

**STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON**

**BEFORE THE
DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL**

**IN RE: WILBUR AND MARG
CORLEY DAM
DAM # D-0957**

EMERGENCY ORDER

The South Carolina Department of Health and Environmental Control (the Department), pursuant to the South Carolina Dams and Reservoirs Act, S.C. Code Ann. 49-11-110, et seq., and Regulation 72-1, et. seq., hereby issues this Emergency Order to Lenna C. Young and Cindy C. Waters, for required action related to Dam # D-0957 (Wilbur and Marg Corley Dam) located at 253 Corley Mill Road, in Lexington County, South Carolina.

FINDINGS OF FACT

1. The embankment of the Wilbur and Marg Corley Dam impounds Fourteen Mile Creek and Twelve Mile Creek.
2. The hazard potential for this dam is classified as low, meaning that it is likely that minimal property damage would result from its failure.
3. Lenna C. Young and Cindy C. Waters are the Owners of the Wilbur and Marg Corley Dam pursuant to SECTION 49-11-120.(9), which defines an "Owner" as those who own, control, operate, maintain, manage, or propose to construct a dam or reservoir.
4. The Department has determined through field inspections that the referenced dam appears unsafe and a potential danger to property. It has been determined that it is necessary that immediate maintenance action be undertaken by the dam owner to prevent failure of the dam and the damage to property that would result from its failure.

CONCLUSIONS OF LAW

1. The SC Dams and Reservoirs Safety Act, S.C. Code Ann. 49-11-110, et seq., (2008) and Regulation 72-1, et seq. (2012), authorize South Carolina's dams and reservoirs safety program. The purpose of the Act and Regulation is to protect citizens' health, safety, and welfare by reducing the risk of failure of regulated dams.
2. Under the Act and Regulation an owner at its own expense has responsibility for maintaining a dam, reservoir and appurtenant works in a properly functioning and safe condition throughout the life of the structures.
3. The Dams and Reservoirs Safety Act Regulations, 72-5, states, "The Department has the authority and responsibility to issue orders to dam owners mandating remedial measures necessary to protect life and property from danger imposed by unsafe dams. The remedial measures ordered by the Department shall be made at the dam owner's expense and shall normally include a detailed inspection followed by appropriate repairs."
4. SECTION 49-11-190 of the Act, provides as follows:
 - A. The department immediately shall order remedial measures necessary to protect life or property if the condition of a dam or reservoir is so dangerous to the safety of life or property as not to permit time for the issuance and enforcement of a repair order or passing of imminent floods threaten overtopping erosion or destruction of a dam or reservoir capable of danger to life or property.
 - B. In applying emergency measures the department has the following authority to order the owner to:
 1. lower the water level by releasing water from the reservoir;
 2. empty the reservoir completely;
 3. take other steps essential to safeguard life and property.

THEREFORE, IT IS ORDERED, that Lenna C. Young and Cindy C. Waters, undertake the following actions:

1. Under the supervision of a qualified registered professional engineer licensed to practice in South Carolina, immediately lower the water level or empty the reservoir, and take any other steps essential to safeguard life and property. If necessary, take appropriate action to notify downstream property owner(s) as needed. No later than 5:00 P.M. on November 25, 2015, submit to the Department documentation of compliance with this requirement.
2. Have a detailed inspection conducted, as defined in the Dams and Reservoirs Safety Act and the Dams and Reservoirs Safety Act Regulations, of the dam, reservoir, and all appurtenant works by a qualified registered professional engineer licensed to practice in South Carolina. The results of the detailed inspection, including a plan of action to be taken, shall be submitted by the engineer to the Department no later than 5:00 P.M. on December 7, 2015.

PURSUANT TO THIS ORDER, communications regarding this Order and its requirements shall be addressed or directed to:

Attn: David Graves
SCDHEC
Bureau of Water-Surface Water Monitoring and Dam Safety Section
2600 Bull Street
Columbia, South Carolina 29201
Phone: (803)-429-5341
Fax: (803)-898-3795
Email: GRAVESDA@dhec.sc.gov

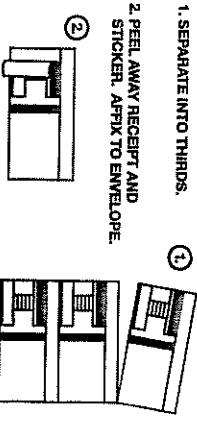
IT IS FURTHER ORDERED, that pursuant to S.C. Code Ann. Section 49-11-200, no repair or reconstruction to the dam other than emergency measures to safeguard life or property may be undertaken prior to the owner obtaining written approval of plans and specification from the Department.

AND IT IS SO ORDERED.



for Myra C. Reece
Interim Director of Environmental Affairs
South Carolina Department of Health and
Environmental Control
Columbia, South Carolina

11-20-15
Date



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 Lenna C. Young and Cindy C. Waters
 1721 Taylor Drive
 Gilbert, SC 29054

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PS Form 3800, January 2013 See Reverse for Instructions

Richard Stone
 SC DHEC
 2600 Bull Street
 Columbia, SC 29201