



Catherine E. Heigel, Director

*Promoting and protecting the health of the public and the environment*

February 09, 2016

Mr. David Burnside  
[REDACTED]

Re: Permit to repair DUFFIES POND DAM (D 0600) in Richland County

Mr. Burnside:

The South Carolina Department of Health and Environmental Control (Department/DHEC) has reviewed your application for a permit to repair DUFFIES POND DAM, together with plans prepared by Dan Creed, P.E. with Heritage Engineering, and your application is approved. Enclosed is your permit NO. 40-0024. This existing dam is classified as low hazard by DHEC due to the likely damages that would result from its potential failure or improper operation.

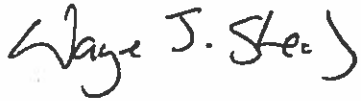
Please note the special provision in the permit that your engineer notifies DHEC in writing when construction is complete in accordance with the approved plans. Once notified, the Department will schedule a final inspection with your engineer. DHEC can only issue a Certificate of Operation or Completion based on satisfactory results of the final inspection. You do not have the Department's assent to raise the reservoir elevation until this certificate is issued by DHEC.

Please be aware that obtaining this permit from the Dams Safety program does not obviate your requirement to obtain any other Federal, State or local assent that may be required.

This becomes the final agency decision fifteen (15) calendar days after this letter has been mailed unless a written request for review and a filing fee in the amount of \$100 is filed with the Department. 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 May 8, 2014. This information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.

If you have any questions regarding the contents of this letter or the enclosed permit, please don't hesitate to contact me.

Sincerely,

Handwritten signature of Wayne J. Shealy in black ink.

Wayne J. Shealy  
Environmental Engineer  
Dams Safety Program  
(803) 898-4212

Enclosures: Guide to Board Review  
Permit NO. 40-0024

cc: Dan Creed, P.E., Heritage Engineering  
Sonya Johnson, Columbia EQC Regional Office

CODE NO. 40-0024

NAME OF APPLICANT David Burnside

EFFECTIVE DATE: February 9, 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: David Burnside



to: repair DUFFIES POND DAM (D 0600) 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 of aquaculture.

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 Regional Office serves the area where this dam is located.

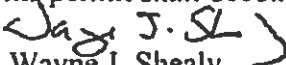
#### SPECIAL CONDITIONS:

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](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 constructed. 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.

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

  
Wayne J. Shealy

Dam Safety Permitting

February 09, 2016

Date

Copy filed with:

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

DHEC 2603(06/94)