

10/20/2017

52561

Email Scanned

From: BIERY, PAUL KIM <PAUL.BIERY@scana.com>
Sent: Thursday, October 19, 2017 10:21 AM
To: Berresford, James; Cassidy, Greg
Cc: teffinger@scana.com; cpearson@scana.com; Rusty Contrael
Subject: SCE&G Congaree River Project Update (10/19/17)

Gentlemen,

SCANA is pleased to notify SC DHEC that our application to the U.S. Army Corps of Engineers (Congaree River Sediments Project; USACE Project Number: SAC-2011-01356-6NO) Nationwide Permit (NWP 38) was approved and issued on Oct. 18th, 2017. I have attached a copy of the USACE permit for your review, although your agency should receive a formal copy directly from the USACE. SCANA anticipates submittal of our work plan (Sediment Capping Work Plan) to SCDHEC within 30 days.

Please do not hesitate to reach out to me for further questions.

Thank you.

Paul Biery
Senior Project Manager
SCANA
100 SCANA Parkway
Cayce, SC 29033
(Office) 803-217-5016
(Mobile) 803-465-7736



350



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
1835 ASSEMBLY STREET, ROOM 865B-1
COLUMBIA, SOUTH CAROLINA 29201

OCT 18 2017

Regulatory Division

Mr. Tom Effinger
SCANA, Director of Environmental Services
C-221
100 SCANA Parkway
Cayce, South Carolina 29033

Dear Mr. Effinger:

This letter is in response to a Pre-Construction Notification (PCN) (SAC-2011-01356) which we received on September 26, 2016, and was considered complete on July 31, 2017. By submittal of the PCN, you requested verification that the proposed project is authorized by a Department of the Army (DA) Nationwide Permit (NWP).

The PCN contains the following identifying information for this project. The work affecting waters of the United States is part of an overall project known as Congaree River-Sediment Capping Project, to place a physical barrier over newly deposited sediment and the pre-existing tar-like material (TLM) impacted sediment. The activities in waters of the United States include the placement of an 8-inch engineered capping system over newly deposited sediment and the pre-existing TLM impacted sediment. This will also include the excavation of approximately 930 cubic yards of sand bar to facilitate the smooth and continuous mat placement. 1-2 feet of material will be excavated from the area. The project involves impacts to not more than 2.3 acres of waters of the United States. Specifically, this letter authorizes impacts to 900 linear feet or 2.3 acres of tributaries. The project is located on the Congaree River, south of Gervais Street and west of Senate Street, Richland County, South Carolina (Latitude: 33.9927 °N, Longitude: 81.0480 °W). The PCN also includes the following supplemental information:

- a. Drawing sheets 1-3 of 3 titled "SAC-2011-01356, Congaree River Sediment Capping, Richland County, South Carolina" and dated August 18, 2017;
- b. A mitigation plan that includes minimization measures.

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

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

- a. That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee.
- b. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter.
- c. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.
- d. That the permittee agrees the project construction will be limited to May 1st through October 31st to reduce impacts to the Shortnose Sturgeon.
- e. That the permittee agrees to follow the terms and conditions of the Memorandum of Agreement among the U.S. Army Corps of Engineers, Charleston District; the South Carolina State Historic Preservation Officer; and SCANA Corporation regarding the Congaree River Remediation Project, Richland County South Carolina, dated May 30, 2017.
- f. That the permittee agrees to follow the final safety plan prepared by EOTI is entitled "Final Work Plan for Munitions Response Removal Action and Construction Report, Congaree River Project" and is dated May 2015 (Revised January 2017) and all other associated safety plans.
- g. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- h. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.
- i. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on authorized facilities. The USCG may be reached at the following address and telephone number: (as of February 2013) U. S. Coast Guard District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL. 33131, and 305-415-6755 or 305-415-6750.

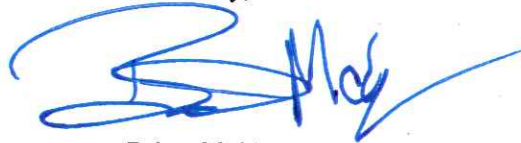
This verification is valid until March 18, 2022, unless the district engineer modifies, suspends, or revokes the NWP authorization in accordance with 33 CFR 330.5(d). If prior to this date, the NWP authorization is reissued without modification or the activity complies with

any subsequent modification of the NWP authorization, the verification continues to remain valid until March 18, 2022. If you commence, or are under contract to commence, this activity before the NWP expires, or the NWP is modified, suspended, or revoked by the Chief of Engineers or division engineer in accordance with 33 CFR 330.5(b) or (c), respectively, so that the activity would no longer comply with the terms and conditions of the NWP, you will have 12 months after the date the NWP expires or is modified, suspended, or revoked, to complete the activity under the present terms and conditions of this NWP.

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

In all future correspondence concerning this matter, please refer to our file number SAC-2011-01356. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Kristin Andrade at (803) 253-3903.

Sincerely,



Brice McKoy
Chief, Northwest Branch

Enclosures

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

Copies Furnished:

Mr. Andrew Contrael
ACE, Inc.
132 South Grant Avenue
Kittanning, Pennsylvania 16201

South Carolina Department of
Health and Environmental Control
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201

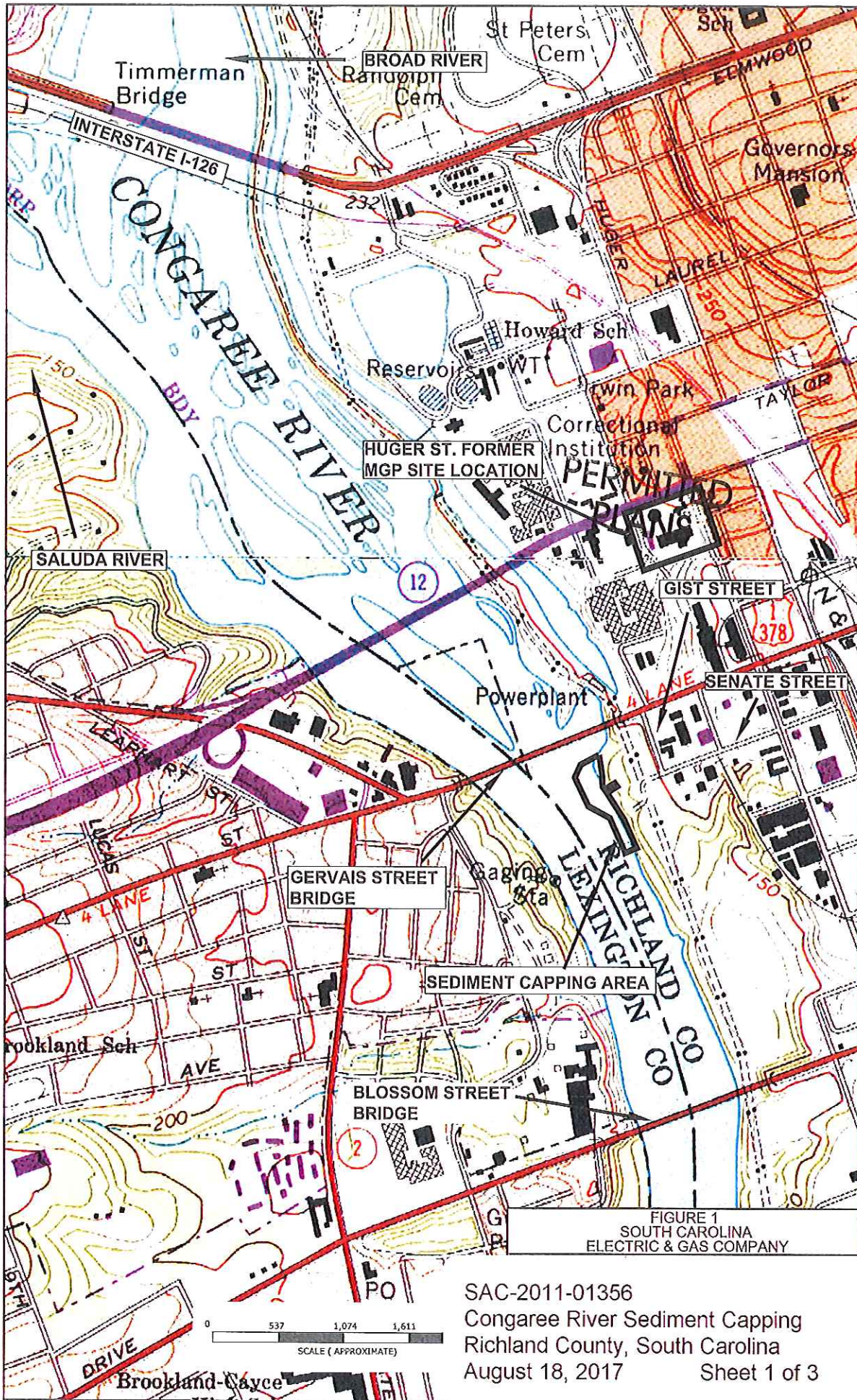
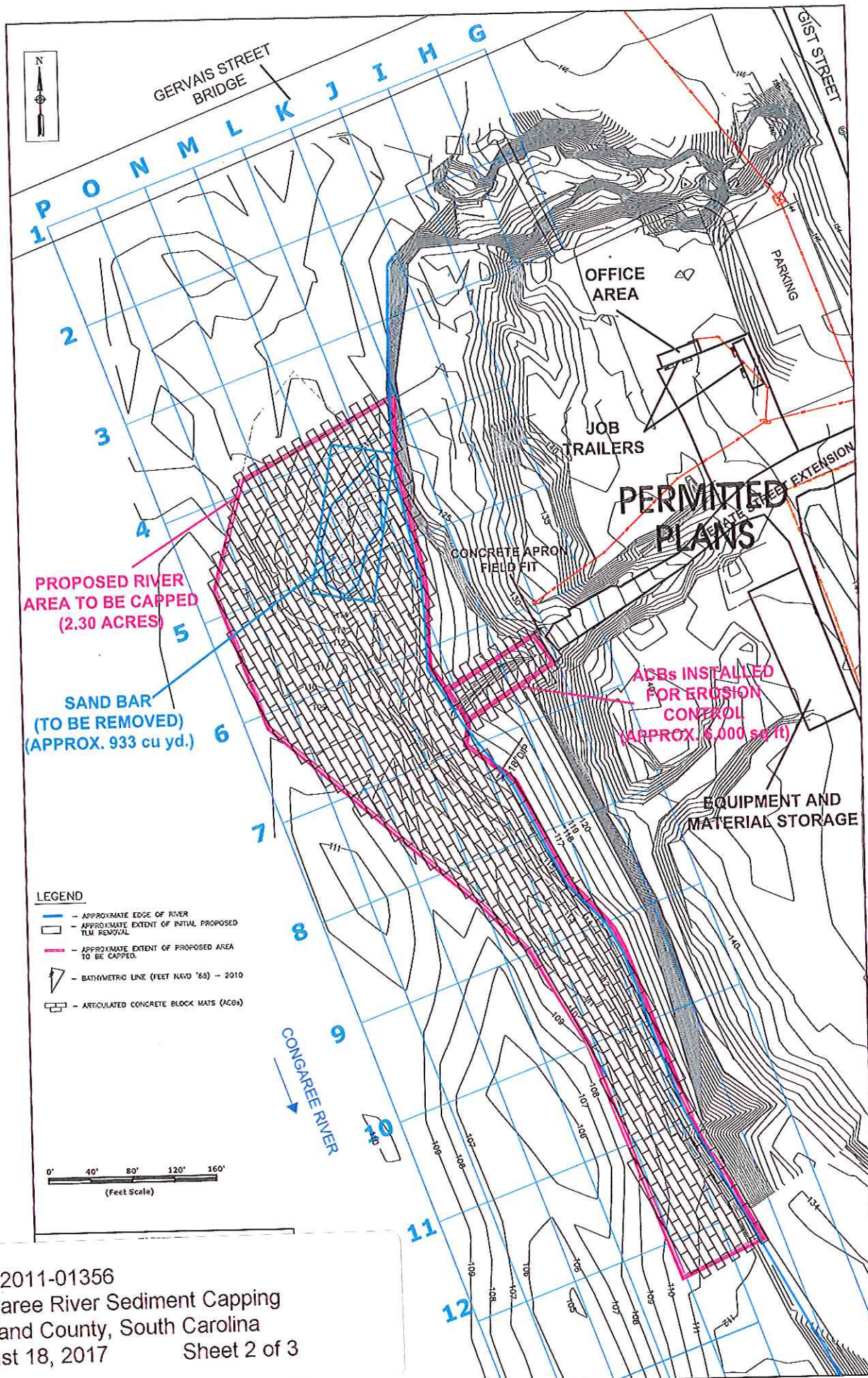
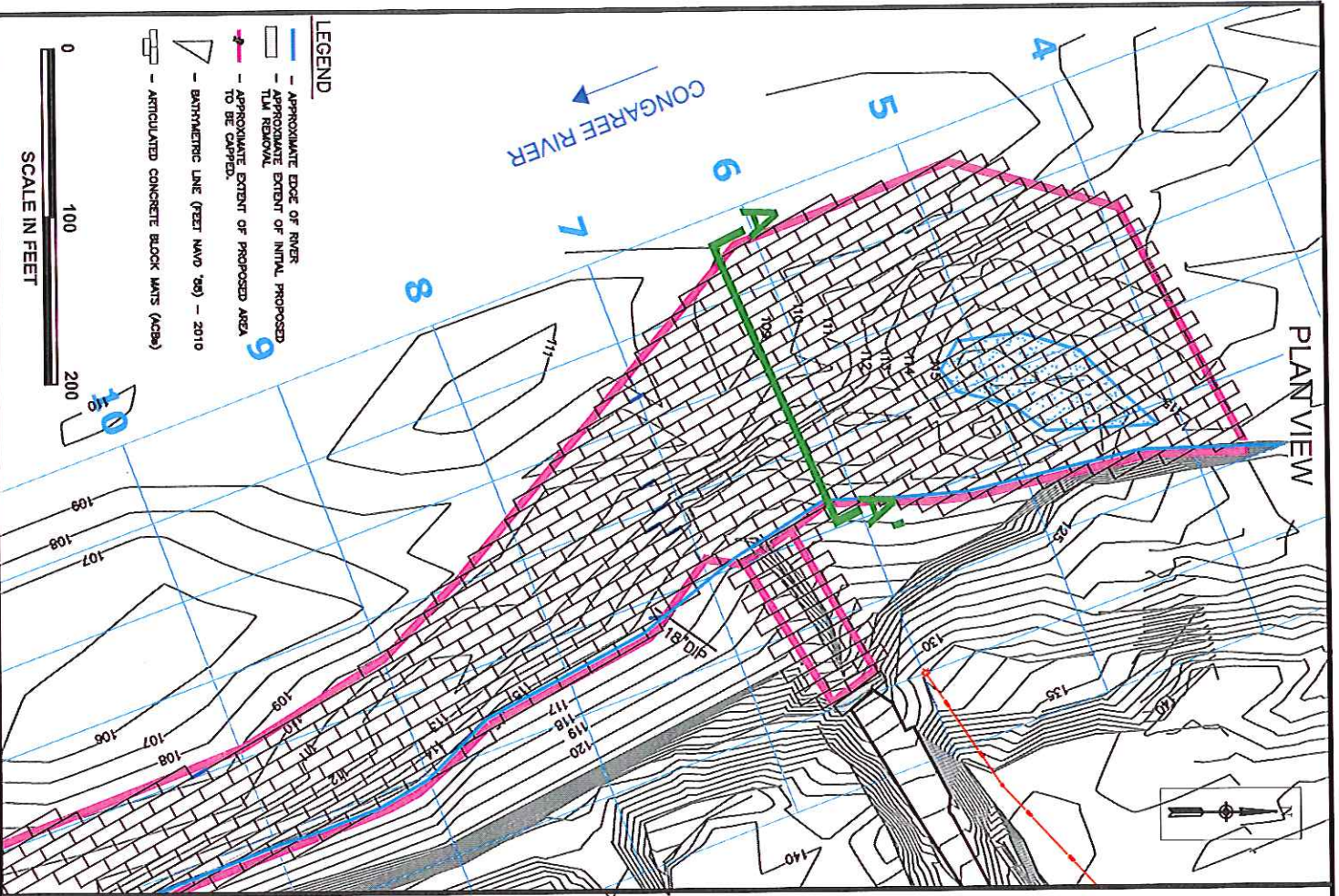


FIGURE 1
SOUTH CAROLINA
ELECTRIC & GAS COMPANY

SAC-2011-01356
 Congaree River Sediment Capping
 Richland County, South Carolina
 August 18, 2017 Sheet 1 of 3

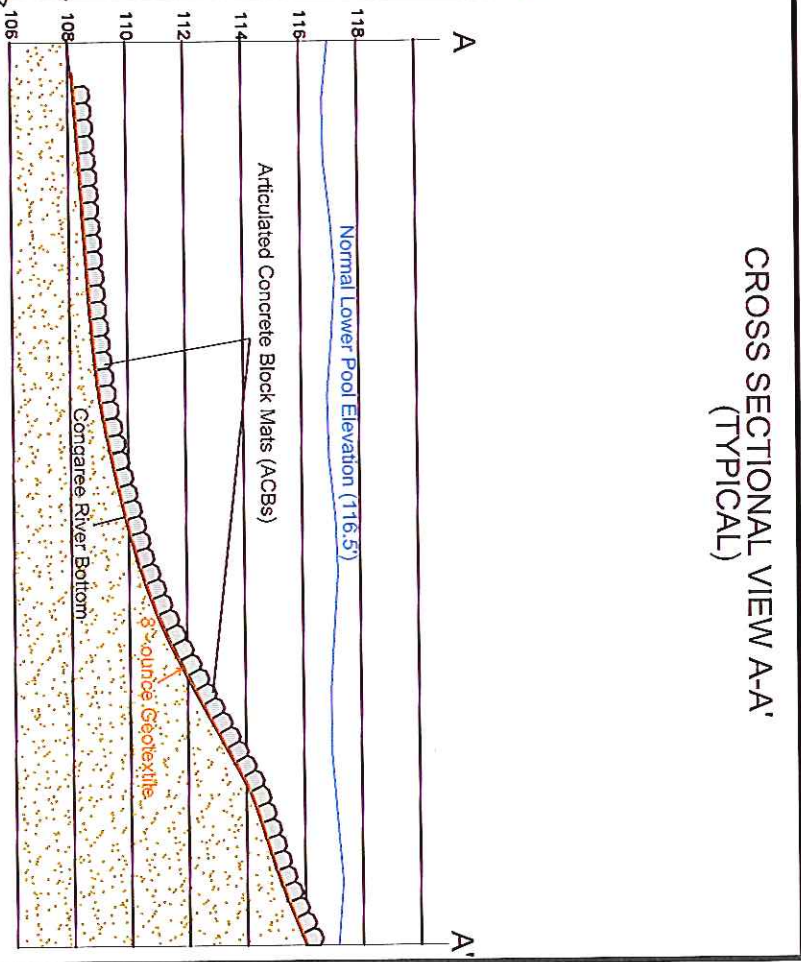


(SAC-2011-01356
 Congaree River Sediment Capping
 Richland County, South Carolina
 August 18, 2017 Sheet 2 of 3



PLAN VIEW

- LEGEND**
- APPROXIMATE EDGE OF RIVER
 - APPROXIMATE EXTENT OF INITIAL PROPOSED TLM REMOVAL
 - APPROXIMATE EXTENT OF PROPOSED AREA TO BE CAPPED.
 - BATHYMETRIC LINE (FEET NAVD 83) - 2010
 - ARTICULATED CONCRETE BLOCK MATS (ACBs)



CROSS SECTIONAL VIEW A-A'
(TYPICAL)

**PERMITTED
PLANS**

NOTE
CROSS SECTION VIEW NOT TO SCALE
FOR ILLUSTRATIVE PURPOSES ONLY.

SOUTH CAROLINA
ELECTRIC & GAS COMPANY

SAC-2011-01356
Congaree River Sediment Capping
Richland County, South Carolina
August 18, 2017 Sheet 3 of 3

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

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

(Authorities: Sections 10 and 404)

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

C. Nationwide Permit General Conditions

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

1. *Navigation.* (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. *Aquatic Life Movements.* No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. *Spawning Areas.* Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. *Migratory Bird Breeding Areas.* Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. *Shellfish Beds.* No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

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

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

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

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

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

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

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

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

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

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

