



Public Notice No. SC NWP General State Cert 2026

Date: March 26, 2026

DEPARTMENT DECISION

This Department Decision was initially issued on March 24, 2026; however, the General State Certification contained an error. This error has been corrected.

401 Water Quality Certification and Consistency with the S.C Coastal Zone Management Program

The South Carolina Department of Environmental Services, acting on an application for a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act, and for a certification of consistency with the S.C. Coastal Zone Management Program in accordance with 15 CFR 930, has reached a decision for the project described below:

Permit Name: General State Certification for the Nationwide Permits

Waterbody: Statewide (with the exception of activities in the critical area where the Bureau of Coastal Management must issue its own permit)

Permit Number: SC NWP General State Cert 2026

After reviewing the Nationwide Permits issued by the U.S. Army Corps of Engineers, Department staff determined that, provided the actions listed in the attached State Certification are implemented and the conditions are adhered to, there is reasonable assurance that the work authorized herein will be conducted in a manner consistent with the certification requirements of Section 401 of the Federal Clean Water Act, SC Regulation 61-68, *Water Classifications and Standards*, and the Coastal Zone Management Program in accordance with 15 CFR 930. The Bureau of Coastal Management must issue its own permit for any activity covered by the NWP in the critical area of South Carolina's Coastal Zone. Individuals applying for NWPs should be so advised. This does not preclude compliance with 15 CFR 930 for direct federal activities.

The South Carolina Department of Environmental Services reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State standards.

The evaluation of the work was conducted by the Bureau of Water and Bureau of Coastal Management and a copy of the staff assessment supporting the decision is enclosed.

The issuance of this Department Decision represents a final staff decision that may be appealed. 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 the filing of a request for a contested case hearing, please contact the South Carolina Administrative Law Court (www.scalc.net).



Chuck Hightower, Manager
Water Quality Certification
and Wetlands Section

**STAFF ASSESSMENT
SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES (SCDES)
DIVISION OF WATER QUALITY
WATER QUALITY CERTIFICATION AND WETLANDS SECTION**

I. Background Information and Project Description

State Certification Number: SC NWP General State Cert 2026

P/N Open Date: March 2, 2026

P/N Close Date: March 17, 2026

Waterbody Names:

Statewide (with the exception of activities in the critical areas where the Bureau of Coastal Management must issue its own permit)

Applicable State Law: S.C. Code Ann. §§ 48-1-10 et seq. and S.C. Code Ann. Regulation 61-101, and S.C. Code Ann. § 48-39-10 et seq. and the S.C. Coastal Zone Management Program

Brief explanation and purpose of activity:

The purpose of this General State Certification is to authorize activities covered by Nationwide Permits issued by the U.S. Army Corps of Engineers (Corps) for which the 401 Water Quality and the Coastal Zone Consistency Certifications were denied. See background details below.

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) issued a proposed rule in the Federal Register (90 FR 26100) that announced the reissuance of 56 existing NWP and the proposal to issue one new NWP. One NWP is not proposed for reissuance. In response to the June 18th proposed rule, the Department initiated actions to certify the proposed NWPs, the Department issued a final certification in accordance with Section 401 of the Federal Clean Water Act (CWA), as amended, and a certification of consistency with the Coastal Zone Management Act (48-39-10 et seq.).

On January 8, 2026, the Corps published a final rule in the Federal Register (91 FR 768). In this notice, the Corps announced that it was reissuing 56 of 57 existing NWPs with some modifications and associated general conditions and definitions, and to create one new NWP. Additionally on January 7, 2026, the Corps' Charleston District issued their Final Regional Conditions for the 57 NWPs. In that notice, the Charleston District denied the Section 401 Water Quality Certification (401 Certification) for NWP 12, 14, 23, 29, 39, 44, 46, 57, and 58 as well as the Coastal Zone Consistency (CZC) for NWPs 12, 14, 23, 29, 39, 42, 44, 46, 51, 57, and 58.

The purpose of this General State Certification is to additionally authorize, in accordance with the conditions below, the 401 and CZC Certifications that were denied by the Corps' Final Regional Conditions.

II. Environmental Assessment and Proposed Action on the Nationwide Permits

In accordance with the requirements of 40 CFR Part 121.7, a citation to federal, state or tribal law that authorizes each Section 401 Water Quality Certification condition is required. Where noted below, those citations are as follows:

Citation A – South Carolina Code Section 48-1-10, et seq. of the 1976 South Carolina Code of Laws and SCDES Regulations 61-68, Water Classifications and Standards (61-68.D. Antidegradation Rules).

Citation B – South Carolina Code Section 48-1-10, et seq. of the 1976 South Carolina Code of Laws and SCDES Regulations 61-68, Water Classifications and Standards (61-68.D. Antidegradation Rules).

Citation C – South Carolina Code Section 48-1-10, et seq. of the 1976 South Carolina Code of Laws and SCDES Regulation 61-68, Water Classifications and Standards (61-68.E. General Rules and Standards Applicable to all

Waters).

Nationwide Permit 12 - Oil or Natural Gas Pipeline Activities (Section 404, CZC, 401)

Activities required for the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Oil or natural gas pipelines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of oil and natural gas pipelines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. An "oil or natural gas pipeline" is defined as any pipe or pipeline for the transportation of any form of oil or natural gas, including petrochemical products, for any purpose. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Oil or natural gas pipeline substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with an oil or natural gas pipeline in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground oil or natural gas pipelines: This NWP authorizes the construction or maintenance of foundations for aboveground oil or natural gas pipelines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of oil or natural gas pipelines, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into nontidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize oil or natural gas pipelines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Oil or natural gas pipelines routed in, over, or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the oil or natural gas pipeline activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Note 1: Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10

waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For oil or natural gas pipeline activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Oil or

natural gas pipeline activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the oil or natural gas pipeline must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such oil or natural gas pipelines will require a section 404 permit (see NWP 15).

Note 5: This NWP authorizes oil or natural gas pipeline maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require preconstruction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre- Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy VII.A.I, Policy XI., Ch IV B. Policies and others depending upon the activity).

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this NWP has no limit on the number of crossings of aquatic systems and allows up to ½ acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for pipelines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as

per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

Nationwide Permit 14 – Linear Transportation Projects (Section 10, 404, CZC, 401)

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy I.(1)(b) and Policy XII. E. (1), and others depending on the activity.)

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this NWP allows up to ½ acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to

protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. In addition, this NWP does not prohibit the nationwide permit's use to impound waters. SCDES believes that impoundments cannot be categorized as minimal because of the potential to degrade water quality downstream of the impoundment. This is not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect water resources. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
2. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants. The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

Nationwide Permit 23 – Approved Categorical Exclusions (Section 10, Section 404, CZC, 401)

Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where: (a) That agency or department has determined, pursuant to Section 106, 109, and 111(1) of the National Environmental Policy Act, that the activity is categorically excluded from the requirement to prepare an environmental impact statement or environmental assessment analysis, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and (b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23. The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letter(s) (Authorities: Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW- CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are: the Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07. Any changes to approved categorical exclusions applicable to this NWP will be announced in the Federal Register and posted on this same web site.

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.1, Policy I.(1)(b) and Policy XII. E. (1), and others depending on the activity.)

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be

temporary provided the applicant adheres to the criteria. However, as currently proposed, this NWP allows up to 1/4 acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. In addition, this NWP does not prohibit the nationwide permit's use to impound waters. SCDES believes that impoundments cannot be categorized as minimal because of the potential to degrade water quality downstream of the impoundment. This is not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect water resources. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. The NWP is not certified for activities if the discharge will cause the loss of greater than 0.25 acres of Waters of the United States or more than 300 linear feet of stream impacts
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

Nationwide Permit 29 - Residential Developments (Section 10, Section 404, CZC, 401)

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into nontidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy I.(1)(b) and Policy XII. E. (1), and others depending on the activity.)

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this NWP allows up to 1/2 acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. In addition, this NWP

does not prohibit the nationwide permit's use to impound waters. SCDES believes that impoundments cannot be categorized as minimal because of the potential to degrade water quality downstream of the impoundment. This is not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect water resources. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. The impounding of water and creating of lakes or ponds is not authorized by this NWP.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants. The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

Nationwide Permit 39 - Commercial and Institutional Developments (Section 10, Section 404, CZC, 401)

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into nontidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy IV.1 (a), (b) & (c), Policy VII.A.1, Policy VII.C.1, Policy XII.E.1 and others depending upon the activity)

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this NWP has no limit on the utility line crossings of aquatic systems and allows up to 1/2 acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. In addition, this NWP does not prohibit the nationwide permit's use to impound

waters. SCDES believes that impoundments cannot be categorized as minimal because of the potential to degrade water quality downstream of the impoundment. This is not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect water resources. Outside the critical area, S. C. Coastal Zone Management Program policies require that wetland impacts be addressed in a manner consistent with the program refinements (Wetland Master Planning Policies). This NWP is inconsistent with the S.C. Coastal Zone Management Program because it would allow alteration of wetlands without regard to the type of wetland, location or consideration of feasible alternatives. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. The impounding of water and creating of lakes or ponds is not authorized by this NWP.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management program. WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants. The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

Nationwide Permit 42 - Recreational Facilities (Section 404, CZC, 401)

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this NWP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This NWP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into nontidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

Action: Issue 401 Water Quality Certification and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy V.A.1 (d), Policy V.B.1 (a) & (b), Policy VII.A.1, and others depending on the activity)

Rationale: Data obtained from the Corps indicates that between March of 2021 and June of 2025, this NWP was used 15 times in South Carolina with total permanent and temporary impacts of 1.54 acres. Given the limited use of the NWP and the limited impacts to the aquatic environment, SCDES does not believe additional 401 Water Quality Certification conditions are justified. This NWP is inconsistent with the S.C. Coastal Zone Management Program because it would allow alteration of wetlands without regard to the type of wetland, location or consideration of feasible alternatives. The NWP could be made consistent with the S.C. Coastal Zone Management Program if the proposed certification conditions are applied to the NWPs.

Conditions of the Coastal Zone Consistency Certification:

1. The use of this NWP must be limited to nature trails/horse trails, bike paths, small bridges or walkways. These activities must be a maximum of 8' wide and involve hand clearing only (Golf courses, ski areas, buildings and

campgrounds are not approved.

2. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants. The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

Nationwide Permit 44 - Mining Activities (Section 10, Section 404, CZC, 401)

Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities, provided the activity meets all of the following criteria:

- (a) For mining activities involving discharges of dredged or fill material into non-tidal wetlands, the discharge must not cause the loss of greater than 1/2-acre of non-tidal wetlands;
- (b) For mining activities involving discharges of dredged or fill material in non-tidal open waters (e.g., rivers, streams, lakes, and ponds) or work in non-tidal navigable waters of the United States (i.e., section 10 waters), the mined area, including permanent and temporary impacts due to discharges of dredged or fill material into jurisdictional waters, must not exceed 1/2-acre; and
- (c) The acreage loss under paragraph (a) plus the acreage impact under paragraph (b) does not exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy III.C.1, Policy VII.A.1, Policy X.I.E.1, Policy XIII.E, and others depending on the activity)

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this nationwide permit allows up to 1/2 acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. This permit is not consistent with the S. C. Coastal Zone Management Program policies regarding the protection of salt, brackish, and freshwater wetlands, Stormwater Management and Dredging. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

Nationwide Permit 46 - Discharge in Ditches (Section 404, CZC, 401)

Discharges of dredged or fill material into non-tidal ditches that are (1) constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) determined to be waters of the United States. The discharge of dredged or fill material must not cause the loss of greater than one acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into ditches constructed in

streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy VII.A.1, Policy XI., Ch IV B. Policies and others depending upon the activity)

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this nationwide permit allows up to ½ acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. This permit is not consistent with the S. C. Coastal Zone Management Program policies regarding the protection of salt, brackish, and freshwater wetlands, Stormwater Management and Dredging. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for discharges causing the loss of greater than a half-acre of waters of the United States.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-67) as outstanding National Resource Waters (ONRW), Outstanding Recourses Water (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions for the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

Nationwide Permit 51 - Land-Based Renewable Energy Generation Facilities (Section 10, Section 404, CZC, 401)
Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into nontidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10- acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP C or another Department of the Army authorization.

Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove utility lines and/or road crossings, then

NWP C and/or NWP 14 shall be used if those activities meet the terms and conditions of NWPs C and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for the Evaluation of All Projects C.3.I, Policy VII.A.1, Policy XI., Ch IV B. Policies and others depending upon the activity)

Rationale: This NWP was first issued in 2012 and has been used limitedly in South Carolina. As a result, there has been no history of the Corps' interpretation and implementation. This NWP would allow alteration of wetlands without regard to the type of wetland, location, or consideration of feasible alternatives. Further, in order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this nationwide permit allows up to ½ acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the Coastal Zone Consistency Certification:

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants. The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.
2. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Nationwide Permit 57 - *Electric Utility Line and Telecommunications Activities* (Section 10, Section 404, CZC, 401)

Activities required for the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines, and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Electric utility lines and telecommunication lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of electric utility lines and telecommunication lines. There must be no change in preconstruction contours of waters of the United States. An "electric utility line and telecommunication line" is defined as any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the electric utility line or telecommunication line crossing of each waterbody.

Electric utility line and telecommunications substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with an electric utility line or telecommunication line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete

project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead electric utility line or telecommunication line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead electric utility line or telecommunication line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of electric utility lines or telecommunication lines, including overhead lines and substations, in nontidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize electric utility lines or telecommunication lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Electric utility lines or telecommunication lines constructed over section 10 waters and electric utility lines or telecommunication lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the electric utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) A section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For electric utility line or telecommunications activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Electric utility line and telecommunications activities must comply with 33 CFR 330.6(d).

Note 3: Electric utility lines or telecommunication lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the electric utility line or telecommunication line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: This NWP authorizes electric utility line and telecommunication line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For overhead electric utility lines and telecommunication lines authorized by this NWP, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 7: For activities that require preconstruction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require preconstruction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 8: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for Evaluation of All Projects C.3.I, Policy VII.A.1, Ch IV B. Policies and others depending upon the activity).

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this NWP has no limit on the utility line crossings of aquatic systems and allows up to ½ acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for utility lines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

Nationwide Permit 58 - Utility Line Activities for Water and Other Substances (Section 10, Section 404, CZC, 401)

Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and

telecommunications activities may be authorized by NWP 12 or C, respectively. This NWP also authorizes associated utility line facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this NWP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground utility lines: This NWP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov. Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 5: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For activities that require preconstruction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require preconstruction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre- Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Action: Issue 401 Water Quality Certification with conditions and find inconsistent with the S.C. Coastal Zone Management Program. (Guidelines for Evaluation of All Projects C.3.I, Policy IX. A. 1(a), (c), (d) & (e), Policy IX.E.1(c) & (d), Policy VII.A.1 and others depending upon the activity).

Rationale: In order to qualify for the nationwide permit, the activity should have minimal impacts. Due to the criteria for use of the nationwide permit, any impact to water quality, water uses, or wetland functions should be temporary provided the applicant adheres to the criteria. However, as currently proposed, this NWP has no limit on the utility line crossings of aquatic systems and allows up to ½ acres loss of waters of the United States. SCDES believes that these impacts cannot be categorized as minimal as intended for the nationwide permitting program and are not consistent with the anti-degradation policy to protect the designated and existing uses and maintain the associated water quality criteria necessary to protect these water resources. Further, due to the requirement to protect existing uses and the level of water quality necessary to protect those uses, this nationwide permit cannot be certified for activities located in or adjacent to Outstanding National Resource Waters, Outstanding Resource Waters or Trout Waters. The NWP could be made consistent with the S.C. Coastal Zone Management Program and no significant adverse effects from the proposed activities will be anticipated if the proposed certification conditions are applied to the NWPs.

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for utility lines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW),

Trout Waters, or SCDNR designated State Scenic Rivers.

3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

III. Public Comments Received and Summary of Comments

No comments were received during the comment period

IV. Conclusion on Water Quality Impacts and Classified Uses, and Coastal Resource Effects

When evaluating the proposed State Certification, the SCDES followed procedures for implementing State 401 Water Quality Certification regulations pursuant to Section 401 of the Clean Water Act, 33 U.S.C. Section 1341, and the requirements of Regulation 61-101, Water Quality Certification.

The water quality impacts of the activities will be temporary provided the applicant adhere to the general and special conditions of this State Certification. The SCDES has a reasonable assurance that the water quality standards of Regulation 61-68 will not be contravened as a result of the proposed work. The proposed activity will result in enhancement of classified uses with no significant degradation to the aquatic ecosystem. The proposed activity will not remove existing and classified uses and is in compliance with the above regulations provided the applicant adheres to the general and special conditions of the proposed General State Certification.

The SCDES proposed to act on the Nationwide Permits as referenced above for Coastal Zone Consistency review in that impacts afforded to the State's coastal resources will be minimal in nature. In reference to proposed Coastal Zone Management Program consistency certifications "Issue with Conditions" mean that the Nationwide Permit can be made consistent with the Coastal Zone Management Program if the applicant accepts the proposed conditions.

The Bureau of Coastal Management must issue its own permit for any activity covered by the nationwide permits in the critical areas of South Carolina's Coastal Zone. Individuals applying for Nationwide Permits should be so advised. This does not preclude compliance with 15 CFR 930 for direct federal activities.

Information about the technical aspects of this application is available from Chuck Hightower, the Section Manager of the Water Quality Certification and Wetlands Section, by calling (803) 898-0369 or by emailing Charles.Hightower@des.sc.gov. and from Benjamin Thepaut the Division Director for the Coastal Zone Consistency Division, by calling (843) 953-0205 or by emailing Benjamin.Thepaut@des.sc.gov

The SCDES reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

V. Staff Recommendation

Issue 401 Water Quality Certification and Coastal Zone Consistency Certification with conditions.

VI. Conditions to be placed on Water Quality Certification and Coastal Zone Consistency when issued

Refer to attached SC NWP General State Cert 2026.

Prepared by:

A handwritten signature in blue ink, appearing to read "Chuck Hightower", with a long horizontal flourish extending to the right.

**Chuck Hightower, Manager
Water Quality Certification and Wetlands Section
SCDES - Bureau of Water**

A handwritten signature in black ink, appearing to read "Benjamin Thepaut", with a stylized, cursive script.

**Benjamin Thepaut, Division Director
Coastal Zone Consistency Division
SCDES -- Bureau of Coastal Management**



General State Certification No.: SC NWP General State Cert 2026
Effective Date: March 24, 2026
Expiration Date: March 24, 2031

**State of South Carolina
General State Certification**

A General State Certification to authorize activities in accordance with S.C. Code Ann. §§ 48-1-10 et seq. and S.C. Code Ann. Regulation 61-101, and S.C. Code Ann. § 48-39-10 et seq, and the S.C. Coastal Zone Management Program document is hereby issued by the South Carolina Department of Environmental Services (SCDES or the Department) for the Nationwide Permits (NWP) listed below and in accordance with the General and Special conditions listed in Sections II and III below:

Nationwide Permit Finalized by the US Army Corps of Engineers	Applicable State Certification
12. Oil or Natural Gas Pipeline Activities	401 Water Quality Certification only
14. Linear Transportation Project	401 Water Quality and Coastal Zone Consistency
23. Approved Categorical Exclusions	401 Water Quality Certification only
29. Residential Developments	401 Water Quality and Coastal Zone Consistency Certification
39. Commercial and Institutional Developments	401 Water Quality and Coastal Zone Consistency Certification
42. Recreational Facilities	Coastal Zone Certification only
44. Mining Activities	401 Water Quality Certification only
46. Discharges in Ditches	401 Water Quality Certification only
51. Land-Based Renewable Energy Generation Facilities	Coastal Zone Consistency only
57. Electric Utility Line and Telecommunications Activities	401 Water Quality Certification only
58. Utility Line Activities for Water and Other Substances	401 Water Quality Certification only

I. Background:

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) issued a proposed rule in the Federal Register (90 FR 26100) that announced the reissuance of 56 existing NWPs and the proposal to issue one new NWP. One NWP is not proposed for reissuance. In response to the June 18th proposed rule, the Department initiated actions to certify the proposed NWPs, the Department issued a final certification in accordance with Section 401 of the Federal Clean Water Act (CWA), as amended, and a certification of consistency with the Coastal Zone Management Act (48-39-10 et.seq.).

On January 8, 2026 the Corps published a final rule in the Federal Register (91 FR 768). In this notice, the Corps announced that it was reissuing 56 of 57 existing NWPs with some modifications and associated general conditions and definitions, and to create one new NWP. Additionally on January 7, 2026, the Corps' Charleston District issued their Final Regional Conditions for the 57 NWPs. In that notice, the Charleston District denied the Section 401 Water Quality Certification (401 Certification) for NWP 12, 14, 23, 29, 39, 44, 46, 57, and 58 as well as the Coastal Zone Consistency (CZC) for NWPs 12, 14, 23, 29, 39, 42, 44, 46, 51, 57, and 58.

The purpose of this General State Certification is to authorize, in accordance with the conditions below, the 401 and CZC Certifications that were denied by the Corps' Final Regional Conditions.

II. General Conditions

- a. All applicants requesting coverage under this General State Certification must provide documentation that a Pre-Filing Meeting Request was submitted to SCDES prior to submitting a certification request.
(See <https://des.sc.gov/sites/des/files/Documents/BOW/WaterQuality/PrefilingMeetingandCertificationRequestInstructionsRevised2023.pdf> for details.)
- b. All applicants requesting coverage under this General State Certification must provide a copy of the provisional notification from the Corps as well as a copy of the Pre-Construction Notification.
- c. The SCDES BCM has direct permit authority for activities which will utilize or alter the Critical Areas (as defined in 48-39-10, R.30-1(D), and R.30-10).
 - i. For those activities which require a direct critical area permit, the issued permit will serve as the consistency determination.
 - ii. For those activities that do not require a direct critical area permit, the subsequent coastal zone consistency conditions for each specific Federal NWP authorization will serve as the consistency determination.
- d. Impacts for discharges to streams must be provided in linear feet.
- e. If a state endangered species is found during project activities, the permittee must notify the South Carolina Department of Natural Resources (SCDNR). Take of state protected species listed under S.C. Code of Law

III. Special Conditions

In addition to the General Conditions noted above, all activities must comply with the Special Conditions outlined below specific to the NWP for which authorization is requested.

a. Nationwide Permit 12 - Oil or Natural Gas Pipeline

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for pipelines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

b. Nationwide Permit 14 – Linear Transportation Projects

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants. The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

c. Nationwide Permit 23 – Approved Categorical Exclusions

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for activities if the discharge will cause the loss of greater than 0.25 acres of Waters of the United States or more than 300 linear feet of stream impacts.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

d. Nationwide Permit 29 – Residential Developments

Conditions for the 401 Water Quality Certification:

1. The impounding of water and creating of lakes or ponds is not authorized.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions for the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

e. Nationwide Permit 39 – Commercial and Institutional Developments

Conditions for the 401 Water Quality Certification:

1. The impounding of water and creating of lakes or ponds is not authorized by this NWP.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions for the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, Regional Conditions, plus the following condition, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

f. Nationwide Permit 42 – Recreational Facilities

Conditions of the Coastal Zone Consistency Certification:

1. The use of this NWP must be limited to nature trails/horse trails, bike paths, small bridges or walkways. These activities must be a maximum of 8' wide and involve hand clearing only (golf courses, ski areas, buildings and campgrounds are not approved).
2. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

g. Nationwide Permit 44 – Mining Activities

Conditions for the 401 Water Quality Certification:

1. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

h. Nationwide Permit 46 – Discharges in Ditches

Conditions for the 401 Water Quality Certification:

1. This NWP is not certified for discharges causing the loss of greater than a half-acre of waters of the United States.
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

i. Nationwide Permit 51 – Land-Based Renewable Energy Generation Facilities

Conditions of the Coastal Zone Consistency Certification:

1. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.
2. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

j. Nationwide Permit 57 – Electric Utility Line and Telecommunications Activities

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for utility lines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

k. Nationwide Permit 58 – Utility Line Activities for Water and Other Substances

Conditions of the 401 Water Quality Certification:

1. This NWP is not certified for utility lines with more than 10 aquatic site crossings (not including directionally bored crossings).
2. This NWP is not certified for activities located in or adjacent to (as determined by SCDES) waters defined (per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), Trout Waters, or SCDNR designated State Scenic Rivers.
3. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.

Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification and the proposed Regional Conditions are met, then NWP will be consistent with the S.C. Coastal Zone Management Program.

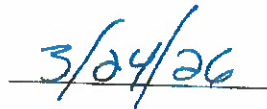
IV. Authority

This General State Certification shall become effective on the date signed by SCDES.

By Authority of the South Carolina Department of Environmental Services



Signature



Date

Title 