THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF ENVIRONMENTAL SERVICES

IN RE: UPPER SUNNY HILL POND DAM, SCD02523
KERSHAW COUNTY

INSPECTION AND REPAIR ORDER
26-035-W

Sunnyhill Northlake, Inc. (Sunnyhill Northlake) and including Deborah Bailey (Bailey), Dana Baxter (Baxter), Lisa B. Bradley (Bradley), George T. and Margaret S. Cracraft Joint Survivorship (Cracraft), Raymond G. and Tammy M. Cunningham (Cunningham), John M. Deal, Jr. and Annah J. Deal (Deal), Jacob and Nikki Garwood (Garwood), Beverly Harris (Harris), Dianne C. Hartis (Hartis), Michael Y. and Carolyn H. Horton Joint Survivorship (Horton), Mary Hurst (Hurst), Van A. Johnson, Jr. and Elizabeth A. Johnson (Johnson), Edward D. and Pearl W. Nester Joint Survivorship (Nester), Suzanne Slocum and Travis Odgen (Slocum/Odgen), James J. Ottow and C. G. Ottow Joint Survivorship (Ottow), Elizabeth S. Outlaw (Outlaw), Sheridan S. Oxley (Oxley), Brandon Traynham (Traynham) and 2.40 Tract C, LLC (2.40 Tract C) (collectively, Dam Owners) own and are responsible for the proper maintenance and operation of Upper Sunny Hill Pond Dam, State ID Number SCD02523 (the Dam) a "High Hazard" Dam located at Latitude: 34.29047776204979 and Longitude: -80.625169714357924, that creates an impoundment of water of an unnamed Tributary of Wateree River (Reservoir) in the City of Camden, Kershaw County, South Carolina.

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The South Carolina Department of Environmental Services (Department),[1] pursuant to the South Carolina Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, et seq. (2008), (The Act) and Regulation 72-1, et. seq. (2012), hereby issues this Inspection and Repair Order (Order) with respect to deficiencies regarding the condition of the Dam and the remedial actions necessary to bring the Dam into compliance, making the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On October 3, 2000, this matter came before the Kershaw County Court of Common Pleas upon the complaint of the South Carolina Department of Health and Enviornmental Control (DHEC) seeking a judicial determination of the party or parties responsible for the operation and maintenance of the Dam.

2. On January 31, 2001, a settlement agreement (Settlement Agreement) was reached regarding operation and maintenance of the Dam according to Kershaw County Clerk of Court records. The Settlement Agreement filed in the Kershaw County Court of Common Pleas on Feburaruy 6, 2001 stated "This order insures to the benefit of all parties, and is binding on all parties" and "with the consent of the parties," the Court, in part, ordered:

    1) The homeowners having lots on the Upper Sunnyhill Pond will establish a homeowners' association in corporate form issuing such shares and having such bylaws as may be agreeable to them which will notify DHEC of its acceptance of the responsibility for receiving and responding to DHEC's inspection reports;

[1] Pursuant to South Carolina Act No. 60 of 2023 and S.C. Code Ann. § 1-30-140, all functions, powers, and duties of the environmental divisions, offices, and programs of the South Carolina Department of Health and Environmental Control (DHEC) were transferred to, incorporated in, and shall be administered as part of the Department of Environmental Services as of July 1, 2024.

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maintaining the dam; and establishing and maintaining an emergency notification plan. A plan for establishing this association will be provided to all parties within fourteen days of the date of this order.

2) Once formed, the Upper Sunnyhill Pond homeowners' association will assume control of the dam. Defendants West, Tetterton, and Ford will deliver quit-claim deeds transferring whatever ownership interest they have in the dam to the homeowners' association.

The Department has determined that the owners of the properties named in the Settlement Agreement, along with Sunnyhill Northlake, are the owners of the Dam pursuant to the South Carolina Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-120(3) which defines "Owner" as "those who own, control, operate, maintain, manage, or propose to construct a dam or reservoir."

3. On August 27, 2001, according to South Carolina Secretary of State (SCSOS) records, Sunnyhill Northlake with Robert J. Sheheen as the Registered Agent was filed/effective with the SCSOS as required in the Settlement Agreement. However, Sunnyhill Northlake currently has a "Forfeited" status with the forfeiture filed on August 1, 2013. Sunnyhill Northlake was issued a Certificate of Dissolution by Administrative Dissolution pursuant to S.C. Code Ann. § 33-14-200 by SCSOS because Sunnyhill Northlake failed to either pay franchise taxes or deliver its annual report to the South Carolina Department of Revenue. Sunnyhill Northlake has not wound up its affairs and remains a legal entity pursuant to S.C. Code Ann. § 33-14-210(d). Also, SCSOS records show that 2.40 Tract C has a "Good Standing" status and Lauren Baker is the Registered Agent. SCSOS records stated that South Lake, Inc. (South Lake) has a "Good Standing" status and Benjamin J. Mingo is the Registered Agent.

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4. On November 13, 2001, according to Kershaw County Clerk of Court records, a Quit Claim Deed was recorded for the property identified as the parcel of land lying directly beneath the roadway known as Sunnyhill Drive (SC Road 560) and extending from the roadway right-of-way, bounding on Lots 42-J and 1-L of Sunnyhill Subdivision on the south and extending from the roadway right-of-way bounding on Lots 22-E and 23-B of Sunnyhill Subdivision on the north and being all the land comprising the Dam lying between the lot lines of the adjoining lots on the North now or formerly owned by Outlaw and Messier and lot lines and the right-of-way of the roadway on the South (the land outside the right-of-way being now or formerly owned by South Lake Corporation and lot owners Cole and Montgomery). The deed states that John C. West, Sheddie Tetterton and Alice Ford (collectively the Grantors) were involved in the Development of the Sunnyhill Subdivision through stock ownership in Sunnyhill, Inc., a dissolved corporation. The Grantors are the sole survivng former stockholders and in compliance with the Settlement Agreement, were remised, released and forever quit-claimed unto the Sunnyhill Northlake, its successors and assigned all rights and interest which they owned in the above described property.

5. On July 7, 2016, DHEC conducted a preliminary inspection of the Dam. DHEC's Inspector (Inspector) spoke to Fred Oxley (Mr. Oxley), the husband of Sheridan S. Oxley, on August 31, 2016. Following the conversation, the Inspector sent Mr. Oxley and DHEC staff an email summarizing the conversation as follows: 1) I spoke with Mr. Oxley, who is one of the residents of the Upper Sunnyhill community and who is going to be the point of contact. The email included Mr. Oxley's phone number and email address; and 2) Mr. Oxley stated he is currently talking with two engineers to get the Dam evaluated and that they are also planning on trying to re-incorporate the HOA to make future contact easier for everyone.

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6. On September 25, 2017, Mr. Oxley sent DHEC an email stating the following: 1) I am having a difficult time getting estimates on clearing the Dam because no one wants to do the work until winter when the vegetation is dormant and they are better able to see how to work from a safety stand point; 2) The Dam will definitely be cleared in accordance with the court order and DHEC in Agreement, directing us to remove all trees and underbrush with a diameter of six inches or less and to leave the remaining trees alone; and 3) I forwarded your letter to our civil engineer, William Cooper who suggested a meeting at the Dam to discuss alternatives or feasible options to maintain the Dam.

7. On September 26, 2018, November 23, 2020, and November 15, 2022, DHEC conducted Preliminary Inspections of the Dam. The Dam was classified a "High Hazard" dam, and the overall condition of the dam was rated as "Poor" in the reports of all three (3) inspections. The inspection reports were mailed to the Dam Owners' representatives. In addition to the Preliminary Inspections, DHEC continued to conduct routine site visits and emergency inspections of the Dam.

8. On July 1, 2024, the functions and duties of the environmental divisions, offices, and programs of DHEC were transferred to and were from that time forth administered by the Department.

9. On July 5, 2024, the Department conducted an emergency site visit in response to notification by the City of Camden that SCDOT was closing State Road S-28-560 (Sunny Hill Drive) located on top of the Dam for an unspecified issue with the Dam. The Inspector observed a three (3) feet diameter by four (4) feet deep sinkhole located on the crest of the dam adjacent to the roadway pavement on the upstream side, in a location that would place it directly above the spillway conduit and documented his observations with photographs.

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The Inspector's site visit comments state that the Dam was not expected to be in imminent failure.

10. On July 5, 2024, the Department emailed Mr. Oxley, after being unable to reach him via phone, the email notified Mr. Oxley of the following: 1) The Department was notified by the City of Camden that Sunny Hill Drive was being closed by SCDOT for an unspecified issue with the Dam; 2) The Department sent a staff member to the Dam that observed/determined a sinkhole had developed on the upstream side of the Dam directly above the spillway conduit through the dam (photos of the Department's observations were attached); and 3) The Department intends to conduct a Preliminary Inspection of the Dam on Monday, July 8, 2024 at 9:30 a.m. Additionally, the Department recommended that the water level in the upper pond be lowered and if it is possible to do so and to coordinate any lowering with the lower pond representative, Mr. Ben Mingo. Mr. Mingo's email address and phone number were provided.

11. On July 8, 2024, the Inspector conducted a Preliminary Inspection of the Dam. During the inspection, the Inspector observed and documented the following with photographs:

    a. Sunnyhill Drive, the road located on the crest of the dam had a longitudinal cracking of the pavement near a sinkhole that formed alongside the road nearly in-line with the primary spillway structure. The sinkhole measured three (3) feet in width and three and one half (3.5) feet in depth;

    b. Numerous voids/subsided areas within the upstream slope that vary in depth, but all voids were greater than twelve (12) inches in depth. Some of the voids appear to have formed around tree roots. Minor scarping, less than twelve (12) inches in depth located on the right side of the upstream slope;

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c. Dense brush and woody vegetation less than four (4) inches in diameter (at chest height) prevented full inspection of the downstream slope. Scarping more than twelve (12) inches in depth along the shoulder of the crest and the downstream slope. Multiple voids within the downstream slope, potentially from tree roots and stumps with some areas greater than two (2) feet in depth;

d. Large trees greater than four (4) inches in diameter (at chest height) on the upstream slope and the groin area (at downstream slope) and decaying stumps larger than four (4) inches in diameter on the upstream slope and downstream slope;

e. Brush, woody vegetation, and trees less than four (4) inches in diameter on the upstream and downstream slopes; and

f. Grass cover is limited by brush and woody vegetation on the upstream and downstream slopes.

12. On July 9, 2024, the Inspector spoke to Mr. Oxley by phone to discuss the status of the Dam. The Inspector stated that a Preliminary Inspection was conducted due to a sinkhole incident on July 5, 2024. The Inspector asked Mr. Oxley if he was still responsible for maintaining the Dam. Mr. Oxley stated that he was, since there was no one else to do so and that SCDOT had previously done maintenance on the Dam. The Inspector advised Mr. Oxley to lower the water level to potentially prevent further damage associated with the sinkhole. Mr. Oxley stated he was unable to lower the water level that day but would begin as soon as possible. The Inspector scheduled a meeting with Mr. Oxley on July 10, 2024, to discuss the Dam's deficiencies and next steps for the Dam.

13. On July 10, 2024, the Inspector met with Mr. Oxley and other Sunnyhill homeowners to address the Dam's deficiencies and next steps for the Dam. The Inspector discussed the need to have the water level lowered and to operate the water level at a safer level to

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potentially prevent further damage due to the sinkhole. Mr. Oxley stated that they would pull boards soon and attempt to lower the water level by at least two (2) feet over the weekend. Additionally, the Inspector advised the need for further investigations by a Licensed Engineer, especially following the delivery of the Preliminary Inspection report and letter. At the time of the meeting, the Inspector observed that someone had attempted to fill the void slightly with a sand/soil mixture. There was about six (6) inches of uncompacted material within the void that did not appear to have been due to additional erosion around the sides of the void. The homeowners were unaware of who had placed the material and were concerned about who owned the Dam.

14. On July 18, 2024, the Department sent a letter (property owners copied) and a copy of the Preliminary Inspection report for the inspection that was conducted on July 8, 2024, via first-class and certified mail to both Sunnyhill Northlake (attention of Mr. Oxley) and South Lake (required by the Settlement Agreement to allow access to the Dam). On the same day, the letter and the Preliminary Inspection report were also sent via first-class mail to all the following owners that own property around the upper pond area and that were copied on the letter: Bailey, Baxter, Bradley, John M. Burns, Cracraft, Deal, Joseph M. Floyd, Sr., Garwood, Harris, Hartis, Horton, Hurst, Johnson, Nester, Vicky K. Marsh, Elizabeth S. Outlaw, Ottow, Zachary Alexander and Saraw [Sarah] W. Ouzts, Oxley, Gerald A. Porter, Benny L. and Vivian M. Ray, Joel A. Ray, Walter F. Setzer III and Kym Setzer Wood, Slocum/Ogden, and Traynham. The certified mail sent to Sunnyhill Northlake, Mr. Oxley, at his home's street address, was delivered on July 20, 2024. The certified mail sent to South Lake, attention of the Registered Agent was date stamped received and returned to the Department on August 30, 2024. The letter notified the Dam

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Owners that the Dam was currently a "High Hazard" dam, and its overall condition was "Poor." The letter further required the Dam Owners to:

a. Engage a Professional Engineer to evaluate the condition and stability of the dam, and submit a permit application no later than October 17, 2024 regarding the following: 1) Voids and sinkholes on the crest and downstream and upstream slopes; 2) Scraping on the downstream slope; 3) Develop a tree management plan to address the trees and stumps greater than four (4) inches in diameter; and 4) Conduct a full investigation into the extent of the newly formed void and the extent of the voids/internal erosion pathways within the dam;

b. Maintenance activities not requiring a permit should be initiated immediately and completed as soon as possible for the following: 1) Manage/remove brush and woody vegetation less than four (4) inches in diameter; and 2) Develop grass coverage or other form of erosion protection following deleterious vegetation removal;

c. Monitor for worsening cracking along the pavement; and

d. Update the Emergency Action Plan (EAP) on file with the Department to meet the requirement of an approved and current EAP. Please contact response@des.sc.gov for information on how to satisfy the EAP requirement and for assistance in developing and revising an EAP for this dam.

15. On July 26, 2024, the Inspector sent a text message, via phone, advising Mr. Oxley that the water level should be lowered and for Mr. Oxley to confirm with the Department when the water level had been lowered.

16. On August 5 and August 9, 2024, the Department conducted site visits and documented with photographs that the overall condition of the Dam was unchanged.

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17. On August 28, 2024, at 6:30 p.m., the Department held a public meeting in Camden, South Carolina at the Revolutionary War Visitor's Center to discuss the condition of the Dam, the complex history of ownership including the Settlement Agreement, and the requirements/recommendations for repairs and maintenance for the Dam.

18. On October 24, 2024, the Department mailed a Notice to Comply (NTC) letter via a first-class and certified mail to both Sunnyhill Northlake (to Mr. Oxley) and South Lake (the Registered Agent). The NTC letter was issued because Sunnyhill Northlake had not complied with the requirement to submit a permit application prepared by a registered Professional Engineer licensed in South Carolina by October 17, 2024, to the Department as requested by the Department's July 18, 2024, letter and as required based on the Preliminary Inspection conducted on July 8, 2024. The letter also required the permit application to be submitted to the Department by December 5, 2024.

19. On January 3, 2025, a second NTC letter was issued by the Department. The letter required the permit application to be submitted to the Department by March 28, 2025, and for required maintenance items to be addressed within the permit application or by submission of photographic documentation demonstrating the completion of the required maintenance items by March 28, 2025.

20. On February 11, 2025, the Department sent a letter via first-class mail and email to Sunnyhill Northlake (Mr. Oxley) stating the Department had met with representatives of the City of Camden on January 10, 2025, after members of the Sunnyhill Northlake subdivision had reached out to the City of Camden regarding the Dam. The letter also stated the Department is committed to working with dam owners and the communities in which they reside in collaborative efforts to address dam safety issues. The letter further stated that in the interim, the Department had suspended the deadline of March 28, 2025, for the

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submission of a permit application for repairs of the Dam and for performing maintenance on the Dam that was given in the NTC letter dated January 3, 2025. Lastly, the letter stated the Department would evaluate imposing a new deadline on the 15th of every month in consideration of the Dam Owners taking the steps outlined in this letter. The Department reiterated that the Dam is unsafe and in poor condition, and that additional studies and investigation are needed to formulate a plan to make the Dam safe. The letter required the dam owners to take the following actions/steps to mitigate risk:

a. Work to lower the water level by removing additional boards from the spillway and to keep the water level low thereafter;
b. Remove small trees (i.e., those less than 4" in diameter) and brush from the upstream and downstream slopes along the length of the dam;
c. Finalize an EAP for the dam;
d. Along with these steps, seek out a South Carolina licensed Professional Engineer to perform a thorough assessment of the dam and develop a permit application for repair;
e. Monitor the condition of the dam. It is the responsibility of the dam owners to maintain the dam in a safe condition; and
f. If no willingness or effort is shown to address the deficiencies, the Department will proceed with issuing an Inspection and Repair Order.

21. From February 14, 2025, to January 6, 2026, the Department continued to conduct routine site visits and documented with photographs that the Dam Owners had not addressed the deficiencies, and the overall condition of the Dam had not changed and that the road on top of the Dam remained closed.

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22. On January 14, 2026, at 6:30 p.m., the Department held a public meeting in Camden, South Carolina at the Revolutionary War Visitor's Center to discuss the condition of the dam, the complex history of ownership including the Settlement Agreement, and the requirements/recommendations for repairs and maintenance for the Dam.

23. On April 2, 2026, the Department's Inspector sent a letter, via first-class mail, notifying the representatives of the Dam Owners, including the Registered Agents for 2.40 Tract C and Sunnyhill Northlake, that the Dam was due for a Preliminary Inspection and that the Department had scheduled an inspection for April 22, 2026. The Department also copied the Registered Agent for South Lake on the letter and emailed the letter to the City Manager for the City of Camden.

24. On April 22, 2026, two (2) Inspectors from the Department conducted a Preliminary Inspection of the Dam. During the inspection, the Inspectors observed and documented the following with photographs:

    a. The road located on the crest of the dam was closed to traffic and a large sinkhole extended six (6) to seven (7) feet horizontally beneath the roadway and above the primary conduit. The sinkhole at the upstream edge of the road measured approximately three (3) feet wide and four (4) feet in depth;

    b. Several sinkholes and voids (greater than twelve (12) inches in depth) on the upstream slope and a sinkhole (smaller than twelve (12) inches in depth) in line with the conduit at the edge of the downstream slope;

    c. The majority of the primary spillway was blocked;

    d. The downstream slope had an eroded area and a sinkhole (smaller than twelve (12) inches in depth);

    e. The riser structure was blocked by debris;

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f. Large trees greater than four (4) inches in diameter were located on the upstream and downstream slopes and decaying stumps larger than four (4) inches in diameter were located on the downstream slope;

g. Brush, woody vegetation, and trees less than four (4) inches in diameter were located on the upstream and downstream slopes; and

h. Grass cover was limited by brush and woody vegetation on the upstream and downstream slopes.

25. On May 29, 2026, the Department conducted a site visit and documented the following with photographs: the sinkhole had expanded to include some of the road surface, maintenance had been performed to cut down vegetation on the downstream slope, and the water level was at normal pool.

26. On June 17, 2026, the Department sent letters via first-class and certified mail to both the Dam Owners and South Lake along with a copy of the inspection report from the Preliminary Inspection that was conducted on April 22, 2026. The City Manager for the City of Camden was copied on the letter and notified via email. The certified letters/mail sent to Dam Owners Bailey, Deal, Harris, Horton, Johnson, and Ottow were confirmed delivered on June 20, 2026. The certified letters/mail sent to Dam Owners Baxter, Hartis, Hurst, Nester, Slocum/Ogden, Oxley, Sunnyhill Northlake, Traynham, and 2.40 Tract C were confirmed delivered on June 22, 2026. The certified letter/mail sent to Dam Owner Outlaw was confirmed delivered on June 23, 2026. The certified letters/mail sent to Dam Owners at the mailing addresses obtained by the Department from public Kershaw County records for Bradley, Cracraft, and Garwood were not confirmed delivered; however, the first-class mail was not returned to the Department. The letter notified the Dam Owners that the Dam was currently a “High Hazard” dam, and its overall condition was

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"Unsatisfactory." The letter also stated that based on observations, the Department had determined that the dam in its current condition was unsafe and a danger to life and property, and that the matter was being referred to the Department's Water Pollution Enforcement Section for further review with a recommendation to issue an Inspection and Repair Order as a next step in ensuring the unsafe condition of the dam is resolved. The letter required the Dam Owners to do the following:

a. Engage a licensed Professional Engineer registered in South Carolina to complete a Detailed Inspection and complete all necessary repairs and/or alterations as determined by the Detailed Inspection. The following deficiencies observed by the Department require a permit and indicate that the dam is apparently unsafe and a danger to life or property: 1) Sink holes and voids on the crest and the upstream slope. 2) Signs of a compromised primary spillway outfall conduit including a sinkhole in proximity to conduit alignment and buildup of sediment beyond conduit outlet in the downstream pond. 3) Erosion on downstream slope. 4) Trees and stumps larger than four (4) inches in diameter;

b. Perform full maintenance activities to be determined by the completion of a Detailed Inspection performed by a licensed Professional Engineer registered in South Carolina. Activities that should be implemented immediately including but are not necessarily limited to the following: 1) Remove debris from the blocked riser structure. 2) Cut and remove brush, woody vegetation and trees less than four (4) inches in diameter. 3) Grass cover should be established on the upstream and downstream slopes;

c. Monitor the following: 1) The condition of the sinkholes and voids; 2) The Primary spillway for debris; 3) The water level; and 4) The health of the large trees.

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d. The Department does not have an approved, current EAP for the Dam on file. Under state law, all High and Significant dams must have an up-to-date EAP. Please contact desresponse@des.sc.gov for information on how to satisfy the EAP requirement and for assistance in developing or revising an EAP for this dam.

27. On June 30, 2026, the Department conducted a site visit and the following observations were documented with photographs: the primary sinkhole located above the spillway conduit at the edge of the road had a mat of artificial material draped over the side approximately one (1) foot wide and several yards long leading from the surface to the bottom of the sinkhole; no maintenance had been performed since the last site visit to remove the dense vegetation, the overall condition of the Dam was unchanged, and the water level was at normal pool.

28. On July 23, 2026, the Department became aware from review of Kershaw County records that 118 Welsh Street, one of the two properties named in the Settlement Agreement owned by Nester, was transferred on May 6, 2026, to Raymond G. and Tammy M. Cunningham (Cunningham).

29. On July 24, 2026, the Department conducted a site visit of the Dam and documented with photographs that the overall condition of the Dam had not changed, no maintenance had been performed to remove vegetation, and the water level was at normal pool.

30. On July 28, 2026, the Department sent a letter via first-class and certified mail notifying Cunningham that the Department had recently become aware that they own the property located at 118 Welsh Street which is subject to the Settlement Agreement. The letter included the Department's website address to view the Settlement Agreement and a copy of the inspection report and the letter for the Preliminary Inspection that was conducted on April 22, 2026. The certified mail/letter was confirmed delivered on July 30, 2026.

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31. On September 17, 2026, the Department sent Notice of Intent letters via first-class and certified mail to the Dam Owners including Cunningham, regarding the Department's intention to issue an Inspection and Repair Order. South Lake and The City Manager for the City of Camden were copied on the letter and notified via email.

32. As of the date of this Order, the condition of the Dam has neither been remediated nor has an up-to-date EAP been submitted to the Department for review and approval to address the condition of the Dam.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department has reached the following Conclusions of Law:

1. The S.C. Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110, *et seq.*, and Dams and Reservoirs Safety Act Regulations, S.C. Code Ann. Regs 72-1 *et seq.* authorize South Carolina's Dams and Reservoirs Safety Program. The purpose of the Act and the Regulations is to protect citizens' health, safety, and welfare by reducing the risk of failure of regulated dams.

2. The S.C. Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-120(9) defines "Owner" as "those who own, control, operate, maintain, manage, or propose to construct a dam or reservoir."

3. The S.C. Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-120(7) defines "Detailed Inspection" as:

> all studies, investigations, and analyses necessary to evaluate conclusively the structural safety and hydraulic capacity of a dam or reservoir and appurtenant works. This inspection includes, but is not limited to, soil analyses, concrete or earth stability analyses, materials testing, foundation explorations, and hydrologic analyses, including basin studies and flood potential. This inspection must be performed by a qualified registered professional engineer.

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4. The S.C. Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-150, states in part, "[t]he owner of a dam or reservoir constructed in this State solely is responsible for maintaining the dam or reservoir in a safe condition throughout the life of the structure…"

5. The S.C. Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-160 and Dams and Reservoirs Safety Act Regulations, S.C. Code Ann. Regs 72-5.B, authorizes the Department to issue an order directing the owner of a dam or reservoir to make at the owner's expense necessary actions per the condition of the dam.

NOW, THEREFORE, IT IS ORDERED, pursuant to the S.C. Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-110 *et seq*. and the Dams and Reservoirs Safety Act Regulations, S.C. Code Ann. Regs 72-1 *et seq*. that Sunnyhill Northlake, Inc. and including Deborah Bailey, Dana Baxter, Lisa B. Bradley, George T. and Margaret S. Cracraft Joint Survivorship, Raymond G. and Tammy M. Cunningham, John M. Deal, Jr. and Annah J. Deal, Jacob and Nikki Garwood, Beverly Harris, Dianne C. Hartis, Michael Y. and Carolyn H. Horton Joint Survivorship, Mary Hurst, Van A. Johnson, Jr. and Elizabeth A. Johnson, Edward D. and Pearl W. Nester Joint Survivorship, Suzanne Slocum and Travis Odgen, James J. Ottow and C. G. Ottow Joint Survivorship, Elizabeth S. Outlaw, Sheridan S. Oxley, Brandon Traynham and 2.40 Tract C, LLC shall:

1. Under the supervision of a qualified registered Professional Engineer licensed to practice in South Carolina, maintain a safe water level in the reservoir so that the Dam does not present a hazard to surrounding and downstream residents and property. The water level must be maintained at a safe level, as determined by the engineer with Department concurrence, until a Certificate of Completion and Operation is issued by the Department.

2. Within sixty (60) days from the execution date of this Order, have a Detailed Inspection, as set forth above and defined in S.C. Code Ann. § 49-11-110 *et seq.*, performed on the

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Dam. The scope and extent of the Detailed Inspection must exceed that which can be achieved purely from a visual inspection, such as was performed by the Department during the Preliminary Inspection(s) set forth above in this Order's Findings of Fact. Hydrologic analysis (i.e., drainage basin size and characteristics, response to rainfall, Probable Maximum Flood determination, downstream flood potential, etc.) and hydraulic analysis (i.e., spillway capacity, pond stage-storage-discharge rating curve generation, etc.) are required. Subsurface geotechnical investigation with material testing and stability analysis is also required.

3. Within thirty (30) days of completion of the Detailed Inspection, submit the engineer's report to the Department from the Detailed Inspection with all the findings, the results, and the recommendations, including a discussion that conclusively states the level of structural safety and hydraulic capacity of the Dam and appurtenant works. If the findings from the Detailed Inspection determine the Dam is structurally or hydraulically deficient, this submittal shall also include a plan for the repair or restoration of the Dam to address the deficiencies, or structural modification to decommission the Dam to ensure that the reservoir no longer holds water, including all engineering recommendations and an application for a permit to repair, restore or make structural modifications to the Dam. The permit application shall include, but not be limited to, supporting plans, specifications, reports, and calculations prepared by a qualified registered professional engineer to address the repair or decommissioning of the Dam. Upon receipt of the application materials, the Department shall conduct a review of the submitted materials and provide notification to the Dam Owners and/or the engineer should further information be needed to resolve any conflicting or uncertain matters. Such response shall be due and submitted to the Department within thirty (30) days of written notification by the Department that further

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information is needed. Upon receiving a permit issued by the Department for the repair or removal of the Dam, all schedules and deadlines identified within the permit shall be incorporated into and become an enforceable part of this Order.

4. Within ten (10) days from completion of all activities related to repair or removal of the Dam, submit to the Department notification of completion, written certification from the engineer that the work was performed in conformance with the plans and specifications approved by the Department, and a request for final inspection.

PURSUANT TO THIS ORDER, all communication regarding this Order and its requirements shall include the Order number and shall be addressed as follows:

Margaret Spence, Enforcement Project Manager
SCDES - Bureau of Water
WP Enforcement Section
2600 Bull Street
Columbia, S.C. 29201

IT IS FURTHER ORDERED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the S.C. Dams and Reservoirs Safety Act, S.C. Code Ann.§ 49-11-260, to include the assessment of civil penalties and enforcement of said Order in the appropriate Court.

IT IS FURTHER ORDERED that this Inspection and Repair Order governs only the civil liability imposed upon Sunnyhill Northlake, Inc. and including Deborah Bailey, Dana Baxter, Lisa B. Bradley, George T. and Margaret S. Cracraft Joint Survivorship, Raymond G. and Tammy M. Cunningham, John M. Deal, Jr. and Annah J. Deal, Jacob and Nikki Garwood, Beverly Harris, Dianne C. Hartis, Michael Y. and Carolyn H. Horton Joint Survivorship, Mary Hurst, Van A. Johnson, Jr. and Elizabeth A. Johnson, Edward D. and Pearl W. Nester Joint Survivorship,

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Suzanne Slocum and Travis Ogden, James J. Ottow and C. G. Ottow Joint Survivorship, Elizabeth S. Outlaw, Sheridan S. Oxley, Brandon Traynham, and 2.40 Tract C, LLC, by the Department for civil sanctions arising from the matters set forth herein.

THE PARTIES UNDERSTAND that the "execution date" of the Order is the date the Order is signed by the Director of the South Carolina Department of Environmental Services.

S.C. Code Ann. § 48-6-30(D)(2) provides, "[w]ithin thirty calendar days after the mailing of a decision [pursuant to S.C. Code Ann.§ 48-6-30(D)(1)], an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act."

IT IS SO ORDERED.

(SIGNATURE PAGE FOLLOWS)

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THE SOUTH CAROLINA DEPARTMENT
OF ENVIRONMENTAL SERVICES

Myra C. Reece, Director
Environmental Services

Date: 10/28/2026

Ann R. Clark, Chief
Bureau of Water

Date: 10/28/26

Reviewed By:

Legal Counsel

Date: 10/28/26

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SC DEPARTMENT of ENVIRONMENTAL SERVICES

October 29, 2026

First Class and Certified Mail Return Receipt Requested

9214 8969 0099 9790 1428 6002 68
Deborah Bailey
[redacted]

9214 8969 0099 9790 1428 6004 97
Dana Baxter
[redacted]

9214 8969 0099 9790 1428 6007 01
Lisa B. Bradley
[redacted]

9214 8969 0099 9790 1428 6008 24
George T. and Margaret S. Cracraft Joint Survivorship
[redacted]

9214 8969 0099 9790 1428 6008 79
Raymond G. and Tammy M. Cunningham
[redacted]

9214 8969 0099 9790 1428 6009 85
John M. Deal, Jr. and Annah J. Deal
[redacted]

9214 8969 0099 9790 1428 6010 43
Jacob and Nikki Garwood
[redacted]

9214 8969 0099 9790 1428 6010 98
Beverly Harris
[redacted]

9214 8969 0099 9790 1428 6011 11
Dianne C. Hartis
124 Welsh Street
Camden, SC 29020
Hartisdc@yahoo.com

9214 8969 0099 9790 1428 6013 02
Michael Y. and Carolyn H. Horton Joint Survivorship
[redacted]

9214 8969 0099 9790 1428 6013 88
Mary Hurst
[redacted]

9214 8969 0099 9790 1428 6013 95
Van A. Johnson, Jr. and Elizabeth A. Johnson
[redacted]

9214 8969 0099 9790 1428 7370 49
Edward D. and Pearl W. Nester Joint Survivorship
[redacted]

9214 8969 0099 9790 1428 6015 31
Suzanne Slocum and Travis Ogden
[redacted]

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9214 8969 0099 9790 1428 6015 93
James J. Ottow and C. G. Ottow Joint Survivorship
[redacted]

9214 8969 0099 9790 1428 6016 16
Elizabeth S. Outlaw
[redacted]

9214 8969 0099 9790 1428 6016 78
Sheridan S. Oxley
[redacted]

9214 8969 0099 9790 1428 6017 08
Sunnyhill Northlake, Inc.
c/o Robert J. Sheheen, Registered Agent
[redacted]

9214 8969 0099 9790 1428 6017 15
Brandon Traynham
[redacted]

9214 8969 0099 9790 1428 6017 46
2.40 Tract C, LLC
c/o Lauren Baker, Registered Agent
[redacted]

Re: **Inspection and Repair Order No. 26-035-W**
Upper Sunny Hill Pond Dam, SCD02523
Kershaw County

Dear Dam Owners and Registered Agents,

Enclosed is Inspection and Repair Order No. 26-035-W (Order), affecting the above mentioned dam owners. The Order was executed on October 28, 2026. Please review the Order carefully to ensure compliance with all the requirements and the deadlines stated in the Order.

If you choose to contest this Order, S.C. Code Ann. § 48-6-30(D)(2) provides: *"Within thirty calendar days after the mailing of a decision [pursuant to S.C. Code Ann § 48-6-30(D)(1)], an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act."* Should you have a question regarding filing a request for contested case hearing, please contact the South Carolina Administrative Law Court (www.scalc.net).

If you wish to discuss this matter, or if you have any questions regarding the requirements in the Order, please contact me by email at Margaret.Spence@des.sc.gov or by telephone at (803) 898-4159.

Sincerely,

Margaret Spence

Margaret Spence, Enforcement Project Manager
Bureau of Water - WP Control Division
WP Compliance and Enforcement Section

SCEP Watermark

cc: Lorria Caswell, SCDES, Water Pollution Enforcement Section Manager
John McCain, PE., SCDES, Dams Safety Section Manager
Leigh Plummer, SCDES, Area Director BRLS Florence/Sumter
Ryan Sullivan, SCDES, Regional Engineering Associate, BRLS Columbia
Christopher Whitehead, Esq., SCDES, Office of General Counsel

Mail: South Lake, Inc., c/o Ben Mingo, Registered Agent
Via First Class and Certified Mail: [redacted]
9214 8969 0099 9790 1428 6018 90
Via email [redacted]

Email: City of Camden c/o Matt DeWitt, City Manager, Via email: [redacted]

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Postage

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Deborah Bailey

Street, Apt. No., or PO Box No.
117 Burbage Street

City, State, Zip+4
Camden, SC 29020

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- Adult Signature Required $
- Adult Signature Restricted Delivery $

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Dana Baxter

Street, Apt. No., or PO Box No.
114 Welsh Street

City, State, Zip+4
Camden, SC 29020

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- Adult Signature Restricted Delivery $

Postage

Total Postage and Fees

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Postmark Here

Sent To
Lisa B. Bradley

Street, Apt. No., or PO Box No.
106 Welsh Street

City, State, Zip+4
Camden, SC 29020

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Postage

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Sent To
George T. & Margaret S. Cracraft Joint Survivorship

Street, Apt. No., or PO Box No.
122 Welsh Street

City, State, Zip+4
Camden, SC 29020

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- Certified Mail Restricted Delivery $0.00
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Postage

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Raymond G. and Tammy M. Cunningham

Street, Apt. No., or PO Box No.
118 Welsh Street

City, State, Zip+4
Camden, SC 29020

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John M. Deal, Jr. and Annah J. Deal

Street, Apt. No., or PO Box No.
112 Welsh Street

City, State, Zip+4
Camden, SC 29020

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☐ Certified Mail Restricted Delivery $ $0.00
☐ Adult Signature Required $
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Jacob and Nikki Garwood
9013 Liberty Hill Road
Camden, SC 29020

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $ $0.00
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage
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Beverly Harris
108 Welsh Street
Camden, SC 29020

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☐ Adult Signature Required $
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Dianne C. Hartis
124 Welsh Street
Camden, SC 29020

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☐ Return Receipt (electronic) $
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☐ Adult Signature Required $
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City, State, Zip+4

Michael Y & Carolyn H Horton Joint Survivorship
113 Burbage Street
Camden, SC 29020

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☐ Certified Mail Restricted Delivery $ $0.00
☐ Adult Signature Required $
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Street, Apt. No., or PO Box No.
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Mary Hurst
120 Welsh Street
Camden, SC 29020

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $ $0.00
☐ Adult Signature Required $
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Total Postage and Fees
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Van A. Johnson, Jr. & Elizabeth A. Johnson
111 Burbage Street
Camden, SC 29020

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Postage $

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Edward D. & Pearl W. Nester Joint Survivorship
116 Welsh Street
Camden, SC 29020

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- ☐ Return Receipt (hardcopy) $ $2.91
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
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Postage $

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Sent To

Street, Apt. No., or PO Box No.
City, State, Zip+4

Suzanne Slocum & Travis Ogden
228 Anns Court
Camden, SC 29020

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- ☐ Return Receipt (hardcopy) $ $2.91
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage $

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Street, Apt. No., or PO Box No.
City, State, Zip+4

James J. Ottow & C. G. Ottow Joint Survivorship
110 Welsh Street
Camden, SC 29020

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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $ $0.00
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- ☐ Adult Signature Restricted Delivery $

Postage $

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City, State, Zip+4

Elizabeth S. Outlaw
121 Burbage Street
Camden, SC 29020

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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
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Postage $

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Sheridan S. Oxley
220 Anns Court
Camden, SC 29020

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- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
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Postage $

Total Postage and Fees $

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City, State, Zip+4

Sunnyhill Northlake, Inc.
c/o Robert J. Sheheen, Registered Agent
1111 Church Street
Camden, SC 29020

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- ☐ Return Receipt (hardcopy) $ ~~$2.91~~
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
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Postage $

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City, State, Zip+4

Brandon Traynham
239 Welsh Street
Camden, SC 29020

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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
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Postage $

Total Postage and Fees $

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City, State, Zip+4

2.40 Tract C, LLC
c/o Lauren Baker, Registered Agent
87 Burbage Street
Camden, SC 29020

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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage $

Total Postage and Fees $

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City, State, Zip+4

South Lake, Inc.
c/o Ben Mingo, Registered Agent
218 Leonard Circle
Camden, SC 29020

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CERTIFICATION OF MAILING

In re: **Upper Sunny Hill Pond Dam, SCD02523**
Inspection and Repair Order 26-035-W

I, Margaret R. Spence, Enforcement Project Manager for the Division of Water Pollution Division, Water Pollution and Enforcement Section of the South Carolina Department of Environmental Services (Department), hereby certify that on this 29th day of October 2026, I completed the Certified Mail Receipts, PS Form 3800 for the certified mailing of the above referenced document by requesting the requisite fee for the following services: ***Certified Mail and Electronic Return Receipt Requested***, and by addressing the document as follows:

Deborah Bailey **(Certified Mail Article Number 9214 8969 0099 9790 1428 6002 68)**
[redacted]

Dana Baxter **(Certified Mail Article Number 9214 8969 0099 9790 1428 6004 97)**
[redacted]

Lisa B. Bradley **(Certified Mail Article Number 9214 8969 0099 9790 1428 6007 01)**
[redacted]

George T & Margaret S Cracraft Joint Survivorship **(Certified Mail Article Number 9214 8969 0099 9790 1428 6008 24)**
[redacted]

Raymond G. and Tammy M. Cunningham **(Certified Mail Article Number 9214 8969 0099 9790 1428 6008 79)**
[redacted]

John M. Deal, Jr. and Annah J. Deal **(Certified Mail Article Number 9214 8969 0099 9790 1428 6009 85)**
[redacted]

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CERTIFICATION OF MAILING

Jacob and Nikki Garwood**(Certified Mail Article Number 9214 8969 0099 9790 1428 6010 43)**

[redacted]

Beverly Harris **(Certified Mail Article Number 9214 8969 0099 9790 1428 6010 98)**

[redacted]

Dianne C. Hartis **(Certified Mail Article Number 9214 8969 0099 9790 1428 6011 11)**

[redacted]

Michael Y. and Carolyn H. Horton Joint Survivorship **(Certified Mail Article Number 9214 8969 0099 9790 1428 6013 02)**

[redacted]

Mary Hurst **(Certified Mail Article Number 9214 8969 0099 9790 1428 6013 88)**

[redacted]

Van A. Johnson, Jr. and Elizabeth A. Johnson **(Certified Mail Article Number 9214 8969 0099 9790 1428 6013 95)**

[redacted]

Edward D and Pearl W Nester Joint Survivorship **(Certified Mail Article Number 9214 8969 0099 9790 1428 7370 49)**

[redacted]

Suzanne Slocum and Travis Ogden **(Certified Mail Article Number 9214 8969 0099 9790 1428 6015 31)**

[redacted]

James J. Ottow and C. G. Ottow Joint Survivorship **(Certified Mail Article Number 9214 8969 0099 9790 1428 6015 93)**

[redacted]

Elizabeth S. Outlaw **(Certified Mail Article Number 9214 8969 0099 9790 1428 6016 16)**

[redacted]

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CERTIFICATION OF MAILING

Sheridan S. Oxley **(Certified Mail Article Number 9214 8969 0099 9790 1428 6016 78)**
[redacted]

Sunnyhill Northlake, Inc. **(Certified Mail Article Number 9214 8969 0099 9790 1428 6017 08)**
c/o Robert J. Sheheen, Registered Agent
[redacted]

Brandon Traynham **(Certified Mail Article Number 9214 8969 0099 9790 1428 6017 15)**
[redacted]

2.40 Tract C, LLC **(Certified Mail Article Number 9214 8969 0099 9790 1428 6017 46)**
c/o Lauren Baker, Registered Agent
[redacted]

South Lake, Inc. **(Certified Mail Article Number 9214 8969 0099 9790 1428 6018 90)**
c/o Ben Mingo, Registered Agent
[redacted]

Further, I hereby certify that on the 29th day of October 2026, I placed the above referenced Certified mailings in the designated area maintained by the Department for the pickup of outgoing mail for the United States Postal Service.

Margaret R. Spence

SCEP Watermark