



**South Carolina Department of Health and Environmental Control**

*Promoting and Protecting the Health of the Public and the Environment*

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# South Carolina's Nationwide Permits Review Process and Lessons Learned

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## South Carolina's Process for Reviewing NWPs

- SCDHEC has two certification actions to take for the nationwide permits:
  - Certification pursuant to Section 401 of the Clean Water Act
  - Coastal Zone Consistency Certification in accordance with the Coastal Zone Management Act
- State law requires SCDHEC to coordinate these certifications.
- Once the final NWPs are published, the public notice will serve as an application to SCDHEC.



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## South Carolina's Process for Reviewing NWP's

- SCDHEC will accept comments and issue a Notice of Department Decision.
- The Decision becomes effective in 15 days unless a review (first step in the state appeal process) is requested.





## South Carolina's NWP Conditions

- In 2012, SCDHEC conditioned the following NWP:
  - NWP 12 – Utility Line Activities
  - NWP 14 – Linear Transportation Projects
  - NWP 23 – Approved Categorical Exclusions
  - NWP 29 – Residential Developments
  - NWP 39 – Commercial and Institutional Developments
  - NWP 42 – Recreational Facilities
  - NWP 43 – Stormwater Management Facilities
  - NWP 44 – Mining Activities
  - NWP 46 – Discharges in Ditches
- Conditions to protect sensitive waters and reduce the scope of the impacts.



## South Carolina's NWP Conditions

- SCDHEC does not authorize NWPs in the Critical Area.
- Critical Area is defined as coastal waters, tidelands, beach/dune systems and beaches.
- In the Critical Area of the coast, SCDHEC must issue an individual Critical Area Permit for all NWPs. This doesn't apply to the 401 certification.







## South Carolina's Current Process

- Comments on proposed NWP by August 1<sup>st</sup>.
- Regional Conditions
  - Charleston District accepting comments on proposed Regional Conditions until July 22nd.
- SCDHEC will accept comments on the 401 and czc conditions.
- Issue a Notice of Dept. Decision within 45 days of publication of final NWPs.





## South Carolina's Lessons Learned

- Work with Corps District on Regional Conditions.
- 60 days is not a lot of time to review final NWP's, review comments and issue certification decision.



*Beidler Forest, SC*