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PROPOSED SOUTH CAROLINA COASTAL PROGRAM

VOLUME II

Appendices

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

S.C. Coastal Council
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Appendices

A. History of Program and Legislation

B. South Carolina Coastal Management Act of 1977

C. Legal Authorities - Analysis of State Agency Authorities

D. Memoranda of Agreement

E. Applicable State Statutes and Regulations

   1. Statutes

   2. Regulations

F. Geographic Areas of Particular Concern

G. Federal Coordination

H. State Coordination

I. Local Government Coordination

J. Public Participation

K. Permitting Final Rules and Regulations

L. Boundary Determination Methodology

M. Federally Excluded Lands

N. Maps

Appendix A

HISTORY OF THE PROGRAM AND LEGISLATION

August 1973 - September 1977

During the past decade there has been a growing concern, nationally, for endangered coastal habitats. This concern, as exhibited in three study/reports, (OUR NATION AND THE SEA, Stratton Report, January 1969; NATIONAL ESTUARINE POLLUTION STUDY, November 1969; and NATIONAL ESTUARY STUDY, January 1970) culminated in passage of the Federal Coastal Zone Management Act in 1972.

The act contains two kinds of federal incentives, financial assistance and federal consistency, to foster state participation in a comprehensive national coastal zone management program. The goal of this initiative is to bring about a balance between economic growth and conservation of valuable natural resources. Financial assistance may be received by states, first, to develop coastal zone management programs and then to administer them. Monies may also be received by states to help in acquiring estuarine sanctuaries. Once a state's program is approved, all federal agencies conducting activities in the state's coastal zone must make them conform to the maximum extent practicable to the state plan. This requirement is known as federal consistency.

To take advantage of the opportunities offered by this federal act, Govenor John West, through an executive order issued in August 1973, created the S.C. Coastal Zone Planning & Management Council. This eleven member Council was charged with drafting state coastal zone management legislation and developing a management program for the coast in accordance with the provisions of the Federal Coastal Zone Management Act. Council membership consisted of the directors of nine state agencies concerned with the coastal zone, an at-large member representing environmental concerns, and Senator James M. Waddell, Jr., of Beaufort, a long time supporter of coastal zone legislation, as chairman.

With approval, in May 1974, of the Council's first Section 305 developmental grant application by the Office of Coastal Zone Management, NOAA, a small staff was hired through the S.C. Wildlife and Marine Resources Department. As work was begun on drafting enabling legislation, various projects were initiated, through staff effort, for gathering the necessary data for development and administration of a management program. Projects such as the following were carried out:

(1) Natural Resources Inventory.

(2) Bottom Tidal Currents Study.

(3) Coastal Soil Survey.

(4) Computer Mapping Program.

(5) Public Information Program.

In February 1975, the Coastal Zone Planning & Management Council, through its chairman, Senator Waddell, introduced a coastal zone bill (S260) in the State Senate. This bill which called for a 15 member Coastal Zone Council and a permitting system which distinguished between publicly-owned and privately-owned tidal wetlands never left the Senate's Fish, Game and Forestry Committee.

That same year three coastal zone management bills were introduced in the House of Representatives: the Campbell bill (H2420), the Moss bill (H2012) and the Hodges bill (H2427). Nothing came of the two latter bills, and after a number of amendments, the Campbell bill, H2420, received the approval of the State House of Representatives and was sent to the Senate. The bill was referred to a subcommittee of the Senate's Fish, Game and Forestry Committee where it was further amended. The amended version did not receive Senate approval before the close of the 1975 legislative session.

In March 1976 the amended H2420 received Senate approval and was then sent back to the House. After several amendments, the House passed the legislation. At this point a joint conference committee, comprised of members of both houses of the General Assembly, was formed and the resulting compromise version was subsequently passed by both the House and the Senate. All these efforts were in vain, however, for submission of H2420 to Governor James B. Edwards resulted in a

veto which was subsequently sustained.

During this same session another effort at passage of a coastal zone management bill was attempted. Upon veto of H2420 a new bill, H2839, was introduced in the Senate where it passed unanimously. After subsequent passage by the House of Representatives, Governor Edwards once more exercised his veto power. Once more the veto was sustained.

During the months of legislative debate preceeding passage and veto of the two bills, Council staff had steadily increased its baseline data and had attempted to raise the level of public awareness and support of the program development ment effort. However, with the Governor's second veto, time was running out for South Carolina's coastal zone management program. Former Governor John West's three year executive order was due to expire on September 12, 1976. The resultant dissolution of the Coastal Zone Planning & Management Council would have meant an almost sure end of South Carolina's coastal zone management efforts as there would have been no designated agency to receive and allocate federal funding.

To assure program continuation, Governor Edwards issued an executive order on September 10, 1976, creating a new Coastal Zone Pla-ning & Management Council. This twenty-two member council, composed of businessmen, doctors, attorneys and members representing environmental concerns, was charged, as was the first Council, with drafting coastal zone management legislation. The legislation eventually proposed by this Council was submitted to the Governor and to both Houses of the General Assembly.

The Senate Fish, Game and Forestry Committee sponsored a compromise bill (S280) which passed the Senate on May 4, 1977, and was sent to the House. The legislation was slightly amended in the House and passed with only one dissenting vote on May 18. The Senate concurred unanimously with the amendments, and Governor Edwards signed the bill into law on May 24, 1977. This law (Act 123 of 1977) basically does three things:

(1) Establishes an eighteen member S.C. Coastal Council which became an official State agency on July 1, 1977.

(2) Provides for the development and administration of a coastal zone management program, including the authority for a process to review, issue, or deny permits in critical areas of the coastal zone. This authority become effective September 28, 1977.

(3) Authorizes legal proceedings to settle claims of private individuals to tidelands below the mean high water mark.

Appendix B

(R204, S280)

An Act To Establish The South Carolina Coastal Council And Provide For Its Powers And Duties For The Protection And Improvement Of Coastal Tidelands And Wetlands Under A Coastal Zone Management Plan; Provide For Enforcement Of Policies Of The Council And Penalties For Violations; And Authorize Legal Proceedings For The Determination Of Title To Tidelands Properties.

Be it enacted by the General Assembly of the State of South Carolina:

Findings

SECTION 1. The General Assembly finds that:

(A) The coastal zone is rich in a variety of natural, commercial, recreational and industrial resources of immediate and potential value to the present and future well-being of the State.

(B) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal and harvesting of fish, shellfish and other living marine resources have resulted in the decline or loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use and shoreline erosion.

(C) A variety of federal agencies presently operate land use controls and permit systems in the coastal zone. South Carolina can only regain control of the regulation of its critical areas by developing its own management program. The key to accomplishing this is to encourage the state and local governments to exercise their full authority over the lands and waters in the coastal zone.

(D) The coastal zone and the fish, shellfish, other living marine resources and wildlife therein, may be ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

(E) Important ecological, cultural, natural, geological and scenic characteristics, industrial, economic and historical values in the coastal zone are being irretrievably damaged or lost by ill-planned development that threatens to destroy these values.

(F) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone while balancing economic interests, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

State policies

Section 2. (A) The General Assembly declares the basic state policy in the implementation of this act is to protect the quality of the coastal environment and to promote the economic and social improvement of the coastal zone and of all the people of the State.

(B) Specific state policies to be followed in the implementation of this act are:

(1) To promote economic and social improvement of the citizens of this State and to encourage development of coastal resources in order to achieve such improvement with due consideration for the environment and within the framework of a coastal planning program that is designed to protect the sensitive and fragile areas from inappropriate development and provide adequate environmental safeguards with respect to the construction of facilities in the critical areas of the coastal zone;

(2) To protect and, where possible, to restore or enhance the resources of the State's coastal zone for this and succeeding generations;

(3) To formulate a comprehensive tidelands protection program;

(4) To formulate a comprehensive beach erosion and protection policy including the protection of necessary sand dunes.

(5) To encourage and assist state agencies, counties, municipalities and regional agencies to exercise their responsibilities and powers in the coastal zone through the development and implementation of comprehensive programs to achieve wise use of coastal resources giving full consideration to ecological, cultural and historic values as well as to the needs for economic and social development and resources conservation.

(C) In the implementation of this act, no governmental agency shall adopt a rule or regulation or issue any order that is unduly restrictive so as to constitute a taking of property without the payment of just compensation in violation of the Constitution of this State or of the United States.

(D) Critical areas shall be used to provide the combination of uses which will insure the maximum benefit to the people, but not necessarily a combination of uses which will generate measurable maximum dollar benefits. As such, the use of a critical area for one or a combination of like uses to the exclusion of some or all other uses shall be consistent with the purposes of this act.

(E) It shall be the policy of the State to coordinate the coastal planning and management program effort with other coastal states and organizations of coastal states.

Definitions

SECTION 3. As used in this act:

(A) "Applicant" means any person who files an application for a permit under the provisions of this act.

(B) "Coastal zone" means all coastal waters and submerged lands seaward to the State's jurisdictional limits and all lands and waters in the counties of the State which contain any one or more of the critical areas. These counties are Beaufort, Berkeley, Charleston, Colleton, Dorchester, Horry, Jasper and Georgetown.

(C) "Council" means the South Carolina Coastal Council.

(D) "CCPS" means Coastal Council Permitting Staff.

(E) "Saline waters" means those waters which contain a measurable quantity of sea water, at least one part chloride ion per thousand.

(F) "Coastal waters" means the navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark. *Provided*, however, that the Council may designate boundaries which approximate the mean extent of saline waters until such time as the mean extent of saline waters can be determined scientifically.

(G) "Tidelands" means all areas which are at or below mean high tide and coastal wetlands, mudflats, and similar areas that are contiguous or adjacent to coastal waters and are an integral part of the estuarine systems involved. Coastal wetlands include marshes, mudflats, and shallows and means those areas periodically inundated by saline waters whether or not the saline waters reach the area naturally or through artificial water courses and those areas that are normally characterized by the prevalence of saline water vegetation capable of growth and reproduction. *Provided*, however, nothing in this definition shall apply to wetland areas that are not an integral part of an estuarine system. Further, until such time as the exact geographic extent of this definition can be scientifically determined, the Council shall have the authority to designate its approximate geographic extent.

(H) "Beaches" means those lands subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established.

(I) "Primary ocean front sand dunes" means those dunes which constitute the front row of dunes adjacent to the Atlantic Ocean.

(J) "Critical area" means any of the following: (1) coastal waters, (2) tidelands, (3) beaches and (4) primary ocean front sand dunes.

(K) "Person" means any individual, organization, association, partnership, business trust, estate, trust, corporation, public or municipal corporation, county, local government unit, public or private authority and shall include the State of South Carolina, its political subdivisions and all its departments, boards, bureaus or other agencies, unless specifically exempted by this act.

(L) "Estuarine sanctuary" means a research area designated as an estuarine sanctuary by the Secretary of Commerce.

(M) "Marine sanctuary" means any water and wetland areas designated as a marine sanctuary by the Secretary of Commerce.

(N) "Minor development activities" means the construction, maintenance, repair or alteration of any private piers or erosion control structure, the construction of which does not involve dredge activities.

(O) "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from any critical area.

(P) "Filling" means either the displacement of saline waters by the depositing into critical areas of soil, sand, gravel, shells or other material or the artificial alteration of water levels or water currents by physical structure, drainage ditches or otherwise.

(Q) "Submerged lands" means those river, creek and ocean bottoms lying below mean low-water mark.

(R) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of specific gravity, that are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

(S) "Gas" means all natural gas and all other fluid hydrocarbons not hereinabove defined as oil, including condensate because it originally was in the gaseous phase in the reservoir.

(T) "Fuel" means gas and oil.

(U) "Emergency" means any unusual incident resulting from natural or unnatural causes which endanger the health, safety or resources of the residents of the State; including damages or erosion to any beach or shore resulting from a hurricane, storm or other such violent disturbance.

South Carolina Coastal Council created

SECTION 4. (A) There is hereby created the South Carolina Coastal Council which shall consist of eighteen members as follows: Eight members, one from each coastal zone county, to be appointed by the local county governing body; six members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in such district, each such House or Senate member to have one vote; and the following legislative members who shall serve ex officio: Two state Senators, one to be appointed by the President of the Senate and one to be elected by the Senate Fish, Game and Forestry Committee; and two members of the House of Representatives to be appointed by the Speaker of the House. The Council shall elect a chairman, vice-chairman and such other officers as it deems necessary.

(B) Terms of legislative members shall be coterminous with their terms as members of the General Assembly. Terms of all non-legislative members shall be for four years and until successors are appointed and qualify, except that of those initially appointed three of the members appointed by county governing bodies and two members from congressional districts shall serve terms of two years only as determined by lot at the first meeting of the Council. Vacancies shall be filled in the original manner of selection for the unexpired term.

Powers and duties

SECTION 5. The Council shall have the following powers and duties:

(A) To employ the CCPS consisting of, but not limited to, the following professional members: An administrator and other staff members to include those having expertise in biology, civil and hydrological engineering, planning, environmental engineering and environmental law.

(B) To apply for, accept and expend financial assistance from public and private sources in support of activities undertaken pursuant to this act and the Federal Coastal Zone Management Act of 1972.

(C) To undertake the related programs necessary to develop and recommend to the Governor and the General Assembly a comprehensive program designed to promote the policies set forth in this act.

(D) To hold public hearings and related community forums and afford participation in the development of management programs to all interested citizens, local governments and relevant state and federal agencies, port authorities and other interested parties.

(E) To promulgate necessary rules and regulations to carry out the provisions of this act.

(F) To administer the provisions of this act and all rules, regulations and orders promulgated under it.

(G) To examine, modify, approve or deny applications for permits for activities covered by the provisions of this act.

(H) To revoke and suspend permits of persons who fail or refuse to carry out or comply with the terms and conditions of the permit.

(I) To enforce the provisions of this act and all rules and regulations promulgated by the Council and institute or cause to be instituted in courts of competent jurisdiction of legal proceedings to compel compliance with the provisions of this act.

(J) To manage estuarine and marine sanctuaries and regulate all activities therein, including the regulation of the use of the coastal waters located within the boundary of such sanctuary.

(K) To establish, control and administer pipeline corridors and locations of pipelines used for the transportation of any fuel on or in the critical areas.

(L) To direct and coordinate the beach and coastal shore erosion control activities among the various state and local governments.

(M) To implement the state policies declared by this act.

(N) To encourage and promote the cooperation and assistance of state agencies, coastal regional councils of government, local governments, federal agencies and other interested parties.

(O) To exercise all incidental powers necessary to carry out the provisions of this act.

(P To coordinate the efforts of all public and private agencies and organizations engaged in the making of tidal surveys of the coastal zone of this State with the object of avoiding unnecessary duplication and overlapping.

(Q) To serve as a coordinating state agency for any program of tidal surveying conducted by the federal government.

(R) To develop uniform specifications and regulations for tidal surveying.

(S) To monitor, in coordination with the South Carolina Department of Wildlife and Marine Resources, the waters of the State for oil spills. If such Department observes an oil spill in such waters it shall immediately report such spill to the South Carolina Department of Health and Environmental Control, the United States Coast Guard and Environmental Protection Agency. This in no way negates the responsibility of the spiller to report a spill.

(T) To direct, in coordination with the South Carolina Department of Health and Environmental Control as the designated state agency to provide liaison to the regional response team, pursuant to Section 1510.23 of the National Contingency Plan, state supervised removal operations of oil discharged into the waters within the territorial jurisdiction of this State and entering such waters after being discharged elsewhere within the State, and to seek reimbursement from the National Contingency Fund for removal operations cost expended by it and all other agencies and political subdivisions including county, municipal and regional governmental entities in removing such oil as provided for in Section 311 (C) (2) of the Federal Water Pollution Control Act.

(U) To act as advocate, where the Council deems such action appropriate, on behalf of any person who is granted a permit for a specific development by the Council but is denied a permit by a federal agency for the same specific development.

(V) To delegate any of its powers and duties to the CCPS.

Wildlife Department to provide personnel

SECTION 6. When requested by the Council, the Wildlife and Marine Resources Department shall provide additional staff for the Council, including any additional conservation officers, necessary to administer the provisions of this Act and for which funds are available.

Other agencies to cooperate

SECTION 7. (A) All other state and local agencies and commissions shall cooperate with the Council in the administration of enforcement of this act. All agencies currently exercising regulatory authority in the coastal zone shall administer such authority in accordance with the provisions of this act and rules and regulations promulgated thereunder.

(B) The Council in the discharge of its duties may administer oaths and affirmations, take depositions and issue subpoenas to com-

pel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary in connection with the work of the Council. The only exception shall be, that information considered proprietary by the applicant. If in the opinion of the Council a proper decision cannot be rendered without the submission of such proprietary information, the Council shall be empowered to execute an agreement on confidentiality with the applicant and such information shall not be made a part of the public record of current or future proceedings.

(C) In case the contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which such person guilty of contumacy or refusal to obey is found, resides or transacts business, upon application by the Council, may issue to such person an order requiring him to appear before the Council to produce evidence if so ordered or give testimony touching the matter under investigation. Any failure to obey an order of the court may be punished as a contempt hereof. Subpoenas shall be issued in the name of the Council and signed by the Council chairman. Subpoenas shall be issued to such persons as the Council may designate.

Council to develop coastal management program

SECTION 8. The council shall develop a comprehensive coastal management program, and thereafter have the responsibility for enforcing and administering the program in accordance with the provisions of this act and any rules and regulations promulgated under this act. In developing the program the Council shall:

(A) Provide a regulatory system which the Council shall use in providing for the orderly and beneficial use of the critical areas.

(B) In devising the management program the Council shall consider all lands and waters in the coastal zone for planning purposes. In addition, the Council shall:

(1) Identify present land uses and coastal resources.

(2) Evaluate these resources in terms of their quality, quantity and capability for use both now and in the future.

(3) Determine the present and potential uses and the present and potential conflicts in uses of each coastal resource.

(4) Inventory and designate areas of critical state concern within the coastal zone, such as port areas, significant natural and environmental, industrial and recreational areas.

(5) Establish broad guidelines on priority of uses in critical areas.

(6) Provide for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements which are other than local in nature.

(7) Provide for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the State's coastal zone program and for the issuance of notice to any concerned federal agency as to whether the State concurs with or objects to the proposed activity.

(8) Provide for a review process of the management plan and alterations thereof that involves local, regional, state and federal agencies.

(9) Conduct other studies and surveys as may be required, including the beach erosion control policy as outlined in this act.

(10) Devise a method by which the permitting process shall be streamlined and simplified so as to avoid duplication.

(11) Develop a system whereby the Council shall have the authority to review all state and federal permit applications in the coastal zone, and to certify that these do not contravene the management plan.

(C) Provide for a review process of the management program and alterations that involve interested citizens as well as local, regional, state and federal agencies.

(D) Consider in conjunction with the Department of Health and Environmental Control the planning and review of existing water quality standards and classifications in the coastal zone.

(E) Provide consideration for nature-related uses of critical areas, such as aquaculture, mariculture, waterfowl and wading bird management, game and nongame habitat protection projects and endangered flora and fauna.

Public hearings

SECTION 9. (A) The Council, on thirty days' notice, shall hold statewide public hearings on the proposed coastal zone management plan to obtain the views of all interested parties, particularly all interested citizens, agencies, local governments, regional organizations and port authorities.

(B) All Council documents associated with such hearings shall be conveniently available to the public for review and study at least

thirty days prior to a hearing. A report on each hearing shall be prepared and made available to the public within forty-five days of such hearing.

(C) After sufficient hearings and upon consideration of the views of interested parties the Council shall propose a final management plan for the coastal zone to the Governor and the General Assembly.

(D) Upon review and approval of the proposed management plan by the Governor and General Assembly, the proposed plan shall become the final management plan for the State's coastal zone.

(E) Any change in or amendment to the final management plan shall be implemented by following the procedures established in subsections (A), (B), (C) and (D) of this section and upon the review and approval of the Governor and the General Assembly.

Plan to cooperate with local governments

SECTION 10. (A) The management program specified in Section 9 shall be developed in complete cooperation with affected local governments in the coastal zone. This cooperation shall include, but not be limited to:

(1) Involvement of local governments or their designees in the management program.

(2) Provision of technical assistance and grants to aid local governments in carrying out their responsibilities under this act.

(3) Dissemination of improved informational data on coastal resources to local and regional governmental units.

(4) Recommendations to local and regional governmental units as to needed modifications or alterations in local ordinances that become apparent as a result of the generation of improved and more comprehensive information.

(B) Any city or county that is currently enforcing a zoning ordinance, subdivision regulation or building code, a part of which applies to critical areas, shall submit the elements of such ordinances and regulations applying to critical areas to the Council for review. The Council shall evaluate such ordinances and plans to determine that they meet the provisions of this act and rules and regulations promulgated hereunder. Upon determination and approval by the Council, such ordinances and regulations shall be adopted by the Council, followed by the Council in meeting its permit responsibilities under this act and integrated into the Council's Coastal Management Program. Any change or modification in the elements of approved zoning ordinances, subdivision regulations or building codes applying to critical areas shall be disapproved by the Council if it is not in compliance with the provisions of this act and rules and regulations promulgated hereunder.

(C) Any city or county that is not currently enforcing ordinances or regulations on the critical areas within its jurisdiction at its option may elect to develop a management program for such critical areas by notifying the Council of its intent within one hundred and eighty days following the approval of this act. Such proposed ordinances and regulations applying to critical areas shall be subject to the process specified in Section 10(B).

(D) Any county or city may delegate some or all of its responsibilities in developing a coastal management program for critical areas under its jurisdiction to the regional council of government of which it is a part, provided the county or city has notified the Council in writing at least thirty days prior to the date on which such action is to be taken.

Ports Authority to submit plan

SECTION 11. The South Carolina State Ports Authority shall prepare and submit to the Council a management plan for port and harbor facilities and navigation channels. Upon approval by the Council of such management plan it shall become part of the comprehensive coastal management program developed by the Council. The South Carolina State Ports Authority shall include in the management plan a designation of the geographical area appropriate for use by public and private port and harbor facilities and military and naval facilities and submit this to the Council for approval.

Council to develop beach erosion control policy

SECTION 12. (A) The Council shall develop and institute a comprehensive beach erosion control policy that identifies critical erosion areas, evaluates the benefits and costs of erosion control structures funded by the State, considers the dynamic littoral and offshore drift systems, sand dunes and like items.

(B) The Council for and on behalf of the State may issue permits for erosion control structures following the provisions of this section and Sections 14 and 15, on or upon the tidelands and coastal waters of this State as it may deem most advantageous. *Provided*, however, that no property rebuilt or accreted as a result of natural forces or as a result of a permitted structure shall exceed the original property line or boundary. *Provided*, further, that no person or governmental agency may develop ocean front property accreted by

natural forces or as the result of permitted or nonpermitted structures beyond the mean high water mark as it existed at the time the ocean front property was initially developed or subdivided, and such property shall remain the property of the State held in trust for the people of the State.

(C) The Council shall have the authority to remove all erosion control structures which have an adverse effect on the public interest.

(D) The Council is authorized for and in behalf of the State to accept such federal monies for beach or shore erosion control in areas to which the public has full and complete access as are available and to sign all necessary agreements and to do and perform all necessary acts in connection therewith to effectuate the intent and purposes of such federal aid.

(E) If a beach or shore erosion emergency is declared by the Council, the State, acting through the Council, may spend whatever state funds are available to alleviate beach or shore erosion in areas to which the public has full and complete access, including any funds which may be specifically set aside for such purposes.

(F) The Council, for and on behalf of the State, may issue permits not otherwise provided by state law, for erosion and water drainage structure in or upon the tidelands, submerged lands and waters of this State below the mean high-water mark as it may deem most advantageous to the State for the purpose of promoting the public health, safety and welfare, the protection of public and private property from beach and shore destruction and the continued use of tidelands, submerged lands and waters for public purposes.

Permits required to utilize critical areas

SECTION 13. (A) Ninety days after the effective date of this act no person shall utilize a critical area for a use other than the use the critical area was devoted to on such effective date unless he has first obtained a permit from the Council.

(B) Within sixty days of the effective date of this act the Council shall publish and make available the interim rules and regulations it will follow in evaluating permit applications. These interim rules and regulations shall be used in evaluating and granting or denying all permit applications until such time as the final rules and regulations are adopted in accordance with this section and Act 671 of 1976. Within one hundred and twenty days of the effective date of this act, the Council shall publish and make available to local and regional governments and interested citizens for review and comment a draft of the final rules and regulations it will follow in evaluating permit applications. Sixty days after making such guidelines available the Council shall hold a public hearing affording all interested persons an opportunity to comment on such guidelines. Following the public hearing the Council shall in ninety days publish final rules and regulations. *Provided,* however, the interim rules and regulations shall not be subject to the provisions of Act 671 of 1976.

(C) Ninety days after the effective date of this act no person shall fill, remove, dredge, drain or erect any structure on or in any way alter any critical area without first obtaining a permit from the Council. *Provided,* however, that a person who has legally commenced a use such as those evidenced by a state permit, as issued by the Budget and Control Board, or a project loan approved by the rural electrification administration or a local building permit or has received a United States Corps of Engineers or Coast Guard permit, where applicable, may continue such use without obtaining a permit. Any person may request the Council to review any project or activity to determine if he is exempt under this section from the provisions of this act. The Council shall make such determinations within forty-five days from the receipt of any such request.

(D) It shall not be necessary to apply for a permit for the following activities:

(1) The accomplishment of emergency orders of any duly appointed official of a county, municipality or of the State, acting to protect the public health and safety, upon notification to the Council.

(2) Hunting, erecting duckblinds, fishing, shellfishing and trapping when and where otherwise permitted by law; the conservation, repletion and research activities of state agencies and educational institutions or boating or other recreation provided that such activities cause no material harm to the flora, fauna, physical or aesthetic resources of the area.

(3) The discharge of treated effluent as permitted by law; *provided,* however, that the Council shall have the authority to review and comment on all proposed permits that would affect critical areas.

(4) Dredge and fill performed by the United States Corps of Engineers for the maintenance of the harbor channels and the collection and disposal of the materials so dredged; *provided,* however, that the Council shall have authority to review and certify all such proposed dredge and fill activities.

(5) Construction of walkways over sand dunes in accordance with Section 12.

(6) Emergency repairs to any existing bank, dike or structure which has been erected in accordance with federal and state laws, including fishing piers which are provided for by general law or acts passed by the General Assembly of South Carolina; *provided*, however, that notice shall be given to the Council within seventy-two hours from the onset of needed repairs.

(7) Maintenance and repair of drainage and sewer facilities constructed in accordance with federal or state laws and normal maintenance and repair of any utility or railroad.

(8) Normal maintenance or repair to any pier or walkway provided that such maintenance or repair not involve dredge or fill.

(9) Construction or maintenance of a major utility facility where the utility has obtained a certificate for such facility under "The Utility Facility Siting and Environmental Protection Act", Sections 58-1801 through 58-1832 of the 1962 Code. *Provided*, however, that the South Carolina Public Service Commission shall make the Council a party to certification proceedings for utility facilities within the coastal zone.

Submission of development plans—applications for permits

SECTION 14. (A) Any person who wishes may submit development plans to the Council for preliminary review. If a permit is necessary, the Council will make every effort to assist the applicant in expediting the permit application.

(B) Each application for a permit shall be filed with the Council and shall include:

(1) Name and address of the applicant.

(2) A plan or drawing showing the applicant's proposal and the manner or method by which the proposal shall be accomplished.

(3) A plat of the area in which the proposed work will take place.

(4) A copy of the deed, lease or other instrument under which the applicant claims title, possession or permission from the owner of the property, to carry out the proposal.

(5) A list of all adjoining landowners and their addresses or a sworn affidavit that with due diligence such information is not ascertainable.

(C) The Council within thirty days of receipt of an application for a permit shall notify, in writing, interested agencies, all adjoining landowners, local government units in which the land is located and other interested persons of the application and shall indicate the nature of the applicant's proposal. Public notice shall be given at least once by advertisement in state and local newspapers of general circulation in the area concerned. The Council may hold a public hearing on applications which have any effect on a critical area if it deems a hearing necessary. The public hearing shall be held in the county where the land is located and if in more than one county the Council shall determine in which county to hold the hearing or may hold hearings in both counties.

Provided, all interested agencies, all adjoining landowners, local government units and other interested persons shall have thirty days to file a written comment to such application after receipt of any such notice by the Council.

Approval of permits

SECTION 15. (A) In determining whether a permit application is approved or denied the Council shall base its determination on the individual merits of each application, the policies specified in Sections 1 and 2 and be guided by the following general considerations:

(1) The extent to which the activity requires a waterfront location or is economically enhanced by its proximity to the water.

(2) The extent to which the activity would harmfully obstruct the natural flow of navigable water. If the proposed project is in one or more of the State's harbors or in a waterway used for commercial navigation and shipping or in an area set aside for port development in an approved management plan, then a certificate from the South Carolina State Ports Authority declaring the proposed project or activity would not unreasonably interfere with commercial navigation and shipping must be obtained by the Council prior to issuing a permit.

(3) The extent to which the applicant's completed project would affect the production of fish, shrimp, oysters, crabs or clams or any marine life or wildlife or other natural resources in a particular area including but not limited to water and oxygen supply.

(4) The extent to which the activity could cause erosion, shoaling of channels or creation of stagnant water.

(5) The extent to which the development could affect existing public access to tidal and submerged lands, navigable waters and beaches or other recreational coastal resources.

(6) The extent to which the development could affect the habitats for rare and endangered species of wildlife or irreplaceable historic and archeological sites of South Carolina's coastal zone.

(7) The extent of the economic benefits as compared with the benefits from preservation of an area in its unaltered state.

(8) The extent of any adverse environmental impact which cannot be avoided by reasonable safeguards.

(9) The extent to which all feasible safeguards are taken to avoid adverse environmental impact resulting from a project.

(10) The extent to which the proposed use could affect the value and enjoyment of adjacent owners.

(B) After considering the views of interested agencies, local, governments and persons, and after evaluation of biological and economic considerations, if the Council finds that the application is not contrary to the policies specified in this act, it shall issue to the applicant a permit. The permit may be conditioned upon the applicant's amending the proposal to take whatever measures the Council feels are necessary to protect the public interest. At the request of twenty citizens or residents of the county or counties affected, the Council shall hold a public hearing on any application which has an effect on a critical area, prior to issuing a permit. Such public hearings shall be open to all citizens of the State. When applicable, joint public hearings will be held in conjunction with any such hearings required by the U. S. Army Corps of Engineers. On any permit application pertaining to a specific development which has been approved by the Council, the Council may support the applicant with respect to any federal permit applications pertaining to the same specific development.

(C) The Council shall act upon an application for a permit within ninety days after the application is filed. *Provided,* however, that in the case of minor developments, as defined in Section 3, the Council shall have the authority to approve such permits and shall act within thirty days. In the event a permit is denied the Council shall state the reasons for such denial and such reasons must be in accordance with the provisions of this act.

(D) Any applicant having a permit denied or any person adversely affected by the granting of the permit has the right of direct appeal to the Council. Any applicant having a permit denied may challenge the validity of any or all reasons given for denial.

(E) Any permit may be revoked for noncompliance with or violation of its terms after written notice of intention to do so has been given the holder and the holder given an opportunity to present an explanation to the Council.

(F) Work authorized by permits issued hereunder shall be completed within three years after the date of issuance of the permit. The time limit may be extended for good cause showing that due diligence toward completion of the work has been made as evidenced by significant work progress.

(G) Any person using a dragline, dredge, bulldozer or similar equipment within the critical areas shall be required to register such equipment and display an identification number assigned by the Council. The size, color, location, etc., of such identification numbers shall be established by the Council.

Violations—jurisdiction of courts

SECTION 16. The circuit court of the county in which the affected critical area or any part thereof lies shall have jurisdiction to restrain a violation of this act at the suit of the Council, the Attorney General or any person adversely affected. In the event the affected critical area lies in more than one county, jurisdiction shall be in the circuit court of any county in which any part of the area lies. In the same action the circuit court having jurisdiction over the affected area may require such area to be restored to its original condition, if possible, and environmentally desirable. In the alternative, the Council may complete the restoration at the expense of the person altering the area in which case suit for recovery of the amount so expended may be brought in any court having jurisdiction to restrain a violation. No bond shall be required as a condition of the granting of a temporary restraining order under this section, except that the court may in its discretion require that a reasonable bond be posted by any person requesting the court to restrain a violation of this act.

Penalties

SECTION 17. Any person violating any provision of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment of not more than six months or by a fine of not more than five thousand dollars, or both, for the first offense, and by imprisonment of not more than one year, or by a fine of not more than ten thousand dollars, or both, for each subsequent offense.

Appeals

SECTION 18. Any applicant whose permit application has been denied, revoked, suspended or approved subject to conditions of the Council, or any person adversely affected by the permit, may, within twenty days after receiving notice thereof, file petition in the circuit court having jurisdiction over the affected land for a review of the Council's action "de novo" or to determine whether the Council's action so restricts or otherwise affects the use of the property as to deprive the owner of its existing practical use and is an unreasonable exercise of the State's police power because the action constitutes the equivalent of taking without compensation. If the court finds the action to be an unreasonable exercise of the police power it shall enter a finding that the action shall not apply to the land of the plaintiff, or in the alternative, that the Council shall pay reasonable compensation for the loss of use of the land. The use allowed by any permit issued under this act may, in the discretion of the court, be stayed pending decision on all appeals that may be taken. The circuit court may in its discretion require that a reasonable bond be posted by any person. It is specifically intended that any person whose permit application has been denied may have such permit issued by the circuit court having jurisdiction if such person can prove the reasons given for denial to be invalid.

Not to affect certain land

SECTION 19. Nothing in this act shall affect the status of the title of the State or any person to any land below the mean high-water mark. The State shall in no way be liable for any damages as a result of the erection of permitted works.

Regulatory authority of Council restricted

SECTION 20. Notwithstanding any other provisions of this act, the Council shall have no direct regulatory authority over any area outside the critical areas in the coastal zone.

Authority of Council

SECTION 21. Ninety days after the effective date of this act the Council shall be the only state agency with authority to permit or deny any alteration or utilization within the critical area except for the exemptions granted under Section 13(D) and such application for a permit shall be acted upon within the time prescribed by this act.

Legal actions to determine ownership

SECTION 22. (A) Any person claiming an interest in tidelands which, for the purpose of this section, means all lands except beaches in the Coastal Zone between the mean high-water mark and the mean low-water mark of navigable waters without regard to the degree of salinity of such waters, may institute an action against the State of South Carolina for the purpose of determining the existence of any right, title or interest of such person in and to such tidelands as against the State. Service of process shall be made upon the secretary of the State Budget and Control Board.

(B) Any party may demand a trial by jury in any such action by serving upon the other party(s) a demand therefore in writing at any time after the commencement of the action and not later than ten (10) days after the service of the last pleading directed to such issue. Such demand may be endorsed upon a pleading of the party.

(C) Nothing contained in this act shall be construed to change the law of this State as it exists on the effective date of this act, relative to the right, title, or interest in and to such tidelands, except as set forth in this Section.

(D) The Attorney General shall immediately notify the Council upon receipt of any private suit made under this section, his response to that suit, and the final disposition of the suit. The Council will publish all such notifications in the state register.

Saving clause

SECTION 23. If any of the provisions of this act should be adjudged invalid or unconstitutional, the remainder of the act or the application of its provisions to other persons or circumstances shall not be affected thereby.

Time effective

SECTION 24. This act shall take effect July 1, 1977.

In the Senate House the 19th day of May

In the Year of Our Lord One Thousand Nine Hundred and Seventy-seven.

W. BRANTLEY HARVEY, JR.,
President of the Senate.

REX L. CARTER,
Speaker of the House of Representatives.

Approved the 24th day of May, 1977.

JAMES B. EDWARDS,
Governor.

Printer's No. 122—S.

Appendix C

South Carolina Statutes Referenced in this Section by Agency
(Citations are to the 1976 S. C. Code of Laws.)

Aeronautics Commission (generally §§ 55-5-30 through 290.) 55-5-70, 120, 210, 270.

Budget and Control Board(generally §§ 1-11-10 through 160.) 1-11-70, 80, 90; 10-1-150; 10-9-30; 10-9-10, 110, 130, 140, 180, 250; 48-43-330.

Department of Health and Environmental Control (generally §§ 48-1-10 through 350.)

Development Board (generally §§13-3-10 through 120.) 13-3-20 (2); 13-3-90 (2), (6), 100 (4) (c), (d), (h), (i), (n), (o); 3-5-40 and 330; 3-5-70 and 320, 330, and 350, 3-5-100, 170, 180.

Forestry Commission (generally §§ 48-23-10 through 230.) 48-23-90, 120, 130, 140, 200.

Highway Department (generally §§ 57-3-10 through 30.) 57-3-40, 610, 640, 650, 720, 57-5-320, 360, 370,380,770,790,860,1320,1330, 1340, 57-7-50, 60; 57-13-40; 57-17-20.

Institute of Archeology and Anthropology (created by 60-13-210) (generally §§ 54-7-210 through 270.) 54-7-210, 220 (a), (b), (c), 230 (a), (b), (c), 240, 270.

Land Resources Conservation Commission (generally §§ 48-9-210 through 320.) 48-9-290 (7), (10), (13); 48-9-50; 48-9-1270 (2), (3), (7), (8), (9), 48-9-1290, 1510, 1550, 1600, 1610, 1850, 1860, 1870, 48-11-110(1), 48-13-10, 20, 30, 48-19-40, 50, 60, 70, 100, 120, 160, 170, 190, 210; 49-11-110 through 260.

Parks, Recreation & Tourism (generally §§ 51-1-10 through 90.) 51-1-60; 51-3-10; 51-7-10, 20, 30, 40.

Patriot's Point Development Authority, 51-13-710, 750, 770, 780.

Public Railways Commission (generally §§ 58-19-10 through 170.) 58-19-30; 58-17-1150, 1160, 1180, 1190, 1200.

Public Service Authority (generally §§ 58-31-10 through 200.) 58-31-30,50,180,190.

Public Service Commission (generally §§ 58-3-10 through 220.) 58-7-10, 20, 30, 58-9-2020, 2050, 58-13-410, 1210; 58-27-150, 1260, 1270, 58-29-60; 58-12-10; 58-33-110, 120, 150, 160, 410.

State Housing Authority (generally §§ 31-3-10 through 150.) 31-3-140, 310, 450, 460, 580, 710, 730, 910, 1150, 1320, 1360, 31-5-30, 31-7-40, 80.

State Ports Authority, 54-3-110, 130, 140,150, 170, 610, 620, 810, 820.

Water Resources Commission, 48-43-30, 40, 50, 60, 310, 370; 49-3-40; 49-5-40, 50, 60, 100; 49-15-30;49-19-100, 920, 1410, 1440; 51-3-100, 110, 120, 140, 150.

Wildlife & Marine Resources Department, 50-5-20, 110, 50-17-710.

AERONAUTICS COMMISSION (generally §§ 55-5-30 through 290, 1976 S. C. Code of Laws)

Synopsis of Authority

The Aeronautics Commission has direct regulatory authority over the design, layout, location and other particulars of landing fields and landing strips for the State of South Carolina. This authority also extends to air beacons, markings and other navigational facilities for air traffic, including the operations of air schools, flying clubs and airports. A certificate of approval may be issued in response to a request for permission to operate or establish any of the facilities mentioned above, or the reasons explaining why an application is denied or conditioned must be issued to the applicant. This explanation must also include the requirements to be met for approval to be granted.

COASTAL MANAGEMENT PROGRAM COORDINATION

The Coastal Management Act creates a responsibility for the commission to cooperate with the Council and to administer its authority in accordance with the Coastal Management Program. Section 8 (B) (11) of the Act requires the Council to certify that any activity permitted by another State authority does not contravene the management program. Upon final approval of the management program by the Governor and General Assembly, a system of review and certification of Aeronautics certificates that affect the coastal zone will be implemented, which will facilitate the cooperative efforts of the two agencies. Any negative review by the Coastal Council would have to contain the specific basis for such a comment, so that the Aeronautics Commission might place conditions or requirements on their permit granted to any applicant. In this way the specific policies of the coastal management program will be implemented through the Commission's permitting activities. (Note: the Resolution of Conflicts discussion in the legal Analysis section applies to this and all other Coastal Management Program Coordination sections of this appendix.)

BUDGET AND CONTROL BOARD (generally §§ 1-11-10 through 160.)

SYNOPSIS OF AUTHORITY

The State Budget and Control Board (comprised of the Governor, the State Treasurer, the Comptroller General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee) has many fiscal duties unrelated to the Coastal Management Program but has several responsibilities of direct interest to the Program. These include the authority to issue permits for activities in freshwater wetlands above the critical area boundry of the coastal zone, to direct the use of vacant state-owned lands and to grant easements and rights of way over such lands for certain public purposes (roads, electricity transmission facilities, water and sewer facilities.) Applications for activities in freshwater wetlands under the Board's control (because of their State ownership) are made to the Water Resources Commission which recommends action on such applications to the Board. The Board may follow the Commission's recommendation or choose an alternate action.

The Board may also lease State lands for the extraction of mineral resources, including oil and gas. Such leases are subject to other laws of the state for the conservation of such resources. Exclusive control and protection of the State's phosphate deposits is granted to the Board, and penalties for removal of such deposits from the navigable streams or waters or marshes of the State without

a Board license include confiscation of the equipment involved as well as the institution of court action.

Coastal Management Program Coordination

Under § § 7 (A) and 8 (B) (11) of the Coastal Management Act, the Board has a responsibility to insure that all of its activities and programs are in accord with the Coastal Management Program and to have applications for permits in the coastal zone certified by the Council. Through a cooperative process developed under a memorandum of agreement, the Board and Council will develop a coordinated and simple procedure for Council review and certification of permits affecting the coastal zone and will cooperate and work together to carry out the policies of the legislature pertaining to all uses of coastal resources. The Board and the Council have mutual interest in protecting and conserving several natural resources in the coastal zone and can develop compatible and complementary programs.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (generally §§ 48-1-10 through 350.)

Synopsis of Authority

The department of Environmental Control has the authority to abate, control and prevent pollution of all air and water resources of South Carolina. Standards for air and water quality may be adopted by the Department, and rules and regulations may be developed to maintain those standards. The Department may permit discharges of waste and issue enforceable orders to stop unpermitted discharges. A general comprehensive program for pollution control must be developed by the Department and research and other studies are authorized to be conducted by the Department. The Department is also charged with taking action to secure the benefits of the Water Pollution Control Act, Federal Air Quality Act and other Federal acts for the people of South Carolina. The Department may enforce standards of environmental quality through the issuance or denial of permits for activities that affect the State's environment. Permits for disposal systems and under the national pollutant discharge elimination system are included under the Department's permitting authority. The Department also regulates the operation of facilities used in the processing or handling of food for human consumption, sanitation facilities of public facilities and accommodations, and land-fills for refuse disposal. Rules and regulations may be issued by the Department to implement its authority.

The Oil and Gas Act, (§ 48-43-10 et. seq. of the 1976 S.C. Code), also has given DHEC certain responsibilities and authorities with regard to development and transmission of these energy resources.

Coastal Management Program Coordination

The Department has a responsibility to insure that all its activities and programs affecting the coastal zone are in accord with the Coastal Management Program .

The memorandum of agreement between the Department and Council establishes the cooperative interaction necessary to effectively coordinate coastal management policies with Department activities and planning and fulfill the agencies' responsibilities under the Coastal Management Act. Specific management policies may be implemented by the Department in its activities in the coastal zone. As outlined in the memorandum of agreement, applications for Department permits will be reviewed for certification by the Council if the proposed activity will affect the coastal zone. The similarity of purpose in many areas and the cooperation provided by the memorandum of agreement should allow complete coordination of programs and policies between the Department and the Council.

The Council will work very closely with the Department on water pollution control programs. Specific statewide duties of the Department in the wastewater and stream quality control area include:

1. Classification of the waters of the State based on the best use and the

development of criteria appropriate to these classifications.

2. Administration of two major wastewater and stream quality control permit programs. These include a State Permit to Construct for wastewater treatment systems to insure proper engineering design and construction of the system, and the National Pollutant Discharge Elimination System (NPDES) Permit Program which is required of all dischargers and is the tool to implement the treatment technology and water quality goals of State and Federal legislation. The administration of this latter permit program was delegated to DHEC by EPA in accordance with the provisions of the Federal Clean Water Act (Federal Water Pollution Control Act).
3. Monitoring of all wastewater dischargers to determine constituents in discharges and to insure compliance with discharge limitations. Monitoring of the waters of the State to determine quality and compliance with assigned standards. The stream monitoring program includes chemical, physical, and biological assessment of the quality of these waters. This monitoring program includes responsibilities for special studies in the water quality area.
4. The coordination of the development of a twenty-year State Water Quality Management Plan in accordance with Section 208 of the Federal Water Pollution Control Act to insure that proper prior planning is included in water pollution control efforts.
5. Enforcement of all aspects of the State Pollution Control Act and delegated portions of the Federal Act.
6. Partial delegation of the municipal wastewater treatment construction grants program. This program involves 75 percent Federal (EPA) funding for the planning, design, and construction of municipal wastewater treatment systems, and the development of a municipal construction grants project priority list to distribute funding among the available projects.
7. Certification under Section 401 of the Federal Water Pollution Control Act. This certification is required for applicants for a Federal license or permit that may have water quality impact and must be issued or waived before the Federal licensing or permitting agency issues a license or permit. The certification insures proper treatment technology requirements and water quality considerations.
8. Act 179 of the 1977 S.C. General Assembly, the Oil and Gas Act, directs the Department of Health and Environmental Control to implement statewide efforts for pollution control in the areas of oil and some other type spills; the development of a State contingency plan; and the permitting of certain handling facilities. This Act directed some specifically named State agencies and any other agency of the State to lend assistance to the Department of Health and Environmental Control in this effort.

Regulations Subject to the Management Program

The Department has issued several regulations which are being coordinated with the Coastal Management Program. Many of the regulations require a permit before an activity may be started or set out specifications for procedures and practices for various activites. These specifications must be coordinated with applicable coastal management policies. The provisions of the memorandum of agreement should allow a cooperative effort to accomplish this task. The following list presents the title and number of Department regulations subject to the management program and specifies if a permit (s) is required for the activity involved.

NPDES Permits (R61-9); permit.

Mobile Home Parks (R61-40); permit.

Control of Mosquito Production on Impounded Waters (R61-45); permit and specifications.

Individual Waste Disposal Systems (R61-56); specifications.

Subdivision Water Supply and Waste Disposal Systems (R61-57); specifications and permits.

Milled or shredded Refuse Disposal Sites (R61-59); specifications.

Air Pollution Control (R61-62.1); specifications.

Air Pollution Control Standards (R61-62.6); specifications.

Industrial Waste Disposal Sites and Facilities (R61-66); permit and specifications.

Water Classification Standards System (R61-68); specifications.

Stream Classifications (R61-69); specifications (list).

Sanitary Landfill Design, Construction and Operation (R61-70); permit and specification.

FORESTRY COMMISSION (generally §§ 48-23 10 through 290.)

Synopsis of Authority

The South Carolina Forestry Commission is charged with the management of State forests and woodlands and with advising and cooperating with private land owners in the promotion of forest management practices. A central purpose of the Commission is the prevention, control, and extinguishing of forest fires. The Commission may take such action and afford such organized means as may be necessary to carry out this purpose. The commission may purchase, be given or otherwise acquire forest lands for timber production, demonstration of forestry practices, erosion and flood prevention, game sanctuaries and general recreation. Lands may also be acquired through agreements with Federal or State agencies. State forest land may be controlled by the Commission through rules and regulations.

Coastal Management Program Coordination

The Forestry Commission has a responsibility to insure that its actions in the coastal zone are in accord with the policies of the Coastal Management Program and to cooperate with the Council in the enforcement of the Coastal Management Act. Developed under a memorandum of agreement coordination of Commission and Council programs will allow the implementation of coastal management policies in the management of State forests and insure the compatibility and mutual support of these programs.

DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION (generally §§ 57-3-10 through 50.)

Synopsis of Authority

One of the main functions of the South Carolina Highway Department is the systematic planning, construction, maintenance and operation of the State's highway system. The legislature has granted the Department the authority to acquire land necessary to construct highways, to obtain building materials (usually from "borrow pits") for highways and to correct drainage problems created by highway construction. This authority includes the power to condemn land under certain procedures when deemed necessary by the Department. The Department may issue a permit to allow trenches, pipes or other facilities to cross State highways. In addition to the State highway system, the Department may build roads from a State highway to public landings owned by a county, and to and through State parks, and may provide access to areas under the management of the Wildlife and Marine Resources Department. These roads may be built only through agreement with or with the consent of the agency or county involved. If built upon publicly owned property, the Department is also authorized to build access roads to State ports facilities, airports and other major commercial transportation facilities. The Department is also charged with the research of methods to fight erosion and devising such means as will stop the erosion of the shoreline of the State.

Coastal Management Program Coordination

Cooperation in the planning activities of the Department and the Council is the best way to implement the coastal management policies for the use of coastal resources. The memorandum of agreement between the Department and the Council will allow such cooperation by creating a review process for certification of Department permits

by the Council and outlining each agency's responsibilities in implementing the Coastal Management Program. The Department's erosion control activities are also coordinated with the approved coastal management policies through the cooperative process developed under the memorandum of agreement.

INSTITUTE OF ARCHEOLOGY AND ANTHROPOLOGY (created by §§ 60-13-210; and generally §§ 54-7-210 through 280)

Synopsis of Authority

The South Carolina Institute of Archeology and Anthropology is designated by the legislature as the custodian of shipwrecks, vessels, cargoes, tackle and other underwater archeological artifacts in the State's waters. Rules and regulations may be promulgated by the Institute to govern the salvaging and preservation of such artifacts. The Institute must consider applications for permits from any person desiring to conduct any salvage operations at archeological sites, and may issue permits if the salvage operations are found to be in the best interests of the State. The Institute may condition the permits it issues to protect the interests of the State in its underwater artifacts.

Coastal Management Program Coordination

Section 7 (A) of the Coastal Management Act creates a responsibility for the Institute to cooperate with the Council and to administer its authority in accordance with the Coastal Management Program. Under Section 8 (B) (11) of the Act the Council must certify that any activity permitted by the Institute does not contravene coastal management policies. Coordination of programs and activities through a cooperative process created under a memorandum of agreement insures their compatibility and mutual support.

Regulations Subject to the Management Program, (R9-1 through 21, 1976 S.C. Code of Laws.)

The rules and regulations of the Institute specify how salvage operations shall be permitted and provide for licenses for searches of particular underwater areas and for "hobby" dives or intermittent search or salvage operations requiring minimal experience and equipment. The Institute has prohibited salvage operations, as defined in the regulations, without a license from the Institute, and the regulations specify that licenses will not be granted for removal of any submerged antiquities which can be preserved or may be used in research by the State. The removal of submerged antiquities that are of primary scientific value will also not be licensed. Licenses issued by the Institute may not be assigned or sublet. The regulations also require full compliance with all normal safety rules and exempt the State from liability for any injuries in any way connected with an Institute license. In general the regulations clarify the licensing procedure and do not specify recommended practices or methods. The review and certification process of the Coastal Council for Institute applications for licenses may assist the Institute in implementing specific coastal management policies. Council recommendations for specific practices based on such policies may become the conditions under which the Insititute grants a license.

LAND RESOURCES CONSERVATION COMMISSION (generally §§ 48-9-210 through 320)

Synopsis of Authority

The Land Resources Conservation Commission is responsible for implementing the South Carolina Mining Act; the Dams and Resevoir Safety Act; for guiding and coordinating the activities of soil and water conservation districts; for coordinating comprehensive conservation plans for environmental improvement on all lands owned or controlled by the State; for developing and coordinating a flood plain inventory and guidelines for the conservation, protection and use of flood plain lands, excluding marsh and tidelands; for developing a statewide inventory of lands available in rural areas for recreational use and guidelines for the conservation and use of such lands; for being an informational and guidance resource to local governments and developers about policies and procedures for adequate erosion and sediment control programs and practices. The soil and water conservation districts are not under any enforcement authority of the Commission for developing or implementing regulations or other land use controls except as they may be governed by the Mining Act or other legislation applicable to all other agencies as well. The Commission may coordinate the programs of the districts so far as this may be done by advice and consultation.

The Dams and Resevoir Safety Act requires the Commission to permit and inspect dams to insure their safety. Under the Mining Act, the Commission may issue permits for mining operations. In order to receive a permit an applicant must provide a reclamation plan that includes proposed practices to protect adjacent lands, specifications for surface slope and contours adequate for the proposed use of the land after reclamation, methods of protection of wildlife in or adjacent to the area, method of complying with State air and water pollution laws, and methods of controlling contaminants and disposal of mining refuse. In addition the applicant must supply a performance bond or other security to the Commission. The Commission may condition its permits or modify them from time to time as long as the reclamation plan meets certain guidelines, some of which were mentioned above. In additon, the reclamation plan must be implemented within two years of the termination of mining in a permitted area unless specifically extended by the Commission (or the Department of Mining and Reclamation thereunder). The Commission's authority does not apply to Highway Department borrow pits, rights of way or other activities supporting the construction and maintenance of the State highway system; the Highway Department has filed a general reclamation plan for such activities with the Commission which has approved the practices and standards of the plan. Also exempt from the Commission's authority are persons mining Federal lands with a valid Federal permit from the U.S. Forest Service or the Bureau of Land Management. Appeals of Commission permit decisions may be taken to the Mining Council, formed under the Interstate Mining Compact, as well as to the circuit courts.

Coastal Management Program Coordination

The Commission has a responsibility to keep its members and staff informed about official State coastal management policies and to insure that all its activities and programs are in accord with the comprehensive coastal management program. Through a cooperative process developed under a memorandum of agreement, the Commission will help coordinate the activities and programs of the soil and water conservation districts in the coastal zone with the

coastal management program policies. Working within the memorandum of agreement the Commission and the Council will develop a coordinated and simplified procedure for Council review and certification of permits affecting the coastal zone and for the establishment of certain soil and water conservation practices in critical areas. The Commission and the Council have mutual concerns about the conservation of soil and natural resources of the Coastal zone and with the cooperation of the Commission, the local conservation districts and the Council, the program, when developed, will be compatible and mutually supporting.

PARKS, RECREATION, AND TOURISM (generally §§ 51-1-10 through 90)

Synopsis of Authority

The State Parks, Recreation and Tourism Commission is charged with the development and maintenance of the State park system and with the development of a coordinated plan to use the natural facilities and resources of the State as tourist attractions. The Commission may also plan for the preservation and perpetuation of South Carolina's rich cultural heritage. Historical sites and buildings may be acquired and maintained for the public, but only if the Commission of Archives and History approves the acquisition. The Department of Parks, Recreation and Tourism, which is governed by the Commission, is specifically empowered to develop Hunting Island, in Beaufort County, as a pleasure and health resort for the citizens of South Carolina. The Department may zone the island into camping, playground and other recreation areas, and may designate part of the island for residential development. This area may be divided into lots which may be leased or rented, provided that the lease contains suitable covenants requiring the leasee to erect and maintain habitable structures satisfactory to the Department. Leases may be conditioned to insure the proper use of the leased area. The Department may also build streets and roads and a water supply system within the designated residential area.

Coastal Management Program Coordination

The Commission and Department have a responsibility to cooperate with the Council in order to coordinate their respective activities along the coast. The cooperative process formed by the memorandum of agreement between the Commission and Council will insure the coordination of policies in planning and project activities and allow the Commission and Department to implement applicable state coastal management policies through their activities in the coastal zone. The Commission and Council share similar interests in the conservation of coastal resources and can coordinate and develop mutually supportive programs.

PATRIOT'S POINT DEVELOPMENT AUTHORITY (generally §§ 51-13-710 through 850.)

Synopsis of Authority

The Patriot's Point Development Authority is granted authority over a particular geographical area in order to develop and maintain a National Naval Museum of ships and appropriate artifacts. The promotion of national and international travel to Patriot's Point through the construction and maintenance of seaquariums, public exhibits, entertainment facilities, historical monuments and lodging and other accommodations for travelers is one of the Authority's purposes. The Authority may also build ports, piers, ships and any and all facilities necessary for the convenient use

and development of Patriot's Point. Dredging, building bridges, roads and marinas are included under the Authority's authorized activities. The eminent domain power granted the Authority includes the ability to condemn land devoted to public use; the eminent domain power and all of the Authority's powers are limited to the geographical area of Patriot's Point. (§ 51-13-750 contains the description of the area; principally the area includes Hog Island).

Coastal Management Program Coordination

The Authority has a responsibility to cooperate in the administratio and enforcement of the Coastal Management Program. The memorandum of agreement between the Authority and the Council will form a cooperative process allowing coordination of Authority plans for the development of Patriot's Point with the Coastal Management Program. Policies applicable to the activities and uses of coastal resources involved in the authority's plans may be implemented by the authority. The authority and Council share mutual interests in the coastal zone and can develop coordinated programs in the fulfillment of their responsibilities.

PUBLIC SERVICE AUTHORITY (generally §§ 58-31-10 through 200.)

Synopsis of Authority

The P lic Service Authority may develop the Cooper, Santee and Congaree Rivers as instrumentalities of interstate, intrastate and foreign commerce and navigation.The Authority may build and operate dams, canals, reservoirs, roads, and tunnels and may produce, sell and distribute electric power. Swampy and flooded lands may be drained by the Authority, and the watersheds of rivers of South Carolina may be reforested by the Authority. Lands may be acquired by condemnation or otherwise for development of the Cooper and Santee Rivers, including lands or rights necessary for facilities useful in the manufacture and distribution of electric power. The Authority may also divert waters from the Santee to the Cooper River by means of a canal or otherwise. Diversions of water from the Sampit River, Penny Royal Creek and their tributaries to Winyah Bay for electric power generation may not exceed 2,000 cubic feet of water per second each day. Diversion of water from the Santee River and its tributaries for electric power generation may not exceed 100 cubic feet per second per day. The pollution control laws of South Carolina are not waived by the authorities granted to the Public Service Authority.

Coastal Management Program Coordination

The Authority has a responsibility to cooperate with the Council in the implementation and enforcement of the Coastal Management Act. The memorandum of agreement between the Authority and the Council will develop a cooperative process for the coordination of Authority activities with coastal management policies and to insure that Authority activities and programs are in accord with coastal management policies.

PUBLIC SERVICE COMMISSION (generally §§ 58-3-10 through 220.)

Synopsis of Authority

The Public Service Commission has a variety of authorities, some of which are not relevant to a coastal management program. Authorities concerning rate structures and other regulatory authorities for the government of financial matters are not discussed in the synopsis. The Commission has regulatory authority over electric companies and must issue

a permit to them, called a certificate of public convenience and necessity before constructing and operating a generating plant and distributing electricity. The requirement for such a certificate is not applicable to extensions of existing facilities within municipalities, to extensions to an area already served by the company and necessary in the normal course of business, or to extensions to an area adjacent to an area served by the company, but which is not being served by any other electrical utility company. If some other permit is needed by a company applying for a Commission certificate, the Commission must wait until all such other permits are received by the applicant before it may issue a certificate. The Commission may order anyone without a certificate to stop constructing or operating an electrical generating plant. Major utility facilities are regulated by the Commission under the Major Utility Facility Siting Act (§ 58-33-110 et seq.). A certificate under that Act must be obtained before anyone may construct a major utility facility, unless the facility is a hydroelectric generating facility permitted by the Federal Power Commission. Such certificates, even if issued on an emergency basis, may be conditioned as appropriate to lessen adverse environmental impacts. The Commission may issue a certificate for a major utility facility if there is reasonable assurance that the facility will conform to applicable State and local laws and regulations.

Coastal Management Program Coordination

The Commission has a responsibility to cooperate with the Council and to insure that its activities and programs are in accord with state coastal management policies. The memorandum of agreement between the Commission and Council will develop a cooperative process for the coordination of activities and programs and for the review and certification of Commission certificates by the Council, including certificates under the Major Utility Facility Siting Act. Although the Coastal Management Act exempts those applying for such a certificate from applying for a Council permit, the Act makes the Council a party to the certification proceedings. This allows direct Council conditioning of such certificates and encourages cooperation between the Commission and the Council.

PUBLIC RAILWAYS COMMISSION (generally §§ 58-19-10 through 170.)

Synopsis of Authority

The Public Railways Commission may acquire land, by condemnation or otherwise, to construct, equip and operate railroads, including connecting, switching, terminal or other railroads. All necessary structures, such as bridges, road beds and stations, may be built by the Commission. The Commission may also operate, maintain and control the tracks and equipment transferred to it by the Ports Authority. Rights of way may be acquired by the Commission or any railroad company for streams or highway changes needed because of railraod construction, borrow pits, deep cuts, and the like. The Commission and any railroad company may construct, relocate or straigten its tracks and build embankments to avoid trestles or bridges. Additional terminals or other facilities may also be constructed as needed.

Coastal Management Program Coordination

The Coastal Management Act creates a responsibility for the Commission to exercise its authority in the coastal zone in accordance

with the Coastal Management Program. The coordination of Commission activities with coastal management policies will be the result of the cooperative efforts of each agency, as outlined in the memorandum of agreement between the Commission and the Council.

STATE DEVELOPMENT BOARD (generally §§ 13-3-10 through 120.)

Synopsis of Authority

The State Development Board is a State planning and coordination agency that has been granted broad powers to enable it to work towards improving the trade, commerce and employment opportunities of the State. Some of the Board's responsibilities include: the promotion of a system of transportation for the State through development and expansion of highways, railroads, ports, waterways and airports; the promotion of coordination of the activities of State agencies with local and Federal agencies; the promotion of industrial development, agriculture private business, commercial enterprises and the use and investment of capital within the State. In addition, the Board must cooperate with the operating agencies of the State in the development of plans with which each agency is concerned; the Board must also cooperate with local, regional and Federal planning and development programs.

More specific authority granted to the Board includes the following authorized activities: To build or acquire powerhouses and means for the distribution of electricity (provided none is sold to the public); to build or acquire railroads, roads and highways, lakes, dams, reservoirs, ditches, tunnels, bridges or other means or ways of commerce or transportation or communication (provided no telegraphic or telephone service is sold to the public); to build or establish parks or recreation facilities and all necessary appurtenances for their operation; to take whatever steps deemed necessary to prevent soil erosion and floods; to condemn or otherwise acquire property, water rights, easements or other property rights necessary in carrying out any of the powers granted to the Board. The method of condemnation used by the Board is that used by the Highway Department.

Coastal Management Program Coordination

The Board has a responsibility under the Coastal Management Act to exercise its authority in accordance with the policies of the Coastal Management Program. Cooperation in the planning activities of both agencies will insure that approved coastal management policies are implemented by the Board in its development projects. The memorandum of agreement between the Board and the Council will provide the process to allow the coordination and cooperation necessary to effectively implement the state coastal management policies in the Board's planning activities and projects. In this way the specific policies of the management program may be used in the exercise of particular related authorized activities of the Board.

STATE HOUSING AUTHORITY (generally §§ 31-3-110 through 150.)

Synopsis of Authority

The State Housing Authority is authorized to operate in all the counties of the State. The Authority may investigate the living and housing conditions in the State and make recommendations to local authorities to improve conditions it finds substandard or unsanitary. Land may be acquired by eminent domain or otherwise

for the construction of housing projects and necessary support facilities or commercial and community facilities incidental to the projects. If such projects or reconstruction or other projects are deemed necessary by the Authority in an area under the jurisdiction of a local housing authority, the local authority has sixty days to adopt the Authority's recommendations. If the local authority does not adopt the recommendations, the State Authority may, with the permission of the county or municipal government involved, institute and develop the project itself. All projects, whether of a Local or State Housing Authority, shall be subject to the planning, zoning and other laws, ordinances and regulations applicable to the locality where a project is proposed. Redevelopment projects are authorized under the same authorities and in the same manner as other projects, except that the permission of the county or municipal governing body must be obtained before the project may be started.

Coastal Management Program Coordination

The Authority has a responsibility created by Section 7 (A) to cooperate in the implementation of the Coastal Management Act. The policies of the management program can be implemented by the Authority in the planning and development of its projects in the coastal zone. Coordination of programs can be facilitated by a memorandum of agreement, if necessary, to insure that Authority activities are in accord with the Coastal Management Program.

STATE PORTS AUTHORITY (generally §§ 54-3-10 through 40.)

Synopsis of Authority

The State Ports Authority may develop, equip, maintain and operate the harbors and seaports within South Carolina, namely -- Charleston, Georgetown, the Savannah River, and Port Royal. The Authority may also develop facilities incidental to the ports such as other transportation terminals, roads, and bridges. Property may be acquried through condemnation or other means for these purposes, including lands already devoted to public use. Warehouses, wharves, piers, and any other facilities necessary for the convenient use of the ports may be built and operated by the Authority, and the Authority may also acquire land for airports, naval bases, seaplane bases, causeways and railroad terminals and crossings. Swamps, bottoms of streams, lakes, rivers, bays, the sea and other waters of the State may be taken, occupied and used exclusively by the Authority. The use of such lands specifically includes the removal from or placing of material on any such lands. The Authority may set a boundary line in the Charleston bay, harbor and their tributaries to prevent the construction of wharves and docks which would harm such waters. Unless State legislation grants authority to do so, no one may erect a dock or wharf on such waters around Charleston without first obtaining a permit from the Authority. The Authority may make regulations, not repugnant to the laws of the land, for the government of vessels and the protection of the harbors, bays and tributaries near Charleston. Dredged or excavated material may be placed only where the Authority designates for the bay and harbor of Charleston.

Coastal Management Program Coordination

The official State policies of the coastal management program may be implemented through the planning, construction and operation activities of the Ports Authority. The Authority has a responsibility created by the Coastal Management Act to insure that its activities are in accord with the Coastal Management Program. In addition, the Authority must submit for approval to the Council a management plan for port and harbor facilities and navigation channels. The coordination of coastal management policies with the Authority and its plans and activities will be based on a cooperative process developed in the formation of such plans for port and harbor facilities and through the memorandum of agreement between the Authority and the Council. Specific policies may also be implemented through the Council's review and certification process, developed under the memorandum, for applications for Authority permits to construct docks and wharves.

WATER RESOURCES COMMISSION (generally §§ 49-3-10 through 50.)

Synopsis of Authority

The Water Resources Commission must advise the Governor and General Assembly in developing comprehensive water resource policies for the State and may conduct studies to help in the development of such policies. The Commission has limited regulatory authority over the use of groundwater under the Groundwater Use Act. Upon the request of a political subdivision of the State, the Commission may declare certain areas to be capacity use areas. The Commission must find that aggregate uses of groundwater in an area have developed or threaten to develop to a degree which requires coordination or which impairs or threatens to impair the renewal of such water. Capacity use areas may be regulated by the Commission, and regulations for such areas may include provisions requiring the reporting of the quantity of use of groundwater, requiring the timing of withdrawals, requiring certain well depths and spacing controls, establishing maximum pumping rates, and to protect against saltwater encroachment. Such regulations may be made final and effective after a public hearing in the area to be governed by the regulations. A permit from the Commission is required for any groundwater user who uses at least 100,000 gallons per day in a capacity use area (up to six months after such designation is removed). If the effect of such water use is contrary to the public interest, the Commission may deny the application for a permit. The Commission may condition or modify a permit to conform to the regulations for the area. Individual domestic water uses are not subject to the regulations.

The Commission also implements the South Carolina Scenic Rivers Act (§§ 51-5-10 through 170). Comprehensive water and land use plans for scenic rivers must be formulated by the Commission, and such plans must conform to the State water resources plan as developed by the Commission. For each of the three classes of scenic rivers, the primary emphasis of the plans shall be the protection of asethetic, historic, scenic and wildlife values. The land and water of rivers that qualifies as scenic rivers may be donated to the Budget and Control Board with the consent of the governing body of the county where the land is located. The management plans developed by the Commission for scenic rivers must balance the right of riparian owners to use their land for customary purposes (which vary for Class II and III rivers) and the protection of the values which allowed the river to be designated

a scenic river. No scenic area shall be managed in a manner that would cause the area to fall into a less restrictive class. The Wildlife and Marine Resources Department and the Forestry Commission must cooperate in the enforcement of the provisions of the Scenic Rivers Act. Scenic rivers are also declared to be State parks and wildlife refuges. If there is a conflict in the rules and regulations governing such areas, the more restrictive provisions will apply.

The Oil and Gas Act has also given the Commission certain responsibilities that affect the coastal zone.

Coastal Management Program Coordination

The Commission has a responsibility to administer its programs in the coastal zone in accordance with the Coastal Management Program. Applications for Commission permits will be reviewed for certification by the Council and specific coastal management policies will be coordinated with Commission activities through the cooperative process developed under the memorandum of agreement between the Commission and the Council. Cooperative planning under the memorandum of agreement should insure that coastal water resources will be managed according to the applicable management program policies.

WILDLIFE AND MARINE RESOURCES COMMISSION (generally §§ 50-3-10 through 120.)

Synopsis of Authority

The Wildlife and Marine Resources Commission and the Department it governs are charged with the management, protection and promotion of the wildlife resources of South Carolina. The Department also conducts research in wildlife management and in marine ecology and shellfish propagation. The Commission may lease to any State resident portions of the bottoms owned or controlled by the State for commercial shellfish cultures, provided that no more than an aggregate of 1,000 acres be leased to any one person for a period not to exceed five years. Leases to residents for non-commercial shellfish cultures are limited to two acres for five-year renewable terms. The dredging, scooping or scraping of shellfish in less than 12 feet of water must be permitted by the Department. The Department may also designate and keep open up to 50 acres per county of oyster bottoms for the residents of the State to use to gather oysters for their personal use.

Coastal Management Program Coordination

The Wildlife and Marine Resources Commission and Department have a responsibility to cooperate in the enforcement and administration of the Coastal Management Program. Coastal Management policies may be implemented in Commission activities in the coastal zone. The memorandum of agreement between the Commission and the Council forms a cooperative process to allow the coordination of management policies with Commission activities and planning. The Commission and Council have similar interests in conserving coastal resources and can develop coordinated and mutually supportive programs.

Legal Authority Citations (1976 S. C. Code of Laws) for

Activities Subject to Management by State Agency

South Carolina Aeronautics Commission

Airports - Section 55-5-120

South Carolina Institute of Archeology and Anthropology

Residential developments - Sections 1-11-70,80,90

Ports - Section 1-11-70

Roads and Highways - Section 1-11-90

Airports - Section 1-11-70

Railways - Section 1-11-80

Parking facilities - Section 1-11-70

Mining - Sections 10-9-130, 180

Manufacturing - Section 1-11-70

Aquaculture - Section 1-11-70

Commercial - Section 1-11-70

Marinas - Section 1-11-70

Boat Ramps - Section 1-11-70

Tourist attractions - Section 1-11-70

Artificial reefs - Section 1-11-70

Docks and Piers - Section 1-11-70

Dredging - Section 1-11-70

Dredge material disposal - Section 1-11-70

Sewage treatment - Section 48-3-140; Section 48-5-30

Solic waste disposal - Section 1-11-70

Energy - Section 1-11-80

South Carolina Coastal Council

Residential developments - Sections 48-39-80 (B)(11), 130;R30-11 **R30-12

Ports - Sections 48-39-110, 130

Roads and highways - Sections 48-39-80 (B)(11), 130; R30-11; R30-12

Airports - Sections 48-39-80 (B)(11), 130; R30-11; R30-12

Railways - Sections 48-39-80 (B)(11), 130; R30-11, R30-12

Parking facilities - Sections 48-39-80(B)(11),130; R30-11; R30-12

Agriculture - Sections 48-39-80 (B)(11), 130; R30-11

Forestry - Sections 48-39-80(B)(11), 130; R30-11

Mining - Sections 48-39-80 (B)(11), 130; R30-11;R30-12

Manufacturing - Sections 48-39-80(B)(11), 130; R30-11; R30-12

Aquaculture - Sections 48-39-80(B(11), 130, R30-11; R30-12

Fish and seafood processing - Sections 48-39-80(B)(11),130;R30-11; R30-12

Commercial Activities - Sections 48-39-30(B)(11), 130, R30-11; R30-12

Parks - Sections 48-39-80(B)(11), 130; R30-11; R30-12

Marinas - Sections 48-39-80(B)(11), 130; R30-11; R30-12

Boat ramps - Sections 48-39-80 (B)(11), 130;R30-11; R30-12

Tourist Attractions - Sections 48-39-80(B)(11),130; R30-11; R30-12

Artificial reefs - Sections 48-39-80 (B)(11), 130;R30-11;R30-12

Wildlife and Fisheries management - Sections 48-39-80(B)(11), 130;R30-11;R30-12

Docks and Piers - Sections 48-39-80(B)(11), 130;R30-11; R30-12

Dredging - Sections 48-39-80(B)(11), 130; R30-11; R30-12

Dredge Material Disposal - Sections 48-39-80(B)(11), 130;R30-11;R30-12

Underwater salvage - Sections 48-39-80 (B)(11),130; R30-11; R30-12

Sewage treatment - Sections 48-39-80(B)(11), 130; R30-11; R30-12

Public/Quasi-Public Buildings - Sections 48-39-8- (B)(11),130; R30-11; R30-12

Dams and reservoirs - Sections 48-39-80 (B)(11), 130; R30-11;R30-12

South Carolina Coastal Council ... continued

Water supply - Sections 48-39-80(B)(11), 130; R30-11; R30-12

Bulkheads, seawalls, revetments - Sections 48-39-80(B)(11) 130; R30-11; R30-13

Jetties and Groins - Sections 48-39-80(B)(11), 130; R30-11; R30-13

Breakwaters - Sections 48-39-80(B)(11), 130; R30-11; R30-13

Renourishment - Sections 48-39-80(B)(11), 130;R30-11; R30-13

Energy activities - Sections 48-39-80 (B)(11), 130; R30-11; R30-12; R30-13

*(South Carolina Coastal Council Regulatons citations are to the Final Rules and Regulations for Permitting in Critical Areas of the Coastal Zone", May 29, 1978).

South Carolina Department of Health and Environmental Control

Residential developments - Section 44-1-100; Section 44-1-140 (11); Section 44-55-610 through 700; Sections 44-55-820, 830; R61-9; R61-40; R61-56; R61-57

Parking facilities - Section 48-1-40; Section 48-1-90 (a); R61-9

Manufacturing - Section 48-1-40; Section 48-1-140; R61-62; R61-62.1; R61-62.6; R61-66

Aquaculture - Section 44-1-140(5); R61-47

Fish and Seafood processing - Section 44-1-140(5); R61-47

Commercial - Sections 44-1-140(2), (11); Section 48-1-40; Section 48-1-140; R61-25; R61-41; R61-62

Tourist attractions - Section 44-1-140; Section 48-1-140(7); R61-9; R61-62

Sewage treatment - Section 44-1-140; Section 44-55-1410; Sections 48-1-90(a), 100, 110; Sections 48-3-60, 140; Sections 48-5-20; R61-9; R61-56; R61-57

Solid waste disposal - Section 44-1-140(11); R61-59; R61-60; R61-61; R61-70

Public/Quasi-Public Buildings - Section 44-1-140(11); Sections 48-1-100, 110; R61-9; R61-62

Water supply - Section 44-55-40

South Carolina Development Board

Roads and Highways - Section 13-3-20(3); Section 13-3-100 (4) (d)

Airports - Section 13-3-20(3); Section 13-3-100(4) (d)

Railways - Section 13-3-20(3); Sections 13-3-100(4) (c), (d), (e)

Parks - Section 13-3-100(4) (h)

Dredging - Sections 13-3-40,50; Sections 13-3-320,330

Energy - Sections 13-3-100 (4) (c), (d)

South Carolina Forestry Commission

Forestry - Sections 48-23-80,90,120,200

South Carolina Department of Highways and Public Transportation

Roads and Highways - Sections 57-3-10, 610, Section 57-5-1330

Bulkheads, seawalls, revetments - Section 57-3-40

Jetties and groins - Section 57-3-40

Breakwaters - Section 57-3-40

Renourishment - Section 57-3-40

South Carolina Land Resources Conservation Commission

Agriculture - Section 48-9-1270(9); Sections 48-9-1510, 1570

Mining - Section 48-19-40

Dams and Reservoirs - Sections 49-11-200, 210, 240

South Carolina Department of Parks, Recreation and Tourism

Parks - Sections 51-1-60(b), (f); Sections 51-3-10,80

Tourist Attractions - Section 51-1-60(c)

Public/Quasi-Public Buildings - Section 51-1-60(b)

Patroit's Point Development Authority

The authority's jurisdiction covers Hog Island in Charleston Harbor. See Sections 51-13-710 through 850.

South Carolina Public Railways Commission

Railways - Section 58-19-30

South Carolina Public Service Authority

Dams and Reservoirs - Section 58-31-30(5)

Energy - Sections 58-31-30(7),(8)

South Carolina Public Service Commission

Energy - Section 58-27-1230; Section 58-11-110

South Carolina State Housing Authority

Residential developments - Section 31-3-140

South Carolina State Ports Authority

Ports - Sections 54-3-110, 130, 140

Docks and Piers - Section 54-3-620

Bulkheads, Seawalls, Revetments - Section 54-3-610

Breakwaters - Section 54-3-130(9)

South Carolina Water Resources Commission

Wildlife and fisheries management - Sections 51-5-60, 100

Water supply - Sections 49-5-40,50,60,70

South Carolina Wildlife and Marine Resources Department

Aquaculture - Sections 50-5-20,50; Sections 50-15-50; Section 50-17-710

Boat ramps - Section 57-5-870

Artificial reefs - Section 50-3-90

Wildlife and fisheries management - Section 50-3-100; Section 50-11-2610; Section 51-5-140

Appendix D

MEMORANDA OF AGREEMENT

MEMORANDUM OF AGREEMENT

BETWEEN

SOUTH CAROLINA AERONAUTICS COMMISSION

AND

SOUTH CAROLINA COASTAL COUNCIL

WHEREAS, The South Carolina Aeronautics Commission (Commission) has been grated authority to supervise and control airports, landing fields, landing strips, air beacons and all other air navigation facilities, and;

WHEREAS, the Commission has an interest in the development of aviation and aviation facilities in this State, and;

WHEREAS, the South Carolina Coastal Council (Council) is responsible for developing and implementing a comprehensive coastal management program as mandated by Act 123 of the 1977 legislature, and;

WHEREAS, the Council regulates the use of critical areas of the coastal zone through a permit program, and;

WHEREAS, Section 7(A) of the Act mandates that all state agencies cooperate in the administration and enforcement of the Act, and Section 5(N) authorizes the Council to encourage and promote such cooperation,

Th Commission and the Council Hereby Agree:

THAT, in order to coordinate each agency's efforts in mutual areas of concern, the Commission and Council will designate representatives to act as the primary liasons between these agencies, and;

THAT, this agreement will be the basis for negotiating future agreements should that become desirable in order to further the agencies' mutual concerns in the coastal zone and;

THAT, the Commission and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development and;

THAT, the Council will provide for the Commission's participation in the development and implementation of the coastal management program and that the Commission may recommend other participants to the Council and;

THAT, this agreement shall remain effective as long as each agency maintains any program of mutual concern affecting the coastal zone, and shall terminate only if superceded by a future memorandum of agreement or by mutual agreement when there are no longer any programs of mutual concern to both agencies. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This agreement shall take effect upon the signature of the designated officials below.

Chairman, S. C. Aeronautics Commission

Date

Chairman, S. C. Coastal Council

Sept 20, 1978

Date

Memorandum of Agreement

Between

South Carolina Budget and Control Board

and

South Carolina Coastal Council

WHEREAS, the South Carolina Budget and Control Board (Board) has been granted authority over the vacant lands of the State and over all lands purchased by the former land commissioners of the State and;

WHEREAS, the Board has been granted authority over all of the phosphate deposits in the navigable streams and marshes of the State and;

WHEREAS, the Board has been granted authority to lease any State lands for the purpose of drilling for and producing oil and gas and;

WHEREAS, the Board has been granted authority to grant easements and rights of way over, on or under vacant lands and marshlands owned by the State to any person for the construction of pipelines, power lines, water and sewer lines, and railroad facilities and to grant to agencies and political subdivisions of the State easements and rights of way over or through any marshlands of the State for the construction of roads, streets, and highways or power or pipe lines and,

WHEREAS, The Board is the state agency which permits all waters and lands up to the ordinary high water mark outside of the critical areas of the Coastal Zone.

WHEREAS, the South Carolina Coastal Council (Council) is responsible for developing and implementing a regulatory permit program for the critical areas of the coastal zone of South Carolina as mandated by Act 123 of the 1977 South Carolina General Assembly (the Act) and;

WHEREAS, the Council is responsible for developing and implementing a comprehensive coastal management program as mandated by the Act and;

WHEREAS, the Act mandates that all State (and local) agencies cooperate in the administration and enforcement of the Act and authorizes the Council to encourage and promote such cooperation;

THE BOARD AND THE COUNCIL AGREE

1. THAT, in order to coordinate each agency's efforts in mutual areas of concern, the Board and the Council will designate representatives to act as the primary liaisons between these agencies and;

2. THAT, this agreement will be the basis for negotiating further agreements should that become desirable in order to further the agencies' mutual concerns in the coastal zone and;

3. THAT, the Board and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development and;

4. THAT, the Board and the Council will work together to develop a coordination of mapping activities and information in the coastal zone and;

5. THAT, in accordance with the provisions of sections 7 (A) and 8 (B) (11) of the Act, the Board and Council will establish a process for the Council to review and to certify applications for Board permits in the coastal zone; if the Council informs the Board that a proposal would contravene the management plan, a Board permit for the project will be denied or held in abeyance until such time as the objections of the Council can be resolved.

6. THAT, the Board and Council will establish a process for Board review and comment on Council permit applications in accordance with the

provisions of section 14 (C) of the Act; if the Board objects to the issuance of a Council permit, then a hearing established by the Council shall be given the Board prior to the issuance of any Council permit. After a hearing, if the Council determines it shall issue its permit over the Board's objection, then such permit shall specifically state the Board's objection.

7. THAT, the Council will provide for the Board's participation in the development and implementation of the Coastal Management Program and that the Board may recommend other participants to the Council;

8. THAT, the critical areas delineated by the Council pursuant to its statutory authority shall be recognized by the Board as the area of direct permitting authority of the Council;

9. THAT, copies of all applications made to the Council which contain any claim of title to properties below the mean high water mark shall be forwarded to the Board's representative with any accompanying documents or information available to the Council with reference to such claim.

10. THAT, in specific cases where the Board objects to the issuance of a Council permit on the grounds that the proposed work of the applicant would impair or destroy the State's ability to assert its claim of title to any property, then the Council shall deny such permit, or in the alternative, require the applicant to furnish to the Council such documents as it may deem necessary to consider the objections of the Board, including documents of ownership, prior to the issuance of any permit.

11. THAT, when an applicant for a permit also desires to negotiate for the lease, use, or purchase of State owned property in connection with the proposed work to be accomplished under such permit, the Council shall refer such applicant to the Division of General Services of the Board for such negotiations.

12. THAT, this agreement shall remain effective as long as each agency maintains any program of mutual concern affecting the coastal zone, and shall terminate only if superceded by a future memorandum of agreement or by mutual agreement when there are no longer any programs of mutual concern to both agencies. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This agreement shall take effect upon the signature of the designated officials below.

11/22/78
DATE

South Carolina Budget and Control Board

9/25/78
DATE

Chairman, S.C. Coastal Council

Memorandum of Agreement

between

South Carolina Development Board

and

South Carolina Coastal Council

WHEREAS, the State Development Board (Board) is to promote the coordination of the functions and activities of the various agencies of the State and;

WHEREAS, the Board is to cooperate with the operating agencies of the State in the development of plans with which each agency is concerned to insure the correlation of such plans into a master plan designed to consider the natural, physical, social and economic needs of the State and;

WHEREAS, the Board is to promote and encourage industrial development, private business and commercial enterprise, agricultural production, transportation and the utilization of capital within the State and;

WHEREAS, the South Carolina Coastal Council (Council) is responsible for developing and implementing a regulatory permit program for the critical areas of the coastal zone as mandated by Act 123 of the 1977 South Carolina General Assembly (the Act) and;

WHEREAS, the Council is responsible for developing and implementing a comprehensive coastal management program as mandated by the Act, and;

WHEREAS, the Act mandates that all State (and local) agencies cooperate in the administration and enforcement of the Act and authorizes the Council to encourage and promote such cooperation;

THE BOARD AND THE COUNCIL AGREE

THAT, in order to coordinate each agency's efforts in mutual areas of concern, the Board and the Council will designate representatives to act as the primary liaisons between these agencies and;

THAT, this agreement will be the basis for negotiating further agreements should that become desirable in order to further the agencies' mutual concerns in the coastal zone and;

THAT, the Board and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development and;

THAT, the Council will provide for a review process of the management program and its alterations that involves interested citizens as well as local, regional, state, and federal agencies and;

THAT, the Board and the Council will work together to coordinate their planning activities in the coastal zone to avoid duplication and;

THAT, the Board and the Council will work together to develop a system of coordination for mapping activities and data collection in the coastal zone and;

THAT, this agreement shall remain effective as long as each agency maintains any program of mutual concern affecting the coastal zone, and shall terminate only if superceded by a future memorandum of agreement or by mutual agreement when there are no longer any programs of mutual concern to both agencies. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This agreement shall take effect upon the signature of the designated officials below:

Chairman, S.C. State Development Board

August 2, 1978
Date

Chairman, S. C. Coastal Council

8/16/78
Date

Memorandum of Agreement

Between

South Carolina Coastal Council

And

The South Carolina State Commission of Forestry

WHEREAS, the South Carolina State Commission of Forestry (Commission) is responsible for the formulation and implementation of forest development and management plans and for assisting private landowners in carrying out such plans, and;

WHEREAS, the Commission is responsible for the implementation of emergency operations in controlling wildfires on forest lands, including the use of mechanical equipment to construct firebreaks, the use of backfires in fire suppression, and the use of aircraft for applying water and fire retardant to fuels in the path of a spreading fire and directly to the fire, and;

WHEREAS, the Commission has the responsibility of providing advice for and of directing operations in protecting forest areas from insect and disease attacks, including the use of pesticides where critical situations require such use, and;

WHEREAS, the Commission is charged with receiving burning notifications for persons planning to burn materials in or near woodlands in South Carolina, including the coastal zone, and advising on the wise use or non-use of fire in each instance, and;

WHEREAS, the Commission is charged with the responsibility to assist landowners in harvesting and marketing their timber crops, including the placement of roads for access and transport; to advise in methods of reforestation; to recommend the best, most efficient and most environmentally acceptable way of preparing sites for tree planting and accomplishing timber stand improvement, including the use of herbicides; to advise in the use of prescribed fire in the management of the forest, wildlife, recreation and other forest resources, and;

WHEREAS, forested lands on which the Commission will be advising and assisting and where silvicultural activities will be carried out will not, as a general rule, be in a coastal zone "Critical Area" as defined in the law, and;

WHEREAS, activities such as dredge and fill for forest access will require authorization under Section 404 of the Water Pollution Control Act Amendments of 1972 (P.L. 92-500) through the United States Army Corps of Engineers or the state agency which is assigned portions of that authority, and;

WHEREAS, the South Carolina Coastal Council (Council) is responsible for formulating and establishing a comprehensive coastal management program for the coastal zone of South Carolina as set forth in the Coastal Management Act of 1977 (the Act), and;

WHEREAS, the Council is responsible for developing and implementing a regulatory permit program for the critical areas of the coastal zone of South Carolina as mandated by the Act, and;

WHEREAS, the Council, pursuant to the Act, is to develop a system to review all state and federal permit applications in the coastal zone and to certify that these do not contravene the management plan, and;

WHEREAS, the Council and the Commission share a common interest in the successful development and implementation of several programs, including but not limited to the comprehensive water resources policy; the coastal zone program; enhancing the beneficial effects of forested lands on the waters of South Carolina's coastal zone and the oil and gas development

program;

THEREFORE IT IS HEREBY AGREED

THAT, the Commission shall make every effort to assure that there will be no detrimental effects on critical areas from the control of wildfires; building of roads for forestry purposes; harvesting of timber; site preparation and planting; uses of pesticides and herbicides or prescribed fire operations.

THAT, the Commission's program shall include advice, information and education to forest landowners, operaters and users;

THAT, the Commission shall be recognized by the Council as the primary state agency for assisting the Council and owners of forest land in the coastal area in determining the need for silvicultural activities and their impact on adjoining tidelands and marsh areas;

THAT, the Commission and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development, and;

THAT, the Council will provide for the Commission's participation in the development and implementation of the coastal management program and that the Commission may recommend other participants to the Council, and;

THAT, in accordance with the Act, it shall not be necessary for the Commission to apply for a permit to accomplish emergency orders of any duly appointed official of a county, municipality, or of the State, acting to protect the public health and safety, and;

THAT, the normal Commission agency vehicle markings and state vehicle license tags shall be sufficient identification to meet the registration and marking requirement of the Act.

THAT, in order to coordinate each agency's efforts in these mutual areas of concern the Commission and the Council shall appoint representatives to act as the primary liaisons between these agencies;

THAT, this agreement will be the basis for negotiating future agreements that become desirable in order to further the agencies' mutual concerns in the coastal zone.

THAT, the Commission and the Council shall cooperate and work together to carry out the policies of the legislature pertaining to all uses of coastal water and the forests of the coastal area including conservation, development, enhancement, protection, utilization and harvesting.

This agreement shall remain in the effect as long as each agency maintains any program of mutual concern affecting the coastal zone, and shall terminate only if superseded by a future memorandum of agreement or by mutual agreement when there are no longer any programs of mutual concern to both agencies. This applies to the agreement as a whole and/or to each part separately. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This AGREEMENT shall take effect upon the signature of the designated officials below.

For South Carolina State Commission of Forestry

Date

For South Carolina Coastal Council

29 Sept 78

Date

MEMORANDUM OF AGREEMENT
BETWEEN
THE SOUTH CAROLINA COASTAL COUNCIL
AND
THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

WHEREAS, the South Carolina Department of Health and Environmental Control, hereinafter referred to as DHEC, is responsible for coordinating and/or implementing numerous programs, both State and Federal, which affect the natural resources of the State of South Carolina; and

WHEREAS, the South Carolina Coastal Council, hereinafter referred to as the Council, is responsible for providing a regulatory program for the critical areas and developing a comprehensive coastal management program for the coastal zone of South Carolina as set forth in Act 123 of 1977; and

WHEREAS, DHEC and the Council share a common interest in the successful development and implementation of many programs affecting the coastal zone; THEREFORE, IT IS HEREBY AGREED

THAT, in order to coordinate each agency's efforts in these mutual areas of concern, DHEC and the Council will designate representatives to act as the primary liaisons between these agencies;

THAT, DHEC and the Council in accordance with Section 13(D)(3) of Act 123 of 1977 (Coastal Management Act) will establish a mechanism for the Council to review and comment on proposed National Pollutant Discharge Elimination System Permits (NPDES) that will affect critical areas.

THAT, in accordance with Section 8(B)(11) of Act 123 of 1977, DHEC, and the Council will establish a mechanism for the Council to review permit applications to DHEC in the coastal zone and to certify that these do not contravene the management plan.

THAT, DHEC and the Council will establish procedures for DHEC review of Council permits issued in accordance with Section 14(C) of Act 123 of 1977 (Coastal Management Act). This procedure will include the Section 401 Certification issued by DHEC in accordance with the provisions of the Federal Water Pollution Control Act of 1972 (PL 92-500) and other general water quality certifications issued by DHEC. Efforts will be made to avoid duplication and streamline administrative procedures in this area.

THAT, DHEC in accordance with Section 8(D) of Act 123 of 1977 (Coastal Management Act) will coordinate and cooperate with Council in the planning and review of existing water quality standards and classifications in the coastal zone developed by DHEC in accordance with the State Pollution Control Act and the Federal Water Pollution Control Act of 1972 (PL 92-500).

THAT, DHEC and Council (as appropriate along with other State and Federal agencies with specific areas of responsibility) will coordinate and cooperate in the prevention, control, removal, monitoring, and reimbursement for oil spills in the Coastal Zone in accordance with the provisions of the Federal Water Pollution Control Act of 1972 (PL 92-500), the Coastal Management Act of 1977, The State Pollution Control Act, and the State Oil and Gas Act of 1977.

THAT, Council, in accordance with the provisions of Section 8 of the Coastal Management Act of 1977, will coordinate and cooperate with DHEC in the formulation and implementation of the coastal management program.

THAT, this agreement will be the basis for negotiating future agreements should that become desirable in order to further the agencies' mutual concerns in the Coastal Zone.

THAT, DHEC and the Council pursuant to Section 7(A) of Act 123 of 1977 will cooperate and work together to carry out the policies of the legislature in the administration and enforcement of Act 123 of 1977 and that DHEC shall administer its authority in the Coastal Zone in accordance with the provisions of Act 123 and rules and regulations promulgated thereunder.

This AGREEMENT shall take effect upon the signature of the designated officials below.

Wm. M. Wren
Chairman, South Carolina Board of Health and Environmental Control

12-13-77
Date

J. M. Waddell, Jr.
Chairman, South Carolina Coastal Council

12-13-77
Date

MEMORANDUM OF AGREEMENT

BETWEEN

THE SOUTH CAROLINA DEPARTMENT OF

HIGHWAYS AND PUBLIC TRANSPORTATION

AND

THE SOUTH CAROLINA COASTAL COUNCIL

WHEREAS, the South Carolina Department of Highways and Public Transportation, hereinafter referred to as the Department, is responsible for the systematic planning, construction, maintenance, and operation of the State highway system;

WHEREAS, the South Carolina Coastal Council, hereinafter referred to as the Council, is responsible for implementing a regulatory program for the critical areas of the coast and developing a comprehensive coastal management program for the coastal zone of the State as set forth in the Coastal Management Act of 1977;

WHEREAS, the Council is charged with the development and institution of a comprehensive beach erosion control policy and for issuing permits for erosion control structures;

THEREFORE, IT IS HEREBY AGREED

THAT, in order to coordinate each agency's efforts in these mutual areas of concern, the Department and and the Council will appoint representatives to act as the primary liaisons between these agencies;

THAT, this agreement will be the basis for negotiating

future agreements should that become desirable in order to further the agencies' mutual concerns in the Coastal Zone;

THAT, the Department and the Council will cooperate and work together to carry out the policies of the legislature pertaining to all uses of coastal resources, including development, enhancement, conservation and protection;

THAT, when deciding on various alternatives to a project, the Department will take into consideration the goals and policies of the comprehensive coastal management program, when completed;

THAT, the Department and the Council will develop a coordinated, simplified, and effective procedure for Department review of all permit applications submitted to the Council for alterations in the critical areas of the coastal zone in accordance with the Coastal Management Act of 1977;

THAT, in the pre-planning stage for a project involving new or additional right-of-way partially or wholly within the Coastal Zone, the Department will consult with the Coastal Council in order to coordinate such project plans with the policies of the Coastal Management Act and with the Coastal Management Plan, as approved;

THAT, before application for Federal funds is made by the Department for a project in the Coastal Zone, the Council will review such project through the A-95 process. (Office of Management and Budget Circular A-95).

THAT, before commencing work on a project partially or wholly within a critical area, the Department will obtain all

necessary Council permits or in the alternative, Council will stipulate conditions with which compliance must be followed;

THAT, the Department and the Council will cooperate and work together to develop a general permit for certain activities in the critical areas, to be issued to the Department by the Council;

THAT, the Department will notify the Council before maintenance work commences in all outfall drainage ditches within the critical area boundaries;

THAT, the Council will develop and institute a comprehensive erosion control program for the coastline and regulate through a permit system all erosion control structures;

THAT, the Department will be the state agency responsible for construction of erosion control devices purusant to the comprehensive erosion control program developed by the Council and contingent upon the availability of funds.

THAT, for erosion control policy and implementation, the Department and the Council will cooperate and work together in their respective duties;

THAT, the Council and the Department will work to develop and coordinate a system of information and data exchange for the benefit of both agencies;

THAT, this agreement shall terminate only if superceded by a future memorandum of agreement or by mutual agreement between the agencies. This paragraph applies to each paragraph individually as well as to the agreement as a whole.

Recommended by:

State Highway Engineer — Date: July 17, 1978

Approved by:

Chief Commissioner, S. C. Department of Highways and Public Transportation — Date:

Chairman, S. C. Coastal Council — Date: 7/28/78

MEMORANDUM OF AGREEMENT

BETWEEN

INSTITUTE OF ARCHEOLOGY AND ANTHROPOLOGY
UNIVERSITY OF SOUTH CAROLINA

AND

SOUTH CAROLINA COASTAL COUNCIL

WHEREAS the Institute of Archeology and Anthropology (Institute) has been granted the authority to control and regulate salvage operations and underwater properties such as shipwrecks, vessels, cargoes and other archeological artifacts, and;

WHEREAS, the Institute, through its Director's position as the State Archeologist of South Carolina, is responsible for appropriate archeological research throughout all parts of the State both on land and beneath the waters of the State, and;

WHEREAS, the Institute has an interest in the preservation of both terrestrial and underwater artifacts and sites and the general management of archeological remains in the coastal zone, as well as elsewhere, in the State, and;

WHEREAS, the South Carolina Coastal Council (Council) is responsible for developing and implementing a comprehensive coastal management program as outlined in Act 123 of the 1977 legislature (the Act), and;

WHEREAS, the Council regulates the use of critical areas in the coastal zone through a permit program, and;

WHEREAS, Section 7(A) of the Act mandates that all State agencies cooperate in the administration and enforcement of the Act, and Section 5(H) authorizes the Council to encourage and promote such cooperation;

The Institute and the Council Hereby Agree:

THAT, in order to coordinate each agencys' efforts in mutual areas of concern, the Institute and the Council will designate representatives to act as the primary liasons between these agencies, and;

THAT, the Institute and Council will establish a process for Institute review and comment on Council permit applications in accordance with the provisions of Section 14(C) of the Act, and;

THAT, in accordance with Section 8(B)(11) of the Act the Institute and the Council will develop a process for Council review and certification of Institute permit applications in the coastal zone, and;

THAT, this agreement will be the basis for negotiating future agreements should that become desirable in order to further the agencies' mutual concerns in the coastal zone and;

THAT, the Institute and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development, and;

THAT, the Council will provide for the Institute's participation in the development and implementation of the coastal management program and that the Institute may recommend other participants to the Council and;

THAT, this agreement shall remain effective as long as each agency maintains any program of mutual concern affecting the coastal zone, and shall terminate only if superceded by a future memorandum of agreement or by mutual agreement when there are no longer any programs of mutual concern to both agencies. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This agreement shall take effect upon the signature of the designated officials below.

Robert L. Stephenson
State Archeologist of South Carolina

October 17, 1978
Date

Chairman, S. C. Coastal Council

SEPT 20, 1978
Date

MEMORANDUM OF AGREEMENT

BETWEEN

THE SOUTH CAROLINA LAND RESOURCES CONSERVATION COMMISSION

AND

THE SOUTH CAROLINA COASTAL COUNCIL

WHEREAS, The Land Resources Conservation Commission, hereinafter referred to as the Commission, is responsible for the coordination of the development of comprehensive conservation plans for all lands owned or controlled by the state and for guidance and coordination of local Soil and Water Conservation District programs that includes promoting and developing comprehensive plans for soil and water conservation and the planning and implementing of flood prevention and watershed protection measures;

WHEREAS, the South Carolina Coastal Council, hereinafter referred to as the Council, is responsible for formulating and establishing a comprehensive coastal management program for the coastal zone of South Carolina, including a permit system for the use of critical areas and a system for the review of state and federal permit applications to insure compliance with the coastal management program;

WHEREAS, the Commission must implement the South Carolina Mining Act and the Dams and Reservoir Safety Act;

WHEREAS, the Commission, and the Council share a common interest in the successful development and implementation of many programs affecting the coastal zone. THEREFORE, IT IS HEREBY AGREED

THAT, in order to coordinate each agency's efforts in these mutual areas of concern the Commission and the Council shall appoint representatives to act as the primary liaisons between these agencies;

THAT, this agreement will be the basis for negotiating future agreements should that become desirable in order to further the agencies' mutual concerns in the coastal zone;

THAT, the Commission and the Council shall cooperate and work together to carry out the policies of the legislature pertaining to all uses of coastal resources, including conservation, development, enhancement, and protection;

THAT, in general, the Commission and the Council will develop a coordinated and simplified procedure for permit review and certification of permits affecting the coastal zone;

THAT, the Commission is recognized as the state agency for providing assistance to the Council in the development of the soil and water conservation portions of the comprehensive coastal management program, to include floodplain conservation, protection, and use.

THAT, the Commission, and the Council will work together to develop a system of information exchange for the benefit of these agencies;

THAT, pursuant to Section 7 (A) of Act 123 of 1977, the Commission, and the Council will cooperate and work together to carry out the policies of the legislature in the administration and enforcement of Act 123 of 1977 and that the Commission shall administer its regulatory authorities in accordance with the provisions of Act 123

and the rules and regulations promulgated thereunder;

THAT, this agreement shall remain effective as long as each agency maintains any program of mutual concern affecting the coastal zone, and shall terminate only if superceded by a future memorandum of agreement or by mutual agreement when there are no longer any programs of mutual concern to these agencies. This part applies to each part of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

THAT, this AGREEMENT shall take effect upon the signature of the designated officials below.

John Whaley, Chairman
S. C. Land Resources Conservation Commission

3/1/78
Date

Senator James M. Waddell, Jr.
Chairman, S. C. Coastal Council

2/22/78
Date

MEMORANDUM OF AGREEMENT

BETWEEN

SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM

AND

SOUTH CAROLINA COASTAL COUNCIL

WHEREAS, the South Carolina Department of Parks, Recreation and Tourism (Department) is responsible for developing a coordinated plan to utilize the natural resources of the State as tourist attractions; and;

WHEREAS, the Department is responsible for managing, developing and expanding recreational areas, including the State Park System, for the people of South Carolina and;

WHEREAS, the Department must determine the land suit- and desirable to be acquired as a part of the State Park and outdoor recreational system, with due consideration being given for the scenic, archeological, recreational and other special features of such lands, and;

WHEREAS, the South Carolina Coastal Council (Council) is responsible for developing and implementing a regulatory permit program for the critical areas of the coastal zone of South Carolina as mandated by Act 123 of the 1977 South Carolina General Assembly (Act) and;

WHEREAS, the Council is responsible for developing and implementing a comprehensive coastal management program as mandated by the Act and;

WHEREAS, Section 7 (A) of the Act mandates that all state (and local) agencies cooperate in the administration and enforcement of the Act and Section 5 (N) of the Act authorized the Council to encourage and promote such cooperation;

THE DEPARTMENT AND THE COUNCIL HEREBY AGREE:

THAT, in order to coordinate each agency's efforts in mutual areas of concern, the Department and the Council will designate representatives to act as the primary liaisons between these agencies and;

THAT, the Department and the Council will establish a process for Department review and comment on Council permit applications in accordance with the provisions of Section 14(C) of the Act and;

THAT, this agreement will be the basis for negotiating future agreements should that become desirable in order to further the agencies' mutual concerns in the coastal zone and;

THAT, the Department and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development and;

THAT, the Council will provide for the Department's participation in the development and implementation of the coastal management program and that the Department may recommend other participants to the Council and;

THAT, this agreement shall remain effective as long as each agency maintains any program of mutual concern affecting the coastal zone, and shall terminate only if superceded by a future memorandum of agreement or by mutual agreement when there are no longer any programs of mutual concern to both agencies. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This agreement shall take effect upon the signature of the designated officials below.

Chairman, South Carolina Parks, Recreation and Tourism Commission

June 6, 1978
Date

Chairman, South Carolina Coastal Council

31 May 1978
Date

Memorandum of Agreement

Between

South Carolina Public Service Authority (Santee Cooper)

And

South Carolina Coastal Council

WHEREAS, the South Carolina Public Service Authority (Authority) has been granted the power to develop the Cooper, Santee and Congaree Rivers as instrumentalities of navigation and commerce; to produce, distribute and sell electric power; to drain and reclaim swampy and flooded lands; and to reforest watersheds of rivers of South Carolina and;

WHEREAS, the Authority has been granted the right to acquire by condemnation or otherwise any lands, waters, water rights, riparian rights, flowage rights, or any other real or personal property necessary or useful in carrying out its purposes of exercising its powers for the development of the Santee and Cooper Rivers, and;

WHEREAS, the Authority has been authorized to divert water from the Sampit River, Penny Royal Creek and their tributaries for use in the generation of electric power in Georgetown County and to discharge such diverted water into Winyah Bay, and;

WHEREAS, the Authority has been authorized to divert water from the Santee River for use in the generation of electric power in Georgetown County and to discharge such diverted waters into Turkey Creek, and;

WHEREAS, the Authority may lease lands under its control for the extraction of minerals other than oil, gas, phosphate, phosphatic deposits or lime, and;

WHEREAS, the South Carolina Coastal Council (Council) is responsible for developing and implementing a regulatory permit program for the critical areas of the coastal zone of South Carolina as mandated by Act 123 of the 1977 South Carolina General Assembly (the Act) and;

WHEREAS, the Council is responsible for developing and implementing a comprehensive coastal management program as mandated by the Act and;

WHEREAS, Section 7 (A) of the Act states that all state (and local) agencies shall cooperate in the administration and enforcement of the Act and Section 5 (N) of the Act authorizes the Council to encourage and promote such cooperation:

THE AUTHORITY AND THE COUNCIL HEREBY AGREE:

THAT, in order to coordinate each agency's efforts in mutual areas of concern, the Authority and the Council will designate representatives to act as the primary liaisons between these agencies and;

THAT, this agreement will be the basis for negotiating future agreements that become desirable in order to augment the agencies' mutual concerns in coastal zone areas and;

THAT, the Authority and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development and;

THAT, in accordance with the provisions of 8 (B)(11) of the Act, the Authority and Council will establish a process for the Council to review and certify all state and federal permits required in the coastal zone for the

Authority's activities;

THAT, the Authority and the Council will establish a process for Authority review and comment on Council permit applications in accordance with the provisions of Section 14 (C) of the Act and;

THAT, in accordance with Section 15 of the Act, the Authority will receive necessary Council permits prior to altering a critical area of the coastal zone;

THAT, the Council will provide for the Authority's participation in the development and implementation of the coastal management program and that the Authority may recommend other participants to the Council and;

THAT, this agreement shall remain in effect until superseded by a revised memorandum of agreement or cancelled by mutual agreement by the Authority and the Council. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This agreement shall take effect upon the signature of the designated officials below.

L. M. Escher
President, S.C. Public Service Authority

James M. Waddell, Jr.
Chairman, S. C. Coastal Council

August 10, 1978
Date

8/14/78
Date

MEMORANDUM OF AGREEMENT

Between

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

And

SOUTH CAROLINA COASTAL COUNCIL

WHEREAS, the Public Service Commission (Commission) has been granted regulatory authority over electric utilities in this State in certain phases of such utility development and operation and;

WHEREAS, the Commission may issue certificates of convenience and necessity to electrical utilities, electric cooperatives, consolidated political subdivisions, public utility districts, any governmental body or agency or another person or corporation to allow the construction and operation of certain utility plants or systems and;

WHEREAS, the Commission implements the "Utility Facility Siting and Environmental Protection Act" and is to make the S. C. Coastal Council (Council) a party to each certification proceeding for such facilities in the coastal zone as provided by Section 13 (D) (9) of Act 123 of the 1977 General Assembly (The Act) and;

WHEREAS, the Council is responsible for developing and implementing a regulatory permit program for the critical areas of the coastal zone as mandated by Act 123 of 1977 South Carolina Assembly (the Act) and;

WHEREAS, the Council is responsible for developing and implementing a comprehensive coastal management program as mandated by the Act and;

WHEREAS, Section 7 (A) of the Act states that all State (and local) agencies shall cooperate in the administration and enforcement of the Act and Section 5 (N) of the Act authorizes the Council to encourage and promote such cooperation;

THE COMMISSION AND THE COUNCIL AGREE:

THAT, in order to coordinate each agency's efforts in mutual areas of concern, the Commission and the Council will designate representatives to act as the primary liaisons between these agencies and;

THAT, this agreement will be the basis for negotiating future agreements should that become desirable in order to further the agencies' mutual concerns in the coastal zone and;

THAT, the Commission and the Council shall cooperate and work together to implement and enforce the policies of the General Assembly and the approved coastal management program pertaining to all uses of coastal resources, including conservation, enhancement, protection, and development and;

THAT, the Commission and Council shall provide for the joint on-going evaluation of the energy needs and the methods for meeting those needs in a manner consistent with the Act, the coastal management program, and the statutory responsibilities of the Commission.

THAT, in accordance with the provisions of Sections 8 (B)(11) and 13(D)(9), the Commission and the Council shall maintain a process whereby the Council shall be made a party to certification proceedings for utility facilities within the coastal zone, and the Council shall participate in such proceedings, including the conditioning of certificates, according to the provisions of the coastal management program.

THAT, the Commission and the Council will establish a process for Commission comment on Council permit applications for alterations of "critical areas" in accordance with the provisions of Section 14 (C) of the Act and;

THAT, the Council will provide for the Commission's participation in the development and implementation of the coastal management program, and that the Commission may recommend other participants to the Council and;

THAT, this agreement shall remain in effect until superseded by a revised memorandum of agreement or cancelled by mutual agreement by the Authority and the Council. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This agreement shall take effect upon the signature of the designated officials below.

Chairman, Public Service Commission of South Carolina

Date

Witness

Chairman, S. C. Coastal Council

29 Sept 78
Date

H. Wayne Beam
Witness

MEMORANDUM OF AGREEMENT

BETWEEN

THE SOUTH CAROLINA COASTAL COUNCIL

AND

THE SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION

WHEREAS, the South Carolina Coastal Council, hereinafter referred to as the Council, is responsible for formulating and establishing a comprehensive coastal management program for the coastal zone of South Carolina as set forth in the Coastal Management Act of 1977;

WHEREAS, the South Carolina Wildlife and Marine Resources Commission, hereinafter referred to as the Commission, is the agency responsible for protection and conservation of wildlife and marine resources,including game, nongame and endangered species;

WHEREAS, the Council, in formulation and establishment of the comprehensive management program, wishes to include the preservation and conservation of wildlife and marine respources as an integral part of such program;

WHEREAS, the Council is responsible for implementing a regulatory permit program for the critical areas of the coastal zone of South Carolina, as set forth in the Coastal Management Act of 1977;

WHEREAS, THE Commission is the regulatory body responsible for implementation, administration and enforcement of hunting, fishing, and shellfishing laws;

WHEREAS, the Commission is a regulatory body for implementation, administration and enforcement of laws pertaining to watercraft for both recreational and commercial purposes;

WHEREAS, the Commission possesses a well-established administrative services staff;

WHEREAS, the Council is a newly-created State agency and does not possess the personnel and other resources required to operate all necessary administrative services.

THEREFORE, IT IS HEREBY AGREED

THAT, the Council and the Commission shall annually negotiate an agreement whereby the Commission will provide needed administrative support and services for Council members, staff, and activities;

THAT the Council and the Commission shall annually negotiate an agreement whereby the Commission will provide adequate support for enforcement of Coastal authority, including employment of conservation officers and implementation of an aerial and ground surveillance program;

THAT in order to coordinate each agency's efforts in these mutual areas of concern, the Commission and the Council shall appoint representatives to act as the primary liaisons between these agencies;

THAT the Council and the Commission may annually negotiate an agreement whereby the Executive Director of the Council shall also serve as director of the Natural Area Acquisition and Resource Planning Division of the South Carolina Wildlife and Marine Resources Department;

THAT the Council recognizes the authority of the Commission in the Commission's establishment, implementation, administration and enforcement of State game, fish, and shellfish laws;

THAT the Council recognizes the authority of the Commission in the Commission's establishment, implementation, administration and enforcement of State watercraft laws and regulations;

THAT this agreement shall remain effective as long as each agency maintains any program of mutual concern and shall terminate only if superceded by a future memorandum of agreement or by mutual agreement when there are no longer programs of mutual concern to both agencies. This provision applies to each paragraph of this agreement as well as to the agreement as a whole. Each agency shall annually review this agreement to determine appropriate and desirable alterations and amendments.

This AGREEMENT shall take effect upon the signature of the designated officials below.

Chairman, South Carolina Wildlife and Marine Resources Commission	Chairman, South Carolina Coastal Council
October 25, 1977 Date	October 19, 1977 Date

Appendix E

STATUTES

ARTICLE 3. Executive Department.
ARTICLE 5. Official Rules and Regulations.
ARTICLE 7. Contracts, Purchases and Certain Employment.
ARTICLE 9. State Emblems and Pledge to State Flag.
ARTICLE 11. Census.
ARTICLE 13. Reports to Governor or General Assembly.

ARTICLE 1

JURISDICTION AND BOUNDARIES OF STATE

SEC.
1-1-10. Jurisdiction and boundaries of the State.
1-1-20. Effect of change of State boundary on bordering lands.

§ 1-1-10. Jurisdiction and boundaries of the State.

The sovereignty and jurisdiction of this State extends to all places within its bounds, which are hereby declared to be as follows:

The northern line beginning at a point on the seashore about a mile and a quarter east of the mouth of Little River, runs in a northwest direction sixty-four and one-half miles to a point two miles northwest of one of the branches of Lee Pee Dee River; thence, in the same direction, twenty-two miles, to a stake in a meadow; thence, in a direction due west, a distance of sixty-two miles, to a point where it intersects the Charleston Road (at sixty-one miles) near the Waxhaw Creek; thence N. 2° 12½′ E. eight miles to a gum tree on the southeastern corner of the Catawba Indian Reservation as laid out in 1764; thence following the eastern and northern boundary lines of said Catawba Indian Reservation to where such northern boundary line crosses the thread of the Catawba River; thence up the thread of said river to the confluence of the north and south forks thereof; thence west to a stone on Tyron Mountain marked "S. C. and N. C., September 15th, 1815"; thence from said stone set up and marked "S. C. and N. C., September 15, 1815" west four miles and ninety poles to a stone marked "S. C. and N. C."; thence S. 25° W. 118 poles to a chestnut tree on the top of a ridge dividing the waters of the north fork of Pacolet River from the waters of the north fork of the Saluda River; thence along the various courses of said ridge (agreeably to the plat and survey of the commissioners and surveyors accompanying their report, dated November 2 1915) to

the ridge that divides the Saluda waters from those of Green River; thence along the various courses of said ridge, agreeably to said plat and survey, to a stone set up where said ridge joins the ridge which divides the eastern and western waters which is marked "S. C. and N. C., September 28th, A.D. 1815"; thence along the various courses of said ridge, agreeably to said plat and survey, to a stone set up on that part of it which is intersected by the Cherokee boundary line, run in the year 1797, and which stone is marked "S. C. and N. C., 1813"; and from the said last-mentioned stone on the top of said ridge, at the point of intersection aforesaid, a direct line S. 68¼° W. 20 miles and 11 poles to the thirty-fifth degree of north latitude at the rock in the east bank of the Chattooga River marked "Latitude thirty-five degrees, A.D. 1813" which line, from the termination of the line of 1772 to the Chattooga River, is in all a distance of twenty-four miles and one hundred and eighty-nine poles.

From the state of Georgia, this State is divided by the Savannah River, from its entrance into the ocean to the confluence of the Toogaloo and Seneca Rivers; thence up the Toogaloo River to the confluence of the Tallulah and the Chattooga Rivers; thence up the Chattooga River to the 35th parallel of north latitude, which is the boundary of North Carolina, the line being midway between the banks of said respective rivers when the water is at ordinary stage. And when the rivers are broken by islands of natural formation which, under the treaty of Beaufort, are reserved to the state of Georgia, the line is midway between the island banks and the South Carolina banks when the water is at ordinary stage.

On the east the State is bounded by the Atlantic Ocean, from the mouth of the Savannah River eastward following the present center of Tybee Knoll Cut Range to the hypothetical line connecting the seawardmost end points of the existing protective jetties; thence along such line to a control point at latitude 32° 02′ 15.4″ north, longitude 80° 51′ 09.4″ west; thence due east to the seaward limit of South Carolina as now or hereafter fixed by the Congress of the United States, such boundary to be extended on the same true 90° bearing so far as a need for further delimitation may arise, to the northern boundary, near the mouth of Little River, including all islands.

HISTORY: 1962 Code § 39-1; 1952 Code § 39-1; 1942 Code § 2038; 1932 Code § 2038; Civ. C. '22 § 1; Civ. C. '12 § 1; Civ. C. '02 § 1; G. S. 1; R. S. 1; 1923 (33) 114; 1970 (56) 2051.

Research and Practice References—
72 Am Jur 2d, States, Territories, and Dependencies §§ 24 et seq.
81 CJS, States §§ 14 et seq

Cross references—
As to powers and duties of the Secretary of State in regard to public lands, see § 1-5-40.
As to State Budget and Control Board granting easements and rights of way over vacant lands or marshlands, see §§ 1-11-80 and 1-11-90.
As to duties and authority of State Budget and Control Board over state's phosphate interests, see §§ 10-9-110 et seq.
As to lease of gas, oil and certain other mineral interests upon lands and waters under control of State Budget and Control Board, see § 10-9-10.

Research and Practice References—
63 Am Jur 2d, Public Lands § 108.
73 CJS, Public Lands §§ 235, 237.

§ 1-11-80. Board authorized to grant easements for public utilities on vacant State lands.

The State Budget and Control Board is authorized to grant easements and rights of way to any person for construction and maintenance of power lines, pipe lines, water and sewer lines and railroad facilities over, on or under such vacant lands or marshland as are owned by the State, upon payment of the reasonable value thereof.

HISTORY: 1962 Code § 1-357.1; 1963 (53) 177.

Cross references—
As to sale or donation of, or rights of way over, public lands, see SC Const, Art 3, § 31.

§ 1-11-90. Board authorized to grant rights of way over State marshlands for roads or power or pipe lines to State agencies or political subdivisions.

The State Budget and Control Board may grant to agencies or political subdivisions of the State, without compensation, rights of way through and over such marshlands as are owned by the State for the construction and maintenance of roads, streets and highways or power or pipe lines, if, in the judgment of the Budget and Control Board, the interests of the State will not be adversely affected thereby.

HISTORY: 1962 Code § 1-357.2; 1963 (53) 177.

Cross references—
As to sale or donation of, or rights of way over, public lands, see SC Const, Art 3, § 31.

§ 1-11-100. Execution of instruments conveying rights of way or easements over marshlands or vacant lands.

Deeds or other instruments conveying such rights of way or easements over such marshlands or vacant lands as are owned by the State shall be executed by the Governor in the name of the

State, when authorized by resolution of the Budget and Control Board, duly recorded in the minutes and records of such Board and when duly approved by the office of the Attorney General; deeds or other instruments conveying such easements over property in the name of or under the control of State agencies, institutions, commissions or other bodies shall be executed by the majority of the governing body thereof, shall name both the State of South Carolina and the institution, agency, commission or governing body as grantors, and shall show the written approval of the majority of the members of the State Budget and Control Board.

HISTORY: 1962 Code § 1-357.3; 1963 (53) 177.

Cross References—
As to authority of State institutions and agencies to grant easements and rights of way, see § 10-1-150.

Research and Practice References—
63 Am Jur 2d, Public Lands § 110.
73 CJS, Public Lands §§ 235, 237.
17 Am Jur Legal Forms 2d, States, Territories, and Dependencies § 239:21 (reservation of right to grant easement).

§ 1-11-110. Authorization of Board to acquire real property by gift, purchase, and condemnation.

(1) The State Budget and Control Board is authorized to acquire real property, including any estate or interest therein, for, and in the name of, the State of South Carolina by gift, purchase, condemnation or otherwise.

(2) The State Budget and Control Board shall make use of the provisions of the Public Works Eminent Domain Law (Chapter 5 of Title 28) should it be necessary to acquire real property by condemnation. Such proceedings shall be maintained by and in the name of the Board. *Provided,* that such right of condemnation shall be limited to the right to acquire land necessary for the development of the capital complex mall in the city of Columbia.

HISTORY: 1962 Code § 1-357.4; 1968 (55) 3067.

Research and Practice References—
26 Am Jur 2d, Eminent Domain §§ 13, 27 et seq.
29A CJS, Eminent Domain §§ 19, 22, 29-31.

§ 1-11-120. Authorization of Board to sell surplus personal property of State.

The Budget and Control Board may sell any surplus personal property of the State under such terms and conditions as may be most advantageous to the State.

CHAPTER 3

Boundaries of Existing Counties

SEC.

4-3-10 Abbeville County.
4-3-20 Aiken County.
4-3-30 Allendale County.
4-3-40. Anderson County.
4-3-50 Bamberg County.
4-3-60 Barnwell County.
4-3-70 Beaufort County.
4-3-80 Berkeley County.
4-3-90 Calhoun County.
4-3-100 Charleston County.
4-3-110 Cherokee County.
4-3-120 Chester County.
4-3-130. Chesterfield County
4-3-140 Clarendon County.
4-3-150. Colleton County.
4-3-160. Colleton County; portion of Edisto Beach in Charleston County transferred to Colleton County; transfer of records.
4-3-170. Darlington County.
4-3-180. Dillon County.
4-3-190. Dillon County; creation of Huggins township.
4-3-200 Dorchester County
4-3-210 Dorchester County; portion of Lincolnville area in Charleston County transferred to Dorchester County.
4-3-220 Dorchester County; additional area of Charleston County transferred to Dorchester County.
4-3-230 Dorchester County, additional area of Charleston County transferred to Dorchester County, designation of area.
4-3-240 Edgefield County.
4-3-250 Fairfield County.
4-3-260 Florence County
4-3-270 Georgetown County.
4-3-280 Greenville County.
4-3-290 Greenwood County.
4-3-300 Hampton County.
4-3-310. Horry County.
4-3-320 Jasper County
4-3-330 Kershaw County.
4-3-340 Lancaster County.
4-3-350 Laurens County
4-3-360. Lee County
4-3-370. Lexington County.
4-3-380 Marion County.
4-3-390 Marlboro County
4-3-400 McCormick County
4-3-410 Newberry County

direction of the point on the North Edisto River (mouth of Cedar Branch), where the line between Orangeburg and Lexington Counties, drawn from Big Beaver Creek, touches said river; on the northeast by Orangeburg County, from which it is separated by the South Edisto River as far down as the northeast corner of Bamberg County; on the east by the line separating it from Bamberg County; on the southeast by Allendale County; and on the southwest by the state of Georgia, from which it is separated by the Savannah River.[1]

HISTORY: 1962 Code § 14-56; 1952 Code § 14-56; 1942 Code § 2981; 1932 Code § 2981; Civ. C. '22 § 672; Civ. C. '12 § 591; Civ. C. '02 § 534; G. S. 407; R. S. 465; (4) 664; (7) 199, 284; 1868 (14) 695; (15) 649; 1897 (22) 580; 1919 (31) 5.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-70. Beaufort County.

Beaufort County is bounded as follows: on the northeast by Colleton County, from which it is separated by St. Helena Sound, and by the Combahee and Salkehatchie Rivers; on the north by the center of the track of the Atlantic Coast Line Railroad which separates it from Hampton County; on the west and southwest by Jasper County and the state of Georgia, it being separated from the state of Georgia by the Savannah River; and on the south and southeast by the Atlantic Ocean; including in the county all the islands along the coast from the mouth of the Savannah River to St. Helena Sound; excepted from said boundaries, however, is that portion included therein which was formerly a part of Beaufort County but was annexed to Jasper County in 1950 by act of the General Assembly (Acts 1950, p. 2332), described as lying west of New River and run of Great Swamp known as and constituting Yemassee township.

HISTORY: 1962 Code § 14-57; 1952 Code § 14-57; 1942 Code § 2982; 1932 Code § 2982; Civ. C. '22 § 674; Civ. C. '12 § 593; Civ. C. '02 § 535; G. S. 408; R. S. 466; (7) 199, 251, 484; 1878 (16) 375; 1912 (27) 827; 1916 (29) 754; 1950 (46) 2332.

Cross references—

As to addition made to Beaufort County from Jasper County, see § 4-3-320.

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12, Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3

CASE NOTES

Annexation of Yemassee township by Jasper County constitutional.—Act No. 970 of 1950 [1950 (46) 2332] providing for the annexation of Yemassee township, formerly in Beaufort County, by Jasper County, is valid and constitutional. Beaufort County v. Jasper County, 220 SC 469, 68 SE2d 421 (1951).

§ 4-3-80. Berkeley County.

Berkeley County is bounded as follows: northeastwardly and north by the Santee River, separating it from the counties of Georgetown, Williamsburg and Clarendon; northwestwardly by Orangeburg County; southwestwardly by Dorchester County; southwestwardly and southeastwardly by Charleston County. And said Berkeley County shall include within its limits the whole of the subdivision formerly known as the Parishes of St. John, Berkeley, St. Stephen, St. Thomas and St. Dennis, and parts of the subdivisions formerly known as St. James Goose Creek, St. James Santee and St. Andrews; *provided*, that the county lines of Berkeley County and of Orangeburg County are hereby so altered as to cut off from said Berkeley County and to transfer and annex to and incorporate within said Orangeburg County all of that certain territory or portion of Berkeley County embraced within the following lines and boundaries, to wit: beginning at a point located on Four Holes Swamp at the intersection of the boundary lines of Orangeburg, Dorchester and Berkeley Counties, and extending in a southeasterly direction, along Four Holes Swamp, the same being the boundary between Dorchester and Berkeley Counties, to a large cypress which stands at the confluence of Four Holes and Dean Swamps, at the upper part of Turkey Lake; thence up and along the run of Dean Swamp as it meanders to a point where Dean Swamp and Black Creek unite; thence up Black Creek to the point where Big Black Creek and Little Black Creek unite; thence up Little Black Creek to the point where the "new road" crosses said Little Black Creek; thence northerly up the "new road" to the Monck's Corner Public Road, near Mark Richardson's place; thence N. 10 chains to a pine; then N. 14° E. 38 chains to a stake; thence S. 37° 15' E. 49 chains to a stake; thence E. 9.70 chains to a stake; thence N. 39.50 chains to a stake; thence N. 87° E. 34 chains and 10 links; thence N. 54.50 chains to a stake, thence N. 1° 30' W. 18 chains and 60 links to a stake; thence N. 30° W. 31 chains to a stake; thence N. 8° W. 11 chains to a cypress at the River Road and Rock Creek Bridge; thence northeast along Rock Creek to where Rock Creek empties into the Santee River; thence up the Santee River to the mouth of Eutaw Creek, where the Orangeburg and Berkeley lines connect; thence southwest along the boundary line between Orangeburg and

Berkeley Counties to the point of beginning, less the following territory transferred to Charleston County by act of the General Assembly approved February 28 1921, to wit: the county lines of Berkeley County and of Charleston County are hereby so altered as to cut off from said Berkeley County and to transfer and annex to incorporate within said Charleston County, all that certain territory or portion of Berkeley County embraced within the following lines and boundaries, to wit: beginning at the intersection of the present line between Charleston County and Berkeley County with the western line of the right of way of Atlantic Coast Line Railroad, and running thence northwardly with the western line of said right of way to its intersection with the run of Goose Creek; thence with the run of Goose Creek in a westerly direction to its intersection with the eastern boundary of Elms Tract, now owned by Goose Creek Land Company; thence northwardly along the eastern boundary of said tract to its intersection with the southern line of the Ladson Road; thence westwardly with the southern line of said Ladson Road to its intersection with the eastern line of the Blue House Road; thence on a bearing N. 50° 20' W. to the southeast corner of Dorchester County; thence with the run of Saw Mill Branch westwardly to a point in Dorchester County line 59 chains west of the western right-of-way line of the Southern Railway; thence S. 44° 30' E. along the Dorchester County line 638 chains to a corner; thence S. 19° 30' W. along the Dorchester County line 247 chains to the mouth of Saw Pit Creek; thence on a bearing N. 79° 50' E. 396 chains to the point of beginning.

HISTORY: 1962 Code § 14-58; 1952 Code § 14-58; 1942 Code § 2983; 1932 Code § 2983; Civ. C. '22 § 675; Civ. C. '12 § 594; Civ. C. '02 § 536; G. S. 409; R. S. 467; 1893 (21) 561; 1896 (22) 309; 1897 (22) 595; 1921 (32) 184; 1931 (37) 552.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-90. Calhoun County.

Calhoun County is bounded as follows: beginning in Lexington County on the Congaree River at a point where the land line between land now or formerly owned by C. M. Cremaretie and land now or formerly owned by Vandy Spears strikes said river and running the land line between said lands (Said Cremaretie land is in and said Spears land is out of Calhoun County) crossing the State Road on this same land line, continuing straight line 125

Graveyard, continuing to a stake X 3 N., north of C. W. Shumaker's former residence, then S. 67° E. to a stake by road of Capt. George D. Rast's estate land, then N. 79° 45' E. to an oak on the road near Trinity Graveyard, then N. 69° E. to a stake on Two Chop Road by Neighborhood Road, intersecting on land formerly owned by J. A. Johnson, then south Two Chop Road the line to Little Poplar Creek, distance 37 chains, then down the said creek the line to McCord's Ferry Road, said road the line S. 45° E. 209 chains to Hydrick's old mill on Big Poplar Creek, said creek the line to Santee River, up the Santee River to the Congaree River, up the Congaree River to beginning point.

HISTORY: 1962 Code § 14-59; 1952 Code § 14-59; 1942 Code § 2984; 1932 Code § 2984; Civ. C. '22 § 676; Civ. C. '12 § 595; 1908 (25) 1279.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-100. Charleston County.

Charleston County is bounded as follows: by a line beginning opposite the mouth of the South Edisto River, where it empties into the Atlantic Ocean, and following up the center of said river to the point where the Dorchester County line intersects the Edisto River; thence eastwardly along the center line of the Parker's Ferry Road to the intersection with Rantowles Creek; thence northerly up Rantowles Creek to its intersection with the Dorchester County line; thence along said line to the eastern bank of the Ashley River; thence down said river to the point where Saw Pit Creek enters said Ashley River; thence from the mouth of Saw Pit Creek, N. 19° 30' E. along the Dorchester County line, 247 chains; thence N. 44° 30' W. along the Dorchester County line, 638 chains to intersection with run of Saw Mill Branch, at a point 59 chains west of the western right-of-way line of the Southern Railway; thence from this point along the run of Saw Mill Branch to the southeast corner of Dorchester County, a distance of approximately 141 chains; thence S 50° 20' E. to intersection of eastern right-of-way line of United States Route No. 78, a distance of 83.9 chains; thence southeastwardly along the southeastern right-of-way line of United States Route No. 78 to intersection of the south right-of-way line of the Ladson Road, a distance of 259.1 chains; thence eastwardly along the southern line of the Ladson Road to its intersection with the eastern boundary of Elms Tract, now owned by Goose Creek Land Company; thence southwardly along the eastern boundary of said tract to its intersection

with the run of Goose Creek; thence with the run of Goose Creek, in an eastwardly direction, to its intersection with the western right-of-way line of the Atlantic Coast Line Railroad; thence southwardly along the western right-of-way line of the Atlantic Coast Line Railroad to its intersection with the south right-of-way line of Remount Road; thence eastward by a direct line to the mouth of Goose Creek on the western bank of the Cooper River; thence southwardly along the Cooper River to the intersection with the Wando River; thence along the Wando River in a northeastwardly direction to the mouth of Guerin's Creek; thence northeastwardly along Guerin's Creek to intersection with the Guerin Bridge Road; thence northwardly along the Guerin Bridge Road to intersection with Halfway Creek Road; thence northeastwardly along Halfway Creek Road to Thompson Road and southerly along Thompson Road to intersection of run of Wambaw Creek; thence along the run of Wambaw Creek, eastwardly to South Santee River; thence down the South Santee River to the Atlantic Ocean, to the line of jurisdiction of the State; thence southwardly along the line of jurisdiction of the State to a point opposite the mouth of the South Edisto River, the point of beginning.

HISTORY: 1962 Code § 14-60; 1952 Code § 14-60; 1942 Code § 2985; 1932 Code § 2985; Civ. C. '22 § 677; Civ. C. '12 § 596; Civ. C. '02 § 537; G. S. 410; R. S. 468; 1893 (21) 561; 1896 (22) 310; 1921 (32) 184; 1931 (37) 552; 1953 (48) 211.

Editor's Note—

Section 2 of 1953 Act No. 165 (1953 (48) 211) provides:

"The validity of any action affecting the portion of Colleton County transferred to Charleston County by Act No. 171 of the acts of the General Assembly of South Carolina, 1911, shall not be impaired by the omission of Act No. 171 of the acts of 1911 in the codification of the code of Laws for South Carolina of 1912, 1922, 1932, 1942 and 1952."

Cross references—

As to annexation of certain areas in Charleston County to Dorchester County, see §§ 4-3-210 to 4-3-230

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-110. Cherokee County.

Cherokee County is bounded as follows: beginning at the mouth of Brown's Branch and running up branch 76.60 chains to near where G. W. Webster now lives or formerly resided, placing his present or former residence in new county; thence S. 75° W. 66.23 chains to rock N. E. corner lot of property now or formerly owned by Pacolet Manufacturing Company at Brown's old mill; thence N.

approved March 11 1922, to wit: all that certain territory or portion formerly of Sumter County, embraced within the following lines and boundaries, to wit: beginning at a point on Santee River 72 feet northwest of the center of the Atlantic Coast Line Railroad running from Sumter to Orangeburg, running N. 46° 50' E. for a distance of 9,521 feet parallel to railroad; thence N. 41° 2' E. for a distance of 5,658 feet to a point 72 feet west of center of railroad; thence N. 16° E. for a distance of 7,257 feet parallel to railroad; thence N. 26° 50' E. for a distance of 8,650 feet to a point 72 feet northwest of railroad; thence S. 87° E. for a distance of 6,864 feet; thence N. 12° 30' E. for a distance of 8,840 feet; thence N. 87° 30' E. for a distance of 5,920 feet; thence S. 15° 30' E. for a distance of 5,430 feet; thence S. 65° W. for a distance of 2,370 feet; thence S. 9° W. for a distance of 3,432 feet; thence N. 85° E. for a distance of 13,200 feet; thence S. 1° 20' E. for a distance of 10,479 feet to the intersection of Hungary Hall Branch and Des Champs Branch; thence up the run of Des Champs Branch in a southwesterly direction to the public road; thence S. 78° W. for a distance of 16,390 feet; thence S. 2° 30' W. for a distance of 13,200 feet; thence S. 39° W. for a distance of 4,000 feet; thence N. 47° W. for a distance of 817 feet; thence S. 42° W. for a distance of 2,248 feet; thence S. 40° W. for a distance of 2,280 feet; thence S. 37° 30' W. for a distance of 13,268 feet to a point on Santee River; thence up Santee River to the beginning point 72 feet northwest of railroad.

HISTORY: 1962 Code § 14-64; 1952 Code § 14-64; 1942 Code § 2989; 1932 Code § 2989; Civ. C. '22 § 681; Civ. C. '12 § 600; Civ. C. '02 § 541; G. S. 413; R. S. 471; (4) 662; (7) 199, 261; 1853 (12) 416, 611; 1888 (20) 168; 1889 (20) 507, 517; 1914 (28) 612; 1921 (32) 283; 1922 (32) 987.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-150. Colleton County.

Colleton County is bounded as follows: on the north and east by Bamberg County and by the Edisto River separating it from Charleston and Dorchester Counties; on the south by the Atlantic Ocean, Saint Helena Sound, and Combahee River separating it from Beaufort and Hampton Counties; on the west by Beaufort County from which it is separated by Saint Helena Sound the center of the sound being the line, and Combahee River, and by Hampton County from which it is separated by Combahee and Big Salkehatchie Rivers, and by Bamberg County. Where streams are

boundaries of Colleton County the line shall be the center of the main run.

HISTORY: 1962 Code § 14-65; 1952 Code § 14-65; 1942 Code § 2990; 1932 Code § 2990; Civ. C. '22 § 682; Civ. C. '12 § 601; Civ. C. '02 § 542; G. S. 414; R. S. 472; (7) 109, 284; 1897 (22) 580, 595; 1919 (31) 95; 1920 (31) 773; 1953 (48) 211.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

As to validity of transfer of portion of Colleton County to Charleston County, see Editor's note under § 4-3-100.

§ 4-3-160. Colleton County; Portion of Edisto Beach in Charleston County transferred to Colleton County; transfer of records.

All that area situated in Charleston County bounded on the northwest by Big Bay Creek and Scott Creek to Jeremy Inlet, bounded on the northeast by Jeremy Inlet, on the southeast by the Atlantic Ocean and the southwest by the mouth of the South Edisto River, which area was the subject of an election held on August 13, 1974, by the Commissioners of Election of Charleston County and by the Commissioners of Election in Colleton County on November 5, 1974, the results of which elections were favorable to the annexation and the General Assembly having found that all provisions of the Constitution and statutes in South Carolina governing the alteration of county lines having been satisfactorily complied with is hereby transferred to Colleton County and annexed to that county. The proper proportion of the existing Charleston County indebtedness of the area so transferred shall be assumed by Colleton County.

Upon application, the clerk of court, register of mesne conveyance, sheriff, and probate judge of Charleston County shall furnish certified copies of any judgment roll, entry on abstract of judgment-book, will, record, execution, decree, deed, mortgage, or other papers signed or recorded in the office of the officers, upon payment of proper fees and when such certified copy is filed or recorded in the proper office of Colleton County, the same shall have the same force and effect in Colleton County that it had in Charleston County; and any record not so transferred shall continue in force and effect and each shall have the same force and effect in Colleton County as if it had been transferred and made a record in the proper office in Colleton County.

HISTORY: 1975 (59) 88.

Editor's Note—

The preamble to 1975 Act No. 81 (1975 (59) 88) provides:

"Whereas, an election was held by the Commissioners of Election of Charleston County pursuant to an order by the Honorable John C. West, Governor of South Carolina, on Tuesday, August 13, 1974, to determine whether a part of the Edisto Beach area in Charleston County should be annexed to Colleton County; and

"Whereas, in the election fifty-six votes were cast in favor of the annexation and nine votes were cast against the annexation, this being more than two-thirds of the votes cast in favor thereof; and

"Whereas, an election was held in Colleton County at the same time as the general election held on November 5, 1974, to determine the wishes of the electorate in annexing the subject area; and

"Whereas, in the election four thousand three hundred nineteen votes were cast in favor of the annexation and one thousand five hundred sixty-five votes were cast against the annexation, this being more than a majority of votes cast in favor; and

"Whereas, the constitutional and statutory requirements have been complied with. Now, therefore,

"Be it enacted by the General Assembly of the State of South Carolina:"

§ 4-3-170. Darlington County.

Darlington County is bounded as follows: on the southwest by Lynch's River and Lee County, beginning at the mouth of Little Lynch's River; thence down Lynch's River a distance of 3 miles near Kelley's Bridge ¼ of a mile south of said bridge; thence N. 42° E. 3 miles to Ashland Methodist Church; thence N. 22° E. crossing the Chesterfield Road between the property now or formerly owned by J. E. Woodham and the property now or formerly owned by J. W. Gardner 2.62 of a mile to Stuckey's gate on the Old State Road; thence down said road ¾ of a mile; thence due south 2.62 of a mile to Liberty Hill Church, at the head of Sparrow Swamp; thence down Sparrow Swamp to a point in the Marco Mill Pond near property now or formerly owned by B. A. Howls; thence in Cypress township S. 28° E. 1½ miles to Long Branch; thence up said branch ¼ of a mile; thence S. 28° E. 1⅛ miles to Screeches Branch; thence due south 3 miles to the Lamar township line; thence following said line to Lynch's River; thence down said river to Sander's Bridge; thence by an air line running to the point where the Cheraw and Darlington Railroad crosses High Hill Creek; thence down High Hill Creek to its confluence with Black Creek; thence up Black Creek to Muse's Bridge; thence following the direction of a straight line running from Muse's Bridge to Cashua's Ferry until Back Swamp is reached; thence down Back Swamp to Herring Creek; thence down said creek to its confluence with the Great Pee Dee River; thence up the Great Pee Dee to the mouth of Cedar Creek; thence up Cedar Creek and its

HISTORY: 1962 Code § 14-67; 1952 Code § 14-67; 1942 Code § 2992; 1932 Code § 2992; Civ. C. '22 § 684; Civ. C. '12 § 603; 1909 (26) 863.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const. Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const. Art 8, § 3.

§ 4-3-190. Dillon County; creation of Huggins township.

All of that area of what is presently known as Manning township lying south of Maple Swamp, extending from the Little Pee Dee River to the intersection with the Atlantic Coast Line Railroad and thence along the right of way of the railroad to Bethea township is hereby created a township to be known as Huggins.

HISTORY: 1962 Code § 14-67.1; 1961 (52) 583.

§ 4-3-200. Dorchester County.

Dorchester County is composed of all that territory formerly a portion of Colleton County comprised in the townships of George, Koger, Carn, Burns, Givhans, Dorchester and that part of Collins township formerly in said county of Colleton lying north of the public road leading from Parker's Ferry, upon the Edisto River, to a public landing known as Lowndes' Landing, upon Rantowles Creek, and all that portion formerly of Berkeley County included within the following lines, to wit: from the intersection of the county line between Colleton and Berkeley Counties with the run of Four Holes Creek a straight line to a point upon Saw Mill Branch one mile northeast of the Southern Railway; thence along said branch to the former Colleton County line, and thence back to the starting point along the former line of division between Colleton and Berkeley Counties. And is bounded northeast by Berkeley County, from which it is separated by the Four Holes Swamp from the intersection of said swamp with the old district line (drawn from Nelson's Ferry, on the Santee River, to Matthews' Bluff, on Savannah River) to the intersection of the run of said swamp with the old county line between Colleton and Berkeley Counties; and by a straight line running thence to a point upon Saw Mill Branch one mile northeast of the South Carolina and Georgia Railroad, and thence along said branch to the old division line between Colleton and Berkeley Counties; and thence by said old division line to the point where said line intersects the division line between Charleston and Berkeley Counties; on the southeast by Charleston County, from which it is separated by the

old division line between Charleston and Colleton Counties to Lowndes' Landing, on Rantowles Creek; southwest by Colleton County, from which it is separated by the public road leading from Lowndes' Landing, on Rantowles Creek, to Parker's Ferry, on Edisto River; and thence by the said river to the intersection of said river with the old district line down from Nelson's Ferry, on Matthews' Bluff; and on the northwest and northeast by Orangeburg County, from which it is separated by said last-mentioned district line.

HISTORY: 1962 Code § 14-68; 1952 Code § 14-68; 1942 Code § 2993; 1932 Code § 2993; Civ. C. '22 § 685; Civ. C. '12 § 604; Civ. C. '02 § 544; 1897 (22) 595.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-210. Dorchester County; portion of Lincolnville area in Charleston County transferred to Dorchester County.

That portion of the Lincolnville area in Charleston County which was the subject of an election held March 14 1967, by the commissioners of election for Charleston County, the results of which election were favorable to the annexation, and the General Assembly having found that all provisions of the Constitution of South Carolina, 1895, governing the alteration of county lines having been satisfactorily complied with, is hereby transferred to Dorchester County and annexed to that county. The proper proportion of the existing county indebtedness of the area so transferred shall be assumed by Dorchester County, the county to which the area is transferred.

HISTORY: 1962 Code § 14-68.1; 1967 (55) 316.

§ 4-3-220. Dorchester County; additional area of Charleston County transferred to Dorchester County.

That portion of Charleston County which was the subject of an election held October 29 1968 by the commissioners of election of Charleston County, the results of which election were favorable to the annexation, and the General Assembly having found that all provisions of the Constitution of South Carolina, 1895, governing the alteration of county lines having been satisfactorily complied with, is hereby transferred to Dorchester County and annexed to that county. The proper proportion of the existing county indebtedness of the area so transferred shall be assumed by the county to which the area is transferred.

HISTORY: 1962 Code § 14-68.2; 1969 (56) 54.

§ 4-3-230. Dorchester County; additional area of Charleston County transferred to Dorchester County; designation of area.

The portion of Charleston County described below is hereby annexed to and made a part of Dorchester County:

Beginning at a stake on what was the Berkeley-Charleston County line, what is now the Berkeley-Dorchester County line, and running in a southwesterly direction for a distance of four thousand one hundred thirty-two and twenty-two hundredths feet along what is now Charleston County to a stake on what is commonly known as the Owens Road, the old Dorchester-Charleston County line; thence, running in a Northwesterly direction for a distance of nine hundred twenty feet along said Owens Road and Dorchester County to the center of the run of what is commonly known as Sawmill Branch, the old Charleston-Dorchester County boundary line; thence, running along said Sawmill Branch in a northeasterly direction to the old Berkeley-Dorchester-Charleston County lines; thence, running in a southeasterly direction for a distance of eight hundred seventy-nine and five-tenths feet along the old Berkeley-Charleston County line, now the Berkeley-Dorchester County line to the stake designated "B" on a plat of J.N. Frank, surveyor, dated 12 August, 1968.

HISTORY: 1962 Code § 14-68.3; 1969 (56) 53.

§ 4-3-240. Edgefield County.

Edgefield County is bounded as follows: on the north and northeast by Greenwood and Saluda Counties; on the southeast by Aiken County; on the south and southwest by the Savannah River, which separates it from Georgia and McCormick County, which latter county is separated from Edgefield County by a line beginning on the Greenwood-Edgefield County line more particularly described in the boundaries of McCormick County, and running in a westerly direction to a stake about ¼ of a mile west of the old White place; thence in a straight line S. 13° E. 10,978 feet to a stake; thence S. 77° W. 3,750 feet to a stake; thence S. 13° E. 8,522 feet to a pine; thence S. 35° 45' E. 20,400 feet to Cochran's Bridge, on Turkey Creek; thence S. 26° 30' E. 1,680 feet to a point where a branch crosses a public road; thence S. 59° 30' W. 27,908 feet to the run of Big Stevens' Creek; thence down the run of Big Stevens' Creek to a stake; thence S. 50° W. 22,828 feet to the South Carolina-Georgia line in the Savannah River, and in addition the following territory transferred from McCormick County by

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3

§ 4-3-270. Georgetown County.

Georgetown County is bounded as follows: on the north and northeast by Marion County from which it is separated by the Great Pee Dee River from Britton's Ferry to its junction with the Little Pee Dee River; on the northeast by Horry County from which it is separated by the Great Pee Dee River from its junction with the Little Pee Dee to its junction with Bull Creek and thence by said creek to Waccamaw River and thence by said river down to a point about half a mile below Prince's Creek and thence by a line running N. 86.5° E. 5 miles and 67 chains to a cedar post on the seashore planted at low watermark; on the southeast by the Atlantic Ocean, including all the islands between the last-mentioned cedar post and the mouth of South Santee River; on the south and southwest by the counties of Charleston and Berkeley from which it is separated by the South Santee and Santee Rivers as far up as Leneud's Ferry; on the west and northwest by Williamsburg County from which it is divided by the main road leading from Leneud's Ferry on the Santee River across Potato Ferry on Black River to Britton's Ferry on the Great Pee Dee.

HISTORY: 1962 Code § 14-72; 1952 Code § 14-72; 1942 Code § 2997; 1932 Code § 2997; Civ. C. '22 § 689; Civ. C. '12 § 608; Civ. C. '02 § 548; G. S. 418; R. S. 477; (4) 662; (5) 407, 478; (7) 199.

Cross references—
As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.
As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-280. Greenville County.

Greenville County is bounded as follows: on the north by the North Carolina line; on the east and southeast by Spartanburg and Laurens Counties from which it is divided as follows: from Spartanburg County, by a line commencing on the North Carolina line at a stone marked "S. C.," on the east side of Blackstock Road near the Tryon Mountain and running S. 2° E. 22 miles and 64 chains or until it intersects the Enoree River at Abner's Mill; thence down the Enoree River to a point about 1¾ miles below Anderson's Bridge (the corner of Greenville and Laurens Counties); from Laurens County, by a line commencing at said point (opposite Zadock's Ford) and running S. 17° W. 11 miles and 60 chains to a point; thence S. 4° E. 3 miles and 45 chains to a water oak marked "L. G." on Reedy River; thence running to the mouth

Cross references—
As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.
As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-300. Hampton County.

Hampton County is bounded as follows: on the northeast by Colleton County from which it is separated by the Combahee and Salkehatchie Rivers; on the northwest by Allendale County; on the southwest by the Savannah River which separates it from the state of Georgia and on the southeast by the counties of Jasper and Beaufort.

HISTORY: 1962 Code § 14-75; 1952 Code § 14-75; 1942 Code § 3000; 1932 Code § 3000; Civ. C. '22 § 692; Civ. C. '12 § 611; Civ. C. '02 § 551; G. S. 420; R. S. 479; 1878 (16) 375; 1912 (27) 827; 1914 (28) 626; 1916 (29) 754; 1919 (31) 5.

Cross references—
As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.
As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

§ 4-3-310. Horry County.

Horry County is bounded as follows: on the southeast by the Atlantic Ocean, a line of 31 miles; on the northeast by the North Carolina line, beginning at a cedar stake (marked with nine notches) on the seashore of Goat Island, about 1¼ miles east of the mouth of Little River, and running from thence until it intersects Lumber River, about 5¼ miles to the east of Newsom's Ferry; on the northwest, west and southwest by Dillon, Marion and Georgetown Counties from which it is separated as follows: by Lumber River to Little Pee Dee River; thence by Little Pee Dee River to its junction with Great Pee Dee River; thence by Great Pee Dee River to its junction with Bull Creek; thence by said creek to the Waccamaw River, and down this river to a point about half a mile below Prince's Creek; and thence by a line running over to a cedar post on the seashore N. 86.5° E. 5 miles and 67 chains.

HISTORY: 1962 Code § 14-76; 1952 Code § 14-76; 1942 Code § 3001; 1932 Code § 3001; Civ. C. '22 § 693; Civ. C. '12 § 612; Civ. C. '02 § 552; G. S. 421; R. S. 480; (4) 663; (5) 407, 544.

Cross references—
As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.
As to constitutional provision regarding number of counties, see S.C. Const., Art 8, § 3.

§ 4-3-320. Jasper County.

Jasper County is bounded as follows: beginning at a point in the Savannah River, where the township line between Lawton and Goethe township on one side and Robert and Coosawhatchie on the other in Hampton County intersects the South Carolina-Georgia State line; thence with said line between said townships to its intersection with Coosawhatchie River; thence down the said run of Coosawhatchie River with its various courses to its junction with Tulefinnie River; thence down the same with its various courses to its intersection with the western side of the right of way of the Atlantic Coast Line Railroad Company; thence up said western side of right of way to its intersection with Pocataligo River; thence down the same with its various courses to its junction with Broad River; thence down the same with its various courses to a pine tree X 3 N. on Belia Point on the south side of Coles Creek; thence a straight line to the median line of Hazards Back Creek opposite Boland Hall; thence down said creek to its junction with Eutaw Creek; thence down said creek and through the nearest waterways to a point on Manigaults Neck where the land line dividing the land now or formerly owned by the Chelsea Club from the land now or formerly owned by Fripp intersect said creek or waterway; thence with said land line to its intersection with the Fripp public road; thence down Jasper County side of the said Fripp public road to its intersection with the Hazel road; thence westerly along the Jasper County side of said Hazel road to its intersection with a public road at or near Hazel Episcopal Church; thence westerly along the Jasper County side of said public road to its intersection with the Charleston and Savannah turnpike; thence the Jasper County side of the said turnpike to a point opposite its intersection with the southern boundary line of the land now or formerly owned by the Okeetee Club; thence across said road to said boundary line; thence with said line in a westerly direction to a corner where said land line turns in a northeasterly direction; thence on said line in a northeasterly direction with said line three fourths of a mile; thence a straight line with said line westerly to a point where the said boundary line of said Okeetee Club land intersects the former county line of Hampton and Beaufort Counties; thence with said county line in a southwesterly direction to its intersection with the northeasterly boundary of the Savannah and Augusta public road; thence in a southeasterly direction with said northeasterly boundary of the Savannah and Augusta public road to its intersection with the Charleston and Savannah public road; thence down the westerly boundary of the said Savannah and Augusta public road with its various courses and distances to a point on said road two miles from the east bank

of the Savannah River at Screvens Ferry; thence S. 60° W. a straight line to its intersection with the South Carolina-Georgia State line; thence with said South Carolina-Georgia State line with its various courses and distances to the beginning point. Said county is hereby named Jasper, and the county seat thereof is hereby established in the town of Ridgeland.

And in addition to said boundaries Jasper County includes the land formerly in Beaufort County, which was annexed to Jasper County in 1950 by act of the General Assembly (Acts 1950, p. 2332), described as lying west of New River and the run of Great Swamp known as and constituting Yemassee township.

Part of the old Charleston and Savannah turnpike line, between Hazel road and the southern boundary of said Okeetee Club property is hereby transferred to and made a part of Beaufort County.

HISTORY: 1962 Code § 14-77; 1952 Code § 14-77; 1942 Code § 3002; 1932 Code § 3002; Civ. C. '22 § 694; 1912 (27) 827; 1914 (28) 626; 1916 (29) 754; 1939 (41) 536; 1950 (46) 2332.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art 8, § 3.

CASE NOTES

Annexation of Yemassee township constitutional.—Act No. 970 of 1950 [1950 (46) 2332] providing for the annexation of Yemassee township, formerly in Beaufort County, by Jasper County, is valid and constitutional. Beaufort County v Jasper County, 220 SC 469, 68 SE2d 421 (1951).

§ 4-3-330. Kershaw County.

Kershaw County is bounded on the southeast by Lee and Sumter Counties from which it is divided by a line beginning at Spivey's Ferry on Lynch's River and extending along the Lee County line to the point where the line between Lee County and Sumter County meets the line of Kershaw County; thence in a southwest direction along the Sumter County line to the Wateree River; on the southwest by Richland County, from which it is divided by a line beginning at the Wateree River, opposite to the last-mentioned point, and running S. 66° W. or by Raglin's Creek to Speer's Creek; thence up Raglin's Creek to its head; thence by a straight line N. 40.75° W. 10 miles 17 chains; thence N. 56.5° W. 1 mile 14 chains to a point over Rice Creek on Peay's plantation, nearly half a mile above the fork of Twenty-five Mile Creek; on the west by Fairfield County, from which it is separated by a line

HISTORY: 1962 Code § 1-442; 1952 Code § 1-442; 1942 Code § 2187; 1936 (39) 1668; 1950 (46) 3605; 1965 (54) 590; 1976 (59) 1582.

Effect of Amendment —
The 1976 amendment, effective May 11, 1976, substituted "insurance reserve funds" for "an insurance sinking fund."

§ 10-7-140. Reduction of premiums.

When the insurance reserve funds provided for in § 10-7-130 reach the sum of five percent of the total insurance in force, then annually thereafter the State Budget and Control Board shall proportionately decrease the premium of insurance to an amount which will be sufficient to maintain the insurance reserve funds at five percent of the total insurance in force, and if in the judgment of the board the income from the investment of the insurance reserve funds is sufficient to maintain the insurance reserve funds at five percent of the total insurance in force, no premium shall be charged for the ensuing year, except that no building or property insured by the board shall cease to pay premiums until five annual payments shall have been paid even though such payments increase such insurance reserve funds beyond the sum equal to five percent of the total insurance in force.

HISTORY: 1962 Code § 1-443; 1952 Code § 1-443; 1942 Code § 2187; 1936 (39) 1668.

Editor's Note —
"Insurance reserve funds" has been substituted for "insurance sinking fund" and "insurance fund" in this section in accordance with the 1976 amendment of § 10-7-130

CHAPTER 9

Minerals and Mineral Interests in Public Lands

ARTICLE 1

GENERAL PROVISIONS

SEC
10-9-35 Deposit and expenditure of revenue derived from offshore oil leases.

§ 10-9-35. Deposit and expenditure of revenue derived from offshore oil leases.

In the event that the State of South Carolina is the recipient of revenues derived from offshore oil leases within the jurisdictional limits of the State such revenues shall be deposited with the State Treasurer in a special fund and shall be expended only by authorization of the General Assembly.

Funds so accumulated shall be expended only for the following purposes:

(1) To retire the bonded indebtedness incurred by South Carolina;

(2) For capital improvement expenditures.

HISTORY: 1977 (60) 832.

Editor's Note —
This section is effective June 14, 1977.

CHAPTER 9

Minerals and Mineral Interests in Public Lands

ARTICLE 1. General Provisions.
ARTICLE 3. Phosphate.

ARTICLE 1

GENERAL PROVISIONS

SEC.
10-9-10. Lease of gas, oil and certain other minerals
10-9-20. Minimum royalty.
10-9-30. Leases subject to conservation laws; lease of rights upon offshore and other State lands.
10-9-40. Authority conferred by article is cumulative.

§ 10-9-10. Lease of gas, oil and certain other minerals.

The Public Service Authority may, through its board of directors, make and execute leases of gas, oil and other minerals and mineral rights, excluding phosphate and lime and phosphatic deposits, over and upon the lands and properties owned by said Authority; and the State Budget and Control Board and the forfeited land commissions of the several counties of this State may, with the approval of the Attorney General, make and execute such leases over and upon the lands and waters of the State and of the several counties under the ownership, management or control of such Board and commissions respectively.

HISTORY: 1962 Code § 1-361; 1952 Code § 1-361; 1944 (43) 1428.

Cross references—
As to the composition, duties and powers of State Budget and Control Board, see Chapter 11 of Title 1.
As to lands subject to control of State Budget and Control Board, see § 1-11-70.
As to a definition of "minerals" for purposes of the South Carolina Mining Act, see § 48-19-30(d).

Research and Practice References—
38 Am Jur 2d, Gas and Oil § 283.
12 Am Jur Pl & Pr Forms (Rev ed), Gas and Oil, Forms 63-88 (leases).
9 Am Jur Legal Forms 2d, Gas and Oil, §§ 129:11-129:17 (leases).
9 Am Jur Legal Forms 2d, Gas and Oil, §§ 129.151-129:154 (construction of leases)

9 Am Jur Legal Forms 2d, Gas and Oil, §§ 129:161-129:209 (collateral forms relating to leases).

ALR and L Ed Annotations—
Abandonment of oil or gas lease by parol declaration. 13 ALR2d 951.
Mutuality of remedy as essential to granting of specific performance, in oil, gas, and mineral leases and licenses. 22 ALR2d 508.
Suit for reformation of gas and oil lease. 36 ALR2d 698.
Oil and gas as "minerals" within deed, lease, or license. 37 ALR2d 1440.
Estoppel of oil and gas lessee to deny lessor's title. 87 ALR2d 602.
Rights, under oil and gas lease, deed, or sales contract, to "distillate," "condensate," or "natural gasoline." 38 ALR3d 985.

§ 10-9-20. Minimum royalty.

No such lease shall provide for a royalty of less than twelve and one-half per cent of production of oil and gas from the lease.

HISTORY: 1962 Code § 1-362; 1952 Code § 1-362; 1944 (43) 1428.

Research and Practice References—
58 Am Jur 2d, Gas and Oil § 86.
12 Am Jur Pl & Pr Forms (Rev ed), Gas and Oil, Forms 61-63 (royalties).
9 Am Jur Legal Forms 2d, Gas and Oil, §§ 129:51-129:56 (royalties).

ALR and L Ed Annotations—
Construction and effect of provision in mineral lease excusing payment of mineral rent or royalty. 28 ALR2d 1013.
Expenses and taxes deductible by lessee in computing lessor's oil and gas royalty or other return. 73 ALR2d 1056.
"Shut-in royalty" payment provisions in oil and gas leases. 96 ALR2d 345.

§ 10-9-30. Leases subject to conservation laws; lease of rights upon offshore and other State lands.

Nothing contained in this article shall estop the State from enacting proper laws for the conservation of the oil, gas and other mineral resources of the State and all leases and contracts made under authority of this article shall be subject to such laws; *provided*, that the State Budget and Control Board may negotiate for leases of oil, gas and other mineral rights upon all of the lands and waters of the State, including offshore marginal and submerged lands.

HISTORY: 1962 Code § 1-363; 1952 Code § 1-363; 1944 (43) 1428; 1958 (50) 1553.

Cross references—
As to execution of leases, see § 10-9-10.

§ 10-9-40. Authority conferred by article is cumulative.

The authority conferred upon the Public Service Authority, the

State Budget and Control Board and the forfeited land commissions by this article shall be cumulative and in addition to the rights and powers heretofore vested by law in such Authority, such State Budget and Control Board and such commissions, respectively.

HISTORY: 1962 Code § 1-363.1; 1952 Code § 1-363.1; 1944 (43) 1428.

ARTICLE 3

PHOSPHATE

SEC.

10-9-110. Budget and Control Board has exclusive control of State's phosphate interest.
10-9-120. Protection of State's interest against adverse claimants.
10-9-130. Board may issue leases or licenses; notice of applications.
10-9-140. Board may grant or refuse application for license.
10-9-150. Bond of licensee.
10-9-160. Additional security to bonds may be required.
10-9-170. Proceeding for relief of sureties; new bond and its effect.
10-9-180. Power to fix and change rates for digging phosphate.
10-9-190. Returns of rock mined; payment of royalty; rate of royalty.
10-9-200. Comptroller General notified of licenses issued.
10-9-210. Mining without license; penalty.
10-9-220. Purchasing or receiving from unlicensed person.
10-9-230. Penalty for violation of § 10-9-220.
10-9-240. Board may take proceedings to prevent interference, obstruction and the like.
10-9-250. Forfeiture of boats, vessels, dredges, and the like used by unlicensed persons; enforcement proceedings.
10-9-260. Interfering with State, Board or licensees; mining without license.
10-9-270. Annual report to General Assembly.

§ 10-9-110. Budget and Control Board has exclusive control of State's phosphate interest.

The State Budget and Control Board shall be charged with the exclusive control and protection of the rights and interest of the State in the phosphate rocks and phosphatic deposits in the navigable streams and in the marshes thereof.

HISTORY: 1962 Code § 1-364; 1952 Code § 1-364; 1942 Code § 2210; 1932 Code § 2210; Civ. C. '22 § 147; Civ. C. '12 § 140; Civ. C. '02 § 132; R. S. 89; 1890 (20) 691; 1950 (46) 3605.

Cross references—

As to the composition, duties and powers of State Budget and Control Board, see Chapter 11 of Title 1.

As to sale of State's property in such phosphatic deposits, see § 11-9-630.

As to failure to return boat, flat or tool used for mining phosphate, see § 16-11-690.

CASE NOTES

Board may enjoin further operations of mining company.—By the provisions of this section [Code 1962 § 1-364] and Code 1962 § 1-379, a mining company may be enjoined from further operations by the Board of Phosphate Commissioners (now embraced within the Purchasing and Property Division of the State Budget and Control Board) after its twenty-one-year (now ten-year) exclusive right to operate has expired. Coosaw Mining Co. v South Carolina, 144 US 550, 12 S Ct 689, 36 L Ed 537 (1892).

§ 10-9-120. Protection of State's interest against adverse claimants.

The Board may inquire into and protect the interests of the State in and to any phosphatic deposits or mines, whether in the navigable waters of the State or in land marshes or other territory owned or claimed by other parties, and in the proceeds of any such mines and may take such action for, or in behalf of, the State in regard thereto as it may find necessary or deem proper.

HISTORY: 1962 Code § 1-365; 1952 Code § 1-365; 1942 Code § 2212; 1932 Code § 2212; Civ. C. '22 § 149; Civ. C. '12 § 142; Civ. C. '02 § 134; R. S. 91; 1890 (20) 694.

Research and Practice References—

3 Am Jur 2d, Adverse Possession §§ 205, 210.

73 CJS, Public Lands §§ 179, 246.

12 Am Jur Legal Forms 2d, Mines and Minerals, §§ 175:101–175:105 (adverse claims and protests).

CASE NOTES

Equity jurisdiction.—Suit to prevent illegal interference with control of phosphate mines is cognizable in equity. Coosaw Min. Co. v South Carolina, 144 US 550, 12 S Ct 689, 36 L Ed 537 (1892)

§ 10-9-130. Board may issue leases or licenses; notice of applications.

The Board may issue to any person who applies for a lease or license granting a general right to dig, mine and remove phosphate rock and phosphatic deposits from all the navigable streams, waters and marshes belonging to the State and also from such of the creeks, not navigable, lying therein as may contain phosphate rock and deposits belonging to the State and not previously granted. Such leases or licenses may be for such terms as may be determined by the Board. The annual report of the Board to the General Assembly shall include a list of all effective leases and licenses. The Board may make a firm contract for the royalty to be paid the State which shall not be increased during the life of the license. *Provided,* that prior to the grant or issuance of any lease or license, the Board shall cause to be published a notice of such

application in a newspaper having general circulation in the county once a week for three successive weeks prior to the grant or issuance. *Provided, further,* the lessee or licensee may not take possession if there be an adverse claim and the burden of proving ownership in the State shall be placed upon the lessee or licensee.

HISTORY: 1962 Code § 1-367; 1952 Code § 1-367; 1942 Code § 2214; 1932 Code § 2214; Civ. C. '22 § 151; Civ. C. '12 § 144; Civ. C. '02 § 137; R. S. 94; G. S. 67, 69, 70; 1878 (16) 781, 840; 1936 (39) 1386; 1937 (40) 100; 1963 (53) 204; 1965 (54) 279.

Cross references—

As to State Budget and Control Board granting easements and rights of way over vacant land or marshlands, see §§ 1-11-80 and 1-11-90.

Research and Practice References—

54 Am Jur 2d, Mines and Minerals §§ 120, 175.

63 Am Jur 2d, Public Lands § 116.

73 CJS, Public Lands § 259.

17 Am Jur Pl & Pr Forms (Rev ed), Mines and Minerals, Forms 1, 2 (state mineral leases).

ALR and L Ed Annotations—

Mutuality of remedy as essential to granting of specific performance, in oil, gas, and mineral leases and licenses. 22 ALR2d 508.

CASE NOTES

Mandamus will not lie to force Board to issue license.—Under this section [Code 1962 § 1-367] it was the plain ministerial duty of the Board of Agriculture (now the State Budget and Control Board) to issue licenses for a compensation or royalty to all persons who applied for same, but in the light of Code 1962 § 1-368, which was an act passed after this section [Code 1962 § 1-367], to grant or refuse a license was within the discretion of the Board and mandamus would not lie to force them to issue the license. State v Hagood, 30 SC 519, 9 SE 686 (1889).

Legislature cannot give exclusive rights for unlimited period.—An act which gave to a mining company exclusive mining rights for an unlimited period as long as it complied with terms of the act will be construed with this section [Code 1962 § 1-367] which will limit the term of its exclusive rights as such construction is most favorable to the State. This section [Code 1962 § 1-367] formerly conferred an exclusive right for "the full term of 21 years" and it was held that the mining company's exclusive mining rights expired on the termination of the 21 years. Coosaw Min. Co v South Carolina, 144 US 550, 12 S Ct 689, 36 L Ed 537 (1892).

Cited in Manufacturing Co v Bradley, 105 US 175, 26 L Ed 1034 (1881).

ATTORNEY GENERAL'S OPINIONS

1964 Act No 1271 [1964 (53) 2988] unconstitutional. See 1963-64 Ops. Att'y Gen., No 1753, p 257.

§ 10-9-140. Board may grant or refuse application for license.

In every case in which such application shall be made to the

Board for a license the Board may grant or refuse the license as it may deem best for the interest of the State and the proper management of the interests of the State in such deposits.

HISTORY: 1962 Code § 1-368; 1952 Code § 1-368; 1942 Code § 2215; 1932 Code § 2215; Civ. C. '22 § 152; Civ. C. '12 § 145; Civ. C. '02 § 138; R. S. 95; 1884 (18) 779.

CASE NOTES

This section [Code 1962 § 1-368] is not unconstitutional as an attempt to delegate legislative powers to the Board nor does it deny equal protection of the laws as provided in the 14th Amendment to the Federal Constitution. State v Hagood, 30 SC 519, 9 SE 686 (1889).

But the Board cannot determine the constitutionality of this section [Code 1962 § 1-368] giving them their powers, State v Hagood, 30 SC 519, 9 SE 686 (1889).

A declaration of willingness to issue a license on the compliance with certain conditions is not the limit of the Board's powers of discretion.—State v Hagood, 30 SC 519, 9 SE 686 (1889).

And mandamus will not lie to force Board to issue license.—State v Hagood, 30 SC 519, 9 SE 686 (1889).

§ 10-9-150. Bond of licensee.

As a condition precedent to the right to dig, mine and remove the rocks and deposits granted by any such license, each licensee shall enter into bond, with security, in the penal sum of five thousand dollars, conditioned for the making at the end of every month of true and faithful returns to the Comptroller General of the number of tons of phosphate rock and phosphatic deposits so dug or mined and the punctual payment to the State Treasurer of the royalty provided at the end of every quarter or three months. Such bond and sureties thereon shall be subject to the approval required by law for the bonds of State officers.

HISTORY: 1962 Code § 1-369; 1952 Code § 1-369; 1942 Code § 2216; 1932 Code § 2216; Civ. C. '22 § 153; Civ. C. '12 § 146; Civ. C. '02 § 139; G. S. 68; R. S. 96; 1878 (16) 781.

§ 10-9-160. Additional security to bonds may be required.

Whenever the Board shall have reason to doubt the solvency of any surety whose name appears upon any bond executed for the purpose of securing the payment of the phosphate royalty by any person digging, mining and removing phosphate rock or phosphatic deposits in any of the territory, the property of the State, under any grant or license, the Board shall forthwith notify the person giving such bond and the sureties thereon and require that one or more sureties, as the case may be, shall be added to the bond, such surety or sureties to be approved by the Board.

HISTORY: 1962 Code § 1-370; 1952 Code § 1-370; 1942 Code § 2221; 1932

Code § 2221; Civ. C. '22 § 158; Civ. C. '12 § 151; Civ. C. '02 § 144; R. S. 100; 1883 (18) 304.

§ 10-9-170. Proceeding for relief of sureties; new bond and its effect.

The Board, upon petition filed by any person who is surety on any such bond as aforesaid and who considers himself in danger of being injured by such suretyship, shall notify the person giving such bond to give a new bond with other sureties and upon failure of such person to do so within thirty days shall cause such person to suspend further operations until a new bond be given. But in no case shall the sureties on the old bond be discharged from liability thereon until the new bond has been executed and approved, and such sureties shall not be discharged from any antecedent liability by reason of such suretyship.

HISTORY: 1962 Code § 1-371; 1952 Code § 1-371; 1942 Code § 2222; 1932 Code § 2222; Civ. C. '22 § 159; Civ. C. '12 § 152; Civ. C. '02 § 145; R. S. 101; 1883 (18) 304.

§ 10-9-180. Power to fix and change rates for digging phosphate.

The Board is hereby vested with full and complete power and control over all mining in the phosphate territory belonging to this State and over all persons digging or mining phosphate rock or phosphatic deposit in the navigable streams and waters or in the marshes thereof, with full power and authority, subject to the provisions of §§ 10-9-130 and 10-9-190 to fix, regulate, raise or reduce such royalty per ton as shall from time to time be paid to the State by such persons for all or any such phosphate rock dug, mined, removed and shipped or otherwise sent to the market therefrom. But six months' notice shall be given all persons at such time digging or mining phosphate rock in such navigable streams, waters or marshes before any increase shall be made in the rate of royalty theretofore existing.

HISTORY: 1962 Code § 1-372; 1952 Code § 1-372; 1942 Code § 2218; 1932 Code § 2218; Civ. C. '22 § 155; Civ. C. '12 § 148; Civ. C. '02 § 141; R. S. 98; 1897 (22) 504.

§ 10-9-190. Returns of rock mined; payment of royalty; rate of royalty.

Each person to whom a license shall be issued must, at the end of every month, make to the Comptroller General a true and lawful return of the phosphate rock and phosphatic deposits he may have dug or mined during such month and shall punctually pay to the State Treasurer, at the end of every quarter or three

months, a royalty of five cents per ton upon each and every ton of the crude rock (not of the rock after it has been steamed or dried), the first quarter to commence to run on the first day of January in each year.

HISTORY: 1962 Code § 1-374; 1952 Code §§ 1-373, 1-374; 1942 Code §§ 2217, 2219; 1932 Code §§ 2217, 2219; Civ. C. '22 §§ 154, 156; Civ. C. '12 §§ 147, 149; Civ. C. '02 §§ 140, 142; G. S. 68; R. S. 97; 1878 (16) 781; 1892 (21) 383; 1893 (21) 418; 1923 (33) 69.

§ 10-9-200. Comptroller General notified of licenses issued.

The State Budget and Control Board shall, within twenty days after the grant of any license as aforesaid, notify the Comptroller General of the issuing of such license, with the name of the person to whom issued, the time of the license and the location for which it was issued.

HISTORY: 1962 Code § 1-375; 1952 Code § 1-375; 1942 Code § 2220; 1932 Code § 2220; Civ. C. '22 § 157; Civ. C. '12 § 150; Civ. C. '02 § 143; R. S. 99; 1889 (20) 298; 1950 (46) 3605.

Cross references—
As to the Comptroller General, generally, see §§ 11-3-10 et seq.

§ 10-9-210. Mining without license; penalty.

Every person who shall dig, mine or remove any phosphate rock or phosphatic deposit from the beds of the navigable streams, waters and marshes of the State without license therefor previously granted by the State to such person shall be liable to a penalty of ten dollars for each and every ton of phosphate rock or phosphatic deposits so dug, mined or removed, to be recovered by action at the suit of the State in any court of competent jurisdiction. One half of such penalty shall be for the use of the State and the other half for the use of the informer.

HISTORY: 1962 Code § 1-376; 1952 Code § 1-376; 1942 Code § 2225; 1932 Code § 2225; Civ. C. '22 § 162; Civ. C. '12 § 155; Civ. C. '02 § 148; G. S. 65; R. S. 104; 1877 (15) 305.

ALR and L Ed Annotations—
Trespasser's right to credit for expenditures in producing, as against his liability for value of, oil or minerals. 21 ALR2d 380.

§ 10-9-220. Purchasing or receiving from unlicensed person.

It shall be unlawful for any person to purchase or receive any phosphate rock or phosphatic deposit dug, mined or removed from the navigable streams, waters or marshes of the State from any person not duly authorized by act of the General Assembly of this State or license of the Board to dig, mine or remove such phosphate rock or phosphatic deposit.

HISTORY: 1962 Code § 1-377; 1952 Code § 1-377; 1942 Code § 2226; 1932 Code § 2226; Civ. C. '22 § 163; Civ. C. '12 § 156; Civ. C. '02 § 149; G. S. 66; R. S. 105, 1877 (15) 305.

Cross references—
As to penalties, see § 10-9-230.

§ 10-9-230. Penalty for violation of § 10-9-220.

Any person violating § 10-9-220 shall forfeit to the State the sum of ten dollars for each and every ton of phosphate rock or phosphatic deposit so purchased or received, to be recovered by action in any court of competent jurisdiction. One half of such forfeiture shall be for the use of the State and the other half for the use of the informer.

HISTORY: 1962 Code § 1-378; 1952 Code § 1-378; 1942 Code § 2227; 1932 Code § 2227; Civ. C. '22 § 164; Civ. C. '12 § 157; Civ. C. '02 § 150; G. S. 67; R. S. 106; 1877 (15) 305.

§ 10-9-240. Board may take proceedings to prevent interference, obstruction and the like.

Should any person whosoever interfere with, obstruct or molest or attempt to interfere with, obstruct or molest the Board or anyone by it authorized or licensed hereunder in the peaceable possession and occupation for mining purposes of any of the marshes, navigable streams or waters of the State, then the Board may, in the name and on behalf of the State, take such measures or proceedings as it may be advised are proper to enjoin and terminate any such molestation, interference or obstruction and place the State, through its agents, the Board or any one under it authorized, in absolute and practical possession and occupation of such marshes, navigable streams or waters.

HISTORY: 1962 Code § 1-379; 1952 Code § 1-379; 1942 Code § 2228; 1932 Code § 2228; Civ. C. '22 § 165; Civ. C. '12 § 158; Civ. C. '02 § 151; R. S. 107; 1890 (20) 693.

CASE NOTES

Equity has jurisdiction over a suit by the State to prevent illegal interference with its control over phosphate mines as the grounds for such are similar to those in which equity interferes in cases of waste, public nuisances and purpresture. Coosaw Min. Co v South Carolina, 144 US 550, 12 S Ct 689, 36 L Ed 537 (1892).

§ 10-9-250. Forfeiture of boats, vessels, dredges, and the like used by unlicensed persons; enforcement proceedings.

Should any person attempt to mine or remove phosphate rock

and phosphatic deposits from any of the marshes, navigable waters or streams, including the Coosaw River phosphate territory, by and with any boat, vessel, marine dredge or other appliances for such mining or removal, without the leave or license of the Board thereto first had and obtained, all such boats, vessels, marine dredges and other appliances are hereby declared forfeited to and property of the State, and the Attorney General, for and in behalf of the State, shall institute proceedings in any court of competent jurisdiction for the claim and delivery thereof, in the ordinary form of action for claim and delivery, in which action the title of the State shall be established by the proof of the commission of any such act of forfeiture by the person owning them, or his agents, in possession of such boats, vessels, marine dredges or other appliances. In any such action the State shall not be called upon or required to give any bond or obligation such as is required by parties plaintiff in action for claim and delivery.

HISTORY: 1962 Code § 1-380; 1952 Code § 1-380; 1942 Code § 2229; 1932 Code § 2229; Civ. C. '22 § 166; Civ. C. '12 § 159; Civ. C. '02 § 152; R. S. 108; 1890 (20) 694.

§ 10-9-260. Interfering with State, Board or licensees; mining without license.

Any person wilfully interfering with, molesting or obstructing or attempting to interfere with, molest or obstruct the State or the State Budget and Control Board or anyone by it authorized or licensed in the peaceable possession and occupation of any of the marshes, navigable streams or waters of the State, including the Coosaw River phosphate territory, or who shall dig or mine or attempt to dig or mine any of the phosphate rock or phosphatic deposits of this State without a license so to do issued by the Board shall be punished for each offense by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not less than one nor more than twelve months, or both, at the discretion of the court.

HISTORY: 1962 Code § 1-381; 1952 Code § 1-381; 1942 Code § 1259; 1932 Code § 1259; Cr. C. '22 § 154; Cr. C. '12 § 305; Cr. C. '02 § 225; R. S. 515; 1890 (20) 694; 1950 (46) 3605.

§ 10-9-270. Annual report to General Assembly.

The Board shall report annually to the General Assembly its actions and doings under this article during the year to the time of the meeting of the Assembly, with an itemized account of its expenses for the year incurred in connection with its duties and powers under this article.

HISTORY: 1962 Code § 1-382; 1952 Code § 1-382; 1942 Code § 2224; 1932 Code § 2224; Civ. C. '22 § 161; Civ. C. '12 § 154; Civ. C. '02 § 147; R. S. 103; 1890 (20) 693; 1892 (21) 383; 1950 (46) 3605.

Board in its Travel and Information Division upon the Department of Parks, Recreation and Tourism, see § 51-1-60.

As to acquisition of land by State Development Board from private persons or public service companies required by the United States for certain waterway projects, see §§ 3-5-40 and 3-5-320

§ 13-3-100. Assumption of duties formerly exercised by other boards, commissions and councils.

The former State Planning Board, State Board of Housing, Building Council of South Carolina, South Carolina Commerce Development Board, South Carolina Intra-Coastal Waterway Commission, South Carolina Board for Promotion of External Trade, and Natural Resources Commission having been abolished, the State Development Board shall have the following additional duties formerly imposed on such boards, commissions and councils:

(1) (State Planning Board)

(a) To confer and cooperate with the executive, legislative and planning authorities of the United States and of neighboring states and of subdivisions thereof;

(b) To promote interest in the understanding of the problems of State planning; and

(c) To cooperate with the United States and any of its agencies in the planning, conservation, utilization and development of State resources and in the planning of its public works programs and to act, when so designated, as an agency of the United States, or of any agency thereof;

(2) (State Board of Housing)

To perform the duties imposed upon it under Title 31 of this Code;

(3) (Building Council of South Carolina)

To promulgate and recommend to the General Assembly of the State a building code for adoption;

(4) (Commerce Development Board)

(a) To purchase, hold, use, lease, mortgage, sell, transfer, convey, assign, pledge or otherwise to acquire, encumber or dispose of any property, real, personal or mixed, or any estate or interest therein, including, but without limiting the foregoing, stock in any corporation;

(b) To employ attorneys upon such reasonable basis of compensation as may be agreed upon, or as it may determine, commensurate with the services rendered or to be rendered to the end that no excessive or unreasonable fees or compensation shall be allowed;

(c) To build, acquire, construct and maintain power houses and any and all structures, ways and means necessary, useful or customarily used and employed in the construction of highways, in the construction and operation of railroads and in the manufacture, generation and distribution of electricity and any and all other kinds of power, including power transmission lines, poles, telephone and telegraph lines, substations, transformers and generally all things used or useful in the manufacture, distribution and purchase of power and electricity; *provided,* that electric current produced shall be used by the Board and that none of it shall be sold;

(d) To acquire or to build, construct, equip, maintain and operate one or more railroads with any motive power, one or more highways or other methods, means or ways of commerce or transportation or of communication, telegraph or telephone lines, electric lines, pipe lines, commissaries, houses, camps, lakes, fills, dams, reservoirs, ditches, drains, roads, tunnels, culverts, bridges, conduits, shops and depots and equipment; *provided,* that telegraph or telephone lines shall be used by the Board and that no telegraph or telephone service shall be sold to the general public;

(e) To engage in the business of a common carrier of freight or passengers for hire;

(f) To build, construct, equip, maintain and operate, or cause the same to be done, a railroad or a highway connecting the existing lines of railroad at Walhalla, South Carolina, and at or near Maryville, Tennessee, or as near to such points as practicable and to do every act and thing necessary or proper to accomplish that result and to secure improvement of such existing lines connecting the same with the Atlantic seaboard;

(g) To transport goods, freight, mail, passengers and intelligence for hire and to fix and collect proper charges therefor;

(h) To construct or establish parks or playgrounds for the use, benefit, recreation and amusement of the people of this State under such rules and regulations and subject to such charges as it may establish, determine or fix, with all necessary or proper appurtenances, roadways, lakes, reservoirs, pipe lines, wires, buildings or other structures and equipment which it may from time to time deem desirable;

(i) To take such steps as may be proper to prevent and control soil erosion and floods in the areas served by it;

(j) To cooperate with the United States to promote the national defense;

(k) To develop and increase commerce, intrastate, interstate and

foreign, by shortening and improving existing routes, by constructing new routes and facilities and by equipping, maintaining and operating or leasing the same, or causing it to be done, by procuring or endeavoring to procure a reduction in freight, passenger, power, light, water, telegraph and telephone rates and tolls and by any other means or method which shall tend so to do and securing to the people of this State the annual saving of large sums and an improvement in their living conditions and general welfare;

(l) To cooperate with the health authorities in the areas served by it to the end that the public health may be improved and disease and suffering reduced;

(m) To fix, alter, charge and collect tolls, freight and other charges for the use of its facilities or for the services rendered by or for any commodities furnished by it, at rates to be determined by it, such rates to be at least sufficient to provide for payment of all expense of the Board under this paragraph (4) of this section, the conservation, maintenance and operation of its facilities and properties, the payment of principal and interest on its notes, bonds and other evidences of indebtedness or obligation and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any of its notes, bonds or other evidences of indebtedness or obligation;

(n) To have the power of eminent domain to be exercised as is now or may hereafter be provided by law for railroads, telegraph and telephone companies, for power companies and highways, including all rights, powers and methods of procedure vested in or prescribed for the same;

(o) To acquire by purchase, gift, condemnation or in any other manner any lands, waters, water rights, riparian rights, flowage rights, rights of way, easements, licenses, franchises, engineering data, maps, construction plans or estimates or any other property of any kind, real, personal or mixed, necessary or useful in carrying out any of its powers;

(p) To borrow money, to make and issue negotiable notes, bonds and other evidences of indebtedness and to secure the payment of such obligations or any part thereof by mortgage, lien, pledge or deed of trust on any or all of its property, contracts, franchises or revenues and to make such agreements with the purchasers or holders of such notes, bonds or other evidences of indebtedness or with others in connection with any such notes, bonds or other evidences of indebtedness, whether issued or to be issued, as the Board shall deem advisable and in general to

provide for the security for such notes, bonds or other evidences of indebtedness and the rights of the holders thereof;

(q) To endorse or otherwise to guarantee the obligations of any corporation all of the voting stock of which the Board may own or acquire;

(r) To mortgage, pledge, hypothecate or otherwise to encumber any or all of its property, real, personal or mixed, facilities or revenues as security for notes, bonds, evidences of indebtedness or other obligations;

(s) To borrow money from the United States or any corporation or agency created, designed or established by the United States;

(t) To exercise the powers and to do the things authorized by this paragraph (4) of this section either by and with its own efforts and resources or to procure or to cause the same to be done by the United States or any agency or instrumentality thereof, by any one or more of the states affected or their political subdivisions, agencies or instrumentalities, by any private corporation, association or individual, contractor or otherwise or by the joint efforts of any or all of them or by cooperation with any or all of them, having in mind that the primary objective to be achieved is the construction, maintenance and operation of the railroad, highways, lines of communication and other facilities authorized by this paragraph, regardless of the particular method, manner or agency by or through which the same may be done, and to do any and all acts and things and to make any and all agreements or contracts necessary thereunto, including also the power to lease the whole or any part of its facilities or to contract or agree upon a particular method, manner or agency of or for the maintenance or operation of such facilities;

(u) To make, alter and repeal reasonable rules and regulations governing the use of its facilities and to fix and collect the charges, tolls, prices or rate of compensation it shall receive for the same, but nothing herein contained shall prevent it, when in its opinion the public interest will best be served thereby and when its financial condition will permit, from allowing the use of its parks, places of amusement and recreation, roads, highways and the like, to be designated by it from time to time, free of charge or at a merely nominal charge for the benefit of the people of this State;

(v) To sell or otherwise to dispose of any surplus property which it may acquire and which it may decide is not needed; and

(w) To have all additional powers, not inconsistent with this chapter, that are vested by law in common carriers of freight, passengers, electricity and intelligence for hire and in corporations generally;

(5) (South Carolina Intra-Coastal Waterway Commission)

To perform the duties imposed upon it by Chapter 5 of Title 3 of this Code;

(6) (Board for Promotion of External Trade)

(a) To compile surveys showing the nature and extent of the natural resources and of the manufactured products and raw materials found or produced in the State which may move in domestic or foreign commerce; and

(b) To determine the areas throughout the world where commodities and products of this State may find advantageous markets and secure perfection of arrangements between citizens of this State and producers and consumers in other areas whereby there may be carried on greater interchange of commerce; and

(7) (Natural Resources Commission)

(a) To select a label, have it copyrighted and registered in the United States copyright office, which label shall in the judgment of the Board be used to advertise the chemical and other contents of food products grown in South Carolina or to advertise other articles;

(b) To promulgate and register the conditions upon which such label may be used and fix the charges for such use; and

(c) To promulgate information furnished by the South Carolina Research Laboratories and other educational institutions and such other information as has bearing upon value of South Carolina products.

HISTORY: 1962 Code § 9-310; 1952 Code § 9-310; 1942 Code §§ 3272, 3442-4, 3442-22, 3442-35, 5271-3, 5271-10, 6031-1, 6734; 1932 Code §§ 3272, 6734; 1925 (34) 160; 1929 (36) 254; 1933 (38) 176, 478; 1934 (38) 1314; 1935 (39) 120, 397; 1938 (40) 1612, 1902; 1940 (41) 1921; 1942 (42) 1680; 1945 (44) 156; 1954 (48) 1745.

Cross references—

As to rules and regulations promulgated under authority of this section, see Rules and Regulations, Development Board, State

As to authority of State Development Board to make surveys of land necessary for certain waterway projects, see §§ 3-5-80 and 3-5-360

As to power of State Development Board to condemn lands required by the United States for the construction of certain waterway projects, see §§ 3-5-50 and 3-5-330

As to condemnation by State Development Board of areas leased for cultivation and gathering of oysters which are required for certain waterway projects, see § 3-5-100

As to authority of State Development Board to survey damage to oyster beds resulting from dredging operations in construction of waterway project, see § 3-5-120.

§ 13-3-110. Advisory councils.

At the discretion of the Board an advisory council or councils

CHAPTER 5

Public Works Eminent Domain Law

Sec.

28-5-10 Short title
28-5-20 Definitions
28-5-30 Entities which may institute proceedings.
28-5-40 Venue; priority of proceedings
28-5-50 Petition.
28-5-60 Several parcels of land may be included in one action
28-5-70 Entry on land for survey
28-5-80 Declaration of taking.
28-5-90 Manner in which property is condemned when declaration of taking is filed.
28-5-100. Manner in which compensation shall be fixed when declaration of taking is filed
28-5-110 Notice of proceedings
28-5-120. Notice of proceedings shall be given by posting, filing and service.
28-5-130. Effect of publication, posting, filing and service.
28-5-140. Rights shall be waived if objections are not filed.
28-5-150 Appointment of guardians ad litem.
28-5-160. Determination of issues other than amount of compensation.
28-5-170 Appointment, qualifications, compensation and oath of special master
28-5-180 Notice which shall be given by special master.
28-5-190. Hearing before special master.
28-5-200 Evidence which is admissible in determining value of condemned land
28-5-210. Benefit to property shall not be considered.
28-5-220. Improvements after commencement of proceedings shall not be considered
28-5-230 Time within which special master must make report
28-5-240 Hearing on objections to special master's report and notices thereof
28-5-250. Action of court on report, vesting of property
28-5-260. Jury trial
28-5-270 Entry of judgment after jury verdict, vesting of property
28-5-280 Abandonment of proceedings.
28-5-290 Withdrawal or dismissal of petition.
28-5-300. Recording of judgment in county office
28-5-310. Vesting of title in petitioner shall divest rights of all others in the property.
28-5-320 Money paid into court by petitioner shall be payment or deposit for persons entitled thereto, disbursement
28-5-330 Recovery of awards paid to persons not entitled thereto.
28-5-340. Right of appeal.
28-5-350. Effect of appeal
28-5-360 Bond on appeal
28-5-370. Order not appealed shall be final
28-5-380 Assessment of costs when court award is less than offer of compensation
28-5-390 Powers conferred by chapter shall be cumulative

§ 28-5-10. Short title.

This chapter may be referred to as the "Public Works Eminent Domain Law."

HISTORY: 1962 Code § 25-101; 1952 Code § 25-101; 1942 Code § 9126; 1936 (39) 1268.

Related Local Laws—

For a local law making this chapter applicable to Chesterfield, Greenwood, Horry, Laurens, Lexington and Saluda Counties, see Local Law Index.

Cross references—

As to procedure for condemnation by municipalities, see §§ 28-9-10 to 28-9-110.

Research and Practice References—

Eminent Domain. 22 SC L Rev 539.
Eminent Domain: Damages. 24 SC L Rev 622
Eminent Domain: "Taking" of Private Property. 24 SC L Rev 622.
Eminent Domain. Statute of Limitations. 24 SC L Rev 624.
Eminent Domain. 25 SC L Rev 454.

CASE NOTES

Purpose of Public Works Eminent Domain Law —Under SC Const, Art I, § 17 (now Art I, § 13), it is left to the legislature to enact procedure by which private property may be condemned for public use, together with the means by which just compensation is to be made, and this law fully provides these essentials. Spartanburg v Belk's Dept. Store, 199 SC 458, 20 SE2d 157 (1942).

Public Works Eminent Domain Law authorizes entry of judgment. South Carolina State Highway Dept. v Schrumpf, 242 SC 357, 131 SE2d 44 (1963).

Applied in School Dist. No. 10 of Charleston County v Wallace, 241 SC 323, 128 SE2d 167 (1962), University of South Carolina v Mehlman, 245 SC 180, 139 SE2d 771 (1964), Timmons v South Carolina Tricentennial Comm'n, 254 SC 378, 175 SE2d 805 (1970).

Cited in Welling v Clinton Newberry Natural Gas Authority, 221 SC 417, 71 SE2d 7 (1952).

ATTORNEY GENERAL'S OPINIONS

Power of eminent domain must be conferred by law on State agencies and will not be inferred under the Public Works Eminent Domain Law. 1966-67 Ops Att'y Gen, No 2319, p 142.

A county has the power of eminent domain to acquire property to be used for a public works project. 1971-72 Ops. Att'y Gen, No 3302, p 119.

§ 28-5-20. Definitions.

The following terms whenever used or referred to in this chapter shall have the following respective meanings unless a different meaning clearly appears from the context:

(1) *"Public works project"* shall mean any work or undertaking which is financed in whole or in part by a Federal agency or a State public body;

(2) *"Federal agency"* shall mean the United States or any agency or instrumentality, corporate or otherwise, of the United States;

(3) *"State public body"* shall mean this State or any county, city, town, municipal corporation, authority or other subdivision, agency or instrumentality, corporate or otherwise, thereof;

(4) *"Authorized corporation"* shall mean any corporation or association engaged or about to engage in any public works project for a public use if the construction of such public works project and its conduct thereafter by the corporation or association shall be subject to regulation or supervision by a Federal agency or a State public body, whether by virtue of an agreement, provision of law or otherwise;

(5) *"Real property," "property"* or *"land"* shall include all lands, including improvements and fixtures thereon, lands under water, easements and hereditaments, corporeal or incorporeal, every estate, interest and right, legal or equitable, in lands or water and all rights, interests, privileges, easements, encumbrances and franchises relating thereto including terms for years and liens by way of judgment, mortgage or otherwise;

(6) *"Court"* shall mean the court in which jurisdiction over proceedings hereunder is vested by the provisions of § 28-5-40 or any judge thereof; and

(7) *"Petitioner"* shall mean the one by whom proceedings for the acquisition of real property are instituted hereunder pursuant to the provisions of § 28-5-30.

HISTORY: 1962 Code § 25-102; 1952 Code § 25-102; 1942 Code § 9128; 1936 (39) 1268.

CASE NOTES

Cited in University of South Carolina v Mehlman, 245 SC 180, 139 S.E.2d 771 (1964).

§ 28-5-30. Entities which may institute proceedings.

Any Federal agency, State public body or authorized corporation may institute proceedings hereunder for the acquisition of any real property necessary for any public works project.

HISTORY: 1962 Code § 25-103; 1952 Code § 25-103; 1942 Code § 9129; 1936 (39) 1268.

Related Local Laws—

For a local law concerning acquisition of property by Pawleys Island Erosion District, see Local Law Index.

For a local law concerning acquisition of additional transmission lines by the Greenwood County Electric Power Commission, see Local Law Index.

For a local law concerning condemnation by supervisor of Colleton County, see Local Law Index.

For a local law concerning condemnation proceeding by the Dillon County Fish, Forestry, Game and Recreation Commission, see Local Law Index.

For a local law concerning power of condemnation of Broadaway Lake Commission, Anderson County, see Local Law Index.

Cross references—

As to taking private property, see SC Const. Art. 1, § 13.

As to condemnation under this chapter by State Budget and Control Board, see § 1-11-110.

As to condemnation by counties for purpose of building airports, see §§ 55-9-50 to 55-9-170.

As to power of eminent domain in State Development Board, see § 13-3-100.

As to power of condemnation of rural electric cooperatives, see § 33-49-250.

As to condemnation of historic property by counties, see § 4-17-20.

As to powers of condemnation of sanitary and drainage commissions, see § 49-15-50.

As to condemnation by drainage district of land needed but not affected by the drainage, see § 49-17-1050.

As to power of condemnation under this chapter of the University of South Carolina, see § 59-117-70.

As to power of condemnation of electric companies, State authorities and rural electric cooperatives for certain purposes, see § 58-27-130.

As to power of county to condemn land for landfill purposes in disposing of solid waste, see § 44-55-1220.

As to condemnation for State highway system, see §§ 57-5-310 et seq.

As to condemnation by counties of land for road material or house for bridge watchman, see §§ 57-17-310 et seq.

As to condemnation by housing corporations, see §§ 31-1-450, 31-1-460.

As to condemnation of property by the State Ports Authority, see § 54-3-150.

As to condemnation by city housing authority, see §§ 31-3-460 to 31-3-500.

As to power of condemnation of pipeline companies, see § 58-7-10.

As to condemnation powers of waterworks companies, see §§ 58-7-20 and 58-7-30.

As to condemnation by telegraph and telephone companies of land, other than land of railroad or railway, see § 58-9-2030.

As to condemnation by telegraph and telephone companies of railroad rights-of-way, see §§ 58-9-2050 to 58-9-2140.

As to publication of notice to seek charter of railroad, street railway, steamboat or canal company which will have power of condemnation, see § 58-15-20.

As to power of condemnation of canal companies, see § 58-15-410.

As to condemnation of lands or rights of way by railways and canals, see §§ 58-15-1210 to 58-15-1370.

As to acquisition of land, rights of way, extensions, etc., by railroad, see §§ 58-17-1150 to 58-17-1210, and 58-17-3910.

As to condemnation by railroad when connecting switches are refused by another railroad, see § 58-17-2630.

As to condemnation by railroads for connecting tracks, see § 58-17-2660.

As to acquisition and condemnation of land for municipal public works, see §§ 5-31-410 et seq.

As to power of municipalities to acquire existing waterworks by condemnation, see §§ 5-31-610 et seq.

As to condemnation of property under the Revenue Bond Act for Utilities, see § 6-21-110.

As to power of condemnation of electric lighting districts, water supply districts, fire protection districts and sewer districts, see § 6-11-130.

As to condemnation powers of watershed conservation districts, see § 48-11-110.

As to condemnation of land for inland waterway, see § 49-1-70.

Research and Practice References—
26 Am Jur 2d, Eminent Domain §§ 10-24.
29A CJS, Eminent Domain §§ 18-28.
9 Am Jur Pl & Pr Forms (Rev ed), Eminent Domain, Forms 21-27 (authority to exercise power of eminent domain).

ALR and L Ed Annotations—
Power of eminent domain as between state and subdivision or agency thereof, or as between different subdivisions or agencies themselves. 35 ALR3d 1293.

§ 28-5-40. Venue; priority of proceedings.

Such proceedings may be instituted in the common pleas court in any county in which any part of the real property or of the proposed public works project is situate. The court, whether during a term or during a vacation, shall cause any such proceeding to be heard and determined without delay. All condemnation proceedings hereunder shall be preferred cases and shall be entitled to precedence over all other civil cases.

HISTORY: 1962 Code § 25-104; 1952 Code § 25-104; 1942 Code § 9129; 1936 (39) 1268.

Research and Practice References—
27 Am Jur 2d, Eminent Domain § 382.
29A CJS, Eminent Domain § 233.

§ 28-5-50. Petition.

A proceeding may be instituted hereunder by the filing of a petition which shall be sufficient if it sets forth:

(1) The name of the petitioner;

(2) A description of the property, sufficient for the identification thereof, to which there may be attached a plat or map thereof;

(3) A statement that the acquisition of such property by the petitioner is necessary for a public works project and a brief general description of such public works project;

(4) A statement that the proceedings are being instituted under this chapter; and

(5) A suitable prayer for relief.

HISTORY: 1962 Code § 25-105; 1952 Code § 25-105; 1942 Code § 9130; 1936 (39) 1268.

Research and Practice References—
27 Am Jur 2d, Eminent Domain §§ 395, 396.
29A CJS, Eminent Domain §§ 250-266.
9 Am Jur Pl & Pr Forms (Rev ed), Eminent Domain, Forms 1-5 (presentation of petition for condemnation).
7 Am Jur Legal Forms 2d, Eminent Domain, § 97:14 (matters to be considered in drafting documents preliminary to exercise of the power of eminent domain).

§ 44-1-140. Department may promulgate and enforce rules and regulations for public health.

The Department of Health and Environmental Control may make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing:

(1) For the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public;

(2) For the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit;

(3) For the production, storing, labeling, transportation and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives and any other products made in semblance of milk or milk products;

(4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants;

(5) For the sanitation, processing and handling of shellfish, fish, crab meat, lobster and shrimp;

(6) For the control of disease-bearing insects, including the impounding of waters;

(7) For the sanitation of swimming pools and other bathing places, construction, tourist and trailer camps and fairs;

(8) For the control of industrial plants, including the protection of workers from fumes, gases and dust, whether obnoxious or toxic;

(9) For the use of water in air humidifiers;

(10) For the care, segregation and isolation of persons having or suspected of having any communicable, contagious or infectious disease;

(11) For the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction or otherwise;

(12) For the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for

the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; and

(13) For alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.

The Department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health.

HISTORY: 1962 Code § 32-8; 1952 Code § 32-8; 1942 Code § 5002; 1932 Code § 5002; Civ. C. '22 § 2313; 1912 (27) 744; 1926 (34) 1015; 1947 (45) 115; 1968 (55) 3042; 1972 (57) 2687; 1973 (58) 297.

Cross references—

As to vital statistics generally, see §§ 44-63-10 to 44-63-200.

As to regulations governing sanitation in manufacture and distribution of ice cream, etc., see § 39-37-120.

As to setting up regulations for the sanitation of commercial fisheries in Horry County, see § 50-17-3080.

As to investigation of complaints concerning boarding and nursing homes, see § 43-21-90.

As to rules and regulations pertaining to jails and other penal institutions, see Rules and Regulations, Department of Health and Environmental Control.

As to rules and regulations pertaining to eating and drinking establishments and other retail food establishments, see Rules and Regulations, Department of Health and Environmental Control.

As to rules and regulations pertaining to milk and milk products, see Rules and Regulations, Department of Health and Environmental Control.

As to rules and regulations pertaining to poultry processing plants, see Rules and Regulations, Department of Health and Environmental Control.

As to rules and regulations pertaining to design, construction and operation of swimming pools, see Rules and Regulations, Department of Health and Environmental Control.

As to rules and regulations pertaining to trailer parks, see Rules and Regulations, Department of Health and Environmental Control.

As to rules and regulations pertaining to communicable diseases, see Rules and Regulations, Department of Health and Environmental Control.

Research and Practice References—

39 Am Jur 2d, Health § 4

CASE NOTES

Cited in Sansing v Cherokee County Tourist Camp Board, 195 SC 7, 10 SE2d 157 (1940)

ATTORNEY GENERAL'S OPINIONS

The State Board of Health has the responsibility after milk is physically in the State to insure that such milk meets the health standards and requirements of this State. 1963-64 Ops. Att'y Gen., No 1755, p 261.

school, institution, industry, recreation area, or a business which bottles drinking water is classified as a public water supply.

"Semipublic water supply" shall mean any waterworks system which furnishes drinking water to the public other than public water supplies as defined in this section. This shall include restaurants, food processing plants, meat markets, ice plants, motels, hotels, cafes, trailer parks, industries, and any other establishment which has drinking water for public consumption on the premises from other than a public supply.

HISTORY: 1962 Code § 32-1201; 1968 (55) 2436.

Related Local Laws—
For a local law pertaining to water supply of Greenville, see Local Law Index.

Cross references—
As to dumping trash or refuse without written permission or on highways, see § 16-11-700.
As to water and watercourses generally, see Title 49.
As to air and water pollution control, see §§ 48-1-10 to 48-1-350.
As to financial assistance to certain municipalities and special service districts receiving Federal grants, see §§ 48-5-10 et seq.
As to municipal utilities, generally, see §§ 5-31-610 to 5-31-680.
As to sale of municipal electric or water plant, see §§ 5-31-1310 to 5-31-1370.
As to extension of water and sewer systems beyond corporate limits of towns between 3,000 and 4,000, see §§ 5-31-1710 to 5-31-1780.
As to rules and regulations pertaining to water, see Rules and Regulations, Department of Health and Environmental Control.

§ 44-55-20. Application for construction permit; design and construction of waterworks systems generally; final inspection and approval; requirements for construction of semipublic water supply.

(A) Before construction, expansion, or modification of any public water treatment facility, or major construction, expansion or modification of any public water distribution system, application shall be made to the State Department of Health and Environmental Control for a permit for construction. The application shall include such engineering, chemical, physical, or bacteriological data as may be required by the Department of Health and Environmental Control and shall be accompanied by engineering plans, drawings, and specifications prepared by an engineer registered in this State which shall carry his official signature and seal.

(B) In general, the design and construction of waterworks systems shall be in accord with modern engineering practices for such installations. The Department of Health and Environmental Control shall establish such rules, regulations, procedures, or standards as may be necessary to protect the health of the public

and to insure proper operation and function of waterworks systems.

(C) Upon completion of any new water purification plant or water distribution system, arrangements shall be made by the consulting engineer with the Engineering Division of the Department of Health and Environmental Control for a final inspection and approval by the Department of Health and Environmental Control. No new facility shall be operated prior to the approval by the Department of Health and Environmental Control.

(D) Before the construction of a semipublic water supply, the owner must obtain the approval of the Department of Health and Environmental Control. Preparation by a licensed engineer or architect may be required in accordance with the size, scope, or complexity of the proposed project at the discretion of the Department of Health and Environmental Control. Plans and specifications must generally follow requirements as set forth for public water supplies.

HISTORY: 1962 Code § 32-1202; 1968 (55) 2436.

Cross references—
As to municipal utilities, generally, see §§ 5-31-610 to 5-31-680.
As to rules and regulations pertaining to water, see Rules and Regulations, Department of Health and Environmental Control.

Research and Practice References—
78 Am Jur 2d, Waterworks and Water Companies § 2.

ATTORNEY GENERAL'S OPINIONS

The State Board of Health may not require by rule and regulation that fluoride be added to the water supplies of the waterworks systems in the State. 1971-72 Ops. Att'y Gen., No 3253, p 37.

§ 44-55-30. Bacteriological and chemical standards shall be established; testing and analysis of water supplies.

(A) The Department of Health and Environmental Control shall establish such bacteriological and chemical standards as shall adequately protect the health, interest, and welfare of the people who are using water from public or semipublic water systems. All public and semipublic water systems shall be maintained and operated by the owner in such a manner that the purity of water furnished the public at all times meets or exceeds the standards as established by the Department of Health and Environmental Control.

(B) Each public and semipublic water supply shall have the bacteriological test of its water supply, collected from its distribu-

§ 44-55-810. Declaration of legislative purpose.

The General Assembly, having considered the problems associated with proper sewage disposal, finds that many mobile, modular and permanently constructed homes are being constructed, located, and installed in areas of this State which will not support an individual sewage disposal system, and further finds that this situation has resulted in the discharge of sewage to the ground or to adjacent waters. To correct this problem is the purpose of this article.

HISTORY: 1975 (59) 597.

Cross references—

As to rules and regulations pertaining to waste disposal systems, see Rules and Regulations, Department of Health and Environmental Control

As to rules and regulations pertaining to subdivision water supply and waste disposal systems, see Rules and Regulations, Department of Health and Environmental Control.

§ 44-55-820. Electricity shall not be furnished unless sewage disposal method has been approved.

No private or public utility, municipality, or electric cooperative supplying power shall connect temporary or permanent power to a new site of any mobile, modular or permanently constructed building or facility until such time as the power supplier is presented with a certificate, license, or permit by the county or municipality when the proposed connection is to be made within the corporate limits thereof authorizing such connection. No such certificate, license, or permit shall be issued by the county or municipality without a permit from the county health department approving the method of sewage disposal; nor shall such permit, certificate or license be issued until evidence is presented that all other appropriate safety and health regulations, permits, codes and ordinances have been complied with. Such permits, certificates or licenses shall state the location of the approved site. The governing body of each county or municipality shall provide one office to issue evidence that all such requirements have been met by the applicant.

HISTORY: 1975 (59) 597.

Cross references—

As to rules and regulations pertaining to waste disposal systems, see Rules and Regulations, Department of Health and Environmental Control.

As to rules and regulations pertaining to subdivision water supply and waste disposal systems, see Rules and Regulations, Department of Health and Environmental Control

CHAPTER 19

South Carolina Mining Act

SEC.

48-19-10. Short title.
48-19-20. Legislative declaration of purpose.
48-19-30. Definitions.
48-19-40. Operating permits for mining required.
48-19-50. Application for and issuance or denial of permit; transfer.
48-19-60. Modification and renewal of permits.
48-19-70. Reclamation plans.
48-19-80. Bonds.
48-19-90. Required reports.
48-19-100. Inspections, correction of deficiencies; effect of failure to carry out reclamation plan.
48-19-110. Modification of reclamation plan and other terms and conditions of permit.
48-19-120. Suspension or revocation of permit.
48-19-130. Forfeiture of bond.
48-19-140. Manner of giving notice.
48-19-150. Appeal to Mining Council.
48-19-160. Appeal of Mining Council's decision to court.
48-19-170. Promulgation of rules and regulations by Mining Council.
48-19-180. Sanctions for violation of chapter.
48-19-190. Chapter shall not affect zoning regulations or ordinances.
48-19-200. Chapter shall not impair right to bring action
48-19-210. Chapter shall not apply to certain activities and areas
48-19-220. Other powers of Department, cooperation with governmental agencies.
48-19-230. Lands to be included in reclamation plan

§ 48-19-10. Short title.

This chapter may be known and cited as "The South Carolina Mining Act."

HISTORY: 1962 Code § 63-711; 1973 (58) 314.

Editor's Note—

Section 2 of 1973 Act No 274 (1973 (58) 314) contains legislative findings relative to this chapter, and provides:

"The General Assembly finds that the extraction of minerals by mining is a basic and essential activity making an important contribution to the well-being of South Carolina and the nation. However, it is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials, and the very character of certain surface mining operations precludes complete restoration of the land to its original condition. It is possible to conduct mining in such a way as to minimize its effects on the surrounding environment. Proper reclamation of mined land is necessary to prevent undesirable land and water conditions that would be detrimental to the general welfare, health, safety, beauty, and property rights of the citizens of the State. The

General Assembly finds that the conduct of mining and reclamation of mined lands as provided by this act will allow the mining of valuable minerals and will provide for the protection of the State's environment and for the subsequent beneficial use of the mined and reclaimed land."

Cross references—

As to the South Carolina Geological Survey, see §§ 13-5-10 to 13-5-50.

Research and Practice References—

54 Am Jur 2d, Mines and Minerals § 167.
58 CJS, Mines and Minerals § 229.

§ 48-19-20. Legislative declaration of purpose.

The purposes of this chapter are to provide:

(a) That the usefulness, productivity, and scenic values of all lands and waters involved in mining within the State will receive the greatest practical degree of protection and restoration.

(b) That from July 1, 1974, no mining shall be carried on in the State unless plans for such mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining.

HISTORY: 1962 Code § 63-712; 1973 (58) 314.

§ 48-19-30. Definitions.

Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context:

(a) *"Mining"* means (1) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of ores or mineral solids for sale or processing or consumption in the regular operation of a business; (2) removal of overburden lying above natural deposits of ore or mineral solids and removal of the mineral deposits thereby exposed, or by removal of ores or mineral solids from deposits lying exposed in their natural state. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered mining when done only for the purpose of determining location, quantity, or quality of a natural deposit, so long as no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business and provided the land affected does not exceed one acre in area. It shall not include plants engaged in processing minerals except as such plants are an integral on-site part of the removal of ores or mineral solids from natural deposits. It shall not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction. It shall not include dredging operations

where such operations are engaged in the harvesting of oysters, clams, or the removal of shells from coastal bottoms.

(b) *"Council"* means the Mining Council created by §§ 48-21-10 and 48-21-20.

(c) *"Department"* means the Land Resources Conservation Commission. Whenever in this chapter the Department is assigned duties, they may be performed by the director or by such of his subordinates as he may designate.

(d) *"Minerals"* means soil, clay, coal, stone, gravel, sand, phosphate, rock, metallic ore, and any other solid material or substance found in natural deposits on or in the earth.

(e) *"Affected land"* means (1) the area of land from which overburden or minerals have been removed or upon which overburden has been deposited or both, including any area on which is located a plant which is an integral part of the process of the removal of ores or mineral solids from natural deposits;

(2) stockpiles and settling ponds located on or adjacent to lands from which overburden or minerals have been removed.

(f) *"Neighboring"* means in close proximity, in the immediate vicinity, or in actual contact.

(g) *"Termination of mining"* means cessation of mining operations with intent not to resume, or cessation of mining operations as a result of expiration or revocation of the permit of the operator. Whenever the Department shall have reason to believe that a mining operation has terminated, it shall give the operator written notice of its intention to declare the operation terminated, and he shall have an opportunity to appear within thirty days and present evidence that the operation is continuing; where the Department finds that such evidence is satisfactory, it shall not make such a declaration.

(h) *"Operator"* means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, engaged in mining operations, whether individually, jointly, or through subsidiaries, agents, employees, or contractors.

(i) *"Overburden"* means the earth, rock, and other materials that lie above the natural deposit of minerals.

(j) *"Refuse"* means all waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources.

(k) *"Spoil bank"* means a deposit of excavated overburden or refuse.

(l) *"Peak"* means overburden removed from its natural position and deposited elsewhere in the shape of conical piles or projecting points.

(m) *"Ridge"* means overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation.

(n) *"Reclamation"* means the reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area.

(o) *"Reclamation plan"* means the operator's written proposal as required and approved by the Department for reclamation of the affected land, which shall include but not be limited to:

(1) Proposed practices to protect adjacent surface resources;

(2) Specifications for surface gradient restoration, including sketches delineating slope angle, to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;

(3) Manner and type of revegetation or other surface treatment of the affected areas;

(4) Method of prevention or elimination of conditions that will be hazardous to animal or fish life in or adjacent to the area;

(5) Method of compliance with State air and water pollution laws;

(6) Method of rehabilitation of settling ponds;

(7) Method of control of contaminants and disposal of mining refuse;

(8) Method of restoration of establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;

(9) Such maps and other supporting documents as may be reasonably required by the Department; and

(10) A time schedule that meets the requirements of § 48-19-70.

(p) *"Borrow pit"* means an area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance.

(q) *"Land"* shall include submerged lands underlying any river,

stream, lake, sound, or other body of water and shall specifically include, among others, estuarine and tidal lands.

HISTORY: 1962 Code § 63-713; 1973 (58) 314.

§ 48-19-40. Operating permits for mining required.

After January 1, 1975, no operator shall engage in mining without having first obtained from the Department an operating permit which covers the affected land which has not terminated, been revoked, been suspended for the period in question, or otherwise become invalid. An operating permit may be modified from time to time to include land neighboring the affected land, in accordance with procedures set forth in § 48-19-60. A separate permit shall be required for each mining operation that is not on land neighboring a mining operation for which the operator has a valid permit.

No permit shall be issued except in accordance with the procedures set forth in § 48-19-50, nor modified or renewed except in accordance with the procedures set forth in § 48-19-60.

An appeal from the Department's denial of a permit may be taken to the Mining Council, as provided by § 48-19-150.

No permit shall become effective until the operator has deposited with the Department an acceptable performance bond or other security pursuant to § 48-19-80. If at any time the bond or other security, or any part thereof, shall lapse for any reason other than a release by the Department, and the lapsed bond or security is not replaced by the operator within thirty days after notice of the lapse, the permit to which it pertains shall automatically become void and of no further effect.

An operating permit shall be granted for a period not exceeding ten years. If the mining operation terminates and the reclamation required under the approved reclamation plan is completed prior to the end of such period, the permit shall terminate. Termination of a permit shall not have the effect of relieving the operator of any obligations which he has incurred under his approved reclamation plan or otherwise. Where the mining operation itself has terminated, no permit shall be required in order to carry out reclamation measures under the reclamation plan.

An operating permit may be renewed from time to time, pursuant to procedures set forth in § 48-19-60.

An operating permit may be suspended or revoked for cause, pursuant to procedures set forth in § 48-19-120.

HISTORY: 1962 Code § 63-714; 1973 (58) 314; 1974 (58) 2397.

Research and Practice References—
54 Am Jur 2d, Mines and Minerals § 175.
58 CJS, Mines and Minerals § 240.

§ 48-19-50. Application for and issuance or denial of permit; transfer.

Any operator desiring to engage in mining shall make written application to the Department for a permit. Such application shall be upon a form furnished by the Department and shall fully state the information called for; in addition, the applicant may be required to furnish such other information as may be deemed necessary by the Department in order adequately to enforce this chapter.

The application shall be accompanied by a reclamation plan which meets the requirements of § 48-19-70. No permit shall be issued until such plan has been approved by the Department.

The application shall be accompanied by a signed agreement, in a form specified by the Department, that in the event a bond forfeiture is ordered pursuant to § 48-19-130, the Department and its representatives and its contractors shall have the right to make whatever entries on the land and to take whatever actions may be necessary in order to carry out reclamation which the operator has failed to complete.

The Department shall grant or deny the permit requested as expeditiously as possible but in no event later than sixty days after the application form and any supplemental information required shall have been filed with the Department. Priority consideration shall be given to applicants who submit evidence that the mining proposed will be for the purpose of supplying materials for highway maintenance or construction.

The Department shall deny such permit upon finding:

(a) That any requirement of this chapter or any rule or regulation promulgated hereunder will be violated by the proposed operation;

(b) That the operation will have unduly adverse effects on wildlife or fresh water, estuarine, or marine fisheries;

(c) That the operation will violate standards of air quality, surface water quality, or ground water quality which have been promulgated by the South Carolina Department of Health and Environmental Control;

(d) That the operation will constitute a substantial physical hazard to a neighboring dwelling house, school, church, hospital, commercial or industrial building, public road or other public property;

(e) That the operation will have a significantly adverse effect on the purposes of a publicly owned park, forest or recreation area;

(f) That previous experience with similar operations indicates a substantial possibility that the operation will result in substantial deposits of sediment in stream beds or lakes, landslides, or acid water pollution; or

(g) That the operator has not corrected all violations which he may have committed under any prior permit and which resulted in

(1) revocation of his permit,

(2) forfeiture of part or all of his bond or other security,

(3) conviction of a misdemeanor under § 48-19-180, or

(4) any other court order issued under § 48-19-180.

In the absence of any such finding, a permit shall be granted.

Any permit issued shall be expressly conditioned upon compliance with all requirements of the approved reclamation plan for the operation and with such further reasonable and appropriate requirements and safeguards as may be deemed necessary by the Department to assure that the operation will comply fully with the requirements and objectives of this chapter. Such conditions may, among others, include a requirement of visual screening, vegetative or otherwise, so as to screen the view of the operation from public highways, public parks, or residential areas, where the Department finds such screening to be feasible and desirable. Violation of any such conditions shall be treated as a violation of this chapter and shall constitute a basis for suspension or revocation of the permit.

Any operator wishing any modification of the terms and conditions of his permit or of the approved reclamation plan shall submit a request for modification in accordance with the provisions of § 48-19-60.

If the Department denies an application for a permit, it shall notify the operator in writing, stating the reasons for its denial and any modifications in the application which would make it acceptable. The operator may thereupon modify his application or file an appeal, as provided in § 48-19-150, but no such appeal shall be taken more than sixty days after notice of disapproval has been mailed to him at the address shown on his application.

Upon approval of an application, the Department shall set the amount of the performance bond or other security which is to be required pursuant to § 48-19-80. The operator shall have sixty days following the mailing of such notification in which to deposit the required bond or security with the Department. The operating permit shall not be issued until receipt of this deposit.

When one operator succeeds to the interest of another in any uncompleted mining operation, by virtue of a sale, lease, assignment, or otherwise, the Department may release the first operator from the duties imposed upon him by this chapter with reference to such operation and transfer the permit to the successor operator; *provided,* that both operators have complied with the requirements of this chapter and that the successor operator assumes the duties of the first operator with reference to reclamation of the land and posts a suitable bond or other security.

HISTORY: 1962 Code § 63-715; 1973 (58) 314.

§ 48-19-60. Modification and renewal of permits.

Any operator engaged in mining under an operating permit may apply at any time for modification of such permit, and at any time during the two years prior to its expiration date for renewal of the permit. Such application shall be in writing upon forms furnished by the Department and shall fully state the information called for; in addition, the applicant may be required to furnish such other information as may be deemed necessary by the Department in order adequately to enforce this chapter. However, it shall not be necessary to resubmit information which has not changed since the time of a prior application, where the applicant states in writing that such information has not changed.

The procedure to be followed and standards to be applied in renewing a permit shall be the same as those for issuing a permit; *provided, however,* that in the absence of any changes in legal requirements for issuance of a permit since the date on which the prior permit was issued, the only basis for denying a renewal permit shall be an uncorrected violation of the type listed in subsection (g) of § 48-19-50, or failure to submit an adequate reclamation plan in light of conditions then existing.

A modification under this section may affect the land area covered by the permit, the approved reclamation plan coupled with the permit, or other terms and conditions of the permit. A permit may be modified to include land neighboring the affected land, but not other lands. The reclamation plan may be modified in any manner, so long as the Department determines that the modified plan fully meets the standards set forth in § 48-19-70 and that the modifications would be generally consistent with the bases for issuance of the original permit. Other terms and conditions may be modified only where the Department determines that the permit as modified would meet all requirements of §§ 48-19-40 and 48-19-50. No modification shall extend the expiration date of any permit issued under this chapter.

In lieu of a modification or a renewal, an operator may apply for a new permit in the manner prescribed by §§ 48-19-40 and 48-19-50.

No modification or renewal of a permit shall become effective until any required changes have been made in the performance bond or other security posted under the provisions of § 48-19-80, so as to assure the performance of obligations assumed by the operator under the permit and reclamation plan.

HISTORY: 1962 Code § 63-716; 1973 (58) 314.

§ 48-19-70. Reclamation plans.

The operator shall submit with his application for an operating permit a proposed reclamation plan. Such plan shall be furnished to the local soil and water conservation district in which such mining operation will be conducted. The plan shall include as a minimum, each of the elements specified in the definition of "reclamation plan" in § 48-19-30, plus such other information as may be reasonably required by the Department. The reclamation plan shall provide that reclamation activities, particularly those relating to control of erosion, shall to the extent feasible be conducted simultaneously with mining operations and in any event be initiated at the earliest practicable time after completion or termination of mining on any segment of the permit area. The plan shall provide that reclamation activities shall be completed within two years after completion or termination of mining on each segment of the area for which a permit is requested unless a longer period is specifically permitted by the Department.

The Department may approve, approve subject to stated modifications, or reject the plan which is proposed. The Department shall approve a reclamation plan (as submitted or as modified) only where it finds that it adequately provides for those actions necessary to achieve the purposes and requirements of this chapter, and that in addition, the plan meets the following minimum standards:

(a) The final slopes in all excavations in soil, sand, gravel, and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.

(b) Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.

(c) In open cast mining operations, all overburden and spoil shall be left in a configuration which is in accordance with ac-

cepted conservation practices and which is suitable for the proposed subsequent use of the land.

(d) In no event shall any provision of this section be construed to allow small pools of water that are, or are likely to become, noxious, odious, or foul to collect or remain on the mined area. Suitable drainage ditches or conduits shall be constructed or installed to avoid such conditions. Lakes, ponds, and marsh lands shall be considered adequately reclaimed lands when approved by the Department.

(e) The type of vegetative cover and methods of its establishment shall be specified, and in every case shall conform to accepted and recommended agronomic and reforestation restoration practices as established by the South Carolina Agricultural Experiment Station of Clemson University and the South Carolina Forestry Commission. Advice and technical assistance may be obtained through the State Soil and Water Conservation Districts.

The Department shall be authorized to approve a reclamation plan despite the fact that such plan does not provide for reclamation treatment of every portion of the affected land, where the Department finds that because of special conditions such treatment would not be feasible for particular areas and that the plan takes all practical steps to minimize the extent of such areas.

An operator shall have the right to substitute an area mined in the past for an area presently being mined with the approval of the Department.

HISTORY: 1962 Code § 63-717; 1973 (58) 314.

Research and Practice References—
58 CJS, Mines and Minerals § 240.

ALR and L Ed Annotations—
Statutory or contractual obligation to restore surface after strip or other surface mining. 1 ALR2d 575.

§ 48-19-80. Bonds.

Each applicant for an operating permit, or for the renewal thereof, shall file with the Department following approval of his application and shall thereafter maintain in force a bond in favor of the State of South Carolina, executed by a surety approved by the Chief Insurance Commissioner, in the amount set forth below. The bond herein provided for must be continuous in nature and shall remain in force until cancelled by the surety. Cancellation by the surety shall be effectuated only upon sixty days' written notice thereof to the Department and to the operator.

The applicant shall have the option of filing a separate bond for

each operating permit or of filing a blanket bond covering all mining operations within the State for which he holds permits. The amount of each bond shall be based upon the area of affected land to be reclaimed under the approved reclamation plan or plans to which it pertains, less any such area whose reclamation has been completed and released from coverage by the Department pursuant to § 48-19-100. Where such area totals less than five acres, the bond shall be in the amount of two thousand five hundred dollars; where it is five or more, but less than ten acres, the bond shall be in the amount of five thousand dollars; where it is ten or more, but less than twenty-five acres, the bond shall be in the amount of twelve thousand five hundred dollars; where it is twenty-five or more acres, the bond shall be in the amount of twenty-five thousand dollars, *provided, however,* that where such area totals more than 25 acres, the Department may require a bond in excess of twenty-five thousand dollars where a greater bond is necessary to insure reclamation as provided by this chapter.

The bond shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations adopted pursuant thereto. Liability under the bond shall be maintained as long as reclamation is not completed in compliance with the approved reclamation plan unless released only upon written notification from the Department. Notification shall be given upon completion of compliance or acceptance by the Department of a substitute bond. In no event shall the liability of the surety exceed the amount of the surety bond required by this section.

In lieu of the surety bond required by this section, the operator may file with the Department a cash deposit, negotiable securities, a mortgage of real property acceptable to the Department, or an assignment of a savings account in a South Carolina bank on an assignment form prescribed by the Department.

If the license to do business in South Carolina of any surety upon a bond filed pursuant to this chapter should be suspended or revoked, the operator shall, within sixty days after receiving notice thereof, substitute for such surety a good and sufficient corporate surety authorized to do business in this State. Upon failure of the operator to make such substitution, his permit shall automatically become void and of no effect.

HISTORY: 1962 Code § 63-718; 1973 (58) 314.

§ 48-19-90. Required reports.

Within thirty days after completion or termination of mining on

an area under permit or within thirty days after each anniversary of the issuance of the operating permit, whichever is earlier, or at such later date as may be provided by rules and regulations of the Department, and each year thereafter until reclamation is completed and approved, the operator shall file a report of activities completed during the preceding year on a form prescribed by the Department, which shall:

(a) Identify the mine, the operator and the permit number;

(b) State acreage disturbed by mining in the last twelve-month period;

(c) State and describe amount and type of reclamation carried out in the last twelve-month period;

(d) Estimate acreage to be newly disturbed by mining in the next twelve-month period;

(e) Provide such maps as may be specifically requested by the Department.

HISTORY: 1962 Code § 63-719; 1973 (58) 314.

§ 48-19-100. Inspections; correction of deficiencies; effect of failure to carry out reclamation plan.

Upon receipt of the operator's annual report or report of completion of reclamation and at any other reasonable time the Department may elect, the Department shall cause the permit area to be inspected to determine whether the operator has complied with the reclamation plan, the requirements of this chapter, any rules and regulations promulgated hereunder, and the terms and conditions of his permit. Accredited representatives of the Department shall have the right at all reasonable times to enter upon the land subject to the permit for the purpose of making such inspection and investigation.

The operator shall proceed with reclamation as scheduled in the approved reclamation plan. Following its inspection, the Department shall give written notice to the operator of any deficiencies noted. The operator shall thereupon commence action within thirty days to rectify these deficiencies and shall diligently proceed until they have been corrected. The Department may extend performance periods referred to in this section and in § 48-19-70 for delays clearly beyond the operator's control, but only in cases where the Department finds that the operator is making every reasonable effort to comply.

Upon completion of reclamation of an area of affected land, the operator shall notify the Department. The Department shall make an inspection of the area, and if it finds that reclamation has been

properly completed, it shall notify the operator in writing and release him from further obligations regarding such affected land. At the same time it shall release all or the appropriate portion of any performance bond or other security which he has posted under § 48-19-80.

If at any time the Department finds that reclamation of the permit area is not proceeding in accordance with the reclamation plan and that the operator has failed within thirty days after notice to commence corrective action, or if the Department finds that reclamation has not been properly completed in conformance with the reclamation plan within two years, or longer if authorized by the Department, after termination of mining on any segment of the permit area, it shall initiate forfeiture proceedings against the bond or other security filed by the operator under § 48-19-130. In addition, such failure shall constitute grounds for suspension or revocation of the operator's permit, as provided in § 48-19-120.

HISTORY: 1962 Code § 63-720; 1973 (58) 314.

§ 48-19-110. Modification of reclamation plan and other terms and conditions of permit.

If at any time it appears to the Department from its inspection of the affected land that the activities under the reclamation plan and other terms and conditions of the permit are failing to achieve the purposes and requirements of this chapter it shall give the operator written notice of that fact, of its intention to modify the reclamation plan and other terms and conditions of the permit in a stated manner, and of the operator's right to a hearing on the proposed modification at a stated time and place. The date for such hearing shall be not less than thirty nor more than sixty days after the date of the notice unless the Department and the operator shall mutually agree on another date. Following the hearing the Department shall have the right to modify the reclamation plan and other terms and conditions of the permit in the manner stated in the notice or in such other manner as it deems appropriate in view of the evidence submitted at the hearing.

HISTORY: 1962 Code § 63-721; 1973 (58) 314.

§ 48-19-120. Suspension or revocation of permit.

Whenever the Department shall have reason to believe that a violation of (a) this chapter, (b) any rules and regulations promulgated hereunder, or (c) the terms and conditions of a permit, including the approved reclamation plan, has taken place, it shall serve written notice of such fact upon the operator, specifying the facts constituting such apparent violation and informing the opera-

tor of his right to a hearing at a stated time and place. The date for such hearing shall be not less than thirty nor more than sixty days after the date of the notice, unless the Department and the operator shall mutually agree on another date. The operator may appear at the hearing, either personally or through counsel, and present such evidence as he may desire in order to prove that no violation has taken place or exists. If the operator or his representative does not appear at the hearing, or if the Department following the hearing finds that there has been a violation, the Department may suspend the permit until such time as the violation is corrected or may revoke the permit where the violation appears to be willful.

The effective date of any such suspension or revocation shall be sixty days following the date of the decision. An appeal to the Mining Council under § 48-19-150 shall stay such effective date until the Council's decision. A further appeal to the court of common pleas under § 48-19-160 shall stay such effective date until the date of the court judgment. If the Department finds at the time of its initial decision that any delay in correcting a violation would result in imminent peril to life or danger to property or to the environment, it shall promptly initiate a proceeding for injunctive relief under § 48-19-180 hereof. The pendency of any appeal from a suspension or revocation of a permit shall have no effect upon such action.

Any operator whose permit has been suspended or revoked shall be denied a new permit or a renewal of the old permit to engage in mining until he gives evidence satisfactory to the Department of his ability and intent to fully comply with the provisions of this chapter, rules and regulations promulgated hereunder, and the terms and conditions of his permit, including the approved reclamation plan, and that he has satisfactorily corrected all previous violations.

HISTORY: 1962 Code § 63-722; 1973 (58) 314.

§ 48-19-130. Forfeiture of bond.

Whenever the Department determines the necessity of a bond forfeiture under the provisions of § 48-19-100, or whenever it revokes an operating permit under the provisions of § 48-19-120, it shall request the Attorney General to initiate forfeiture proceedings against the bond or other security filed by the operator under § 48-19-80; *provided, however,* that no such request shall be made for forfeiture of a bond until the surety has been given written notice of the violation and a reasonable opportunity to take corrective action. Such proceedings shall be brought in the

name of the State of South Carolina. In such proceedings, the face amount of the bond or other security, less any amount released by the Department pursuant to § 48-19-100, shall be treated as liquidated damages and subject to forfeiture. All funds collected as a result of such proceedings shall be placed in a special fund and used by the Department to carry out, to the extent possible, the reclamation measures which the operator has failed to complete. If the amount of the bond or other security filed pursuant to this section proves to be insufficient to complete the required reclamation pursuant to the approved reclamation plan, the operator shall be liable to the Department for any excess above the amount of the bond or other security which may be required to defray the cost of completing the required reclamation.

HISTORY: 1962 Code § 63-723; 1973 (58) 314.

§ 48-19-140. Manner of giving notice.

Whenever in this chapter written notice is required to be given by the Department, such notice shall be mailed by registered or certified mail to the permanent address of the operator set forth in his most recent application for an operating permit or for a modification or renewal of such permit. No other notice shall be required.

HISTORY: 1962 Code § 63-724; 1973 (58) 314.

§ 48-19-150. Appeal to Mining Council.

An appeal may be taken to the Mining Council from any decision or determination of the Department refusing, modifying, suspending, revoking, or terminating an operating permit or reclamation plan, or imposing any term or condition on such permit or reclamation plan. The person taking such appeal shall within sixty days after the Department's decision give written notice to the Mining Council through its secretary that he desires to take an appeal, at the same time filing a copy of such notice with the Department. The Chairman of the Mining Council shall fix a reasonable time and place for a hearing, giving reasonable notice thereof to the appellant and to the Department. The Mining Council, or a committee thereof designated by the Council's rules of procedure, shall thereupon conduct a full and complete hearing as to the matters in controversy, after which it shall within a reasonable time give a written decision setting forth its findings of fact and its conclusions. The Council or its designated committee may affirm, affirm with modifications, or overrule the decision of the Department and may direct the Department to take such action as may be required to effectuate its decision. A further

appeal may be taken from the Council's decision to the court of common pleas as provided in § 48-19-160.

HISTORY: 1962 Code § 63-725; 1973 (58) 314.

§ 48-19-160. Appeal of Mining Council's decision to court.

An appeal to the courts may be taken from any decision of the Mining Council, in the manner provided by Chapter 7 of Title 18. Such an appeal may also lie against the Department's refusal to release part or all of a bond or other security posed under § 48-19-80, as provided in § 48-19-100. Any such appeal may be filed in the Court of Common Pleas for Richland County or for the county in which the mining operation is to be conducted.

HISTORY: 1962 Code § 63-726; 1973 (58) 314.

§ 48-19-170. Promulgation of rules and regulations by Mining Council.

The Mining Council shall be responsible for promulgating rules and regulations respecting the administration of this chapter and in conformity herewith. Such rules and regulations shall set forth the duties of operators applying for permits under this chapter and also those of the Department Director, his subordinates, or designees. No such rules or regulations shall become effective until after public hearings thereon before the Council. Such public hearings are to be held after thirty days' notice of which has been published and sent to each person, firm, or corporation who has requested the Council to be notified of any such hearing and notice published for three weeks in a newspaper having circulation throughout the state of South Carolina.

HISTORY: 1962 Code § 63-727; 1973 (58) 314.

Research and Practice References—
54 Am Jur 2d, Mines and Minerals §§ 167, 173.

§ 48-19-180. Sanctions for violation of chapter.

In addition to other penalties provided by this chapter, any operator who engages in mining in willful violation of the provisions of this chapter or of any rules and regulations promulgated hereunder or who willfully misrepresents any fact in any action taken pursuant to this chapter or willfully gives false information in any application or report required by this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. Each day of continued violation after written notification shall be considered a separate offense.

In addition to other remedies, the Department may institute any appropriate action or proceedings to prevent, restrain, correct, or abate any violation of this chapter or of any rules and regulations promulgated hereunder.

HISTORY: 1962 Code § 63-728; 1973 (58) 314.

Research and Practice References—
58 CJS, Mines and Minerals §§ 241, 242.
24 Am Jur Pl & Pr Forms (Rev ed), Waters, Form 191 (complaint, petition, or declaration to enjoin pollution caused by strip-mining coal).
18 Am Jur Trials, Subterranean Water Pollution §§ 1 et seq.

ALR and L Ed Annotations—
Liability for pollution of subterranean waters. 38 ALR2d 1265.
Preliminary mandatory injunction to prevent, correct, or reduce effects of polluting practices. 49 ALR3d 1239

§ 48-19-190. Chapter shall not affect zoning regulations or ordinances.

No provision of this chapter shall be construed to supersede or otherwise affect or prevent the enforcement of any zoning regulation or ordinance duly adopted by an incorporated municipality or county or by any agency or department of this State, except insofar as a provision of any such regulation or ordinance is in direct conflict with this chapter.

HISTORY: 1962 Code § 63-729; 1973 (58) 314.

Cross references—
As to municipal zoning and planning, see §§ 5-23-10 et seq.

§ 48-19-200. Chapter shall not impair right to bring action.

No provisions of this chapter shall be construed to restrict or impair the right of any private or public person to bring any legal or equitable action for damages or redress against nuisances or hazards.

HISTORY: 1962 Code § 63-730; 1973 (58) 314

Research and Practice References—
54 Am Jur 2d, Mines and Minerals §§ 174, 194.
58 CJS, Mines and Minerals § 237.
17 Am Jur Pl & Pr Forms (Rev ed), Mines and Minerals, Forms 41-45 (entry for inspection).

§ 48-19-210. Chapter shall not apply to certain activities and areas.

The provisions of this chapter shall not apply to those activities of the South Carolina State Highway Commission, nor of any person acting under contract with the Commission, on highway

rights-of-way or borrow pits maintained solely in connection with the construction, repair, and maintenance of the public road systems of South Carolina; *provided*, that this exemption shall not become effective until the State Highway Commission shall have adopted reclamation standards applying to such activities and such standards have been approved by the Mining Council. The provisions of this chapter shall not apply to mining on Federal lands under a valid permit from the U.S. Forest Service or the U.S. Bureau of Land Management.

HISTORY: 1962 Code § 63-731; 1973 (58) 314.

§ 48-19-220. Other powers of Department; cooperation with governmental agencies.

The Department, with the approval of the Governor, and in order to accomplish any of the purposes of the Department, may apply for, accept, and expend grants from the Federal government and its agencies and from any foundation, corporation, association, or individual; may enter into contracts relating to such grants; and may comply with the terms, conditions, and limitations of any such grant or contract. The Department may engage in such research as may be appropriate to further its ability to accomplish its purposes under this chapter, and may contract for such research to be done by others. The Department may cooperate with any Federal, state, or local government or agency, of this or any other state, in mutual programs to improve the enforcement of this chapter or to accomplish its purposes more successfully.

HISTORY: 1962 Code § 63-732; 1973 (58) 314.

§ 43-19-230. Lands to be included in reclamation plan.

All lands mined subsequent to July 1, 1974 shall be included in a reclamation plan.

HISTORY: 1962 Code § 63-733; 1974 (58) 2397.

ARTICLE VIII

This Compact shall expire September 1, 1937. But any state joining herein may, upon sixty (60) days notice withdraw herefrom.

The representatives of the signatory states have signed this agreement in a single original, which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory states.

The Compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified."

(C) The Governor of South Carolina is further authorized and directed, for and in the name of the State, to execute agreements for the further extension of the expiration date of the Interstate Oil Compact to Conserve Oil and Gas in the event that South Carolina becomes an oil-producing state and is permitted to join in the Compact.

(D) The Governor shall be official representative of the State on the Interstate Oil Compact Commission and shall exercise and perform for the State all the power and duties as an associate member or as a member, if the State is permitted to become a member, of the Interstate Oil Compact Commission; *provided,* that he shall have the authority to appoint an assistant representative who shall act in his stead as the official representative of the State on the said commission. The assistant representative shall take the oath of office prescribed by the constitution, which shall be filed with any of the officials of the United States and State of South Carolina as may be provided for by law.

HISTORY: 1976 (59) 1634.

Editor's Note —

This chapter is effective May 25, 1976.

Research and Practice References —

38 Am. Jur. 2d, Gas and Oil § 158

A.L.R. and L. Ed. Annotations —

Constitutionality, construction, and application of compacts and statutes involving cooperation between states. 134 A.L.R. 1411.

CHAPTER 43

Oil and Gas

ARTICLE 1. General Provisions.
ARTICLE 2. Exploration and Production.
ARTICLE 3. Pollution Control; Terminal Facilities.
ARTICLE 4. Violations and Penalties.

Article 1

General Provisions

Sec.

48-43-10. Definitions.
48-43-20. Waste and pollution prohibited.
48-43-30. Scope of chapter; powers of commission.
48-43-40. Public notice and hearings required for rules, regulations or orders; exception in case of emergency; initiation of action by commission.
48-43-50. Powers of members or authorized employees of commission; powers of circuit court in case of failure or refusal to comply with subpoena.
48-43-60. Appeals from orders of commission.
48-43-70. Authority of Department of Health and Environmental Control.
48-43-80. Limitation on applicability of chapter.
48-43-90. Construction of chapter.
48-43-100. Approval of rules and regulations by General Assembly.

§ 48-43-10. Definitions.

Unless the context otherwise requires, the terms defined in this section shall have the following meanings when used in this chapter:

(A) *"Waste"* means and includes:

(1) Physical waste, as that term is generally understood in the oil and gas industry;

(2) The inefficient, excessive, or improper use, or the unnecessary dissipation of, reservoir energy;

(3) The inefficient storing of oil or gas;

(4)The locating, drilling, equipping, operating, or producing of any oil or gas well in a manner that causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

(5) The production of oil or gas in excess of (a) transportation or marketing facilites; (b) the amount reasonably required to be produced in the proper drilling, completing or testing of the well from which it is produced; or (c) oil or gas otherwise usefully utilized but gas produced from an oil well or condensate well pending the time when, with reasonable diligence, the gas can be sold or otherwise usefully utilized on terms and conditions that are just and reasonable shall not be considered waste if the production of such gas has been approved by order of the commission;

(6) Underground or aboveground waste in the production or storage of oil, gas, or condensate, however caused, and whether or not defined in other subdivisions hereof.

(B) *"Commission"* means the South Carolina Water Resources Commission.

(C) *"Person"* means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representatives of any kind, and includes any government or any political subdivision or agency thereof.

(D) *"Oil"* means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

(E) *"Gas"* means all natural gas and all other fluid hydrocarbons not hereinabove defined as oil, including condensate because it originally was in the gaseous phase in the reservoir.

(F) *"Condensate"* means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.

(G) *"Pool"* means an underground reservoir containing a common accumulation of oil or gas or both; each zone of a structure that is completely separated from any other zone in the same structure is a pool.

(H) *"Field"* means the general area underlaid by one or more pools.

(I) *"Owner"* means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom, either for himself or for himself and others.

(J) *"Producer"* means the owner of a well or wells capable of producing oil or gas or both.

(K) *"Just and equitable share of the production"* means, as to each person, that part of the authorized production from the pool that is substantially in the proportion that the amount of recoverable oil or gas or both in the developed areas of his tract or tracts in the pool bears to the recoverable oil or gas or both in the total of the developed areas in the pool.

(L) *"Developed area"* means a spacing unit on which a well has been completed that is capable of producing oil or gas, or the acreage that is otherwise attributed to a well by the commission for allowable purposes.

(M) *"Protect correlative rights"* means that the action or regulation by the commission should afford a reasonable opportunity to each person entitled thereto to recover or receive the oil or gas in his tract or tracts or the equivalent thereto, without being required to drill unnecessary wells or to incur other unnecessary expense to recover or receive such oil or gas or its equivalent.

(N) *"Product"* means any commodity made from oil or gas, and includes refined crude oil, crude tops, topped crude, processed crude,

processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubrication oil, blends or mixtures of oil with one or more liquid products or by-products derived from oil or gas, and blends or mixtures of two or more liquid products or by-products derived from oil or gas, whether herein enumerated or not.

(O) *"Illegal oil"* means oil that has been produced from any well within the State in excess of the quantity permitted by any rule, regulation, or order of the commission.

(P) *"Illegal gas"* means gas that has been produced from any well within the State in excess of the quantity permitted by any rule, regulation, or order of the commission.

(Q) *"Illegal product"* means any product derived in whole or in part from illegal oil or illegal gas.

(R) *"Certificate of clearance"* means a permit prescribed by the commission for the transportation or the delivery of oil or gas or product.

(S) *"Pollutant"* means any emission that significantly derogates the quality of the air, water or land.

(T) *"Pollution"* means the act of emitting pollutants into the air or water or onto the land.

(U) *"Royalty owner"* means the person who pursuant to a lease arrangement with another has the right to receive, free of cost, an allocation of production or payments based upon the value of production.

HISTORY. 1977 (60) 414.

Editor's Note —

This chapter is effective June 13, 1977.

§ 48-43-20. Waste and pollution prohibited.

The waste of oil and gas and the pollution of the water, air or land is prohibited.

HISTORY: 1977 (60) 414.

Research and Practice References —

38 Am Jur. 2d, Gas and Oil § 157.

A.L.R. and L. Ed. Annotations —

Construction, application, and effect of statutes regulating production of oil or gas in a manner or under conditions constituting waste. 86 A.L.R. 431

§ 48-43-30. Scope of chapter; powers of commission.

(A) This chapter shall apply to all lands however owned, including the submerged lands, both inland and offshore, tidelands and wetlands located within the jurisdictional limits of the State and any lands owned or administered by any government or any agency or political subdivision thereof, over which the State, under its police power has jurisdiction; and to that end the commission is authorized to:

(1) Prevent waste of oil and gas, to protect correlative rights and to prevent pollution of the water, air and land by oil or gas, and otherwise to administer and enforce this chapter. It has jurisdiction over all persons and property necessary for that purpose. In the event of a conflict, the duty to prevent waste is paramount.

(2) Make such investigations as it deems proper to determine whether action by the commission in discharging its duties is necessary.

(3) Hire personnel to carry out the purposes of this chapter.

(B) Without limiting its general authority, the commission shall have the specific authority:

(1) To require:

(a) Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil and gas;

(b) The preparing and filing of well logs and samples, directional surveys and reports on well location, drilling and production; *provided, however,* that the log and samples of an exploratory or wildcat well need not be filed before one year after the completion of the well and upon the filing of the log and samples of such well the commission shall keep the log and samples and information contained therein confidential for one year from the date of filing if requested by the operator in writing to do so and the commission may keep the log and samples and information contained therein confidential for an additional year at its discretion if the operator requests in writing that the commission keep such log and samples and information confidential for an additional year;

(c) The drilling, casing, operation, and plugging of wells in such manner as to prevent (a) the escape of oil or gas out of one pool into another, (b) the detrimental intrusion of water into an oil or gas pool that is avoidable by efficient operations, (c) the pollution of fresh water supplies by oil, gas or saltwater, and (d) blowouts, cavings, seepages, and fire;

(d) The taking of tests of oil or gas wells;

(e) The furnishing by all persons who apply for a drilling permit a reasonable performance bond with good and sufficient surety with the

State of South Carolina as beneficiary to indemnify the State from loss or expense resulting from such person's failure to comply with the provisions of this chapter or the rules, regulations or orders of the commission including the duty to plug each dry or abandoned well and to repair each well causing waste or pollution if repair will prevent waste or pollution; a performance bond may cover more than one drilling operation of the same person provided that the amount of such performance bond is increased to cover the additional well each time an application for a drilling permit is submitted to the commission by that person;

(f) That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be measured by means and upon standards that may be prescribed by the commission;

(g) That wells not be operated with inefficient gas-oil or water-oil ratios, to fix these ratios, and to limit production from wells with inefficient gas-oil or water-oil ratios;

(h) Certificates of clearance in connection with the transportation or delivery of oil, gas, or product;

(i) The metering or other measuring of oil, gas, or product;

(j) That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes oil or gas in this State keep and maintain complete and accurate records of the quantities thereof, which records shall be available for examination by the commission or its agents at all reasonable times;

(k) The filing of reports or plats with the commission that it may prescribe

(l) Permits for the onshore and offshore exploration of oil and gas both on federal and private lands whether highlands wetlands or submerged land.

(m) The placing of meters approved by the commission which shall at all times be under the supervision and control of the commission wherever the commission may designate on all pipelines, gathering systems, barge terminals, loading racks, refineries, or other places deemed necessary to prevent the transportation of illegally produced oil and gas;

(n) Payment of reasonable fees for all publications, materials, charts, services and similar items furnished to persons at their request;

(o) That all persons who desire to drill wells for oil or gas obtain a permit from the commission prior to the commencement of any drilling operations;

(p) That all pipelines placed in the Atlantic Ocean, its harbors, bays and other bodies of water which are a part of the Atlantic Ocean to transport

oil, gas, condensate or product that crosses the lands and under waters that are within the territorial jurisdiction of the State of South Carolina be located under the bottom of the Atlantic Ocean, its harbors, bays and other bodies of water which are a part of the Atlantic Ocean so that the pipelines will not interfere with navigation, fishing, shrimping, and other lawful recreational and commercial activities.

(2) To regulate:

(a) The drilling, testing, completing, stimulating, producing, reworking and plugging of wells, and all other operations associated with the production of oil and gas;

(b) The spacing or locating of wells;

(c) Operations to increase ultimate recovery, such as cycling of gas, the maintenance of pressure, and the introduction of gas, water or other substances into a producing formation;

(d) The disposal of saltwater and oilfield wastes;

(e) The exploration for oil or gas in the waters and on the lands that are within the jurisdictional limits of the State regardless of ownership;

(f) The transportation of oil and gas, as defined by this chapter and as distinguished by the definitions from product, from whatever source to gathering systems, refineries, and other storage and processing facilities which handle oil and gas;

(g) The commingling of oil and gas produced from wells having different owners or producers and to adopt such rules and regulations applicable to such commingling as may be necessary to protect the rights of the owners, producers and royalty owners of the wells from which the commingling oil or gas is produced.

(3) To limit the production of oil, gas or condensate from any field, pool, area, lease, or well, and to allocate production.

(4) To classify and reclassify pools as oil, gas and condensate pools and to classify and reclassify wells as oil, gas or condensate wells.

(5) To promulgate, after hearing and notice as hereinafter provided, such rules and regulations, and issue such orders reasonably necessary to prevent waste and oil discharges from drilling and production platforms, pipelines, gathering systems, processing facilities, storage facilities, refineries, port facilities, tankers and other facilities and vessels that may be a source of oil spills and to protect correlative rights, to govern the pratice and procedure before the commission and to fulfill its duties and the purposes of this chapter.

HISTORY: 1977 (60) 414.

§ 48-43-40. Public notice and hearings required for rules, regulations or orders; exception in case of emergency; initiation of action by commission.

(A) No rule, regulation or order, or amendment thereof, except in an emergency, shall be made by the commission without a public hearing upon at least twenty days' notice, exclusive of the date of service. No permit for the construction of a deep water port shall be granted by the commission without a public hearing upon at least twenty days' notice, exclusive of the date of service. At least twenty days prior to the invitation for bids for the leasing of State lands for the purpose of oil and gas exploration and production, a public hearing shall be held. The public hearing shall be held at such time and place as may be prescribed by the commission, and any interested person shall be entitled to be heard.

(B) When an emergency requiring immediate action is found to exist, the commission may make an emergency order without notice of hearing, which shall be effective when made. No emergency order shall be effective for more than sixty days.

(C) Any notice required by this chapter shall be given by the commission. Any such notice, at the election of the commission, may be given by any one or more of the following methods: (a) personal service, (b) publication in one or more issues of a newspaper in general circulation in the State capital or of a newspaper of general circulation in the county where the land affected or some part thereof is situated, or (c) by United States mail addressed, postage prepaid, to the last known mailing address of the person or persons affected. The date of service shall be the date on which service was made in the case of personal service, the date of first publication in the case of notice by publication, and the date of mailing in the case of notice by mail. The notice shall be issued in the name of the State, shall be signed by the Chairman, Secretary or Executive Director of the commission, shall specify the style and number of the proceedings, the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the commission elect to give notice by personal service, such service may be made by an officer authorized to serve process, or by any agent of the commission, in the same manner as is provided by law for the service of process in civil action in the courts of the State. Proof of the service by such agent shall be by the affidavit of the agent making personal service.

(D) All rules, regulations and orders made by the commission shall be in writing, shall be entered in full and indexed in books to be kept by the commission for that purpose, and shall be public records open for inspection at all times during office hours. In addition, all rules and regulations shall be filed with the Secretary of State. A copy of any rule, regulation or order, certified by any member of the commission or Executive Director, under its seal, shall be received in evidence in all courts of this State with the same effect as the original.

(E) The commission may act upon its own motion or upon the application of any interested person. On the filing of an application concerning any matter within the jurisdiction of the commission that requires a hearing, the commission shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the application. The commission shall make its order within thirty days after the conclusion of the hearing.

HISTORY: 1977 (60) 414.

Research and Practice References —

1 Am. Jur. 2d, Administrative Law §§ 279-288.

73 C.J.S., Public Administrative Bodies and Procedure §§ 97-98.

A.L.R. and L. Ed. Annotations —

Comment note on hearsay evidence in proceedings before state administrative agencies. 36 A.L.R. 3d 12.

Necessity of some evidence at hearing to support decision of public board or official required to be made after or upon hearing. 123 A.L.R. 1349.

§ 48-43-50. Powers of members or authorized employees of commission; powers of circuit court in case of failure or refusal to comply with subpoena.

(A) Any member or authorized employee of the commission shall have the power to conduct hearings, to summon witnesses, to administer oaths and to require the production of records, books and documents for examination at any hearing or investigation conducted by the commission.

(B) Upon failure or refusal on the part of any person to comply with a subpoena issued by the commission, or upon the refusal of any witness to testify as to any matter regarding which he may be interrogated and which is pertinent to the hearing or investigation, any circuit court in the State, upon the application of the commission, may issue an order to compel such person to comply with such subpoena, and to attend before the commission and produce such records, books and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.

HISTORY: 1977 (60) 414.

Research and Practice References —
1 Am. Jur. 2d, Administrative Law §§ 263-272.
73 C.J.S., Public Administrative Bodies and Procedure §§ 86, 128.

A.L.R. and L. Ed. Annotations —
Power of administrative agency, in investigation of nonjudicial nature, to issue subpoenas against persons not subject to agency's regulatory jurisdiction. 27 A.L.R.2d 1208.
Mandamus to compel court or judge to require witness to testify or produce documents. 41 A.L.R. 436.

§ 48-43-60. Appeals from orders of commission.

Any person, who is aggrieved and has a direct interest in the subject matter of any order issued by the commission, may appeal such order within fifteen days after the date such order is issued by the commission to the court of common pleas for the county in which the property that is the subject matter of such order is located, or, in the event property is not the subject matter of the action, to the court of common pleas for the county in which the appellant resides or for any county in which the appellant is doing business. Any order that is not appealed within fifteen days shall be final.

The court of common pleas to which any appeal is taken shall hear the appeal de novo, but if the commission has conducted a hearing relating to the subject matter of its order and made and maintained a record of the hearing and the appellant has had an opportunity to be heard at the hearing, the review of the court of common pleas shall be limited to the record of the commission's hearing.

The commission or the appellant may appeal the conclusions and findings of the court of common pleas to the South Carolina Supreme Court as provided in other cases.

In all cases in which the commission is a party the Attorney General shall act as counsel for the commission.

HISTORY: 1977 (60) 414.

Research and Practice References —
1 Am. Jur. 2d, Administrative Law §§ 539-552.
73 C.J.S., Public Administrative Bodies and Procedure §§ 160-185.

§ 48-43-70. Authority of Department of Health and Environmental Control.

Nothing contained in this chapter shall be construed to supersede or take precedence over any of the power, authority or responsibilities conferred upon the Department of Health and Environmental Control by Chapter 1 of Title 48.

HISTORY: 1977 (60) 414.

§ 48-43-80. Limitation on applicability of chapter.

Nothing in this chapter shall be deemed to apply to the storage or transportation of liquefied petroleum gas or to industrial effluents discharged into the waters or atmosphere of the State pursuant to either a Federal or State permit.

HISTORY: 1977 (60) 414.

§ 48-43-90. Construction of chapter.

This chapter shall be liberally construed to effect the purposes set forth herein and the Federal Water Pollution Control Act, as amended.

HISTORY: 1977 (60) 414.

39A C.J.S., Health and Environment §§ 106-114.

§ 48-43-100. Approval of rules and regulations by General Assembly.

All rules and regulations adopted by the department or commission, as provided for in this chapter, must be approved by the General Assembly before they shall be effective; *provided, however,* no regulation approved by the General Assembly shall conflict, at the time of approval, with any requirement or be in excess of any statute, rule or regulation of the Federal Government or any department or agency thereof.

HISTORY: 1977 (60) 414.

Article 2

Exploration and Production

Sec.

48-43-310. Exploration permits required.
48-43-320. Allocation of allowable production.
48-43-330. Establishment of spacing units.
48-43-340. Integration of separately owned tracts or interests within a spacing unit.
48-43-350. Unit operation of pools or parts thereof in field.
48-43-360. Agreements for unit or cooperative development or operation of field or pool.
48-43-370. Permits to drill oil or gas wells required.
48-43-380. Cancellation of gas and oil leases on the records; liability of lessee for failure to supply lessor with instrument of cancellation upon request.
48-43-390. Leasing of State lands for purposes of drilling for and producing oil and gas; construction of offshore drilling platforms; construction of deep water port facilities.

§ 48-43-310. Exploration permits required.

The commission shall require that all persons who explore for oil or gas within the jurisdiction of the State of South Carolina obtain an exploration permit from the commission. The commission may include in the permits such conditions and restrictions as the commission deems to be desirable or necessary and may charge a reasonable fee for the issuance of the permit.

All moneys collected by the commission pursuant to this section shall be forwarded to the State Treasurer who shall place such moneys in an account for the commission and such moneys shall be used by the commission in carrying out its duties imposed by this chapter.

HISTORY: 1977 (60) 414.

§ 48-43-320. Allocation of allowable production.

(A) Whenever the commission limits the amount of oil that may be produced in the State, the commission shall allocate the allowable production among the pools on a reasonable basis.

(B) Whenever the commission limits the total amount of oil, gas, or condensate that may be produced in any pool to an amount less than the amount that the pool could produce if no limitation were imposed, the commission shall, subject to the reasonable necessities for the prevention of waste, allocate the allowable production among the several wells or producing properties in the pool so that each person entitled thereto will have a reasonable opportunity to produce or to receive a just and equitable share of the production.

(C) In allocating oil allowables to pools, the commission may consider, but shall not be bound by, nominations of purchasers to purchase from particular pools or groups of pools. The commission shall allocate the oil allowable for the State in such manner as will prevent undue discrimination among pools that would result from selective buying or nomination by purchasers.

HISTORY: 1977 (60) 414.

Research and Practice References —
38 Am Jur 2d, Gas and Oil § 161.

A.L.R. and L. Ed. Annotations —
Constitutionality of statute regulating petroleum production 86 A.L.R. 418.

§ 48-43-330. Establishment of spacing units.

(A) The commission may, upon application or on its own motion and after a hearing, establish spacing units for each pool.

(B) An order establishing spacing units shall specify the size and shape of the units, which shall be such as will, in the opinion of the commission, result in the efficient and economical development of the pool as a whole. The size of the spacing units shall not be smaller than the maximum area that can be efficiently and economically drained by one well; *provided*, that if, at the time of a hearing to establish spacing units, there is not sufficient evidence from which to determine the area that can be efficiently and economically drained by one well, the commission may make an order establishing temporary spacing units for the orderly development of the pool pending the obtaining of the information required to determine what the ultimate spacing should be.

(C) Except where circumstances reasonably require, spacing units shall be of approximately uniform size and shape for the entire pool. The commission may establish spacing units of different sizes or shapes for different parts of a pool or may grant exceptions to the size or shape of any spacing unit or units or may change the size or shape of one or more existing spacing units. Where spacing units of different sizes or shapes exist in a pool, the commission shall, if necessary, make such adjustment of the allowable production from the well or wells drilled thereon so that each person entitled thereto in each spacing unit will have a reasonable opportunity to produce or receive his just and equitable share of the production.

(D) An order establishing spacing units shall specify the location for the drilling of a well thereon, in accordance with a reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of notice of the hearing to consider spacing. If the commission finds that a well drilled at the prescribed location would not be likely to produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, or for other good cause shown, the commission is authorized to make an order permitting the well to be drilled at a location other than that prescribed by such spacing order. In so doing, the commission shall, if necessary, make such an adjustment of the allowable production from the well drilled thereon so that each person entitled thereto in such spacing unit shall not produce or receive more than his just and equitable share of the production.

(E) An order establishing spacing units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the commission from time to time to include additional lands

determined to be underlaid by such pool or to exclude lands determined not to be underlaid by such pool.

(F) An order establishing spacing units may be modified by the commission to change the size or shape of one or more spacing units, or to permit the drilling of additional wells on a reasonably uniform pattern.

(G) After the date of the notice for a hearing called to establish spacing units, no additional well shall be commenced for production from the pool until the order establishing spacing units has been made, unless the commencement of the well is authorized by order of the commission.

HISTORY: 1977 (60) 414.

Research and Practice References —

1 Am. Jur. 2d, Administrative Law §§ 397-426.
38 Am. Jur. 2d, Gas and Oil § 154.
73 C.J.S., Public Administrative Bodies and Procedure §§ 130-138.

A.L.R. and L. Ed. Annotations —

Constitutionality of statute prohibiting or regulating location of oil or gas wells. 3 A.L.R. 270.

§ 48-43-340. Integration of separately owned tracts or interests within a spacing unit.

(A) When two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of a spacing unit, the interested persons may integrate their tracts or interests for the development and operation of the spacing unit. In the absence of voluntary integration, the commission upon the application of any interested person shall make an order integrating all tracts or interests in the spacing unit for the development and operation thereof and for the sharing of production therefrom. The commission, as a part of the order establishing a spacing unit or units, may prescribe the terms and conditions upon which the interest of the royalty owners in the unit or units shall, in the absence of voluntary agreement, be deemed to be integrated without the necessity of a subsequent separate order integrating the interest of the royalty owners. Each such integration order shall be upon terms and conditions that are just and reasonable.

(B) All operations, including, but not limited to, the commencement, drilling, or operation of a well upon any portion of a spacing unit for which an integration order has been entered, shall be deemed for all purposes the conduct of such operations upon each separately owned tract or interest in the spacing unit by the several owners thereof. That portion of the production allocated to a separately owned tract or interest included in a spacing unit shall, when produced, be deemed, for all

purposes, to have been actually produced from such tract or interest by a well drilled thereon.

(C) Each such integration order shall authorize the drilling, equipping, and operation, or operation, of a well on the spacing unit; shall provide who may drill and operate the well; shall prescribe the time and manner in which all the owners in the spacing unit may elect to participate therein; and shall make provision for the payment by all those who elect to participate therein of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. If requested, each such integration order shall provide for one or more just and equitable alternatives whereby an owner who does not elect to participate in the risk and cost of the drilling and operation, or operation, of a well may elect to surrender his leasehold interest to the participating owners on some reasonable basis and for a reasonable consideration which, if not agreed upon, shall be determined by the commission, or may elect to participate in the drilling and operation, or operation, of the well, on a limited or carried basis upon terms and conditions determined by the commission to be just and reasonable. If one or more of the owners shall drill, equip, and operate, or operate, or pay the costs of drilling, equipping, and operating, or operating, a well for the benefit of another person as provided for in an order of integration, then such owner or owners shall be entitled to the share of production from the spacing unit accruing to the interest of such other person, exclusive of a royalty not to exceed one eighth of the production except in the event that the State is the royalty owner in which case the royalty shall not exceed one sixth of production until the market value of such other person's share of the production, exclusive of such royalty, equals the sums payable by or charged to the interest of such other person. If there is a dispute as to the costs of drilling, equipping, or operating a well, the commission shall determine such costs. In instances where a well is completed prior to the integration of interests in a spacing unit, the sharing of production shall be from the effective date of the integration, except that, in calculating costs, credit shall be given for the value of the owner's share of any prior production from the well.

HISTORY: 1977 (60) 414.

Research and Practice References —

38 Am. Jur. 2d, Gas and Oil § 172.

A.L.R. and L. Ed. Annotations —

Validity of compulsory pooling or unitization statute or ordinance requiring owners or lessees of oil and gas lands to develop their holdings as a single drilling unit and the like. 37 A.L.R. 2d 434.

§ 48-43-350. Unit operation of pools or parts thereof in field.

(A) The commission upon its own motion may, and upon the application of any interested person shall, hold a hearing to consider the need for the operation as a unit of one or more pools or parts thereof in a field.

(B) The commission shall make an order providing for the unit operation of a pool or part thereof if it finds that:

(1) Such operation is reasonably necessary to increase the ultimate recovery of oil or gas; and

(2) The value of the estimated additional recovery of oil or gas exceeds the estimated additional cost incident to conducting such operations.

(C) The order shall be upon terms and conditions that are just and reasonable and shall prescribe a plan for unit operations that shall include:

(1) A description of the pool or pools or parts thereof to be so operated, termed the unit area;

(2) A statement of the nature of the operations contemplated;

(3) An allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost. The allocation shall be in accord with the agreement, if any, of the interested parties. If there is not such agreement, the commission shall determine the relative value, from evidence introduced at the hearing, of the separately owned tracts in the unit area, exclusive of physical equipment, for development of oil and gas by unit operations, and the production allocated to each tract shall be the proportion that the relative value of each tract so determined bears to the relative value of all tracts in the unit area;

(4) A provision for the credits and charges to be made in the adjustment among the owners in the unit area for their respective investments in wells, tanks, pumps, machinery, materials, and equipment contributed to the unit operations;

(5) A provision providing how the costs of unit operations, including capital investments, shall be determined and charged to the separately owned tracts and how such costs shall be paid, including a provision providing when, how, and by whom the unit production allocated to an owner who does not pay the share of the cost of unit operations charged to such owner, or the interests of such owner, may be sold and the proceeds applied to the payment of such costs;

(6) A provision, if necessary, for carrying or otherwise financing any person who elects to be carried or otherwise financed, allowing a reasonable interest charge for such service payable out of such person's share of the production;

(7) A provision for the supervision and conduct of the unit operations, in respect to which each person shall have a vote with a value corresponding to the percentage of the costs of unit operations chargeable against the interest of such person;

(8) The time when the unit operations shall commence, and the manner in which, and the circumstances under which, the unit operations shall terminate; and

(9) Such additional provisions that are found to be appropriate for carrying on the unit operations, and for the protection of correlative rights.

(D) No order of the commission providing for unit operations shall become effective unless and until the plan for unit operations prescribed by the commission has been approved in writing by those persons who, under the commission's order, will be required to pay at least seventy-five percent of the costs of the unit operation, and also by the owners of at least seventy-five percent of the production or proceeds thereof that will be credited to interests which are free of cost, such as royalties, overriding royalties and production payments, and the commission has made a finding, either in the order providing for unit operations or in a supplemental order, that the plan for unit operations has been so approved. For purposes of calculating the requisite percentages necessary to effectuate an order of the commission when unleased acreage is effected by such order, the owner of the acreage shall be considered to be an owner and royalty owner in respective proportions of seven eighths as owner and one eighth as royalty owner except in a case when the acreage is owned by the State in which case the proportion shall be five sixths as owner and one sixth as royalty owner. If the plan for unit operations has not been so approved at the time the order providing for unit operations is made, the commission shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the persons owning required percentage of interest in the unit area do not approve the plan for unit operations within a period of six months from the date on which the order providing for unit operations is made, such order shall be ineffective, and shall be revoked by the commission unless for good cause shown the commission extends such time.

(E) An order providing for unit operations may be amended by an order made by the commission in the same manner and subject to the same conditions as an original order providing for unit operations, *provided* (a) if such an amendment affects only the rights and interests of the owners, the approval of the amendment by the royalty owners shall

not be required, and (b) no such order of amendment shall change the percentage for the allocation of oil and gas as established for any separately owned tract by the original order, except with the consent of all persons owning oil and gas rights in such tract, or change the percentage for the allocation of cost as established for any separately owned tract by the original order, except with the consent of all owners in such tract.

(F) The commission, by an order, may provide for the unit operation of a pool or pools or parts thereof that embrace a unit area established by a previous order of the commission. Such order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the portion of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in such previously established unit area in the same proportions as those specified in the previous order.

(G) An order may provide for unit operations on less than the whole of a pool where the unit area is of such size and shape as may be reasonably required for that purpose, and the conduct thereof will have no adverse effect upon other portions of the pool.

(H) All operations, including, but not limited to, the commencement, drilling or operation of a well upon any portion of the unit area shall be deemed for all purposes the conduct of such operations upon each separately owned tract in the unit area by the several owners thereof. The portion of the unit production allocated to a separately owned tract in a unit area shall, when produced, be deemed, for all purposes, to have been actually produced from such tract by a well drilled thereon. Operations conducted pursuant to an order of the commission providing for unit operations shall constitute a fulfillment of all the express or implied obligations of each lease or contract covering lands in the unit area to the extent that compliance with such obligations cannot be had because of the order of the commission

(I) The portion of the unit production allocated to any tract, and the proceeds from the sale thereof, shall be the property and income of the several persons to whom, or to whose credit, the same are allocated or payable under the order providing for unit operations.

(J) No division order or other contract relating to the sale or purchase of production from a separately owned tract shall be terminated by the order providing for unit operations, but shall remain in force and apply to oil and gas allocated to such tract until terminated in accordance with the provisions thereof.

(K) Except to the extent that the parties affected so agree, no order providing for unit operations shall be construed to result in a transfer of all or any part of the title of any person to the oil and gas rights in any tract in the unit area. All property, whether real or personal, that may be acquired in the conduct of unit operations hereunder shall be acquired for the account of the owners within the unit area, and shall be the property of such owners in the proportion that the expenses of unit operations are charged.

HISTORY: 1977 (60) 414.

Research and Practice References —
38 Am. Jur. 2d, Gas and Oil § 172.

A.L.R. and L. Ed. Annotations —
Constitutionality of statute prohibiting or regulating location of oil or gas wells. 3 A.L.R. 270.
Validity of compulsory pooling or unitization statute or ordinance requiring owners or lessees of oil and gas lands to develop their holdings as a single drilling unit and the like. 37 A.L.R. 2d 434.

§ 48-43-360. Agreements for unit or cooperative development or operation of field or pool.

An agreement for the unit or cooperative development or operation of a field, pool or part thereof may be submitted to the commission for approval as being in the public interest or reasonably necessary to prevent waste or protect correlative rights. Such approval shall constitute a complete defense to any suit charging violation of any statute of the State relating to trusts and monopolies on account thereof or on account of operations conducted pursuant thereof. The failure to submit such an agreement to the commission for approval shall not for that reason imply or constitute evidence that the agreement or operations conducted pursuant thereto are in violation of laws relating to trusts and monopolies.

HISTORY: 1977 (60) 414.

Research and Practice References —
38 Am. Jur. 2d, Gas and Oil §§ 165, 171.

§ 48-43-370. Permits to drill oil or gas wells required.

(A) The commission shall require that all persons who desire to drill oil or gas wells obtain a permit for each well proposed to be drilled prior to the commencement of any drilling operations. The drilling of any well is hereby prohibited until a permit is granted by the commission.

(B) No permit to drill a gas or oil well shall be granted within the corporate limits of any municipality, unless the governing authority of the

municipality shall have first duly approved the issuance of such permit by resolution.

(C) No permit to drill a gas or oil well on any beach shall be granted by the commission.

HISTORY: 1977 (60) 414.

A.L.R. and L. Ed. Annotations —

Constitutionality of statute prohibiting or regulating location of oil or gas wells. 3 A.L.R. 270.

Prohibiting or regulating removal or exploitation of oil and gas, minerals, soil, or other natural products within municipal limits. 10 A.L.R. 3d 1226.

§ 48-43-380. Cancellation of gas and oil leases on the records; liability of lessee for failure to supply lessor with instrument of cancellation upon request.

Whenever by reason of the termination of the full period within which an optional gas and oil lease which is of record may be kept alive by the payments of rentals, or at the termination of any of the options in such lease by reason of failure on the part of the lessee to comply with the condition therein for the prevention of forfeiture, such lease shall lapse, the lessee shall, on request in writing by the lessor, with an instrument, duly acknowledged, direct the cancellation of such lease on the records or shall supply the lessor with such instrument.

Any lessee failing or refusing to supply the lessor with such an instrument, or failing or refusing to cancel any lease on the records within thirty days after receiving written demand as above, shall be liable to such lessor for a reasonable attorney's fee incurred by the lessor in bringing suit to have such forfeiture and cancellation adjudged, and in addition thereto shall be liable to the lessor for all damages suffered by the lessor by reason of his inability to make any lease on account of the first lease not having been cancelled.

This section shall be construed to apply to all leases for oil or gas heretofore entered into.

HISTORY: 1977 (60) 414.

§ 48-43-390. Leasing of State lands for purposes of drilling for and producing oil and gas; construction of offshore drilling platforms; construction of deep water port facilities.

(A) The South Carolina State Budget and Control Board, hereinafter referred to as the board, is hereby designated as the State agency with the authority, responsibility and power to lease all State lands to persons for the purpose of drilling for and producing oil and gas. The South Carolina

Water Resources Department is hereby designated as the exclusive ager for the board in selecting lands to be leased, administering th competitive bidding for leases, administering the leases, receiving an compiling comments from other State agencies concerning th desirability of leasing the State lands proposed for leasing and such othe activities that pertain to oil and gas leases as may be included herein a responsibilities of the board.

(B) Upon resolution adopted by a majority of the board, the board ma lease any of those lands heretofore enumerated if the board finds that th lease of the lands would not be detrimental to the State and its citizer and if the commission recommends that a lease of the lands be grante The Governor as Chairman of the board shall execute all oil and g leases. The leases shall be filed in the county in which the land is situate as all other instruments conveying real estate are filed except leases offshore lands shall be filed in the offices of the commission as a publ record. The commission shall have the responsibility of administering a such leases for the board.

(C) Any lease executed pursuant to this section shall be for a term no more than five years unless substantial drilling operations have bee commenced on the property in which case the lease shall be extend from year to year so long as substantial drilling operations continue unle the well drilled upon the leased property becomes a producing well, which case the lease shall be extended from year to year for as long production continues or the leased property has a known capacity produce oil or gas and the production has been discontinued with t prior approval of the commission under such terms as the commission h prescribed. The leases granted pursuant to this section shall include more than two thousand five hundred acres (one thousand hectares) b a person is not prohibited from holding a leasehold interest in more th two thousand five hundred acres (one thousand hectares) under two more leases. The leases shall be granted under such terms and conditio as the board shall deem to be in the best interest of the citizens of t State. However, no lease shall provide for a lesser royalty than one six of the oil and gas produced from the leased property or one sixth of t monetary value of such oil and gas at the wellhead.

(D) No property shall be leased except by sealed bid. The prope shall be leased to the bidder submitting the bid which provides for t highest bonus payment. The bonus payment shall be in addition to a rental payments established by the commission in the lease agreeme and royalties provided for herein.

Any person desiring that a certain tract or tracts of property be submitted for bidding shall nominate such tract or tracts by so informing the commission in accordance with the procedure for nominating established by the commission.

If the commission determines that the tract nominated as provided herein or upon its own motion determines that a tract should be submitted for bidding, it shall invite all interested persons to submit bids for leasing the designated tract. Invitations for bids shall be published in a newspaper of general circulation within the county or counties where the tract proposed to be leased is located and in a newspaper of statewide circulation, at least twenty-five days before the final date for submitting bids. Invitations for bids shall also be mailed twenty-five days before the final date of submitting bids to the last known address of all persons who have filed a statement in accordance with the procedure established by the commission indicating a desire to bid upon tracts put up for leasing. The invitation to bids shall contain (1) a description, location and approximate acreage of the tract to be leased; (2) the address to which the bids are to be submitted; (3) the time and place at which the bids will be opened; (4) the date and time by which the bids must be received; (5) any special provisions of the lease or special rules and regulations promulgated by the commission for the tract to be leased; and (6) any other matters that the commission may deem pertinent.

The bids shall be opened publicly at the time and date prescribed by the commission in the offices of the commission by the person designated by the commission to open bids. The commission shall furnish to persons who request a copy of the lease agreement for the tract submitted for bidding. The lease of any tract shall be granted to the highest responsible bidder but the commission and the board may reject all bids when it determines that the public interest will be served thereby. The commission and the board must accept the most advantageous offer or reject all bids within twenty days from the date the bids were opened.

(E) All moneys collected by the commission and the board as bonuses, rental payments or royalties shall be deposited with the State Treasurer in a special account and expended as the General Assembly may direct.

(F) Prior to the mailing and publication of invitations to bid, the commission shall advise the appropriate State agencies by notice of the tract proposed to be submitted for bidding. The agencies wishing to comment on the desirability of leasing such tract shall do so within thirty days following receipt of the notice.

The commission shall consider the comments of the agencies in determining the advisability of leasing the tract. If the commission

determines to lease the tract on which it has received unfavorable comment from the agencies, the commission and board shall require such special provisions in the lease agreement and promulgate such rules and regulations for each individual tract that is leased as may be necessary to safeguard against particular hazards or detrimental effects that may result from drilling oil or gas wells and the production of oil or gas on the tract.

In considering the special provisions, rules and regulations needed for a specific tract, the commission and board shall specifically include such provisions, rules and regulations shown by the commenting agency to be necessary (1) for the protection of the environment, (2) to minimize the detriment to aesthetics, (3) for the protection of the property rights of other persons and the public, (4) to avoid obstructing navigable streams, (5) to prevent interference with recreation, (6) to protect the public beaches, and (7) to maintain the quality of underground water.

The construction of drilling platforms in the Atlantic Ocean is permitted except that such drilling platforms shall not be located within one mile (1.6 kilometers) of the mean high-water mark of any beach within the territorial jurisdiction of the State of South Carolina.

(G) The commission is authorized to promulgate such rules and regulations as may be necessary to fulfill its duties set forth in this section and implement the provisions and purposes of this section.

(H) (a) Any person as defined herein who intends to construct a deep water port facility within the territorial jurisdiction of the State of South Carolina for the purpose of loading or unloading oil, gas or other products as defined by this chapter shall apply for and obtain a permit to construct such facility from the commission prior to the commencement of construction.

(b) The commission shall promulgate such rules and regulations to govern the construction of deep water port facilities as may be necessary (1) for the protection of the environment (2) to minimize the detriment to aesthetics (3) for the protection of the property rights of other persons and the public (4) for the protection of the rights of the fishing industry (5) for the protection of the recreational activities of the public (6) to avoid obstructing shipping channels (7) to protect the public beaches and (8) in general, to protect the public interest and rights of the State and its industries. In promulgating such rules and regulations, the commission shall take into consideration the comments of other State agencies concerning the potential hazards present in constructing deep water port facilities and shall follow the procedure set forth in subsection (F) in soliciting and receiving the comments from such State agencies.

HISTORY: 1977 (60) 414.

Research and Practice References —
38 Am. Jur 2d, Gas and Oil § 283.

ARTICLE 3

POLLUTION CONTROL; TERMINAL FACILITIES

SEC.

48-43-510. Definitions.
48-43-520. Legislative findings and intent.
48-43-530. Powers and duties of department.
48-43-540. Registration certificates required; fees; submission of information.
48-43-550. Rules and regulations; penalties for making false statements in response to requirements of article.
48-43-560. Containment, removal and abatement of discharge; limitation on liability of persons assisting in containment or removal of pollutants.
48-43-570. Cooperation of other agencies; records of expenses incurred to be delivered to department.
48-43-580. Discharge of pollutants unlawful; exceptions; permits to discharge oil.
48-43-590. Evidence of financial responsibility required of operators or owners of terminal facilities.
48-43-600. Claim and demand for arbitration for damage resulting from unlawful discharge, appeal, action for damages resulting from unlawful discharge.
48-43-610. Violations of article; penalties.
48-43-620. Submission of budget and accounting to General Assembly by department.

§ 48-43-510. Definitions.

When used in this article unless the context clearly requires otherwise:

(1) *"Department"* means the Department of Health and Environmental Control.

(2) *"Commissioner"* means the Commissioner of the department.

(3) *"Barrel"* means forty-two U.S. gallons at 60° Fahrenheit.

(4) *"Other measurements"* means measurements set by the department for products transferred at terminals which are other than fluid or which are not commonly measured by the barrel.

(5) *"Discharge"* shall include, but not be limited to, any spilling, leaking, seeping, pouring, emitting, emptying, or dumping which occurs within the territorial limits of the State or outside of the territorial limits of the State and affects lands and waters within the territorial limits of the State.

(6) *"Pollutants"* shall include oil of any kind and in any form, gasoline, pesticides, ammonia, chlorine, and derivatives thereof.

(7) *"Pollution"* means the presence in the outdoor atmosphere or waters of the State of any one or more substances or pollutants, in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(8) *"Terminal facility"* means any waterfront or offshore facility of any kind, other than vessels not owned or operated by such facility, and directly associated waterfront or offshore appurtenances including pipelines located on land, including submerged lands, or on or under the surface of any kind of water, which facility and related appurtenances are used or capable of being used for the purpose of drilling for, pumping, storing, handling, transferring, processing, or refining pollutants, including, but not limited to, any such facility and related appurtenances owned or operated by a public utility or a governmental or quasi-governmental body. A vessel shall be considered a terminal facility only in the event of a ship-to-ship transfer of pollutants, and only that vessel going to or coming from the place of transfer and the terminal facility. For the purposes of this article *"terminal facility"* shall not be construed to include waterfront facilities owned and operated by governmental entities acting as agents of public convenience for operators engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of, pollutants; however, each operator engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants through a waterfront facility owned and operated by such governmental entity shall be construed as a terminal facility.

(9) *"Owner"* means any person owning a terminal facility; *"operator"* means any person operating a terminal facility, whether by lease, contract, or other form of agreement.

(10) *"Transfer"* or *"transferred"* includes onloading or offloading between terminal facility and vessel, vessel and vessel, or terminal facility and terminal facility.

(11) *"Vessel"* includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water, whether self-propelled or otherwise, and includes barges and tugs.

(12) *"Discharge cleanup organization"* means any group, incorporated or unincorporated, of owners or operators of waterfront terminal facilities in any port or harbor of the State, and any other person who may elect to join, organized for the purpose of containing and cleaning up discharges of pollutants through cooperative efforts and shared equipment and facilities.

(13) *"Board"* means the board of arbitration.

(14) *"Person"* means any individual, partnership, joint venture, corporation, any group of the foregoing organized or united for a business purpose or any governmental entity.

(15) *"Registrant"* is a terminal facility required to possess a valid registration certificate to operate as a terminal facility.
HISTORY: 1977 (60) 414.

§ 48-43-520. Legislative findings and intent.

(1) The General Assembly finds and declares that the highest and best use of the seacoast of the State is as a source of public and private recreation.

(2) The General Assembly further finds and declares that the preservation of this use is a matter of the highest urgency and priority, and that such can only be served effectively by maintaining the coastal waters, estuaries, tidal flats, beaches, and public lands adjoining the seacoast in as close to a pristine condition as possible, taking into account multiple use accommodations necessary to provide the broadest possible promotion of public and private interests.

(3) Furthermore it finds and declares that;

(a) The transfer of pollutants between vessels, between onshore facilities and vessels, between offshore facilities and vessels, and between terminal facilities within the jurisdiction of the State and State waters is a hazardous undertaking;

(b) Spills, discharges, and escapes of pollutants occurring as a result of procedures involved in the transfer, storage, and transportation of such products pose threats of great danger and damage to the environment of the State, to owners and users of shorefront property, to public and private recreation, to citizens of the State and other interests deriving livelihood from marine-related activities, and to the beauty of the coast;

(c) Such hazards have frequently occurred in the past, are occurring now, and present future threats of potentially catastrophic proportions, all of which are expressly declared to be inimical to the paramount interests of the State as herein set forth; and

(d) Such State interests outweigh any economic burdens imposed upon those engaged in transferring pollutants and related activities.

(4) The General Assembly intends by the enactment of this article to exercise the police power of the State by conferring upon the Department of Health and Environmental Control power to:

(a) Deal with the hazards and threats of danger and damage posed by such transfers and related activities;

(b) Require the prompt containment and removal of pollution occasioned thereby.

(5) The General Assembly further finds and declares that the preservation of the public uses referred to herein is of grave public

interest and concern to the State in promoting its general welfare, preventing diseases, promoting health, and providing for the public safety and that the State's interest in such preservation outweighs any burdens of liability imposed herein upon those engaged in transferring pollutants and related activities.

(6) The General Assembly further declares that it is the intent of this article to support and complement applicable provisions of the Federal Water Pollution Control Act, as amended, specifically those provisions relating to the national contingency plan for removal of pollutants.
HISTORY: 1977 (60) 414.

Research and Practice References —

39A C.J.S., Health and Environment §§ 106-114.

A.L.R. and L. Ed. Annotations —

Validity and construction of anti-water pollution statutes and ordinances. 32 A.L.R.3d 215.

§ 48-43-530. Powers and duties of department.

(1) The powers and duties conferred by this article shall be exercised by the department and shall be deemed to be an essential governmental function in the exercise of the police power of the State. The department may call upon any other State agency for consultative services and technical advice and the agencies are directed to cooperate with the department.

(2) Registration certificates required under this article shall be issued by the department subject to such terms and conditions as are set forth in this article and as set forth in rules and regulations promulgated by the department as authorized herein.

(3) Whenever it becomes necessary for the State to protect the public interest under this article it shall be the duty of the department to keep an accurate record of costs and expenses incurred and thereafter diligently to pursue the recovery of any sums so incurred from the person responsible or from the Government of the United States under any applicable Federal act.

(4) The department may bring an action on behalf of the State to enforce the liabilities imposed by this article. The Attorney General shall represent the department in any such proceeding.
HISTORY: 1977 (60) 414.

Research and Practice References —

39A C.J.S., Health and Environment §§ 150-153.

§ 48-43-540. Registration certificates required; fees; submission of information.

(1) No person shall operate or cause to be operated a terminal facility as defined in § 48-43-510(8) without a registration certificate.

(2) Registration certificates shall be issued on a five-year basis and shall expire on December thirty-first of the fifth year. Such certificates shall be subject to such terms and conditions as the department may determine are necessary to carry out the purposes of this article.

(3) As a condition precedent to the issuance or renewal of a registration certificate, the department shall require satisfactory evidence that the applicant has implemented, or is in the process of implementing, State and Federal plans and regulations for prevention, control and abatement of pollution when a discharge occurs.

(4) Registration certificates issued to any terminal facility shall include vessels used to transport pollutants between the facility and vessels within State waters.

(5) The department shall require, in connection with the issuance of a terminal facility registration certificate, the payment of a reasonable fee for processing applications for registration certificates

The fee shall be reasonably related to the administrative costs of verifying data submitted pursuant to obtaining the certificates and reasonable inspections; however, the fee shall not exceed two hundred fifty dollars per terminal facility per year.

(6) No later than January 1, 1978, every owner or operator of a terminal facility shall obtain a registration certificate. The department shall issue a registration certificate upon the showing that the registrant can provide all required equipment to prevent, contain, and remove discharges of pollutants or is a member of a discharge cleanup organization.

(7) On or after a date to be determined by the department, but in no case later than January 1, 1978, no person shall operate or cause to be operated any terminal facility without a terminal facility registration certificate issued by the department. Registration certificates shall be valid for five years; *provided, however,* they shall be subject to annual inspection.

Each applicant for a terminal facility registration certificate shall pay the registration certificate application fee and shall submit information, in a form satisfactory to the department, describing the following:

(a) The barrel or other measurement capacity of the terminal facility.

(b) All prevention, containment, and removal equipment, including, but not limited to, vehicles, vessels, pumps, skimmers, booms, chemicals, and communication devices to which the facility has access, whether

through direct ownership or by contract or membership in an approved discharge cleanup organization.

(c) The terms of agreement and operation plan of any discharge cleanup organization to which the owner or operator of the terminal facility belongs.

(8) Upon showing of satisfactory containment and cleanup capability under this section, and upon payment of the registration certificate application fee, the applicant shall be issued a registration certificate covering the terminal facility and related appurtenances, including vessels as defined in § 48-43-510(11).

HISTORY: 1977 (60) 414.

Research and Practice References —
39A C.J.S., Health and Environment § 134.

§ 48-43-550. Rules and regulations; penalties for making false statements in response to requirements of article.

The department shall from time to time adopt, amend, repeal, and enforce reasonable regulations relating to the cleanup and removal of discharges of pollutants into the waters or onto the coasts of this State.

Such regulations shall include, but not be limited to;

(a) Operation and inspection requirements for terminal facilities, vessels, and other matters relating to certification under this article but shall not require vessels to maintain spill prevention gear, holding tanks of any kind, and containment gear in excess of Federal requirements.

(b) Procedures and methods of reporting discharges and other occurrences prohibited by this article.

(c) Procedures, methods, means, and equipment to be used by persons subject to regulation by this article on the removal of pollutants.

(d) Development and implementation of criteria and plans to meet pollution occurrences of various degrees and kinds.

(e) Creation by contract or administrative action of a State response team which shall be responsible for creating and maintaining a contingency plan of response, organization, and equipment for handling emergency cleanup operations. The State plans shall include detailed emergency operating procedures for the State as a whole and the team shall from time to time conduct practice alerts. These plans shall be filed with the Governor and all Coast Guard stations in the State and Coast Guard captains of the port having responsibility for enforcement of Federal pollution laws within the State, on or before January 1, 1978. The contingency plan shall include all necessary information for the total containment and cleanup of pollution, including but not limited to ar

inventory of equipment and its location, a table of organization with the names, addresses, and telephone numbers of all persons responsible for implementing every phase of the plan, a list of available sources of supplies necessary for cleanup, and a designation of priority zones to determine the sequence and methods of cleanup. The State response team shall act independently of agencies of the Federal Government but is directed to cooperate with any Federal cleanup operation.

(f) Requirements that, prior to being granted entry into any port in this State, the master of a vessel shall report:

(1) Any discharges of pollutants the vessel has had since leaving the last port;

(2) Any mechanical problem on the vessel which creates the possibility of a discharge;

(3) Any denial of entry into any port during the current cruise of the vessel.

Any person shall make or cause to be made any false statement in response to requirements of any provisions of this article with a fraudulent intent shall be deemed guilty of a felony and upon conviction shall be imprisoned for two years or fined five thousand dollars, or both.

(g) Requirements that any registrant causing or permitting the discharge of a pollutant in violation of the provisions of this article and at other reasonable times be subject to a complete and thorough inspection. If the department determines there are unsatisfactory preventive measures or containment and cleanup capabilities, it shall, a reasonable time after notice and hearing, suspend the registration until such time as there is compliance with the department requirements.

(h) Such other rules and regulations as the exigencies of any condition may require or as may reasonably be necessary to carry out the intent of this article.

HISTORY: 1977 (60) 414.

Research and Practice References —

39A C.J.S., Health and Environment §§ 137-138, 155.

A.L.R. and L. Ed. Annotations —

Construction and application of provisions of Federal Water Pollution Act (33 U.S.C.S. § 1321 (b) (5) and similar predecessor, formerly designated as 33 U.S.C.S. § 1161 (b) (4)) requiring person in charge of vessel, or onshore or offshore facility, to notify federal agency of prohibited discharge from such vessel or facility. 17 A.L.R. Fed. 804.

§ 48-43-560. Containment, removal and abatement of discharge; limitation on liability of persons assisting in containment or removal of pollutants.

(1) Any person discharging pollutants in violation of this article shall immediately undertake to contain, remove, and abate the discharge to the department's satisfaction. Notwithstanding the above requirement, the department may undertake the removal of the discharge and may contract and retain agents who shall operate under the direction of the department.

(2) If the person causing a discharge, or the person in charge of facilities at which a discharge has taken place, fails to act, the department may arrange for the removal of the pollutant, except that if the pollutant was discharged into or upon the navigable waters of the United States, the department shall act in accordance with the national contingency plan for removal of such pollutant as established pursuant to the Federal Water Pollution Control Act, as amended, and the costs of removal incurred by the department shall be paid in accordance with the applicable provisions of the law. Federal funds provided under this chapter shall be used to the maximum extent possible prior to the expenditure of State funds.

(3) In the event of discharge, the source of which is unknown, any local discharge cleanup organization shall, upon the request of the department or its designee, immediately contain and remove the discharge. No action taken by any person to contain or remove a discharge, whether such action is taken voluntarily or at the request of the department or its designee, shall be construed as an admission of liability for the discharge.

(4) No person who, voluntarily or at the request of the department or its designee, renders assistance in containing or removing pollutants shall be liable for any civil damages to third parties resulting solely from acts or omissions or such person in rendering such assistance, except for acts or omissions amounting to gross negligence or willful misconduct.

(5) Nothing in this article shall affect in any way the right of any person who renders assistance in containing or removing pollutants to reimbursement for the costs of the containment or removal under the applicable provisions of this article or the Federal Water Pollution Control Act, as amended, or any rights which that person may have against any third party whose acts or omissions in any way have caused or contributed to the discharge of the pollutants.

HISTORY: 1977 (60) 414.

§ 48-43-570. Cooperation of other agencies; records of expenses incurred to be delivered to department.

(a) The State Department of Highways and Public Transportation, the Water Resources Commission and the Wildlife and Marine Resources Department, and any other agency of this State, shall cooperate with and lend assistance to the department by assigning, upon request, personnel, equipment and material to be utilized in any project or activity related to the containment, collection, dispersal or removal of oil discharged upon the land or into the waters of this State.

(b) Subsequent to July 1, 1977, and prior to September 1, 1977, designated representatives of the department, the Department of Highways and Public Transportation, the Water Resources Commission and the Wildlife and Marine Resources Department, and any other agency or agencies of the State which the department shall deem necessary and appropriate, shall confer and establish plans and procedures for the assignment and utilization of personnel, equipment and material to be used in carrying out the purposes of this article.

(c) Every State agency participating in the containment, collection, dispersal or removal of an oil discharge or in restoration necessitated by such discharge, shall keep a record of all expenses incurred in carrying out any such project or activity including the actual services performed by the agency's personnel and the use of the agency's equipment and material. A copy of all records shall be delivered to the department upon completion of the project or activity.

HISTORY: 1977 (60) 414

Editor's Note —

"Department of Highways and Public Transportation" has been substituted for "Highway Department" in this section pursuant to § 11 of 1977 Act No. 82 [1977 (60) 140] See § 57-1-10.

§ 48-43-580. Discharge of pollutants unlawful; exceptions; permits to discharge oil.

It shall be unlawful, except as otherwise provided in this article, for any person to discharge or cause to be discharged, pollutants into or upon any waters, tidal flats, beaches or lands within this State or into any sewer, surface water drain or other waters that drain into the waters of this State, regardless of the fault of the person having control over the pollutants or regardless of whether the discharge was the result of intentional or negligent conduct, accident or other cause.

This section shall not apply to discharges of pollutants in the following circumstances:

(1) When the discharge was authorized by an existing regulation of the department.

(2) When any person subject to liability under this article proves that a discharge was caused by any of the following:

(a) An act of God.

(b) An act of war or sabotage

(c) Negligence of the part of the United States Government or the State or its political subdivisions.

(d) An act or omission of a third party, whether any such act or omission was or was not negligent; *provided, however,* nothing herein shall be construed as limiting the liability of such third party.

(e) Any act or omission by or at the direction of a law-enforcement officer or fireman.

Any person who desires or proposes to discharge oil into the land or into the waters of the State shall first make application for and secure a permit from the department. Application shall be made under such terms and conditions adopted by the department. Any permit granted pursuant to this section may contain such terms and conditions as the department shall deem necessary and appropriate to conserve and protect the land or waters of this State and the public interest therein.

HISTORY: 1977 (60) 414.

Research and Practice References —

39A C.J.S., Health and Environment § 134.

§ 48-43-590. Evidence of financial responsibility required of operators or owners of terminal facilities.

All persons operating or owning terminal facilities within the territorial jurisdiction of the State shall furnish, under such conditions as may be prescribed from time to time by the department, evidence of financial responsibility of fourteen million dollars to meet any and all liabilities to all persons caused by the operations of any such terminal facilities. Evidence of financial responsibility may be established by an insurance or surety bond issued by an insurance or bonding company authorized to do business in the State, qualifications of a self-insurer or other evidence of financial responsibility acceptable to the department. This provision shall not be construed as limiting the liability of any person operating or owning terminal facilities.

HISTORY: 1977 (60) 414.

§ 48-43-600. Claim and demand for arbitration for damage resulting from unlawful discharge; appeal; action for damages resulting from unlawful discharge.

(1) Any person claiming to have suffered damage as a result of an unlawful discharge under § 48-43-580 of this article may file a claim and demand for arbitration against the person or persons causing the unlawful discharge with the department. The department shall notify such person or persons of the claim filed and advise such person or persons of the requirements of this article. Notice to the person or persons above shall be given in such manner as the department shall determine to be adequate.

If the claimant cannot determine the person or persons causing the discharge, the department shall investigate such discharge and make its determination as to the person or persons that may have caused the discharge and notify such person or persons of the claim.

(2) The claimant shall file a notarized statement of damages, along with such claimant's claim and demand for arbitration on forms prescribed by the department. Any damage not contained in the notarized statement shall be waived.

(3) A board of arbitration to determine liability and damages for claims filed under this section shall be composed of three persons to be chosen as follows:

(a) One shall be chosen by the claimants;

(b) One shall be chosen by the person or persons against whom the claim is filed or such person or persons as the department has determined may have caused the discharge;

(c) One shall be chosen by the arbitrators chosen above who shall be a neutral arbitrator.

The neutral arbitrator shall serve as chairman. If any of the principals fail to select an arbitrator within thirty days after notice is given of the pending claim or if the two arbitrators chosen by the principals fail to choose a neutral arbitrator within forty-five days after notice is given of the pending claim, the department shall select the arbitrator or arbitrators not chosen. The department shall supervise the appointment of the arbitrators and provide hearing rooms, personnel, equipment and other items necessary for the arbitration proceedings and shall convene the board of arbitration.

(4) The board of arbitration shall hold a hearing on the claim within forty-five days after the person or persons causing or who may have caused the discharge have been notified of such claim. The hearings of the board of arbitration shall be informal without strict compliance with rules

of evidence applicable to court proceedings. The board of arbitration shall have the power to administer oaths and subpoena witnesses and records. If a person fails to appear after being properly served with a subpoena, the department shall apply to the court of common pleas for Richland County for a contempt order or other appropriate order. A record of such hearings shall be made and if the decision of the board of arbitration is appealed as hereinafter provided, the record shall be transcribed and a copy made available to all parties.

(5) Any party to an arbitration may appeal the decision of the board of arbitration by giving notice of such appeal to the other party or parties within twenty days from the date of the decision of the board of arbitration. All appeals shall be to the court of common pleas for any county in which the unlawful discharge occured. The court shall consider the appeal on the record made of the hearing before the board of arbitration. Any party may appeal the decision of the court of common pleas to the Supreme Court of South Carolina in the same manner as provided for in other actions.

(6) Notwithstanding any provisions provided herein for arbitration, any person claiming damages because of unlawful discharges as provided in § 48-43-580 herein may institute an action in any court of competent jurisdiction against the person or persons causing such unlawful discharges for all damages resulting to such person because of the unlawful discharge; *provided, however,* that if such person files a claim and application for arbitration with the department, such person shall be precluded from instituting an action in the courts and if such person institutes an action, such person shall be precluded from filing a claim and application for arbitration as provided herein.

HISTORY: 1977 (60) 414.

§ 48-43-610. Violations of article; penalties.

(1) It is unlawful for any person to violate any provision of this article or any rule, regulation, or order of the department made pursuant to this article. Except as otherwise provided, a violation shall be punishable by a civil penalty of up to ten thousand dollars per violation per day to be assessed by the department. Each day during any portion of which the violation occurs constitutes a separate offense.

(2) Penalties assessed herein for a discharge shall be the only penalties assessed by the State, and the assessed person or persons shall be excused from paying any other penalty for water pollution for the same occurrence.

(3) The penalty provisions of this section shall not apply to any discharge promptly reported and removed by a registrant or vessel in accordance with the rules, regulations and orders of the department.
HISTORY: 1977 (60) 414.

Research and Practice References —
39A C.J.S., Health and Environment § 154.

§ 48-43-620. Submission of budget and accounting to General Assembly by department.

The department shall submit to each regular session of the legislature a proposed budget for carrying out its responsibilities under this article and shall also account for all funds appropriated by the legislature for carrying out its responsibilities under this article for the previous year.
HISTORY: 1977 (60) 414.

Article 4

Violations and Penalties

Sec.
48-43-810 Violations generally, criminal penalties.
48-43-820. Civil penalties and liabilities; liability to third parties.
48-43-830 Penalties for aiding or abetting another person in violation of chapter.
48-43-840 Sale, purchase, acquisition, transportation, refining, processing or handling illegal oil, gas or product; seizure and sale of illegal oil, gas or product.
48-43-850. Injunctions

§ 48-43-810. Violations generally; criminal penalties.

It shall be unlawful for any person to:

(a) Willfully violate any provision of this chapter, or any rule, regulation or order of the commission;

(b) Commence operations for the drilling of a well for oil or gas without first obtaining a permit from the commission, under such rules and regulations as may be prescribed by the commission;

(c) Do any of the following for the purpose of evading or violating this chapter, or any rule, regulation or order of the commission: Make any false entry or statement in a report required by this chapter or by any rule, regulation or order of the commission; make or cause to be made any false entry in any record, account or memorandum, required by this chapter, or by any such rule, regulation or order; omit, or cause to be omitted, from any such record, account or memorandum full, true and correct entries as required by this chapter, or by any such rule, regulation or order; or remove from this State or destroy, mutilate, alter or falsify any such record, account or memorandum;

(d) Refuse to attach or install a meter as prescribed by the commission pursuant to § 48-43-30 (B) (1) (m) herein when ordered to do so by the commission or in any way to tamper with such meter so as to produce a false or inaccurate reading, or to have any bypass at such a place where the oil or gas can be passed around;

(e) Permit through negligence or willfulness any gas or oil well to go wild or to get out of control.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars or to be imprisoned for not more than six months, or both.
HISTORY: 1977 (60) 414.

Research and Practice References —
39A C.J.S., Health and Environment §§ 155-157.

§ 48-43-820. Civil penalties and liabilities; liability to third parties.

(A) Any person who violates any provision of this chapter, or any rule, regulation or order of the commission, shall also be subject to a civil penalty of not more than five thousand dollars for each act of violation and for each day that such violation continues.

(B) Any person who negligently or willfully permits an oil or gas well to go wild or to get out of control, to cause pollution or waste, or to create other conditions that are detrimental to the property rights of others or the public shall be liable to the commission for the expense incurred in correcting the detrimental conditions and the civil penalties imposed by subsection (A) and the commission is hereby authorized to take whatever action it deems necessary, including operation of the well, to correct the detrimental conditions and charge the owner or producer, or both, of the well for the expenses incurred.

(C) The penalties and liabilities provided in this section shall be recoverable by civil suit filed by the Attorney General in the name and on behalf of the commission in the court of common pleas of the county in which the defendant resides or in which any defendant resides, if there be more than one defendant, or in the court of common pleas of any county in which the violation occurred. The payment of any such penalty shall not operate to legalize any illegal oil, illegal gas or illegal product involved in the violation for which the penalty is imposed or relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of such violation.

(D) In addition to any civil and criminal penalties imposed by this chapter, any person who violates any provisions of this chapter, or rules, regulations and orders of the commission, shall be liable to all third parties who may incur damage or injury because of such violations.
HISTORY: 1977 (60) 414.

Research and Practice References —
39A C.J.S., Health and Environment § 154.

§ 48-43-830. Penalties for aiding or abetting another person in violation of chapter.

Any person knowingly aiding or abetting any other person in the violation of any provision of this chapter, or any rule, regulation or order of the commission, shall be subject to the same punishment and penalty prescribed by this chapter for the violation by such other person.
HISTORY: 1977 (60) 414.

§ 48-43-840. Sale, purchase, acquisition, transportation, refining, processing or handling illegal oil, gas or product; seizure and sale of illegal oil, gas or product.

(A) The sale, purchase, acquisition, transportation, refining, processing or handling of illegal oil, illegal gas or illegal product is hereby prohibited. However, no penalty by way of fine shall be imposed upon a person who sells, purchases, acquires, transports, refines, processes or handles illegal oil, illegal gas or illegal product unless (1) such person knows, or is put on notice of, facts indicating that illegal oil, illegal gas or illegal product is involved, or (2) such person fails to obtain a certificate of clearance with respect to such oil, gas or product if prescribed by an order of the commission, or fails to follow any other method prescribed by an order of the commission for the identification of such oil, gas or product.

(B) Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale as herein provided. Seizure and sale shall be in addition to any and all other remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or illegal product. Whenever the commission believes that any oil, gas, or product is illegal, the commission, acting by the Attorney General, shall bring a civil action in rem in the court of common pleas of the county where such oil, gas, or product is found, to seize and sell the same, or the commission may include such an action in rem in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. Any person claiming an interest in oil, gas, or product affected by such

action in rem shall have the right to intervene as an interested party in such action.

(C) Actions for seizure and sale of illegal oil, illegal gas or illegal product shall be strictly in rem, and shall proceed in the name of the State as plaintiff against the oil, gas or product as defendant. No bond or similar undertaking shall be required of the plaintiff. The action for seizure and sale shall be commenced in the court of common pleas for the county in which the oil, gas or product is situated by a summons and complaint which shall be verified or supported by affidavits. When the verified complaint or complaint and supporting affidavits set forth sufficient facts to support the seizure and sale of the illegal oil, illegal gas or illegal products, the clerk of court of the county in which such oil, gas or product is situated or the judge of the judicial circuit which has jurisdiction to hear matters arising in the county shall issue a warrant directed to the sheriff of the county for service upon any and all persons having or claiming any interest in the oil, gas or product described in the complaint. The warrant shall direct the sheriff to take such oil, gas or product into his custody until such time as the court has heard the action on its merits and the matter has been fully adjudicated. The original summons and complaint and warrant shall be filed with the clerk of court for the county by the plaintiff with the sheriff's affidavit of service attached when service has been accomplished in the manner set forth herein by the sheriff. All persons having or claiming any interest in the oil, gas or product described in the complaint must appear and answer the complaint within twenty days after service of such summons and complaint. Service of the summons and complaint and warrant by posting copies on the door of the courthouse for the county in which the oil, gas or product described in the complaint is situated, by posting copies in the immediate vicinity of the place where such oil, gas or product is located and by publishing the summons and complaint and warrant in any newspaper of general circulation in the county in which such oil, gas or product is located in four consecutive issues of the newspaper shall constitute valid and sufficient service on all persons having or claiming any interest in the such oil, gas or product.

Any person who fails to appear and answer the complaint within twenty days after service of the summons and complaint and warrant shall be forever barred by any judgment obtained by the plaintiff. The service of the summons and complaint and warrant as provided herein shall place the State in constructive or actual possession, as the case may be, of the oil, gas or product.

(D) Any person having an interest in any oil, gas or product which has been seized in accordance with the provisions of subsection (C) may, prior

to the sale thereof, obtain the release thereof, upon furnishing bond to the sheriff, approved by the clerk of court, in an amount equal to one hundred and fifty percent of the market value of the oil, gas or product to be released pending a final adjudication of the action on its merits.

(E) If the court, after a hearing upon the complaint for the seizure and sale of oil, gas, or product, finds that such oil, gas, or product is contraband, the court shall order the sale thereof by the sheriff in the same manner and upon the same notice of sale as provided by law for the sale of personal property on execution of judgment entered in a civil action, except that the court may order that the oil, gas, or product be sold in specified lots or portions and at specified intervals. Upon such sale, title to the oil, gas, or product sold shall vest in the purchaser free of the claims of any and all persons having any title thereto or interest therein at or prior to the seizure thereof, and the same shall be legal oil, legal gas, or legal products, as the case may be, in the hands of the purchaser.

(F) All proceeds derived from the sale of illegal oil, illegal gas, or illegal product, as above provided, after payment of costs of suit and expenses incident to the sale and all amounts paid as penalties provided for by this chapter, shall be paid into the State Treasury for the use of the commission in defraying its expenses in the same manner as other funds provided by law for the use of the commission.

HISTORY: 1977 (60) 414.

Research and Practice References —

79 C.J.S., Searches and Seizures §§ 115-117.

§ 48-43-850. Injunctions.

Whenever it appears that any person is violating or threatening to violate any provision of this chapter, or any rule, regulation or order of the commission, the Attorney General may, at the request of the commission, bring suit in the name of the commission against such persons in the court of common pleas of the county where the violation occurs or is threatened, or in the county in which the defendant resides or in which any defendant resides if there is more than one defendant, to restrain such person from continuing such violation or from carrying out the threat of violation. In any such suit, the court shall have jurisdiction to grant without bond or other undertaking, such prohibitory or mandatory injunctions as the facts may warrant, including temporary restraining orders and preliminary injunctions.

HISTORY: 1977 (60) 414.

Research and Practice References —

59A C.J.S., Health and Environment §§ 150-153.

A.L.R. and L. Ed. Annotations —

Pollution control; preliminary mandatory injunction to prevent, correct, or reduce effects of polluting practices. 49 ALR3d 1239.

CHAPTER 5

Groundwater Use Act

SEC
49-5-10. Short title.
49-5-20. Legislative declaration of policy.
49-5-30. Definitions.
49-5-40. Delineation and modification of capacity use areas.
49-5-50. Regulation of use of groundwaters in capacity use areas.
49-5-60. Permit required for use of groundwater in excess of 100,000 gallons per day; procedure before Commission; appeals; matters which shall be considered by Commission.
49-5-70. Duration of permit; renewal; transfer; determination of amount of water withdrawn or used, use of water pending issuance of permit.
49-5-80. Maps, drawings, descriptions or combinations thereof defining boundaries of capacity use areas.
49-5-90. Investigations by Commission; right of entry.
49-5-100. Rules and regulations.
49-5-110. Penalties; injunctive relief.
49-5-120. Law as to use of surface water not affected.

§ 49-5-10. Short title.

This chapter shall be known and may be cited as the Groundwater Use Act of 1969.

HISTORY: 1962 Code § 70-31; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

§ 49-5-20. Legislative declaration of policy.

It is hereby declared that the general welfare and public interest require that the water resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation in order to conserve these resources and to provide and maintain conditions which are conducive to the development and use of water resources.

HISTORY: 1962 Code § 70-32; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

§ 49-5-30. Definitions.

Unless the context otherwise requires, the following terms as used in this chapter are defined as follows:

(1) *"Area of the State"* means any municipality or county or

portion thereof or other substantial geographical area of the State as may be designated by the Commission.

(2) *"Commission"* means the South Carolina Water Resources Planning and Coordinating Commission.

(3) *"Consumptive use"* means any use of water withdrawn from the ground other than a "nonconsumptive use," as defined in this chapter.

(4) *"Nonconsumptive use"* means (i) the use of water withdrawn from a groundwater system or aquifer in such a manner that it is returned to the groundwater system or aquifer from which it was withdrawn without substantial diminution in quantity or substantial impairment in quality at or near the point from which it was withdrawn; (ii) *provided, however,* that (in determining whether a use of groundwater is nonconsumptive) the Commission may take into consideration whether any material injury or detriment to other water users of the area by reason of reduction of water pressure in the aquifer or system has not been adequately compensated by the permit applicant who caused or substantially contributed to such injury or detriment.

(5) *"Person"* shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this State or any other state or county.

(6) *"Groundwater"* means water of underground streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the earth whether percolating or otherwise, whether public or private, natural or artificial, which is contained within, flows through, or borders upon this State or any portion thereof, including those portions of the Atlantic Ocean over which this State has jurisdiction.

(7) *"Aquifer"* means a geologic formation, group of such formations, or a part of such a formation that is water bearing.

(8) *"Well"* means any excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of locating, testing or withdrawing groundwater or for evaluating, testing, developing, draining or recharging any groundwater reservoirs or aquifer, or that may control, divert, or otherwise cause the movement of water from or into any aquifer. *Provided, however,* this shall not include a well constructed by an individual on land which is owned or leased by him, appurtenant to a single family dwelling, and intended for domestic use (including household purposes, farm livestock, or gardens).

HISTORY: 1962 Code § 70-33; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9- 10 et seq.

§ 49-5-40. Delineation and modification of capacity use areas.

(a) The Commission, upon the request of a county, municipality or other political subdivision of State government, may declare and delineate from time to time, and may modify, capacity use areas of the State where it finds that the use of groundwater requires coordination and limited regulation for protection of the interests and rights of residents or property owners of such areas or of the public interest.

(b) Within the meaning of this chapter *"a capacity use area"* is one where the Commission finds that the aggregate uses of groundwater in or affecting such area (i) have developed or threatened to develop to a degree which requires coordination and regulation, or (ii) exceed or threaten to exceed or otherwise threaten or impair, the renewal or replenishment of such waters or any part of them.

(c) The Commission may declare and delineate capacity use areas in accordance with the following procedures:

(1) Whenever the Commission, after reviewing a request from a county, municipality or subdivision of State government, believes that a capacity use situation exists or may be emerging in any area of the State, it may direct its executive director to conduct an investigation and report to the Commission thereon.

(2) In conducting the investigation the executive director shall consult with all interested persons, groups and agencies; may retain consultants; and shall consider all factors relevant to the conservation and use of water in the area. The report shall include the executive director's findings and recommendations as to the water use problems of the area involving groundwater, whether effective measures can be employed limited to groundwater, and whether timely action by any agency or person may preclude the need for additional regulation at that time. The report shall also include such other findings and recommendations as may be deemed appropriate, including recommended boundaries for any capacity use area that may be proposed.

(3) If the Commission finds, following its review of the report (or thereafter following its evaluation of measures taken falling short of regulation) that a capacity use area should be declared, it may adopt an order declaring the capacity use area. Prior to

adopting such an order the Commission shall give notice of its proposed action and shall conduct one or more public hearings with respect to such proposed action.

(4) Such notice shall be given not less than thirty days before the date of such hearing and shall state the date, time, and place of hearing, the subject of the hearing, and the action which the Commission proposes to take. The notice shall either include details of such proposed action, or where such proposed action is too lengthy for publication, the notice shall specify that copies of such detailed proposed action shall be obtained on request from the office of the Commission in sufficient quantity to satisfy the requests of all interested persons.

(5) Any such notice shall be published at least once in one newspaper of general circulation circulated in each county of the State in which the water area affected is located, and a copy of such notice shall be mailed to each person on the mailing list required to be kept by the Commission pursuant to the provisions of § 49-5-60.

(6) Any person who desires to be heard at any such public hearing shall give notice thereof in writing to the Commission on or before the first date set for the hearing. The Commission is authorized to set reasonable time limits for the oral presentation of views by any one person at any such public hearing. The Commission shall permit anyone who so desires to file a written argument or other statement with the Commission in relation to any proposed action of the Commission any time within thirty days following the conclusion of any public hearing or within any such additional time as the Commission may allow by notice given as prescribed in this section.

(7) Upon completion of hearings and consideration of submitted evidence and arguments with respect to any proposed action by the Commission pursuant to this paragraph, the Commission shall adopt its final action with respect thereto and shall publish such final action as part of its official regulations. The Commission is empowered to modify or revoke from time to time any final action previously taken by it pursuant to the provisions of this section, any such modification, or revocation, however, to be subject to the procedural requirements of this chapter, including notice and hearing. If the Commission finds and orders that a capacity use area shall be declared, its order shall include a delineation of the boundary of the area, and the Commission shall instruct its executive director to prepare proposed regulations consistent with the provisions of this chapter and commensurate with the degree

of control needed from among the classes of permissible regulations set forth in § 49-5-50.

HISTORY: 1962 Code § 70-34; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

§ 49-5-50. Regulation of use of groundwaters in capacity use areas.

(a) Following the declaration of a capacity use area by the Commission, it shall prepare proposed regulations to be applied in said area, containing such of the following provisions as the Commission finds appropriate concerning the use of groundwaters:

(1) Provisions requiring water users within the area to submit reports not more frequently than at thirty-day intervals concerning quantity of water used or withdrawn, sources of water and the nature of the use thereof.

(2) With respect to groundwaters: provisions concerning the timing of withdrawals; provisions to protect against or abate saltwater encroachment; provisions to protect against or abate unreasonable adverse effects on other water users within the area, including but not limited to adverse effects on public use.

(3) With respect to groundwaters: provisions concerning well depth and spacing controls; and provisions establishing a range of prescribed pumping levels (elevations below which water may not be pumped) or maximum pumping rates, or both, in wells or for the aquifer or for any part thereof based on the capacities and characteristics of the aquifer.

(4) Such other provisions not inconsistent with this chapter as the Commission finds necessary to implement the purposes of this chapter.

(b) The Commission shall conduct one or more hearings upon the proposed regulations, upon notice, in accordance with the requirements of subsection (c), items (4)–(6), of § 49-5-40. Upon completion of the hearings and consideration of submitted evidence and arguments with respect to any proposed regulation, the Commission shall adopt its final action with respect thereto, and shall publish such final action as part of its official regulations. The Commission is empowered to modify or revoke from time to time any final action previously taken by it pursuant to the provisions of this section, any such modifications or revocations, however, to be subject to the procedural requirements of this chapter, including notice and hearing.

HISTORY: 1962 Code § 70-35; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

Research and Practice References—
78 Am Jur 2d, Waters § 148.
93 CJS, Waters § 93.

§ 49-5-60. Permit required for use of groundwater in excess of 100,000 gallons per day; procedure before Commission; appeals; matters which shall be considered by Commission.

(a) In areas declared by the Commission to be capacity use areas no person shall (after the expiration of such period, not in excess of six months, as the Commission may designate) withdraw, obtain or utilize groundwaters in excess of one hundred thousand gallons per day for any purpose unless such person shall first obtain a permit therefor from the Commission.

(b) When sufficient evidence is provided by the applicant that the water withdrawn or used from the ground is not consumptively used, a permit therefor shall be issued by the Commission without a hearing and without the conditions provided in subsection (c) of this section. Applications for such permits shall set forth such facts as the Commission shall deem necessary to enable it to establish and maintain adequate records of all water uses within the capacity use area.

(c) In all cases in which sufficient evidence of a nonconsumptive use is not presented the Commission shall notify each person required by this chapter to secure a permit, of the Commission's proposed action concerning such permit, and shall transmit with such notice a copy of any permit it proposed to issue to such persons, which permit will become final unless a request for a hearing is made within fifteen days from the date of service of such notice. The Commission shall have the power: (i) to grant such permit with conditions as the Commission deems necessary to implement the regulations adopted pursuant to § 49-5-50; (ii) to grant any temporary permit for such period of time as the Commission shall specify where conditions make such temporary permit essential, even though the action allowed by such permit may not be consistent with the Commission's regulations applicable to such capacity use area; (iii) to modify or revoke any permit upon not less than sixty days' written notice to any person affected; and (iv) to deny such permit if the application therefor or the effect of the water use proposed or described therein upon the water resources of the area is found to be contrary to public

interest. Any water user wishing to contest the proposed action shall be entitled to a hearing upon request therefor.

(d) In any proceeding pursuant to this section or § 49-5-70, the Commission shall give notice with respect to all steps of the proceeding only to each person directly affected by such proceeding who shall be made a party thereto. In all proceedings pursuant to § 49-5-40 or § 49-5-50 the Commission shall give notice as provided by these sections, and it shall also give notice of all its official acts (such as the adoption of regulations or rules of procedure) which have, or are intended to have, general application and effect, to all persons on its mailing list on the date when such action is taken. It shall be the duty of the Commission to keep such a mailing list on which it shall record the name and address of each person who requests a listing thereon, together with the date of receipt of such request. Any person may, by written request to the Commission, ask to be permanently recorded on such a mailing list.

(e) All notices which are required to be given by the Commission or by any party to a proceeding shall be given by registered or certified mail to all persons entitled thereto, including the Commission. The date of receipt or refusal for such registered or certified mail shall be the date when such notice is deemed to have been given. Notice by the Commission may be given to any person upon whom a summons may be served in accordance with the provisions of law covering civil actions in the circuit courts of this State. The Commission may prescribe the form and content of any particular notice.

(f) The following provisions shall be applicable in connection with hearings pursuant to this part:

(1) Any hearing held pursuant to this section or § 49-5-70 whether called at the instance of the Commission or of any person, shall be held upon not less than thirty days' written notice given by the Commission to any person who is a party to the proceedings with respect to which such hearing is to be held, unless a shorter notice is agreed upon by all such parties.

(2) All hearings under this part shall be before the Commission or before one or more of its own members or before one or more of its own qualified employees, and shall be open to the public. Any member or employee of the Commission to whom a delegation of power is made to conduct a hearing shall report the hearing with its evidence and record to the Commission for decision.

(3) A full and complete record of all proceedings at any hearing under this chapter shall be taken by a reporter appointed by the

Commission or by other method approved by the Attorney General. Any party to a proceeding shall be entitled to a copy of such record upon the payment of the reasonable cost thereof as determined by the Commission.

(4) The Commission and its duly authorized agents shall follow generally the procedures applicable in civil actions in the circuit court insofar as practicable, including rules and procedures with regard to the taking and use of depositions, the making and use of stipulations, and the entering into of agreed settlements and consent orders.

(5) The Commission or its duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of books, papers, and other documents belonging to such persons.

(6) Subpoenas issued by the Commission, in connection with any hearing under this chapter, shall be directed to any officer authorized by law to serve process, and the further procedures and rules of law applicable with respect thereto shall be prescribed in connection with subpoenas to the same extent as if issued by a court of record. In case of a refusal to obey a subpoena issued by the Commission, application may be made to the circuit court of the appropriate county for enforcement thereof.

(7) The burden of proof at any hearing under this chapter shall be upon the person of the Commission, as the case may be, at whose instance the hearing is being held.

(8) No decision or order of the Commission shall be made in any proceeding unless the same is supported by competent, material and substantial evidence upon consideration of the whole record.

(9) Following any hearing, the Commission shall afford the parties thereto a reasonable opportunity to submit within thirty days or within such additional time as prescribed by the Commission, proposed findings of fact and conclusions of law and any brief in connection therewith.

(10) All orders and decisions of the Commission shall set forth separately the Commission's findings of fact and conclusions of law and shall, wherever necessary, cite the appropriate provision of law or other source of authority on which any action or decision of the Commission is based.

(11) The Commission shall have the authority to adopt a seal which shall be judicially noticed by the courts of the State. Any document, proceeding, order, degree, special order, rule, regulation, rule of procedure or any other official act or records of the

Commission or its minutes may be certified by the executive director of the Commission under his hand and the seal of the Commission and when so certified shall be received in evidence in all actions or proceedings in the courts of the State without further proof of the identity of the same if such records are competent, relevant and material in any such action or proceeding. The Commission shall have the right to take judicial notice of all studies, reports, statistical data or any other official reports or records of the Federal Government or of any sister state and all such records, reports and data may be placed in evidence by the Commission or by any other person or interested party where material, relevant and competent.

(g) Any person against whom any final order or decision has been made except where otherwise no appeal is allowed, shall have a right of appeal to the circuit court for Richland County or of the county where the order or decision is effective within thirty days after such order or decision has become final. Upon such appeal the Commission shall send a certified transcript of all testimony and exhibits introduced before the Commission, the order or decisions, and the notice of appeal to the circuit court. The matter on appeal may be heard and determined de novo based on a certified transcript and any other evidence competent under the rules of evidence applicable to trials in the circuit court and with a jury upon any question of fact; *provided,* the court shall allow any party to introduce evidence or additional evidence upon any question of fact. At the conclusion of the hearing, the judge shall make findings of fact and enter his decisions thereto. Appeals from the judgment and orders of the circuit court may be made to the Supreme Court. No bond shall be required of the Commission in appealing to the Supreme Court.

(h) In adopting any regulations pursuant to the provisions of § 49-5-50 and in considering permit applications, revocations or modifications under this section, the Commission shall consider:

(1) The number of persons using an aquifer and the object, extent and necessity of their respective withdrawals or uses;

(2) The nature and size of the aquifer;

(3) The physical and chemical nature of any impairment of the aquifer, adversely affecting its availability or fitness for other water uses (including public use);

(4) The probable severity and duration of such impairment under forseeable conditions;

(5) The injury to public health, safety or welfare which result if such impairment were not prevented or abated;

(6) The kinds of businesses or activities to which the various uses are related;

(7) The importance and necessity of the uses claimed by permit applicants (under this section), or of the water uses of the area (under § 49-5-50) and the extent of any injury or detriment caused or expected to be caused to other water uses (including public use);

(8) Diversion from or reduction of flows in other watercourses or aquifers; and

(9) Any other relevant factors.

HISTORY: 1962 Code § 70-36; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

Research and Practice References—
78 Am Jur 2d, Waters § 148.

§ 49-5-70. Duration of permit; renewal; transfer; determination of amount of water withdrawn or used; use of water pending issuance of permit.

(a) No permit under § 49-5-60 shall be issued for a longer period than the longest of the following: (i) ten years, or (ii) the duration of the existence of a capacity use area, or (iii) the period found by the Commission to be necessary for reasonable amortization of the applicant's water withdrawal and water-using facilities. Permits may be renewed following their expiration upon compliance with the provisions of § 49-5-60.

(b) Permits shall not be transferred except with the approval of the Commission.

(c) Every person in a capacity use area who is required by this chapter to secure a permit shall file with the Commission in the manner prescribed by the Commission a certified statement of quantities of water used and withdrawn, sources of water, and the nature of the use thereof not more frequently than thirty-day intervals. Such statements shall be filed on forms furnished by the Commission within ninety days after the adoption of an order by the Commission declaring a capacity use area. Water users in a capacity use area not required to secure a permit shall comply with procedures established to protect and manage the water resources of the area. Such procedures shall be adapted to the specific needs of the area, shall be within the provisions of this chapter and shall be adopted after public hearing in the area. The requirements

embodied in the two preceding sentences shall not apply to individual domestic water use.

(d) If any person who is required to secure a permit under this chapter is unable to furnish accurate information concerning amounts of water being withdrawn or used, or if there is evidence that his certified statement is false or inaccurate or that he is withdrawing or using a larger quantity of water or under different conditions than has been authorized by the Commission, the Commission shall have the authority to require such person to install water meters, or some other more economical means for measuring water use acceptable to the Commission. In determining the amount of water being withdrawn or used by a permit holder or applicant the Commission may use the rated capacity of his pumps, the rated capacity of his cooling system, data furnished by the applicant, or the standards or methods employed by the United States Geological Survey in determining such quantities or by any other accepted method.

(e) In any case where a permit applicant can prove to the Commission's satisfaction that the applicant was withdrawing or using water prior to the date of declaration of a capacity use area, the Commission shall take into consideration the extent to which such prior use or withdrawal was reasonably necessary in the judgment of the Commission to meet his needs, and shall grant a permit which shall meet those reasonable needs. *Provided, however,* that the granting of such permit shall not have unreasonably adverse effects upon other water uses in the area, including public use, and including potential as well as present use.

(f) The Commission shall also take into consideration in the granting of any permit the prior investments of any person in lands, and plans for the usage of water in connection with such lands which plans have been submitted to the Commission within a reasonable time after July 2, 1969. *Provided, however,* that the granting of such permit shall not have unreasonably adverse effects upon other water uses in the area, including public use, and including potential as well as present use.

(g) Pending the issuance or denial of a permit pursuant to subsection (e) or (f) of this section, the applicant may continue the same withdrawal or use which existed prior to the date of declaration of the capacity use area.

HISTORY: 1962 Code § 70-37; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

§ 49-5-80. Maps, drawings, descriptions or combinations thereof defining boundaries of capacity use areas.

(a) The Commission in designating and the executive director in recommending the boundaries of any capacity use area may define such boundaries by showing them on a map or drawing, by a written description, or by any combination thereof, to be designated appropriately and filed permanently by the Commission. Alterations in these lines shall be indicated by appropriate entries upon or additions to such map or description. Such entries shall be made under the direction of the executive director. Photographic, typed or other copies of such map or description, certified by the executive director, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description. If the boundaries are changed pursuant to other provisions of this chapter, the executive director may provide for the redrawing of any such map. A redrawn map shall supercede for all purposes the earlier map or all maps which it is designated to replace.

(b) The executive director shall file with the Secretary of State a certified copy of the map, drawings, description or combination thereof, showing the boundaries of any capacity use area designated by the Commission; and a certified copy of any redrawn or altered map or drawing, and of any amendments or additions to written descriptions, showing alterations to such boundaries.

HISTORY: 1962 Code § 70-39; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

§ 49-5-90. Investigations by Commission; right of entry.

The Commission shall have the right to conduct such investigations as may reasonably be necessary to carry out its duties prescribed in this chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating the condition, withdrawal or use of any waters, investigating water sources, or investigating the installation or operation of any well and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the installation or operation of any well; *provided,* that no person shall be required to disclose any secret formula, processes or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision. No person shall refuse entry or access to any authorized representative of the Commission who requests entry for the purposes of a lawful inspection, and who presents appropriate credentials, nor shall any person obstruct,

hamper or interfere with any such representative while in the process of carrying out his official duties consistent with the provisions of this chapter.

HISTORY: 1962 Code § 70-40; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

§ 49-5-100. Rules and regulations.

The Commission may adopt and modify from time to time rules and regulations to implement the provisions of this chapter.

HISTORY: 1962 Code § 70-41; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

§ 49-5-110. Penalties; injunctive relief.

(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars for each violation. In addition, if any person is adjudged to have committed such violation wilfully, the court may determine that each day during which such violation continued constitutes a separate offense.

(b) In addition, upon violation of any of the provisions of this chapter, or the regulations of the Commission, the executive director may, either before or after the institution of criminal proceedings, institute a civil action in the circuit court in the name of the State for injunctive relief. Neither the institution of the actions nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this chapter for any violation of the same.

HISTORY: 1962 Code § 70-38; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

Research and Practice References—
24 Am Jur Pl & Pr Forms (Rev ed), Waters, Form 111 (complaint, petition, or declaration to enjoin withdrawal of unreasonable quantity of ground water)
24 Am Jur Pl & Pr Forms (Rev ed), Waters, Form 115 (complaint, petition, or declaration to enjoin excessive drainage from artesian water system)

§ 49-5-120. Law as to use of surface water not affected.

Nothing contained in this chapter shall change or modify existing common or statutory law with respect to the rights of the use of surface water in this State.

HISTORY: 1962 Code § 70-42; 1969 (56) 640.

Cross references—
As to Soil and Water Conservation Districts Law, see §§ 48-9-10 et seq.

HISTORY: 1962 Code § 28-105; 1952 Code § 28-105; 1942 Code § 1755; 1935 (39) 478; 1952 (47) 2890.

§ 50-3-90. Conducting game and fish cultural operations and investigations; sampling fish populations.

The authorized agents of the Department may conduct game and fish cultural operations and scientific investigations in such manner, places and at such times as are considered necessary and may use whatever methods are deemed advisable for sampling fish populations. Such operations and investigations shall be conducted only at the request of and with the permission from the Director of the Division of Game or the Director of the Division of Commercial Fisheries, and no such operations and investigations shall be made upon private lands and waters except at the request of the owner or owners of such lands and waters.

HISTORY: 1962 Code § 28-106; 1954 (48) 1765.

§ 50-3-100. Acquisition, sale or other disposition of real property for game reserves, fish ponds or other related purposes.

The Department may acquire, own, sell, lease, exchange, transfer or rent real property, alone or in cooperation with agencies of the Federal Government, for the purpose of providing game reserves, fish ponds, game farms, fish hatcheries, public hunting and fishing grounds and for other purposes necessary and proper for the protection, managing or propagating of fish and game and furnishing the people of the State with hunting areas and fishing facilities. Only funds or revenues of the Department not essential to its normal operation may be used for such purposes. Funds made available by appropriation, allotment or donation to the Department for such purposes by the Federal Government and its agencies or by other governmental or private agencies may be used to carry out the provisions of this section.

HISTORY: 1962 Code § 28-107; 1957 (50) 51.

Cross references—
As to acquisition of land for fish hatcheries, see §§ 50-13-1920, 50-13-1930.
As to acquisition of land in Marlboro County for fish and wildlife projects, see §§ 50-19-1310 to 50-19-1330.
As to construction of roads and recreation facilities by the State Highway Department under agreements with the South Carolina Wildlife and Marine Resources Department, see § 57-5-470.

ATTORNEY GENERAL'S OPINIONS

Department is empowered to dispose of or sell real estate.—The Wildlife Resources Department is empowered by this section to dispose of or sell real

CHAPTER 15

Nongame and Endangered Species Conservation Act

SEC

50-15-10. Short title.
50-15-20. Definitions.
50-15-30. Investigations on nongame wildlife by Commission; rules and regulations, management programs; public hearings; prohibited acts.
50-15-40. Endangered species shall be listed, review and amendment of list; unlawful to take, deal in, or transport species on Commission or Federal lists.
50-15-50. Establishing and carrying out programs for management of nongame and endangered wildlife; removal, capture or destruction of wildlife.
50-15-60. Costs of programs.
50-15-70. Promulgation of regulations.
50-15-80. Penalties, searches and seizures, power to arrest, disposition of confiscated property.
50-15-90. Chapter not retroactive; certain importation not prohibited.

§ 50-15-10. Short title.

This chapter may be cited as the "South Carolina Nongame and Endangered Species Conservation Act."

HISTORY: 1962 Code § 28-725; 1974 (58) 2384.

Editor's Note—

Section 3 of 1974 Act No. 1125 (1974) (58) 2384, contains legislative findings and provides.

"The General Assembly finds and declares that:

"(1) It is the policy of this State to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as members of ecosystems;

"(2) Species or subspecies of wildlife indigenous to this State which may be found to be endangered within the State should be accorded protection in order to maintain and to the extent possible enhance their numbers;

"(3) The State should assist in the protection of species or subspecies of wildlife which are deemed to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale or shipment within this State of species or subspecies of wildlife listed on the United States' List of Endangered Fish and Wildlife as set forth herein unless such actions will assist in preserving or propagating the species or subspecies; and

"(4) Adequate funding be made available to the Department annually by appropriations from the general fund or from other sources separate and apart from the game and fish fund for management of nongame and endangered species."

§ 50-15-20. Definitions.

As used in this chapter:

(1) *"Department"* means the Wildlife and Marine Resources Department.

(2) *"Commission"* means the Wildlife and Marine Resources Commission.

(3) *"Ecosystem"* means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.

(4) *"Endangered species"* means any species or subspecies of wildlife whose prospects of survival or recruitment within the State are in jeopardy or are likely within the foreseeable future to become so due to any of the following factors: (a) the destruction, drastic modification, or severe curtailment of its habitat, or (b) its over-utilization for scientific, commercial or sporting purposes, or (c) the effect on it of disease, pollution, or predation, or (d) other natural or manmade factors affecting its prospects of survival or recruitment within the State, or (e) any combination of the foregoing factors. The term shall also be deemed to include any species or subspecies of fish or wildlife appearing on the United States' List of Endangered Native Fish and Wildlife as it appears on July 2, 1974 (Part 17 of Title 50, Code of Federal Regulations, Appendix D) as well as any species or subspecies of fish and wildlife appearing on the United States' List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the Code of Federal Regulations, Appendix A), as such list may be modified hereafter.

(5) *"Management"* means the collection and application of biological information for the purposes of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. The term includes the entire range of activities that constitute a modern scientific resource program including, but not limited to, research, census, law enforcement, habitat acquisition and improvement, and education. Also included within the term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(6) *"Nongame species"* means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this State as a game species.

(7) *"Optimum carrying capacity"* means that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem, without diminishing the ability of the habitat to continue that function.

(8) *"Person"* means any individual, firm, corporation, association or partnership.

(9) *"Take"* means to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill wildlife.

(10) *"Wildlife"* means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean or other wild animal or any part, product, egg or offspring or the dead body or parts thereof.

HISTORY: 1962 Code § 28-726; 1974 (58) 2384.

§ 50-15-30. Investigations on nongame wildlife by Commission; rules and regulations; management programs; public hearings; prohibited acts.

(a) The Commission shall conduct investigations on nongame wildlife in order to develop information relating to population, distribution, habitat, needs, limiting factors, and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully. On the basis of such determinations the Commission shall issue proposed regulations not later than one year from July 2, 1974 and develop management programs designed to insure the continued ability of nongame wildlife to perpetuate themselves successfully. Such proposed regulations shall set forth species or subspecies of nongame wildlife which the Commission deems in need of management pursuant to this section, giving their common and scientific names by species or subspecies. The Commission shall conduct ongoing investigations of nongame wildlife and may from time to time amend such regulations by adding or deleting therefrom species or subspecies of nongame wildlife.

(b) The Commission shall by such regulations establish proposed limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment as may be deemed necessary to manage such nongame wildlife. Such regulation shall become effective sixty days after being proposed during which period public comment shall be solicited and received. The Commission may hold a public hearing if deemed appropriate. On the basis of public comments received or the testimony at any such hearing the Commission may make such changes in the proposed regulation as are consistent with effective management of nongame wildlife.

(c) Except as provided in regulations issued by the Commission, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale or ship nongame wildlife deemed by the Commission to be in need of management pursuant to this section. Subject to the same exception, it shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment nongame wildlife deemed by the

Commission to be in need of management pursuant to this section.

HISTORY: 1962 Code § 28-728; 1974 (58) 2384.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 31.
36A CJS, Fish § 26.
38 CJS, Game § 7.

ALR and L Ed Annotations—
Validity and construction of statute prohibiting sale within state of skin or body of specified wild animals or of the animal itself. 44 ALR3d 1008.

§ 50-15-40. Endangered species shall be listed; review and amendment of list; unlawful to take, deal in, or transport species on Commission or Federal lists.

(a) On the basis of investigations on nongame wildlife provided for in § 50-15-30 and other available scientific and commercial data, and after consultation with other State agencies, appropriate Federal agencies, and other interested persons and organizations, but not later than one year after July 2, 1974 the Commission shall by regulation propose a list of those species or subspecies of wildlife indigenous to the State which are determined to be endangered within this State, giving their common and scientific names by species and subspecies. Such regulation shall become effective sixty days after being proposed during which period public comment shall be solicited and received. The Commission may hold a public hearing if deemed appropriate. On the basis of public comments received or the testimony at any such hearing, the Commission may add to such proposed list additional species or subspecies which are determined to be endangered within the State or delete therefrom such species or subspecies which are determined not to be endangered within the State.

(b) The Commission shall conduct a review of the State list of endangered species within not more than two years from its effective date and every two years thereafter and may amend the list by such additions or deletions as are deemed appropriate. The Commission shall submit to the Governor a summary report of the data used in support of all amendments to the State list during the preceding biennium.

(c) Except as otherwise provided in this chapter, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale or ship, and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists: (1) the list of wildlife indigenous to the State determined to be

endangered within the State pursuant to subsection (a); (2) the United States' List of Endangered Native Fish and Wildlife as it appears on July 2, 1974 (Part 17 of Title 50, Code of Federal Regulations, Appendix D); and (3) the United States' List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50, Code of Federal Regulations, Appendix A), as such list may be modified hereafter; *provided*, that any species or subspecies of wildlife appearing on any of the foregoing lists which enters the State from another state or from a point outside the territorial limits of the United States and which is transported across the State destined for a point beyond the State may be so entered and transported without restriction in accordance with the terms of any Federal permit or permit issued under the laws or regulations of another state.

(d) In the event the United States' List of Endangered Native Fish and Wildlife is modified subsequent to July 2, 1974 by additions or deletions, such modifications whether or not involving species or subspecies indigenous to the State may be accepted as binding under subsection (c) if, after the type of scientific determination described in subsection (a), the Commission by regulation accepts such modification for the State. Any such regulation shall be effective upon promulgation.

HISTORY: 1962 Code § 28-729; 1974 (58) 2384.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 31.
36A CJS, Fish § 26
38 CJS, Game § 7

§ 50-15-50. Establishing and carrying out programs for management of nongame and endangered wildlife; removal, capture or destruction of wildlife.

(a) The Commission shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for management of nongame and endangered wildlife. The Commission shall utilize all authority vested in the Department to carry out the purposes of this section

(b) In carrying out programs authorized by this section, the Commission may enter into agreements with Federal agencies, political subdivisions of the State, or with private persons for administration and management of any area established under this section or utilized for management of nongame or endangered wildlife.

(c) The Governor shall encourage other State and Federal

agencies to utilize their authorities in furtherance of the purposes of this section.

(d) The Commission may permit, under such terms and conditions as may be prescribed by regulation, the taking, possession, transportation, exportation or shipment of species or subspecies of wildlife which appear on the State list of endangered species, on the United States' List of Endangered Native Fish and Wildlife, as amended and accepted in accordance with § 50-15-40(d), or on the United States' List of Endangered Foreign Fish and Wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.

(e) Upon good cause shown, and where necessary to alleviate damage to property or to protect human health, endangered species may be removed, captured or destroyed but only pursuant to permit issued by the Commission and, where possible, by or under the supervision of an agent of the Department; *provided*, that endangered species may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life. Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the Commission pursuant to § 50-15-30(a).

HISTORY: 1962 Code § 28-730; 1974 (58) 2384.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 31
36A CJS, Fish § 26.
38 CJS, Game § 7.

§ 50-15-60. Costs of programs.

The cost of programs established under this chapter shall be borne by the general fund and shall be included in the annual appropriation act.

HISTORY: 1962 Code § 28-734; 1974 (58) 2384.

§ 50-15-70. Promulgation of regulations.

The Commission shall promulgate such regulations as are necessary to carry out the purposes of this chapter.

HISTORY: 1962 Code § 28-731; 1974 (58) 2384.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 31.
36A CJS, Fish § 26.
38 CJS, Game § 7.

§ 50–15–80. Penalties; searches and seizures; power to arrest; disposition of confiscated property.

(a) Any person who violates the provisions of § 50–15–30(c), or any regulations issued under § 50–15–30 or whoever fails to procure or violates the terms of any permit issued thereunder shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or be imprisoned not more than six months, or both.

(b) Any person who violates the provisions of § 50–15–40(c), or any regulations issued pursuant thereto or whoever fails to procure or violates the terms of any permit issued under § 50–15–50(d) and (e) shall be deemed guilty of a misdemeanor and upon conviction shall be fined one thousand dollars or be imprisoned not more than one year, or both.

(c) Any officer employed and authorized by the Commission or any police officer of the State or of any municipality or county within the State shall have authority to conduct searches as provided by law, and to execute a warrant to search for and seize any equipment, business records, merchandise or wildlife taken, used, or possessed in connection with a violation of any section of this chapter. Any such officer or agency may, without a warrant, arrest any person who such officer or agent has probable cause to believe is violating, in his presence or view, any such section, or any regulation or permit provided for by this chapter. An officer or agent who has made an arrest of a person in connection with any such violation may search such person or business records at the time of arrest and seize any wildlife, records, or property taken, or used, in connection with any such violation.

(d) Equipment, merchandise, wildlife, or records seized under the provisions of subsection (c) shall be held by an officer or agent of the Department pending disposition of court proceedings, and thereafter be forfeited to the State for destruction or disposition as the Commission may deem appropriate; *provided,* that prior to forfeiture the Commission may direct the transfer of wildlife so seized to a qualified zoological, educational, or scientific institution for safekeeping, costs thereof to be assessable to the defendant. The Commission is authorized to promulgate regulations to implement this subsection.

HISTORY: 1962 Code § 28-732; 1974 (58) 2384.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 51.
36A CJS, Fish § 12
38 CJS, Game § 17

§ 50–15–90. Chapter not retroactive; certain importation not prohibited.

None of the provisions of this chapter shall be construed to apply retroactively or to prohibit importation into the State of wildlife which may be lawfully imported into the United States or lawfully taken or removed from another state or to prohibit entry into the State or possession, transportation, exportation, processing, sale or offer for sale or shipment of any wildlife whose species or subspecies is deemed to be threatened with statewide extinction in this State but not in the state where originally taken if the person engaging therein demonstrates by substantial evidence that such wildlife was lawfully taken or removed from such state; *provided,* that this section shall not be construed to permit the possession, transportation, exportation, processing, sale or offer for sale or shipment within this State of wildlife on the United States' List of Endangered Native Fish and Wildlife, as amended and accepted in accordance with § 50–15–40(d), except as permitted in the proviso to § 50–15–40(c) and § 50–15–50(d).

HISTORY: 1962 Code § 28-733; 1974 (58) 2384.

CHAPTER 17

Coastal Fisheries Laws

ARTICLE 1. General Provisions.
ARTICLE 3. Licenses and Taxes.
ARTICLE 5. Leases of Shellfish Bottoms.
ARTICLE 7. Use of Nets, Seines and Like Devices.
ARTICLE 9. Shellfish.
ARTICLE 11. Shrimp and Prawn.
ARTICLE 13. Crabs.
ARTICLE 15. Shad and Sturgeon.
ARTICLE 17. Terrapin and Sea Turtles.
ARTICLE 19. Nonfood Fish.
ARTICLE 21. Restricted Areas in Charleston and Colleton Counties.
ARTICLE 23. Sanitation Regulations for Commercial Fisheries in Horry County.

ARTICLE 1

GENERAL PROVISIONS

SEC.
50-17-10. Short title.
50-17-20. Definitions.
50-17-30. Application of chapter to fresh waters.
50-17-40. Certain coastal waters common for all people of State
50-17-50. Minimum permissible size of fish bought or sold, exception for bait.
50-17-60. Edible fish shall be used only for food or bait.
50-17-70. Permits for taking fish.
50-17-80. Protection of marine mammals
50-17-90. Erection of certain signs without authority unlawful.
50-17-100. Causing injury to Commission's signs, boats, or other property.
50-17-110. Commercial fishing boats shall cooperate with law-enforcement officers.
50-17-120. Fishing from boat near commercial fishing pier in Atlantic Ocean unlawful
50-17-130. Penalties

§ 50-17-10. Short title.

This chapter shall be known and referred to as the "Coastal Fisheries Laws."

HISTORY: 1962 Code § 28-751; 1952 Code § 28-751; 1942 Code § 3299; 1932 Code § 3299; 1924 (33) 1016; 1936 (39) 1644; 1959 (51) 439.

Cross references—

As to the Division of Commercial Fisheries, see Chapter 5 of this Title.

As to prohibition on fishing or trespassing in ponds used to breed fish and oysters, see § 50-13-350

As to rules of Department of Health and Environmental Control with respect to handling, etc., of shellfish, fish, crab meat, lobster and shrimp, see § 44-1-140.

CASE NOTES

A state may regulate the export of articles in which it has a special property, such as wild game or fish, even if interstate commerce be indirectly affected by the restriction. Toomer v Witsell, 73 F Supp 371 (1947), affirmed in 334 US 385, 68 S Ct 1156, 92 L Ed 1460 (1948).

§ 50-17-20. Definitions.

Whenever used in this chapter:

(1) *"Fish"* includes finfish, shellfish, crustaceans, turtles and terrapin;

(2) *"Shellfish"* includes oysters, clams, mussels and escallops and all immobile fish having shells;

(3) *"Crustacean"* includes crabs, shrimp, crayfish, stone crabs and any other mobile fish having a shell;

(4) *"Bottoms"* includes all of the tidelands of the State covered by water when at the stage of ordinary high tide; and

(5) *"Fishing"* and *"fisheries"* include all operations involved in taking or catching fish and in preparing them or transporting them to market.

HISTORY: 1962 Code § 28-752; 1952 Code § 28-752; 1942 Code § 3299; 1932 Code § 3299; 1924 (33) 1016; 1936 (39) 1644; 1959 (51) 439; 1972 (57) 2154.

§ 50-17-30. Application of chapter to fresh waters.

The provisions of this chapter shall not apply to fish or fishing in the fresh waters of this State except as provided in Article 15 of this chapter.

HISTORY: 1962 Code § 28-753; 1952 Code § 28-753; 1942 Code § 3300; 1932 Code § 3300; 1924 (33) 1016; 1959 (51) 439.

§ 50-17-40. Certain coastal waters common for all people of State.

The waters and bottoms of the bays, rivers, creeks and marshes within the State or within three miles of any point along low watermark on the coast thereof, not heretofore conveyed by grant from the General Assembly or lawful compact with the State, shall continue and remain as a common for the people of the State for the taking of fish, subject to the provisions of this chapter and any future act that may be passed, except that this section is not intended to regulate fish or fishing in the fresh waters of this State.

HISTORY: 1962 Code § 28-754; 1952 Code § 28-754; 1942 Code § 3300; 1932 Code § 3300; 1924 (33) 1016; 1959 (51) 439.

Research and Practice References—

35 Am Jur 2d, Fish and Game § 10.

36A CJS, Fish §§ 6 et seq.

CASE NOTES

Quoted in Jones v State Board of Fisheries, 161 SC 309, 159 SE 651 (1931).

Cited in Toomer v Witsell, 334 US 385, 68 S Ct 1156, 92 L Ed 1460 (1948).

ATTORNEY GENERAL'S OPINIONS

There is no right or power to the Budget and Control Board to lease or sell any of the commons or in anywise interfere with the leasing of the bottoms, which authority is specifically granted to the Division of Commercial Fisheries of the Wildlife Resources Department. 1963-64 Ops Att'y Gen., No 1618, p 36.

§ 50-17-50. Minimum permissible size of fish bought or sold; exception for bait.

It shall be unlawful for any person to buy, sell or offer for sale, except as bait, any fish of less size than the lengths hereinafter specified to wit:

Mackerel	12 inches
Hickory shad	12 inches
Speckled trout	11 inches
Bluefish	10 inches
Sheepshead	6 inches
Red drum	12 inches
Black bass or pompey drum	9 inches
Flounders	9 inches
Mullet	6 inches
Croakers	6 inches
Pompano	8 inches
Spots	6 inches

Measurements shall be from the tip of the nose to the tip of the tail.

HISTORY: 1962 Code § 28-755; 1952 Code § 28-755; 1942 Code § 3406; 1932 Code § 3406; 1924 (33) 1016; 1941 (42) 8; 1959 (51) 439.

Cross references—
As to minimum size of blue crabs, see § 50-17-1820.
As to minimum size of terrapin, see § 50-17-2520.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 29.
36A CJS, Fish §§ 26, 28.

§ 50-17-60. Edible fish shall be used only for food or bait.

It shall be unlawful to use any edible fish for any purpose other than for food or bait, and any person knowingly using such fish for fertilizer or knowingly selling such fish for any other purpose

than food or bait shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 50-17-130.

HISTORY: 1962 Code § 28-756; 1952 Code § 28-756; 1942 Code § 3399; 1932 Code § 3399; 1924 (33) 1016; 1959 (51) 439.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 29.
36A CJS, Fish §§ 26, 28.

§ 50-17-70. Permits for taking fish.

The South Carolina Wildlife and Marine Resources Commission may by its rules and regulations prescribe and require permits of all persons actually engaged in the taking of fish in the waters of this State. The Division of Commercial Fisheries may issue special permits without charge to recognized scientists and students actually engaged in the study of the inhabitants of the coastal waters of this State.

HISTORY: 1962 Code § 28-757; 1952 Code § 28-757; 1942 Code § 3365; 1932 Code § 3365; 1924 (33) 1016; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439; 1972 (57) 2431.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 45.
36A CJS, Fish § 56.

ATTORNEY GENERAL'S OPINIONS

Division of Commercial Fisheries may grant permit for taking sea turtles for scientific purpose. Atty. Gen. Op. March 29, 1963.

§ 50-17-80. Protection of marine mammals.

(1) It shall be unlawful for any person to net, trap, harpoon, molest or otherwise interfere with the well-being or normal activity of marine mammals of the orders Cetacea, Sirenia and Pinnipedia, including but not limited to bottle-nosed dolphin, spotted dolphin, common dolphin, manatee, porpoise, harbor seal and any species of whale in any of the waters of the State.

(2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1962 Code § 28-757.1; 1972 (57) 2816.

Cross references—
As to molesting dolphins in the waters of Beaufort County, see § 50-13-320.

§ 50-17-90. Erection of certain signs without authority unlawful.

It shall be unlawful for any person, without authority from the

Commission first had and obtained as provided by this chapter, to set up, erect, or use any sign purporting to be the sign of leased planting ground or of restricted area as required of lessees of bottoms or of the Commission and any person so offending shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 50-17-130.

HISTORY: 1962 Code § 28-758; 1952 Code § 28-758; 1942 Code § 3360; 1932 Code § 3360; 1924 (33) 1016; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439.

§ 50-17-100. Causing injury to Commission's signs, boats, or other property.

Any person removing, injuring, defacing or in any way disturbing the signs, buoys or other appliances used by the Commission in marking restricted areas or bottoms or used by lessees of bottoms in marking the leased areas or who shall injure or destroy any boat or property of any kind used by the Commission or any employee thereof shall be guilty of a misdemeanor and punished as provided in § 50-17-130.

HISTORY: 1962 Code § 28-759; 1952 Code § 28-759; 1942 Code § 3358; 1932 Code § 3358; 1924 (33) 1016; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439.

§ 50-17-110. Commercial fishing boats shall cooperate with law-enforcement officers.

Any boat engaged in commercial fishing shall be required to heave to, allow boarding and cooperate in every reasonable way with the Law Enforcement Officers of the Wildlife and Marine Resources Department. The captain of any boat violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined one thousand dollars or be imprisoned for one year.

HISTORY: 1962 Code § 28-762; 1973 (58) 693.

Editor's Note—
Section 6 of 1973 Act No. 398 (1973 (58) 693), which act added this Code section, provides: "The provisions of this act shall not affect any provision of Act No. 970 [1976 Code § 50-17-1650 to 50-17-1700]."

§ 50-17-120. Fishing from boat near commercial fishing pier in Atlantic Ocean unlawful.

It shall be unlawful to fish from a boat within one hundred fifty feet of commercial fishing piers extending into the Atlantic Ocean. Any person violating the provisions of this section shall be

deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

HISTORY: 1962 Code § 28-1001; 1963 (53) 507.

Research and Practice References—
36A C.J.S. Fish §§ 26, 28.

§ 50-17-130. Penalties.

Any person violating any of the provisions of this chapter, except for those sections providing penalties, shall, upon conviction, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for not less than ten days nor more than thirty days for the first offense. For the second offense the penalty shall be not less than fifty dollars nor more than one hundred dollars or by imprisonment for not less than twenty days nor more than thirty days. For the third offense the penalty shall be a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not less than sixty days nor more than six months. *Provided*, that in determining the applicable sentence to be imposed under the provisions of this section, one offense for each year that elapses subsequent to any offense for which he has been convicted shall be eradicated and the offender shall be sentenced accordingly.

HISTORY: 1962 Code § 28-761; 1952 Code § 28-761; 1942 Code § 3407; 1932 Code § 3407; 1924 (33) 1016; 1952 (47) 2890; 1959 (51) 439; 1961 (52) 505; 1964 (53) 2387; 1973 (58) 693.

Editor's Note—
Section 6 of 1973 Act No. 398 (1973 (58) 693), which act amended this Code section, provides: "The provisions of this act shall not affect any provision of Act No. 970 of 1970 [1976 Code §§ 50-17-1650 to 50-17-1700]."

CASE NOTES

Cited in Toomer v. Witsell, 73 F. Supp. 371 (1947), affirmed in 334 U.S. 385, 68 S. Ct. 1156, 92 L. Ed. 1460 (1948); Shipman v. Du Pre, 222 S.C. 475, 73 S.E.2d 716 (1952).

ARTICLE 3

LICENSES AND TAXES

Sec.
50-17-310. Imposition and amounts of fisheries tax.
50-17-320. Tax on exported seed oysters.
50-17-330. Licenses required to engage in certain fishing industries; fees.
50-17-340. No tax on catch intended for individual or family consumption.
50-17-350. Licenses on floating equipment for taking shellfish for market; fees.
50-17-360. License taxes on fishing appliances.

separate offense, and after having been convicted three times, the Division of Commercial Fisheries may revoke the license.

HISTORY: 1962 Code § 28-962; 1959 (51) 439; 1961 (52) 622.

ARTICLE 5

LEASES OF SHELLFISH BOTTOMS

SEC.

50-17-710. Authorization to lease State owned or controlled bottoms.
50-17-720. Preference on leases to owners of adjacent highlands.
50-17-730. Application for leases, surveys, plats, renewals, amount of rent.
50-17-740. Notice of application shall be published
50-17-750. Hearing on objections to leasing; preferences, appeal
50-17-760. Annual rental.
50-17-770. Payment of rental; forfeiture for nonpayment
50-17-780. Recordation, expiration, and cancellation of leases
50-17-790. Planting of shell or seed oysters by lessees, replanting after harvesting.
50-17-800. Gathering seed oysters for replanting by lessees.
50-17-810. Revocation of lease for failure to cultivate.
50-17-820. Transfer of leases.

§ 50-17-710. Authorization to lease State owned or controlled bottoms.

The South Carolina Wildlife and Marine Resources Commission, through the Division of Marine Resources, may lease to any State resident portions of the bottoms owned or controlled by the State, for the purpose of shellfish culture for commercial purposes, not exceeding an aggregate of one thousand acres to any person, for a term not to exceed five years. The words *"commercial purposes"* shall mean any State resident licensed to do business in this State and who makes his livelihood or a substantial portion of his livelihood from the commercial fisheries industries. To all other State residents who lease lands for any other shellfish culture purposes than for commercial use, the Commission may lease as many as two acres, but no more, at the yearly rental provided in § 50-17-760. *Provided*, that no lessee shall sublease without the written permission of the Wildlife and Marine Resources Department. Any such lease shall be renewed at the option of the lessee for an additional term of five years at the yearly rental provided in § 50-17-760.

HISTORY: 1962 Code § 28-811; 1952 Code § 28-811; 1942 Code § 3332; 1932 Code § 3332; 1924 (33) 1016; 1936 (39) 1644; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439; 1971 (57) 851; 1972 (57) 2153, 2431.

Cross references—

As to leasing oyster bottoms in the area of Brookgreen Gardens established as a game sanctuary, see § 50-11-2810.

As to substitution of leased area for another or condemnation of leased area when necessary for certain waterway projects, see § 3-5-100.

Research and Practice References—

35 Am Jur 2d, Fish and Game §§ 5, 15.
36A CJS, Fish §§ 10, 12.

CASE NOTES

Cited in Toomer v Toomer, 244 SC 399, 137 SE2d 406 (1964).

ATTORNEY GENERAL'S OPINIONS

Application for lease.—The South Carolina Wildlife and Marine Resources Department has the power to lease bottoms and beds for oyster cultivation and development. An application for the lease must be filed and advertised with a description of the property affected, coupled with a notice of the day the Department will pass on objections to the granting of the lease. 1969-70 Ops. Att'y Gen., No 2983, p 254.

Factual determination.—Whether a conservation officer is a person who makes a "substantial portion of his livelihood" from commercial fishing is a factual determination to be made by the Director of the Commercial Fisheries Division, South Carolina Wildlife and Marine Resources Commission. 1968-69 Ops. Att'y Gen., No 2619, p 15.

An employee of the Wildlife and Marine Resources Department is not precluded from holding an oyster lease from the Department. 1968-69 Ops. Att'y Gen., No 2619, p 15.

§ 50-17-720. Preference on leases to owners of adjacent highlands.

Any person owning highlands abutting upon tidewaters shall have preference in leasing two acres of bottoms adjacent to such highlands for the planting and propagation of oysters within the limits prescribed by this chapter, if he makes application therefor prior to the grant of a lease to other persons, but not otherwise.

HISTORY: 1962 Code § 28-812; 1952 Code § 28-812; 1942 Code § 3342; 1932 Code § 3342; 1924 (33) 1016; 1956 (49) 1976; 1959 (51) 439.

Research and Practice References—

36A CJS, Fish § 12.

§ 50-17-730. Application for leases; surveys; plats; renewals; amount of rent.

Any person desiring to lease any bottom, as provided in §§ 50-17-710 and 50-17-720, shall apply to the Division of Marine Resources upon such forms as may be prescribed by the Commission. The sum of ten dollars shall accompany each application and shall be retained by the Division. Such application shall include the location and boundaries of the area desired to be leased. If the area is subject to lease, the Division shall determine the acreage capable of producing shellfish. The applicant then shall have the

area surveyed and a plat thereof made showing the acreage capable of producing shellfish and filed in triplicate with the Division. No other lease for the gathering of oysters within the perimeter boundaries of such area leased shall be made during the term of such lease. If any additional area suitable for the cultivation of oysters shall be found within the perimeter boundaries of the area leased then upon the renewal of such lease or at the time of application for a new lease the original lessee shall have first opportunity to lease such area capable of producing oysters. The plat may be based on a survey or may be based on an aerial photograph compilation or compilation from maps, plats or charts of the U.S. Army Engineers or U.S. Coast and Geodetic Survey. The rental shall be based upon an agreed number of acres capable of producing oysters within the boundaries of the entire lease area.

HISTORY: 1962 Code § 28-813; 1952 Code § 28-813; 1942 Code § 3337; 1924 (33) 1016; 1936 (39) 1644; 1950 (46) 2179; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439; 1969 (56) 904; 1972 (57) 2153.

Research and Practice References—
36A CJS, Fish § 12

ATTORNEY GENERAL'S OPINIONS

Plats for oyster beds must be drawn by registered surveyors 1967-68 Ops Att'y Gen., No 2590, p 304.

§ 50-17-740. Notice of application shall be published.

Upon the filing with it of the application approved by the Director of the Division of Commercial Fisheries and the plat of the territory so approved, the Commission shall cause to be published in a newspaper in which legal advertisements by the sheriff are published in the county wherein the territory applied for is located, a notice to all persons of the application for such bottoms for planting and propagation of oysters, giving the name of the applicant, a sufficient description of the bottoms applied for to enable them to be located and the day on which the Commission will pass upon objections to the granting of such lease. Such advertisement shall be published once a week for three weeks immediately preceding such date.

HISTORY: 1962 Code § 28-814; 1952 Code § 28-814; 1942 Code § 3338; 1932 Code § 3338; 1924 (33) 1016; 1936 (39) 1644; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439.

Research and Practice References—
36A CJS, Fish § 12

§ 50-17-750. Hearing on objections to leasing; preferences; appeal.

Should any person appear in person or by attorney or by filing objections in writing on or before such date and object to the leasing of the whole or any portion of the bottoms applied for upon any lawful or sufficient ground, then the Commission may proceed to a hearing thereof as in a case at law under the regular rules of evidence. Should an application be made by a person who was the holder of the lease on such bottoms for the term immediately preceding the term for which application is made, preference shall be given to that applicant. The decision of the Commission shall be subject to appeal as from a magistrate's court in the county wherein the bottoms are situate.

HISTORY: 1962 Code § 28-815; 1952 Code § 28-815; 1942 Code § 3338; 1932 Code § 3338; 1924 (33) 1016; 1936 (39) 1644; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439; 1963 (53) 580.

Research and Practice References—
36A CJS, Fish § 12.

CASE NOTES

The intention of the General Assembly was to confer upon the Board of Fisheries (now the South Carolina Wildlife Resources Commission) the limited power of hearing and determining objections arising under these sections with reference to their enforcement; the question of its jurisdiction based on title to the bottoms affected is a legal one to be determined by the courts and not by the Board. Jones v State Board of Fisheries, 161 SC 309, 159 SE 651 (1931).

Section contains only provision for appeal from Commission.—The only provision for an appeal from the decision of the South Carolina Wildlife Resources Commission is that contained in this section [Code 1962 § 28-815]. Toomer v Toomer, 244 SC 399, 137 SE2d 406 (1964).

The right of appeal is a matter of grace and is not an inherent or vested right and the rules of court and statutes must be followed in perfecting an appeal. Toomer v Toomer, 244 SC 399 137 SE2d 406 (1964).

Venue of appeal.—Where the decision of the South Carolina Wildlife Resources Commission was rendered in Columbia, the appeal therefrom should have been to the county court of Richland County. Toomer v Toomer, 244 SC 399, 137 SE2d 406 (1964), decided prior to the 1963 amendment to this section [Code 1962 § 28-815].

Commission's decision is comparable to judgment of magistrate's court.—There is no doubt that this section [Code 1962 § 28-815] provides for the right of appeal from the decision of the South Carolina Wildlife Resources Commission "as from a magistrate's court." Therefore, for the purposes of appeal, the decision of the Commission must be considered as being comparable to a judgment rendered by a magistrate's court. Toomer v Toomer, 244 SC 399, 137 SE2d 406 (1964).

§ 50-17-760. Annual rental.

Each lessee shall pay for a lease under §§ 50-17-710 or 50-17-720 one dollar and fifty cents per acre per year.

HISTORY: 1962 Code § 28-817; 1952 Code § 28-817; 1942 Code § 3340; 1932 Code § 3340; 1924 (33) 1016; 1936 (39) 1644; 1956 (49) 1976; 1959 (51) 439.

CASE NOTES

Cited in Toomer v Toomer, 244 SC 399, 137 SE2d 406 (1964).

§ 50-17-770. Payment of rental; forfeiture for nonpayment.

The annual rental for oyster leases shall be prorated from the first of the month following the execution of such lease to January first next. Thereafter, all annual rents shall be payable yearly in advance. On January first the Director of the Division of Commercial Fisheries shall render a bill to the lessee showing the amount owed. If the rent is not paid by February first, the Division will send a final notice advising the lessee that if the lessee fails to pay the rental before March first, the Commission will declare the lease forfeited for noncompliance.

HISTORY: 1962 Code § 28-818; 1952 Code § 28-818; 1942 Code § 3346; 1932 Code § 3346; 1924 (33) 1016; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439.

§ 50-17-780. Recordation, expiration, and cancellation of leases.

All oyster leases, upon execution, to be effective, shall within thirty days be recorded in the office of the clerk of court or register of mesne conveyances of the county where any such leased bottoms are located. Likewise, when any lease has expired or been cancelled, it shall be cancelled of record in the office where it has been recorded.

HISTORY: 1962 Code § 28-819; 1952 Code §§ 28-819, 28-827; 1942 Code §§ 3348, 3349; 1932 Code §§ 3348, 3349; 1924 (33) 1016; 1956 (49) 1976; 1959 (51) 439.

§ 50-17-790. Planting of shell or seed oysters by lessees; replanting after harvesting.

Each lessee shall plant sixty-five bushels of shell or seed oysters for every acre under lease. All shell shall be planted between May first and August fifteenth, except that raw shuck houses may replant green shell from current operations if such shell is replanted within three days after gathering. All shell planting may be

under supervision of the Division of Commercial Fisheries, which may require five per cent of the total quota of shells of the canneries and raw shuck houses to be planted on State oyster bottoms not under lease but within a twenty-mile radius of the cannery or raw shuck house. Each lease or portion of a lease from which oysters are harvested must be replanted during the following planting season. Leases or portions of leases may be set aside for purposes of growth, cultivation and propagation for a period of two years without replanting, but nothing in this section shall be construed to diminish the quantity of shell or seed to be planted each year. For the purpose of shell planting, a South Carolina oyster bushel shall be the same as defined in § 50-17-1290 and is four thousand seventy-one and one-half cubic inches. One cubic yard of shell for planting shall be considered as eleven and one-half South Carolina bushels. Any person violating any provision of this section shall, upon conviction, be punished as provided in § 50-17-130.

HISTORY: 1962 Code § 28-822; 1952 Code § 28-845; 1942 Code § 3356; 1932 Code § 3356; 1924 (33) 1016; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439; 1961 (52) 500.

Research and Practice References—
36A CJS, Fish § 12.

§ 50-17-800. Gathering seed oysters for replanting by lessees.

Lessees of bottoms are permitted to gather seed oysters for replanting on their own leased lands from the public beds of the State which may be designated from time to time by the Director of the Division of Commercial Fisheries for the purpose, provided the lessee advises the Director ten days before moving such seed.

HISTORY: 1962 Code § 28-823; 1952 Code § 28-823; 1942 Code § 3344; 1932 Code § 3344; 1924 (33) 1016; 1952 (47) 2890; 1959 (51) 439.

Cross references—
As to cultivation of seed oysters for market, see § 50-17-1280.

Research and Practice References—
36A CJS, Fish § 12.

§ 50-17-810. Revocation of lease for failure to cultivate.

One year after the date of the lease, and each year thereafter during the life of the lease, if the lessee has not effectively cultivated the area of the lease and oysters are not being marketed from leased area, the commission may, after notice, revoke the lease.

HISTORY: 1962 Code § 28-824; 1956 (49) 1976; 1959 (51) 439; 1971 (57) 526.

Research and Practice References—
36A CJS, Fish § 12

§ 50-17-820. Transfer of leases.

No leases shall be transferred without the approval of the Commission endorsed thereon to be effective or to act as a release of the original lessee from the terms of the lease.

HISTORY: 1962 Code § 28-826; 1952 Code § 28-826; 1942 Code § 3345; 1932 Code § 3345, 1924 (33) 1016; 1936 (39) 1644; 1952 (47) 2890, 1956 (49) 1976; 1959 (51) 439.

Research and Practice References—
36A CJS, Fish § 12.

ARTICLE 7

USE OF NETS, SEINES AND LIKE DEVICES

SEC.
50-17-1010 Use of purse seines
50-17-1020 Mesh size of seines; mesh size and width of channel nets for shrimp, licenses for catching finfish
50-17-1030 Extension of net, seine or similar device across more than one half of waterway unlawful
50-17-1040 Fishing with anchor nets or seines in certain waters in Game Zone 7 unlawful
50-17-1050 Distance between stationary or fixed nets or seines.
50-17-1060 Unattended pound or gill net stands shall be marked
50-17-1070 Penalties, confiscation of property and catch.

§ 50-17-1010. Use of purse seines.

It shall be unlawful for any person to catch any food fish in any purse seine in any of the waters of the State, except in the ocean three hundred yards or more beyond the beach.

HISTORY: 1962 Code § 28-921; 1952 Code § 28-921; 1942 Code § 3401; 1932 Code § 3401; 1924 (33) 1016, 1959 (51) 439.

Research and Practice References—
35 Am Jur 2d, Fish and Game § 47
36A CJS, Fish § 50

§ 50-17-1020. Mesh size of seines; mesh size and width of channel nets for shrimp; licenses for catching finfish.

It shall be unlawful for any person to catch fish in the salt waters of this State with a seine having a mesh size of less than two and one-half inches. *Provided, however,* that for shrimp or prawn a seine having a mesh size of not less than one-half inch nylon twine (square mesh) or nine-sixteenths inch cotton cord (square mesh), and a length of no more than forty feet, may be

ATTORNEY GENERAL'S OPINIONS

Division may grant permit for removal of oysters for replanting anywhere Att'y. Gen Op May 21, 1963

Oysters can be imported during closed season and sold 1964-65 Ops. Att'y Gen., No 1845, p 101

But oysters cannot be harvested in closed season, except by permit, whether harvesting is or is not done on state leased bottoms 1964-65 Ops Att'y Gen., No 1845, p 101

What possessor of oysters during closed season must prove—Possessor of oysters during closed season must prove that they were imported or harvested in open season. 1964-65 Ops Att'y Gen., No 1845, p 101.

§ 50-17-1250. Bottoms owned by state deemed oyster beds; permissible leases; effect of grant, lease, or conveyance.

For the purpose of this chapter all of the bottoms owned by the State below high watermark shall be deemed and considered as oyster beds, and the South Carolina Wildlife and Marine Resources Commission may lease all or part thereof for shellfish cultivation, mariculture or as it may determine, and no grant, lease or conveyance hereafter made, except it be a special grant by the General Assembly, shall be effective to convey any private ownership or control of any fishing or fisheries therein.

HISTORY: 1962 Code § 28-791; 1952 Code § 28-791; 1942 Code § 3329; 1932 Code § 3329; 1924 (33) 1016; 1936 (39) 1644; 1952 (47) 2890; 1956 (49) 1976; 1959 (51) 439; 1972 (57) 2154, 2431.

Cross references—
As to substitution of leased area for another or condemnation of leased area when necessary for certain waterway projects, see § 5-5-100.

Research and Practice References—
35 Am Jur 2d, Fish and Game §§ 13-15.
36A CJS, Fish § 12.
12 Am Jur Pl & Pr Forms (Rev ed), Fish and Game, Form 7 (complaint, petition, or declaration to enjoin depletion of public oyster reef by dredging)
8 Am Jur Legal Forms 2d, Fish and Game, §§ 118.11 et seq. (leases)
8 Am Jur Legal Forms 2d, Fish and Game, §§ 118.41 et seq. (conveyances)
8 Am Jur Legal Forms 2d, Fish and Game, §§ 118.61 et seq. (private licenses)

§ 50-17-1260. Designation, marking, and maintenance of open areas wherein residents may gather oysters for personal use.

The Division of Commercial Fisheries shall maintain and keep open areas not to exceed fifty acres in any one county where bona fide residents of this State may gather, for personal use, not more than two bushels of oysters in any one day for not more than two days in one week. Such areas shall be designated upon the approval of a majority of the county legislative delegation, including the Senator The open areas shall be located preferably at or

near public landings. The Division shall clearly mark and identify the open areas so that the public may readily recognize them as such. The Commission shall be responsible for the maintenance of such signs. Any person violating the provisions of this section shall, upon conviction, be punished as provided in § 50-17-130.

HISTORY: 1962 Code § 28-792; 1956 (49) 1976; 1959 (51) 439.

Research and Practice References—
12 Am Jur Pl & Pr Forms (Rev ed), Fish and Game, Form 7 (complaint, petition, or declaration to enjoin depletion of public oyster reef by dredging)

ATTORNEY GENERAL'S OPINIONS

The designation and location of shellfish areas may be changed in like manner in which they were created — 1969-70 Ops. Att'y Gen., No 2998, p 279

§ 50-17-1270. Gathering oysters for private use in certain areas of Horry County.

The provisions of § 50-17-1210 restricting the gathering of oysters from lands owned by the State for private use by the head of any household or by his servant or employee shall not be applicable to areas of the Cherry Grove Beach Development Company and the East Cherry Grove Realty Company in Horry County as defined in 1933 Act No. 615 (1933 (38) 1168) and 1953 Act No. 476 (1953 (48) 1003).

HISTORY: 1962 Code § 28-794; 1958 (50) 1963; 1959 (51) 439.

ATTORNEY GENERAL'S OPINIONS

The entire Cherry Grove area is closed by statute to the taking of oysters — 1969-70 Ops. Att'y Gen., No 3025, p 313

§ 50-17-1280. Cultivation of seed oysters for market.

Seed oysters may be cultivated for market under the following conditions:

(1) Division of Commercial Fisheries shall require any person cultivating seed oysters for market to procure a license at an annual cost of five dollars;

(2) No seed oysters cultivated for market shall be produced or cultivated on unpolluted lands now leased for the cultivation of marketable oysters;

(3) Seed oysters shipped must not exceed one and one-half inches in length from hinge to bill, and all seed oysters for shipment must be gathered and shipped under the supervision of the Division;

§ 51-1-30. Divisions of Department; administrators.

The Department shall be composed of the Division of Travel and Tourism which shall advertise, promote and encourage travel and tourist industry for the State and the Division of Parks and Recreation which shall develop and promote State parks and provide recreational programs in such areas. Each Division shall be headed by an administrator who shall be knowledgeable, either by training or experience, in the requirements of the Division he is to direct.

HISTORY: 1962 Code § 51-73; 1967 (55) 184.

§ 51-1-40. Admission charges.

The Commission may make a reasonable charge for admission to park and recreational facilities, which funds will be used for park and recreational operations.

HISTORY: 1962 Code § 51-74; 1967 (55) 184.

§ 51-1-50. Personnel of information centers.

Notwithstanding any other provision of law to the contrary, information centers shall be staffed by persons hired and paid by the Department of Parks, Recreation and Tourism.

HISTORY: 1962 Code § 51-75; 1967 (55) 184.

§ 51-1-60. Powers and duties of Commission.

The Commission shall have the power to contract, be contracted with, to use a common seal and make and adopt rules and regulations which when duly promulgated shall have the full force of law. *Provided* that no rule or regulation shall be promulgated affecting hunting and fishing. The Commission shall have the authority to accept gifts and to acquire by gift, purchase or otherwise real estate and other property, but no real estate shall be purchased or disposed of by the Commission except on approval of the State Budget and Control Board. The Commission shall keep accurate records showing in full the receipts and disbursements and the records shall be open at any reasonable time to inspection by the public. The Commission shall submit annually to the General Assembly and the Budget and Control Board such reports as the Board may require.

The Commission shall have the following duties and responsibilities in addition to such other functions as may, from time to time, be assigned by legislative action or by the State Budget and Control Board:

(a) To promote, publicize and advertise the State's tourist attractions;

(b) To promote the general health and welfare of the people of the State by developing and expanding new and existing recreational areas, including the existing State Park System;

(c) To develop a coordinated plan utilizing to best advantage the natural facilities and resources of the State as a tourist attraction, recognizing that the State has within its boundaries mountainous areas and coastal plains, each of unsurpassed beauty, which with the easy accessibility now existing and being provided, has the potential of attracting many visitors in all seasons to take advantage of the natural scenery, the outdoor sports, including hunting, fishing and swimming, together with other recreational activities such as golfing, boating and sightseeing;

(d) The Commission's plan shall also include the preservation and perpetuation of our State's rich historical heritage by acquiring and owning, recognizing, marking and publicizing areas, sites, buildings and other landmarks and items of national and Statewide historical interest and significance to the history of our State.

No area, site, building, or other landmark shall be acquired for its historical significance without the approval of the Commission of Archives and History.

(e) The Commission shall use all available services of the several agencies in the management of timber and game and such agencies when requested by the Commission shall render such cooperation and assistance as may be necessary; *provided,* that the State Forestry Commission shall continue the forestry program authorized under the provisions of § 48-23-270.

(f) Lease or convey portions of lands under its jurisdiction to municipalities and other political subdivisions charged with the responsibility of providing parks and recreation facilities; *provided,* that all such leases shall contain a clause to the effect that if such property ceases to be used as a recreation or park facility the lease shall be void and in the event of a conveyance the deed shall contain a clause providing that if such property ceases to be used as a recreation or park facility the title to such property shall revert to the Commission. All plans for the development of such lands shall be subject to the approval of the Commission and it shall retain the right to inspect such lands at such times as it deems necessary to determine if such lands are being used for parks and recreation.

(g) To borrow from time to time from any source available such sums of money as the Commission at its discretion deems advisable at interest rates approved by the Budget and Control Board

for the purposes of acquisition, construction, development and maintenance of such lands and facilities as the Commission is empowered to operate and issue evidences of such indebtedness thereof in the form of notes or bonds as may be determined by the Commission. The Commission may secure any sums borrowed under the terms hereof by mortgage of any property or facilities owned by it and it may pledge any and all income from any of its properties or facilities. The State is in no manner liable for any debt incurred under the terms hereof but all such obligations shall be met by the Commission out of moneys coming into its hands from the property and facilities so pledged;

(h) To enter into contracts with the United States Government, its various departments and agencies for the purpose of obtaining funds, property or any other purpose which will assist the Commission in carrying out the provisions for which it has been created,

(i) To allocate funds made available to the Commission, other than funds specifically allocated to it by legislative appropriation or bond authorization, for development and improvement of park properties in the State system and historic sites approved by the South Carolina Parks, Recreation and Tourism Commission and the South Carolina Archives and History Commission.

The Commission shall study and ascertain the State's present park, parkway and outdoor recreational resources and facilities, the need for such resources and facilities, and the extent to which these needs are now being met. A survey shall be included to determine the land suitable and desirable to be acquired as a part of the State park and outdoor recreational system, due consideration being given to the scenic, recreational, archaeological, and other special features attractive to out-of-state visitors and to the people of the State. The results of this survey and study should be reported to the Governor and the General Assembly at the earliest practicable time.

All powers and duties heretofore performed by the State Forestry Commission in its Division of Parks, the South Carolina Wildlife Resources Commission in its Division of Outdoor Recreation and the State Development Board in its Travel and Information Division, and such other areas of responsibility that may be assigned by the State Budget and Control Board, shall devolve upon and be performed by the Department of Parks, Recreation and Tourism. The duties of these departments of the State government herein transferred to the Department of Parks, Recreation and Tourism shall be considered as included in, but not limited to, the duties of the newly created Department

HISTORY: 1962 Code § 51-76; 1967 (55) 184; 1969 (56) 228.

Research and Practice References—
1 Am Jur 2d, Administrative Law §§ 69-84
59 Am Jur 2d, Parks, Squares, and Playgrounds §§ 12, 14-15.
73 CJS, Public Administrative Bodies and Procedure §§ 48-77.
1 Am Jur Pl & Pr Forms (Rev ed), Administrative Law, Form 31 (petition or application with request that rulemaking authority be exercised).

ALR and L Ed Annotations—
Power of park commission to directly regulate or prohibit abutter's access to street or highway. 73 ALR2d 671.
Construction of highway through park as violation of use to which park property may be devoted. 60 ALR3d 581.

ATTORNEY GENERAL'S OPINIONS

Period for which Department may enter into contracts with United States Government — The South Carolina Department of Parks, Recreation, and Tourism may enter into contracts with the United States Government for a longer period than the term of office of the commissioners. 1971-72 Ops Att'y Gen., No 3404, p 272

§ 51-1-70. Transfer of funds to Commission.

All funds allocated to the various State departments for parks, tourism or recreation shall be transferred by the State Budget and Control Board to the State Parks, Recreation and Tourism Commission.

HISTORY: 1962 Code § 51-77; 1967 (55) 184.

§ 51-1-80. Department may cooperate and enter into certain contracts with political subdivisions of State.

The Department of Parks, Recreation and Tourism is authorized to cooperate and enter into certain contracts with political subdivisions of this State.

HISTORY: 1962 Code § 51-78; 1967 (55) 1020.

Cross references—
As to counties, see Title 4
As to municipal corporations, see Title 5.
As to provisions applicable to special purpose districts and other political subdivisions, see Title 6

§ 51-1-90. Transfer of functions from South Carolina Recreation Commission to recreation division within Department.

All powers, duties, assets, liabilities, and properties of the South Carolina Recreation Commission, as created by Act 1037 of 1966, are hereby transferred to the State Department of Parks, Recreation and Tourism to be incorporated into the Department as a

CHAPTER 5
Scenic Rivers

SEC.

51-5-10. Short title.
51-5-20. Definitions.
51-5-30. Legislative declaration of purpose.
51-5-40. Types of rivers eligible.
51-5-50. Criteria for eligibility; proposals for adding rivers or segments thereof.
51-5-60. Designation of rivers by Water Resources Commission.
51-5-70. Donations of land adjacent to river.
51-5-80. Exercise of eminent domain prohibited.
51-5-90. Title shall revert when donated land no longer used.
51-5-100. Formulation of comprehensive water and related land use plans.
51-5-110. Management policies.
51-5-120. Land use practices.
51-5-130. Application of land use provisions.
51-5-140. Duties of Wildlife and Marine Resources Department; utilization of areas for fishing, boating or hunting.
51-5-150. Enforcement.
51-5-160. Penalties
51-5-170. System shall be part of State park and wildlife refuge area; rule of construction.

§ 51-5-10. Short title.

This chapter shall be cited as the "South Carolina Scenic Rivers Act of 1974."

HISTORY: 1962 Code § 70-45.1; 1974 (58) 2353.

Cross references—
As to environmental protection and conservation, see Title 48.
As to waters, water resources and drainage, see Title 49
As to amusements and athletics generally, see Title 52.
As to preservation of scenic beauty along highways, public rest and recreation areas, and roadside parks, and as to agreements with the United States Secretary of Commerce, see §§ 57-3-650.

§ 51-5-20. Definitions.

Except as otherwise required by the context, the following terms when used in this chapter shall be construed respectively to mean:

(1) *"River"* means a flowing body of water or a section, portion or tributary thereof, including rivers, streams, creeks, branches or small natural lakes.

(2) *"Free flowing"* means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping or other modification of the waterway. The existence, however, of

low dams, diversion works and other minor structures at the time any river is proposed for inclusion in the State scenic rivers system shall not automatically bar its consideration for such inclusion; *provided, however,* that this shall not be construed to authorize, intend or encourage future construction of such structures within components of the State scenic rivers system.

(3) *"Road"* means highway or any hard-surface road.

(4) *"Perpetual easement"* means a perpetual right in land of less than fee simple which (a) obligates the grantor and his heirs and assigns to certain restrictions constituted to maintain and enhance the scenic qualities of those lands bordering the river as determined by the State under this chapter; (b) is restricted to the area defined in the easement deed; and (c) grants a privilege to those charged with the administration or enforcement of the provisions of this chapter to go upon the land for the purpose of compliance inspection.

HISTORY: 1962 Code § 70-452; 1974 (58) 2353.

Research and Practice References—
78 Am Jur 2d, Waters §§ 1-3.

§ 51-5-30. Legislative declaration of purpose.

The General Assembly finds that certain selected rivers and sections of rivers of this State possess unique and outstanding scenic, recreational, geologic, fish and wildlife, historic and cultural values. It is the policy of the General Assembly to provide for the protection of these selected diminishing values and to preserve the State's natural heritage for the benefit and enjoyment of present and future generations. The provisions of this chapter shall complement and be considered part of the State Water Resources Plan as formulated by the South Carolina Water Resources Commission.

HISTORY: 1962 Code § 70-45; 1974 (58) 2353.

Research and Practice References—
59 Am Jur 2d, Parks, Squares, and Playgrounds §§ 4-5.
78 Am Jur 2d, Waters §§ 1-3.

§ 51-5-40. Types of rivers eligible.

The following types of rivers are eligible for inclusion in the State scenic rivers system:

Class I. Natural River Areas

Those free-flowing rivers or sections of rivers with shorelines and scenic vistas unchanged, or essentially unchanged, by man, with no extensive paralleling roads closer than one mile (except in

river gorges where there must be no extensive paralleling roads within the gorge or within one-quarter mile back from the gorge rim, and with only a limited number of crossing roads or spur roads existing at the time of designation as a State scenic river.

Class II. Pastoral River Areas

Those rivers or sections of rivers the land adjacent to which are partially or predominantly used for agriculture, silviculture and other dispersed human activities which do not substantially interfere with public use and enjoyment of the rivers and their shores.

Class III. Partially Developed River Areas

Those rivers or sections of rivers in areas affected by the works of man, but which still possess actual or potential scenic, recreational or historic values. Included would be rivers with developed or partially developed shorelines for residential purposes, rivers with parallel roads or railroads, rivers with some impoundments and rivers with water quality which could be upgraded.

HISTORY: 1962 Code § 70-45.3; 1974 (58) 2353.

§ 51-5-50. Criteria for eligibility; proposals for adding rivers or segments thereof.

The South Carolina Water Resources Commission shall establish and publish minimum criteria for assessing a river's eligibility and classification under the State scenic rivers system. Proposals for adding rivers or segments of rivers may be made by state agencies, local governments and other governmental or citizen groups and submitted to the South Carolina Water Resources Commission for evaluation and study.

HISTORY: 1962 Code § 70-45.4; 1974 (58) 2353.

§ 51-5-60. Designation of rivers by Water Resources Commission.

A river qualifying for designation as a scenic river shall possess unique and outstanding scenic, recreational, geologic, fish and wildlife, historic or cultural values in addition to relatively unpolluted waters and shall be permanently managed for the preservation or enhancement of such values. Designation and classification of rivers or portions of rivers as scenic rivers shall be defined and established by the South Carolina Water Resources Commission, based on the results of field investigations and reports prepared and coordinated by the Commission on the characteristics of the waters and adjoining lands and their uses. The Commission shall solicit and consider the views of all interested State agencies, local governments and private organizations. Upon the Commission's

finding that a river or section of a river qualifies as a scenic river, notice of the finding shall be published in a newspaper of general circulation in the State to apprise interested parties of the opportunities under § 51-5-70. Written notice of such a designation shall be given to the State Budget and Control Board and the South Carolina Tax Commission, as well as all other interested State agencies.

HISTORY: 1962 Code § 70-45.5; 1974 (58) 2353.

§ 51-5-70. Donations of land adjacent to river.

After the determination and notice that a river or section of a river has qualified as a scenic river under the South Carolina scenic rivers system, the State, through the State Budget and Control Board and with the consent of the governing body of the county in which the land is located, may accept donations of certain lands adjacent to the designated river or section of a river either in fee or in perpetual easement from the private or corporate owner. For the purpose of this section, such donations for Class II and Class III rivers shall not be less than one hundred feet in width from the mean high stage or mean high tide of the river in normal conditions, and not more than three hundred feet in width from the mean high stage or mean high tide of the river. Donations for Class I scenic rivers shall be not less than three hundred feet nor more than five hundred feet in width. For compensation of perpetual easements given to the State, the owners of the title to such lands shall be exempt from all property taxes which are presently or would be in the future assessed on the land subject to the perpetual easement. All donators of lands in fee simple pursuant to this chapter may deduct from State income tax the value of the property donated, electing to take either (1) the total deduction in the year of the donation, or (2) three equal deductions of one third of the value for three years beginning with the year of the donation. The value of the land donated shall be the fair market value assessed at the time of the donation. The State Budget and Control Board shall annually submit a report of the property included in the scenic river system to the South Carolina Tax Commission and to the auditor of each county in which the property is situated.

HISTORY: 1962 Code § 70-45.6; 1974 (58) 2353.

Research and Practice References—

19 Am Jur Pl & Pr Forms (Rev ed), Parks, Squares, and Playgrounds, Form 33 (complaint, petition, or declaration to enforce right of re-entry after use for park purposes is abandoned).

ALR and L Ed Annotations—
Nature of estate conveyed by deed for park or playground purposes. 15 ALR2d [illegible]
Construction of highway through park as violation of use to which park property may be devoted. 60 ALR3d 581.

§ 51-5-80. Exercise of eminent domain prohibited.

The lands to be placed in the scenic rivers system created herein shall only be obtained from private or corporate owners voluntarily in the manner specified in § 51-5-70. Neither the State nor any of its agencies and departments shall be empowered to obtain by eminent domain any such land for the scenic rivers system either in fee or in perpetual easement.

HISTORY: 1962 Code § 70-45.16; 1974 (58) 2353.

Cross references—
As to eminent domain generally, see Title 28

§ 51-5-90. Title shall revert when donated land no longer used.

Whenever any land or portion thereof donated pursuant to this chapter ceases to be used for the purpose for which it was donated, the title to such land shall revert to the donor.

HISTORY: 1962 Code § 70-45.13; 1974 (58) 2353.

Cross references—
As to property and conveyances generally, see Title 27

Research and Practice References—
19 Am Jur Pl & Pr Forms (Rev ed), Parks, Squares, and Playgrounds, Form 33 (complaint, petition, or declaration to enforce right of re-entry after use for park purposes is abandoned)

§ 51-5-100. Formulation of comprehensive water and related land use plans.

The South Carolina Water Resources Commission shall formulate comprehensive water and related land use plans for the three classes of scenic rivers. The preparation of such plans shall be in conjunction with and coordinated to the State Water Resources Plan of the Commission and shall follow the procedures and multiagency inputs as set forth under §§ 49-3-10 to 49-3-50. For the purpose of this section, primary emphasis shall be given to protecting scenic, aesthetic, historic and wildlife aspects of each class of scenic rivers.

HISTORY: 1962 Code § 70-45.7; 1974 (58) 2353.

§ 51-5-110. Management policies.

The comprehensive management plans for protection of scenic river areas may differ in intensity within a given class of rivers based on the special attributes of the class but shall adhere to the following management policies:

(a) Class I, natural river areas, shall be managed in a manner which (1) would best maintain and enhance those conditions which are attributed to wilderness type area and those criteria embodied in § 51-5-100, (2) would allow camping and river access only at designated public access areas, and (3) would allow certain public uses only within prescribed public access areas.

(b) Class II, pastoral river areas, shall be managed in a manner which would best maintain and enhance the scenic values of the river and the adjacent lands while at the same time preserving the right of riparian landowners to use the river for customary agricultural and other rural purposes.

(c) Class III, partially developed river areas, shall be managed in a manner which would best maintain and enhance the scenic values of the river while at the same time preserving the right of riparian landowners to use the river for customary agricultural, residential, recreational, commercial and industrial purposes.

HISTORY: 1962 Code § 70-45.8; 1974 (58) 2353.

ALR and L Ed Annotations—
Rights of fishing, boating, bathing, or the like in inland lakes. 57 ALR2d 569.

§ 51-5-120. Land use practices.

In the comprehensive plan for the classes of scenic rivers, the following general land use practices will be permitted or prohibited depending on the class:

(1) In Class I scenic river areas, no new roads or buildings shall be constructed, and there shall be no mining and no commercial timber harvesting.

(2) In Class II and Class III scenic river areas, the continuation of present agricultural practices, such as grazing and the propagation of crops, including timber, shall be permitted. The construction of farm-use buildings shall be permitted, provided that it is found to be compatible with the maintenance of scenic vistas from the stream and its banks. There shall be no mining or construction of roads paralleling the river within the limits of any scenic easement or public access area. The cutting of timber shall be allowed pursuant to reasonable regulations issued by the South Carolina Wildlife and Marine Resources Department, in consultation with the South Carolina State Commission of Forestry, which

regulations shall be consistent with commonly accepted tree farming practices or conservation measures. Public access through new road construction, as well as landings and other structures related to recreational use of these scenic river areas, shall be allowed.

HISTORY: 1962 Code § 70-45.9; 1974 (58) 2353.

Cross references—
As to preservation of scenic beauty along highways, public rest and recreation areas and roadside parks, and as to agreements with the United States Secretary of Commerce, see § 57-3-650.

ALR and L Ed Annotations—
Validity and construction of statute or ordinance requiring land developer to dedicate portion of land for recreational purposes, or make payment in lieu hereof. 43 ALR3d 862.
Validity, construction, and application of enactments restricting land development by dredging or filling. 46 ALR3d 1422.

§ 51-5-130. Application of land use provisions.

The provisions of this chapter regarding restrictive use or zoning of lands shall only apply to those lands which have been accepted into the State scenic river system by donation or perpetual easement.

HISTORY: 1962 Code § 70-45.15; 1974 (58) 2353.

§ 51-5-140. Duties of Wildlife and Marine Resources Department; utilization of areas for fishing, boating or hunting.

South Carolina Wildlife and Marine Resources Department shall administer the provisions of this chapter. In addition to assisting the Water Resources Commission in formulating the comprehensive plans, the Wildlife and Marine Resources Department shall issue reasonable regulations to administer such water and related land use plans. The Wildlife and Marine Resources Department may issue additional rules and regulations based on the individual attributes of each scenic river area; *provided, however,* that such rules and regulations do not defeat, conflict with or minimize the provisions of the comprehensive plans for each class of scenic rivers. No scenic area shall be managed in a manner that would result in the area falling into a less restrictive class. *Provided, further,* that nothing in this chapter or its implementation shall in any way restrict utilization of the rivers in the system for fishing or boating by the general public, including fishing from the banks of such rivers or portions thereof placed in the system as herein provided. *Provided, however,* that the provisions of this section shall not apply to areas leased for hunting and fishing privileges for a period of one year prior to July 2, 1974 and such leases then

existing or as renewed between the same parties shall remain in full force and effect. The Wildlife and Marine Resources Department shall not charge any fees for hunting and fishing privileges to persons eligible to fish and hunt in areas so leased except hunting and fishing licenses issued pursuant to the general law.

HISTORY: 1962 Code § 70-45.10; 1974 (58) 2353.

§ 51-5-150. Enforcement.

It shall be the duty of the law-enforcement sections of the South Carolina Wildlife and Marine Resources Department and the State Forestry Commission, as well as local sheriffs, constables and special officers to cooperate in the inspection and enforcement of the provisions of this chapter.

HISTORY: 1962 Code § 70-45.11; 1974 (58) 2353.

Cross references—
As to deputy sheriffs for parks and other places of amusement, see §§ 23-13-510 et seq.

Research and Practice References—
59 Am Jur 2d, Parks, Squares, and Playgrounds §§ 52 et seq.

§ 51-5-160. Penalties.

Whoever violates any provision of this chapter, the regulations promulgated by the Wildlife and Marine Resources Department under it or the conditions of the perpetual easements granted to the State under this chapter shall be deemed guilty of a misdemeanor and may be compelled to comply with or obey the same by injunction or other appropriate remedy and, upon conviction, may be punished by a fine of not more than fifty dollars for each day of such violation. This does not preclude any applicable action by the South Carolina Tax Commission to remove or recover property or income tax due it under § 51-5-70.

HISTORY: 1962 Code § 70-45.14; 1974 (58) 2353.

§ 51-5-170. System shall be part of State park and wildlife refuge area; rule of construction.

The State scenic rivers system shall become a part of the State park, and wildlife refuge areas and shall be subject to the provisions of this chapter and the acts under which the other areas may be administered; and in the case of conflict between the provisions of these acts, the more restrictive provisions shall apply.

HISTORY: 1962 Code § 70-45.12; 1974 (58) 2353.

§ 51-13-940. Property exempt from ad valorem taxes.

All property of the commission shall be exempt from all ad valorem taxes levied by the counties, municipalities, and other political subdivisions

HISTORY: 1976 (59) 1602.

§ 51-13-950. Deeds to contain restrictive covenants.

Every deed to a historical building conveyed by the commission shall contain a restrictive covenant to protect the building's facade so as to preserve its historical value.

HISTORY: 1976 (59) 1602.

§ 51-13-960. When actions of commission may be taken; quorum.

Any action required of the commission may be taken at any meeting of the commission, regular or special, and at any such meeting a majority of the members of the commission shall constitute a quorum for the purpose of transacting the business of the commission.

HISTORY: 1976 (59) 1602.

CHAPTER 17

Heritage Trust Program

Sec.

51-17-10 Definitions
51-17-20 Legislative findings; policy
51-17-30 Heritage Trust Program created, purposes
51-17-40 Powers and duties of commission
51-17-50 Heritage Trust Advisory Board created; members, terms.
51-17-60 Powers and duties of board
51-17-70 Powers and duties of department
51-17-80 Establishment of Heritage Preserves, dedication; restrictions; management plans
51-17-90 Heritage Trust created, beneficiaries; terms.
51-17-100 Registration of Heritage Sites, procedures
51-17-110 Funding
51-17-120 Certain areas not affected
51-17-130 Enforcement; penalties
51-17-140 Maximum acreage to be acquired, written approval of county delegation required

§ 51-17-10. Definitions.

The following words or phrases have the definition given unless clearly specified otherwise:

(1) *"Commission"* means the Wildlife and Marine Resources Commission.

(2) *"Department"* means the Wildlife and Marine Resources Department.

(3) *"Board"* means the Heritage Trust Advisory Board.

(4) *"Natural area"* means an area of land or water, or a combination thereof, generally, but not necessarily, large in size. Such an area may be in public or private ownership and shall contain relatively undisturbed ecosystems, landforms, threatened, endangered, or unique plant life or animal habitats, or other unusual or outstanding scientific, educational, aesthetic or recreational characteristics.

(5) *"Natural feature"* means an area of land or water, or a combination thereof, which is generally, but not necessarily, small in size. Such area may be in public or private ownership and shall contain or consist of outstanding remnants or natural elements of surviving undisturbed natural ecosystems such as record size individual species of plant life, nests or rookeries, geological formations, or objects of special scientific, educational, aesthetic or recreational character.

(6) *"Cultural area or feature"* means an area or feature which provides an outstanding example of our historical or archeological heritage. Such an area or feature shall be a site of special historic interest or contain outstanding remnants or elements of the way of life and significant events of our past so that through their preservation and the restoration of related existing structures, or the development of a historic area, as well as through study, investigation and examination of the material remains in that life, a record may be preserved of the interrelationship and effect between man's activities and his surrounding environment. A cultural area or feature may be one that is either publicly or privately owned.

(7) *"Heritage Preserve"* means a natural or cultural area or feature which is "dedicated" under this chapter.

(8) *"Heritage Site"* means a natural or cultural feature which has been recognized as such through "registration" under this chapter.

(9) *"Dedicate or dedication"* means the process by which any natural or cultural area or feature shall be established as a Heritage Preserve in accordance with the procedures set out in § 51-17-80. Dedication may result from either of the following methods, but no power of eminent domain is hereby conferred or granted to the commission, advisory board or the department under this chapter:

(a) "*Acquisition*" means the establishment of a Heritage Preserve whereby the owner of a natural or cultural area or feature transfers the fee simple interest therein to the commission for such purpose; or

(b) "*Acceptance*" means the establishment of a Heritage Preserve whereby the owner of a natural or cultural area or feature transfers less than the fee simple interest therein to the commission for such purpose. Examples are granting of a "conservation or open space easement" or the transfer of title subject to a life estate or reverter. Interests in real estate of a term of years shall not qualify for dedication under this chapter.

(10) "*Register*" or "*registration*" means the process by which the owner of a natural or cultural feature shall enter into a written agreement with the commission recognizing the unique and outstanding characteristics thereof in accordance with the procedures set out in § 51-17-100.

(11) "*Priority areas and features list*" means the list made up of those areas and features recommended by the board, and approved by the commission, under this chapter whose preservation is of primary importance to the goals and purposes of this chapter and which are, therefore, eligible to be included as Heritage Preserves and Sites.

(12) "*The Heritage Trust Program*" means the entire system established under this chapter to provide for the inventorying, preservation, use and management of unique and outstanding natural or cultural areas and features in this State. The term "*Heritage Trust*" means the legal trust which is created under § 51-17-90.

HISTORY: 1976 (59) 1607.

Editor's Note —

This chapter is effective May 25, 1976.

§ 51-17-20. Legislative findings; policy.

The General Assembly finds that as a part of the continuing growth of the population and the development of the economy of the State it is necessary and desirable that portions of the State's rich natural and cultural diversity be set aside as Heritage Preserves and Sites and protected for the benefit of present and future generations, for once disturbed they cannot be wholly restored. Such areas and features are irreplaceable as laboratories for scientific research; as reservoirs of natural materials for which the value and usefulness thereof is not yet fully known; as habitats for rare and vanishing species; and as living museums where people may observe natural biotic and environmental systems and as areas for study and enjoyment as examples of the lands, structures and related artifacts which represent significant parts of our historical and cultural heritage.

While a number of independent and differing efforts, both private as well as governmental, have been initiated to protect some of these assets, a coordinated and concerted program is needed in order to avoid duplication among these and other valuable activities and to insure the maximum conservation of these resources through the establishment of a more effective and adequate official legal mechanism for identifying, recognizing and protecting such areas for their outstanding characteristics. While the preservation of all of these assets in their natural state is both impractical and often not necessarily in the total best interest of the State and the public, they exist in limited and decreasing quantities. The time is now for a decision to be made as to which of these areas and sites deserve increased protection and for selecting the most appropriate means for doing so.

It is therefore the public policy of this State to secure for the people, both present and future generations, the benefits of an enduring resource of natural and cultural areas and features by establishing a system of Heritage Preserves and Sites; protecting this system; gathering and disseminating information regarding it; establishing and maintaining a listing of Heritage Preserves and Sites; and otherwise encouraging and assisting in the preservation of natural and cultural areas and features of this State.

HISTORY: 1976 (59) 1607.

§ 51-17-30. Heritage Trust Program created; purposes.

The Heritage Trust Program is created to achieve the following goals by protecting lands and making them available to State agencies, educational institutions and public and private groups for the following purposes:

(1) For research in such fields as archeology, agriculture, conservation, ecology, forestry, genetics, geology, history, paleontology, pharmacology, soil science, taxonomy and similar fields by governmental employees, educational and scientific groups as well as by private individuals.

(2) For the teaching of archeology, biology, conservation, ecology, geology, history, natural history and other subjects.

(3) As habitats and places for maintaining plant and animal species in communities.

(4) As reservoirs of natural and cultural materials.

(5) As places of natural and cultural interests and beauty whereby through visitation the public may observe, value and enjoy natural and cultural processes and events. Unique recreational opportunities of a type not generally available through the existing State Park System may be

provided, including outdoor sporting usage such as hunting and fishing as well as aesthetics, where wholly compatible and consistent with the character of the area or feature.

(6) As benchmarks against which to measure such processes or events as well as the environmental degradation from natural and unnatural influences.

(7) To promote the understanding and appreciation of the aesthetic, cultural and scientific values of such areas and features by the people of the State.

(8) For the preservation and protection of Heritage Preserves and Sites against modification or encroachment resulting from occupation, development or other uses which would destroy their natural and cultural character.

(9) As places for maintaining representative lands, and related structures which illustrate periods, events, styles and uses of the land in our State's historic and cultural heritage.

HISTORY: 1976 (59) 1607.

§ 51-17-40. Powers and duties of commission.

The commission shall have the following duties, responsibilities and powers under this chapter:

(1) To serve as trustee of the trust created under this chapter and to carry out the powers, duties and responsibilities thereunder;

(2) To supervise the establishment, updating and maintenance of a statewide inventory of the natural and cultural resources and the maintenance of a list of those areas and features selected or established under this chapter as priority areas and features or as Heritage Preserves and Sites;

(3) To select from the recommendations of the Advisory Board those natural and cultural features, the preservation of which is of primary importance to the goals and purposes of this chapter, and to classify such as priority areas and features;

(4) To select from the recommendations of the Advisory Board those priority areas and features which should be dedicated or recognized as Heritage Preserves or Sites, and thereafter to establish as such through dedication or recognition;

(5) To select from the recommendations of the Advisory Board those Heritage Preserves, interests therein or portions thereof, deserving of protection under the Heritage Trust and thereafter to transfer same into the corpus of the trust.

(6) To conduct public hearings on the question of whether any particular natural or cultural area or feature should be established as a Heritage Preserve or Site, or on the uses or nonuses which shall apply to any area dedicated under the Heritage Trust Program;

(7) To manage or provide for the management of Heritage Preserves through the promulgation of rules and regulations designed to preserve the primary natural character of such areas or features and to provide the maximum public usage thereof which is compatible and consistent with the character of the area. Management duties and responsibilities may be assigned to any governmental or private group, with its consent, with respect to any particular Heritage Preserve;

(8) To cooperate with and to enter into agreement with other State, Federal, county and local units of government as well as private groups for the promotion of the purposes of this chapter including the carrying out of other requirements under Federal and State law.

(9) To report annually to the Governor and to the General Assembly as to the activities of the Heritage Trust Program and its future plans, and to make any specific recommendations which it feels, if implemented, would assist in achieving the goals and purposes of this chapter.

HISTORY: 1976 (59) 1607.

§ 51-17-50. Heritage Trust Advisory Board created; members; terms.

The Heritage Trust Advisory Board is hereby created to assist the commission in carrying out its duties and responsibilities under this chapter. The board shall consist of seventeen members who shall be chosen as follows and shall elect from its membership a chairman:

(1) From the general public, six persons, one from each congressional district within the State, who shall be appointed by the Governor and serve for a term of six years. Of these six, four persons shall be from the scientific community who are recognized and qualified experts in the ecology of natural areas, and two persons shall be from the cultural community who are recognized and qualified experts in the history and archeology of the State. The term *"expert"* does not of necessity denote a professional but one learned and interested in the field.

(2) One member of the State Senate and one member of the State House of Representatives, who shall be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, for terms of two years.

(3) From State government, the following persons or their designees:

(A) The Chairman of the Wildlife and Marine Resources Commission;

(B) The Executive Director of the Wildlife and Marine Resources Department,

(C) The Executive Director of the South Carolina Department of Parks, Recreation and Tourism;

(D) The Executive Director of the South Carolina Land Resources Conservation Commission;

(E) The Director of the South Carolina Department of Archives and History;

(F) The State Forester;

(G) The State Archeologist;

(H) The Director of the State Museum; and

(I) The Director of the South Carolina State Development Board.

Provided, however, of the initial appointees under this section, that of the six persons appointed under subsection (1) above, two shall serve for a term of two years, two for a term of four years, and two for a term of six years.

HISTORY: 1976 (59) 1607.

§ 51-17-60. Powers and duties of board.

The Heritage Trust Advisory Board shall have the following powers and duties:

(1) To review the inventories prepared and submitted by the department and other State agencies as well as other appropriate sources of information and to recommend therefrom to the commission the selection of those areas and features as priority areas and features that it deems to be of primary importance to the goals and purposes of this chapter.

(2) To evaluate, review and examine proposals of the department and other State agencies as well as citizen recommendations for the dedication or recognition of specific areas and features as Heritage Trust Preserves and Sites, and from its expertise to recommend to the commission the dedication or recognition of such areas and features which it feels proper.

(3) To recommend to the commission any rules, regulations, management criteria, allowable uses and such which the board feels would be beneficial to carrying out the goals and purposes of this chapter.

(4) To appoint technical committees consisting of experts in specialty areas dealing with the ecology, history and archeology of our State and any other type committees that the board feels can be of assistance in fulfilling its duties and responsibilities under this chapter.

(5) To assist in maintaining a list of areas and sites which through dedication become Heritage Trust Preserves or Sites and to make public information regarding their location, management, regulation, and permissible public uses and the like.

(6) To authorize research and investigation for inventory and assessment purposes, including the reasonable right of entry and inspection, and to disseminate information and recommendations pertaining to natural and related cultural areas and features.

HISTORY: 1976 (59) 1607.

§ 51-17-70. Powers and duties of department.

The department shall act as the basic staff for the commission and the board and shall have the following powers and duties:

(1) The Executive Director shall select a member of his staff who shall be primarily responsible for the administration of the Heritage Trust Program.

(2) The department shall supply such other staff and support services as the commission and the board require to fulfill their duties and responsibilities under this chapter.

(3) The department shall maintain a public record of any inventories or lists established under this chapter.

(4) The department shall work with owners, both public and private, in the development of proposals for the dedication and recognition of natural and cultural areas and features as Heritage Preserves and Sites, and it shall keep the board informed of the same in order that therefrom the board may make recommendations to the commission as provided under this chapter.

(5) The department shall consult with and work in cooperation with the Department of Archives and History, the State Archeologist, the Department of Parks, Recreation and Tourism and any other State, county or local unit of government, or any private entity or group which is or should be directly involved in the Heritage Trust Program as well as in any particular efforts to preserve or protect any specific area or feature under the provisions of this chapter. In all cases, the department shall attempt to avoid duplication of effort with other agencies and groups and shall have no mandatory authority hereunder to require action by any such body.

HISTORY: 1976 (59) 1607.

§ 51-17-80. Establishment of Heritage Preserves; dedication; restrictions; management plans.

Upon recommendation of the board and approval by the commission, any area or feature on the "Priority Areas and Features List" may be established as a Heritage Preserve through the process of dedication. In addition to the transfer of either the fee simple interest or a lesser interest therein such as an open space easement, the owner of any such area or feature must enter into a written "Dedication Agreement" with the department whereby any restrictions, conditions, permissive and nonpermissive uses of the area or feature involved are clearly stated. Once the necessary deed, easement or the like has been filed along with the "Dedication Agreement" in the real estate records for the county in which the area or feature is located, the process of dedication shall be complete and a Heritage Preserve shall have formally been established.

No area or feature of primarily cultural significance or character shall be dedicated unless the Archives and History Commission approves thereof.

The following restrictions shall apply to all Heritage Preserves:

(1) The primary dedication as a Heritage Preserve shall be to preserve and protect the natural or cultural character of any area or feature so established. The commission and its agents shall in all cases maintain the essential character of any area or feature dedicated, and as such they are hereby declared to be at their highest, best and most important use for the public benefit. No Heritage Preserve shall be taken for any other public purpose unless the approval of both the commission and the Governor has been obtained. In no case shall any Heritage Preserve be taken for any private use.

(2) An acquisition by dedication shall be in perpetuity.

(3) In any case where an area or feature is dedicated as a Heritage Preserve through acceptance of less than the fee simple interest therein, no management of such property shall be performed by State agencies or their employees and no public funds shall be utilized in the upkeep or general maintenance of such property; *provided*, in the case where public usage of such area or feature is compatible and consistent with the natural character of the property and the owner is agreeable to allow such as defined under this chapter, reasonable costs of maintenance and management may be borne by the State.

(4) No acquisition of any area or feature as a Heritage Preserve shall be allowed whereby the department receives the fee simple interest in the property while the grantor or transferor retains the beneficial use or interests in the land except where total and complete public usage of the area or feature as allowed under this chapter is agreed to in the "Dedication Agreement."

(5) Within ninety days from the date of the completion of the dedication process by which an area or feature is established as a Heritage Preserve, or as soon thereafter as possible, the department shall recommend a management plan for the area or feature concerned. Such proposed plan shall include recommendations as to the uses and nonuses to which the property should be put, recommendations as to whether all or a part of the area or feature is deserving of increased protection through inclusion in the Heritage Trust, the projected cost of the management of the property and recommendations as to whether or not a user fee would be appropriate. All State, Federal, county, local and private groups interested in the area or feature involved shall be allowed to have input into the proposed management plan. The plan shall be considered by the board, and therefrom the board shall propose to the commission an overall management plan for the area or feature concerned. Upon approval by the commission of a plan, the department or that agency or group authorized by the commission shall manage the Heritage Preserve in accordance therewith.

HISTORY: 1976 (59) 1607.

Research and Practice References —
23 Am. Jur. 2d, Dedication §§ 4-5, 32-34
26 C.J.S., Dedication §§ 8, 26-29

§ 51-17-90. Heritage Trust created; beneficiaries; terms.

There is hereby created the South Carolina Heritage Trust, the trustee of which shall be the South Carolina Wildlife and Marine Resources Commission. The corpus of the trust shall be made up of those Heritage Preserves which the commission deems to be of such outstanding and unique natural or cultural character so as to be significant and essential to the carrying out of the goals and purposes of this chapter and as such, to merit a greater degree of preservation than that provided by dedication. The commission shall have authority to place into the corpus of the trust any Heritage Preserve that it feels meets this criteria and which has been recommended for inclusion therein by the board. The beneficiaries of this trust are and shall be the present and future generations of citizens of the State, more particularly those present and future citizens residing within a close proximity to any area or feature which itself, or an interest therein, becomes, constitutes, or comprises a part of the corpus of such trust and who actually enjoy use of such area or feature; and further and more particularly, those present and future students, teachers, and persons

residing in the State who are concerned with conservation or with research in any facet of ecology, history or archeology and who actually utilize any such area of feature for the promotion of such interest.

Wherever the term "area or feature" is used in this section, it shall include "or interests therein." The following, except as otherwise expressly provided, shall constitute substantive terms of the trust and apply to any area or feature which becomes a part of the corpus thereof:

(1) Upon approval by the commission of the inclusion of a Heritage Preserve in the corpus of the South Carolina Heritage Trust, such transfer shall be recorded in the county in which the property is located and shall establish conclusive proof that such area or feature is suitable for preservation and protection under this chapter and constitutes a part of the corpus of the South Carolina Heritage Trust.

(2) In any case wherein the previous owner of a Heritage Preserve has restricted such area or feature from inclusion in the South Carolina Heritage Trust, or where the previous owner has withheld an interest therein such as a life estate or reverter, the Heritage Preserve involved shall not be allowed to become a part of the corpus of the South Carolina Heritage Trust unless at a subsequent time such approval is obtained from such person or his successor in interest.

(3) Upon the approval by the commission of the inclusion of any Heritage Preserve in the South Carolina Heritage Trust and the transfer of the title or interest held by the commission therein to the trust, subject to the provisions of subsection (2) of this section, legal title to such area or feature shall be conveyed to the trustee of the South Carolina Heritage Trust and the equitable, or beneficial ownership, shall rest in those beneficiaries previously stated and described, whether such property was owned by a private or public source prior to dedication.

(4) Upon approval by the board, the department, the commission and any agency of the State is hereby authorized to enter into agreement in advance with any person, firm, corporation, legal entity of government, or any private group that any particular area or feature shall be conveyed to the trustee in trust under the provisions of this chapter.

(5) Upon approval by the commission of inclusion of any Heritage Preserve into the corpus of the South Carolina Heritage Trust, the board shall review the management plan therefor as well as the "Dedication Agreement" and any other sources of information which it may deem appropriate. Upon approval thereof by the commission, the department or that agency or group assigned management responsibilities therefor shall manage property in accordance therewith. Except to the extent expressly otherwise provided in the "Dedication Agreement," the following substantive terms shall be deemed to be set forth in the conveyance to the Heritage Trust and the trustee shall hold such property in trust subject to such terms:

(a) The essential natural character of the property shall be maintained

(b) There shall be no erection of any improvements thereon except those minimal improvements necessary for the security, safety or convenience of the public and those required for maintenance and management.

(c) Cutting or burning of timber, wood or other destruction of flora or fauna shall be permitted only for conservation or regeneration of flora or fauna; or for the control of plant succession by deliberate manipulation for restoration of preservation of a particular vegetation type or of an endangered species of flora, fauna or wildlife; or for the establishment and maintenance of nature and hiking trails, camping areas and the like where compatible and consistent with the character of the area or feature concerned and not seriously damaging or detrimental to the natural quality of the property.

(d) No stream shall be dammed or have its course altered.

(e) No motorized vehicles shall be permitted on the property other than those utilized by the trustee or its agents in management and protection of the property or used by the general public for ingress and egress to the property in compliance with the management plan for the area or feature concerned.

(f) No change shall be made in the general topography of the area or feature except for those minimal alterations which may be necessary to provide on-foot access to the public for visitation, or observation; and this shall be done only where wholly compatible and consistent with the character of the property and where no detrimental effect shall result.

(g) No activity shall be allowed or permitted which might pollute any stream, body of water, or the atmosphere.

(h) No signs, billboards or other advertising of any kind shall be erected; however, informational and directional signs related to the designation of the area or feature as a Heritage Preserve and related to the public's enjoyment thereof shall be allowed when approved by the trustee.

(i) No other acts or uses which are detrimental to the retention of the property in its natural state shall be allowed, including those detrimental to flood control, drainage, water conservation, erosion control or soil conservation, or fish or wildlife habitat preservation.

(j) Where cultural areas or features are involved, reasonable excavation, improvement and the like shall be allowed for research purposes as well as to restore such area or feature.

(k) The trust shall continue in perpetuity.

(l) Nothing in this chapter shall be interpreted as restricting the use of an existing or any future easement, express or implied, in favor of any utility or other holder of an easement for public purposes.

(6) Those natural and related cultural areas and features which are acquired as Heritage Preserves in accordance with the trust provisions of this chapter are hereby declared to be as such at their highest, best and most important use for the public benefit. The State, any agencies thereof, local or county entities of government, or public utility which has the power of condemnation by law may acquire by purchase, gift or eminent domain an easement or other interest in any property comprising a part of the corpus of the Heritage Trust; *provided, however,* that before any such condemnation shall occur a court of competent jurisdiction shall determine the following: (1) There is an unavoidable and imperative public necessity that the property or interest therein be taken for another public use; (2) that there is no feasible and prudent alternative for the proposed use for which the property or interest therein is to be taken; and (3) that the proposal for taking includes all possible planning to minimize the harm done to such property resulting from such proposed use. Where the court deems appropriate, a public hearing shall be conducted prior to the court's decision to allow comment and input thereto.

No city, county, public district, agency of the State or public utility of the State shall acquire any real property which is a part of the corpus of the Heritage Trust through condemnation for the purpose of utilizing such property for another public use unless the acquiring entity pays or transfers to the Heritage Trust sufficient compensation to enable the operating entity to replace the real property and facilities thereon. The trustee of the trust shall have authority to utilize such proceeds to acquire additional property for the trust and to maintain those properties which form the corpus of the trust.

(7) The common law of South Carolina pertaining to trusts shall be applicable to the Heritage Trust and to all areas or features, or interests therein, which become a part of this corpus. Without in any way limiting the generality of the foregoing, such trusts shall not fail for want of a trustee, and the trust shall be terminated as to any particular area or feature, or interest therein, only upon total failure of the intended purpose. Any substitution of the trustee or termination of the trust as to any particular area or feature, or interests therein, shall occur only after appropriate judicial action wherein the beneficiaries are adequately represented, and such total failure shall not in any way affect the remainder of the property within the corpus of the trust.

(8) The trustee shall hold, manage, preserve and enforce the various areas and features, or interests therein, which become a part of the corpus of the trust in accordance with the terms of this chapter and in any respective conveyances and transfers thereto. To that end the trustees may adopt and modify rules and regulations for the use and enjoyment of such trust properties by the public, and may employ or appoint agents to act on their behalf in the management of such properties.

HISTORY: 1976 (59) 1607.

Research and Practice References —

26 Am. Jur. 2d. Eminent Domain §§ 88-90, 95
76 Am. Jur. 2d. Trusts §§ 71, 87.
29A C.J.S., Eminent Domain §§ 74-75, 86.
89 C.J.S. Trusts § 92.

A.L.R. and L. Ed. Annotations —

Power of eminent domain as between state and subdivision or agency thereof, or as between different subdivisions or agencies themselves, 35 A.L.R.3d 1293.

§ 51-17-100. Registration of Heritage Sites; procedures.

In any case wherein a priority feature is either unsuited or unavailable for acquisition as a Heritage Preserve, the commission in agreement with the owner thereof may recognize such for its importance by registering it as a Heritage Site through the following registration procedures:

(1) The department through its research and consultation with the owners of properties selected as priority features shall notify the board of those which are unsuited or unavailable for dedication but for which the owners have made application for recognition as Heritage Sites through registration.

(2) The board shall review such applications and shall recommend to the commission the approval of those which it deems worthy of preservation through registration as Heritage Sites.

(3) From the board's recommendations, the commission shall approve those applications for recognition as Heritage Sites which it deems deserving and appropriate for carrying out the purposes of this chapter.

(4) Upon approval of an application by the commission, the department may enter into a written agreement of registration with the owner of the feature concerned whereby the State shall give public recognition of the importance of the area or feature as a Heritage Site and the owner shall express his intent to preserve it.

(5) The department shall erect and maintain an appropriate sign on the Heritage Site indicating its recognition and the owner thereof shall be given a certificate acknowledging its registration.

(6) The registration agreement may be terminated by the owner or the commission at any time upon thirty days' notification to the other party. Such termination shall remove the feature from the Heritage Site Program and any certificate previously issued therefor or sign erected shall be returned to the department by the property owner.

(7) Unless the registration agreement is terminated, the owner of a Heritage Site shall maintain its essential natural character.

HISTORY: 1976 (59) 1607.

§ 51-17-110. Funding.

The department shall include those costs and operating expenses necessary for the activities of the commission and the board as well as staff support to carry out the provisions of this chapter in the annual State Appropriation Act. Funding for management of areas and features which become Heritage Preserves shall be specifically requested by the department or that entity of government responsible for management thereof.

The commission shall select those Heritage Preserves for the use of which it deems reasonable and appropriate to charge an individual user fee. The department is authorized to sell such user permits for a cost not to exceed five dollars, and to be valid for the fiscal year in which issued at all those Heritage Preserves where a permit be required. At the end of the fiscal year, the department shall distribute those funds collected thereby among the agencies and entities of government assigned responsibility for management in direct proportion to the acreage which they manage. The proceeds of the sale of such user permits shall be used to defray the management expenses.

Any funds received through sale, exchange or otherwise of any Heritage Preserve acquired under this chapter, or any products thereof such as timber, utility easement rights and the like, shall be held in trust by the commission and used exclusively for the purchase and maintenance of the areas and features acquired as Heritage Preserves.

HISTORY: 1976 (59) 1607.

§ 51-17-120. Certain areas not affected.

Nothing contained in this chapter shall be construed as interfering with the purposes stated in the establishment of or pertaining to any State or local park, preserve, wildlife refuge, forest or other area or the proper management and development thereof, except that any agency managing an area or feature acquired as a Heritage Preserve or a Heritage Site under the provisions of this chapter shall preserve it in accordance with the

applicable conveyance, registration agreement and the rules and regulations of the commission applicable thereto.

Neither the acquisition of any Heritage Preserve nor the registration of any Heritage Site nor any action taken by the commission under any of the provisions of this chapter shall void or replace any protective status under law which an area would have were it not a Heritage Preserve or Heritage Site, the protective provisions of this chapter being supplemental thereto.

HISTORY: 1976 (59) 1607.

§ 51-17-130. Enforcement; penalties.

(1) Conservation officers, park rangers and forestry rangers, as well as all other State and local law-enforcement officials, shall have authority to enforce the provisions of this chapter.

(2) The Attorney General shall enforce the commission's rules and regulations both as they apply to those areas dedicated as well as those that are subsequently made a part of the corpus of the South Carolina Heritage Trust. In exercise of this authority, the Attorney General may, among other things and at the commission's request, an action for injunctive or declaratory relief in any court of competent jurisdiction.

(3) (a) Any person violating the provisions of this chapter where the damage to the property does not exceed five hundred dollars shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days for each offense.

(b) Any person violating the provisions of this chapter where the damage to the property exceeds five hundred dollars shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars nor more than five thousand dollars or be imprisoned for not more than six months, or both, for each offense.

HISTORY: 1976 (59) 1607.

§ 51-17-140. Maximum acreage to be acquired; written approval of county delegation required.

Not more than one hundred thousand acres total of real property shall be acquired in fee under the provisions of this chapter. Moreover, no acquisition shall be made under this chapter in any county without written approval of a majority of the county delegation in the county where such property is located.

HISTORY: 1976 (59) 1607.

CHAPTER 3

South Carolina State Ports Authority

ARTICLE 1. Creation and Organization.
ARTICLE 3. Purposes and Powers Generally.
ARTICLE 5. Supervision of Wharves, Warehouses and Other Facilities.
ARTICLE 7. Erection, Repairs and Removal of Wharves, Docks and Other Structures.
ARTICLE 9. Particular Powers as to Harbor and Bay of Charleston.
ARTICLE 11. Financial Matters.

ARTICLE 1

CREATION AND ORGANIZATION

SEC.
54-3-10. Creation and membership of State Ports Authority.
54-3-20. Appointment and terms of members, vacancies.
54-3-30. Organization; officers; meetings.
54-3-40. Treasurer.

§ 54-3-10. Creation and membership of State Ports Authority.

The South Carolina State Ports Authority is hereby created, consisting of and governed by a board of seven members, which shall hereinafter, for the purpose of brevity and convenience, be referred to as the Authority.

HISTORY: 1962 Code § 54-1; 1952 Code § 54-1; 1942 (42) 1535; 1957 (50) 30.

CASE NOTES

A suit by the Authority is a suit by the State South Carolina State Ports Authority v Seaboard Air Line R Co., 124 F Supp 533 (1954).

The Authority, as an agency of the State, is also in a real sense a part of the State, and shares in its sovereignty, and is completely identified with the State in the performance of its public functions, which are unquestionably of a governmental character. South Carolina State Ports Authority v Seaboard Air Line R Co., 124 F Supp 533 (1954).

Hence, there may be no removal of such suit to a Federal court on the ground of diversity of citizenship. South Carolina State Ports Authority v Seaboard Air Line R. Co., 124 F Supp 533 (1954).

Waiver of Eleventh Amendment immunity.—It appears that power to sue and be sued in the statutory language creating the Authority does not constitute a waiver of Eleventh Amendment immunity, and that if such immunity has indeed been waived by the State that waiver arises from the nature of the activity conducted by the Ports Authority. American Hoesch, Inc. v Steamship Aubade, 316 F Supp 1193 (D SC 1970).

Cited in German v South Carolina State Ports Authority, 295 F2d 491 (1961).

§ 54-3-20. Appointment and terms of members; vacancies.

The members of the board shall be appointed by the Governor, with the advice and consent of the Senate, for terms of seven years each and until their successors shall have been appointed and have qualified. In the event of a vacancy, however caused, a successor shall be appointed in the manner of original appointment for the unexpired term.

HISTORY: 1962 Code § 54-2; 1952 Code § 54-2; 1942 (42) 1535; 1957 (50) 30.

CASE NOTES

Stated in South Carolina State Ports Authority v Seaboard Air Line R. Co., 124 F Supp 533 (1954).

§ 54-3-30. Organization; officers; meetings.

They shall elect one of their number as chairman and one as vice-chairman and shall also elect a secretary. The board shall meet upon the call of its chairman and a majority of its members shall constitute a quorum for the transaction of its business.

HISTORY: 1962 Code § 54-3; 1952 Code § 54-3; 1942 (42) 1535.

§ 54-3-40. Treasurer.

The Authority shall select one of its members to serve as its treasurer. The Authority shall require a surety bond of such appointee in such amount as the Authority may fix and the premium thereon shall be paid by the Authority as a necessary expense of the Authority.

HISTORY: 1962 Code § 54-4; 1952 Code § 54-4; 1942 (42) 1535.

ARTICLE 3

PURPOSES AND POWERS GENERALLY

SEC.
54-3-110. State may improve harbors and seaports through Authority.
54-3-120. Jurisdiction of Authority.
54-3-130. Purposes of Authority.
54-3-140. Powers of Authority.
54-3-150. Acquisition of property.
54-3-160. Powers with respect to certain property.
54-3-170. Use of certain State property.
54-3-180. Exchange of property; removal of structures.

54-3-190 Lease or grant of property to United States, reimbursing United States for certain acquisition costs.
54-3-200. Acquisition and operation of terminal railroads.
54-3-210 Contracts with railroad employees.
54-3-220 Connecting with or crossing other railroads.
54-3-230 Foreign-trade zones.
54-3-240 Inland ports
54-3-250. Inspection of motor vehicles prior to exportation

§ 54-3-110. State may improve harbors and seaports through Authority.

Through the Authority the State may engage in promoting, developing, constructing, equipping, maintaining and operating the harbors or seaports within the State, namely Charleston, Georgetown and Port Royal, and works of internal improvement incident thereto, including the acquisition or construction, maintenance and operation at such seaports of harbor watercraft and terminal railroads, as well as other kinds of terminal facilities, and belt line roads or highways and bridges thereon and other bridges and causeways necessary or useful in connection therewith.

HISTORY: 1962 Code § 54-11; 1952 Code § 54-11; 1942 (42) 1535; 1956 (49) 1794.

Research and Practice References—
78 Am Jur 2d, Waters §§ 82–85
65 CJS, Navigable Waters § 12.

CASE NOTES

Quoted in South Carolina State Ports Authority v Seaboard Air Line R Co., 124 F Supp 533 (1954).

§ 54-3-120. Jurisdiction of Authority.

The jurisdiction of the Authority in any of said harbors or seaports within the State shall extend over the waters and shores of such harbors or seaports and over that part of all tributary streams flowing into such harbors or seaports in which the tide ebbs and flows and shall extend to the outer edge of the outer bar at such harbors or seaports.

HISTORY: 1962 Code § 54-12; 1952 Code § 54-12; 1942 (42) 1535.

Cross references—
As to Water Resources Planning and Co-ordinating Act, see §§ 49-3-10 to 49-3-50

§ 54-3-130. Purposes of Authority.

The Authority is created as an instrumentality of the State for the accomplishment of the following general purposes, all or any

of them, which are intended to broaden and not to restrict any other powers given to it in this chapter, namely:

(1) To develop and improve the harbors or seaports of Charleston, Georgetown and Port Royal for the handling of water-borne commerce from and to any part of the State and other states and foreign countries;

(2) To acquire, construct, equip, maintain, develop and improve such harbors or seaports and their port facilities;

(3) To foster and stimulate the shipment of freight and commerce through such ports, whether originating within or without the State, including the investigation and handling of matters pertaining to all transportation rates and rate structures affecting the same;

(4) To cooperate with the United States of America, and any agency or any department, corporation or instrumentality thereof in the maintenance, development, improvement and use of such harbors and seaports in connection with and in furtherance of the war operations and needs of the United States;

(5) To accept funds from any of the counties of Beaufort, Charleston or Georgetown, and to use them in such manner, within the purposes of the Authority, as shall be stipulated by the county and to act as agent or instrumentality for any of such counties in any matter coming within the general purposes of the Authority;

(6) To act as agent for the United States of America or any agency, department, corporation or instrumentality thereof, in any matter coming within the purposes or powers of the Authority;

(7) To cooperate and act as co-assurer with the city of Augusta, Georgia, and the Georgia State Ports Authority in furtherance of the river development project known as the Savannah River Project Below Augusta;

(8) To promote, develop, construct, equip, maintain and operate a harbor or harbors within this State on the Savannah River, and in furtherance thereof have all of the powers, purposes and authority given by law to the Authority in reference to the harbors and seaports of Charleston, Georgetown and Port Royal; and

(9) In general to do and perform any act or function which may tend to or be useful toward the development and improvement of such harbors and seaports of this State and to the increase of water-borne commerce, foreign and domestic, through such harbors and seaports.

HISTORY: 1962 Code § 54-13; 1952 Code § 54-13; 1942 (42) 1535; 1956 (49) 1794; 1958 (50) 1881.

CASE NOTES

Stated in South Carolina State Ports Authority v Seaboard Air Line R. Co., 124 F Supp 533 (1954)

§ 54-3-140. Powers of Authority.

In order to enable it to carry out the purposes of this chapter, the Authority:

(1) Shall have the powers of a body corporate, including the power to sue and be sued, to make contracts and to adopt and use a common seal and alter it as may be deemed expedient;

(2) May rent, lease, buy, own, acquire, mortgage and dispose of such property, real or personal, as the Authority may deem proper to carry out the purposes and provisions of this chapter, all or any of them;

(3) May acquire, construct, maintain, equip and operate wharves, docks, ships, piers, quays, elevators, compresses, refrigeration storage plants, warehouses and other structures and any and all facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto and the construction of belt line roads and highways and bridges and causeways thereon and other bridges and causeways necessary or useful in connection therewith and shipyards, shipping facilities and transportation facilities incident thereto and useful or convenient for the use thereof, including terminal railroads;

(4) May acquire, construct, maintain, operate and contract to operate in any of said counties airports, seaplane bases, naval bases and any other facilities necessary or useful in carrying out the purposes of this chapter and of the Authority;

(5) Shall appoint and employ and dismiss at pleasure such employees as may be selected by the board of the Authority and fix and pay the compensation thereof;

(6) Shall establish an office for the transaction of its business in the city of Charleston and such other offices within and without the State as may be deemed by the board to be necessary or useful in carrying out the purposes of this chapter;

(7) May create and operate such agencies and departments as the board may deem necessary or useful for the furtherance of any of the purposes of this chapter;

(8) May pay all necessary costs and expenses involved in and incident to the formation and organization of the Authority and incident to the administration and operation thereof and all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this chapter;

(9) May apply for and accept loans and grants of money from

any Federal agency for any and all of the purposes authorized in this chapter and expend such moneys in accordance with the directions and requirements attached thereto or imposed thereon by any such Federal agency and give such evidences of indebtedness as shall be required by any such Federal agency, except that no indebtedness of any kind incurred or created by the Authority shall constitute an indebtedness of the State, or any political subdivision thereof, and no such indebtedness shall involve or be secured by the faith, credit or taxing power of the State, or any political subdivision thereof;

(10) May act as agent for the United States of America or any agency, department, corporation or instrumentality thereof, in any matter coming within the purposes or powers of the Authority;

(11) May adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the powers granted to it may be enjoyed and may provide for the appointment of such committees, and the functions thereof, as the Authority may deem necessary or expedient in facilitating its business;

(12) May do any and all other acts and things in this chapter authorized or required to be done, whether or not included in the general powers in this section mentioned;

(13) May do any and all things necessary to accomplish the purposes of this chapter; and

(14) May promulgate rules and regulations governing the use of or doing business on the Authority's property or facilities, including the adoption of safety standards and insurance coverage or proof of financial responsibility, and may provide for the licensing of persons, firms or corporations using or doing business on such property or facilities, and for license fees to cover the expense thereof. Licenses may be revoked after notice and hearing by the Authority for wilful breach of or failure to comply with such rules and regulations.

But the Authority shall not engage in shipbuilding except upon the unanimous vote of its members.

HISTORY: 1962 Code § 54-14; 1952 Code § 54-14; 1942 (42) 1535; 1957 (50) 30.

CASE NOTES

A suit by the Authority is a suit by the State. South Carolina State Ports Authority v Seaboard Air Line R. Co., 121 F Supp 533 (1954)

Hence, there may be no removal of such suit to a Federal court on the ground of diversity of citizenship. South Carolina State Ports Authority v Seaboard Air Line R. Co., 124 F Supp 533 (1954).

Waiver of Eleventh Amendment im-

immunity.—It appears that power to sue and be sued in the statutory language creating the Authority does not constitute a waiver of Eleventh Amendment immunity, and that if such immunity has indeed been waived by the State that waiver arises from the nature of the activity conducted by the Ports Authority American Hoesch, Inc. v Steamship Aubade, 316 F Supp 1193 (D SC 1970)

Right to hire and fire.—The South Carolina State Ports Authority, under the section creating it, has the right to hire and fire without giving a reason. Bateman v South Carolina State Ports Authority, 298 F Supp 999 (D SC 1969).

§ 54-3-150. Acquisition of property.

For the acquiring of rights of way and property necessary for the construction of terminal railroads and structures, including railroad crossings, airports, seaplane bases, naval bases, wharves, piers, ships, docks, quays, elevators, compresses, refrigerator storage plants, warehouses and other riparian and littoral terminals and structures and approaches thereto and transportation facilities needful for the convenient use thereof and belt line roads and highways, causeways and bridges and other bridges and causeways, and for the acquiring of property necessary for the river development project known as the Savannah River Project Below Augusta, and for the acquiring of property necessary for the development of a harbor or harbors within this State on the Savannah River, all or any of such purposes, the Authority may purchase the same by negotiation, or may condemn them and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the Authority and it may proceed in the manner provided by the laws of the State for procedure by any county, municipality or authority organized under the laws of this State, by the State Highway Department, by railroad corporations or in any other manner provided by law, as the Authority may, in its discretion, elect. The power of eminent domain shall apply not only as to all property of private persons or corporations but also as to property already devoted to public use.

HISTORY: 1962 Code § 54-15; 1952 Code § 54-15; 1942 (42) 1535; 1958 (50) 1881.

Cross references—
As to State Authorities Eminent Domain Act, see §§ 28-3-10 to 28-3-140

Research and Practice References—
26 Am Jur 2d, Eminent Domain §§ 32, 53.
29A CJS, Eminent Domain § 23.

CASE NOTES

Eminent domain.—The Authority is given broad power of eminent domain South Carolina State Ports Authority v Seaboard Air Line R. Co., 124 F Supp 533 (1954)

This section [Code 1962 § 54-15]

confers the power of eminent domain upon the Port Authority. South Carolina State Ports Authority v Kaiser, 254 SC 596, 176 SE2d 532 (1970).

But it does not specify the procedure for the reception of evidence in a condemnation hearing. South Carolina State Ports Authority v Kaiser, 254 SC 596, 176 SE2d 532 (1970).

The rule in this State is that the decision of the question of necessity lies with the one to whom the State has delegated the authority to take property for a public use and is not subject to review by the Supreme Court in the absence of fraud, bad faith, or clear abuse of discretion South Carolina State Ports Authority v Kaiser, 254 SC 596, 176 SE2d 532 (1970).

A jury trial to determine the amount of compensation may only be obtained "in and by a return" to the notice provided for in Code 1962 § 25-111, and by one who has an interest in or lien upon property at the time. South Carolina State Ports Authority v Kaiser, 254 SC 596, 176 SE2d 532 (1970).

Indefinite plans insufficient to show bad faith.—Where there is an immediate need and necessity for the condemned property, the mere fact that plans for contemplated future uses of the property were not yet firm or definite would be insufficient to show either bad faith or abuse of discretion in condemnation of property South Carolina State Ports Authority v Kaiser, 254 SC 596, 176 SE2d 532 (1970)

§ 54-3-160. Powers with respect to certain property.

The Authority may exercise in reference to any property, assets, holdings, leases, contracts, rights, franchises or licenses conveyed to it under Section 1 of Act No. 216 of 1945 (Acts 1945, p 365) all of the rights, privileges, powers, immunities, duties and functions conferred by §§ 54-5-10, 54-5-60, 54-5-80, 54-5-90 and §§ 5-35-10 to 5-35-40 upon cities of this State having a population of fifty thousand inhabitants or more and upon port utilities commissions of such cities.

HISTORY: 1962 Code § 54-16; 1952 Code § 54-16; 1945 (44) 365.

§ 54-3-170. Use of certain State property.

The Authority may take, exclusively occupy, use and possess, in so far as may be necessary for carrying out the provisions of this chapter, any areas of land owned by the State and within the counties of Beaufort, Charleston and Georgetown, not in use for State purposes, including swamps and overflowed lands, bottoms of streams, lakes, rivers, bays, the sea and arms thereof and other waters of the State and the riparian rights thereto pertaining. When so taken and occupied, due notice of such taking and occupancy having been filed with the Secretary of State, such areas of land are hereby granted to and shall be the property of the Authority. For the purposes of this section, the meaning of the term *"use"* shall include the removal of material from and the placing of material on any such land. In case it shall be held by any court of competent jurisdiction that there are any lands owned

by the State which may not be so granted, then the provisions of this section shall continue in full force and effect as to all other lands owned by the State. The provisions of this section are subject to all laws and regulations of the United States with respect to navigable waters.

HISTORY: 1962 Code § 54-17; 1952 Code § 54-17; 1942 (42) 1535.

Cross references—
As to public buildings, lands and property, generally, see §§ 10-1-10 et seq.

CASE NOTES

Stated in South Carolina State Ports Authority v Seaboard Air Line R. Co., 124 F Supp 533 (1954)

§ 54-3-180. Exchange of property; removal of structures.

The Authority may exchange any property acquired under the authority of this chapter for other property usable in carrying out the powers hereby conferred and also may remove from lands needed for its purposes and reconstruction on other locations, buildings, terminals, railroads or other structures upon the payment of just compensation, if, in its judgment, it is necessary or expedient so to do in order to carry out any of its plans for port development, under the authorization of this chapter.

HISTORY: 1962 Code § 54-18; 1952 Code § 54-18; 1942 (42) 1535.

§ 54-3-190. Lease or grant of property to United States; reimbursing United States for certain acquisition costs.

The board of the Authority may assign, transfer, lease, convey, grant or donate to the United States of America, or to the appropriate agency or department thereof, any or all of the property of the Authority for any use by such grantee for any purpose included within the general purposes of this chapter, as stated in § 54-3-130, such assignment, transfer, lease, conveyance, grant or donation to be upon such terms as the board of the Authority may deem advisable. In the event the United States of America should decide to undertake the acquisition, construction, equipment, maintenance or operation of the airports, seaplane bases, naval bases, wharves, piers, ships, refrigerator storage plants, warehouses, elevators, compresses, docks, shipyards, shipping and transportation facilities before referred to, including terminal railroads, roads, highways, causeways or bridges, and should itself decide to acquire the lands and properties necessarily needed in connection therewith by condemnation or otherwise, the board of the Authority may transfer and pay over to the

United States of America, or to the appropriate agency or department thereof, such of the moneys belonging to the Authority as may be found needed or reasonably required by the United States of America to meet and pay the amount of judgments or condemnation, including costs, if any be taxed thereon, as may from time to time be rendered against the United States of America, or its appropriate agency, or as may be reasonably necessary to permit and allow the United States of America, or its appropriate agency, to acquire and become possessed of such lands and properties as are reasonably required for the construction and use of the facilities before referred to.

HISTORY: 1962 Code § 54-19; 1952 Code § 54-19; 1942 (42) 1535.

Cross references—
As to agreements and relations with the United States, generally, see Title 3.
As to grants of perpetual rights and easements to United States for development of waterways, see §§ 3-5-10 to 3-5-190, 3-5-310 to 3-5-370.

§ 54-3-200. Acquisition and operation of terminal railroads.

The Authority may acquire, own, lease, locate, install, construct, equip, hold, maintain, control and operate at harbors and seaports a line of terminal railroads with necessary sidings, turnouts, spurs, branches, switches, yard tracks, bridges, trestles and causeways and in connection therewith or appurtenant thereto may further lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyance or appliance necessary or proper to carry passengers, goods, wares and merchandise over, along or upon the tracks of such railroads or other conveyances.

HISTORY: 1962 Code § 54-20; 1952 Code § 54-20; 1942 (42) 1535.

Cross references—
As to railroad, street railway, steamboat and canal companies, see §§ 58-15-10 et seq.
As to transfer of railroad operations from State Ports Authority to South Carolina Public Railways Commission, see §§ 58-19-30, 58-19-40.

§ 54-3-210. Contracts with railroad employees.

The Authority may make agreements as to the scale of wages, seniority and working conditions with locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for in § 54-3-200 and the service and equipment pertinent thereto. And should the Authority exercise the power herein given then the Authority shall make such agreements with such employees in accordance with the act of Congress known as the

Railway Labor Act (USC Title 45, §§ 151–163) as amended or as hereafter amended to the end that such agreements as to seniority and working conditions will obtain as to such employees and the standard rate of pay be provided as is in force relative to like employees of interstate railroads operating in the same territory with the terminal railroads authorized hereby.

HISTORY: 1962 Code § 54-21; 1952 Code § 54-21; 1942 (42) 1535.

Cross references—
As to transfer of railroad operations from State Ports Authority to South Carolina Public Railways Commission, see §§ 58-19-30, 58-19-40.
As to the general railroad law, see §§ 58-17-10 et seq.

§ 54-3-220. Connecting with or crossing other railroads.

The Authority may with its terminal railroads connect with or cross any other railroad upon the payment of just compensation and receive, deliver to and transport the freight, passengers and cars of common carrier railroads as though it were an ordinary common carrier.

HISTORY: 1962 Code § 54-22; 1952 Code § 54-22; 1942 (42) 1535.

Cross references—
As to transfer of railroad operations from State Ports Authority to South Carolina Public Railways Commission, see §§ 58-19-30, 58-19-40.
As to general railroad law, see §§ 58-17-10 et seq

§ 54-3-230. Foreign-trade zones.

The South Carolina State Ports Authority is authorized to make application to the Foreign-Trade Zones Board for the purpose of establishing, operating, and maintaining foreign-trade zones in the State, under the act of Congress known as the Foreign-Trade Zones Act which provides for the establishment, operation and maintenance of foreign-trade zones in the United States.

The South Carolina State Ports Authority shall select and describe the location of the zones for which application may be made and shall make such rules and regulations concerning the operation, maintenance and policing of them as may be necessary to insure compliance with the Foreign-Trade Zones Act and for other appropriate purposes.

The South Carolina State Ports Authority shall have full power and authority to erect, maintain and operate or lease any structures or buildings or enclosures as may be necessary or proper for the establishing, operating, and maintaining of any such foreign-trade zones in the State of South Carolina.

The authority granted to the South Carolina State Ports Authority confers the right and duty and power to do all things necessary

and proper to achieve compliance with the Foreign-Trade Zone Act and to carry into effect the establishing, operating and maintaining of foreign-trade zones within the State.

HISTORY: 1962 Code § 54-23; 1970 (56) 1972.

Cross references—
As to carriers, generally, see §§ 58-13-10 to 58-13-40.

§ 54-3-240. Inland ports.

The South Carolina State Ports Authority is authorized to establish inland ports to provide services for the handling of general merchandise cargo; *provided, however,* that no such inland port shall be established unless it is designated as a United States Port of Entry by the United States Custom Service. The State Ports Authority shall select and describe the location of any such inland port and may erect, maintain and operate or lease any structure, building or enclosure as may be necessary for the establishment, operation and maintenance of any such port. The Authority shall make such rules and regulations and do such other things as may be necessary to carry out the purposes of this section.

HISTORY: 1962 Code § 54-24; 1972 (57) 2178.

Cross references—
As to carriers, generally, see §§ 58-13-10 to 58-13-40.

§ 54-3-250. Inspection of motor vehicles prior to exportation.

No motor vehicle shall be exported to another country through the State Ports Authority unless the Authority has inspected the vehicle and determines that it is the same vehicle described on the documents required to be filed concerning the exportation of such vehicle.

HISTORY: 1962 Code § 54-25; 1972 (57) 2122.

Cross references—
As to carriers, generally, see §§ 58-13-10, 58-13-40.

ARTICLE 5

SUPERVISION OF WHARVES, WAREHOUSES AND OTHER FACILITIES

SEC.
54-3-410. Authority shall have general supervision of wharves, warehouses and terminal facilities.
54-3-420. Examination of facilities
54-3-430. Requiring repair or improvement of facilities.

ARTICLE 7

DUTIES AND POWERS GENERALLY

SEC.
57-3-610. General powers of State Highway Department.
57-3-620. Entry into contracts.
57-3-630. Bringing of suits.
57-3-640. Driveways and roads in State parks.
57-3-650. Restoration, preservation and enhancement of scenic beauty along highways; information centers
57-3-660. Streets, roads and driveways at State institutions.
57-3-670. Cooperation and contracts with United States Bureau of Public Roads.
57-3-680. Federal aid projects which are not part of State system.
57-3-690. Construction of county roads with Federal funds.
57-3-700. Department as agent for counties
57-3-710. Counties shall make land payments and be liable for damages.
57-3-720. Access facilities to State ports shipping and warehousing facilities.
57-3-730. Cooperation with drainage districts in carrying drainage canals across State highways
57-3-740. Sale of unserviceable materials and equipment.
57-3-750. Records shall be kept.
57-3-760. Annual report.

§ 57-3-610. General powers of State Highway Department.

The State Highway Department may:

(1) Lay out, build and maintain public highways and bridges;

(2) Acquire such lands and road building materials and rights of way as may be needed for roads and bridges by purchase, gift or condemnation;

(3) Cause the State highways to be marked with appropriate directions for travel and regulate the travel and traffic along such highways, subject to the laws of the State;

(4) Conduct highway research;

(5) Cooperate with the Federal Government in the construction of Federal-aid highways and research in connection therewith;

(6) Instruct, assist and cooperate with the county and other local government authorities in street, highway and traffic matters when requested to do so and, if requested by county and other local government authorities, supervise or furnish engineering supervision for the construction and improvement of roads and bridges, provided such duties do not impair the attention to be given the highways in the State highway system;

(7) Carry out highway safety programs;

(8) License and register motor vehicles and administer the collection of license and registration fees and penalties;

(9) Examine and license motor vehicle drivers;

§ 57-5-310. Ownership of real estate.

The State Highway Commission and State Highway Department may own such real estate, in fee simple or by lease, as shall be deemed necessary for the purpose of facilitating the proper operation of the Department or for the building and maintenance of the public highways in the State highway system.

HISTORY: 1962 Code § 33-121; 1952 Code § 33-121; 1951 (47) 457.

CASE NOTES

The method provided by this section [Code 1962 § 33-121] and the following sections for condemnation of land for the construction of highways by the State Highway Department is exclusive. Johnson v South Carolina State Highway Dept., 236 SC 424, 114 SE2d 591 (1960); South Carolina State Hwy. Dept. v Spann, 239 SC 437, 123 SE2d 648 (1962).

The statutory method provided by this article for condemnation of land for highway purposes by the State Highway Department is exclusive and the trial court has no authority to indirectly extend time for taking appeal in such case. Burnett v South Carolina State Highway Dep't., 252 SC 568, 167 SE2d 571 (1969).

This article grants to the State Highway Department the authority to condemn lands for highway purposes and prescribes the procedure to be followed. Burnett v South Carolina State Highway Dep't., 252 SC 568, 167 SE2d 571 (1969).

§ 57-5-320. Acquisition of property generally; liability for abandonment after condemnation and trial.

The Department may acquire an easement or fee simple title to real property by gift, purchase, condemnation or otherwise as may be necessary, in the judgment of the Department, for the construction, maintenance, improvement or safe operation of highways in this State or any section of a State highway or for the purpose of acquiring sand, rock, clay and other material necessary for the construction of highways, including (a) land for drainage ditches and canals that may be needed in order to correct existing land drainage facilities impaired or interfered with by the Department in connection with its road improvement work and (b) property, either within or without incorporated towns, to be used for borrow pits from which to secure embankment and surfacing materials. Other property required, as determined by the Department, for the construction, maintenance and safe operation of State highways may be acquired by condemnation in the manner described in this article. *Provided, however,* after condemnation, trial and rendition of verdict by jury there shall be no abandonment by the Department without the payment of expenses incurred by the landowner including a reasonable fee to the attorney or attorneys representing the landowner, which fee and expenses shall be set and approved by the trial judge.

HISTORY: 1962 Code § 33-122; 1952 Code § 33-122; 1951 (47) 457; 1963 (53) 159.

Cross references—
As to eminent domain, generally, see §§ 28-1-10 to 28-1-30

Research and Practice References—
26 Am Jur 2d, Eminent Domain §§ 45 et seq., 119, 206 et seq.
39 Am Jur 2d, Highways, Streets, and Bridges § 32.
29A CJS, Eminent Domain §§ 32 et seq., 152
40 CJS, Highways § 212.
9 Am Jur Pl & Pr Forms (Rev ed), Eminent Domain, Forms 21-23 (complaint, petition, or declaration for condemnation of land for highways)
9 Am Jur Pl & Pr Forms (Rev ed), Eminent Domain, Forms 211 et seq (remedies and defenses of owners).
7 Am Jur Legal Forms 2d, Eminent Domain, § 97.17 (offer to purchase land prior to condemnation)
9 Am Jur Legal Forms 2d, Highways, Streets, and Bridges, §§ 134:51 et seq. (property acquisition).
8 Am Jur Trials, Condemnation of Rural Property For Highway Purposes §§ 1 et seq
11 Am Jur Trials, Condemnation of Urban Property §§ 1 et seq
4 Am Jur Proof of Facts, Eminent Domain Proof No. 1 (proving damages for taking of land)

CASE NOTES

The power of eminent domain is inherent in sovereignty It is founded on the law of necessity Riley v South Carolina State Highway Dept., 238 SC 19, 118 SE2d 809 (1961), citing Paris Mountain Water Co v Greenville, 110 SC 30, 96 SE 545 (1918)

It may be delegated by the State to its agencies Riley v South Carolina State Highway Dept., 238 SC 19, 118 SE2d 809 (1961), citing Smith v Greenville, 229 SC 252, 92 SE2d 639 (1956)

Department is agent of sovereign — The general rule that to authorize the taking of land already applied to one public use and devote it to another, where such taking will destroy or materially interfere with the former use, the mere general authority to exercise the power of eminent domain is insufficient and such authority must be given by the legislature in express terms or by necessary implication, does not apply to acts of condemnation by the Highway Department, which is an agent of the sovereign itself rather than a public service corporation or a municipality Riley v South Carolina State Highway Dept., 238 SC 19, 118 SE2d 809 (1961).

And thus may condemn property devoted to public use — The Highway Department, acting for and in behalf of the State, is empowered to condemn property used as an orphanage, even if such property is regarded as devoted to a public use Riley v South Carolina State Highway Dept., 238 SC 19, 118 SE2d 809 (1961).

Department is administrative agency of the State and is authorized to acquire by condemnation any lands necessary for construction, maintenance, improvement or safe operation of highways South Carolina State Highway Dept. v Schrimpf, 242 SC 357, 131 SE2d 44 (1963)

Entry of judgment not authorized.— This section [Code 1962 § 33-122] and subsequent sections relating to condemnation by the Department do not provide for entry of judgment upon verdict of jury South Carolina State Highway Dept. v Schrimpf, 242 SC 357, 131 SE2d 44 (1963).

Applied in Johnson v South Carolina State Highway Dept., 236 SC 424, 114 SE2d 591 (1960); South Carolina State Highway Dept v Miller, 237 SC 386, 117 SE2d 561 (1960); South Carolina State Highway Dept. v Meredith, 241 SC 306, 128 SE2d 179 (1962), South Carolina Highway Department v Bolt, 242 SC 411, 131 SE2d 264 (1963)

Cited in Welling v Clinton Newberry Natural Gas Authority, 221 SC 417, 71 SE2d 7 (1952).

ATTORNEY GENERAL'S OPINIONS

Effluent from private sewage treatment plant is sewage, and the South Carolina State Highway Department has no authority to permit casting of such into highway ditches. 1967-68 Ops. Att'y Gen., No 2604, p 327.

§ 57-5-330. Minimum width of rights of way.

The minimum width of the right of way required for the construction, maintenance and safe operation of State highways is hereby fixed at sixty-six feet. But the Department may, in its discretion, accept a lesser width than sixty-six feet within incorporated towns or where existing structures of a permanent nature would necessarily be moved or damaged in order to afford the full minimum width of sixty-six feet. And the Department may acquire such additional width above the minimum herein fixed as in its judgment may be necessary to meet the exigencies of construction, maintenance and safe operation of any particular highway.

HISTORY: 1962 Code § 33-123; 1952 Code § 33-123; 1951 (47) 457; 1961 (52) 502.

Related Local Laws—
For a local law concerning minimum widths of rights-of-way for Greenville County, see Local Law Index.

§ 57-5-340. Sale or other disposition of real estate.

When, in the judgment of the Department, any real estate acquired as provided in this chapter is no longer necessary for the proper operation of the Department or the highway system, it may be disposed of by advertising for competitive bids in local newspapers or by direct negotiations, but in every case of the sale or transfer of any real estate by the State Highway Commission or the Department, the sale or transfer shall be made public by publishing notice of it in the minutes of the next succeeding meeting of the Commission. The Commission and the Department shall convey by deed, signed by the Chief Highway Commissioner and the Secretary-Treasurer, any real estate disposed of under this section.

HISTORY: 1962 Code § 33-124; 1952 Code § 33-124; 1951 (47) 457.

§ 57-5-350. Certain easements shall not be sold or leased for commercial use.

The Department shall neither lease nor sell any part of the State

and applied only for the purposes for which such grants and contributions may be made; and

(11) To do all acts and things necessary or convenient to carry out the powers expressly granted in this article.

HISTORY: 1962 Code § 33-220.3; 1972 (57) 3013.

Research and Practice References—
13 Am Jur Pl & Pr Forms (Rev ed), Highways, Streets, and Bridges, Form 567 (complaint, petition, or declaration to reform and enforce contract with highway commission to build access road after turnpike construction).

§ 57-5-1340. Acquisition of property by Department.

The Department is hereby authorized to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this article, such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the State, as it may deem necessary or convenient for the construction and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the State.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Department is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any person, copartnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property damaged or destroyed. Such proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to condemnation of property in the name of the State Highway Department. Title to any property acquired by the Department shall be taken in the name of the State. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Department and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the

Department to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Department shall impose any liability upon the State except as may be paid from the funds provided under the authority of this article.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the Department may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under railroad property or right-of-way, plans and specifications of the proposed project showing compliance with the above-mentioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be determined by the Department as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. The overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Department as the case may be. A copy of the approved plans and specifications shall be filed as an exhibit with the petition for condemnation. The cost of any such overhead or undergrade projects and appurtenances and any expense and cost incurred in changing, adjusting, relocating or removing the lines and grades of such railroad in connection with any such projects shall be paid by the Department as a part of the cost of such turnpike project.

HISTORY: 1962 Code § 33-220.4; 1972 (57) 3013.

Cross references—
As to acquisition of property for highway systems, generally, and liability for abandonment after condemnation and trial, see § 57-5-320.
As to State Authorities Eminent Domain Act, see §§ 28-3-10 to 28-3-140.

Research and Practice References—
40 Am Jur 2d, Highways, Streets, and Bridges §§ 613, 616.
29A CJS, Eminent Domain § 95.
9 Am Jur Pl & Pr Forms (Rev ed), Eminent Domain, Form 21 (complaint, petition, or declaration for condemnation by state agency for state highway).
7 Am Jur Legal Forms 2d, Eminent Domain, § 97:17 (offer to purchase land prior to condemnation).
9 Am Jur Legal Forms 2d, Highways, Streets, and Bridges, §§ 134:51 et seq. (property acquisition).
8 Am Jur Trials, Condemnation of Rural Property for Highway Purposes §§ 1 et seq.
11 Am Jur Trials, Condemnation of Urban Property §§ 1 et seq.
4 Am Jur Proof of Facts, Eminent Domain, Proof No. 1 (damages from taking of property in eminent domain).

§ 57-5-1350. Grade separations at intersections; relocation of highways; right of entry; regulations affecting public utility facilities; use of lands owned by State.

The Department shall have power to construct grade separations at intersections of any turnpike project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separation and any damages incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Department as a part of the cost of such turnpike project.

If the Department shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Department shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Department as a part of the cost of such turnpike project.

Any public highway affected by the construction of any turnpike project may be vacated or relocated by the Department in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Department as a part of the cost of such project.

In addition to the foregoing powers, the Department and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as they may deem

157 SC 1, 153 SE 537, nor shall any electrical or other public utility now or hereafter be released to any extent whatever from any obligation or duty now imposed by the law of the State of South Carolina as therein declared.

HISTORY: 1962 Code § 24-11; 1952 Code § 24-11; 1942 Code § 8555-8; 1932 (37) 1492; 1934 (38) 1452; 1937 (40) 147.

§ 58-27-130. Condemnation powers of electric companies, State authorities and rural electric cooperatives.

Subject to the same duties and liabilities, all the rights, powers and privileges conferred upon telegraph and telephone companies to acquire rights of way for the construction, maintenance and operation of lines under §§ 58-9-2020 to 58-9-2140 are hereby granted unto electric lighting and power companies incorporated under the laws of this State, or to such companies incorporated under the laws of any other state which have complied with the laws of this State regulating foreign corporations doing business in this State, and to State authorities and rural electric cooperatives, and the right is also granted to such companies and authorities and rural electric cooperatives to acquire fee simple title or an easement in land pursuant to the condemnation proceedings mentioned in § 58-9-2030, for the construction of electric generating plants, substations, switching stations and impounding of waters to be used in conjunction with electric generating plants; *provided, however,* no property or rights used for the generation or transmission of electricity, or devoted to public use for such purposes, shall be condemned hereunder.

HISTORY: 1962 Code § 24-12; 1952 Code § 24-12; 1942 Code § 8540; 1932 Code § 8540; Civ. C. '22 § 5024; Civ. C. '12 § 3326; 1904 (24) 489; 1958 (50) 1679.

Cross references—
As to rights of way, see §§ 58-15-1210 to 58-15-1370.
As to right of water power companies to flood burial grounds, see §§ 49-9-10 to 49-9-70.
As to utility facility siting and environmental protection, see §§ 58-33-10 to 58-33-430.
As to eminent domain, generally, see Title 28.

CASE NOTES

1. In general.
2. Exercise of power.
3. Entry of judgment and payment of interest not required.
4. Measure of compensation.

1. In general

Code 1962 section 12-103 was repealed by necessary implication upon the passage of this section [Code 1962 § 24-12]. Southern Power Co. v Walker, 89 SC 84, 71 SE 356 (1911).

Applied in Seabrook v Carolina Power, etc., Co., 159 SC 1, 156 SE 1 (1930).

CASE NOTES

Directors from different sections of State.—The intention is easily discovered from this chapter that the power generated by the Pinopolis Dam would be sold not only in the lower part of this State, but throughout its length and breadth. Hence, the very reasonable provision for having directors from different sections of this State and the authority to establish branch offices. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

§ 58-31-30. Powers of Authority.

The Public Service Authority shall have power to develop the Cooper River, the Santee River and the Congaree River in this State, as instrumentalities of intrastate, interstate and foreign commerce and navigation; to produce, distribute and sell electric power; to reclaim and drain swampy and flooded lands; and to reforest the watersheds of rivers in this State; and shall also have all powers which may be necessary or convenient for the exercise of such powers, including without limiting the generality of the foregoing, the following powers:

(1) To have perpetual succession as a corporation.

(2) To sue and be sued.

(3) To adopt, use and alter a corporate seal.

(4) To acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal or mixed, or any interest therein.

(5) To build, construct, maintain and operate canals, dams, locks, aqueducts, reservoirs, draw-spans, ditches, drains and roads, and to lay and construct any tunnels, penstocks, culverts, flumes, conduits, mains and other pipes necessary or useful in connection therewith.

(6) To divert waters from the Santee River by means of a canal or canals, flume or flumes or otherwise, and to construct and maintain a dam of any height or size for the purpose of impounding said waters and to discharge the same into the Cooper River or otherwise.

(7) To build, acquire, construct and maintain power houses and any and all structures, ways and means, necessary, useful or customarily used and employed in the manufacture, generation and distribution of water power, steam electric power, hydroelectric power and any and all other kinds of power, including power transmission lines, poles, telephone lines, substations, transformers, and generally all things used or useful in the manufacture, distribution, purchase and sale of power generated by water, steam or otherwise.

(8) To manufacture, produce, generate, transmit, distribute and

sell water power, steam electric power, hydroelectric power or mechanical power within and without the State of South Carolina.

(9) To reclaim and drain swampy and flooded lands.

(10) To reforest the watersheds of the Cooper, Santee and Congaree Rivers and to prevent soil erosion and floods.

(11) To make bylaws for the management and regulation of its affairs.

(12) To appoint officers, agents, employees and servants, to prescribe their duties, and to fix their compensation.

(13) To fix, alter, charge and collect tolls and other charges for the use of their facilities of, or for the services rendered by, or for any commodities furnished by, the Public Service Authority at rates to be determined by it, such rates to be at least sufficient to provide for payment of all expenses of the Public Service Authority, the conservation, maintenance and operation of its facilities and properties, the payment of principal and interest on its notes, bonds and other evidences of indebtedness or obligation and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds or other evidences of indebtedness or obligation.

(14) From time to time to borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness, including refunding and advanced refunding notes, bonds and other evidences of indebtedness, of the Public Service Authority; to secure the payment of such obligations or any part thereof by mortgage, lien, pledge, or deed of trust, on all or any of its property, contracts, franchises or revenues, including the proceeds of any such refunding and advanced refunding notes, bonds and other evidences of indebtedness and the investments in which such proceeds are invested and the earning on and income therefrom; to invest its moneys, including without limitation its revenues and the proceeds of such notes, bonds, or other evidences of indebtedness, in obligations of, or obligations the principal of and interest on which are guaranteed by or are fully secured by contracts with, the United States of America, in obligations of any agency, instrumentality or corporation which has been or may hereafter be created by or pursuant to an act of Congress of the United States as an agency, instrumentality or corporation thereof, in direct and general obligations of the State of South Carolina, and in certificates of deposit issued by any bank, trust company or national banking association; *provided, however,* that the Authority, when investing in certificates of deposit, shall invest in certificates of deposit issued by institutions authorized to do business in South Carolina if such institutions offer terms which, in the opinion of

the Authority, are equal to or better than those offered by other institutions; to make such agreements with the purchasers or holders of such notes, bonds or other evidences of indebtedness or with others in connection with any such notes, bonds or other evidences of indebtedness, whether issued or to be issued, as the Public Service Authority shall deem advisable; and in general to provide for the security for said notes, bonds or other evidences of indebtedness and the rights of the holders thereof; *provided,* that no refunding or advanced refunding notes, bonds or other evidences of indebtedness shall be issued more than ten years prior to the date on which the bonds, notes or other evidences of indebtedness to be refunded or advanced refunded thereby mature or are subject to redemption in accordance with their tenor and terms; and *provided, further,* that in the exercise of the powers herein granted to issue advanced refunding notes, bonds or other evidences of indebtedness the Public Service Authority, may, but shall not be required to avail itself of any of the provisions of the Advanced Refunding Act, §§ 11-21-10 to 11-21-80.

(15) To endorse or otherwise guarantee the obligations of any corporation all of the voting stock of which the Public Service Authority may own or acquire.

(16) Without limitation of the foregoing to borrow money from the United States Government or any corporation or agency created, designed or established by the United States.

(17) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(18) To have power of eminent domain.

(19) To mortgage, pledge, hypothecate or otherwise encumber all or any of the property, real, personal, or mixed, or facilities, or revenues of the Public Service Authority as security for notes, bonds, evidences of indebtedness or other obligations of the Public Service Authority.

(20) To do all acts and things necessary or convenient to carry out the powers granted to it by this chapter or any other law.

(21) To investigate, study and consider all undeveloped power sites and navigation projects in the State and to acquire or develop the same as need may arise in the same manner as herein provided. *Provided, always, nevertheless,* that said investigations, studies and considerations of said South Carolina Public Service Authority herein created shall be limited to the Congaree River and its tributaries below the confluence of the Broad and Saluda Rivers and the Wateree tributary of the Santee River at and near a

point at or near Camden, South Carolina. *Provided, however,* that the Public Service Authority shall have no power at any time or in any manner to pledge the credit and the taxing power of the State or any of its political subdivisions, nor shall any of its obligations or securities be deemed to be obligations of the State or of any of its political subdivisions; nor shall the State be legally, equitably or morally liable for the payment of principal of and interest on such obligations or securities. The State of South Carolina does hereby pledge to and agree with any person, firm or corporation, the government of the United States and any corporation or agency created, designated or established by the United States, subscribing to or acquiring the notes, bonds, evidences of indebtedness or other obligations to be issued by the Public Service Authority for the construction of any project, that the State will not alter or limit the rights hereby vested in the Public Service Authority until the said notes, bonds, evidences of indebtedness or other obligations, together with the interest thereon, are fully met and discharged; *provided,* that nothing herein contained shall preclude such limitation or alteration if and when and after adequate provisions shall be made by law for the protection of those subscribing to or acquiring such notes, bonds, evidences of indebtedness or other obligations of the Public Service Authority. The State of South Carolina or any political subdivision shall in no way be responsible for any debts or obligations contracted by or for the Authority, and the board or directors of the Authority, the advisory board, and the officers shall make no debt whatsoever for the payment of which the State or any political subdivision shall in any way be bound. It is intended that the project to be developed hereunder and any and all projects undertaken by the provisions of this chapter, shall be financed as self-liquidating projects and that the credit and taxing powers of the State, or its political subdivisions shall never be pledged to pay said debts and obligations.

Without limiting the generality of the foregoing, the Public Service Authority shall have power and is hereby authorized from time to time to issue its negotiable bonds and to secure the payment of the same by mortgage, lien, pledge, or deed of trust, on or of all or any of its property, contracts, franchises or revenues. Said bonds shall be authorized by resolution of the board of directors and shall bear such date or dates, be in such forms, and contain such provisions, as the board of directors may determine. Any resolution or resolutions authorizing any notes, bonds, or other evidences of indebtedness may contain provisions, which shall be a part of the contract with the holders thereof, as to (a) the rates of tolls and other charges for use of the facilities of, or for the services rendered by, or for the commodities furnished

by, the Public Service Authority, (b) the setting aside of reserves or sinking funds and the regulation and disposition thereof, (c) reserving the right to redeem the notes, bonds, or other evidences of indebtedness at such prices, not exceeding one hundred five per cent of the principal amount thereof and accrued interest, as may be provided, (d) limitations on the issuance of additional bonds, (e) the terms and provisions of any mortgage or deed of trust securing the bonds or under which the same may be issued and (f) any other or additional agreements with the holders of such notes, bonds or other evidences of indebtedness.

The Public Service Authority may enter into any mortgages, deeds of trust or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including the United States Government or any agency or creature thereof, as security for the notes, bonds or other evidences of indebtedness and may transfer, convey, mortgage or pledge all or any of the property, contracts, franchises or revenues of the Public Service Authority thereunder. Such mortgage, deed of trust or other agreement may contain such provisions as may be customary in such instruments or as the Public Service Authority may authorize, including (but without limitation) provisions as to (a) the construction, operation, maintenance and repair of the properties or facilities of the Public Service Authority, (b) the application of funds and the safeguarding of funds on hand or on deposit, (c) the rights and remedies of said trustee and the holders of the bonds, (d) possession of the mortgaged properties and (e) the terms and provisions of the bonds, and may also provide for a franchise for operation of the property and business of the Public Service Authority, or any part thereof, to any person, firm or corporation, including the United States Government, or any agency thereof, acquiring the mortgaged property or any part thereof upon foreclosure for a period of not to exceed twenty years from the date of such acquisition.

The powers herein conferred upon the board of directors shall not be construed to give the board of directors the power to sell, except by way of mortgage or deed of trust, all of the physical property of the Authority, but the board of directors may sell any surplus property which it may acquire and which said board of directors shall deem not to be necessary for the purpose of the development.

HISTORY: 1962 Code § 59-3; 1952 Code § 59-3; 1942 Code § 8555-13; 1934 (38) 1507; 1974 (58) 2297.

Cross references—

As to execution of leases of gas, oil and certain other mineral rights, see § 10-9-10.

Research and Practice References—

29 CJS, Electricity § 6.

CASE NOTES

1. In general.
2. Power to sue and be sued.
3. Power to acquire by purchase.
4. Power to construct and maintain.
5. Power to dispose of property.

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1. In general

Powers to be strictly construed.— The powers conferred on the Public Service Authority are to be strictly construed, and any fair, substantial and reasonable doubt concerning the existence of any power or any ambiguity under the statute upon which the assertion of such power rests is to be resolved against the corporation and the power denied. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

Express grant of power to public service authority "to do all acts and things necessary or convenient to carry out the powers granted to it" was an exception to the general law that powers merely convenient or useful are not implied if they are not essential. Cooper v South Carolina Public Service Authority (1975, SC) 215 SE2d 197.

The words "acquire" and "purchase" as set forth in statute granting Public Service Authority certain powers, refer to methods of acquisition, the words "hold" and "use" refer to methods of occupancy, and the words "lease, mortgage, sell, transfer and dispose" refer to methods of disposition. Cooper v South Carolina Public Service Authority (1975, SC) 215 SE2d 197.

Quoted in Cain v South Carolina Public Service Authority, 222 SC 200, 72 SE2d 177 (1952).

Cited in Oakland Club v South Carolina Public Service Authority, 110 F2d 84 (1940).

2. Power to sue and be sued

The power "to sue and be sued" cannot reasonably be construed to authorize an action ex delicto. Rice Hope Plantation v South Carolina Public Service Authority, 216 SC 500, 59 SE2d 132 (1950).

Section does not authorize suit in every court.—The statute creating the Public Service Authority and permitting it to sue and be sued should not be construed to mean that suit may be brought in any court, State or Federal. Dupont v South Carolina Public Service Authority, 100 F Supp 778 (1951).

3. Power to acquire by purchase

The power to purchase gas plants and to buy and operate a large bus transportation business is not bestowed on the Authority and is contrary to the general purpose of this chapter, which is the development and conservation of the natural resources of the State within territorial limits. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

Word "develop" governs section.—The purport of these provisions is governed and controlled by the word "develop," which cannot logically include something which is already developed, completed and in operation. Nor can the word "produce," in the phrase, "produce, distribute and sell electric power," carry the meaning of purchase or acquisition by purchase. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

And acquisition of existing utilities was not intended.—The words of subdivs. (4) and (7) in their natural context and in their relation to the whole chapter are reasonably referable and conclusively so as to the power to develop and construct by bringing into being new facilities, rather than the power to buy or acquire great power plants long since engaged in the production of electric energy. It was never the intention of the legislature that the Authority should be given the power to buy an existing utility system in order to produce, distribute and sell electric power. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

Subdivisions (8) and (20) have no relation to the acquisition of electric

utilities. They deal solely with the dominant purpose of the chapter, that is, the development of the natural resources of this State. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

Subdivision (21) delegates the power to acquire or develop undeveloped water sites and navigation projects in this State and specifically limits the area within which this acquirement or development must be confined. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

Where it was contended that the limitation of subdiv. (21) relates only to "undeveloped power sites and navigation projects" and does not apply to the outright purchase of companies operating power plants already developed, it was held that the whole legislative history of the enabling act repels the conclusion that such a proposed action of the Authority comes within the purview of the statute or was contemplated at the time of its passage as a legitimate exercise of corporate power. Creech v South Carolina Public Service Authority, 200 SC 127, 20 SE2d 645 (1942).

4. Power to construct and maintain

This section [Code 1962 § 59-3] does not bar the Authority from maintaining an electric transmission lines project. South Carolina Elec. & Gas Co. v South Carolina Public Service Authority, 215 SC 193, 54 SE2d 777 (1949).

And a plan to maintain proposed transmission lines and provide service upon the debt for the construction of them is not a violation. South Carolina Elec. & Gas Co. v South Carolina Public Service Authority, 215 SC 193, 54 SE2d 777 (1949).

5. Power to dispose of property

The power of periodically harvesting pulpwood and timber is both necessary and convenient to the implementation of the duty and power of Public Service Authority to reclaim and reforest its lands. Cooper v South Carolina Public Service Authority (1975, SC) 215 SE2d 197.

Statute granting Public Service Authority certain powers confers upon the board of directors the power to sell any surplus property which it may acquire and which said board of directors deems not necessary for the purposes of the Authority. Cooper v South Carolina Public Service Authority (1975, SC) 215 SE2d 197.

§ 58-31-40. Remedies upon default of obligations; appointment of receiver.

Any resolution authorizing any notes, bonds or other evidences of indebtedness, and any mortgage or trust indenture or other agreement entered into pursuant thereto, may, whether or not any such obligations are or are to be secured by mortgage, provide that in the event that (a) default shall be made in the payment of the interest on any or all such obligations when and as the same shall become due and payable, (b) default shall be made in the payment of the principal of any or all such obligations when and as the same shall become due and payable, whether at the maturity thereof, by call for redemption or otherwise or (c) default shall be made in the performance of any agreement made with the purchasers or successive holders of any such obligations, and such default shall have continued for such period, if any, as may be prescribed by said resolution or said mortgage, trust indenture or other agreement in respect thereof, the trustees under such mort-

CHAPTER 33

Utility Facility Siting and Environmental Protection

ARTICLE 1. Short Title; Definitions.
ARTICLE 3. Certification of Major Utility Facilities.
ARTICLE 5. Judicial Review.
ARTICLE 7. Miscellaneous Provisions.

ARTICLE 1

SHORT TITLE; DEFINITIONS

SEC.
58-33-10. Short title.
58-33-20. Definitions.

§ 58-33-10. Short title.

This chapter shall be known, and may be cited, as the "Utility Facility Siting and Environmental Protection Act."

HISTORY: 1962 Code § 58-1801; 1971 (57) 889.

Cross references—

As to constitutional provision for regulation of common carriers, see SC Const. Art 9, § 1.

§ 58-33-20. Definitions.

The following words, when used in this chapter, shall have the following meanings, unless otherwise clearly apparent from the context:

(1) The word *"Commission"* shall mean Public Service Commission.

(2) The words *"major utility facility"* shall mean:

(a) Electric generating plant and associated facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts.

(b) An electric transmission line and associated facilities of a designed operating voltage of one hundred twenty-five kilovolts or more; *provided, however,* that the words *"major utility facility"* shall not include electric distribution lines and associated facilities,

nor shall the words *"major utility facility"* include electric transmission lines and associated facilities leased to and operated by (or which upon completion of construction are to be leased to and operated by) the South Carolina Public Service Authority.

(3) The words *"commence to construct"* shall mean any clearing of land, excavation or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying or changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions.

(4) The word *"municipality"* shall mean any county or municipality within this State.

(5) The word *"person"* shall include any individual, group, firm, partnership, corporation, cooperative, association, government subdivision, government agency, local government, municipality, any other organization, or any combination of any of the foregoing, but shall not include the South Carolina Public Service Authority.

(6) The words *"public utility"* or *"utility"* shall mean any person engaged in the generating, distributing, sale, delivery or furnishing of electricity for public use.

(7) The word *"land"* shall mean any real estate or any estate or interest therein, including water and riparian rights, regardless of the use to which it is devoted.

(8) The word *"certificate"* shall mean a certificate of environmental compatibility and public convenience and necessity.

HISTORY: 1962 Code § 58-1803; 1971 (57) 889.

ARTICLE 3

CERTIFICATION OF MAJOR UTILITY FACILITIES

SEC.
58-33-110. Certificate required before construction of major utility facility; transfer and amendment of certificate; exceptions; emergency certificates.
58-33-120. Application for certificate; service on and notice to municipalities, government agencies and other persons of application.
58-33-130. Hearings.
58-33-140. Parties to certification proceedings; limited appearances; intervention.
58-33-150. Record of proceedings; consolidation of representation of parties.
58-33-160. Decision of Commission.
58-33-170. Opinion of Commission.

§ 58-33-110. Certificate required before construction of major utility facility; transfer and amendment of certificate; exceptions; emergency certificates.

(1) No person shall commence to construct a major utility facility without first having obtained a certificate issued with respect to such facility by the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, shall not constitute construction of a major utility facility. Any facility, with respect to which a certificate is required, shall be constructed, operated and maintained in conformity with the certificate and any terms, conditions and modifications contained therein. A certificate may only be issued pursuant to this chapter; *provided, however,* any authorization relating to a major utility facility granted under other laws administered by the Commission shall constitute a certificate if the requirements of this chapter have been complied with in the proceeding leading to the granting of such authorization.

(2) A certificate may be transferred, subject to the approval of the Commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

(3) A certificate may be amended.

(4) This chapter shall not apply to any major utility facility:

(a) The construction of which is commenced within one year after January 1, 1972; or

(b) For which, prior to January 1, 1972, an application for the approval has been made to any Federal, State, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in subsection (1) of § 58-33-160.

(c) For which, prior to January 1, 1972, a governmental agency has approved the construction of the facility and indebtedness has been incurred to finance all or part of the cost of such construction; or

(d) Which is a hydroelectric generating facility over which the Federal Power Commission has licensing jurisdiction.

(5) Any person intending to construct a major utility facility excluded from this chapter pursuant to subsection (4) of this section may elect to waive the exclusion by delivering notice of the waiver to the Commission. This chapter shall thereafter apply to each major utility facility identified in the notice from the date of its receipt by the Commission.

(6) The Commission shall have authority to waive the normal notice and hearing requirements of this chapter and to issue a

certificate on an emergency basis if it finds that immediate construction of a major utility facility is justified by public convenience and necessity; *provided,* that the Public Service Commission shall notify all parties concerned under § 58-33-140 prior to the issuance of such certificate; *provided, further,* that the Commission may subsequently require a modification of the facility if, after giving due consideration to the major utility facility, available technology and the economics involved, it finds such modification necessary in order to minimize the environmental impact.

(7) The Commission shall have authority, where justified by public convenience and necessity, to grant permission to a person who has made application for a certificate under § 58-33-120 to proceed with initial clearing, excavation, dredging and construction; *provided, however,* that in engaging in such clearing, excavation, dredging or construction, the person shall proceed at his own risk, and such permission shall not in any way indicate approval by the Commission of the proposed site or facility.

HISTORY: 1962 Code § 58-1810; 1971 (57) 889.

Research and Practice References—
Amending of Certificate of Public Convenience. 25 SCL Rev 319.

§ 58-33-120. Application for certificate; service on and notice to municipalities, government agencies and other persons of application.

(1) An applicant for a certificate shall file with the Commission an application, in such form as the Commission may prescribe, containing the following information:

(a) A description of the location and of the major utility facility to be built.

(b) A summary of any studies which have been made by or for applicant of the environmental impact of the facility.

(c) A statement explaining the need for the facility.

(d) Such other information as the applicant may consider relevant or as the Commission may by regulation or order require. A copy of the study referred to in item (b) above shall be filed with the Commission, if ordered, and shall be available for public information.

(2) Each application shall be accompanied by proof of service of a copy of the application on the chief executive officer of each municipality and the head of each State and local government agency, charged with the duty of protecting the environment or of planning land use, in the area in the county in which any portion of the facility is to be located. The copy of the application shall be

accompanied by a notice specifying the date on or about which the application is to be filed.

(3) Each application shall also be accompanied by proof that public notice was given to persons residing in the municipalities entitled to receive notice under subsection (2) of this section, by the publication of a summary of the application, and the date on or about which it is to be filed, in newspapers of general circulation as will serve substantially to inform such persons of the application.

(4) Inadvertent failure of service on, or notice to, any of the municipalities, government agencies or persons identified in subsections (2) and (3) of this section may be cured pursuant to orders of the Commission designed to afford them adequate notice to enable their effective participation in the proceeding. In addition, the Commission may, after filing, require the applicant to serve notice of the application or copies thereof, or both, upon such other persons, and file proof thereof, as the Commission may deem appropriate.

(5) An application for an amendment of a certificate shall be in such form and contain such information as the Commission shall prescribe. Notice of the application shall be given as set forth in subsections (2) and (3) of this section.

HISTORY: 1962 Code § 58-1811; 1971 (57) 889.

§ 58-33-130. Hearings.

(1) Upon the receipt of an application complying with § 58-33-120, the Commission shall promptly fix a date for the commencement of a public hearing, not less than sixty nor more than ninety days after the receipt, and shall conclude the proceedings as expeditiously as practicable. The testimony presented at the hearing may be presented in writing or orally, *provided* that the Commission may make rules designed to exclude repetitive, redundant or irrelevant testimony.

(2) On an application for an amendment of a certificate, the Commission shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any significant increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility; *provided,* that the Public Service Commission shall forward a copy of the application to all parties upon the filing of an application.

HISTORY: 1962 Code § 58-1812; 1971 (57) 889.

§ 58-33-140. Parties to certification proceedings; limited appearances; intervention.

(1) The parties to a certification proceeding shall include:

(a) The applicant.

(b) The Department of Health and Environmental Control, the Wildlife and Marine Resources Department, Department of Parks, Recreation and Tourism and the Water Resources Commission.

(c) Each municipality and government agency entitled to receive service of a copy of the application under subsection (2) of § 58-33-120 if it has filed with the Commission a notice of intervention as a party within thirty days after the date it was served with a copy of the application.

(d) Any person residing in a municipality entitled to receive service of a copy of the application under subsection (2) of § 58-33-120, any domestic nonprofit organization, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interest, to represent commercial and industrial groups, or to promote the orderly development of the area in which the facility is to be located; or any other person, if such a person or organization has petitioned the Commission for leave to intervene as a party, within thirty days after the date given in the published notice as the date for filing the application, and if the petition has been granted by the Commission for good cause shown.

(2) Any person may make a limited appearance in the sixty days after the date given in the published notice as the date for filing the application. No person making a limited appearance shall be a party or shall have the right to present oral testimony or argument or cross-examine witnesses.

(3) The Commission may, in extraordinary circumstances for good cause shown, and giving consideration to the need for timely start of construction of the facility, grant a petition for leave to intervene as a party to participate in subsequent phases of the proceeding, filed by a municipality, government agency, person or organization which is identified in paragraphs (b) or (c) of subsection (1) of this section, but which failed to file a timely notice of intervention or petition for leave to intervene, as the case may be.

HISTORY: 1962 Code § 58-1813; 1971 (57) 889.

§ 58-33-150. Record of proceedings; consolidation of representation of parties.

A record shall be made of the hearing and of all testimony taken

and the cross-examination thereon. Upon request of a party, either before or after the decision, a State agency which proposes to or does require a condition to be included in the certificate as provided for in § 58-33-160 shall furnish for the record all factual findings, documents, studies, rules, regulations, standards, or other documentation, supporting the condition. The Commission may provide for the consolidation of the representation of parties having similar interests.

HISTORY: 1962 Code § 58-1814; 1971 (57) 889.

§ 58-33-160. Decision of Commission.

(1) The Commission shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions or modifications of the construction, operation or maintenance of the major utility facility as the Commission may deem appropriate; such conditions shall be as determined by the applicable State agency having jurisdiction or authority under statutes, rules, regulations or standards promulgated thereunder, and the conditions shall become a part of the certificate. The Commission may not grant a certificate for the construction, operation and maintenance of a major utility facility, either as proposed or as modified by the Commission, unless it shall find and determine:

(a) The basis of the need for the facility.

(b) The nature of the probable environmental impact.

(c) That the impact of the facility upon the environment is justified, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.

(d) That the facilities will serve the interests of system economy and reliability.

(e) That there is reasonable assurance that the proposed facility will conform to applicable State and local laws and regulations issued thereunder, including any allowable variance provisions therein, except that the Commission may refuse to apply any local law or local regulation if it finds that, as applied to the proposed facility, such law or regulation is unreasonably restrictive in view of the existing technology, or of factors of cost or economics or of the needs of consumers whether located inside or outside of the directly affected government subdivisions.

(f) That public convenience and necessity require the construction of the facility.

(2) If the Commission determines that the location of all or a

part of the proposed facility should be modified, it may condition its certificate upon such modification, *provided* that the municipalities and persons residing therein affected by the modification shall have been given reasonable notice.

(3) A copy of the decision and any opinion shall be served by the Commission upon each party.

HISTORY: 1962 Code § 58-1815; 1971 (57) 889.

§ 58-33-170. Opinion of Commission.

In rendering a decision on an application for a certificate, the Commission shall issue an opinion stating its reasons for the action taken. If the Commission has found that any regional or local law or regulation, which would be otherwise applicable, is unreasonably restrictive pursuant to paragraph (e) of subsection (1) of § 58-33-160, it shall state in its opinion the reasons therefor.

HISTORY: 1962 Code § 58-1816; 1971 (57) 889.

ARTICLE 5

JUDICIAL REVIEW

SEC.
58-33-310. Appeal from final order or decision of Commission.
58-33-320. Jurisdiction of courts.

§ 58-33-310. Appeal from final order or decision of Commission.

Any party may appeal from all or any portion of any final order or decision of the Commission including conditions of the certificate required by a State agency under § 58-33-160 as provided by § 58-27-2310. Any appeals may be called up for trial out of their order by either party.

HISTORY: 1962 Code § 58-1820; 1971 (57) 889.

Research and Practice References—
Administrative Law—The Scope of Judicial Review of Decisions of Administrative Agencies in South Carolina. 23 SCL Rev 472.

§ 58-33-320. Jurisdiction of courts.

Except as expressly set forth in § 58-33-310, no court of this State shall have jurisdiction to hear or determine any issue, case or controversy concerning any matter which was or could have been determined in a proceeding before the Commission under this chapter or to stop or delay the construction, operation or maintenance of a major utility facility except to enforce compliance with

REGULATIONS

CHAPTER 3

Aeronautics Commission

ARTICLE 1. General Provisions.
ARTICLE 2. Certificate of Public Necessity and Convenience.

ARTICLE 1

GENERAL PROVISIONS

(Promulgated pursuant to §§ 55-5-70 and 55-5-170 of the 1976 Code.)

RULE
3-1. Landing Aircraft on Beach.
3-2. Parachute Jumping.
3-3. Permit Required for Air Shows, Aerial Exhibitions, etc.
3-4. Pilot Regulations.
3-5. Registration of Spraying, Dusting and Seeding Aircraft.

3-1. Landing Aircraft on Beach.

It shall be unlawful for any aircraft to be landed or operated on any beach in South Carolina, except such areas as may be designated by the South Carolina Aeronautics Commission. (Filed in the Office of the Secretary of State August 20, 1945.)

3-2. Parachute Jumping.

These regulations shall be effective March 1, 1961. The following regulations shall apply to all persons engaged in parachute jumping within the State of South Carolina.

Exceptions

(a) These regulations shall not apply to military personnel engaged in parachute jumping while in the line of duty.

(b) These regulations shall not apply to parachuting during an actual air-borne emergency when the parachute is used as a life saving device.

I. Medical Examination:

(A) All persons engaged in parachuting within the State of South Carolina shall have in his possession a statement of physical

a Conditional Certificate of Immunization. One hundred and twenty (120) days after the beginning of the school year, school principals shall submit to the local health department the name of each child or person continuing to have a Conditional Certificate of Immunization.

Section 3. Exceptions to the Regulations

A. A Certificate of Immunization shall not be required in succeeding years if it were initially presented, provided a child remains in the same school. In addition, a Certificate of Immunization shall not be required for a pupil transferring from one school to another within this State, provided a written verification of the Certificate accompanies the official records transferred from the school previously attended.

B. In the absence of an epidemic or immediate threat thereof, a Certificate of Immunization, or Conditional Certificate of Immunization, shall not be required of any pupil whose parent or guardian signs a statement that such vaccination, immunization, or screening test conflicts with his religious tenants or practices. The statement shall be completed on forms provided by the Department of Health and Environmental Control.

61-9. NPDES Permits.

(Promulgated pursuant to § 48-1-40 of the 1976 Code; filed in the office of the Secretary of State on April 24, 1975.)

CONTENTS

Section 1—Definition of Terms

Section 2—Permit Requirements of Dischargers

Section 3—Permits: Applications and Filing Procedures

Section 4—Permits: Application Exemptions

Section 5—Refuse Act Permits: Validity, Additional Requirements

Section 6—Permit Applications: Deficiencies, Additional Data Requirements

Section 7—Permit Applications and Other NPDES Forms: Valid Signature

Section 8—Misrepresentation of Information on NPDES Application Forms

Section 9—Permit Applications: Public Hearings, Determinations and Scheduling

Section 10—Issuance or Denial of Permits: Appeal

Section 11—Terms and Conditions of Permits: Prohibited Discharges

Section 12—Terms and Conditions of Permits: Schedules of Compliance

Section 13—Terms and Conditions of Permits: Compliance Reports by Dischargers

Section 14—Noncompliance

Section 15—Operation and Maintenance

Section 16—Duration of Permits

Section 17—Review and Re-issuance of State and NPDES Permits: Requests and Filing Requirements

Section 18—Monitoring of Discharges Authorized by Permits: Recording and Reporting

Section 19—State and NPDES Permits: Modification, Suspension, or Revocation by the Department

Section 20—Change of Ownership

Section 21—Enforcement

Note—
This regulation addresses all the functions and responsibilities of the NPDES Program as being those of the "Department." It is acknowledged that the Law specifies certain functions which are the sole prerogative of the "Board." However, since the day-to-day operation of the program will be carried out by Departmental personnel and since those affected by this regulation will deal directly with those personnel, "Department" is used to help avoid confusion in the minds of those persons as to whom they should deal with. This is not intended to and does not mitigate the dictates of the Law as to which body must have final authority.

1. Definition of Terms

(1) "Act" means Act No. 1157 of the 1971 General Assembly [appearing as Chapter 1 of Title 48 of the 1976 Code], as amended (The Pollution Control Act).

(2) "Applicant" means a person applying to the Department for a State or NPDES permit to discharge wastes into the waters of the State or to operate a treatment works.

(3) "Application" means the uniform NPDES application form, including subsequent additions, revisions, or modifications thereof promulgated by the Administrator of EPA, and adopted for use by the Board or a state permit application form.

(4) "Board" means the Board of Health and Environmental Control for the State of South Carolina and shall be inclusive of any agent designated by the Board to perform any function.

(5) "Code" means the South Carolina Code of 1976, as amended.

(6) "Commissioner" means the Commissioner of the S. C. Department of Health and Environmental Control or his designated representative.

(7) "Department" means the S. C. Department of Health and Environmental Control and shall also be inclusive of those persons within the Department authorized by the Board to administer the NPDES program or take any action in behalf of the Board.

(8) "Discharge" means any discharge or discharge of any sewage, industrial wastes or other wastes into any of the waters of the State, whether treated or not.

(9) "Discharger" means any person who discharges any treated or untreated sewage, industrial wastes, or other wastes into any of the waters of the State.

(10) "Draft permit" means a draft of a permit proposed to be issued by the Department, prepared by the staff of the Department prior to public notice of an application for a permit by a discharger, which contains proposed effluent standards and limitations, proposed compliance schedules and other proposed conditions or restrictions deemed necessary by the Department for a discharge. The draft permit constitutes an order of the Department and shall constitute a final determination of the Department thirty days after issuance unless timely appealed in accordance with the provisions of the Pollution Control Act and this Regulation.

(11) "EPA" means the United States Environmental Protection Agency.

(12) "Effluent standards and limitations" means restrictions or prohibitions of chemical, physical, biological, and other constituents which are discharged from point sources into State waters, including but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, pretreatment standards and schedules of compliance.

(13) "Fact sheet" means a description of a discharge available to the public prepared by the Department staff pursuant to the guidelines, which includes, but is not limited to, information on the location of the discharge, rate of frequency of the discharge, components of the discharge, proposed requirements of the Department regarding the discharge, the location and identification of uses of the receiving waters, water quality standards and procedures for formulation of final requirements on the discharge by the Department.

(14) "Federal Act" means the Federal Water Pollution Control Act as amended.

(15) "Guidelines" means the Federal guidelines promulgated by

EPA entitled, "Part 124—State Program Elements Necessary for Participation in the National Pollutant Discharge Elimination System," as published in 40 CFR 124, Volume 37, Number 247.

(16) "Industry" means a private person, corporation, firm, plant or establishment which discharges sewage, industrial wastes or other wastes into the waters of the State.

(17) "Mailing list" means a list of persons requesting notification and information on public hearings, permits and other NPDES forms.

(18) "Management agency" means an areawide waste treatment management agency designated by the governor pursuant to Section 208(a) of the Federal Act.

(19) "Minor discharge" means a discharge of wastewater which has a total volume of less than 50,000 gallons on every day of the year, does not closely affect the waters of another state and is not identified by the Department, the Regional Administrator or by the Administrator of EPA in regulations issued by him pursuant to Section 307(a) of the Federal Act, as a discharge which is not a minor discharge, except that in the case of a discharge of less than 50,000 gallons on any day of the year which represents 1 or 2 or more discharges from a single person which in total exceeds 50,000 gallons on any day of the year, then no discharge from the facility is a minor discharge.

(20) "Municipality" means a city, town, county, district or any other political subdivision created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(21) "New source" means a building, structure, facility or installation from which sewage, industrial wastes or other wastes is or may be discharged into the waters of the State, the construction of which is commenced after publication of proposed regulations by EPA prescribing a standard of performance to the source, if the standard is thereafter promulgated in accordance with Section 306 of the Federal Act.

(22) "NPDES" means the National Pollutant Discharge Elimination System established by the Federal Act.

(23) "NPDES form" means any issued permit or any uniform national form used by the Department developed for use in the NPDES, including an NPDES application, a Refuse Act permit application and a reporting form.

(24) "NPDES permit" means a permit issued by the Department to a discharger pursuant to regulations adopted by the Board for

all point source discharges into surface waters, and shall constitute a final determination of the Board.

(25) "Non-compliance list" means a list of dischargers, prepared by the Department pursuant to this regulation and the guidelines for transmittal to the Regional Administrator, who fail or refuse to comply with a compliance schedule in an NPDES permit issued pursuant to the State law.

(26) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity whatsoever.

(27) "Point source discharge" means a discharge which is released to the waters of the State by a discernible, confined and discrete conveyance, including but not limited to a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, concentrated animal feeding operation or vessel or other floating craft, from which waste is or may be discharged.

(28) "Publicly owned treatment works" means a wastewater collection and treatment facility owned and operated by the State, a municipality or a regional entity composed of 2 or more municipalities or parts thereof.

(29) "Refuse Act permit application" means an application for a permit issued under authority of Section 13 of the United States Rivers and Harbors Act of March 3, 1899.

(30) "Regional Administrator" means the EPA Region IV administrator.

(31) "Reporting form" means the uniform NPDES reporting form, including subsequent additions, revisions or modifications thereof, adopted by the Department for use in administering this regulation, or a State form prescribed by the Department for use in administering this regulation, for reporting data and information to the Department by a discharger on monitoring and other conditions of permits.

(32) "State permit" means a permit issued by the Department to a proposed discharger pursuant to regulations adopted by the Board for waste discharges into subsurface waters, or for the construction or operation of a treatment works from which no discharge occurs.

(33) "The State law" means the S. C. Pollution Control Act, specifically §§ 48-1-10 through 48-1-350 of the South Carolina Code of 1976, and any subsequent amendments thereto.

(34) "Trade secret" means the whole or any portion or phrase of any manufacturing proprietary process or method, not patented, which is secret, useful in compounding an article of trade having a commercial value, and the secrecy of which the owner has taken reasonable measures to prevent from becoming available to persons other than those selected by the owner to have access thereto to limited purpose. It shall not be construed for purpose of this regulation to include any information relative to the quantity and character of waste products or their constituents discharged into waters of this State.

(35) "Treatment works" means any plant, disposal field, lagoon, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes.

(36) "Vessel" means any contrivance used or capable of being used for navigation upon water, whether or not capable of self-propulsion, including foreign and domestic vessels engaged in commerce upon the waters of this State, passenger or other cargo carrying vessels, privately owned recreational watercraft or any other floating craft.

(37) "Waste" shall be synonymous with sewage, industrial waste, and other wastes.

(38) "Waters of the State" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

2. Permit Requirements of Dischargers

(1) A person discharging or proposing to discharge wastes into the waters of the State shall promptly make application for and obtain a valid NPDES Permit and, if required, a valid State Construction Permit; a person operating or proposing to operate a treatment works from which no discharge occurs, shall promptly make application for and obtain a valid State Construction Permit. The procedures, forms, and deadlines required by this regulation shall apply to applications for either NPDES or State Construction Permits.

(2) A person proposing a water discharge to the waters of the State or proposing to operate a treatment works from which no discharge occurs shall apply at least 180 days prior to commencement of the activity or in accordance with a schedule determined

by the Department in individual cases, for an NPDES or State permit on an appropriate form supplied by the Department.

3. Permits: Applications and Filing Procedures

(1) An application for an NPDES permit shall be completed in accordance with and subject to guidelines and any subsequent revisions, additions or modifications thereto, adopted by the Department. An application for a State permit shall be on forms adopted by the Department.

(2) A person discharging waste from more than one (1) location shall file a separate application for each discharge location. A single application may be filed for multiple outfalls discharging from a single location, except that the discharge from each outfall shall be described separately in the application.

4. Permits: Application Exemptions

A person discharging or proposing to discharge the following types of wastes shall not be required to apply for a permit from the Department pursuant to this regulation.

(a) Human sewage discharged from vessels.

(b) A discharge directed solely to a publicly owned treatment works, but not from a publicly owned treatment works.

(c) Storm sewers not connected to wastewater treatment works, if the storm sewers are separate from sanitary sewers or other sewers discharging wastewater subject to a permit of the Department, unless a particular storm water discharge has been identified by the Department or the Regional Administrator as a significant contributor to pollution.

5. Refuse Act Permits: Validity, Additional Requirements

A person who has filed an application for a Refuse Act permit prior to the date of enactment of the Federal Act is not required to file an application for an NPDES permit pursuant to the State law or this regulation, unless otherwise determined necessary by the Department. A complete Refuse Act permit application may be deemed by the Department as meeting the requirements of the State law and this regulation and a permit may be issued based thereon unless additional information is required.

6. Permit Applications: Deficiencies, Additional Data Requirements

(1) The Department, at its discretion, or upon request of the Regional Administrator, may request of an applicant any additional information deemed necessary to complete or correct deficiencies in a Refuse Act permit application, before processing the application or issuing or denying the issuance of a permit. An NPDES permit shall not be issued by the Department until an

application therefor is complete or any further information requested by the Board is supplied.

(2) The Department may take enforcement action as prescribed by the State law or this regulation against any person who fails to file a complete application, if deficiencies are not corrected or complete information is not supplied within 60 days to the Department following its request.

7. Permit Applications and Other NPDES Forms: Valid Signature

A State or an NPDES permit application form or any other NPDES form submitted to the Department pursuant to this regulation shall be signed as follows:

(a) For a corporation, by a principal executive officer of at least the level of vice president, or his designated representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the permit application or other NPDES form originates.

(b) For a partnership, by a general partner.

(c) For a sole proprietorship, by the proprietor.

(d) For a municipal, state or other public facility, by either a principal executive officer, the mayor, or other duly authorized employee.

8. Misrepresentation of Information on NPDES Application Forms

(1) Any person making application for an NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to §§ 48-1-320 or 48-1-330.

9. Permit Applications: Public Hearings, Determinations, and Scheduling

(1) Within the 30-day comment period or other applicable comment period provided after posting or publishing of a public notice, an applicant, any affected state or interstate agency, the Regional Administrator or any other interested person or agency

may file a petition with the Department for a public hearing on an application for an NPDES permit. A petition for a public hearing shall indicate the specific reasons why a hearing is requested, the interest in or relationship of the petitioner to the application or existing or proposed discharge identified therein and specifically indicate which portions of the application or other NPDES form or information constitutes necessity for a public hearing. If the Department determines that a petition constitutes significant cause or that there is sufficient public interest in an application for a public hearing, it may direct the scheduling of a hearing thereon.

(2) A hearing shall be scheduled not less than four (4) nor more than eight (8) weeks after the Department determines the necessity of the hearing in the geographical location of the applicant or, at the discretion of the Department, at another appropriate location, and shall be noticed at least thirty (30) days before the hearing. The notice of public hearing shall be transmitted to the applicant and shall be published in at least one (1) newspaper of general circulation in the geographical area of the existing or proposed discharge identified on the permit application and shall be mailed to any person or group upon request therefor. Notice shall be mailed to all persons and governmental agencies which received a copy of the notice or the fact sheet for the permit application.

(3) The Department may hold a single public hearing on related groups of permit applications.

10. Issuance or Denial of Permits: Appeal

An appeal to a final determination of the Department or to a condition of a permit issued or the denial of a permit pursuant to the State law and this regulation, shall be in accordance with and subject to § 48-1-200 of the Code.

11. Terms and Conditions of Permits: Prohibited Discharges

A permit shall not be issued to a person proposing any of the following discharges:

(a) A discharge containing a radiological, chemical or biological warfare agent or a high-level radioactive waste.

(b) A discharge containing a substance which, as determined by the Secretary of the Army acting through the Chief of Engineers of the United States Army Corps of Engineers would substantially impair anchorage or navigation or both.

(c) A point source discharge in conflict with an areawide waste treatment management plan or amendments thereto, prepared by a management agency pursuant to Section 208(b) of the Federal Act, unless the Department finds such variance necessary to protect the public health, safety and welfare.

(d) A discharge to which the Regional Administrator objects in writing to the Department pursuant to any right to object provided the Administrator of EPA in Section 402(d) of the Federal Act.

12. Terms and Conditions of Permits: Schedules of Compliance

(1) A person issued a State or an NPDES permit by the Department who is not in compliance with applicable effluent standards and limitations or other requirements contained therein at the time the permit is issued, shall be required to achieve compliance within a period of time as set forth by the Department, with effluent standards and limitations, with water quality standards, or with specific requirements or conditions set by the Department. The Department shall require compliance with terms and conditions of the permit in the shortest reasonable period of time as determined thereby or within a time schedule for compliance which shall be specified in the issued permit.

(2) If a time schedule for compliance specified in a State or an NPDES permit which is established by the Department pursuant to Subpart (1) above, exceeds nine (9) months, the time schedule shall provide for interim dates of achievement for compliance with certain applicable terms and conditions of the permit.

13. Terms and Conditions of Permits: Compliance Reports by Dischargers

Within 10 days after an interim date of compliance or the final date of compliance specified in a State or an NPDES permit, a permittee shall provide the Department with written notice of his compliance or noncompliance with the requirements or conditions specified to be completed by that date. Failure to submit the written notice to the Department is just cause for the Department to pursue enforcement action against the discharger pursuant to the State law or this regulation.

14. Noncompliance

A discharger who fails or refuses to comply with an interim or final date of compliance specified in a State or an NPDES permit, may be deemed by the Department to be in violation of the permit and may be subject to enforcement action prescribed in the State law or this regulation.

15. Operation and Maintenance

At all times the permittee shall maintain in good working order and operate as efficiently as possible any facilities or systems of

control installed to achieve compliance with the terms and conditions of a permit.

16. Duration of Permits

A State or an NPDES permit issued pursuant to the State law and this regulation shall have a fixed term which shall not exceed five (5) years. A person who wishes to continue to operate under such permit shall apply for re-issuance of a permit pursuant to Paragraph 17.

17. Review and Re-issuance of State and NPDES Permits: Requests and Filing Requirements

At least 180 days prior to the expiration date of a State or an NPDES permit issued by the Department pursuant to the State law and this regulation, a permittee who wishes to continue to operate under such permits shall submit a written request to the Department for re-issuance.

18. Monitoring of Discharges Authorized by Permits: Recording and Reporting

(1) A permittee required to monitor a waste discharge shall maintain records of all information resulting from such monitoring, including the date, place and time of sampling; the dates analyses were performed; the person performing the analyses; the analytical techniques, procedures or methods used; and the results of such analyses. All records and results of monitoring activities and calibration and maintenance records shall be retained by the permittee a minimum of three (3) years unless otherwise required or extended by the Department.

(2) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the Department to be maintained as a condition in a permit, or who alters or falsifies the results obtained by such devices or methods, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to §§ 48-1-320 and 48-1-330 of the Code.

19. State and NPDES Permits: Modification, Suspension, or Revocation by the Department

(1) The Department may modify any term or condition, including a schedule of compliance, of a permit or may revoke or suspend a permit upon its finding that:

(a) There is a change in any condition that requires a temporary or permanent reduction or elimination of a permitted discharge or constituent thereof.

(b) The Administrator of EPA issues a regulation prescribing a restriction or prohibition of a waste or wastewater constituent which is not covered by the terms and conditions of a permit or if the regulation is more stringent than any limitation imposed on a wastewater constituent in a permit.

(c) A modification of the terms and conditions of a permit or a time schedule thereon is necessary because of an act of God or other conditions beyond the control of the permittee.

(d) In the case of discharges from publicly owned treatment works, Federal treatment works grant funds are not available or are not sufficient to allow construction of the treatment works in a time schedule set forth in the permit.

(e) There is a violation of any terms or conditions of the permit.

(f) The permittee has obtained a permit by misrepresentation or has failed to disclose all relevant facts to the Department.

(g) A toxic effluent standard or prohibition, including any schedule of compliance specified therein, is established pursuant to Section 307(a) of the Federal Act for a toxic waste or a wastewater constituent which is present in the permittee's discharge and the standard or prohibition is more stringent than any limitation upon the waste or wastewater constituent in the permit.

20. Change of Ownership

(1) Whenever there occurs a change in the ownership of treatment works which are the subject of an NPDES permit or a State permit, the new owner shall notify the Department of this change in ownership within thirty (30) days thereof and shall be bound by all the terms and conditions of said permit or permits.

(2) Permits are non-transferrable except with the prior consent of the Department.

21. Enforcement

A person who violates any provisions of this regulation, a term, condition or schedule of compliance contained within a valid State or an NPDES permit, or the State law is subject to the actions defined in the State law.

61-10. Operation of Health Maintenance Organizations.

(Promulgated jointly by the Department of Insurance and the Department of Health and Environmental Control pursuant to § 38-25-20 of the 1976 Code; filed in the office of the Secretary of State on June 13, 1975.)

Section 1. Definitions. For the purposes of these rules and regulations, the following words and phrases shall have the meaning ascribed to them in this section unless the context requires otherwise.

for a hearing will be provided if a written request for a hearing is filed with the Health Authority.

7. For serious or repeated violations of any of the provisions of this regulation or for interference with the Health Authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the permit holder in writing of the reasons for which the permit is subject to revocation.

B. Constitutionality. If any part or provision of any regulation of these regulations is legally declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity and constitutionality of the remainder of these regulations shall not be affected thereby.

C. Enforcement Interpretation. These rules and regulations are issued under the authority of § 44-1-140, Code of Laws of South Carolina, 1976, and subsequent legislation. They shall be enforced by the Health Authority in accordance with interpretation and public health reasons approved by the Board of Health.

D. Penalties. Violation of these rules and regulations shall be punishable in accordance with § 44-1-150, Code of Laws of South Carolina, 1976, by fine not exceeding $100 or imprisonment not exceeding 30 days; and each day of continued violation shall be a separate offense.

E. Repeal and Date of Effect. These regulations shall be in full force and effect three months after their adoption and publication; and at that time, all regulations and parts of regulations in conflict with this regulation are hereby repealed.

61-40. Mobile Home Parks.

(Promulgated pursuant to § 44-1-140 of the 1976 Code; filed in the office of the Secretary of State on February 24, 1966.)

Section 1: Definitions. For the purposes of these regulations, the following words and phrases shall have the meaning ascribed to them in this section;

Health Authority means authorized representative of the city, county or state health departments.

Permit means a written permit issued by the health authority permitting the mobile home park to operate under these regulations.

Mobile Home Park means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

Mobile Home means a transportable dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and/or electrical conveniences as immobile housing. This shall include both dependent and independent mobile homes.

Dependent Mobile Home means a mobile home which does not have a flush toilet and a bath or shower.

Independent Mobile Home means a mobile home which has a flush toilet and a bath or shower.

Mobile Home Space means a plot of ground within a mobile home park, designated for the accommodation of one mobile home.

Person means any individual, firm, partnership, corporation, company, or association or other entity.

Service Building means a building housing toilet and bathing facilities for men and women with such other facilities as may be required by these regulations.

Sewer Connection means all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

Sewer Riser Pipe means that portion of the sewer lateral which extends vertically to or above the ground elevation and terminates at each mobile home space.

Water Connection means all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Water Riser Pipe means that portion of the water service pipe which extends vertically to or above the ground elevation and terminates at a designated point at each mobile home lot.

Water Service Pipe means all pipes, fittings, valves and appurtenances from the water main of the park supply system to the water outlet of the distribution system within the mobile home.

Section 2: Permits.

2.1 It shall be unlawful for any person to construct, maintain, or operate any mobile home park within the State of South Carolina unless he holds a valid permit issued annually by the health authority in the name of such person for the specific mobile home park. All applications for permits shall be made, prior to any construction of the park, to the applicable city or county health department which shall approve the application when all requirements are met. The county health department, or city health department, shall obtain approval of the Division of Sanitary Engineering for the water and sewerage systems as provided in

Section 7.5 of these regulations. No permit shall be transferrable from one location to another location, or from one person to another person. Every person holding such a permit shall give notice in writing to the health authority within twenty-four hours after having sold, transferred, given away, or otherwise disposed of, interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

2.2 (a) Application for original permits shall be in triplicate on forms provided by the health authority, signed by the applicant, and shall contain the following:

1. The name and address of the applicant;
2. The interest of the applicant in, and the location and legal description of the mobile home park;
3. A complete plan of the mobile home park, showing compliance with all applicable provisions of these regulations;
4. Such further information as may be requested by the health authority to enable him to determine that the proposed mobile home park will comply with legal requirements.

(b) Applications for renewals of permits shall be made as above by the holder of the permit and shall contain the following:

1. Any change in the information submitted since the time the original permit was issued or the latest renewal granted;
2. Such other information as the health authority may require.

2.3 A complete plan, for the purpose of obtaining a permit to be issued by the health authority shall show:

(a) The area and dimensions of the tract of land;

(b) The number, location and size of all mobile home spaces;

(c) The location and width of roadways;

(d) The location of service buildings and any other proposed structures;

(e) The location, size, slope and any other applicable data on water and sewer lines;

(f) A statement that the water system shall be disinfected in accordance with Section 6.12 below;

(g) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park, including water, sewer and electrical connections.

2.4 Any person whose application for a permit under these regulations has been denied may request and shall be granted a

hearing on the matter before the health authority under the procedure provided by Section 4 of these regulations.

2.5 Whenever, upon inspection of any mobile home park, the health authority finds that conditions or practices exist which are in violation of any provision of these regulations, the health authority shall give notice in writing in accordance with Section 4.1 to the owner or agent that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the health authority, the permit will be suspended. At the end of such period, the health authority shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he shall suspend the permit and give notice in writing of such suspension to the owner or agent. Upon receipt of notice of suspension, such person shall cease operation of such mobile home park.

2.6 Any person whose permit has been suspended, or who has received notice from the health authority that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the health authority, under the procedure provided by Section 4 of these regulations. PROVIDED: That when no petition for such hearing shall have been filed within ten days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten-day period.

Section 3: Inspection of Mobile Home Parks.

3.1 The health authority is hereby authorized to make inspections to determine the condition of mobile home parks located within South Carolina, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

3.2 The health authority shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of these regulations.

3.3 The health authority shall have the power to inspect the register containing a record of all mobile homes and occupants using the mobile home park.

3.4 It shall be the duty of the owners or occupants of mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the health authority free access to such premises at reasonable times for the purpose of inspection.

3.5 It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with these regulations, or with any lawful order issued pursuant to the provision of these regulations.

Section 4: Notices, Hearings and Orders.

4.1 Whenever the health authority determines that there are reasonable grounds to believe that there has been a violation of any provision of these regulations, he shall give notice of such alleged violation to the owner or agent of the park, as hereinafter provided:

Such notice shall:

(a) Be in writing;

(b) Include a statement of the reasons for its issuance;

(c) Allow a reasonable time for the performance of any act it requires;

(d) Be served upon the owner or his agent as the case may require;
PROVIDED: That such notice or order shall be deemed to have been properly served upon such owner or agent when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered mail to his last known address; or when he has been served with such notice by any other method authorized or required by the laws of this State;

(e) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of these regulations.

4.2 Any person affected by any notice which has been issued in connection with the enforcement of any provision of these regulations, may request and shall be granted a hearing on the matter before the health authority, PROVIDED: That such person shall file in the office of the health authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the health authority shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed, PROVIDED: That upon application of the petitioner, the health authority may postpone the date of the hearing for a

reasonable time beyond such ten-day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement.

4.3 After such hearing, the health authority shall make findings as to compliance with the provisions of these regulations and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in Section 4.1, (d). Upon a failure to comply with any order sustaining or modifying a notice, the permit of the mobile home park affected by the order shall be revoked. Revoked permits may not be reissued but a new permit may be issued, if all requirements of these regulations are met.

4.4 The proceedings at such a hearing, including the findings and decision of the health authority, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the health authority.

4.5 Whenever the health authority finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order citing the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit. Notwithstanding any other provisions of these regulations, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the health authority, shall be afforded a hearing as provided in Section 4.2. The provisions of Section 4.3 and 4.4 shall be applicable to such hearing and the order issued thereafter.

4.6 When a permit to operate a mobile home park has been revoked, the health authority shall notify all occupants of the revocation, and give notice that they must remove from the park within ten (10) days.

Section 5: Location, Space, and General Layout.

5.1 The mobile home park shall be located on a well-drained site, and shall be so located that its drainage will not endanger any water supply. All such mobile home parks shall be free from marshes, swamps, or other potential breeding places for insects or rodents.

5.2 The area of the mobile home park shall be large enough to accommodate:

(a) The designated number of mobile home spaces;

(b) Necessary streets and roadways.

5.3 Each independent mobile home space shall contain a mini-

Section 7: Sewage Disposal.

7.1 All plumbing in the mobile home park shall comply with state and local plumbing laws and regulations. The ownership of sewage collection and/or treatment systems shall be made a matter of record to the health authority.

7.2 Each independent mobile home space shall be provided with at least a 4-inch sewer connection. The sewer connection shall be provided with suitable fittings, so that a water-tight and gas-tight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connections shall be self-draining and shall be so constructed that they can be closed when not linked to a mobile home and be capped so as to prevent any escape of odors. The cap shall be fastened to the area of the opening by a keeper chain.

7.3 Sewer lines shall be constructed in accordance with plans formally approved by the health authority and in accordance with the recommendations of such health authority. All sewer lines shall be properly vented, and shall be laid with sufficient earth cover to prevent breakage from traffic.

7.4 Where the sewer lines of the mobile home park are not connected to a public sewer, a method of sewage disposal approved by the health authority shall be provided. The design of such sewage treatment facilities shall be based on the maximum population of the mobile home park. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except with prior approval of the South Carolina Pollution Control Authority and the local health authority. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property, or existing downstream user. The approval of the health authority shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to any construction at site.

7.5 In all instances where the composite sewage flow exceeds 2,000 gallons per day, or where a total of ten (10) or more mobile homes are to use the sewage facility, and where public sewers are not available for connection thereto, plans and specifications for water and sewerage systems shall be prepared by an engineer registered to practice in South Carolina, and submitted to the Division of Sanitary Engineering for review and approval.

Section 8: Refuse Disposal.

8.1 The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards or air pollution.

8.2 All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

8.3 Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

8.4 All refuse shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

8.5 Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration, burial, or transporting to an approved disposal site.

8.6 Refuse shall be buried only at locations and by methods approved by the health authority.

8.7 Refuse incinerators shall be constructed only with the approval of the local health authority. Such approval shall be based on a review of the plans and specifications for such incinerators and approval of the site where they will be located. Such approval shall specify the type of material which may be placed in the incinerator.

8.8 Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.

8.9 Garbage shall be burned on the premises only in an approved incinerator.

Section 9: Insect and Rodent Control.

9.1 Insect and rodent control measures to safeguard public health as required by the health authority shall be applied in the mobile home park.

9.2 The health authority may require the mobile home park operator to take suitable measures to control other insects and obnoxious weeds.

9.3 Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.

9.4 When rats or other objectionable rodents are known to be in the mobile home park, the park operator shall take definite action, as directed by the health authority to exterminate them.

Section 10: Electricity.

10.1 An electrical outlet supplying at least 115 volts shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be grounded and weatherproof. No main power supply line shall be permitted to lie on the ground, or to be suspended less than 15 feet above the ground. This shall not preclude underground lines.

Section 11: Fuel.

11.1 All piping from outside fuel storage tanks or cylinders to mobile homes shall be copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or not less than ten (10) feet from any mobile home exit.

Section 12: Fire Protection.

12.1 The mobile home park area shall be subject to the rules and regulations of the state and local fire prevention authority.

12.2 Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

Section 13: Alterations and Additions—Restrictions of Animals and Pets.

13.1 All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable local regulations.

13.2 Skirting of mobile homes is permissible but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

13.3 No permanent additions shall be built onto or become a part of any mobile home unless they are in accordance with requirements established by the health authority, including the provisions of Section 5.3.

13.4 Pet animals must be innoculated against rabies in accordance with State Board of Health Rules and Regulations.

Section 14: Registration of Occupants.

14.1 Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for the period required by the health authority. Such register shall contain:

1. The names and addresses of all mobile home occupants stopping in the park;

2. The make, model, and license number of the motor vehicle and mobile home;
3. The State, territory, or county issuing the mobile home license;
4. The dates of arrival and departure of each mobile home;
5. Whether or not each mobile home is a dependent or independent mobile home.

Section 15: Supervision.

15.1 The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with these regulations and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.

Section 16: Dependent Mobile Homes.

16.1 Any mobile home park which caters exclusively to dependent mobile homes or which provides spaces for dependent mobile homes shall conform to this section of these regulations. All requirements of Section One through Fifteen of these regulations shall be met fully, except as provided below.

16.2 Reference Section 5.3, each dependent mobile home space shall contain not less than 1,000 square feet and shall be at least 25 feet wide.

16.3 Reference Section 6.2, this Section shall not apply to dependent mobile home parks.

16.4 Reference Section 7.2, this Section shall not apply to dependent mobile homes.

16.5 (a) Every mobile home park that accommodates dependent mobile homes shall provide not less than the following facilities:

1. For not more than ten (10) dependent mobile homes, the following fixtures shall be provided: Two water closets, one lavatory and one shower or bath tub for females; one water closet, one urinal, one lavatory and one shower or bath tub for males;
2. For more than ten (10) dependent mobile homes, the following additional fixtures shall be provided: One lavatory and one shower or bath tub for each sex for every additional ten (10) dependent mobile homes or fraction thereof; one water closet for females for every additional ten (10) dependent mobile homes or fraction thereof; one water closet for males for every additional fifteen (15) dependent mobile homes or fraction thereof; provided that urinals may be substituted for

not more than one-third of the additional water closets required under this paragraph.

(b) Dependent mobile home spaces shall be not more than 200 feet from a service building.

16.6 Service buildings shall:

(a) Be located fifteen (15) feet or more from any mobile home space and where dependent mobile homes are accommodated not more than 200 feet from a dependent mobile home space;

(b) Be of permanent construction, and be adequately lighted;

(c) Be of moisture-resistant material, to permit frequent washing and cleaning;

(d) Have adequate heating facilities to maintain a temperature of 70° F. during cold weather, and to supply adequate hot water during time of peak demands;

(e) Have all rooms well ventilated, with all openings effectively screened;

(f) Provide separate compartments for each bath tub or shower and water closet, and a sound-resistant wall to separate male and female toilet facilities.

Section 17: Enforcement Interpretation.

17.1 These rules and regulations are issued under the Authority of § 44-1-140, Code of Laws, 1976, and subsequent legislation. They shall be enforced by the health authority, in accordance with interpretations and public health reasons approved by the State Board of Health.

Section 18: Penalties.

18.1 Violation of these rules and regulations shall be punishable in accordance with § 44-1-150, Code of Laws of South Carolina, 1976, and each day of continued violation shall be a separate offense.

Section 19: Repeal and Date of Effect.

19.1 These regulations shall be in full force and effect on adoption and at that time all regulations and parts of regulations in conflict with these regulations are hereby repealed.

Section 20: Unconstitutionality Clause.

20.1 Should any section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

of cotton products but not including those grades defined as cotton by-products. Oil mill motes shall be included as cotton waste.

Shoddy: This term shall mean any material which has been spun into yarn, knit or woven into fabric and subsequently cut up, torn up, broken up, ground up or otherwise defabricated and shall be so designated on the label as "Shoddy."

Blends or Mixtures: When two or more of the above materials are used in a product, they shall be described on the label as required above in the order of their predominance.

Cotton Felt: This term shall be used only when fibres are garnetted or carded and used in layer form. It cannot be used when cotton batting or cotton felt scraps or clippings are stuffed or blown in the same manner as unfelted materials. This term must be followed by a listing of the component materials as required above.

Oil Percentages: When any filling material contains more than five percent (5%) of oil, it must be described as "oily."

Dirt and/or Foreign Material: When any filling material contains more than five percent (5%) of dirt and/or any other foreign material it shall be described as dirt.

Section 9. All new or previously used material. Any person supplying material to a bedding manufacturer, within the provisions of the bedding law, shall state in writing, upon the itemized invoice required thereunder whether each item of material is "all new" or "previously used" as defined in the bedding law.

Section 10. Stamps to be sold by South Carolina Tax Commission. The South Carolina Tax Commission, Columbia, South Carolina, will sell stamps required by the act in lots of not less than 250, or multiples thereof, at a cost of five ($5.00) dollars per 250. Stocks of labels or stamps previously issued or provided by the State Board of Health or the State Tax Commission under this or previous bedding acts may be used by the purchaser thereof until such stocks are exhausted.

61-45. Control of Mosquito Production on Impounded Waters.

(Promulgated pursuant to § 44-1-140 of the 1976 Code; filed in the office of the Secretary of State on May 19, 1950.)

In order to safeguard the public health, and to prevent the incidence of insect-borne diseases, under and by virtue of authority vested in it by the Legislature of South Carolina in § 44-1-140, S. C. Code of 1976, the South Carolina State Board of Health by

and through the Executive Committee, at a meeting held in Columbia, South Carolina, by Resolutions duly passed, adopted the following rules and regulations, and does hereby promulgate and publish the same which shall govern the impounding of waters or damming of water courses in the State of South Carolina. These rules and regulations amend and supplement rules and regulations adopted October 2, 1924 and promulgated October 31, 1924; which rules and regulations are repealed by said Resolutions and the following adopted in their stead:

Section 1. Permit to impound water required. Any person, firm, corporation, association, county, municipality, or other political subdivision, and any state or federal government, agency, department, or authority of the same who shall propose or desire to construct an impoundment of ½ acre or more in area for any purpose whatever or who shall propose or desire to raise the elevation of a previously existing pond or other body of water, shall, prior to the initiation of any construction activities, make application to and obtain from the State Board of Health a construction permit for the impounding of such water.

Section 2. Application for permit shall be in writing. Such application for a construction permit shall be made in writing in the name of the person, firm, corporation, association, county, municipality, or other political subdivision, and any state or federal government, agency, department, or authority of the same making application, and shall be accompanied by a description of the proposed project, its purpose, and its exact location, an accurate plat of the area to be affected showing particularly the maximum and minimum water elevations, and a copy of detailed specifications for clearing the proposed reservoir.

Section 3. Construction permit shall be issued. A construction permit for the inauguration of initial construction shall be issued by the State Board of Health subject to the following rules and regulations, or modifications thereof approved by the Executive Committee of the State Board of Health.

Section 3a. All brush, trees, etc., to be permanently submerged may be left. In the area to be occupied by the reservoir, its branches, bights, and indentations, all brush, trees, and undergrowth below the minimum low-water elevation shall be cut off not more than 18" above the normal ground elevation and shall be removed or burned or otherwise disposed of in a manner satisfactory to the Executive Committee of the State Board of Health, Provided, that, on the approval of the Executive Committee of the State Board of Health grass, vegetation, brush, trees, stumps, and similar materials, which will be permanently and

completely submerged at time of minimum low water, may be left in their original positions.

Section 3b. All brush, trees, etc., that would pierce surface of water shall be removed. In the area to be occupied by the reservoir, its branches, bights, and indentations, all brush, trees, logs, undergrowth, stumps, and other objects below the minimum low water elevation, which if not removed would pierce the water surface at minimum low water elevation or float on the surface of the impounded water soon after the impounding of the water and all of the above material that is lying on the ground or remaining in the original or new positions which might cause collections of floatage and thus constitute conditions favorable to the protection of larvae of mosquitoes, shall be removed or burned or otherwise disposed of in a manner satisfactory to the Executive Committee of the State Board of Health prior to the impounding of water.

Section 3c. All brush, trees, etc., between minimum and maximum water level shall be removed. In the area to be occupied by the reservoir, its branches, bights and indentations, all brush, trees, and undergrowth between the minimum and maximum operating water elevations shall be cut off not more than 6" above the normal ground elevation and shall be removed or completely burned prior to the impounding of water to prevent the collection and anchorage of any floatage, rafts, and similar materials.

Section 3d. Depressions shall be drained. All depressions which will be filled with water from the reservoir, its branches, bights, or indentations at time of maximum water elevation, in which water will be retained at lower stages of the water level, thus forming separate pools, shall be connected with the normal body of the reservoir or any of its branches, bights, or indentations by a ditch or culvert which will permit complete drainage, or shall be controlled by the regular periodic use of approved larvicides as permitted and directed by the Executive Committee of the State Board of Health.

Section 3e. Laborers housed on premises during construction shall be protected from mosquitoes. All laborers employed in the construction of the dam and the impounding of the water and appurtenant work, and housed in camps, barracks, or other communal houses, shall be protected from mosquitoes in a manner satisfactory to the Executive Committee of the State Board of Health.

Section 4. Inspections shall be made during construction. A construction permit for the impounding of water having been granted by the Executive Committee of the State Board of Health,

and construction work on the project begun, a representative or representatives of the State Board of Health shall make inspections of the project from time to time and as requested by the permit holder; and the Executive Committee of the State Board of Health shall approve that portion of the work as is outlined in Section 3 of the regulations which has been satisfactorily completed. As the said representative of the State Board of Health determines that the construction permit holder has complied with the provisions of Subsections 3a and 3b of these regulations and as it shall appear that the construction permit holder is complying with the provisions of Subsection 3c of these regulations the permit holder may thereupon proceed as authorized by approval from the Executive Committee of the State Board of Health, with the impounding of water to a level specified by said Executive Committee of the State Board of Health, and, when it shall appear that the permit holder has complied with the provisions of Subsections 3a, 3b, 3c, and 3d of these regulations to the satisfaction of the Executive Committee of the State Board of Health, said Executive Committee of the State Board of Health shall certify such fact to the permit holder in writing and the permit holder may thereupon proceed with the impounding of water to maximum operating water elevation.

Section 5. Maintenance permit issued on compliance with regulations. The Executive Committee of the State Board of Health shall thereupon issue a maintenance permit for the maintenance of an impounding project by said applicant, the validity of such permit being contingent upon the observance of the following regulations:

Section 5a. Floatage shall be removed and larvicides shall be applied. During the mosquito producing season the permit holder shall regularly and frequently remove all floatage and floating debris in the reservoir, its branches, bights, and indentations which are producing mosquitoes, and shall during mosquito producing season apply such larvicides as are approved by and in a manner satisfactory to the Executive Committee of the State Board of Health to all mosquito producing areas of the reservoir or parts of the impounded waters.

Section 5b. Shoreline shall be maintained. The shoreline of the reservoir, its branches, bights, and indentations shall be maintained clear of all brush and undergrowth.

Section 5c. Aquatic and semi-aquatic vegetation shall be prevented. Prompt and proper measures shall be taken to prevent the growth of cattails, bulrushes, alligator weed and other aquatic and semi-aquatic vegetation which offer protection for mosquito larvae.

Section 5d. Conditions detrimental to public health shall be corrected. After the water has been impounded the Executive Committee of the State Board of Health through its representative shall make such inspections of the impounded waters and adjacent areas as are deemed essential; and any conditions found on the impounded water project that are, or may be detrimental to the public health, shall be corrected by the permit holder in a manner satisfactory to the Executive Committee of the State Board of Health.

Section 5e. Regulations shall govern change in water elevation. These regulations shall govern any change in water elevation and as soon as any proposed changes affecting the maximum operating elevation are contemplated, the Executive Committee of the State Board of Health shall be notified in writing.

Section 6. Penalty for violation. Failure to comply with the provision of any Section or Subsection of these regulations, after notice thereof, constitutes a violation thereof, and shall constitute, according to § 44-1-150, Code of 1976, a misdemeanor, punishable as provided in that Section.

61-46. Nuisances.

(Promulgated pursuant to § 44-1-140 of the 1976 Code; filed in the office of the Secretary of State on October 24, 1961.)

Section 1. Whatever is dangerous to human health, whatever renders the ground, air, or food a hazard or injury to human health, and the following acts, conditions, and things, whenever, in the opinion of the local health director they are dangerous to the public health, are each and all of them hereby declared to constitute a public health nuisance:

(a) The maintenance of any barn, stable, chicken yard, manure pile, garbage receptacle, etc., in such manner that flies are in excess of acceptable levels. (Amended 3-22-72; Filed 4-6-72)

(b) The deposit of garbage in any but fly-proof and watertight receptacles, where residences are less than 500 feet apart.

(c) The accumulation of water in which mosquito larvae may breed.

(d) Growth of weeds where mosquitoes harbor, or rubbish is concealed on lots between residences less than 500 feet apart.

(e) Insanitary condition of privies, toilets, or any other waste disposal, human or otherwise, where residences are less than 500 feet apart.

(f) Any building, or any part of a building, which, on account of

cause is intoxication, shall be examined by a physician immediately to rule out the possibility of brain injury or organic disease as a cause of the above disability. Further, if after an examination is made, and upon the advice and concurrence of the examining physician, the prisoner is kept at the jail, he (or she) shall be kept under constant observation by a jailer or trustee until such time that he shall have completely recovered from the stupor or coma. If after a period not to exceed eight hours, he (or she) has not completely recovered, the prisoner shall be transferred to a hospital for further examination and treatment.

Item 15. Bath on Entrance. All prisoners confined to any jail in South Carolina for twenty-four hours or more shall be required to bathe all over within thirty-six hours and at least weekly thereafter and be provided with clothing until the clothes worn on admission have been properly disinfected and made free from vermin, should such vermin be present when the prisoners are admitted.

Item 16. Disinfection of Cells. Every room or cell occupied by any patient prisoner suffering with a communicable disease, when vacated, shall be disinfected.

Item 17. Food Service. All prisoners admitted to any jail in South Carolina must be furnished with sufficient, wholesome food. All facilities shall be inspected in accordance with South Carolina State Board of Health Rules and Regulations Governing Food Service Establishments. Cooking shall be performed only in the kitchen area.

Section 6. Enforcement Interpretation. These rules and regulations are issued under the authority of § 44-1-140, Code of Laws, 1976, and subsequent legislation. They shall be enforced by the Health Authority, in accordance with the interpretations and public health reasons approved by the State Board of Health.

Section 7. Repeal and Date of Effect. These regulations shall be in full force and effect three (3) months after their adoption and publication. At that time, all regulations and parts of regulations in conflict with this regulation are hereby repealed.

Section 8. Unconstitutionality Clause. Should any section, paragraph, sentence, clause, or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

61-56. Individual Waste Disposal Systems.

(Promulgated pursuant to § 44-1-140 of the 1976 Code; filed in the office of the Secretary of State on April 6, 1971.)

Section 1—Purpose. A major factor influencing the health of

individuals where public sewers are not available is the proper disposal of human excreta and other domestic waste. Many diseases, such as dysentery, infectious hepatitis, typhoid and paratyphoid, and various types of diarrhea are transmitted from one person to another through the fecal contamination of food and water, largely due to the improper disposal of human wastes. For this reason, every effort should be made to prevent such hazards and to dispose of all human waste so that no opportunity will exist for contamination of water or food, or transmission of human waste by flies or other vectors.

Safe disposal of all human and domestic wastes is necessary to protect the health of the individual family and the community and to prevent the occurrence of nuisances. To accomplish satisfactory results, such wastes must be disposed of so that:

1. They will not contaminate any drinking water supply.
2. They will not give rise to a public health hazard by being accessible to insects, rodents, or other possible carriers which may come into contact with food or drinking water.
3. They will not give rise to a public health hazard by being accessible to children.
4. They will not violate laws or regulations governing water pollution or sewage disposal.
5. They will not pollute or contaminate any drainage ditch or the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes, or for recreational purposes.
6. They will not give rise to a nuisance due to odor or unsightly appearance.

These criteria can best be met by the discharge of domestic sewage to an adequate public or community sewerage system. Where the installation of an individual household sewage disposal system is necessary, the basic principles of design, construction, installation, and maintenance should be followed.

Section 2—Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations:

1. Absorption Trench—A trench not less than 18" and not more than 36" in width with a minimum of 14" of clean, coarse aggregate and a distribution pipe, and covered with a minimum of 9" of earth cover.

2. Disposal System—A system for the treatment and disposal of domestic sewage by means of a septic tank and a soil absorption system.

3. Domestic Waste—The waste water and its contents from

kitchen, bathroom, toilet, lavatory, and laundry of any residence, business establishment, industrial plant, institution or any public building.

4. Health Authority—An authorized representative of the city, county, or state health department.

5. Freeboard—The vertical distance between the liquid level and the top of the septic tank.

6. Grade Boards—An arrangement of wooden boards placed in a disposal trench to support the pipe of a field lateral line, laid lengthwise and set to a uniform grade of not more than one-half inch fall in 25 feet and supported by stakes eight (8) feet apart; the purpose of which is to prevent "bumps" and "hollows" in the drain tile.

7. Septic Tank—A water-tight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from the liquid, digest organic matter and store digested solids through a period of detention and biological conditioning of liquid waste, and allow the clarified liquids to discharge for final disposal.

8. Sewage—Any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

9. Soil Absorption Field—A system of absorption trenches.

Section 3—General. Each dwelling unit or building, occupied for more than two hours per day, shall be provided with approved facilities for the disposal of domestic or industrial wastes. Where acceptable to the health authority, a septic tank sewerage system may be used for the disposal of domestic waste.

It shall be the responsibility of the property owner to insure that a permit to construct such a system shall be obtained from the health authority prior to any construction on the lot.

Soils report shall include percolation test, auger boring, and water table, soil types and structure to a depth of six feet (6').

The general contractor (or prime contractor, or person constructing and building) shall not, however, begin construction of the building until such permit is issued by the health authority. After the permit is issued, the sewage disposal facilities shall then be built according to these Rules and Regulations so as to receive the approval of the Health Authority.

Section 4—Minimum Conditions.

(a) The maximum ground water elevation shall be at least three feet (3) below the surface or not less than six inches (6") below the bottom of the ditch within the absorption field, whichever shall

be greater. Rock formation or other impervious strata shall be at a depth greater than six feet (6') below the surface.

(b) No part of a septic tank or absorption disposal field shall be constructed within one hundred (100) horizontal feet of a private or public well, or within fifty (50) horizontal feet of impounded or natural bodies of water, or open drainage ditches.

(c) The area of the lot, or plot of ground shall be of sufficient size so that no part of the disposal system will be within ten (10) feet of the building, property line, or under a building, driveway or parking area.

(d) The soil on the lot must be suitable for the proper functioning of this type of disposal system. SOIL REPORTS SHALL BE REQUIRED AND SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT STATE BOARD OF HEALTH REQUIREMENTS. The tile field shall be sized according to current State Board of Health recommendations, based on soils report. Inaccurate or incomplete information shall void the permit. The soil report shall be submitted on forms provided by the Health Authority.

(e) The designed system must be of adequate size, properly located on lot.

Section 5—Application, Permit, Approval.

(a) Application

Application forms for permit to construct will be furnished by the Health Authority. The property owner shall furnish on the application blank correct information necessary for the determination of the feasibility of a septic tank waste disposal system, (including a boundary plat of the lot) layout of system on the lot, driveways, soil report, and any other information deemed necessary. The Health Authority will then conduct a site inspection of the lot in question before said permit is issued. Incomplete or inaccurate information shall void the permit.

(b) Permit to Construct

A permit to construct a septic tank and absorption field will be issued to the property owner if the minimum requirements as set forth in these regulations are met. The permit holder will build or have built the septic tank and absorption field, according to the permit and according to these rules and regulations. The permit shall be void twelve (12) months after the date of issue. Incomplete or inaccurate information shall void the permit.

(c) Approval

The system must be left exposed until a final inspection is made by the Health Authority, and a certificate of approval issued.

Contractors, builders, developers, or realtors selling newly constructed or old homes requiring remodeling or changes to sewage disposal systems shall provide the buyer with a certified copy of the Health Authority approval of the septic tank and absorption field.

No home or building shall be occupied or rented without satisfactory sanitary waste disposal facilities approved by the Health Authority.

Section 6—Minimum Septic Tank Requirements. No septic tank shall be installed which has a net liquid capacity of less than 890 gallons.

(a) The plan of each septic tank shall be in accordance with approved engineering standards in general, and the following standards in particular.

(b) The length shall be at least two (2) but not more than three (3) times the width.

(c) The uniform liquid depth shall not be less than four (4) feet.

(d) At least one (1) foot freeboard shall be provided.

(e) The theoretical detention period shall not be less than twenty-four (24) hours, based on the average daily flow.

(f) All tanks shall be constructed of material approved by the Health Authority and shall be of water-tight construction.

(g) All persons or firms constructing precast or cast-in-place septic tanks to be used in South Carolina shall obtain a permit from the State Health Authority.

(h) Cement block (or equal) constructed septic tanks must utilize six inch (6") minimum block with well filled mortar joints; walls to be plastered with ½" layer of portland cement—sand plaster; bottom of tank, poured concrete, three (3) inch minimum; top of tank, reinforced three (3) inch slab with provisions for access to inlet and outlet devices.

(i) A sanitary tee or sweeping ell with ½" weep hole will be used for the inlet and must enter the tank a minimum of two (2) inches above the liquid level of the tank. The inlet must penetrate at least six (6) inches below the liquid level.

(j) An outlet tee will be provided, penetrating the liquid a minimum of eighteen (18) inches depth.

(k) The waste line from the house to the septic tank must be properly installed at the time of inspection.

Section 7—Minimum Requirements for Absorption Field. The location of the absorption field shall be in an unobstructed area,

outside the area occupied by the building and outside areas used for driveways or parking.

(a) The absorption ditch must be at least twenty-three (23) inches deep.

(b) The slope of the distributor lines and bottom of the ditch shall not exceed two (2) inches per one hundred (100) linear feet.

(c) The bottom width of the distributor ditch shall not be less than eighteen (18) inches, nor more than thirty-six (36) inches.

(d) Coarse aggregate under distributor line shall not be less than six (6) inches deep. The aggregate may range in size from ½ inch to 2½ inches. Fines must be prohibited. All smeared or compacted surfaces of the ditch shall be raked to a depth of one inch before gravel is placed in the ditch. Trenches constructed within ten (10) feet of trees, or dense shrubbery must have at least twelve (12) inches of aggregate beneath the tile.

(e) The depth of coarse aggregate over the distributor line shall not be less than three (3) inches, and shall be level across the trench.

(f) The internal diameter of the distributor line shall not be less than four (4) inches, and shall be so constructed that leaching will occur at one (1) foot intervals or less.

(g) Distribution pipe must be of an approved material.

(h) If farm tile is used as a distributor, the top half of tile joints shall be covered with strips of asphalt roofing or other approved type of joint cover, at least three (3) inches in width.

(i) Distribution and drop boxes: Distribution boxes shall be installed as required—drop boxes required as needed to maintain proper absorption field distribution. When drop boxes are needed the trench will be properly dammed across trench width.

(j) The area of the absorption field will be determined by the number of bedrooms per dwelling, or the number of persons using facilities, and soil conditions but no tile field shall contain less than one hundred (100) linear feet of tile.

(k) The number of distributor lines shall not be less than two (2) and no single distributor line shall exceed one hundred (100) feet in length.

(l) All distributor lines shall be installed according to standard engineering practices and no nearer than ten (10) feet on center of line. Grade boards (1" × 6") or grade stakes shall be set prior to installation of aggregate and tile.

(m) The coarse aggregate over the distributor line shall be covered with an untreated building paper to prevent infiltration of backfill material. An impervious covering may not be used.

(n) The depth of earth cover over coarse aggregate shall not be less than nine (9) inches. Care must be taken to prevent harming the tile field while backfilling.

Section 8—Construction Criteria.

(a) No additional water consuming appliances or fixtures may be connected to the septic tank system unless the system was designed to receive the waste from them.

(b) All rough grading or filling shall be done prior to the installation of the septic tank system.

(c) No excavating or backfilling of the absorption system shall be performed during wet weather.

(d) The area in which the system is located shall be protected from surface water, roof or downspout drainage.

(e) All dirt, mud and debris shall be removed from the tank before backfilling. All backfilling around tanks shall be tamped to prevent caving.

(f) All joints in the septic tank lids shall be covered with heavy roofing paper.

(g) The top of the absorption trench shall be overfilled with four (4) to six (6) inches of earth to allow for settlement.

Section 9—Grease Traps. Boarding houses, cafes, restaurants, hotels, or food preparation establishments shall install a grease trap on the kitchen waste line preceding the septic tank. The grease trap must be designed in accordance with current engineering standards, and shall be easily accessable for cleaning. Grease traps will be installed on the outside of buildings.

Section 10—Tanks Greater than 2000 Gallon Capacity. The plans and specifications for each septic tank installation having a capacity of two thousand (2000) or more gallons, shall be submitted by a registered engineer licensed by the state of South Carolina to the Bureau of Environmental Engineering of the S. C. Department of Health and Environmental Control, through the local Health Authority, and approved prior to construction.

Section 11—Discharge of Waste. No septic tank effluent or filter effluent shall be approved for discharge into any streams in South Carolina unless authorized by an agent of the South Carolina Department of Health and Environmental Control and the South Carolina Pollution Control Authority. Sewage shall not be discharged to the ground surface or to any ditch.

Section 12—Cleaning Septic Tank. All persons or firms cleaning or pumping out septic tanks shall have a valid written permit from the local Health Authority to do so. Vehicles used for this purpose shall have the owners name and address prominently displayed in

bold letters at least four (4) inches in height. Contents of these vehicles must be disposed of in a manner approved by the local Health Department.

Section 13—Enforcement Interpretation. These rules and regulations are issued under the Authority of § 44-1-140, Code of Laws, 1976, and subsequent legislation. They shall be enforced by the Health Authority in accordance with interpretations and public health reasons approved by the S. C. Department of Health and Environmental Control.

Section 14—Penalties. Violation of these rules and regulations shall be punishable in accordance with § 44-1-150, Code of Laws of South Carolina, 1976, and each day of continued violation shall be a separate offense.

Section 15—Repeal and Date of Effect. These regulations shall be in full force and effect on adoption and at that time all regulations and parts of regulations in conflict with these regulations are hereby repealed.

Section 16—Unconstitutionality Clause. Should any section, paragraph, sentence, or clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

61-57. Subdivision Water Supply and Waste Disposal Systems.

(Promulgated pursuant to § 44-1-140 of the 1976 Code; filed in the office of the Secretary of State on November 3, 1971.)

I. Purpose. For the protection of the health of the people by preventing the spread of communicable diseases by providing safe and adequate water supply and sanitary sewage disposal facilities, to protect the ground and surface waters of the State from contamination or pollution from both bacteriological and chemical waste, and to attain uniformity of public health practice in the State.

II. Definitions.

Subdivisions—Any tract or parcel of land subdivided into two (2) or more lots for building sites, for the purpose—immediate or future—of building development. This definition shall include mobile home parks and multifamily residences. This definition shall also apply whether the lots are to be sold, rented, or leased.

Lot—A part of a subdivision, or parcel of land, used as a residence site, or intended for use as a residence site, whether immediate or future.

Residence—Any house or structure intended for human habitation for a period greater than two hours per day.

Subdivider—Any person or company who divides a tract of land into two (2) or more lots to sell, lease, or rent.

Engineer—A person registered as Professional Engineer by the South Carolina Board of Engineering Examiners, and competent in the field of water and waste treatment.

Land Surveyor—A person registered as a Land Surveyor by the South Carolina Board of Engineering Examiners.

Qualified Person—A person who performs analyses and submits soil evaluation data. His special qualifications and knowledge of soil behavior and limitations under conditions of waste disposal shall be a matter of record and shall be acceptable to the State Board of Health or its agent.

III. Objectives.

1. All subdivisions shall be served by approved community or public sewerage systems unless proof of unfeasibility is documented and such documentation is acceptable to the State Board of Health.

(a) Where central collection and treatment facilities are required, such systems shall be designed by and constructed under the direction of an engineer in South Carolina.

(b) When multiple septic tank installations are proposed in subdivisions, the plats shall be prepared, signed, and seal affixed by a land surveyor. Submittal of additional data, collected and interpreted by "qualified persons", may be required by the Department of Health and Environmental Control, or its agent, to substantiate justification for such installations.

2. All subdivisions shall be served by approved public water supplies unless proof of unfeasibility is documented and such documentation is acceptable to the Department of Health and Environmental Control.

3. All water supply and sewerage systems shall comply with the South Carolina Department of Health and Environmental Control laws, rules, and regulations pertaining to such systems.

4. A written permit shall be obtained from the Department of Health and Environmental Control, or its agent, prior to beginning construction of water supply and/or sewage disposal facilities. Any extension of an existing system shall also require written approval.

5. A written "Use Approval" shall be obtained from the Department of Health and Environmental Control, or its agent, following construction. No waste discharge to the sewage disposal facility

shall occur nor shall the water supply be utilized prior to issuance of this statement.

6. Subdivisions, as recorded, which have been under development and unapproved by the South Carolina Department of Health and Environmental Control and fifty percent or more of the lots remain unsold shall comply with this regulation. Any addition or extension to the original platted area shall be considered a new development.

7. No lot may be sold in any subdivision, developed hereafter, prior to approval of this subdivision by the Department of Health and Environmental Control.

IV. Procedure.

1. Any person, firm, or corporation contemplating the development of land for subdivisions must first submit to the County Health Department a plat drawn to scale not less than 1" = 200'; for small areas, a scale of 1" = 100' shall be used. Plat size shall not exceed 24" × 36". All plats shall show north arrow, lot lines with dimensions and lot identifications, roads, and easements with proper identifications, natural features including contours, drainage, and location sketch for reference identification of the area. All documentation and data required by these regulations shall be fully completed and properly signed, and shall accompany the plat.

2. The County Health Department, upon completion of its review, will transmit its recommendations and all supporting data to the District Health Office for review.

3. If the water and/or sewerage system is privately owned, it is subject to regulation by the S. C. Public Service Commission and a surety bond in accordance with Article 7 of Chapter 5 of Title 58 of the 1976 Code will be required. Evidence of such a bond shall be furnished the Department of Health and Environmental Control prior to placing the system in service.

4. A person or firm, properly certified by the South Carolina Board of Certification of Public Water and Wastewater Plant Operators, shall be employed to perform operation and maintenance of community water and sewerage systems. The South Carolina Department of Health and Environmental Control shall be informed, in writing, the name of this person or firm, and any change in this operator shall be cleared with the South Carolina Department of Health and Environmental Control.

5. Prior to approval of a subdivision, a statement must be submitted from the appropriate governmental agency stating that streets and drainage plans have been reviewed and are approved,

and that said agency accepts responsibility for the maintenance of drainage facilities, including all rights-of-way and easements.

6. Privately-owned and operated water and/or sewerage facilities lying within a legally-constituted public service district or municipality shall be required to obtain written approval from said district or municipality prior to action by the South Carolina Department of Health and Environmental Control.

7. There shall be sufficient land area on each lot for all proposed buildings, driveways, utility easements, drainage, approved water supply, and approved sewerage disposal system or connection.

8. Should consideration of the use of multiple septic tanks be justified, percolation tests, auger borings, soil classification, maximum seasonal ground water elevation, and other appropriate tests shall be performed by qualified persons and shall be in accordance with standard procedures approved by the South Carolina Department of Health and Environmental Control and attested to on forms supplied by the South Carolina Department of Health and Environmental Control.

V. Enforcement Interpretation. These rules and regulations are issued under the Authority of § 44-1-140, Code of Laws of South Carolina, 1976, and subsequent legislation. They shall be enforced by the health authority, in accordance with interpretations and public health reasons approved by the Department of Health and Environmental Control.

VI. Penalties. Violation of these rules and regulations shall be punishable in accordance with § 44-1-150, Code of Laws of South Carolina, 1976, and each day of continued violation shall be a separate offense.

VII. Repeal and Date of Effect. These regulations shall be in full force and effect on adoption and at that time all regulations and parts of regulations in conflict with these regulations are hereby repealed.

VIII. Unconstitutionality Clause. Should any section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

61-58. Waterworks Systems.

(Promulgated pursuant to §§ 44-55-20 and 44-55-30 of the 1976 Code; filed in the office of the Secretary of State on June 28, 1968.)

tank; therefore, if used, precautions should be taken to provide for ventilation and proper gas mask.

Factors other than concentration and time affect the efficiency of chlorine; therefore, the above methods are suggested for most circumstances. The true test of disinfection will be sampling required following disinfection. Should a repeat disinfection process be required, chlorine concentrations should be increased.

VII. Prior Regulations Rescinded—All Laws, Rules and Regulations Relating to Water Supply and/or Water Plants previously adopted that may conflict with these regulations are hereby rescinded.

61-59. Milled or Shredded Refuse Disposal Sites.

(Promulgated pursuant to § 44-1-140(11) of the 1976 Code; filed in the office of the Secretary of State on February 28, 1973.)

Section I. Definition (As used in these Regulations). Milled or Shredded Refuse shall mean all putrescible and non-putrescible solid waste (except body waste), including garbage, rubbish, street cleanings, dead animals, yard clippings and market and industrial solid waste excluding hazardous waste that has been milled or shredded in such manner that will not create a public health hazard or nuisance and that no less than 90% of the material by weight will go through a 4-inch sieve.

Section II. Disposal Sites and Facilities. All milled or shredded refuse disposal sites shall meet the following minimum standards as set forth in this Regulation.

A. The Site Location Shall

(1) be easily accessible to authorized unloading vehicles

(2) prevent water pollution originating from milled or shredded refuse

(3) not be conducive to the harborage and/or breeding of flies, rodents or any other nuisance animals

(4) conform with future development of the area.

B. Site Design. The site plans and engineering report shall bear the seal and signature of and shall be submitted by a professional engineer, registered to practice in the State of South Carolina. The above-mentioned plans and engineering report shall constitute a request for a permit to construct and operate a milled or shredded refuse disposal site and shall include the following:

(1) Map or aerial photograph of the area showing land use and zoning within ¼ mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, schools, churches, commercial and industrial

buildings, recreational areas, wells, water courses, dry runs, rock outcroppings, roads and other details and shall indicate the general topography.

(2) Plot plan of the site showing dimensions, locations of soil borings, proposed trenching plan or original fill face, area or ramp method, cover stock piles, surface and ground water drainage ditches and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet per inch.

(3) The engineering report accompanying the plans should indicate:

a. population and area to be served by the proposed site;

b. anticipated type, quantity and source of refuse (solid waste) to be disposed of at the site;

c. geological formations and groundwater elevations to a depth of at least 10 feet below any proposed excavations and lowest elevation of the site. Such data shall be obtained by soil borings and other appropriate means;

d. observation test wells which will reveal reliable data on groundwater contamination where deemed necessary by the State Board of Health.

(4) The engineering plans shall include one or more topographic maps at a scale of not over 200 feet to the inch. Contour intervals shall not exceed 10 feet. These maps shall show: the proposed fill area; any borrow area; access roads; grades for proper drainage of each lift required and a typical cross section of a proposed lift on the site being discharged; special drainage devices if necessary; fencing (permanent and portable) and proposed utilities; employee facilities; and all other pertinent information to clearly indicate the orderly development, operations and completion of the milled or shredded refuse disposal site.

C. Operational Features and Appurtenances. The disposal site shall be provided with operational features and appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

(1) operational plans to direct and control the use of the site;

(2) control of access;

(3) an all-weather access road to the site; in some cases it may be more economical to provide a temporary site area adjacent to an all-weather road for inclement weather operation.

(4) vector control measures shall be instituted whenever neces-

sary. Domestic animals shall be excluded from the site and proper control measures shall be taken to exclude wildlife;

(5) open burning is prohibited on the site;

(6) milled refuse shall be deposited at least two feet above groundwater table.

D. In order to provide a suitable staff to man and operate the site, the following is required:

(1) whatever staff deemed necessary by the State Board of Health to implement operations;

(2) potable water on or near the site (coolers acceptable if public water lines are not available);

(3) sanitary toilet on or near the site.

E. Equipment. The operation of a milled or shredded refuse disposal site depends on mechanical equipment. To assure adequate operation, the following are required:

(1) equipment or adequate contractual arrangements for equipment as deemed necessary by State Board of Health to carry out normal operations;

(2) sufficient reserve equipment, or arrangements to provide alternate equipment within 24 hours following equipment breakdown;

(3) safety devices on equipment to shield and protect the operators from potential hazards during operations;

(4) shelter for maintenance and storage of parts, equipment and tools;

(5) equipment to extinguish fires or arrangements to provide for fire protection.

F. Construction. Certain operations must be included to perform the basic functions of the site.

(1) General

a. Controlled access to the site must be maintained to keep unauthorized persons out. Access to the site shall be limited to those times when an attendant is on duty.

b. Blowing paper shall be controlled. The entire area shall be policed as may be necessary to remove accumulations.

c. Salvaging and scavenging shall not be allowed at the site.

d. Conditions unfavorable for the habitation and production of insects and rodents shall be maintained by carrying out sanitary operations promptly. All offensive odors will be controlled.

(2) Landfilling

a. Supervision shall be continuously available to coordinate the unloading activities.

b. The milled or shredded refuse shall be spread and compacted on a daily basis with a minimum compacted weight of 1000 pounds per cubic yard.

c. After refuse is spread and compacted, it shall not be disturbed.

d. Final cover shall be applied to any surface that represents the final grade of the milled or shredded refuse site. A minimum of two (2) feet of a well-graded soil cover, compacted and graded, will usually fulfill the requirements of final cover. In some cases, where other soils are used or where trees are planted, additional cover may be necessary. Suitable plantings (grass, trees, etc.) shall be provided to help minimize erosion and surface deterioration.

e. The grade of the final cover shall drain the surface run-off water to predetermined points in the drainage system to prevent ponding. For this reason, it is best to slightly overdesign initial grades so that when settlement occurs, the surface will be suitable for good drainage.

(3) Special Handling

a. There shall be no disposal of waste sludges, oils, chemicals and liquids without prior approval by the State Board of Health who will give special consideration to: probability of water pollution; odors; and the health and safety of employees. Appropriate provisions shall be made for the handling of these waste materials.

b. Hazardous refuse disposal requests shall be made to the State Board of Health and approval must be obtained prior to the incorporation of these materials into the milled or shredded refuse disposal site.

(4) Supervision and Inspection

a. Routine inspection and evaluation of the site's operations will be made by a representative of the State Board of Health. A notice of any deficiencies, together with any recommendations for their correction, will be provided to the owner or Governmental Agency responsible for the operation of the site.

b. Inspection of the completed milled or shredded refuse disposal site made by a representative of the State Board of Health, before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the project is accepted as completed. Arrangements

shall be made for the repair of all cracked, eroded and uneven areas in the final cover as required during a sufficient period to assure satisfactory land recovery and not create a health nuisance or aesthetic problems.

Section III. Variances. Any requests for variances to these rules and regulations must be directed in writing to, and will be considered by, the State Board of Health on an individual basis.

61–60. Storage, Collection, and Transportation of Solid Waste, and Permitting of Private Franchised Collectors.

(Promulgated pursuant to § 44–1–140(11) of the 1976 Code; filed in the office of the Secretary of State on January 28, 1972.)

I. General. Section 9 of the General Appropriations Act (Act No. 410) defines the South Carolina State Board of Health as being "the agency of State Government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; . . ." Improper storage, collection, and transportation systems create health hazards, odors, impair the aesthetic appearance of the State, encourages wild and domestic animal feeding and exposes collection employees and residents to undue risks. Therefore, these minimum standards are proclaimed to eliminate these adverse factors.

II. Definitions, as used in this regulation are as follows:

"Refuse, includes all foreign substances and pollutants apart from those 'flowing from streets and sewers' and passing therefrom in a liquid state into the watercourse." United States vs. Standard Oil Company, 384 U. S. 244, 1 Environmental Reporter 1033 (1966). This also includes hazardous wastes, garbage, and any other solid wastes not flowing from streets and sewers and passing therefrom in a liquid state.

Sanitary Landfill means a method of disposing of refuse (solid waste) on land without creating pollution, nuisances, environmental threats or hazards to public health or safety.

Collector means any person, firm, co-partnership, association, corporation, Governmental Unit or Agency who collects refuse (solid waste) from residences, businesses, and/or industrial sites, with or without remuneration.

Refuse Container is a receptacle used for the temporary storage of refuse. If made of metal, it shall have handles, a tight-fitting lid, and be of a maximum 32-gallon capacity, unless an approved closed metal commercial container with mechanical unloading is used.

AIR POLLUTION CONTROL REGULATIONS

REGULATION NO. 62.1

DEFINITIONS AND PERMIT REQUIREMENTS

SECTION I - DEFINITIONS

The following words and phrases when used in the Regulations and Standards shall for the purpose of these regulations have the meanings respectively ascribed to them in this section, unless a different meaning is clearly indicated. This section augments Section 1 of the South Carolina Pollution Control Act.

1. Acid Mist - Mist or droplets of sulfuric or other strong acids.

2. Add - Additions to a process which will increase size, scope or emissions from such process.

3. Alter - Alter means modification or change in a process or processes which would affect emissions to the atmosphere.

4. Ambient Air Quality Standards - That standard for the quality of ambient air at or beyond a property line on which a source of pollution is emitting.

5. Application - Means a form provided by the Department which is prescribed to provide the information required to grant approval to construct and operate a source or an incinerator; or to report an existing incinerator.

6. Board - Board means Board of Health and Environmental Control.

7. Commissioner - Commissioner means the Commissioner of the Department of Health and Environmental Control.

8. Department - Department means the Department of Health and Environmental Control.

9. Environmental Location - Location of human, plant, or animal life or property.

10. Fuel Burning Operation - Use of furnace, boiler, device or mechanism used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

11. Fugitive Dust - Solid airborne particulate matter emitted at or near ground level from any source other than a flue.

12. Garbage - Animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

13. Hazardous Air Pollutant - Those pollutants which are the subject of National Emission Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency by publication in the Federal Register.

14. Incinerator - Means an engineered apparatus and all appurtenances thereto, designed to reduce combustible solid, semi-solid, liquid, or gaseous waste by high temperature burning.

15. Mass Emission Rate - The weight discharged per unit of time.

16. Opacity - The degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

17. Open Burning - Any fire or smoke-producing process which is not conducted in any boiler plant, furnace, high-temperature processing unit, incinerator or flare, or in any other such equipment primarily designed for the combustion of fuel or waste material.

18. Particulate Matter - Any materials, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

19. Process Industry - Any source engaged in the manufacture, processing, handling, treatment, forming, storing or any other action upon materials except fuel-burning operations.

20. Process Weight - The total weight of all materials introduced into a source operation, including air and water where these materials become an integral part of the product, and solids used as fuels but excluding liquids and gases used solely as fuels.

21. Process Weight Rate - A rate established as follows:

(a) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch unit operations, or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

22. Refuse - Garbage, rubbish and/or trade waste.

23. Ringelmann Chart - The chart published and described in the U.S. Bureau of Mines Information Circular 7718, on which is illustrated graduated shades of gray to black for use in estimating the light obscuring capacity of smoke.

24. Rubbish - Solid wastes from residences and dwellings, commercial establishments, and institutions.

25. Salvage Operations - Any operation of a business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers, drums or automobiles.

26. Smoke - Small gas-borne and airborne particles arising from a process of combustion in sufficient number to be observable by a person of normal vision under normal conditions.

27. Solid Fuel - A fuel which is fired as a solid such as coal, lignite and wood.

28. Stack - Any flue, conduit, duct, chimney, or opening arranged to conduct an effluent into the open air.

29. Stack Height - The vertical distance measured in feet between the point of discharge from the stack or chimney into the outdoor atmosphere and the elevation of the land thereunder.

30. Standard Conditions - 760 millimeters of mercury at 25° Centigrade.

31. Trade Waste - All solid, liquid or gaseous material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals and cinders.

SECTION II - PERMIT REQUIREMENTS

A. Construction Permit

Any person who plans to construct, alter or add to a source of air contaminants, including the installation of any device for the control of air contaminant discharges, shall first obtain a construction permit from the Department. The Department may grant permission to proceed with minor alterations or additions without issuance of a permit when the Department determines that the alteration or addition will not affect the quantity or character of the source emission.

B. Operating Permit

Any person who plans to place into operation a new source of air contaminants, including any device for the control of air contaminant discharges, shall first obtain an operating permit from the Department. Any person who plans to continue operation of any existing source for which he possesses a valid operating permit shall renew such permit prior to expiration. Operating permits will be issued for a specified period of time, but in no case to exceed five (5) years. The Department may issue temporary permits to newly constructed, enlarged or altered sources to provide additional time for adequate evaluation of such sources and to existing sources not presently in compliance with these regulations and standards if acceptable compliance schedules are placed as conditions of the permit.

C. Permit Application

1. Construction permit applications shall be prepared and submitted by a professional engineer registered to practice in the State of South Carolina and shall provide, as a minimum, the following information:

   a. The name and location of the facility and its planned operating schedules;

   b. Sufficient description, including physical and chemical properties, of materials and processes necessary for the Department to determine actual and potential emissions;

   c. Identification of all emission points;

   d. A description, including physical and chemical properties of all emissions;

   e. A complete description including engineering design and operating characteristics of any air pollution control device or system that is to be installed; and

   f. Other information as may be necessary for proper evaluation of the proposed source as determined by the Department.

2. Operating permit applications shall be submitted to the Department no later than fifteen (15) days prior to placing any new, increased or altered source into operation and no later than sixty (60) days prior to the expiration date for a source already possessing a valid operating permit.

D. Special Permit Conditions

All permits shall contain, in addition to such special conditions as the Department finds appropriate, the following standard conditions:

1. No applicable law, regulation or standard will be contravened;

2. All official correspondence, plans, permit application forms and written statements are an integral part of the permit; and

3. Any malfunction of air pollution control equipment or system, process upset or other equipment failure which results in greater discharges of air contaminants than were described for normal operation in the permit application shall be reported to the Department within twenty-four hours after the beginning of the occurrence and a written report submitted to the Department within 30 days. The written report shall include, as a minimum, the following:

   a. The identity of the stack and/or other emission point where the excess emissions occurred;

   b. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

   c. The time and duration of the excess emissions;

   d. The identity of the equipment causing the excess emission;

e. The nature and cause of such excess emissions;

f. The steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction;

g. The steps taken to limit the excess emissions; and

h. Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

E. Exemptions

1. No permits shall be required for the following sources constructed prior to February 11, 1971:

a. Natural gas boilers;

b. Oil fired boilers of 50,000,000 BTU/HR rated capacity or smaller; and

c. Coal fired boilers of 20,000,000 BTU/HR rated capacity or smaller.

2. No permits shall be required for the following sources:

a. Boilers and space heating systems of less than 1,500,000 BTU/HR rated capacity;

b. Comfort air conditioning or ventilation systems;

c. Motor vehicles;

d. Laboratory hoods;

e. Emergency power generators of less than 150 KW rated capacity; and

f. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these. When such sources are found to be in violation of the visible emission standards, the Department may require operating permits to assure compliance with the standards.

3. Package-type incinerators of 750 pounds per hour rated capacity or smaller which burn types 0 and 1 wastes as defined by the Incinerator Institute of America and package-type boilers of 100,000,000 BTU/HR rated capacity or smaller which burn natural gas or oil as fuel are exempt from the requirement that the construction permit applications be prepared and submitted by a registered professional engineer provided the proposed unit is identical to a proto-type model which has been previously designed or otherwise certified by a professional engineer.

REGULATION NO. 62.2

PROHIBITION OF OPEN BURNING

Open burning may be conducted in certain situations if no undesirable levels are or will be created. The authority to conduct open burning under this Regulation does not exempt or excuse the person responsible for the burning from the consequences of or the damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Regulation. The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated below, whenever in the judgement of the Department such is necessary to realize the purpose of this Regulation. Open burning is prohibited except as provided below:

A. Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences or dwellings of four families or less, and burned on those premises.

B. Open burning in connection with the preparation of food for immediate consumption.

C. Campfires and fires used solely for recreational purposes or for ceremonial occasions.

D. Fires purposely set to forest lands for specific management practices in accordance with guidelines acceptable to the Department. Such practices shall include:

1. Prescribed burning under existing standards for various management objectives and

2. Site preparation burning for purposes of clearing an area for regeneration.

E. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes in accordance with practices acceptable to the Department of Health and Environmental Control.

F. Open burning of trees, brush, grass and other vegetable matter for game management purposes in accordance with practices acceptable to the Department of Health and Environmental Control.

G. Open burning in other than predominantly residential area for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following conditions are met:

1. Prevailing winds at the time of the burning are away from any city or town, the ambient air of which may be significantly affected by smoke from the burning;

2. The location of the burning is at least one thousand (1,000) feet from all residential, commercial and industrial facilities other than a dwelling or structure located on the property on which the burning is conducted;

3. The amount of dirt on the material being burned is minimized;

4. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produces smoke in excess of forty (40) percent opacity are not a part of the material burned;

5. The initial burning may be commenced only between the hours of 9:00 a.m. and 3:00 p.m.; no combustible material is added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day;

6. No more than one pile 60' x 60' or equivalent will be burned within a six-acre area at one time;

7. In the case of land clearing, all salvageable timber and pulpwood must be removed; and

8. A written report or warning to a person of a violation at one site shall be considered adequate notice of the Regulation and subsequent observed violations at the same or different site will result in immediate appropriate legal action by the Board.

H. Fires set for the purposes of training public fire-fighting personnel when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills for the training of industrial fire-fighting personnel. These will be exempt only if the drills are solely for the purpose of fire-fighting training and the duration of the burning held to the minimum required for such purposes.

I. Open burning of rubbish and garbage on the premises of and originating from private residences or dwellings of four families or less where services for the disposal of such materials are not available; and open burning on the property where it occurs of trade waste from building and construction operations will be exempt only if the following conditions are met:

1. The location of the burning is at least five hundred (500) feet from any dwelling located in a predominantly residential area other than a dwelling or structure located on the property on which the burning is conducted;

2. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any other trade waste which produce amounts of smoke in excess of forty (40) percent opacity are not burned; and

3. The initial burning is commenced only between the hours of 9:00 a.m. and 3:00 p.m.; no additional fuel shall be added before 9:00 a.m. of the following day.

J. Open burning, in remote or specified areas:

1. Of such trade waste as constitutes rubbish as defined in this Regulation provided smoke in excess of forty (40) percent opacity is not emitted except for a reasonable period to get the fire started, and the burning is conducted in accordance with Paragraph G of this regulation.

2. Of highly explosive or other dangerous material for which there is no other feasible method of disposal.

3. For non-recurring unusual circumstances.

4. For experimental burning for purposes of data gathering and research.

However, a written permit for these types of burning (in subparagraph J above) must be obtained in advance from the Department.

REGULATION NO. 62.3

AIR POLLUTION EPISODES

SECTION I - EPISODE CRITERIA

Conditions justifying the proclamation of any stage of an air pollution episode shall be deemed to exist whenever the Commissioner determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to substantial threat to the health of persons. The appropriate episode stage will be declared on a regional basis, as dictated by air quality monitoring. Adverse air quality need not be regionwide to trigger control actions; the appropriate episode stage will be declared for an entire Air Quality Control Region when any monitoring site within the region records ambient air quality in excess of that designated in the criteria. In making this determination, the Commissioner will be guided by the criteria listed below:

1. FORECAST - This level will normally be activated when an Air Stagnation Advisory (ASA) is issued for any part of South Carolina by the Columbia Forecast Office of the National Weather Service. If continuous air monitoring equipment indicates an upward trend in pollutant concentrations, the Commissioner may request that the National Weather Service issue an ASA, even though meteorological factors do not appear critical. In the absence of an ASA, the Commissioner may, at his discretion, declare this level when it is in the best interest of public health and welfare.

2. WATCH - This level will be activated when continuous air quality monitoring indicates that one of the following pollutant concentrations has been reached:

   SO_2 - 400 ug/m^3 (0.15 p.p.m.), 24-hour average;
   Particulate - 375 ug/m^3, 24-hour average;
   SO_2 and particulate combined - Product of SO_2 ug/m^3, 24-hour average, and particulate ug/m^3, 24-hour average equal to 49 x 10^3;
   O_3 (Oxidant) - 200 ug/m^3 (0.1 p.p.m.), 1-hour average (Metropolitan Charlotte AQCR only);

   and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of oxidants, the situation is likely to recur within the next 24 hours unless control actions are taken.

3. ALERT - This level indicates that air quality is continuing to deteriorate and that additional control actions are necessary. An alert will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

   SO_2 - 800 ug/m^3 (0.3 p.p.m.), 24-hour average;
   Particulate - 500 ug/m^3, 24-hour average;
   SO_2 and particulate combined - product of SO_2 ug/m^3, 24-hour average and particulate ug/m^3, 24-hour average equal to 229 x 10^3;
   O_3 (Oxidant) - 800 ug/m^3 (0.4 p.p.m.), 1-hour average (Metropolitan Charlotte AQCR only);

   and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of oxidants, the situation is likely to recur within the next 24 hours unless control actions are taken.

4. EMERGENCY - The primary objective of this plan is to prevent this level from ever being reached; however, should this level be reached the most stringent control actions are necessary. An emergency will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

   SO_2 - 1600 ug/m^3 (0.6 p.p.m.), 24-hour average;
   Particulate - 750 ug/m^3, 24-hour average;
   SO_2 and particulate combined - product of SO_2 ug/m^3, 24-hour average and particulate ug/m^3, 24-hour average equal to 425 x 10^3;
   O_3 (Oxidant) - 1000 ug/m^3 (0.5 p.p.m.), 1-hour average (Metropolitan Charlotte AQCR only);

   and meteorological conditions are such that this condition can be expected to continue for twelve (12) hours or more, or increase, or in the case of oxidants, the situation is likely to recur within the next 24 hours unless control actions are taken.

5. TERMINATION - Once delcared, any level reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower level will be assumed.

SECTION II - EMISSION REDUCTION REQUIREMENTS

Persons responsible for the operation of a source of air pollutants as listed in Tables 1, 2 and 3 below are required to plan for and may be required to implement emission reduction as indicated.

TABLE 1 - EMISSION REDUCTION PLANS
WATCH LEVEL

PART A. GENERAL

When a Watch Level is declared, the following voluntary actions will be requested:

1. There should be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste should be limited to the hours between 12 noon and 4 p.m.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing should perform such operations between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles should eliminate all unnecessary operations.

PART B. SOURCE CURTAILMENT

Persons responsible for the operation of a source of air pollutants listed below shall be advised of existing conditions and be advised to review their emission reduction plans:

1. Coal or oil-fired electric power generating facilities.

2. Coal or oil-fired process steam generating facilities.

3. Manufacturing industries of the following classifications:

Primary Metals Industry	Mineral Processing Industries
Petroleum Refining Operations	Paper and Allied Products
Chemical Industries	Grain Industry

TABLE 2 - EMISSION REDUCTION PLANS
ALERT LEVEL

PART A. GENERAL

Upon declaration of an Alert Level the following will apply:

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles are requested to reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

PART B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level to include the following:

1. Coal or oil-fired electric power generating facilities:

   a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

   b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

   c. Maximum reduction by diverting electric power generation to facilities outside of Alert Area.

2. Coal and Oil-fired process steam generating facilities:

   a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.

   b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

   c. Making ready for use a plan of action to be taken if an emergency develops.

3. Manufacturing industries including petroleum refining, chemical, primary metals, glass, paper and allied products which require considerable lead time for shut-down:

   a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations.

   b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or any malodorous substances.

   c. Maximum reduction of heat load demands for processing.

   d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

4. Manufacturing industries including primary metals, chemical, mineral processing and grain which require relatively short lead times for shut-down:

   a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

   b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances.

   c. Maximum utilization of heat load demands for processing.

   d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE 3 - EMISSION REDUCTION PLANS
EMERGENCY LEVEL

PART A. GENERAL

Upon declaration of Emergency Level the following will apply:

1. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form.

2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

3. All places of employment described below shall immediately cease operations:

   a. Mining and quarrying of nonmetallic minerals.

   b. All construction work except that which must proceed to avoid emergency physical harm.

   c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

   d. All wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food.

   e. All offices of local, county and State government including authorities, joint meetings and other public bodies except such agencies which are determined by the chief administrative officer of local, county, or state government,authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

   f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

   g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchangers and services; offices of insurance carriers; agents and brokers, real estate offices.

   h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

   i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

   j. Automobile repair, automobile services, garages.

   k. Establishments rendering amusement and recreational services including motion picture theaters.

   l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

PART B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level to include the following:

1. Coal or oil-fired electric power generating facilities:

   a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

   b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

   c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.

2. Coal and oil-fired process steam generating facilities:

   a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

   b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

   c, Take the action called for in the emergency plan.

3. Primary metals, petroleum refining, chemical, mineral processing, grain, paper and allied products industries shall take the following control actions:

   a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and operations to the extent possible without causing injury to persons or damage to equipment.

   b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

   c. Maximum reduction of heat load demands for processing.

   d. Maximum utilization of mid-day (12noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

REGULATION NO. 62.4

HAZARDOUS AIR POLLUTION CONDITIONS

A. Definitions

The following words and phrases when used in this regulation shall have the meanings respectively ascribed to them:

1. Hazardous Conditions (or hazardous levels) - Conditions created by the release or discharge into the ambient air of one or more air contaminants which because of the characteristic and/or quantity of material involved may pose an imminent threat to the health of anyone who might come in contact with the material through this release as well as involving substantial risk of injury, to include injury to property or plant and animal life. This includes the indirect threat to human life and property by the creation of traffic hazards.

2. Traffic Hazards - Impairment of visibility whenever the concentration of dust, fumes, condensed vapor, or any other substance is such that the horizontal visibility at or near ground level is reduced to 2400 feet or less.

B. General

The owner or operator of any source, in addition to complying with all applicable regulations and standards, shall take all steps necessary to protect human health and welfare and otherwise minimize the effects of unintended, short-term or other releases of air contaminants and other substances which produce unintended hazardous conditions.

C. Traffic Hazards

The emission of smoke, dust, fumes, condensed vapor, or any other substance which creates a traffic hazard on public roads by impairment of visibility, or intensifies an existing condition to the extent that a traffic hazard is created is prohibited.

D. Emergency Actions

In the event that releases of dust, fumes, smoke, gases, mists, vapors or other substances occur in such quantity as to create imminently hazardous levels, the owner or operator of the source shall take all necessary emergency acts to cause the release to cease, to notify nearby residents and occupants, to assist in evacuation if deemed necessary, to notify the Department immediately and to take such other action as responsible officials deem advisable.

E. Cleanup

If releases to the atmosphere of air contaminants result from spillage and cause such concentrations as to produce an imminently hazardous level, clean up activities shall begin as soon as possible and shall be completed to the satisfaction of the Commissioner.

F. Notification

The affected public, the Department, the South Carolina Disaster Preparedness Agency, and all law enforcement officials having jurisdiction shall be notified promptly by the owner or operator of the source in the event of releases of material which may cause imminently hazardous levels. If traffic hazards are created, notification shall be made to appropriate state or local agencies of the possible existence of such a condition and of the corresponding need for posting of appropriate signs, warning devices or flagmen. When the concentrations of materials are reduced sufficiently as to no longer present an imminent hazard, public announcement will be made, and normal operations may resume.

REGULATION 62.5

AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 1
EMISSIONS FROM FUEL BURNING OPERATIONS

SECTION I - VISIBLE EMISSIONS

A. Existing Sources

No one shall discharge to the ambient air from any existing source constructed prior to February 11, 1971, smoke which exceeds an opacity of forty (40) percent. For a total of six (6) minutes in one hour or twenty-four (24) minutes in a twenty-four (24) hour period, forty (40) percent opacity may be exceeded for soot blowing; but shall in no case exceed an opacity of sixty (60) percent.

B. New Sources

No one shall discharge to the ambient air from any source constructed on or after February 11, 1971, smoke which exceeds an opacity of twenty (20) percent. For a total of six (6) minutes in one hour or twenty-four (24) minutes in a twenty-four (24) hour period, twenty (20) percent opacity may be exceeded for soot blowing; but shall in no case exceed an opacity of sixty (60) percent.

C. Special Provisions

Allowances may be granted for visible emissions in excess of that permitted in Paragraphs A and B above which occur during periods of start-up and shut-down of fuel burning equipment. As a conditional requirement the owner or operator shall maintain a current record of the time, magnitude, duration and any other information necessary to prove that these excess emissions were a result of a start-up or shut-down operation. These records shall be made available to the Department upon request. Different soot blowing provisions for a single stack serving multiple boilers may be allowed as conditions of the operating permit.

SECTION II - PARTICULATE EMISSIONS

A. Allowable Discharge

The allowable discharge of particulate matter resulting from fuel burning operations shall be limited to the values obtained by use of Figure 1 and/or Part B. (For the purpose of determining heat input, total equipment capacity refers to total equipment capacity discharging through each stack. If a boiler has more than one (1) stack the total rated capacity will be the boiler rated capacity discharging to these stacks). Interpolation of Figure 1 for fuel burning operations of 1300 million BTU per hour heat input and larger shall be accomplished by use of the equation:

$$E = 57.84\ P^{-0.637}$$

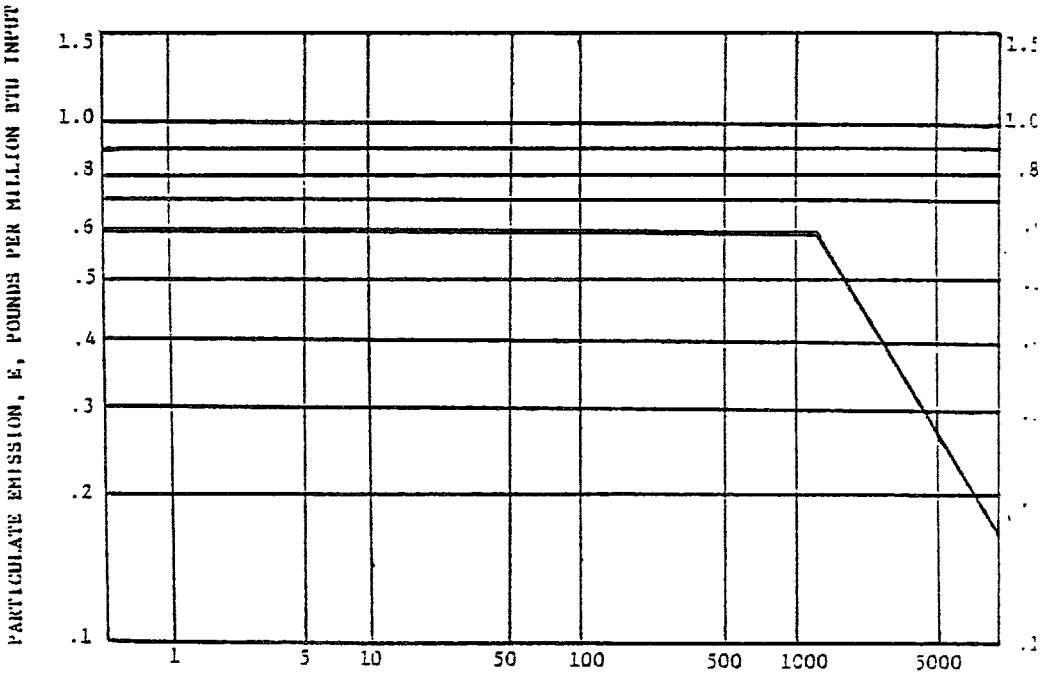
where E = the allowable emission rate in pounds per million BTU heat input,

and P = million BTU heat input per hour

B. Special Provisions

All fuel burning operations of 10 million BTU per hour heat input and smaller constructed prior to February 11, 1971 shall be allowed 0.8 pounds per million BTU input.

Figure 1



SECTION III - SULFUR DIOXIDE EMISSIONS

A. General

The maximum allowable discharge of sulfur dioxide (SO_2) from fuel burning operations shall be in accordance with a system of priorities as specified hereinafter in paragraph B. The classifications shall be delineated on a county basis. The maximum allowable discharge for the various classes is specified in paragraph C of this Section.

B. Classifications

1. The class into which a given county falls has been determined by mathematical atmospheric diffusion models and other methods which evaluate those factors which necessitates limits on sulfur dioxide emissions. These factors included but were not limited to: (1) total sulfur dioxide emissions; (2) spatial distribution of sulfur dioxide sources; (3) effects of single, large sources; (4) existing, measured air quality; (5) topographical features of the county; (6) contributions to background levels due to sources outside the county being considered; (7) population density.

2. The assigned classifications will be reviewed periodically at intervals not to exceed three years, and changes will be made as required. When a county is assigned to a more restrictive class, individual compliance schedules will be established in such a way that reasonable time will be allowed for the sources to make necessary changes in equipment and/or fuel contracts.

3. The following classifications are assigned:

Class I - Charleston County

Class II - Aiken County - Anderson County

Class III - All others

C. Allowable Discharges

Sulfur dioxide emissions from fuel burning sources located in various counties will not exceed the following limits:

1. Counties in Class I

Rated Source Size	Maximum Allowable Emissions (lb SO_2/ million BTU Input)
Up to and including 10 million BTU/hr	3.5
Greater than 10 million BTU/hr	2.3

2. Counties in Class II

Rated Source Size	Maximum Allowable Emissions (lb SO_2/million BTU Input)
Up to 1000 million BTU/hr	3.5
1000 million BTU/hr and larger	2.3

3. Counties in Class III

Rated Source Size	Maximum Allowable Emissions (lb SO_2/million BTU Input)
All	3.5

D. Special Provisions

If it can be demonstrated to the satisfaction of the Board that ambient air standards will not be contravened by a source, alone or in combination with other sources, a greater allowance for sulfur dioxide discharges may be made on a case by case(s) basis.

SECTION IV - MONITORING REQUIREMENTS

A. Applicable Sources

The owner or operator of any fossil fuel-fired steam generator of more than 250 million BTU per hour heat input capacity shall install, calibrate, operate, and maintain no later than June 14, 1978, continuous monitoring system(s) for the measurement of opacity which meets the performance specifications of Paragraph E of this Section except where:

1. Gaseous fuel is the only fuel burned;

2. Oil or a mixture of gas and oil are the only fuels burned and the steam generator is able to comply with the provisions of Sections I and II of this Standard without utilization of particulate matter collection equipment, and where the steam generator has never been found, through any administrative or judicial proceedings,to be in violation of Section I of this Standard.

3. The steam generator operates with an annual average capacity factor of 30 percent or less, as reported to the Federal Power Commission for calendar year 1974 or otherwise adequately demonstrated to the Department; and has not subsequently increased this factor to more than 30 percent; or

4. The steam generator is scheduled for retirement on or before October 6, 1980, and provided adequate evidence and guarantees are submitted to the Department which clearly show that the generator will cease operations no later than this date.

B. Time Extensions

Reasonable extensions of time beyond June 14, 1978 may be granted if the owner or operator demonstrates that good faith efforts have been made to obtain and install such systems by this date.

C. Reporting Requirements

The owner or operator of any steam generator subject to the provisions of Paragraph A of this Section shall submit a written report to the Department at least quarterly, or more often if requested. This report shall include, as a minimum, all integrated six minute opacity measurements for the periods during which the applicable provisions of Section I have been exceeded; the date and time identifying each period during which the monitoring system was inoperative, except for zero and span checks; the nature of monitoring system repairs or adjustments; and proof of opacity monitoring system performance whenever system repairs or adjustments have been made. During periods when no excess opacity measurements are recorded and the monitoring system(s) have not been inoperative, repaired or adjusted, the report shall include information to this effect. Alternate data reporting procedures may be allowed if the owner or operator shows, to the satisfaction of the Department, that these procedures are at least as accurate as those described. The owner or operator shall maintain a file of all information contained in the quarterly reports; calibration data for the opacity monitoring system(s); relevant records of adjustments and maintenance performed on such system(s); and all other data collected by the continuous opacity monitoring system(s) for a minimum of two years from the date of submission of such reports or collection of such data.

D. Exemption from Reporting Requirements

A temporary exemption from the opacity monitoring and reporting requirements of this Section may be granted during any period of monitoring system(s) malfunction, provided the owner or operator shows, to the satisfaction of the Department, that the malfunction was unavoidable and is being repaired as expeditiously as possible.

E. Equipment Performance Specifications

The continuous opacity monitoring system(s) required by Paragraph A of this Section shall conform with the performance specifications set forth in 40 CFR, Part 60, Appendix B, Performance Specification 1 which is incorporated by reference as a part of this Standard except that where the term "Administrator" is used the term "Department" shall be substituted. In addition, the opacity monitoring system(s) shall complete a minimum of one cycle of operation for each successive 10-second period; be installed such that representative measurements of opacity from the affected steam generator are obtained; and have an instrument span of approximately 80 percent opacity. Any owner or operator who has purchased opacity monitoring system(s) prior to September 11, 1974, shall be exempt from meeting such test procedures prescribed in 40 CFR, Part 60, Appendix B, Performance Specification 1 until December 14, 1981.

The owner or operator shall record the zero and span drift in accordance with method prescribed by the manufacturer of such opacity monitoring system(s); subject the system(s) to the manufacturer's recommended zero and span check at least once daily unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; adjust the zero and span whenever the 24-hour zero drift or 24-hour calibration drift limits of 40 CFR, Part 60, Appendix B, Performance Specification 1 are exceeded; adjust the opacity monitoring system(s) purchased prior to September 11, 1974 whenever the 24-hour zero drift or 24-hour calibration drift exceeds 4 percent opacity for those generators constructed prior to February 11, 1971 and 2 percent opacity for those generators constructed after February 11, 1971.

F. Monitor Location

When the effluents from two or more affected steam generators of similar design and operating characteristics are combined before being released to the atmosphere, the opacity monitoring system(s) shall be installed on the combined effluent. When the affected steam generators are not of similar design and operating characteristics, or when the effluent from one affected steam generator is released to the atmosphere through more than one point, the owner or operator shall apply for an alternate procedure to comply with the requirements of this Section.

G. Exemptions from Monitoring Requirements

Whenever the requirements for continuous opacity monitoring cannot be implemented by the owner or operator due to physical plant limitations, extreme economic burden, or infrequent steam generator operation of less than 30 days per year, or when the specified monitoring procedure would not provide accurate opacity determinations, alternate monitoring and reporting requirements may be approved on a case-by-case basis provided the owner or operator submits a written request to the Department which includes, but not limited to:

1. The basis or reason(s) that alternate requirements are necessary;

2. A proposal of the alternate monitoring and reporting requirements; and

3. Any other information needed by the Department to make a determination that the alternate requirements are adequate to meet the intent of this Section.

SECTION V - EXEMPTIONS

Residences or dwellings of four families or less and ocean-going vessels actually engaged in the physical process of national or international trade or defense shall be exempt from the provisions of this Standard.

STANDARD NO. 2

AMBIENT AIR QUALITY STANDARDS

The following table constitutes the ambient air quality standards for the State of South Carolina. The analytical methods to be used will be those applicable Federal Reference Methods published in 40 CFR 51, Appendices A-F. In the case of fluorides either the double paper tape sampler methods (ASTMD-3266-73T) or the

sodium bicarbonate-coated glass tube and particulate filter method (ASTM-3268-73T) may be used.

POLLUTANT	MEASURING INTERVAL	MICROGRAMS/CUBIC METER* **
Sulfur Dioxide	3 hour	1300****
	24 hours	365****
	annual	80
Suspended Particulates	24 hours	250
	annual G.M.***	60
Carbon Monoxide	1 hour	40,000
	8 hour	10,000
Photochemical Oxidant	1 hour	160
Non-methane hydrocarbons	3 hour	160
Gaseous Fluorides	12 hr. avg.	3.7
(as HF)	24 hr. avg.	2.9
	1 wk. avg.	1.6
	1 mo. avg.	0.8
Nitrogen Dioxide	annual	100

* Arithmetic Average except in case of suspended particulates
** At 25° C and 760 mm Hg.
*** Geometric Mean
**** Not to be exceeded more than once a year

STANDARD NO. 3
EMISSIONS FROM INCINERATORS

All incinerators shall operate within the following minimum emission limitations:

A. Particulates in the flue gas discharged into the atmosphere shall not exceed 0.5 pounds per million BTU of heat input to the incinerator, excluding auxiliary fuel.

B. Emissions shall not produce smoke which exceeds twenty(20) percent opacity for an aggregate of more than three (3) minutes in any one hour or fifteen (15) minutes in a twenty-four hour period.

C. Odors from the incinerator shall be reduced to such a level as not to create an undesirable level.

D. Emissions shall not contain individual particles which are sufficiently large as to be visible as individual particles at the emission point or are of such size and nature as to be visible individually as incandescent particles. This requirement shall only apply if such particles fall on real property other than that of the person responsible for the emission.

STANDARD NO. 4

EMISSIONS FROM PROCESS INDUSTRIES

SECTION I - SULFURIC ACID MANUFACTURING PLANTS

The rate of emission of sulfur dioxide from sulfuric acid manufacturing plants shall be limited to no more than 4 pounds of sulfur dioxide per ton of 100% sulfuric acid produced.

SECTION II - PULP AND PAPER MANUFACTURING PLANTS

The rate of particulate emission from pulp and paper manufacturing plants shall be limited to the following:

	Maximum allowable emission of particulates in pounds/equivalent ton of air dried, unbleached pulp produced.
Recovery Furnace Stack.....	2.75
Dissolving Tank Vents.....	1.0
Lime Kiln Stack.....	1.0

SECTION III- PORTLAND CEMENT MANUFACTURING PLANTS

The rate of emission of particulate matter from Portland cement plants shall be limited to the following:

Production Rate Per Kiln (Tons per Hour)	Maximum Allowable Emissions of Particulate Matter Per Kiln (Pounds per Hour)
10	14
15	18
20	22
25	25
30	29
50	40
60	42
80	45
100	47
120	48

SECTION IV - COTTON GINS

The particulate emission from a cotton ginning operation shall be limited to the maximum rate specified in the table below for the process rate allocated to such process.

Production Rate (Output) (Bales* per Hour)	Maximum Allowable Rate of Particulate (Pounds per Hour)
4	12.3
5	14.4
6	16.2
7	18.0
8	19.5
9	21.2
10	22.8
11	24.2
12	25.8
13	27.1
14	28.5
15	29.9
16 and above	31.2

*For the purpose of this standard a bale is defined as a finished bale weighing 500 pounds.

SECTION V - HOT MIX ASPHALT PLANTS

A. The rate of emission of particulate matter from hot mix asphalt plants shall be limited to the following:

Aggregate Process Weight (Tons per Hour)	Maximum Allowable Emission Rate (Pounds per Hour)
20	22
50	31
100	38
150	45
200	51
250	56
300	61
350 and above	65

B. All hot mix asphalt plants shall be equipped with a fugitive dust control system which shall be operated and maintained in such a manner as to reduce to a minimum the emission of particulate matter from any point other than the stack outlet.

SECTION VI - OTHER PROCESS INDUSTRIES

A. The particulate emissions from all other process industries shall be limited to the rate specified in Table A for the process weight rate allocated to such process, and modified using the effect factors of Table B.

B. Interpolation of the data in this table for process weights up to 30 tons per hour shall be accomplished by use of the equation:

$$E = 4.10\ P^{0.67}$$

and interpolation and extrapolation of the data for process weight rates greater than 30 tons per hour shall be accomplished by using the equation:

$$E = 55.0\ P^{0.11} - 40$$

where E = the allowable emission rate in pounds per hour,
and P = process weight rate in tons per hour.

TABLE A

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

PROCESS WEIGHT RATE (Tons/Hour)	RATE OF EMISSION (Pounds/Hour)	PROCESS WEIGHT RATE (Tons/Hour)	RATE OF EMISSION (Pounds/Hour)
0.05	0.551	8	16.5
0.10	0.877	9	17.9
0.20	1.40	10	19.2
0.30	1.83	15	25.2
0.40	2.22	20	30.5
0.50	2.58	25	35.4
0.75	3.38	30	40.0
1.00	4.10	35	41.3
1.25	4.75	40	42.5
1.50	5.38	45	43.6
1.75	5.96	50	44.6
2.00	6.52	60	46.3
2.50	7.58	70	47.8
3.00	8.56	80	49.0
3.50	9.49	100	51.2
4.00	10.4	500	69.0
4.50	11.2	1000	77.6
5.00	12.0	3000	92.7

TABLE B

EFFECT FACTOR FOR PARTICULATE EMISSIONS*

(TO BE USED WITH STANDARD 4 - SECTION VI)

MATERIAL	EFFECT FACTOR
a. All materials not specifically listed hereunder	1.0
b. Elements and their compounds on the basis of the element contained therein**	none assigned
c. Specific Materials:	
Acid Mists	0.25

* The Board will make additions to this table as required from time to time to preserve public health and property in South Carolina.

** When a material contains two or more elements, the effect factor of the element having the lowest effect factor shall apply.

SECTION VII - NON-ENCLOSED OPERATIONS

A. All non-enclosed sources shall be operated in such a manner that a minimum of particulate matter becomes airborne. In no case shall established ambient air quality standards be exceeded at or beyond the property line.

B. The owner or operator of all sources shall maintain dust control of the premises and access roads by paving, oil treatment or other suitable measures.

C. All crushing, drying, classification and like operations shall employ a suitable control device acceptable to the Department, and shall discharge no more particulate matter than that specified in Section VI of this Standard.

throw, drain, run, allow to seep or otherwise discharge into any of the waters of the State organic or inorganic matter that shall cause or tend to cause a condition of Pollution".

Section IV. Non Burnable Waste. Selected materials including cinders and fly ash, plaster, bricks, tile, crockery, native inorganic material and concrete may be used as fill to reclaim marginal land provided: (Guideline SCPCA-SWG-1 applies to this section.)

A. a permit is obtained in accordance with Section II of this regulation;

B. precautions are taken to prevent harborage and/or breeding of vectors and rodents;

C. the area being filled does not detract from the surrounding environment.

APPLICATION FOR PERMIT TO RECLAIM MARGINAL LAND SHALL BE SIGNED BY AN APPROPRIATE COMPANY OFFICIAL.

Section V. Cellulosic Materials. Cellulosic materials including chipped wood wastes, bark, sawdust and wood shavings may be spread and mixed or covered with earth provided: (Guideline SCPCA-SWG-3 applies to this section.)

A. adequate provisions are taken to prevent accidental fires or spontaneous combustion;

B. a permit is obtained in accordance with Section II of this regulation.

APPLICATION FOR PERMIT TO RECYCLE CELLULOSIC MATERIALS TO THE EARTH SHALL BE SIGNED BY AN APPROPRIATE COMPANY OFFICIAL.

Section VI. Waste Sludge and Slurries. Disposal of waste sludge and slurries shall be done with special consideration of air and water pollution, and the health and safety of employees. Provisions acceptable to the Pollution Control Authority shall be made for the handling of these waste materials on a case by case basis.

THE DISPOSAL FACILITY SHALL BE DESIGNED BY AN ENGINEER DULY LICENSED AND REGISTERED UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA.

Section VII. Hazardous Waste. Material which exhibit a hazard[1] greater than Hazard Grade 3 to any life form shall be considered to be a hazardous waste. Likewise, materials which exhibit an open cup flash point temperature or ignition temperature below 175° F., alone or in combustible organic matter, shall be deemed a hazardous waste for the purposes of this regulation. Such wastes shall be evaluated individually and appropriate provisions for disposal shall be made. Handling and disposal methods shall be approved by the Pollution Control Authority. Such material may include, but not be limited to: insecticides and insecticide containers, herbicides and herbicide containers, solvents, heavy metals, infectious wastes, dyes, explosives and certain industrial chemical precipitates. (Guideline SCPCA-SWG-2 applies to this section.)

THE DISPOSAL FACILITY SHALL BE DESIGNED BY AN ENGINEER DULY LICENSED AND REGISTERED UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA.

Section VIII. Putrescible Waste. Land disposal of industrial solid waste which does not qualify as inert material shall meet the requirements of Pollution Control—Solid Waste Regulation I (available upon request). Regulation requiring minimum standards for sanitary landfill design, construction and operation.

THE DISPOSAL FACILITY SHALL BE DESIGNED BY AN ENGINEER DULY LICENSED AND REGISTERED UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA.

Section IX. Alternative Disposal Methods. The following disposal methods are acceptable for use in South Carolina under the conditions described.

A. Land Disposal for Miscellaneous Inert Industrial Solid Waste

Land disposal of inert industrial solid waste, excluding specific hazardous waste is an acceptable method of disposal provided:

1. The disposal location site shall:

a. be easily accessible to collection vehicle(s);

b. have an adequate quantity of acceptable earth or other approved cover;

c. conform with the surrounding environment;

d. conform with future development of the site.

2. The request for a permit to construct and/or operate a disposal site shall include:

[1] Relative hazard to health from concentrated short term exposures. (Published in "Handbook of Analytical Toxicology" 1969—The Chemical Rubber Company.) (Also published in "Manual of Hazards to Health from Chemicals," copyrighted by Union Carbide Corporation.)

1. No residual injury is to be expected from accidental exposure even if no treatment is applied.

2. Minor residual injury may result from some accidental exposures if no treatment is applied.

3. Minor residual injury may result in spite of prompt treatment.

4. Major residual injury may result in spite of prompt treatment.

5 Major residual injury is likely in spite of prompt treatment.

a. Map or aerial photograph of the area showing land use and zoning within ¼ mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, establishments, roads and other applicable details and shall indicate the general topography of the area.

b. Plot plan of the site showing dimensions, proposed trenching plan or original fill face, cover stock piles, and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet per inch.

c. A report shall accompany the plans indicating:

(1) source and characteristics of cover material;

(2) frequency of covering;

(3) degree of compaction;

(4) depth of cell(s);

(5) anticipated type, quantity and source of solid waste to be disposed of at the site;

(6) the engineering plans shall include one or more topographic maps at a scale of not over 200 feet to the inch. Contour intervals shall not exceed 10 feet. These maps shall show: any proposed fill area; any borrow area; access roads; grades for proper drainage of each lift required and a typical cross section of a lift; special drainage devices if necessary; fencing; equipment shelters; existing and proposed utilities; employee facilities; and all other pertinent information to clearly indicate the orderly development, operations and completion of the site.

3. The disposal site shall be provided with operational features and appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

a. operational plans to direct and control the use of the site;

b. fencing of the site to control access, as necessary;

c. an all-weather access road to the site.

4. In order to provide suitable staff and equipment to man and operate the site, the following is required:

a. a fully trained supervisor or foreman and fully trained equipment operator(s) as required;

b. equipment or adequate contractual arrangements for equipment sufficient for excavating, earth moving, spreading, compacting and covering operations;

c. shelter for maintenance and storage of parts, equipment and tools;

d. reserve equipment within 24 hours following equipment breakdown.

5. The site shall be maintained and operated in conformance with the following requirements:

a. solid waste shall be disposed of in such a manner that materials are confined and will have no detrimental effect on the environment;

b. surface water shall be diverted from the site;

c. within one month after final termination of disposal operations at the site, or a major part thereof, the area shall be covered with at least two feet of compacted earth material adequately sloped to allow surface water runoff;

d. all solid waste shall be covered periodically with compacted soil. The frequency and depth of covering will depend on the flammability of the waste material and other pertinent criteria as deemed applicable by the Pollution Control Authority.

e. the finished surface of the disposal site shall be seeded with native grasses or other suitable ground cover immediately upon completion of that portion of the disposal site;

f. the solid waste shall be spread and compacted in thin layers if applicable. Each layer of a cell shall normally be no more than two feet deep prior to compaction and each cell should be no more than 8–10 feet deep. The requirement for compaction will be determined by the Pollution Control Authority, which will be based on relative compactibility of the type and condition of the solid wastes to be disposed of;

g. conditions unfavorable for the habitation and production of insects and rodents shall be maintained at all times;

h. controlled access to the site must be maintained to keep unauthorized persons out. Access to the site shall be limited to those times when an attendent is on duty or only to those authorized to use the site for the disposal of solid waste.

THE DISPOSAL FACILITY SHALL BE DESIGNED BY A GEOLOGIST OR SOIL SCIENTIST OR ENGINEER DULY LICENSED AND REGISTERED UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA.

B. Incineration

Incineration of industrial solid waste under controlled burning

conditions to produce an inert ash and residue is acceptable in South Carolina provided:

a. all incinerators shall be designed and operated in a manner so as to prevent the creation of a nuisance or potential health hazard;

b. construction of an incinerator shall not be initiated prior to the approval of plans by the Air Pollution Control Division, South Carolina Pollution Control Authority;

c. the incinerator plant shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area;

d. access to the facility shall be limited to those times when authorized personnel are at the site;

e. all solid waste shall be confined to the dumping area and adequate storage facilities shall be provided;

f. all residue from the incinerator plant shall be disposed of in a manner consistent with these and other applicable State standards;

g. prior to initial operation of the incinerator, the Pollution Control Authority (Division of Air Pollution) shall be notified in order that an inspection may be made of the facility to determine conformance with the approved plans.

C. Recycling

The recycling of solid waste preserves natural resources and reduces the magnitude of land disposal. Recycling of solid waste in South Carolina is encouraged and is the preferred method when economically feasible.

ALL REGULATIONS OR PARTS OF REGULATIONS PERTAINING TO THE DISPOSAL OF SOLID WASTE, INCONSISTENT WITH THIS REGULATION, ARE HEREBY EXPRESSLY REPEALED.

Note—

Penalty—In accordance with § 48-1-320, S. C. 1976 Code of Laws and Supplement thereto:

"§ 48-1-320. VIOLATION A MISDEMEANOR: PENALTIES—Any person knowingly violating any of the provisions of this chapter, or any rule or regulation, final determination or order of the Authority shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars nor more than five thousand dollars to be imprisoned for not more than two years, or both. Each day's violation shall constitute a separate offense."

61-67. Submission of Engineering Reports and Environmental Impact Statements.

(Promulgated pursuant to § 48-1-30 of the 1976 Code; filed in the office of the Secretary of State on August 7, 1972.)

I. Introduction. The purpose of this regulation is to facilitate

Such evidence shall include the feasibility based on economics, of such a tie-in to nearby facilities; description of offers made to existing plant owners, and a letter copy rejecting subject waste by existing plant owner.

V. Requirements for the Report for Wastewater Collection and Transmission Facilities. Because of the nature of most collection systems a detailed engineering report is not usually required. A brief report, however, shall be submitted to the appropriate wastewater division, South Carolina Department of Health and Environmental Control, along with the preliminary plans for the collection system. This report shall include but not be limited to the following:

1. A description of the area, facility or establishment the proposed collection system is to serve to include the name of the facility(s), the number of connections, computations of flows, location of the facility, and owner of proposed collection system.

2. A description of the treatment facility to service the proposed collection system to include the name, location, and permit number for this system; the present hydraulic load (average flow); identification and permit numbers of other collection systems served or that are permitted to feed into the plant; and actual performance of existing treatment plant under the present loading conditions. Performance figures to include removal efficiencies for BOD and suspended solids (and other parameters of importance to subject treatment plant evaluation) as measured or as extracted from current composite plant operating records.

3. A letter, addressed to the South Carolina Department of Health and Environmental Control, prepared by the owner of the waste treatment facility agreeing to accept and provide treatment for the waste flow from the proposed collection system.

4. A description of potential problems that could be reasonably anticipated (e.g. power failure or pump shutdown in lift stations), possible health, nuisance, or hazardous conditions that may result, possible adverse effects on nearby streams, and what considerations have been given to the prevention of such problems and the protection of streams, property, and the public during critical shutdown periods.

5. An updated, overall plan of collection system(s) with each submittal (especially appropriate where phase development is being practiced).

61-68. Water Classification Standards System.

(Filed in the office of the Secretary of State on September 10, 1971.)

Section I. Definitions. The definition of any word or phrase employed in Section II, III, or IV shall be the same as given in the South Carolina Pollution Control Law. The following words or phrases which are not defined in said law shall be defined or have meanings as follows:

Source of water supply for drinking, culinary or food processing purposes shall mean any source, either public or private, the waters from which are used for domestic consumption, or used in connection with the processing of milk, beverages, food or for other purposes which require finished water meeting U. S. Public Health Service Drinking Water Standards.

Approved treatment as applying to water supplies means treatment accepted as satisfactory by the authorities responsible for exercising supervision over the sanitary quality of water supplies.

Bathing shall include swimming but shall be regarded as a best usage only for waters in which bathing is or may be expected to be subject to effective supervision and control.

Fishing shall include the propagation of fish and other aquatic life.

Agricultural shall include use of water for stock watering, irrigation, and other farm purposes.

Tidal Waters shall mean all waters whose elevation is subject to periodic changes under the influence of oceanic tides.

Tidal salt waters shall mean those tidal waters which have a chloride ion content in excess of 250 milligrams per liter (mg/L).

Underground disposal shall mean the disposal of wastes by pumping or allowing to flow by gravity into the ground in such a manner as to enter the subsurface strata of the earth. Such disposal is not to be permitted without the most careful justification. This definition does not cover the use of tile fields in connection with septic tanks, or any other type of ground waste disposal permitted under State regulatory supervision.

Controlled Discharge of wastes shall refer to the practice of holding industrial wastes, domestic sewage, or mixtures of the two, in lagoons, tanks, or other suitable containers for discharge at appropriate times. Such lagoons, tanks, or containers shall be considered waste treatment plants to be operated on permit of the Authority as specified by the Pollution Control Law and shall be operated in the manner specified by the permit.

Point of Discharge shall mean that location in or adjacent to a body of water at which any liquid, solid or gaseous substances are discharged or deposited.

Propagation shall mean the continuance of species by genera-

tion or successive production in the natural environment, as opposed to the maintenance of species by artificial culture and stocking.

Natural or Naturally Occurring Values shall mean for all of the waters of the state:

a. those water quality values which exist unaffected by—or unaffected as a consequence of—any water use by any person; or

b. those water quality values which exist unaffected by the discharge, or direct or indirect deposit of, any solid, liquid, or gaseous substance by any person.

Swamp Waters shall refer to those waters having those color and chemical characteristics found in waters which have been exposed for a substantial time to decaying vegetable matter under natural conditions. Under appropriate conditions this designation shall be applied without regard to velocity of the flow of the water.

Impoundment shall mean a manmade lake, pond or facility designed for the purpose of treating, stabilizing, neutralizing, or otherwise rendering innocuous sewage, industrial waste, or other wastes as defined in § 48-1-10 of the Pollution Control Act of 1970.

Section II. Waters whose existing quality is better than the established standards will not be lowered in quality unless and until it has been affirmatively demonstrated to the South Carolina Pollution Control Authority that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of such waters. Any industrial, public or private project or development which could constitute a new source of pollution or an increased source of pollution to high quality waters will be required by the South Carolina Pollution Control Authority as part of the initial project design to provide the highest and best degree of waste treatment practical under existing technology. In implementing the policy of this paragraph as it relates to interstate streams, the Administrator of the Environmental Protection Agency will be advised and provided with such information as he will need from time to time to protect the interests of the United States and the authority of the Administrator in maintaining high quality of interstate waters.

Section III. Rules Applicable to All Classes and Standards. The General Assembly of South Carolina in the 1970 Pollution Control Act of South Carolina has declared the following policy:

"It is declared to be the public policy of the State to maintain

reasonable standards of purity of the water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this act, the Pollution Control Authority shall have authority to abate, control and prevent pollution."

Consistent with this policy, the Pollution Control Authority of South Carolina does adopt general rules for the waters of South Carolina as follows:

1. The classes and standards set forth in Section IV are intended to protect public health and welfare by providing criteria for the streams of South Carolina which will stabilize and improve water quality in step with changes in the economy of the State and new technical developments. No permit issued hereunder, therefore, shall be interpreted as creating any vested right in any person.

2. No waters of this State shall be used for the sole or principal purpose of transporting wastes.

3. No wastes amenable to treatment or control shall be discharged into any State waters without treatment or control. All bio-degradable waste, prior to discharge into any State waters, shall receive a minimum of secondary treatment and all other wastes an equivalent degree of treatment, unless it can be demonstrated that a lesser degree of treatment or control will provide for water quality improvement consistent with present and anticipated future water uses.

4. In any case where a body of water is tributary to another body of water which is classified in a higher class, the quality of the water in the tributary shall be maintained at a level which will not cause a contravention of the higher standards of the downstream body.

5. Tests or analytical determinations to determine compliance or non-compliance with standards shall be made in accordance with methods and procedures approved by the Pollution Control Authority. (In approving methods, so far as practical and applicable, the Authority will be guided by the latest edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Waste" published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.)

6. In making any tests or analytical determinations on classified

waters to determine compliance or non-compliance with water quality standards, representative samples shall be collected at locations approved by the Pollution Control Authority.

a. Samples shall be taken from points so distributed over the area and depth of the waters being studied as to permit a realistic appraisal of such actual or potential damage to water use or aquatic life as may exist.

b. Bioassay methods may be employed in appropriate situations to determine medium tolerance limits (TLm) and/or concentration of toxic substances.

c. Temporal distribution of samples in tidal waters shall be such as to cover the full range of tidal conditions.

d. The criteria are applicable to any fresh water stream when the flow rate is equal to or greater than the minimum seven-day average flow rate that occurs with an average frequency of once in ten years.

7. General water quality criteria are established to maintain in the waters of the State a water quality sufficient for the survival and general well-being of fish and other aquatic life during period of migration and passage.

a. The waters of the State shall at all times be free from:

(1) Substances attributable to sewage, industrial waste, or other waste that will settle to form sludge deposits that are unsightly, putrescent or odorous to such degree as to create a nuisance, or that interfere directly or indirectly with water uses;

(2) Floating debris, oil, grease, scum and other floating materials attributable to sewage, industrial waste, or other waste in amounts sufficient to be unsightly to such a degree as to create a nuisance or that interfere directly or indirectly with water uses;

(3) Materials attributable to sewage, industrial waste, or other waste which produce taste, odor, or change the existing color or other physical and chemical conditions in the receiving stream to such degree as to create a nuisance, or that interfere directly or indirectly with water uses; and

(4) High-temperature, toxic, corrosive or other deleterious substances attributable to sewage, industrial waste, or other waste in concentrations or combinations which interfere directly or indirectly with water uses, or which are harmful to human, animal, plant or aquatic life.

b. These general criteria establish basic water quality requirements for all South Carolina waters and are to be implemented and enforced:

(1) For all waters for which no specific water quality standards are established;

(2) Wherever and whenever specific water quality standards are not applicable because natural flow conditions are lower than those which occur at the minimum seven-day average flow that occurs with a frequency of once in ten years;

(3) In addition to specific water quality standards as established in Section IV of these standards.

8. In any case where streams are not otherwise classified and are tributaries to a classified stream they shall meet the quality standards of the classified stream.

9. Natural waters may on occasion have characteristics outside of the limits established by the standards. The standards adopted herein relate to the condition of waters as affected by the discharge of sewage, industrial wastes or other wastes. The specified standards will not be considered violated when values outside the established limits are caused by natural conditions. Where wastes are discharged to such waters, the discharger shall not be considered a contributor to substandard conditions provided maximum treatment in compliance with permit requirements is maintained and, therefore, meeting the established limits is beyond his control.

10a. The streams or portions of streams specified below shall be considered to be upper Piedmont streams and shall not exceed a temperature of 84°F at any time, after adequate mixing of heated and normal water, as the result of the discharge of heated liquids, nor shall the water temperature after passing through an adequate zone of mixing be more than 5°F greater than that of water unaffected by the heated discharge. Provided: That the zone for mixing shall be limited to not more than 25 percent of the cross sectional area and/or volume of the flow of the stream and shall not include more than one-third of the surface area measured from shore to shore.

1. Chatooga River and tributaries.

2. That portion of Chauga River above the Hartwell Reservoir.

3. That portion of Keowee River and tributaries above Keowee Reservoir.

4. That portion of Saluda River and tributaries above Saluda Lake.

5. Those portions of South Tyger, North Tyger and Enoree Rivers and tributaries above the Southern Railroad.

6 That portion of the South Pacolet River and tributaries above Lake Bowen.

7. Those portions of Broad River and Kings Creek that are above the junction of these two streams.

b. All fresh waters of the State other than upper Piedmont waters shall not exceed a temperature of 90°F at any time, after adequate mixing of heated and normal waters as a result of heated liquids, nor shall the water temperature after passing through an adequate zone for mixing be more than 5°F greater than that of water unaffected by the heated discharge. Provided: That the zone for mixing shall be limited to not more than 25 percent of the cross sectional area and/or volume of the flow of the stream and shall not include more than one-third of the surface area measured from shore to shore.

c. The temperature of tidal waters shall not exceed 4°F above the natural temperature during the fall, winter or spring and shall not exceed 1.5°F above the natural temperature during the summer months.

d. All waters of the lakes and reservoirs of the State located on streams specified in 10a above shall not exceed a monthly average temperature of 84°F at any time, after adequate mixing of heated and normal water, as the result of the discharge of heated liquids, nor shall the monthly average water temperature after passing through an adequate zone of mixing be more than 3°F greater than that of the water unaffected by heated discharge. The size of the mixing zone will be determined on an individual project basis and will be based on normal engineering considerations and the area affected shall be kept at a minimum. The mixing zone shall not prevent free passage of fish or cause fish casualty.

e. All waters of lakes and reservoirs of the State located on streams other than upper Piedmont waters shall not exceed a monthly average temperature of 90°F at any time, after adequate mixing of heated and normal waters as a result of heated liquids, nor shall the monthly average water temperature after passing through an adequate zone for mixing be more than 3°F greater than that of water unaffected by the heated discharge. The size of the mixing zone will be determined on an individual project basis and will be based on normal engineering considerations and the area affected shall be kept to a minimum. The mixing zone shall not prevent free passage of fish or cause fish casualty.

f. Compliance with temperature standards (as specified in 10a., b., and c.) in streams below impoundments to include those which are used for cooling purposes (as judged by the PCA to be in the

public interest) shall be based on measurements in the receiving waters below the impoundment.

Section IV. Established Classes for Fresh Surface Waters and the Standards of Quality and Purity Which Shall be Applied Thereto.

Class AA. Water suitable for use for domestic and food processing purposes with disinfection and pH adjustments as the only treatment required. Suitable also for trout survival where so specified and for uses requiring water of lesser quality.

QUALITY STANDARDS FOR CLASS AA WATERS

ITEMS	SPECIFICATIONS
1. Sewage, treated waste, thermal discharges, or other waste effluents.	None.
2. Dissolved Oxygen.	Not less than 6 mg/l with a daily average of 7 mg/l.
3. Toxic wastes, deleterious substances, colored or other wastes.	None in amounts to exceed limitations set forth in the latest edition of U. S. Public Health Service Drinking Water Standards.
4. Fecal coliform.	Not to exceed 20/100 ml as a monthly arithmetic average.

Class A. Waters suitable for use as swimming waters. Suitable also for other uses requiring waters of lesser quality.

QUALITY STANDARDS FOR CLASS A WATERS

ITEMS	SPECIFICATIONS
1. Fecal coliform.	Not to exceed a geometric mean of 200/100 ml; nor shall more than 10% of the total samples during any 30 day period exceed 400/100 ml.
2. Phenolic compounds.	Not greater than 1 microgram per liter, unless caused by natural conditions.
3. pH.	Range between 6.0 and 8.0, except that swamp waters may range from pH 5.0 to pH 8.0.
4. Dissolved Oxygen.	Not less than 5 mg/l, except that swamp waters may have an average of 4 mg/l.

Class B. Waters suitable for domestic supply after complete treatment in accordance with requirements of the South Carolina State Board of Health. Suitable also for propagation of fish, industrial and agricultural uses and other uses requiring water of lesser quality.

QUALITY STANDARDS FOR CLASS B WATERS

ITEMS	SPECIFICATIONS
1. Fecal coliform.	Not to exceed a log mean of 1000/100 ml based on five consecutive samples during any 30 day period; not to exceed 2000/100 ml in more than 20% of the samples examined during such period (not applicable during or following periods of rainfall).
2. pH.	Range between 6.0 and 8.5, except that swamp waters may range from pH 5.0 to pH 8.5.
3. Dissolved Oxygen.	Daily average not less than 5 mg/l with a low of 4 mg/l, except that swamp waters may have an average of 4 mg/l.
4. Phenolic compounds.	Not greater than 1 microgram per liter unless caused by natural conditions.

Class C[1]. Waters suitable for fish survival[2], industrial and agricultural uses and other uses requiring water of lesser quality.

QUALITY STANDARDS FOR CLASS C WATERS

ITEMS	SPECIFICATIONS
1. pH.	Range between 6.0 and 8.5, except that swamp waters may range between 5.0 and 8.5.
2. Dissolved Oxygen.	Not less than 3 mg/l, except that swamp waters may have a low of 2.5 mg/l.
3. Fecal coliform.	Not to exceed a log mean of 1000/100 ml based on five consecutive samples during any 30 day period; nor to exceed 2000/100 ml in more than 20% of the samples examined during such period (not applicable during or immediately following periods of rainfall).

[1] To apply only to streams receiving waste prior to May 4, 1950, and not be applied to streams with a seven-day once in ten years occurrence flow of more than 22.5 mgd nor shall this classification be assigned to interstate streams

[2] "Fish Survival" as used in this standard means the continued existence of individual fish normally indigenous to water of this type

CLASSES AND STANDARDS FOR TIDAL SALT WATERS

Class SA. Waters suitable for shellfishing for market purposes and any other usages. Suitable also for uses requiring water of lesser quality.

QUALITY STANDARDS FOR CLASS SA WATERS

ITEMS	SPECIFICATIONS
1. Garbage, cinders, ashes, oils, sludge or other refuse.	None.
2. Sewage or waste effluents.	None which are not effectively disinfected.
3. Dissolved Oxygen.	Not less than 5 mg/l.
4. Toxic wastes, deleterious substances, colored or other wastes.	None alone or in combination with other substances or wastes in sufficient amounts as to be injurious to edible fish or shellfish or the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor, or sanitary condition thereof or impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
5. Organisms of coliform group.	Shall meet U. S. Public Health Service Standards. (1965 Revision)
6. pH.	Shall not vary more than 3/10 of a pH unit above or below that of effluent-free waters in the same geographical area having a similar total salinity, alkalinity and temperature.

Class SB. Waters suitable for bathing and any other usages

except shellfishing for market purposes. Suitable also for uses requiring water of lesser quality.

QUALITY STANDARDS FOR CLASS SB WATERS

ITEMS	SPECIFICATIONS
1. Garbage, cinders, ashes, oils, sludge or other refuse.	None.
2. Sewage or waste effluents.	None which are not effectively disinfected.
3. Dissolved Oxygen.	Not less than 5 mg/l.
4. Toxic wastes, deleterious substances, colored or other wastes.	None alone or in combination with other substances or wastes in sufficient amounts as to be injurious to edible fish or the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor, or sanitary condition thereof; to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
5. Fecal coliform.	Not to exceed a geometric mean of 200/100 ml; nor shall more than 10% of the samples in any 30 day period exceed 400/100 ml.
6. pH.	Shall not vary more than one-half of a pH unit above or below that of effluent-free waters in the same geographical area having a similar total salinity, alkalinity and temperature, but not lower than 6.75 or above 8.5.

Class SC. Waters suitable for crabbing, commercial fishing and any other usages except bathing or other shellfishing for market purposes. Suitable also for uses requiring water of lesser quality.

QUALITY STANDARDS FOR CLASS SC WATERS

ITEMS	SPECIFICATIONS
1. Fecal coliform.	Not to exceed a log mean of

	1000/100 ml based on five consecutive samples during any 30 day period; nor exceed 2000/100 ml in more than 20% of the samples examined during such period (not applicable during or immediately following period of rainfall).
2. Garbage, cinders, ashes, oils, sludge or other refuse.	None.
3. Dissolved Oxygen.	Not less than 4 mg/l.
4. Toxic wastes, oils, deleterious substances, colored or other wastes.	None alone or in combination with other substances or wastes in sufficient amounts as to be injurious to edible fish or the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor, or sanitary condition of fish or impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
5. pH.	Shall not vary more than one pH unit above or below that of effluent-free waters in the same geographical area having a similar total salinity, alkalinity and temperature but not lower than 6.75 or above 8.5.

61-69. Stream Classifications.

(Promulgated pursuant to § 48-1-60 of the 1976 Code; filed in the office of the Secretary of State on the dates indicated.)

I. Criteria For Classes: All adopted classifications must conform to the standards contained within State Water Classification Standards System as adopted by the South Carolina Pollution Control Authority on September 8, 1971 and filed with the South Carolina Secretary of State on September 10, 1971.

III. Tributary To Classified Waters: In any case where streams are not otherwise classified and are tributaries to a classified

stream they shall meet the quality standards of the classified stream.

IV. Significance Of Dates: The filing date after each classified body of water represents the date on which the adopted classification was filed with the South Carolina Secretary of State.

On file with the Secretary of State and the Pollution Control Authority are the date and place of each public hearing on stream classification and the date on which the classifications was adopted by the Pollution Control Authority.

V. Status Of Classifications: The classification for all bodies of water contained herein supersedes all previous classifications.

Allan Creek (also called Allen Creek): Spartanburg County. The entire stream tributary to Enoree River, Class B. Filed August 7, 1972.

Archer Creek: Beaufort County. That portion from Port Royal to U.S. Government Parris Island Bridge, Class SB; from the Bridge to Broad River, Class SA. Filed March 15, 1968.

Ashepoo River: Colleton County. That portion to salt water intrusion, Class B. Filed August 7, 1972; Salt water intrusion to Atlantic Ocean, Class SA. Filed November 5, 1955.

Ashley River: Dorchester and Charleston Counties. That portion to salt water intrusion, Class B. Filed September 27, 1954 and August 7, 1972; Salt water intrusion to Charleston Harbor, Class SC. Filed September 27, 1954.

Ashpole Swamp: Dillon and Marion County. The entire stream tributary to Lumber River, Class A (swamp). Filed June 8, 1956.

Back River: Berkeley County. The entire stream tributary to Cooper River, Class B. Filed September 27, 1954.

Bailey Creek: Anderson County. The entire stream tributary to Rocky River, Class B. Filed June 29, 1953.

Baker Creek: McCormick County. The entire stream tributary to Clark Hill Reservoir, Class B. Filed May 26, 1955.

Bartons Branch (Summerhouse Branch and Johnsons Swamp): Williamsburg and Georgetown Counties. The entire stream tributary to Black River, Class B (swamp). Filed August 7, 1972.

Battery Creek: Beaufort County. The entire stream tributary to Beaufort River, Class SB. Filed March 15, 1968.

Bear Creek: Newberry and Lexington Counties. The entire stream tributary to Lake Murray, Class B. Filed August 7, 1972.

Bear Creek: Lancaster County. The entire stream tributary to Cane Creek, Class B. Filed December 7, 1962.

Bear Swamp: Dillon County. The entire stream tributary to Ashpole Swamp, Class A (swamp). Filed June 8, 1956.

Beards Fork Creek: Laurens County. The entire stream tributary to Duncan Creek, Class B. Filed August 7, 1972 and March 31, 1954.

Beaufort River: Beaufort County. The entire stream tributary to Port Royal Sound, Class SB. Filed November 5, 1955.

Beaver Creek: Anderson County. The entire stream tributary to Rocky River, Class B. Filed August 7, 1972.

Beaver Creek: Kershaw County. The entire stream tributary to Wateree Lake, Class A. Filed January 18, 1957.

Beaverdam Creek: Anderson County. The entire stream tributary to Rocky River, Class B. Filed June 29, 1953.

Beaverdam Creek: Darlington and Chesterfield Counties. The entire stream tributary to Black Creek, Class A. Filed August 7, 1972.

Beaverdam Creek (also called Irene Creek): Cherokee County. The entire stream tributary to Thicketty Creek, Class B. Filed August 7, 1972.

Beaverdam Creek: Laurens County. The entire stream tributary to Enoree River, Class A. Filed October 15, 1969.

Beaverdam Creek: Marlboro County. The headwaters to the upper end of McLaurins Pond, Class B; McLaurins Mill Pond to Little Pee Dee River, Class A. Filed June 8, 1956.

Beaverdam Creek: York County. The entire stream tributary to Crowder's Creek, Class B. Filed August 7, 1972.

Bees Creek: Jasper County. The entire stream tributary to Coosawhatchie River, Class SC. Filed November 5, 1955.

Bell Swamp Creek: Dillon County. The entire stream tributary to Little Pee Dee River, Class A. Filed August 7, 1954.

Betsy Creek: Anderson County. The entire stream tributary to Beaver Creek, Class B. Filed August 7, 1972.

Big Allison Creek: York County. The entire stream tributary to Lake Wylie, Class B. Filed August 7, 1972.

Big Boggy Swamp: Darlington County. The entire stream tributary to McIntosh Mill Stream, Class A. Filed August 7, 1972.

Big Creek: Anderson County. The entire stream tributary to Saluda River, Class B. Filed August 7, 1972 and September 27, 1963.

Big Generostee Creek: Anderson County. The entire stream tributary to Savannah River, Class B. Filed August 7, 1972.

Big Pine Tree Creek: Kershaw County. Headwaters through

Hermitage Mill Canal, Class A. Filed January 18, 1957; Hermitage Mill Canal to Wateree River, Class B. Filed August 7, 1972.

Big Rock Creek: Greenwood County. The entire stream tributary to Wilson Creek, Class B. Filed October 5, 1953.

Big Swamp: Florence County. The entire stream tributary to Lynches River, Class B (swamp). Filed August 7, 1972.

Black Creek: Darlington, Chesterfield and Florence Counties. From its headwaters to S.C. 145, Class B. From S.C. 145 through Prestwood Reservoir at Hartsville, Class A (swamp); Filed June 8, 1956 From Prestwood Reservoir to U.S. 52, Class B (swamp). Filed August 7, 1972. From U.S. 52 to S.C.L. Railroad bridge east of Hartsville, Class B; from the S.C.L. Railroad bridge to its confluence with Pee Dee River, Class A. Filed January 21, 1969.

Black River: Lee, Sumter, Clarendon, Williamsburg and Georgetown Counties. From the headwaters to the confluence with Pocotaligo River, Class B (swamp); from this point to the junction with U.S. 701, Class A (swamp); from U.S. 701 to Winyah Bay, Class SB. Filed June 8, 1956.

Blue Hill Creek: Abbeville County. The entire stream tributary to Norris Creek, Class B. Filed August 7, 1972 and May 26, 1955.

Bohicket Creek: Charleston County. From its junction with North Edisto River to its junction with Church Creek, Class SA. Filed March 15, 1968.

Branch from Haile Goldmine: Lancaster County. The entire stream tributary to Lynches Creek, Class B. Filed August 7, 1972.

Brickyard Creek: Beaufort County. The entire stream tributary to Beaufort River, Class SA. Filed November 5, 1955.

Brickyard Creek: Charleston County. The entire stream tributary to Ashley River, Class SC. Filed September 27, 1954.

Broad Creek: Beaufort County. The entire stream tributary to Calibogue Sound, Class SA. Filed March 15, 1968.

Broad River (Main Stem): Cherokee, York, Union, Chester, Newberry, Fairfield and Richland Counties. The entire stream tributary to Congaree River, Class B. Filed February 24, 1953.

Broad River: Jasper and Beaufort Counties. The entire stream tributary to Port Royal Sound, Class SA. Filed November 5, 1955.

Broadmouth Creek: Abbeville and Anderson Counties. The entire stream tributary to Saluda River, Class B. Filed August 7, 1972.

Broadway Creek: Anderson County. Headwaters from Broadway Creek to backwaters of Broadway Lake, Class B; Broadway Lake to Rocky River, Class A. Filed January 27, 1956.

Browns Swamp: Marion County. The entire stream tributary to Pee Dee River Swamp, Class B (swamp). Filed August 7, 1972.

Brushy Creek: Greenville County. Headwaters northeast of Greenville to Enoree River, Class B. Filed November 7, 1956.

Brushy Creek: Greenville County. The entire stream tributary to Reedy River, Class B. Filed August 7, 1972.

Brushy Creek: Pickens County. The entire stream tributary to Saluda River, Class B. Filed August 7, 1972.

Buck Creek: Barnwell County. The entire stream tributary to Salkehatchie River, Class B. Filed August 7, 1972.

Buck Creek: Spartanburg County. The entire stream tributary to Pacolet River, Class B. Filed August 7, 1972.

Buck Swamp: Dillon, Marion and Marlboro Counties. The entire stream tributary to Little Pee Dee River, Class B (swamp). Filed August 7, 1972.

Buffalo Creek: Cherokee County. The entire stream tributary to Broad River, Class B. Filed January 18, 1962 and March 20, 1964.

Buffalo Creek: Union County. The entire stream tributary to Fairforest Creek, Class B. Filed August 7, 1972.

Bull Branch: Marlboro County. The entire stream tributary to Hagins Prong, Class B. Filed August 7, 1972.

Bull Creek: Horry County. Pee Dee River to Waccamaw River, Class B. Filed March 15, 1968.

Bullocks Creek: York County. Headwaters to Broad River, Class A. Filed August 25, 1969.

Bull Run Branch: Chester County. The entire stream within Chester County, Class A. Filed January 22, 1959.

Bull Swamp Creek: Lexington and Orangeburg Counties. That portion of the stream above Swansea, Class A. Filed February 16, 1956; that portion below Swansea, Class B. Filed August 7, 1972.

Burdine Creek: Pickens County. The entire stream tributary to Georges Creek, Class B. Filed June 28, 1954.

Burnetts Creek: Saluda County. The entire stream tributary to Little Saluda River, Class B. Filed August 7, 1972.

Burnt Gin Lake: Sumter County. The entire lake located on the western reaches of Cane Savannah Creek, Class A. Filed January 24, 1972.

Bush Creek (or River): Laurens and Newberry Counties. The entire stream tributary to Lake Murray, Class B. Filed October 14, 1955 and August 7, 1972.

Byrum's Creek (Branch from Appleton Mill to Whitner Creek):

Anderson County. The entire stream tributary to Whitner Creek, Class B. Filed August 7, 1972.

Calhoun Creek: Abbeville County. The entire stream tributary to Little River, Class B. Filed August 7, 1972.

Calibogue Sound: Beaufort County. The entire sound tributary to Atlantic Ocean, Class SA. Filed March 15, 1968.

Cane Creek: Lancaster County. The entire stream tributary to Catawba River, Class B. Filed August 7, 1972.

Cane Creek: Oconee County. That portion through the Walhalla Water Reservoir, Class B. Filed May 24, 1954; That portion below County Road 202, Class B. Filed February 3, 1955.

Cannons Creek: Newberry County. The entire stream tributary to Broad River, Class B. Filed October 14, 1955.

Canoe Creek: Anderson County. The entire stream tributary to Little Generostee Creek, Class B. Filed August 7, 1972.

Cape Romain Harbor: Charleston County. The entire stream tributary to Atlantic Ocean, Class SA. Filed March 15, 1968.

Catawba-Wateree River: York, Lancaster, Chester, Fairfield, Kershaw, Richland and Sumter Counties. The entire stream tributary to Lake Marion, Class B. Filed February 17, 1954.

Catfish Creek: Marion County. The entire stream tributary to Pee Dee River, Class B (swamp). Filed August 7, 1972.

Causeway Branch: Sumter County. The entire stream tributary to Second Mill Pond, Class B. Filed December 22, 1972.

Caw Caw Swamp: Allendale and Hampton Counties. The entire stream tributary to Whippy Swamp, Class B. Filed August 7, 1972.

Cedar Creek: Darlington and Chesterfield Counties. The entire stream tributary to Pee Dee River, Class A. Filed August 7, 1972.

Cedar Creek: Fairfield and Richland Counties. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

Cedar Creek: Richland County. The entire stream tributary to Congaree River, Class A. Filed January 26, 1972.

Cemetery Creek (or Silver Brook Creek): Anderson County. The entire stream tributary to Rocky River, Class B. Filed August 7, 1972.

Charleston Harbor: Charleston County. From Battery to Atlantic Ocean, Class SC. Filed March 15, 1968.

Chatooga River: Oconee County. The entire stream tributary to Tugaloo River, Class A. Filed March 15, 1968.

Chauga Creek (also called Jerry Creek): Oconee County. From headwaters through Oconee State Park swimming area, Class A; from this point to Chauga River, Class B. Filed May 24, 1954.

Chauga River: Oconee County. Headwaters to 1 mile above U.S. 76, Class AA. Filed May 24, 1954; from 1 mile above U.S. 76 to Tugaloo River, Class B. Filed August 1, 1955.

Cherokee Creek: Anderson County. The entire stream tributary to Hen Coop Creek, Class B. Filed August 7, 1972.

Cherokee Creek: Cherokee County. The entire stream tributary to Broad River, Class B. Filed February 24, 1953 and August 7, 1972.

Chickasaw Creek: Abbeville County. The entire stream tributary to Little Pee Dee River, Class B. Filed March 24, 1955 and August 7, 1972.

Choestoea Creek: Oconee County. The entire stream tributary to Hartwell Reservoir, Class B. Filed August 7, 1972.

Chowan Creek: Beaufort County. The entire stream tributary to Beaufort River, Class SA. Filed November 5, 1955.

Clark Creek: Williamsburg and Florence Counties. The entire stream tributary to Pee Dee River, Class B (swamp). Filed August 7, 1972.

Clark Hill Reservoir: McCormick County. The entire reservoir on the Savannah River, Class A. Filed March 15, 1968.

Clark Sound: Charleston County. The entire sound tributary to Charleston Harbor, Class SC. Filed March 15, 1968.

Clarks Creek: York County. The entire stream tributary to Bullocks Creek, Class A. Filed August 25, 1969.

Clouds Creek: Saluda County. The entire stream tributary to Lake Murray, Class B. Filed August 7, 1972.

Coastal Waters: Charleston County. From the land to the limits of State jurisdiction, Class SA. Filed March 15, 1968.

Coastal Water: Georgetown and Horry Counties. From the land to the limits of State jurisdiction, Class SA. Filed March 15, 1968.

Coastal Water: Jasper, Beaufort and Colleton Counties. Coastal waters offshore to the land to the limits of the State jurisdiction, Class SA. Filed March 15, 1968.

Colleton River: Beaufort County. The entire stream tributary to Port Royal Sound, Class SA. Filed November 5, 1955.

Combahee-Salkehatchie River: Barnwell, Bamberg, Allendale, Hampton, Colleton and Beaufort Counties. That portion of the stream to salt water intrusion, Class A; from salt water intrusion to St. Helena Sound, Class SA. Filed November 5, 1955.

Coneross Creek: Oconee County. That portion through Negro Fork Creek, Class A. Filed May 24, 1954 and March 22, 1962.

Congaree Creek: Lexington County. That portion of the stream

above the Cayce intake, Class A. Filed October 14, 1955; from that point to the Congaree River, Class B. Filed August 7, 1972.

Congaree River: Richland, Lexington and Calhoun Counties. The entire stream tributary to Lake Marion, Class B. Filed August 7, 1972.

Contrary Swamp: Dillon County. The entire stream from its headwaters to the North Carolina line near South of the Border, Class B. Filed August 7, 1972.

Cooper River: Berkeley and Charleston Counties. That portion of the stream from U.S. 52 to a point approximately 30 miles above the junction of the Ashley and Cooper Rivers, Class B. Filed September 27, 1954 and February 24, 1953. That portion below that point to the junction of the Ashley and Cooper Rivers, Class SC. Filed February 24, 1953.

Cooper River: Beaufort County. The entire stream tributary to Calibouge Sound, Class SA. Filed November 5, 1955.

Coosaw River: Beaufort County. The entire stream tributary to St. Helena Sound, Class SA. Filed November 5, 1955.

Coosawhatchie River: Allendale, Hampton and Jasper Counties. Headwaters to salt water intrusion, Class A. Saltwater intrusion to Broad River, Class SA. Filed November 5, 1955.

Copahee Sound: Charleston County. The entire sound, Class SA. Filed March 15, 1968.

Corner Creek: Abbeville County. The entire stream tributary to Little River, Class B. Filed August 7, 1972.

Coronaca Creek: Greenwood County. The entire stream tributary to Wilson Creek, Class B. Filed October 5, 1953.

Cowpen Swamp: Dillon County. The entire stream tributary to Bear Swamp, Class A (swamp). Filed June 8, 1956.

Cowpens Creek: Cherokee County. The entire stream tributary to Little Thicketty Creek, Class B. Filed August 7, 1972.

Cox Branch: Bamberg County. The entire stream tributary to Lemon Creek, Class B. Filed August 7, 1972.

Crane Creek: Richland County. That portion above Lake Elizabeth (Best Lake), Class A. Filed February 17, 1954. From Lake Elizabeth to Broad River, Class B. Filed August 7, 1972.

Crimms Creek: Newberry County. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

Crooked Creek: Marlboro County. That portion of the stream above S.C. 9 at Bennetsville, Class A. Filed June 8, 1956; from S.C. 9 to Pee Dee River, Class B. Filed August 7, 1972.

Crowders Creek: York County. The entire stream tributary to Lake Wylie, Class B. Filed August 7, 1972.

Cypress Swamp: Dorchester County. The entire stream tributary to Ashley River, Class B. Filed September 27, 1954.

Diversion Canal: Berkeley County. The entire canal between Lake Marion and Lake Moultrie, Class A. Filed March 15, 1968.

Doolittle Creek: Cherokee County. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

Double Branch: Abbeville County. The entire stream tributary to Long Cane Creek, Class B. Filed August 7, 1972.

Dry Branch (also known as Dye Branch): York County. The entire stream tributary to Jones Branch, Class B. Filed August 7, 1972.

Dry Fork Branch: Chester County. The entire stream tributary to Sandy River, Class B. Filed August 7, 1972.

Duck Creek: Allendale County. The entire stream tributary to Coosawhatchie River, Class B. Filed August 7, 1972.

Duncan Creek: Laurens and Newberry Counties. That portion of the stream in Laurens County, Class B. Filed March 31, 1954 and August 7, 1972. From the Laurens and Newberry County line to the Whitmire discharge, Class A. Filed October 14, 1955. From the Whitmire discharge to the Enoree River, Class B. Filed August 7, 1972.

Duncan Creek: Lexington County. The entire stream tributary to Chinzuapin Creek, Class B. Filed October 14, 1955.

Durbin Creek: Greenville and Laurens County. The entire stream tributary to Enoree River, Class B. Filed August 7, 1972.

Dutchmans Creek: Fairfield County. The entire stream tributary to Lake Wateree, Class B. Filed August 7, 1972.

Dutchmans Creek (also known as Big Dutchmans Creek): York County. The entire stream tributary to Catawba River, Class B. Filed August 7, 1972.

Dye Branch: York County. See Dry Branch in (York County).

East Beards Creek: Anderson County. The entire stream tributary to Wilson Creek, Class B. Filed August 7, 1972.

East Rock Creek: Anderson County The entire stream tributary to Broadway Creek, Class B. Filed August 7, 1972.

East Fork (also known as Fork Creek): Chesterfield County. The entire stream tributary to Lynches River, Class B. Filed August 7, 1972.

Edisto River (Main Stem): Orangeburg, Bamberg, Dorchester,

Colleton and Charleston Counties. The entire stream to the North Edisto and South Edisto Rivers, Class A. Filed July 13, 1956.

Eighteen Mile Creek: Pickens and Anderson Counties. The entire stream tributary to Hartwell Reservoir, Class B. Filed August 7, 1954, August 7, 1972 and June 29, 1953.

Enoree River: Greenville, Spartanburg, Laurens, Union and Newberry Counties. The entire stream tributary to Broad River, Class B. Filed April 7, 1953; April 17, 1953; April 23, 1955 and August 7, 1972.

Fairforest Creek: Spartanburg and Union Counties. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

First Creek: Lexington County. The entire stream tributary to Congaree Creek, Class A. Filed October 14, 1955.

Fishing Creek: Chester and York Counties. From headwaters to S.C. 72, Class A. Filed June 26, 1959. From S.C. 72 to Lando intake, Class B. Filed November 3, 1953; and January 22, 1959. From the Lando intake to Catawba River, Class B. Filed August 7, 1972.

Fishing Creek Lake: Chester and Lancaster Counties. The entire Lake on Catawba River, Class A. Filed September 7, 1971.

Flagreed Creek: Abbeville County. The entire stream tributary to Calhoun Creek, Class B. Filed August 7, 1972.

Folly River: Charleston County. The entire stream tributary to Stono River, Class SA. Filed March 15, 1968.

Fork Creek: Chesterfield County. See East Fork in (Chesterfield County).

Four Hole Swamp: Orangeburg, Corchester, Berkeley and Calhoun Counties. The entire stream tributary to Edisto River, Class B (swamp). Filed February 16, 1956.

Four Mile Creek: Orangeburg County. The entire stream tributary to North Fork Edisto River, Class B. Filed February 16, 1956.

Fourteen Mile Creek: Lexington County. The entire stream tributary to Twelve Mile Creek, Class B. Filed October 14, 1955.

Fripp Inlet: Beaufort County. The entire stream tributary to Atlantic Ocean, Class SA. Filed November 5, 1955.

Frowhawk Creek: Spartanburg County. The entire stream tributary to South Tyger River, Class B. Filed August 7, 1972.

Gaffney Creek: Cherokee County. See Peoples Creek in (Cherokee County).

Georges Creek (and branch from Easley): Pickens County. The entire stream tributary to Saluda River, Class B. Filed August 7, 1972.

Gillard Creek: Greenville County. See Gilders Creek in (Greenville County).

Gilders Creek (also known as Gillard Creek): Greenville County. The entire stream tributary to Enoree River, Class B. Filed August 7, 1972.

Gills Creek: Richland County. From the headwaters through Forest Lake, Class A. Filed February 17, 1954; from Forest Lake to Congaree River, Class B. Filed August 7, 1972.

Golden Creek: Pickens County. The entire stream tributary to Twelve Mile Creek, Class B. Filed August 7, 1972.

Granny's Quarter Creek: Kershaw County. The entire stream tributary to Wateree River, Class A. Filed January 18, 1957.

Grapevine Branch: Bamberg County. The entire stream tributary to Lemon Creek, Class B. Filed August 7, 1972.

Grassy Run Branch: Chester County. The entire stream tributary to Rocky Creek, Class B. Filed August 7, 1972.

Grays Sound: Charleston County. The entire sound, Class SA. Filed March 15, 1968.

Great Falls Lake: Chester and Lancaster Counties. The entire lake on Catawba River, Class A. Filed September 7, 1971.

Green Swamp: Sumter County. That portion from its headwaters to S.C. Highway No. 380, Class B. That portion from S.C. Highway No. 380 to Second Mill Pond Dam, Class A. That portion from Second Mill Pond Dam to its confluence with Pocotaligo River, Class B.

Gulley Branch: Florence County. The entire stream tributary to Jefferies Creek, Class A. Filed June 8, 1956.

Haile Gold Mine Branch: Lancaster County. See Branch from Haile Gold Mine in (Lancaster County).

Halfmoon Branch: Bamberg County. The entire stream tributary to Ghents Branch, Class B. Filed August 7, 1972.

Hamlin Sound: Charleston County. The entire sound, Class SA. Filed March 15, 1968.

Hanging Rock Creek: Lancaster and Kershaw Counties. That portion from the headwaters to County Road 84 below Kershaw, Class B. Filed October 6, 1966.

Harbor River: Beaufort County. The entire stream tributary to St. Helena Sound and Fripp Inlet, Class SA. Filed November 5, 1955.

Hard Labor Creek: Greenwood and McCormick Counties. The entire stream tributary to Stevens Creek, Class B. Filed August 7, 1972.

Harris Mill Branch: Greenwood County. The entire stream tributary to Rocky Creek, Class B. Filed August 7, 1972.

Hartwell Reservoir: Oconee, Pickens and Anderson Counties. All that portion within South Carolina, Class A. Filed April 4, 1960.

Hawe Creek: McCormick County. The entire stream tributary to Clark Hill Reservoir, Class B. Filed August 7, 1972.

Hayes Swamp: Dillon County. The entire stream tributary to Little Pee Dee River, Class B (swamp). Filed August 7, 1972.

Hellhole Creek: Lexington County. The entire stream tributary to Lightwood Knot Creek, Class A. Filed October 14, 1955.

Hembree Creek: Anderson County. The entire stream tributary to Hartwell Reservoir, Class B. Filed August 7, 1972.

Hemedy Creek (Ramsey Creek): Oconee County. The entire stream tributary to Chauga River, Class B. Filed May 24, 1954.

Hen Coop Creek: Anderson County. The entire stream tributary to Rocky River, Class B. Filed August 7, 1972.

Hollow Creek: Lexington County. The entire stream tributary to Lake Murray, Class A. Filed December 9, 1968.

Horse Creek: Aiken County. That portion above Flat Rock Pond, Class A. Filed November 25, 1957; from Flat Rock Pond to Savannah River, Class B. Filed August 7, 1972.

Husbands Creek: Marlboro County. The entire stream tributary to Pee Dee River, Class B. Filed August 7, 1972.

Indian Creek: Laurens County. The entire stream tributary to Enoree River, Class B. Filed August 7, 1972.

Indian Field Swamp: Dorchester and Orangeburg Counties. The entire stream tributary to Polk Swamp, Class B (swamp). Filed February 16, 1956.

Intracoastal Waterway: Horry and Georgetown Counties. From the North Carolina line to salt water intrusion, Class A; from salt water intrusion to Winyah Bay, Class SA. Filed June 8, 1956; from Winyah Bay to South Santee River, Class SA. Filed March 15, 1968.

Intracoastal Waterway: Charleston County. That portion of the waterway from South Edisto River to S.C.L. Railroad Bridge over Stono River, Class SA. From the S.C.L. Bridge over Stono River through Charleston Harbor to Ben Sawyer Bridge, Class SC. From Ben Sawyer Bridge to South Santee River, Class SA. Filed March 15, 1968.

Irene Creek: Cherokee County. See Beaverdam Creek in (Cherokee County).

Jackson Branch: Allendale and Hampton Counties. The entire stream tributary to Whippy Swamp, Class A. Filed November 5, 1955.

Jackson Creek: Fairfield County. The entire stream tributary to Little River, Class A. Filed June 27, 1968.

Jackson Creek: Richland County. The entire stream tributary to Gills Creek, Class A. Filed February 17, 1954.

Jacobs Creek: Laurens County. The entire stream tributary to Sand Creek, Class B. Filed August 7, 1972.

Jeffries Creek: Darlington and Florence Counties. From the headwaters to Claussen Crossroads (S.C. 327), Class B (swamp). From S.C. 327 to Pee Dee River, Class A (swamp). Filed June 8, 1956.

Jericho Creek: Beaufort County. The entire stream tributary to Battery Creek, Class SB. Filed March 15, 1968.

Jerry Creek (also called Chauga Creek): Oconee County. See Chauga Creek in (Oconee County).

Jimmies Creek: Spartanburg County. The entire stream tributary to Tyger River, Class B. Filed August 7, 1972.

Johnsons Swamp (Summerhouse Branch and Bartons Branch): Williamsburg and Georgetown Counties. The entire stream tributary to Black River, Class B. Filed August 7, 1972.

Jordan Branch: Barnwell County. The entire stream tributary to Toby Creek, Class B. Filed August 7, 1972.

Kate Fowler Branch: Greenwood County. The entire stream tributary to Ninety-six Creek, Class B. Filed August 7, 1972.

Kellers Creek: Abbeville County. The entire stream tributary to McCord Creek, Class B. Filed March 24, 1955.

Kelsey Creek: Spartanburg County. The entire stream tributary to Fairforest Creek, Class B. Filed April 21, 1970.

Keowee Lake: Oconee and Pickens Counties. The entire lake Class A. Filed September 7, 1971.

Kilgore Branch: Darlington County. The entire stream tributary to Black Creek, Class A. Filed August 7, 1972.

Kings Creek: Newberry County. The entire stream tributary to Enoree River, Class B. Filed October 14, 1955.

Lake Greenwood: Greenwood, Laurens, Newberry Counties. The entire lake on Saluda River, Class A. Filed November 26, 1963.

Lake Lanier: Greenville County. The entire lake on Vaughn Creek, Class A. Filed January 24, 1972.

Lake Marion: Berkeley, Clarendon, Sumter and Orangeburg Counties. The entire Lake, Class A. Filed March 15, 1968.

Lake Moultrie: Berkeley County. The entire lake, Class A. Filed March 15, 1968.

Lake Murray: Newberry, Lexington, Saluda and Richland Counties. The entire lake on Saluda River, Class A. Filed September 7, 1971.

Lake Swamp (Lake City, also called Lynches Lake): Florence and Williamsburg Counties. That portion to the developed swimming area, Class A (swamp). Filed June 8, 1956. From the developed swimming area to Lynches River, Class B (swamp). Filed August 7, 1972.

Lake Swamp: Darlington and Florence Counties. The entire stream tributary to Sparrow Swamp, Class B (swamp). Filed August 7, 1972.

Lake Wylie: York County. The entire lake on Catawba River, Class A. Filed September 7, 1971.

Langston Creek (formerly Unnamed Creek which enters Reedy River 1 ½ miles above Long Branch): Greenville County. The entire stream tributary to Reedy River, Class B. Filed August 7, 1972.

Laurel Creek: Greenville County. The entire stream tributary to Reedy River, Class B. Filed November 7, 1956.

Lawsons Fork Creek: Spartanburg County. The entire stream tributary to Pacolet River, Class B. Filed August 7, 1972.

Lemon Creek: Bamberg County. The entire stream tributary to Little Salkahatchie River, Class B (swamp). Filed August 7, 1972.

Lightwood Knot Creek: Lexington County. The entire stream tributary to North Fork Edisto River, Class A. Filed October 14, 1955.

Limestone Creek: Cherokee County. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

Little Boggy Swamp: Darlington County. The entire stream tributary to Big Boggy Swamp, Class A. Filed August 7, 1972.

Little Fork Creek: Chesterfield County. See West Fork in (Chesterfield County).

Little Generostee Creek: Anderson County. The entire stream tributary to Savannah River, Class B. Filed August 7, 1972.

Little Horse Creek: Aiken County. That portion above Clearwater Dam, Class A. Filed November 25, 1957. From Clearwater Dam to Horse Creek, Class B. Filed August 7, 1972.

Little Lynches River (also called Lynches Creek): Lancaster and Kershaw Counties. The entire stream tributary to Lynches River, Class B. Filed November 24, 1953; June 8, 1956 and August 7, 1972.

Little Pee Dee River: Dillon County. That portion of the stream from its headwaters to Ropers Mill Branch, Class A. Filed August 7, 1954. From Ropers Mill Branch to S.C. 41, Class B. Filed August 7, 1972. From S.C. 41 to Lumber River, Class A; From the junction of the Lumber River to its confluence with the Great Pee Dee, Class A. Filed June 8, 1956.

Little Pine Tree Creek: Kershaw County. That portion of the stream above Wateree Mill Pond, Class A. Filed January 18, 1957. From Wateree Mill Pond to Big Pine Tree Creek, Class B. Filed August 7, 1972.

Little River: Abbeville and McCormick Counties. The entire stream tributary to Clark Hill Reservoir, Class B. Filed March 24, 1955; May 26, 1955 and August 7, 1972.

Little River: Farifield County. The entire stream tributary to Broad River, Class B. Filed January 21, 1954 and August 7, 1972.

Little River: Laurens and Newberry Counties. The entire stream tributary to Saluda River, Class B. Filed October 14, 1955 and August 7, 1972.

Little River: Oconee County. Entire stream tributary to Lake Keowee, Class B. Filed August 1, 1955.

Little Salkehatchil River: Bamberg and Colleton Counties. The entire stream in Bamberg County, Class B. Filed August 7, 1972. The entire stream in Colleton County tributary to Salkehatchie River, Class A. Filed November 5, 1955.

Little Saluda River: Saluda County. The entire stream tributary to Lake Murray, Class B. Filed August 7, 1972.

Little Sandy River: Chester County. The entire stream tributary to Sandy River, Class A. Filed January 22, 1959.

Little Thicketty Creek: Cherokee County. The entire stream tributary to Thicketty Creek, Class B. Filed August 7, 1972.

Long Cane Creek: Abbeville and McCormick Counties. The entire stream tributary to Clark Hill Reservoir, Class B. Filed March 24, 1955; May 26, 1955 and August 7, 1972.

Ludlow Branch: McCormick County. The entire stream tributary to Clark Hill Reservoir, Class B. Filed August 7, 1972.

Lumber River: Marion, Dillon and Horry Counties. The entire stream tributary to Little Pee Dee River, Class A. Filed June 8, 1956.

Lynches Lake. Florence and Williamsburg Counties. See Lake Swamp in (Florence and Williamsburg Counties).

Lynches River. Chesterfield, Lee, Lancaster, Kershaw, Darlington, Sumter and Florence Counties. The entire stream tributary to Pee Dee River, Class B. Filed July 12, 1963 and August 7, 1972.

Mad Dog Branch: Pickens County. The entire stream tributary to Georges Creek, Class B. Filed June 28, 1954.

Maple Creek: Spartanburg County. The entire stream tributary to South Tyger River, Class B. Filed August 7, 1972.

Maple Swamp: Dillon County. The entire stream tributary to Little Pee Dee River, Class B (swamp). Filed August 7, 1972.

Martin Creek: Oconee County. The entire stream tributary to Hartwell Reservoir, Class B. Filed August 7, 1972.

May River: Beaufort County. The entire stream tributary to Calibogue Sound, Class SA. Filed November 5, 1955.

Meings Creek (also called Meng Creek): Union County. The entire stream tributary to Broad River, Class B. Filed February 24, 1953 and August 7, 1972.

Middle Tyger River: Spartanburg and Greenville Counties. The entire stream tributary to North Tyger River, Class B. Filed August 7, 1972.

Mill Branch: Orangeburg County. The entire stream tributary to North Fork Edisto River, Class B. Filed February 16, 1956.

Mill Creek: Cherokee County. The entire stream tributary to Limestone Creek, Class B. Filed August 7, 1972.

Mill Creek: Fairfield County. Headwaters to Winnsboro intake, Class A. Filed April 8, 1968. From Winnsboro intake to Little River, Class B. Filed August 7, 1972.

Mill Creek: Richland County. The entire stream tributary to Congaree River, Class A. Filed February 17, 1954.

Mill Creek: Spartanburg County. The entire stream tributary to Enoree River, Class B. Filed August 7, 1972.

Mill Creek: Sumter County. The entire stream tributary to Lake Marion, Class A. Filed January 24, 1972.

Mine Creek: Saluda County. The entire stream tributary to Little Saluda River, Class B. Filed October 14, 1955.

Mitchel Creek: Union County. The entire stream tributary to Fairforest Creek, Class B. Filed August 7, 1972.

Morgan River: Beaufort County. The entire stream tributary to St. Helena Sound, Class SA. Filed November 5, 1955.

Mud Creek: Jasper County. The entire stream between Savannah River and Wright River, Class SB. Filed March 15, 1968.

Muddy Creek: Williamsburg and Florence Counties. The entire stream tributary to Clarks Creek, Class B (swamp). Filed August 7, 1972.

Murrells Inlet: Georgetown County. The entire inlet tributary to Atlantic Ocean, Class SA. Filed March 15, 1968.

McAlpine Creek: Lancaster County. The entire stream tributary to Sugar Creek, Class B. Filed August 7, 1972.

McCord Creek: Abbeville County. The entire stream tributary to Long Cane Creek, Class B. Filed March 24, 1955.

McIntosh Mill Stream: Darlington County. The entire stream tributary to Black Creek, Class A. Filed August 7, 1972.

Naked Creek: Marlboro County. The entire stream tributary to Pee Dee River, Class A. Filed June 8, 1956.

New Chehaw River: Colleton County. The entire stream tributary to St. Helena Sound, Class SA. Filed March 15, 1968.

Newman Swamp: Darlington County. The entire stream tributary to Sparrow Swamp, Class B (swamp). Filed August 7, 1972.

New River: Beaufort and Jasper Counties. The entire stream tributary to Atlantic Ocean, Class SB. Filed November 5, 1955.

Ninety Six Creek: Greenwood County. The entire stream tributary to Wilson Creek, Class B. Filed October 5, 1953 and August 7, 1972.

Norris Creek: Abbeville County. The entire stream tributary to Long Cane Creek, Class B. Filed August 7, 1972.

North Fork Chatooga River: Oconee County. From North Carolina State Line to its junction with South Fork Chatooga River, Class A. Filed March 15, 1968.

North Fork Edisto River: Orangeburg, Lexington and Aiken Counties. From its headwaters to the Orangeburg discharge, Class A. Filed July 13, 1956. From the Orangeburg discharge to Edisto River, Class B. Filed August 7, 1972.

North Edisto: Charleston County. The entire stream tributary to Atlantic Ocean, Class SA. Filed February 16, 1956.

North Pacolet River: Spartanburg County. The entire stream tributary to Pacolet River, Class B. Filed August 7, 1972.

North Saluda River: Greenville County. That portion from its headwaters to S.C. 42, Class AA. Filed September 26, 1956. From S.C. 42 to Saluda River, Class B. Filed December 9, 1968.

North Santee River: Georgetown County. That fresh water portion of the stream, Class B. Filed August 7, 1972. From U.S. 17 to 1000 feet below the Intracoastal Waterway, Class SB. From

that point to the Atlantic Ocean, Class SA. Filed February 15, 1962.

North Tyger River: Spartanburg County. The entire stream tributary to Tyger River, Class B. Filed August 7, 1972.

Old Chehaw River: Colleton County. The entire stream tributary to Combahee River, Class SA. Filed March 15, 1968.

Olive Branch: Lexington County. The entire stream tributary to Duncan Creek, Class B. Filed August 7, 1972.

Pacolet River: Spartanburg, Union and Cherokee Counties. The entire stream tributary to Broad River, Class B. Filed January 26, 1972 and August 7, 1972.

Panther Creek: Marlboro County. The entire stream tributary to Beaverdam Creek, Class B. Filed June 8, 1956.

Park Creek: Abbeville County. The entire stream tributary to Little Pee Dee River, Class B. Filed August 7, 1972.

Pee Dee River: Chesterfield, Dillon, Marlboro, Darlington and Florence Counties. The entire stream tributary to Winyah Bay, Class B. Filed May 26, 1953 and August 7, 1972.

Peoples Creek (also known as Gaffney Creek and Town Creek): Cherokee County. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

Pleasant Meadow Swamp: Horry County. The entire stream tributary to Lake Swamp, Class B (swamp). Filed August 7, 1972.

Pocotaligo River: Sumter and Clarendon Counties. The entire stream tributary to Black River, Class B (swamp). Filed June 8, 1956.

Polk Swamp: Dorchester and Orangeburg Counties. The entire stream tributary to Edisto River, Class B (swamp). Filed February 16, 1956.

Port Royal Sound: Beaufort County. The entire sound tributary to Atlantic Ocean, Class SA. Filed November 5, 1955.

Providence Creek: Cherokee County. That portion of the stream below County Road 793 to Cherokee Creek, Class B. Filed January 24, 1964.

Pye Branch: Florence County. The entire stream tributary to Jeffries Creek, Class B. Filed August 7, 1972.

Rabon Creek: Laurens County. The entire stream tributary to Lake Greenwood, Class B. Filed March 31, 1954.

Ramsey Creek (Hemedy Creek): Oconee County. See Hemedy Creek in (Oconee County).

Ramshorn Creek: Beaufort County. The entire stream between New River and Cooper River, Class SA. Filed November 5, 1955.

Red Bank Creek: Lexington County. The entire stream tributary to Congaree Creek, Class A. Filed October 14, 1955.

Red Bank Creek: Saluda County. The entire stream tributary to Mine Creek, Class B. Filed October 14, 1955 and August 7, 1972.

Reedy Fork Branch: Laurens County. The entire stream tributary to Little River, Class B. Filed March 31, 1954 and August 7, 1972.

Reedy River: Greenville and Laurens Counties. The entire stream tributary to Lake Greenwood, Class B. Filed August 7, 1972.

Rices Creek: Pickens County. The entire stream tributary to Twelve Mile Creek, Class B. Filed August 7, 1972.

Richardson Branch: Allendale County. The entire stream tributary to Coosawhatchie River, Class B. Filed August 7, 1972.

Rocky Creek (Cedar Creek Lake): Chester, Fairfield and Lancaster Counties. The entire lake on Catawba River, Class A. Filed September 7, 1971.

Rocky Creek (also called Rock Creek): Greenwood County. The entire stream tributary to Coronaca Creek, Class B. Filed August 7, 1972.

Rocky Creek: McCormick County. The entire stream tributary to Hard Labor Creek, Class B. Filed May 26, 1955 and August 7, 1972.

Rocky River: Anderson and Abbeville Counties. The entire stream tributary to Savannah River, Class B. Filed January 27, 1956 and August 7, 1972.

Rosemary Creek: Barnwell County. The entire stream tributary to Salkehatchie River, Class B. Filed August 7, 1972.

Saint Helena Sound: Beaufort and Colleton Counties. The entire sound tributary to Atlantic Ocean, Class SA. Filed March 15, 1968.

Salkehatchie-Combahee River: Barnwell, Bamberg, Allendale, Colleton, Hampton and Beaufort Counties. From headwaters to salt water intrusion, Class A. From salt water intrusion to St. Helena Sound, Class SA. Filed November 5, 1955.

Salt Water Creek (Fields Cut): Jasper County. See Fields Cut in (Jasper County).

Saluda River (Main Stem): Greenville, Pickens, Anderson, Abbeville, Laurens, Greenwood, Newberry, Saluda, Lexington and Richland Counties. The entire stream tributary to Congaree River, Class B. Filed October 5, 1953 and October 14, 1954.

Saluda Lake: Greenville County. The entire lake on Saluda River, Class A. Filed January 24, 1972.

Sampit River: Georgetown County. From the headwaters to salt water intrusion, Class B (swamp). Filed August 7, 1972. From salt water intrusion to Winyah Bay, Class SC. Filed June 8, 1956.

Sand Creek: Fairfield County. The entire stream tributary to Jackson Creek, Class A. Filed April 8, 1968.

Sand Creek: Laurens County. The entire stream tributary to Duncan Creek, Class B. Filed August 7, 1972.

Sanders Creek: Kershaw County. The entire stream tributary to Wateree River, Class A. Filed January 18, 1957.

Sanders Branch: Hampton County. The entire stream tributary to Coosawhatchie River, Class B (swamp). Filed August 7, 1972.

Sandy River: Chester County. From its headwaters through the Chester Reservoir, Class A. Filed January 22, 1959. From the Chester Reservoir to a point 100 yards above Bear Creek, Class B. Filed August 7, 1972. From this point to Broad River, Class A. Filed January 22, 1959.

Santee River (North & South): Berkeley, Charleston and Georgetown Counties. See North Santee River and South Santee River in (Berkeley, Charleston and Georgetown Counties).

Santee River: Clarendon, Berkeley, Williamsburg and Georgetown Counties. That portion of the stream below Lake Marion to the North and South Santee Rivers, Class B. Filed August 7, 1972.

Santee River: Calhoun and Sumter Counties. From junction of Congaree and Wateree Rivers to Lake Marion, Class A. Filed March 15, 1968.

Savannah Creek: Bamberg and Colleton Counties. The entire stream tributary to Salkehatchie River, Class B. Filed August 7, 1972.

Savannah River: Abbeville, Allendale, Anderson, McCormick, Edgefield, Barnwell, Hampton, Aiken and Jasper Counties. From Lake Hartwell through Clark Hill Lake, Class A. Filed March 15, 1968. From Clark Hill Dam to Ft. Pulaski, Class B. Filed March 15, 1968 and August 7, 1972. From Ft. Pulaski to Atlantic Ocean, Class A. Filed March 15, 1968.

Sawmill Branch: Dorchester and Berkeley Counties. The entire stream tributary to Dorchester Creek, Class B. Filed August 7, 1972.

Sawney Creek: Abbeville and McCormick Counties. The entire stream tributary to Little River, Class B. Filed August 7, 1972.

Sawneys Creek: Fairfield and Kershaw Counties. The entire stream tributary to Wateree River, Class B. Filed August 7, 1972.

Schewbough Branch (also called Skeebo Branch): Horry County. The entire stream tributary to the North Carolina Line, Class B (swamp). Filed August 7, 1972.

Scott Creek: Newberry County. The entire stream tributary to Bush River, Class B. Filed August 7, 1972.

Scouter Creek: Lexington County. The entire stream tributary to Congaree Creek, Class A. Filed October 14, 1955.

Second Creek: Lexington County. The entire stream tributary to First Creek, Class A. Filed October 14, 1955.

Second Mill Pond: Sumter County. From S.C. Hwy. 380 to the Dam, Class A. Filed December 22, 1972.

Shanklin Creek: Anderson County. The entire stream tributary to Three and Twenty Mile Creek, Class B. Filed August 7, 1972.

Shaver Creek (also called Cheves Creek): Edgefield County. From its headwaters to Georgia and Florida Railroad, Class A. From the Railroad to its junction with Stevens Creek, Class B. Filed July 7, 1955.

Shaw Creek: Aiken and Edgefield Counties. The entire stream tributary to South Fork Edisto River, Class A. Filed July 7, 1955 and February 16, 1956.

Shell Creek: Laurens County. The entire stream tributary to Bush River, Class B. Filed August 7, 1972.

Shem Creek: Charleston County. The entire stream tributary to Charleston Harbor, Class SC. Filed March 15, 1968.

Silver Brook Creek: Anderson County. See Cemetery Creek in (Anderson County).

Six Mile Creek: Lexington County. The entire stream tributary to Congaree Creek, Class B. Filed August 7, 1972.

Skeebo Branch: Horry County. See Schewbough Branch in (Horry County).

Smith Branch: Richland County. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

South Edisto River: Charleston and Colleton Counties. The entire stream tributary to Atlantic Ocean, Class SA. Filed February 16, 1956.

South Fork Edisto: Edgefield, Aiken, Barnwell, Orangeburg and Bamberg Counties. That portion from its headwaters to U.S. 1, Class B. From U.S. 1 to ¾ mile above S.C.L. Railroad, Class A. Filed July 13, 1956. From ¾ mile above the Railroad to its

junction with North Fork Edisto River, Class B. Filed January 20, 1960.

South Pacolet River: Spartanburg County. The entire stream tributary to Pacolet River, Class B. Filed April 7, 1953.

South Saluda River: Greenville County. That portion from its headwaters through Table Rock Cove, Class AA. From the Cove to the junction with North Saluda River, Class B. Filed April 17, 1953.

South Santee River: Georgetown, Berkeley and Charleston Counties. That fresh water portion, Class B. Filed August 7, 1972. From U.S. 17 to 1000 feet below the Intracoastal Waterway, Class SB. From that point to the Atlantic Ocean, Class SA. Filed February 15, 1962.

South Tyger River: Spartanburg and Greenville Counties. The entire stream tributary to Tyger River, Class B. Filed April 7, 1953 and August 7, 1972.

Spain Creek: Greenville County. The entire stream tributary to Saluda River, Class B. Filed August 7, 1972.

Sparrow Swamp: Lee, Darlington and Florence Counties. The entire stream tributary to Lynches River, Class B (swamp). Filed August 7, 1972.

Steel Creek: York County. The entire stream tributary to Sugar Creek, Class B. Filed August 7, 1972.

Stevens Creek: McCormick and Edgefield Counties. The entire stream tributary to Savannah River, Class B. Filed August 7, 1972.

Stitt Branch: Fairfield County. The entire stream tributary to Jackson Creek, Class A. Filed April 8, 1968.

Stono River: Charleston County. That portion extending eastward to S.C.L. Railroad bridge, Class SA. From the S.C.L. bridge to Abbapoola Creek, Class SC. From Abbapoola Creek to Folly River, Class SA. Filed March 15, 1968.

Stuart Creek: Fairfield County. The entire stream tributary to Jackson Creek, Class B. Filed January 21, 1954 and August 7, 1972.

Sugar Creek: York and Lancaster Counties. The entire stream tributary to Catawba River, Class B. Filed August 7, 1972.

Summerhouse Branch (Bartons Swamp and Johnsons Swamp): Williamsburg and Georgetown Counties. See Bartons Swamp and Johnsons Swamp in (Williamsburg and Georgetown Counties).

Swamp (near North, S.C.): Orangeburg County. The entire stream tributary to North Fork Edisto River, Class B (swamp). Filed August 7, 1972.

Sweetwater Branch: Edgefield County. The entire stream tributary to Stevens Creek, Class A. Filed December 12, 1966.

Swift Creek: Kershaw and Sumter Counties. The entire stream tributary to Wateree River, Class A. Filed January 18, 1957.

Tailrace Canal: Berkeley County. From Lake Moultrie power plant to Moncks Corner, Class A. Filed March 15, 1968.

Thicketty Creek: Cherokee County. That portion of the stream below the Cowpens discharge tributary to Broad River, Class B. Filed August 7, 1972.

Thompson Creek: Chesterfield County. The entire stream tributary to Pee Dee River, Class B. Filed June 8, 1956 and August 7, 1972.

Three Creeks: Marlboro County. The entire stream tributary to Pee Dee River, Class A. Filed June 8, 1956.

Timouthy Creek: Newberry County. The entire stream tributary to Bush River, Class B. Filed August 7, 1972.

Tinker Creek: Union County. The entire stream tributary to Tyger River, Class B. Filed August 7, 1972.

Tinkers Creek: Chester County. The entire stream tributary to Fishing Creek, Class A. Filed January 22, 1959.

Toby Creek: Barnwell County. The entire stream tributary to Salkehatchie River, Class B. Filed August 7, 1972.

Todds Branch: Lancaster County. The entire stream tributary to Little Lynches River, Class B. Filed August 7, 1972.

Toms Creek: Lexington County. The entire stream tributary to Congaree River, Class A. Filed October 14, 1955.

Town Creek: Cherokee County. See Peoples Creek in (Cherokee County).

Town Creek: Kershaw County. The entire stream tributary to Wateree River, Class B. Filed August 7, 1972.

Town Creek: Pickens County. The entire stream tributary to Twelve Mile Creek, Class B. Filed June 28, 1954 and August 7, 1972.

Trenchards Inlet: Beaufort County. The entire inlet tributary to Atlantic Ocean, Class SA. Filed November 5, 1955.

Tugaloo River: Oconee County. From Tugaloo Dam to Lake Hartwell, Class A. Filed March 15, 1968.

Turkey Creek: Barnwell County. That portion through Fuller Park, Class A. Filed November 5, 1955. From Fuller Park to Salkehatchie River, Class B. Filed August 7, 1972.

Turkey Creek: Chester and York Counties. The entire stream

tributary to Broad River, Class B. Filed November 3, 1953 and August 7, 1972.

Turkey Creek: Edgefield and McCormick Counties. The entire stream tributary to Stevens Creek, Class B. Filed July 7, 1955 and August 7, 1972.

Turkey Creek: Greenwood County. The entire stream tributary to Saluda River, Class B. Filed August 7, 1972.

Turkey Quarter Creek: Lancaster County. The entire stream tributary to Bear Creek, Class B. Filed November 24, 1953 and August 7, 1972.

Twelve Mile Creek: Lexington County. That portion from its headwaters to S.C. 6, Class A. Filed October 14, 1955. From S.C. 6 to Saluda River, Class B. Filed August 7, 1972.

Twelve Mile Creek: Pickens County. The entire stream tributary to Lake Hartwell, Class B. Filed October 14, 1955.

Twenty-Five Mile Creek: Kershaw County. The entire stream tributary to Wateree River, Class A. Filed January 18, 1957.

Twenty-Six Mile Creek: Anderson County. The entire stream tributary to Lake Hartwell, Class B. Filed June 29, 1953.

Twenty-Three Mile Creek: Anderson County. The entire stream tributary to Lake Hartwell, Class B. Filed June 29, 1953 and August 7, 1972.

Tyger River (Main Stream): Spartanburg, Union and Newberry Counties. The entire stream tributary to Broad River, Class B. Filed August 7, 1972.

Unnamed Creek: Greenville County. The Unnamed Creek which enters Reedy River on the west bank 1 1/4 miles below Conestee Lake, Class B. Filed August 7, 1972.

Unnamed Creek: Greenville County. See Langston Creek in (Greenville County).

Unnamed Creek: Oconee County. Which enters Little River at Newry, Class B. Filed May 24, 1954.

Unnamed Creek: Union County. Which originates in Jonesville and flows north-northeast to Mill Creek, Class B. Filed August 7, 1972.

Vaughn's Creek: Greenville County. The entire stream tributary to Lake Lanier, Class AA. Filed April 7, 1953.

Waccamaw River: Horry and Georgetown Counties. That portion from headwaters to Conway discharge, Class A (swamp). Filed June 8, 1956. From the Conway discharge to Winyah Bay, Class A. Filed March 15, 1968.

Wadmalaw River: Charleston County. The entire stream tributary to North Edisto River, Class SA. Filed March 15, 1968.

Wadmalaw Sound: Charleston County. The entire sound tributary to Wadmalaw River, Class SA. Filed March 15, 1968.

Walker Branch: Fairfield County. The entire stream tributary to Dutchmans Creek, Class B. Filed August 7, 1972.

Wando River: Charleston and Berkeley Counties. The entire stream tributary to Cooper River at Charleston Harbor, Class SB. Filed March 15, 1968.

Wappoo Creek: Charleston County. The entire stream tributary to Stono River, Class SC. Filed August 7, 1972.

Warrior Creek: Laurens County. The entire stream tributary to Enoree River, Class B. Filed August 7, 1972.

Wateree Lake: Fairfield, Kershaw and Lancaster Counties. The entire lake on Catawba-Wateree River, Class A. Filed September 7, 1971.

Watts Mill Branch: Laurens County. The entire stream tributary to Little River, Class B. Filed August 7, 1972.

West Fork (also called Little Fork Creek): Chesterfield County. The entire stream tributary to East Fork or Fork Creek, Class B. Filed August 7, 1972.

Whale Branch: Beaufort County. The entire stream between Broad River and Coosaw River, Class SA. Filed November 5, 1955.

White Oak Creek: Kershaw County. The entire stream tributary to Wateree Lake, Class A. Filed January 18, 1957.

White Oak Creek: Marion County. The entire stream tributary to Pee Dee River Swamp, Class B (swamp). Filed August 7, 1972.

Whitner Creek: Anderson County. The entire stream tributary to Big Generostee Creek, Class B. Filed August 7, 1972.

Wildcat Creek: Richland County. The entire stream tributary to Gills Creek, Class A. Filed February 17, 1954.

Wildcat Creek: York County. The entire stream tributary to Fishing Creek, Class B. Filed August 7, 1972.

Wilkerson Creek: Aiken County. From its headwaters to the Aiken discharge, Class A. Filed November 25, 1957. From the Aiken discharge to Horse Creek, Class B. Filed August 7, 1972.

Wilson Creek: Anderson and Abbeville Counties. The entire stream tributary to Rocky River, Class B. Filed August 7, 1972.

Wilson Creek: Greenville County. The entire stream tributary to Durbin Creek, Class B. Filed August 7, 1972.

Wilson Creek: Greenwood County. The entire stream tributary to Saluda River, Class B. Filed August 7, 1972.

Windy Hill Creek: Barnwell and Bamberg Counties. The entire stream tributary to South Fork Edisto River, Class B. Filed February 16, 1956.

Winyah Bay: Georgetown County. The entire bay tributary to Atlantic Ocean, Class SC. Filed June 8, 1956.

Wolf Creek: Pickens County. The entire stream tributary to Twelve Mile Creek, Class B. Filed August 7, 1972.

Wright River: Jasper County. The entire stream tributary to Atlantic Ocean, Class SB. Filed November 5, 1955.

Zekial Creek: Cherokee County. From headwaters to its intersection with S.C. Highway #110, Class B. Filed March 8, 1966.

61-70. Sanitary Landfill Design, Construction and Operation.

(Promulgated pursuant to § 44-1-140(11) of the 1976 Code; filed in the office of the Secretary of State on September 29, 1971.)

I. General: Section 9 of the General Appropriations Act 1971-72 defines the South Carolina State Board of Health, hereafter referred to as the State Board of Health, as being "the agency of State Government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; . . .". If properly operated, the sanitary landfill shall be considered an acceptable means of meeting requirements of the following minimum standards, until more satisfactory methods can be developed by research. Site design, construction and operation will be enforced through frequent inspections by State Board of Health authorized personnel.

II. Definitions as used in these regulations are as follows:

a. "Refuse, includes all foreign substances and pollutants apart from those 'flowing from streets and sewers' and passing therefrom in a liquid state into the watercourse." [Reference: United States vs. Standard Oil Company 384 U. S. 244, 1 ENVIRONMENTAL REPORTER 1033 (1966).] This also includes hazardous waste, garbage, and any other solid waste not flowing from streets and sewers and passing therefrom in a liquid state.

b. "Leachate" means any liquid that has percolated through or from refuse (solid waste).

c. "Open Dump" means a land disposal site for refuse (solid waste) which does not qualify as a sanitary landfill.

d. "Permit" means written authorization granted to person(s) or

a Governmental Unit or Agency by the State Board of Health to operate a waste disposal system for the disposal of refuse (solid waste).

e. "Person or Governmental Unit or Agency" means the State or any agency thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity and includes any officer or governing managing body of any municipality, political subdivision, or public or private corporation.

f. "Sanitary Landfill" means a method of disposing of refuse (solid waste) on land without creating pollution, nuisances, environmental threats or hazards to public health and safety.

III. Permits Required:

A. Any new system for the disposal of refuse (solid waste) shall require a written permit immediately upon adoption of this regulation by the State Board of Health.

B. Beginning July 1, 1972, no system for land disposal of refuse (solid waste) shall be operated in South Carolina without a written permit issued by the State Board of Health.

C. The State Board of Health may issue a special permit for disposal of essentially inert materials which do not contribute to pollution and which do not create vector problems or public health nuisances.

D. Applications for permits shall be provided by the State Board of Health and shall be submitted with sufficient detail to support a judgement, that operation of the disposal system will not violate the Acts or Regulations of the State of South Carolina.

IV: Open Dumps: All open dumps are prohibited.

V. Sanitary Landfill: While a sanitary landfill is possible on nearly all topographies, some land formations present more difficulties than others. Because topographical considerations make each sanitary landfill somewhat different, it would be impossible to delineate the technique required by every potential configuration. However, sanitary landfills shall meet the following minimum standards as set forth in this regulation.

A. Site Location Requirements. The disposal location site shall:

1. be easily accessible to collection vehicles, private autos, and where applicable, transfer vehicles;
2. prevent water pollution originating from the disposal of refuse (solid waste);
3. have an adequate quantity of acceptable earth cover. The cover material should be easily workable and compactible, should be free of large objects that would hinder compaction,

and shall not contain organic matter conducive to the harborage and/or breeding of vectors or nuisance animals;

4. conform with the surrounding environment;

5. conform with future development of the area.

B. Site Design. The sanitary landfill plans and engineering report shall bear the signature of and shall be submitted by a professional engineer, registered to practice in the State of South Carolina. The above, which constitutes a request for a permit to construct and operate a sanitary landfill, shall include the following:

1. Map or aerial photograph of the area showing land use and zoning within ¼ mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, schools, churches, commercial and industrial buildings, recreational areas, wells, watercourses, dry runs, rock outcroppings, roads and other details and shall indicate the general topography.

2. Plot plan of the site showing dimensions, locating of soil borings, proposed trenching plan or original fill face, area or ramp method, cover stock piles, surface and ground water drainage ditches and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet per inch.

3. The engineering report accompanying the plans should indicate:

a. population and area to be served by the proposed site;

b. anticipated type, quantity and source of refuse (solid waste) to be disposed of at the site;

c. geological formations and groundwater elevations to a depth of at least 10 feet below proposed excavations and lowest elevation of the site. Such data shall be obtained by soil borings and other appropriate means;

d. source and characteristics of cover material;

e. observation test wells which will reveal reliable data on groundwater contamination where deemed necessary by the State Board of Health;

f. provisions to prevent leachate from entering surface or groundwater.

4. The engineering plans shall include one or more topographic maps at a scale of not over 200 feet to the inch. Contour intervals shall not exceed 10 feet. These maps shall show: the proposed fill area; any borrow area; access roads; grades for proper drainage of each lift required and a typical cross section of a proposed lift on

the site being discharged; special drainage devices if necessary; fencing (permanent and portable) and proposed utilities; employee facilities; and all other pertinent information to clearly indicate the orderly development, operations and completion of the sanitary landfill.

C. Operational Features and Appurtenances. The disposal site shall be provided with operational features and appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

1. operational plans to direct and control the use of the site;

2. fencing of the site to control access;

3. an all-weather access road to the site; in some cases it may be more economical to provide a temporary landfill area adjacent to an all-weather road for inclement weather operation;

4. signs indicating traffic flow, hours of operation, and charges for disposal (if any);

5. any refuse accumulation at the entrance during unattended hours shall be removed on the morning of the next working day;

6. vector control measures shall be instituted whenever necessary. Domestic animals shall be excluded from the site and proper control measures shall be taken to exclude wildlife;

7. open burning is prohibited on the landfill site.

D. In order to provide a suitable staff to man and operate the site, the following is required:

1. Whatever staff deemed necessary by the State Board of Health to implement sanitary landfill operations;

2. Potable water on or near the site (coolers acceptable if public water lines are not available);

3. Sanitary toilet on or near the site.

E. Equipment. The operation of a sanitary landfill depends on mechanical equipment. To assure adequate operation the following are required:

1. equipment or adequate contractual arrangements for equipment sufficient for excavating, earth moving, spreading, compacting, and covering operations;

2. sufficient reserve equipment, or arrangements to provide alternate equipment within 24 hours following equipment breakdown;

3. safety devices on equipment to shield and protect the operators from potential hazards during operation;

4. shelter for maintenance and storage of parts, equipment and tools;

5. equipment to extinguish fires or arrangements to provide for fire protection.

F. Construction. Certain operations must be included to perform the basic functions and objectives of a sanitary landfill.

1. General

a. Controlled access to the site must be maintained to keep unauthorized persons out. Access to the site shall be limited to those times when an attendant is on duty.

b. Blowing paper shall be controlled. The entire area shall be policed as may be necessary to remove accumulations.

c. Salvaging and scavenging shall not be allowed at working face of sanitary landfill at anytime.

d. Conditions unfavorable for the habitation and production of insects and rodents shall be maintained by carrying out sanitary landfill operations promptly.

2. Landfilling

a. supervision shall be continuously available to coordinate the unloading activities;

b. special provisions shall be made for vehicles being unloaded by hand so that there is no impairment to the flow of mechanically unloading vehicles;

c. a sloped working face shall be confined to as small an area as the equipment can safely and efficiently operate; a minimum slope of 3:1 is suggested;

d. the refuse (solid waste) shall be spread and compacted in thin layers not to exceed 2 feet prior to compaction. The number of layers incorporated into a cell is dependent upon the design and configuration of the site;

e. all refuse (solid waste) shall be covered daily with a minimum of six (6) inches of soil after compaction. Daily cover has three main functions; to provide vector and rodent control, to provide fire breaks between cells, and to offer an aesthetically pleasing site at the end of the day's operation;

f. intermediate cover shall be applied where the surface will be exposed more than thirty (30) days. (Final cover, not intermediate, should be used if future fill is not planned within a period of one (1) year). Compacted thickness of graded intermediate cover shall not be less than one (1) foot and should have characteristics comparable to those of daily cover;

g. final cover shall be applied to any surface that represents the final grade of the sanitary landfill. A minimum of two (2) feet

of a well-graded soil cover, compacted and graded, will usually fulfill the requirements of final cover. In some cases, where other soils are used or where trees are planted, additional cover may be necessary. Suitable plantings, (grass, trees, etc.) shall be provided to help minimize erosion and surface deterioration. Final cover shall be placed over any completed section of the fill within one (1) week following the placement of refuse (solid waste) within that portion;

h. the grade of the final cover shall drain the surface run-off water to predetermined points in the drainage system to prevent ponding. For this reason, it is best to slightly overdesign initial grades so that when settlement occurs the surface will be suitable for good drainage.

3. Special Handling

a. There shall be no disposal of waste sludges, oils, chemicals and liquids without prior approval by the State Board of Health who will give special consideration to: probability of water pollution; odors; and the health and safety of employees. Appropriate provisions shall be made for the handling of these waste materials.

b. Hazardous refuse disposal requests shall be made to the State Board of Health and approval must be obtained prior to the incorporation of these materials into the sanitary landfill.

c. Large bulky items shall be reduced in volume and covered daily. If necessary for efficient operation, separate areas on the site may need to be designated solely for the disposal of bulky items, but even in separate areas daily cover is required.

4. Supervision and Inspection

a. Supervision of the operation shall be the responsibility of a qualified individual who has experience in the operation of a sanitary landfill.

b. Routine inspection and evaluation of landfill operations will be made by a representative of the State Board of Health. A notice of any deficiencies, together with any recommendations for their correction, will be provided to the owner or Governmental Agency responsible for the operation of the sanitary landfill.

c. Inspection of the completed sanitary landfill shall be made by a representative of the State Board of Health, before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill

project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover as required during a sufficient period to assure satisfactory land recovery and not create a health nuisance or aesthetic problems.

VI. Variances: Any requests for variances to these rules and regulations must be directed in writing to, and will be considered by, the State Board of Health on an individual basis.

61-71. Wells and Springs.

(Promulgated pursuant to § 44-1-140 of the 1976 Code; filed in the office of the Secretary of State on February 17, 1944.)

Section 1. No water furnished to the public for domestic use from wells and/or springs shall contain bacteriological, biological, chemical, or physical impurities which may injuriously affect or tend to affect public health.

Section 2. Wells:

(a) All wells used as a public source of supply for domestic purposes whether dug, driven point, or drilled and cased shall be so located, constructed, and topped and the pump so attached as to prevent pollution of the well water.

(b) Newly constructed and/or reconstructed wells, pumps, water pressure systems, and new piping shall be adequately sterilized. The water shall subsequently be tested for bacteriological cleanliness by either the State Board of Health or a laboratory approved by the State Board of Health before such water is used.

(c) Open wells and pitcher pumps are not approved.

Section 3. Springs: All springs used as a public source of supply for domestic purposes shall be amply protected against pollution. The water shall be tested by the State Board of Health or by a laboratory approved by the State Board of Health before being used.

EPA File Symbol 13648 A Gliddon-Durkee Div SCM Corp., PO Box 389, Jacksonville FL 32201 GLIDCO PINE OIL-S Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 3(c) of Interim policy PM32

EPA File Symbol 36480 E Maco, PO Box 598 Middletown OH 45042 DIURON 80 WP Active Ingredients: Diuron [3-(3,4-Dichlorophenyl)-1,1-Dimethylurea] 80%. Method of Support: Application proceeds under 3(c) of Interim policy. PM28

EPA File Symbol 8656 EU Ortex Products Inc 501 Ferry St., Newark NJ 07105 Ortex LIQUID WINTERIZER 10. Active Ingredients: Copper Sulphate Anhydrous 9.83% Method of Support: Application proceeds under 3(c) of Interim policy PM24

EPA File Symbol 3573 UG Procter & Gamble Co., PO Box 599, Cincinnati OH 45202. OFF SHOOT-M Active Ingredients: Potassium salt of 1,2-dihydro-3,6-pyridazinedione 21.7%. Method of Support: Application proceeds under 2(c) of Interim policy. PM25

EPA File Symbol 6720 EU Southern Mill Creek Products Co., Inc., PO Box 1066, Tampa FL 33601 SMCP GENERAL PURPOSE HOUSEHOLD SPRAY #10 Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide Technical 0.5%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of Interim policy. PM17

EPA File Symbol 148 RE&E Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110 DE-FEND TECHNICAL. Active Ingredients: Dimethoate; 0,0-Dimethyl-S-[(methylcarbamoyl) methyl] phosphorodithioate 95% Method of Support: Application proceeds under 2(c) of Interim policy PM16

EPA File Symbol 148 RESG Thompson-Hayward Chemical Co 5200 Speaker Rd. Kansas City KS 66110 2,4,5-T ACID Active Ingredients 2,4,5-Trichlorophenoxyacetic acid 98% Method of support. Application proceeds under 2(c) of Interim policy PM24

EPA File Symbol 1783 TL Trio Chemical Works, Inc., 341 Scholes St., Brooklyn NY 11206 CREOSOTE OIL TECHNICAL WOOD PRESERVATIVE Active Ingredients. Coal Tar Creosote 98.5% Method of Support. Application proceeds under 2(c) of Interim policy PM24

EPA File Symbol 1783 IA Trio Chemical Works Inc 341 Scholes St., Brooklyn NY 11206 CREOSOTE OIL COMPOUND. Active Ingredients: Creosote Oil 20% Method of Support: Application proceeds under 2(c) of Interim policy PM24

AGENCY IOWA RECEIVED [OPP 33000 276]

EPA File Symbol 1022 UIO Chapman Chemical Co 416 E Brooks Rd., PO Box 9158, Memphis Station, Memphis TN 38109 PQ 66 CONTROLS FUNGUS, STAIN, MOLD, TERMITES Active Ingredients. Copper 8-quinolinolate 10.00% Method of Support: Application proceeds under 2(c) of Interim policy PM22

EPA File Symbol 1022 UOE Chapman Chemical Co PQ 20 CONTROLS ROT, STAIN, MOLD TERMITES Active Ingredients: Copper 8 quinolinolate 3.75%. Method of Support Application proceeds under 2(c) of Interim policy PM22

EPA File Symbol 1022 UOG Chapman Chemical Co PQ 15 WATER REPELLENT CONTROLS ROT, STAIN, MOLD, TERMITES Active Ingredients. Copper 8 quinolinolate 1.88% Method of Support. Application proceeds under 2(c) of Interim policy PM22

EPA File Symbol 1022 UON Chapman Chemical Co. PQ 67 CONTROLS FUNGUS, STAIN, MOLD, TERMITES Active Ingredients: Copper 8-quinolinolate 5.00%. Method of Support; Application proceeds under 2(c) of interim policy PM22

EPA File Symbol 1022 UOR Chapman Chemical Co PQ 15 R-T-U WATER REPELLENT CONTROLS ROT, STAIN MOLD, TERMITES Active Ingredients. Copper 8-quinolinolate 0.25%. Method of Support. Application proceeds under 2(c) of interim policy PM22

EPA Reg No. 270 391 PMO Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. KOLOSULF XTRA DUST OR SPRAY. Active Ingredients: Sulfur 83.9%. Method of Support: Application proceeds under 2(c) of Interim policy PM23

EPA Reg No. 1812 215. Farmasave & Griffin, PO Box 158, Valdosta GA 31601. Sift, CO H O. Active Ingredients. Sulfur 50.0%, Copper 4.4%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM22

EPA File Symbol 432-LUE-S B Penick & Co., A Unit of CPC International Inc., Commercial Development Dept., 215 Watchung Ave Orange NJ 07062. BSP-1382 BIOALLETHRIN [25% + 40%] AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5 Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin [allyl homolog of Cinerin I) 0.400%; Related compounds 0.130%; Aromatic petroleum hydrocarbons 0.272%; Petroleum Distillate 0.500%. Method of Support. Application proceeds under 2(c) of interim policy PM17

EPA File Symbol 34691 E South Distributors, 2742 Shadowdale, Houston TX 77043 SPRAY—CHEM DO IT YOURSELF EXTERMINATOR. Active Ingredients: Chlorpyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 10.75%; 2,2-dichlorovinyl dimethyl phosphate 5.47%, Related Compounds 0.41%; Chlordane Technical 11.52%; Aromatic Petroleum Derivative Solvent 51.06% Method of Support; Application proceeds under 2(c) of interim policy PM15

EPA Reg No 87,29-78 Southern Mill Creek Products Co., Inc., PO Box 1066, Tampa FL 33601. SMCP SEVIN 5% DUST Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0%. Method of Support. Application proceeds under 2(c) of Interim policy. PM12

EPA File Symbol 11474-RI. Sungro Chemicals Inc., PO Box 24632, Los Angeles CA 90024. B-T-FLR. Active Ingredients. Chlordane Technical 21%; Aromatic Petroleum Derivative Solvents 63.1%; Malathion 10.29% Method of Support: Application proceeds under 2(c) of Interim policy. PM15

EPA File Symbol 21270 EO E Targosz & Co., 734 Estes Schaumburg IL 60172 LIQUID GERMICIDAL CLEANER Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.5%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium metasilicate anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0% Method of Support. Application proceeds under 2(b) of interim policy PM33

EPA File Symbol 7692 RO TNF Chemicals, Inc., 7301 NW 77th St., Miami FL 33166 TNT INSECT KILLER Active Ingredients: Pyrethrins 0.04%; Technical piperonyl butoxide 0.10%, 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.06%; Petroleum distillates 99.23%. Method of Support. Application proceeds under 2(c) of interim policy PM15

EPA File Symbol 9386 RR. Vinings Chemical Co., Atlanta GA 30339. AIA 20 Active Ingredients. Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium ethylene bisdithiocarbamate) 15% Method of Support. Application proceeds under 3(b) of interim policy PM33

[FR Doc 75 16987 Filed 7-2 75 8 45 am]

[FRL 394 3]

SOUTH CAROLINA

Approval of the State Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of South Carolina's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19891, July 24, 1973).

On December 31, 1974, South Carolina submitted a program for carrying out the NPDES On March 5, 1975, and April 23, 1975, EPA conducted a public hearing on the proposed approval in Columbia, South Carolina Prior to the end of the statutory 90 day period, South Carolina requested an extension of time because its NPDES legislation had not yet been fully approved. That legislation was subsequently approved. After a thorough review of the South Carolina program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor James B Edwards in a letter dated June 10, 1975

As of June 11, 1975, the South Carolina NPDES permit program is being administered by the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201 (telephone (803) 758-5445). Dr. E. Kenneth Aycock is the Commissioner of the South Carolina Department of Health and Environmental Control. The South Carolina program is being administered in accordance with South Carolina statutes and regulations and a Memorandum of Agreement between South Carolina and the EPA Region IV Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309 (telephone (404) 526-5727). All pertinent documents are available for inspection at the South Carolina State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated: June 27, 1975.

ROBERT L. BAUM,
Acting Assistant Administrator for Enforcement

[FR Doc 75-17296 Filed 7-2-75 8 45 am]

[FRL 388-8]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE

Certification of Establishment

This notice announces the establishment of the State-Federal Water Programs Advisory Committee which has been determined to be in the public interest in connection with the performance of duties imposed on the U.S Environmental Protection Agency by law.

The scope of the Committee is limited to providing advice and recommendations regarding the impact on State programs of EPA actions under the Federal Water Pollution Control Act (FWPCA), as amended, (Pub L. 92-500). The membership will consist of ten representatives of State water pollution control agencies and the Administrator, EPA, or his designee, who will serve as Chairman

The Committee will provide advice and information to EPA regarding the impact on State planning, management, and regulatory programs of the Agency's plans and strategies for implementation of key provisions of the FWPCA. This advice and information will assist the Agency in ensuring the coordination of Federal and State water pollution control programs Activities of the Committee will extend across the entire range of the Agency's duties and responsibilities under the FWPCA

Copies of the Committee charter will be filed with appropriate standing committees of the Congress and the Library of Congress as required by the Federal Advisory Committee Act of 1972.

Dated June 27, 1975.

JOHN QUARLES,
Acting Administrator

[FR Doc 75 17297 Filed 7 2 75,8 45 am]

[OPP 42003, FRL 394 7]

IOWA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 (39 FR 36446 (October 9, 1974) and 40 FR 11988 (March 12, 1975)), the Honorable Robert D Ray, Governor of the State of Iowa, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending promulgation of implementing regulations

Notice is hereby given of the intention of the Regional Administrator, EPA Region VII, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

Fifth Floor, East 7th and Court, Des Moines, Iowa 50319 (Pesticide Control Section, Laboratory Division, Iowa Department of Agriculture, tel. (515) 281-5851).
Room 116, 1735 Baltimore Ave., Kansas City, Missouri 64108 (Pesticide Programs Branch, Air & Hazardous Materials Division, EPA Region VII tel (816) 374 3636).
Room 401, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. (202) 755-4854)

SUMMARY OF IOWA STATE PLAN

The Iowa Department of Agriculture has been designated as the State lead agency for the administration of the pesticide certification program, including enforcement activities, licensing of pesticide dealers, and the coordination of field, laboratory, and office activities relating to pesticide regulation

Cooperating agencies include the Iowa Department of Environmental Quality (Chemical Technology Commission and Land Quality Management Division), and Iowa State University (Cooperative Extension Service).

The Chemical Technology Commission is responsible for collecting, analyzing, and interpreting information relating to agricultural chemicals and their use; coordinating the regulation and information responsibilities of State agencies on agricultural chemicals; specifying conditions under which containers of pesticides may be transported, stored or disposed, and approving all rules promulgated by the Department of Agriculture under Chapter 206, Iowa Pesticide Act The Land Quality Management Division is concerned with pesticide accidents and regulation of pesticide transport, storage, and disposal.

The State Cooperative Extension Service has overall responsibility for the Statewide pesticide applicator certification training program, including preparing and conducting the training courses, preparing training materials and examinations, and distributing training manuals and other materials.

Legal authority for the program is contained in the Pesticide Act of Iowa (Chapter 206, Pesticides, Code of Iowa 1975); Department of Agriculture General Provisions (Chapter 169, Code of Iowa 1975); Administrative Procedures Act (Chapter 17A, Code of Iowa 1975); Department of Environmental Quality, Division V, Chemical Technology Commission (Chapter 455B, Code of Iowa 1975); Pesticide Act Rules (Chapter 9, 1963); Agricultural Chemicals Rules (Chapter 35); and four rules (nos. 1–4) proposed under §§ 206.5, and 206 19–21 of the Pesticides Act of Iowa.

The plan indicates that the State lead agency and cooperating agencies have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. The State funding in support of this program for fiscal year 1976 is $321,276.16.

The State estimated that 7,000 commercial applicators and 15,000 to 75,000 private applicators may need to be certified. Wallet size identification certificates containing all necessary information will be furnished to all applicators, to be presented to dealers at the time of restricted use pesticide purchase. All pesticides classified by EPA for restricted use will also be classified restricted by Iowa.

The State lead agency will submit an annual report to EPA on July 1 of each year and special reports to meet specific needs.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. An additional major category is proposed for Aerial Applicators, with subcategories equivalent to each appropriate EPA major category in 40 CFR 171.3 (e.g., Aerial-Forest Pest Control) Other subcategories proposed are as follows:

1 Agricultural Pest Control
A Agricultural Weed Control
B Agricultural Insect Control
C Agricultural Fungus Control
D Fruit and Vegetable Pest Control
E Animal Pest Control
7 Industrial, Institutional, Structural, and Health Related Pest Control
A General and Household Pest Control
B Termite control.
C Food Industry Pest Control
D Community Insect Control

The State of Iowa plans to certify commercial applicators by means of two written examinations, one covering the general or "core" material (40 CFR 171.4 (b) and 171.6), and the other, the specific requirements of the category or subcategory (40 CFR 171.4(c)). Training sessions for commercial applicators covering the Federal Standards (40 CFR 171.4 and 171.6) will be conducted by the Cooperative Extension Service (CES) These standards are set forth in detail in the EPA Core Manual (as modified to reflect conditions found in Iowa), and in specific category/subcategory training materials prepared by the Iowa CES These courses will be offered in all areas of the State, with Extension Specialists from Iowa State University and Area Crop Specialists from each CES area Commercial applicators must be certified to use both general and restricted use pesticides. Individuals currently licensed (since 1964) will be required to be examined and certified under and as outlined in this plan

Training of private applicators will be done with the EPA Private Applicator (Core) Manual, in connection with

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL
RULES AND REGULATIONS GOVERNING INDIVIDUAL WASTE DISPOSAL SYSTEMS

SECTION 1 - PURPOSE

A major factor influencing the health of individuals where public sewers are not available is the proper disposal of human excreta and other domestic waste. Many diseases, such as dysentery, infectious hepatitis, typhoid and paratyphoid, and various types of diarrhea are transmitted from one person to another through the fecal contamination of food and water, largely due to the improper disposal of human wastes. For this reason, every effort should be made to prevent such hazards and to dispose of all human waste so that no opportunity will exist for contamination of water or food, or transmission of human waste by flies or other vectors.

Safe disposal of all human and domestic wastes is necessary to protect the health of the individual family and the community and to prevent the occurrence of nuisances. To accomplish satisfactory results, such wastes must be disposed of so that:

1. They will not contaminate any drinking water supply.
2. They will not give rise to a public health hazard by being accessible to insects, rodents, or other possible carriers which may come into contact with food or drinking water.
3. They will not give rise to a public health hazard by being accessible to children.
4. They will not violate laws or regulations governing water pollution or sewage disposal.
5. They will not pollute or contaminate any drainage ditch or the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes, or for recreational purposes.
6. They will not give rise to a nuisance due to odor or unsightly appearance.

These criteria can best be met by the discharge of domestic sewage to an adequate public or community sewerage system. Where the installation of an individual household sewage disposal system is necessary, the basic principles of design, construction, installation, and maintenance should be followed.

SECTION 2 - DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

1. Absorption Trench - A trench not less than 18" and not more than 36" in width with a minimum of 14" of clean, coarse aggregate and a distribution pipe, and covered with a minimum of 9" of earth cover.
2. Disposal System - A system for the treatment and disposal of domestic sewage by means of a septic tank and a soil absorption system.
3. Domestic Waste - The waste water and its contents from kitchen, bathroom, toilet, lavatory, and laundry of any residence, business establishment, industrial plant, institution or any public building.
4. Health Authority - An authorized representative of the city, county, or state health department.
5. Freeboard - The vertical distance between the liquid level and the top of the septic tank.
6. Grade Boards - An arrangement of wooden boards placed in a disposal trench to support the pipe of a field lateral line, laid lengthwise and set to a uniform grade of not more than one-half inch fall in 25 feet and supported by stakes eight (8) feet apart; the purpose of which is to prevent "bumps" and "hollows" in the drain tile.
7. Septic Tank - A water-tight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from the liquid, digest organic matter and store digested solids through a period of detention and biological conditioning of liquid waste, and allow the clarified liquids to discharge for final disposal.
8. Sewage - Any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
9. Soil Absorption Field - A system of absorption trenches.

SECTION 3 - GENERAL

Each dwelling unit or building, occupied for more than two hours per day, shall be provided with approved facilities for the disposal of domestic or industrial wastes. Where acceptable to the health authority, a septic tank sewerage system may be used for the disposal of domestic waste.

It shall be the responsibility of the property owner to insure that a permit to construct such a system shall be obtained from the health authority prior to any construction on the lot.

Soils report shall include percolation test, auger boring, and water table, soil types and structure to a depth of six feet (6').

The general contractor (or prime contractor, or person constructing and building) shall not, however, begin construction of the building until such permit is issued by the health authority. After the permit is issued, the sewage disposal facilities shall then be built according to these Rules and Regulations so as to receive the approval of the Health Authority.

SECTION 4 - MINIMUM CONDITIONS

(a) The maximum ground water elevation shall be at least three feet (3) below the surface or not less than six inches (6") below the bottom of the ditch within the absorption field, whichever shall be greater. Rock formation or other impervious strata shall be at a depth greater than six feet (6') below the surface.

(b) No part of a septic tank or absorption disposal field shall be constructed within one hundred (100) horizontal feet of a private or public well, or within fifty (50) horizontal feet of impounded or natural bodies of water, or open drainage ditches.

(c) The area of the lot, or plot of ground shall be of sufficient size so that no part of the disposal system will be within ten (10) feet of the building, property line, or under a building, driveway or parking area.

(d) The soil on the lot must be suitable for the proper functioning of this type of disposal system. SOIL REPORTS SHALL BE REQUIRED AND SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT STATE BOARD OF HEALTH REQUIREMENTS. The title field shall be sized according to current State Board of Health recommendations, based on soils report. Inaccurate or incomplete information shall void the permit. The soil report shall be submitted on forms provided by the Health Authority.

(e) The designed system must be of adequate size, properly located on lot.

SECTION 5 - APPLICATION, PERMIT, APPROVAL

(a) Application

Application forms for permit to construct will be furnished by the Health Authority. The property owner shall furnish on the application blank correct information necessary for the determination of the feasibility of a septic tank waste disposal system, (including a boundary plat of the lot) layout of system on the lot, driveways, soil report, and any other information deemed necessary. The Health Authority will then conduct a site inspection of the lot in question before said permit is issued. Incomplete or inaccurate information shall void the permit.

(b) Permit to Construct

A permit to construct a septic tank and absorption field will be issued to the property owner if the minimum requirements as set forth in these regulations are met. The permit holder will build or have built the septic tank and absorption field, according to the permit and according to these rules and regulations. The permit shall be void twelve (12) months after the date of issue. Incomplete or inaccurate information shall void the permit.

(c) Approval

The system must be left exposed until a final inspection is made by the Health Authority, and a certificate of approval issued.

Contractors, builders, developers, or realtors selling newly constructed or old homes requiring remodeling or changes to sewage disposal systems shall provide the buyer with a certified copy of the Health Authority approval of the septic tank and absorption field.

No home or building shall be occupied or rented without satisfactory sanitary waste disposal facilities approved by the Health Authority.

SECTION 6 - MINIMUM SEPTIC TANK REQUIREMENTS

No septic tank shall be installed which has a net liquid capacity of less than 890 gallons.

(a) The plan of each septic tank shall be in accordance with approved engineering standards in general, and the following standards in particular.

(b) The length shall be at least two (2) but not more than three (3) times the width.

(c) The uniform liquid depth shall not be less than four (4) feet.

(d) At least one (1) foot freeboard shall be provided.

(e) The theoretical detention period shall not be less than twenty-four (24) hours, based on the average daily flow.

(f) All tanks shall be constructed of material approved by the Health Authority and shall be of water-tight construction.

(g) All persons or firms constructing precast or cast-in-place septic tanks to be used in South Carolina shall obtain a permit from the State Health Authority.

(h) Cement block (or equal) constructed septic tanks must utilize six inch (6") minimum block with well filled mortar joints; walls to be plastered with ½" layer of portland cement - sand plaster; bottom of tank, poured concrete, three (3) inch minimum; top of tank, reinforced three (3) inch slab with provisions for access to inlet and outlet devices.

(i) A sanitary tee or sweeping ell with ½" weep hole will be used for the inlet and must enter the tank a minimum of two (2) inches above the liquid level of the tank. The inlet must penetrate at least six (6) inches below the liquid level.

(j) An outlet tee will be provided, penetrating the liquid a minimum of eighteen (18) inches depth.

(k) The waste line from the house to the septic tank must be properly installed at the time of inspection.

SECTION 7 - MINIMUM REQUIREMENTS FOR ABSORPTION FIELD

The location of the absorption field shall be in an unobstructed area, outside the area occupied by the building and outside areas used for driveways or parking.

(a) The absorption ditch must be at least twenty-three (23) inches deep.

(b) The slope of the distributor lines and bottom of the ditch shall not exceed two (2) inches per one hundred (100) linear feet.

(c) The bottom width of the distributor ditch shall not be less than eighteen (18) inches, nor more than thirty-six (36) inches.

(d) Coarse aggregate under distributor line shall not be less than six (6) inches deep. The aggregate may range in size from ½ inch to 2½ inches. Fines must be prohibited. All smeared or compacted surfaces of the ditch shall be raked to a depth of one inch before gravel is placed in the ditch. Trenches constructed within ten (10) feet of trees, or dense shrubbery must have at least twelve (12) inches of aggregate beneath the tile.

(e) The depth of coarse aggregate over the distributor line shall not be less than three (3) inches, and shall be level across the trench.

(f) The internal diameter of the distributor line shall not be less than four (4) inches, and shall be so constructed that leaching will occur at one (1) foot intervals or less.

(g) Distribution pipe must be of an approved material.

(h) If farm tile is used as a distributor, the top half of tile joints shall be covered with strips of asphalt roofing or other approved type of joint cover, at least three (3) inches in width.

(i) Distribution and drop boxes: Distribution boxes shall be installed as required - drop boxes required as needed to maintain proper absorption field distribution. When drop boxes are needed the trench will be properly dammed across trench width.

(j) The area of the absorption field will be determined by the number of bedrooms per dwelling, or the number of persons using facilities, and soil conditions but no tile field shall contain less than one hundred (100) linear feet of tile.

(k) The number of distributor lines shall not be less than two (2) and no single distributor line shall exceed one hundred (100) feet in length.

(l) All distributor lines shall be installed according to standard engineering practices and no nearer than ten (10) feet on center of line. Grade boards (1" x 6") or grade stakes shall be set prior to installation of aggregate and tile.

(m) The coarse aggregate over the distributor line shall be covered with an untreated building paper to prevent infiltration of backfill material. An impervious covering may not be used.

(n) The depth of earth cover over coarse aggregate shall not be less than nine (9) inches. Care must be taken to prevent harming the tile filed while backfilling.

SECTION 8 - CONSTRUCTION CRITERIA

(a) No additional water consuming appliances or fixtures may be connected to the septic tank system unless the system was designed to receive the waste from them.

(b) All rough grading or filling shall be done prior to the installation of the septic tank system.

(c) No excavating or backfilling of the absorption system shall be performed during wet weather.

(d) The area in which the system is located shall be protected from surface water, roof or downspout drainage.

(e) All dirt, mud and debris shall be removed from the tank before backfilling. All backfilling around tanks shall be tamped to prevent caving.

(f) All joints in the septic tank lids shall be covered with heavy roofing paper.

(g) The top of the absorption trench shall be overfilled with four (4) to six (6) inches of earth to allow for settlement.

SECTION 9 - GREASE TRAPS

Boarding houses, cafes, restaurants, hotels, or food preparation establishments shall install a grease trap on the kitchen waste line preceding the septic tank. The grease trap must be designed in accordance with current engineering standards, and shall be easily accessable for cleaning. Grease traps will be installed on the outside of buildings.

SECTION 10 - TANKS GREATER THAN 2000 GALLON CAPACITY

The plans and specifications for each septic tank installation having a capacity of two thousand (2000) or more gallons, shall be submitted by a registered engineer licensed by the state of South Carolina to the Bureau of Environmental Engineering of the S. C. Department of Health and Environmental Control, through the local Health Authority, and approved prior to construction.

SECTION 11 - DISCHARGE OF WASTE

No septic tank effluent or filter effluent shall be approved for discharge into any streams in South Carolina unless authorized by an agent of the South Carolina Department of Health and Environmental Control and the South Carolina Pollution Contro Authority. Sewage shall not be discharged to the ground surface or to any ditch.

SECTION 12 - CLEANING SEPTIC TANK

All persons or firms cleaning or pumping out septic tanks shall have a valid written permit from the local Health Authority to do so. Vehicles used for this purpose shall have the owners name and address prominently displayed in bold letters at least four (4) inches in height. Contents of these vehicles must be disposed of in a manner approved by the local Health Department.

SECTION 13 - ENFORCEMENT INTERPRETATION

These rules and regulations are issued under the Authority of Section 32-8 Code of Laws, 1962, and subsequent legislation. They shall be enforced by the Health Authority in accordance with interpretations and public health reasons approved by the S. C. Department of Health and Environmental Control.

SECTION 14 - PENALTIES

Violation of these rules and regulations shall be punishable in accordance with Section 32-17, Code of Laws of South Carolina, 1962, and each day of continued violation shall be a separate offense.

SECTION 15 - REPEAL AND DATE OF EFFECT

These regulations shall be in full force and effect on adoption and at that time all regulations and parts of regulations in conflict with these regulations are hereby repealed.

SECTION 16 - UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, or clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

****

CERTIFICATION

I certify that the foregoing Rules and Regulations of the South Carolina Department of Health and Environmental Control Governing Individual Waste Disposal Systems, approved by Executive Committee on February 10, 1971, are hereby declared to be the official Rules and Regulations Governing Individual Waste Disposal Systems in South Carolina and supercede previous Rules and Regulations Governing Waste Disposal Systems filed in the office of the Secretary of State on June 27, 1961.

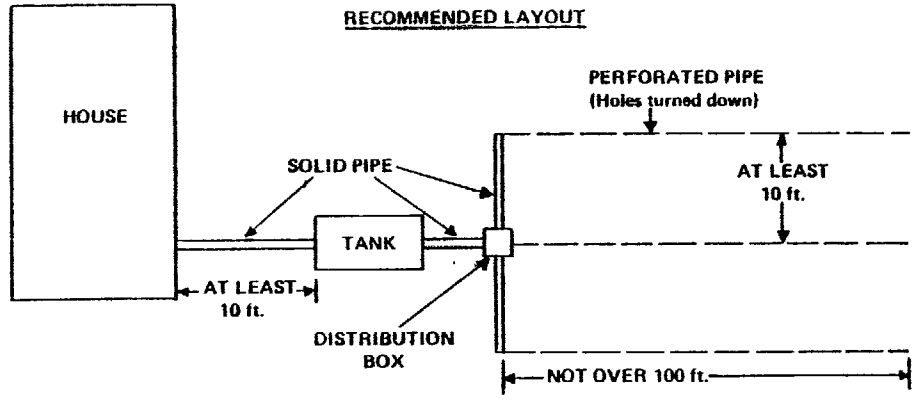
I further certify that the above Rules and Regulations Governing Individual Waste Disposal Systems are herewith filed with the Secretary of State this 6th day of April, 1971.

s/ E. Kenneth Aycock, M. D., (L. S.)
E. Kenneth Aycock, M. D., M. P. H.
Commissioner
S. C. Department of Health and
Environmental Control

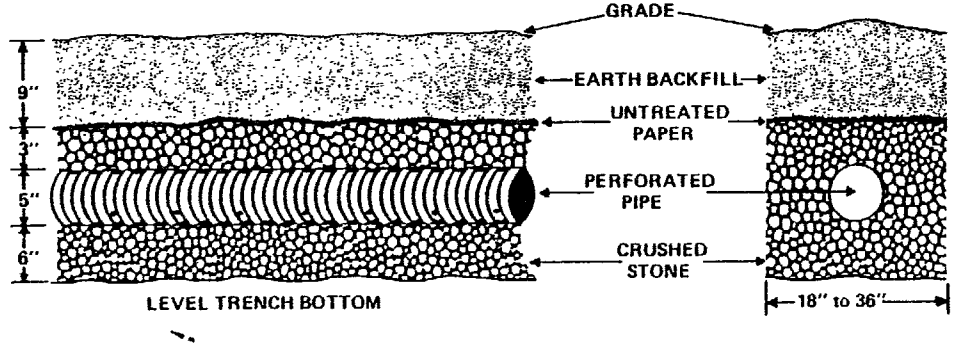
BEC/BES/GS 1-3-76 2M

CONSTRUCTION DETAILS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM

RECOMMENDED LAYOUT



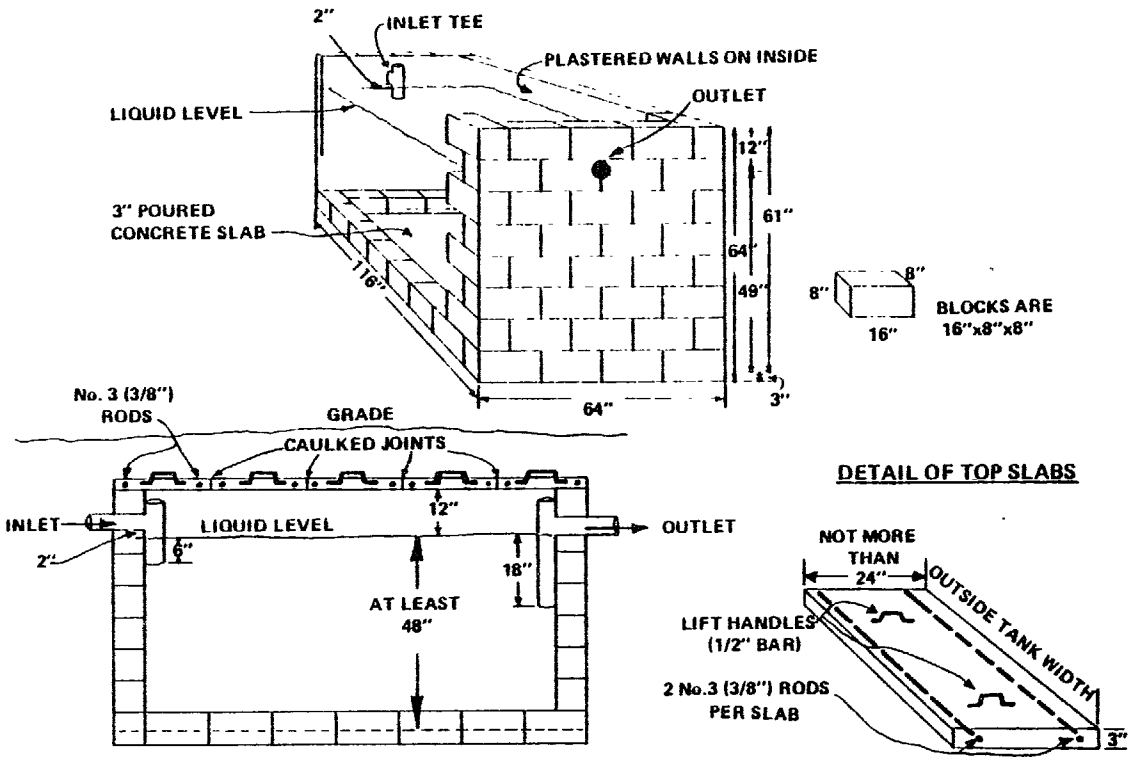
ABSORPTION TRENCH DETAILS



STONE REQUIREMENTS

TRENCH WIDTH	Cubic Yards of No. 5 Stone			Tons of No. 5 Stone		
	per ft.	per 10 ft.	per 100 ft.	per ft.	per 10 ft.	per 100 ft.
18 in.	0.07	0.7	7	0.088	0.88	8.8
24 in.	0.09	0.9	9	0.113	1.13	11.3
36 in.	0.14	1.4	14	0.175	1.75	17.5

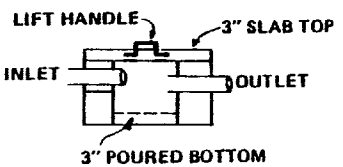
1,000 GALLON CONCRETE BLOCK SEPTIC TANK



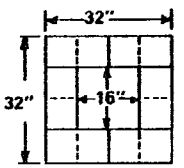
DETAIL OF TOP SLABS

DISTRIBUTION BOX DETAILS

SIDE VIEW



TOP VIEW



SUGGESTED BLOCK TANK DIMENSIONS (Based on 8" x 8" x 16" Block)							
TANK SIZE (gal.)	INSIDE length	INSIDE WIDTH	No. BLOCKS / COURSE	LIQUID DEPTH	TOTAL DEPTH	No. BLOCKS DEEP	TOTAL No. BL. NEEDED
900	8'-0"	4'-0"	20	4'-0"	5'-1"	8	160
1000	8'-8"	4'-0"	21	4'-0"	5'-1"	8	168

REQUIRED CONCRETE MIXES FOR TANK TOPS AND BOTTOMS				
SHOVELS FULL CEMENT	SHOVELS FULL SAND	SHOVELS FULL STONE	LARGEST SIZE OF STONE	QUANTITY OF WATER
1	2	3	1½"	ONLY ENOUGH TO MAKE MIXTURE WORKABLE

RULES AND REGULATIONS

GOVERNING THE DEVELOPMENT OF

SUBDIVISION WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

STATE OF SOUTH CAROLINA

Published by

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

E. KENNETH AYCOCK, M.D., M.P.H.
State Health Officer

Columbia, South Carolina

DHEC/BES/GS
6-15-77 200

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
RULES AND REGULATIONS GOVERNING THE DEVELOPMENT OF SUBDIVISION WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

Promulgated Pursuant to Section 44-1-140 of The 1976 Code.

Approved by the Executive Committee on October 20, 1971.

Filed with the Secretary of State on November 3, 1971.

Superseding Rules and Regulations approved on September 18, 1968, and filed with the Secretary of State on May 6, 1969, and subsequently amended.

DHEC/BES/GS

RULES AND REGULATIONS GOVERNING THE DEVELOPMENT OF SUBDIVISION WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

I. PURPOSE

For the protection of the health of the people by preventing the spread of communicable diseases by providing safe and adequate water supply and sanitary sewage disposal facilities, to protect the ground and surface waters of the State from contamination or pollution from both bacteriological and chemical waste, and to attain uniformity of public health practice in the State.

II. DEFINITIONS

Subdivisions --Any tract or parcel of land subdivided into two (2) or more lots for building sites, for the purpose --immediate or future-- of building development. This definition shall include mobile home parks and multifamily residences. This definition shall also apply whether the lots are to be sold, rented, or leased.

Lot--A part of a subdivision, or parcel of land, used as a residence site, or intended for use as a residence site, whether immediate or future.

Residence--Any house or structure intended for human habitation for a period greater than two hours per day.

Subdivider-- Any person or company who divides a tract of land into two (2) or more lots to sell, lease, or rent.

Engineer-- A person registered as Professional Engineer by the South Carolina Board of Engineering Examiners, and competent in the field of water and waste treatment.

Land Surveyor-- A person registered as a Land Surveyor by the South Carolina Board of Engineering Examiners.

Qualified Person-- A person who performs analyses and submits soil evaluation data. His special qualifications and knowledge of soil behavior and limitations under conditions of waste disposal shall be a matter of record and shall be acceptable to the State Board of Health or its agent.

III. OBJECTIVES

1. All subdivisions shall be served by approved community or public sewerage systems unless proof of unfeasibility is documented and such documentation is acceptable to the State Board of Health.

(a) Where central collection and treatment facilities are required, such systems shall be designed by and constructed under the direction of an engineer in South Carolina.

(b) When multiple septic tank installations are proposed in subdivisions, the plats shall be prepared, signed, and seal affixed by a land surveyor. Submittal of additional data, collected and interpreted by "qualified persons", may be required by the Department of Health and Environmental Control, or its agent, to substantiate justification for such installations.

2. All subdivisions shall be served by approved public water supplies unless proof of unfeasibility is documented and such documentation is acceptable to the Department of Health and Environmental Control.

3. All water supply and sewerage systems shall comply with the South Carolina Department of Health and Environmental Control laws, rules and regulations pertaining to such systems.

4. A written permit shall be obtained from the Department of Health and Environmental Control, or its agent, prior to beginning construction of water supply and/or sewage disposal facilities. Any extension of an existing system shall also require written approval.

5. A written "Use Approval" shall be obtained from the Department of Health and Environmental Control, or its agent, following construction. No waste discharge to the sewage disposal facility shall occur nor shall the water supply be utilized prior to issuance of this statement.

6. Subdivisions, as recorded, which have been under development and unapproved by the South Carolina Department of Health and Environmental Control, and fifty percent or more of the lots remain unsold shall comply with this regulation. Any addition or extension to the original platted area shall be considered a new development.

7. No lot may be sold in any subdivision, developed hereafter, prior to approval of this subdivision by the Department of Health and Environmental Control.

IV. PROCEDURE

1. Any person, firm, or corporation contemplating the development of land for subdivisions must first submit to the County Health Department a plat drawn to scale not less than 1" = 200'; for small areas, a scale of 1" = 100' shall be used. Plat size shall not exceed 24" x 36". All plats shall show north arrow, lot lines with dimensions and lot identifications, roads, and easements with proper identifications, natural features including contours, drainage, and location sketch for reference identification of the area. All documentation and data required by these regulations shall be fully completed and properly signed, and shall accompany the plat.

2. The County Health Department, upon completion of its review, will transmit its recommendations and all supporting data to the District Health Office for review.

3. If the water and/or sewerage system is privately owned, it is subject to regulation by the S.C. Public Service Commission and a surety bond in accordance with Article 7 of Chapter 5 of Title 58 of the 1976 Code will be required. Evidence of such a bond shall be furnished the Department of Health and Environmental Control prior to placing the system in service.

4. A person or firm, properly certified by the S.C. Board of Certification of Public Water and Wastewater Plant Operators, shall be employed to perform operation and maintenance of community water and sewerage systems. The South Carolina Department of Health and Environmental Control shall be informed, in writing, the name of this person or firm, and any change in this operator shall be cleared with the South Carolina Department of Health and Environmental Control.

5. Prior to approval of a subdivision, a statement must be submitted from the appropriate governmental agency stating that streets and drainage plans have been reviewed and are approved, and that said agency accepts responsibility for the maintenance of drainage facilities, including all rights-of-way and easements.

6. Privately-owned and operated water and/or sewerage facilities lying within a legally-constituted public service district or municipality shall be required to obtain written approval from said district or municipality prior to action by the South Carolina Department of Health and Environmental Control.

7. There shall be sufficient land area on each lot for all proposed buildings, driveways, utility easements, drainage, approved water supply, and approved sewerage disposal system or connection.

8. Should consideration of the use of multiple septic tanks be justified, percolation tests, auger borings, soil classification, maximum seasonal ground water elevation, and other appropriate tests shall be performed by qualified persons and shall be in accordance with standard procedures approved by the South Carolina Department of Health and Environmental Control and attested to on forms supplied by the South Carolina Department of Health and Environmental Control.

V. ENFORCEMENT INTERPRETATION

These rules and regulations are issued under the Authority of Section 44-1-140, Code of Laws of South Carolina, 1976, and subsequent legislation. They shall be enforced by the health authority, in accordance with interpretations and public health reasons approved by the Department of Health and Environmental Control.

VI. PENALTIES

Violation of these rules and regulations shall be punishable in accordance with Section 44-1-150, Code of Laws of South Carolina, 1976, and each day of continued violation shall be a separate offense.

VII. REPEAL AND DATE OF EFFECT

These regulations shall be in full force and effect on adoption and at that time all regulations and parts of regulations in conflict with these regulations are hereby repealed.

VIII. UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

CERTIFICATION

I certify that the foregoing Rules and Regulations of the South Carolina State Board of Health Governing the Development of Subdivision Water Supply and Waste Disposal Systems, approved by the Executive Committee on October 20, 1971, are hereby declared to be the official Rules and Regulations Governing the Development of Subdivision Water Supply and Waste Disposal Systems in South Carolina, and supersede previous Rules and Regulations Governing the Development of Subdivision Water Supply and Waste Disposal Systems filed in the office of the Secretary of State on September 18, 1968, and amendments filed May 6, 1969.

I further certify that the above Rules and Regulations Governing the Development of Subdivision Water Supply and Waste Disposal Systems are herewith filed with the Secretary of State this November 3, 1971.

E. KENNETH AYCOCK, M. D., M. P. H. (L.S.)
State Health Officer and
Secretary of the State Board of Health

DHEC/BES/GS

IMPLEMENTATION POLICY

FOR USE WITH

RULES AND REGULATIONS GOVERNING THE DEVELOPMENT OF

SUBDIVISION WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

STATE OF SOUTH CAROLINA

I. Individual water and sewage systems vs public systems for subdivisions.

	Water	Septic Tanks
Individual systems may be considered without an accompanying Engineering Feasibility Study. Study to be requested when needed. Soil Conservation Service Soil Study shall be required.	2 - 15 lots	2 - 40 lots
Engineering Feasibility Study including Soil Conservation Service Soil Study must accompany request for individual systems. Public systems generally expected.	16 - 50	41 - 100
Individual systems not likely to be approved.	more than 50 lots	more than 100 lots

II. NOTES:

1. These numbers are given as a guide in submissions. They are not intended to assure acceptance of individual systems in any subdivision. See requirements for individual systems.

2. Individual systems will not be permitted when an acceptable public system is available.

3. The installation of individual wells and septic tanks on the same lot is at best a questionable procedure, even under the best of conditions, and should be discouraged if other arrangements can be made.

4. Minimum conditions of South Carolina State Board of Health Rules and Regulations Governing Individual Waste Disposal Systems must be observed when septic tanks are used.

5. Length width ratio of 2 to 1 is desirable for lots. 2½ to 1 is a normal maximum; 3 - 1 is occasionally used.

DHEC/BES/GS
4-29-77 ZM

SUGGESTED MINIMUM LOT SIZES

AREA IN SQUARE FEET FOR SPECIFIED GROUND SLOPES

Perc Min/inch	0 - 5% Slope	Over 5 - 10% Slope	Over 10 - 20% Slope	Over 20% Slope
A.	PUBLIC WATER & PUBLIC SEWERAGE			
	No minimum area.			
B.	INDIVIDUAL WELLS & PUBLIC SEWERAGE			
	10,500	10,500	10,500	10,500
C.	PUBLIC WATER & INDIVIDUAL SEPTIC TANKS			
2 or less	12,500	15,000	17,500	20,000
3 - 5	15,000	20,000	22,500	25,000
6 - 10	20,000	25,000	27,500	35,000
11 - 20	25,000	30,000	35,000	42,500
21 - 30	30,000	35,000	40,000	50,000
31 - 40	35,000	40,000	45,000	57,500
41 - 50	40,000	45,000	55,000	65,000
51 - 60	42,500	50,000	60,000	72,500
D.	INDIVIDUAL WELLS & INDIVIDUAL SEPTIC TANKS			
2 or less	30,000	30,000	30,000	30,000
3 - 5	30,000	30,000	30,000	35,000
6 - 10	30,000	35,000	37,500	42,500
11 - 20	35,000	40,000	45,000	52,500
21 - 30	40,000	45,000	50,000	60,000
31 - 40	42,500	50,000	60,000	70,000
41 - 50	47,500	55,000	65,000	77,500
51 - 60	50,000	60,000	70,000	85,000

GUIDELINES

FOR USE WITH

RULES AND REGULATIONS GOVERNING THE DEVELOPMENT OF

SUBDIVISION WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

I. PURPOSE

To obtain uniform conformity with good public health practice in the state and still permit flexibility to suit soil conditions, stream limitations and other conditions which vary from one site to another. In all cases (1) An acceptable water supply must be available. (2) Soil conditions and terrain must support the type of sewerage system proposed. (3) The site must have the ability to free itself of surface drainage and stagnant bodies of water.

II. OBJECTIVE

All proposed subdivisions must have an acceptable water and sewage disposal plan.

III. A. Decision as to whether or not to permit the use of individual water supplies and/or individual septic tanks for sewage disposal shall be made after due consideration of the following factors.

1. Small Development

(a) Consider future number of lots, not merely the number being requested.

(b) Operation and maintenance costs on very small systems usually exceed revenues and the owner loses interest when the lots are sold.

(c) All systems large or small will require appropriately certified operators.

(d) Per lot construction costs are high for small systems where treatment must be included.

2. Water Table

Water table elevation must be low enough to permit seepage from the drain tile field. The required depth below the bottom of the drainage ditch will vary with the type of soil. Good percolating soils will need less depth than will tight soils. A water table not less than thirty-six inches below ground surface can be used with the good soils provided it can be maintained at least six inches below the bottom of the ditch during wet seasons. The level of the ground water table must be investigated during dry and wet seasons. Soil Conservation Service evaluations should be considered.

3. Subsurface Conditions

The nature of the soil, location and character of rock formations and the level of ground water table during dry and wet seasons must be investigated if subsurface sewage disposal is proposed and is permitted. Soil percolation characteristics must also be determined.

Underground explorations are the responsibility of the developer and his engineer. They should be encouraged to utilize the assistance of the Soil Conservation Service. State and County Health Department personnel will determine the acceptability of the data presented.

A sufficient number of borings to a depth of at least 6 feet, preferably 10 feet, and other soil tests must be carried out to supply an accurate record of subsurface conditions. Generally not less than one boring per lot will be required. Additional borings will be required if needed to properly describe the lot. The locations of the borings and and other test holes must be shown on the subdivision map and boring

cross-sections must be depicted on the plans. The results of soil percolation tests should be shown on the map or recorded as a separate report. Enough perc tests will be required to give adequate information including tests in the worst soils.

4. Acceptable Lot Size and Configuration

   (a) Where private water or sewer systems are to be utilized there shall be sufficient land area on each lot for all proposed buildings, driveways, utility easements, drainage, approved system installations and a replacement for the septic tank drain field in the event of failure of the original system.

   (b) Wells must be 100 feet from sewage drain tiles, 100 feet from septic tank, and 10 feet from property lines. It must be assumed that soils under houses will be chemically treated for termite protection. A well should be at least 100 feet from the house and must be so located that surface and subsurface drainage is away from the well.

   (c) Sewage tile fields must be 10 feet from buildings and property lines, 50 feet from ditches with bottoms lower than the tile field and 50 feet from any stream or body of water.

   (d) Length width ratio of 2 to 1 is desirable, 2½ to 1 is a normal maximum; 3 to 1 is occasionally used. Wide lots are particularly desirable when septic tanks are used to prevent concentration of drain fields

5. Availability of Public Water and Sewerage Systems

   Individual systems will not be permitted when an acceptable public system is available.

6. Unacceptable Discharge Point for Treated Sewage Effluent

   Examples of unacceptable discharge points are: No stream within reasonable distance; shell fish waters; water supply intake, etc.

7. Excessive Financial costs of installing a Central Sewage Collection and Treatment System and/or Central Water Supply.

   Conditions differ but when the number of lots reaches about 40 the lack of feasibility of central sewage systems are open to serious question. Central water systems may be feasible at 15 lots or less. Cost analysis submitted by the engineer which shows central system cost to be 2½ to 3 times individual system costs are worthy of consideration.

8. All justifications for individual systems must be documented by the appropriate professional personnel and such data must be submitted for evaluation to, and be approved by, the State Board of Health or its agent.

C. Consideration should be given to requiring an easement for future central water or sewer systems.

D. Where septic tanks are authorized on a temporary basis and sewers are expected to be installed in the near future -

   (1) Septic tanks should be installed on the side of the house which will be served by the sewer and the drain field in the most acceptable location.

   (2) Consideration should be given to escrow tap-on fees when the developer is permitted to install a few septic tanks with the provision that sewers will be installed at a later date.

Appendix F

ENDANGERED SPECIES
in
SOUTH CAROLINA

Birds

American Peregrine Falcon
Falco peregrinus anatum

Arctic Peregrine Falcon
Falcon peregrinus tundrius

Bachman's Warbler
Vermivora bachmanii

Eastern Brown Pelican
Pelecanus occidentalis carolinensis

Eskimo Curlew
Numenius borealis

Ivory-billed Woodpecker
Campephilus principalis

Kirtland's Warbler
Dendroica kirtlandii

Red-cockaded Woodpecker
Dendrocopus borealis

Southern Bald Eagle
Haliacetus l. leucocephalus

Fish

Shortnose Sturgeon
Acipenser brevirostrum

Mammals

Atlantic Right Whale
Eubalaena glacialis

Blue Whale
Balaenoptera musculus

Bowhead Whale
Balaena mysticetus

Eastern Cougar
Felis concolor cougar

Finback Whale
Balaenoptera physalus

Florida Manatee
Trichechus panatus

Humpback Whale
Magaptera novaeanoliae

Indiana Bat
Myotis sodalis

Sei Whale
Balaenoptera borealis

Sperm Whale
Physeter catodon

Reptiles

Atlantic Leatherback Turtle
Dermochelys c. coriacea

Atlantic Ridley Turtle
Lepidechelys kempii

Gopher Tortoise
Gopherus polyphemus

Amphibians
Pine Barren Tree Frog
Hyla andersoni

Ziz Zag Salamander
Plethodon dorsalis

Geographic Areas of Particular Concern

Areas of Unique Natural Resource Value

A. The Heritage Trust Program

1. Capers Island

Capers Island was purchased by the State of South Carolina in February, 1975, as the result of growing public concern for the conservation of natural resource areas. The island, situated between Dewees Island to the south and the Cape Romain National Wildlife Refuge to the north, serves as a classical example of a coastal barrier island having been built during the course of thousands of years by the interaction of wind and water. To the east the island is bordered by the Atlantic Ocean and to the west by the Atlantic Intra-Coastal Waterway.

Situated approximately three miles from the mainland, Capers is part of an extensive zone of barrier islands, coastal salt marshes and estuaries. About 1.4 miles in width and 3.3 miles in length (along the ocean side), the island contains 850 acres of highland and some 1,090 acres of salt marshlands interlaced by networks of tidal creeks.

The topography of the island is characterized by a sandy beach zone and a series of dune ridges dominated by typical maritime forest vegetation, such as live oak, water oak, southern hickory, ash, cabbage palmetto, American holly, Yaupon and magnolia. Between the dune ridges are found low areas containing marshlands, ponds and swamps. The remains of ditches, banks, furrows and roads throughout the island attest to its former cultivation.

The exact history of Capers Island has been lost through the passage of time, but it is known that the island was contained in one of the grants given by the King of England to the early colonists. The Capers family, for whom the island was named, was one of the earliest owners, and members of this family contributed significantly to the history of South Carolina and the nation.

The maritime forest, swamps, ponds and vast pristine marshlands of Capers Island provide valuable habitat for a great variety of wildlife and serve as an invaluable and irreplaceable natural resource for the enjoyment of present and future generations of South Carolina.

B. State Wildlife Preserves

1. Turtle Island

This barrier island has extensive salt marsh areas and almost 100 acres of upland forest. It is virtually undisturbed as a result of its remote location and difficulty of access. The 1,700 acres are owned and administered by the WMRD.

2. Bear Island Game Management Area

There are 7,500 acres in this game management area. Managed for waterfowl nesting and feeding by the WMRD, the (predominantly) marsh area consists mainly of old ricefields.

3. Alexander Sprunt, Jr., Wildlife Sanctuary (Deveaux Bank)

4. Santee Coastal Reserve

Over 17,000 acres of the Santee Coastal Reserve are located on the northern edge of Charleston County, adjacent to the Santee River (additional acreage is in Georgetown County). The reserve consists of beaches, maritime forest, managed waterfowl impoundments, upland forest and cypress swamp. It includes a major wading bird rookery and osprey nesting area, several carolina bays, and extensive salt marsh areas. The Santee Coastal Reserve is managed by WMRD as a game management area.

5. Hatchery Game Management Area

This game management area of approximately 2,450 acres is managed for waterfowl.

6. Moultrie Game Management Area

This area of approximately 9,700 acres, much of it in Lake Moultrie, is leased by the State for deer, small game and waterfowl hunting.

7. Santee Delta Game Management Area

Located in marshes between North and South Santee Rivers, this area of roughly 3,300 acres, is a complex of old ricefields. Managed for waterfowl, it is especially significant due to proximity to North Island, South Island Plantation, and the Santee Coastal Reserve. Taken together, they form a major wildlife refuge area.

8. North Island and South Island Plantation

These two islands at the mouth of Winyah Bay were willed to the State by the former owner. They will be managed by WMRD primarily for research activities. (Final transfer of title is anticipated in the immediate future.) They form a vast complex of beaches, maritime forest, waterfowl impoundments and managed woodland. South Island and the adjacent area (Santee Coastal Reserve), extending south to Cape Romain National Wildlife Refuge, harbor some 80% of the sea turtle nesting activity on the South Carolina coast.

9. Samworth Game Management Area

Owned and managed by WMRD for waterfowl and upland game species, this area northeast of Georgetown contains just under 800 acres. Although relatively small, it is significant principally for its waterfowl impoundments.

C. State Parks

1. Hunting Island State Park

This 5,000 acre State park facility with just over 4 miles of beach and 200 campsites is the State's second most popular park. Besides 400 day-use parking spaces, the park includes rental cabins, carpet golf, a lighthouse dating from 1873, comfort stations, a wildlife area with nature trails and a boat launching ramp.

2. Givhan's Ferry State Park

This park facility borders on the Edisto River, and has 32 acres in Colleton County. It extends across the river into Dorchester County.

3. Old Ft. Dorchester State Park

4. Edisto Beach State Park

Covering 1,225 acres of Edisto Island, the park has one and one-half miles of sandy beachfront; saltwater marshes; environmental observation stations; hiking trails; and swimming, picnic and playground facilities.

5. Charlestown Landing

The first permanent settlement in South Carolina, this site of approximately 500 acres is on the National Register of Historic Places. The park commemorates the landing of three English ships and establishment of a settlement on the Ashley River in 1670. This family park has both historical and nature themes. Features include a replica of a 17th century trading cache, replica settlers' village and crop garden, and a pavillion with artifacts from the first one hundred years of settlement. The park also offers an animal forest of endogenous South Carolina species, roughly 80 acres of gardens with walking and biking paths, and picnic areas.

6. Drayton Hall

7. Hampton Plantation

3. Huntington Beach State Park

Located along US 17, three miles south of Murrell's Inlet, this 2,500 acre tract is owned by the Trustees of Brookgreen Gardens and leased to the State for park development. It has 3 miles of sandy beach, and is characterized by scenic and wildlife features, including sand dunes, marshes, protected inlets, freshwater ponds and extensive forest area. It offers camping, picnicing, and nature observation, with boardwalks, interpretive kiosks, and an alligator habitat and feeding station. A deteriorating structure called Atalaya, built by the Huntington family, is open to visitors for a walk through its rambling rooms and gardens.

9. Myrtle Beach State Park

While only 312 acres in size, this park is the State's most popular facility. It offers 4 main use areas; 1) campground; 2) day-use area with picnic shelter, restrooms, and changing rooms, and swimming pool along the oceanfront; 3) interpretive area with visitors' center and historic and environmental trails; and 4) recreational facilities, including a 750 foot fishing pier, rental concessions and miniature golf. The park has one mile of sandy swimming beach.

D. Scenic Rivers

None to date.

E. Marine and Estuarine Sanctuaries

None to date.

F. Shellfish Areas

1. Commercial Shellfish Leases

a. Beaufort County

Lease #	Leasee	Acreage
1	T. M. Bailey, Jr.	316.0
7	Hudson Seafood	65.4
13	Hilton Head Co.	2.0
17	Ocean, Lake & River Fish Co.	884.0
18	Toomer, Jr.	459.0
23	Bluffton Oyster Corp.	364.0
47	Skull Crk Oyster Corp.	12.0
31	J. S. Clark	2.0
52	R. Nutt	2.0
113	D. H. Pinckney	46.9
132	F. G. Toomer	93.8
205	Mrs. O.T. McIntosh	1.3
207	F. G. Toomer	55.5
41	Gault Fish Co.	5.4
46	Coastal Sfd. Co.	98.0
42	Gault Fish Co.	124.0
12	Broad Crk. Sfd., Inc.	127.0
145	-	1.5

b. Charleston County

Lease #	Leasee	Acreage
4	R. E. Ashely, Sr. & Jr.	108.0
8	Yonges Isld Canning Co.	380.0
9	H. Hutchinson	22.0
10	Yonges Isld. Co. Co.	335.0
11	S. Rhodes	1.8
14-A	A. M. Lofton	50.0
14-B	W. W. Dausey	10.0
15	C. A. Magwood, Jr.	31.0
26	A. Solomon	20.0
20	Carolina Std. Co.	146.0
21	R. E. Ashely	114.0
26	T. Duke, III	17.8
28	S. C. Crab Co.	8.0
30	B. Wilson	11.0
31	Sullivan E. Merina	285.0
34	T. P. Duke, Jr.	253.0
35	Flowers Oyster Co.	740.0
37	Bulls Bay Std. Co.	11.0
43	Flowers Oyster Co.	155.0
44	J. P. Jackson	7.0
45	Bulls Bay Seafood	297.0
55	Caper-Dewees Trust	4.0
61	W. B. Liles	0.6
62	S. Rhodes	41.62
204	Backman Std. Co.	10.33
25	Carolina Std. Co.	174.0
25-A	Carolina Std. Co.	20.0
57	R. Dion	2.0
58	N. A. Terry	2.0
59	V. G. Burns	2.0
19	W. P. Baldwin III	10.0
27	W & P Shepard	14.5

c. Horry County

Lease #	Leasee	Acreage
2	C. Morse	62.0
5	Pora H. Nance	184.0
6	R. Bellamy	72.0
36	P. Nance	32.0
39	R. Eason	15.50
96	A. W. Short	1.0
97	B. L. Marlow	1.0
98	C. R. Atteberry	1.0

Horry County (continued)

Lease #	Leasee	Acreage
147	J. L. Tapp	0.4
174	J. Johnson	0.60
178	H. H. Hucks	1.23
22	S. C. Crab Co.	12.8

2. Public Oyster Grounds

a. May River/Bull Creek
b. Last End Point
c. Skull Creek
d. Chechessee River
e. East Branch Creek
f. Whale Branch
g. Ashe Island
h. Ashepoo River
i. Kiawah Island
j. Leadenwah Creek
k. Folly River
l. Hamlin Creek
m. Sewee Bay
n. Mathews Cut
o. Clam Bank Flats
p. Alston Creek
q. North Murrells Inlet

3. State Shellfish Grounds

a. Old House Creek
b. Auhaw Creek
c. Habersham Creek
d. Marsh Island
e. Toogoodoo Creek
f. Green Creek
g. Cole Creek
h. Folly River
i. Alligator Creek

G. Groundwater Resources

a. Waccamaw Area

H. Treatened or Endangered Species Habitats

None to date.

4. Other Shellfish Areas

a. Wando River (seed oyster beds)
b. North & South Santee Rivers (clam-non-leased)
c. North Santee Bay (clam-non-leased)

Activities or Facilities Dependent on Coastal Location

A. State Ports

1. Port Royal

This 500 foot pier facility is leased to the Port Royal Clay Company. It has one berth, used for bulk and break-bulk cargo, and also 60,000 square feet of covered warehouse and storage shed area. In 1973, this facility handled approximately 175,000 tons of cargo (most recent SPA figures).

2. Charleston

In 1976, the Port of Charleston became the 11th-ranked port in the United States, in terms of dollar value of general cargo. It is the leading port in the South Atlantic area and has grown five-fold in only 7 years. The thirteen SPA berths located in Charleston handle almost 3 million tons of cargo per year. There are 7 berths for conventional cargo; 3 are containership berths; one is a combination break-bulk/container berth; one is a grain berth and one is a specialized banana berth. The 400-ton shear leg crane at the Port of Charleston is the most powerful of its type in the Western hemisphere; the Port also offers a modern freezer facility of 600,000 cubic feet, for meats and dairy products, and 1.5 million bushel capacity grain elevator.

Over half of the general cargo now moves in containers, with about 100,000 containers handled per year. About 1,200 ships per year call at the Port of Charleston; this figure does not include tankers and dry bulk carriers handled by private terminals. Charleston is served by 98 different steamship services.

3. Georgetown

State Pier 31 is a public general cargo facility approximately 500 feet long, handling break-bulk and petroleum products. Pier 32 is leased to the Georgetown Steel Corporation and is a steel-handling facility with a 75-foot gantry crane. Together these two berths handled approximately 550,000 tons of cargo in 1973 (the most recent figures available from the SPA).

B. Mining Operations

1. Jasper County

a. Limehouse, county mine	Sand
b. Eastern Contractors, Inc.	Sand and Clay
c. Deerfield Sand & Mining Company	Sand and Gravel
d. J. F. Cleckley & Company	Sand and Gravel

2. Beaufort County

a. Malphrus Construction Company	Sand and Clay

3. Colleton County

a. U. S. Peat Corporation	Peat
b. Walker Trucking Company	Sand and Gravel
c. Nettles Sound	Sand and Gravel
d. Becker Sand and Gravel	Sand and Gravel
e. Seigles Sand Company	Sand and Gravel
f. J. F. Cleckley and Company	Sand and Gravel
g. Sanders Bros. Construction Co.	Sand and Gravel
h. Banks Construction Co.	Sand and Gravel

4. Dorchester County

a. Addco Mining Company	Sand and Gravel
b. Salisbury Brick Corporation	Clay
c. Becker Sand and Gravel	Sound and Gravel
d. Murray Sand Company	Sand and Gravel
e. Dorchester Brick Works, Ltd.	Clay

f.	Muckenfuse Landscaping Company	Sand and Clay
g.	Santee Sand Company	Sand and Gravel
h.	Gifford - Hill and Company	Limestone
i.	Giant Portland Cemend Corporation	Limestone and Clay

5. Charleston County

a.	Edmonson Hauling Company	Sand and Clay
b.	H & M Mining Company	Sand and Clay
c.	Brinson Excavating Company	Sand and Clay
d.	Land Associates	Sand and Clay
e.	Truluck Construction Company	Sand and Gravel
f.	A & A Contractors	Sand and Clay
g.	J. F. Cleckley and Company	Sand and Clay
h.	Kinsey Construction Company	Sand and Clay
i.	C. D. Walters Construction Company	Sand and Clay
j.	Chaplin Landing Company	Sand and Clay
k.	Ware Brothers Investment Company	Sand and Clay
l.	O. L. Thompson Construction Company	Sand and Clay
m.	C. F. Rhodes Construction Company	Sand and Clay
n.	Addco Mining Company	Sand and Clay
o.	Island Construction Company	Sand and Clay
p.	Banks Construction Company	Sand and Gravel

6. Berkeley County

a.	Dorchester Brick Works, Ltd.	Clay
b.	T. Dangerfield Construction Co.	Sand
c.	Bass Ltd.	Limestone
d.	Consolidated Enterprises	Sand and Clay
e.	Ware Brothers Investment Company	Limestone, Sand & and Clay
f.	Martin-Marietta Aggregates	Limestone

7. Georgetown County

a.	Asphalt Products Corp.	Sand and Gravel
b.	McDaniels Sand and Gravel Co., Inc.	Sand and Clay

8. Horry County

a.	Godwin Construction Company	Sand and Gravel
b.	C. L. Benton and Sons	Sand and Gravel
c.	Blythe Development Company	Sand
d.	Asphalt Products Corp.	Sand and Clay
e.	Waccamaw Clay Products Co.	Clay
f.	J. O. Cannon and Sons	Sand
g.	Stacy Edwards Block Mine	Coquina
h.	William Bird Sales Corp.	Coquina
i.	Horry Linestone Products	Linestone
j.	G & C, Inc.	Coquina
k.	Coastal Limehouse	Coquina

Horry County (continued)

l.	Cedar Creek Village	Coquina
m.	Locher Silica	Sand

Historic Sites

A. Jasper County

1. Robertville Baptist Church

The original church building, established in 1781, was destroyed by Sherman's troops in 1864. The members bought the present building and moved it from Gillisonville to its present location. This white frame structure has classic Gothic-style columns.

2. Gillisonville Baptist Church

This white frame colonial church was built in 1845, when Gillisonville was the seat of government for the Beaufort District. The original steeple was lost to federal cannon fire during the Civil War, but the rest survived Sherman's burning of the town in 1865.

B. Beaufort County

1. Sea Pines Shell Ring

Also on Hilton Head Island, this small shell ring contained ceramic artifacts from about 1500 B.C. It is located on Seabrook Plantation, which shelters ruins of a plantation used by Federal troops as a supply and coal base during the Civil War.

2. Green's Shell Enclosure

3. Hilton Head Shell Ring

This Indian shell ring on the north end of Hilton Head Island is the oldest discovered along the Georgia-Carolina coastline, dating from 1500-2000 B.C. Artifacts indicate family groups may have lived most of the year around the shell ring, which is thought to have been a place of worship.

4. Church of the Cross

5. Charles Forte

6. Tombee Plantation

This two-story clapboard house was built about 1790 by Thomas Chaplin on St. Helena Island. The house is constructed so that rooms have window exposure on three sides. Chaplin's grandson kept a 780 page journal from 1845 to 1857, which is now part of the S.C. Historical Society Collection.

7. Hassell Point Shell Ring

This site on the Colleton River near Port Royal contains two small Wilmington Indian burial mounds.

8. Hunting Island Light House

9. Fort Frederick

10. Chester Field Shell Ring

This Indian shell ring site, on Stallings Island, is located west of Hudson's Landing Road.

11. Penn Center

12. Indian Hill

13. Beaufort Historic District

14. Tabby Manse

One of the finest early Colonial homes in Beaufort, this private residence on Bay Street was built about 1788. The house was used as a hospital in the Civil War.

15. John Mark Verdier House

Built about 1790 by a wealthy Beaufort Planter and shipowner, Lafayette visited this home on his American Tour in the 1820's, and spoke to the people from its steps. The home is built on a high tabby foundation and features exemplary interior wood and plaster work.

16. Barnwell-Gough House

17. The Marshlands

18. Robert Smalls House

19. John A. Cuthbert House

Built about 1810, this historic house, on Bay Street in the City of Beaufort, features excellent interior and exterior woodwork.

20. William and Elizabeth Barnwell House

Built in about 1818, this house in the City of Beaufort has a double stairway and fine interior woodwork.

21. The Anchorage

On the waterfront in downtown Beaufort, this home was built before the American Revolution, and was used as a Federal hospital during the Civil War. Its builder and owner was William Elliott, noted statewide as a politician, agriculturalist, author and poet.

22. Coffin Point Plantation

On St. Helena Island, this two-story clapboard is believed to have been constructed around 1801. A ½ mile avenue of live oaks leads the entrance to the plantation, which was the location of prosperous cotton production. It was a center of activity during the Port Royal experiment in the early years of the Civil War.

23. Little Barnwell Island Shell Ring

Two sand and oyster Indian shell mounds are found on this site on the Broad River.

24. Sheldon Church

The ruins of this historic church are located just east of Pocotaligo on US Highway 21.

25. Auldbrass Plantation

This home was designed and built by Frank Lloyd Wright, between 1940-1951. It offers a unique combination of traditional plantation architecture with innovative structure and details that reflect the Lowcountry natural environment, specifically the characteristic cypress trees and live oaks draped with Spanish moss.

C. Colleton County

1. Isaac Haynes Hall

North of Jacksonboro off Route 64, this was the ancestral home of the Haynes Family, which came from England. A monument erected in the gardens marks the burial site of Col. Isaac Haynes, "the Martyr" who was hanged by the British in Charleston in August, 1871.

2. Pon Pon Chapel

The original St. Bartholomew's Parish was established in 1706, but devastated by Yemassee Indians. In 1725, the General Assembly provided for construction of the chapel, where John Wesley was to preach in 1737. A Charleston newspaper recorded that a fire destroyed the church in 1801, and it is referred to today as "the Burnt Church".

3. Colleton County Courthouse

The First Nullification meeting in South Carolina was held in this brick building in 1828. Constructed in 1822, it is a good example of the work of Robert Mills, its architect. The walls of the Greek Revival structure are 29 inches thick (three bricks deep), and its wrought iron stairway is a unique rustproof feature.

4. Walterboro Jail

Built in 1855, this Neo-Gothic building served as the County Jail until 1937. It was designed by noted Charleston architects Jone and Lee.

5. Walterboro Little Library

Moved from its original site, where it once served as a focal point for determining the town's boundaries, this frame house with louver shutters was built in 1820. It was a favorite stopping place for area planters when business brought them to the County Seat. It is currently used for meetings by the Colleton County Historical Society.

D. Dorchester County

1. Middleton Place

About fourteen miles outside Charleston on S.C. Highway 61, this plantation has America's oldest landscaped gardens. Middleton Place was developed by Henry Middleton as a setting for a brick Tudor mansion, built in 1738. A later owner was Arthur Middleton, a signer of the Declaration of Independence. It is a National Historic Landmark.

2. Old Fort Dorchester

On the Ashley River near the mouth of Dorchester Creek, this site contains the ruins of the original trading village and fort of Dorchester, a settlement of New Englanders from Massachusetts. A fort was built on part of the town site in 1775, and the town burned in the Revolutionary War.

3. Summerville Historic District

Summerville originated as a pineland summer refuge for Lowcountry planters. The National Register district of Summerville largely conforms to the boundaries of 1847 when the village was incorporated. Originally the streets were laid out without a plan, and winding roads still characterize the older section of town.

4. Cypress Methodist Camp Ground

5. Carroll Place

Located at the intersection of Quaker and Wire Roads, this two-story wooden house is said to be one of the oldest in Dorchester County. It served as a stage coach tavern on the Charleston to-

Carrol Place (continued)

Orangeburg Road.

5. Indian Fields Methodist Church Campground

Dating from before the 1801 visit of Rev. Francis Ashbury, the founder of American Methodism, this religious camping area was moved to its present location in 1848. It contains 99 cabins and an open-air tabernacle, and is located on S.C. Highway 73, northeast of St. George.

E. Charleston County

1. Middleton Plantation

2. Presbyterian Manse

3. Trinity Episcopal Church

4. Fig Island Shell Ring

Southeast of Rockville on Oceola Creek, these Indian shell rings are two of the approximately twenty between the central S.C. coast and central Georgia coast. All date from prehistoric times and were the sites of significant finds of early North America pottery.

5. Horse Island Shell Ring

Just south of Rockville, this prehistoric Indian shell midden also contains significant early North American pottery remains.

6. Brick House Ruins

7. William Seabrook House (Dodge Plantation)

8. Village of Rockville Historic District

Rockville was founded by the planters of Wadmalaw and Edisto Islands as a summer refuge from malaria. It contains one late eighteenth century building, twelve pre-Civil War buildings and six outstanding structures dating from the late nineteenth and early twentieth centuries.

9. Hackel Mound Shell Ring

A prehistoric Indian shell midden deposited in a ring shape, this site is believed to date early in the second milleuim B.C. Located near Rockville, at the confluence of Leadenwah Creek and the N. Edisto River, it contains some of the earliest pottery known in North America.

10. John Seabrook Plantation Bridge (Adm. George Palmer Bridge)

Located on the south bank of the Leadenwah Creek, this

structure is a unique example of a late eighteenth century brick highway bridge.

11. Arnoldus Vander Horst House

Built around 1770 this structure is a rare example of a late eighteenth century wooden plantation house. It passed from its builder, James Stanyarne, to Arnoldus Vanderhorst who served as Mayor of Charleston, (1785-1786 and 1790-1792) and as Governor of South Carolina (1794-1796).

12. Willtown Bluff

The town site is located about 5 miles west of the community of Adams Run. Willtown was one of the earliest and most important towns in South Carolina, but it began to decline during the mid-1700's and died out after the revolution.

13. Johns Island Presbyterian Church

This original wooden building is framed of handsawn lumber and is put together with wooden pegs. It is considered to be the oldest continuous Presbyterian Church in South Carolina.

14. Fenwick Hall Plantation

Near the intersection of River Road and Maybank Highway on Johns Island, this two-story brick plantation home was built in 1730. Except for minor changes, the building retains the appearance of its Georgian architectural period.

15. Marshlands Plantation House

With its unusual Adam mantels and well-balanced proportions, this house is one of the finest examples of Adam architecture in the Low Country. It was moved from its original location on the Cooper River to its present location in 1961.

16. Fort Johnson/Powder Magazine

This is an area which contains a number of forts, the earliest dating from 1708. The second fort was built in 1759, and a third fort was constructed between 1793-1794 using elements of the two earlier fortifications. Other structures on the site included two batteries errected in 1812, two barracks and a martello tower some years later and a mortar battery in 1861 for the purpose of firing on Fort Sumter. The powder magazine (1814) appears to be the only intact remnant of all the fortifications.

17. Stiles-Hinson-Thompson House

Actually two houses in one, the original one-and-one-half story colonial farmhouse was built around 1742. Around 1891 a two-and-one-half story Victorian house was built on to it. Each house maintains its architectural integrity.

18. Fort Sumter

This 19th century fortification was the scene of a South Carolina artillery attack on Federal troops, on April 12, 1861, marking the beginning of the Civil War. Located in Charleston Harbor, the fort was later the scene of a 20 month seige, with the Confederate garrison withstanding overwhelming Federal attacks.

19. U.S. Coast Guard District

This five acre district contains three buildings (rescue station boathouse, administration building, carriage house) dating from about 1891 as well as a Spanish-American War army bunker and a 1962 lighthouse. The buildings are fine examples of East Lake architecture.

20. Fort Moultrie

21. Battery Gadsden

Built to protect Charleston harbor, this fortification is one of a series of batteries stretching from Fort Moultrie to the end of Sullivans Island. Its four gun emplacement is unique among batteries of this period on the island. Guns and machinery were removed in 1917.

22. Battery Thompson

This two, 10' gun, coastal defense battery was established to command the entrance to the Charleston harbor jetties. Machinery and guns were removed in 1947.

23. McLeod Plantation

The country house built by William McLeod around 1858 was altered in the early 1900's to become a good example of Greek Revival architecture. The grounds contain an avenue of well preserved wooden slave cabins.

24. Castle Pinckney

Named in honor of Charles Cotesworth Pinckney, U.S. Commissioner to France (1797), this fortification was constructed just before the War of 1812. It was used to house prisoners during the War Between the States.

25. Charleston Historic District

The total area of this district corresponds to the Old and Historic District delineated in the zoning ordinance of the City of Charleston, ratified on August 16, 1966. Charleston's first settlement was in 1670 on the west bank of the Ashley River. The town was moved in 1680 to its present location on the peninsula between the Ashley and Cooper Rivers. Charleston's early economy was based on the planting of rice and indigo, and the town became the largest and wealthiest metropolis south of Philadelphia.

26. Bethel Methodist Church

In 1795 the property was acquired for a Methodist burial ground. A Methodist meeting house was built there in 1798 and the present building was begun in 1852.

27. William Blalock House

This house, made of Carolina grey brick is an outstanding example of a Charleston "double" house. An exquisite fanlight over the front door, marble keystones and a double set of steps are some of its outstanding features. (This structure is a National Historic Landmark).

28. Daniel Blake House

This double house dates from 1764-1772. Located at Court House Square in the City of Charleston, it is a fine example of English bond brickwork, and has noteworthy wrought iron porch railings and interior woodwork.

29. Branford-Horry House

This fine "double" house was built around 1751 by William

Branford. Its portico which extends over the public way was built in the 1830's by Elias Horry, great-grandson of William Branford. The house contains a wealth of fine Georgian woodwork.

30. Miles Brewton House

This fine old house is considered to be one of America's outstanding Georgian mansions. Built by the prominent and wealthy Miles Brewton and inherited by his sister, Mrs. Rebecca Brewton Motte, Rev. war heroine. The house was commandeered as headquarters for General Sir Henry Clinton during part of the American Revolution and again in 1865 for Federal officers. (This structure is a National Historic Landmark).

31. Robert Brewton House

This house is one of the earliest remaining examples of the Charleston "single" house; a long, narrow building one room wide and two rooms deep with the narrow end facing the street. (This structure is a National Historic Landmark).

32. Charleston's French Quarter District

This area today is located at the edge of "Old and Historic Charleston" and is the section where the Huguenots once had warehouses and dwellings. Lodge Alley is one of the oldest streets in Charleston and is a visual example of the city's Old World ties. The ten foot wide passage paved in "Belgian Blocks" served as a thruway for merchants, allowing them access from their homes on State Street to ships on East Bay Street.

33. C & S National Bank of S.C. Building

This building was used by the Bank of South Carolina from 1798 until 1835 at which time it was bought by the Charleston Library Society. In 1916 the Library Society sold the building to the Charleston Chamber of Commerce which, in turn, sold it in 1966 to the Citizens and Southern National Bank of South Carolina. The building is thought to be the oldest bank building in the United States still in use as a banking office.

34. College of Charleston

Chartered in 1785 and officially opened in 1790 the College of Charleston is noted as being the first municipal college in America. The old "main building" built in 1828 is handsome Greek Revival structure. The College of Charleston is a National Historic Landmark.

35. Dock Street Theatre

This building is located on or near the site of the first theatre of Charleston, the Dock Street Theatre. The present Dock Street Theatre is a creation of an 18th century continental theatre within the old shell of the 1803 Planters' Hotel. The only original parts of the hotel interior which remain are the lobby, staircase, and the two rooms above the lobby. The woodwork and carving in the lobby and upstairs rooms are from the Judge King House, since demolished.

36. The Exchange and Provost

Built between 1769-72 the Exchange and Provost is one of the most historic buildings in America. "In January, 1775, the Provincial Congress assembled here to set up the first independent government established in America and to elect delegates to the General Congress

which met later in Philadelphia." (Historic Charleston Guidebook, complied and originally published as Across the Cobblestones by The Junior League of Charleston, Inc.) The building is perhaps best known as the place where President George Washington was officially received during his visit to Charleston in May, 1791. The cellars beneath the building served as a British dungeon, "The Provost", during the Revolution. The building is a National Historic Landmark.

37. Farmers and Exchange Bank

This old building is a fascinating example of Moorish gothic architecture. It is used today by a law firm and is a National Historic Landmark.

38. Fireproof Building

Originally intended to safeguard public records, this was the first completely fire-resistant building in this country. It was erected between 1822 and 1826, and has been described as "sternly beautiful". The building is now owned by the County of Charleston.

39. William Gibbes House

The height of Charleston's Georgian period can be seen in this beautiful mansion. The upstairs ballroom is considered to be one of the most beautiful rooms in America. The house is a National Historic Landmark.

40. DuBose Heyward House

Number 76 Church Street, Charleston, is noted as being the place where DuBose Heyward wrote his famous story of Porgy. The house is a National Historic Landmark.

41. Heyward-Washington House

This fine Georgian town house was built in 1770 by Daniel Heyward, the founder of a great rice-planting dynasty. Daniel's son, Thomas Heyward, a signer of the Declaration of Independence, leased the house to the city of Charleston as a residence for President George Washington during his visit to Charleston in 1791, thus the name Heyward-Washington House. The house is a National Historic Landmark.

42. Hibernian Hall

This Greek Revival structure was built by the Hibernian Society, an Irish fraternal order, which still owns and uses the building today. Each year this hall is the scene of the St. Cecilia Ball, the most famous social event in the South. The building is a National Historic Landmark.

43. Huguenot Church

Built in the Gothic style, this church building is the fourth to stand on this site. Many Huguenots, fleeing persecution in France, established themselves in and around Charleston. They began worshipping at this site about 1687. The Huguenot Church is a National Historic Landmark.

44. McCrady's Tavern and Long Room

This rectangular brick building was acquired by Edward McCrady, a Charleston barber, and was operated as a tavern. The Long Room was constructed in 1788 as an adjunct to the tavern. It is a one-

room, multi-purpose building which was used for balls, music festivals, etc. In 1791 President George Washington was entertained there.

45. Joseph Manigault House

Constructed of Carolina grey brick and laid in Flemish bond, the house forms a geometric figure and is an outstanding example of Adam style architecture. It was designed by Gabriel Manigault for his brother Joseph. The house is a National Historic Landmark.

46. Market Hall and Sheds

Erected between 1788 and 1804 the City Market sheds stretched for six blocks from Meeting Street to the Cooper River. Market Hall was erected at the head of these buildings in 1841. It is a fine example of Roman Doric. The hall presently houses the Confederate Museum and is operated by the United Daughters of Confederacy.

47. Clark Mills Studio

An equestrian statue of General Andrew Jackson placed in Lafayette Park in Washington established the reputation of Clark Mills who pioneered in the casting of bronze statues in America. In his Charleston studio on Broad Street he carved a marble bust of John C. Calhoun for which the City of Charleston awarded him a gold medal.

48. James Nicholson House

A classic villa on a very grand scale, this house was built in the fashionable suburb called Cannonsboro which today is well within the city limits. One of its past owners was George A. Trenholme, Secretary of the Treasury of the Confederacy. Today it serves as a nationally known school for girls.

49. Old Marine Hospital

Designed by the well known Charleston architect, Robert Mills, this building exemplifies the Gothic revival style of architecture. It is presently used as Housing Authority Headquarters for the City of Charleston.

50. The Circular Congregational Church

The first church on this site was a small wooden structure built in 1681 which housed a congregation of Huguenots, Presbyterians and Congregationalists. It was replaced in 1804 by a Pantheon-like church which burned in 1861. The present structure was built by using the bricks from the burned building. This church building is a National Historic Landmark.

51. Powder Magazine

This building, built around 1713, is one of the few buildings in Charleston which has survived from the days of the Lords Proprietors. Constructed for storing powder its 2'8" thick walls and heavy groined vaulting are made of brick and oyster shell mortar.

52. Robert Barnwell Rhett House

This dwelling was the home of Robert Barnwell Rhett from 1856-63. Known as the "Father of Secession", this U.S. Senator composed the "Address to the Slaveholding States". His son was the editor of the Charleston Mercury.

53. Robert William Roper House

It is probable that the architect Edward Brickell White designed this mansion. The beautiful Greek Revival portico, dramatically high ceilings and tall windows and doors make this house truly grand.

54. Thomas Rose House

Built around 1735 this house is a fine example of the early Georgian period. The exterior lines are simple and solid; the house has two floors instead of the three so typical in Charleston.

55. Nathaniel Russell House

This house, completed in 1809, is the finest example of Charleston's Adam architecture. It was built by Nathaniel Russell, a native of Rhode Island, who moved to Charleston and became one of her most prosperous merchants. The house is now owned by and serves as headquarters for the Historic Charleston Foundation. The house is a National Historic Landmark.

56. Edward Rutledge House

Built for James Laurens, this house later was owned by Edward Rutledge, a signer of the Declaration of Independence. The house is a National Historic Landmark.

57. Governor John Rutledge House

This house was owned by John Rutledge who served as President of the Independent Republic of South Carolina during the Revolutionary War and later as governor of the state. He later served as the second chief justice of the Supreme Court of the United States. The house is a National Historic Landmark.

58. St. Michael's Church

St. Michael's is the oldest church edifice in Charleston, and except for the addition of the sacristy, the building remains unchanged. Its bells, imported from England in 1765, are beloved for their connection with Charleston's history. The building is a National Historic Landmark.

59. St. Philip's Church

St. Philip's congregation is the oldest in the state. The original building was located at the present site of St. Michael's Church. When the growing congregation needed more room, a new church building was built on the Church Street site; this building burned in 1835. The third and present building was built between 1835-38. The building is a National Historic Landmark.

60. Simmons-Edwards House

Built by a Johns Island Planter, Francis Simmons, this single house was later owned by George Edwards. Edwards added a garden and formal entrance. The house is a National Historic Landmark.

61. South Carolina National Bank of Charleston

This building was erected for the Charleston branch of the Second Bank of the United States and was acquired by the Bank of Charleston in 1835. The name was changed to the South Carolina National Bank in 1926.

62. South Carolina State Arsenal

The Denmark Vesey slave uprising of 1822 resulted in the

construction of this arsenal which was converted to the Gothic style in 1849. This building housed the S.C. Military Academy from 1843-1922, and today it serves as a Charleston County Office Building.

63. Col. John Stuart House

This house was built around 1772 by Col. John Stuart, Indian Commissioner for the Southern Colonies. The carving of the overmantels is some of the finest in the City of Charleston. The house is a National Historic Landmark.

64. Sword Gates House

The premises at 32 Legare Street are valuable because of the famous Sword Gates as well as the fine wooden house with its masonry addition. The gates, with their design of Roman swords and spears, were forged about 1838 by Christopher Werner, a famous Charleston ironsmith. The house (now 111 Tradd Street), which served as a seminary for young ladies from 1819-1849, contains a beautiful Adam ballroom.

65. Unitarian Church

This building was remodeled in 1852 to resemble the chapel of Henry VII in Westminster Abbey. The congregation was an offshoot of the Congregational Church, and was rechartered as the Unitarian Church in 1839. It is the oldest Unitarian Church in the South. The building is a National Historic Landmark.

66. U.S. Customhouse

Begun by 1853 and finished after the Civil War this beautiful neo-classic building uses an elaborate grillage to support its weight. It is interesting from both an engineering and an architectural standpoint.

67. U.S. Post Office and Courthouse

This beautiful Renaissance Revival structure was built of Winnsboro, S.C. granite. It is an appropriate expression of the late 19th century.

68. Central Baptist Church

This clapboard structure was built around 1893 by a black congregation and has been continuously used since that time. The church is significant in terms of black history and folk art and is one of the first black churches founded and built solely by blacks in Charleston. It serves as an example of the Carpenter Gothic vernacular style of architecture.

69. St. Mary's Roman Catholic Church

The church was incorporated in 1791 and a church building was constructed on the site at an unknown date. This first structure was replaced by a brick building which was destroyed by fire in 1838. The third and present building built in 1839, is a two-story stucco over brick structure with massive Doric columns.

70. Old Bethel United Methodist Church

Begun in 1797 and completed in 1808, this is the oldest Methodist church building in Charleston. Originally located at the corner of Pitt and Calhoun Streets, it served a congregation of blacks and whites until the 1840's when the blacks seceded. The church was moved to the western part of the church grounds in

1852 and was then used by blacks alone. In 1880, the church building was given to the black congregation and was moved once again to its present site on Calhoun Street.

71. Kahal Kadosh Beth Elohim Synagogue

72. Mount Pleasant Historic District

Significant buildings in this old section of Mt. Pleasant document its history with architecture. Styles range from the Colonial and early Federal period through the Victorian age and many buildings attest to the town's cultural, religious and political endeavors.

73. St. Andrews Parish Church

St. Andrews Parish was one of ten parishes established in the colony's political divisions under the Church Act of 1706. A small church building was begun on this site in 1706, and its walls, used in the nave of the present structure, represent the oldest example of church architecture in the state.

74. Old Court House

Located on King Street in Mt. Pleasant, this building was erected in 1884 and used as a court house until 1898, during the period when Mt. Pleasant was the county seat of Berkeley County. It is the only example of commercial Victorian architecture in Mt. Pleasant.

75. William Aiken House and Associated Railroad Structures

76. Site of Old Charles Town

In April 1670, three English ships landed on the west bank of the Ashley River at a place known as Albermarle Point and founded Charles Towne, the first permanent settlement in Carolina. Ten years later the town was moved to the peninsula between the Ashley and Cooper Rivers. The historic area of Albermarle Point is today a state park called Charles Towne Landing.

77. Magnolia Cemetery

78. Paul Pritchard Shipyard

Located several miles north of Mt. Pleasant this site was being used for shipyard in 1706 when it was burned by a French and Spanish invasion fleet. It was rebuilt and used until about 1922. Paul Pritchard built ships there for S.C.'s Navy during the Revolutionary War.

79. Snee Farm

Built in appriximately 1754, this plantation was the home of Charles Pinckney, a framer of the U.S. Constitution, a Governor of South Carolina, and U.S. Minister to Spain. The farm is located on S.C. Highway 97, near Mt. Pleasant.

80. Christ Church

This building was a parrish church and used as the administrative center of the colonial government. The original walls, erected in 1726, were destroyed by British soldiers, but later rebuilt. It is located six miles north of Mt. Pleasant on U.S. Highway 17.

81. Auld Mount

Dating from the second millenuim B.C., this Indian shell midden stands about 6 feet above the surrounding swamp, with the ring itself 2-3 feet higher that the central area. It lies about one mile off U.S. Highway 17 near Mt. Pleasant.

82. Buzzard's Island Shell Ring

Located near Mt. Pleasant, southeast of U.S. Highway 17, this ring-shaped shell midden dates from a prehistoric Indian era. It is about 178 feet in diameter and stands no more than 3 feet above sea level.

83. Oakland Plantation

This clapboard house of hand-hewn black cypress sits on a low foundation of bricks made from oyster-shell lime. Built on land originally granted by the Lords Proprietors in 1696, this dwelling is probably the oldest house in Christ Church Parish.

84. Stono River Slave Rebellion Site

On this site, slaves under the leadership of an Angolan slave Jemmy, attacked the Hutchinson warehouse located near the river. After killing two guards and seizing arms they moved on toward Savannah. This insurrection led to the passage of one of the most comprehensive slave codes adopted in the English colonies.

6. Ashley Hall Plantation

Originally the home of the Bull family who were outstanding in South Carolina politics from 1670-1860. The area contains an Indian mound, the ruins of a 1710 house and the Stephen Bull house of 1670.

5. John Drayton House

This magnificant structure is probably the finest example of Georgian architecture in America. It was built by John Drayton whose son, William Henry Drayton, was a Revolutionary patriot. Drayton Hall was saved from burning and pillage in 1865 because of its use as a hospital for smallpox victims. The house is a National Historic Landmark.

7. Magnolia Gardens

This estate was named Magnolia-on-the-Ashley and has been in the Drayton family since 1671. One of its owners, John Grimke-Drayton, developed the famous gardens, importing the Camellia Japonica and the Azalea Indica for which the gardens are so well known.

8. Sewee Shell Ring

Near the intersection of U.S. 17 and Awendaw School Road, this prehistoric Indian Shell midden measures about 149 feet in diameter.

9. Harrietta Plantation

This wooden two-story dwelling was probably begun in the 1830's. Resting on high brick foundations, it is built in the Charleston single house style.

90. St. James Santee Episcopal Church

This church building with its brick exterior and cypress interior is one of the most beautiful of the Low Country's parish churches. Erected when the Episocpal faith was the state religion, it was used as a center for colonial governmental administration. The building is a National Historic Landmark.

91. Fairfield Plantation

Originally owned by the Lynch family, the house passed into the hands of Jacob Motte, one of the Colonial treasurers of South Carolina. Motte enlarged and altered the house as did members of the Pinckney family who subsequently became its owners. It is the oldest house in the old parish of St. James Santee.

92. Hampton Plantation

This beautiful house is located on the western bank of the South Santee Rivers. Hampton was visited by President George Washington in 1791. The Hampton Plantation is also a National Historic Landmark.

Berkeley County

1. St. James Goose Creek Church

Architecturally one of the finest churches in the South Carolina Lowcountry, it is the oldest Anglican Church building still standing outside of Charleston. It escaped destruction during the Revolution because there were British Royal Arms above the altar. It is located about a half mile east of U.S. Highway 52 in Goose Creek. (This structure is a National Historic Landmark).

2. St. Thomas Episcopal Church

On the Wando River near Cainhoy on County Highway 98, this small brick church was built in 1819. Behind the church there is a rare vestry building.

3. Medway Plantation

This private residence, near Mount Holly off U.S. 52, was built by Landgrave Thomas Smith, a noted Colonial politician, in 1712. It serves as a fine example of baroque architecture.

4. Middleburg Plantation

Located off S.C. Highway 98 on the East Branch of the Cooper River, this is the oldest known wooden house still standing in South Carolina. It was built by Benjamin Simons in 1699. (This structure is a National Historic Landmark).

5. Pompion Hill Chapel

Built in about 1767, this chapel near Huger off S.C. Highway 41 was intended as a chapel of ease to the main parish church.

6. Strawberry Chapel

Built in about 1725, this chapel is the only surviving building from the planned colonial town of Childsbury. It is located at the South end of S.C. Highway 402, and represents a rare architectural example of the Episcopal Chapel of Ease of this period.

7. Calais Mile Stone

8. Tavon Church

9. Thomas Broughton (Mulberry) Plantation

Near Moncks Corner on the West Branch of the Cooper River, this house represents the transition from the ethnic colonial architectural style to the formal eighteenth century Georgian style. It was used as a fort during the Yemassee Indian War of 1715 and as a British outpost in 1781. (This structure is a National Historic Landmark).

10. Lewisfield Plantation

Standing high off the ground and oriented to catch summer breezes, this home was built about 1774. Its high ceilings and porch shading the principal rooms is characteristic of Lowcountry plantation houses.

11. Lach Dhu Plantation

This two story wood house on a low brick foundation was built by Robert J. Kirk, a cotton planter. The house is one of the few remaining plantation houses of the upper half of Berkeley County.

12. St. Stephen's Episcopal Church

In St. Stephen, near the junction of U.S. Highway 52 and S.C. Highway 45, this church is a beautiful example of religious architecture of the period. The building was also used as an administrative center of colonial government. (This structure is a National Historic Landmark).

i. Georgetown County

1. Hopsewee Plantation

This historic home on the North Santee River was the plantation of Thomas Lynch, a signer of the Declaration of Independence. It was part of a grant from King George II, and the black cypress building was constructed between 1735-40. It is open to the public as an historic house museum.

2. Annandale Plantation

Annandale was a plantation prior to 1791, and its original name was Millbrook. It was here, in 1792, that Jonathan Lucas built the first rice pounding mill operated by tidal flow. The stately columed plantation house was built in 1833 by the Johnstone family.

3. Georgetown Lighthouse

Built in 1811 this lighthouse stands on land which was donated to the United States by Paul Trapier in 1789. The structure is built of brick with the stairs and a center supporting post of solid stone.

4. Georgetown Historic District

5. Prince George, Winyah, Episcopal Church House

This frame house, built in 1825, was used as command headquarters by the U.S. Troops that occupied the City of Georgetown in the Civil War. At the corner of Broad and Highmarket Streets, it houses the offices and meeting house for the Episcopal

congregation of Georgetown.

6. Old Market Building

On Front and Screven Streets, this two-story brick structure was erected as a town hall and public fresh air market in 1835. It replaced an earlier structure destroyed by hurricane in 1822. The lower floor was enclosed in the 20th century, and today the building houses the Rice Museum.

7. Arcadia Plantation

8. Pawleys Island Historic District

9. Mansfield Plantation

10. Prince Frederick's Chapel

In 1877 upon completion of Prince Frederick Church, the old chapel building on the site was moved to Plantersville. This building, known as Prince Frederick's Chapel was consecrated on July 23, 1879. Some of the silver used in this chapel is the original silver given to the church by Prince Frederick of Wales.

11. Brookgreen Gardens

18 miles Northeast of Georgetown on U.S. Highway 17.

12. Chicora Wood Plantation

This plantation was originally granted to John Allston of Berkeley in 1732, and remained in the Allston family for generations. One of its owners, Robert Francis Withers Allston, a governor of South Carolina, was one of the best known rice planters in the Lowcountry. The plantation house was built sometime before 1819.

H. Horry County

1. Hebron Church

2. Old Horry County Jail

Located on Main Street in Conway, this brick structure was built in 1820 for the County jail. It was renovated and used as a hotel between 1920 and 1966. Plans are in the making for renovation to a museum by the City of Conway, the present owner.

Appendix G

FEDERAL AGENCY CONTACTS

Michael Kageorge, Regional Rep.
Department of Agriculture
1720 Peachtree Street
Atlanta, Georgia 30309

Mr. Dave Rosdahl
Forest Service
Francis Marion - Sumter National Forests
1801 Assembly Street
Columbia, S. C. 29201

Mr. Jim Wells, CZM Coordinator, SA/R8
U. S. Forest Service
1720 Peachtree Street
Atlanta, Georgia 30309
(6)

Mr. G. E. Huey, State Conservationist
U. S. Department of Agriculture
Soil Conservation Service
240 Stoneridge Drive
Columbia, S. C. 29210

Mr. Camile LaCombe
Real Property Office
U. S. Department of Agriculture
Southern Region
P. O. Box 53326
New Orleans, La. 70153

Mr. Robert L. Wong
Chief, Environmental Planning Div.
USAF Regional Civil Engineer-Eastern Region
526 Title Building
30 Pryor St., S. W.
Atlanta, Georgia 30303

B/Gen. Tedd L. Bishop
Commander 437th MAW
Charleston Air Force Base, S. C. 29404

Mr. Thomas D. Sims
Community Planner, Environmental Planning Division
USAF Regional Civil Engineer-Eastern Region
526 Title Building
30 Pryor St., S. W.
Atlanta, Georgia 30303
(6)

Gen. Kenneth McIntyre, Div. Engineer
Corps of Engineers
South Atlantic Division
30 Pryor St., S. W.
Atlanta, Georgia 30303

Mr. George Allen
Corps of Engineers
S. Atlantic Division
30 Pryor St., S. W.
Atlanta, Georgia 30303

Mr. Kenneth H. Fagg
U. S. Army Engineer District, Charleston
Corps of Engineers
P. O. Box 919
Charleston, S. C. 29402

Col. William W. Brown, District Engineer
Department of the Army, Charleston District
Corps of Engineers
P. O. Box 919
Charleston, S. C. 29402

Mr. John Carothers
CZM Coordinator
Dept. of the Army, Chas. District
Corps of Engineers
P. O. Box 919
Charleston, S. C. 29402

Col. Frank Walter, District Engineer
U. S. Army Engineers, Savannah District
P. O. Box 889
Savannah, Georgia 31402

Mr. Steven Osvald
U. S. Army Engineers, Savannah District
P. O. Box 889
Savannah, Georgia 31402

Mr. Paul S. Metz, Jr.
CZM Coordinator
U. S. Army Engineers, Savannah District
P. O. Box 889
Savannah, Georgia 31402

Mr. Paul Hemmann
Secretarial Representative
U. S. Department of Commerce
Suite 300, 1365 Peachtree St., N. E.
Atlanta, Georgia 30309

Mr. James R. Westlake
Deputy Secretarial Representative
U. S. Department of Commerce
Suite 300, 1365 Peachtree St., N.E.
Atlanta, Georgia 30309

Mr. William H. Stevenson
Regional Director, Southeastern Region
National Marine Fisheries Service
9450 Koger Boulevard
St. Petersburg, Florida 33702

Ms. Gail Limerick
South Atlantic Fishery Management Council
Southpark Building
1 Southpark Circle, Suite 306
Charleston, S. C. 29407

Mr. John Phillips
Office of Coastal Zone Management
3300 Whitehaven Street
Washington, D. C. 20235

RADM Allen L. Powell
Director, National Ocean Survey
6001 Executive Blvd.
Rockville, Maryland 20852

Mr. Robert L. Safarik, Port Development Officer
Maritime Administration, Eastern Region
26 Federal Plaza
New York, New York 10007

Mr. Lee Brand, CZM Coordinator
Economic Development Administration
Southeastern Regional Office
Suite 700, 1365 Peachtree St., N. E.
Atlanta, Georgia 30309

Mr. Heyward Hamilton
ERDA Representative
Div. of Biomedical & Environmental Research
Department of Energy
Washington, D. C. 20545

Ms. Sara V. Craig
Principal Regional Official
Dept. of HEW, Region IV
101 Marietta Tower, Suite 1403
Atlanta, Georgia 30323

Mr. Charles N. Straub
Assistant Regional Administrator for Community Planning & Development
Dept. of HUD, Regional Office
Pershing Point Plaza
1371 Peachtree St., N. E.
Atlanta, Georgia 30309

Mr. Richard J. Hoogland
National Marine Fisheries Service
9450 Koger Blvd.
St. Petersburg, Florida 33702

Mr. Randall P. Cheek
Area Supervisor
Environmental Assessment Branch
National Marine Fisheries Service
P. O. Box 570
Beaufort, N. C. 28516

Mr. Bill Rankin
Director of Resource Applications
Department of Energy
Energy Resource Development
1655 Peachtree St., N. E.
Atlanta, Georgia 30309

Mr. William S. Stoken, Jr.
Environmental Officer
HUD, Columbia Area Office
1801 Main Street, Jefferson Square
Columbia, S. C. 29201

Ms. Carol B. Doyle
Flood Insurance Specialist
Federal Insurance Adm., HUD
1371 Peachtree St., N. E.
Atlanta, Georgia 30309

Mr. Roy K. Wood
Special Assistant to the Secretary
U. S. Dept. of the Interior
148 International Blvd., N. E.
Room 410
Atlanta, Georgia 30303

Mr. Jim Lee
U. S. Dept. of the Interior
148 International Blvd., N. E.
Room 410
Atlanta, Georgia 30303

Mr. William B. Overstreet
Assistant Director
U. S. Geological Survey-MS 109
12201 Sunrise Valley Drive
Reston, Virginia 22092
ATTENTION: Robert Schoen, CZM Coord.

Mr. C. L. R. Holt, Jr.
Regional Program Officer
Geological Survey
1459 Peachtree St., N. E., Suite 200
Atlanta, Georgia 30309

Mr. John S. Stallings, Distr. Chief
Water Resources Div., Geological Survey
2001 Assembly St., Suite 200
Columbia, S. C. 29201

Mr. Robert Schoen
Coordinator, CZM Act
RALI Program, LIA
U. S. Geological Survey
National Center - MS 751
Reston, Virginia 22092
(6)

Mr. Wilbert Dare, Chief
Office of Environmental Coordinator
BOM
Columbia Plaza
2401 E. Street, N. W.
Washington, D. C. 20241
(3)

Mr. Robert L. Pavlovich
CZM Coordinator
U. S. Bureau of Mines
2401 E Street, N. W.
Columbia Plaza, Room 1002
Washington, D. C. 20241

Mr. Gordon Leaf
Eastern Field Operations Center
Bureau of Mines
4800 Forbes Avenue
Pittsburgh, Pa. 15213

Mr. Hewson Lawrence, Liaison Officer
U. S. Bureau of Mines
Room 403, Columbia Building
Main and Gervais Streets
Columbia, S. C. 29201

Mr. Joe Brown
Regional Director
National Park Service
1895 Phoenix Blvd.
Atlanta, Georgia 30349
(3)

Mr. Kim M. Fene, Park Planner
National Park Service
1895 Phoenix Blvd.
Atlanta, Georgia 30349

Mr. Pingree Crawford, Superintendent
Fort Sumter National Monument
P. O. Drawer R
Sullivans Island, S. C. 29482

Mr. Kenneth E. Black
Regional Director
U. S. Fish and Wildlife Service
P. O. Box 95067
Atlanta, Georgia 30347
(3)

Dr. James B. Kirkwood
U. S. Fish and Wildlife Service
P. O. Box 95067
Atlanta, Georgia 30347

Mr. Doug Winford
Div. of Ecological Services
U. S. Fish and Wildlife Service
P. O. Box 12559
Charleston, S. C. 29412
(9)

Mr. Lowell Udy, State Director
Eastern States
Bureau of Land Management
7981 Eastern Avenue
Silver Spring, Maryland 20910

Mr. Ray Arndt, Natural Resource Specialist
Eastern States Office
Bureau of Land Management
7981 Eastern Avenue
Silver Spring, Maryland 20910

Mr. Claude A. Martin, Associate Director
Eastern States Office
Bureau of Land Management
7981 Eastern Avenue
Silver Spring, Maryland 20910

Mr. John Rankin, Manager
Outer Continental Shelf Office
Bureau of Land Management
Hale Boggs Federal Building
500 Camp Street
New Orleans, La. 70130

Mr. Harold P. Sieverding, Asst. Mgr.
Outer Continental Shelf Office, BLM
Hale Boggs Federal Bldg., Suite 841
500 Camp Street
New Orleans, La. 70130

Mr. Randolph J. Clement
Outer Continental Shelf Office
Bureau of Land Management
Hale Boggs Federal Bldg., Suite 841
500 Camp Street
New Orleans, La. 70130

Mr. Robert M. Baker, Reg. Director
Heritage Conservation & Recreation
Service
148 International Blvd., N. E.
Room 525
Atlanta, Georgia 30303

Mr. Steven E. Price
Heritage Conservation & Recreation
Service
148 International Blvd., N. E.
Room 525
Atlanta, Georgia 30303

Mr. Harry A. Rainbolt, Director
Southeast Agencies
Bureau of Indian Affairs
1951 Constitution Avenue
Washington, D. C. 20242

Mr. Joseph B. Willkie
Civil Engineer
Bureau of Indian Affairs
1951 Constitution Ave., N. W.
Washington, D. C. 20245

Mr. John Barnum
Pollution Control Section
Department of Justice
Washington, D. C. 20530

RADM Roy F. Hoffmann
Commander
Naval Base
Charleston, S. C. 29408

Commanding Officer
Southern Division
Naval Facilities Engineering Command
P. O. Box 10068
2144 Melbourne St.
Charleston, S. C. 29411
ATTENTION: John Murray, Code 20B

Capt. W. K. Peery
Asst. Chief of Staff, Ops. & Logistics
Sixth Naval District
Charleston, S. C. 29408

Commanding General
(Attn. G4)
Marine Corps Recruit Depot
Parris Island, S. C. 29905

Col. Paul Siegmund, Commanding Officer
Marine Corps Air Station
Beaufort, S. C. 29902

Mr. D. R. Geoffrion, Deputy Sec. Rep.
U. S. Department of Transportation
Suite 515
1720 Peachtree Road
Atlanta, Georgia 30309

Mr. Doug R. Campion, Reg. Director
Urban Mass Transportation Administration
Suite 400
1720 Peachtree Rd., N. W.
Atlanta, Georgia 30309

Mr. Ivan C. Jenkins, Director
Office of Environment and Design
Region 4, Federal Highway Administration
1720 Peachtree Rd., N. W., Suite 200
Atlanta, Georgia 30309

Mr. Charles W. Klemstine
Environmental Coordinator
Federal Highway Administration
2001 Assembly St., Suite 203
Columbia, S. C. 29201

Mr. Jim Thomas, Chief
Office of Pipeline Safety Operations
Materials Transportation Bureau
Suite 200-B
1568 Willingham Drive
College Park, Georgia 30337

Capt. R. L. Madson
Chief, Marine Safety Division
7th U. S. Coast Guard District
Room 1225, Federal Building
51 SW First Avenue
Miami, Florida 33130

Mr. Chuck Williams
Environmental Coordinator
7th U. S. Coast Guard District (mep)
Room 1225, Federal Building
51 SW First Avenue
Miami, Florida 33130

Regional Administrator
EPA, Revion IV
345 Courtland St.. N. E.
Atlanta. Georgia 30308
(2)

Mr. Reginald Rogers
EPA, Region IV
345 Courtland St., N. E.
Atlanta, Georgia 30308

Mr. Michael Levi
EPA, Region IV
345 Courtland St., N. E.
Atlanta, Georgia 30308

Mr. Donald E. Allen, Acting Reg. Rep.
Department of Energy
1655 Peachtree St., N. E.
Atlanta, Georgia 30309

Mr. Lewis D. Strom, Reg. Adm.
General Services Administration
1776 Peachtree St., N. W.
Atlanta, Georgia 30309

Mr. Ron Johnston
General Services Administration
1776 Peachtree St.. N. W.
Atlanta, Georgia 30309

Mr. Louis A. Ganna
Marine Mammal Commission
1625 I Street, N. W.
Washington, D. C. 20006

Mr. Warren Zurn
Resource Applications Specialist
Department of Energy
1655 Peachtree St., N. E.
Atlanta, Georgia 30309

Regional Engineer
Federal Energy Regulatory Commission
730 Peachtree St., N. E.
Atlanta, Georgia 30308

Mr. Mac Rogers
Federal Railroad Administration
Suite 216-B
1568 Willingham Drive
College Park, Georgia 30337

Mr. Al Baldwin, Executive Director
Southeastern Federal Regional Council
101 Marietta Tower, Suite 2121
Atlanta, Georgia 30323

Dr. Claud Anderson, Federal Co-chairman
Coastal Plains Regional Commission
1725 K Street, N. W.
Suite 413
Washington, D. C. 20006

Mr. John T. Brown
Heritage Conservation & Recreation Service
148 International Blvd., N.E., Room 525
Atlanta, Georgia 30303

Mr. Frank W. Young, Sr., State Program Officer
Office of State Programs
Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Donovan E. Hower, Director
Land Management Service
Veterans Administration
Office of Construction
Washington, D. C. 20420

Mr. Harold E. Little, Chief
Airports District Office
Federal Aviation Administration
1568 Willingham Drive
Suite C, Room 116
College Park, Georgia 30337

FEDERAL AGENCY CONTACT LOG

Date: _____

Method of Contact: _____ phone _____ meeting

Name of Agency: _____

Name of Contact: _____

Summary and/or purpose of communication:

Additional Remarks:

Signature: _____

COASTAL PLAINS REGIONAL COMMISSON

TE	METHOD	NAME	REMARKS
'14/77	letter to	Dr. Claud Anderson	from Duncan Newkirk, Re: Federal lands
2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations
'27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
›/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline and schedule, permits processed in 1977 and coordination meetings.
3/78	memo to	Federal contacts	from Ann Adkins, Re: Draft Report "Legal Analysis and Goals and Objectives". Request for comments and suggestions.
:8/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List requesting review and updated information.
31/78	memo to	Federal contacts	from H. Wayne Beam, Re: National interest and Federal consistency questionnaire.
'1/78	letter from	Coastal Plains Regional Commission	to H. Wayne Beam, Re: Answer to National Interests & Federal consistency questionnaire

DEPARTMENT OF AGRICULTURE
Agricultural Research Service

DATE	METHOD	NAME	REMARKS
11/17/77	letter to	Camile LaCombe	from Duncan Newkirk, Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
'/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline and schedule, permits processed in 1977 and coordination meetings.
3/13/78	memo to	Federal Agency contacts	from Senator Waddell, Re: Draft report, "Legal Analysis and Goals and Objectives". Request for comments and suggestions.
3/28/78	memo to	Federal Agency contacts	from H. Wayne Beam, Re: Federal Agency Contact list. Request for review and updated information.
5/31/78	memo to	Federal Agency Contacts	from H. Wayne Beam. Re: National Interests and Federal Consistency questionnaire.

DEPARTMENT OF AGRICULTURE
Regional Representative

DATE	METHOD	NAME	REMARKS
7/25/77	letter from	Senator Waddell	to Regional Representative, Re: follow-up to Southern Federal Regional Council meeting, Atlanta, GA. 7/7/77.
9/19/77	memo from	Senator Waddell	to All Interested Parties, Re: Interim Rules and Regulations.
9/30/77	copy of letter to	G. E. Huey (SCS) and John Orr (Forest Service)	from Duncan Newkirk, Re: Maps of federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules and Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline and schedule, permits processed in 1977 and coordination meetins.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report: "Legal Analysis & Goals and Objectives." Request for comments and suggestions.
3/28/78	memo to	Federal contacts	from H. Wayne Beam, Re: Federal Agency Contact List. Request for review and updated information.
5/31/78	memo to	Federal agency contacts	from H. Wayne Beam, Re: National Interest & Federal Consistency questionnaire.

DEPARTMENT OF AGRICULTURE
Soil Conservation Service

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	G. E. Huey	from Senator Waddell, Re: Follow-up of Southern Federal Regional Council meeting, July 7, Atlanta.
8/1/77	phone call	Council staff	from Louis Dameron. Requested list of Council members, officers and chairman of committees.
9/19/77	memo to	G. E. Huey	from Senator Waddell, Re: Interi Rules & Regulations.
9/30/77	letter to	G. E. Huey	from Duncan Newkirk, Re: Maps of federal lands
11/8/77	letter to	H. Wayne Beam	from L. W. Dameron, Re: Conferen with SCS.
11/9/77	letter to	G. E. Huey	Duncan Newkirk, Re: federal land
11/11/77	letter to	Duncan Newkirk	from Norman Shuler, Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Rules and Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline and schedule, permits processed in 1977 and coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis and Goals and Objectives".
3/15/78			Tel/con between Ben Gregg and Dic Fowler. Mr. Gregg explained permitting program and answered Mr. Fowler's questions.
3/28/78	memo to	Federal contacts	from H. Wayne Beam, Re: Nationa. Interest and Federal Consistency questionnaire.
4/12/78			Soil Conservation Service's response to Council questionnaire
5/31/78	memo to	Federal contacts	from H. Wayne Beam, Re: National Interest and Federal Consistency questionnaire.

DEPARTMENT OF AGRICULTURE
Soil Conservation Service - continued

DATE	METHOD	NAME	REMARKS
6/8/78			Telephone conversation between Ann Adkins and Louis Dameron concerning National Interest and Federal Consistency questionnaire.
6/9/78	letter to	Ann Adkins	from G. E. Huey, Re: Response to National Interest and Federal Consistency questionnaire.

DEPARTMENT OF AGRICULTURE
U. S. Forest Service

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	John Orr	from Senator Waddell, Re: Follow up of Southeastern Federal Region Council meeting, July 7, 1977.
9/19/77	memo to	All Interested Parties	Senator Waddell, Re: Interim Rules & Regulations.
9/28/77	letter to	Duncan Newkirk	from J. L. Marsh, Acting Forest Supervisor Re: Interim Rules & Regulations.
9/30/77	letter to	John Orr from	Duncan Newkirk. Re: Maps of federal lands.
10/5/77	letter to	Duncan Newkirk	from James Wells, Re: Interim Rules & Regulations.
11/2/77	letter to	Duncan Newkirk	from D. D. Devet, Re: Federal lands.
11/14/77	letter to	Duncan Newkirk	from Donald W. Eng. Re: Draft Final Rules & Regulations
12/2/77	memo to	Federal Contacts	from Ann Adkins, Re: Draft Final Rules & Regs.
12/15/77	Tel/con	Jim Wells spoke	to Ann Adkins about Rules & Regs Wells asked about Council policy on federally excluded lands.
12/27/77	memo to	Federal contacts from	Ann Adkins, Re: GAPC draft.
2/22/78	letter to	Ann Adkins	from Donald Eng. Request for meeting with staff to be briefed on S.C.CZM program.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: New sheet, program outline & schedule, permi processed in 1977 & coordination.
3/78			Forest Service's answer to Coasta Council questionnaire.
3/1/78	letter to	Ann Adkins	from Jim Wells opposition of Fore Service to the listing of Francis Marion Forest lands within GAPC.
3/7/78	letter to	Jim Wells	from Ann Adkins in response to his letter of March 1.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report "Legal Analysis and Goals and Objectives: Request for comments and suggestions.

DEPARTMENT OF AGRICULTURE
U. S. Forest Service - continued

ATE	METHOD	NAME	REMARKS
'28/78	memo to	Federal contacts	from H. Wayne Beam, Re: Federal Agency Contact List. Request for review and updated information.
12/78			Updated contact list information from Forest Service (Columbia office).
18/78	letter to	Ann Adkins	from Jim Wells in response to her letter of March 7.
19/78			Updated contact list information from Forest Service (Atlanta Office)
31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.
15/78	letter to	Harriet Knight	from Jim Wells. Re: Comments on draft report, "Legal Analysis & Goals and Objectives".
13/78	letter to	Ann Adkins	from Lawrence Whitfield, Re: Memo of 5/31/78.
19/78	letter to	Ann Adkins	from Keith Grest, Re: Reply to National Interest and Federal Consistency questionnaire (Atlanta Office).
19/78	letter to	Wayne Beam	from Donald Eng. Re: Reply to National Interest & Federal Consistency questionnaire. (Cola. office).

DEPARTMENT OF THE AIR FORCE

DATE	METHOD	NAME	REMARKS
7/25/77	letters to	Brig. General Bishop & Charles Smith	from Senator Waddell, Follow-up of the Southeastern Federal Regional Council meeting. Atlanta 7/7/77
9/19/77	memo to	All Interested parties	from Senator Waddell, Re: Interim Rules & Regulations.
9/30/77	letter to	Charles Smith	from Duncan Newkirk, Re: Maps of federal lands
10/11/77	letter to	Duncan Newkirk	from Robert Wong, RE: Interim Rules & Regulations.
11/11/77	Telcon	Tim Sims	talked with Harriet Knight. Discussed upcoming Council meetings.
12/2/77	memo to	Federal contacts	from Ann Adkins. Re: Draft Final Rules & Regulations.
12/13/77	meeting	Tom Sims	met with Ann Adkins & Harriet Knight. Discussed management program very briefly.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
12/29/77	letter to	Council	from Robert Wong, Re: Comments Draft Final Rules & Regs.
1/27/78	letter to	Ann Adkins	from Robert Wong, Re: Comments on draft GAPC ducument
2/28/78	letter to	Ann Adkins	from Charles Smith, Re: Response to Council questionnaire.
3/13/78	memo to	Federal contacts	from Senator Waddell, RE: Draft Report, "Legal Analysis and Goals & Objectives
3/28/78	memo to	Federal Contacts	from Wayne Beam, Re: Federal Agency Contact List Request for updated information.
4/14/78	letter to	Ann Adkins	from Ronald Waters. Re: Updated contact list information.
5/3/78	letter to	Harriet Knight	from Ronald Waters, Re: Comments on draft report, "Legal Analysis & Goals & Objectives."
5/31/78	memo to	Federal Contacts	from Wayne Beam, Re: National Interest and Fed. Consistency.
6/22/78	letter to	Ann Adkins	from Charles Smith, Response

DEPARTMENT OF THE ARMY
Corp of Engineers

E	METHOD	NAME	REMARKS
/77	Meeting with	Col. Walter (Savannah)	Senator Waddell, Dr. Beam, Duncan Newkirk met with Col. Walter concerning joint permitting process.
77	Meeting with	Gen. McIntyre (Atlanta)	Senator Waddell, Dr. Beam, Duncan Newkirk met with Gen. McIntyre concerning joint permitting process.
77	meeting in Atlanta		Senator Waddell, Dr. Beam, Duncan Newkirk met with Southern Federal Regional Council to explain bill and offer cooperation.
/77	Telcon		Duncan Newkirk discussed with Ann Marwick the setting up of a joint permitting system with the Corps.
/77	Meeting with	Col. Brown (Charleston)	Senator Waddell, Dr. Beam, Duncan Newkirk met with Col. Brown & John Romanosky concerning joint permitting process.
/77			Memo to file, Re: Meetings with Corps on setting up joint permitting process.
/77	Letters to	General McIntyre, Col. Brown and Col. Walter	from Senator Waddell, Re: Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atl.
/77	letter and memo from	Col. Brown	to Senator Waddell concerning meeting (8/16) of Charleston & Savannah Districts with the Senator and staff to discuss joint permitting and general permit for docks & piers.
/78	memo from	Duncan Newkirk	to file, concerning meeting with Corps on Aug. 16. Agreement reached on joint permitting and a general permit.
/77	memo to	All Interested Parties	from Senator Waddell, Re: Rules & Regulations. (Interim)
.77	letters to	Col. Brown and Col Walters	from Duncan Newkirk, Re: Maps of federal lands.

DEPARTMENT OF THE ARMY
Corp of Engineers - continued

DATE	METHOD	NAME	REMARKS
10/12/77	letter to	Steven Oswald (Savannah District)	from Jim Ellis. Re: Amendments to Interim Rules & Regulations
10/18/77	letter to	Duncan Newkirk	from C. G. Goad, Re: Interim Rules and Regulations.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules and Regulations
12/27/77	memo to	Federal contacts	from Ann Adkins, Re. GAPC draft.
12/28/77	letter to	Steven Oswald	from Ann Adkins, Re: Misunderstanding concerning federal lands.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permits processed in 1977, and coordination meetings.
2/15/78	letter to	H. Wayne Beam	from Louis H. Blakey, Re: Army installations; excluded federal lands.
3/1/78	letter to	Ann Adkins	from G. S. White, Re: Response to Council questionnaire.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis and Goals and Objectives".
3/28/78	memo to	Federal contacts	from H. Wayne Beam, Re: Federal Agency Contacts list. Request for update.
3/29/78	letter to	H. Wayne Beam	from William Mattei adivsing of appointment of John L. Carothers as CZM Coordinator for Charleston District.
5/31/78	memo to	Federal contacts	from H. Wayne Beam, Re: National Interest and Federal Consistency questionnaire.
6/29/78	letter to	Ann Adkins	from Jack Lesemann, Re: Response to National Interest and Federal Consistency questionnaire.

DEPARTMENT OF COMMERCE
Maritime Administration

DATE	METHOD	NAME	REMARKS
/25/77	letter to	James McShane	from Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
'19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules and Regulations.
)/5/77	letter to	James McShane	from Duncan Newkirk, Re: Federal Lands
2/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules and Regulations.
2/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
'3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permits processed in 1977, and coordination meetings.
'13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals and Objectives".
28/78	memo to	Federal contacts	from H. Wayne Beam, Re: Federal Agency Contact List. Request for updated information.
31/78	memo to	Federal contacts	from H.Wayne Beam, Re: National Interest and Federal Consistency questionnaire.

DEPARTMENT OF COMMERCE
Economic Development Administration

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Lee Brand from	Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
9/19/77	memo to	Lee Brand from	Senator Waddell. Re: Interim Rules & Regulations.
10/5/77	letter to	Lee Brand from	Duncan Newkirk, Re: Federal lands
12/2/77	memo to	Federal Agencies	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins Re: GAPC draft.
1/25/78	letter to	Ann Akdins	from Lee Brand. Re: GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: New sheet, program outline & schedule , permits processed in 1977 and coordination meetings.
3/13/78	memo to	Federal Contacts	from Senator James Waddell, Re: Draft Report, "Legal Analysis & Goals & Objectives."
3/28/78	memo to	Federal Contacts	from Wayne Beam, Re: Federal Agency Contact List. Request for updated information.
5/31/78	memo to	Federal Contacts	from Wayne Beam, Re: National Interest and Federal Consistency questionnaire.
6/29/78	letter to	Ann Adkins	from Charles Oxley, Re: Response to National Interest & Federal Consistency questionnaire.

DEPARTMENT OF COMMERCE

METHOD	NAME	REMARKS
letter to	Secretarial Representative	from Senator Waddell, Re: Follow-up of Southeastern Federal Regional Council meeting 7/7/77, Atlanta.
letter to	Wayne Beam	from Richard Rigby, Re: questionnaire on Beach Availability and Beach Access.
memo to	Federal Contacts	from Senator Waddell, Re: Interim Rules & Regulations.
copies of letters to	Lee Brand (EDA), William Stevenson (NMFS), James McShane (Maritime Administration)	from Duncan Newkirk, Re: Federal lands.
memo to	Federal contacts	from Ann Adkins, re: Draft Final Rules & Regulations.
memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permits porcessed in 1977 & coordination meetings.
memo to	Federal contacts	from Senator Waddell, RE: Draft Report, "Legal Analysis & Goals & Objectives"
memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List. Request for updated information.
		updated Federal Contact information
memo to	Federal contacts	from Wayne Beam, Re: National Interest and Federal Consistency questionnaire.

DEPARTMENT OF COMMERCE
National Marine Fisheries Service

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	W. Stevenson	from Senator Waddell. Follow up of Southeastern Federal Region Council meeting. 7/7/77, Atlanta.
9/19/77	memo to	W. Stevenson	from Senator Waddell, Re: Interim Rules & Gegulations
10/5/77	letter to	W. Stevenson	from Duncan Newkirk. Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
2/1/78		Larry Hardy	visited Coastal Council office - Charleston, discussed with Dawson and Veale Marina public notices in Charleston area in terms of ecological impact, demand and need.
3/15	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals and Objectives".
3/14/78	letter to	Ann Adkins	from Randall Cheek. Re: Response to Council questionnaire.
3/28/78	memo to	Federal contacts	from H. Wayne Beam, Re: Federal Agency Contact List. Request for updated information.
4/28/78			Updated Federal Contact information.
5/31/78	memo to	Federal contacts	from H.Wayne Beam, Re: National Interest & Federal Consistency questionnaire.
6/15/78	letter to	Ann Adkins	from William Stevenson, Re: Response to National Interest & Federal Consistency questionnaire.

DEPARTMENT OF COMMERCE
National Ocean Survey

ATE	METHOD	NAME	REMARKS
/4/77	letter to	RADM. Allen L. Powell	from Duncan Newkirk, Re: federal lands.
/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline and schedule permits processed in 1977 and coordination meetings.
13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report "Legal Analysis & Goals and Objectives".
13/78			Response to Council questionnarie.
28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List. Request for updated information.
31/78	memo to	Federal contacts	from Wayne Beam, Re: National interests & Federal Consistency questionnaire.
3/78	Memo to	Ann Adkins	from Richard Houlder, Re: Response to National Interest & Federal Cinsistency questionnaire.

DEPARTMENT OF COMMERCE
Office of Coastal Zone Management, NOAA

DATE	METHOD	NAME	REMARKS
7/12/77	letter from	John O'Donnell	to H. Wayne Beam. Follow-up of Southeastern Federal Regional Council meeting, Atlanta.
7/19/77	phone call to	John Phillips	from Ann Adkins to clarify info. on federal agencies and obtain correct address of eastern regional office of EDA
7/25/77	letter to	John Phillips	from Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/7/77. Atlanta.
7/19-21	ASPO meeting	in Savannah, GA	Ann Baker, Harriet Knight & Frances Hester met with Jerry Melroi to update info. on CEIP funding.
late July	phone call	John Phillips	from Frances Hester concerning state programs which have been approved and which will be approved before 10/1/77.
8/8/77		Ben Gregg met with	Theresa Hooks, John Phillips, & Michael Payne in OCZM. Discussed interim rules and regulations.
8/30/77	letter to	Wayne Beam	from Theresa Hooks. Theresa approved the draft Memorandum of Agreement w/Water Resources and DHEC.
9/19/77		Ann Baker	spoke to Grant Dehart, Re: Info. on grants received by Alaska for citizen involvement.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations.
9/28/77		Ann Baker	spoke with Michael Payne Re: Locating Congressional liason for OCZM. Spoke w/ Dick Keating, Re: HR1614 (OCS Lands Act)
10/14/77	letter from	Duncan Newkirk to	Richaid Frank, Re: Federal lands.
10/31/77	letter from	T. P. Gleiter to	Duncan Newkirk, Re: Federal lands.
11/22/77		Ann Baker	spoke w/ Ray Boileau about CEIP application for FY'77 funds and Intrastate Allocation Process.

DEPARTMENT OF COMMERCE
Office of Coastal Zone Management, NOAA continued

ATE	METHOD	NAME	REMARKS
'2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules and Regulations.
9/77		Ann Baker	met with Ray Boileay and others in Washington to discuss aspects of CEIP.
'2/78	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
/78	letter to	John O'Donnell	from Ann Adkins. Re: Thanking him for his help; federal coordination.
'/78	letter to	Ann Baker	spoke w/ J. Robey & J. Burgess concerning CEIP money. (Spoke w/ John Uravitch concerning CEIP)
/78	memo to	Federal contacts	from Ann Adkins Re: News-sheet program outline and schedule, permits processed in 1977 and coordination meetings.
/78	letter to	John O'Donnell	from Ann Adkins, Re: Memo of February 3, 1978.
/78		Ann Adkins	talked with Marion Cox about federal consistency & coordination
5/78	letter to	Theresa Hooks	from Ben Gregg, Re: draft memo of agreement between Council and S. C. State Highway &Pub. Trans.
6/78	letter to	Ann Adkins	from Marion Cox, Re: Federal Consistency & Federal Coordination
4/78	letter to	H. Wayne Beam	from John Phillips concerning GAPC Draft Rept. #1, Authorities draft, Statement of Goals & Objectives, Public Involvement Program.
8/78		Ann Baker	attended meeting of southeastern states to discuss implementation of CEIP.
/78	letter to	Coastal managers	from Linda Sadler, Re: Coastal Education Exhibit.
3/78	memo to	Federal contacts	from Sen. Waddell Re: Draft Rept., "Legal Analysis & Goals & Objectives
8/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List. Request for updated information

DEPARTMENT OF COMMERCE
Office of Coastal Zone Management, NOAA continued

DATE	METHOD	NAME	REMARKS
3/29/78		Ann Baker	spoke with Marion Cox regarding energy facility siting section of the Management Plan.
3/30/78		Ann Baker	spoke with Ray Boileay concerning Intrastate Allocation Process.
3/31/78		Ann Baker	spoke with Joe Uravitch concerning future allocations of CEIP money to S. C.
3/31/78	letter to	Linda Sadler	from H. Wayne Beam, Re: Coastal education materials.
4/11/78	letter to	Wayne Beam	from John Phillips, Re: Meeting between OCZM staff and Council on Apr. 6, 1978.
4/13/78	letter to	Theresa Hooks	from Jack Smith, Re: Meeting between OCZM staff and Council staff on Apr. 6, 1978.
4/24/78	letter to	Ann Adkins	from Linda Sadler. Re: coastal education materials
5/2/78	memo to	Program Manager	from Robert Knecht. Re: Port Authorities.
5/23/78	letter to	Wayne Beam	from John Phillips, Re: 305(b) funds.
5/31/78	memo to	Federal contacts	from Wayne Beam. Re: National Interest and Federal Consistency questionnaire.
6/5/78	memo to	Program Managers	from John O'Donnell, Re: Federal Energy Regulatory Commission.
5/14/78	letter to	John Phillips	from Wayne Beam, Re: S. C.'s Performance Rept. for Oct. 1 '77 to March 31, '78.
5/20/78		Ann Adkins	spoke with John O'Donnell concerning Federal Consistency.
5/30/78	letter to	Ann Adkins	from John O'Donnell, Re: Federal consistency.
3/15/78	letter to	Wayne Beam	from John Phillips, Re: Draft Management Plan submission

DEPARTMENT OF COMMERCE
South Atlantic Fishery Management Council

DATE	METHOD	NAME	REMARKS
8/10/77		Rick Dawson	met with Steve Goldstein and Ernie Premetz to brief them on role of Coastal Council.
8/10/77	letter to	Gail Limerick	from H.Wayne Beam to establish contact.
9/19/77	memo to	Gail Limerick	from Senator Waddell, Re: Interim Rules & Regulations.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins. Re: GAPC draft.
1/9/78	letter to	Ann Adkins	from Ernest Premetz, Re: GAPC draft.
2/3/78	memo to	Federal contact	from Ann Adkins, Re: news sheet, program outline and schedule, permi processsed in 1977, and coordinatio meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals and Objectives.
3/28/78	memo to	Federal contacts	from H. Wayne Beam. Re: Federal Agency Contact List. Request for updated information.
5/31/78	memo to	Federal contacts	from H. Wayne Beam, Re: National Interest and Federal Consistency questionnaire.

DEPARTMENT OF ENERGY

DATE	METHOD	NAME	REMARKS
8/3/77	phone call	from Warren Zurn	to Ann Adkins, Re: Status of S. C.'s Coastal Zone Management program.
9/19/77	memo to	Federal Contacts	from Senator Waddell, Re: Interim Rules & Regulations
9/21/77	personal contact at Coastal Council meeting	Ann Baker talked with	Warren Zurn.
10/5/77	letter to	Warren Zurn	from Duncan Newkirk, Re: Federal Lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC Draft
1/31/77	letter to	Ann Adkins	from Heyward Hamilton. Re: GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permits processed in '77 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals and Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam. Re: Federal Agency Contact List. Request for updated info.
4/78			Updated info. for Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam. Re: National Interest & Federal Consistency questionnaire.
6/14/78	letter to	Wayne Beam	from Heyward Hamilton, Re: Response to National Interest & Federal Consistency questionnaire.
6/15/78	letter to	Harriet Knight	from William Rankin, Re: Draft Report, "Legal Analysis & Goals and Objectives."

DEPARTMENT OF ENERGY

Energy Research and Development Administration

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Jeff Swinchbroad	from Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/7/77.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations.
9/30/77	letter to	Duncan Newkirk	from Jeff Swinchbroad Re: Interim Rules & Regulations.
10/5/77	letter to	J. Swinchbroad	from Duncan Newkirk: Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
2/3/78	memo to	Federal contacts	from Ann Adkins. Re: News sheet, program outline & schedule, permits processed in '77 and coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis and Goals and Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact list.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interests & Federal Consistency questionnaire.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

DATE	METHOD	NAME	REMARKS
7/21/77	letter to	Wayne Beam	from James Kirby, Re: bulk electr energy requirements in S.C.'s CZM program.
7/25/77	letter to	C. L. Fishburne	from Senator Waddell, Follow-up to Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
8/2/77	letter to	James Kirby, Jr.	from Wayne Beam, Re: Response to Kirby's letter of 7/21/77
9/15/77	phone	Harriet Knight	talked with Bill Thompson on LNG facilities.
1/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations.
9/28/77		Ann Baker	talked to Bill Thompson, Re: LNG facility siting.
10/5/77	letter to	C. L. Fishburne	from Duncan Newkirk, Re: Federal Lands.
11/1/77	letter to	Firtz Aichele	from C.L. Fishborne, Re: Federal Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regs.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline and schedule, permits processed in '77 & coordination meeting.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals and Objectives".
3/17/78			Response to Coastal Council questionnaire.
3/28/78	memo to	Federal Contacts	from Wayne Beam, Re: National Interests & Federal Consistency questionnaire.
6/5/78	letter to	Wayne Beam	from Carl Shuster, Re: Info. relevant to development of coastal zone management programs.

DEPARTMENT OF ENERGY
Regional Representative

DATE	METHOD	NAME	REMARKS
7/25/77	letter from	Senator Waddell	to Reg. Administrator. Follow-up of Southeastern Federal Reg. Council meeting, July 7, '77, in Atlanta
9/19/77	memo from	Senator Waddell	to Federal contacts, Re: Interim Rules & Regulations.
10/5/77	letter to	Warren Zurn	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
1/13/78	letter to	Ann Adkins	from Donald Allen, Re: Draft Final Rules & Regulations.
1/23/78	phone call	Heyward Hamilton	to Ann Adkins, Re: Boundry of S. C. Coastal zone.
2/3/89	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permits processed in '77, & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis and Goals and Objectives.
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List. Request for updated info.
4/27/78	letter to	Ann Adkins	from Donald Allen, Re: National energy-related interests.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interests and Federal Consistency questionnaire.
7/5/78	memo to	Wayne Beam	from Roy F. Pettit, Re: Response to National Interest & Federal Consistency questionnaire.

DEPARTMENT OF HEALTH, EDUCATION & WELFARE
Regional Representative

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Dr. F. Groschelle	from Senator Waddell, follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations.
10/5/77	letter to	Dr. F. Groschelle	from Duncan Newkirk, Re: Federal lands.
11/4/177	letter to	Duncan Newkirk	from Walter Branch, Re: federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regs.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permit processed in '77 and coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report,"Legal Analysis & Goals and Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List.
4/26/78	letter to	Wayne Beam	from Sara Craig, Re: Updated info for Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam. Re: National Interest & Federal Cinsistency questionnaire.

DEPARTMENT OF HOUSING & URBAN DEVELOPMENT

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	William Stoken	from Senator Waddell, Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
9/19/77	memo to	William Stoken	from Senator Waddell, Re: Interim Rules & Regulations.
10/5/77	letter to	William Stoken	from Duncan Newkirk, Re: Federal Lands,
11/28/77		Carol Doyle	with Federal Insurance Admin. visited office and met with Ann Adkins & Harriet Knight. Explained Flood Insurance Program.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regs.
12/9/77	letter to	Ann Adkins from	Carol Doyle, Re: Follow-up of Nov. 28 meeting in Charleston.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/1/78	letter to	Ann Adkins	from James Bitting, Re: GAPC draft
2/1/78	letter to	Wayne Beam	from Glenn Woodard, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permits processed in '77 and coordination meetings.
3/8/78	memo to	Federal contacts	Response to Council questionnaire
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report,"Legal Analysis & Goals & Objectives"
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list.
4/78			Updated info. for Federal Agency contact list.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest and Federal Consistency questionnaire.

DEPARTMENT OF HOUSING & URBAN DEVELOPMENT - continued

DATE	METHOD	NAME	REMARKS
6/21/78	letter to	Ann Adkins	from Glenn Woodard. Re: Response to National Interest & Federal Consistency questionnaire.
7/5/78	letter to	Ann Adkins	from Bill Stoken. Re: Response to National Interest and Federal Consistency questionniare.
8/4/78		Ann Adkins	spoke to Carol Doyle (by telcon) concerning the Federal Insurance Administration's draft sand dune ordinance.
8/22/78		Ann Adkins	Carol Doyle (telcon) that comments on draft sand dune ordinance would be forthcoming.
8/28/77	letter to	Glen Woodard	from Wayne Beam, Re: Federal Insurance Administration's draft sand dune ordinance.

DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
Regional Administrator

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Reg. Administrator	from Senator Waddell, Re: Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
9/19/77	memo to	Federal Contacts	from Senator Waddell, Re: Interim Rules & Regs.
10/5/77	letter to	Bill Stoken	from Duncan Newkirk, Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Rules & Regs.
12/27/78	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: news sheet, program outline & schedule, permits processed in 1977 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report,"Legal Analysis & Goals & Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact list.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	H. Rainbolt	from Senator Waddell, Follow-up of Southeastern Federal Regional Council meeting, 7/7/77 Atlanta.
9/19/77	memo to	Federal Contacts	Senator Waddell, Re: Interim Rules & Regulations
10/5/77	letter to	Joseph B. Willkins	from Duncan Newkirk, Re: Federal lands
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations
12/27/77	memo to	Federal contacts	from Ann Adkins, Re GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, RE: News sheet, program outline, & schedule, permits processed in '77 and coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals & Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	C. A. Martin	from Senator Waddell. Follow-up of the Southeastern Federal Regional Council meeting, 7/7/77 Atlanta.
9/19/77	memo to	C. A. Martin	from Senator Waddell, Re: Interim Rules & Regs.
10/5/77	letter to	C. A. Martin	from Duncan Newkirk, Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regs.
12/27/77	memo to	Federal contacts	from Ann Adkins re: GAPC draft
2/3/77	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline & schedule, permits processed in '77 & coordination meetings.
3/1/78			Response to Coastal Council questionnaire.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft report, "Legal Analysis & Goals and Objectives.
3/22/78	letter to	Wayne Beam	from Lowell Judy. Re: BLM involvement in the Coastal Zone Management Program.
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List
4/3/78	letter to	Harriet Knight	from Lowell Judy, Re: "Legal Analysis and Goals & Objectives"
5/24/78	letter to	Wayne Beam	from Lowell Judy, Re: Responsibilities of the Easter States Office
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
(Outer Continental Shelf related)

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Herold Sieverling	from Senator Waddell. Follow-up of the Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
9/16/77	talk between	Ann Baker & H. Sieverling	Re: Sale 43
9/19/77	telcon between	Ann Baker & H. Sieverling	Re: OCS sales 43,51,56; procedure for leasing stipulations.
9/21/77	telcon between	Ann Baker & BLM Office	Re: Request for BLM Map of OCS leasing tracts for Representative Meyers.
10/5/77	letter to	H. Sieverling	from Duncan Newkirk, Re: Federal lands.
10/11/77	letter to	Duncan Newkirk	from John Rankin Re: Federal Lands.
10/13/77	telcon between	Ann Baker and H. Sieverling	Re: BLM meetings with states to present OCS proposal.
10/21/77	meeting.	Ann Baker spoke	to Bert Rogers at meeting which BLM sponsored to present BLM OCS proposal to states for response and questions.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/9/77		Ann Baker	met with Bert Rogers to discuss appointment of the state members to regional working groups, etc.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, program outline & schedule, permits processed in '77 and coordination meetings.
2/28/78			Response to Coastal Council questionnaire
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Drft Report, "Legal Analysis & Goals & Objectives.
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List.
4/78			Updated info. on Federal Agency Contact List.

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
(Outer Continental Shelf related) - continued

DATE	METHOD	NAME	REMARKS
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.
6/26/78	letter to	Ann Adkins	from John Rankin, Re: Response to National Interest & Federal Consistency questionnaire.

DEPARTMENT OF THE INTERIOR
Bureau of Mines

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Gordon Leaf	from Senator Waddell, Follow-up on Southeastern Federal Regional Council meeting, 7/7/77, Atl.
9/19/77	memo to	Federal Contacts	from Senator Waddell, Re: Interim Rules & Regulations.
10/5/77	letter to	Hewson Lawrence	from Duncan Newkirk, Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline & schedule, permits processed in '77 & coordination meetings.
2/9/78	copy of memo	Robert Pavlovich	from Hewson Lawrence concerning coastal zone management planning contacts.
2/16/78			Response to Coastal Council questionnaire
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Rept. "Legal Analysis & Goals & Objectives"
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list.
1/28/78			Updated info. for Federal Agency contact list.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.
7/3/78	letter to	Ann Adkins	fr. W. L. Dare, Re: Response National Interest & Federal Consistency quesitonnaire.

DEPARTMENT OF THE INTERIOR
Fish & Wildlife Service - continued

DATE	METHOD	NAME	REMARKS
2/23/78			Response to Coastal Council questionnaire.
3/13/78	letter to	Federal Contacts	from Senator Waddell, Re: Draft Report,"Legal Analysis & Goals & Objectives".
3/22			Doug Winford met with Council staff to discuss various aspects of the developing manatement program.
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list.
4/10/78			updated info. for Federal Agency contact list.
4/13/78	letter to	Wayne Beam	from Ray Vaughn. Re: Federal Agency Contact List.
5/31/78	memo to	Federal Contacts	from Wayne Beam, Re: National Interest & Federal consistency questionnaire.
6/27/78	letter to	Ann Adkins	from Roger Banks, Re: Response to National Interest & Federal Consistency questionnaire.

DEPARTMENT OF THE INTERIOR
Fish & Wildlife Service

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Dr. J. B. Kirkwood	from Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
8/10/77	letter to	Roger Banks	from Wayne Beam, Re: General Information
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interi Rules & Regulations.
9/30/77	letter to	Dr. Kirkwood	from Duncan Newkirk, Re: Maps of federal lands.
10/13/77	telcon	Fritz Aichele	Ken Chitwood, Re: Endangered species habitats.
10/14/77	interoffice transmittal	Lee Barclay	to Duncan Newkirk; Re: Comments on "Interim Rules & Regs."
10/18/77	letter to	Senator Waddell	from Ken Black, Re: Interim Rules & Regs.
11/28/77	inter-office transmittal	Lee Barclay	to Duncan Newkirk, Re: Barrier Island conference.
12/77	telcon	Doug Winford	Ann Adkins Re: information on ownership & zoning of barrier islands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
1/9/78	letter to	Ann Adkins	from Charles Baxter, Re: Draft Final Rules & Reg.
2/3/78	memo to	Federal contacts	From Ann Adkins, Re: New sheet program outline & schedule, permits processed in '77 & coordination meetings.
2/14/78		Rick Dawson	met with Lee Barclay to discuss the List Characterization being prepared by SCWMRD for US. Fish & Wildlife Service as part of Sea Islands Study.
2/17/78	letter f m	Lee Barclay	to Rich Dawson thanking Rick for his efforts in reviewing the Sea Island Characterization materials for his participation, in the m eeting to review the polot study.

DEPARTMENT OF THE INTERIOR
Heritage Conservation & Recreation Service

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Paul Adams	from Senator Waddell, Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules and Regulations
10/5/77	letter to	Paul Adams	from Duncan Newkirk, re: Federal Lands
12/2/77	memo to	Federal contacts	from Ann Adkins re: Draft Final Rules & Regulations
12/27/77	memo to	Federal contacts	from Ann Adkins re: GAPC draft
1/20/78	general letter	to OCP	Luther Wisnor regarding Wild & Scenic Rivers inventory.
2/3/78	memo to	federal contacts	from Ann Adkins, Re: news sheet program outlien & scheule, permits processed in '77 and coordination meetings.
2/24/78	letter from	John Fischer	to Wayne Beam,Re: Interagency Agreement between, OCZM & the HCRS regarding coordiantion between the two agencies in coastal zone management matters.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report "Legal Analysis & Goals & Objectives,"
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list
4/12/78			updated info. on Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.
7/14/78	letter to	Ann Adkins	From Robert Baker, Re: Response to National Interest & Federal Consistnecy questionnaire.
7/21/78	general letter from	Robert Baker	Re: Wild & Scenic River Inventory

DEPARTMENT OF THE INTERIOR
National Park Service

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Kim Fene	from Senator Waddell, Follow-up of Southeastern Regional Council meeting, 7/7/77, Atlanta.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations
9/30/77	letter to	Kim Fene	from Duncan Newkirk, Re: Maps of federal lands.
11/17/77	letter to	Duncan Newkirk	from W. P. Crawford, Re: Maps of federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins Re: GAPC Draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline & schedule permits processed in 1977.
2/27/78			Response to Coastal Council questionnaire
3/13/78	memo to	Federal Contacts	from Senator Waddell, Re: Draft Report,"Legal Analysis & Goals & Objectives
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List.
4/11/78			Updated info on Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam. Re: National Interest & Federal Consistency questionnaire
6/28/78	letter to	Ann Adkins	From Paul Swartz. Re: Response to National Interest & Federal Consistency questionnaire

DEPARTMENT OF THE INTERIOR
U. S. Geological Survey

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	C. Holt from	Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atl.
7/28/77	letter to	Wqyne Beam from	George Brown, Re: info on OCS development.
9/19/77	memo to	Federal Contacts	from Senator Waddell, Re: Interim Rules & Regulations.
10/5/77	letter to	C.L. R. Holt, Jr.	from Duncan Newkirk, Re: Federal Lands.
10/28/77	telcon	Ann Baker & Dr. Weyland	re: Deadline for comments on oil and gas regulations.
12/2/77	memo to	Federal contacts	from Ann Adkins. Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft.
1/19/78	letter to	Wayne Beam	from Robert Schoen, Re: Review of draft management program segments.
2/3/78	memo to	Federal contacts	from Ann Adkins re: News sheet program outline & schedule, permits processed in 1977 & coordination meeting.
2/8/78	letter to	Wayne Beam	from Robert Schoen, Re General Statement on Geological Survey for Coastal Zone Managers.
3/13/78	memo to	Federal Agericies	from Senator Waddell, Re: Draft Rept. "Legal Analysis & Goals & Objectives.
3/15/78			Response to Coastal Council questionnaire
3/28/78	memo to	Federal Contacts	from Wayne Beam, Re: Federal Agency Contact List.
4/78			updated info for Federal Agency contact list.
5/12/78	letter to	Wayne Beam	from John Sein, Re: Federal Consistency, OCS regulations
6/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal consistency questionnaire.
7/7/ 8	letter to	Ann Adkins	from Robert Schoen response.

DEPARTMENT OF JUSTICE

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	John Barnum	From Senator Waddell, Re: S.C. Coastal Federal Coordination Program.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Inte Rules & Regulations
10/5/77	letter to	John Barnum	from Duncan Newkirk, Re: Feder lands.
12/2/77	memo to	Federal contacts	from Ann Adkins re: Draft Fina Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, re: GAPC draf
2/3/78	memo to	Federal contacts from Ann Akdins,	Re: news sheet, program outline & schedule permits processed in 1977 & coordination meetings
3/13/78	memo to	Federal Contacts	from Senator Waddell, Re: Draft Report "Legal Analysis & Goals & Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam. Re: Federal Agency Contact list.
5/3//78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.

DEPARTMENT OF THE NAVY

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	RADM Hoffmann	from Senator Waddell. Follow-up to Southeastern Federal Regional Council meeting, 7/7/77 Atlanta
8/15/77	telcon between	Robert Meyer	and Fritz Aichele about mapping program.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations
9/30/77	letter to	RADM Hoffman	from Duncan Newkirk, Re: Maps of federal lands.
10/21/77	letter to	Senator Waddell	RADM Hoffmann, Re: Interim Rules &Regulations
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
1/23/78	letter & draft MOA	Captain Peery	Duncan Newkirk
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: New sheet. program outline & schedule, permits processed in 1977, & coordination meetins.
2/3/78	letter to	Ann Adkins	from RADM Hoffmann, Re: GAPC
2/28/78	letter to	Ann Adkins	from Captain Peery re: response to Coastal Council questionnaire.
3/13/78	memo to	Federal Contacts	from Senator Waddell, Re: Draft Rept. "Legal Analysis & Goals & Objectives" .
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list.
5/3/78	letter to	Wayne Beam	from Capt. Peery. Re: Updated info on Federal Agneyc Contact List.
5/30/78	letter to	Senator Waddell	from RADM Hoffmann, Re: "Legal Analysis & Goals & Objectives"
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency
6/5/78	letter to	RADM Hoffmann	from Senator Waddell, Re: National Interest concerns.
7/6/78	memo to	Wayne Beam	from Capt. Peery, Re: Response to National Interest & Fed consis

DEPARTMENT OF THE NAVY
U. S. Marine Corps

DATE	METHOD	NAME	REMARKS
7/25/77	letters to	Col. Sigmund & Major Gen. Billon	from Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/77 Atlanta.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations;
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations
12/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet,program outline & schedule permits processed in '77 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell Re: Draft report, "Legal Analysis & Goals & Objectives"
3/28/78	memo to	Federal Contacts	from Wayne Beam, Re: Federal Agency contact list.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal consistency questionnaire
6/26/78	letter to	Ann Adkins	from Col. Schreiner, Re: Response to National Interest & Federal Consistency questionnaire

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

DATE	METHOD	NAME	REMARKS
7/25/78	letter to	Harold Little	from Senator Waddell. Follow-up of Southeastern Federal Regional Council meeting, 7/7/77. Atl.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations
10/5/77	letter to	Harold Little	from Duncan Newkirk, Re: Federal lands
12/2/77	memo to	Federal contacts	from Ann Adkins. Re: Draft Final Rules & Reg.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: news sheet program otuline & schedule, permits processed in 1977 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: "Legal Analysis & Goals & Objectives"
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list.
4/14/78			Updated info. for Federal Agency Contact List.
5/31/78	memo toe	Federal contacts	from Wayne Beam, Re: National Interst & Federal Consistency questionnaire
6/27/78	letter to	Ann Adkins	From Harold Little, Re: Response to National Interest & Federal Consistency questionnaire

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

DATE	METHOD	NAME	REMARKS
7/25/77	letters to	Ivan Jenkins, Charles Klenstine	from Senator James Waddell, Re: Follow-up to Southeastern Federal Regional Council meeting 7/7/77
9/19/77	memo to	Federal Contacts	from Senator Waddell, Re: Interim Rules & Regulatiosn.
10/5/77	letter to	Charles Klenstine	from Duncan Newkirk, Re: Federal lands.
10/17/77	letter to	Fritz Aichele	from P.A. Walton, Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet draft outline & schedule of coastal management program development, permits processed in 77 & coordination meetings
3/7/78			Response to Coastal Council questionnaire
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Rept."Legal Analysis & Goals & Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: National & Federal Consistency questionnaire.
6/30/78	letter to	Ann Adkins	from B. G. Cloyd, RE: Response to National Interest & Federal Consistency questionnaire

DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Mac Rogers	from Senator Waddell, Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atlanta
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations.
10/5/77	letter to	Mac Rogers	from Duncan Newkirk, Re: Federal lands.
11/22/77	letter to	Duncan Newkirk	from Charles Smith, Re: Federal lands
11/23/77	Telcon between	Tom Sims	and Harriet Knight, Re: Management program status and schedule.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations
12/8/77	letter to	Ann Adkins	from Mac Rogers. Re: Draft Final Rules & Regulations.
12/27/78	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline & schedule, permits processed in '77 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals & Objectives"
3/28/78	memo	Federal Contacts	from Wayne Beam, Re: Federal Agency Contact list.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest and Federal Consistency questionnaire.

DEPARTMENT OF TRANSPORTATION
Materials Transportation Bureau

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Jim Thomas	from Senator Waddell, Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atl.
9/19/77	memo to	Federal Contacts	from Sen. Waddell, Re: Interim Rules & Regs.
10/5/77	letter to	Jim Thomas	from Duncan Newkirk, Re: Feder lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Fin Rules & Regs.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: news sheet, program outline & schedu permits processed in '77 & coordination meetings.
2/17/78			Response to Coastal Council questionnaire
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draf Report,"Legal Analysis & Goals & Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List.
4/78			updated info. for Federal Agenc Contact List.
5/31/78	memo to	Federal Contacts	from Wayne Beam. Re: National Interest & Federal Consistency questionnaire.

DEPARTMENT OF TRANSPORTATION

Secretarial Representative

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Sec. Representative	from Senator Waddell, Re: Follow-up to Southeastern Federal Regional Council meeting, 7/7/77, Atl.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations
10/5/77	letters to	Federal contacts	from Duncan Newkirk, re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	From Ann Adkins, Re: news sheet, program outline & schedule permits processed in '77 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report "Legal Analysis & Goals & Objectives".
3/28/ 78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list.
5/1/78	letter to	Harriet Knight	from Donald Geoffrion, Re: "Legal Analysis & Goals & Objectives".
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.
6/28/78	letter to	Ann Adkins	from Donald Geoffrion, Re: Respons to National Interest & Federal Consistency questionnaire.

DEPARTMENT OF TRANSPORTATION

U. S. Coast Guard

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Captain Madson	from Senator Waddell, Follow-up of Southeastern Federal Regional Council meeting, 7/7/77 Atlanta
8/12/77	Telcon between	Fritz Aichele	Lt. Carr concerning use of Sullivans Island lighthouse for taking photos.
9/19/77	memo to	Federal contacts	from Senator Waddell, RE: Inter Rules & Regulations
9/30/77	letter to	Capt. Madson	from Duncan Newkirk, Re: Maps of federal lands
11/2/77	letter to	Duncan Newkirk	from W. R. Wilkins, Re: Maps of federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations
1/31/77	letter to	Ann Adkins	from Capt. Madson, Re" GAPC draf
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline & schedule, permits processed in 1977 & coordination meetings.
6/6/78			Response to Goastal Council questionniare
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, Legal Analysis & Goals & Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency Contact List.
4/78			updated info. for Federal Agency Contact List.
5/31/ 78	memo to	Federal contacts	from Wayne Beam, Re: National Interests and Federal Consis-tency questionnaire.
6/13/78	Telcon between	Ann Adkins	& Chuck Williams, Re: National & Federal Consistency questionnai
6/14/78	Telcon between	Ann Adkins	& Jim Darby, Re: National Interes & Federal Consistency questionnai
7/12/78	letter to	Ann Adkins	from Capt. Madson, Re: response to Federal Consistency questionna

DEPARTMENT OF TRANSPORTATION
Urban Mass Transportation Administration

DATE	METHOD	NAME	REMARKS
7/25/78	letter to	Doug Campion	from Senator Waddell, Follow-up of Southeastern Federal Regional Council meeting, 7/7/77, Atl
9/19/77	memo to	Federal Contacts	from Senator Waddell, Re: Interim Rules & Regulations.
10/5/77	letter to	Doug Campion	from Duncan Newkirk, Re: Federal lands
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regluations
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, RE: News sheet program outlien & schedule, permits processed in 1977 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Rept. "Legal Analysis & Goals & Objectives".
3/28/78	memo to	Federal contacts	from Wayne Beam. Re: Federal Agency Contact List.
4/78			updated info. for Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.

ENVIRONMENTAL PROTECTION AGENCY

DATE	METHOD	NAME	REMARKS
7/ 19/77	Telcon between	Trux Moebs	and Jack Smith, Re: EPA interim guidelines on air quality standards in CZM plans.
7/20/7 7	Coastal Council meeting	Trux Moebs	made presentation to Council concerning EPA Pilot Program with EPA & DHEC.
7/22/77	letter to	Trux Moebs	from Duncan Newkirk, re: Council meeting presentation, 7/20/77
7/25/77	letter to	Trux Moebs	from Senator Waddell, Follow-up of Regional Council meeting, 7/7/77, Atlanta.
7/26/77	Telcon between	Trux Moebs	and Ann Adkins, Re: EPA publications.
7/26/77	letter to	Ann Adkins	from Trux Moebs, Re: EPA publication for Council Library
8/5/77	letter to	Trux Moebs	From Duncan Newkirk, re: Receipt of EPA publication.
9/19/77	memo to	Trux Moebs	from Senator Waddell, Re: Interim Rules & Regulations
9/30/77	letter to	Trux Moebs	from Duncan Newkirk, Re: Maps of Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, RE: Draft Final Rules & Regulationsl
12/15/77	letter to	Duncan Newkirk	from Reginald Rogers, RF: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
1/25/78	meeting in Charleston		between Coastal Council, FPA, DHEC, & COG staffs.
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet, draft outline & schedule of Coastal Management Program development, permits processed in 1977 and coordination meetings
2/21/78			Response to Coastal Council questionnaire.
3/6/78	Telcon between	Harriet Knight	and Michael Levi, Re: Status of 208/CZM coordination in S.C.

ENVIRONMENTAL PROTECTION AGENCY - continued

DATE	METHOD	NAME	REMARKS
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals & Objectives"
3/14/78	meeting of	CZM Directors	with EPA, Re: Federal Consistency
3/28/78	memo to	Federal Contacts	from Wayne Beam, Re: Fedral Agency Contact List.
4/5/78	meeting in	Charleston	between Coastal Council, EPA COG, & DHEC staff.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest and Federal Consistency questionnaire.
6/13/78	meeting		Ann Baker, Harriet Knight and Ben Gregg met with EPA staff. Re: Air Pollution in relation to CZM,; EPA & CZM coordination
6/14/78	Telcon between	Ann Adkins	and Michael Levi: RE: National Interest & Federal Consistency questionnaire.
6/14/78	letter to	Ann Adkins	from Michael Levi, Re: Response to National Interest and Federal Consistency questionnaire

ENVIRONMENTAL PROTECTION AGENCY
Regional Administrator

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Regional Administrator	from Senator Waddell, Re: Follow-up of Southeastern Regiona Council meetins 7/7/77, Atlanta
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interi Rules & Regulatiosn.
9/30/77	letter to	Trux Moebs	from Duncan Newkirk, Re: Federa Lands
12/2/77	memo to	Federal Contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet draft outline and shcedule of Coastal Management Program development & coordination meeti
2/21/78	letter to	Ann Adkins	from John White, Re: GAPC draft
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals & Objectives"
3/28/78	memo to	Federal contacts	from Wayne Beam, Re: Federal Agency contact list.
5/1/78	letter to	Harriet Knight	from John White, Re: "Legal Analysis & Goals & Objectives"
5/31/78	memo to	Federal Contacts	from Wayne Beam, Re: National Interest questionnaire
7/3/78	letter to	Wayne Beam	from John White, Re: Response to National Interest and Federal Consistency questionnaire.

GENERAL SERVICES ADMINISTRATION

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Lewis Strom	from Senator Waddell, Follow-up of Southeastern Regional Council meeting, 7/7/77, Atlanta
8/15/78	telcon between	Harriet Knight	and Lewis Strom, Re: Mapping of Federally owned lands.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Regulations
9/30/77	letter to	Lewis Strom	from Duncan Newkirk, Re: Maps of federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins, Re: Draft Final Rules & Regulations.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: News sheet program outline & schedule, permits processed in 1977, & coordination meetings.
3/1/78			Response to Coastal Council questionnaire.
3/13/78	memo to	Federal contacts	From Senator Waddell, Re: Draft Report, "Legal Analysis & Goals & Objectives"
3/28/78	memo to	Fedeeral contacts	from Wayne Beam, Re: Federal Agency contact list.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest and Federal Consistency questionnaire.

MARINE MAMMAL COMMISSION

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Louis Genna	from Wayne Beam, Re: Federal Coordination.
9/19/77	memo to	Federal contacts	from Senator Waddell, Re: Interim Rules & Reg.
10/5/77	letter to	Louis Genna	from Duncan Newkirk, Re: Federal lands.
12/2/77	memo to	Federal contacts	from Ann Adkins. Re: Draft Final Rules & Regs.
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins, Re: news sheet, program outline & schedule permits processed in '77 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, "Legal Analysis & Goals & Objectives."
5/31/78	memo to	Federal contacts	from Wayne Beam, RF: National Interest and Federal Consistency questionnaire.

NUCLEAR REGULATORY COMMISSION

DATE	METHOD	NAME	REMARKS
7/25/77	letter to	Voss Moore	From Senator Waddell, Follow-up to Southeastern Federal Regional Council meeting, 7/7/77, Atlanta
9/19/77	memo to	Federal contacts	from Senator Waddell, Re Interim Rules & Regulations
10/5/77	letter to	Voss Moore	from Duncan Newkirk, Re: Federal lands.
11/1/77	letter to	Duncan Newkirk	from Robert Ryan, Re: Interim Rules and Regulations.
12/2/77	memo to	Federal contacts	from Ann Adkins. Re: Draft Final Rules & Regulatios
12/27/77	memo to	Federal contacts	from Ann Adkins, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkisn, Re: News sheet program outline & schedule permits processed in 1977 & coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Rept. Legal Analysis & Goals & Objectives"
3/28/78	memo to	Federal contacts	from Wayne Beam, RE: Federal Agency contact list.
4/19/78			Updated info. for Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interest & Federal Consistency questionnaire.

VETERANS ADMINISTRATION

DATE	METHOD	NAME	REMARKS
9/30/77	letters to	David Sisson & Richard Wittington	from Duncan Newkirk, Re: Federa land.
10/21/77	letter to	Duncan Newkirk	from F.A. Granito. Re: Federal land.
11/16/77	letter to	Duncan Newkirk	From Donovan Hower. Re: Federal land.
12/2/77	memo to	Federal contacts	from Ann Adkins. Re: GAPC draft
1/10/78	letter to	Ann Adkins	from VP. Miller, Re: GAPC draft
2/3/78	memo to	Federal contacts	from Ann Adkins. Re: News sheet draft outline & schedule of Coastal Management Program Devel opment,permits processed in '77 and coordination meetings.
3/13/78	memo to	Federal contacts	from Senator Waddell, Re: Draft Report, Legal Analysis & Goals & Objectives"
3/28/78	memo to	Federal Contacts	from Wayne Beam, Re: Federal Agency Contact List.
5/31/78	memo to	Federal contacts	from Wayne Beam, Re: National Interst & Federal Consistency questionnaire.

Appendix H

TABLE 2

State Agency Coordination Meetings

January-June, 1978

Agency	Location	Date
Aeronautics Commission	Columbia	January 4, 1978
Mapping Advisory Committee*	Columbia	January 12, 1978
Senate Fish, Game & Forestry Committee	Columbia	January 17, 1978
CZM-208 Committee Meeting	Columbia	January 25, 1978
Water Resources Committee	Columbia	January 26, 1978
OCS Oil & Gas Conference (joint participation with several other State and Federal agencies)	Charleston	February 24-25, 1978
Department of Health & Environmental Control	Columbia	March 13, 1978
Mapping Advisory Committee	Columbia	March 22, 1978
Senate Fish Game & Forestry Committee	Columbia	March 23, 1978
Senate Labor, Commerce & Industry Committee	Columbia	March 28, 1978
Department of Health & Environmental Control	Columbia	April 3, 1978
Senate Labor, Commerce, & Industry Committee	Columbia	April 4, 1978
CZM-208 Committee Meeting*	Charleston	April 5, 1978
Senate Fish, Game & Forestry Committee	Columbia	April 13, 1978
Public Service Committee	Columbia	April 20, 1978
Division of Administration, Energy Management Office	Columbia	April 20, 1978
Public Service Authority	Moncks Corner	May 1, 1978
(All relevant State Agency Directors)	Columbia	May 31, 1978
Mapping Advisory Committee*	Columbia	May 31, 1978
Department of Health & Environmental Control	Columbia	June 12, 1978
Ports Authority	Charleston	June 13, 1978
SCORP Exchange Council*	Columbia	June 23, 1978
CEIP Review Committee	Charleston	June 26, 1978
Budget & Control Board	Columbia	June 30, 1978
Highway Department	Columbia	June 30, 1978

*Consists of representatives from a number of State agencies.
The above list is intended to be representative in nature, and to illustrate rather than exhaust the list of State agency contacts.

TABLE 3

STATE AGENCY CONTRACTS

Agency	Service
S.C. Budget and Control Board (Division of Research and Statistics)	Preparation of the resource inventory and information system for the Coastal zone.
S.C. Land Resources Conservation Commission	Soil survey and mapping for portions of the Coastal zone.
S.C. Water Resources Commission	Establishment of secondary tidal stations along the S.C. coast.
S.C. Department of Wildlife and Marine Resources	Provision of law enforcement agents for the permitting program.

TABLE I

State Agency Mailing List

Chester E. Sansbury
S. C. Department of Health and
Environmental Control
2600 Bull Street
Columbia, S. C. 29201

G. Ed Richardson
Environmental Affairs Division
S. C. Water Resources Commission
P. O. Box 4515
Columbia, S. C. 29240

Dr. Vic Burrell
S. C. Wildlife Department
P. O. Box 12559
Charleston, S. C. 29412

John B. Thomason, General Manager
S. C. Public Service Authority
223 North Live Oak Drive
Moncks Corner, S. C. 29461

John R. Tiller
State Forester
Forestry Commission
P. O. Box 21707
Columbia, S. C. 29221

Dr. James A. Timmerman, Jr.
S. C. Wildlife Department
P. O. Box 167
Columbia, South Carolina 29202

Harold E. Trask, Jr., Special Assistant
Office of the Governor
State House
P. O. Box 11450
Columbia, S. C. 29201

Jack Smith
S. C. Coastal Council
1116 Bankers Trust Tower
Columbia, South Carolina 29201

Murray Wood
Land Resources Conservation Commission
2221 Devine St., Suite 222
Columbia, S. C. 29205

R. J. Weeks, Jr.
District Engineer
S. C. Department of Highways and
Public Transportation
P. O. Box 4767
Charleston Heights, S. C. 29405

J. Gregory Prior
Executive Assistant-Public Affairs
S. C. State Ports Authority
P. O. Box 817
Charleston, S. C. 29402

John W. Parris, Executive Director
S. C. Land Resources Conservation Comm.
2221 Devine Street, Suite 222
Columbia, S. C. 29205

J. D. Hooper
District Maintenance Engineer
S. C. Department of Highways and
Public Transportation
P. O. Box 4767
Charleston Heights, S. C. 29405

Robert E. Leak, Director
S. C. State Development Board
1301 Gervais Street
P. O. Box 927
Columbia, S. C. 29202

Eugene A. Laurent, Director
Div. of Research & Statistical Services
S. C. State Budget & Control Board
1028 Sumter St., Suite 201
Columbia, S. C. 29201

Edwin H. Joseph
S. C. Wildlife Department
P. O. Box 12559
Charleston, S. C. 29412

David Cupka
S. C. Wildlife Department
P. O. Box 12559
Charleston, S. C. 29412

Clair P. Guess, Jr.
S. C. Water Resources Commission
3830 Forest Drive, P. O. Box 4515
Columbia, S. C. 29240

Edgar S. Coffey
State Highway Engineer
S. C. Department of Highways
and Public Transportation
P. O. Box 191
Columbia, S. C. 29202

Frank Caggiano, Director
Research & Administration
House Agriculture & Natural Resource
Committee
S. C. State House
P. O. Box 11867
Columbia, S. C. 29211

Fred P. Brinkman
Executive Director
S. C. Department of Parks, Recreation,
and Tourism
Box 113, Edgar A. Brown Building
1205 Pendleton St.
Columbia, S. C. 29201

Keith Babcock
Attorney General's Office
Wade Hampton Office Building
P. O. Box 11549
Columbia, S. C. 29211

Nick Bayne
S. C. Land Resources Commission
221 Devine Street, Suite 222
Columbia, S. C. 29211

C. R. Beall
Asst. Deputy Comm. for Environmental
Quality Control
S. C. Department of Health and
Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Pat Ryan
S. C. Wildlife Department
P. O. Box 167
Columbia, S. C. 29202

Ms. Kathryn H. Powers
c/o Senator James M. Waddell, Jr.
P. O. Box 142
Columbia, S. C. 29202

Mr. R. Lewis Shaw, P. E., Director
Division of Water Supply
S. C. Department of Health and
Environmental Control
2600 Bull Street
Columbia, S. C. 29201

Mr. Charles R. Jeter
S. C. Department of Health and
Environmental Control
2600 Bull Street
Columbia, S. C. 29201

Mr. Robert G. Gross
S. C. Department of Health and
Environmental Control
2600 Bull Street
Columbia, S. C. 29201

Mr. Luke Inuse
S. C. Department of Health and
Environmental Control
2600 Bull Street
Columbia, S. C. 29201

Mr. Barry Shedrow
S. C. Department of Health and
Environmental Control
2600 Bull Street
Columbia, S. C. 29201

Mr. Ron Tate
21st Avenue, North
Myrtle Beach, S. C. 29577

Mr. J. Donovan Dukes
1009 Air Park Road
Charleston Heights, S. C. 29405

Mr. Marshall Dixon
Rt. 1, Box 110 M
Barton, S. C. 29902

CONTACT LOG

ARCHEOLOGY INSTITUTE

DATE	METHOD	NAME	REMARKS
7/26/77	letter	Senator Waddell	informing enactment of the South Carolina Coastal Zone Management Act and requesting state coordination and input.
8/5/77	letter	to Sen. Waddell	from Robert Stephenson congratulating on the enactment of Coastal Management Act and expressing interest on behlaf of archeology institue.

S. C. Dept. of Archives & History CONTACT LOG

DATE	METHOD	NAME	REMARKS
7/26/78	letter		letter stating enactment of Coastal Zone Management Act and joint involvement with other state agencies.

ATTORNEY GENERAL'S OFFICE

CONTACT LOG

DATE	METHOD	NAME	REMARKS
7/7/77	letter	Daniel McLeod	from Dr. H. Wayne Beam requesting advice on procedures necessary to insure compliance with Act 176.
7/26/78	letter	Senator Waddell	letter informing enactment of the S. C. Coastal Zone Management Act and requesting state coordination.
1/27/78	letter	Keith Babcock	from Dr. H. Wayne Beam expressing thanks in Babcock's representation and legal support during the Wando River appeal in the supreme court.

S.C. BUDGET & CONTROL BOARD

CONTACT LOG

DATE	METHOD	NAME	REMARKS
6/30	meeting in Columbia		
8/16/78	meeting in Pawleys Is. SCCC meeting	Mr. Paul Infinger	To discuss Memorandum of Agreement w/ Budget & Control Board.

CONTACT LOG

STATE DEVELOPMENT BOARD

DATE	METHOD	NAME	REMARKS
7/26/77	letter	Robert Leake	from Senator Waddell informing him of the enactment of South Carolina's Coastal Zone Management Act and principal goals and duties of the South Carolina Coastal Council.
5/17/78	meeting luncheon	Senator Waddell	discussion of interagency coordination.
8/1/78	letter	Mr. Earl Ellis	from Dr. Wayne Beam re: retyped and corrected Memorandum of Agreement to be signed by Chairman of both agencies.

CONTACT LOG

DIVISION OF ADMINISTRATION

DATE	METHOD	NAME	REMARKS
4/20/79	meeting	Energy Management Office	

CONTACT LOG

S.C. Forestry Commission

DATE	METHOD	NAME	REMARKS
7/26/78	letter	from Senator Waddell	to inform State Forestry Commission the enactment of the S. C. Coastal Council and encourage coordination with State agencies.
8/4/77	letter	from John R. Tiller	to Senator Waddell expressing Forestry Commission's interest in coordinating with the S.C. Coastal Council.
11/1/77	meeting	w/ Mr. Claude Barden	discussion of management act as it interest the Forestry Commission.
2/9/78	tel/con	w/ John Tiller	observation tower on Cedar Island
6/17/78	meeting luncheon	John Tiller	discussion of interagency coordination.
5/17/78	letter	Mr. Claude Barden	draft Memorandum of Agreement.
6/8/78	letter	Mr. Claude Barden	letter re: Draft Memorandum of Agreement

CONTACT LOG

DEPT. OF H.W.III & ENVIRONMENTAL CONTROL

DATE	METHOD	NAME	REMARKS
6/15/77	letter	Mr. C. R. Beall	from Dr. Wayne Beam expressing his looking forward to working with DHEC in developing and effective coastal management program and coordinating on the memorandum of agreement between the two agencies
7/26/77	letter	Senator Waddell	Letter informing DHEC of enactment of the S. C. Coastal Zone Management program and the needed coordination with all state agencies concerned.
8/10/77	letter	Mr. Duncan Newkir	from C. R. Beall expressing review of Memorandum of agreement by DHEC staff.
8/24.77	letter	Senator Waddell	from Lunar Priester, Jr. advising Senator Waddell of his acceptance to chair a committee to study the impact of environmental protection as it relates to economic development in SC. Request a person to be designated by Coastal Council to serve on this committee.
8/25/77	letter	Duncan Newkirk	re: Memorandum of Agreement from C. R. Beall.
9/2/77	letter	Dr. Priester	from Senator Waddell, re: Memorandum of Agreement
1/25/78	meeting		Coastal Zone 208 Areawide Wastewater Treatment meeting.
2/2/78	letter	John E. Jenkins	from Dr. Wayne Beam requesting investigation and study of marina design, construction, and impact on water quality through state-wide 208 monies.
5/17/78	meeting luncheon		discussion of interagency coordination.
6/14/78	letter	Dr. Wayne Beam	from C. R. Beall re: DHEC review on Legal Analysis and Goals and Objectives.
3/13/78	meeting	Beall, Ieter, Swygert, Davis, Gross, Cooper	Discuss permits of DHEC which SCCC must certify and/or comment upon.
8/19/77	meeting		implementation of oil & gas bill

CONTACT LOG

S.C. STATE HIGHWAY DEPARTMENT

DATE	METHOD	NAME	REMARKS
8/19/77	meeting in Columbia		Implementation of Oil and Gas bill.
2/28/78	meeting w/	Paul W. Cobb, Chief Hwy. Comm.	Discussion of common interest between the S. C. Highway Department and the South Carolina Coastal Council
1/20/78	meeting in Folly Beach	Paul Celegotis & C. L. Matthews	Discussion of Erosion Control measures at Folly Beach.
4/14/78	meeting	E. S. Coffey	Discussion of proposal of Mark Calrk Expressway over the Cooper and Wando Rivers.
5/17/78	luncheon meeting	Paul Cobb	Discussion of interagency coordination.

CONTACT LOG

LAND RESOURCES CONSERVATION COM.

DATE	METHOD	NAME	REMARKS
3/29/77	letter	Dr. H. Wayne Beam	from Murray Wood, Dept. of Mining - re: Wishes to see mapping system and equipment in the Charleston office.
7/29/77	letter	Senator Waddell	from John W. Parris re: appointment of Nick Bayne as liaison for Land Resources Conservation Comm w/ the Coastal Council.
5/17/78	meeting luncheon	Senator Waddell	discussion of interagency coordination.
1/18/78	meeting	Roger Mudd	at Wade Hampton Hotel, Cola. to discuss soil survey in South Carolina's Coastal Zone.
1/27/78	letter	Roger Mudd	from Dr. H. Wayne Beam thanking Mr. Mudd for presentation at January 18 meeting on soil surveys.

S. C. Mining Council — CONTACT LOG

DATE	METHOD	NAME	REMARKS
7/26/78	letter		letter informing enactment of the S. C. Coastal Council.

S. C. Parks, Recreation & Tourism — CONTACT LOG

DATE	METHOD	NAME	REMARKS
5/15/77	letter to	Philip Lader	from Dr. Wayne Beam expressing the Wildlife Department's comments on Beach Access study
7/26/77	letter		from Senator James Waddell sending notice of enactment S. C. Coastal Zone Management program and encourages input from other state agencies.
8/11/77	letter to	Senator Waddell	from Fred Brinkman expressing PRT's interest in the Coastal Council. State agency coordination.
9/23/77	letter to	Senator Waddell	from Fred Brinkman re: Union Camp property in Hardeeville S.C.
1/17/78	meeting luncheon	Senator Waddell	discussion of State coordination. (Interagency)
5/8/78	letter	Senator Waddell	from Fred Brinkman expressing PRT's plans to attend the meeting by the Corp of Army Engineers regarding Beach Erosion.
6/31/78	letter	Fred Brinkman	from H. Wayne Beam re: Memorandum of Agreement with PRT to be approved.

PATRIOTS POINT DEVELOPMENT AUTHORITY CONTACT LOG

DATE	METHOD	NAME	REMARKS
7/26/77	letter		letter informing enactment of the S. C. Coastal Council.

STATE PORTS AUTHORITY CONTACT LOG

DATE	METHOD	NAME	REMARKS
6/28/77	letter	from Don Welch to	Senator James Waddell congratulating him on his appointment as Chairman of the S. C. Coastal Council and designate a liaison for the Ports Authority with the Coastal Council
3/10/78	letter	from Gregory Prior	to Harriet Knight re: development of management plan for port and navigation facilities.
5/17/78	meeting luncheon	Don Welch	to discuss interagency coordination

S. C. Public Service Authority

CONTACT LOG

DATE	METHOD	NAME	REMARKS
5/1/78	meeting Moncks Corne		Discussion of Memorandum of Agreement
5/17/78	meeting luncheon		Discussion of interagency coordination.

Public Service Commission

CONTACT LOG

DATE	METHOD	NAME	REMARKS
1/20/78	meeting		Discussion of Memorandum of Agreement
5/17/78	meeting luncheon		Discussion of interagency coordination.
8/22/78	meeting		Discussion of Memorandum of Agreement.

S. C. Public Railways Commission — CONTACT LOG

DATE	METHOD	NAME	REMARKS
7/26/77	letter		letter informing enactment of the S. C. Coastal Council

State Reorganization Commission — CONTACT LOG

DATE	METHOD	NAME	REMARKS
9/30/77	letter	Philip Grose to	Dr. H. Wayne Beam requesting a draft response of questionnaire submitted by Reorganization Commission on duties of the S.C. Coastal Council
10/13/78	letter	H. Wayne Beam to	Mr. Phil Grose answering questionnaire.

S.C. Department of Water Resources CONTACT LOG

DATE	METHOD	NAME	REMARKS
7/26/77	letter	James M. Waddell	regarding enactment of Coastal Zone Management Act and the need of state coordination.
1/10/78	letter	Mr. Clair Guess	request to set up meeting acquainting tidal surveying program to the S.C.Coastal Council.
1/18/78	meeting	Mr. Clair Guess	Tidal surveying program meeting - Wade Hampton Hotel.
4/17/78	letter from	Duncan Newkirk	to George Sussey, III re: review and comment on the proposed Scenic Rivers Class II guidelines.
5/17/78	meeting luncheon	Mr. Clair Guess	discussion of interagency coordination.
6/14/78	letter	to Harriet Knight	from Clair Guess supplying comments on the Legal Analysis and Goals and Objectives.
8/21/78	meeting		Discussion of Memorandum of Agreement with Water Resources Commission

S. C. Wildlife & Marine Resources CONTACT LOG

DATE	METHOD	NAME	REMARKS
12/7/78	letter	Mr. Charles Bearden	Regarding Fisheries management proposals with Office of Coastal Zone Management in Washington
3/ /78	letter	Dr. Edwin B. Joseph	from Dr. H. Wayne Beam pledging S.C. Coastal Council's support of the islands characterization study.
1/20/78	meeting	Dr. Frank Stapor	Folly Beach erosion meeting in Folly Beach
1/24/78	meeting	Mr. Vic Burrell	discussion of matters of common interest with Wildlife & Marine Resources and S.C.Coastal Council.
5/17/78	meeting luncheon	Dr. James Timmerman	discussion of interagency coordination.
7/20/78	letter	Mr. Duncan Grant	from Dr. Beam expressing gratitude for cooperation and assistance in preparing the Coastal Council's brochures and posters.
3/13/78	meeting	Dr. Timmerman, Mr. Ed Duncan	to coordinate agency comments on S. C. Coastal Council permits.

S.C. Department of Water Resources CONTACT LOG

DATE	METHOD	NAME	REMARKS
7/26/77	letter	James M. Waddell	regarding enactment of Coastal Zone Management Act and the need of state coordination.
1/10/78	letter	Mr. Clair Guess	request to set up meeting acquainting tidal surveying program to the S.C.Coastal Council.
1/18/78	meeting	Mr. Clair Guess	Tidal surveying program meeting - Wade Hampton Hotel.
4/17/78	letter from	Duncan Newkirk	to George Saussey, III re: review and comment on the proposed Scenic Rivers Class II guidelines.
5/17/78	meeting luncheon	Mr. Clair Guess	discussion of interagency coordination.
6/14/78	letter	to Harriet Knight	from Clair Guess supplying comments on the Legal Analysis and Goals and Objectives.
8/21/78	meeting		Discussion of Memorandum of Agreement with Water Resources Commission

S. C. Wildlife & Marine Resources CONTACT LOG

DATE	METHOD	NAME	REMARKS
12/7/78	letter	Mr. Charles Bearden	Regarding Fisheries management proposals with Office of Coastal Zone Management in Washington
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5/17/78	meeting luncheon	Dr. James Timmerman	discussion of interagency coordination.
7/20/78	letter	Mr. Duncan Grant	from Dr. Beam expressing gratitude for cooperation and assistance in preparing the Coastal Council's brochures and posters.
3/13/78	meeting	Dr. Timmerman, Mr. Ed Duncan	to coordinate agency comments on S. C. Coastal Council permits.

Appendix I

LOCAL GOVERNMENT

William Kopacka
Charleston County Planning Board
2 Court House Square
Charleston, S. C. 29401

John A. Caldwell, Director
Walterboro-Colleton Recreation Commission
P. O. Box 173
Walterboro, S. C. 29488

Chairperson, Surfside Beach
Planning and Zoning Commission
Surfside Beach Town Hall
Highway 17S
Surfside Beach, S. C. 29577

Michael G. Herring
Town Administrator
P. O. Box B
Ridgeland, S. C. 29936

Jasper County Joint Planning Commission
P. O. Box 205
Ridgeland, S. C. 29936

Sam Burns, Planner
City of Myrtle Beach
P. O. Box 2468
Myrtle Beach, S. C. 29577

Virginia T. Prevost
Environmental Educator
Georgetown County Health Department
P. O. Box 642
Georgetown, S. C. 29440

James Rogers
Charleston County Public Works Department
4350 Azalea Avenue
Charleston Heights, S. C. 29405

Max M. Askey, Jr.
County Mosquito Abatement Program
4370 Azalea Avenue
Charleston Heights, S. C. 29405

William R. Jamison
Administrative Assistant
Isle of Palms City Hall
P. O. Drawer Q
Isle of Palms, S. C. 29451

Richard Black
Manager, Charleston County
Charleston County Courthouse
Courthouse Square
Charleston, S. C. 29401

Mr. Jerry Blackwell
Building Official
Summerville City Hall
Summerville, S. C. 29483

Mr. Ronald Brown
County Planner
Horry County Planning Commission
Route C, Box 324
Conway, S. C. 29526

Mr. Charles Chesnut
Fire Chief, Building Inspector
North Myrtle Beach, S. C. 29577

Mr. Thomas M. Daniels
Administrative Assistant
Drawer 1270
Georgetown, S. C. 29440

Mr. Vernon DeLoach
Building Inspector
Port Royal, S. C. 29935

Mr. Jack Ethredge
Administrative Assistant
P. O. Box 1038
North Myrtle Beach, S. C. 29582

Charles F. Fecker
Zoning Inspector
County Curthouse Annex
Courthouse Square
Charleston, S. C. 29401

Mr. Thomas Fennell
County Supervisor
P. O. Box 147
Walterboro, S. C. 29488

Mayor Erick B. Ficken
P. O. Box 2468
Myrtle Beach, S. C. 29577

Mr. Charles Gatch
Beaufort County Joint Planning Commission
Beaufort, S. C. 29902

Mr. John Green
Executive Director
Charleston County PRT
P. O. BOx 834
Charleston, S. C. 29401

Robert Grooms
City Administrator
Folly Beach, S. C. 29439

William Harleston
Director, Building Inspections
Charleston County
Courthouse Square
Charleston, S. C. 29401

Mr. David P. Heape
Assistant Administrator
Jasper County Council
P. O. Drawer F
Ridgeland, S. C. 29936

Mayor H. Blue Huckabee
Surfside Beach, S. C. 29577

Zenie Ingram
Jasper County Joint Planning Commission
P. O. Box 205
Ridgeland, S. C. 29936

Mayor Vernon Kizer
City Courthouse
St. George, S. C. 29477

Mr. Gary LeCroy
Development Board
Moncks Corner, S. C. 29461

Mayor Rutledge B. Leland, III
McClellanville, S. C. 29458

The Honorable Melvin Mann
City Hall
Goose Creek, S. C. 29445

Ronald McLemore
County Administrator
Hanahan, S. C. 29410

Jim Mullen
Assistant to Mayor Joseph Riley, Jr.
City of Charleston
City Hall
Charleston, S. C. 29401

Mayor Berlin G. Myers
Summerville, S. C. 29483

Steve Padgett
Administrative Assistant
City of North Charleston
P. O. Box 5817
North Charleston, S. C. 29406

Ms. Beaula Pye
Clerk
Ravenel, S. C. 29470

Mayor Joseph P. Riley, Jr.
City of Charleston
City Hall
Charleston, S. C. 29401

Mayor Henry Robinson
Drawer 8
Port Royal, S. C. 29935

Ms. Betty Jo Sedivey
City Hall
Summerville, S. C. 29483

Ted Shogry, City Manager
Mt. Pleasant City Hall
Mt. Pleasant, S. C. 29464

Mayor J. C. Smoak
City Hall
Hardeeville, S. C.

Frank Trimmier
Beaufort County Development Commission
Old Arsenal
Beaufort, S. C. 29902

Clyde D. Umplett
County Supervisor
Box 817
Moncks Corner, S. C. 29461

Mr. I. C. Ward
Clerk
Sullivans Island, S. C. 29482

Mr. W. M. Ward
Building Inspector
Hanahan, S. C. 29401

Mr. Jim Wear
Chief of Police
Sullivans Island, S. C. 29482

Mayor Marion Whaley
Edisto Beach
Edisto Island, S. C. 29438

Mr. Jack Wilbanks
County Administrator
Dorchester County
St. George County Courthouse
St. George, S. C. 29477

Mr. Edgar T. Wilcox
Building and Land Use Specialist
P. O. Box 1031
Beaufort, S. C. 29928

Louis Wright
Beaufort County Development Comm.
Old Arsenal Building
Beaufort, S. C. 29902

Bert Zidlick
City Administrator
Isle of Palms, S. C. 29451

Mr. James Zumwalt
County Administrator
P. O. Box 1031
Beaufort, S. C. 29902

Tom Hanson, Executive Director
B-C-D Regional Planning Council
157 East Bay Street
Charleston, S. C. 29401

Michael Bell
Waccamaw Planning Council
P. O. Box 419
Georgetown, S. C. 29440

N. S. Thompson, Executive Director
Lowcountry Council of Governments
P. O. Box 98
Yemassee, S. C. 29945

Kenneth Thompson, Executive Director
Waccamaw Regional Planning and Development Council
Drawer 419
Georgetown, S. C. 29440

Don Youngblood
B-C-D Regional Council of Government
157 East Bay Street
Charleston, S. C. 29401

COASTAL AWARENESS WORKSHOP

December 1, 1977

NAME	ADDRESS	AGENCY
F. C. Lawton, Sr.	P. O. Box 40, Ridgeland, S.C.	Federal Projects Coordinator
John J. Horton	1410 London Avenue Port Royal	Town Council
Samuel E. Murray	612-16th St. Port Royal, S.C.	Town Council
Paul S.	P. O. Box 8, Port Royal, S. C.	Town Manager, Port Royal
Edward E. Duryea	P. O. Drawer 191 Beaufort, S. C.	City of Beaufort
Edgar B. Wade	Rt. 2, Box 421 Ridgeland, S. C.	Planning Council
Charles Gatsh	P. O. Box 406 Beaufort	Planning Committee
Tom Westbury	P. O. Box 231 Beaufort	Beaufort Gazette
Joe G. Bagos	1703 Bay St., Beaufort	JPC
Gladys Humberyn	P. O. Box 446 Parris Island, S.C.	JPC
Wyman D. Nettles	P. O. Box 758, Ridgeland, S. C. 29936	Acting Mayor Town Council
Zenie Ingram	P. O. Box 205, Ridgeland, S.C. JCJPC 29936	JPC
Dan Morris	P. O. Box 140, Tillman, S.C. 29943	JPC
Mike Floyd	P. O. Box 1202, Ridgeland, S.C. 29936	Civil Defense
David P. Heape	P. O. Box 454, Ridgeland, S.C. 29936	Jasper County
K. B. Preacher	Drawer 610, Ridgeland	Jasper Co. Dev. Board
Milton Woods, Jr.	JCJPC P.O. Box 187	Ridgeland, S.C.
Fran Hedisler	WJNJ-TV - P.O. Box 4516 Beaufort, S. C.	

Paul Keysening	WJWJ-TV, P.O. Box 4516 Beaufort	
Virginia S. Sweat	Beaufort City LWV	225 S. Sea Pines
Harriet Keyserling	P. O. Box 1108, Beaufort	Legislature
William M. Peekus	Hardeeville	City-Hall-Manager
Penn Estabrook	LCOG, P.O. Box 98, Yemassee	
J. C. Smoak	Hardeeville, S. C.	Mayor
Peter C. Hyzer	Hilton Head, S. C.	Beaur. Cy. JPC
Charlie Baggs	1603 N. St., Beaufort, S.C.	Beaufort County J.P. Comm.
Bob Flanagan	P. O. Box 296 Beaufort	Sav. Morning News
Ken Klyce	Coastal Council	
Bob White	Point South	LCOG
R. Marshall Dixon	Beaufort	Environmental Quality Control
Ted Merritt	P. O. Box 383 Beaufort	L. COG
Cynthia Cole		L. COG
Charlie Crews	Rt. 2, Box 108, Estill, South Carolina	Chairman, LCOG
Grady Moore		LWVEF
Ada Louise Steiver	104 Carolees, Clemson	LWVSC
Rudy McCormick	Box 761	County Planning Commission
H. Crabhead		Beaufort County Council
Charles L. Berry	P. O. Box 17 Walterboro, S. C.	Walterboro City Council
N. S. Thompson	P. O. Box 98, Yemassee, S. C.	Lowcountry COG
H. Robinson		
J. Zumwalt		
Watler Baxter	P.O. Box 238 Ridgeland, S.C.	

SOUTH CAROLINA COASTAL COUNCIL CONFERENCE
December 6, 1977
Georgetown, S. C.

NAME	TITLE	CITY
Gary Wiggins	Building Official	M le Beach
Sam Burns	City Planner	Myrtle Beach
Bill Graham	City Administrator	Conway
Jesse Calhoun	Building Official	Horry County
Leon Bellamy	County Council	Georgetown
D. C. Myers	Building Inspector	Georgetown County
Alfred B. Schooler	Chas. County Council	Georgetown
Dale McAlister	Coastal Zone Planner	WRPDC
Joe Wickel	Office of the Governor	
Bill Schwartzrope	Director of Planning	WRPDC
Tom Davis	Information Officer	
David Treme	City Adm.	Georgetown
Ronald W. Brown	County Planner	Horry County
Tom M. Sawyer	Building Inspector	Georgetown
John D. Taylor	P & F Commissioner	Surfside Bch.
Douglas C. Sinclair	Chairman P & Z Commission	Surfside Bch.
Leroy W. Miczek	Building Inspector	Surfside Beach
Robert E. Barker	Georgetown WSD	Georgetown County
Ann C. Baker	South Carolina Coastal Council	Charleston
Harriet Knight	South Carolina Coastal Council	Charleston
Duncan Newkirk	South Carolina Coastal Council	Charleston
Ben Gregg	South Carolina Coastal Council	Charleston
Ken Klyce	South Carolina Coastal Council	Charleston

SOUTH CAROLINA COASTAL COUNCIL CONFERENCE
December 6, 1977
(continued)

Marshall Truluck	Recreation Planner	WRPDC
Mike Bell	208 Director	WRPDC

BERKELEY-CHARLESTON-DORCHESTER/
COASTAL COUNCIL WORKSHOP 11-4-77

NAME	ADDRESS	AGENCY
Ann Baker	Suite 205, 4 Carriage Lane, Charleston, S. C. 29407	S. C. Coastal Council
Harriet Knight	Charleston, South Carolina	S. C. Coastal Council
Donna McLaurin	North Charleston Planning Dept. 4830 Jenkins Avenue, N.C., S.C. 29406	
Bill Kopacka	#2 Court House Sq. Charleston, S.C. 29401	Charleston County Planning
Mack Cayterbury	BCD COG 157 East Bay, Charleston	
Thomas Hansen	BCD COG 157 East Bay, Charleston	
F. A. McMahon, Jr.	960 Morrison Drive Charleston, S. C.	Joe Griffith
Anne Coleman	960 Morrison Drive Charleston, S. C.	Joe Griffith
Yvonne Fortenberry	116 Meeting Street	City of Charleston Planning & Urban Development
Chris Fales	116 Meeting Street	City of Charleston Planning & Urban Development
W. M. Donald	26-27 Avenue Isle of Palms	
Bert Zidlick	City of Isle of Palms	
Robert M. Grooms	City of Folly Beach	
Sallie J. Scott	Coastal Council - Charleston County	
Patricia Bowie Gibbs	Charleston, South Carolina	
Ben Gregg		Council Staff
W. Carl Walsh, Sr.	Coastal Council - Berkeley County	
Ken Klyce	Council Staff	

Coastal Council Workshop 11-4-77 (continued)

Frederick A. Smith	Ashley House Charleston, S. C.	Ashley Marina
Robert B. Gleason	North Charleston City Planning Department	
Dale McAlister	Waccamaw Regional Council	

SECOND WORKSHOP
November 18, 1977

Name	Address	Agency
Ann Baker	4 Carriage Lane, Charleston, South Carolina 29407	S. C. Coastal Council
Laura Hines	1450 S. Edgewater Dr. Charleston, S.C. 29407	Trident 2000
Paul Kingston	910 Yorktown Road Charleston, S. C. 29412	The Citadel
Bert Zidlick	P. O. Drawer Q	City of Isle of Palms
Tom Hansen	157 East Bay	BCD-COG
Mack Coutesbur	157 East Bay	BCD-COG
Larry Wyndham	Moncks Corner	Supt. Office Berk.
Flora P. Condon	Charleston	Joe Griffith
Ted Shogry	Box 745, Mt. Pleasant	Town of Mt. Pleasant
Johnnie Dodd	Box 745, Mt. Pleasant	Town of Mt. Pleasant
Mitten Gilbert	157 East Bay St. 29401	BCD COG
Farrell W. McCabe, Sr.	2 Court House Sq. 29401	Chas. County Planning

SECOND WORKSHOP(continued)

Dale McAlister		WRPDC
Mike Bell		WRPDC
Heidi Brown	103 Logan St. 29401	Chas, Dept. of Planning
Lonne Fortenberry	116 Meeting Street	Chas. Planning Dept.
Chris Fales	116 Meeting Street	Chas, Planning Dept.
Robert M. Grooms	P. O. Box 22 Folly Beach	City of Folly Beach
Chip Lee	Box 975, Charleston	Chamber of Commerce
John F. Wilbanks	Box 416, St. George, S.C. 29477	Dorchester County
George C. Williams	Hanahan, S. C.	Mayor
Ralph F. Stanley	Moncks Corner	Berkeley County
Robert B. Aleason	City of North Charleston Planning Department	City of North Charleston
Gabriel Rembert	P. O. Box 293	Moncks Corner, S.C.

Subcontracts to Local Governments

Entity	Purpose
Beaufort County Council	Services of County Engineer
Berkeley - Charleston - Dorchester Regional Planning Council	Public Awareness Workshops
Horry County Council	Services of County Planner
Jasper County Council	Services of County Administrator/ Planner
Lowcountry Regional Planning Council	Services of Planner/Cartographer
Town of Hardeeville	Services of Administrator/Planner
Town of Ridgeland	Services of Administrator/Planner
Waccamaw Regional Planning Council	Services of Planner

Local Government Ordinances Applying to Critical Areas in the Coastal Zone

The direct applicability of local government ordinances to critical areas is often difficult to determine because of absence of actual zoning maps and/or questionable accuracy of base maps that were used to delineate physical features. Thus, several assumptions have been made. General policy statements concerning the intended use of zoned districts are assumed to be strictly adhered to in ordinance implementation. The potential for variances or special exceptions exists in every ordinance as a matter of law. It is assumed that all variances will adhere to policies outlined in that ordinance. At times, definitions of specific zoning districts required a considerable degree of interpretation.

The following are brief descriptions of officially adopted local government ordinances that in some way apply to critical areas as defined in Act 123 of 1977. The existing ordinances are listed in alphabetical order by county. Only those incorporated municipalities which are seaward of the "salt water boundary", as desingated by the Coastal Council, have been considered in this review. This authority is limited.

Incorporation

An area is incorporated as a municipality once a certificate of incorporation is issued by the Secretary of State, m-nicipal officers are elected, and an approved service feasibility study is approved by the Secretary of State (S.C. Code title 5, Chapter 1).

Other requirements for incorporation are as follows:
The population density of the area must be 300 persons per square mile according to the latest U. S. Census and the area must not be within 5 miles of another municipality. These requirements hold except:

1) when the nearest municipality has been petitioned for annexation which has been refused for a period of 6 months
2) when the area's population exceeds 15,000
3) when the area is within 2 miles of the Atlantic Ocean
4) when the area is on a sea island bounded by the Atlantic Ocean
5) when the county population exceeds 51,000

If the area is within 2 miles of the Atlantic Ocean or on a sea island, then the area must have at least 150 dwelling units and an average of one dwelling unit per 3 acres of land.

Once an area is incorporated, a council may adopt codes, ordinances (5-7280), and zoning regulations (5-23-10). Cities with a population exceeding 50,000 may condemn lands on the waterfront (5-34-10).

Incorporated municipalities in coastal counties as of January 1978:

Beaufort County

Beaufort
Bluffton
Port Royal

Charleston County

Charleston
Folley Beach
Hollywood
Isle of Palms
Lincolnville
McClellanville
Meggett
Mount Pleasant
North Charleston
Ravenel
Sullivan's Island

Dorchester County

Harleyville
Reevesville
Ridgeville
St. George
Summerville

Horry County

Atlantic Beach
Aynor
Briarcliffe Acres
Conway
Loris
Myrtle Beach
North Myrtle Beach
Surfside Beach

Berkeley County

Bonneau
Goose Creek
Hanahan
Jamestown
Moncks Corner
St. Stephen

Colleton County

Cottageville
Edisto Beach
Lodge
Smoaks
Walterboro
Williams

Georgetown

Andrews
Georgetown

Jasper County

Hardeeville
Ridgeland

Local Government Unit	Document	Critical Area Affected
1. Beaufort County	Subdivision Regulations	dunes dunes, beach, marsh
2. City of Beaufort	Zoning Ordinance Subdivision Regulations Flood Protection Ord.	marsh
3. City of Port Royal	Development Plan Flood Protection Ord. Subdivision Regulations	marsh
4. Charleston County	Zoning Ordinance Subdivision Regulations	marsh, beaches
5. City of Charleston	Zoning Ordinance Flood Ordinance	beaches, dunes
6. City of Folly Beach	Zoning Ordinance Subdivision Regulations Flood Ordinance	beaches, dunes, marsh beaches, dunes
7. City of Isle of Palms	Zoning Ordinance Flood Ordinance Beach & Dune Ord.	beaches, dunes beaches, dunes
8. City of Mt. Pleasant	Zoning Ordinance Subdivision Regulations Flood Protection Ord.	beaches, dunes
9. City of North Charleston	Zoning Ordinance Flood Protection Ord. Subdivision Ordinance	beaches dunes marsh
10. City of Ravenel	Subdivision Regulations	
11. Town of Sullivans Island	Zoning Ordinanace Beach Ordinance	beaches, dunes, marsh beach, dune
12. Georgetown County	Zoning Ordinance	marsh
13. City of Georgetown	Zoning Ordinance Subdivision Ord.	marsh
14. Waccamaw Neck Flood District	Flood Ordinance	beaches, dunes, marsh
15. City of Atlantic Beach	Flood Ordinance	beaches, dunes

16.	City of Briarcliffe Acres	Flood Ordinance	
17.	City of Myrtle Beach	Zoning Ordinance	beaches, dunes
		Flood Ordinance	beaches, dunes
18.	City of North Myrtle Beach	Zoning Ordinance	beaches, dunes
		Beach & Dune Ord.	beaches, dunes
		Flood Ordinance	beaches, dunes
		Subdivision Ord.	
19.	City of Surfside Beach	Zoning Ordinance	marsh
		Shore Protection	beaches, dunes
		Flood Ordinance	beaches, dunes
		Subdivision Regulations	
20.	Grand Strand Flood District	Flood Ordinance (within six months)	beaches, dunes

Appendix J

I. Public Hearings

Public hearings were held on the Draft Final Rules and Regulations on the following dates:

Charleston:	December 13, 1977
Myrtle Beach:	January 4, 1978
Columbia:	January 5, 1978
Beaufort:	January 9, 1978

Public hearings were held on the Discussion Draft on the following dates:

Charleston:	November 9, 1978
Myrtle Beach:	November 13, 1978
Beaufort:	November 14, 1978
Columbia:	November 15, 1978
Greenville:	November 16, 1978

II. Public Meetings

College of Charleston (O.C.S. Conference)	February 25, 1978
Myrtle Beach Public Meeting	March 20, 1978

III. Media Presentations

A. Radio Talk Shows

Date	Station
October 5, 1977	WTMA
October 20, 1977	WPAL
November 18, 1977	WSCI
December 11, 1977	WPXI
December 18, 1977	WTMA
January 15, 1978	WSSC
January 25, 1978	WSCI
April 8, 1978	WSCI

Comment: Spot interviews and supporting formal releases are an integral part of this program.

III. Media Presentations - Continued

B. Television Talk Shows

Date	Station
October 5, 1977	WCBD-TV
December 3, 1977	WCSC-TV
January 6, 1978	WJWJ-TV
January 11, 1978	WIS-TV
January 12, 1978	WCIV-TV
January 14, 1978	WIS-TV
March 19, 1978	Channel 5

Comment: Interviews, quotes and spot coverages are frequent and numerous.

IV. Presentations

A. Slide Show (First Show)

Date	Location
September 12, 1977	Myrtle Beach
September 15, 1977	Myrtle Beach
September 15, 1977	Charleston Kiwanis Club
October 6, 1977	Charleston Sertoma Club
October 17, 1977	Charleston Lions Club
October 20, 1977	Wando High School
November 10, 1977	Charleston John's Island Garden Club
December 14, 1977	Charleston D. A. R.

B. Slide Show (Second Show)

Date	Location
August 10, 1978	(Columbia) Inland County Working Group
September 13, 1978	Beaufort Rotarians
September 25, 1978	Myrtle Beach Rotary Club

IV. Presentations - Continued

C. Display Usage

Date	Location
September 23, 1977	Myrtle Beach Council Meeting
October 1-5, 1977	SPA Terminal, Port Open House
October 10-16, 1977	Federal Building, Charleston
December 3-6, 1977	Point South, Lowcountry Council of Government Open House
January 15-25, 1978	Mount Pleasant City Hall
July 30-August 5, 1978	Myrtle Beach Convention Center

Note: The above are illustrative and do not serve as a complete record of display placement.

D. Miscellaneous Presentations

Date	Location	Attendance
January 12, 1978	Government Class, 10th-12th grade	20
January 16, 1978	South Carolina Wildlife Federation Representatives	2
January 19, 1978	Green Acres Garden Club, Florence	12
January 20, 1978	Folly Beach Erosion Control Committee	30
January 31, 1978	Methodist Church Men's Supper Pinopolis, S. C.	50-60
February 16, 1978	Darlington Kiwanis Club	60
February 21, 1978	Spartanburg Audubon Society	50
February 22, 1978	Cooper River Water Users Association	24
March 6, 1978	Laurens County Lions Club	65
March 13, 1978	Myrtle Beach City Council	15
March 14, 1978	St. Andrews Lutheran Church Mens Club	30
March 14, 1978	Georgetown Propeller Club	20

BEAUFORT COUNTY WORKING GROUP

Mr. Franklin Rouse, Chairman
Coalition for Lower Beaufort County
24 So. Calibogue Cay
Hilton Head Island, S. C. 29928

Mr. Jack Heles
First Federal Svgs. & Loan Assn.
920 Bay St.
Beaufort, S. C. 29902

Mrs. Susan Graber
915 Port Republic
Beaufort, S. C. 29902

Honorable Henry Chambers, Mayor
City of Beaufort
Beaufort, S. C. 29902

Mr. David Bogan
1014 Thirteenth St.
Port Royal, South Carolina 29935

Hon. H. B. Stephens, Jr., Mayor
City of Bluffton
P. O. Box 386
Bluffton, S. C. 29910

Mr. Penn Estabrook
Low Country Council of Governments
P. O. Box 98
Yemassee, South Carolina 29945

Louis O. Dore, Esquire
Moss, Carter, Branton & Bailey
1501 North St.
Beaufort, S. C. 29902

Mr. H. H. Von Harten, Jr.
114 Fuller Parkway
Beaufort, S. C. 29902

Mr. William D. Walsh, Jr.
Route 1, Box 116
Burton, South Carolina 29902

Mr. O. Stanley Smith, Jr.
Fripp Island Development Company
Fripp Island, South Carolina 29920

Mr. Joseph B. Fraser, Jr.
Sea Pines Plantation Company
Hilton Head Island, S. C. 29928

Mr. James E. Coates, Sr.
6027 Dowlingwoods Drive
Beaufort, S. C. 29902

Mr. Ross McDonald Sanders, Sr.

Mr. B. Lee Webb, Manager
Beaufort Jasper Water Authority
P. O. Box 275
Beaufort, South Carolina 29902

Ms. Duane Neidig
101 Capers Street
Beaufort, South Carolina 29902

Mr. Walter Zachowski, President
The Blue Channel Corporation
Port Royal, South Carolina 29935

Mr. Arthur Horne, Chairman
Beaufort County Council
P. O. Box 808
Beaufort, South Carolina 29902

Ms. Pearl Bryant
Beaufort-Jasper Comprehensive Health
Services, Inc.
P. O. Box 357
Ridgeland, S. C. 29936

Ms. Louise Cohen
Bft-Japser Comprehensive Health Svces,
P. O. Box 357
Ridgeland, S. C. 29936

Senator James M. Waddell, Jr.
P. O. Box 1026
Beaufort, SC 29902

BERKELEY COUNTY WORKING GROUP

	Business Telephone:
Claude Sykes P. O. Drawer 1194 Mocks Corner, SC 29461	899-2101
F. Marion Peagler 104 Whitesville Road Moncks Corner, SC 29461	899-3132
Ron McLemore P. O. Box 9278 Hanahan, S. C. 29410	554-4221
Samuel J. Cooper Cross High School Cross, S. C. 29436	753-2121
Wallace W. Scott P. O. Box 161 Moncks Corner, SC 29461	899-2121
Gary C. LeCroy P. O. Box 1063 Moncks Corner, SC 29461	899-7369
Ms. Clarice W. Costello Brush Blvd. Goose Creek, SC 29445	797-1536
John D. Scarborough c/o The C & S Bank Hwy. 52 Moncks Corner, SC 29461	899-2128
David A. Page 103 Carolina Avenue Moncks Corner, SC 29461	899-5337
Don Van Meter P. O. Box 987 Mt. Pleasant, SC 29464	884-6151
Coy Johnston Bonneau Ferry Plantation Cordesville, SC 29434	336-3242
Dick Coon E. I. duPont de Nemours & Co. Textile Fibers Division P. O. Box 10228 Charleston, SC 29411	797-9000

Berkeley County Working Group - Continued

Charles Glover
P. O. Box 668
Moncks Corner, SC 29461
899-3558

J. Russell Cross
Cross, SC 29436
753-2336

Arthur Bryngelson
P. O. Box 508
Moncks Conrer, SC 29461
899-7321

Cecil Guerry
Jamestown, SC 29453
257-2229

Roscoe Bacote
526 E. Main Street
Moncks Corner, SC 29461
899-3312

William J. Iselin
P. O. Box 506
Moncks Corner, South Carolina 29461
899-3758

Senator James M. Waddell, Jr.
P. O. Box 1026
Beaufort, SC 29902
524-5053

CHARLESTON COUNTY WORKING GROUP

Mr. Warren Hamlin
1705 Atlantic Avenue
Sullivan's Island, S.C. 29482

Mr. Vince Partridge
SISCO Sea Products
P.O. Box 1286
Mt. Pleasant, S.C. 29464

Ms. Nancy Redding
130 Hobcaw Drive
Charleston, S.C. 29412

Ms. Verona Knisely
1266 Harborview Rd.
Charleston, S.C. 29412

Mr. Henry Fishburne
133 St. Andrew's Blvd.
Charleston, S.C. 29407

Mr. Carlyle Blakeney, Jr.
National Audubon Society
SE Regional Headquarters
P.O. Box 1268
Charleston, S.C. 29402

Mr. Tim Gwynette
504 Minott Street
Charleston, S.C.

Mr. Frank Huguenin
36 Market
Charleston, S.C. 29401

Mr. Charles Duell
2[illegible] E. Battery
C[illegible]rleston, S.C.

Mr. William Humphries
Director
Charleston County Development Board
P.O. Drawer E
Charleston, S.C. 29402

Mr. William Paulsen
P.O. Box 12910
Charleston, S.C.

Mr. Alvie R. Evans
Chairman, Charleston County Planning Board
7690 Dorchester Rd.
North Charleston, S.C.

Mr. Herbert DeCosta
93 Spring Street
Charleston, S.C.

Mr. James M. Deaton
Ex-Vice President
Charleston Trident Chamber of Commerce
P.O. Box 975
Charleston, S.C. 29402

Ms. Alys Anne Patterson
337 Molasses Lane
Mt. Pleasant, S.C. 29464

Mr. Andrew F. Hodges
Deputy County Attorney
Room 401 County Office Building
2 Courthouse Sqaure
Charleston, S.C. 29401

Mr. Fred Glassner
Frederick's Autohaus
4260 Meeting Street Road
Charleston, S.C.

Ms. Patsy Hughes
49 France Avenue
North Charleston, S.C. 29406

Ms. Deborah Saunders
c/o Stucky & Wise, Attorneys
145 King Street
Charleston, S.C. 29402

Mr. William A. Lee
P.O. Box 12609
Charleston, S.C. 29412

Mr. Abraham B. Jenkins
Sea Island Comprehensive Health Care Corp.
Box 225, Rt. 3
John's Island, S.C. 29455

Mr. Walter Bankhead, President
619 East Bay Street
Charleston, S.C. 29401

Mayor Rutledge B. Leland, III
P.O. Box 181
McClellanville, S.C. 29458

Senator James M. Waddell, Jr.
P. O. Box 1026
Beaufort, SC 29902

Charleston County Working Group
(Continued)

Don P. Balderson
Crickentree Apts. S-1
Mt. Pleasant, S. C. 29464

COLLETON COUNTY WORKING GROUP

Mr. W. S. Baldwin
Rt. 2, Box 52
Green Pond, South Carolina 29446

Mr. W. W. Spell
Cottageville,
South Carolina 29435

Mr. Glen Strickland
P.O. Box 317
Walterboro, South Carolina 29488

Mr. L. G. Fishburne, Jr.
P.O. Box 80
Walterboro, South Carolina 29488

Mr. Murry Bishop
P.O. Box 52
Walterboro, South Carolina 29488

Mr. Henry Collins
Edisto Beach,
South Carolina 29438

Mr. Wallace McCord
P.O. Box 1158
Walterboro, South Carolina 29488

Mr. Capers Small
RFD
Green Pond, South Carolina 29446

Mr. Allen P. Spaulding
Poco Sabo
Green Pond, South Carolina 29446

Mr. Jim Paddock
302 Hayne Street
Walterboro, South Carolina 29488

Senator James M. Waddell, Jr.
P. O. Box 1026
Beaufort. SC 29902

DORCHESTER COUNTY WORKING GROUP

Mr. George Seago
P.O. Box 1196
Summerville, SC 29483
Phone: (Home) 873-1269

Mrs. Bea Watson
1500 Bacon's Bridge Road
Summerville, S. C. 29483
Phone: (Home) 873-5699

Mr. F. P. Barry
Mateeba Gardens Rd.
Summerville, S. C. 29483
Phone: (Home) 873-0634

Mr. F. P. Barry, Jr.
606 Carolina Ave.
Summerville, S. C. 29483
Phone: (Home) 873-1636

Mr. Don Handelsman
105 Shaftsbury Lane
Kings Grant
Summerville, S. C. 29483
Phone: (Home) 873-6299

Mr. Robert J. Hammill
212 Lakeview Drive
Summerville, S. C. 29483
Phone: (Home 873-0242 (Work) 871-4951

Mr. Ernest Waring
Tea Farm
Summerville, S. C. 29483
Phone: (Home) 873-2796 (Work) 577-6556

Mr. Joseph E. Meachum
101 Gaillard La.
Summerville, S. C. 29483
Phone: (Home) 873-4127 (Work) 873-3320

Mr. Larry Bailey
111 Linwood Lane
Summerville, S. C. 29483
Phone: (Home) 871-4604

Mrs. Beth McIntosh
603 W. Richardson Ave.
Summerville, S. C. 29483
Phone: (Home) 873-7191

Mrs. Alice Tucker
302 Bryan St.
Summerville, S. C. 29483
Phone: (Home) 873-7580

Mr. Stephen Hutchinson
104 Chuker Ct.
Summerville, S. C. 29483
Phone: (Home) 871-4584 (Work) 873-0722

Mr. Wallace Ackerman
208 Shaftsbury Lane
Summerville, S. C. 29483
Phone: (Home) 871-1584

Mr. Richard Ayers
P. O. Box 1334
Summerville, S. C. 29483
Phone: (Home) 873-8467

Mr. Joseph B. Mullin
106 Lucille Ct.
Ladson, S. C. 29456
Phone: (Home) 871-6572

Dr. Neil G. Vander Linden
132 Tranquil Lane
Ladson, S. C. 29456
Phone: (Home) 871-2703 (Work) 744-8231

Ms. Brenda L. Williams
B-1 Pembrook Apts.
Summerville, S. C. 29483
Phone: (Home) 873-0538 (Work) 871-0350

Peter F. Them, II
102 Lipman Street
Summerville, S. C. 29483

Senator James M. Waddell, Jr.
P. O. Box 1026
Beaufort, SC 29902

GEORGETOWN COUUNTY WORKING GROUP

Mr. Tad Fogel
P.O. Drawer W
Georgetown, SC 29440

Mr. Alfred B. Schooler, Chairman
Georgetown County Council
P.O. Drawer 1270
Gerogetown, SC 29440

Mr. Leon S. Bellamy
P.O. Box 17
Murrells Inlet, SC 29576

Mr. Doug Hinds, Mayor
City of Georgetown
P.O. Box 939
Gerogetown, SC 29440

Mr. David Treme
City Administrator
City of Georgetown
P.O. Box 939
Georgetown, SC 29440

Mr. Marvin Thomas
P.O. Box 474
Georgetown, SC 29440

Mr. Clayton Bull
208 Cannon Street
Georgetown, SC 29440

Mr. Fred Fenters
Route 3, Box 149
Georgetown, SC 29440

Mr. Charles Moore
P.O. Box 479
Georgetown, SC 29440

Mrs. George Long
2023 South Island Road
Georgetown, SC 29440

Mr. Wallace Pate
DeBordieu Colony Club
P.O. Drawer 577
Georgetown, SC 29940

Ms. Emily Strait
International Paper Company
Georgetown, SC 29940

Mr. Kenny Williams
Route 2, Box 195
Georgetown,SC 29440

Mrs. Virginia T. Prevost
Box 642
Georgetown, SC 29440

Mr. Virgil Dugan
Friendfield Plantation
Georgetown,SC 29440

Mr.Robert K.Patterson
902 N.Drayton Street
Georgetown,SC 29440

Mr.Hal Strange
604 Front Street
Georgetown, SC 29440

Mr. D. B. Hudson
401 E. Bay Street
Georgetown,SC 29440

Mr.Neville B. Cribb
PO.Box 575
Georgetown, SC 29440

Mrs.Cappy McFadden
P.O. Box 217
Pawleys Island, SC 29585

Ms. Barbara Barra
Arundel Plantation
Georgetown, SC 29440

Ms. Claudia Howard
307 Queeen Street
Georgetown,SC 29440

Senator James M.Waddell, Jr.
PO.Box 1026
Beaufort,SC 29902

Horry County Working Group

Mr. Ashby Ward
513 10th Ave. N.
Surfside Beach, S. C. 29577

Mr. Bob Childs
2702 4th Ave.
Conway, S. C. 29526

Mr. Dick Johnson
213 N. Poplar Dr.
Surfside Beach, S. C. 29577

Mr. Cliff Chestnut
Highway 17 North
Myrtle Beach, S. C. 29577

Mr. W. Allen Simpson, Jr.
5703 Pickens Ave.
Myrtle Beach, S. C. 29577

Mr. Tom Rogers
P. O. Box 1485
Myrtle Beach, S. C. 29577

Mrs. Jean Dozier
Rt. 2, Fox Bay Rd.
Loris, S. C. 29569

Mrs. Laurie McLeod
P. O. Box 3465
North Myrtle Beach, S. C. 29577

Mr. Raymond Austin
1500 Hemingway St.
Myrtle Beach, S. C. 29577

Mr. Dick Rosen
900 5 Kings Road
Dunes Section
Myrtle Beach, S. C. 29577

Mr. Jim D'Avignon
P. O. Box 406
Myrtle Beach, S. C. 29577

Mrs. Pauline Atkins
8005 Beach Dr.
Myrtle Beach, S. C. 29577

Mr. George W. Howland, Jr
Wildwood Trail
Dunes Section
Myrtle Beach, S. C. 29577

Mrs. Hannah Cromley
5710 Porcher Avenue
Myrtle Beach, S. C. 29577

Mr. David Gravely
P. O. Box 1984
Myrtle Beach, S. C. 29577

Mr. Barry Thigpen
5102 Pine Lakes Dr.
Myrtle Beach, S. C. 29577

Mr. Raymond Schild
P. O. Drawer 2936
Myrtle Beach, S. C. 29577

Mr. Clyde Port
9324 Cove Drive
Dunes Section
Myrtle Beach, S. C. 29577

Mr. William Davis
Route #1
Galivants Ferry, S. C. 29544

Judge W.I. Gatling
Jensen Mobile Home Park
Murrells Inlet, S. C. 29576

Mrs. James Collins
The Surfwood Motel
2900 N. Ocean Blvd.
Myrtle Beach, S. C. 29577

Senator James M. Waddell, Jr.
P. O. Box 1026
Beaufort, SC 29902

JASPER COUNTY WORKING GROUP

Mr. Alvernor Smith
Rt. 2, Box 623
Ridgeland, SC 29936

Mr. Gary Tate
P. O. Drawer A
Ridgeland, SC 29936

Mrs. Em Day
P. O. Box 877
Ridgeland, SC 29936

Mr. Jimmy Cope
Rt. 1, Box 98
Early Branch, SC 29916

Mrs. Zenie Ingram
Rt. 3, Box 575
Ridgeland, SC 29936

Mr. Thayer Rivers
P.O. Box 104
Ridgeland, SC 29936

Mr. Tom Johnson
P.O. Drawer
Hardeeville, SC 29927

Mr. Henry Lawton
P.O. Box 848
Ridgeland, SC 29936

Mr. David Heape
P.O. Box 454
Ridgeland, SC 29936

Mr. Joe Vaigneur
P.O. Box 711
Ridgeland, SC 29936

Mr. Douglas Nettles
P.O. Box 758
Ridgeland- SC 29936

Mr. Ed Floyd
Box 712
Ridgeland, SC 29936

Mr. W.D.Blackman
P. O. Box 777
Ridgeland, SC 29936

Mrs.Sara Baxter
Rt. 2, Box 258
Ridgeland, SC 29936

Mr. Stephen Shoemaker
Rt.3, Box 230
Ridgeland,SC 29936

Senator James Waddell, Jr.
P.O. Box 1026
Beaufort, SC 29902

Mr. Tommy Rhodes
Chamber of Commerce
Ridgeland, SC 29936

INLAND COUNTY WORK GROUP

Ms. Lesesne S. Dickson
10 Dameron Avenue
Greenville, SC 29607

Mrs. Melinda Rousselle
c/o Leonard W. Rousselle
Trust Department
S. C. National Bank
Florence, SC 29501

Mrs. Barbara Guidnard
1716 Bannockburn Drive
Columbia, SC 29206

Mr. Hugh T. Lightsey
P. O. Box 10
Brunson, SC 29991

Mr. William C. Boyd, III
Attorney At Law
1122 Lady Street
SCN Center, Suite 1250
Columbia, SC 29201

Mr. W. W. Johnson
P.O. Box 448
Bankers Trust Tower
Columbia, SC 29202

Mr. Al T.Chalk
1711 Crestwood Drive
Columbia, SC 29205

Mr. Larry Turner
2730 Blossom Street
Columbia, SC 29205

Mr. Robert V. Royall, Jr.
C & S National Bank
1801 Main Street
Columbia, SC 29201

Mr. Thomas B. McTeer
President
McTeer Realty
900 Elmwood Avenue
Columbia, SC 29201

Dr. Stanley Baker
Medical Center
Greenwood, SC 29645

Mr. Tee (W. W.) Parr
R.F.D. Bush River Road
Newberry, SC 29108

Mr. L. H. Senn, III
Anderson County Planning & Dev.
Anderson, SC 29621

Mr. Ernest Cooler
Pickens County Planning &
Development Board

Mr. David J. Haun
City Planner
City of Clemson
P.O. Box 1566
Clemson, SC 29631

Mr. Hamie Chaplin
Manager of Aiken Electric Coop.
P.O. Box 417
N. Augusta, SC 29841

Mr. Gibbes Patton
Assoc. Professor Biology
Wofford College
Spartanburg, SC 29301

Mr. Porter B. Rose
Vice President, Securities
The Liberty Corporation
4 Pine Forest Drive
Greenville, SC 29601

Mr. William N. Miller
President, Miller Outdoor Ad.
Route 1, Saluda Lake Road
Greenville,SC 29611

Mr. Jasper C. Moore
P.O. Box 125
Simpsonville, SC 29681

Mr. Frank Dana,III - Chairman
230 Pelham Road
Apartment 92
Greenville, SC 29607

Mr. W. E. Dargan
Route 3, Box 441
Darlington, SC 29532

Mrs. Ada Lou Steirer, President
Clemson League
104 Carolus
Clemson, SC 29531

Mr. Richard Watkins
2B Kirkwood Apartments
Camden,SC 29020

Mr. James Verne Elder
4532 Oakwood Road
Columbia, SC 29206

Mr. Robert Gale, President
Sierra Club
Bachman Group
Route 3,Box 101
Winnsboro, SC 29180

Mr. Jerry Bright
Communications Engineer
S. C. Electric & Gas Co.
PO.Box 764
Columbia, SC 29218

Mr. Carl Simpson
3420 Heyward Street
Columbia, SC 29205

Mr. John Hughes Cooper
1610 Crestwood Drive
Columbia,SC 29205

Mr.Richard Moses
Henry P. Moses Company
Sumter, SC 29150

Mr. Dick Lee
Sumter County Board of
Commissioners
Route 3
Sumter, SC 29150

Mr. Franklin E. Robson
P.O. Box 576
Charleston, SC 29402

Ms. Ann Jennings
21 Granville Road
Columbia, SC 29209

Dr. Jack Scurry
Drawer 1017
Greenwood, SC 29646

Mr. Ed Yarborough, III
14 E. Prentiss Avenue
Greenville, SC 29605

Ms. Katherine Gilbert
14 S. Washington Street
Sumter, SC 29150

Mr. C. C. Huffman
106 Terrace Street
Kingstree, SC 29556

County Citizens Working Group Meetings

Date	County	Location
lay 22, 1978	Charleston	Charleston County Office Building
une 14, 1978	Georgetown	County Courthouse Annex
une 19, 1978	Charleston	Charleston County Office Building
une 20, 1978	Berkeley	C&S Bank, Moncks Corner
June 22, 1978	Dorchester	Summerville Community Center
June 26, 1978	Beaufort	Bank of Beaufort
July 11, 1978	Georgetown	County Courthouse Annex
July 13, 1978	Jasper	Point South, Highway 17
July 17, 1978	Charleston	County Office Building
July 18, 1978	Berkeley	C&S Bank, Moncks Corner
July 20, 1978	Colleton	First National Bank - Walterboro
July 20, 1978	Horry	Santee Cooper Building
August 2, 1978	Beaufort	Bank of Beaufort
August 3, 1978	Dorchester	Summerville Community Center
August 10, 1978	Inland Counties	Sheraton, Columbia
August 10, 1978	Jasper	Jasper County Court House
August 16, 1978	Horry	Santee Auditorium
August 21, 1978	Charleston	Charleston County Office Building
August 22, 1978	Berkeley	C&S Bank, Moncks Corner
August 24, 1978	Georgetown	County Courthouse Annex
August 29, 1978	Colleton	First National Bank - Walterboro
September 13, 1978	Beaufort	Bank of Beaufort
September 14, 1978	Jasper	Jasper County Courthouse
September 18, 1978	Charleston	Charleston County Office Building
September 20, 1978	Horry	Santee Auditorium
September 26, 1978	Berkeley	C&S Bank, Moncks Corner

County Citizens Working Group Meetings - Continued

Date	County	Location
September 26, 1978	Charleston	Charleston County Office Buildin
September 26, 1978	Inland Counties	Bankers Trust, Columbia
September 28, 1978	Dorchester	Summerville Community Center
September 28, 1978	Georgetown	County Courthouse Annex

Coastal Management Program

Beach Access Advisory Committee

Appointee	Representative
Mr. James Johnson Horry County Council c/o Dargan Construction Company P.O. Box 1468 Myrtle Beach, SC 29577	N/A
Mr. Charles Fraser, President Sea Pines Corporation Hilton Head Island, SC 29948	N/A
Mr. Thomas S. Kohlsaat Natural Area Specialist 1116 Bankers Trust Tower Columbia, SC 29201	N/A
Mr. Ron Carter SCORP Exchange Council Suite 113, Edgar A. Brown Bld. Columbia, SC 29201	N/A
Mr. Fred Brinkman Executive Director S.C. Dept. of Parks, Recreation & Tourism 1205 Pendleton Street Suite 113, Edgar A. Brown Bld. Columbia, SC 29201	N/A
Dr. Jackie Jacobs Executive Director South Carolina Wildlife Federation Suite 211, Dutch Plaza 800 Dutch Square Blvd. Columbia, SC 29210	N/A
Ms. Letha Waldron South Carolina League of Women Voters 718 London Drive Charleston, SC 29412	N/A
Mr. John Green, Director Charleston County - PRT 186 Concord Street Charleston, SC 29402	N/A
The Honorable William W. Doar, Jr. South Carolina State Senate P.O. Box 418 Georgetown, SC 29440	N/A

Coastal Management Program

Beach Access Advisory Committee (continued)

Appointee	Representative
The Honorable Martin Sauls, III South Carolina House of Representatives Box 162 Ridgeland, SC 29936	N/A
The Honorable Wilfred E. Lipman Mayor of Sullivans Island P.O. Box 246 Sullivans Island, SC 29482	N/A
Dr. James A. Timmerman, Jr. Executive Director South Carolina Wildlife and Marine Resources Department P.O. Box 167 Columbia, SC 29202	Dr. Frank Stapor South Carolina Wildlife and Marine Resources Department P.O. Box 12559 Charleston, SC 29412
Mr. Tom Hansen Executive Director BCD Council of Government 157 East Bay Street Charleston, SC 29401	N/A
Mr. Ken Thompson Executive Director Waccamaw Regional Planning and Development Council P.O.Drawer 419 Georgetown, SC 29940	N/A
Mr. Nat S. Thompson, Director Lowcountry Council of Government P.O. Box 98 Yemassee, SC 29945	N/A
Mr. Paul W. Cobb Chief Commissioner Department of Highways and Public Transportation P.O. Box 191 Columbia, SC 29202	Mr. Charles L. Matthews Asst. Bridge Engineer S.C. Dept. of Hwys. and Pub. Trans. P.O. Box 191 Columbia, SC 29202

Coastal Management Program

Beach Access Advisory Committee (continued)

Appointee	Representative
Mr. Keith Babcock Assistant Attorney General Attorney Generals Office Wade Hampton Building Columbia, SC 29201	N/A
Mr. Roger Banks U.S. Fish and Wildlife Service P.O. Box 12559 Charleston, SC 29412	Mr. Douglas Winford U.S. Fish and Wildlife Service P.O. Box 12559 Charleston, SC 29412
Ms. Mary L. Bryan 208 S. Saluda Street Columbia, S.C. 29205	N/A
Richard Porche The Citadel Charleston, S. C. 29408	

Coastal Management Program

Beach Erosion Advisory Committee

Appointee	Representative
Dr. Miles Hayes Department of Geology University of South Carolina Columbia, SC 29208	N/A
Mr. Jim Call Leonard, Call & Associates c/o Myrtle Offices Oak Street Myrtle Beach, SC 29577	N/A
Mr. C.G. Leonard Charleston County Health Department 334 Calhous Street Charleston, SC 29401	N/A
Mr. Roger Banks U.S. Fish & Wildlife Service P.O. Box 12559 Charleston, SC 29412	Mr. Douglas Winford U.S. Fish & Wildlife Service P.O. Box 12559 Charleston, SC 29412
Mr. Arthur Horne, Chairman Beaufort County Council P.O. Box 1031 Beaufort, SC 29902	N/A
The Honoralbe Ralph Ellis South Carolina State Senate P.O. Box 66 Little River, SC 29556	N/A
The Honorable Harriet Keyserling South Carolina House of Representatives P.O. Box 1108 Beaufort, SC 29902	N/A
The Honorable Regas Kennedy Mayor of Folly Beach City Hall Folly Beach, SC 29439	N/A
Colonel William Brown District B Department of the Army Charleston District Corp of Engineers P.O. Box 919 Charleston, SC 29402	Mr. Ed Meredith District B Department of the Army Charleston Dist. Corp of Engineers P.O. Box 919 Charleston, SC 29402

Coastal Management Program

Beach Erosion Advisory Committee (continued)

Appointee	Representative
Mr. George Huey State Conservationist U.S.D.A. Soil Conservation Service 240 Stonebridge Drive Columbia, SC 29210	Mr. Marvin Burgess State Resource Conservationist U.S.D.A. Soil Conservation Servi 240 Stonebridge Drive Columbia, SC 29210
Mrs. Susan Graber South Carolina League of Women Voters 915 Port Republic Street Beaufort, SC 29902	N/A
Gary Lamberson, Esquire 2121 Cosgrove Avenue Charleston, SC 29407	N/A
Mr. Neale E. Bird Clemson University Extension Service P.O. Box 12559 Marine Resources Center Charleston, SC 29412	N/A
Dr. Billy Edge Assistant Professor Civil Engineering Clemson University Clemson, SC 29631	N/A
Mr. Charlie Beall Assistant Deputy Commissioner Environmental Quality Control Department of Health and Environmental Control 2600 Bull Street Columbia, SC 29201	N/A
Mr. Ton Hansen Executive Director BCD Council of Government 157 East Bay Street Charleston, SC 29401	N/A
Mr. Ken Thompson Executive Director Waccamaw Regional Planning and Development Council P.O. Drawer 419 Georgetown, SC 29940	N/A

Coastal Management Program

Beach Erosion Advisory Committee (continued)

Appointee	Representative
Mr. Nat S. Thompson, Director Lowcountry Council of Government P.O. Box 98 Yemassee, SC 29945	N/A
Mr. Keith Babcock Assistant Attorney General Attorney General's Office Wade Hampton Office Building Columbia, SC 29201	N/A
Mr. Paul W. Cobb Chief Commissioner Department of Highways & Public Transportation P.O. Box 191 Columbia, SC 29202	Mr. Charles Matthews Assistant Bridge Engineer S.C. Dept. of Hwys. & Public Trans. P.O. Box 191 Columbia, SC 29202

Mr. Robert Hirsch, Director
Energy Management Office
Edgar A. Brown Building
1205 Pendleton Street
Columbia, SC 29201

Mr. G. Edward Richardson
South Carolina Water Resources Commission
P.O. Box 4515
Columbia, SC 29240

Mr. William F. Ross
Executive Director
South Carolina Petroleum Council
Suite 716
Keenan Building
1310 Lady Street
Columbia, SC 29201

Mr. Charlie Beall
Assistant Deputy Commissioner
Environmental Quality Control
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Dr. Mac Shealy, Jr.
South Carolina Wildlife and Marine and Resources Department
P.O. Box 12559
Charleston, SC 29412

Mr. Tom Hansen
Executive Director
BCD Council of Government
157 East Bay Street
Charleston, SC 29401

Mr. Ken Thompson, Executive Director
Waccamaw Regional Planning and Development Council
P.O. Drawer 419
Georgetown, SC 29940

Mr. Nat S. Thompson, Director
Lowcountry Council of Government
P.O. Box 98
Yemassee, SC 29945

Coastal Management Program

Energy Facility Siting Advisory Committee (continued)

Mr. William H. Rankin
Director, Resource Applications
Department of Energy
Region IV
1655 Peachtree Street, NE
Atlanta, Georgia 30309

Mr. Emmett Turner
U.S. Department of Energy
Room 2406
12 and Penn Street
Washington, D.C. 20461

Dr. Glen Rhyne
Director, Research Division
South Carolina Public Service Commission
Owen Building
P. O. Drawer 11649
Columbia, South Carolina 29211

Coastal Management Program

Energy Facility Siting Advisory Committee

Appointee

Dr. Bobby E. Gilliland
Assistant Dean
College of Engineering
Clemson University
Clemson, SC 29630

Dr. Sherwood H. Smith
Carolina Power & Light Company
P.O. Box 1551
Raleigh, NC 27602

Mr. B. Kelly Smith
Director
Legislation, Industrial and Community Development
South Carolina Electric Co-op Assoc., Inc.
Cayce, SC 29033

Mr. John P. Connolly
South Carolina Electric & Gas Company
P.O. Box 764
Columbia, SC 29218

Mr. Lonnie Hamilton, III
Charleston County Office Building
2 Court House Square
Charleston, SC 29401

Mr. Norman K. Olson
State Geologist
Harbison Forest Road
Columbia, SC 29210

Mr. William A. Williams, Jr.
Vice-President
South Carolina Public Service Authority
223 North Live Oak Drive
Moncks Corner, SC 29461

The Honorable Charles E. Hodges
South Carolina House of Representatives
4307 Broad Street
Loris, SC 29569

Coastal Management Program

Energy Facility Siting Advisory Committee (continued)

Appointee

The Honorable William T. Howell
South Carolina State Senate
P.O. Box 581
Walterboro, SC 29488

The Honorable J.C. Smoak
Mayor of Hardeeville
Hardeeville, SC 29927

Mr. Richard Smith
Chief Engineer
Utilities Division
South Carolina Public Service Commission
Owen Building
P.O. Drawer 11649
Columbia, SC 29211

Mr. Henry P. Fulmer
Deputy Executive Director
S.C. Land Resources Conservation Connission
2221 Devine Stree, Suite 222
P.O. Box 11708
Columbia, SC 29206

Mrs. Laura Hines
South Carolina League of Women Voters
c/o Trident 2000
114 Wentworth Street
Charleston, SC 29401

Mr. Guy Jones
South Carolina Environmental Coalition
P.O. Box 5761
Columbia, SC 29250

Dr. Andy Laurent
Director
Division of Research and Statistical Services
State Budget and Control Board
1028 Sumter Street, Suite 201
Columbia, SC 29201

Advisory Committee Meetings

Committee	Date	Location
Beach Access Advisory Committee	May 30, 1978	Bankers Trust, Columbia
Beach Erosion Advisory Committee	May 30, 1978	Bankers Trust, Columbia
Energy Facility Siting Advisory Committee	May 30, 1978	Bankers Trust, Columbia
Energy Facility Siting Advisory Committee	August 21, 1978	Bankers Trust, Columbia
Beach Access Advisory Committee	September 22, 1978	Sheraton, Charleston
Beach Erosion Advisory Committee	September 22, 1978	Sheraton, Charleston

Appendix K

FINAL

RULES AND REGULATIONS

for Permitting in

Critical Areas of

the Coastal Zone

SOUTH CAROLINA COASTAL COUNCIL

June 7, 1978

Act 123 of 1977, hereafter referred to as the Act, was enacted by the General Assembly of South Carolina to provide for the protection and enhancement of the State's coastal resources.

The Act creates the South Carolina Coastal Council, which is given the task of promoting the economic and social welfare of the citizens of this state while protecting the sensitive and fragile areas of the coast. Within a framework of a coastal planning program, the Council will encourage the protection and sound development of coastal resources.

An important part of this program is a coastal permitting system. As mandated in the Act, the Council has direct state authority to deny or issue permits in the critical areas defined in the Act.

The Act states that ninety days after the effective date of the Act no person shall fill, remove, dredge, drain or erect any structure on or in any way alter any critical area without first obtaining a permit from the Council. With the effective date of the Act being July 1, 1977, the effective date of the Council's permitting authority was September 29, 1977.

The Act further provides that on or before August 29, 1977, the Council shall publish and make available the Interim Rules and Regulations that shall be used in evaluating and granting or denying all permit applications. These Interim Rules and Regulations were published in Volume I, No. 9 of the State Register, August 24, 1977.

The Act also mandates the Council to publish Draft Final Rules and Regulations by October 28, 1977, and these were published in Volume 1, No. 13 of the State Register, October 26, 1977. The draft regulations were available for review and comment by Federal and State agencies, local and regional governments and interested persons. In accord with the Act, the Council also held four public hearings on the draft regulations: in Charleston, December 13, 1977; in Myrtle Beach, January 5, 1978; in Columbia, January 6, 1978; and in Beaufort, January 9, 1978.

On February 28, 1978, the following were proposed to the 1978 General Assembly for promulgation as Final Rules and Regulations for permitting in critical areas of the coastal zone. During the 90-day period of review in the General Assembly, no action was taken on the Proposed Rules and Regulations, and as a result, these Rules and Regulations became final. On June 7, 1978, they were published as Final Rules and Regulations in the State Register, Vol. 2, No. 15, June 7, 1978.

The Council's principal office of business is the Office of Coastal Planning; 4 Carriage Lane, Suite 205; Charleston, South Carolina 29407. Permit applications are available at this office, and all correspondence with the Council concerning the permit process shall be through this office, unless otherwise directed. The Council encourages those wishing to receive general information on permits and alterations in critical areas to contact this office.

TABLE OF CONTENTS

		Page
30-1	STATEMENT OF POLICY	1
30-2	APPLYING FOR A PERMIT	4
	A. Preliminary review	4
	B. Permit application (requirements)	4
	C. Notification	6
	D. Permit processing	6
	E. Comments on application	7
	F. Public information	7
	G. Minor development activities	7
	H. State comment	7
	I. Water quality certificate	7
30-3	PUBLIC HEARINGS	8
30-4	DECISIONS ON A PERMIT	8
	A. Permit approval	8
	B. Permit denial	8
	C. Action upon a permit	8
	D. Licensing of equipment	9
	E. Completion of work	9
	F. Property rights, liability, other permit requirements	9
	G. Legally commenced a use	9
30-5	EXCEPTIONS	10
	A. List of exceptions	10
	B. Notification to Council, emergency orders	11
	C. Emergency repairs to banks and dikes	12
	D. Definition, normal maintenance and repair	12
30-6	COUNCIL APPEALS	12
	A. Notice of Intention to Appeal	12
	B. Filing of Appeal	12
	C. Public Notice	13
	D. Intervenors	13
	E. Comments	13
	F. Notification of Hearing	13
	G. Hearing of Appeal	13
	H. Record of Appeal	14
	I. Decision on Appeal	14

30-7 JUDICIAL APPEAL 14

30-8 ENFORCEMENT 14

A. Permit revocation and modification 14
B. Cease and desist directive 15
C. Arrest warrants 15
D. Penalties 15
E. Judicial enforcement 15

30-9 OTHER PROVISIONS 15

A. Savings clause 15
B. Bonding by Council 16
C. Transfer of permits 16
D. Initiate proceedings to amend rules 16
E. Petitions to the Council 16

30-10 CRITICAL AREA BOUNDARIES 16

A. Coastal waters and tidelands 16
B. Beaches and sand dunes 18

30-11 GENERAL GUIDELINES FOR ALL CRITICAL AREAS 19

30-12 SPECIFIC PROJECT STANDARDS FOR TIDELANDS AND COASTAL WATERS 21

A. Docks and piers 21
B. Boat ramps 22
C. Bulkheads and seawalls 22
D. Cables, pipelines and transmission lines 23
E. Marina location and design 24
F. Transportation projects 26
G. Dredging and filling 28
H. Navigation channels and access canals 29
I. Deposition of dredged material 30
J. Sewage lagoons or impoundments 31
K. Marsh impoundments 32
L. Drainage canals or ditches 33
M. Nonwater-dependent structures 34

30-13 SPECIFIC PROJECT STANDARDS FOR BEACHES AND DUNES 34

A. Seawalls 34
B. Walkways 35
C. Jetties, groins and other erosion control structures 35
D. Nonwater-dependent structures 35

Chapter 30, R.30-1—30-13, South Carolina Coastal Council Statutory Authority: Sections 48-39-10 — 48-39-230 Code of Laws of South Carolina, 1976, as amended.

30-1 Statement of Policy

The South Carolina Coastal Management Act was passed by the 1977 General Assembly of South Carolina to provide for the protection and enhancement of the State's coastal resources. This legislation creates the South Carolina Coastal Council which is given the task of promoting the economic and social welfare of the citizens of this State while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources.

Through the efforts of an overall coastal zone management program and permitting process, the Coastal Council will seek to guide the wise preservation and utilization of coastal resources. It is hoped that these rules and regulations will serve as a mechanism to:

(1) aid developers and others in taking advantage of state-of-the-art techniques in developing projects compatible with the natural environment;

(2) insure consistent permit evaluations by Council and staff; and

(3) serve as a stimulus for implementation of better and more consistent management efforts for the coastal area.

A. The Value of Tidelands and Coastal Waters. The tidelands and coastal waters of the South Carolina coast are a very dynamic ecosystem and an extremely valuable natural resource for the people of the State. The tides regularly ebb and flood through the coastal inlets, bays and marshes which constitute a fragile area, vulnerable to the impacts of many of man's activities. Tidelands and coastal waters are identified as "critical areas" over which the Coastal Council has direct permitting authority.

The saline marshes are highly productive components of the marine food web of coastal waters and estuaries. Decaying plant materials, called detritus, serve as the basis of the food web and are the major biological contribution of the saline marshes. Many commercially and recreationally important fish and shellfish species depend on the marshlands and estuaries for all or part of their life cycle. In addition, many birds and other forms of wildlife utilize wetlands as habitat as well as a source of food. Tidelands and coastal waters also have become increasingly important in recent years for the purposes of aquaculture.

Among the more important functions of the salt and brackish marshes is their role in protecting adjacent highlands from erosion and storm damage. Marsh vegetation absorbs and dissipates wave energy and establishes a root system which stabilizes the soils. Its effectiveness as a buffer depends on the surface area available which, combined with the composition of the underlying substrate, allows tidelands to act as "sponges" in absorbing and releasing waters during storms or times of heavy riverine discharge.

Marshes also perform a valuable waste treatment function since the dense vegetation acts as a filter, trapping sediments and pollutants which enter as run-off from upland areas. The trapping of sediments helps maintain water clarity, a factor important to clam, oyster, and phytoplankton productivity. The marshes also assimilate pollutants and recycle nutrients through various biochemical processes.

Coastal waters and the adjacent marshes are also significant as aesthetic, recreational and educational resources. Much of the expenditure for recreation and tourism in the South Carolina coastal zone is for purposes of enjoying outdoor activities and the aesthetic pleasures of undisturbed tideland areas. These natural areas lend themselves to meaningful and important academic pursuits such as bird-watching and wildlife population and nutrient recycling studies.

These same unique natural resource areas face increasing land development pressure and negative impacts from man's activities in and around them. The marshes constitute a fragile ecosystem; consequently, indiscriminate dredging and filling, degradation of water quality or unsound building practices can have long-term detrimental effects. All development need not be prohibited; rather, the range of favorable and unfavorable results needs to be realized, and analogies made to determine priorities, evaluate alternatives, anticipate impacts, and suggest the best methods and designs to carry out wise development of these resources.

B. The Value of Beaches and Dunes. The Atlantic Ocean shoreline of South Carolina, including its barrier islands, is an extremely dynamic system composed of the sands of the beaches and dunes. The beach is the gently sloping shore washed by waves, extending from below the low tide line to the point above high tide, at which non-littoral vegetation is established. Above this beach area is the dune system, the ridges of wind-blown sand which are normally vegetated. These comprise a very dynamic system, constantly shifting—eroding and accreting—with the effects of waves and wind. These fragile resources are incorporated in the 1977 South Carolina Coastal Management Act as "critical areas".

Each year millions of South Carolina citizens and visitors enjoy the natural setting of the State's shoreline. Aesthetically, the beaches are a unique experience; and recreationally, these areas are increasingly needed for boating, swimming, sunning, and fishing, as leisure time and mobility continue to increase.

Beaches and dunes are nesting grounds for sea turtles and numerous bird species, several of which are endangered. The beaches and adjacent coastal waters are also habitat for many marine species.

Probably the most vitally important aspect of the beach and dune system is its contribution to storage of sand and shoreline stability. It serves as a barrier which

protects adjacent inland areas, dissipating the energy of storm waves. The dunes are a source of sand to aid in the natural renourishment of the beach from the landward side.

The beach itself is relatively tolerant to normal recreational use such as walking or fishing. It is important, however, that enough room be allotted between structures and the shoreline so that if natural erosion occurs, natural deposition can restore the beach without the occurrence of property damage.

Above the berm of the beach, beyond the reach of normal wave action, the winds carry the dry sand particles of the dunes. Where vegetation is established, the wind speed decreases and sand is deposited and begins to accumulate. As long as the sand supply is available and dune vegetation is maintained, the dunes will remain or grow, protecting landward areas behind them. If these fragile dunes and their natural shifting sands are unduly disturbed, upland property can be exposed to direct erosion, harmful salt spray intrusion and the full impact of storm surges.

These same resources of beaches and dunes are desirable locations for human habitation and recreation and are subject to intense development pressure. Therefore, regulations to ensure sound development in these critical areas are essential to protecting the resources as well as protecting lives and property.

30-2 Applying for a Permit.

A. Preliminary review: The Council encourages the submission of development plans for preliminary review. If a permit is necessary, the Council will make every effort to assist the applicant in expediting the filing of an application.

B. Permit application: Except for those exemptions as specified in Section 13(D) of the Act (see R.30-5 below), any person wishing to alter a critical area must receive a permit from the Coastal Council. Section 14(b) of the Act directs that certain information be included in the permit application submitted to the Council. The following minimum information shall be required:

(1) Name and address of the applicant;

(2) A plan or drawing showing the applicant's proposal and the manner or method by which the proposal shall be accomplished;

(3) A plat or a copy of a plat of the area in which the proposed work will take place;

(4) A certified copy of the deed, lease or other instrument under which the applicant claims title, possession or permission from the owner of the property to carry out the proposal;

(5) A list of all adjoining landowners and their addresses or a sworn affidavit that with due diligence such information is not ascertainable;

(6) A brief description of the proposed alteration, its purpose and intended use, including a drawing of the type of structure, a description of the method of construction, and identification of materials and equipment to be used;

(7) A copy of the newspaper public notice.

a) Minor developments (see R.30-2(G)): In the case of applications for minor development permits, the applicant shall publish notice at least once in a newspaper of local circulation in the county of the proposed activity. The newspaper notice should be published within 15 days of the date of Public Notice (see R.30-2(C)). No permit shall be issued by the Council until at least 10 days following the date of newspaper publication. The following form shall be used for newspaper publication:

PUBLIC NOTICE

SOUTH CAROLINA COASTAL COUNCIL

(Name of applicant) will apply (has applied) to the South Carolina Coastal Council for a permit to (description of work) for (public, private) use, at/in (location and name of waterway). Comments will be received

by the South Carolina Coastal Council, 4 Carriage Lane, Suite 205, Charleston, South Carolina 29407 until (insert date, 10 days after date of this newspaper notice).

b) Other activities: In the case of applications for other than minor development permits, the applicant shall publish notice at least once in both a newspaper of general statewide circulation (The State, News and Courier, or The Greenville News) and a newspaper of local circulation in the county of the proposed activity. The newspaper notices should be published within 15 days of the date of Public Notice (see R.30-2(C)). No permit shall be issued by the Council until at least 15 days following the date of the last-published newspaper publication. The following form shall be used for newspaper publication:

PUBLIC NOTICE

SOUTH CAROLINA COASTAL COUNCIL

(Name of applicant) will apply (has applied) to the South Carolina Coastal Council for a permit to (description of work) for (public/private) use, at/in (location and name of waterway). Comments will be received by the South Carolina Coastal Council, 4 Carriage Lane, Suite 205, Charleston, South Carolina 29407 until (insert date, 15 days after date of this newspaper notice).

(8) When considered appropriate by the Council or its staff, additional information may be required, such as impoundment management plans, and maintenance dredging schedules.

C. Notification: The Council is directed in Section 14 (C) of the Act and shall within thirty days of receiving either a Joint Public Notice or South Carolina Coastal Council permit application, notify, in writing, interested agencies, all adjoining landowners, local government units in which the land is located and other interested persons. This notice shall indicate the nature and extent of the applicant's proposal.

D. Permit processing: Permit processing shall commence immediately upon receipt of either a Joint Public Notice or a South Carolina Coastal Council permit application and shall proceed concurrently but separately from any Federal authorization.

E. Comments on application: Section 14(C) of the Act allows all interested federal and state agencies, all adjoining landowners, local government units and other interested persons to have thirty days after the receipt of Public Notice of permit application from the Council to file written comments pertaining to the application. Only those comments received within the thirty day period must be considered in the Council's decision on a permit application. Any persons wishing to receive notice of the initial decision on a permit application shall notify the Council within this comment period. Exception: Comments on permit applications for minor development activities, as defined in Section 3(N) of the Act, must be received within fifteen days after receipt of Public Notice of permit application.

F. Public information: The complete file on each permit application, including all comments received, will be available for inspection by any member of the general public during regular business hours at the principal Council offices.

G. Minor development activities: In determining whether a particular project is a minor development, as defined in Section 3(N) of the Act, a private pier shall be defined as a non-commercial, strictly private recreational facility that is not used for, or in support of, any industry or commercial operation. Any charge to members of the public or any person for use of the facility is prohibited for a structure qualifying as a minor development.

Minor dock or pier developments shall have the same specifications as furnished under the general permitting provisions with the Army Corps of Engineers. Erosion control structures means, in the case of minor developments, those structures commonly known as bulkheads which follow the existing shoreline, not fronting on the Atlantic Ocean and the construction of which involves no direct effects on wetlands.

H. State comment: Issuance or denial of the permit by the Coastal Council shall be the State comment on the corresponding federal permit application.

I. Water quality certificate: If a water quality certificate, as required under §401 of P.L. 92-500, is not required by a Federal permitting agency, the Coastal Council

may require a statement of water quality certification from the South Carolina Department of Health and Environmental Control.

30-3 Public Hearings.

Section 14(C) of the Act directs the Council to hold public hearings on permit applications if it is deemed necessary. Section 15(B) of the Act requires the Council to convene a public hearing before acting on an application if twenty or more citizens or residents of the affected county or counties request such a hearing. Each request must be in writing and on a separate sheet of paper and be received within thirty days after receipt of a Public Notice of the permit application. In all cases, the public hearing shall be held in the county where the land is located and if in more than one county, the Council shall determine in which county to hold the hearing or may hold hearings in more than one county. These hearings will be open to all citizens of the State. When applicable and practical, joint public hearings will be held with the U. S. Army Corps of Engineers and other agencies.

30-4 Decisions on a Permit.

A. Permit approval: The Council is allowed, under Section 15(B) of the Act, to issue a conditional permit approval. Under this provision, the Council may direct the applicant to amend his proposal to take specific measures necessary to protect the public interest. If the Council has approved an application, Section 15(B) of the Act also allows the Council, at its discretion, to support the applicant in a Federal permitting process.

B. Permit denial: A Permit denial shall cite facts upon which the denial was based and the criteria or reasons for which the denial was issued.

C. Action upon a permit: The Council, according to Section 15(c) of the Act, shall act upon an application for a permit within ninety days. This ninety day period shall begin when the application is complete and filed in approved form. Exceptions to the 90-day deadline are applications for minor developments on which action must be taken in thirty days.

D. Licensing of equipment: Upon issuance of a permit, if the alteration authorized requires the use of a dragline, dredge, bulldozer or similar equipment, the permit holder shall be required to register the equipment, and the identification number assigned by the Council shall be prominently displayed. Equipment in use within critical areas for activities not requiring a Council permit must also be registered. The persons responsible for this equipment must register it with the Council before use.

E. Completion of work: Section 15(F) of the Act requires a permit holder to complete work within three years from the date of permit issuance. The Council may extend this three-year period upon a showing of good cause indicating that due diligence toward completion of the work has been made, evidenced by significant work progress. Work shall be continuous and expeditious whenever possible.

F. Property rights not affected, no state liability, other permit requirements. No permit shall convey, nor be interpreted to convey, a property right in the land or water in which the permitted activity is located. No permit shall be construed as alienating public property for private use or as alienating private property for public use. In no way shall the State be liable for any damage as a result of the erection of permitted works. A South Carolina Coastal Council permit in no way relieves the holder from responsibility for compliance with other applicable Federal. State or local permit requirements.

G. Legally commenced a use: Section 13(C) of the Act reads as follows: Ninety days after the effective date of this act no person shall fill, remove, dredge, drain or erect any structure on or in any way alter any critical area without first obtaining a permit from the Council. Provided, however, that a person who has legally commenced a use such as those evidenced by a state permit, as issued by the Budget and Control Board, or a project loan approved by the rural electrification administration or a local building permit or has received a United States Corps of Engineers or Coast Guard permit, where

applicable, may continue such use without obtaining a permit. Any person may request the Council to review any project or activity to determine if he is exempt under this section from the provisions of this act. The Council shall make such determinations within forty-five days from the receipt of any such request.

30-5 Exceptions.

A. List of exceptions: Section 13(D) of the Act lists several exceptions which do not require a permit. These are as follows:

(1) The accomplishment of emergency orders of any duly appointed official of a county, municipality or of the State, acting to protect the public health and safety, upon notification to the Council (see R.30-5(B)).

(2) Hunting, erecting duckblinds, fishing, shellfishing and trapping when and where otherwise permitted by law; the conservation, repletion and research activities of State agencies and educational institutions; or boating or other recreation provided that such activities cause no material harm to the flora, fauna, physical, or aesthetic resources of the area.

(3) The discharge of treated effluent as permitted by law; provided, however, that the Council shall have the authority to review and comment on all proposed permits that would affect critical areas.

(4) Dredge and fill performed by the United States Corps of Engineers for the maintenance of harbor channels and the collection and disposal of the materials so dredged; provided, however, that the Council shall have authority to review and certify all such proposed dredge and fill activities.

(5) Construction of walkways over sand dunes in accordance with Section 12 of the Act (see R.30-13(B)).

(6) Emergency repairs to any existing bank, dike or structure which has been erected in accordance with federal and State laws, including fishing piers which are provided for by general law or acts passed by the General Assembly of South Carolina; provided, however, that notice shall be given to the Council within seventy-two hours from the onset of needed repairs (see R.30-5(B)).

(7) Maintenance and repair of drainage and sewer facilities constructed in accordance with federal or State laws, and normal maintenance and repair of any utility or railroad.

(8) Normal maintenance or repair to any pier or walkway, provided that such maintenance or repair shall not involve dredge or fill.

(9) Construction or maintenance of a major utility facility where the utility has obtained a certificate for such facility under "The Utility Facility Siting and Environmental Protection Act," Sections 58-1301 through 58-1332 of the 1962 Code (Sections 58-33-10 through 58-33-430 of the 1976 Code). Provided, however, that the South Carolina Public Service Commission shall make the Council a party to certification proceedings for utility facilities within the coastal zone.

B. Notification to Council, emergency orders:

(1) As in A(1) above, notification to the Council of emergency orders that normally would require a Council permit shall consist of telephoning, telegramming, or radioing at the earliest possible time to the Council:

(a) the nature of the emergency;

(b) the substance of the emergency order;

(c) the time the order will be issued, or if circumstances preclude prior notice, when the order was issued;

(d) the location of the activity ordered;

(e) the estimate of when such order shall be withdrawn.

(2) If the Council is not notified within seventy-two hours of the issuance of the emergency action taken, the official issuing such order or ordering such emergency action shall be in violation of the Act and these rules and regulations. Within

five days after the emergency order, the official ordering the emergency action shall put the above five elements in writing and file them with the Council.

(3) The official issuing the emergency order shall be deemed in violation of the Act if the emergency conditions do not conform with the definition of emergency in Section 3 of the Act.

C. Emergency repairs to banks and dikes. As in A(6) above, notice by telephone, telegram or radio of emergency repairs to any existing bank, dike or structure must be given to the Council within seventy-two hours from the onset of needed repairs. Within five days after the commencement of repairs, written notification must be filed with the Council. If such notification is not received, the person(s) performing the work will be in violation of the Act and these rules and regulations.

D. For purposes of this section, "normal maintenance and repair" (R.30-5 (6), (7), and (8)) applies only to the original dimensions of the structure or project. Other work which includes expansion or additions to a structure or project will require a Coastal Council permit.

30-6 Council Appeals.

A. Notice of Intention to Appeal: Notice of Intention to Appeal a permit application decision must be filed in writing within fifteen days of the date of receipt of the letter informing the applicant and other persons who requested notification of the initial Council action (see R.30-2(E)).

B. Filing of Appeal: Within fifteen days of filing the Notice of Intention to Appeal, appellant must file in writing an appeal with the grounds for appeal clearly stated. Appellant will be limited to the grounds as stated. The Appeal may be filed simultaneously with the Notice of Intention to Appeal (and in the same document) if done so within fifteen days of the date of notification to the applicant and other interested persons of the initial Council decision.

C. Public Notice: The Council, within ten days of receiving the Appeal, shall notify, in writing, interested agencies, all adjoining landowners, local government units and other interested persons. This notice shall indicate the nature and extent of the Appeal.

D. Intervenors: Affected parties, if they wish to intervene, must give Notice of Intent to Intervene and grounds for intervention within twenty days of the date of the Appeals Public Notice ((C) above). The Notice of Intent to Intervene and accompanying statements must be in writing with grounds clearly stated. Intervenors will be limited to the grounds as stated. All intervenors shall become parties to the action.

E. Comments: Written comments for Council consideration regarding an Appeal will be accepted for thirty days after the date of the Appeals Public Notice.

F. Notification of Hearing: The Council shall notify parties to the action of the date, time and place of the Appeals hearing. The Appeal shall be heard within 65 days of date of the Appeals Public Notice but not less than thirty days after the date of Appeals Public Notice. By agreement of all parties to the Appeal, the hearings and/or oral presentations before the Council may be waived.

G. Hearing of Appeal: If a hearing is to be held, the Council may appoint a hearing officer to conduct all or part of the hearing. The hearing officer shall hear all relevant evidence offered from all parties and shall be responsible for compiling the complete record of the Appeal. Written statements for the record shall be welcomed. The transcript of the Appeal shall be distributed to all Council members before the Council meets on the Appeal. After receipt of the transcripts, parties to the Appeal shall be provided an opportunity to present oral arguments to the Council. Each party shall be given an allotted period of time to present oral arguments. Questions from Council members within the allotted time period shall be within a time frame prescribed by the Council. The Council shall notify each party of the hearing schedule at least ten days in advance.

H. Record of Appeal: A Record of Appeal shall be kept and filed in the Council's office. Oral proceedings or any part thereof shall be transcribed upon request of any party. The Council may, in its discretion, require persons requesting a transcript to pay reasonable printing costs.

I. Decision on Appeal: A decision on the Appeal may be made by the Council immediately after the presentation of oral arguments but, in any case, no later than 35-days after the presentation. Each party shall be notified in writing of the decision.

30-7 Judicial Appeal: Section 18 of the Act allows judicial review of Council action. Before seeking judicial relief from a Council permit application decision, a person must seek relief through the Council appeal process in 30-6 above.

30-8 Enforcement.

A. Permit revocation and modification: One of the needs in administering a permit system to manage coastal resources is the enforcement of the provisions of the system and the identification of unpermitted and unauthorized activities. The Council has initiated a routine aerial surveillance program for the coastal counties which identifies and reports illegal dredging, filling or other alterations in the critical areas.

As the state agency responsible for managing the critical areas, the Council is adamant in its enforcement of terms of an approved permit. Section 15(E) of the Act empowers the Council to revoke a permit for noncompliance with or violation of its terms after written notice of intention to do so has been given the holder, and the holder, in return, has been given an opportunity to present an explanation to the Council. Financial hardship on the part of a holder shall not be a defense to the revocation of a permit. The Council may also revoke a permit if it finds that the holder or his agent submitted false information to the Council.

B. Cease and desist directive: When any person is found altering a critical area without a permit and such activity is not exempted by Section 13(D) of the Act, has not been authorized by a permit, is in violation of the terms of a Council permit or is violating provisions of the Coastal Management Act in any manner, the Council, or its duly appointed agent, may issue a cease and desist directive. This directive shall inform the person that he is in violation of the Act and that such person should cease unauthorized activity. The Council may then request the person to remove or restore the area to its original condition. If the person responsible for the unauthorized activity refuses to comply with the Council directive, the Council may then file suit in the appropriate circuit court as outlined in Section 16 of the Act.

C. Arrest warrants: When a person is found altering a critical area without a permit and such activity is not exempted by Section 13(D) of the Act, has not been authorized by a permit, is in violation of the terms of a Council permit or is violating provisions of the Coastal Management Act in any manner, the Council may cause to be issued a warrant for the arrest of the violator.

D. Penalties: As stated in Section 17 of the Act, any person found guilty of violation of the Act shall be punished by imprisonment of not more than six months, or by a fine of not more than five thousand dollars, or both, for the first offense; and by imprisonment of not more than one year, or by a fine of not more than ten thousand dollars, or both, for each subsequent offense.

E. Judicial Enforcement: Section 16 of the Act provides the Council, the Attorney General or any person adversely affected, a remedy to restrain violations of the Act.

30-9 Other Provisions.

A. Savings Clause: If any provisions of the Act or of these Rules and Regulations are adjudged invalid or unconstitutional, the remainder of the Act and these Rules

and Regulations or the application of their provisions to other persons or circumstances shall not be affected thereby.

B. Bonding by Council: To insure that the holder complies with all limitations and conditions of the permit, the Council may, at its discretion, require a secured bond before issuance of the permit. The Council may also require the applicant to submit proof of financial responsibility.

C. Transfer of Permits: Permits will be issued in the name of the applicant and may not be assigned to another without written permission of the Council.

D. To initiate proceedings to amend or repeal a rule or regulation, an interested person may file a petition, in writing, stating objections and recommending revisions. Within 30 days of submission, the Council shall deny the petition, in writing, or initiate rulemaking procedures.

E. Interested persons may petition to the Council for declaratory rulings. The Council shall rule on each petition, in writing, within 45 days of receipt.

30-10 Critical Area Boundaries.

A. Coastal Waters and Tidelands:

(1) The Council has permit authority over the coastal waters and tidelands critical areas, defined in Section 3 of the Act as follows:

> "Coastal waters" means the navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark. Provided, however, that the Council may designate boundaries which approximate the mean extent of saline waters until such time as the mean extent of saline waters can be determined scientifically.
>
> "Tidelands" means all areas which are at or below mean high tide and coastal wetlands, mudflats, and similar areas that are contiguous or adjacent to coastal waters and are an integral part of the estuarine systems involved. Coastal wetlands include marshes, mudflats, and shallows and means those areas periodically inundated by saline waters whether or not the saline waters reach the area naturally or through artificial water courses and those areas that are normally characterized by the prevalence of saline water vegetation capable of growth and reproduction. Provided, however, nothing in this definition shall apply to wetland areas that are not an integral part of an estuarine system. Further, until such time as the exact geographic extent of this definition can be scientifically determined, the Council shall have the authority to designate its approximate geographic extent.

Using biological field surveys and aerial photography, the Council has found the point on the upper reaches of the estuarine systems where tideland vegetation changes from predominately brackish to predominately fresh and has established a boundary using the nearest recognizable physical features within this area. This boundary has been posted on an official map in the Coastal Council's principal office of business and is available for public review. An approximate description of this boundary is as follows: On the south, at the intersection of the South Carolina-Georgia border and the old track bed of the Seaboard Coastline (SCL), approximately 1.75 miles above the U.S. Highway 17A bridge across the Savannah River: thence, northeastward along the track bed until its intersection with U. S. Highway 278 near Eutaw Creek; thence, northward along U.S. 278 for approximately one mile until its intersection with S.C. 462: thence, north-northwestward along S.C. 462 until its intersection with U.S. Highway 17 near Coosawhatchie; thence, northeastward along U.S. 17 until its intersection with S-15-26, approximately two miles east of Green Pond; thence, southward along S-15-26 until its intersection with the old SCL track bed near Airy Hall; thence, east-northeastward along the track bed to its intersection with S.C. 174; thence, northward along S.C. 174 for approximately 1.5 miles until its intersection with S.C. 164; thence, east-northeastward approximately three miles along S.C. 164 until its intersection with S.C. 162; thence, east-northeastward along S.C. 162 into Hollywood until its intersection with S.C. 165; thence, northward along S.C. 165 until its intersection with S.C. 642; thence, southeastward along S.C. 642 until its intersection with U.S. Interstate 26; thence, southward along I-26 until

its intersection with S.C. 7; thence, northeastward on S.C. 7 until its intersection with the SCL track bed adjacent to Spruill Avenue; thence, northward along this track bed until its intersection with the Charleston County/Berkeley County line, approximately one-fifth mile north of Remount Road; thence, east-northeastward along the county line until its intersection with the Cooper River at Goose Creek; thence, eastward by a straight line across the Cooper River and Yellow House Creek to Yellow House Landing on Yellow House Creek; thence, southward along the only dirt road leading from the landing to S-8-33; thence, northeastward along S-8-33 until its intersection with S-8-100; thence, northeastward along S-8-100 until its intersection with S-10-98; thence, southward along S-10-98 until its intersection with U.S. Highway 17; thence, northeastward along U.S. Highway 17 until its intersection with S-27-30 north of the North Santee River; thence, eastward along S-27-30 for approximately five miles; thence, northward along S-27-30 until its intersection with S-27-13; thence, northwestward along S-27-13 until its intersection with U.S. Highway 17; thence, northeastward along U.S. 17 until its intersection with the South Carolina-North Carolina border. In determining the exact location of this boundary, only those lands seaward of the road beds and track beds described shall be included in the tidelands and coastal waters critical areas.

(2) All coastal waters and tidelands seaward from this boundary to the State jurisdictional limit are included within the critical areas.

B. Beaches and Sand Dunes: The Council has permit authority over the beaches and primary ocean front sand dunes. In determining the critical area boundaries in these areas, the Council will be guided by the definitions in Section 3 of the Act.

(1) "'Beaches' means those lands subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established." The boundary of the beach critical area shall extend from the waters landward to a point that is not periodically inundated by tidal or wave action; this point is usually delineated as the landward edge of the beach zone where nonlittoral vegetation begins.

(2) "'Primary ocean front sand dunes' means those dunes which constitute the front row of dunes adjacent to the Atlantic Ocean." The Coastal Council has recognized the primary ocean front sand dunes as a coastal resource in which the whole beach and dune system acts as a buffer for protecting property from erosion and storm damage and serves as a source of beach nourishment. If the crest of a primary front row sand dune is not reached within 200 feet landward from mean high water, that sand dune is not considered adjacent to the Atlantic Ocean. Council permitting authority shall extend: (1) to the landward trough of the primary front row sand dune if the crest of this dune is reached within 200 feet landward from mean high water, (2) to the seaward side of any maritime forest or upland vegetation if reached before the primary front row sand dune, and (3) to the seaward side of any permanent man-made structure which was functional in its present form on September 28, 1977, where such structure is located seaward of any primary dune and within 200 feet of mean high water. For the purposes of this section, fences, temporary erosion control structures, walkways and publicly-funded erosion control projects do not constitute permanent man-made structures.

30-11 General Guidelines for all Critical Areas.

A. The critical areas are of vital importance to the State, and there is strong and growing pressure for the development of these areas. The South Carolina Coastal Council has established these rules and regulations for permit applications in an effort to reduce the irreversible loss of productive tidelands, beaches, and dunes while meeting long-range State development needs.

B. In assessing the potential impacts of projects in critical areas, the Council will be guided by the policy statements in Section 1 and 2 of the Act and the following ten considerations in Section 15 of the Act:

"(1) The extent to which the activity requires a waterfront location or is economically enhanced by its proximity to the water:

(2) The extent to which the activity would harmfully obstruct the natural flow of navigable water. If the proposed project is in one or more of the State's harbors, or in a waterway used for commercial navigation and shipping, or in an area set aside for port development in an approved management plan, then a certificate from the South Carolina State Ports Authority declaring that the proposed project or activity would not unreasonably interfere with commercial navigation and shipping must be obtained by the Council prior to issuing a permit;

(3) The extent to which the applicant's completed project would affect the production of fish, shrimp, oysters, crabs, or clams or any marine life or wildlife, or other natural resources in a particular area, including but not limited to, water and oxygen supply;

(4) The extent to which the activity could cause erosion, shoaling of channels or creation of stagnant water;

(5) The extent to which the development could affect existing public access to tidal and submerged lands, navigable waters and beaches, or other recreational coastal resources;

(6) The extent to which the development could affect the habitats for rare and endangered species of wildlife or irreplaceable historic and archeological sites of South Carolina's coastal zone;

(7) The extent of the economic benefits as compared with the benefits from preservation of an area in its unaltered state;

(8) The extent of any adverse environmental impact which cannot be avoided by reasonable safeguards;

(9) The extent to which all feasible safeguards are taken to avoid adverse environmental impact resulting from a project;

(10) The extent to which the proposed use could affect the value and enjoyment of adjacent owners."

30-12 Specific Project Standards for Tidelands and Coastal Waters.

A. Docks and Piers:

(1) A dock or pier is a structure built over and/or floating on water and is generally used for the mooring of boats. Docks and piers are the most popular method of gaining access to deep water. Although they are least objectionable from an ecological point of view, docks and piers do sometimes pose navigational problems, restrict public use of the waters and, under certain circumstances, possess potential for creating environmental problems.

(2) There are certain standards that should be followed in constructing such facilities:

(a) Docks and piers shall not impede navigation or restrict the reasonable public use of waters;

(b) Docks and piers shall be constructed in a manner that does not restrict waterflow;

(c) The size and extension of a dock or pier should be limited to that which is reasonable for the intended use;

(d) To preclude the adverse effects of shading marsh vegetation, walkways which are built over vegetated marsh and lead to the dock or pier shall not exceed four feet in width (unless the applicant can justify a need for a wider structure) and should be elevated at least three feet above mean high water;

(e) Dry storage in uplands will be encouraged in preference to moorage in crowded areas;

(f) Developers of subdivisions, motels, and multiple family dwellings will be encouraged to develop single, joint-use moorage facilities while their plans are in the development stage.

(g) Project proposals shall include facilities for the proper handling of litter, waste, refuse, and petroleum products, where applicable;

(h) Where docks and piers are to be constructed over bottoms under lease by the State for shellfish culture or other mariculture activity, the Council will consider rights of the lessee prior to approval or denial.

B. Boat ramps:

(1) Boat ramps provide access to the water for those who do not have water access by means of docks, piers, or marinas. However, boat ramp construction may require filling or, in some cases, dredging of productive wetland areas and there are cases when such unavoidable filling and dredging activities are justified.

(2) Specific standards which shall apply are as follows:

(a) Boat ramp construction materials should consist of environmentally acceptable materials such as concrete or oyster shell. Environmentally unacceptable materials include, but are not limited to, asphalt roofing shingles, asphalt, and rubble;

(b) Justification for boat ramp construction in environmentally sensitive areas shall be considered using the following priorities:

(i) public use - open to all citizens,

(ii) restricted use - open to citizens of a particular area or organization only,

(iii) private use - use for one citizen or family;

(c) In cases where private use is necessary, siting of ramps should be in areas where the least environmental impact will accrue to the area. Locations requiring dredging of productive wetlands to provide deepwater access to the ramp are discouraged;

(d) The siting of "public use" boat ramps is encouraged in easily accessible areas such as bridges and dead-end causeways.

C. Bulkheads and Seawalls:

(1) Bulkheads are retaining structures used to protect adjacent shorelines from the action of currents or waves or to make them more accessible.

(2) In an attempt to mitigate certain environmental losses that can be caused by these structures, the following standards are adopted:

(a) Except under special circumstances such as severely eroding shorelines, structures should be designed to conform to the existing shoreline (upland boundary) and constructed so that reflective wave energy does not destroy stable marine bottoms or constitute a safety hazard;

(b) Where possible, sloping rip-rap structures should be used rather than vertical seawalls. Such rip-rap shall be composed of materials which will not degrade water quality;

(c) Where feasible, bulkhead construction shall avoid sharp angle turns that may collect debris or cause shoaling or flushing problems;

(d) Bulkheads and seawalls will be discouraged where marshlands are adequately serving as an erosion buffer; where adjacent property could be detrimentally affected by erosion, sedimentation, or obstruction of view; or where public access is adversely affected.

D. Cables, Pipelines, and Transmission Lines.

(1) Excavating activities in critical areas are sometimes required for the installation of submerged cables, pipelines, and transmission lines. Excavation and filling are sometimes required to construct foundation structures attendant to the installation of overhead transmission line crossings. These installations should be designed to minimize adverse environmental impacts.

(2) In addition to standards for dredging and filling, the following standards are applicable:

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

(b) Dimensions of excavated canals for cables and pipelines should be

minimal. Silt curtains are recommended for all excavations;

(c) All excavations in wetland areas should be backfilled with the excavated material after installation of the appropriate structure, while being careful to maintain the original marsh elevation;

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

(e) Alignments of new projects should be designed to utilize existing rights-of-way and topographic features wherever possible.

E. Marina Location and Design:

(1) Marinas are facilities that provide boat launchings, storage, moorage, supplies, and services. There are three basic types of marinas:

(a) the open structure type where open pile work and/or floating breakwaters are used;

(b) the solid construction type where bulkhead and landfill are used to provide moorings and shelters;

(c) the dry storage type where boats are stored in specially designed warehouses placed entirely on high land.

(2) Commercial docks are also considered a marina type facility. The standards that apply to marinas will also be used as criteria in the evaluation of permit applications for commercial docks.

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

(4) In addition to standards for bulkheads and seawalls, docks and piers, dredging and filling, and navigation channels and access canals, the following standards are applicable:

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

(b) Marinas should not be located within 1,000 feet of open productive shellfish harvesting areas;

(c) Marinas should be located in areas where maximum physical advantages exist and where the least initial and maintenance dredging will be required;

(d) Marinas should avoid or minimize the disruption of currents;

(e) Marina design should minimize the need for the excavation and filling of shoreline areas;

(f) Open dockage extending to deepwater should be considered as a preferable alternative to the excavation of boat basins;

(g) Turning basins and navigation channels shall be designed to prevent long-term degradation of water quality. Dead-end or deep canals without adequate circulation should be avoided. For example, the depth of boat basins and access canals shall not exceed that of the receiving body of water;

(h) Project proposals shall include facilities for the proper handling of petroleum products, sewage, litter, waste, and other refuse with regard to the South Carolina Department of Health and Environmental Control (DHEC) specifications.

The following minimal on-shore restroom and shower facilities will be required as a condition of any marina permit so as to protect water quality of the affected waters.

No. Slips or Moorings	Toilet (head) Men--Women	Urinals Men	Lavatories Men-Women	Showers Men-Women
1 - 20	1 - 1	1	1 - 1	1 - 1
21 - 40	1 - 2	1	2 - 2	2 - 2
41 - 60	2 - 3	2	2 - 2	2 - 3
61 - 30	3 - 4	2	3 - 3	3 - 3
31 - 100	3 - 5	3	3 - 3	3 - 3

If there are more than 100 slips, there shall be provided one additional toilet (head), lavatory and shower for each sex for each additional 40 slips or fraction thereof and one additional men's urinal for each 100 additional slips or fraction thereof.

Additional facilities are required by DHEC where restaurants, motels, laundries, and other non-water dependent structures are provided.

All pump-out and sewage facilities should be included in the public notice and certified by DHEC before permit approval. Also, DHEC can provide advice regarding the necessity of having hose connections from boats to shore-based sewage facilities where these boats are used as residences.

Trash receptacles or similar facilities should be plentiful and convenient for the proper disposal of trash, waste and noxious materials such as paints, rags and oil cans required for normal boat maintenance and repair.

Boat maintenance areas should be designed so that all bottom scraping and painting be accomplished over dry land allowing for proper control and deposition of residues, spills and storm water runoff.

(i) Dry storage type marinas should be encouraged wherever possible;

(j) Applications for construction of marina and commercial dock facilities will be considered by the Council only after demonstration by the applicant of public demand for the facilities.

(k) Applications for marinas should include maintenance dredging schedules and dredged material removal sites when applicable.

F. Transportation

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

(2) The specific standards are as follows:

(a) Major highways, expressways, railways, and airports should be located inland from coastal wetland areas to the extent feasible;

(b) In cases where wetlands cannot be avoided, bridging should be employed, to the maximum extent possible, rather than filling and embankment to create roadbeds;

(c) Where wetlands will be destroyed, the productivity of these lands should be identified and weighed against public need in consideration of the project by the Council;

(d) Structures over water should be designed so as not to alter the natural waterflow and circulation regimes or create excessive shoaling. Adequate clearance for commercial and pleasure craft should be provided;

(e) Maximum care shall be taken to prevent concentrated roadway runoff from entering adjacent water bodies;

(f) Where appropriate, bridges and approaches should be designed to provide for the enhancement of public access by the utilization of fishermen catwalks, boat launching ramps, and other structural features;

(g) During the planning of a multi-lane widening or road improvement project, it is usually preferable to follow the existing alignment in wetland areas. Existing causeway and fill areas should be utilized wherever possible. The widths of medians of divided highways should be reduced as much as possible wherever they cross wetland areas;

(h) Roadway embankments and fill areas shall be stabilized by utilizing appropriate erosion devices and/or techniques in order to minimize erosion and water quality degradation problems;

(i) The Council will encourage applicants for transportation permits to design such facilities to accommodate other public utilities, thus avoiding unnecessary future alteration such as that caused by the laying of cables or transmission lines in wetlands adjacent to an existing roadway.

G. Dredging and Filling:

(1) Development of wetland areas often has been considered synonymous with dredging and filling activities. Dredging and filling in wetlands can always be expected to have adverse environmental consequences; therefore, the Council discourages dredging and filling. There are cases, however, where such unavoidable environmental effects are justified if legitimate public needs are to be met.

(2) The standards are as follows:

(a) The creation of commercial and residential lots strictly for private gain is not a legitimate justification for the filling of wetlands. Permit applications for the filling of wetlands and submerged lands for these purposes shall be denied, except for erosion control (see R.30-12(C)) or boat ramps (see R.30-12(B)). All other dredge and fill activities not in the public interest will be discouraged.

(b) Dredging and filling for public projects in wetland areas should be undertaken only if that activity is water-dependent and there are no feasible alternatives;

(c) Dredge and fill activities should be restricted in nursery areas, in public and private shellfish grounds; during periods of migration, spawning, and early development of important sport and commercial species;

(d) Dredging and excavation shall not create stagnant water conditions, lethal fish entrapments, or deposit sumps or otherwise contribute to water quality degradation;

(e) Designs for dredging and excavation projects shall, where reasonable, include protective measures such as silt curtains, diapers, and weirs to protect water qualtiy in adjacent areas during construction by preventing the dispersal of silt materials;

(f) Dredged materials shall be deposited and contained in such a manner so as to prevent dispersal into adjacent wetland areas;

(g) In general, excavation of materials from productive submerged and wetland areas for fill purposes shall be denied;

(h) Wetlands shall not be utilized as depositories for waste materials except as discussed in R.30-12(I).

H. Navigation Channels and Access Canals:

(1) A specialized form of dredging activity involves the creation and maintenance of navigation channels and access canals. These activities have a potential for severe environmental impacts and should meet a demonstrated public need.

(2) Where the Council determines that such activities are justified, the following standards will be applied:

(a) To the extent feasible, project plans should utilize piers or catwalks , rather than channels or canals, to reach deeper water areas.

(b) Access canals shall be designed to insure adequate flushing and shall not create dead-end water or stagnant pockets. Open-ended, U-shaped, or semicircular canals are generally preferred over dead-end canals, since they usually provide better water circulation;

(c) Highland waterway construction that is slated to be tied into wetland areas should be constructed in the dry, if possible, so that sloping and stabilization of the banks can be completed before the plug is removed for the connection to open waters. Where dry construction is not possible, temporary plugs or silt curtains at the end of canals connected to waterways should be maintained until all sediment settles out;

(d) The sides of navigation channels and access canals should be gently sloping rather than vertical to facilitate biological as well as physical stabilization of the canal banks;

(e) When several landowners are to be served by a project, dredging for navigation channels and access canals should be well planned to prevent unnecessary excavation. Tributary canals in the highlands leading to a central navigation channel should be utilized rather than separate channels for each waterfront landowner;

(f) The berm of access canals should be raised so that there is a gradual slope away from the canal edge. This will help prevent introduction of contaminants into adjacent wetland areas;

(g) Alignment of channels and canals should make maximum use of natural or existing channels. Alignment of channels and canals should avoid shellfish beds, nursery areas, and spawning areas in highly productive wetlands.

I. Deposition of Dredged Material:

(1) The deposition of dredged materials resulting from numerous dredging activities along the coast has serious environmental effects separate from the original dredging activity. Thousands of acres of productive wetland habitat have been destroyed by such deposition. Recognizing that additional disposal sites will be required, it is important that site acquisition proposals include plans for mitigating any adverse impacts upon the environment.

(2) The following standards are to be utilized:

(a) Upland disposal of dredged material should always be sought in preference to disposal in wetlands. Where upland disposal is not possible, areas of relatively low productivity above the mean high water mark should be utilized. Highly productive wetland areas (situated below the mean high water mark) should not be utilized for disposal of dredged materials when other alternatives exist;

(b) Open water and deep water disposal should be considered as an alternative if highland alternatives are not feasible. However, open and deep water disposal sites should be seriously considered only after careful consultation with the Council and other relevant State and Federal agencies;

(c) Toxic and highly organic materials should be disposed of in highland areas behind impervious dikes;

(d) Dikes surrounding disposal areas should be shaped and vegetated immediately to minimize erosion, with outfalls positioned to empty into non-wetland areas;

(e) Future disposal sites shall be reviewed on a case-by-case basis;

(f) Existing disposal areas should be utilized to the fullest extent possible; this would include raising the height of the embankment to increase the holding capacity of the disposal area;

(g) In evaluating potential sites for dredged material disposal, attention must be given to possible adverse impacts on public health and welfare as well as on critical fish and wildlife areas such as endangered species habitats, waterfowl wintering areas, and shellfish harvesting areas.

J. Sewage Lagoons or Impoundments:

(1) Several agencies regulate the installation and operation of waste water treatment facilities, septic tanks, and landfills, and Council permits will be coordinated with the relevant agencies. Normal repair and maintenance of sewer facilities are exempted from Council permit requirements by Section 13(D) of the Act. The discharge of treated effluent is also exempted provided, however, that the Council shall review and comment on these discharges. The Council is concerned primarily with wetland degradation problems which could involve commercially important shellfish, recreational fisheries, and critical wildlife habitats.

(2) Standards applicable to these installations are as follows:

(a) Applications for the construction of lagoons or impoundments for waste treatment facilities, solid waste disposal, sites and similar activities should be denied when adverse effects on productive tidelands will result;

(b) Such facilities should not be constructed in or immediately adjacent to wetland areas and must be designed in such a manner that no effluent will be discharged into areas open for shellfish harvesting.

K. Marsh Impoundments for Recreational and Commercial Activities:

(1) Marsh impoundments totalling nearly 69,000 acres comprise a significant portion (approximately 16 percent) of our coastal wetlands. An additional acreage, perhaps equaling this figure, has been impounded in the past but consists today of tidally influenced areas where embankments are no longer maintained. Once important rice growing areas, the majority of these impoundments are managed primarily for recreational waterfowl hunting, wildlife sanctuaries, and other commercial, agricultural, and preservation uses. Properly managed, these impoundments provide vitally important habitat diversity for wintering waterfowl, wading birds, shore birds, and many other species of wildlife. Also, where managed properly, they may contribute to the productivity of estuarine systems. On the other hand, negative impacts, due to the loss of estuarine productivity (detrital export) and the elimination of fish and invertebrate nursery areas, are likely to result from the construction of new impoundments, particularly on previously unaltered saline and brackish marshes.

(2) Proposals will be reviewed on a case-by-case basis according to the following standards:

(a) Impoundment of previously undisturbed saline and brackish water marshes shall be discouraged as these areas are among the most valuable and productive of our coastal wetlands;

(b) The re-diking and embankment repair of former impoundments is preferred over the impoundment of undisturbed wetland areas;

(c) Permit applications involving marsh impoundment proposals shall include details describing intent and use, as well as management plans which will be subject to Council review and approval, such management plans being a condition of any final permit and subject to enforcement.

L. Drainage Canals or Ditches:

(1) Drainage canals or ditches in wetlands can be important elements in highland development plans. If the quantity and quality of discharged waters adversely affects the wetland environment in a significant manner, these applications will be discouraged. Drainage canals or ditches should follow the least damaging alignment and should meet one or more of the following needs:

(a) insect vector control as a public health necessity;

(b) other public health purposes;

(c) the control of urban runoff as part of a comprehensive floodplain management plan.

(2) In addition to the application standards for dredging and filling and navigation channels and access canals, the following standards shall apply:

(a) Drainage canals and ditches shall not create dead water or stagnant pockets;

(b) To the extent feasible, the alignment of drainage canals should avoid the more productive wetlands;

(c) Alignments of canals should make maximum use of existing deep water channels to avoid unnecessary excavation;

(d) The quantity and quality of any discharged waters should not result in extensive alterations of wetlands or the quality of coastal waters.

(e) All dredged material should be placed on suitable highland or, where this is not possible, on the least productive wetlands.

M. Nonwater-dependent structures: Nonwater-dependent structures such as parking garages, apartments, restaurants, and shops have been built in the past on pilings over wetland areas. Such construction presents unnecessary encroachment on the aquatic ecosystem by shading out the underlying vegetation. Nonwater-dependent structures shall be discouraged from being sited over water and/or wetland areas. Only when public need is demonstrated and no feasible alternative sites are available should consideration be given towards approval of the proposed structure.

30-13 Specific Project Standards for Beaches and Dunes.

A. Seawalls:

(1) Seawalls are retaining structures constructed on the beaches to protect property from erosion caused by waves or wind. Seawalls have not been proven to be an improvement over the natural protection features of the dune and beach system.

(2) Besides specific standards for sand dune alterations and jetties and groins, the following standards will apply:

(a) Except under special circumstances, such as critically eroding shorelines that have a direct measurable effect on the economic well-being of an applicant or are a threat to the public safety, the Council will promote the use of natural features of the dune and beach system rather than artificial protection;

(b) All applications for construction of a seawall in the beach or dune critical areas for the purposes of filling behind these structures for the creation of land for private or public developments shall be denied by the Council;

(c) Each application for seawall construction will be reviewed by the Council on an individual basis. At a minimum, such structures shall not impede public use of the beaches below the mean high water line.

B. Walkways:

(1) Pursuant to Section 13(D) of the Act, walkways over sand dunes are exempted from Council permit authority.

(2) To be exempted, a walkway must meet the following requirements:

(a) be constructed of wood;

(b) have a maximum width of six feet;

(c) conform with the contour of the dunes;

(d) not displace any sand in a critical area;

(e) be constructed as expeditiously and with as little environmental damage as possible.

(3) Construction of any walkway not in conformance with the above criteria will be considered in violation of the Act and these Rules and Regulations. When possible, the Council encourages joint-use walkways rather than individual walkways.

C. Jetties, Groins, and other Erosion Control Structures:

(1) Jetties and groins are structures used to stabilize beaches and migrating coastal inlets by modifying or controlling sand movement. Groins are structures extending seaward from and perpendicular to the shore. Their purpose is to nourish the beach by trapping sand. Such structures are rarely successful for long periods of time unless they are part of a comprehensive plan that considers shore processes. Because of interference with the downdrift of sand along the shore, isolated stabilization attempts generally create more problems than they solve. For this reason, applications for all such structures shall be carefully reviewed.

(2) Specific standards include the following:

(a) Applications for jetties, groins, sand-fences and other erosion control structures will be analyzed to insure that the structure does not create adverse

sand transport patterns that induce erosion or undesirable shoaling in adjacent areas;

(b) Applications will receive favorable consideration if the applicant can demonstrate to the Council that a serious erosion problem exists;

(c) Care must be taken to insure that jetties and groins do not interfere with public access;

(d) Where appropriate, jetties should be designed to provide recreational fishing opportunities;

(e) Construction activities should be scheduled as not to interfere with nesting and brood rearing activities of important seabird colonies or other wildlife species.

D. Nonwater-dependent structures: Nonwater-dependent structures such as commercial and residential buildings have been constructed on primary sand dunes or beach areas in the past. Such construction may seriously disrupt the dune/beach system and its vegetation, hampering their effectiveness as a storm and erosion buffer. The siting of nonwater-dependent structures on the primary dunes or the beaches will be discouraged where other feasible alternatives exist. Design and construction options which minimize destruction of the dunes and dune vegetation will be encouraged.

Instructions for Application

1. To be filled in by staff
2. Mailing address
3. Mailing address
4. (A) Dock, boat ramp, etc. (B) Private use; joint landowner use; etc. (C) Briefly describe dimensions (length, width, depth, etc.) and materials to be used.
5. Self explanatory
6. If activity is to take place on a major wetland (i.e. Edisto River), name that wetland. If not, describe as follows - Factory Creek off the Beaufort River. Latitude and longitude may be obtained from U. S. Geologic Survey maps.
7. If not sure, estimate as closely as possible.

NOTE: Read through checklist before completing drawings.

SOUTH CAROLINA COASTAL COUNCIL

(Application for Permit)

Date_____

1. Application number (to be assigned by the Council):_____

2. Name and address of applicant:

   Telephone_____ Social Security No._____

3. Name and address of contractor or agent:

   Telephone_____

4. Briefly describe the proposed activity, its purpose and intended use, dimensions and specifications.

5. Names and addresses of adjoining property owners:

6. Location of activity: County_____ Nearest town_____

   Waterway, wetland or beach_____ Latitude and

   longitude_____

7. Date activity to commence_____

   Date activity to be completed_____

8. Additio-al remarks:

9. I certify that the information contained in this application is true, complete and accurate to the best of my knowledge and belief.

   _____
   Signature of Applicant

   _____
   Date

SOUTH CAROLINA COASTAL COUNCIL
4 Carriage Lane, Suite 205
Charleston, South Carolina 29407
(803) 556-4070

TO: PERMIT APPLICANT

NOTIFICATION OF PUBLIC NOTICE

As required in Section 14(c) of Act 123 of 19--, applicants for permits to alter a critical area shall publish a notice at least once in both a newspaper of general statewide circulation and a newspaper published in the county of the proposed activity.

The newspaper notices must be published within 15 days of the date of your permit application. No permit can be issued by the Council within the 15 day period following the date of newspaper notice. The following form shall be used for newspaper publication:

PUBLIC NOTICE

(Applicant) will apply (has applied) to the South Carolina Coastal Council for a permit to (description of work) for (public/private) use, at/in (location and name of waterway). Comments will be received by the South Carolina Coastal Council; 4 Carriage Lane, Suite 205; Charleston, South Carolina 29407 by (insert date, 10 days after date of this newspaper notice).

THE CHARLESTON EVENING POST

State of South Carolina }
COUNTY OF CHARLESTON

Personally appeared before me

..... *advertising Clerk*

of The Charleston Evening Post, a newspaper published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

.....

appeared in the issues of said newspaper on the following day(s): .....

Subscribed and sworn to before me this .....day of .....

A. D. 19..... .....

.....
NOTARY PUBLIC, S.C

THIS IS A SAMPLE OF CERTIFICATION WHICH A NEWSPAPER SHOULD FORWARD TO THIS OFFICE SEVERAL DAYS AFTER PUBLICATION OF THE PUBLIC NOTICE.

SOUTH CAROLINA COASTAL COUNCIL

Information Needed on Affidavit of Ownership or Control

1. The affidavit of ownership or control should be signed by at least one owner of the property, lessee, or easement holder.
2. If subdivided, the property should be described by lot number, block number (if any), name of subdivision, and plat book number and page where recorded.
3. If unplatted, the property should be described by section, township, and range, and subdivision of section.
4. If the description is based on courses and distances not following the plan coordinates, the point of beginning should be identified.

Please contact this office should clarification or further instructions be necessary.

AFFIDAVIT OF OWNERSHIP OR CONTROL

TO THE SOUTH CAROLINA COASTAL COUNCIL:

I hereby certify that I am the (check one):

record owner _____
lessee _____
record easement holder _____
applicant to record owner for easement _____

of the below described property situated in _____ County, South Carolina; and that said property is all of the property that is contiguous to and landward of the area in which the work proposed in the permit application is to be conducted. Furthermore, I certify that as record owner, lessee, or record easement holder I have, or will have prior to undertaking the work, necessary approvals or permission from all other persons with a legal interest in said property to conduct the work proposed in the permit application. This affidavit applies only to highland and does not apply to wetlands or any area below mean high water, regardless of the description provided below.

LEGAL DESCRIPTION

_____

_____

Sworn to and subscribed before me at _____,

_____County, _____, this _____

day of _____, 19____.

_____
Notary Public

My commission expires:

SOUTH CAROLINA COASTAL COUNCIL

Guidelines

1. The structure owner must make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impacts of the work on fish, wildlife and natural environmental values.

2. The applicant must perform the work authorized herein in a manner so as to minimize any degradation of water quality.

3. The applicant shall permit the South Carolina Coastal Council, the District Engineer, the State Law Enforcement Division, the South Carolina Wildlife and Marine Resources Department, and other State Permit inspection agencies, their representative(s) or designee(s) to make periodic inspection at any time deemed necessary in order to assure that the activity being performed is in accordance with the terms and conditions prescribed herein.

4. The applicant shall maintain the structure in good condition.

5. No attempt shall be made by the applicant to prevent reasonable used by the public of all navigable waters adjacent to the structure.

6. If the display of lights and signals on any structure authorized herein is not otherwise provided by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the structure owner.

7. If and when a structure owner desires to abandon a structure, unless such abandonment is part of a transfer procedure by which the individual is transferring ownership of the structure, he may be required to remove the structure.

8. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

9. Applicants are advised of the possibility of damage by natural forces or wave wash from passing vessels. The issuance of a permit does not relieve the applicant from taking all proper steps to insure the integrity of their structures permitted hereby and the safety of boats moored thereto from damage by wave wash, and the applicant shall not hold the South Carolina Coastal Council, the State of South Carolina, or the United States liable for any such damage.

10. An applicant, upon receipt of a notice from the South Carolina Coastal Council of failure to comply with the terms, conditions, or standards of the permit, shall, within sixty (60) days without expense to the South Carolina Coastal Council and in such a manner as the afordsaid agency or their authorized representative(s) may direct, effect compliance with terms, conditions, and standards or remove his structure from South Carolina wetlands.

11. A plan or drawing showing the applicant's proposal and the manner or method by which the proposal shall be accomplished will be required with the application. The requirements for the drawings are contained herein.

12. A plat or copy of a plat of the area in which the proposed work will take place will be required with the application.

13. Also, required with the application will be a certified copy of the deed, lease, or other instrument under which the applicant claims title, possession or permission from the owner of the property to carry out the proposal.

14. The applicant shall furnish proof of publication of a notice of planned activity in a newspaper of local circulation and statewide circulation. The notice shall be published within fifteen (15) days of the date of permit application. Additionally, the applicant must furnish the Council with a certified copy of the newspaper notice before the permit will be issued.

Special Guidelines for Beaches and Dunes.

A. Seawalls:

(1) Seawalls are retaining structures constructed on the beaches to protect property from erosion caused by waves or wind. Seawalls have not been proven to be an improvement over the natural protection features of the dune and beach system.

(2) Besides specific standards for sand dune alterations, jetties and groins, the following standards will apply:

(a) Except under special circumstances, such as critically eroding shorelines that have a direct measurable effect on the economic well-being of an applicant or are a threat to the public safety, the Council will promote the use of natural features of the dune and beach system rather than artificial protection;

(b) All applications for construction of a seawall in the beach or dune critical areas for the purposes of filling behind these structures for the creation of land for private or public developments shall be denied by the Council;

(c) Each application for seawall construction will be reviewed by the Council on an individual basis, and, at a mimimum, such structures shall not impede public use of the beaches below the mean high water line.

B. Walkways:

(1) Pursuant to Section 13(D) of the Act, walkways over sand dunes which do not violate erosion control standards promulgated by the Council do not require a permit. The Council has determined that walkways constructed under certain standards do not require a permit.

(2) Walkways shall:

(a) be constructed of wood;

(b) have a maximum width of six feet;

(c) conform with the contour of the dunes;

(d) not displace any sand in a critical area;

(e) be constructed as expeditiously and with as little environmental damage as possible.

(3) Construction of any unpermitted walkway not in conformance with these criteria will be considered in violation of the Act and these Rules and Regulations. The Council encourages joint-use walkways rather than individual walkways when possible.

C. Jetties, Groins, and other Erosion Control Structures;

(1) Jetties and groins are structures used to stabilize beaches and migrating coastal inlets by modifying or controllings sand movement. Groins are structures extending seaward from and perpendicular to the shore. Their purpose is to nourish the beach by trapping sand. Such structures are rarely successful for long periods of time unless they are part of a comprehensive plan that considers shore processes. Because of interference with the downdrift of sand along the shore, isolated stabilization attempts generally create more problems than they solve. For this reason, applications for all such structures shall be carefully reviewed.

(2) Specific standards include the following:

(a) Applications for jetties, groins, sand-fences and other erosion control structures will be analyzed to insure that the structure does not create adverse sand transport patterns that induce erosion or undesirable shoaling in adjacent areas;

(b) Applications will receive favorable consideration if the applicant can demonstrate to the Council that a serious erosion problem exists;

(c) Care must be taken to insure that jetties and groins do not interfere with public access;

(d) Where appropriate, jetties should be designed to provide recreational fishing opportunities;

(e) Construction activities should be scheduled as not to interfere with nesting and brood rearing activities of important seabird colonies or other wildlife species.

DRAWING REQUIREMENTS

1. General

   a. Submit two copies of all drawings on 8½ x 11 inch paper. Submit the fewest number of sheets necessary to adequately show the proposed activity. Drawings should be in accordance with the general format of the enclosed sample drawings and must be neat, accurate, and concise.

   b. Drawings should not show the identity of engineers, architects or consultants employed to prepare plans for the proposed activity.

   c. A one inch margin should be left at the top edge of each sheet for binding purposes.

   d. Since drawings must be reproduced photographically, color shading cannot be used. Drawings may show work as dot shading, hatching, cross-hatching or similar graphic symbols.

   e. Show distance across channel or to navigation channel where applicable.

   f. Identify methods of construction and types of equipment to be used.

2. Location Map (Must be sufficient for field personnel to locate site)

   a. Show location of activity and name of waterway.

   b. Show name and distance to local town, community or other identifying location.

   c. Identify map or chart from which vicinity map was taken, if applicable.

   d. Show longitude and latitude.

   e. Show north arrow.

3. Plan View

   a. Show shoreline with the proposed activity and any adjacent existing structures.

   b. Show direction of river flow/ebb and flow of tide, if applicable.

   c. Show high and low water lines.

   d. Show dimensions of structures and distance from nearest property line.

   e. Identify materials used in construction. If dredging or filling is involved, show volume and type of materials to be moved and grade to be used.

   f. Show adjacent property owners. On narrow waterways the property owner on the opposite shore must also be identified.

   g. For elevation and/or sectional views, show height of structure above mean high water.

   h. Show graphic scale.

   i. Show north arrow.

PLAN

Side View

Location Map

N

Reference:

Top View

Plan View (with property lines)

Proposed activity:

County:

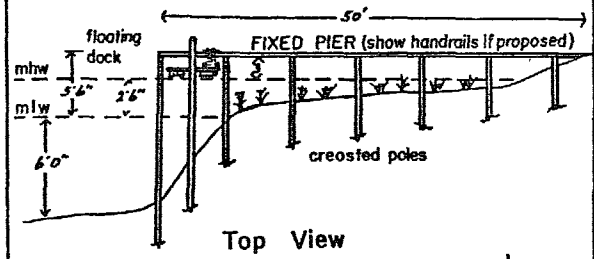
Applicant:

(show all dimensions)
SCALE

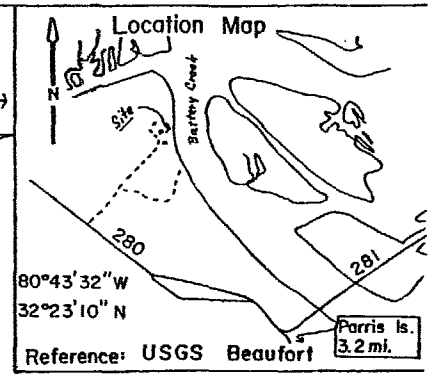
PROPOSED:
NAME & ADDRESS OF ADJACENT PROPERTY OWNERS
①
②

PLAN

Side View

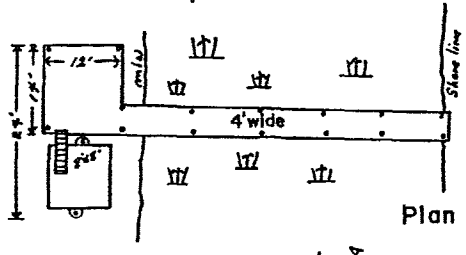


Location Map

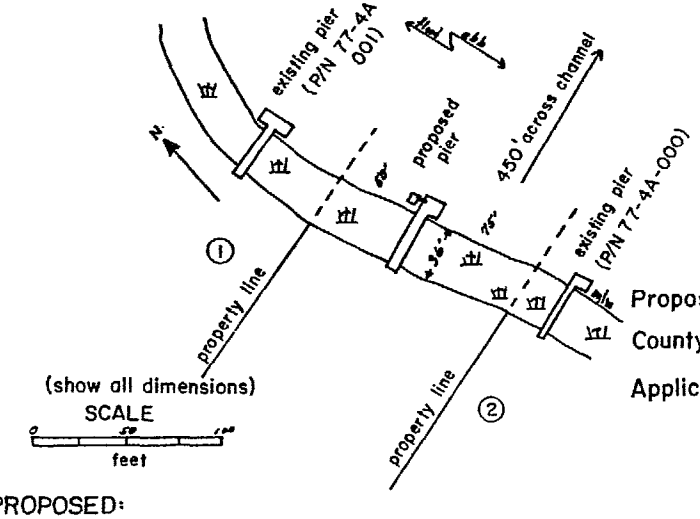


Reference: USGS Beaufort

Top View



Plan View (with property lines)



Proposed activity: Private pier

County: Beaufort

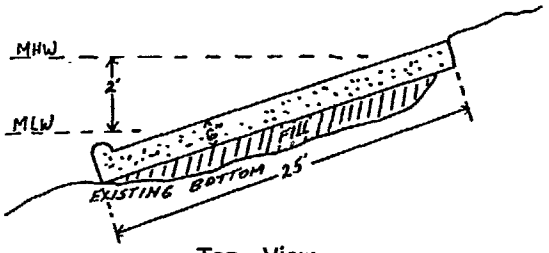
Applicant: William Penn

(show all dimensions)
SCALE
feet

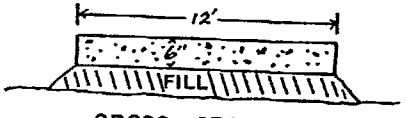
PROPOSED:
NAME & ADDRESS OF ADJACENT PROPERTY OWNERS
① John Doe, 42 Bay Dr., Beaufort
② Betty Winkler, 44 Bay Dr., Beaufort

PLAN

Side View



Top View

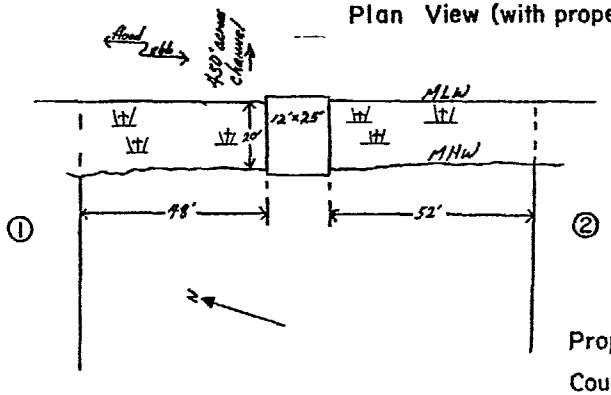


CROSS – SECTION

Location Map

Reference:

Plan View (with property lines)



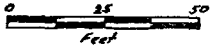
Proposed activity: Boat Ramp

County: Beaufort

Applicant: William Penn

(show all dimensions)

SCALE



PROPOSED:

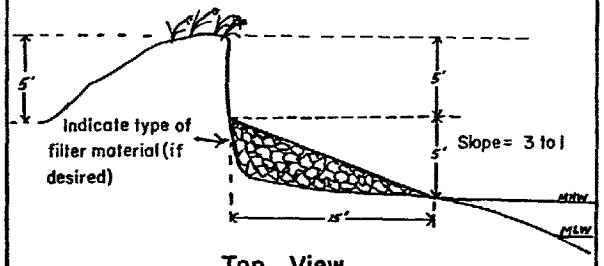
NAME & ADDRESS OF ADJACENT PROPERTY OWNERS

① John Doe 42 Bay Dr., Beaufort

② Betty Winkler 44 Bay Dr., Beaufort

PLAN

Side View

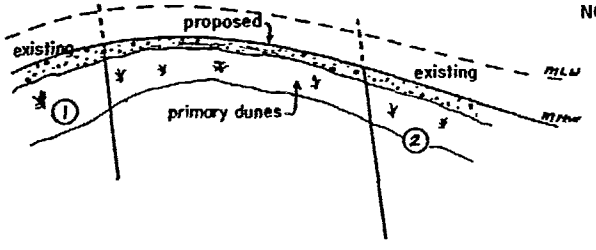


Top View

Location Map

Reference:

Plan View (with property lines)



NOTE:
Indicate all dimensions if not drawn to scale
Indicate type of material to be used (granite, etc.)

Proposed activity: Rip-Rap at dune

County: Beaufort

Applicant: William Penn

(show all dimensions)

SCALE

1" = 50 feet

PROPOSED:

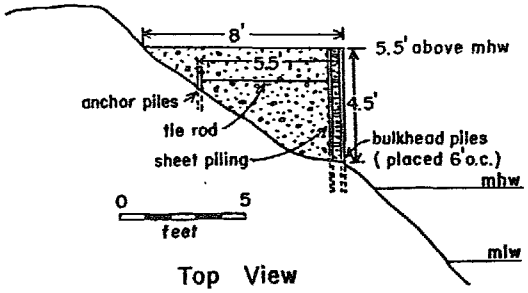
NAME & ADDRESS OF ADJACENT PROPERTY OWNERS

① John Doe 42 Bay Drive, Beaufort

② Betty Winkler 44 Bay Drive, Beaufort

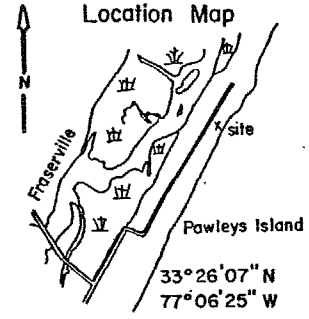
PLAN

Side View

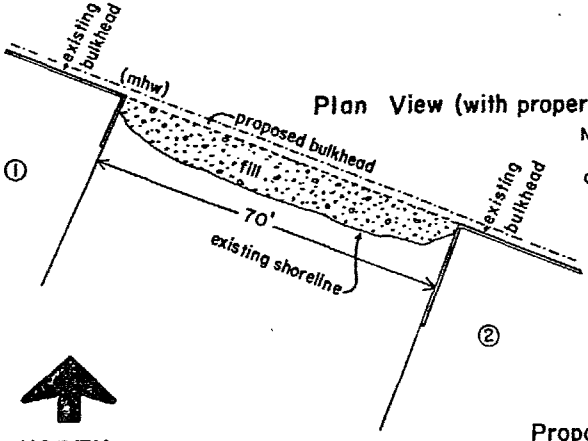


Top View

Location Map



Reference: USGS quad-Magnolia Beach



NOTE! Indicate type and volumn of fill

NORTH

(show all dimensions)

SCALE

0 50

FEET

Proposed activity: BULKHEAD

County: GEORGETOWN

Applicant: JOHN DOE

PROPOSED:

NAME & ADDRESS OF ADJACENT PROPERTY OWNERS

①

②

Application for a permit to

Construct a private dock

south carolina coastal council

CONTENTS

Introduction

General Guidelines and Special Conditions

Application Form

Newspaper Notice and Sample of Newpaper Certification (Must be included with application)

Affidavit of Ownership or Control and Instructions (Must be included with application)

Drawing Requirements

Drawing Sample

Drawing Check List

South Carolina Coastal Council
4 Carriage Lane, Suite 205
Charleston, South Carolina 29407
(803) 556-4070

DOCK AND PIER APPLICATION PACKAGE

INTRODUCTION

The South Carolina Coastal Management Act (Act 123) was enacted by the General Assembly of South Carolina to provide for the protection and enhancement of the State's coastal resources.

This Act creates the South Carolina Coastal Council, which is given the task of promoting the economic and social welfare of the citizens of this state while protecting the sensitive and fragile areas of the coast. Within a framework of a coastal planning program, the Council will encourage the protection and sound development of coastal resources.

An important part of this program is a coastal permitting system. As mandated in this Act, the Council has direct state authority to deny or issue permits in the critical areas designated in this Act.

This application package shall be used when applying for a permit to construct a dock/pier for private use when the construction of which falls within the General Permit No. 78-10-001 or 074 0YN GP0016 as issued by the U. S. Army Corps of Engineers and meets the attached special conditions. This applies to coastal waters and wetlands within Beaufort, Berkeley, Charleston, Colleton,

Dorchester, Horry, Jasper and Georgetown Counties, while specifically excluding the Atlantic Intracoastal Waterway (AIWW), Atlantic Ocean, Adams Creek, Charleston Harbor, Cooper River, Georgetown Harbor, Little River Inlet, Murrell's Inlet, Port Royal Harbor, Savannah Harbor, Savannah River, Shipyard River, Town Creek, Village Creek and the Waccamaw River. Also excluded are areas listed in the National Register of Historic Places as either registered or eligible for inclusion for registration in the above counties and projects within 2000' of these areas. Potential applicants should apply to the U. S. Army Corps of Engineers if the dock/pier they plan to construct is within the areas specifically excluded in the above listing, or does not meet the "Special Conditions" contained within this application package.

For additional information concerning the application procedure for docks/piers, or for other activities in coastal wetlands that require a permit, contact the permit application section of this office.

A permit from the South Carolina Coastal Council does not exempt applicants from the requirements of any other regulatory agency.

STATE OF SOUTH CAROLINA,
COASTAL COUNCIL. JAMES M.
WADDELL, JR., CHAIRMAN

By: _____
Duncan C. Newkirk
Permit Administrator

SOUTH CAROLINA COASTAL COUNCIL

Guidelines

1. The structure owner must make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impacts of the work on fish, wildlife and natural environmental values.

2. The applicant must perform the work authorized herein in a manner so as to minimize any degradation of water quality.

3. The applicant shall permit the South Carolina Coastal Council, the District Engineer, the State Law Enforcement Division, the South Carolina Wildlife and Marine Resources Department, and other State Permit inspection agencies, their representative(s) or designee(s) to make periodic inspection at any time deemed necessary in order to assure that the activity being performed is in accordance with the terms and conditions prescribed herein.

4. The applicant shall maintain the structure or work in good condition.

5. No attempt shall be made by the applicant to prevent reasonable use by the public of all navigable waters adjacent to the structure.

6. If the display of lights and signals on any structure authorized herein is not otherwise provided by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the structure owner.

7. If and when a structure owner desires to abandon a structure, unless such abandonment is part of a transfer procedure by which the individual is transferring ownership of the structure, he may be required to remove the structure.

8. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

9. Applicants are advised of the possibility of damage by natural forces or wave wash from passing vessels. The issuance of a permit does not relieve the applicant from taking all proper steps to insure the integrity of their structures permitted hereby and the safety of boats moored thereto from damage by wave wash, and the applicant shall not hold the South Carolina Coastal Council, the State of South Carolina, or the United States liable for any such damage.

10. An applicant, upon receipt of a notice from the South Carolina Coastal Council of failure to comply with the terms, conditions, or standards of the permit, shall, within sixty (60) days without expense to the South Carolina Coastal Council and in such a manner as the afordsaid agency or their authorized representative(s) may direct, effect compliance with terms, conditions, and standards or remove his structure from South Carolina wetlands.

11. A plan or drawing showing the applicant's proposal and the manner or method by which the proposal shall be accomplished will be required with the application. The requirements for the drawings are contained herein.

12. A plat or copy of a plat of the area in which the proposed work will take place will be required with the application.

13. Also, required with the application will be a certified copy of the deed, lease, or other instrument under which the applicant claims title, possession or permission from the owner of the property to carry out the proposal.

14. The applicant shall furnish proof of publication of a notice of planned activity in a newspaper of local circulation and statewide circulation. The notice shall be published within seven (7) days of the date of permit application. Additionally, the applicant must furnish the Council with a certified copy of the newspaper notice before the permit will be issued.

SPECIAL CONDITIONS:

a. The work herein authorized includes the installation and repair of private (single family use) non-commercial piers less than 576 square feet maximum area and normal appurtenances such as stairways and walkways. Floating docks are limited to a maximum of 288 square feet.

b. The extreme channelward limit of the fixed and/or floating dock shall not extend into the waterway more than 25 feet or 15% of the width of the waterway, whichever is lesser. The width is measured perpendicular from the mean low water line on one side to the mean low water line on the opposite side. In addition, the channelward extension shall be in line with existing docks adjacent thereto, provided the specifications stated herein are not exceeded.

c. That the maximum width for the dock approach (fixed walkway) will be restricted to six feet with a recommended width of 4 feet. There will be no restrictions to the approach length as this will be limited to the total length of the structure.

d. That the dock structure shall be constructed of uniform materials, and be structurally adequate and aesthetically compatible with other existing docks. No dock will be permitted within ten feet of the riparian limits of adjacent properties.

e. That flotation units of floating facilities shall be constructed of material which will not become waterlogged or sink when punctured.

f. That the dock shall not be used for human habitation and there shall be no discharge from the dock into the water. Covered or screened-in dock houses are not authorized under this general permit.

g. That there shall be no toilets or fueling facilities permitted on the structures.

h. No structure will be built within 100 feet of the near edge of the channel of any authorized Federal navigation project.

i. Structures for Samll Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the State of South Carolina or the United States liable for any such damage.

j. No work shall be performed until 30 days after notification of the owner or operator of any marked utilities in the area of work.

k. No registered properties or properties listed as eligible for inclusion in the National Register of Historic Places will be affected.

l. Prohibited Construction: Construction of marinas, commercial piers, and multiple-family structures, dredging, bulkheading, commercial boat ramps, marine railways, hoists, storage houses, fueling facilities, toilet facilities, filling of submerged lands or wetlands, or any structures exceeding the prescribed limits and dimensions are not covered under the authority of this General Permit and a Department of the Army permit must be obtained from the Corps of Engineers prior to construction of these projects.

SOUTH CAROLINA COASTAL COUNCIL

(Dock/pier Application)

Date_____

1. Application number (to be assigned by the Council)

   _____

2. Name and address of applicant:

   Telephone (during Buisness hours)_____

3. Name, address and title of authorized agent:

   Telephone (during buisness hours)_____

4. Describe the dimensions and specifications of the proposed dock/pier:

5. Names and addresses of adjoining property owners:

6. Location of proposed dock/pier: Street, road or other descriptive location_____

   County_____ Nearest town_____

   Waterway or wetland_____

   Latitude and longitude_____

7. Date construction to commence_____

   Date construction to be completed_____

8. Additional remarks:

9. I certify that the information contained in this application is true, complete and accurate to the best of my knowledge and belief.

   _____
   Signature of Applicant

   _____
   Date

SOUTH CAROLINA COASTAL COUNCIL
4 Carriage Land, Suite 205
Charleston, South Carolina 29407
(803) 556-4070

TO: PERMIT APPLICANT

NOTIFICATION OF PUBLIC NOTICE

As required in Section 14(c) of Act 123 of 1977, applicants for permits to alter a critical area shall publish a notice at least once in ~~both a newspaper of general statewide circulation and~~ a newspaper published in the county of the proposed activity.

The newspaper notices must be published within 7 days of the date of your permit application. No permit can be issued by the Council within the 10 day period following the date of newspaper notice. The following form shall be used for newspaper publication:

PUBLIC NOTICE

(Applicant) will apply (has applied) to the South Carolina Coastal Council for a permit to construct a dock and/or pier for private use, at/in (location and name of waterway). Comments will be received by the South Carolina Coastal Council; 4 Carriage Lane, Suite 205; Charleston, South Carolina 29407 by (insert date, 10 days after date of this newspaper notice).

THE CHARLESTON EVENING POST

State of South Carolina
COUNTY OF CHARLESTON

Personally appeared before me

..... *advertising Clerk*

of The Charleston Evening Post, a newspaper published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

.....

appeared in the issues of said newspaper on the following day(s): .....

Subscribed and sworn to before me this .....day of .....

A. D. 19..... .....

.....
NOTARY PUBLIC, S.C.

THIS IS A SAMPLE OF CERTIFICATION WHICH NEWSPAPER SHOULD FORWARD TO THIS OFFICE SEVERAL DAYS AFTER PUBLICATION OF THE PUBLIC NOTICE.

AFFIDAVIT OF OWNERSHIP OR CONTROL

TO THE SOUTH CAROLINA COASTAL COUNCIL:

I hereby certify that I am the (check one):

record owner _____
lessee _____
record easement holder _____
applicant to record owner for easement _____

of the below described property situated in _____ County, South Carolina; and that said property is all of the property that is contiguous to and landward of the area in which the work proposed in the permit application is to be conducted. Furthermore, I certify that as record owner, lessee, or record easement holder I have, or will have prior to undertaking the work, necessary approvals or permission from all other persons with a legal interest in said property to conduct the work proposed in the permit application.

LEGAL DESCRIPTION

_____

_____

Sworn to and subscribed before me at _____

_____ County, _____, this _____

day of _____, 19____.

_____
Notary Public

My commission expires:

SOUTH CAROLINA COASTAL COUNCIL

Information Needed on Affidavit of Ownership or Control

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2. If subdivided, the property should be described by lot number, block number (if any), name of subdivision, and plat book number and page where recorded.

3. If unplatted, the property should be described by section, township, and range, and subdivision of section.

4. If the description is based on courses and distances not following the plan coordinates, the point of beginning should be identified.

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   a. Submit one copy of all drawings on 8½ x 11 inch paper. Submit the fewest number of sheets necessary to adequately show the proposed activity. Drawings should be in accordance with the general format of the enclosed sample drawings and must be neat, accurate, and concise.

   b. Drawings should not show the identity of engineers, architects or consultants employed to prepare plans for the proposed activity.

   c. A one inch margin should be left at the top edge of each sheet for binding purposes.

   d. Since drawings must be reproduced photographically, color shading cannot be used. Drawings may show work as dot shading, hatching, cross-hatching or similar graphic symbols.

   e. Show distance across channel or to navigation channel where applicable.

   f. Identify methods of construction and types of equipment to be used.

2. Location Map

   a. Show location of activity and name of waterway.

   b. Show name and distance to local town, community or other identifying location.

   c. Identify map or chart from which vicinity map was taken, if applicable.

   d. Show longitude and latitude.

   e. Show north arrow.

3. Plan View

   a. Show shoreline with the proposed activity and any adjacent existing structures.

   b. Show direction of river flow/ebb and flow of tide, if applicable.

   c. Show high and low water lines.

   d. Show dimensions of structures and distance from nearest property line.

   e. Identify materials used in construction.

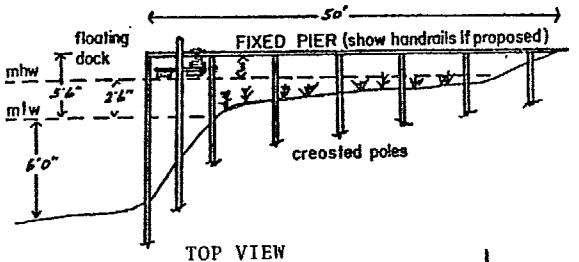
   f. Show adjacent property owners. On narrow waterways, less than 20 feet, the property owner on the opposite shore must also be identified.

   g. For elevation and/or sectional views, show height of structure above mean high water.

   h. Show graphic scale.

   i. Show north arrow.

CROSS SECTION

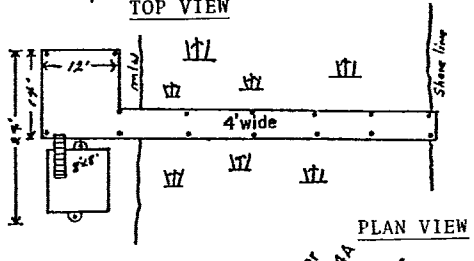


ACTIVITY: PRIVATE DOCK & PIER

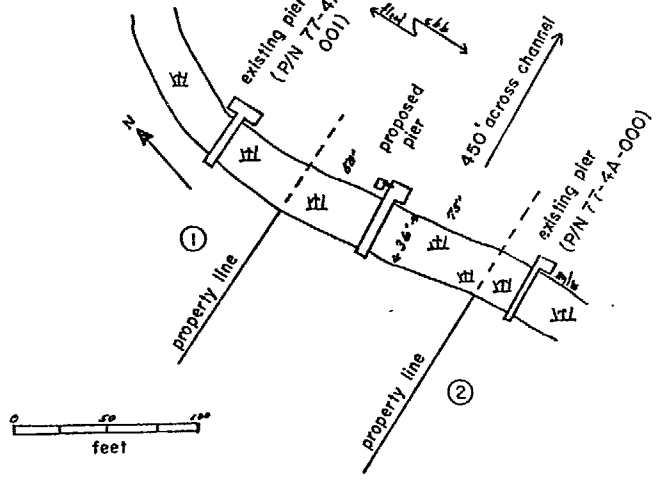
COUNTY: BEAUFORT

APPLICANT: WILLIAM PENN

TOP VIEW



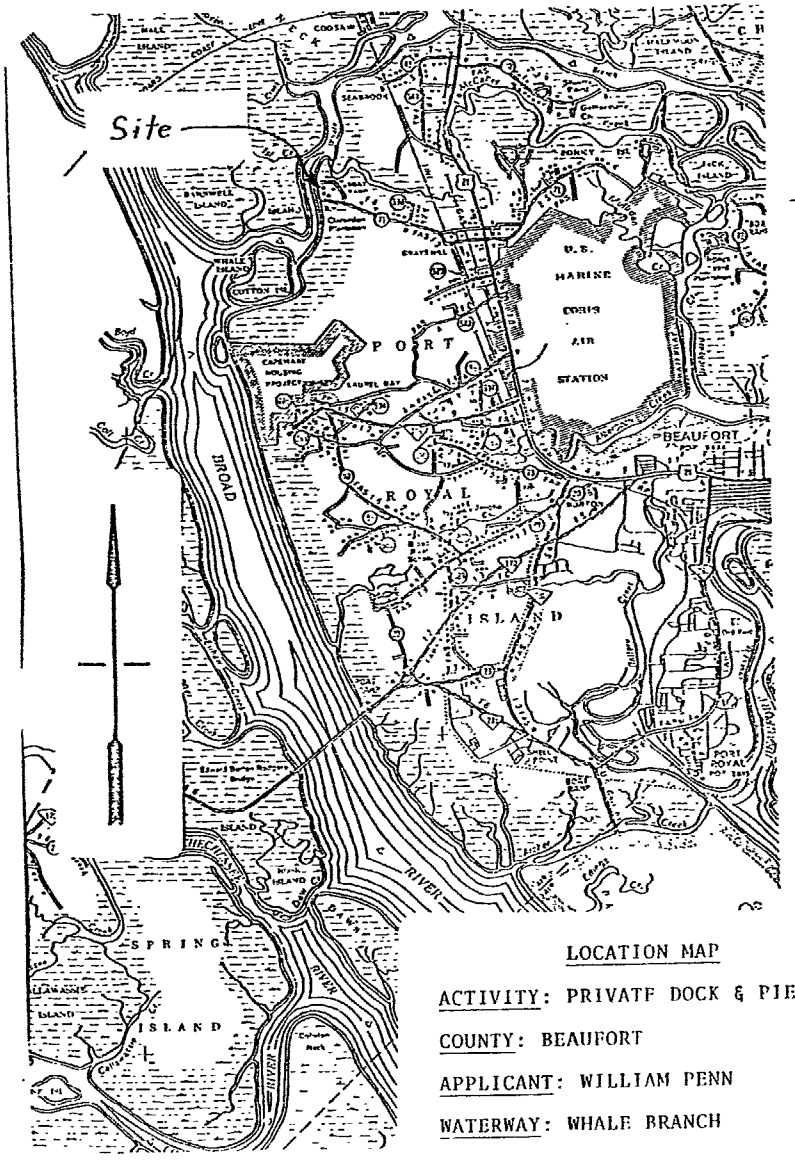
PLAN VIEW



ADJACENT LANDOWNERS

1 John Doe , 42 Bay Dr., Beaufort

2 Betty Winkler , 44 Bay Dr., Beaufort



LOCATION MAP

ACTIVITY: PRIVATE DOCK & PIER

COUNTY: BEAUFORT

APPLICANT: WILLIAM PENN

WATERWAY: WHALE BRANCH

Checklist for Drawings

General

( ) 2 copies of each drawing submitted on 8½ x 11 inch paper (extra sheets may be included as needed)
( ) A 1-inch margin left at top of each sheet
( ) Color shading not used (dot shading, hatching, cross-hatching may be used)
( ) Distance across channel or to navigation channel shown, where applicable
( ) Methods of construction and types of equipment used have been described

Vicinity Map

( ) Latitude and longitude shown, if known
( ) Waterways and highways labeled
( ) Name and distance to local town, community or other identifying location given
( ) Identify map or chart from which map was taken, if applicable
( ) North arrow shown

Plan View

( ) Existing shorelines shown
( ) Ebb and flood of tide shown, if applicable
( ) North arrow shown
( ) Graphic scale provided
( ) Mean high and low water lines shown
( ) Principal dimensions and materials used in construction of structure labeled
( ) Structures (if any) in navigable waters immediately adjacent to the proposed activity are identified, including permit numbers, if known
( ) Property lines and adjacent landowners shown. On narrow waterways the property owner on the opposite shore must also be identified

Elevation and/or Sectional Views

( ) Show same water levels as for plan view
( ) Show depth of mean high and low water and height above mean high water of structure, if applicable
( ) Principal dimensions of structure labeled

General Permit No. SACCO-P General Permit #78-10-001
SASOP-F General Permit #074 OYN GP0016

Name of Applicant The General Public

Effective Date 3 April 1978

Expiration Date 31 March 1983

DEPARTMENT OF THE ARMY

GENERAL PERMIT

A general permit to perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403) and 33 CFR 322.2(f) is hereby issued by authority of the Secretary of the Army by the

District Engineer
U. S. Army Engineer District.
Charleston
Corps of Engineers
P. O. Box 919
Charleston, South Carolina 29402

District Engineer
U. S. Army Engineer District,
Savannah
Corps of Engineers
P. O. Box 899
Savannah, Georgia 31402

to install private, non-commercial, single family, recreational piers and docks, including fixed walkways, fixed docks, floating docks and moorings

within the NAVIGABLE WATERS OF THE UNITED STATES

in the critical areas of the coastal waters and submerged lands under the jurisdiction of the State of South Carolina Coastal Council within Beaufort, Berkeley, Charleston, Colleton, Dorchester, Horry, Jasper and Georgetown Counties, while specifically excluding the Atlantic Intracoastal Waterway (AIWW), Atlantic Ocean, Adams Creek, Charleston Harbor, Cooper River, Georgetown Harbor, Little River Inlet, Murrells Inlet, Port Royal Harbor, Savannah Harbor, Savannah River, Shipyard River, Town Creek, Village Creek and the Waccamaw River. Also, excluded are areas listed in the National Register of Historic Places as either registered or eligible for inclusion for registration in the above counties and projects within 2000' of these areas.

GENERAL CONDITIONS:

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

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

c. That permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

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

e. That permittee shall maintain the structure or work authorized herein in good condition.

f. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

g. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

h. That this permit may be summarily suspended in whole or in part upc a finding by the appropriate District Engineer that immediate suspension of th activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by a permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by a permittee which are deemed necessary by the District Engineers to abate

imminent hazards to the general public interest. A permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee, if no hearing is requested, the permit will either be reinstated, modified, or revoked.

i. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective thirty (30) days after receipt of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period a permittee is able to demonstrate satisfactorily that (a) the alleged violation of the terms and conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental and the permittee has been operating in compliance with the terms and conditions of this permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period a permittee requests the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit, in whole or in part, shall be pursuant to procedures prescribed by the Chief of Engineers.

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

k. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

l. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

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

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

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

p. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

q. That authorization under this permit may not be transferred to a third party without prior written notice to the District Engineer by the transferee's written agreement to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Registrar of Deeds or other appropriate official if law permits.

r. The term "permittee" means the party or parties authorized by the District Engineers to accomplish work under this general permit.

SPECIAL CONDITIONS:

a. The work herein authorized includes the installation of private (single-family use), non-commercial docks limited to 576 square feet for a fixed dock and/or 288 square feet for a floating dock in addition to the dock approach (fixed walkway).

b. That the maximum width for the dock approach (fixed walkway) will be restricted to six (6) feet. There will be no restrictions to the approach length as this will be limited by the total length of the structure.

c. That docks must be for non-commercial, single-family use. The channelward extension of the fixed and/or floating dock shall not exceed 15% of the width of the waterway or 25 feet, whichever is lesser. The width is measured perpendicular from the mean low water line on one side to the mean low water line on the opposite side. In addition, the channelward extension shall be in line with existing docks adjacent thereto, provided the specifications stated herein are not exceeded.

d. That the dock structure shall be constructed of uniform materials, and be structurally adequate and aesthetically compatible with other existing docks. No dock will be permitted within ten (10) feet of the riparian limits of adjacent properties.

e. That flotation units of floating facilities shall be constructed of material which will not become waterlogged or sink when punctured.

f. That the dock shall not be used for human habitation and there shall be no discharge from the dock into the water. Covered or screened-in dock houses are not authorized under this general permit.

g. That there shall be no toilets or fueling facilities permitted on the structures.

h. No structure will be built within 100 feet of the near edge of the channel of any authorized Federal navigation project.

i. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

j. Erection of Structure in or over Navigable Waters: That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration date before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

k. No work shall be performed until 30 days after notification of the owner or operator of any marked utilities in the area of the work.

l. No registered properties or properties listed as eligible for inclusion in the National Register of Historic Places will be affected.

m. Prohibited Construction: Construction of marinas, commercial piers, and multiple-family structures, dredging, bulkheading, commercial boat ramps, marine railways, hoists, storage houses, fueling facilities, toilet facilities, filling of submerged lands or wetlands, or any structures exceeding the prescribed limits and dimensions are not covered under the authority of this General Permit and a Department of the Army permit must be obtained from the Corps of Engineers prior to construction of these projects.

n. Required Authorizations: That the individual intending to avail himself of the authority of this General Permit must contact the South Carolina Coastal Council for compliance with the terms and conditions of this General Permit.

o. Penalties for Violations: Authorization obtained under this General Permit limits the size, length and use of structures. Any deviation from the specifications, or other terms or conditions of the General Permit will constitute a violation of the River and Harbor Act of 1899 and could result in having to remove the structures or work and restore the waterway to its former condition and/or imposition of penalties as provided by law.

p. Revocation of General Permit: That this permit may be revoked by issuance of a public notice at any time the appropriate District Engineer determines that the singular or cumulative effects of the activities authorized herein have an adverse effect upon the public interest. Following such revocation, any future activites in areas covered by this General Permit will be processed as individual permits.

q. Duration of the General Permit: This General Permit will cover activities completed within five (5) years of the date of issuance unless this permit is revoked in the interim. Revoking the General Permit will not affect the work that has been authorized when the General Permit was in effect.

This permit shall become effective on the date of the District Engineers' signatures.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

William W. Brown

WILLIAM W. BROWN
Colonel, Corps of Engineers
Charleston District Engineer

Date: 3 April 1978

Frank Walter

FRANK WALTER
Colonel, Corps of Engineers
Savannah District Engineer

Date: 3 April 1978

SOUTH CAROLINA COASTAL COUNCIL
CRITICAL AREA BOUNDARY

On the south, at the intersection of the South Carolina-Georgia border and the old track bed of the Seaboard Coastline (SCL), approximately 1.75 miles above the U. S. Highway 17A bridge across the Savannah River; thence, northeastward along the track bed until its intersection with U. S. Highway 278 near Eutaw Creek; thence, northward along U. S. 278 for approximately one mile until its intersection with S. C. 462; thence, north-northwestward along S. C. 462 until its intersection with U. S. Highway 17 near Coosawhatchie; thence, northeastward along U. S. 17 until its intersection with S-15-26 approximately two miles east of Green Pond; thence, southward along S-15-26 until its intersection with the old SCL track bed near Airy Hall; thence, east-northeastward along the track bed to its intersection with S. C. 174; thence, northward along S. C. 174 for approximately 1.5 miles until its intersection with S. C. 164; thence, east-northeastward approximately three miles along S. C. 164 until its intersection with S. C. 162; thence, east-northeastward along S. C. 162 into Hollywood until its intersection with S. C. 165; thence, northward along S. C. 165 until its intersection with S. C. 642; thence, southeastward along S. C. 642 until its intersection with U. S. Interstate 26; thence, southward along I-26 until its intersection with S. C. 7; thence, northeastward on S. C. 7 until its intersection with the SCL track bed adjacent to Spruill Avenue; thence, northward along this track bed until its intersection with the Charleston/Berkeley County line approximately one-fifth mile north of Remount Road; thence, east-northeastward along the county line until its intersection with the Cooper River at Goose Creek; thence, eastward by a straight line across the Cooper River and Yellow House Creek to Yellow House Landing on Yellow House Creek; thence, southward along the only dirt road leading from the landing to S-8-33; thence, northeastward along S-8-33 until its intersection with S-8-100; thence, northeastward along S-8-100 until its intersection with S-10-98; thence, southward along S-10-98 until its intersection with U. S. Highway 17; thence, northeastward along U. S. Highway 17 until its intersection with S-27-30 north of the North Santee River; and thence, eastward along S-27-30 for approximately five miles; thence, northward along S-27-30 until its intersection with S-27-18; thence, northwestward along S-27-18 until its intersection with U. S. Highway 17; thence, northeastward along U. S. 17 until its intersection with the South Carolina-North Carolina border. In determining the exact location of this boundary, only those lands seaward of the road beds and track beds described shall be included in the tidelands and coastal waters critical areas.

All coastal waters and tidelands seaward from this boundary to the State jurisdictional limit are included within the critical areas.

Memorandum of Agreement Between the Corps of Engineers
and the Coastal Council of South Carolina

ON PROCESSING PROCEDURES FOR THE GENERAL PERMIT FOR PRIVATE PIERS AND DOCKS

1. Authorities: Federal: Part 325 of Title 33 of the Code of Federal Regulations. State: Pursuant to Act 123 (Coastal Zone Management Act) of the 1977 S. C. General Assembly.

2. The purpose of this memorandum is to identify mutual procedures to be followed by the Charleston and Savannah Districts, U. S. Army Corps of Engineers and the South Carolina Coastal Council in the processing of applications for private, noncommercial, single family, recreational piers and docks, including fixed walkways, fixed docks, floating docks, and moorings which come under the purview of the Department of the Army General Permit issued on 3 April 1978.

3. Geographical Areas Included: This agreement is limited to the critical areas of the Coastal Zone in Beaufort, Berkeley, Charleston, Colleton, Dorchester, Horry, Jasper and Georgetown Counties, South Carolina.

4. General Permit Procedures:

a. The General Permit issued by the Corps of Engineers will require a Council permit for each structure built under the General Permit.

b. The Council will provide the Corps of Engineers a copy of each application that is submitted for structures or works under the General Permit. A sketch showing the location and type of construction will be included.

c. The Corps of Engineers will inform the Council within 15 days of the receipt of the copy of the application if it determines that the application does not come within the scope of the General Permit.

d. The Council will supply the Corps of Engineers with a copy of each Coastal Council Permit issued.

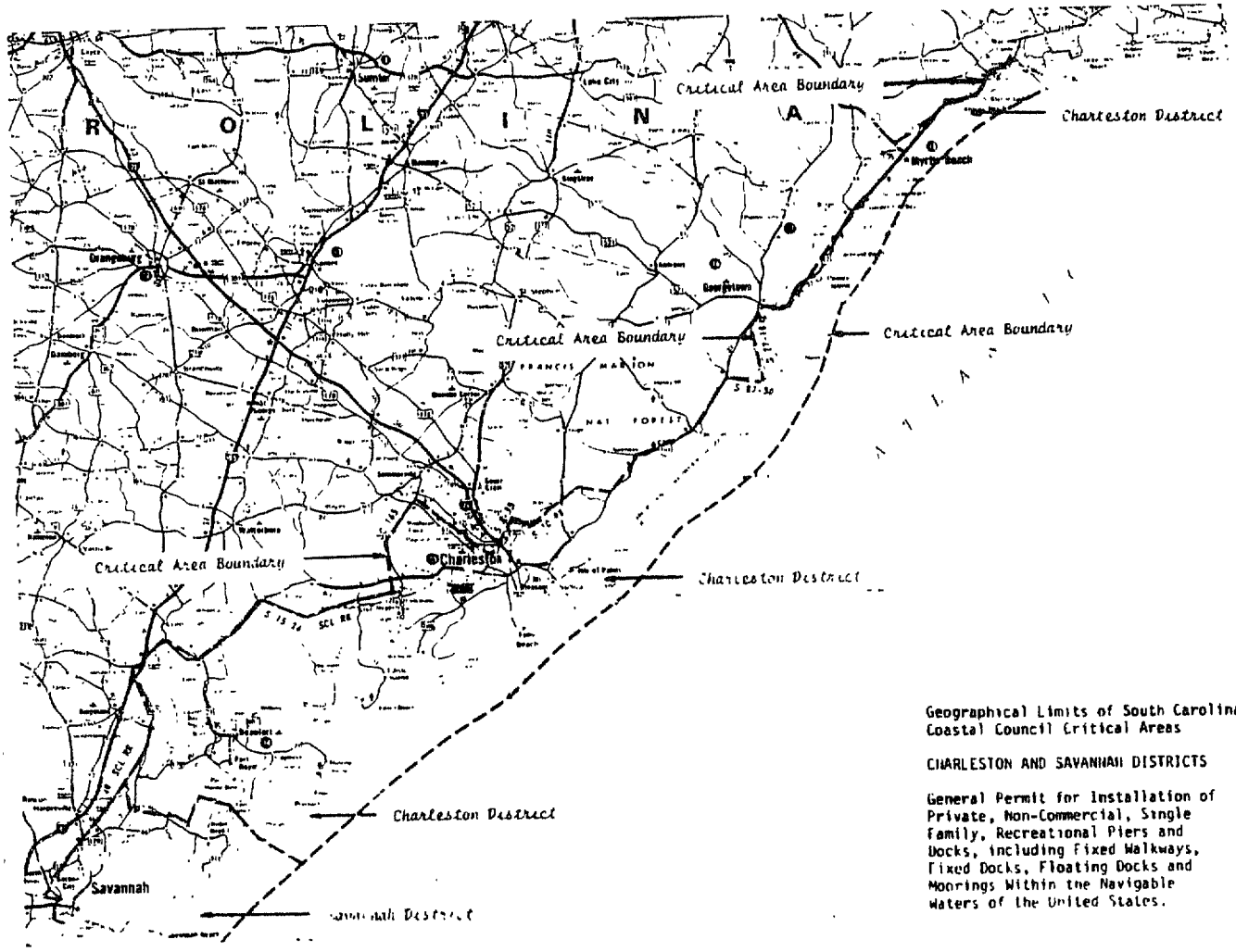
5. This agreement will be terminated on the expiration or revocation of the General Permit.

This 3rd day of April, 1978.

Senator James M. Waddell
Chairman
South Carolina Coastal Council

WILLIAM W. BROWN
Colonel, Corps of Engineers
Charleston District Engineer

FRANK WALTER
Colonel, Corps of Engineers
Savannah District Engineer



Geographical Limits of South Carolina Coastal Council Critical Areas

CHARLESTON AND SAVANNAH DISTRICTS

General Permit for Installation of Private, Non-Commercial, Single Family, Recreational Piers and Docks, including Fixed Walkways, Fixed Docks, Floating Docks and Moorings Within the Navigable Waters of the United States.

Appendix L

BOUNDARY DETERMINATION METHODOLOGY

The critical area boundary was determined by using vegetative overlays on USGS 7½ minute topographic quadrangles. These vegetative overlays were produced under contract (#CZM Contract #79004 and 79012) by the South Carolina Wildlife Marine Resource Division. They provided a precise assessment of South Carolina's coastal wetlands and included the following inventory categories: (1) beach zone, (2) low salt marsh, (3) high salt marsh, (4) brackish-water marsh, (5) fresh-water marsh, (6) impoundments, and (7) diked disposal areas. This inventory data was compiled from ASCS black and white photography which was used to update the USGS guadrangles , and low altitude color-infrared photography which was used to identify wetland types. Wetland types were initially recorded directly on USGS quadrangles and later transferred onto mylar overlays to be digitized for computer use and stored as data for baseline mapping.

Ground truth surveys and field investigations were conducted from August 1975 to May 1977 to obtain descriptive information on plant ecology as well as verify the photographic interpretation. Observations on associated vegetation were also recorded. Most plant identifications were made by sight; however, species of undetermined species were collected and returned to the laboratory for identification. All available published literature concerning plant composition of South Carolina's coastal marshed and waterfowl impoundments was reviewed to supplement data from field surveys. Additionally, waterfowl managers were interviewed to supplement information in the literature.

The data contained on the vegetative overlays was then used to determine the landward extent of the critical arda boundary as defined in Section 3(E, F, G, H, I, J) of South Carolina Act 123 of 1977. Essentially, this boundary should ascribe the 1.0 ppt chloride ion concentration point in all coastal water bodies, marshes, etc. However, this boundary is not based on hydrographic data, since much of this is unknown; instead this line shows the change from fresh-water to brackish water vegetation based on data contained in the aforementioned inventory. When possible, the critical area boundary followed prominent physical features, such as state and federal highways, railroad bridges and causeways, etc.

APPENDIX M

FEDERALLY EXCLUDED LAND

Jasper County		Acres
1.	Department of Defense - Army Corps of Engineers (Savannah Harbor)	5.83
2.	Department of Defense - Army Corps of Engineers (Savannah Harbor)	3.10
3.	Department of Defense - Army Corps of Engineers (Savannah Harbor)	3.06
4.	Department of Interior - Fish and Wildlife Service (National Wildlife Refuge)	7,618.00
5.	Department of Defense - Army Corps of Engineers (Savannah River)	14.15
6.	Department of Defense - Army Corps of Engineers (Savannah River)	5.10
7.	Post Office	1.11
Beaufort County		
8.	Department of Defense - Army Corps of Engineers (Hilton Head Survey Tower)	.01
9.	Department of Interior - Fish and Wildlife Service (National Wildlife Refuge)	4,052.70
10.	Department of Defense - Marines - Base	8,084.07
11.	Department of Defense - Navy Hospital	126.94
12.	Post Office	1.92
13.	Post Office	.39
14.	Veternas Administration: National Cemetery	29.00
15.	Department of Defense - Marines - Base	5,577.16

Beaufort County (continued)	Acres
16. Department of Defense - Marines - School	15.00
17. Department of Defense - Marines - Housing Project	309.16
Colleton County	
18. Department of Defense - Army Corps of Engineers (Intracoastal Waterway)	26.00
19. Post Office	.47
20. Post Office	1.98
Dorchester County	
21. Post Office	.34
Charleston County	
22. Environmental Protection Agency	32.00
23. Department of Defense - Coast Guard	143.00
24. Department of Defense - Army Corps of Engineers (Charleston Harbor)	34.00
25. Department of Interior - Park Service (Ft. Sumter, Ft. Moultrie)	62.27
26. Department of Defense - Coast Guard	3.75
27. Department of Defense - Army Reserves	2.50
28. Department of Defense - Coast Guard	8.20
29. General Services Administration - Post Office and U. S. Courthouse	1.20

Charleston County (continued)	Acres
30. Veterans Administration - Hospital	16.60
31. General Services Administration: U.S. Customs House	4.74
32. General Services Administration: Federal Building	2.16
33. Department of Agriculture - Agricultural Research Service	451.00
34. Department of Defense - Navy Reserve	4.50
35. Department of Defense - Navy Base	3,271.19
36. Navy Hospital	-
37. Department of Defense - Air Force	3,043.37
38. Department of Interior - Fish and Wildlife Service (National Wildlife Refuge)	31.96
39. Department of Interior - Fish and Wildlife Service (Migratory Bird Refuge)	34,218.00
40. Department of Agriculture - Forest Service	60,126.00
Berkeley County	
41. Department of Agriculture - Forest Service (Francis Marion National Forest)	189,280.00
42. Department of Defense - Air Force	44.00
43. Department of Defense - Army Corps of Engineers (Charleston Army Depot)	1,025.50
44. Department of Defense - Army Reserves	2.41
45. Department of Defense - Navy (Ammunition Department)	16,589.40
46. Department of Defense - Army Reserves	6.77

		Acres
Georgetown County		
47.	Department of Defense - Coast Guard	7.40
Horry County		
48.	Department of Defense - Air Force	3,794.31
49.	Post Office	.26
50.	Post Office	1.00

APPENDIX N

I. Introduction

Enclosed within the manila envelope at the back of this document there are four maps: Geographic Areas of Particular Concern (GAPC), Federally Excluded Land, Land Use/Land Cover, and Wetlands. These are intended to be a supplement to the preceeding text of the Management Plan, and the GAPC map is alphanumerically coded to the text.

Following this introductory section is a map index which can be used to relate the numbering code of the GAPC and Federally Excluded Land maps to the text. The GAPC map is color coded with respect to both site classification and the site's corresponding alphanumeric designation. To obtain the name of a particular GAPC on the map, first match the color of the alphanumeric designation to the corresponding color in the legend, and then seek that classification in the index. Next, select the corresponding alphanumeric designation on the index for the name of the site of interest. Of course, by reversing the process, a site being discussed in the text can be related to its geographical location in the coastal zone. The index for the Federally Excluded Land Map simply lists the holdings in the Coastal Zone from south to north, county by county.

It is important to note that where the text and maps do not correspond, the text should be considered correct, as some changes have been made since the maps were printed. Additions and deletions will continue to be made, and at some point in time, the maps themselves will be updated to reflect these changes.

The Federally Excluded Lands are discussed in the text in Chapter V, E) 1) and appendix M. These areas were originally mapped by the S.C. Coastal Council Staff at the 1:24,000 Scale in the form of 7.5 minute overlays to U.S. Geological Survey Topographic Maps. Copies of these overlays were then sent to the appropriate federal agency for review, and additions or deletions were made after the agency returned the overlays to the staff. The corrected overlays were used to produce the final Federally Excluded Land Map.

The GAPC's are discussed in Chapter IV A) of the text and appendix F, where in depth descriptions and the significance of each are found. As is the case with the Federally Excluded Land, all GAPC's have been previously mapped as 1:24,000 USGS Topographic Map overlays and transferred to this Coastal Zone strip chart. The green areas are of special significance because they are a combination classification occuring when an historical site (yellow) appears within the boundaries of an area of unique natural resource value (blue). An optical illusion unfortunately occurs when a green area is surrounded by blue, making the green appear more yellow than it really is. Upon close inspection, however, it will become evident that all green areas are, in fact, the same shade.

Shown on the Wetlands map are the results of the Coastal Council's Non-Forested Tidal Wetlands Inventory. These maps were compiled using 1:6,000 and 1:12,000 false color infrared aerial photography in conjunction with a Bausch and Lomb Zoom Transfer Scope. This machine allows photo-interpreted information from aerial photographs at one scale to be optically transferred to maps at a different scale. Again, in this case, the Wetlands infromation was originally compiled and displayed at the 1:24,000 scale in the form of topographic map overlays. This information was transferred to 1:250,000 scale USGS topographic map overlays and fed into a computer using a technique called digitization. The computer then plotted a composite map at the final scale (approximately 1:352,000) which was used to produce the graphic representation shown here.

The final map included in the jacket is the Land Use and Land Cover Map. A series of data manipulations by various groups was undertaken in order to

produce the color map enclosed. First, remote sensor imagery from the Landsat Satellite was used to determine the level I land use categories displayed here. Maps at the 1:250,000 scale were produced by the Geography Program of the U. S. Geological Survey. This information was then fed into the computer via the digitization method, and a composite plot of the entire coastal zone was obtained. This plot was the base map overlay used to produce the graphics for the final Land Use and Land Cover map.

Following is a brief breakdown of the hierarchy of this classification system.

Level I	Level II
1) Urban or Built up Land	1. Residential 2. Commercial and Services 3. Industrial 4. Transportation, Communications, and Utilities 5. Industrial and Commercial Complexes 6. Mixed Urban or Built-up Land 7. Other Urban or Built-up Land
2) Agricultural Land	1. Cropland and Pasture 2. Orchards, Groves, Vineyards, Nurseries, and Ornamental Horticultural Areas 3. Confined Feeding Operation 4. Other Agricultural Land
3) Rangeland	1. Herbaceous Rangeland 2. Shrub and Brush Rangeland 3. Mixed Rangeland
4) Forest Land	1. Deciducus Forest Land 2. Evergreen Forest Land 3. Mixed Forest Land
5) Water	1. Streams and Canals 2. Lakes 3. Reservoirs 4. Bays and Estuaries
6) Wetland	1. Forested Wetland 2. Nonforested Wetland
7) Barren Land	1. Dry Salt Flats 2. Beaches 3. Sandy Areas other than Beaches 4. Bare Exposed Rock 5. Strip Mines, Quarries, and Gravel Pits 6. Transitional Areas 7. Mixed Barren Land

Although the Level II breakdown does not appear on the final map product, each category is displayed on the 1:250,000 topographic map overlays produced by USGS. Due to the complexity which would have resulted from a reduction to 1:350,000 scale from 1:250,000 scale the level II categories were droped. For a detailed discussion of this land use and land cover system, please refer to Geological Survey Professional Paper 964.

As previously mentioned, the original information used to compile the Federally Excluded Land, the SAPC, and the Wetlands maps is at the 1:24,000 scale, and is in overlay format. The Land Use and Land Cover map was compiled from 1:250,000 scale overlays and includes the Level II breakdowns. If more detailed, site specific information is required than that displayed on the maps in the jacket, please do not hesitate to contact the office of the S. C. Coastal Council, as all of the aforementioned overlays are on file there.

INDEX

GEOGRAPHIC AREAS OF PARTICULAR CONCERN

AREAS OF UNIQUE NATURAL RESOURCE VALUE

A. The Heritage Trust Program

1. Capers Island

B. State Wildlife Preserves

1. Turtle Island
2. Bear Island Game Management Area
3. Alexander Sprunt, Jr., Wildlife Sanctuary (Deveaux Bank)
4. Santee Coastal Reserve
5. Hatchery Game Management Area
6. Moultrie Game Management Area
7. Santee Delta Game Management Area
8. North Island and South Island Plantation
9. Samworth Game Management Area

C. State Parks

1. Hunting Island State Park
2. Givhan's Ferry State Park
3. Old Ft. Dorchester State Park
4. Edisto Beach State Park
5. Charlestowne Landing
6. Drayton Hall
7. Hampton Plantation
8. Huntington Beach State Park
9. Myrtle Beach State Park

D. Scenic Rivers

None to date

E. Marine and Estuarine Sanctuaries

None to date

F. Shellfish Areas

1. Commercial Shellfish Leases
2. Public Oyster Grounds
   a. May River/Bull Creek
   b. Last End Point
   c. Skull Creek
   d. Chechessee River
   e. East Branch Creek
   f. Whale Branch
   g. Ashe Island
   h. Ashepoo River
   i. Kiawah Island
   j. Leadenwah Creek
   k. Folly River
   l. Hamlin Creek
   m. Sewee Bay
   n. Mathews Cut
   o. Clam Bank Flats
   p. Alston Creek
   q. North Murrells Inlet
3. State Shellfish Grounds
   a. Old House Creek
   b. Auhaw Creek
   c. Habersham Creek
   d. Marsh Island
   e. Toogoodoo Creek
   f. Green Creek
   g. Cole Creek
   h. Folly River
   i. Alligator Creek

G. Groundwater Resources

None to date

H. Threatened or Endangered Species Habitats

None to date

ACTIVITIES OR FACILITIES DEPENDENT ON COASTAL LOCATION

A. State Ports

1. Port Royal
2. Charleston
3. Georgetown

B. Mining Operations

Jasper County

1.	Limehouse, county mine	Sand
2.	Eastern Contractors, Inc.	Sand and Clay
3.	Deerfield Sand & Mining Company	Sand and Gravel
4.	J. F. Cleckley & Company	Sand and Gravel

Beaufort County

5.	Malphrus Construction Company	Sand and Clay

Colleton County

6.	U. S. Peat Corporation	Peat
7.	Walker Trucking Company	Sand and Gravel
8.	Nettles Sound	Sand and Gravel
9.	Becker Sand and Gravel	Sand and Gravel
10.	Seigles Sand Co.	Sand and Gravel
11.	J.F. Cleckley and Co.	Sand and Gravel
12.	Sanders Brothers Const. Co.	Sand and Gravel
13.	Banks Const. Co.	Sand and Gravel

Dorchester County

14.	Addco Mining Co	Sand and Gravel
15.	Salisbury Brick Corp.	Clay
16.	Becker Sand and Gravel	Sand and Gravel
17.	Murray Sand Co.	Sand and Gravel
18.	Dorchester Brick Works, Ltd.	Clay
19.	Muckenfuse Landscaping Co.	Sand and Clay
20.	Santee Sand Co.	Sand and Gravel
21.	Gifford-Hill and Co.	Limestone
22.	Giant Portland Cement Corp.	Limestone and Clay

Charleston County

23.	Edmonson Hauling Co.	Sand and Clay
24.	H & M Mining Co.	Sand and Clay
25.	Brinson Excavating Co.	Sand and Clay
26.	Land Associates	Sand and Clay
27.	Truluck Construction Company	Sand and Gravel
28.	A & A Contractors	Sand and Clay
29.	J. F. Cleckley and Company	Sand and Clay
30.	Kinsey Construction Company	Sand and Clay
31.	C. D. Walters Construction Company	Sand and Clay
32.	Chaplin Landing Company	Sand and Clay
33.	Ware Brothers Investment Company	Sand and Clay
34.	O. L. Thompson Construction Company	Sand and Clay
35.	C. F. Rhodes Construction Company	Sand and Clay
36.	Addco Mining Company	Sand and Clay
37.	Island Construction Company	Sand and Clay
38.	Banks Construction Company	Sand and Gravel

Berkeley County

39.	Dorchester Brick Works, Ltd.	Clay
40.	T. Dangerfield Construction Company	Sand
41.	Bass Ltd.	Limestone
42.	Consolidated Enterprises	Sand and Clay
43.	Ware Brothers Investment Company	Limestone, Sand and Clay
44.	Martin-Marietta Aggragates	Limestone

Georgetown County

45.	Asphalt Products Corporation	Sand and Gravel
46.	McDaniels Sand and Gravel Co., Inc.	Sand and Clay

Horry County

47.	Godwin Construction Company	Sand and Gravel
48.	C. L. Benton and Sons	Sand and Gravel
49.	Blythe Development Company	Sand
50.	Asphalt Products Corporation	Sand and Clay
51.	Waccamaw Clay Products Company	Clay
52.	J. O. Cannon and Sons	Sand
53.	Stacy Edwards Black Mine	Coquina
54.	William Bird Sales Corporation	Coquina
55.	Horry Limestone Products	Limestone
56.	G and C, Inc.	Coquina
57.	Coastal Limehouse	Coquina
58.	Cedar Creek Village	Coquina
59.	Locher Silica	Sand

HISTORIC SITES

A. Jasper County

1. Robertville Baptist Church
2. Gillsonville Baptist Church

B. Beaufort County

1. Sea Pines Shell Ring
2. Green's Shell Enclosure
3. Hilton Head Shell Ring
4. Church of the Cross
5. Charles Forte
6. Tombee Plantation
7. Hassill Point Shell Ring
8. Hunting Island Light House
9. Fort Frederick
10. Chester Field Shell Ring
11. Penn Center
12. Indian Hill
13. Beaufort Historic District
14. Tabby Manse
15. John Mark Verdier House
16. Barnwell-Gough House
17. The Marshlands
18. Robert Smalls House
19. John A. Cuthbert House
20. William and Elizabeth Barnwell House
21. The Anchorage
22. Coffin Point Plantation
23. Little Barnwell Island Shell Ring
24. Sheldon Church
25. Auldbrass Plantation

C. Colleton County

1. Isac Haynes Hall
2. Pon Pon Chapel
3. Colleton County Courthouse
4. Walterboro Jail
5. Walterboro Little Library

D. Dorchester County

1. Middleton Place
2. Old Fort Dorchester
3. Summerville Historic District
4. Cypress Methodist Campground
5. Carroll Place

D. Dorchester County (continued)

6. Indian Fields Methodist Church Campground

E. Charleston County

1. Middleton Plantation
2. Presbyterian Manse
3. Trinity Episcopal Church
4. Fig Island Shell Ring
5. Horse Island Shell Ring
6. Brick House Ruins
7. William Seabrook House (Dodge Plantation)
8. Village of Rockville Historic District
9. Hanckel Mound Shell Ring
10. John Seabrook Plantation Bridge (Adm, George Palmer Bridge)
11. Arnoldus Vanderhorst House
12. Willtown Bluff
13. Johns Island Presbyterian Church
14. Fenwick Hall Plantation
15. Marshlands Plantation House
16. Fort Johnson/Powder Magazine
17. Stiles-Hinston-Thompson House
18. Fort Sumter
19. U. S. Coast Guard District
20. Fort Moultrie
21. Battery Gadsden
22. Battery Thomson
23. McLeod Plantation
24. Castle Pinckney
25. Charleston Historic District
26. Bethel Methodist Church
27. William Blalock House
28. Daniel Blake House
29. Branford-Horry House
30. Miles Brewton House
31. Robert Brewton House
32. Charleston's French Quarter District
33. C & S National Bank of S. C. Building
34. College of Charleston
35. Dock Street Theatre
36. The Exchange & Provost
37. Farmers and Exchange Bank
38. Fireproof Building
39. William Gibbs House
40. DuBose Heyward House
41. Heyward-Washington House
42. Hiberman Hall
43. Hugenot Church

E. Charleston County (continued)

44. McCrady's Tavern and Long Room
45. Joseph Manigault House
46. Market Hall and Sheds
47. Clark Mills Studio
48. James Nickolson House
49. Old Marine Hospital
50. The Circular Congregational Church
51. Powder Magazine
52. Robert Barnwell Rhett House
53. Robert William Raper House
54. Thomas Rose House
55. Nathaniel Russel House
56. Edward Rutledge House
57. Governor John Rutledge House
58. St. Michael's Church
59. St. Phillip's Church
60. Simmons-Edwards House
61. S. C. National Bank of Charleston
62. S. C. State Arsenal
63. Col. John Stuart House
64. Sword Gates House
65. Unitarian Church
66. U. S. Customhouse
67. U. S. Post Office and Courthouse
68. Central Baptist Church
69. St. Mary's Roman Catholic Church
70. Old Bethel United Methodist Church
71. Kabal Kadosh Beth Elohiom Synogogue
72. Mount Pleasant Historic District
73. St. Andrews Parish Church
74. Old Court House
75. William Aiken House and Associated Railroad Structures
76. Site of Old Charlestown
77. Magnolia Cemetery
78. Paul Prichard Shipyard
79. Snee Farm
80. Christ Church
81. Auld Mound
82. Buzzard's Island Shell Ring
83. Oakland Plantation
84. Stono River Slave Rebellion Site
85. Ashley Hall Plantation
86. John Drayton House
87. Magnolia Gardens
88. Sewee Shell Ring
89. Harietta Plantation
90. St. James Santee Episcopal Church

E. Charleston County (continued)

91. Fairfield Plantation
92. Hampton Plantation

F. Berkeley County

1. St. James Goose Creek Church
2. St. Thomas Episcopal Church
3. Medway Plantation
4. Middleburg Plantation
5. Pompion Hill Chapel
6. Strawberry Chapel
7. Calais Mile Stone
8. Tavon Church
9. Thomas Broughton Mulberry) Plantation
10. Lewisfield Plantation
11. Lack Dhu Plantation
12. St. Stephen's Episcopal Church

G. Georgetown County

1. Hopsewee Plantation
2. Annandale Plantation
3. Georgetown Lighthouse
4. Georgetown Historic District
5. Prince George, Winyah, Episcopal Church House
6. Old Market Building
7. Arcadia Plantation
8. Pawleys Island Historic District
9. Mansfield Plantation
10. Prince Frederick's Chapel
11. Brookgreen Gardens
12. Chicora Wood Plantation

H. Horry County

1. Hebron Church
2. Old Horry County Jail

FEDERALLY EXCLUDED LAND

Jasper County

1. Department of Defense - Army Corps of Engineers (Savannah Harbor)
2. Department of Defense - Army Corps of Engineers (Savannah Harbor)
3. Department of Defense - Army Corps of Engineers (Savannah Harbor)
4. Department of Interior - National Wildlife Refuge
5. Department of Defense - Army Corps of Engineers (Savannah River)
6. Department of Defense - Army Corps of Engineers (Savannah River)
7. Post Office

Beaufort County

8. Department of Defense - Army Corps of Engineers (Hilton Head Survey Tower)
9. Department of Interior - Fish and Wildlife Service
10. Department of Defense - Marines - Base
11. Department of Defense - Navy Hospital
12. Post Office
13. Post Office
14. Veternas Administration: National Cemetery
15. Department of Defense - Marines - Base

Beaufort County (continued)

16. Department of Defense - Marines - School
17. Department of Defense - Marines - Housing Project

Colleton County

18. Department of Defense - Army Corps of Engineers (Intracoastal Waterway)
19. Post Office
20. Post Office

Dorchester County

21. Post Office

Charleston County

22. Environmental Protection Agency
23. Department of Defense - Coast Guard
24. Department of Defense - Army Corps of Engineers (Charleston Harbor)
25. Department of Interior - Park Service (Ft. Sumter)
26. Department of Defense - Coast Guard
27. Department of Defense - Army Reserves
28. Department of Defense - Coast Guard
29. General Services Administration - Post Office and U. S. Courthouse

Charleston County (continued)

30. Veterans Administration - Hospital
31. General Services Administration: U.S. Customs House
32. General Services Administration: Federal Building
33. Department of Agriculture - Agricultural Research Service
34. Department of Defense - Navy Reserve
35. Department of Defense - Navy Base
36. Navy Hospital
37. Department of Defense - Air Force
38. Department of Interior - Fish and Wildlife Service
39. Department of Interior - Migratory Bird Refuge

Berkeley County

40. Department of Agriculture - Forest Service (Francis Marion National Forest)
41. Department of Defense - Air Force
42. Department of Defense - Army Corps of Engineers (Charleston Army Depot)
43. Department of Defense - Army Reserves
44. Department of Defense - Navy (Ammunition Department)
45. Department of Defense - Army Reserves

Georgetown County

46. Department of Defense - Coast Guard

Horry County

47. Department of Defense - Air Force

48. Post Office

49. Post Office