



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

March 28, 2016

Timothy W. Kana, President
Lake Katherine Homeowners Association, Inc.



Re: Permit to repair the LAKE KATHERINE DAM (D 0027)
Richland County

To Mr. Kana,

The South Carolina Department of Health and Environmental Control (DHEC) has reviewed your application for a permit to repair the LAKE KATHERINE DAM, together with plans prepared by Heritage Engineering, Inc., and your application is approved. Enclosed is your permit NO. 40-0012A. This existing dam is classified as high hazard by DHEC due to the likely damages that would result from its potential failure or improper operation.

Please note the special provision in the permit that your engineer notify DHEC in writing, certifying construction is complete in accordance with the approved plans. Once notified, DHEC will schedule a final inspection with your engineer. DHEC can only issue a Certificate of Operation or Completion based on satisfactory results of the final inspection. The reservoir may not be fully impounded until this certificate is issued by DHEC.

Further, a Certificate of Operation or Completion will not be issued until two other special provisions of this permit are met. A Tree Removal Plan must be prepared and submitted to this office by your engineer. This plan will outline the management of woody growth on the subject dam to ensure its safety and compliance with current dam safety standards. Additionally, all detritus and garbage deposited by October 2015 flooding event must be removed from the dam embankment and from the inlets of the primary spillway riser.

Please be aware that obtaining this permit from the Dams Safety Program does not relieve you of requirements to obtain any other Federal, State or local assent that may be required.

This permit becomes final agency decision fifteen (15) calendar days after this letter has been mailed unless a written request for review is filed with DHEC. Enclosed you will find the South Carolina Board of Health and Environmental Control Guide to Board Review. This guide is pursuant to S.C. Code Ann. § 44-1-60 and went into effect April 1, 2013 with latest revision of May 8, 2014. This information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.

Please note the agency is under the provision of the Permit Extension Joint Resolution of 2013.

Please contact me by telephone at (803) 898-1767 or by email (preferred) at fordrj@dhec.sc.gov if you have any questions regarding the contents of this letter or the enclosed permit.

Sincerely,

A handwritten signature in black ink that reads "James Ford". The signature is written in a cursive style with a large, looping initial "J".

James Ford, Hydrogeologist
Dams Safety Section
Bureau of Water
(803) 898-1767

Enclosures: Guide to Board Review
Permit NO. 40-0012A

cc: Dan Creed, P.E., Heritage Engineering, Inc.
Sonya Johnson - Columbia EQC

CODE NO. 40-0012A

NAME OF APPLICANT Lake Katherine Homeowners Association, Inc.

EFFECTIVE DATE: March 28, 2016

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

DAMS & RESERVOIRS SAFETY

PERMIT

Approval of plans and specifications for construction, enlargement, removal or repair of dams and reservoirs is required under provision of the "Dams and Reservoirs Safety Act" (Article 3, Chapter 11, Title 49 of the Code of Laws of S.C., 1976).

This permit constitutes approval for: Lake Katherine Homeowners Association, Inc.



to: repair the LAKE KATHERINE DAM (D 0027) in Richland County

GENERAL CONDITIONS:

1. That all activities identified and authorized herein including the approved plans and specifications shall be consistent with the terms and conditions of this permit; and that any activity performed in any manner inconsistent with the activities authorized herein shall constitute a violation of this permit, which may result in modification, suspension or revocation of this permit, in whole or in part, and the institution of such legal proceedings as the Department of Health and Environmental Control may consider appropriate.

2. That this permit may be summarily suspended, in whole or in part, upon a finding by the Department, or its authorized agents, that the work being constructed or as constructed is in variance with the herein approved plans and specifications or the terms of this permit. The Department may order, upon such finding of noncompliance, that the offending portion or portions of such structure be immediately removed or otherwise put into conformance with approved plans and specifications at the permittee's expense.

3. That this permit may be suspended or modified in whole or in part, upon a finding by the Department or its authorized agents, that such suspension or modification is deemed necessary to protect public health or safety. Any modification or suspension

of this permit shall not be the basis for any claim of damages against the State of South Carolina.

4. That this permit does not convey, expressly or impliedly, any property in rights in real estate or material, nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.

5. That the permittee shall permit the Department or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to assure that the activity being performed is in accordance with the terms and conditions of this permit.

6. That this permit does not obviate the requirement to obtain other Federal, State or local assent required by law for the activity authorized herein. Issuance of this permit does not, nor shall be interpreted as to, relieve the permittee/owner of the responsibility for maintaining such structure in a safe condition throughout the life of the structure. Nothing in this permit shall be construed to relieve an owner of a dam or reservoir of the legal duties, obligations or liabilities incident to the ownership of a dam or reservoir, nor shall an action against the State of South Carolina, its agencies or employees, lie by reasons of the issuance of this permit or the terms or conditions contained herein.

7. That the permittee agrees to maintain an authorized structure in good condition in accordance with approved plans and specifications throughout the life of such structure.

8. That it has been determined that this impoundment or water control structure is for the purpose(s) of Recreation.

9. That this impoundment or water control structure is located in Richland County as shown on the map submitted as part of the permit application which has been made a part of this permit. The Columbia EQC office serves the area where this dam is located.

SPECIAL CONDITIONS:

1. That this permit shall be valid for a one (1) year term from the date of execution of this permit. The Joint Resolution suspends the running of the time period for approvals during the four year period from January 1, 2013 through December 31, 2016. For approvals issued between January 1, 2013 and December 31, 2016, the time period begins on January 1, 2017. A copy of this legislation, also referred to as H.3774, can be downloaded at http://www.scstatehouse.gov/sess120_2013-2014/bills/3774.htm for your review. Any request for extensions must be submitted in writing at least 30 days prior to expiration of the permit.

2. When construction is complete, the owner's engineer must notify DHEC in writing within 10 days that the dam has been properly repaired. DHEC will then schedule a joint inspection of the dam with the engineer. Once the final inspection is satisfactorily completed, DHEC will issue a Certificate of Operation or Completion. You do not have the Departments assent to impound water with this dam until the DHEC issues this certificate.

3. **A Tree Removal Plan must be prepared and submitted to this office by an engineer. This plan will outline the management of woody growth on the subject dam to ensure its safety and compliance with current dam safety standards. Certificate of Operation or Completion will not be issued until an acceptable Tree Removal Plan has been approved by this office within one year from the date of issuance of this permit.

4. **Detritus and garbage deposited by October 2015 flooding event must be removed from the dam embankment and from the inlets of the primary spillway riser. Failure to remove the unwanted detritus could lead to a dam safety emergency should the riser or the culvert through the dam become obstructed and restrict outflow.

This permit shall become effective on the date of the Section Representative's Signature.



Section Representative

March 28, 2016

Date

Copy filed with:

1. S.C. Department of Health and Environmental Control
2. Applicant

DHEC 2603(06/94)

South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and
 - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:
South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201
Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will