



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Julie-Ann Dixon	Bill Malinowski	Jim Manning (Chair)	Norman Jackson	Seth Rose
District 9	District 1	District 8	District 11	District 5

**FEBRUARY 26, 2013
5:00 PM**

2020 Hampton Street

CALL TO ORDER

ELECTION OF CHAIR

1. Election of Chair

APPROVAL OF MINUTES

2. Regular Session: January 22, 2013 [PAGES 4-7]

ADOPTION OF AGENDA

ITEMS FOR ACTION

3. Require Utility Providers to Obtain Permission Before Doing Work in Richland County [**PAGES 8-10**]
4. Purchase of Parcels for Devil's Ditch Enhancement [**PAGES 11-17**]
5. Review Change of Use Requirements for Small Businesses on Existing Property [**PAGES 18-28**]
6. Correcting Reference to Building Codes Board of Adjustment [**PAGES 29-33**]
7. Modification of Kershaw County WWTP Settlement [**PAGES 34-47**]

ADJOURNMENT



Richland County Council Request of Action

Subject

Election of Chair

Reviews

Richland County Council Request of Action

Subject

Regular Session: January 22, 2013 **[PAGES 4-7]**

Reviews

MINUTES OF



**RICHLAND COUNTY COUNCIL
DEVELOPMENT AND SERVICES COMMITTEE
TUESDAY, JANUARY 22, 2013
5:00 P.M.**

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

=====

MEMBERS PRESENT

- Chair: Jim Manning
- Member: Julie-Ann Dixon
- Member: Bill Malinowski
- Member: Seth Rose
- Member: Torrey Rush

ALSO PRESENT: Kelvin E. Washington, Sr., Greg Pearce, Norman Jackson, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Amelia Linder, David Hoops, John Hixon, Justine Jones, Brad Farrar, Stephany Snowden, Donny Phipps, Rodolfo Callwood, Kecia Lara, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 5:16 p.m.

APPROVAL OF MINUTES

December 18, 2012 (Regular Session) – Mr. Rush moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Rose moved, seconded by Ms. Dixon, to add the Election of Chair to the agenda. The vote in favor was unanimous.

ELECTION OF THE CHAIR

Mr. Rose moved, seconded by Ms. Dixon, to nominate Mr. Manning for the position of Committee Chair.

Mr. Rose moved, seconded by Ms. Dixon, to close the nominations. The vote in favor was unanimous.

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Development and Services Committee
January 22, 2013
Page Two

The vote was unanimous to elect Mr. Manning as the Committee Chair.

Mr. Malinowski moved, seconded by Mr. Rose, to adopt the agenda as amended. The vote in favor was unanimous.

ITEMS FOR ACTION

Curfew for Community Safety – Mr. Malinowski moved, seconded by Mr. Rush, to forward to Council a recommendation to reconstitute the ad hoc committee and report back to the committee by the end of February. The vote in favor was unanimous.

Contract Award: Pavement Condition Survey Project – Mr. Malinowski moved, seconded by Mr. Rose, to defer this item in Committee. The vote in favor was unanimous.

Existing Paved Road Resurfacing Funds Distribution – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council a recommendation for approve the request to create a method of distributing funds for resurfacing of existing paved roads in the same manner as dirt roads, but prioritize based upon condition of road and traffic volume and then have Legal work with Public Works on ordinance language. A discussion took place.

Mr. Rush moved, seconded by Mr. Malinowski, to amend the motion to remove “and traffic volume.” The vote in favor of the amendment was unanimous.

The vote in favor of the amended motion was unanimous.

Memorandum of Understanding and Agreement between Richland County and Forest Acres – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council a recommendation to approve the request to provide building code service to Forest Acres to assure quality inspections and plan review for commercial-occupied structures open to the public. The vote in favor was unanimous.

Waste Management Landfill Leachate Treatment – Mr. Malinowski moved, seconded by Mr. Rush, to defer this item until the February Committee meeting. The vote in favor was unanimous.

Quit Claim Deed—Vinson – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council a recommendation to approve the request to approve the Quit Claim Deed and resolve the dispute. The vote in favor was unanimous.

To adopt and codify the 2009 edition of the International Energy Conservation Code – Mr. Malinowski moved, seconded by Mr. Rose, to forward to Council a recommendation to approve the request to amend Sec. 6-192 of the Richland Council Code of Ordinances to adopt the 2009 edition of the International Energy Conservation Code. The vote in favor was unanimous.

Item# 2

Caughman Lake Property Study (Pinewood Lake Park) – Mr. Malinowski moved, seconded by Ms. Dixon, to request the Chair of the D&S Committee to appoint an ad hoc committee to study the Pinewood Lake Park and associated studies and report back to committee. The vote in favor was unanimous.

Mr. Manning appointed Mr. Jackson-Chair, Mr. Malinowski and Mr. Pearce to serve on the Pinewood Lake Park Ad Hoc Committee.

ADJOURNMENT

The meeting adjourned at approximately 5:46 p.m.

Submitted by,

Jim Manning, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Require Utility Providers to Obtain Permission Before Doing Work in Richland County **[PAGES 8-10]**

Reviews

Richland County Council Request of Action

Subject: Require Utility Providers to Obtain Permission Before Doing Work in Richland County

A. Purpose

County Council members are requested to require utility providers to obtain permission from Richland County before doing any work in the County.

B. Background / Discussion

On November 20, 2012 a motion was made by the Honorable Bill Malinowski, which was forwarded to the December 18, 2012 D&S Committee agenda:

“Any utility provider must obtain permission from Richland County Council prior to work being done in unincorporated Richland County. The purpose for this motion is that an entity like the City of Columbia currently runs water lines when and where they want throughout Richland County. If Richland County is supposed to be directing where we do and don’t want growth to take place such a practice is detrimental to the effectiveness of the Richland County Comprehensive Plan.”

In conversation with staff, Mr. Malinowski expressed his belief that utility providers were installing utilities in such a manner as to lead to unintended growth in the County, and which also may be in conflict with the County’s Comprehensive Plan.

C. Legislative/Chronological History

On November 20, 2012, the Honorable Bill Malinowski made the aforementioned motion, which was forwarded to the December D&S Committee.

D. Financial Impact

None.

E. Alternatives

1. Require utility providers to obtain permission from Richland County Council before doing any work in the County.
2. Do not require utility providers to obtain permission from Richland County Council before doing any work in the County.

F. Recommendation

This request is at the discretion of Council.

Recommended by: The Honorable Bill Malinowski

Date: November 20, 2012

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G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 12/5/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision for Council.

Public Works

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision by Council.

Utilities

Reviewed by: Andy Metts

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision for Council. There are numerous public water, sewer, electric, telephone and TV providers in Richland County. Monitoring and enforcing system expansions will require a significant increase in staff review.

Planning

Reviewed by: Tracy Hegler

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision for Council.

Legal

Reviewed by: Elizabeth McLean

Date: 12/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Legal is working with Mr. Malinowski to more fully understand what his motion is trying to accomplish and the legal consequences of such request. Any further legal guidance will be supplied as needed.

Administration

Reviewed by: Roxanne Ancheta

Date: December 14, 2012

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Per Legal's comments, they are assisting Mr. Malinowski with this item. Once clarification is obtained, a determination will be made regarding a potential recommendation for action. Staff will keep Council posted as this item progresses.

Richland County Council Request of Action

Subject

Purchase of Parcels for Devil's Ditch Enhancement **[PAGES 11-17]**

Reviews

Richland County Council Request of Action

Subject: Purchase of Parcels for Devil's Ditch Enhancement

A. Purpose

County Council is requested to approve the purchase of six (6) undeveloped parcels without the use of real estate appraisals where the parcels can be purchased at or below the cost of associated appraisals.

B. Background / Discussion

Devil's Ditch Capital Improvement Project (CIP) is a joint maintenance and enhancement effort with the City of Columbia and the Gills Creek Watershed Association. The parcels are being purchased to enhance the Devil's Ditch drainage corridor, reduce flooding and improve overall water quality in the Gills Creek Watershed. Devil's Ditch was constructed in the mid-to late-1980s. Since then the area has become highly urbanized and land for drainage project enhancements is relatively difficult to find. In 2010 the Dennis Corporation was awarded the design of the project.

Devil's Ditch is the drainage area for large portions of the Shandon, Rosewood and South Kilbourne Road areas. It flows through the Owens Field Airport property and eventually into Gills Creek near South Beltline Boulevard and Shop Road. This urban drainage causes flooding and erosion along Devil's Ditch. The CIP was approved to provide engineering services for maintenance and enhancement activities related to flooding and erosion in the ditch.

Since completion of the survey and design process, numerous meetings were held with the public as well as City of Columbia staff. During these meetings, it became apparent that much of the land bordering the northern section of the ditch was either unusable or already owned by Richland County (see Appendix 1) and should be utilized, if possible, for the enhancement of the Devil's Ditch CIP.

The Department of Public Works (DPW) contacted several of the land owners and has determined that most of the lots can likely be purchased at or below the cost of an appraisal because most do not have easy access, are largely dominated or cut off by Devil's Ditch and cannot be easily developed. The estimated cost of an appraisal is \$600 for each parcel. In discussions with parcel owners, adding the cost of appraisals to the parcel purchase could more than double the purchase price of the parcels, in some cases.

Because the parcels are best suited for use in the Devil's Ditch CIP, can likely be purchased for a low price and will greatly improve the overall project goals, we recommend proceeding with the purchase of the six (6) properties without the use of real estate appraisals in the instance where the parcels can be purchased at or below the cost of an appraisal.

C. Legislative/Chronological History

Notice to Proceed was awarded for engineering services for the Devil's Ditch CIP on September 23, 2010. The project is currently in the design phase.

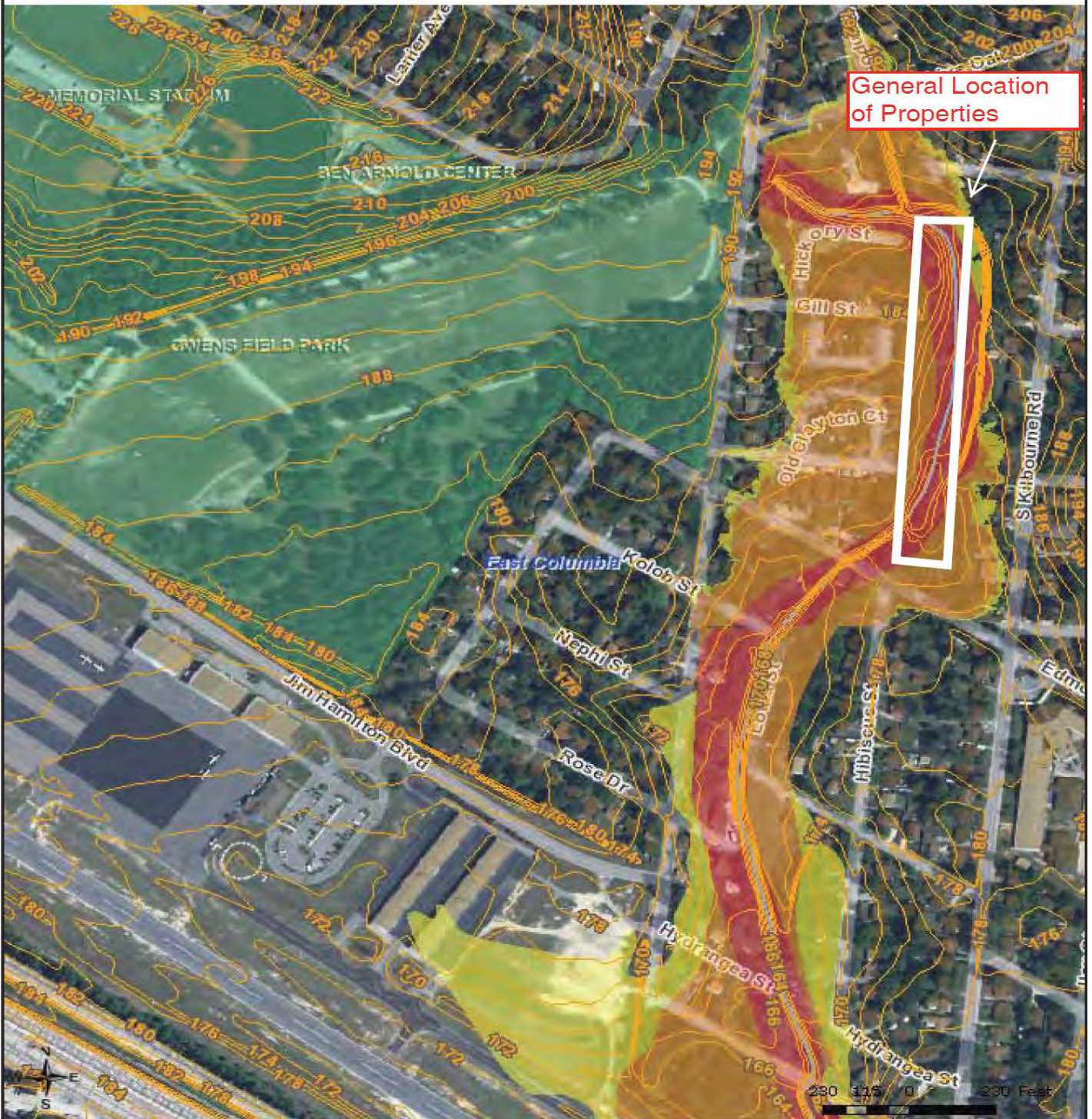
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Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to purchase six (6) parcels adjacent to Devil's Ditch without the use of real estate appraisals for a maximum estimated cost of \$3,600. Due to the low value of the parcels, the cost of the appraisals could double the purchase cost.

Appendix 1

Richland County Map



General Location of Properties

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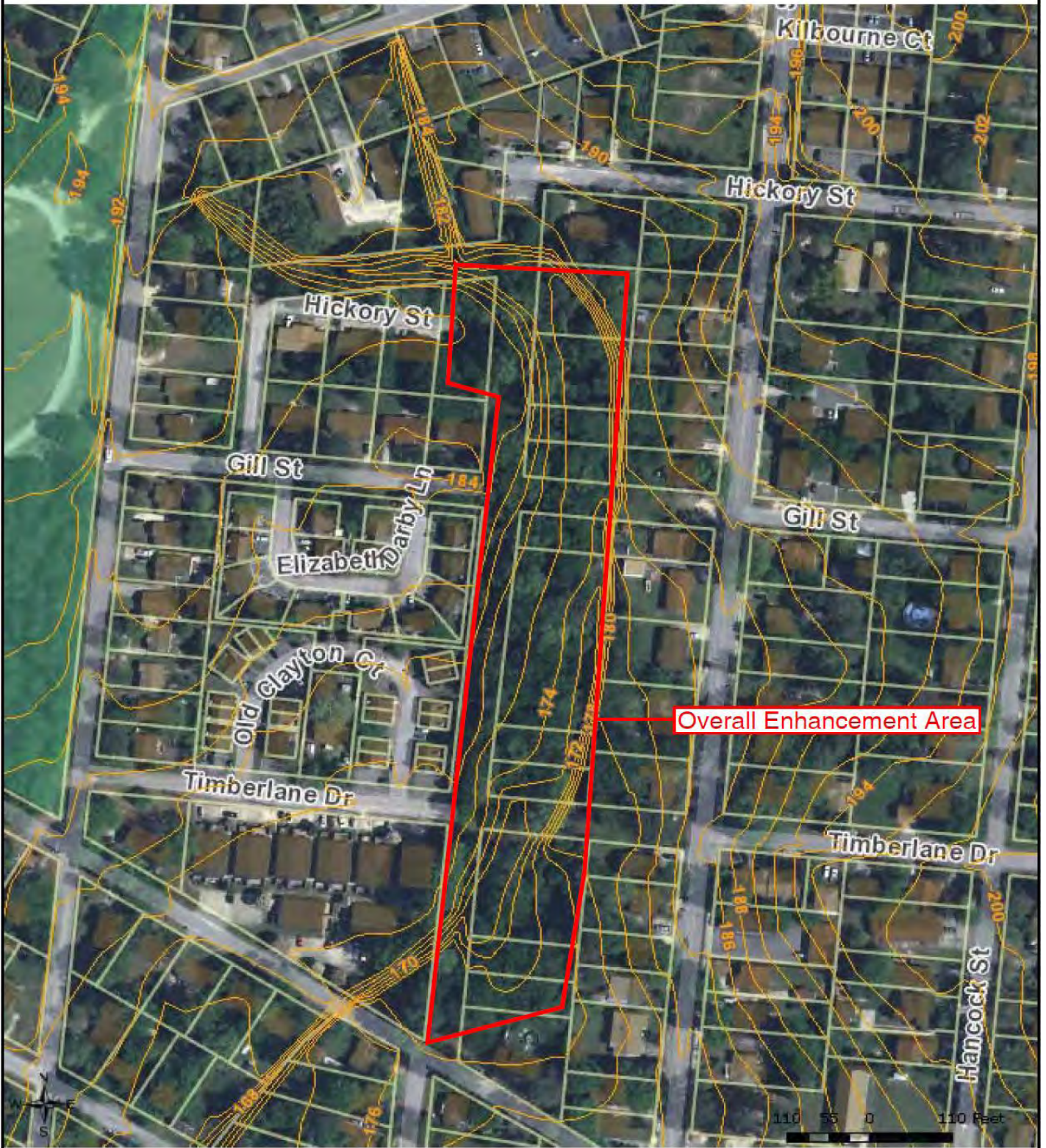


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Item# 4

Richland County Map



Overall Enhancement Area



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Item# 4

Richland County Map



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Item# 4

Richland County Council Request of Action

Subject

Review Change of Use Requirements for Small Businesses on Existing Property **[PAGES 18-28]**

Reviews

Richland County Council Request of Action

Subject: Review Change of Use Requirements for Small Businesses on Existing Property

A. Purpose

County Council is requested to approve a motion for a review of the current change of use requirement to submit costly blueprint and parking lot designs for small businesses that move on to existing properties.

B. Background / Discussion

The Planning and Development Services Department inspects change of use applications to ensure adequate parking is provided for the new use, per 26-173(b), which went into effect July 1, 2005 (as referenced in Appendix D). If it is determined more parking is required to accommodate the new use as defined in Sec. 26-173, Table 26-VII-1, the applicant is required to complete a Change of Use form, supply appropriate fees, prepare drawings for how the new parking will be accommodated and illustrate that it will conform with Code. Please note that these construction drawings are required only when additional spaces are needed to accommodate the new use, per Code.

The Building Codes and Inspections Department reviews plans for structural and life safety compliance with the International Building Codes. Repairs or alterations to a building that is less than 5,000 square feet and less than three (3) stories in height does not require the services of a design professional unless the alterations will increase the area of the building beyond 5,000 square feet or affect the structural safety of the building. If either the building size or structural safety is affected by the alteration, the services of a design professional are required. If the use of a building is one of Assembly, Institutional, Educational or Hazardous occupancy or if the use of a building changes to become one of Assembly, Institutional, Educational or Hazardous occupancy, the services of a design professional are required, regardless of size.

The Department uses the codes contained in Appendices A and C to allow them the option of not requiring construction documents from design professionals (which they currently do with great frequency). This allows us to ensure that the environment is safe and structurally sound and to protect Richland County by enforcing the minimum required codes. Generally, when a change of occupancy occurs, the Building Codes and Inspections Department sends an inspector to the site to verify that the minimum life and safety issues have been complied with, as well as ensuring that the Americans with Disabilities Act (ADA) requirements are met, at no charge. There may be structural and fire separation issues based on the occupancy as well. When changes are required, they are typically minimal.

Amending the change of use requirements could potentially put the County in violation of South Carolina law and/or County ordinance(s), which could result in the Building Official being reprimanded, fined and possible loss of his license by the South Carolina Department of Labor, Licensing and Regulation as a result of being in violation of state law.

The Department's requirements are based on South Carolina law through statute (see Appendix A, SECTION 40-3-290. Exceptions from coverage of chapter; SECTION 6-9-40. Building code

adoption procedure, adopted 6/6/07; SECTION 6-9-50. Adoption by reference of nationally recognized codes and standards, adopted 7/1/09; SECTION 6-9-55. Council to promulgate certain regulations, adopted 6/7/10; SECTION 6-9-60. Adoption by reference of certain nationally recognized codes and standards, adopted 7/2/03.); adopted building codes (see Appendix B, 2006 International Building Code, adopted 3/3/09); and/or County ordinances (see Appendix C). The Planning Department's requirements are based on County ordinances (see Appendix D).

C. Legislative / Chronological History

On January 15, 2013 the Honorable Norman Jackson made the following motion, which County Council directed be sent to the February 26, 2013 meeting of the D&S Committee:

“Review the process of requiring costly blueprint and parking lot design for small businesses on existing property with change of use. If there are no structural changes and no increase in capacity the cost of reproducing blueprints should not be necessary. This is an effort to make the County more business-friendly.”

D. Financial Impact

The “change of use” fee is currently \$200. If Council removed parking lot design requirements for a change of use, the County would no longer charge this “change of use” fee. Based on the average number of businesses that move on to existing properties that do not require structural changes or increases in capacity, the County would lose between \$1,400 and \$2,400 in revenue each year.

E. Alternatives

1. Approve the request to end the requirement for small businesses on existing properties to provide blueprints or parking lot designs when there are no structural changes or increases in capacity for a change of use. If this alternative is chosen, the County may be in violation of South Carolina law and/or County ordinance(s), and it could result in the Building Official being reprimanded, fined and the loss of his license by the South Carolina Department of Labor, Licensing and Regulation because of being in violation of State law. However, if the County found itself in the position of being in violation of State law, the County could petition the General Assembly to change the law and County Council could change the Land Development Code to eliminate the parking requirements for different types of businesses.
2. Do not approve the request to end the requirement for small businesses on existing properties to provide blueprints or parking lot designs despite there being no structural changes or increases in capacity. If this alternative is chosen, the County will remain in compliance with statutory, building code and ordinance requirements.

F. Recommendation

The Honorable Norman Jackson recommends that Council approve the request to review the process of requiring costly blueprint and parking lot design for small businesses on existing property with change of use.

Recommended by: Norman Jackson

Department: County Council

Date: 1/15/13

G. Reviews

Item# 5

South Carolina State Law

SECTION 40-3-290. Exceptions from coverage of chapter.

(A) Nothing in this chapter prohibits a general contractor or a home builder from the preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements of this chapter.

(B) Nothing in this chapter prevents or affects the practice of any other legally recognized profession.

(C) If the drawings and specifications are signed by the authors with the true title of their occupations, this chapter does not apply to the preparations of plans and specifications for:

(1) a building which is to be used for farm purposes only;

(2) a building less than three stories high and containing fewer than five thousand square feet of total floor area except buildings of assembly, institutional, educational, and hazardous occupancies as defined by the Standard Building Code, regardless of area;

(3) a detached single-family or two-family dwelling, as defined in Group R3 of the Standard Building Code, regardless of size, with each unit having a grade level exit and sheds, storage buildings, and garages incidental to the dwelling;

(4) alterations to a building to which this chapter does not apply, if the alterations do not increase the areas and capacities beyond the limits of this chapter or affect the structural safety of the building.

(D) Nothing in this chapter prevents or affects the practice of engineering, as defined in Chapter 22 of Title 40, or architectural work incidental to the practice of engineering.

SECTION 6-9-40. Building code adoption procedure; notice, comments and public meetings; effective date; promulgation and re-adoption of modifications.

(A) The council is authorized to review, adopt, modify, and promulgate the building codes referenced in Section 6-9-50, provided that:

(1) a notice of intention to adopt a code, adopt a new edition of a code, or modify an existing code must be published in the State Register as a Notice of General Interest, on websites published by the Department of Labor, Licensing and Regulation, and must be provided to each local building department with instructions for its prominent display;

(2) the notice must include:

(a) the address to which interested persons may submit written comments; and

(b) a period of not less than one hundred eighty days during which comments may be received;

(3) comments must be assigned to a study committee appointed by the council which shall publish Notice of General Interest in the same manner as provided in item (1) setting out the committee's scope of review. The notice must give instructions for filing an intention to appear before or provide evidence or comments to the committee, or both. The committee must be comprised of at least three people with different technical backgrounds; and

(4) the committee shall hold at least one public meeting, accept evidence and comments, and make a written recommendation to the council. Within one hundred eighty days from the end of the

Item# 5

comment period, the council shall adopt, modify, or deny the recommendations from the committee. The council may modify or amend the code after a finding on the record that the modifications provide a reasonable degree of public health, safety, and welfare.

Any amended or modified code shall be codified as provided for in Section 1-23-90. The council shall determine whether the amended or modified code becomes effective on the first day of January or July.

(B)(1) If it is discovered at any time between building code cycles that an existing building code requirement constitutes a new threat to the life or safety of building occupants that was unknown when the building code was last approved, an emergency building code modification may be made by the council. An emergency building code modification shall take effect on a date established by the council.

(2) The council must provide notice of a request for an emergency building code modification in the same manner as required for a regular council meeting.

(3) The council must conduct a hearing to consider an emergency building code modification at an open council meeting, and all proponents and opponents must be given ample time to state their positions.

(C) Modifications promulgated pursuant to this section do not require readoption by the council for subsequent editions of the building codes. Upon submission of a formal request, existing modifications shall be reconsidered each time a new edition of the building code is considered for adoption by the council.

HISTORY: 1962 Code Section 14-400.584; 1972 (57) 2607; 1984 Act No. 481, Section 2; 1997 Act No. 123, Section 1; 2003 Act No. 83, Section 1, eff July 2, 2003; 2005 Act No. 28, Section 1, eff March 22, 2005; 2007 Act No. 54, Section 1, eff June 6, 2007.

SECTION 6-9-50. Adoption by reference of nationally recognized codes and standards; outdoor burning exception.

(A) The council shall adopt by reference and amend only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction within this State: building, residential, gas, plumbing, mechanical, fire, and energy codes as promulgated, published, or made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association. The appendices of the codes provided in this section may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal or county governing body.

(B) The governing body of a county may not enforce that portion of a nationally recognized fire prevention code it has adopted which may regulate outdoor burning for forestry, wildlife, and agricultural purposes as regulated by the South Carolina Forestry Commission.

HISTORY: 1962 Code Section 14-400.585; 1972 (57) 2607; 1984 Act No. 481, Section 2; 1997 Act No. 123, Section 1; 1998 Act No. 381, Section 1; 1999 Act No. 44, Section 2; 2003 Act No. 83, Section 1, eff July 2, 2003; 2009 Act No. 46, Section 2, eff July 1, 2009.

SECTION 6-9-55. Council to promulgate certain regulations.

(A) The council shall promulgate as regulations, in accordance with the procedure and requirements contained in Article 1, Chapter 23, Title 1, any provision of or amendment to any building code that would affect construction requirements for one-family or two-family dwellings. No building code provision that would otherwise become effective after the effective date of this section concerning construction requirements for one-family or two-family dwellings shall be enforced until the effective date of the regulations required to be promulgated by this section.

(B) Notwithstanding subsection (A), a regulation mandating the installation of an automatic residential fire sprinkler system in one-family or two-family dwellings shall not become effective at any time before January 1, 2014.

HISTORY: 2010 Act No. 232, Section 2, eff June 7, 2010.

SECTION 6-9-60. Adoption by reference of certain nationally recognized codes and standards.

Municipalities and counties may adopt by reference only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction within their respective jurisdictions: property maintenance, performance codes for buildings and facilities, existing building, and swimming pool codes as promulgated, published, or made available by the International Code Council, Inc. The appendices of the codes provided in this section may be adopted as needed by a municipality or county, but the specific appendix or appendices must be referenced by name or letter designation in the adopting ordinance. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal or county governing body.

HISTORY: 1962 Code Section 14-400.586; 1972 (57) 2607; 1977 Act No. 173 Section 2; 1978 Act No. 629; 1984 Act No. 481, Section 2; 1993 Act No. 181, Section 64; 1997 Act No. 123, Section 1; 1998 Act No. 381, Section 2; 1999 Act No. 44, Section 3; 2002 Act No. 173, Section 1; 2003 Act No. 83, Section 1, eff July 2, 2003.

Adopted Building Codes from the Building Codes Council

2006 International Building Code

106.1 Submittal documents.

Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

There may be fire safety related requirements (fire marshal) to follow, such as:

SUBARTICLE 1

FIRE PREVENTION AND LIFE SAFETY

Statutory Authority: 23-9-60, 39-41-260, 40-82-70, S.C. Code of Laws, 1976, as amended.

71-8300 Fire Prevention and Life Safety.

71-8300.1 General

A. Title. These regulations shall be known as the State Fire Marshal's Rules and Regulations.

B. Intent. The purpose of these regulations is for safeguarding to a reasonable degree, life and property from fire, natural disasters, acts of terrorism, and other hazards associated with the construction, alteration, repair, use, and occupancy of buildings, structures, or premises. These regulations shall be the minimum standards required by the Office of State Fire Marshal for fire prevention and life safety in South Carolina for all buildings and structures.

C. Applicability.

1. All buildings, structures, or premises shall be constructed, altered, or repaired in conformance with these regulations.

2. All equipment or systems in a building, structure, or premise shall be constructed, installed, altered, or repaired in conformance with these regulations.

3. These regulations shall not conflict with any state statute, code, or ordinance adopted pursuant to Title 6, Chapter 9 of the South Carolina Code by any municipality or political subdivision. In the event of a conflict, such statute, code, or ordinance shall

apply. These regulations shall apply to state, county, municipal, and private buildings, structures, or premises unless excluded by these regulations or state statute.

4. These regulations shall not apply to:

- a. Buildings constructed, or occupied exclusively as one and two-family dwellings.
- b. One-story buildings less than 5,000 square feet, unless the building is classified as a Group A, E, I, R-1, R-2, R-4, or H occupancy by the adopted building code.

D. Existing Buildings.

1. Existing buildings, structures, or premises shall be permitted to continue in operation under the code the buildings, structures, or premises were constructed unless addressed by these regulations or state statute.

2. Alterations, repairs, additions, and rehabilitation to an existing building or structure, shall fully comply with the current codes for new construction when one of the following occurs:

- a. The cost of construction exceeds fifty percent of the building value before the construction.
- b. The building is damaged by fire, natural disaster, or otherwise, in excess of fifty (50) percent of the building value before such damage.
- c. The building is moved into or within the state, excluding modular structures regulated by the Manufactured Housing Board.

3. Buildings, structures, or premises reopened after being vacant for more than one (1) year shall be considered new construction and must conform to the current codes for new construction.

4. If the occupancy classification or sub-classification of an existing building changes, the building shall conform to the current code for new construction.

Richland County Ordinances Affecting Building Codes and Inspections

The ordinance adopting the 2006 Edition of the International Building Code was given 3rd reading on July 15, 2008 and went into effect on July 15, 2008 (Ordinance No. 038-08HR).

Sec. 6-82. Adopted.

(b) There is hereby adopted by the county council the 2006 International Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or demolition of every building or structure (other than a one or two family dwelling structure) shall conform to the requirements of this Code.

Richland County Ordinances Affecting Planning

For reference regarding what the Planning Department enforces, please see below:

The ordinance adopting the Land Development Code was given 3rd reading on November 9, 2004 and went into effect on July 1, 2005 (Ordinance No. 074-04HR). Under Section 26-173 (b), it stated:

- (b) *Parking requirements for a change in use.* If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this section. However, if a change in use would require an increase of less than five percent (5%) of the required number of parking spaces, or less than five (5) spaces, no additional off-street parking shall be required.

Richland County Council Request of Action

Subject

Correcting Reference to Building Codes Board of Adjustment [**PAGES 29-33**]

Reviews

Richland County Council Request of Action

Subject: Correcting Reference to Building Codes Board of Adjustment

A. Purpose

County Council is requested to approve an ordinance to correct references to Building Codes Board of Adjustment in Chapter 6 of the County Code of Ordinances.

B. Background / Discussion

On February 7, 2012, County Council adopted an ordinance (No. 004-12HR) to “properly reference the Building Codes Board of Appeals rather than the Building Codes Board of Adjustment wherever applicable.” Although the ordinance made several corrections throughout Chapter 6 (Buildings and Building Regulations), it omitted the correction to Section 6-31(e) and (f), which still references the Building Codes Board of Adjustment.

The Legal Department recently sent the County ordinances, including Ordinance No. 004-12HR, to American Legal Publishing in order to be codified. When their editors reviewed our ordinances, they noticed that Section 6-31(e) and (f) still had the former reference to “Building Codes Board of Adjustment.” We then advised American Legal Publishing that we would attempt to enact a corrective ordinance as soon as possible. This corrective ordinance is attached hereto.

C. Legislative / Chronological History

This is a staff-initiated request. Therefore, there is no legislative history.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to amend the ordinance by correcting the improper reference to “Building Codes Board of Adjustment.”
2. Do not approve the request to amend the ordinance by correcting the improper reference to “Building Codes Board of Adjustment”

F. Recommendation

Staff recommends that Council approve the ordinance correcting the improper reference to “Building Codes Board of Adjustment”

Recommended by: Amelia R. Linder, Esq.

Department: Planning

Date: 2/8/13

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Recommend Council approval

Comments regarding recommendation:

Date: 2/11/13

Recommend Council denial

Building Codes and Inspections

Reviewed by: Donny Phipps

Recommend Council approval

Comments regarding recommendation:

Date: 2/11/13

Recommend Council denial

Legal

Reviewed by: Elizabeth McLean

Recommend Council approval

Comments regarding recommendation:

Date: 2/12/13

Recommend Council denial

Administration

Reviewed by: Sparty Hammett

Recommend Council approval

Comments regarding recommendation:

Date: 2/12/13

Recommend Council denial

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 2, BUILDING CODES AND INSPECTIONS DIRECTOR; SECTION 6-31, POWERS AND DUTIES; SUBSECTION (E), DETERMINATION OF ALTERNATE MATERIALS AND ALTERNATE METHODS OF CONSTRUCTION; AND SUBSECTION (F), REPORTS; SO AS TO PROPERLY REFERENCE THE BUILDING CODES BOARD OF APPEALS RATHER THAN THE “BUILDING CODES BOARD OF ADJUSTMENT”.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (e), Determination of Alternate Materials and Alternate Methods of Construction; is hereby amended to read as follows:

(e) *Determination of alternate materials and alternate methods of construction.* The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate is approved and its use authorized by the building official. The building official shall approve any such alternate, provided he/she finds that the proposed design is satisfactory and complies with the intent and purpose of this chapter, and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire-resistance, durability, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval, the applicant may refer the entire matter to the building codes board of ~~adjustment~~appeals.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (f), Reports; is hereby amended to read as follows:

(f) *Reports.* The building official shall submit an annual report and other reports as requested by his/her immediate supervisor covering the work of his/her activities. He/she shall incorporate in his/her annual report a summary of the decisions of the building codes board of ~~adjustment~~appeals during the same period.

SECTION III. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

Modification of Kershaw County WWTP Settlement [**PAGES 34-47**]

Reviews

Richland County Council Request of Action

Subject: Palmetto Utilities Expansion in Kershaw County

A. Purpose

County Council is requested to approve an amendment to the May 2006 agreement which allows Palmetto Utilities to provide wastewater collection and treatment services to portions of Kershaw County.

B. Background / Discussion

Richland County, Kershaw County, SC DHEC, Central Midlands Council of Governments, Santee-Lynches Regional Council of Governments, Palmetto Utilities and the City of Camden entered into a settlement agreement in May 2006 regarding the discharge of treated wastewater into the Wateree River (see Appendix 1). This agreement limited Palmetto Utilities' ability to expand sewer service in Kershaw County. Paragraph 8 on page 2 of the 2006 agreement defined the areas of Kershaw County where Palmetto Utilities could provide service. These areas include Wood Trace and Heath Pond Subdivisions and Clariant LSM (America), Inc. industrial site.

Palmetto Utilities has submitted an amendment to the 2006 Agreement to allow an expansion of their service area in Kershaw County (see Appendix 2). The amendment as presented appears to expand Palmetto Utilities' Kershaw County service area to include the Kelsey Ridge Subdivision. Kershaw County is in agreement with the expanded service area, as their signature on the proposed amended Agreement attests.

C. Legislative/Chronological History

- The original agreement was approved by Council as a settlement agreement to a pending litigation during the May 30, 2006 Council meeting.
- The 2006 agreement is being presented to Council for consideration of the amendment to the original agreement, as requested by Palmetto Utilities.

D. Financial Impact

There is no financial impact to Richland County associated with this request.

E. Alternatives

1. Approve the request to amend the 2006 Agreement as presented.
2. Do not approve the request to amend the 2006 Agreement as presented.

F. Recommendation

It is recommended that Council approve the request to amend the 2006 Agreement as presented.

Recommended by: Andy H. Metts

Department: Utilities

Date: 2/13/13

Item# 7

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 2/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend is based on no financial impact and is supporting the Utilities Director’s request

Legal

Reviewed by: Elizabeth McLean

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion

Administration

Reviewed by: Sparty Hammett

Date: 2/21/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Agreement
between
South Carolina Department of Health and Environmental Control
Central Midlands Council of Governments, Santee-Lynches Regional Council of Governments,
Palmetto Utilities, Richland County, City of Camden, and Kershaw County**

Whereas the South Carolina Department of Health and Environmental Control (DHEC) is responsible for issuing National Pollutant Discharge Elimination System (NPDES) permits in South Carolina, including developing wasteload allocations for NPDES discharges;

Whereas the Central Midlands Council of Governments (CMCOG) and the Santee-Lynches Regional Council of Governments (SLRCOG) are responsible for 208 Water Quality Planning in their designated areas and by agreement with DHEC, assist DHEC in wasteload allocation development;

Whereas the CMCOG and SLRCOG to date have not agreed on a transfer of the area of Kershaw County from the CMCOG 208 Plan to the SLRCOG 208 Plan, although SLRCOG has submitted for certification a proposed amendment of its plan to DHEC that incorporates the transfer;

Whereas the upper Wateree River or Wateree River as used in the context of this agreement is that area of the Wateree River from the Lake Wateree dam to a point on the Wateree River immediately upstream of the Wateree River Correctional Institution (SC Department of Corrections);

Whereas a new water quality model provides technical information that indicates that NPDES permits for the upper Wateree River should be modified to reduce pollutant loading (down to a current cumulative load of 11,024 pounds/day) impacting dissolved oxygen to meet the water quality standard for dissolved oxygen;

Whereas DHEC seeks to allocate loading for ultimate oxygen demand (UOD) between Richland County and Kershaw County sewerage systems;

Whereas Kershaw County seeks to have DHEC distribute total phosphorus loadings between City of Camden, Kershaw County and Palmetto Utilities;

Whereas it is anticipated that Clariant LSM (America) Inc. (SC0002682) would eliminate its Wateree River discharge during August, 2006 in accordance with a consent order with DHEC by connection to Palmetto Utilities sewerage system, but Kershaw County has indicated its intent and desire to accept such discharge at a time in the future;

Whereas all parties of this agreement seek a resolution to 208 Planning issues such that the CMCOG and SLRCOG would cooperatively and consistently amend their respective 208 Plans to allow SLRCOG to perform 208 Planning for the geographical area of Kershaw County;

Whereas Palmetto Utilities seeks to construct an effluent line to the Wateree River and use its 6.0 MGD NPDES permit and is therefore seeking a DHEC wastewater construction permit as well as a South Carolina Department of Transportation encroachment permit;

Whereas Kershaw County has had concern over the Palmetto Utilities NPDES permit for a discharge to the upper Wateree River and the construction of an effluent sewer line to the Wateree River;

Whereas Richland County has had concern over Kershaw County's efforts to prevent Palmetto Utilities from constructing an effluent sewer line to the Wateree River;

Page 1 of 6

1 1-20-06 MW AB, JLD NW

Therefore, this agreement is entered into as follows:

1. Within 90 days of the effective date of this agreement, CMCOG will complete the necessary action to amend its 208 Plan to recognize that the area of Kershaw County will no longer be a part of the 208 planning responsibility of CMCOG;
2. CMCOG agrees to a Richland County UOD allocation of 31% for the upper Wateree River, which currently will be applied to the Palmetto Utilities NPDES permit as well as to any applicable new Wateree River NPDES permits (e.g., a new industry) where the facilities are located in Richland County but a discharge is approved to be in the Wateree River;
3. Within 90 days of the effective date of this agreement, SLRCOG will complete the necessary action to amend its 208 Plan to implement this agreement;
4. SLRCOG agrees to a UOD allocation of 69% for the upper Wateree River, which currently will be applied to Kershaw County (SC0039870), City of Camden (SC0021032), Invista (SC0002585) and Kawashima (SC0023264), but in the future would apply also to new permittees, if applicable;
5. SLRCOG recognizes that the 69% UOD allocation would be applied to any proposed expansions of the facilities in item 4 above as well as to any applicable new Wateree River NPDES permits (e.g., a new industry);
6. SLRCOG, Kershaw County and the City of Camden agree to affirm via a 208 Plan Amendment the following:
 - a) That Palmetto Utilities can discharge such amounts and concentrations of treated wastewater as can be accommodated by the 31% UOD allocated to Palmetto Utilities to the upper Wateree River via its NPDES permit.
 - b) That Palmetto Utilities can land apply treated wastewater in Kershaw County at its existing site and at a maximum of two additional sites to the extent permitted by DHEC.
 - c) Palmetto Utilities' construction permits to use the NPDES and land application permits.
 - d) That Palmetto Utilities, by virtue of a contract with Richland County is designated to discharge the designated management agency function of Richland County for the provision of sewer service in Richland County, and is viewed as a regional sewer provider in the context of the CMCOG 208 Plan. Therefore, the treatment plant and associated discharges for Palmetto Utilities within Kershaw County, may be expanded within the allocated 31% UOD without requiring an amendment of the SLRCOG 208 Plan. The 31% UOD allocated to Palmetto Utilities under the terms of this Agreement is solely within the jurisdiction of the CMCOG and its 208 Plan.
7. DHEC agrees to expeditiously review and make a certification decision regarding the 208 Plan Amendments of the SLRCOG and CMCOG currently-approved plans addressed in this agreement;
8. Palmetto Utilities shall not expand service territory within Kershaw County, recognizing that Palmetto currently serves Wood Trace and Heath Pond Subdivisions and Clariant LSM (America) Inc., in Kershaw County;
9. Palmetto Utilities will not oppose Clariant's industrial wastewater flow being transported to Kershaw County's treatment plant;
10. Kershaw County agrees that it will be responsible for accepting the industrial wastewater of Clariant LSM (America) Inc. at such time as its anticipated 4.0 MGD treatment system becomes operational and

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1 of 11 ~~AS~~ 20 ~~11~~

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Item# 7

will obtain all DHEC approvals expeditiously. If the County determines prior to the operation of its anticipated 4.0 MGD treatment plant that it has capacity available, it will pursue accepting Clariant's wastewater at such time;

11. DHEC will allocate via draft NPDES permits 31% of the UOD loading in the upper Wateree River to sewerage systems serving northeast Richland County, which at the time of this agreement is exclusively Palmetto Utilities (SC0043451), recognizing that Palmetto Utilities also currently serves domestic wastewater from Clariant LSM (America) Inc and residential customers in the Wood Trace and Heath Pond subdivisions in Kershaw County. This 31% would apply to any future draft permits for a facility in Richland County with a proposed discharge to the Wateree River if the discharge were recognized by the CMCOG 208 Plan;

12. DHEC will allocate via draft NPDES permits the remaining 69% of the UOD loading in the upper Wateree River to sewerage systems serving the balance of Kershaw County, which at the time of this agreement consists of Kershaw County (SC0039870), City of Camden (SC0021032), Invista (SC0002585) and Kawashima (SC0023264); with assistance from the SLRCOG. This 69% would apply to any future draft permits for a facility in Kershaw County with a proposed discharge to the Wateree River if the discharge were recognized by the SLRCOG 208 Plan;

13. Kershaw County and the City of Camden agree to cease and refrain from any and all opposition to the construction of the proposed Palmetto Utilities effluent line to the Wateree River or the reissuance of Palmetto Utilities' 6.0 MGD NPDES permit;

14. Kershaw County agrees not to oppose the new influent sewer lines identified on Figure II-1, Wastewater Facilities Plan, Palmetto Utilities, Appendix C, CMCOG 208 Plan, 3/25/04 (Attachment A) proposed by Palmetto Utilities which would be located within Kershaw County, but have the purpose of serving areas outside of Kershaw County. Palmetto Utilities agrees that such new influent sewer lines shall not be used to provide service in Kershaw County and that, with respect to the lines designated as "14", "15" and "16" on Attachment A, Palmetto Utilities will not undertake the construction of same until three years after the date of this agreement. Palmetto Utilities further agrees that, with respect to the other lines in Kershaw County depicted on Attachment A, it will not undertake the construction of same until one year after the date of this agreement and will exercise its best efforts to delay construction of same until two years after the date of this agreement. For purposes of the preceding sentence, the phrase "best efforts" shall mean that Palmetto Utilities will not construct the lines contemplated therein prior to the end of the second year after the date of this agreement unless such construction is necessary in order for service to be provided to Palmetto Utilities' customers in Richland County. Palmetto Utilities will provide notice to Kershaw County in the event that construction of the unnumbered lines on Attachment A will be undertaken prior to the expiration of the two year period provided herein;

15. Richland County and Palmetto Utilities agree to cease any opposition to 208 Plan Amendments contemplated in this Agreement, including amendments which would transfer the area of Kershaw County from the CMCOG plan to the SLRCOG plan; and agrees not to oppose Kershaw County's 4.0 MGD NPDES permit and associated treatment plant construction permits;

16. Palmetto Utilities agrees to allow a transfer of a total of 43 pounds/day (average) of its anticipated total phosphorus loading for the benefit of Kershaw County's NPDES permit based on an anticipated 4.0 MGD NPDES permit for Kershaw County;

17. The parties agree that, after the phosphorus allocation transfer in Item #16 takes affect, phosphorus loadings to the Upper Wateree River are capped for their discharges within loadings based on current

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1 of 22 ASD ASD NW

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Item# 7

Attachment number 1
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maximum permitted capacities, until such time that a TMDL for phosphorus in Lake Marion is completed; and

18. Palmetto Utilities, Richland County, CMOG, Kershaw County, City of Camden, and SLRCOG agree that the attached map illustrates areas within Richland County which will constitute areas from which wastewater outside of the Wateree drainage basin in Richland County may be moved into the Wateree drainage basin in Richland County based upon the absence of other wastewater utility providers and the proximity of Palmetto Utilities' permitted facilities (See Attachment B.) This area is generally described as being west of the northwestern corner of Palmetto Utilities' existing service area as shown on Figure 6-1 of the 208 Water Quality Management Plan for the Central Midlands Region adopted March 25, 2004, by the Central Midlands Council of Governments ("CMCOG 208 Plan"), is more particularly shown on a portion of the 1972 South Carolina Department of Transportation General Highway Map for Richland County, last revised January 1, 1994 attached hereto as Attachment B, and is more particularly described as follows:

Commencing at the point where U.S. Highway 321 intersects with the boundary between Fairfield and Richland counties and running south along U.S. Highway 321 to the point where it intersects with State Highway 1282; thence turning and running in a easterly direction along County Road 1282 to the point where it intersects with County Road 1352; thence turning and running north along County Road 1352 to the point where it intersects with County Road 1694; thence turning east and running along County Road 1694 to the point where it intersects with U.S. Highway 21; thence turning and running north along U.S. Highway 21 to the point where it intersects with an unpaved county road; thence turning and running in an easterly direction along the unpaved county road beneath right of way of Interstate Highway 77 to the point where said unpaved county road intersects with S.C. Highway 555; thence turning and running in a northerly and northwesterly direction along S.C. Highway 555 to the point where it intersects with U.S. Highway 21; thence turning and running north along U.S. Highway 21 to the point where it intersects with County Road 1856; thence turning and running in a westerly direction along County Road 1856 to and beneath the right of way of Interstate Highway 77 and continuing in a southwesterly direction along a line that is located generally on the northern side of County Road 536 and continuing to run along such line until it reaches a point on an unpaved county road; thence turning and running in a northwesterly direction toward a point on County Road 2200 which is northeast of its intersection with County Road 406; thence turning and running northeast along County Road 2200 to the point where it intersects with County Road 59; thence turning and running in a northwesterly direction along a line located on the western side of the easternmost branch of Persimmon Fork Creek and across said branch of said creek to a point where County Road 283 intersects with the boundary of Richland and Fairfield counties line; thence turning and running in a westerly direction along the boundary of said counties until the point of commencement is reached.

The parties agree and acknowledge that, with respect to the areas in Richland County outside the Wateree Drainage Basin, but currently located within Palmetto Utilities' service area as delineated on Figure 6-1 of the CMOG 208 Plan, wastewater may continue to be moved from said areas into the Wateree Drainage Basin.

Nothing in this Agreement is intended to alter DHEC's authorities and regulatory programs, including its Consent Order with Clariant LSM (America) Inc.; notwithstanding the foregoing, DHEC represents that it has the authority to enter into this agreement and bind itself thereby.

Page 4 of 6

1 209 MM AAS JCG. NW

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Item# 7

Nothing in this Agreement is intended to alter Kershaw County's or Richland County's authorities and regulatory programs; notwithstanding the foregoing, Kershaw County and Richland County represent that it has the authority to enter into this agreement and bind itself thereby.

All parties agree to a joint public statement upon final execution of this agreement.

Kershaw County, City of Camden, and SLRCOG agree to issue a statement supporting the issuance of the Palmetto Utilities permits that are subject to this agreement.

Palmetto Utilities, Richland County, and the CMCOG agree to issue a statement supporting the issuance of the Kershaw County and City of Camden permits that are subject to this agreement.

The signatory of each party must indicate by the respective signature if this agreement is contingent on any needed approvals by the representative's Boards or Councils. All parties agree to pursue any needed approvals by the first available Board or Council meeting.

Nothing in this Agreement is intended to grant any new service area rights in Kershaw County.

This Agreement can be voided by any party thereto by written notice to the other parties if:

- a) DHEC's final NPDES permits vary from the 31%/69% allocation provided for in items "11" and "12" above; or
- b) DHEC's final NPDES permit for Kershaw County does not have a total phosphorus average loading limit of at least 67 pounds/day; or
- c) DHEC does not finally reissue to Palmetto Utilities the 6.0 MGD NPDES discharge permit or finally issue a construction and operation permit to Palmetto Utilities for the effluent line to the Wateree River, or if DHEC reissues said NPDES permit and issues said effluent line construction and operation permit and either such permit is contested and the reissuance or issuance of same is finally prevented; or
- (d) (i) DHEC does not issue the 4.0 MGD NPDES discharge permit for Kershaw County or (ii) a party (or an agent thereof) to this agreement contests the issuance of the 4.0 MGD NPDES discharge permit or any associated treatment plant construction permits legally. Provided, however, that item (i) of this paragraph (d) shall only apply and be effective if Kershaw County shall satisfy DHEC's requirements for issuance of said permit within ninety (90) days of the date of execution of this Agreement; or
- e) The 208 Plan Amendments addressed in this agreement are not certified by DHEC and approved by EPA.

Signature Page Follows

1 REP AM ADD 24 NW

pg. 5 of 6

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Item# 7

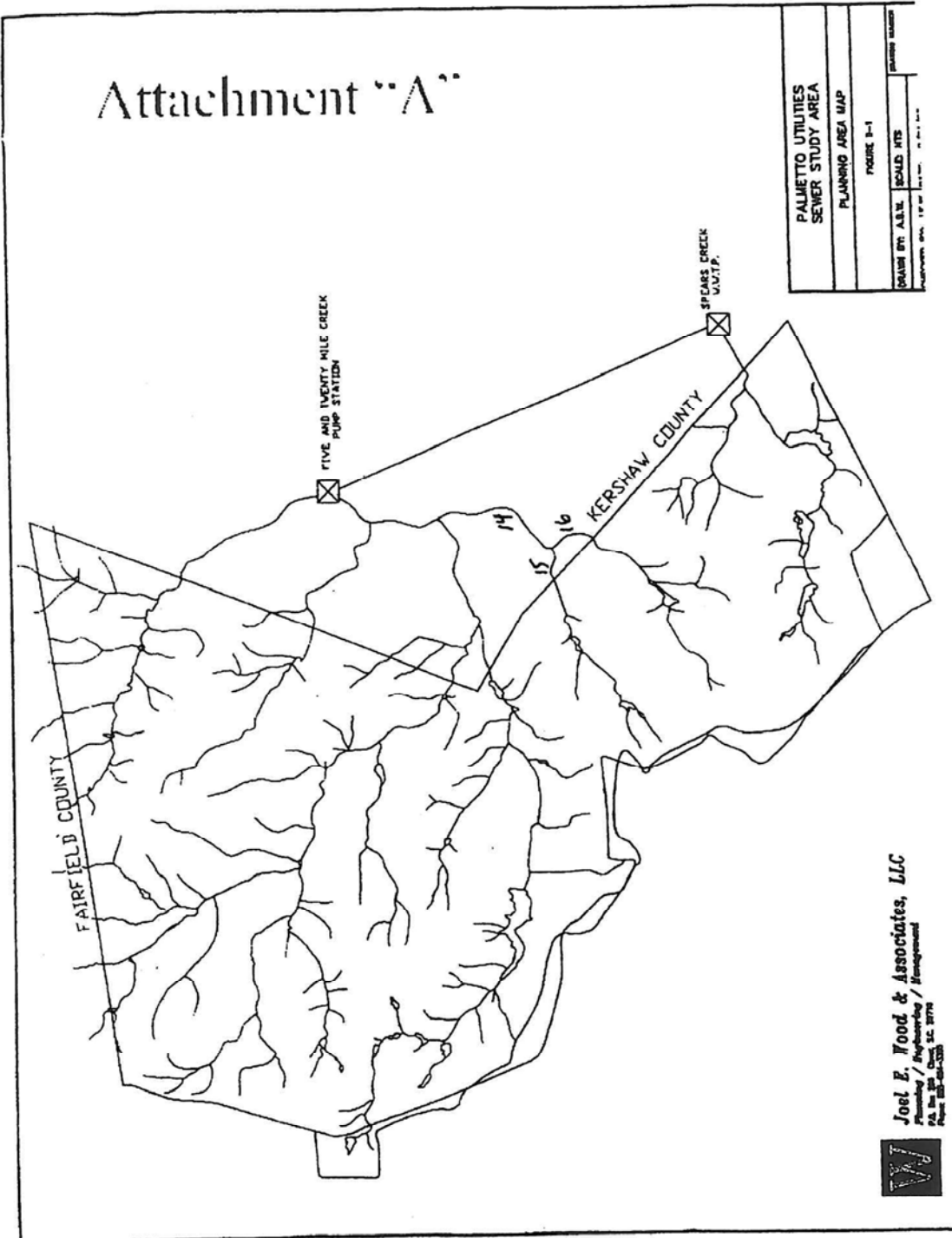
Board/Council
Approval Needed?

<u>Alton C. Boozer</u> Deputy Commissioner for Environ. Quality Control DHEC	Date <u>5/23/06</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<u>Norman White III</u> Executive Director CMCOG	Date <u>5/23/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>James L. Darby, Jr.</u> Executive Director SLRCOG	Date <u>5/24/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>J. Kenneth DeBosch</u> Kershaw County	Date <u>5/23/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>B. J. Bloomer</u> City of Camden	Date <u>5/24/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>Mark Johnson</u> President, Palmetto Utilities	Date <u>5/23/06</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<u>[Signature]</u> Richland County	Date <u>5/23/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

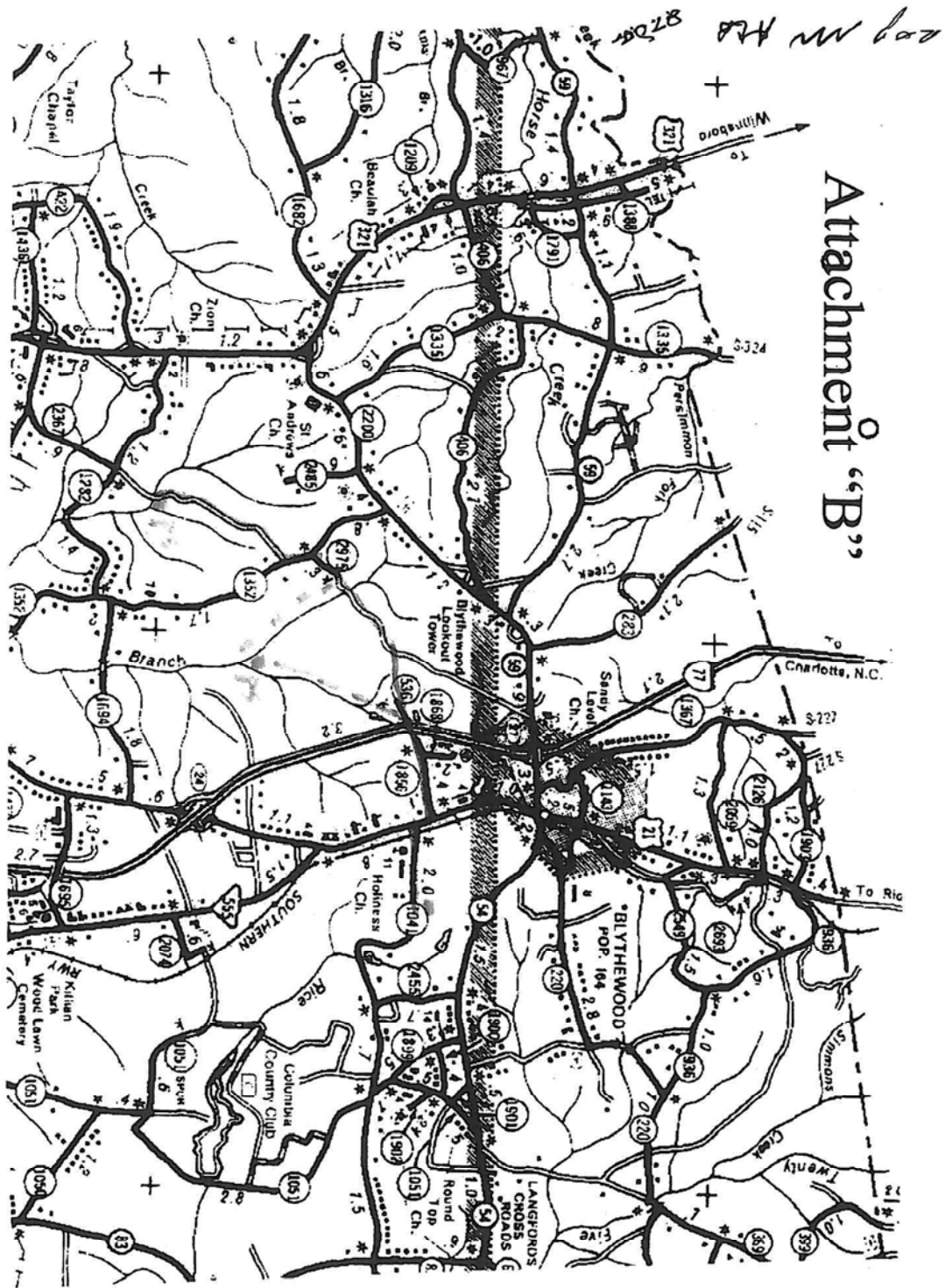
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Attachment "A"



copy of MW Act Joel



Attachment "B"

AMENDMENT TO AGREEMENT

This AMENDMENT TO AGREEMENT ("Amendment") is entered into by and among the South Carolina Department of Health and Environmental Control ("DHEC"), the Central Midlands Council of Governments ("CMCOG"), Santee-Lynches Regional Council of Governments ("SLRCOG"), Palmetto Utilities, Inc. ("PUI"), Richland County ("Richland"), the City of Camden ("City"), and Kershaw County ("Kershaw"), to be effective as of the last date upon which same is executed as shown below.

RECITALS:

WHEREAS, DHEC, CMCOG, SLRCOG, PUI, Richland, City and Kershaw are parties to that certain Agreement, last executed May 24, 2006, pertaining to various matters involving discharges of treated wastewater into the Wateree River, a copy of which is attached hereto and incorporated herein by reference as Amendment Exhibit No. 1 ("Agreement"); and

WHEREAS, the parties desire to amend the Agreement in accordance with the following provisions of this Amendment,

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

1. Paragraph Number 8 of the Agreement is amended to permit PUI to extend domestic wastewater collection and treatment service to all that certain piece, parcel or tract of land consisting of 260 single family residential lots, situated in Kelsey Ridge Subdivision in Kershaw County (the "Property"), which property is further described on the Amendment Exhibit No. 2 that is attached hereto and incorporated herein by reference.
2. This Amendment applies only to the Property and the right given to PUI to extend its domestic wastewater collection and treatment service hereunder is not transferable to any other pieces, parcel or tract of land in Kershaw County.
3. With the exception of the amendment to paragraph 8 of the Agreement set forth herein, including the limitations upon said amendment, nothing contained herein shall in any way alter, modify or change the terms of the Agreement, which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties set their hands and seals as of the dates shown below.

[SIGNATURE PAGES FOLLOW]

WITNESS/ATTEST

Anna Harmon
[Signature]

[Signature]
[Signature]

South Carolina Department of Health and Environmental Control

By: _____
Its: _____
Date: _____ Day of _____, 2012

Central Midlands Council of Governments

Benjamin J. Haulin
By: *Benjamin J. Haulin*
Its: *Interim Executive Director*
Date: *14th* Day of *December*, 2012

Santee-Lynches Regional Council of Governments

By: _____
Its: _____
Date: _____ Day of _____, 2012

Palmetto Utilities, Inc.

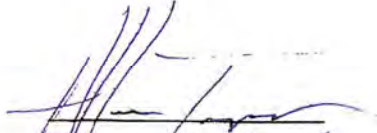
[Signature]
By: *[Signature]*
Its: *President*
Date: *27* Day of *January*, 2012

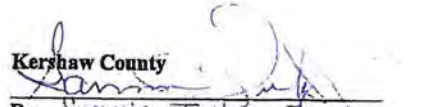
Richland County

By: _____
Its: _____
Date: _____ Day of _____, 2012

City of Camden

Anthony P Scully
By: *Anthony P Scully*
Its: *Mayor*
Date: *18* Day of *JANUARY* 2012


Shirley M. Taylor

Kershaw County

By: Sammie Tacker, Jr.
Its: Vice-Chairman County Council
Date: 29th Day of Nov., 2012