

December 15, 2020

Mr. Brice McKoy  
Chief, Northwest Branch  
Charleston District Regulatory Division  
U.S. Army Corps of Engineers  
Strom Thurmond Federal Building  
1835 Assembly Street, Room 865 B-1  
Columbia, South Carolina 29201

**RE: Joint Federal and State Application  
Stakeholder-Developed Modified Removal Action (MRA)  
DESC Congaree River Project  
SAC-2011-01356**

Dear Mr. McKoy:

Dominion Energy South Carolina (DESC) is in receipt of your letter dated October 27, 2020 in which the United States Army Corps of Engineers (USACE) requested additional information regarding the permit application number SAC-2011-01356, submitted by DESC on September 29, 2020. For convenience, the requested information is restated below in *“Italics”*. DESC’s response is listed immediately following each requested item and submittals for the first two requests are enclosed.

1. *Attached is our latest Memorandum of Agreement template for archaeological sites. Please provide a redline version of the Attached MOA template in Word.*

DESC has transferred the relevant information from the Draft MOA that was provided in Attachment M of the permit application submitted on September 29, 2020 into the “latest MOA template” as requested. The redline version of that file is attached as Enclosure #1.

2. *Please conduct a survey of the project site for Smooth coneflower and Georgia aster, and provide a report of the results.*

DESC has recently completed the survey of the project site for the Smooth coneflower and Georgia aster. The final report of the results of the inspection is attached as Enclosure #2. Neither flower was observed during the field inspection.

3. *This office coordinated the project plans with state and federal resource agencies and received comments from the SC Department of Natural Resources (SCDNR) on October 21, 2020. If we receive any further comments, we will provide them to you upon receipt. Please review the comments and provide any views you may wish to offer.*

We have reviewed the comments and can agree to incorporate most of the recommendations during implementation of the plans, as submitted. However, the final bulleted item from the SCDNR letter dated October 21, 2020 states that:

*The SCDNR is concerned that the plan to not replace the material removed and rely on the natural depositional processes of the river could lead to a loss of aquatic habitat. SCDNR recommends that post-construction monitoring of the project area include monitoring of the redeposition of sediments. If suitable substrates do not reestablish in areas formerly occupied by mussels and other aquatic species, then consultation with the resource agencies should be required and remedial measures to reintroduce substrate may need to occur.*

Any consideration of a requirement to remobilize to the site after a “post-construction monitoring” period [assumed to be two years for discussion purposes] for a new project “to reintroduce substrate” should include analysis of the inherent inefficiencies of the undertaking and considerable additional hardship to the various Stakeholders (i.e., the property owner, the surrounding community and recreational users of the river). Further, reintroducing substrate may not result in an increase in aquatic habitat, if any are lost. DESC does not have access to the area at the end of the remediation and restoration period for a new project as the property owners have a sincere desire to redevelop the area for community benefits. However, since it is plausible that much of the TLM sediment to be removed was deposited after the introduction of the tar (which occurred sometime before ceasing operation of the MGP site around 1950) and it is also well-known that a majority of the sediment deposition in the project area occurred from the breach in the Columbia Canal during the flood event in October 2015, it is reasonable to expect that sediment deposition will re-occur naturally. Additionally, the City’s plans to repair and restart the Columbia Canal will likely push the recent sediment deposition from the mouth of their discharge into the project area and result in substrate comparable to that present in the project area before the flood event of 2015.

4. *The application included and referenced various action plans that are currently draft and will be updated. As the plans are updated and approved by SCDHEC, please provide these plans to the USACE.*

There are seven documents [six Draft Plans and one Draft MOA) within the permit application submitted on September 29, 2020 considered to be “Draft”. These documents were either noted as “Draft” or were identified as needing to be updated in the permit application submittal. A listing of the seven documents is provided below, as well as the current status of each specific plan or agreement.

1. Attachment G - Draft Navigation Plan with USGS Application – as the USACE recently acknowledged in a phone conversation between Amy Cappellino of your office and Paul Biery (DESC), the Draft Navigation Plan cannot be submitted for review and approval by the United States Coast Guard (USCG) until after the UASCE issues a

verification under the NWP process or an Individual Permit for this project. DESC respectfully requests that finalization and approval of the Navigation Plan by the USCG is included as a condition attached to the USACE's issuance of a permit or verification. SCDHEC's approval of the Navigation Plan is provided as Enclosure #3.

2. Attachment K – Draft Storm Water Management and Sediment Control Plan – This plan was reviewed and approved by the South Carolina Department of Health and Environmental Control (SCDHEC) on September 22, 2020. Please refer to Enclosure #4. A copy of SCDHEC's approval letter was provided to the USACE on September 23, 2020 via email and the USACE acknowledged receipt of the SCDHEC approval. However, this Plan is still considered "Draft" since it will need to be submitted to the City of Columbia for review/approval. It was anticipated that this "Draft" plan may require modifications based on the USACE's review of the entire permit application. DESC respectfully requests that finalization and approval of this Plan by the City of Columbia also be included as a condition attached to the USACE's issuance of a permit or verification (similar to the Draft Navigation Plan as noted above).
3. As stated in item #1 above, Attachment M – Draft MOA – DESC has transferred the relevant information from the Draft MOA that was provided in Attachment M of the permit application submitted on September 29, 2020 into the "latest MOA template" as requested. Please see the attached redline Word file, (Enclosure #1).

There was a total of four Plans contained within Attachment N - Unexploded Ordnance (UXO) Management Plans of the September 29, 2020 permit application submittal. These plans were considered "Draft" since they need to be updated to reflect the scope of the Stakeholder-Developed Modified Removal Action (MRA). The need for the plan updates was acknowledged in the project description (Attachment C of the permit submittal). These UXO Plans were previously reviewed and approved by the USACE-Huntsville personnel in support of the Field Demonstration Project (FDP), which is provided as Enclosure #5. DESC, via its UXO consultant, will update these plans and submit the revised plans to SCDHEC for review and approval. The four plans and the proposed course of action are listed below:

1. Attachment N – UXO Management Plan – Final Work Plan for Munitions Response – last revised, January 2017. The updated Plan and SCDHEC's approval of the updated plan will be provided to the USACE, as it becomes available.
2. Attachment N – UXO Management Plan – Diving Operations Plan – November 2014. The updated Plan and SCDHEC's approval of the updated plan will be provided to the USACE, as it becomes available.
3. Attachment N – UXO Management Plan – Diving Safe Practices Manual – April 2014. The updated Plan and SCDHEC's approval of the updated plan will be provided to the USACE, as it becomes available.

4. Attachment N – UXO Management Plan – Explosives Safety Submission – April 2015.  
The updated Plan and SCDHEC's approval of the updated plan will be provided to the USACE, as it becomes available.

DESC respectfully requests that finalization and approval of the UXO Plans by SCDHEC be included as a condition attached to the USACE's issuance of a permit or verification.

As stated in the USACE's letter dated October 27, 2020, "*Since SCDHEC is the government agency with the established legal and regulatory authority over this cleanup project and will be reviewing/approving the various components, the USACE is considering it for potential authorization under NWP-38.*" To this end, the plans listed above [excluding the Draft MOA] have been or will be reviewed and approved by SCDHEC and upon approval, provided to the USACE.

Sincerely,



Thomas N. Effinger, P.E.  
Director, Environmental Services

List of Enclosures:

1. Congaree River Archaeology Draft MOA with tracked changes 11-10-20
2. Report of Findings – Georgi Aster and Smooth Coneflower 11-17-20
3. SCDHEC Approval - Attachment G – Draft Navigation Plan with USCG Application 08-31-20
4. SCDHEC Approval – Attachment K -Draft Storm Water Management and Sed. Control Plan
5. Prior USACE Approval of UXO Plans – FDP 2015

cc: L. Berresford, G. Cassidy – SCDHEC BLWM w/enclosure  
C. Hightower – SCDHEC Bureau of Water  
G. Mixon – SCDNR w/enclosure  
D. Harris, A. Tornabene, J. Hamilton, D. Slade, P. Biery – DESC  
R. Contrael – ACE  
B. Zeli – Apex