



U.S. ARMY



US Army Corps
of Engineers®
Charleston District

Regulatory Permitting Post Storm Event Fact Sheet for South Carolina

October 2024

BUILDING STRONG

The following information is intended to aid in determining what activities may/may not require a permit from the U.S. Army Corps of Engineers (USACE) in South Carolina, following damage from Tropical Storm Helene. **We strongly advise the public to contact us with any questions regarding potential permitting requirements. USACE Regulatory Office Contact Information is included at the bottom of this Fact Sheet.** Additional information regarding submitting a permit application (if applicable) can be found at: [Regulatory Request System \(RRS\) \(army.mil\)](https://armymil.mil/RegulatoryRequestSystem)

USACE regulates the following activities:

- **Discharge of dredged or fill material in waters of the United States (WOTUS):** Permits from USACE are required for the discharge of dredged or fill material into WOTUS pursuant to Section 404 of the Clean Water Act (CWA), unless otherwise exempt. For purposes of Section 404 of the CWA, WOTUS can include, but are not limited to, lakes/ponds, reservoirs, rivers, streams, intermittent streams, natural drainage courses, and wetlands (33 CFR 328).
- **Structures and/or work located in or affecting navigable waters:** Permits from USACE are required for work and/or structures in, under or over navigable waters pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA). Navigable waters are defined as those waters that are subject to the ebb and flow of the tide and/or are presently used or have been used in the past or may be susceptible for use to transport interstate or foreign commerce (33 CFR 329.4).

A majority of proposed work resulting from the recent storm event, and potentially requiring authorization from USACE, is expected to qualify for verification under the Nationwide Permit (NWP) program or the Regional General Permit (RGP) program, unless otherwise exempt. Many activities can be completed without notification, or with an expedited process. If proposing to discharge dredged or fill material in WOTUS and/or conduct any work in navigable waters, please consider the following options:

- **CWA Permitting Exemptions:** In accordance with [33 CFR 323.4\(a\)\(2\)](https://www.ecfr.gov/current/title-33/chapter-I/subchapter-B/part-323/subpart-323.4/section-323.4(a)(2)), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA:

“Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters,

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causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design.”

Many activities to remediate storm damage may be exempt from permitting under the CWA if they involve returning sites to pre-disaster conditions (for example, replacing rip rap within areas that were previously stabilized with rip rap).

NOTE: Activities located in navigable waters that are exempt from CWA permitting may still require authorization from USACE under Section 10 of the RHA.

- **Existing Permit:** If there is an existing permit for the activity, the permittee may be able to proceed with repairs as part of the permit’s terms and conditions. This applies to both Standard Permits and NWP’s, provided the permit work is maintained in good/safe condition and in conformance with the terms and conditions of the permit. See Standard Permit General Condition #2 and/or NWP General Condition #14 (Proper Maintenance).
- **General Permits (NWP/RGP):** Certain storm response activities may qualify for verification under one or more of the following General Permits:
 - NWP 3. Maintenance
 - NWP 13. Bank Stabilization
 - NWP 14. Linear Transportation Projects
 - NWP 37. Emergency Watershed Protection and Rehabilitation
 - NWP 45. Repair of Uplands Damaged by Discrete Events
 - RGP-1: Emergency Ocean Front Beach Nourishment

Non-Reporting activities: In some circumstances, certain types of activities can be conducted without needing to submit a Pre-Construction Notification (PCN) to the USACE.

Eligibility Criteria: To qualify for a non-reporting NWP or RGP, projects must meet specific eligibility criteria and comply with applicable regional and/or general conditions.

For information regarding the reporting requirements of a specific Nationwide Permit or Regional General Permit, as well as the applicable regional and/or general conditions, please visit: <https://www.sac.usace.army.mil/Missions/Regulatory/Permitting-Process/>.

It should be noted that even if a project would otherwise qualify for a non-reporting RGP and/or NWP, a PCN may still be required:

- If any Federally listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation);

- If the activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties;
- If the activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible 61 inclusion in the system while the river is in an official study status; and/or
- If the NWP activity will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized Civil Works project (a “USACE project”).

Water Quality Certification: For NWPs that do not require a PCN, project proponents should still contact the appropriate state certifying authority for their project directly to discuss any Clean Water Act Section 401 Water Quality Certification requirements. Please check with South Carolina Environmental Services website: <https://des.sc.gov/programs/bureau-water/water-quality-standards/water-quality-certification-program-section-401-overview>

- **Standard Permits:** In cases where proposed work is not exempt, and does not qualify for one or more NWPs or a Regional General Permit (<https://www.sac.usace.army.mil/Missions/Regulatory/Permitting-Process/>), a standard permit may be required. You may apply for a standard permit through the Regulatory Request System: rrs.usace.army.mil .

We strongly advise that you properly document and maintain records that may be useful for evaluating your permit request, including photos. Taking before/after photos and sketching existing/proposed conditions is highly recommended. Please note the before/after footprint of fill and document the length or rip rap/stabilization and the pre- and post- size of structures replaced, as appropriate.

Contact Information:

If you have questions about possible permitting requirements from the U.S. Army Corps of Engineers, please contact the office below where the proposed work is located.

CHARLESTON REGULATORY OFFICE

Address: 69A Hagood Avenue, Charleston, SC 29403

Phone: 843.329.8044

Email: sac.rd.charleston@usace.army.mil

Counties: Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg

CONWAY REGULATORY OFFICE

Address: 1949 Industrial Park Road, Room 140, Conway, SC 29526

Phone: 843.365.4239

Email: sac.rd.conway@usace.army.mil

U.S. ARMY CORPS OF ENGINEERS – CHARLESTON DISTRICT

Regulatory Division

69A Hagood Avenue, Charleston, South Carolina 29403-5107

<https://www.sac.usace.army.mil/Missions/Regulatory/>

Counties: Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter, Williamsburg

MIDLANDS (COLUMBIA) REGULATORY OFFICE

Address: 1519 Taylor Street, Columbia SC, 29201

Phone: 803.253.3444

Email: sac.rd.columbia@usace.army.mil

Counties: Aiken, Calhoun, Chester, Edgefield, Fairfield, Kershaw, Lancaster, Lexington, McCormick, Newberry, Richland, Saluda, York

UPSTATE (GREENVILLE) REGULATORY OFFICE

Address: 750 Executive Center Drive, Suite 103, Greenville SC, 29615

Phone: 803.253.3444

Email: sac.rd.greenville@usace.army.mil

Serving Counties: Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg, Union

The Charleston District Regulatory team remains poised to assist you with your permitting needs or questions.