

October 21, 2022

Russell Cornette Town of Summerville 200 S Main Street Summerville, SC 29483

RE: North Maple Street, Dorchester County NPDES Coverage Number: SCR10ZBMY

Dear Russell Cornette:

The Department of Health and Environmental Control (Department or DHEC) has received approval of and the Notice of Intent for the above-referenced project from **Town of Summerville**. Based on your submission of this documentation and in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000 (CGP), this project has been granted coverage under the CGP on **October 21, 2022**. This project's general permit coverage number is **SCR10ZBMY**. The total disturbed area for this site is **17.4 acres**.

See attached DHEC Office of Ocean and Coastal Resource Management (DHEC-OCRM) certification dated August 30, 2022 for additional conditions related to the Coastal Zone Consistency determination.

An as-built survey(s), signed and sealed by a S.C. Licensed Land Surveyor or Professional Engineer, should be submitted to **Town of Summerville** for all detention structure(s) on this site. The survey(s) should show grades, contours, and depths for all structure(s) and should include the elevations and dimensions of all outlet structures, including but not limited to pipes, orifices, risers, weirs, and emergency spillways. A statement signed by the project's S.C. Registered Engineer indicating that the structure(s) was installed and is operating as shown on approved plans and in approved calculations is required. If the elevations or dimensions of the structures listed above do not match those used in the approved plans, provide a certification statement signed by the project's S.C. Registered Engineer indicating that the structure, as built, will function as shown in approved calculations. A new analysis of the structure (routing) may be necessary.

The CGP can be downloaded at the following website: http://www.scdhec.gov/Environment/docs/CGP-permit.pdf or you may request a copy from us via email (stormwatercgp@dhec.sc.gov). You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the CGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991 (1991 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify the local DHEC EA office prior to starting any land-disturbing activity. The address and telephone number are as follows:

Lowcountry EA Charleston 1362 McMillan Avenue, Suite 300 Charleston, SC 29405 843-953-0150

Inspections of this site must be performed by qualified personnel as described in Section 4.2.E of the CGP.

You should be aware that this approval is only applicable for the Stormwater Pollution Prevention Plan (SWPPP) that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is not authorized. Any future work for this project not shown on the stamped, approved plans will require that you submit another site plan for review and approval. All major modifications require review and approval by **Town of Summerville**; the Department must be notified in writing by **Town of Summerville** of the approval of major modifications if the disturbed area changes. Minor modifications to the approved SWPPP may be made by the SWPPP preparer and do not require review and approval by the Department; these changes should be signed and dated by the SWPPP preparer. If you have a question about whether a modification is major or minor, contact the Coastal Stormwater Permitting Section at (843) 953-0200.

A copy of the stamped, approved SWPPP (including a copy the CGP, contractor certifications, inspection records, rainfall data, etc), NOI, and CGP coverage letter from DHEC must be retained and available <u>at the construction site</u> (or accessible within 30 minutes during normal business hours) from the date of commencement of construction activities to the date of final stabilization. If an on-site location is unavailable to store the SWPPP <u>when no personnel are present</u>, notice of the plan's location must be posted near the main entrance at the construction site.

All contractors who will conduct land-disturbing activities at the site must complete a Contractor Certification Form. You are also responsible for listing all contractors in the SWPPP and for holding a preconstruction conference with each contractor before they can conduct land-disturbing activity at the site.

The Department may conduct periodic inspections of your site. Any violations found during these inspections may result in enforcement action.

This NPDES coverage should be terminated by the permittee when one of the conditions listed in Section 5.1 of the CGP has been met. You <u>must</u> submit a Notice of Termination (NOT) to cancel your NPDES coverage under the CGP. Please see section 5.1 of the CGP for additional information required to be submitted with the NOT.

You are responsible for obtaining any other federal, state, or local permit that may be required for this project. In particular, any permits through the U.S. Army Corps of Engineers for the placement of fill material in Waters of the United States. Please note we have not sent a copy of this letter to any county or city building official. You must send a copy of this letter to these agencies, if necessary.

If material excavated during construction activities leaves the site, a mine operating permit may be needed. You are responsible for contacting the Mining and Reclamation Section to determine if a mining permit is required for the site. The Mining and Reclamation Section can be reached at (803)898-1362 or via e-mail at AskMines@dhec.sc.gov.

Please see the enclosed "Notice of Appeal Procedure" document for information about the procedures for appealing this NPDES coverage.

If you have any questions or cannot access the referenced websites, please call me at 843-953-1594.

Sincerely,

Mallory Ware Coastal Stormwater Permitting Section

EC: Lowcountry EA Charleston
Shanna Niswonger, Michael Baker International
Bonnie Miley, Town of Summerville

South Carolina Department of Health and Environmental Control

NOTICE OF INTENT (NOI)

For Coverage(s) of Primary Permittees Under South Carolina NPDES General Permit For Stormwater Discharges From Construction Activities SCR100000

(Maintain As Part of On-Site SWPPP)

For Official Use Only

File Number: Permit Number: SCR10 Submittal Package Complete:	
Submission of this Notice of Intent constitutes the Applicant identified in Section II into authorized as a Primary Permittee in the state Carolina under NPDES General Permit Sefees required for review and NPDES cover application type are as listed on page Instructions.	ends to be ate of South CR1000000. age of each



DAM SAFETY AND STORMWATER PERMITTING

DIVISION
CONSTRUCTION STORMWATER PERMITTING

t a	he A author Caroli ees applic	ission of this Notice of Intent constitutes notice that Applicant identified in Section II intends to be rized as a Primary Permittee in the state of South ina under NPDES General Permit SCR1000000. required for review and NPDES coverage of each cation type are as listed on page 2 of the actions.	0004070404
Pre	oject	09/24/2021 /Site Name: North Maple Street cation or Change of Information Only) Prior Approved	County: Dorchester I NPDES Permit or File Number:
Do	you	want this project to be considered for the Expedi	ited Review Program (ERP)? Yes or No (See instructions)
I.	Α.	New Owner/Operator or Company Name Ch	ng Project: Permitted or Un-Permitted nent (LID) or Project Design Above Regulatory Requirements nange (see Instructions, attach Form A (Transfer of Ownership)) m B (Major Modifications))
11.	Prin	mary Permittee Information	Change of Information
		Person or Company, of	are you a Lending Institution or Government Entity?
	Α.	Primary Permittee Name: Town of Summerville	
			City: Summerville State: SC Zip: 29483
		Phone: 843-851-4226 Fax:	Email Address:
	В.	Contact /ODSA Name (If different from above OR if	f owner is a company): Russell Cornette, PE
		Mailing Address: 200 S. Main Street	City: Summerville State: SC Zip: 29483
	_	Phone: <u>843-851-4226</u> Fax:	Email Address: RCornette@summervillesc.gov
	C.	Property Owner Name (If different from above):	
		Mailing Address:	City:State:Zip:
		rnone:Fax:	Email Address:
111.	Co	mprenensive Stormwater Pollution Prevention	n Plan (C-SWPPP) Preparer Information Change of Information
		C-SWPPP Preparer Name: Shanna Niswonger, PE	pe Architect Tier B Land Surveyor S. C. Registration #: 28678
		Company/Firm Name: Michael Baker International	
	0.	Mailing Address: 700 Huger Street	City: Columbia State: SC Zip: 29201
		Phone: (803) 231-3996 Fax:	Email Address: sniswonger@mbakerintl.com
IV.	Proj	ect/Site Information	Change of Information
	Α.	Type of Construction Activity(les) (Select ALL that a Commercial Industrial Institution Residential: Single-family Residential: Site Preparation (No New Impervious Area)	apply): utional
	B.	Site Address/Location (street address, nearest interse	ection, etc.) North Maple from Parsons Rd to approx 760' S of Old Dairy
		City/Town (If in limits):	Zip Code:
			1 ' 19" W (Source): GPS Web Site: Google Earth
		Tax Map Number (s) (List all):	
	DHE	2617 (10/2012)	

C. Is this site located on Indian Land? D. Proposed Start Date: 11/01/2021 E. Disturbed Area (nearest tenth of an act.) F. Modification Only: (nearest tenth of an Disturbed Area Change (Increase O. Is this project part of a Larger Communication of the Larger Co	Proposed Complete: 17.4 To acre): Disturbed Area: Only):	otal Area (ac Current (App Total Distu ent or Sale (L	res): 19 proved) rbed Arc CP)?	Area:ea (After Cha	nge):				
Check here if this is the First Phase. Previous State Permit/File Number: Previous NPDES Coverage Number: SCR10									
H. Any Flooding Problems exist downstream of or adjacent to this site? Tyes. No (If yes, provide detailed description of flooding problems and applicable floodway/flood zone information in the C-SWPPP). I. Active S.C. DHEC Warning Notice, Notice to Comply or Notice of Violation for this site or LCP? Tyes No J. List Relevant State and Federal Environmental Permits or Approvals applied for or obtained for this site (e.g., RCRA, USACOE, Nationwide, etc.). If None, list None. USACOE Nationwide Permit / Section 401 Water Quality Certification K. Any Walver(s)/Varlances/Exceptions Requested for this Project? (If yes, identify below and include Walver Request and Justifications in the C-SWPPP for each proposed request).									
Small Construction Activity Waive If yes, Identify requested waiver:									
2. Detention Waiver (72-302(B)?	Yes V No 3. Other	Specify):							
V. <u>Waterbody Information</u> (Attach additional A. Receiving Waterbody(s) (RWB) Informations stormwater discharges will drain. If storm	ion (List the nearest and		vaterbo	ng waterbod dies, list all suc	ch waterbodies).				
1. Name of Receiving Waterbodies (RW	(B)		2000	istance to VB (feet)	3. Classification of RWB				
a. Nearest: UNNAMED TRIBUTARY (north			2500		FW				
b. Next Nearest: <u>RUMPHS HILL CREEK</u>	(north)		3800		FW				
c. Coastal Zone ONLY: Coastal Receiving	Water (CRW): ASHLEY R	VER	43000		Not Applicable				
d. Other Waterbodies:					FW				
B. Waters of the U.S. / State Information (Att	tach additional sheet(s) as	needed)							
Waters of the U.S./ State	1. On the site?	2. Delinea Identifie		3. Impacts?	4. Amount of impacts				
a. Jurisdictional wetlands	✓Yes □No	✓ Yes		✓ Yes □No					
b. Non-jurisdictional wetlands	☐Yes ✓No	□Yes 🗹		Yes No					
c. Other Water(s): jurisdictional stream	✓Yes □No	✓Yes □			0.01 Ac 134 Feet				
d. Coastal Zone ONLY: Direct Critical Area	Yes VNo	□Yes ✓	No .	Yes No	AcFeet				
5. If yes for impacts in B.3, describe each General Permit) and certifications that he Roadway fill, USACOE Nationwide Permit / S.C. Nationallo Waters (SCNN) Information	ave been applied for or Section 401 Water Quality	obtained for Certification	r each i	mpact:					
C. S.C. Navigable Waters (SCNW) Informati Waters' Program under SC Regulation 19-450 c certification. (Attach additional sheet(s) as ne	during the review of the C- eeded).								
 a. If no, do not complete this question. F. b. If yes, provide the name of S.C. No. 2. If yes for C.1, will construction activities If yes, describe SCNW activities (e.g., reproceed to Section C.3: 	 1. Are S. C. Navigable Waters (SCNW) on the site:Yes								
3. Identify permits providing coverage of Permits/Certifications	Permit or Certification				ne. NW Activity(ies)				
a. DHEC General/ Other DHEC Permit	Terrini or Cermicunon	to. Colles	ponding	Covered 3CI	AN ACHARACTES				
b. USACOE 404 Permit or 401 Certification c. SCNW Permit If applied for or issued, identify Date	b. USACOE 404 Permit or 401 Certification c. SCNW Permit If applied for or issued, identify Date								
d. If a SCNW Permit has <u>NOT</u> been ap	d. If a SCNW Permit has NOT been applied for provide an additional plan sheet that shows plan and profile views (drawn to scale) of the SCNW and associated activities. Include a description of all proposed activities on this plan.								

1. 303(d) Listed Impaire				itoring	b. ls f	this WQMS(s)	T	c. List th	ne	d.	Will any	/	e. If yes for
a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from					on the most		pollutai	THE R. P. LEWIS CO., LANSING, MICH.			causing	list the "USE	
your construction site and						nt 303(d) List?	•	identifie				ment be	
Name of the Correspondir						roceed to		"CAUSE	S" of		esent in		impairment(s
Nearest DHEC WQMS(s)		respon			Section	on 2 of this tabl		the		-		truction	affected by t
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f. If yes for d above, wil	luse	of the	BMPs p	propose	d for y	our proje <u>ct</u> e	nsure	e the sit	e's dis	cha	rges v	VIII NOI	confibure to
cause further WQS viola	ations	for the	e impa	ılrment(:	s) liste	d in c? □Y	es L	No					
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2. TMDL Impaired Water	rbodi	es											
a. Name of Nearest DHEC			a TMD	L(s) been	1 0	. If yes for b,	d.	If yes fo	r b, has				(Not Attained),
Water Quality Monitoring			oped fo			what pollutants		e stando					itants causing t
Stations (WQMS)(s) that		WQMS				are listed as		TTAINED			impo	irment l	be present in ye
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V. Waterbody Information							
1. Name of Receiving Waterbodies (RWB)	2. Distance to RWB (feet)	3. Classification of RWB					
a. Nearest: Unnamed Tributary	2400	FW					
b. Next Nearest: Sawmill Branch	9100	FW					
c. Coastal Receiving Water: Sawmill Branch	9100	Not Applicable					
d. Next Nearest: Ashley River	48000	FW					

D. Impaired Waterbodies Information

	1. 303(d) Listed Impaired Waterbodies Name of Nearest DHEC Water b. Is this c. List the d. Will any									
Quality	Monitoring Stations	WQMS(s) listed	pollutant(s)	pollutants	e. If yes for d , list the "USE					
(WQMS)(s)	that receives stormwater	on the most	identified as	causing the	SUPPORT"					
	construction site and/or	current 303(d)	"CAUSES" of	impairment	impairment(s)					
	64 and the Name of the	list? If No,	the	be present	affected by the					
Correspond	ing Waterbody?	proceed to	impairment	in your	pollutant(s)					
Nearest	Corresponding	Section 2 of this		site's	identified in c.					
DHEC	Waterbody	table. If Yes,		construction						
WQMS(s)	3.5	complete items C		stormwater						
		through f.		discharges?						
CSTL-102	ASHLEY RIVER	YES	ENTERO, ECOLI	NO						
CSTL-043	SAWMILL BRANCH	YES	DO	NO						
CSTL-013	SAWMILL BRANCH	YES	DO SON	NO						
CSTL-560	ASHLEY RIVER	YES	HG	NO						
RT-032046	ASHLEY RIVER	YES	ENTERO	NO						
MD-049	ASHLEY RIVER	YES	TURBIDITY	YES	AL SON					
MD-049	ASHLEY RIVER	YES	ENTERO, pH	NO						

f. If yes for d above, will use of the BMPs proposed for your project ensure the site's discharges will NOT contribute to or SDN he cause further WQS violations for the impairment(s) listed in c? Yes No

(NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

2. TMDL Impaired Water			T	16 8 1401
a. Name of Nearest DHEC Water Quality Monitoring Station (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4 and the Name of the Corresponding Waterbody?	b. Has a TMDL(s) been developed for this WQMS(s)? If No, identify as such below and proceed to Section VI. If Yes, complete items c thru f on this table.	c. If yes for b, what pollutants are listed as "CAUSES" or causing the impairment?	d. If yes for b, has the standard been "ATTAINED" or "Fully Supported" for the impairment(s)?	e. If no for d (Not Attained), will any pollutants causing the impairment be present in your site's construction stormwater discharges?
CSTL-102	YES	DO	YES	
CSTL-043	YES	FC	NO	NO
CSTL-013	YES	FC	NO	NO
CSTL-560	NO			
RT-032046	YES	DO	YES	
MD-049	YES	DO	YES	

f. If yes for e above, are your discharges consistent with the assumptions and requirements of the TMDL(s)? Yes No (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions

Mayor Ricky Waring

Councilmembers:
Bill McIntosh, Mayor Pro Tem
Russ Touchberry
Aaron Brown
Kima Garten-Schmidt
Bob Jackson
Terry Jenkins



Town Administrator Lisa Wallace

Town Clerk
Beth Messervy

Town Attorney G.W. Parker

TOWN of SUMMERVILLE

September 23, 2022

C-SWPPP PREPARER: Shanna Niswonger, PE Michael Baker International, Inc. 700 Huger Street Columbia, South Carolina 29201 sniswonger@mbakerintl.com

PERMITTEE:
Town of Summerville
Attn: Russ Cornette, PE
200 South Main Street
Summerville, South Carolina 29483
rcornette@summervillesc.gov

RE: MS4 Project Approval
North Maple Street
Disturbed Area: 17.4 Acr

Disturbed Area: 17.4 Acres

Stormwater Construction Approval #: SCA22-000001

Dear Ms. Niswonger and Mr. Cornette:

This letter is for the purpose of approving the project listed above consisting of construction drawings and the Stormwater Management Design Study, both signed and dated through January 4, 2022. The drainage improvements and erosion and sediment control features are consistent with the Town of Summerville's ordinance and comply with the SC Department of Transportation's Requirements for Hydraulic Design Studies. Land disturbing activities may not commence until all applicable state and federal approvals are obtained, including SCDHEC issuing coverage under the NPDES Construction General Permit (CGP). A copy of the approved set of plans shall be maintained on site while construction is underway. Should you have any questions, please contact me at (843) 851-4235.

Sincerely,

Bonnie C. Miley, PE Assistant Town Engineer

Boune Meley

Enclosure: Approved MS4 Application

CC: Mallory Ware—SCDHEC Coastal Stormwater Permitting Amanda Y. Deaton, PE—Michael Baker International, Inc.



Coastal Zone Consistency Determination

To: Mallory Ware, BOW Coastal Stormwater Permitting Section

From: Christopher M Stout, OCRM Coastal Zone Consistency Section

Applicant: Russell Cornette, Town of Summerville

Project Name: North Maple Street

Finding: Conditionally Consistent with the SC Coastal Zone Management Program

Site Location: North Maple from Parsons Rd to approx 760' of Old Dairy, na, Dorchester

County, South Carolina (TMS#: N/A)

Reference #: HPF-B8EX-08KSY

Date: August 30, 2022

The staff of the Office of Ocean and Coastal Resource Management (OCRM) reviewed the above referenced Coastal Zone Consistency project request for land disturbance associated with widening the existing roadway from two to four travel lanes from the Nexton Parkway to U.S. Route 78 and widening from two to three lanes (two travel lanes with a center turn lane) from U.S. Route 78 to the tie in with Parsons Road and adding improvements (turn lanes) to its intersections with US 78 (5th North Street), S-65 (West Richardson Avenue), and S-59 (Parson Road). The project would also include improving pedestrian safety by adding sidewalks and proper curb ramps. The proposed project will result in the placement of fill material in 0.19-acre, land clearing of 0.05-acre, and 0.06-acre of excavation in jurisdictional wetlands and 134 linear feet of fill in jurisdictional channels. These impacts were reviewed and certified under SAC-2018-01003. The total area of disturbance will be 17.4 acres of a 19.4 acre project site.

We hereby certify that the above referenced project is **Conditionally Consistent** with the **Guidelines for Evaluation of All Projects** as well as the Transportation Facilities (Roads and Highways), Wildlife and Fisheries Management, Activities in Areas of Special Resource Significance (Wetlands), and Stormwater Management (Runoff) policies contained in the S.C. Coastal Zone Management Program provided the following conditions are included in the permits and adhered to by the applicant.

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the

National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

- 2. Prior to land disturbance and impacts to jurisdictional wetlands of 0.00 acres, applicant must fully comply with all general, special and regional terms and conditions of the US Army Corps of Engineers Permit (SAC-2018-01003) as well as SCDHEC requirements for Water Quality and Coastal Zone Certifications.
- 3. All construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.
- 4. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.

This determination shall serve as the SCDHEC OCRM Coastal Zone Consistency Determination for the work described above. However, this determination does not serve as a Department permitting decision and does not alleviate the applicant's responsibility to obtain any applicable State or Federal permit(s) for the work. Local government authorizations may also be required.

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 respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by

regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

- 9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
- 10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

II. Final Review Conference Scheduling

- 1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
- 2. The Clerk will request Department staff provide the Administrative Record.
- 3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
 - include the place, date and time of the Conference;
 - state the presentation times allowed in the Conference;
 - state evidence may be presented at the Conference;
 - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
- 4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

- 1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - Type of decision (permit, enforcement, etc.) and description of the program.
 - Parties
 - Description of facility/site
 - Applicable statutes and regulations
 - Decision and materials relied upon in the administrative record to support the staff decision.
 - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] NOTE: The burden of proof is on the Requestor(s)
 - Rebuttal by Department staff [15 minutes]
 - Rebuttal by Requestor(s) [10 minutes]
 - Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
- 2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
- 3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
- 4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
- 5. All Conferences are open to the public.
- 6. The officers may deliberate in closed session.
- 7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
- 8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council.. The FAD will be sent by certified mail, return receipt requested.
- 9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.