



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 28-SEP-2020

ORM Number: SAC-2020-01014

Associated JDs: N/A

Review Area Location¹:

State: SC City: Chester County: Chester County

Center Coordinates of Review Area: Latitude 34.704112 Longitude -81.172926

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Jurisdictional Tributary JT-1 (a)(2) water	344 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary JT-1 (a)(2) water is a naturally occurring surface water channel that contributes intermittent surface water flow to the Catawba River (TNW) in a typical year. Based on a review of LiDAR and other maps, Jurisdictional Tributary JT-1 (a)(2) water flows to Grassy Run Branch, which flows to Rocky Creek, which flows to the Catawba River. Jurisdictional Tributary JT-1 (a)(2) water has been determined to have intermittent flow based on observations by the Corps and by the consultant during multiple site visits. Jurisdictional Tributary JT-1 (a)(2) water is located at the outlet of a culvert. Upgradient of

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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			the culvert is excluded feature NJED-1 (b)(3). Jurisdictional Tributary JT-1 (a)(2) water also receives drainage from excluded features NJED-2 (b)(3) Excluded Water and NJED-3 (b)(3) Excluded Water. Jurisdictional Tributary JT-1 (a)(2) water is shown as a distinct channel on the LiDAR map and as a blue line on the USGS topographic map. Therefore, the Corps has determined the tributary to be an (a)(2) water of the U.S.
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Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
NJED-1 (b)(3)	1120 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJED-1 (b)(3) lacks ordinary high water mark indicators and appears to only drain uplands during heavy rain events. NJED-1 (b)(3) ends at a culvert that outfalls to Jurisdictional Tributary JT-1 (a)(2) water.
NJED-2 (b)(3) Excluded Water	678 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJED-2 (b)(3) Excluded Water lacks ordinary high water mark indicators and appears to only drain uplands during heavy rain events. NJED-2 (b)(3) Excluded Water Excluded Water contributes drainage to Jurisdictional Tributary JT-1 (a)(2) water.
NJED-3 (b)(3) Excluded Water	1076 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJED-3 (b)(3) Excluded Water lacks ordinary high water mark indicators and appears to only drain uplands during heavy rain events. NJED-3 (b)(3) Excluded Water contributes drainage to Jurisdictional Tributary JT-1 (a)(2) water.
NJW-A (b)(1) Excluded Water	0.02 acres	(b)(1) Non-adjacent wetland	NJW-A (b)(1) Excluded Water is a closed boundary polygon that does not abut and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
NJW-B (b)(1) Excluded Water	0.02 acres	(b)(1) Non-adjacent wetland	NJW-B (b)(1) Excluded Water is a closed boundary polygon that does not abut and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-Jurisdictional	1.48 acres	(b)(8) Artificial lake/pond constructed or excavated in upland	Non-Jurisdictional Upland-Dug Pond (Pond 1) (b)(8) Excluded Water is constructed wholly in an area

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Upland-Dug Pond (Pond 1) (b)(8) Excluded Water		or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	determined to be uplands by this approved jurisdictional determination. The area did not meet all three wetland criteria, and the location of the pond is outside the ordinary high water mark of a jurisdictional water. Therefore, the Corps has determined the pond to be situated in uplands and an excluded water.
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III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: S&ME, Inc., "Last Step Recycling Site" dated July 17, 2020 and revised September 25, 2020.
This information is sufficient for purposes of this AJD.
Rationale: The Corps agrees with the conclusions of the submitted data sheets and report.
Data sheets prepared by the Corps: N/A
- ☒ Photographs: (aerial and other) World Imagery 2018 provided by the consultant, and site photographs 1-14 of 14 from the consultant dated July 15, 2020.
- ☒ Corps Site visit(s) conducted on: October 13, 2010
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2010-01013 AJD issued December 13, 2011.
- ☒ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, July 8, 2020.
- ☒ USFWS NWI maps: World Imagery 2018 & SCDNR Map Service provided by the consultant, July 8, 2020.
- ☒ USGS topographic maps: 1:24,000, Chester Quad.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Map 3D Elevation Program (3DEP) Map Service
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed September 21, 2020
State/Local/Tribal Sources	World Imagery 2018 & SCDNR LiDAR Data provided by the consultant
Other Sources	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) data for typical year determination were calculated based on the field collection dates (August 10, 2010, July 14, 2010, and July 15, 2020) in the report submitted by the consultant and the date (October 13, 2010) the site was visited by the Corps. Output from the APT indicated "Wetter than Normal" conditions with a value of 16 during a period of "Mild drought" during the Dry Season at the time of data collection by the consultant July 14, 2010. Output from the APT indicated "Wetter than Normal" conditions with a value

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of 18 during a period of “Moderate drought” in the Dry Season at the time of data collection by the consultant August 10, 2010. Output from the APT indicated “Normal” conditions with a value of 13 during a period of “Moderate drought” in the Wet Season at the time of the Corps site visit October 13, 2010. Output from the APT indicated “Wetter than Normal” conditions with a value of 15 during a period of “Mild wetness” in the Dry Season at the time of data collection by the consultant in 2020.

- C. Additional comments to support AJD:** The review area covers 61 acres and includes one (a)(2) water, three excluded (b)(3) features, two excluded (b)(1) waters, and one excluded (b)(8) water. Jurisdictional Tributary JT-1 (a)(2) water is an intermittent (a)(2) water with ordinary high water mark indicators and flow observed during the consultant’s site visit in 2020. NJED-1 (b)(3), NJED-2 (b)(3) Excluded Water, and NJED-3 (b)(3) Excluded Water are excluded (b)(3) features that lack ordinary high water mark indicators and appear to only drain uplands during heavy rain events. Based on a review of LiDAR, aerial photograph, topographic map, NWI map, and field observations, NJW-A (b)(1) Excluded Water and NJW-B (b)(1) Excluded Water do not meet any of the criteria for adjacency and are excluded (b)(1) wetlands. The Non-Jurisdictional Upland-Dug Pond (Pond 1) (b)(8) Excluded Water is constructed wholly in uplands, making it an excluded water.

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