

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Civil Court Appeal Case No. 2018-CP-08-00266
Civil Court Appeal Case No. 2018-CP-08-01008

Appellate Case No. 2019-001169
Appellate Case No. 2019-001170

Aracelis Santos, ... Appellant,

v.

Harris Investment Holdings, LLC, ... Respondent.

RESPONDENT’S SUR-REPLY IN OPPOSITION TO APPELLANT’S
MOTION TO REMAND

Respondent Harris Investment Holdings, LLC (“HIH”), submits this sur-reply in opposition to Appellant Aracelis Santos’ (“Santos”) motion to remand filed August 20, 2020 to address two items raised in Santos’s reply.

First, demolition of the subject building did not render moot the question whether the magistrate properly ordered Santos ejected from the Property. Santos appeals the magistrate’s award of fees to HIH as the prevailing party. HIH is the “prevailing party” because the magistrate granted HIH’s application for ejectment. Thus, the propriety of the Ejectment Order bears directly on HIH’s entitlement to attorney’s fees, and this Court’s review of the magistrate’s ruling that Santos breached the lease and created a public nuisance on the Property would not be merely advisory. Having failed to argue the issue to the circuit court or this Court, however, Santos

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Sep 09 2020

SC Court of Appeals

abandoned appellate review of the Ejectment Order. *See* Rule 208(b), SCACR (stating that, for appellate review of an issue to occur, the issue must be set forth in a statement and argument); *Woodson v. DLI Properties, LLC*, 406 S.C. 517, 529, 753 S.E.2d 428, 434, n.11 (2014) (“We find Petitioners have abandoned the negligent misrepresentation claim by failing to set forth an argument on the issue in their brief.”); *Biales v. Young*, 315 S.C. 166, 168, 432 S.E.2d 482, 484 (1993) (“Failure to argue is an abandonment of the issue and precludes consideration on appeal.”). Therefore, the Ejectment Order is the law of the case. *Dreher v. S.C. Dep’t of Health & Envtl. Control*, 412 S.C. 244, 250, 772 S.E.2d 505, 508 (2015) (“Thus, should the appealing party fail to raise all of the grounds upon which a lower court’s decision was based, those unappealed findings - whether correct or not - become the law of the case.”).

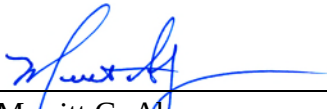
Second, HIH has indeed pursued redevelopment of the Property since it was demolished. Although HIH’s motivation for demolishing its own building is irrelevant to any issue on appeal, or to any conceivable claim Santos could bring against HIH, Santos accused HIH and its counsel of misrepresenting facts to this Court, and HIH must respond. Attached to this sur-reply as Exhibit 1 are various architectural drawings and approvals HIH obtained for redevelopment of the Property. Construction has not begun only because HIH is still awaiting final approvals from the City of Hanahan and utilities. HIH has not misrepresented its plans for the Property to this Court.

The remaining arguments in Santos’ reply are adequately addressed in HIH’s return or require no response.

CONCLUSION

For the reasons set forth above, and in HIH’s return filed on August 28, 2020, the Court should deny the motion to remand and proceed with resolution of the matters properly on appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 
Merritt G. Abney
SC Bar No. 71893
E-Mail: merritt.abney@nelsonmullins.com
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(843) 853-5200

Attorneys for Respondent, Harris Investment Holdings, LLC

Charleston, South Carolina
September 9, 2020

EXHIBIT 1



BERKELEY COUNTY SC

Engineering Department
212 Oakley Plantation Drive
Moncks Corner, SC 29461
berkeleycountysc.gov
843.719.4127

March 24, 2020

Eric Coulter
Harris Investment Holdings, LLC
863 Holcomb Bridge Road
Roswell, Ga 30076

**Re: Hanahan Staff Zone
City of Hanahan, Berkeley County
Plan Case#: PLSP-032498-2020
Disturbance Area: 1.5 Acres**

Berkeley County Engineering has reviewed the stormwater management plans submitted for the above referenced project located within the Berkeley County MS4 Regulated Area. The information submitted for review consists of drawings (Civil Legend, Abbreviation & Notes Sheet C001 through SWPPP/ Erosion Control Notes Sheet C720) dated through February 20, 2020, the completed Construction Activity Application, and the Drainage Narrative prepared by ADC Engineering. The proposed Construction Activity has been found to be in compliance with the minimum standards and criteria of the Berkeley County Stormwater Management Ordinance.

This approval of the stormwater management plan does not constitute, in any way, the right to start construction. No construction can commence until South Carolina DHEC-OCRM approves the Notice of Intent (NOI), issues coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), and Berkeley County approves the Construction Activity Application (CAA).

Provide our office a copy of the recorded Covenants along with a copy of the approved SCDOT encroachment permit, SCDHEC-OCRM issued CZC, approved NOI, and letter authorizing coverage under the CGP. Upon receipt of these documents, we will issue approval of the CAA. We will also need a pdf copy of the engineering documents (plans, drainage report, approved permits, etc.) and a minimum of two (2) full-size & three (3) 11x17 copies of the plans for stamping.

Berkeley County assumes no maintenance responsibility for the proposed site and/or storm water drainage system.

Please let me know if you have any questions or if our office can be of further assistance.

Sincerely,

Bryan Merta, P.E.
Senior Engineer
Berkeley County Engineering Department

CC: Pamela Winkler- SCDHEC
File



BERKELEY COUNTY STORMWATER MANAGEMENT PROGRAM

CONSTRUCTION ACTIVITY APPLICATION

Sites within Regulated Area and disturbing one-half (1/2) acre or more

For Official Use Only

Date Received: _____

Application No: RECEIVED

BERKELEY COUNTY

PLSP. 032498-2020

FEB 11 2020

PLAN CASE ADMINISTRATOR

by: CT

I. Owner Information

Owner (Company or person): Harris Investment Holdings, LLC

Contact Person: Eric Coulter Company EIN: 20 - 3267345

Address: 863 Holcomb Bridge Road

City: Rosewell State: GA Zip: 30076

Phone: (Day) _____ (Mobile) _____ (Fax) _____

Email address: e.coulter@thestaffzone.com

II. Operator Information

Company or person: _____

Contact Person: _____ Company EIN: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: (Day) _____ (Mobile) _____ (Fax) _____

Email address: _____

III. Contractor Information

Company or person: _____

License #: _____

City: _____ State: _____ Zip: _____

Phone: (Day) _____ (Mobile) _____ (Fax) _____

Email address: _____

IV. Plan Preparer Information

Plan Preparer: Jeff Webb, P.E. S.C. Registration #: 22839

Company/ Firm: ADC Engineering, Inc. S.C. COA #: 00253

Mailing Address: 1226 Yeamans Hall Road

City: Hanahan State: SC Zip: 29410

Phone: (Day) 843 - 566 - 0161 (Mobile) 843 - 991 - 7047 (Fax) 843 - 566 - 0162

Email address: jeffw@adcengineering.com

V. Project InformationA. Project Name: Hanahan Staff ZoneLocation (street address, nearest intersection, etc.): 5901 Loftis RoadTax map # (list all): 265-15-02-068Disturbed area (to the nearest tenth of an acre): 1.5Total area: 1.5 Impervious area: 0.8B. Is this project part of a Larger Common Plan for Development or Sale (LCP)? ☐ Yes ☒ No

LCP/Overall Development Name: _____

Check here if this is the first phase. ☐

Previous state permit/file no.? _____ Previous NPDES coverage number: SCR10 _____

C. Type of Construction Activity (check all that apply):

- ☒ Commercial ☐ Residential: Single-family ☐ Linear (Roads, utility lines, etc.)
☐ Institutional ☐ Residential: Multi-family ☐ Site Preparation (No new impervious)
☐ Industrial ☐ Re-development ☐ Other: _____

VI. Waterbody InformationA. Nearest receiving waterbody(s): Goose Creek Distance to this waterbody (feet): 8,750Next/Nearest named receiving waterbody(s): Cooper River**B. Wetlands/ Waters of the State**

Waters of the U.S./ State	On the site?	If yes, delineated/ identified?	Impacts?	Amount of impacts
a. Jurisdictional wetlands	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	____ Ac ____ Feet
b. Non-jurisdictional wetlands	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	____ Ac ____ Feet
c. Other (List): _____	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	____ Ac ____ Feet

If yes for delineation, has documentation of the delineation from the USACOE been provided? ☐ Yes ☐ No ☒ N/AIf yes for impacts, has a USACOE permit been applied for or obtained for those impacts? ☐ Yes ☐ No ☒ N/A

If yes, provide copy of the approved USACOE permit.

C. Special Protection Areas*1. Are there any flooding problems downstream of or adjacent to this site? ☐ Yes ☒ No

If yes, see attached instruction.

2. Are any portions of the site located in a designated floodplain? ☐ Yes ☒ No

If yes, what are the FIRM Numbers? _____

3. List the nearest DHEC water quality monitoring station(s) [WQMS(s)] to which stormwater (SW) discharges will drain and the corresponding waterbody(s). MD-039 Goose Creek / Cooper River3.1. Is this WQMS listed on the most current 303(d) List for Impaired Waters? ☒ Yes ☐ Noa. If yes for (3.1), list the impairment(s). ENTEROb. If yes for (3.1) will SW discharges from your site contain the pollutant(s) of impairment? ☐ Yes ☒ Noc. If yes for (b) will use of the proposed BMPs ensure that the site's discharges will not contribute to or cause further water quality standard violations? ☐ Yes ☐ No3.2. Has a TMDL(s) been developed? ☐ Yes ☒ No

a. If yes for (3.2), list the waterbody _____

list the impairment(s). _____

b. Has the standard been attained for the impairment(s)? ☐ Yes ☐ No

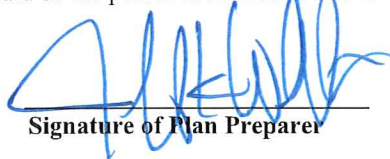
- c. If no for (b), will SW discharges from your site contain the pollutant of impairment? ☐ Yes ☐ No
 d. If yes for (c), are your discharges consistent with the assumptions and requirements of the TMDL(s)? ☐ Yes ☐ No
 e. If no for (d), will use of the selected BMPs ensure that the site's discharges will not contribute to or cause further water quality standard violations? ☐ Yes ☐ No

*Projects located in the Special Protection Areas may require a pre-submittal meeting.

VII. Signatures and Certifications

- A. One copy of the stormwater plan, all specifications and supporting calculations, forms, and reports are herewith submitted and made a part of this application. I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of the Berkeley County Stormwater Management Ordinance and the Berkeley County Stormwater Design Standards. (This should be the person identified in Section IV)

Jeff Webb, P.E.
 Printed name of Plan Preparer

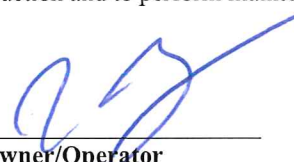

 Signature of Plan Preparer

22839
 S.C. Registration #

- B. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I hereby certify that all construction and associated activity pertaining to this site shall be accomplished pursuant to and in keeping with the terms and conditions of the approved plans. I also certify that a responsible person will be assigned to the project for day-to-day control. I hereby grant authorization to Berkeley County 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.

Harris Investment Holding LLC
 Printed name of Owner/Operator**


 Signature of Owner/Operator

CEO
 Title/ Position

Eric L. Coulter

**In such cases where an operator signs the certification, a copy of the maintenance agreement between the owner and operator as required by the Stormwater Management Ordinance must be submitted with this application.



Coastal Zone Consistency Determination

To: Gagan Brar, BOW Coastal Stormwater Permitting Section

From: Benjamin Thepaut, OCRM Coastal Zone Consistency Section *Bt*

Applicant: Eric Coulter, Harris Investments Holdings, LLC

Project Name: Hanahan Staff Zone

Finding: Conditionally Consistent with the SC Coastal Zone Management Program

Site Location: 5901 Loftis Road, Hanahan, Berkeley County, South Carolina (TMS#:265-15-02-068)

Reference #: HNX-MM4P-F6RG8

Date: March 26, 2020

The staff of the Office of Ocean and Coastal Resource Management (OCRM) reviewed the above referenced Coastal Zone Consistency project request for land disturbance associated with site clearing, grubbing, and demolition. Additionally, construction of two new buildings, parking lot, small pond, and associated infrastructure. The total area of disturbance will be 1.5 acres of a 1.5 acre project site.

We hereby certify that the above referenced project is **Conditionally Consistent** with the **Guidelines for Evaluation of All Projects** as well as the Transportation Facilities (*Parking Facilities*), Commercial Development, and Stormwater Management (*Runoff*) policies contained in the S.C. Coastal Zone Management Program provided the following conditions are included in the permits and adhered to by the applicant.

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

2. The project must be consistent with State Stormwater Permitting requirements during and post construction for protection of water quality.
3. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.

This determination shall serve as the SCDHEC OCRM Coastal Zone Consistency Determination for the work described above. However, this determination **does not** serve as a Department permitting decision and **does not** alleviate the applicant's responsibility to obtain any applicable State or Federal permit(s) for the work. Local government authorizations **may also** be required.

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.



April 10, 2020

Eric Coulter
Harris Investments Holdings, LLC
863 Holcomb Bridge Road
Roswell, GA 30076

RE: Hanahan Staff Zone, Berkeley County
NPDES Coverage Number: SCR10Z5JW

Dear Eric Coulter:

The Department of Health and Environmental Control (Department or DHEC) has received approval of and the Notice of Intent for the above-referenced project from **Berkeley County**. Based on your submission of this documentation and in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000 (CGP), this project has been granted coverage under the CGP on **April 10, 2020**. This project's general permit coverage number is **SCR10Z5JW**. The total disturbed area for this site is **1.5 acres**.

See attached DHEC Office of Ocean and Coastal Resource Management (DHEC-OCRM) certification dated 3/26/2020 for additional conditions related to the Coastal Zone Consistency determination.

An as-built survey(s), signed and sealed by a S.C. Licensed Land Surveyor or Professional Engineer, should be submitted to **Berkeley County** for all detention structure(s) on this site. The survey(s) should show grades, contours, and depths for all structure(s) and should include the elevations and dimensions of all outlet structures, including but not limited to pipes, orifices, risers, weirs, and emergency spillways. A statement signed by the project's S.C. Registered Engineer indicating that the structure(s) was installed and is operating as shown on approved plans and in approved calculations is required. If the elevations or dimensions of the structures listed above do not match those used in the approved plans, provide a certification statement signed by the project's S.C. Registered Engineer indicating that the structure, as built, will function as shown in approved calculations. A new analysis of the structure (routing) may be necessary.

The CGP can be downloaded at the following website: <http://www.scdhec.gov/Environment/docs/CGP-permit.pdf> or you may request a copy from us via email (stormwatercgp@dhec.sc.gov). You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the CGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991 (1991 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify the local DHEC EA office prior to starting any land-disturbing activity. The address and telephone number are as follows:

• Lowcountry EA Charleston
1362 McMillan Avenue, Suite 300
Charleston, SC 29405
843-953-0150

Inspections of this site must be performed by qualified personnel as described in Section 4.2.E of the CGP.

You should be aware that this approval is only applicable for the Stormwater Pollution Prevention Plan (SWPPP) that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is not authorized. Any future work for this project not shown on the stamped, approved plans will require that you submit another site plan for review and approval. All major modifications require review and approval by **Berkeley County**; the Department must be notified in writing by **Berkeley County** of the approval of major modifications if the disturbed area changes. Minor modifications to the approved SWPPP may be made by the SWPPP preparer and do not require review and approval by the Department; these changes should be signed and dated by the SWPPP preparer. If you have a question about whether a modification is major or minor, contact the Coastal Stormwater Permitting Section at (843) 953-0200.

A copy of the stamped, approved SWPPP (including a copy the CGP, contractor certifications, inspection records, rainfall data, etc), NOI, and CGP coverage letter from DHEC must be retained and available at the construction site (or accessible within 30 minutes during normal business hours) from the date of commencement of construction activities to the date of final stabilization. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.

All contractors who will conduct land-disturbing activities at the site must complete a Contractor Certification Form. You are also responsible for listing all contractors in the SWPPP and for holding a pre-construction conference with each contractor before they can conduct land-disturbing activity at the site.

The Department may conduct periodic inspections of your site. Any violations found during these inspections may result in enforcement action.

This NPDES coverage should be terminated by the permittee when one of the conditions listed in Section 5.1 of the CGP has been met. You must submit a Notice of Termination (NOT) to cancel your NPDES coverage under the CGP. Please see section 5.1 of the CGP for additional information required to be submitted with the NOT.

You are responsible for obtaining any other federal, state, or local permit that may be required for this project. In particular, any permits through the U.S. Army Corps of Engineers for the placement of fill material in Waters of the United States. Please note we have not sent a copy of this letter to any county or city building official. You must send a copy of this letter to these agencies, if necessary.

If material excavated during construction activities leaves the site, a mine operating permit may be needed. You are responsible for contacting the Mining and Reclamation Section to determine if a mining permit is required for the site. The Mining and Reclamation Section can be reached at (803)898-1362 or via e-mail at AskMines@dhec.sc.gov.

Please see the enclosed "Notice of Appeal Procedure" document for information about the procedures for appealing this NPDES coverage.

If you have any questions or cannot access the referenced websites, please call me at 843-953-1594.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gagan Brar', with a stylized flourish at the end.

Gagan Brar
Coastal Stormwater Permitting Section

CC: Jeff Webb, ADC Engineering, Inc

EC: Jason Stuck, Lowcountry EA Charleston
Bryan Merta, Berkeley County



Engineering Department
212 Oakley Plantation Drive
Moncks Corner, SC 29461
berkeleycountysc.gov
843.719.4127

March 24, 2020

Eric Coulter
Harris Investment Holdings, LLC
863 Holcomb Bridge Road
Rosewell, Ga 30076

**Re: Hanahan Staff Zone
City of Hanahan, Berkeley County
Plan Case#: PLSP-032498-2020
Disturbance Area: 1.5 Acres**

Berkeley County Engineering has reviewed the stormwater management plans submitted for the above referenced project located within the Berkeley County MS4 Regulated Area. The information submitted for review consists of drawings (Civil Legend, Abbreviation & Notes Sheet C001 through SWPPP/ Erosion Control Notes Sheet C720) dated through February 20, 2020, the completed Construction Activity Application, and the Drainage Narrative prepared by ADC Engineering. The proposed Construction Activity has been found to be in compliance with the minimum standards and criteria of the Berkeley County Stormwater Management Ordinance.

This approval of the stormwater management plan does not constitute, in any way, the right to start construction. No construction can commence until South Carolina DHEC-OCRM approves the Notice of Intent (NOI), issues coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), and Berkeley County approves the Construction Activity Application (CAA).

Provide our office a copy of the recorded Covenants along with a copy of the approved SCDOT encroachment permit, SCDHEC-OCRM issued CZC, approved NOI, and letter authorizing coverage under the CGP. Upon receipt of these documents, we will issue approval of the CAA. We will also need a pdf copy of the engineering documents (plans, drainage report, approved permits, etc.) and a minimum of two (2) full-size & three (3) 11x17 copies of the plans for stamping.

Berkeley County assumes no maintenance responsibility for the proposed site and/or storm water drainage system.

Please let me know if you have any questions or if our office can be of further assistance.

Sincerely,

Bryan Merta, P.E.
Senior Engineer
Berkeley County Engineering Department

CC: Pamela Winkler- SCDHEC
File



NOTICE OF INTENT (NOI)
For Coverage(s) of Primary Permittees
Under South Carolina NPDES General Permit
For Stormwater Discharges From Construction Activities SCR100000
(Maintain As Part of On-Site SWPPP)

For Official Use Only

File Number: _____
Permit Number: SCR10 _____
Submittal Package Complete: _____

Submission of this Notice of Intent constitutes notice that the Applicant identified in Section II intends to be authorized as a Primary Permittee in the state of South Carolina under NPDES General Permit SCR1000000. Fees required for review and NPDES coverage of each application type are as listed on page 2 of the Instructions.

SOUTH CAROLINA
DEPT. OF HEALTH AND ENVIRONMENTAL CONTROL
DAM SAFETY AND STORMWATER PERMITTING DIVISION
CONSTRUCTION STORMWATER PERMITTING
APPROVED - FOR CONSTRUCTION ONLY

DHEC PERMIT #: SCR10Z5JW
DATE ISSUED: 4/10/2020
BY: Gagan Brar

Date: 01/21/2020

Project/Site Name: Hanahan Staff Zone

County: Berkeley

(Modification or Change of Information Only) Prior Approved NPDES Permit or File Number: _____

Do you want this project to be considered for the Expedited Review Program (ERP)? ☐ Yes or ☒ No (See Instructions)

I. Notice of Intent (NOI) Application Type(s)

A. Project (Application/Review) Type(s) (Select **ALL** that apply):

- ☒ New Project (Initial Notification) Ongoing Project: ☐ Permitted or ☐ Un-Permitted
☐ Late Notification ☐ Low Impact Development (LID) or Project Design Above Regulatory Requirements
☐ New Owner/Operator or Company Name Change (see Instructions, attach Form A (Transfer of Ownership))
☐ Major Modification: (see Instructions, attach Form B (Major Modifications))
☒ MS4 Project Review
☒ Ocean and Coastal Resource Management (OCRM) Review
☐ Change of Information/Other (Specify): _____

B. If Applicable, identify the entity designated as **MS4 Reviewer** and **MS4 Operator** (i.e., Lexington County, City of Greer, etc.): **MS4 Reviewer** Berkeley County **MS4 Operator** Berkeley County

II. Primary Permittee Information

☐ Person or ☒ Company If a Company, are you a ☐ Lending Institution or ☐ Government Entity?
Company EIN (if applicable): EIN: 25-252525

A. Primary Permittee Name: Harris Investments Holdings, LLC

Mailing Address: 863 Holcomb Bridge Road City: Roswell State: GA Zip: 30076
Phone: 770-645-6134 Fax: _____ Email Address: e.coulter@thestaffzone.com

B. Contact /ODSA Name (If different from above OR if owner is a company): Eric Coulter

Mailing Address: 863 Holcomb Bridge Road City: Roswell State: GA Zip: 30076
Phone: 770-645-6134 Fax: _____ Email Address: e.coulter2thestaffzone.com

C. Property Owner Name (If different from above): _____

Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email Address: _____

III. Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) Preparer Information ☐ Change of Information

A. C-SWPPP Preparer Name: Jeff Webb, P.E.

B. Registered Professional ☒ Engineer ☐ Landscape Architect ☐ Tier B Land Surveyor S. C. Registration #: 22839

C. Company/Firm Name: ADC Engineering, Inc. S. C. COA #: 00253

Mailing Address: 1226 Yeamans Hall Road City: Hanahan State: SC Zip: 29410
Phone: (843) 566-0161 Fax: 843-566-0162 Email Address: jelfw@adcengineering.com

IV. Project/Site Information

A. Type of Construction Activity(ies) (Select **ALL** that apply):

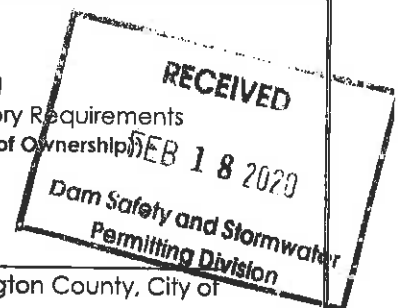
- ☒ Commercial ☐ Industrial ☐ Institutional ☐ Mass Grading ☐ Linear ☐ Utility/Infrastructure
☐ Residential: Single-family ☐ Residential: Multi-family ☐ Multi-use (Commercial & Residential)
☐ Site Preparation (No New Impervious Area) ☐ Other (Specify) _____

B. Site Address/Location (street address, nearest intersection, etc.): 5901 Loftis Road

City/Town (if in limits): Hanahan Zip Code: 29410

Latitude: 32° 54' 10" N Longitude: - 80° 0' 35" W (Source): ☐ GPS ☒ Web Site: epa.gov/enviro

Tax Map Number (s) (List all): 265-15-02-068



- C. Is this site located on Indian Land? ☐ Yes ☒ No
- D. Proposed Start Date: 06/01/2020 Proposed Completion Date: 06/01/2021
- E. Disturbed Area (nearest tenth of an acre): 1.5 Total Area (acres): 1.5
- F. Modification Only: (nearest tenth of an acre): Disturbed Area: Current (Approved) Area: Disturbed Area Change (Increase Only): Total Disturbed Area (After Change):
- G. Is this project part of a Larger Common Plan for Development or Sale (LCP)? ☐ Yes ☒ No
LCP/ Overall Development Name: Check here if this is the First Phase. ☐
- Previous State Permit/File Number: Previous NPDES Coverage Number: SCR10

- H. Any Flooding Problems exist downstream of or adjacent to this site? ☐ Yes ☒ No (If yes, provide detailed description of flooding problems and applicable floodway/flood zone information in the C-SWPPP).
- I. Active S.C. DHEC Warning Notice, Notice to Comply or Notice of Violation for this site or LCP? ☐ Yes ☒ No
- J. List Relevant State and Federal Environmental Permits or Approvals applied for or obtained for this site (e.g., RCRA, USACOE, Nationwide, etc.). If None, list None.
None

- K. Any Waiver(s)/Variances/Exceptions Requested for this Project? (If yes, identify below and include Waiver Request and Justifications in the C-SWPPP for each proposed request).

1. Small Construction Activity Waiver(s) From NPDES permitting (Section 1.4 & Appendix B)? ☐ Yes ☒ No
If yes, Identify requested waiver: ☐ Rainfall Erosivity Waiver ☐ TMDL Waiver ☐ Equivalent Analysis Waiver
2. Detention Waiver (72-302(B)? ☐ Yes ☒ No 3. Other (Specify):

V. Waterbody Information (Attach additional sheet(s) as needed) ☐ Change of Information

- A. Receiving Waterbody(s) (RWB) Information (List the nearest and next nearest receiving waterbodies to which the sites stormwater discharges will drain. If stormwater discharges drain to multiple waterbodies, list all such waterbodies).

1. Name of Receiving Waterbodies (RWB)	2. Distance to RWB (feet)	3. Classification of RWB
a. Nearest: Goose Creek	8,750	SB
b. Next Nearest: Cooper River	38,000	SB
c. Coastal Zone ONLY: Coastal Receiving Water (CRW): Goose Creek	8,750	Not Applicable
d. Other Waterbodies:		

B. Waters of the U.S. / State Information (Attach additional sheet(s) as needed)

Waters of the U.S./ State	1. On the site?	2. Delineated/ Identified?	3. Impacts?	4. Amount of impacts
a. Jurisdictional wetlands	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	___ Ac
b. Non-jurisdictional wetlands	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	___ Ac
c. Other Water(s):	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	___ Ac ___ Feet
d. Coastal Zone ONLY: Direct Critical Area	☐ Yes ☒ No	☐ Yes ☐ No	☐ Yes ☐ No	___ Ac ___ Feet

5. If yes for impacts in B.3, 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:

C. S.C. Navigable Waters (SCNW) Information (Section 2.6.5) The Department will address any issues related to State Navigable Waters' Program under SC Regulation 19-450 during the review of the C-SWPPP for activities that will **NOT** require a 404 permit or a 401 certification. (Attach additional sheet(s) as needed).

1. Are S. C. Navigable Waters (SCNW) on the site: ☐ Yes ☒ No

a. If no, do not complete this question. Proceed to Section D (Impaired Waterbodies).

b. If yes, provide the name of S.C. Navigable Waters (SCNW) on the site:

2. If yes for C.1, will construction activities cross over or occur in, under, or thru the SCNW? ☐ Yes ☐ No
If yes, describe SCNW activities (e.g., road crossing, sub-aqueous utility line, temporary or permanent structures, etc.) and proceed to Section C.3:

3. Identify permits providing coverage of SCNW activities proposed for your site. If NONE, list none.

Permits/Certifications	Permit or Certification No.	Corresponding Covered SCNW Activity(ies)
a. DHEC General/ Other DHEC Permit	None	
b. USACOE 404 Permit or 401 Certification	None	
c. SCNW Permit If applied for or issued, identify Date applied for or issued:	None	☐ All Activities or ☐ Some Activities (Describe):

d. If a SCNW Permit has NOT been applied for provide an additional plan sheet that shows plan and profile views (drawn to scale) of the SCNW and associated activities. Include a description of all proposed activities on this plan.

D. Impaired Waterbodies Information (Attach additional sheet(s) as needed)

1. 303(d) Listed Impaired Waterbodies

a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4 and the Name of the Corresponding Waterbody?	b. Is this WQMS(s) listed on the <u>most current</u> 303(d) list? If No, proceed to Section 2 of this table. If Yes, complete items c thru f.	c. List the pollutant(s) identified as "CAUSES" of the Impairment	d. Will any pollutants causing the impairment be present in your site's construction stormwater discharges?	e. If yes for d, list the "USE SUPPORT" impairment(s) affected by the pollutant(s) identified in c.
MD-039	Goose Creek ☒ Yes ☐ No	ENTERO	☐ Yes ☒ No	
MD-248	Cooper River ☐ Yes ☒ No		☐ Yes ☐ No	
	☐ Yes ☐ No		☐ Yes ☐ No	

f. If yes for d above, will use of the BMPs proposed for your project ensure the site's discharges will NOT contribute to or cause further WQS violations for the impairment(s) listed in c? ☐ Yes ☐ No
(NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

2. TMDL Impaired Waterbodies

a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4?	b. Has a TMDL(s) been developed for this WQMS(s)? If No, identify as such below and proceed to Section VI. If Yes, complete items c thru f of this table.	c. If yes for b, what pollutants are listed as "CAUSES" or causing the Impairment?	d. If yes for b, has the standard been "ATTAINED" or "Fully Supported" for the Impairment(s)?	e. If no for d (Not Attained), will any pollutants causing the impairment be present in your site's construction stormwater discharges?
MD-039	☐ Yes ☒ No		☐ Yes ☐ No	☐ Yes ☐ No
MD-248	☐ Yes ☒ No		☐ Yes ☐ No	☐ Yes ☐ No
	☐ Yes ☐ No		☐ Yes ☐ No	☐ Yes ☐ No

f. If yes for e above, are your discharges consistent with the assumptions and requirements of the TMDL(s)? ☐ Yes ☐ No
(NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

VI. Signatures and Certifications DO NOT SIGN IN BLACK INK! Read the Certifications below (in entirety). Provide date, printed name, and signatures below. If you are a New Owner/Operator, as Primary Permittee you must also sign and date the applicable Comprehensive SWPPP Acceptance & Compliance Agreement below.

C-SWPPP PREPARER: "One copy of the C-SWPPP, all specifications and supporting calculations, forms, and reports are herewith submitted and made a part of this application. I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of Title 48, Chapter 14 of the Code of Laws of SC, 1976 as amended, pursuant to Regulation 72-800 et seq. (if applicable), and in accordance with the terms and conditions of SCR100000." (This should be the person identified in Section III).

Jeff Webb, P.E.

Printed Name of C-SWPPP Preparer

Signature of C-SWPPP Preparer

22839

S. C. Registration #

PRIMARY PERMITTEE: "I or I (on behalf of my company and its contractors and agents), as the case may be, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that DHEC enforcement actions may be taken if the terms and conditions of the C-SWPPP are not met and I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

"I or I (on behalf of my company and its contractors and agents), as the case may be, also hereby 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 the approved plans and SCR100000. I also certify that a responsible person will be assigned to the project for day-to-day control. I hereby grant authorization to the to S. C. Department of Health and Environmental Control (DHEC) 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." (See Section 122.22 of S.C. Reg. 61-9 for signatory authority information.) Having understood the above information, I am signing this certification as Primary Permittee to the aforementioned NPDES general permit."

Eric C. Coulter

Printed Name of Primary Permittee

Signature of Primary Permittee

CFO

Title/Position

3-3-2020

Date Signed



Coastal Zone Consistency Determination

To: Gagan Brar, BOW Coastal Stormwater Permitting Section

From: Benjamin Thepaut, OCRM Coastal Zone Consistency Section *Bt*

Applicant: Eric Coulter, Harris Investments Holdings, LLC

Project Name: Hanahan Staff Zone

Finding: Conditionally Consistent with the SC Coastal Zone Management Program

Site Location: 5901 Loftis Road, Hanahan, Berkeley County, South Carolina (TMS#:265-15-02-068)

Reference #: HNX-MM4P-F6RG8

Date: March 26, 2020

The staff of the Office of Ocean and Coastal Resource Management (OCRM) reviewed the above referenced Coastal Zone Consistency project request for land disturbance associated with site clearing, grubbing, and demolition. Additionally, construction of two new buildings, parking lot, small pond, and associated infrastructure. The total area of disturbance will be 1.5 acres of a 1.5 acre project site.

We hereby certify that the above referenced project is **Conditionally Consistent** with the **Guidelines for Evaluation of All Projects** as well as the Transportation Facilities (*Parking Facilities*), Commercial Development, and Stormwater Management (*Runoff*) policies contained in the S.C. Coastal Zone Management Program provided the following conditions are included in the permits and adhered to by the applicant.

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

2. The project must be consistent with State Stormwater Permitting requirements during and post construction for protection of water quality.
3. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.

This determination shall serve as the SCDHEC OCRM Coastal Zone Consistency Determination for the work described above. However, this determination **does not** serve as a Department permitting decision and **does not** alleviate the applicant's responsibility to obtain any applicable State or Federal permit(s) for the work. Local government authorizations **may also** be required.

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.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
Encroachment Permit

Permit No : 233730

Permit Decision Date :
4/17/2020

Expiration Date : 4/17/2021

Type
Permit :DRIVEWAY -
COMMERCIAL

Location:

<u>District</u>	<u>Work County</u>	<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>
6	Berkeley, SC	S-	137	None	0.377	0.303

Contact
Information

Applicant: HarrisInvestmentHoldingsLLC	Phone:
Contact: Jeff Webb, P.E. - ADC Engineering, Inc.	
Address: 863 Holcomb Bridge Road,	
City: Rosewell	State: GA Zip: 30076

Comments

Approximately 200 feet north of the intersection of Loftis Rd. & Yeamans Hall Rd.

Special
Provisions:

0004 - SCDOT SHALL BE NOTIFIED WHEN WORK DEFINED IN THE PERMIT STARTS AS WELL AS WHEN THE WORK IS COMPLETED. REFERENCE SHALL BE MADE BY PERMIT NUMBER.

0005 - APPLICANT SHALL PROVIDE TO THE DEPARTMENT THE OPPORTUNITY OF ATTENDING ANY PRE-CONSTRUCTION MEETING PRIOR TO THE BEGINNING OF WORK.

9999 - See Attached for Additional Special Provisions

9999 SPECIAL PROVISIONS

- 1.) The permittee and/or contractor is to be fully aware of these provisions. Also see attached drawings, details, and location maps of proposed work to be done under this permit.
- 2.) Prior to the start of any work shown on this permit the permittee, the contractor, and SCDOT will meet on site to discuss proposed work, these provisions, and all required safety requirements and signage pertaining to this permit.
- 3.) **Prior to any work inside SCDOT right of way being started, the Permittee and or Contractor shall *COORDINATE WITH SCDOT CHARLESTON COUNTY PERMIT ENGINEER MR. Steven Canady (843) 740-6732.***
- 4.) Approval of this permit is for access into Hanahan Staff Zone building off of Loftis Rd (S-8-137) located in Hanahan, Berkeley County

All more fully shown on plans.

- The right-of-way along Loftis Rd (S-8-137) is to be completely cleared and grubbed to insure all required sight distances are obtained and maintained for the life of driveway.
- Approval of this permit will also include but is not limited to the demolition of existing facilities required for new construction, clearing and grubbing of areas included in the work zone, new asphalt paving needed for improvements, right-of-way excavation and grading, drainage, shoulder construction, erosion control, traffic control, and shoulder stabilization, and final cleanup (see plans).
 - a.) Prior to the start of construction a meeting of the owner needs to take place with SCDOT to go over the provisions, construction schedule, specifications, and requirements that will be required for this project.
 - b.) The permittee is responsible to have all construction as per current SCDOT standards and specifications require, or as directed by the SCDOT representative on site.**
 - c.) This project requires an onsite inspector certified in all required disciplines necessary to insure all construction meets SCDOT specifications and standards at all times work is be performed inside SCDOT rights-of-way. Disciplines will include but not be limited to concrete, asphalt paving, earthwork and grading, and drainage.
 - d.) This project requires a person of authority on site at all times with the ability to direct all construction operations when SCDOT representatives address any issues pertaining to requirements associated with this permit or any SCDOT specifications.

- e.) Traffic is to be maintained on Loftis Rd (S-8-137) at all times. Access to all adjacent properties is to be kept open unless the owner is notified a minimum of 24 hours of the disruption and has alternate access if required.
 - f.) All temporary markings will be fast-dry traffic paint and all permanent markings will be thermoplastic with raised traffic markings as required. If any existing pavement markings are to be removed because of the new construction, and are located in a portion of roadway not being overlaid, the markings will be ground-off as per SCDOT specifications, latest edition.
 - g.) Any existing traffic signage or signal encounter along the work zone of the project is to be relocated as required by current SCDOT standards and specifications and the "Manual on Uniform Traffic Control Devices" if needed with the new construction configuration.
- 5.) All temporary markings will be fast-dry traffic paint and all permanent markings will be thermoplastic with raised traffic markings as required. If any existing pavement markings that are to be removed because of the new construction, and are located in a portion of roadway not being overlaid/milled, will be ground-off as per SCDOT specifications, latest edition.
 - 6.) The contractor will maintain all traffic markings and raised traffic markers during all phases of construction.
 - 7.) All required sight areas for all driveways and roadways are to be cleared and kept open by the permittee at all times work approved under this permit is being performed until final approval is granted by SCDOT. No construction placed under this permit is to obstruct sight areas required for any driveway or roadway. If an obstruction is found resulting from this construction, it is to be eliminated or the entrance is to be reconfigured to eliminate obstruction as soon as possible.
 - 8.) Contractor will maintain positive drainage at all times during construction, until final inspection and approval is obtained.
 - 9.) Any existing pavement markings or traffic signage altered during the installation of this permitted construction will be replaced by the permittee to their original condition as soon as possible. All existing and required construction signage will be maintained at all times during this permit. Some new construction will require new pavement markings and permanent signage (see plans).
 - 10.) All required traffic markings and signage associated with this project will be placed by the permittee and will match all existing traffic markings and signage. All pavement markings will be thermoplastic.
 - 11.) Any work requiring a shoulder closure is to be done using SCDOT Standard Dwg 610-205-00 for shoulder closure. All shoulder closure work is to be done during daylight hours between 9:00 am to 3:00 pm.

- 12.) All traffic control will be the responsibility of the permittee and/or the contractor doing the work. All work will be done during daylight hours.
- 13.) All construction signage is to be placed and maintained during the construction of this project until SCDOT final approval of work is given for all work shown on this permit. All signage is the responsibility of the permittee.
- 14.) Traffic control, lights, signs, and flagmen will be furnished by the permittee and/or contractor and will conform to "Manual on Uniform Traffic Control Devices", latest edition. All devices and signs will be maintained during all phases of construction. Signs not in use will be removed or covered as required.
- 15.) **The South Carolina Department of Transportation reserves the right to impose additional conditions, provisions, and/or requirements on this permit to respond to any unforeseen, specific problems that might arise during the life of this permit, and to take any enforcement action necessary to ensure compliance with SCDOT specifications, standards, or policies.**
- 16.) No excavated material is to be placed or let accumulate on roadway surface during the construction of this project. All material is to be removed from roadway as soon as possible.
- 17.) Any construction materials or equipment to be stored or parked along side of roadway or in the right-of-way will be placed a minimum of 30' from the edge of pavement, or have warning devices as required and approved by this office.
- 18.) All areas disturbed inside SCDOT rights-of-way are to be compacted, graded and grassed as soon as possible to prevent any erosion or sedimentation in the drainage system.
- 19.) All required sight areas for entrances will be kept clean and clear for the life of these entrances by the permittee and/or contractor until the entrances are removed.
- 20.) This permit has been issued with an expiration date of one year from the approval and all work shown or detailed on this permit must be completely finished and approved by that date.

PAVEMENT PROVISIONS

- 21.) Any pavement to be used in the construction shown on this permit is to be placed as specified and in accordance with the South Carolina Department of Transportation standard specifications for highway construction (latest edition), whichever is greater. The pavement structure listed or shown will be used in all areas where asphalt is to be placed inside SCDOT right-of-way unless indicated differently on the permit.
- 22.) Any existing roadway pavement damaged or removed in connection with this work will be replaced, using the same thickness and type of material destroyed, or according to specifications

called for in the South Carolina Department of Transportation construction manual (latest edition), whichever is greater.

- 23.) Where pavement is cut and replaced, the contractor shall cut the edges to a straight and even line before removing the pavement. No ragged edges will be allowed or accepted. All patches and repairs will have squared corners. Prior to placing new asphalt all existing edges are to be tacked as per current SCDOT specifications. In some cases an asphalt surface overlay may be required to smooth riding surface of roadway at patch, see permit for details.
- 24.) If the roadway pavement is cut and base material other than asphalt is replaced, the entire area is to be primed with asphalt prime coat, acceptable to the South Carolina Department of Transportation specifications, prior to the placement of asphalt surface course. All new construction having rock type base is to be primed as required.

STORM DRAIN PROVISIONS

- 25.) Where pipe is installed in an open cut across a road or portion of a highway, the cut shall be immediately backfilled, and all work of repairing the pavement completed immediately. Any subsequent settlement in the patch shall be immediately corrected and repaired. One lane of traffic will be kept open to traffic at all times, with flagmen employed as necessary. Warning lights and necessary signs will be utilized where required to protect the public, and/or maintain proper traffic flow. No trenches are to be left open overnight.
- 26.) All existing storm drainage pipes disturbed during construction are to be inspected by a SCDOT representative for any signs of cracking or breakage prior to being re-laid. After the relaying of the drainage pipe it will then again be inspected for grade, alignment, and joint sealing prior to be backfilled and compaction. If a pipe is determined to have been damaged in construction to a condition where it cannot be reused, it will then be replaced with an equivalent or better grade pipe as required meeting all current SCDOT specifications. If the contractor finds an existing pipe is damaged prior to any construction in that area, he is to notify the SCDOT inspector prior to any construction.
- 27.) Upon placement or replacement of any storm drainage pipe or structure indicated on this permit, and prior to beginning the backfilling operation, the work **SHALL BE COORDINATED WITH SCDOT CHARLESTON COUNTY PERMIT ENGINEER MR. Steven Canady (843) 740-6732** and the pipe and/or structure inspected for grade, alignment, and the sealing of all joints, or construction and placement. When approval of the pipe and/or structure is given the backfilling will be allowed. Any pipe placed and covered without being inspected may result in the pipe having to be uncovered and inspected at the cost of the permittee.
- 28.) Any existing storm drainage pipe removed or damaged during construction of this project will be replaced with the same size and type pipe as was present. Any change in pipe size or type will require approval from SCDOT prior to the change being made.

- 29.) All cross line pipes and/or sideline pipes disturbed or damaged during construction will be replaced immediately. New pipe will be placed on proper grade, sealed properly, and cleaned to provide positive drainage. Pipes are to remain uncovered until a South Carolina Department of Transportation inspector, inspect the pipe, the condition, and the placement in the trench. Then at that time the pipe is to be covered and compacted as required. Reinforced concrete pipe used within state rights-of-way shall be stamped for conformance with South Carolina Department of Transportation specifications, and be free of any cracks, chips, or breaks.

EXCAVATION PROVISIONS

- 30.) Any required excavation or mucking in connection with this work, will be backfilled in six inch layers, and thoroughly compacted in a manner satisfactory to the South Carolina Department of Transportation specifications. Density tests may be required with the results to be furnished to the departments utility inspector on a weekly basis during construction, see permit for details.
- 31.) Compaction requirements in these provisions apply to crosscuts and longitudinal trench cuts from shoulder break to shoulder break. If compaction tests are required the maximum distance between tests shall be 500 feet. In some cases additional tests may be required, see permit for details.
- 32.) If unsuitable material is excavated, it will not be put back in the excavation, and will be removed from the right-of-way as soon as possible. The material will be replaced with suitable approved backfill, and be in compliance with the South Carolina Department of Transportation specifications for backfill.
- 33.) There shall be no excavation of soil nearer than two feet from any public utility pole or appurtenant facility without the written consent of the owner thereof. Special permission of the South Carolina Department of Transportation after an opportunity to be heard is given the owner of such pole or appurtenant facility may be given.
- 34.) If the side of the trench, pit, or any excavation is less than 3'-0" from the existing edge of pavement, the excavated area will be backfilled entirely with flowable fill to an elevation 6 inches from the existing ground elevation. Then brought to grade with suitable topsoil, compacted, graded, and grassed as required to eliminate any erosion.
- 35.) Existing ditch slopes, if excavated, shall be backfilled in six inch layers and well tamped with a mechanical tamp to 95% density (standard proctor). These lifts will be benched into the existing embankment as required. The new slopes will then be graded to match existing typical roadway cross section.
- 36.) No excavated material or spoil is to be placed on the pavement without the permission of the South Carolina Department of Transportation, and if permission is granted, this material must be removed daily, as soon as possible. The roadway is to be cleaned of all material in a manner as to

protect the existing pavement. Any pavement destroyed, or marked by this operation will be removed and replaced as required.

- 37.) When shoulders and ditch slopes are reshaped and graded to a typical section, the section will match existing road section. Where the existing section is less than state standards (6' wide shoulder @ 12:1, front slope of ditch @ 4:1, ditch bottom as required to accommodate existing runoff, and back slope of ditch min. 3:1 or to right-of-way line) the section will be upgraded to the standard. In either case positive drainage must be established and approved by SCDOT.
- 38.) Contractor will maintain positive drainage at all times during construction and until final inspection and approval from South Carolina Department of Transportation is obtained.
- 39.) No excavation located between the edge of roadway pavement and the center of sideline ditch or 15'0" where no ditch is present is to be left open overnight. The excavation is to be either temporarily backfilled or a steel plate is to be secured over hole. In either case reflective traffic cones are to be placed around the area of the excavation until the excavation has been permanently backfilled as required and graded.

CONSTRUCTION CLEANUP PROVISIONS

- 40.) All areas in SCDOT right-of-way disturbed during construction are to be restored to original condition as soon as possible and maintained during entire length of project, see "SCDOT POLICY FOR SEEDING AND EROSION CONTROL MEASURES INSIDE ROADWAY RIGHTS-OF-WAY".
- 41.) All disturbed areas inside SCDOT rights-of-way will be seeded with a mixture of grass seed as specified in the South Carolina Department of Transportation standard specifications for highway construction, section 109b2, or latest edition. No rye grass will be allowed inside SCDOT rights-of-way. A satisfactory stand of grass will be required, prior to any acceptance or final approval is granted on this permit.
- 42.) All rocks, pebbles, boards, other debris along with any spoil material will be kept clear of roadway at all times as the work progresses.

Applicant's Sig: _____ Title: _____

Application for Encroachment Permit

S.C. Department of Transportation
Form 637 (Rev 09/2015)

Contact Information

Applicant: Harris Investment Holdings, LLC
Street: 863 Holcomb Bridge Road
City: Roswell
State: GA **Zip Code:** 30076
Phone: (843)566-0161 **Fax:** (843)566-0162
Email: jeffw@adcengineering.com
Contact: Jeff Webb, P.E. - ADC Engineering, Inc.

Project Location

Primary County: Berkeley

County	Road Name
Berkeley	Loftis Rd (S-137N)

1. Type of DRIVEWAY - COMMERCIAL
Encroachment:

Driveway encroachment on Loftis Road. Please see attached plans.

2. Description of Location:

Approximately 200 feet north of the intersection of Loftis Rd and Yeamans Hall Rd.

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

Customer Agreement

3. The undersigned applicant hereby requests the SCDOT to permit encroachment on the SCDOT right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the SCDOT's "A Policy for Accommodating Utilities on Highways Rights of way", "Standard Specifications for Highway Construction", the "General Provisions" and "Special Provisions", attached hereto or made a part hereof by reference, during the installation, operation and maintenance of said encroachment within the SCDOT's Right of Way. **DISCHARGES OF STORM WATER AND NON-STORM WATER:** Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit(s) issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. The encroachment permit will not be issued until the applicant has received an NPDES construction permit from SC Department of Health and Environmental Control.

The applicant agrees to comply with all current SCDOT Standards Specifications for Highway Construction including all Supplemental Technical Specifications. The applicant hereby further agrees, and binds his/her/its heirs, personal representatives, successors, assigns, to assume any and all liability for accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing of the physical appurtenances contemplated herein, and the applicant agrees to indemnify and hold SCDOT harmless from and against any and all claims for personal injury and/or property damage which may be sustained by reason of the construction, maintenance or existence of said encroachment on the SCDOT's right of way.

Harris Investment Holdings LLC

Applicant's Name: *Eric C. Coulter* Date: 01/17/2020
(Please print or type)

Signature: *[Signature]*

Title: *CEO*

For Office Use Only

For Office Use Only

In accordance with your request and subject to all the provisions, terms, conditions, and restrictions stated in the application and the general and special provisions attached hereto, the SCDOT hereby approves your application for an encroachment permit. This permit shall become null and void unless the work contemplated herein shall have been completed prior to:

4/17/2021

~~X~~ See Attached Special Provision and/or Permit Requirements

NPDES Permit

Nbr: *[Signature]*

SCR10Z5JW

(Date received by res. Maint. Engr.)

(SCDOT Approval)

4/17/2020

(Date)

General Provisions

Application for Encroachment Permit
General Provisions

1. **DEFINITIONS:** The word "Permittee" used herein shall mean the name of the person, firm, or corporation to whom this permit is addressed, his, her, its, heirs, personal representatives, successors and assigns. The word "DEPARTMENT" shall mean the South Carolina Department of Transportation.
2. **NOTICE PRIOR TO STARTING WORK:** Before starting the work contemplated herein within the limits of the highway right of way, the Department's Resident Maintenance Engineer in the county in which the proposed work is located shall be notified 24 hours in advance so that he may be present while the work is under way.
3. **PERMIT SUBJECT TO INSPECTION:** This permit shall be kept at the site of the work at all times while said work is under way and must be shown to any representative of the Department or law enforcement officer on demand.
4. **PROTECTION OF HIGHWAY TRAFFIC:** The applicant shall be responsible for the protection of the highway traffic at all times during the construction, maintenance, removing or moving of the encroachment permitted herein. Detours, barricades, warning signs and flagmen, as necessary, shall be provided by and at the expense of the Permittee and shall be in accordance with the "Manual on Uniform Traffic Control Devices" (MUTCD). The work shall be planned and carried out so that there will be the least possible inconvenience to the motoring public. The Permittee agrees to observe all rules and regulations of the Department while carrying on the work contemplated herein and take all other precautions that circumstances warrant.
5. **STANDARDS OF CONSTRUCTION:** All work shall conform to the Department's standards of construction and shall be performed in a workman-like manner. The applicant shall make adequate provisions for maintaining the proper drainage of the highway as it may be affected by the encroachment permitted herein. All work shall be subject to the supervision and satisfaction of the Department.
6. **FUTURE MOVING OF PHYSICAL APPURTENANCES:** If, in the opinion of the State Highway Engineer, it should ever become necessary to move or remove the physical appurtenances, or any part thereof contemplated herein, on account of change in location of the highway, widening of the highway, or for any other sufficient reason, such moving shall be done on demand of the Department at the expense of the Permittee.
7. **RESTORATION OF HIGHWAY FACILITIES UPON MOVING OR REMOVING OF PHYSICAL APPURTENANCES:** If, and when, the physical appurtenances contemplated herein shall be moved or removed, either on the demand of the Department or at the option of the Permittee, the highway and facilities shall immediately be restored to their original condition at the expense of the Permittee.
8. **COSTS:** All work in connection with the construction, maintenance, moving or removing of the physical appurtenances contemplated herein shall be done by and at the expense of the Permittee.
9. **ADDITIONAL PERMISSIONS:**
 - (a) It is distinctly understood that this permit does not in any way grant or release any rights lawfully possessed by the abutting property owners. The Permittee shall secure any such rights, as necessary, from said abutting property owners.
 - (b) The Permittee shall be responsible for obtaining all other approvals or permits necessary for installation of the encroachment from other government entities.

(c) There shall be no excavation of soil nearer than two feet to any public utility line or appurtenant facility except with the consent of the owner thereof, or except upon special permission of this Department after an opportunity to be heard is given the owner of such line or appurtenant facility.

10. ADDITIONAL WORK PERFORMANCE:

(a) All crossings over the highway shall be constructed in accordance with "Specifications for Overhead Crossings of Light and Power Transmission Lines and Telegraph Lines over each other and over Highway Rights of Way in South Carolina," as approved by the Public Service Commission of South Carolina and effective as of date of this permit.

(b) All tunneling, boring, or jacking shall be done in such a way as not to disturb the highway surfacing.

(c) No pavement shall be cut unless specifically authorized herein.

(d) No excavation shall be nearer than three feet to the edge of pavement unless specifically authorized herein.

(e) Underground facilities will be located at minimum depths as defined in the "Utility Accommodations Manual" for the transmittant, generally as follows: 4 feet minimum for hazardous or dangerous transmittant, 3 feet minimum for other lines. The Department may approve shallower depths if adequate protection is provided. Such approval must be obtained in writing.

(f) Service and other small diameter pipes shall be jacked, driven, or otherwise forced underneath the pavements on any surfaced road without disturbing the pavement. The section under the highway pavement and within a distance of three (3) feet on either side shall be continuous without joints.

11. ACCESS:

(a) Permittee is responsible for maintaining reasonable access to private driveways during construction.

(b) It is expressly provided that, with respect to any limited access highway, the Permittee shall not have or gain access from the main traveled way of the highway, or the on or off ramps to such facility, except upon approval by the Department.

12. DRIVEWAYS:

(a) The existing crown of the highway shall be continued to the outside shoulder line of the highway.

(b) If the driveway or approach is concrete pavement, the pavement shall be constructed at least 6 inches thick and with a minimum of class 2500 concrete. There shall be a bituminous expansion joint, not less than 3/4 inches in thickness, placed between the highway paving and the paving of the approach for the full width of the approach.

13. BEAUTIFICATION:

(a) All trees, plants, flowers, etc. shall be placed in accordance with the provisions specifically stipulated herein.

(b) All trees, plants, flowers, etc. shall be maintained by, and at the expense of, the Permittee and the provisions of this permit shall become null and void, if and when said Permittee ceases to maintain aid trees, plants, flowers, etc.

14. AS-BUILT PLANS:

(a) The applicant shall provide the Department with survey-quality as-built plans in accordance with the requirements set forth in the Department's "A Policy for Accommodating Utilities on Highway Rights of Way".



