01267) received on November 3, 2020, which was considered complete on December 17, 2020. In submitting the PCN, you requested verification the proposed project is authorized by a Department of the Army (DA) Nationwide Permit (NWP).

The work affecting waters of the United States is part of an overall project known as CSXT Bramlett Road Site, which will involve placement of fill material in waters of the United States for activities associated with a Voluntary Cleanup Contract (VCC) you have with the South Carolina Department of Health and Environmental Control. The activities in waters of the United States include the placement of mats for an assessment to the area to perform borings, sampling, and toxicity analyses under the VCC. The project involves temporary impacts to not more than 0.44 acre of waters of the United States. Specifically, this letter authorizes temporary impacts to 0.44 acre of wetlands. The project is located on wetlands adjacent to Unnamed Tributaries of the Reedy River along Bramlett Road, north of Willard Street and west of W Washington Street in Greenville, Greenville County, South Carolina (Latitude: 34.8596°, Longitude: -82.4183°). The PCN also includes the following supplemental information:

- a. Drawing sheets 1-5 of 5 titled "SAC-2020-01267, CSXT Bramlett Road Site, Greenville County, South Carolina" and dated January 15, 2021.
- b. A delineation of wetlands, other special aquatic sites, and other waters.

Based on a review of the PCN, including the supplemental information indicated above, the Corps has determined the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of NWP 38 Cleanup of Hazardous and Toxic Waste.

For this authorization to remain valid, the project must comply with the enclosed NWP General Conditions, Charleston District Regional Conditions, and the following special conditions:

- a. **That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee.**

- b. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter.**
- c. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.**

This verification is valid until March 18, 2022, unless the district engineer modifies, suspends, or revokes the NWP authorization in accordance with 33 CFR 330.5(d). If prior to this date, the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization, the verification continues to remain valid until March 18, 2022. If you commence, or are under contract to commence this activity before the NWP expires, or the NWP is modified, suspended, or revoked by the Chief of Engineers or division engineer in accordance with 33 CFR 330.5(b) or (c), respectively, in such a way that the activity would no longer comply with the terms and conditions of the NWP, you will have 12 months after the date the NWP expires or is modified, suspended, or revoked, to complete the activity under the present terms and conditions of this NWP.

This NWP is verified based on information you provided. It is your responsibility to read the attached NWP(s) along with the General, Regional, and Special Conditions before you begin work. If you determine your project will not be able to meet the NWP and the conditions, you must contact the Corps before you proceed.

In all future correspondence, please refer to file number SAC-2020-01267. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (864) 609-4324, or by email at [Kristin.B.Andrade@usace.army.mil](mailto:Kristin.B.Andrade@usace.army.mil).

Sincerely,

 Digitally signed by  
ANDRADE.KRISTIN.BLAIR.1  
289378231  
Date: 2021.01.27 06:40:20  
-05'00'

Kristin B. Andrade  
Team Leader

Attachments

- Permit Drawings
- NWP 38 Cleanup of Hazardous and Toxic Waste
- Nationwide Permit General Conditions
- Nationwide Permit Regional Conditions
- Compliance Certification Form



Copies Furnished:

Ms. Angie Grooms  
ERM  
300 W Summit Ave, #330  
Charlotte, North Carolina 28203  
[Angie.Grooms@erm.com](mailto:Angie.Grooms@erm.com)

SC DHEC - Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201  
[WQCWetlands@dhec.sc.gov](mailto:WQCWetlands@dhec.sc.gov)



**Legend**

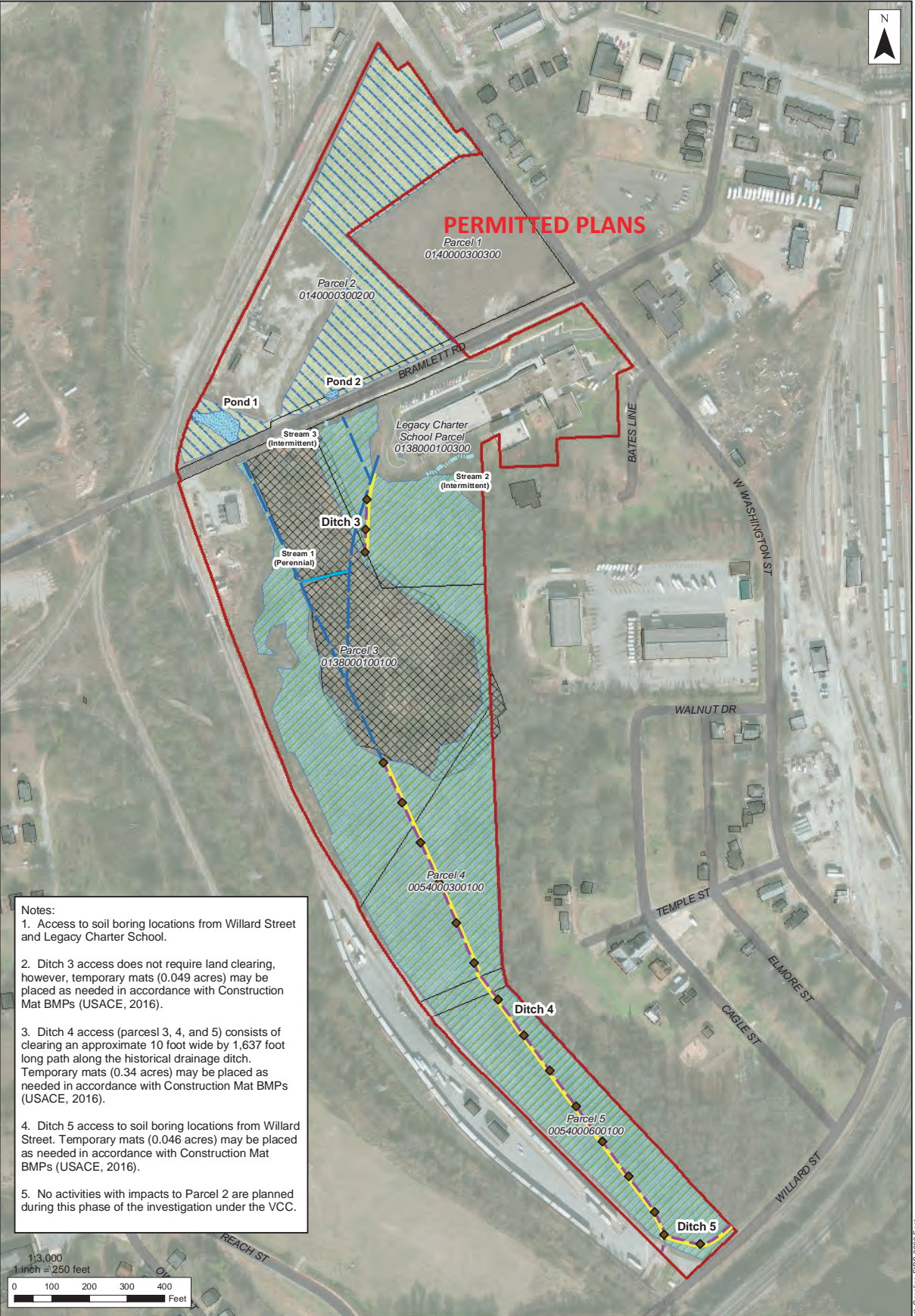
- Project Boundary
- Site Boundary
- Vaughn Landfill
- Railroads

SAC-2020-01267  
 CSXT Bramlett Road Site  
 Greenville County, South Carolina  
 January 15, 2021  
 Sheet 1 of 5



Legend	
	Project Boundary
	Site Boundary
	Vaughn Landfill
	Surveyed/NWI Wetland
	Assumed Wetland
	Pond
	Perennial Stream
	Intermittent Stream
	Upland Point
	Wetland Point
	Culvert (inlet)
	Culvert (outlet)

SAC-2020-01267  
 CSXT Bramlett Road Site  
 Greenville County, South Carolina  
 January 15, 2021  
 Sheet 2 of 5



- Notes:**
1. Access to soil boring locations from Willard Street and Legacy Charter School.
  2. Ditch 3 access does not require land clearing, however, temporary mats (0.049 acres) may be placed as needed in accordance with Construction Mat BMPs (USACE, 2016).
  3. Ditch 4 access (parcels 3, 4, and 5) consists of clearing an approximate 10 foot wide by 1,637 foot long path along the historical drainage ditch. Temporary mats (0.34 acres) may be placed as needed in accordance with Construction Mat BMPs (USACE, 2016).
  4. Ditch 5 access to soil boring locations from Willard Street. Temporary mats (0.046 acres) may be placed as needed in accordance with Construction Mat BMPs (USACE, 2016).
  5. No activities with impacts to Parcel 2 are planned during this phase of the investigation under the VCC.



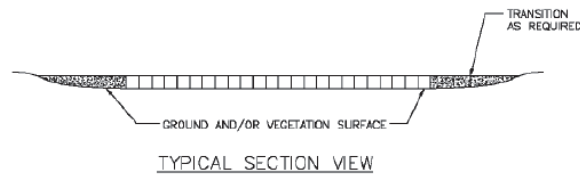
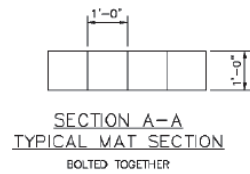
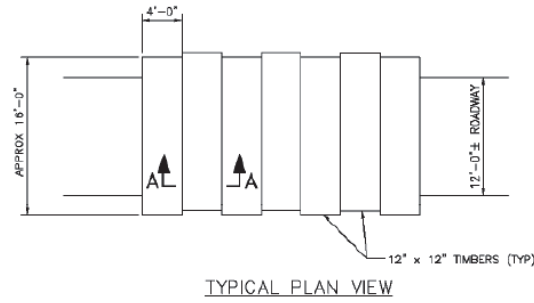
**Legend**

◆ Proposed Soil Boring Location	▣ Pond
— Proposed Ditch Assessment Transect	▣ Project Boundary
— Former Drainage Ditch (1964)	▣ Site Boundary
— Area of Disturbance / Clearing / Matting	▣ Surveyed/NWI Wetland
— Perennial Stream	▣ Assumed Wetland
— Intermittent Stream	▣ Vaughn Landfill

SAC-2020-01267  
 CSXT Bramlett Road Site  
 Greenville County, South Carolina  
 January 15, 2021  
 Sheet 3 of 5

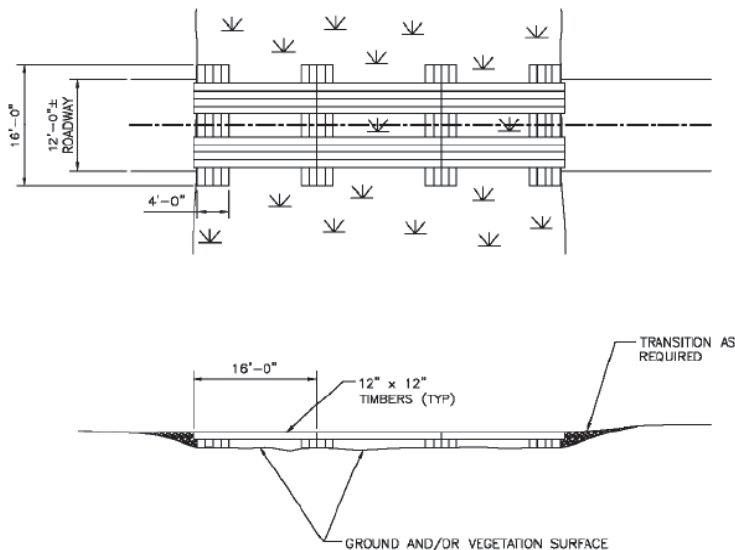
## Example Mat Diagrams -

Best Management Practices Manual for Utility Maintenance  
In and Adjacent to Wetlands and Waterbodies in New Hampshire  
Interim January 2010.



- NOTE:
1. TO BE INSTALLED IF NECESSARY TO PREVENT RUTTING, TO ACCESS STRUCTURES.
  2. THIS DETAIL SHOWS TYPICAL DIMENSIONS. SOME CONTRACTORS SWAMP MATS ARE DIMENSIONALLY DIFFERENT FROM WHAT IS SHOWN HERE.
  3. DEPENDENT ON SITE CONDITIONS, MULTIPLE LAYERS OF SWAMP MATS MAY BE INSTALLED.

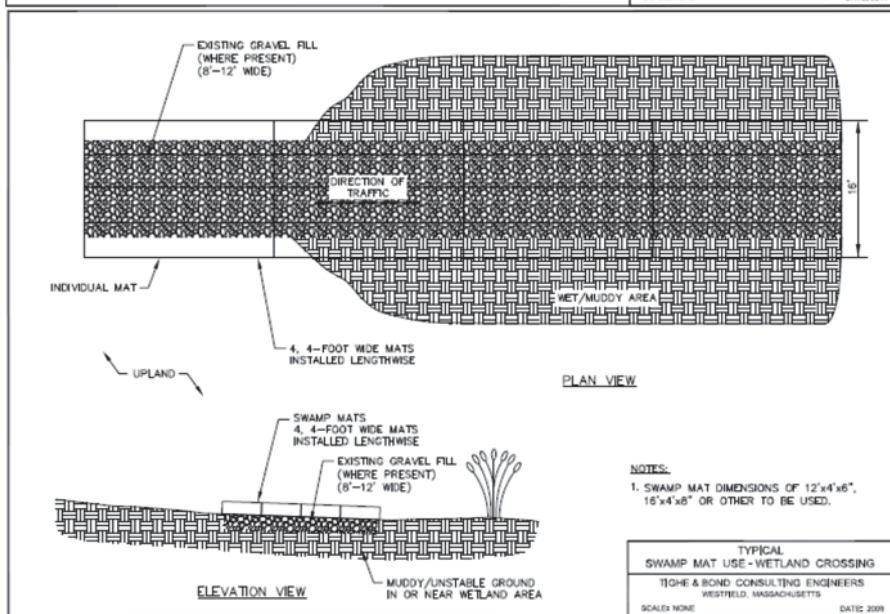
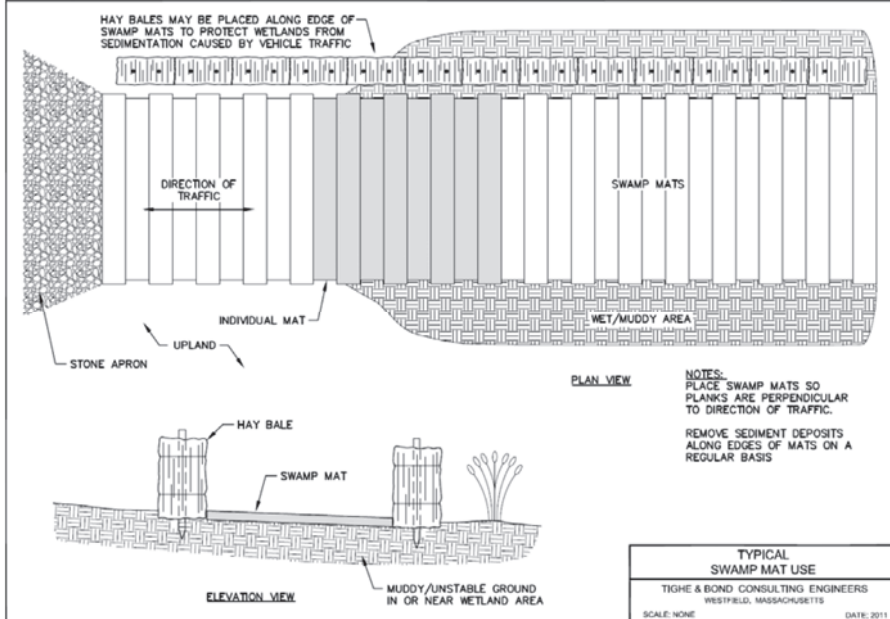
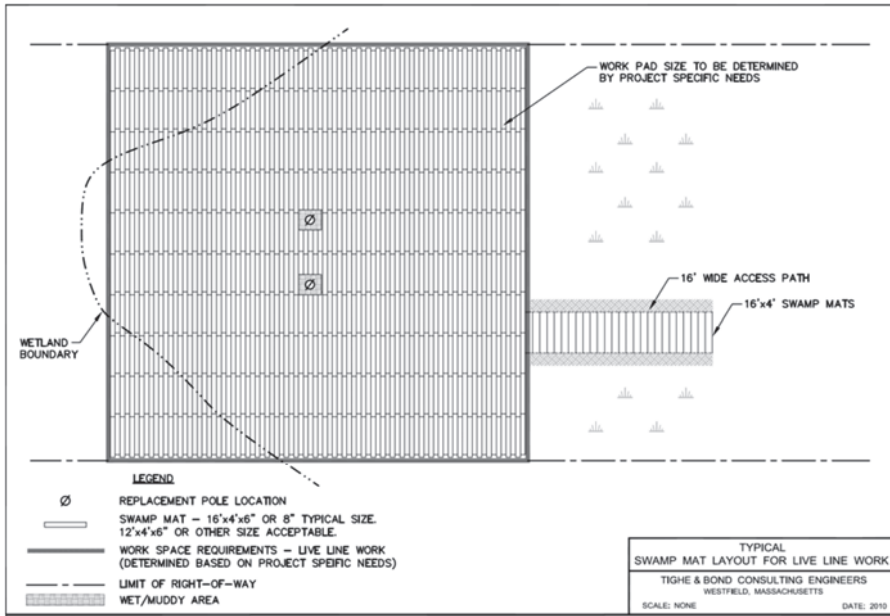
Best Management Practices Manual for Utility Maintenance  
In and Adjacent to Wetlands and Waterbodies in New Hampshire  
Interim January 2010.



Construction mat BMP note:  
for SAC-2020-01267 CSXT Bramlett Road Site, located in Greenville, S.C.  
The approximate width of access path is 10-foot

## PERMITTED PLANS

# PERMITTED PLANS



SAC-2020-01267  
CSXT Bramlett Road Site  
Greenville County, South Carolina  
January 15, 2021  
Sheet 5 of 5

38. *Cleanup of Hazardous and Toxic Waste.* Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

*Notification:* The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

(Authorities: Sections 10 and 404)

*Note:* Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

## C. Nationwide Permit General Conditions

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. *Navigation.* (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (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.
2. *Aquatic Life Movements.* No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. *Spawning Areas.* Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. *Migratory Bird Breeding Areas.* Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. *Shellfish Beds.* No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.



6. *Suitable Material*. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. *Water Supply Intakes*. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. *Adverse Effects From Impoundments*. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. *Management of Water Flows*. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. *Fills Within 100-Year Floodplains*. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. *Equipment*. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. *Soil Erosion and Sediment Controls*. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. *Removal of Temporary Fills*. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. *Proper Maintenance*. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. *Single and Complete Project*. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. *Wild and Scenic Rivers.* (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. *Tribal Rights.* No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. *Endangered Species.* (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If preconstruction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district

engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific permit conditions to the NWP. (e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (*e.g.*, an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. (f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required. (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their worldwide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. *Migratory Birds and Bald and Golden Eagles.* The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. *Historic Properties.* (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the

NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. *Discovery of Previously Unknown Remains and Artifacts.* If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. *Designated Critical Resource Waters.* Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. *Mitigation.* The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. (c) Compensatory

mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require preconstruction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require preconstruction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult to-replace resources (see 33 CFR 332.3(e)(3)). (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (*e.g.*, conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (*e.g.*, riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332. (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33

CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (*e.g.*, resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33CFR 332.4(c)(1)(ii)). (g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs. (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. *Safety of Impoundment Structures.* To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. *Water Quality.* Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. *Coastal Zone Management.* In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. *Regional and Case-By-Case Conditions.* The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. *Use of Multiple Nationwide Permits.* The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. *Transfer of Nationwide Permit Verifications.* If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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(Transferee)

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(Date)

30. *Compliance Certification.* Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the



permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

*31. Activities Affecting Structures or Works Built by the United States.* If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a ‘USACE project’), the prospective permittee must submit a preconstruction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

*32. Pre-Construction Notification.* (a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the, additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either: (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s

right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2). (b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (*e.g.*, a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
- (8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for

listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act; (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and (10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal. (2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of streambed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity’s compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies’ concerns were

considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

**2017 APPROVED**  
**NATIONWIDE PERMIT REGIONAL GENERAL CONDITIONS**  
**FOR SOUTH CAROLINA (REVISED)**

The following Regional Conditions have been approved by the Charleston District for the Nationwide Permits (NWP) published in the January 6, 2017, Federal Register as authorized under General Condition #27. Regional conditions are authorized to modify NWPs by adding conditions on a generic basis applicable to certain activities or specific geographic areas. Certain terminologies used in the following conditions are identified in *italics* and are defined in the above referenced Federal Register under Definitions.

**Note:** The acronym “PCN” used throughout the Regional Conditions refers to *Pre-Construction Notification*.

**For All Nationwide Permits:**

1. The applicant must implement *best management practices* during and after all construction to minimize erosion and migration of sediments off site. These practices may include use of devices capable of preventing erosion and migration of sediments in waters of the United States., including wetlands. These devices must be maintained in a functioning capacity until the area is permanently stabilized. All disturbed land surfaces must be stabilized upon project completion. Stabilization refers to the minimization of erosion and migration of sediments off site.
2. All wetland and stream crossings must be stabilized immediately following completion of construction/installation and must be aligned and designed to minimize the *loss of waters of the United States*.
3. Necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering waters of the United States, including wetlands that are adjacent to the authorized activity.
4. Any excess excavated materials not utilized as authorized back fill must be placed and contained on uplands and permanently stabilized to prevent erosion into waters of the United States, including wetlands.
5. Placement and/or stockpiling (double handling) of excavated material in waters of the United States, including wetlands, is prohibited unless specifically authorized in the nationwide permit verification. Should double handling be authorized, the material must be placed in a manner that does not impede circulation of water and will not be dispersed by currents or other erosive forces.
6. Once project construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to aquatic resources and the surrounding environment.
7. If you discover any previously unknown historic, cultural or archeological remains and

**2017 APPROVED**  
**NATIONWIDE PERMIT REGIONAL GENERAL CONDITIONS**  
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artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent *practicable*, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Archeological 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 (i.e., older than 100 years) vessel ruins.

8. Use of nationwide permits does not obviate requirements to obtain all other applicable Federal, State, county, and local government authorizations.
9. No NWP is authorized in areas known or suspected to have sediment contamination, with the exception of NWP 38, and NWP 53 when used in combination with NWP 38.
10. In accordance with General Condition #31, “Activities Affecting *Structures* or Works Built by the United States,” a *PCN* must be submitted if a NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE” project”). See General Condition #32 for *PCN* content and timing requirements and particularly paragraph (b)(10) for an activity that requires permission from the Corps pursuant to 33 U.S.C. 408. An activity in South Carolina that requires section 408 permission is not authorized by a NWP until the Charleston District issues the section 408 permission to alter, occupy, or use the USACE project, and the District Engineer issues a written NWP verification.
11. For all proposed activities that would be located in or adjacent to an authorized Federal Navigation project, as listed in Regional Condition #18, the *PCN* must include project drawings that have the following information: a) location of the edges of the Federal channel; b) setback distances from the edge of the channel; c) the distance from watermost edge of the proposed *structure* or fill to the nearest edge of the channel and the Mean High and Mean Low water lines; and d) coordinates of both ends of the watermost edge of the proposed *structure* or fill (NAD 83 State Plane Coordinates in decimal degrees). This notification requirement is in addition to the *PCN* requirements listed in General Condition #32.
12. For all proposed activities that would be located in waters that are designated critical habitat under section 7 of the Endangered Species Act, and waters that are proposed critical habitat, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32. Refer to the following National Oceanic and Atmospheric Administration (NOAA) Fisheries website for the most up-to-date information regarding Critical Habitat designations under the jurisdiction of the National Marine Fisheries Service (NMFS):  
[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/)

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13. For all proposed activities that would be located within a FEMA designated floodway, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32.
14. The permittee must comply with all FEMA regulations and requirements. The permittee is advised that the National Flood Insurance Program (NFIP) prohibits any development within a designated floodway within the FEMA Special Flood Hazard Area (SFHA), including placement of fill, without a “No Impact Certification” approved by the local NFIP flood plain manager. If the proposed action is located in a designated FEMA SFHA (e.g., 100 year flood plain), the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements prior to initiating construction. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.
15. The permittee must comply with all FEMA regulations and requirements. The permittee is advised that development activities in a designated FEMA Special Flood Hazard Area (SFHA) are subject to the floodplain management regulations of the National Flood Insurance Program (NFIP). If the proposed action is located in a designated FEMA SFHA (e.g., 100 year flood plain), the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements prior to initiating construction. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.

**For Specific Nationwide Permits:**

16. For NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51 and 52, in accordance with General Condition # 22(a), Designated Critical Resource Waters, the discharges of dredged or fill material into waters of the United States within, or directly affecting, critical resource waters, including wetlands adjacent to such waters, are NOT authorized by these NWPs. Note: The ACE Basin National Estuarine Research Reserve and the North Inlet Winyah Bay National Estuarine Research Reserve are Designated Critical Resource Waters.
17. For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38 and 54, in accordance with General Condition # 22(b), Designated Critical Resource Waters, a *PCN* is required for any activity proposed in designated critical resource waters including wetlands adjacent to those waters. Refer to General Condition #32 for *PCN* requirements. Note: The ACE Basin National Estuarine Research Reserve and the North Inlet Winyah Bay National Estuarine Research Reserve are Designated Critical Resource Waters.
18. For NWP 1, 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 19 and 36, the prospective permittee must submit a *PCN* to the District Engineer for any activity that would be located in or adjacent to an authorized Federal Navigation project. These Federal navigation areas include Adams Creek, Atlantic Intracoastal Waterway (AIWW), Ashley River, Brookgreen Garden Canal, Calabash Creek Charleston Harbor (including the Cooper River and Town Creek), Folly River, Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Canal), Jeremy Creek, Little River Inlet, Murrells Inlet (Main Creek), Port Royal Harbor, Savannah River, Shem Creek

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(including Hog Island Channel & Mount Pleasant Channel), Shipyard Creek, Village Creek and the Wando River.

19. **For NWPs 3, 11, 12, 13, 14, 15, 20, 22 and 33**, temporary *structures*, fills, and/or work, including the use of temporary mats, are only authorized for a period of 90 days per temporary impact area and/or phase of the overall project. The permittee may submit a written request at least 15 days prior to the expiration of the original period of 90 days requesting an extension of up to an additional 90 days. The Charleston District Engineer may extend the 90-day period up to an additional 90 days, not to exceed more than a total of 180 days, where appropriate. After expiration of the authorized period (i.e., initial 90 days or up to an additional 90 days), all temporary *structures*, fills, and/or work, including the use of temporary mats, for the temporary impact area and/or phase of the overall project must be removed and the disturbed areas restored to pre-disturbance conditions. Activities that require the use of temporary *structures*, fills, and/or work, including the use of temporary mats, in excess of 180 days will require Individual Permit authorization from the Corps prior to construction.
20. **For NWPs 3, 11, 12, 13, 14, 15, 20, 22 and 33**, that require *PCNs* and that involve temporary *structures*, fills, and/or work, including the use of temporary mats, the *PCN* must include a written description and/or drawings of the proposed temporary activities that will be used during project construction. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
21. **For NWPs 29, 39, 40, 42, 43, 44, 51 and 52**, impacts to stream beds\*\* must be provided in both linear feet and acreage.
22. **NWPs 12, 14, 29, 39, 43, 51 and 52**, will not be used in conjunction with one another for an activity that is considered a *single and complete project*.
23. **For NWPs 12, 14, 29, 39, 46, 51 and 52**, all *PCNs* must include appropriately sized and positioned culverts that meet the requirements of General Conditions #2, #9 and #10 for each individual crossing of waters of the United States. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
24. **For NWPs 12, 14, 29, 39, 46, 51 and 52**, that include the new construction and/or replacement of culverted road crossings, at a minimum, the width of the base flow culvert(s) shall be approximately equal to the average channel width and will not reduce or increase stream depth. This is a minimum requirement that does not replace local and State requirements for roadway design.
25. **For NWPs 12, 14, 18 and 27**, the *discharge* must not cause the *loss* of more than 300 linear feet of stream bed\*\*, unless for *intermittent* and *ephemeral* stream beds the District Engineer waives the 300 linear foot limit by making a written determination concluding that the *discharge* will result in no more than minimal adverse environmental effects.
26. **For NWPs 12, 14, 18 and 27**, the *discharge* cannot cause the *loss* of more than 300 linear feet



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of *perennial stream* beds\*\*.

27. **For NWPs 12, 14, and 18**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, prior to commencing the activity if the proposed *discharge* will impact more than 25 linear feet of streambed. This notification requirement is in addition to the *PCN* requirements listed in General Condition #32.
28. **For NWP 3**, paragraph (a) and (c) activities, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition # 32, if the proposed *discharge* of dredged or fill material will cause the loss of greater than 1/10-acre of waters of the United States or if the proposed *discharge* of dredged or fill material will be located within a special aquatic site, which includes but is not limited to, wetlands, mudflats, vegetated shallows, *riffle and pool complexes*, sanctuaries, and refuges.
29. **For NWP 3**, paragraph (a) activities, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition # 32, for the repair, rehabilitation or replacement of existing utility lines constructed over *navigable waters* of the United States (i.e., Section 10 waters) and existing utility lines routed in or under *navigable waters* of the United States (i.e., Section 10 waters), even if no *discharge* of dredged or fill material occurs.
30. **For NWP 3**, paragraph (b) activities, excavation of accumulated sediment or other material is not authorized in areas within the immediate vicinity of existing *structures* (e.g., private or commercial dock facilities, piers, canals dug for boating access, marinas, boat slips, etc.).
31. **For NWPs 7 and 12**, the associated intake *structure* must be screened to prevent entrainment of juvenile and larval organisms, and the inflow velocity of the associated intake *structures* cannot exceed 0.5 feet/second.
32. Activities authorized by **NWP 7** must occur in the immediate vicinity of the outfall, and must be necessary for the overall construction or modification of the outfall. **NWP 7** shall not be used to authorize ancillary activities such as construction of access roads, installation of utility lines leading to or from the outfall or intake *structures*, construction of buildings, distant activities, etc.
33. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)** that involve horizontal directional drilling beneath *navigable waters* of the United States (i.e., section 10 waters), the *PCN* must include a proposed remediation plan (i.e., frac-out plan). This requirement is in addition to the *PCN* requirements listed in General Condition #32.
34. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)**, excavated material shall be returned to the trench and any remaining material shall be relocated and retained on an upland disposal site. Substrate containing roots, rhizomes, seeds, and other natural material must be kept viable and replaced at the surface of the excavated site. Impacted wetlands will be replanted with native wetland

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species or allowed to naturally re-vegetate from the replaced substrate, as long as the resulting vegetation is native.

35. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)**, stream banks that are cleared of vegetation will be stabilized using bioengineering techniques and/ or the planting of deep-rooted native species.
36. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)**, construction techniques to prevent draining, such as anti-seep collars, will be required for utility lines buried in waters of the United States when necessary. If no construction techniques to prevent draining are proposed, the prospective permittee must provide appropriate documentation to support that such techniques are not required to prevent drainage of waters of the United States.
37. **For NWP 12**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve temporary *structures*, fills, and/or work. To be complete, the *PCN* must also include the specifications of how pre-construction contours will be re-established and verified after construction. This notification requirement is in addition to the notification criteria listed for this NWP.
38. **For utility line activities authorized by NWP 12, (as well as utility lines associated with projects authorized by NWP 29 and 39)**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, prior to commencing the activity if the activity will involve maintained utility crossings. To be complete, the *PCN* must also include a justification for the required width of the maintained crossing that impacts waters of the United States. This notification requirement is in addition to the notification criteria listed for this NWP.
39. **For NWP 12**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve the construction of a sub-station in waters of the United States. To be complete, the *PCN* must also include a statement of avoidance and minimization for the *loss of waters of the United States* impacted by the utility line sub-station. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
40. **For NWP 12**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve the permanent conversion of forested wetlands to herbaceous wetlands. To be complete, the *PCN* must also include the acreage of conversion impacts of waters of the United States and a *compensatory mitigation* proposal or a statement of why *compensatory mitigation* should not be required. This requirement is in addition to the *PCN* requirements listed in General Condition #32.

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41. **For NWP 13 activities, NWP 54 activities, and living shoreline projects authorized by NWP 27** that require submittal of a *PCN*, the *PCN* must include the following information:

- a. Habitat type along the shoreline;
- b. The presence of stabilization *structures* in the vicinity of the project;
- c. Cause/s, extent, and approximate rate of erosion (if known);
- d. Site specific information which may include: shoreline orientation, slope, bank height, tidal range, nearshore bathymetry, fetch, substrate stability, etc.;
- e. Rationale for selecting the preferred stabilization technique;
- f. A statement that structural materials toxic to aquatic organisms will not be used and if stone is proposed, a statement that only clean stone, free of exposed rebar, asphalt, plastic, soil, etc., will be used; and
- g. A statement that filter fabric will be used as appropriate when stone or other heavy material is proposed.

These requirements are in addition to the *PCN* requirements listed in General Condition #32.

42. Projects qualifying for **NWP 27 and/or NWP 54** will require coordination with appropriate Federal, State, and local agencies. The coordination activity will be conducted by the Corps of Engineers. Agencies will generally be granted 15 days to review and provide comments unless the District Engineer determines that an extension of the coordination period is reasonable and prudent.
43. **For NWP 29**, the *loss of waters of the United States* is limited to a maximum of 1/4-acre for a single family residence.
44. **For NWPs 29 and 39**, the *discharges* of dredged or fill material for the construction of *stormwater management facilities* in *perennial streams* are not authorized.
45. **For NWP 33**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, for temporary construction, access, and dewatering activities that occur in non-tidal waters of the United States, including wetlands. In addition, the *PCN* shall include a restoration plan.
46. **For NWP 36**, only one boat ramp may be constructed on a single lot or tract of land (e.g., each lot within a subdivision).
47. **For NWP 38**, the *PCN* must contain the following information:
- a. documentation that the specific activities are required to effect the containment, stabilization, or removal of hazardous or toxic waste materials as performed, ordered, or sponsored by a government agency with established legal or regulatory authority;
  - b. a narrative description indicating the size and location of the areas to be restored, the work involved and a description of the anticipated results from the restoration; and

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c. a plan for the monitoring, operation, or maintenance of the restored area.

This requirement is in addition to the *PCN* requirements listed in General Condition #32.

48. **For NWP 41**, a *PCN* must be submitted to the District Engineer for projects that require mechanized land clearing in waters of the United States, including wetlands, in order to access or perform reshaping activities.
49. **NWP 41** is prohibited in channelized streams or stream relocation projects that exhibit natural stream characteristics and/or perform natural stream functions.
50. **For NWP 48**, changing from bottom culture to floating or suspended culture will require submittal of a *PCN* to the District Engineer. Additionally, new aquaculture activities involving suspended or floating culture will require submittal of a *PCN* to the District Engineer. Refer to the *PCN* requirements listed in General Condition #32. Note: If the District Engineer determines that the proposed floating or suspended culture will result in more than minimal adverse environmental effects, an Individual Permit will be required for the proposed activity.
51. **For NWP 48**, when a new commercial shellfish aquaculture activity will occur adjacent to property that is not owned by the prospective permittee, the activity will require submittal of a *PCN* to the District Engineer. The *PCN* must include the following information in addition to the *PCN* requirements listed in General Condition #32:
  - a. A map or depiction that shows the adjacent property(ies) and adjacent property owners' contact information. Note: This information may be obtained online from the applicable county's tax information pages.
  - b. A signed letter(s) of "no objection" to the proposed commercial shellfish activity from each of the adjacent property owner(s). Each letter shall include the name, mailing address, property address, property Tax Map Parcel (TMS) number, and signature of the property owner.
52. **For NWP 53**, the *PCN* must include a Tier I evaluation, in accordance with the Inland Testing Manual, for the project area immediately upstream of the low-head dam. If the Tier I evaluation indicates contaminated sediments are present, a Tier II evaluation may be required.
53. **For NWP 54 projects and living shoreline and/or oyster restoration projects authorized by NWP 27**, the *PCN* must include the following information in addition to the *PCN* requirements listed in General Condition #32:
  - a. A plan view project sketch that shows the proposed project footprint; the Mean High Water (MHW) Line; the Mean Low Water (MLW) Line; marsh line (if applicable); shoreline; width of the waterway at the project location; location of adjacent *structures*,

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such as docks and boat ramps (if applicable); distance of the project footprint from the MHW line; distance of the project footprint from adjacent *structures*; and proposed location of informational or navigation markers. Refer to c. and d. below, if applicable. Note: Refer to Regional Condition #11 if the proposed project is located in or adjacent to an authorized Federal Navigation project for the additional information that will be required.

b. A cross-section sketch that shows the height of the proposed project above substrate and the water depth at MHW Line and MLW Line in relation to the proposed project.

c. For projects that are 18 inches or less in height above substrate AND consist of hard *structures* or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell and wooden sills, informational signs to alert boaters to the presence of the project area will be required. The *PCN* must include a depiction and description of proposed informational signs. The signs must be made of reflective material or must include reflective tape on the sign or sign post. The signs must be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: The prospective permittee shall be made aware that the U.S. Coast Guard (USCG) may require the project area to be marked. Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding possible markers and/or lighting requirements. The permittee shall install all markers and/or lighting as required by the USCG. In the event that the USCG does not require markers or lighting, the permittee shall mark the project area with Corps approved informational signs as described above. Note 3: These requirements will be added to the NWP verification as special conditions.

d. For projects that are more than 18 inches in height above substrate AND consist of hard *structures* or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell, and wooden sills, the prospective permittee must mark the project area with diamond-shaped white day markers with orange border and black print stating "Danger Obstruction". The signs shall be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding potential project specific approval of the markers. The permittee shall install all markers and/or lighting as required by the USCG. In the event the USCG does not require these or other markers and/or lighting, the "Danger Obstruction" markers are still required by the Corps. Note 3: These requirements will be added to the NWP verification as special conditions.

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\*\* For the purpose of these regional conditions, the term “stream bed” also includes features determined to be a “tributary” and a “relatively permanent water.”

Note 1: For the purpose of these regional conditions, bankfull is defined as the top-of-bank to top-of bank of the channel in a cross-sectional view.

Note 2: Regional conditions # 14, #15, and #53d were revised on September 7, 2017.

Permit Number: \_\_\_\_\_

Name of Permittee: \_\_\_\_\_

Date of Issuance: \_\_\_\_\_

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address or email (preferred):

U.S. Army Corps of Engineers  
Regulatory Division  
150 Executive Center Drive, Suite 205  
Greenville, South Carolina 29615

SAC.RD.Greenville@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

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***I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.***

\_\_\_\_\_  
Signature of Permittee