

SFY25 Dam Repair Assistance Grant Program

Notice of Funding Opportunity (NOFO)

Revision 0

May 1, 2025

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1. **Program Description**

1.1 Overview

Budget Proviso 55.24 (DES: Dam Repair Assistance) appropriated \$1.5 million in the State Fiscal Year 2024-2025 (SFY25) budget for the creation of a cost-sharing grant program to correct dam deficiencies identified by the South Carolina Department of Environmental Services (“SCDES” or “Department”) for High and Significant Hazard dams regulated under the Dams and Reservoir Safety Act. With these SFY25 funds available until expended, SCDES is soliciting applications from eligible applicants for pre-construction and construction efforts associated with dam repair and removal for eligible High and Significant Hazard dams in South Carolina. SCDES plans to award the full budget proviso amount, \$1.5 million, in grant funds for the first offering of this program.

This Notice of Funding Opportunity (NOFO) serves as an open invitation for eligible applicants to begin submitting their grant applications to SCDES. The application deadline is **5:00 PM on Tuesday, July 1, 2025**.

SCDES reserves the right to amend, revise, or make future modifications to this NOFO document at its discretion up to the application deadline provided above. Revisions to this NOFO will be posted to the Dam Safety Program’s [website](https://des.sc.gov/programs/bureau-water/dams-reservoirs/dam-repair-assistance-grant) at the following address, <https://des.sc.gov/programs/bureau-water/dams-reservoirs/dam-repair-assistance-grant>, and communicated via electronic mail (e-mail) to owners of High and Significant hazard dams to ensure awareness of the changes and to give applicants the opportunity to revise their applications, if necessary. It is crucial that interested applicants ensure the SCDES Dam Safety Program has a current and accurate e-mail address on file and check their e-mail accounts regularly to not miss any future announcements or updates from SCDES on this grant.

Completed application packets may be submitted by e-mail, mail, or in person:

Via e-mail, read receipt requested:

DESresponse@des.sc.gov

Via Certified Mail or In-Person:

SCDES – BOW

Dam Safety Program

Attention: Brittany Felder

2600 Bull St

Columbia, SC 29201

1.2 Objectives

The FY25 Dam Repair Assistance Grant Program aims to:

- Reduce or eliminate risk to the public associated with dams (see “Risk” in Definitions);
- Improve accessibility of financial assistance to dam owners who may not be eligible to apply for other dam safety grants; and,
- Provide financial assistance for the repair or removal of High and Significant Hazard dams that fail to meet minimum dam safety standards and pose an unacceptable risk to downstream life and property.

1.3 Summary of Changes

Since the grant guidelines were released by the Department on March 20, 2025, the following changes have been made:

- Government entities are now eligible to apply;
- Dams that create a source of revenue are now eligible dams;
- Dams built under the authority of the Secretary of Agriculture (e.g., PL-566 watershed conservation district dams) are now eligible dams;
- Dams where the owner has taxing authority are now eligible dams;
- The Emergency Action Plan (EAP) requirement has been modified such that all Recipients are required to develop an up-to-date EAP in the Department’s current format, and receive Department approval thereof, to receive funds under an award. The Department will accept alternative formats that it determines are at least equivalent to the Department’s format. Dam owners whose EAPs are fully up-to-date (i.e., all information is current) and in the Department’s current format will meet this requirement from the outset;
- The following changes have been made to the application requirements:
 - Added a Certificate of Compliance from both the Internal Revenue Service and SC Department of Revenue;
 - Added that the tax map ID #(s) for the property(ies) encompassing the dam and all appurtenant works must be included in the Project Narrative;
 - Added a letter stating that all dam owners are in support of the project, cosigned by all dam owners (only applicable to dams with multiple owners); and

- Removed the requirement to include the dam's current EAP or an assurance statement to have an EAP developed within 12 months of award with the Application.
- Added a requirement for construction projects that the Engineer shall submit a statement assessing the adequacy of any risk-reduction measures already in place at the dam and recommendations for any additional measures, if needed. Added that the risk reduction measures recommended by Engineer must be kept in place throughout the project as a condition of award acceptance.

This NOFO formally establishes the official rules, requirements, and protocols for the SFY25 Dam Repair Assistance Grant Program.

2. **Eligibility**

2.1 Eligible Activities

Grant funding is limited to A) eligible activities on B) eligible dams carried out by C) eligible applicants. Eligible activities include:

- Preparedness Planning (non-construction)
- Project Planning (non-construction)
- Preliminary Engineering (non-construction)
- Engineering Design (non-construction)
- Outreach and Risk Communication (non-construction)
- Instrumentation (non-construction)
- Repair or Alteration (construction)
- Removal (construction)

Table 1: Allowed activities for the FY25 Dam Repair Assistance Grant Program.

Main Category	Sub-Category	Activity
Non-Construction	Preparedness Planning	<ul style="list-style-type: none"> • Development of Emergency Action Plans (EAP), evacuation plans, plans for flood fighting, or community response plans to include in the floodplain management plan.

		<ul style="list-style-type: none"> • Coordination of EAP and Emergency Operations Plans (EOP) for different release conditions.
	Project Planning	<ul style="list-style-type: none"> • Activities and studies that determine risks associated with eligible dams (for future construction project). • Development of Operation and Maintenance plans.
	Preliminary Engineering	<ul style="list-style-type: none"> • Dam risk and consequence assessments. • Feasibility studies. • Preliminary engineering studies. • Alternatives analysis. • Mapping, engineering survey, and inundation modeling.
	Engineering Design	<ul style="list-style-type: none"> • Final design. • Development of drawings and specifications. • Permitting.
	Outreach and Risk Communication	<ul style="list-style-type: none"> • Public education and awareness of flood risks associated with the eligible dam project.
	Instrumentation	<ul style="list-style-type: none"> • Equipment, sensors, hardware, software, etc. • Installation where a SCDES Dam Safety permit is not required.
Construction	Repair or Alteration	<ul style="list-style-type: none"> • Bid services. • Repair or rehabilitation of the dam (including tree removal*). • Construction oversight and monitoring. • Project Management (capped at 5%).
	Removal	<ul style="list-style-type: none"> • Bid services. • Demolition and decommissioning of the dam. • Construction oversight and monitoring. • Project Management (capped at 5%).

*Vegetation removal is considered routine operation and maintenance, and as such, is ineligible for grant funding. However, tree removal where a permit is required (i.e., root removal) is considered repair, not maintenance, and is an eligible activity.

The following activities are ineligible for funding under this program:

- Routine Operation and Maintenance (O&M) (See “Routine Operation and Maintenance” in Definitions);
 - Routine O&M Activities include, but are not limited to: mowing, vegetation removal, addressing superficial or shallow erosion, and servicing gates and valves.
- Purchase of equipment that is not an integral part of the funded project;
- Establishment of a reserve fund;
- Any activity that increases the dam’s Hazard Potential (see “Hazard Potential” in Definitions). This includes projects that propose to increase dam height and/or storage capacity;
- The performance of work that would result in unnecessary or duplicative data, i.e., data that is freely available from the Department or other source and remains valid (e.g., geotechnical investigation where past geotechnical investigation already exists). The determination of whether an effort would produce unnecessary or duplicative data will be solely at the Department’s discretion;
- Payment of principal or interest on existing debt, or any interest payments associated with project financing;
- Costs associated with bid protests;
- Litigation costs, including, but not limited to, appeals of SCDES decisions;
- Activities that do not serve to facilitate a reduction in risk posed by the dam;
- Activities, or elements of activities, that do not serve a public benefit (e.g., driveway paving, private docks, boat ramps, etc.);
- Activities that have not been approved in advance by the Department’s Dam Safety Program; and
- Construction of new dams.

2.2 Dam Eligibility

The date for which the Department will establish eligibility of a dam is December 31 each year. The date shown on the dam’s most recent Preliminary Inspection Report (see “Preliminary Inspection Report” in Definitions) from SCDES is the official date of determination for the following eligibility criteria. If the dam’s most recent Preliminary Inspection Report was sent after the cutoff date for the funding cycle, the second most recent Preliminary Inspection Report will be used. In order to be considered eligible for funding under this grant program, a dam must:

- Be regulated by the SCDES Dam Safety Program;
- Have a Hazard Potential Classification (see “Hazard Potential Classification” in Definitions) of “High” or “Significant”; and
- Have a Condition Assessment Rating (see “Condition Assessment Rating” in Definitions) of “Poor” or “Unsatisfactory” as identified by SCDES, **or** where a Dam Safety Deficiency (see “Dam Safety Deficiency” in Definitions) has been identified by an Engineer (see “Engineer” in Definitions) that was not revealed in a Preliminary Inspection (see “Preliminary Inspection” in Definitions) performed by the Department.
 - If your dam did not receive a Condition Assessment Rating of “Poor” or “Unsatisfactory,” it is not automatically ineligible. For example, if you are able to provide evidence of a Dam Safety Deficiency identified by an Engineer for a dam with a “Fair” Condition Assessment Rating but meeting all other eligibility requirements, then the application may be considered eligible.

The following types of dams are not eligible for funding:

- Dams exempt from state regulation under the Dams and Reservoirs Safety Act and Regulations; and,
- Low Hazard Potential dams (see “Low Hazard Potential” in Definitions).

2.3 Applicant Eligibility

All owners of eligible High and Significant Hazard Potential dams can apply for this grant program. However, all applicants must be able to:

- Demonstrate clear ownership of the dam;
 - Ownership decisions will be made by SCDES, which may require the use of outside legal counsel.
 - Community associations (such as Homeowners Associations, “HOAs”) must provide covenants and/or by-laws with their grant application.
- Demonstrate that they are not delinquent on any local, state or federal taxes;
- In the case of a local government, it must not be listed as delinquent on any audits, as reported on the Office of the State Treasurer’s website;
 - Delinquent Audit List for Municipalities: <https://treasurer.sc.gov/what-we-do/for-governments/audit-information/municipal-delinquent-audits/>
 - Delinquent Audit List for Counties: <https://treasurer.sc.gov/what-we-do/for-governments/audit-information/county-delinquent-audits/>
- In the case of a business entity, it must be in good standing with the SC Secretary of State’s office; and

- You can search the SC Secretary of State website for existing South Carolina businesses to find the entity status: <https://businessfilings.sc.gov/businessfiling>
- In the case of multiple owners of a single dam:
 - The grant can only be awarded to one owner if there are multiple dam owners. Multiple owners must either form and apply as a partnership, such as a Limited Partnership or General Partnership, or decide who will be the Applicant/Recipient. Ownership decisions will be made solely at the discretion of SCDES.
 - All dam owners must demonstrate support for the project, even if only one or some are funding the project.
 - Multiple competing applications for the same dam will be taken as a sign that all dam owners are not in agreement and result in the rejection of all applications for said dam.
 - For projects that propose to address a specific Dam Safety Deficiency, grants will not be awarded if the deficiency is not fully addressed/corrected across the entire dam. For example, if a concrete retaining wall needs repair and said wall crosses multiple parcels of land under different ownership, the application must show that the entire wall will be brought into a repaired and safe condition.

3. Cost Share and Match

Cost share for these awards starts at 50% of the direct eligible costs required to complete the Scope of Work (SOW) (see “Scope of Work” in Definitions) for an approved project. The Recipient must provide the remaining 50% match in the form of cash (i.e., your own funds) or in-kind contributions. Funds for activities that do not serve a public benefit, even if they are related to the project, are ineligible for reimbursement and may not count toward the recipient match requirement. State match can increase up to 75% based on demonstration of financial hardship.

3.1 In-Kind Contributions

A description of in-kind services or activities must be reviewed and pre-approved by SCDES as eligible to count towards the Recipient cost share match requirement. Activities that have not been reviewed and pre-approved by SCDES cannot be used to meet the match requirement. Examples of acceptable in-kind contributions include, but are not limited to, Recipient’s incurred acquisition costs for, or donations thereof, any of the following:

- Professional Services

- Materials
- Labor
- Equipment

3.2 Financial Hardship

The default recipient match requirement for this funding opportunity is 50%, but the Department will consider reduction of the recipient match requirement to 25% if a claim of financial hardship with supporting documentation is received with the application. In such cases, SCDES will review applicant's supporting documentation (which shall include a minimum of 3 years of federal and state tax returns, current statements of financial accounts, etc.) to determine if the applicant can afford the default 50% share of the estimated project cost. Where staff determines financial hardship exists, the Recipient cost share requirement can be reduced to the minimum, which is 25%. No further reduction can be allowed. (See Section 5.2 Additional Requirements for Financial Hardship).

3.3 Pre-Award Costs

Pre-Award Costs (see "Pre-Award Costs" in Definitions) are not permitted under this grant program.

4. Period of Performance

For this program, Planning and Engineering projects will have a Period of Performance (POP) (see "Period of Performance" in Definitions) of one year and Construction projects will have a POP of three years. Applicants should only propose projects that can be completed within the POP. The POP will start upon full execution of the Award Agreement and POP end date will be stated in the Award Agreement.

4.1 Period of Performance Extensions

Extensions to the POP under this program are allowable but cannot be guaranteed. Requests to extend the POP for any reason must be submitted to SCDES for approval. SCDES will review the request and Recipient's justification before making the determination to approve or deny the extension request. POP extension requests should be submitted in writing to SCDES at least 90 days prior to the POP end date and include:

- Award number;

- Verification that progress has been made as described in quarterly reports submitted to SCDES;
- Reason(s) for the delay – including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline;
- Current status of the activity/activities;
- Current POP termination date and new projected completion date;
- Amount of funds drawn down to date;
- Remaining available funds, both State and Recipient Match;
- Budget outlining how remaining funds will be expended;
- Plan for completion, including milestones and timeframes for achieving each milestone and the positions or person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended POP without any modification to the original SOW approved by SCDES.

5. **Application Requirements**

Applications for planning, design, and engineering activities may be completed without the assistance of an Engineer. However, applications for construction projects **must** be prepared with the assistance of an Engineer. SCDES staff are available to provide technical assistance to help potential applicants determine their eligibility or discuss how to apply for funding.

Applicants may submit only one application per dam per funding cycle. If multiple applications for the same dam are received within the same funding cycle, all applications for that dam will be rejected.

A completed application package must include the following documentation, as applicable:

- Completed Application Form (Attachment A)
- Eligibility Narrative
 - The Eligibility Narrative must state how the applicant, the dam, and activities included in the project's SOW meet all required eligibility criteria.
- Project Narrative
 - The Project Narrative must include the dam name, state dam inventory number, coordinates of the dam, tax map ID #(s), and the SOW for the project.
 - Please note that the South Carolina Supreme Court has interpreted Article X, Section 5 of the South Carolina Constitution to mean that any expenditure of

public funds must be made for a public purpose. As such, the Project Narrative should also include a discussion of how the project will provide a public benefit (e.g., firefighting, public road, flood control, etc.).

- The Project Narrative must detail the dam's known or suspected deficiencies and the current understanding of the overall health and nature of the dam and its potential downstream impacts resulting from misoperation or failure. The narrative should discuss how the proposed project reduces risk posed by the dam.
- The Project Narrative should describe any risk reduction measures that have been implemented for the dam or reservoir. Examples of risk reduction measures include: significantly lowered or fully drained reservoir, functioning temporary siphons or pumps in place, procedure for routine site visits on set interval or before/after significant rain events, conduct or have scheduled an EAP exercise with local emergency managers and first responders, etc.
- Project Milestones for the Proposed SOW (Attachment D for Non-Construction, Attachment E for Construction)
 - A list of key project elements (i.e., milestones) required to successfully complete the project. Project Milestones provided in the Application will be incorporated into the Award Agreement and serve to define the SOW. While these milestones are up to the applicant to identify, examples include, but are not limited to:
 - Solicitation for Engineering Services
 - Procurement of Engineering Contractor
 - Field Investigations
 - Laboratory Testing
 - Completion of Risk Analysis
 - Completion of Alternatives Analysis and Selection of Rehabilitation Method
 - Development of Complete Plans and Specifications and a Permit Application for Dam Alteration, Repair, or Removal
 - Permit Application Submittal Date
 - Development of Bid Package for Construction Contractors
 - Start of Construction
 - Completion of Construction
- Project Cost Estimate
 - While cost estimates at this stage may be premature, it is critical that applicants make every effort to provide an accurate cost estimate as part of the application.
 - For construction projects, must be developed and signed by an Engineer.

- Detailed Budget for the Proposed SOW
 - A detailed budget that reflects the project cost estimate and provides a breakdown of project costs by major category, such as: engineering services, construction, construction monitoring/supervision/testing, equipment, supplies.
 - A budget line item for contingencies is allowed, but shall not exceed:
 - 5% for non-construction projects, or;
 - 15% for construction projects.
 - Cost overruns exceeding the state contributed contingency will be the Recipient's responsibility to fully bear.
- Match Commitment Letter/Description of Match
 - Any matching contributions that are "in-kind" must be pre-approved by SCDES and incorporated into the Award Agreement to be eligible to count towards the Recipient's match requirement.
 - The Match Commitment Letter should provide the source of the Recipient's matching funds (e.g., cash on hand, loan, another grant, in-kind contributions).
 - If in-kind contributions will be used for match, a description of the type and nature of each contribution, its estimated value, and how that value was calculated must be included in the letter. For example, if volunteer labor or services will be used as in-kind match, the hourly rate for volunteer work should be consistent with what the Recipient would pay for similar work at market rate.
- Copy of Property Deed(s) OR Proof of Ownership
- Covenants and Notice of Other Encumbrances (i.e., encumbrances by way of notation to deed) (if applicable)
- By-laws (for Homeowner Associations or other community associations, if applicable)
- Certification of Compliance from the Internal Revenue Service and SC Department of Revenue (for verifying that applicant is not delinquent on federal or state taxes)
- A letter stating that all dam owners are in support of the project, cosigned by all dam owners (applicable only to multiple owner situations)
- Completed Application Checklist (Attachment E)

5.1 Additional Requirements for Construction Projects

Applications for construction projects must also include the following:

- An Engineer's statement that the application was prepared with the assistance of a registered Professional Engineer licensed in the state of South Carolina; and

- A cost estimate developed by an Engineer, with a signed statement that the cost estimate is complete and accurately reflects current economic conditions, pricing trends, and industry data to the best of the Engineer's knowledge and ability.
- An Engineer's statement regarding the adequacy of current risk reduction measures and recommendation for additional risk reduction measures. (Dam owner's implementation of Engineer's recommendation for additional risk reduction measures will be incorporated into the Award Agreement (see "Award Agreement" in Definitions) as a condition of award acceptance. Failure to continue all active risk reduction measures during the POP will be considered grounds for suspension of reimbursement processing by SCDES.)

5.2 Additional Requirements for Financial Hardship Determination

In order for SCDES to determine if an applicant qualifies for an increased State cost share due to financial hardship, the applicant must claim a financial hardship exists that prevents compliance with the 50% cost share requirement and include the following documents in their application:

- Statement of Financial Hardship;
 - A narrative stating that the applicant does not have the financial means to meet the recipient match required to complete the project at the default cost share rate and is requesting a financial hardship determination from SCDES to increase the State match to 75%.
- Tax Returns for the past three years to verify income; and
- Financial account statements
 - Assets and Savings Statements:
 - Latest 3 months of bank statements (checking, savings accounts);
 - Investment account statements and other assets, such as retirement accounts, stocks, property holdings, etc. (if applicable).
 - Business Financial Information (if applicable):
 - Balance Sheet;
 - Income Statement.

5.3 EAP Requirement

While not required at time of Application, Recipients must consent to develop an EAP that is both up-to-date (i.e., all information current) and in the Department's current format, and receive Department approval thereof, prior to receiving any grant funds. This

requirement will be included in all Award Agreements. Please contact SCDES Dam Safety Program at DESresponse@des.sc.gov for more information on EAP requirements and to request Dam Safety Program assistance with creating an EAP. EAP creation or updating is an eligible activity for inclusion in the Application for grant funding.

6. Selection Criteria

A two-part selection process will be used to determine which applications will be selected for funding: an Eligibility Screening and a Ranking.

6.1 Eligibility Screening

The Eligibility Screening aims to identify and advance applications that:

- Meet all dam, applicant, and activity eligibility criteria;
- Meet all grant application requirements; and
- Correct deficiency(ies) across the entire dam.

6.2 Ranking

Applications that pass the initial screening will be reviewed by the SCDES Dam Safety Program and evaluated on technical merits of the dam and proposed project. This evaluation will rely upon a points-based system that attempts to quantify the level of risk reduction as a result of project implementation. Dams where risk reduction measures are already in place will also receive points in the ranking system. See Attachment C – Ranking Tool to view the ranking criteria for this funding cycle and the point values assigned to each.

7. Procurement

Procurement requirements shall apply to construction services and goods and materials associated with construction projects. Engineering services may be procured without the need for a formal procurement process; however, all other procurement under this grant award shall comply with state procurement requirements in conformance with the SC Consolidated Procurement Code. The following procedures, found at www.scstatehouse.gov/code/t11c035.php, shall be followed:

- “Article 5: Source Selection and Contract Formation” (SC Code of Laws Title 11, Chapter 35) may be used as a guideline for the procurement of goods and services; and

- “Article 9: Construction, Architect-Engineer, Construction Management, and Land Surveying Services” (SC Code of Laws Title 11, Chapter 35) may be used for construction activities.

Summary of Procurement Thresholds for Construction Projects

Less than \$10,000	Requires only a single quote from a single vendor.
Between \$10,000 and \$100,000	A written request for written quotes from a minimum of three (3) qualified sources must be made and documentation of at least three responsive and responsible quotes must be maintained. The award must be made to the lowest responsible and responsive offeror.
Greater than \$100,000	Requires the use of a formal competitive bidding process.

Solicitations for goods and services, as well as construction, must be based on a clear and accurate description of the material, product, or work to be performed.

For construction projects, SCDES hopes to provide all Recipients a list of pre-qualified contractors to simplify the procurement process, but use of this list will be entirely optional. Those who opt not to use the list must still adhere to state procurement guidelines. Contractors under this grant program are required to be licensed in the state of SC. Contractors that have been debarred or suspended by the State or Federal government may not be considered for contracting.

Debarment and suspension status for contractors in SC can be found on the South Carolina Division of Procurement Services website at:

<https://www.procurement.sc.gov/legal/legal-suspend-debar>

Federal debarment and suspension information can be found on the System for Award Management website at: <https://www.sam.gov/>

Prior to solicitation, all necessary permits and bid-ready plans and specifications are required. SCDES must review all quotes/bids and approve the awarding of contracts.

Following contract award but before construction, a mandatory pre-construction conference must be held with the dam owner, owner's engineer, owner's contractor(s), and SCDES staff.

8. Payments

This is a reimbursement-only grant program. Requests for advance payment will not be considered by SCDES. To be eligible for reimbursement, costs incurred to complete the project must be incurred within the POP. The program will reimburse Recipients for eligible costs incurred on activities within the approved SOW. To receive funds, Recipients must prepare and submit a RFR to SCDES for review and processing. No more than 80% of the grant funds will be paid before the final RFR for construction projects, and no more than 90% for all other projects.

9. Recordkeeping and Monitoring

9.1 Retention Policy

The Recipient must retain grant records, including documentation of costs and supporting documents, for a period of 3 years. Office visits, site visits, and/or document requests made by SCDES for the purpose of monitoring compliance may occur at any time during the POP. Construction monitoring visits – to include a records review - will be performed by SCDES at set intervals.

9.2 Quarterly Reporting

Recipients will be required to submit Quarterly Progress Reports summarizing activities that occurred during the quarter that advanced the project toward completion. Additionally, reports should identify whether any time delays or cost overruns occurred or are expected to incur, and what, if anything, is being done to avoid disadvantageous outcomes.

Quarterly Progress Reports are due on the 15th day of the month following a quarter:

Quarter	Report Due
January – March	April 15 th
April – June	July 15 th
July – September	October 15 th
October – December	January 15 th

Delays in submitting quarterly reports will result in reimbursement processing being suspended until past-due quarterly reports have been received by SCDES.

9.3 Closeout

The grant closeout request will typically be submitted with the Recipient's final RFR, no later than 90 days after the end of the POP. Upon closeout, a notice will be sent to the Recipient stating the POP is closed, listing any remaining funds that will be deobligated, and addressing the requirement to maintain all grant-related records for three years or longer applicable period, which may be due to an audit or litigation, equipment or real property being used beyond the POP.

The grant closeout request must include the following:

- Final RFR;
- Final Quarterly Progress Report;
- Final Milestones and Workplan Worksheet;
- Copy of any project deliverables developed with grant funding (if applicable);
- Dam Owner's request for a final site inspection of the completed work and Engineer's certification of construction in accordance with SC Code of Regulations Section 72-3.F. (applicable for construction projects only).

Once the grant closeout request has been reviewed for completeness and accuracy and the final payment has been paid to the recipient, SCDES will send an official closeout letter to the recipient.

10. Appeals and Non-Compliance

10.1 Appeals

Any SCDES staff decisions regarding this grant are appealable. All appeals will be made directly to the South Carolina Administrative Law Court. In accordance with the

Administrative Procedures Act, within 30 calendar days after the mailing of a decision, the applicant, recipient, or affected person(s) desiring to contest a department decision may request a contested hearing before the Administrative Law Court.

10.2 Remedies for Non-Compliance

Recipients that are found to be out of compliance with grant program policies and procedures will be given an opportunity to return to compliance. If a return to compliance cannot be accomplished, remedies may include immediate termination of the grant agreement, cost recovery, and/or disqualification from future grant consideration.

11. Amendments

The Recipient must formally request an amendment to the award agreement for any proposed changes to the budget, SOW, or POP of the funded project. This includes any changes to the approved list of in-kind services to be counted towards the match requirement. SCDES may approve or deny the request based on the Recipient's justification. Amendment requests must be made to SCDES at least 90 days prior to the end of the POP and must include:

- The award number.
- Verification that progress has been made as described in quarterly reports submitted to SCDES.
- Reason(s) for the amendment request, including details of the legal, policy, or operational challenges justifying the need to amend the SOW, budget, POP, or other aspects of the grant funded project.
- Current status of the activity/activities.
- Current POP termination date.
- Amount of funds drawn down to date.
- Remaining available funds, both State and Recipient Match.
- Budget outlining how remaining funds will be expended.
- Plan for completion, including milestones and timeframes for achieving each milestone and the positions or person responsible for implementing the plan for completion.
- Certification that the activity/activities within the modified SOW will be completed within the POP.

12. Attachments

Attachment A – Dam Repair Assistance Grant Application SCDES Form D-25-0005

Attachment B – Ranking Tool

Attachment C – Milestones Worksheet Template – Non-Construction Projects

Attachment D – Milestones Worksheet Template – Construction Projects

Attachment E – Application Checklist

13. Definitions

- a. Application – The Grant Application form (SCDES Form D-25-0005) and supporting documentation submitted by the Applicant.
- b. Award Date – The date on which the Award Agreement is fully executed by all parties subject to the Agreement.
- c. Condition Assessment Rating – The overall rating assigned to a dam by SCDES staff following a Preliminary Inspection. SCDES uses the US Army Corps of Engineers' (USACE) rating system that is the national standard for reporting to the USACE's National Inventory of Dams (NID) and which is comprised of five ratings: Satisfactory, Fair, Poor, Unsatisfactory, and Not Rated. NID definitions for these five ratings are:
 - i. Satisfactory – A rating meaning no existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the minimum applicable state or federal regulatory criteria or tolerable risk guidelines. Typical Circumstances:
 - a) No existing deficiencies or potentially unsafe conditions are recognized, with the exception of minor operation and maintenance items that require attention.
 - b) Safe performance is expected under all loading conditions including the design earthquake and design flood.
 - c) Permanent risk reduction measures (reservoir restrictions, spillway modifications, operating procedures, etc.) have been implemented to eliminate identified deficiencies.
 - ii. Fair – A rating meaning a dam has no existing dam safety deficiencies recognized for normal operating conditions. Rare or extreme hydrologic and/or seismic events

may result in a Dam Safety Deficiency. Risk may be in the range to take further action. Note: Rare or extreme event is defined by the regulatory agency based on their minimum applicable state or federal criteria. Other Circumstances:

- a) Lack of maintenance requires attention to prevent developing safety concerns.
- b) Maintenance conditions may exist that require remedial action greater than routine work and/or secondary studies or investigations.
- c) Interim or permanent risk reduction measures may be under consideration.

iii. Poor – A rating meaning a recognized Dam Safety Deficiency is recognized for normal operating conditions that may realistically occur. Remedial action is necessary. “Poor” may also be used when uncertainties exist as to critical analysis parameters that identify a potential Dam Safety Deficiency. Investigations and studies are necessary. Other Circumstances:

- a) Dam has multiple deficiencies or a significant deficiency that requires remedial work.
- b) Lack of maintenance (erosion, sinkholes, settlement, cracking, unwanted vegetation, animal burrows, inoperable outlet gates) has affected the integrity or the operation of the dam under normal operational conditions and requires remedial action to resolve.
- c) Critical design information is needed to evaluate the potential performance of the dam. For example, a field observation or a review of the dam’s performance history has identified a question that can only be answered by review of the design and construction history for the dam. Uncertainty arises when there is no design and/or construction documentation available for review and additional analysis is needed to better understand the risk associated with operation under normal operational conditions.
- d) Interim or permanent risk reduction measures may be under consideration.

iv. Unsatisfactory – A rating meaning a Dam Safety Deficiency is recognized that requires immediate or emergency remedial action for problem resolution. Typical Circumstances:

- a) A critical component of the dam has deteriorated to unacceptable condition or failed.
- b) A safety inspection indicates major structural distress (excessive uncontrolled seepage, cracks, slides, sinkholes, severe deterioration, etc.), advanced deterioration, or operational deficiencies which could lead to failure of the dam or its appurtenant structures under normal operating conditions.
- c) Reservoir restrictions or other interim risk reduction measures are required.

- d) A partial or complete reservoir drawdown may be mandated by the state or federal regulatory agency.
- v. Not Rated – A rating meaning the dam could not be rated during a Preliminary Inspection, typically due to inability to access or visually assess all parts of the dam.
- d. Contingency – The amount of funds added as a line item to an overall project budget to cover unexpected costs that may arise during a project. Contingency shall not exceed 15% for construction projects and 5% for all other projects.
- e. Contractor – A person who contracts with an Owner to improve real property or perform construction services for an Owner.
- f. Dam – An artificial barrier with appurtenant works, including, but not limited to, dams, levees, dikes, or floodwalls for the impoundment or diversion of waters or other fluids where failure may cause danger to life or property. However, this does not include a dam:
 - i. Less than twenty-five feet in height from the natural bed of the stream or watercourse measured at the downstream toe of the dam, or less than twenty-five feet from the lowest elevation of the outside limit of the dam, if it is not across a stream channel or watercourse, to the maximum water storage elevation and has an impounding capacity at maximum water storage elevation of less than fifty-acre feet unless a situation exists where the hazard potential as determined by the department is such that dam failure or improper reservoir operation may cause loss of human life;
 - ii. Owned or operated by a department or an agency of the federal government;
 - iii. Owned or licensed by the Federal Energy Regulatory Commission, the South Carolina Public Service Authority, the Nuclear Regulatory Commission, the United States Corps of Engineers, or other responsible federal licensing agencies considered appropriate by the department;
 - iv. Upon which the Department of Transportation or county or municipal governments have accepted maintenance responsibility for a road or highway where that road or highway is the only danger to life or property with respect to failure of the dam.
 - v. Which in the judgement of the Department, because of its size and location could pose no significant threat of danger to downstream life or property.

- g. Dam Safety Deficiency – A dam integrity or safety concern that could be the result of normal deterioration over time, damage caused by an extreme event (e.g., flood, earthquake), lack of adequate maintenance, misoperation, vandalism, terrorism, unauthorized or unqualified repair or alteration, or an inherent design flaw or inadequacy, that could result in a complete or partial failure of the dam or appurtenant structure, generally meaning the uncontrolled release of water or other stored liquid. It is a characteristic or condition that exists because the dam does not meet the applicable minimum regulatory requirement for the Hazard Potential Classification. A Dam Safety Deficiency can be *solely* the result of a reclassification of the dam's Hazard Potential Classification such that higher minimum regulatory requirements become applicable.
- h. Emergency Action Plan (EAP) - A formal document defined under SC Dams and Reservoirs Safety Act and Regulations used to assist dam owners in identifying unusual or emergency conditions at a dam. This document also prescribes specific actions to reduce the potential for downstream loss of life and property damage in the event of a dam failure.
- i. Engineer – A registered Professional Engineer licensed to practice in the State of South Carolina.
- j. Grant – The dollars committed by the Department to the Recipient for the Project identified in the Application and set forth in the Award Agreement.
- k. Award Agreement – The legally-binding document issued by SCDES to the Recipient setting forth the amount of funds awarded to the Recipient and the terms and conditions of said funds. The Award Agreement will not take effect until executed by both SCDES and the Recipient.
- l. Hazard Potential – The possible adverse incremental consequences that result from the release of water or stored contents due to failure of the dam or misoperation of the dam or appurtenances.
- m. Hazard Potential Classification – The system used by SCDES that categorizes dams according to the degree of adverse incremental consequences of a failure or misoperation of a dam, i.e., the dam's Hazard Potential. The Hazard Potential Classification does not reflect in any way the current condition of the dam. The three Hazard Potential Classifications utilized by SCDES are High Hazard Potential (or just “High Hazard”),

Significant Hazard Potential (or just “Significant Hazard”), and Low Hazard Potential (or just “Low Hazard”).

- n. Hazard Reduction – The reduction in the potential consequences to life and property of dam failure.
- o. High Hazard Potential – Dams where failure will likely cause loss of life or serious damage to home(s), industrial and commercial facilities, important public utilities, main highway(s) or railroads. “High Hazard Potential” and “High Hazard” may be used interchangeably.
- p. Low Hazard Potential – Dams located where failure may cause minimal property damage to others. Loss of life is not expected. “Low Hazard Potential” and “Low Hazard” may be used interchangeably.
- q. Owner – Those who own, control, operate, maintain, manage, or propose to construct a dam or reservoir. In cases where a dam has been abandoned by its owner (either intentionally or unintentionally, and it is necessary to reestablish ownership, the Department shall look first to those entities who hold title to the property on which the dam is constructed and those entities who have acquired some legal responsibility for the dam through covenants or other legal agreements, and secondarily to the other entities who fall under the definition of owner.
- r. Period of Performance (POP) – The total time interval between the start of an award and the planned end date, during which recipients are authorized to incur costs towards executing the approved Scope of Work. The POP officially begins on the date the Award Agreement has been fully executed.
- s. Preliminary Inspection – A visual but technical evaluation of the structural integrity and physical stability of a dam and may include an analysis of the dam’s ability to pass flood waters. The term “preliminary inspection” means also the recurring routine reinspections that the Department may schedule for certain dams.
- t. Preliminary Inspection Report – The cover letter and attached field report from the Department to the dam owner(s) that provides the dam’s current Hazard Potential Classification, Condition Assessment Rating assigned by the Department’s inspector, and detailed findings from the Department’s Preliminary Inspection, along with recommendations for repair, maintenance, and monitoring; status of the dam’s EAP; and

whether the dam is currently assigned an appropriate Hazard Potential Classification. The cover letter may provide voluntary compliance deadlines for the dam owner(s) for completing activities such as obtaining an Engineer's assessment of observed deficiencies, having an Engineer prepare and submit a permit application to correct deficiencies, or for the dam owner(s) to complete maintenance activities. Finally, the cover letter may provide the Department's intention to issue an Inspection and Repair Order and/or a Maintenance Order to the dam owner(s). For purposes of the Dam Repair Assistance Grant program, the official date for establishing dam eligibility will be the date shown on the cover letter.

- u. Population at Risk (PAR) - The population downstream of a dam that would be subject to risk from flooding in the instance of an uncontrolled release from a dam, either as a result of misoperation or dam failure; usually documented in numbers of persons at risk. This term does not account for successful notification of downstream populations and evacuation of population out of the flood inundation zone.
- v. Pre-Award Costs – Those costs incurred by the Applicant prior to the Award Date, such as costs associated with developing a grant application. Pre-award costs are not eligible for reimbursement under this grant program.
- w. Project - the project identified and described in the Application for which the Department is awarding the Grant.
- x. Recipient – The eligible entity, such as an individual, private entity, governmental body, political subdivision, or non-profit organization, designated to receive the Grant and perform the Scope of Work, and set forth in the Award Agreement.
- y. Removal – The demolition or breaching of an existing dam or drainage of water impoundment or reservoir that removes the dam's ability to impound in accordance with an Engineer's design and under an appropriate Dam Safety permit issued by SCDES.
- z. Repair – Any work done on a dam which may affect the safety of the dam and done under an appropriate Dam Safety permit issued by SCDES. This includes, but is not limited to, work requiring excavation into the embankment fill or foundation of a dam or work requiring removal or replacement of major structural components of a dam.
- aa. Risk – In the context of this grant program, is a function of three main components that make a dam a potential hazard to downstream life and property, either from failure or

misoperation of the dam. The three components that contribute to overall risk are: 1) an event that provides a load or stress to the dam (e.g., a hurricane that causes extreme flooding), 2) the likelihood of failure or misoperation of the dam during the event, 3) and the consequences to downstream life and property as a result of the failure or misoperation. If any one of the three components can be reduced to zero, then total risk is also reduced to zero. Low Hazard dams, if properly classified, have a risk close to zero simply because the third component, consequences, are considered to be minimal for a dam that truly meets the definition of “Low Hazard Potential.”

- bb. Routine Operation and Maintenance – Activities performed to prevent deterioration of structures and equipment to keep a dam in a safe and functioning condition. These activities can be a scheduled or recurring action or performed after an inspection reveals an unusual observation that requires corrective restoration. Typical routine operation and maintenance activities can include (but are not limited to) mowing, removal of shallow-rooted vegetation and trees less than 4-inch diameter at breast height, addressing shallow erosion (less than 12-inches in depth), and servicing gates and valves to ensure functionality. This does not include replacement or repair to structures and equipment that have reached or exceeded their useful lives, either through normal wear and tear associated with age or through a structural failure that compromises integrity of the component.
- cc. Scope of Work – All of the necessary activities to be performed by Recipient in execution of the Project to accomplish the objectives described in the Grant Application, regardless of funding source. The Project Milestones worksheet submitted with the Grant Application shall be considered a summary of the Scope of Work and will become an integral piece of the Award Agreement once executed by SCDES and Recipient.
- dd. SCDES – The South Carolina Department of Environmental Services.
- ee. Significant Hazard Potential – Dams located where failure will not likely cause loss of life but may damage home(s), industrial and commercial facilities, secondary highway(s) or railroad(s) or cause interruption of use or service of relatively important public utilities. “Significant Hazard Potential” and “Significant Hazard” may be used interchangeably.
- ff. State – The State of South Carolina and any agencies or offices thereof.

gg. State Fiscal Year – The fiscal year for South Carolina beginning on July 1st and ending on June 30th. State Fiscal Year (SFY) 2025 began on July 1, 2024, and ends on June 30, 2025.