



General State Certification No.: SC NWP General State Cert 2026
Effective Date: March 24, 2026
Expiration Date: March 24, 2031

**State of South Carolina
 General State Certification**

A General State Certification to authorize activities in accordance with S.C. Code Ann. §§ 48-1-10 et seq. and S.C. Code Ann. Regulation 61-101, and S.C. Code Ann. § 48-39-10 et seq, and the S.C. Coastal Zone Management Program document is hereby issued by the South Carolina Department of Environmental Services (SCDES or the Department) for the Nationwide Permits (NWPs) listed below and in accordance with the General and Special conditions listed in Sections II and III below:

Nationwide Permit Finalized by the US Army Corps of Engineers	Applicable State Certification
12. Oil or Natural Gas Pipeline Activities	401 Water Quality Certification only
14. Linear Transportation Project	401 Water Quality and Coastal Zone Consistency
23. Approved Categorical Exclusions	401 Water Quality Certification only
29. Residential Developments	401 Water Quality and Coastal Zone Consistency Certification
39. Commercial and Institutional Developments	401 Water Quality and Coastal Zone Consistency Certification
42. Recreational Facilities	Coastal Zone Certification only
44. Mining Activities	401 Water Quality Certification only
46. Discharges in Ditches	401 Water Quality Certification only
51. Land-Based Renewable Energy Generation Facilities	Coastal Zone Consistency only
57. Electric Utility Line and Telecommunications Activities	401 Water Quality Certification only
58. Utility Line Activities for Water and Other Substances	401 Water Quality Certification only

I. Background:

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) issued a proposed rule in the Federal Register (90 FR 26100) that announced the reissuance of 56 existing NWP and the proposal to issue one new NWP. One NWP is not proposed for reissuance. In response to the June 18th proposed rule, the Department initiated actions to certify the proposed NWPs, the Department issued a final certification in accordance with Section 401 of the Federal Clean Water Act (CWA), as amended, and a certification of consistency with the Coastal Zone Management Act (48-39-10 et.seq.).

On January 8, 2026, the Corps published a final rule in the Federal Register (91 FR 768). In this notice, the Corps announced that it was reissuing 56 of 57 existing NWPs with some modifications and associated general conditions and definitions, and to create one new NWP. Additionally on January 7, 2026, the Corps' Charleston District issued their Final Regional Conditions for the 57 NWPs. In that notice, the Charleston District denied the Section 401 Water Quality Certification (401 Certification) for NWP 12, 14, 23, 29, 39, 44, 46, 57, and 58 as well as the Coastal Zone Consistency (CZC) for NWPs 12, 14, 23, 29, 39, 42, 44, 46, 51, 57, and 58.

The purpose of this General State Certification is to authorize, in accordance with the conditions below, the 401 and CZC Certifications that were denied by the Corps' Final Regional Conditions.

II. General Conditions

- a. All applicants requesting coverage under this General State Certification must provide documentation that a Pre-Filing Meeting Request was submitted to SCDES prior to submitting a certification request.
(See <https://des.sc.gov/sites/des/files/Documents/BOW/WaterQuality/PrefilingMeetingandCertificationRequestInstructionsRevised2023.pdf> for details.)
- b. All applicants requesting coverage under this General State Certification must provide a copy of the provisional notification from the Corps as well as a copy of the Pre-Construction Notification.
- c. The SCDES BCM has direct permit authority for activities which will utilize or alter the Critical Areas (as defined in 48-39-10, R.30-1(D), and R.30-10).
 - i. For those activities which require a direct critical area permit, the issued permit will serve as the consistency determination.
 - ii. For those activities that do not require a direct critical area permit, the subsequent coastal zone consistency conditions for each specific Federal NWP authorization will serve as the consistency determination.
- d. Impacts for discharges to streams must be provided in linear feet.
- e. If a state endangered species is found during project activities, the permittee must notify the South Carolina Department of Natural Resources (SCDNR). Take of state protected species listed under S.C. Code of Law

III. Special Conditions

In addition to the General Conditions noted above, all activities must comply with the Special Conditions outlined below specific to the NWP for which authorization is requested.

a. Nationwide Permit 12 - Oil or Natural Gas Pipeline

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for pipelines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

b. Nationwide Permit 14 – Linear Transportation Projects

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants. The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

c. Nationwide Permit 23 – Approved Categorical Exclusions

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for activities if the discharge will cause the loss of greater than 0.25 acres of Waters of the United States or more than 300 linear feet of stream impacts.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

d. Nationwide Permit 29 – Residential Developments

Conditions for the 401 Water Quality Certification:

1. The impounding of water and creating of lakes or ponds is not authorized.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions for the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

e. Nationwide Permit 39 – Commercial and Institutional Developments

Conditions for the 401 Water Quality Certification:

1. The impounding of water and creating of lakes or ponds is not authorized by this NWP.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions for the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

f. Nationwide Permit 42 – Recreational Facilities

Conditions of the Coastal Zone Consistency Certification:

1. The use of this NWP must be limited to nature trails/horse trails, bike paths, small bridges or walkways. These activities must be a maximum of 8' wide and involve hand clearing only (golf courses, ski areas, buildings and campgrounds are not approved).
2. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

g. Nationwide Permit 44 – Mining Activities

Conditions for the 401 Water Quality Certification:

1. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

h. Nationwide Permit 46 – Discharges in Ditches

Conditions for the 401 Water Quality Certification:

1. This NWP is not certified for discharges causing the loss of greater than a half-acre of waters of the United States.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

i. Nationwide Permit 51 – Land-Based Renewable Energy Generation Facilities

Conditions of the Coastal Zone Consistency Certification:

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.
2. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

j. Nationwide Permit 57 – Electric Utility Line and Telecommunications Activities

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for utility lines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

k. Nationwide Permit 58 – Utility Line Activities for Water and Other Substances

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for utility lines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

IV. Authority

This General State Certification shall become effective on the date signed by SCDES.

By Authority of the South Carolina Department of Environmental Services

Signature

Date

Title