



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SC 29403-5107

December 10, 2021

Regulatory Division

Mr. Donald (Rusty) Harris
Dominion Energy South Carolina, Inc.
400 Otarre Parkway
Cayce, South Carolina 29033
rusty.harris@dominionenergy.com

Dear Mr. Harris:

This is in response to a Pre-Construction Notification (PCN) (SAC-2011-01356) received on September 30, 2020 and considered complete on December 15, 2020. In submitting the PCN, you requested verification the proposed project is authorized by a Department of the Army (DA) Nationwide Permit (NWP). **In accordance with Dominion Energy South Carolina, Inc.'s letter dated October 22, 2021 (i.e., withdrawing the capping project and replacing it with the project described below), this authorization letter (SAC-2011-01356) supersedes the previous authorization letter dated October 18, 2017 (SAC-2011-01356).**

The work affecting waters of the United States is part of an overall project known as Congaree River Stakeholder-Developed Modified Removal Action (MRA), to remove tar-like material (TLM) impacted sediment under Voluntary Cleanup Contract 02-5295-RP between Dominion Energy South Carolina, Inc., as a successor to the SCANA Corporation (Dominion) and the South Carolina Department of Health and Environmental Control (DHEC). The activities in waters of the United States include construction of temporary reinforced rock-filled berm cofferdams around two areas (2.6 acres and 0.5 acres) in the Congaree River, dewatering within the cofferdams, excavation of tar-like material, sediments, gravel, and rocks from the river bed that will be disposed off-site (estimated 11,700 cubic yards), removal of cofferdams, and restoration of disturbed portions of the riverbank (1,300 linear feet) using geotextile, riprap, vegetation, and/or bioengineering methods. The project involves impacts to not more than 5.8 acres of waters of the United States. Specifically, this letter authorizes impacts to 1,300 linear feet (5.8 acres) of tributaries. The project is located on the Congaree River at a site west of the intersection of Gist Street and Senate Street in Columbia, Richland County, South Carolina (Latitude: 33.9939°, Longitude: -81.04829°). The PCN also includes the following supplemental information:

- a. Drawing sheets 1-23 of 23 titled "Congaree River SDMRA" and dated September 30, 2020.
- b. A mitigation plan that includes avoidance and minimization measures.

- c. A delineation of wetlands, other special aquatic sites, and other waters.

Based on a review of the PCN, including the supplemental information indicated above, the Corps has determined the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of NWP 38 Cleanup of Hazardous and Toxic Waste.

For this authorization to remain valid, the project must comply with the enclosed NWP General Conditions, Charleston District Regional Conditions, and the following special conditions:

- a. **That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee.**
- b. **That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter.**
- c. **That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.**
- d. **That the permittee agrees the construction and removal of cofferdams in the Congaree River will be limited to May 1st through October 31st to reduce impacts to Shortnose sturgeon.**
- e. **That the permittee shall submit any updated plans approved by DHEC to the Corps for review and approval prior to the commencement of work in waters of the U.S.**
- f. **The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or their authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.**

- g. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.**
- h. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on authorized facilities. The USCG may be reached at the following address and telephone number: (as of February 2013) U. S. Coast Guard District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL. 33131, and 305-415-6755 or 305-415-6750.**
- i. That the permittee agrees to perform and comply with the attached signed NHPA Section 106 memorandum of agreement entitled “Memorandum of Agreement among the U.S. Army Corps of Engineers, Charleston District; the South Carolina State Historic Preservation Office; and Dominion Energy South Carolina, Inc. regarding the Congaree River Remediation Project, Richland County South Carolina,” and fully executed on December 8, 2021.**
- j. Prior to beginning the authorized work, the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.**

This verification is valid until March 18, 2022, unless the district engineer modifies, suspends, or revokes the NWP authorization in accordance with 33 CFR 330.5(d). If prior to this date, the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization, the verification continues to remain valid until March 18, 2022. If you commence, or are under contract to commence this activity before the NWP expires, or the NWP is modified, suspended, or revoked by the Chief of Engineers or division engineer in accordance with 33 CFR 330.5(b) or (c), respectively, in such a way that the activity would no longer comply with the terms and conditions of the NWP, you will have 12 months after the date the NWP expires or is modified, suspended, or revoked, to complete the activity under the present terms and conditions of this NWP.

This NWP is verified based on information you provided. It is your responsibility to read the attached NWP(s) along with the General, Regional, and Special Conditions before you begin work. If you determine your project will not be able to meet the NWP and the conditions, you must contact the Corps before you proceed.

In all future correspondence, please refer to file number SAC-2011-01356. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Amy Cappellino, Project Manager, at (803) 253-3992, or by email at Amy.e.Cappellino@usace.army.mil.

Sincerely,



Brice McKoy
Chief, Northwest Branch

Attachments

Permit Drawings
NWP 38 Cleanup of Hazardous and Toxic Waste
Nationwide Permit General Conditions
Nationwide Permit Regional Conditions
Compliance Certification Form
NHPA Section 106 MOA

Copies Furnished:

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