



October 29, 2019

Tim Askins  
Oyster Bay Partners LLC  
628 Cain Drive  
Mount Pleasant, SC, 29464

Re: Melvin Bennett Subdivision  
Mount Pleasant File Number C19-10-042  
SCDHEC Coastal Automatic Permit Notification Number: HNQ-513F-EA7GE

Dear Mr. Askins,

The project referenced above and reflected on final plans and specifications dated 09/26/2019 meets the requirements of Chapter 153, Stormwater Management and Water Quality Regulations of the Town of Mount Pleasant.

The first phase of this project, as proposed, will disturb 0.5 acres, is located within ½ mile of a receiving water body and is phase 1 of a part of a larger common plan of development. It is noted that you have already received Automatic Permit Coverage from SCDHEC.

The following processes, conditions or documents will apply;

- Clearing and Grading Permit Application
- Provide copy of Encroachment Permit from SCDOT for work on Melvin Bennett Road
- Subject to the following special conditions:
  - As-built and maintenance agreement required – follow as-built checklist
  - Permeant stabilization of disturbed areas required to close permit
  - Future phases of work on the subdivided parcels will be considered future phases of the LCP, requiring additional, modified, or new permits.
  - Modifications to the infiltration trenches during residential construction will require new as-built submittals and updated maintenance agreements prior to CO.

With the issuance of the Clearing and Grading Permit and a pre-construction meeting you will be authorized to commence land disturbances as outlined on your plans. If you have additional questions, please contact me at (843) 849-2022.

Sincerely,



Hillary Repik  
Stormwater Division Chief

CC: Kevin Mitchell, Town Engineer  
M. Cline, Cline Engineering  
SCDHEC-BOW  
Project File

Attachments;

- NOI Application D-0451
- SCDHEC Automatic Permit Coverage Notice



South Carolina Department of Health  
and Environmental Control

## Notification Form for Sites Disturbing Less Than 1-Acre, Not Located within 0.5 Miles of a Coastal Receiving Water and Automatic Permit Coverage (Not Part of a Larger Common Plan, Coastal County)

Notification #: \_\_\_\_\_ (For Official Use Only)

**Note: This form is for use on projects LOCATED WITHIN THE EIGHT COASTAL COUNTIES (Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper) and that are NOT part of a larger common plan for development or sale.**

Date: 03/07/2019

Project/ Site Name: Melvin Bennett Subdivision County: Charleston

### I. Project Information

- A. Is any portion of this Project's boundary located within an Urbanized Area or MS4?  Yes  No  
If yes, list the MS4 Operator or Urbanized Area Name: Town of Mount Pleasant
- B. Project Owner/ Operator (Company or person): Oyster Bay Partners LLC  
Company EIN: 57-1082397 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Mailing Address: 628 Cain Drive City: Mt Pleasant State: SC Zip: 29464  
Email address: taskins@hotmail.com
- C. Permit Contact (If Owner Is Company): Tim Askins  
Phone: (Day) (843)-971-7505 Email Address: taskins@hotmail.com

### II. Property Information

- A. Site Location (street address, nearest intersection, etc.): 1236 Melvin Bennett Road Mt Pleasant SC  
Is the Property located Within City Limits?  Yes  No Nearest City/Town: Mt Pleasant  
Latitude: 32° 48' 21" N Longitude: -79° 51' 1" W Tax Map # (List All): 560-02-00-019, 038, 039  
Tax Map # (Continued): \_\_\_\_\_
- B. Property Owner (if different from section I. B above): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: (Day) \_\_\_\_\_ Email address: \_\_\_\_\_

### III. Site Information

- A. Disturbed Area (to the nearest tenth of an acre): 0.5 Total Area (to the nearest tenth of an acre): 1.63  
B. Start Date (MM/DD/YYYY): 05/01/2019 Completion Date (MM/DD/YYYY): 05/01/2021
- C. Are there any Flooding Problems Downstream of or Adjacent to this Site?  Yes  No
- D. Has S.C. DHEC or MS4 issued a *Notice to Comply, Notice of Violation or a Warning Notice* for this site or LCP?  Yes  No
- E. Type of Activity (check all that apply):  
 Commercial  Industrial  Institutional  
 Residential: Single-family  Residential: Multi-family  Linear  Other:  
 Multi-use (Commercial & Residential)  Site Preparation (No new impervious) 2 linear installations

### IV. Waterbody Information

- A. Nearest Receiving Waterbody(s) [RWB]: Shem Creek Distance to Nearest RWB (feet): 2587
- B. Drains to Coastal Receiving Water?  Yes  No Distance to Coastal Receiving Water [CRW] (feet): 2587
- C. 1. Are there any Waters of the United States/ Waters of the State, jurisdictional or non-jurisdictional wetlands, or any other waters located on site?  Yes  No
2. Are there any impacts to any of the on-site Waters of the U.S./State, jurisdictional or non-jurisdictional wetlands, or any other waters?  Yes  No
- D. If checked yes for impacts in item C.2, describe each impact and activity, and list all permits (e.g., USACOE Nationwide Permit, DHEC General Permit) and certifications that have been applied for or obtained for each impact.
- \_\_\_\_\_

### V. Signatures and Certifications: DO NOT SIGN IN BLACK INK!

- A. Per my signature below, I hereby certify that this project is not part of a Larger Common Plan (LCP) for Development or Sale. I understand that additional construction activities at this site may require permit coverage and I am responsible for obtaining any federal, state, or local permits that may be required for this project. In the case that the site associated with this project is located within an Urbanized Area (UA) or MS4, I certify that the respective UA or MS4 has been informed about the scope of all land-disturbing construction and associated activity pertaining to this site, and that all additional requirements mandated by the UA or MS4 have been addressed. I certify that all land-disturbing construction and associated activity pertaining to this site shall be accomplished pursuant to and in keeping with the terms and conditions of all relevant laws and regulations, including the Storm Water Management and Sediment Reduction Act of 1991 and the Federal Clean Water Act. Failure to do so may result in penalties. I hereby grant authorization to the Department of Health and Environmental Control and/or the local implementing agency the right of access to the site at all times for the purpose of on site inspections during the course of construction and to perform maintenance inspections following the completion of the land-disturbing activity. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Tim Askins  
Printed name of Project Owner/Operator

\_\_\_\_\_  
Signature of Project Owner/Operator

03/07/2019  
Date

**Less Than 1-Acre, Not Located within 0.5 Miles of a Coastal Receiving Water and  
Automatic Permit Coverage  
Not Part of a Larger Common Plan, Coastal County**

**Application Instructions**

This form is for use on projects that will disturb less than 1 acre, are not located within 0.5 miles of a coastal receiving water, and are **not** a part of Larger Common Plan (LCP) for development or sale. This form is also for use on projects that qualify for Automatic Permit Coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities by disturbing 0.5 acres or less on sites that are located within 0.5 miles of a Coastal Receiving Water (not part of an LCP). Coastal Receiving Waters are *receiving water bodies as defined in [South Carolina's Coastal Zone Management Program Refinements](#) including all regularly tidally influenced salt and fresh water marsh areas, all lakes or ponds which are used primarily for public recreation or a public drinking water supply, and other water bodies within the coastal zone, excluding wetlands, swamps, ditches and stormwater management ponds which are not contiguous via an outfall or similar structure with a tidal water body.*

This form is only for use on projects located within one of the eight counties comprising the S.C. Coastal Zone (Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper counties). **If this project is part of a LCP for sale or development OR if this project includes more than 0.5 acres of disturbance located within 0.5 miles of a coastal receiving water, this form may not be used. Please see SC DHEC Form [d-2617](#) for the aforementioned scenarios.**

**Completing the Application:**

You must type or print legibly. You must include the original, signed notification form and one (1) copy of a sketched plan outlining the anticipated activities and the location of all proposed sediment and erosion control devices. **See Details on Pages 3-4 for additional information.**

**Project/ Site Name:**

The Project/Site Name should be a unique or distinguishing name (e.g., not Proposed Subdivision).

**I. Project Information**

- A. If any of the property is located inside an urbanized area (UA) or MS4, then list the entity and contact the respective MS4 or UA to identify applicable project requirements. See the following website for information about MS4s: [S.C. DHEC MS4 Link](#). Urbanized area boundary maps are available at the following EPA Link: [EPA Urbanized Area Maps Link](#). Please verify boundaries with the MS4 entity as some boundaries may have changed since the urbanized area maps were published.
- B. The official or legal name of the Project Owner/Operator (PO/O) should be listed under section B. The Company EIN is the Employer Identification Number as established by the U.S. Internal Revenue Service; the EIN is commonly referred to as the taxpayer ID. If the PO/O is not a company, then do not list a Company EIN. Please provide all requested information including email addresses.
- C. If the Project Owner/ Operator is a company, then a Permit Contact person must be listed under section C. This can be someone other than the person that has signatory authority for the company. Please provide all requested information including email addresses.

**II. Property Information**

- A. Provide all requested information, including Nearest City/Town even if project is located outside of City Limits. Latitude (from 32° to 35°) and longitude (78° to 83°) should be for the center of the site to the nearest 15". Minutes (') should be from 0 to 59, and seconds (") should be 0, 15, 30, or 45. List all Tax Map Numbers associated with the property.
- B. If the Project Owner/ Operator does not own the project site, then list the official or legal name of the current Property Owner of the site. Exemption Notification will be issued to the Project Owner/Operator (Section I), not the Property Owner, unless same entity.

**III. Site Information**

- A. The disturbed area and total site area should be rounded to the nearest tenth of an acre.
- B. List the estimated start and completion dates of the construction activity.
- C. If there are any downstream or adjacent flooding problems, then mark Yes. Otherwise mark No.
- D. If S.C. DHEC or an MS4 has issued a Notice to Comply, Notice of Violation or Warning Notice for this site please check yes. Otherwise check No.
- E. Identify the type of activity on this site by checking all that apply. Institutional includes schools and other publicly owned projects, except Linear projects. Site Preparation includes clearing, grubbing, and grading only; no new impervious areas should be proposed if this activity type is checked.

**IV. Water Body Information**

- A. The nearest receiving water body is the nearest Waters of the State (WOS)(see definition in [S.C. Regulation 61-9](#)) to which the site's stormwater will discharge. If this water body is unnamed, then provide a description that references the nearest, named water body (e.g., tributary to Grove Creek). If the site's stormwater discharges to multiple water bodies, then list all such water bodies and attach additional sheets, if necessary.
- B. If your site drains to a Coastal Receiving Water as defined above, then mark Yes. Otherwise mark No. If YES, provide the distance.
- C. If there are other waters of the U.S./State on the site not listed in item A (e.g., lake, pond), then mark Yes under item C.1. If there are proposed impacts to these or any WoS, then mark Yes under item C.2. It is also advised that you contact USACOE (866-329-8187), S.C. DHEC Water Quality Certification & Wetlands Section (803-898-4300), and S.C. DHEC Office of Ocean and Coastal Resource Management (843-953-0200) as applicable about these impacts.
- D. If items C.1 and C.2 were marked Yes, then describe the scope of all impacts to the referenced Waters of the State and list all permits and certifications that have been applied for or obtained which address each impact.

**V. Signatures and Certifications**

A. If the Project Owner / Operator is a company, print the name of the person who is signing the NOI for the Project Owner / Operator. A person with signatory authority for the Project Owner / Operator must sign the application. Certified Digital Signatures through Adobe Reader are accepted.

**Where to File:** (For projects that are located **within the Coastal Zone** and are **not** part of a LCP.) **For projects located within an Urbanized Area or MS4, you must first contact the respective UA or MS4 to identify applicable project requirements.**

**Via Email**

[coastalstormwaternotification@dhec.sc.gov](mailto:coastalstormwaternotification@dhec.sc.gov)  
(All files must be submitted as PDFs.)

**Via Mail**

S.C.DHEC—Coastal Stormwater Permitting Section  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405

**Project Requirements**

The following paragraphs provide guidance for projects located within the Coastal Zone that disturb less than one (1) acre, are not located within 0.5 miles of a CRW, and are not part of a larger common plan for development or sale (LCP). The following paragraphs also provide guidance for coastal projects that qualify for Automatic Permit Coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities (NPDES CGP) by disturbing 0.5 acres or less on sites that are located within 0.5 miles of a Coastal Receiving Water (not part of an LCP.) **If your project is to be constructed in a MS4 or Urbanized Area, the respective MS4 or UA must be consulted to identify additional project requirements.** The Where To Apply guidance may also be consulted for MS4/UA contact information.

**Regulatory Basis:** The S.C. Stormwater Management and Sediment Reduction Regulations (R.72-300) require that for land disturbing activities involving two (2) acres or less of actual land disturbance which are not part of a larger common plan of development or sale, the person responsible for the land disturbing activity shall submit a simplified stormwater management and sediment control plan meeting the requirements of R.72-307H. In addition to R.72-300, all projects that disturb 1 acre or more are subject to the requirements of the NPDES General Permit for Storm Water Discharges from Construction Activities (NPDES CGP). Additionally, projects may be subject to requirements of local governments through local ordinances, in particular, those areas that are considered Municipal Separate Storm Sewer Systems (MS4s) under the NPDES program. Please see S.C. DHEC's MS4 website for more information.

**Heightened Coastal Stormwater Requirements – Sites Located Within 0.5 Miles of Coastal Receiving Waters**

The South Carolina Coastal Zone Management Program Refinements (Program Refinements) call for regulatory approval of small sites that are located within 0.5 miles of a receiving water body as defined in Chapter III, Section XIII of the Program Refinements (See definition of receiving water body located in the instructions for this form). This type of receiving water body is also known as a coastal receiving water for the purposes of permitting requirements. Regulation 61-9, used in developing NPDES permits, defines any construction activity located within 0.5 miles of a coastal receiving water as a “Small Construction Activity”, and therefore subject to coverage under the NPDES CGP. In the NPDES CGP, sites that are located within 0.5 miles of a coastal receiving water and disturb 0.5 acres or less (not part of an LCP) qualify for automatic permit coverage with the use of appropriate best management practices.

For construction activities that include less than one (1) acre of disturbance, are not part of an LCP, where the site is located within 0.5 miles of a coastal receiving water, the following applies:

Submittal Type	Size of Construction Activity	DHEC Form 0451
Automatic Permit Coverage* (Notification)	0.1 – 0.5 acres	0451
Individual Permit Coverage*	0.6 – 0.9 acres	2617

**Definition LCP:** The plan in LCP is “broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.” [63 Federal Register No. 128, July 6, 1998, p. 36491] For example, if master calculations have been prepared and/or submitted for an entire site, then all phases and parcels at that site would be considered part of an LCP. If the site is part of a subdivision, industrial park, commercial park, etc., then it is considered to be part of an LCP. If there have been land-disturbing activities, including clearing, grading or excavating, that resulted in one (1) disturbed acre or more since 1992, then any future land-disturbing activities at the site are considered to be part of an LCP. If you are unable to determine if a plan is part of a LCP, you may contact the Department or the respective MS4/UA (when applicable) for assistance.

**Submittal Requirements:** Projects Less Than One (1) Acre, Not Located Within 0.5 Miles of a Coastal Receiving Water AND Automatic Permit Coverage that are not part of an LCP

Following is a summary of S.C. DHEC's submittal requirements for coastal projects that disturb less than one (1) acre and are not located within 0.5 miles of a coastal receiving water OR projects that qualify for Automatic Permit Coverage when either project type is not part of an LCP:

1. Provide **one (1) complete (signed and dated) Notification Form** for coastal counties (DHEC Form 0451 or other form provided by DHEC. *Note: The Notification form must be signed and dated by the Project Owner/Operator.*
2. Provide **one (1) copy of the plan/sketch.** *Note: Plan is not required to be prepared by an engineer, Tier B surveyor, or landscape architect; however, if an individual with one of these licenses prepares the plan, then they must sign and seal the plans. The sketched plan should include:*
  - (a) A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
  - (b) The boundary lines of the site on which the work is to be performed;
  - (c) The location of vegetative (temporary and permanent) and structural stormwater management and sediment control measures; and
  - (d) A topographic map of the site (if required by the implementing agency).
3. A **narrative description** of the stormwater management and sediment control plan to be used during land disturbing activities. *Note: This may be included on the plans instead of in a written narrative.* Include a general description of topographic and soil conditions of the property. Include a general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties.
4. Automatic Permit Coverage Only: A Coastal Zone Consistency determination is required for any site that is located within 0.5 miles of a coastal receiving water due to the permit coverage requirement. Contact [DHEC's Office of Ocean and Coastal Resource Management \(DHEC-OCRM\)](#) for any submittal requirements. Submit CZC submittal directly to DHEC-OCRM.

Once completed, the notification package (form, plans, and narrative) may be e-mailed (as pdf) to [coastalstormwaternotification@dhec.sc.gov](mailto:coastalstormwaternotification@dhec.sc.gov) for electronic processing by the Bureau of Water. A notice of receipt will be e-mailed to the applicant upon successful receipt of the notification package. Once the notification package has been screened for completeness and applicability, a letter requesting additional information or an approval letter will be e-mailed to the project owner/operator at the e-mail address provided on the notification form. A copy of the Notification letter will also be e-mailed to SCDHEC Regional inspectors. **If electronic submittal is not possible or desired, Less Than One Acre/Automatic Permit Coverage notifications may be mailed to SCDHEC - Bureau of Water, Coastal Stormwater Section, 1362 McMillan Avenue, Suite 400, Charleston, S.C. 29405.**

**If the project is to be constructed inside a MS4 or Urbanized Area, you must first contact the respective MS4 or UA to identify applicable project requirements.** Please note that these projects are required to provide adequate sediment and erosion controls in order to insure no offsite sedimentation into Waters of the State, adjacent properties, and public right-of-ways. Please also note that the Department does not regulate the placement of fill in floodplains. You must contact your local city or county official for such approval.





May 30, 2019

Tim Askins  
Oyster Bay Partners LLC  
628 Cain Drive  
Mount Pleasant, SC 29464

RE: **Stormwater Construction – Coastal Automatic Permit Coverage Notification**  
Melvin Bennett Subdivision, Charleston County  
Notification No.: HNQ-513F-EA7GE

Dear Tim Askins:

Based on your Notification to the Department and certification that this project will disturb 0.5 acres or less, is not part of a Larger Common Plan (LCP) for development or sale, and is located within ½ mile of a coastal receiving water, this project qualifies for automatic coverage under the NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities. As indicated in your Notification disturbed area for this site is **0.4 acres**.

**Please note the following requirements of this notification:**

- 1. This notification is only for the activity identified in Notification No. HNQ-513F-EA7GE;**
- 2. This notification does not constitute DHEC's approval of the stormwater management and sediment control plan. You are responsible for ensuring appropriate Best Management Practices are being used during construction activities.**
- 3. You are responsible for ensuring your contractor complies with the site development plan prepared for this project.**
- 4. You must obtain federal, state, or local permits that may be required for this project. In particular, if this project is located in an area of the state where a local government implements a stormwater program, such as an MS4, a permit may be required for this activity.**
- 5. The Department does not regulate the placement of fill in floodplains. You must contact your local city or county official for such approvals; and**
- 6. You are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991, South Carolina Pollution Control Act and the Federal Clean Water Act.**

This project is subject to a Coastal Zone Consistency (CZC) determination from the Department's CZC Section and automatic permit coverage is not effective until this project has been determined consistent with the Coastal Zone Management Program (CZMP). This project may qualify for General Coastal Zone Consistency (GCZC). If needed, please visit [www.scdhec.gov/environment/ocrm/czc](http://www.scdhec.gov/environment/ocrm/czc) for the GCZC and the GCZC request form to submit to the CZC Coordinator. If the project does not qualify for the GCZC the CZC Coordinator will inform you of other CZC process requirements.

Please note that the Department does not send a copy of this letter to any county or city building official. You must provide a copy of this letter to these agencies, as appropriate. Any future submittals to the Department for this project and/or this site, should reference this project/site name (as listed on the notification form), county, and assigned notification number **(Notification No. HNQ-513F-EA7GE)**.

**The Department may conduct periodic inspections of this site to ensure compliance with all related requirements, including LCP status. Failure to comply with the site plan resulting in discharge of sediment to Waters of the State and/or adjacent properties may subject you to applicable penalties under the S. C.**

**Pollution Control Act. Additional construction activities beyond the scope of this notification may require permit coverage.**

If you have any questions, please call me at 843-953-7809.

Sincerely,

A handwritten signature in blue ink that reads "Tyler S. Grant". The signature is written in a cursive style with a large initial "T" and "G".

Tyler S. Grant, Permit Coordinator  
Coastal Stormwater Permitting Section

ec: Jason Stuck - **Lowcountry EA Charleston - McMillan**



**South Carolina Board of Health and Environmental Control**  
**Guide to Board Review**  
**Pursuant to S.C. Code Ann. § 44-1-60**

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

**I. Filing of Request for Final Review**

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
  - The grounds for amending, modifying, or rescinding the staff decision;
  - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
  - the relief requested;
  - a copy of the decision for which review is requested; and
  - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control

Attention: Clerk of the Board  
2600 Bull Street  
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by

regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

*NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.*

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

## II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
  - include the place, date and time of the Conference;
  - state the presentation times allowed in the Conference;
  - state evidence may be presented at the Conference;
  - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
  - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

## III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
  - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
    - Type of decision (permit, enforcement, etc.) and description of the program.
    - Parties
    - Description of facility/site
    - Applicable statutes and regulations
    - Decision and materials relied upon in the administrative record to support the staff decision.
  - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
  - Rebuttal by Department staff [15 minutes]
  - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.