



SC DEPARTMENT *of*
**ENVIRONMENTAL
SERVICES**

Upper Sunnyhill Dam Community Meeting

August 28, 2024 @ 6:30 PM

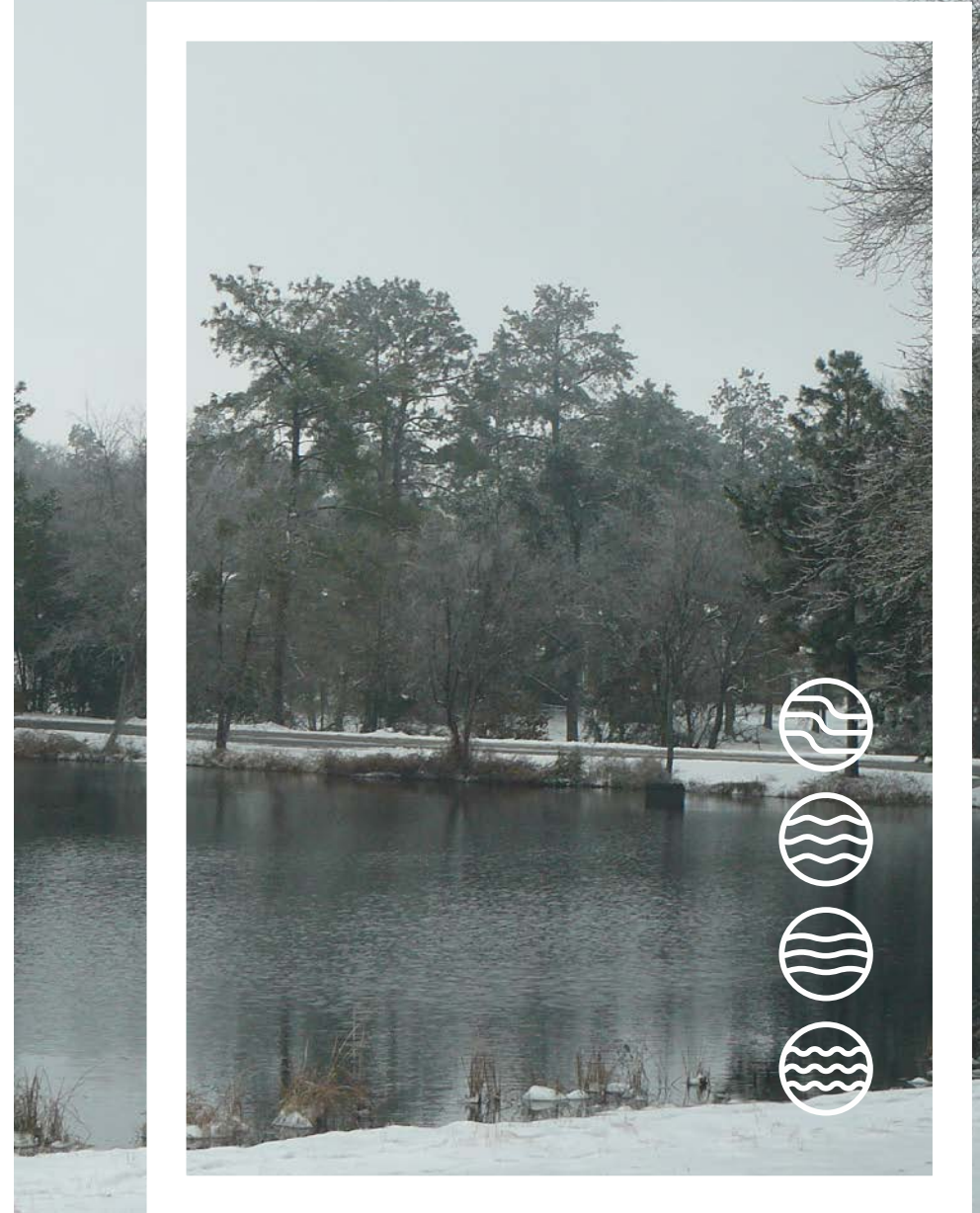


Photo of Upper Sunnyhill Pond Dam in Snow
courtesy of Bill Rozier

Photo Date: January 2011

Agenda

- Start @ 6:30 PM
- Welcome and Introductions (~10 mins)
- Background (~20 mins)
- Report on Current Condition (~10 mins)
- Possible Solutions (~20 mins)
- Question and Answer (~30 mins)
- Discussion (~30 mins)
- Adjourn @ 8:30 PM



Welcome and Introductions



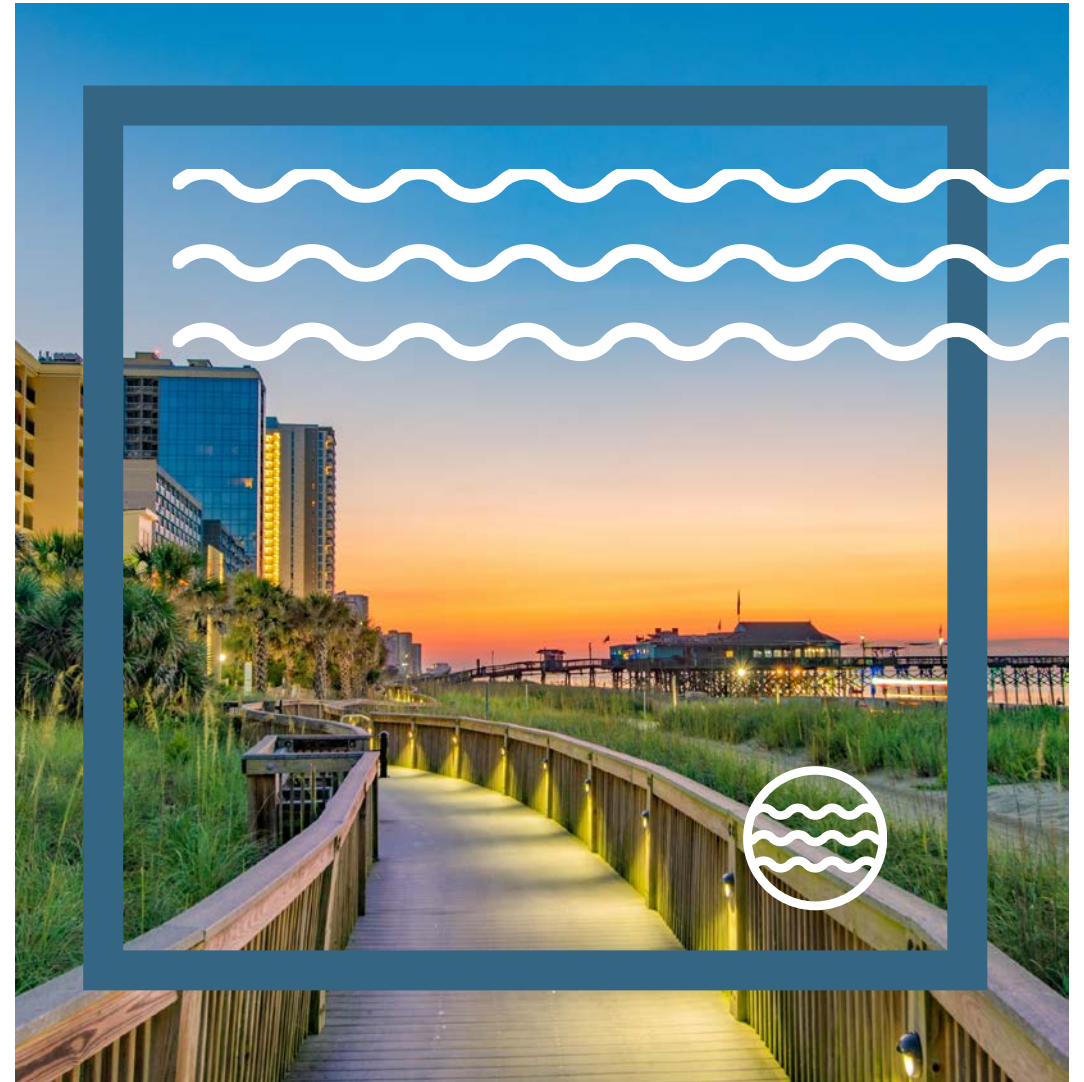
Introduction of SCDES Staff

- John McCain, P.E., Section Manager, Dam Safety Section
- Jared Woodard, Engineering Associate, Regional Dam Safety Engineer
- Sam Johnson, Environmental Health Manager, Dam Safety Section
- Chris Whitehead, Attorney, Office of General Counsel



Others in attendance

- SCDOT?
- City of Camden?
- Kershaw County?
- Legislative Delegation?

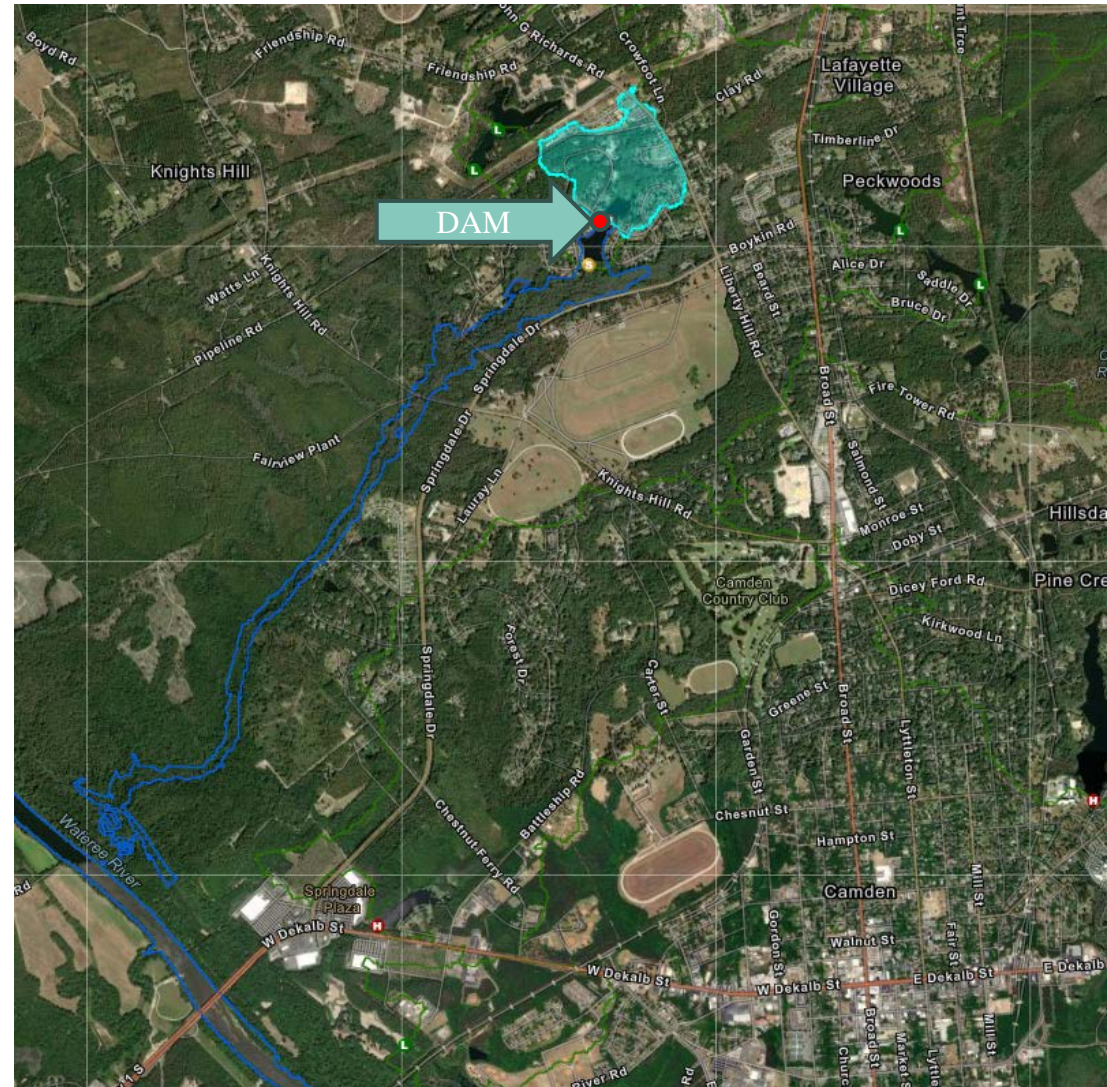


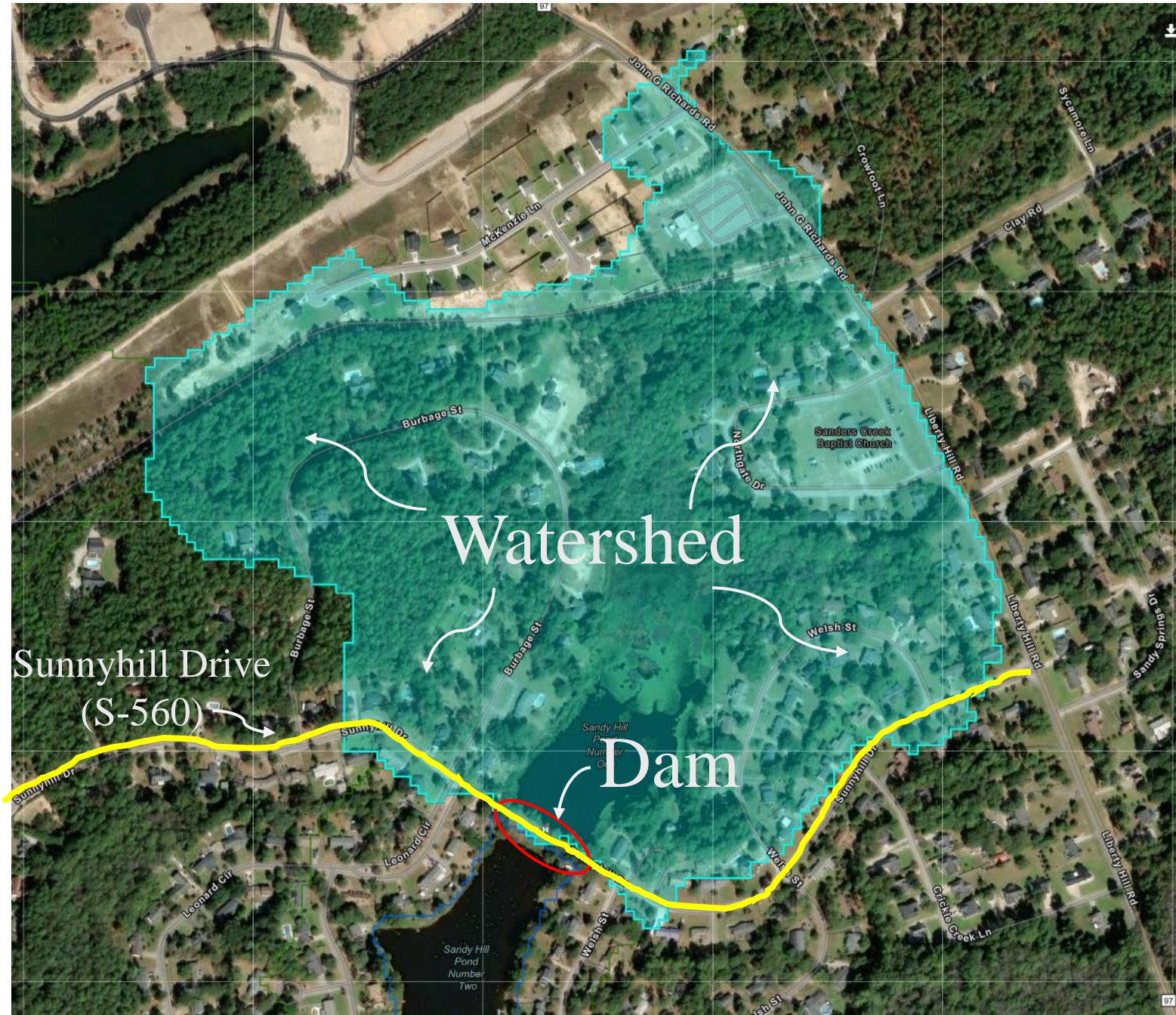
Background



Location

- Sunnyhill Community (developed late 1960s)
- Approx. 3 miles north of downtown Camden
- Light blue is watershed (115 acres)
- Dark blue is breach inundation zone





Background

- Dam Name: Upper Sunnyhill Pond Dam
- Alternate Names: Sunnyhill Upper Pond Dam, Sunny Hill Number 1 Dam
- Dam Numbers: D2523, SC01464
- Year Constructed: 1964 (USACE)
- Year Regulated: 1979 (initial inventory)
- Designed by: Sheddie Tetterton, RLS
- Hazard Classification: High
- Reason for Hazard Classification:
 - In the event of failure, dam would potentially inundate homes on Leonard Circle and overtop roads (Sunnyhill Drive and Knights Hill Road)
- Dam Height: ~15 feet (USACE)
- Dam Length: ~495 feet (USACE)
- Crest Width: 46 feet (USACE)
- Dam Max Storage: ~174 acre-ft (USACE)
- Watershed size: 0.18 sq. mi. (115.2 ac.)
- Impounded stream: Unnamed tributary to Wateree River
- Road on Dam: Sunnyhill Drive (State Secondary Route S-560)
- Last Inspection: July 8, 2024
- Inspection Rating: Poor

Construction of Dam



Image Source: <https://digital.library.sc.edu/collections/south-carolina-aerial-photograph-indexes-1937-1989/>

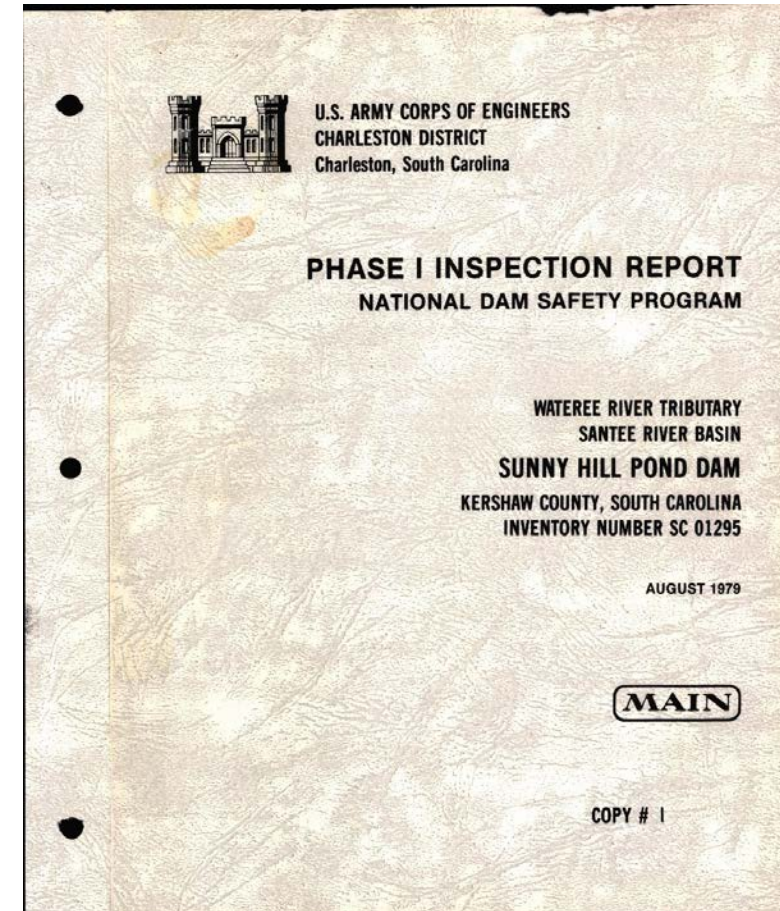
Initial Inspection

- US Army Corps of Engineers (USACE), August 1979

BRIEF ASSESSMENT

The Sunny Hill Pond Dam discussed in this report is directly upstream from another dam and is designated Sunny Hill Pond #1 Dam. The dam directly downstream is designated Sunny Hill Pond #2 Dam. The #1 Dam is a 15-foot high earth embankment about 495 feet long. Its outlet works consist of a drop-inlet fabricated from one-half of a corrugated metal pipe and a flat metal plate, connected to a 36-inch diameter, CMP outlet conduit which extends through the dam embankment. It has no spillway.

The dam is classified as "small" in size and has a "high" hazard potential. The size classification is based on the height of the dam and the storage capacity of the reservoir. The hazard potential has been defined as high because several structures that are located on waterfront lots around Sunny Hill Pond #2 directly downstream appear to be in areas susceptible to flooding.



Initial Inspection (cont'd)

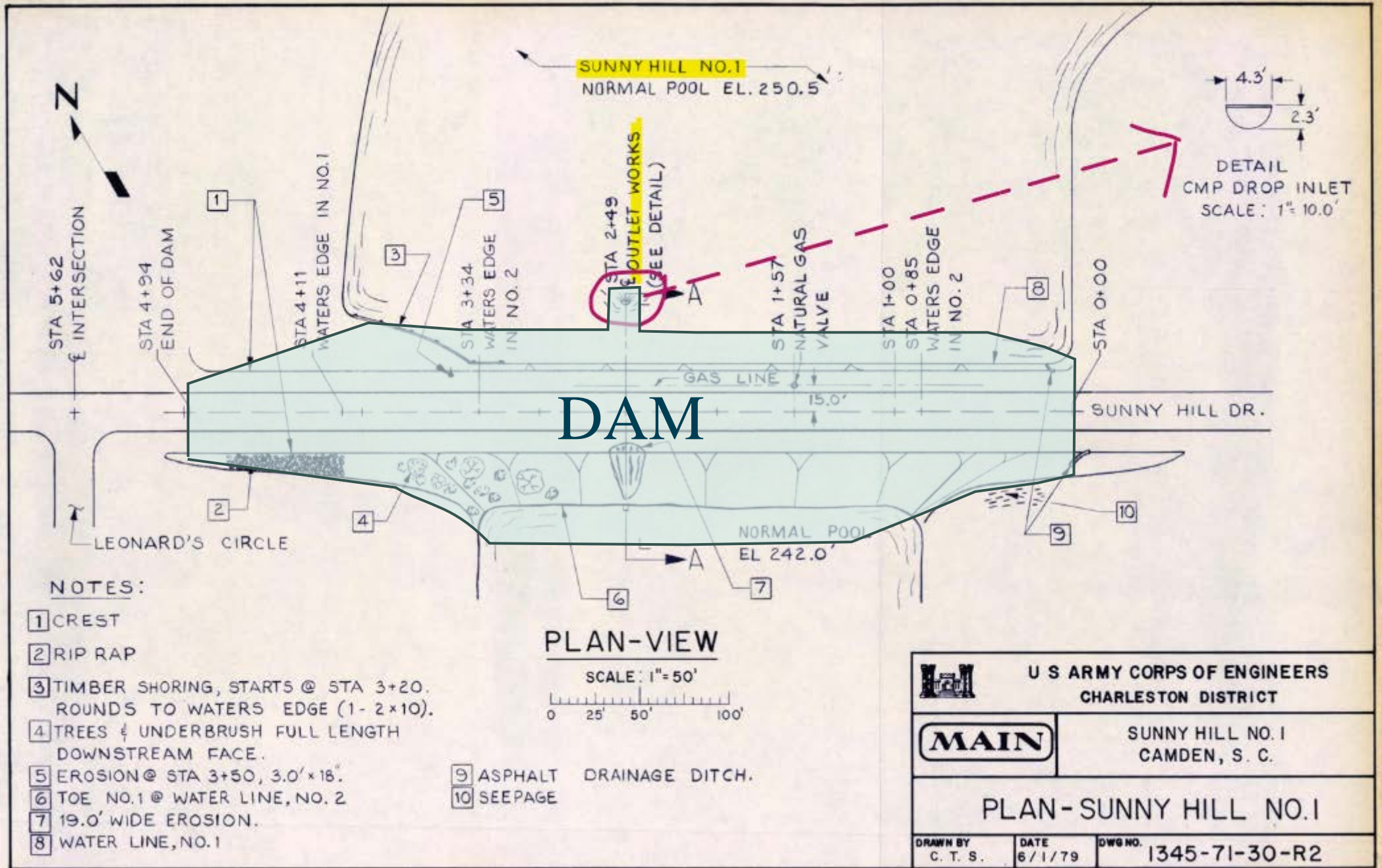
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The required spillway design flood (SDF) for the Sunny Hill Pond #1 Dam can range from one-half of the probable maximum flood (PMF) to the full PMF. Because of the size of the dam and the number of structures situated in potential flood-prone areas downstream from the dam, the SDF was selected to be one-half of the PMF. A preliminary hydrology study, which utilized broad assumptions concerning the hydrologic and hydraulic characteristics of the upstream watershed, showed that the existing reservoir storage and dam discharge capacity are capable of only handling a flood equivalent to about 26 percent of the SDF (13 percent of the full PMF) without the dam crest overtopping.

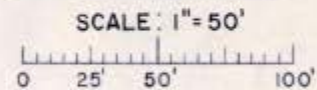
Since the preliminary hydrology study suggests that the existing dam discharge capacity is not adequate to handle the SDF, the dam is considered "unsafe." In addi-



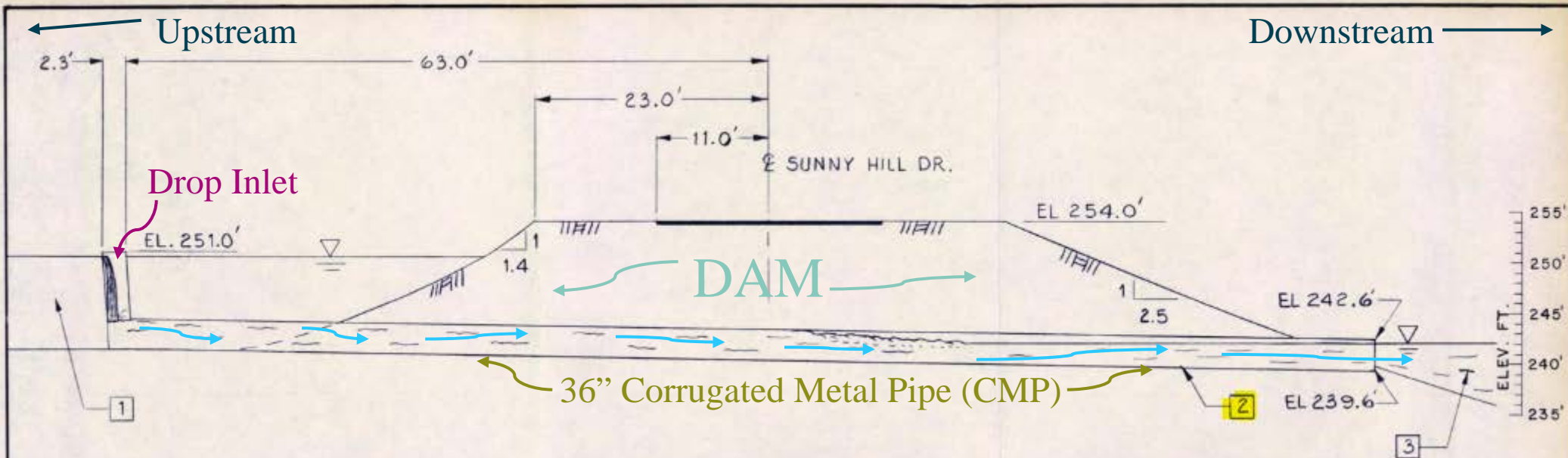
NOTES:

- 1 CREST
- 2 RIP RAP
- 3 TIMBER SHORING, STARTS @ STA 3+20. ROUNDS TO WATERS EDGE (1- 2x10).
- 4 TREES & UNDERBRUSH FULL LENGTH DOWNSTREAM FACE.
- 5 EROSION @ STA 3+50, 3.0'x18'.
- 6 TOE NO.1 @ WATER LINE, NO. 2
- 7 19.0' WIDE EROSION.
- 8 WATER LINE, NO.1
- 9 ASPHALT DRAINAGE DITCH.
- 10 SEEPAGE

PLAN-VIEW




U S ARMY CORPS OF ENGINEERS CHARLESTON DISTRICT		
MAIN		SUNNY HILL NO. 1 CAMDEN, S. C.
PLAN - SUNNY HILL NO. 1		
DRAWN BY C. T. S.	DATE 6/1/79	DWG NO. 1345-71-30-R2



SECTION A-A
 SCALE: 1"=10'
 0 5' 10' 20'

- NOTES:
- 1 SUNNY HILL NO 1. NORMAL WATER LEVEL 250.5'
 - 2 C.M.P. 36" Ø, SLOPE UNKNOWN.
 - 3 SUNNY HILL NO 2. NORMAL WATER LEVEL 242.0'


 U S ARMY CORPS OF ENGINEERS CHARLESTON DISTRICT		
MAIN		SUNNY HILL NO. 1 CAMDEN, S. C.
SECTION A-A		
DRAWN BY C. T. S.	DATE 6 / 11 / 79	DWS NO. 1345-71-30-R 4

Intervening Years (1979 – 2001)

- **Dec 1979** - Dam purportedly originally owned by Sunnyhill, Inc. Sheddie Tetterton is sent USACE inspection report as “President” of “Sunny Hill Corporation”
- **Feb 1980** – Dam Safety Program sends copies of inspection report to Tetterton, Hurst, Green, West, Ford and Hendrix. All deny responsibility for dam.
- **Dec 1980** - Dam Safety Program requests SC Attorney General assistance in determining ownership
- **10-year gap in timeline**
- **Jan 1991** - Dam Safety Program again requests SC Attorney General assistance in determining ownership
- **Apr 1991** – SC Attorney General’s office assigns outside attorney to perform title search
- **Aug 1991** – Internal Dam Safety Program memo says outside attorney was unable to provide any conclusive establishment of owners of the dam
- **Feb 1992** – Dam Safety Program letter states staff attorney has performed an extensive title search and concludes South Lake Inc. owns the southern (downstream) portion of the dam and the shareholders of Sunnyhill, Inc own the remainder. Shareholders of Sunnyhill, Inc. are named as John C. West Sr., Sheddie Tetterton, and Alice Ford.
- **Jun 1992** – Dam Safety Program issues a repair order to John C. West, Sr., Sheddie Tetterton, Alice Ford, and South Lake, Inc.
- **Jun 1992** – Attorney for West, Tetterton and Ford claim they are not responsible for dam, but still hired an engineer to assess condition of dam and found it adequate
- **July 1992** – Attorneys for West, Tetterton, and Ford file a petition to appeal repair order in the court of common pleas
- **Aug 1992** – Permit application received. As owner, application states “Unknown but allegedly West, Tetterton, Ford, South Lake, Inc.” Application is signed by Attorney for Tetterton.
- **Dec 1992** – Attorney for Tetterton, et al motions to Court to add Highway Dept. as a party to the lawsuit
- **Apr 1993** - Judge determines that not all remedies have been pursued and West, Tetterton, et al must request a hearing before the SC Land Resources Conservation Commission before appealing to Court of Common Pleas
- **July 1994** - Dam Safety Program moves from SC Land Resources Conservation Commission to DHEC; SCLRCC dissolved as an agency
- **Aug 1994** – Contested Case Hearing is held.
- **July 1995** – Hearing officer’s findings of fact released. Officer finds ownership may rest with multiple parties, and provides reasons why, but that Repair Order should be dismissed.
- **Aug 1995** – DHEC Board takes up hearing officer’s findings
- **Nov 1995** – DHEC Board directs staff to re-issue a repair order
- **Dec 1995** – Dam Safety Program adds Outlaw, Green and Montgomery as dam owners
- **Jan 1996** – Outlaws appeal the issuance of a repair order, claim not dam owners
- **Feb 1997** – Dam Safety Program petitions Court of Common Pleas for Kershaw County to decide ownership of dam
- **Mar 1998** – Dam Safety Program proposes a settlement with defendants
- **Jan 2001** – Settlement agreement signed by Judge Barber

Disclaimer: This is not intended to be a complete and fully accurate summary!

Settlement Agreement (2001)

<p>STATE OF SOUTH CAROLINA COUNTY OF KERSHAW IN RE: SUNNY HILL POND, CAMDEN, S.C. SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, Plaintiff, v. John C. West, Sr., Sheddie Tetterton, Alice B. Ford, Marion and Elizabeth Outlaw, Bebe R. Bailey, Michael Y. Horton, Wade A. Green, Fred and Sheridan Oxley, Tommy S. Granger, Stephen and Elizabeth Shataka, Colonel Hudson R. and Ruth L. Hurst, Marquis B. and Shirley C. Reger, Lane Garrity, John M. and Annah J. Deal, Wendle W. and Cora L. Wolfe, Melvin C. and Beverly Kaye Harris, William E. and Barbara H. Rush, Jim Fike, James H. and Frances A. Montgomery, George T. and Margaret S. Cracraft, Gary S. and Leslie P. Strozyk, Timothy L. and Paula T. Bordner, FCCA LLC c/o Anthony M. and Sarah C. Messier, James E. Sullivan c/o Randy and Bonnie Sullivan including his or her spouse, if any there be, and if he, she, or they be dead (as parties in interest whose names are unknown) and children and heirs at law or distributees of the above-named, and all persons claiming any right, title, estate, interest in or lien upon lots bordering upon Sunny Hill Pond (also known as Upper Sunnyhill Pond), Camden, SC, any unknown adults being as a class designated as John Doe and any unborn infants or persons under a disability being as a class designated as Richard Roe, South Lake Homeowners Association, Inc., a South Carolina corporation, and South Carolina Department of Transportation, Defendants.</p>	<p>IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.97-CP-28-0097 SETTLEMENT AGREEMENT</p> <p style="text-align: center;">NOT RECORDED 01 FEB -6 AM 11:47 CLERK OF COURT KERSHAW COUNTY, S.C.</p> <p>I hereby certify that the foregoing is a true and exact copy of original on file in this office.  Joyce McDonald Clerk of Court Kershaw County, S. C.</p>
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Defendants*:

- | | |
|--------------------------------------|---|
| 1. John C. West, Sr. | 16. Melvin and Beverly Kaye Harris |
| 2. Sheddie Tetterton | 17. William E. and Barbara H. Rush |
| 3. Alice B. Ford | 18. Jim Fike |
| 4. Marlon and Elizabeth Outlaw | 19. James H. and Frances A. Montgomery |
| 5. Bebe R. Bailey | 20. George T. and Margaret S. Cracraft |
| 6. Michael Y. Horton | 21. Cary S. and Leslie P. Strozyk |
| 7. Wade A. Green | 22. Paula T. Bordner |
| 8. Fred and Sheridan Oxley | 23. FCCA, LLC c/o Anthony M. and Sarah C. Messier |
| 9. Tommy S. Granger | 24. James E. Sullivan c/o Randy and Bonnie Sullivan |
| 10. Stephen and Elizabeth Shataka | 25. South Lake Homeowners Association, Inc. |
| 11. Col. Hudson R. and Ruth L. Hurst | 26. South Carolina Department of Transportation |
| 12. Marquis B. and Shirely C. Reger | |
| 13. Lane Garrity | |
| 14. John M. and Annah J. Deal | |
| 15. Wendle W. and Cora L. Wolfe | |

*Includes spouses, children, heirs and any persons claiming any right, title, estate, interest in or lien upon lots bordering Sunny Hill Pond aka Upper Sunnyhill Pond

This matter came before the Court on October 3, 2000, on complaint of the South Carolina Department of Health and Environmental Control (DHEC) seeking judicial determination of the party or parties who are responsible for operation and maintenance of the dam impounding the Upper Sunnyhill Pond located near Camden, SC.

The parties submitted a verbal settlement to the Court. After questioning all parties either in their individual capacity or through counsel, I conclude that the proposal is fair and equitable and will resolve the dispute among them. Therefore, with the consent of the parties, it is hereby ordered that :

1. Small trees having trunk diameter at the ground of six inches or less, and other undergrowth on the dam, will be removed.

a) To this end, South Lake Homeowners Association will contribute \$1,000; the residents of the upper Sunnyhill Pond will contribute \$1,000; and defendants West, Tetterton, and Ford will contribute a total of \$2,000; said funds to be paid to Robert J. Sheheen, Esquire, within fourteen days of the date of this order to be held in escrow for payment of the expense of clearing the dam.

b) The South Carolina Department of Transportation will remove small trees and undergrowth within its right of way adjacent to SC 560.

2. The homeowners having lots on the upper Sunnyhill Pond will establish a homeowners' association in corporate form issuing such shares and having such bylaws as may be agreeable to them which will notify the Department of Health and Environmental Control of its acceptance of the responsibility for receiving and responding to DHEC's inspection reports; maintaining the dam; and establishing and maintaining an emergency notification plan. A plan for establishing this association will be provided to all parties within fourteen days of the date of

this order.

3. Once formed, the upper Sunnyhill Pond homeowners' association will assume control of the dam. Defendants West, Tetterton, and Ford will deliver quit-claim deeds transferring whatever ownership interest they have in the dam to the homeowners' association.

4. Once the homeowners' association is formed, DHEC will deliver releases from any further responsibility under the Dams and Reservoirs Safety Act in appropriate form to defendants West, Tetterton, and Ford in their personal and corporate capacities.

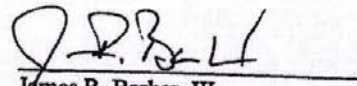
5. South Lake Homeowners' Association shall grant the upper Sunnyhill Pond homeowners' association or its contractors reasonable access to the lower slope of the dam to inspect and operate the dam as may be necessary.

6. Once the trees and undergrowth are removed from the dam in accordance with paragraph 1, DHEC will inspect the dam in accordance with its normal procedures. DHEC will notify the homeowners' association if, after inspecting the dam, the inspection schedule can be changed from annual to triennial inspections.

This order inures to the benefit of all parties, and is binding on all parties.

AND IT IS SO ORDERED.

1/31, 2000
Camden, SC
Columbia


James R. Barber, III
Judge, Fifth Judicial Circuit

HOA Creation

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF INCORPORATION
STATUTORY CLOSE CORPORATION

Jim Miller
SECRETARY OF STATE
FILED
AUG 27 2001
AM PM
7 8 9 10 11 12 1 2 3 4 5 6

TYPE OR PRINT CLEARLY IN BLACK INK

1 The name of the proposed corporation is Sunnyhill Northlake, Inc.

2 This corporation is a statutory close corporation, pursuant to Chapter 18, Title 33 of the 1976 South Carolina Code of Laws, as amended.

3 The initial registered office of the corporation is 1111 Church Street
Street Address
Camden Kershaw South Carolina 29020
City County State Zip Code
 and the initial registered agent at such address is Robert J. Sheheen
Agent's Signature

4 The corporation is authorized to issue shares of stock as follows. Complete "a" or "b", whichever is applicable

a [x] The corporation is authorized to issue a single class of shares, the total number of shares authorized is 25

5 The existence of the corporation shall begin as of the filing date with the Secretary of State unless a delayed date is indicated (See Section 33-1-230(b) of the 1976 South Carolina Code of Laws, as amended)

6 Unless specified otherwise below, the transfer of shares of stock of the corporation shall be subject to the restrictions set out in Sections 33-18-110 through 33-18-130 of the 1976 South Carolina Code of Laws, as amended. Specify any variations in the statutory format in Sections 33-18-110 through 33-18-130

The shares of stock in this Corporation may be owned only by those lot owners whose lot fronts on the Upper Sunnyhill Pond in Sunnyhill subdivision in Kershaw County, South Carolina. Each lake front lot is entitled to one (1) share and the share of stock must be transferred with the ownership of the lot and may not be transferred to any other person(s) who is not a lot owner which lot fronts on said pond.

7 Unless otherwise specified below the corporation shall have a board of directors (See Section 33-18-210 of the 1976 South Carolina Code of Laws, as amended)

This corporation elects not to have a board of directors.

8 Check, if applicable

Sunnyhill Northlake, Inc.
NAME OF CORPORATION

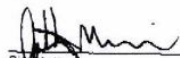
Specify any variations in the statutory format in Sections 33-18-140 through 33-18-170.

The only variation which applies to this corporation is the variation which is stated in No 6 of these articles:

The shares of stock in this Corporation may be owned only by those lot owners whose lot fronts on the Upper Sunnyhill Pond in Sunnyhill subdivision in Kershaw County, South Carolina. Each lake front lot is entitled to one (1) share and the share of stock must be transferred with the ownership of the lot and may not be transferred to any other person(s) who is not a lot owner which lot fronts on said pond

9 The optional provisions, which the corporation elects to include in the articles of incorporation, are as follows (See the applicable provisions of Sections 33-2-102, 33-18-330, 35-2-105, and 35-2-221 of the 1976 South Carolina Code of Laws, as amended).

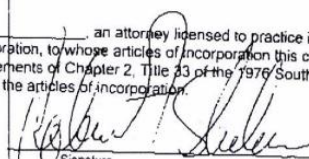
10. The name, address, and signature of each incorporator is as follows (only one is required):

a Anthony Messier
Name
228 Ann's Court Camden, S. C. 29020
Address

Signature

Sunnyhill Northlake, Inc.
NAME OF CORPORATION

11 I, Robert J. Sheheen, an attorney licensed to practice in the state of South Carolina, certify that the corporation, to whose articles of incorporation this certificate is attached, has complied with the requirements of Chapter 2, Title 33 of the 1976 South Carolina Code of Laws, as amended, relating to the articles of incorporation.

Date 2001


Signature

Robert J. Sheheen
Type or Print Name

1111 Church Street
Address

Camden, S. C. 29020

803-432-4391
Telephone Number

FILING INSTRUCTIONS

1 Two copies of this form: the original and either a duplicate original or a conformed copy, must be filed.

2 If the space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form.

3 Enclose the fee of \$135.00 payable to the Secretary of State.

4 THIS FORM MUST BE ACCOMPANIED BY THE ANNUAL REPORT (SEE SECTION 12-19-20 OF THE 1976 SOUTH CAROLINA CODE OF LAWS, AS AMENDED).

Return to: Secretary of State
 PO Box 11350
 Columbia, SC 29211

SPECIAL NOTE

ALL SHARE CERTIFICATES ISSUED BY A STATUTORY CLOSE CORPORATION MUST CONTAIN THE FOLLOWING CONSPICUOUS NOTICE:

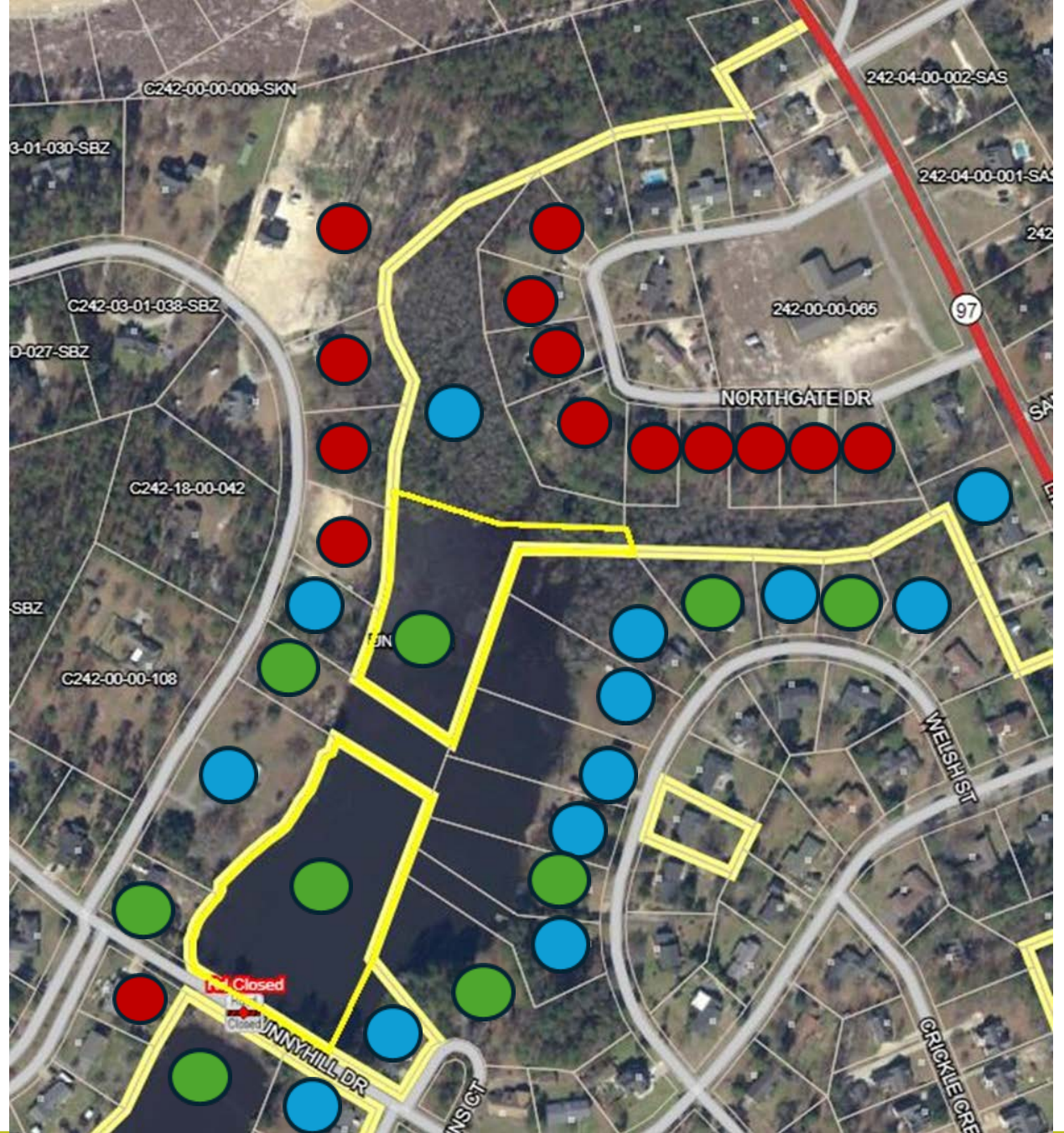
THE RIGHTS OF SHAREHOLDERS IN A STATUTORY CLOSE CORPORATION MAY DIFFER MATERIALLY FROM THE RIGHTS OF SHAREHOLDERS IN OTHER CORPORATIONS. COPIES OF THE ARTICLES OF INCORPORATION AND BY-LAWS, SHAREHOLDERS' AGREEMENTS AND OTHER DOCUMENTS, ANY OF WHICH MAY RESTRICT TRANSFERS AND BY-AFFECT VOTING AND OTHER RIGHTS, MAY BE OBTAINED BY A SHAREHOLDER ON WRITTEN REQUEST TO THE CORPORATION.

THE FILING OF THIS DOCUMENT DOES NOT, IN AND OF ITSELF, PROVIDE AN EXCLUSIVE RIGHT TO USE THIS CORPORATE NAME OR IN CONNECTION WITH ANY PRODUCT OR SERVICE. USE OF A NAME AS A TRADEMARK OR SERVICE MARK WILL REQUIRE FURTHER CLEARANCE AND REGISTRATION AND BE AFFECTED BY PRIOR USE OF THE MARK. FOR MORE INFORMATION, CONTACT THE TRADEMARKS DIVISION OF THE SECRETARY OF STATE'S OFFICE AT (803) 734-2511.

Green-The current property owner was a named party in the 2001 settlement

Blue-The property owner at the time of the settlement was a named party to the settlement

Red-The property owner at the time of the settlement was not a named party to the settlement



Quitclaim Deed

013668 SHS
79

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

QUIT CLAIM DEED

11211 BK1075 PG340

TO ALL WHOM THESE PRESENTS MAY COME:

WHEREAS: John C. West, Sheddie Tetterton and Alice Ford SEND GREETINGS:

Whereas, the named John C. West, Sheddie Tetterton and Alice Ford were involved in the development of the Sunnyhill Subdivision in Kershaw County, State of South Carolina through the ownership in stock in Sunnyhill, Inc.; and

Whereas, the corporation was dissolved and the named parties are the sole surviving former stockholders in said corporation; and,

Whereas, by that certain civil action (97-CP-28-0097) in Kershaw County, State of South Carolina, State of South Carolina was brought to determine the ownership of the Upper Sunnyhill Pond dam; and,

Whereas, a settlement agreement executed by James R. Barber III called for the quitclaiming of any interest in said ownership of said dam by the Grantors hereto:

NOW, KNOW ALL MEN BY THESE PRESENTS, That John C. West, Sheddie Tetterton and Alice Ford, the said Grantors in consideration of the premises and also in consideration of the sum of Five (\$ 5. 00) Dollars to us in hand paid at and before the sealing and delivery of these presents and in compliance with the Settlement Agreement executed by the Court (by Sunnyhill Northlake, Inc.) (the receipt whereof is hereby acknowledged), have remised, released, and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto the said Sunnyhill Northlake Inc., and by these presents do remise release, and forever quit-claim unto the said Sunnyhill Northlake, Inc. its successors and assigns:

In witness whereof, we have hereunto set our hands and seals at Greenville, N.C. this 13th day of December, 2001.

Recorded this 13th day of December, 2001
H.C.F. 6072

FILED FOR RECORD 11/13/2001 02:30:49W
KERSHAW COUNTY REC'D
11/13/2001 02:30:49W
Joyce McDonald, Clerk of Court
Kershaw County, SC

KERSHAW COUNTY ASSessor
MAP # 03802 11.21.01 SHS
01 11/13/01 02
KERSHAW COUNTY REC'D
11/13/2001 02:30:49W

11211 BK1075 PG341

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said Sunnyhill Northlake, Inc., its successors and assigns, forever - so that neither we the said John C. West, Sheddie Tetterton and Alice Ford nor our heirs, nor our heirs, nor neither we the said John C. West, Sheddie Tetterton, and Alice Ford nor our heirs, nor any other person or persons, claiming under us or them, shall at any time hereafter, by any way or means, have, claim or demand any fight or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

By acceptance of this deed, the Grantee fully releases the Grantors from any liability, maintenance, obligations, claims, or any ownership interest, of any nature whatsoever pertaining to the within described property.

WITNESS the Hand and Seal of the Grantor this day 27 of October in the year of our Lord two thousand one and in the two hundred and twenty-sixth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Robert Shick
as to Sheddie Tetterton

Sheddie Tetterton (Seal)
Sheddie Tetterton

William S. Tetterton (Seal)
By William S. Tetterton, his attorney-in-fact

Alice Ford (Seal)
Alice Ford

John C. West (Seal)
John C. West

James R. Barber III
as to Alice Ford and John C. West

Certificate of Dissolution (2013)

<p>130801-0039 FILED: 08/01/2013 SUNNYHILL NORTHLAKE, INC. Filing Fee: \$0.00 ORIG Mark Hammond South Carolina Secretary of State</p>	<p>130801-0039 Filed: 8/1/2013 SUNNYHILL NORTHLAKE, INC. Filing Fee: \$0.00 Mark Hammond South Carolina Secretary of State</p>
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**STATE OF SOUTH CAROLINA
SECRETARY OF STATE
COLUMBIA, SOUTH CAROLINA**

**CERTIFICATE OF DISSOLUTION
BY ADMINISTRATIVE DISSOLUTION**

SUNNYHILL NORTHLAKE, INC.
1111 CHURCH ST
CAMDEN . SC 29020-3501

Date of Dissolution:
AUG 01, 2013
20304300

South Carolina Code of Laws §33-14-200 provides that the South Carolina Secretary of State's Office shall administratively dissolve a corporation for the following reasons:

- (1) The corporation does not pay any franchise taxes, taxes payable under Chapter 7, of Title 12, or penalties imposed by the law;
- (2) The corporation does not deliver its annual report to the Department of Revenue when it is due;
- (3) The corporation is without a registered agent or registered office in this state;
- (4) The corporation does not notify the Secretary of State that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued; or
- (5) The corporation's period of duration stated in its articles of incorporation expires

Based on the records provided by the South Carolina Department of Revenue, it appears that after proper statutory notice, the above named corporation has failed to meet the requirements of (1) and/or (2) as set forth above.

Now therefore, under the authority of South Carolina Code of Laws §33-14-200, the above named corporation is administratively dissolved as of the date of this Certificate of Dissolution.

Mark Hammond
Mark Hammond
South Carolina Secretary of State

Inquiries concerning this administrative dissolution should be directed to the South Carolina Department of Revenue, Corporate Section, Columbia, SC 29214-0100 or (803) 896-1730.

NIXIE 292 DE 1009 8809/03/13

ADM. DISSOLUTION: RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

led by South Carolina
y of State, April 2008

P.B. 00288 BC: 29201374525 *0554-07322-05-36
11

Registered Agent Correspondence (2014)

SAVAGE ROYALL & SHEHEEN L.L.P.
ATTORNEYS AND COUNSELORS AT LAW

EDWARD M. ROYALL
ROBERT J. SHEHEEN
MOULTRIE B. BURNS, JR.
WILLIAM B. COX, JR.
VINCENT A. SHEHEEN *
STEPHEN R. SMOAK

MICHAEL D. WRIGHT

HENRY SAVAGE, JR.
1903 - 1990
* CERTIFIED MEDIATOR & ARBITRATOR

RECEIVED
OCT 23 2014
FLORENCE EQC OFFICE

1111 CHURCH STREET
CAMDEN, S.C. 29020

P.O. DRAWER 10
CAMDEN, S.C. 29021

TELEPHONE: (803) 432-4391
FACSIMILE: (803) 425-4816

October 21, 2014

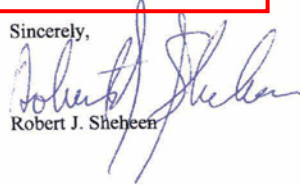
Mr. Kevin Kim
SCDHEC
145 E. Cheves Street
Florence, SC 29506

Re: Sunnyhill Northlake, Inc.
Camden, SC

Mr. Kim:

I am returning the notice of the dam inspection that you sent to me. I represented the Stockholders of Sunnyhill Northlake, Inc. in a lawsuit in 2000 but have had not contact with them since then. I am not the appropriate party for receipt of this notification.

Each of the lot holders who surround the lake are stockholders in the corporation.

Sincerely,

Robert J. Sheheen

Current Condition of Dam



SCDES Preliminary Inspection

- Preliminary inspections of dams shall be performed by the Department to identify those dams which require maintenance and/or repair actions to reduce their danger to human life or property (Regulation 72-4.C.1).
- Upper Sunny Hill Dam is currently a Class 1, High Hazard dam and SCDES conducts preliminary inspections on Class 1, High Hazard dams once every 2 years.
- SCDES conducted a Preliminary Inspection of the dam on July 8th, 2024, following concerns of sinkhole formation on July 5th, 2024.

Observations

- Deficiencies observed during the inspection:
 - Numerous sinkholes along the upstream slope and shoulder of the crest, up to 3.5 feet in depth
 - Numerous decaying tree stumps and voids around tree roots on the upstream and downstream slopes, up to 2 feet in depth



Observations (cont'd)

- Deficiencies observed during the inspection:
 - Scarping/erosion along the downstream slope, potential instability of the slope
 - Dense vegetation preventing full assessment of the dam, potential for more deficiencies that could not be assessed



Requirements/Recommendations

- Repair Activities Requiring a Permit
 - Engage a Licensed Professional Engineer to evaluate the condition and stability of the dam, especially around voids and sinkholes. Following evaluation, the Professional Engineer should develop a permit application for repairs voids and stabilization of the crest and slopes
 - Due to concerns of internal erosion around newly formed sinkhole, engage a Licensed Professional Engineer to conduct a full investigation into the extent of voids/internal erosion pathways within the dam
 - Engage a Licensed Professional Engineer to develop a permit application for repairs and stabilization of the downstream slope, especially around scarped section

Requirements/Recommendations

- Maintenance Activities not Requiring a Permit
 - Maintenance/removal of brush and woody vegetation less than 4 inches in diameter
 - Developing grass coverage or other form of erosion protection following deleterious vegetation removal
- Recommendations
 - Engage a Professional Engineer to conduct a camera investigation of the primary spillway to assess the condition of the spillway pipe

Potential Solutions



Before any Solution

- Any solution will require a responsible dam owner

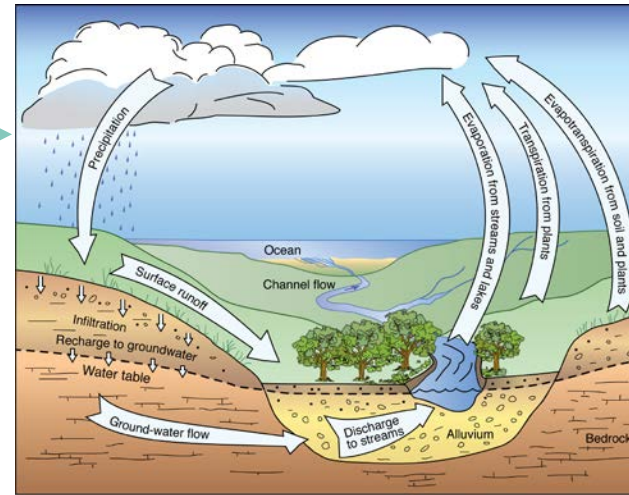
Solution 1 – Repair the Dam

What needs to be done?

- Hire a licensed Professional Engineer with SC Registration, preferably with experience designing dams, and with expertise in the fields of:
 - Hydrology (i.e., understanding how a watershed behaves during a rainfall event, how much runoff the rain even generates, how long the runoff takes to reach the lake, what is the peak amount of this runoff and when does it arrive, etc.)
 - Hydraulics (i.e., how the dam's spillway system conveys the inflows from the watershed, does the dam overtop, how much additional spillway capacity is needed, how to deliver additional spillway capacity, etc.)
 - Geotechnical Engineering (i.e., understanding the types of soils the dam is constructed from, are the soils compacted well and stable, do the soils inhibit seepage through the dam, are there internal erosion pathways within the dam, what is causing the sinkholes, will the dam be able to withstand an earthquake, etc.)

Engineer Qualifications

- Hydrology
- Hydraulics
- Soils/Geotechnical Engineering



THE HYDROLOGIC CYCLE

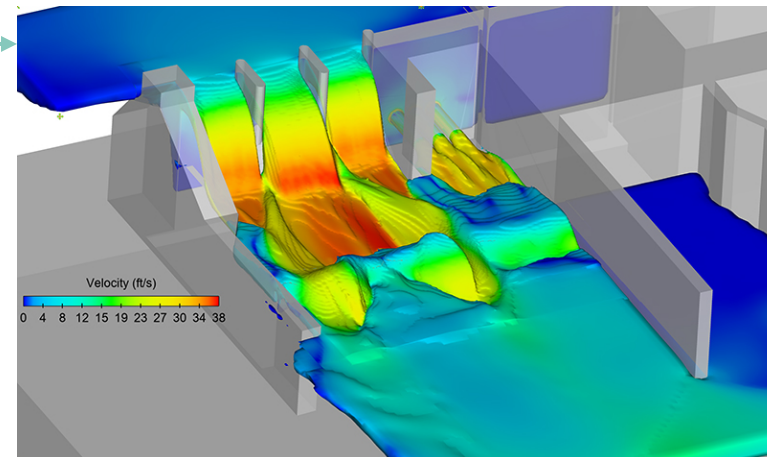


Image credits: 1) geokansas.ku.edu/hydrologic-water-cycle, 2) AyresAssociates.com 3) centralgeotech.com

Solution 1 – Repair (cont'd)

- Inspection report of July 18, 2024 requires submittal of a permit application to address deficiencies by October 17.
- Dam does not have an approved Emergency Action Plan (EAP). SCDES Dam Safety Program can help to create one.
- Spillway pipe is original (1960s). Corrugated Metal Pipe (CMP) typical life is 50 years. What is its condition? Inspection report recommends a video inspection of the entire length of pipe.

Solution 2 – Remove the Dam

- Removal of a regulated dam requires a permit from Dam Safety Program
- A licensed Professional Engineer with SC Registration must develop the repair plan and permit application
- What does removal achieve? The SCDES Dam Safety Program would no longer consider there to be a regulated dam at this location. The liability and responsibility for owning a dam is removed from all parties.
- What does dam removal look like? (next slide)

Solution 2 – Remove (cont'd)



Image Credit: SCDES

McMeekin Pond Dam (Marlboro Co.)
dam removal underway on 8/9/2024



Image Credit: www.sedaliademocrat.com

Dam removal via culvert installation



Image Credit: www.conteches.com

Solution 3 – Make a Smaller Dam?

- Dams <25 feet in height and <50 acre-feet in storage are EXEMPT from state regulation
 - Exception: where dam poses a risk for loss of life
- May not be feasible...a licensed engineer will need to evaluate

Q&A for SCDES



Discussion



Adjourn





SC DEPARTMENT *of*
**ENVIRONMENTAL
SERVICES**

Get in touch

John M. McCain, P.E. // Section Manager

Dam Safety Section

John.McCain@des.sc.gov

803.898.8178

Jared Woodard // Regional Engineering
Associate

Dam Safety Program

Jared.Woodard@des.sc.gov

843.661.4825



des.sc.gov/dams