



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): March 18, 2021
ORM Number: SAC-2020-01374
Associated JDs: N/A
Review Area Location¹: adjacent to coal ash ponds on the grounds of the Winyah Generating Station – Santee Cooper
State: SC City: Georgetown County: Georgetown County
Center Coordinates of Review Area: Latitude 33.327283 Longitude -79.364657

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
N/A	N/A	N/A	N/A

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

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 and 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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N/A	N/A	N/A	N/A
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 1 (Ditch)	0.17 acres	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water 1 (b)(5) (Ditch) located within the review area is an artificially created low area between two upland constructed berms associated with Coal ash storage areas and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow if any within the feature appears to be directly in response to precipitation.

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: : *AJD request submitted by Geosyntec Consultants, on behalf of Santee Cooper Winyah Generating Station, LLC, dated October 22, 2020.*

This information (is) sufficient for purposes of this AJD.

Rationale: *Wetland data forms and information included in the original submittal is considered a reasonable representation of site conditions at the time of collection.*

____ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP) published August 13, 2020,*

Corps Site visit(s) conducted on: *September 30, 2020*

____ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

____ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020, ESRI Map Service depicts the soil types is Echaw (sand).*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map Service Maps depicts the review area as Uplands.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Georgetown South Quad / 1:24000. Topographic map depicts the review area as forested uplands adjacent to a railroad associated with the generating station.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic maps & National Map 3D Elevation Program (3DEP)

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer access on March 18, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The review area consists of an 0.85-acre area that includes portions of an coal ash storage facility berm at the Santee Cooper Winyah Generating Station. The area includes a single excluded feature (0.17 acre of ditch) that is a low-lying linear feature created and situated between two man-made berms. This feature does not have flowing water and is charged by runoff and precipitation only. No jurisdictional features exist within the review area.

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