Lake Blalock was developed to provide an excellent source of high quality drinking water for the people of the Spartanburg area. This Buffer Management Plan provides guidance on many issues that will ensure protection of water quality within Lake Blalock. This Buffer Management Plan applies to all Spartanburg Water System (“SWS”)-owned buffer areas around Lake Blalock.

Section 1--General Information

1.1 Lake Blalock History/Purpose

Lake Blalock is a man-made water supply reservoir that was constructed in 1983. Lake Blalock is owned and managed by SWS. Lake Blalock receives surplus water from the Lake Bowen/Reservoir #1 system combined with flows from the North Pacolet River and its tributaries. Other major tributaries to Lake Blalock are Buck and Casey Creeks. The dam is located on the Pacolet River. The watershed for Lake Blalock includes 173,201 acres (271 square miles) of land area within both South Carolina and North Carolina. When originally constructed, the normal pool elevation of Lake Blalock was 700 feet above Mean Sea Level (MSL). In order to meet long-term drinking water needs for its service area, SWS expanded Lake Blalock in 2006 by raising the Lake Blalock dam, bringing the normal pool elevation to 710 feet above MSL. The surface area of Lake Blalock is approximately 1,050 acres.

The primary purpose of Lake Blalock is to provide high quality drinking water to the customers in the SWS service area. In 1999, SWS began pumping water from Lake Blalock to the Myles W. Whitlock Jr. Water Treatment Facility. Treated water from the Myles W. Whitlock Jr. Water Treatment Facility is distributed into the SWS drinking water system (water mains and storage tanks) as needed.

Non-essential functions of Lake Blalock include providing recreational opportunities such as boating and fishing, as well as educational opportunities for users of the lake. Adjoining landowners’ access to Lake Blalock and the buffer land around it is by written permission from SWS. SWS is responsible to the citizens of the area to manage Lake Blalock to ensure that it remains a source of high-quality drinking water to serve them. Adjoining landowners’ access to Lake Blalock and its buffer zones is always secondary to Lake Blalock’s use as a source of drinking water. Whenever adjoining landowners are granted such access, it is with the express understanding that SWS may terminate that access whenever SWS determines that doing so is necessary to protect SWS’s interest in effectively managing Lake Blalock.
1.2 **Lake and Buffer Ownership**

1.2.1 SWS owns fee simple title to Lake Blalock and its buffer areas to an elevation of 720 feet above MSL.

1.2.2 In some areas, such as Lake Blalock Park, SWS owns lands above the 720 elevation.

1.2.3 SWS, from time to time, may post signs to assist in identification of the property boundary.

1.2.3.1 Removal or defacing of such signs is a criminal act. See S.C. Code Ann. § 5-31-1120.

1.3 **SWS Authority/Jurisdiction**

1.3.1 Pursuant to authority granted by the General Assembly of South Carolina in 1896, The Commissioners of Public Works of the City of Spartanburg operate SWS and Lake Blalock. SWS has the authority to build, maintain, and operate facilities needed to meet the water supply needs of its service area.

1.3.2 Under its statutes, SWS has the responsibility and legal right to take all action necessary to maintain and protect its water system, including capital assets such as Lake Blalock, and to ensure that these assets have a long and useful lifespan.

1.3.3 This Buffer Management Plan is a regulation of SWS. Under Section 22-102 of the Spartanburg Municipal Code, SWS regulations are enforceable as Spartanburg city ordinances with fines of up to $500 or 30 days in jail per violation. See S.C. Code Ann. § 5-7-30.

1.3.4 Under other statutes, unauthorized activities on buffer properties can constitute tampering with the property or appurtenances of SWS’s system, which is a criminal offense. See S.C. Code Ann. § 5-31-1120.

1.3.5 It is a crime to pollute the water supply of any city water system, and such pollution can result from unauthorized activities in the Lake Blalock buffer areas. See S.C. Code Ann. § 5-31-1130.

1.3.6 These offenses can result in criminal fines of up to $200 and 60 days imprisonment. See S.C. Code Ann. § 5-31-1170.

1.3.7 Persons who abuse irrigation permits are guilty of a criminal offense under South Carolina law. See S.C. Code Ann. § 5-31-1140.

1.3.8 Unauthorized activities on buffer properties constitute acts of trespass under South Carolina law, making the persons involved liable for criminal prosecution and for damage claims for any injury to SWS property. Those damage claims can include the cost of restoring any injury to vegetation and any injury to the quality of the water supply in Lake Blalock. S.C. Code Ann. § 16-11-520.
1.3.9 Under statutes related to the unlawful taking of timber, SWS can recover three
times the value of any commercial or noncommercial timber removed from its
597 S.E.2d 853, 856-57 (Ct. App. 2004).
1.3.10 Due to the unique operational needs of SWS there may be times that SWS
operational activities may conflict with portions of the Buffer Management
Plan. SWS operational needs will not be restricted by this Buffer Management
Plan unless a failure to do so would violate Federal, State or Local law.

1.4 **Buffer Management Plan History**

1.4.1 The Buffer Management Plan became effective beginning on May 1, 2006.
1.4.2 Revisions.
   1.4.2.1 Revised April 24, 2007.
   1.4.2.2 Revised April 22, 2008.
   1.4.2.3 Revised September 22, 2009.
   1.4.2.4 Revised January 22, 2013.
   1.4.2.5 Revised February 2017.
1.4.3 The Buffer Management Plan will remain in effect until modified or otherwise
changed by SWS. Should any provision of this Buffer Management Plan be
declared invalid, void or unenforceable for any reason, the remainder of the
Buffer Management Plan shall not be affected and shall remain in full force
and effect.
1.4.4 Definitions.
   1.4.4.1 “Agent”—Any person authorized by the SWS to act on its behalf.
   1.4.4.2 “Applicant”—Any person, limited liability company, corporation,
   partnership or governmental body requesting a permit, considerations,
or exemption from the SWS.
   1.4.4.3 “Buffer” or “Buffer Zone”—For Lake Blalock, the property SWS owns in
   fee simple to an elevation of 720 feet above MSL around Lake Blalock.
   1.4.4.4 “Chief Executive Officer”—The Senior Ranking official of SWS.
   1.4.4.5 “Commission”—The Commissioners of Public Works of the City of
   Spartanburg.
   1.4.4.6 “Commercial Use”—An activity relating to or connected with trade and
   commerce in general in any manner whatsoever by any entity other than
   the Agents, employees, or officers of SWS.
   1.4.4.7 “County”—Spartanburg County.
   1.4.4.8 “Lake Wardens”—those individuals, all of whom are South Carolina
   Constables, employed by SWS who can issue citations for criminal
   violations and for permit violations. Lake Wardens are the primary
   means of enforcement and monitoring of the Buffer Management Plan.
   1.4.4.9 “MSL”—Mean Sea Level.
1.4.4.10 “Property Owner”—An owner of land that is immediately adjacent (a shared property line) to Lake Blalock property owned by SWS.

1.4.4.11 “Pollution”—Any substance liquid, gas, or solid which is deposited in Lake Blalock and had a deleterious effect on the waters or lands of Lake Blalock.

1.4.4.12 “Boundary Line”—for Lake Blalock, generally this is the 720 feet MSL elevation designating the upper reach of the SWS property.

1.4.4.13 “Structure”—an object, permanent or temporary, constructed or placed within the Buffer, including but not limited to a dock, hard pathway, or other configuration.

1.4.4.14 “SWS”—Spartanburg Water System.

Section 2--General Rules

2.1 Prohibited uses, activities or actions

No person shall be allowed to use any of the Lake Blalock properties owned by Spartanburg Water System for the following uses, activities, or actions which are expressly forbidden and will not be permitted:

2.1.1 Burning of any kind, or creation of fire (either intentionally or by accident), from any source for the purpose of cooking, entertainment or for the purpose of discarding trash, leaves or other vegetation is a violation of S.C. Code Ann. § 16-11-150, 16-11-170, and/or 16-11-180. Smoking is not allowed within the buffer.

2.1.2 Discarding, placing, throwing or depositing of garbage, trees, tree limbs, or other debris.

2.1.3 Possession or consumption of alcoholic beverages or controlled substances.

2.1.4 The erection, connection, or installation of electrical services of any kind not specifically approved by the SWS.

2.1.5 Use of powered land vehicles in areas other than those specifically designated for such use such as paved roads, parking lots, public ramps, cart paths, and other areas specifically directed and approved by the SWS.

2.1.6 Construction or installation of private boat launching ramps of any kind.

2.1.7 Commercial activity of any kind in areas other than those specifically designated and approved by the SWS.

2.1.8 Polluting the waters of Lake Blalock including the land area below the 720 foot MSL with hazardous liquid/material, herbicide, fertilizer, pesticide, sewage, garbage, rubbish, vegetation, debris, petroleum products, stormwater runoff or debris of any kind.

2.1.9 Possession or use of any kind of firearm, gun, pistol, firecracker, or fireworks on any SWS lands or on or within the waters of the lake, except law enforcement or governmental personnel on duty with jurisdiction of the Lake Blalock area. Except where allowed by 2.1.10.
2.1.10 Hunting, except as defined in the *SWS Policies and Procedures for Use of Water Supply Reservoirs (Updated May 2014)*.

2.1.11 Property Owners are not allowed to blow, rake, or otherwise dispose of yard debris within the Buffer.

2.1.12 No camping is allowed within the Buffer.

2.2 Reserved

2.3 Fish Habitat/Attractors

Fish attractors are any natural or man-made structure used by various fish species as a form of cover, as protection from predators, and sometimes as spawning areas. Natural fish attractors include logs, brush, and stumps that arrive through natural processes. Man-made fish attractors are structures specifically placed within a water body to attract fish. SWS is committed to maintaining Lake Blalock as a valuable source of drinking water while providing ample habitat for fish.

2.3.1 SWS may, in its sole discretion, approve structures consisting of man-made materials that can be used as fish attractors in a secured fashion. Placement of fish attractors by anyone other than SWS is not allowed without a permit from the Lake Warden’s office.

2.3.2 If allowed, structure placement coordinates will be required to be accurately mapped or, preferably, to be recorded using a Global Positioning System (GPS). A comprehensive map detailing the locations of all fish attractors placed in the lake will be maintained at the Lake Warden’s office for public use.

2.3.3 Vegetative and other biodegradable materials such as Christmas trees are not allowed in Lake Blalock as fish attractors.

2.4 Nuisance Wildlife Control

A wide variety of wildlife exists around the lake. Some of these species, such as beavers and Canada geese, can cause damage and become a nuisance. For this reason and for the safety of wildlife SWS discourages residents and visitors from feeding wild animals.

2.4.1 Trapping, destroying, or otherwise harming nuisance wildlife is not allowed without prior coordination with the Lake Warden’s office.

2.4.2 Trapping or removal of wildlife, if authorized by SWS, must be conducted in accordance with local and state laws and cannot endanger humans or non-targeted wildlife. SWS authorization will only be considered once a South Carolina Department of Natural Resources (“SCDNR”) Depredation permit has been acquired by the Property Owner.

2.4.3 The use of poisons is not allowed within the Buffer or on Lake Blalock.
2.4.4 SWS allows installing materials around tree trunks within the Buffer to prevent beaver damage with SWS written approval.

2.4.4.1 Hardware cloth, chicken wire, or similar materials should be used to protect the trees.

2.4.4.2 Solid materials such as metal flashing, tin panels, etc., are not allowed for use to protect trees from beaver damage within the Buffer.

2.5 Boundary Line Marking

2.5.1 SWS owns the land immediately adjacent to Lake Blalock. Generally, SWS property extends to the 720 foot MSL contour around Lake Blalock.

2.5.2 SWS may place signs along the SWS boundary to assist in identification of the property boundary.

2.5.3 Under the terms of the Landowner Access Permits, as a condition of receiving access to the Buffer, Property Owners are responsible for protecting any boundary markers from being removed, defaced, or destroyed.

2.5.4 SWS may charge the adjoining landowner a reasonable charge (see Appendix E) for replacing boundary markers that are not so protected.

2.5.5 Landowners that are uncertain about the limits of SWS property around Lake Blalock, should contact the Lake Blalock Warden’s office at 864-578-5442 (Appendix A) for assistance.

2.5.6 Landowners with property adjacent to Lake Blalock should refer to their deed to review the location of individual private property boundaries.

2.5.7 Disputed property boundaries regarding the Buffer should be immediately brought to SWS’s attention.

2.5.8 No boundary line marking is allowed below the 720 foot MSL contour. This includes cutting or removal of vegetation, painting trees, or the placement of iron pins or other property markers.

2.6 Boat Launches

2.6.1 All boats must be launched from the public landing at Lake Blalock Park or from permitted docks.

2.6.2 Launching from docks must be conducted in accordance with SWS regulations, including, but not limited to, no vehicular access within the Buffer and other applicable requirements.

2.7 Vehicular/Powered Access

2.7.1 The use of powered vehicles (wheeled or tracked) are not allowed within the Buffer except as permitted on a case-by-case basis for approved Buffer restoration, approved planting, permitted tree or vegetation removal, mulch
placement as part of a permitted activity, allowed lawns as documented by SWS in 2006, or other limited access activities specifically approved by SWS.

2.7.2 Powered carts may be utilized to access the Buffer on permitted powered cart paths. In general, types of powered vehicles utilized within the Buffer for specific permitted activities must have turf tires or otherwise have specific written approval from SWS for their limited use in support of these approved activities.

2.7.3 Passive or recreational use of powered vehicles within the Buffer (except powered carts utilized on permitted pathways) is not allowed. Powered vehicle access through the Buffer in support of permitted Buffer activities must cease at the conclusion of a permitted activity.

2.7.4 Conclusion of a permitted activity occurs at the time of permit expiration, or when the activity is deemed complete by SWS, whichever comes first.

2.7.5 SWS may, at any time, further restrict, suspend, or revoke powered vehicular access as it deems appropriate to protect its resources.

2.7.6 SWS encourages all Property Owners to practice good land use practices (those that limit erosion, pollution or other detrimental practices that may adversely impact water quality) regardless of their location.

2.7.7 It is particularly important for those Property Owners adjacent to Lake Blalock to implement good land use practices to promote water quality within Lake Blalock and to limit/prevent potential pollutants from entering Lake Blalock.

2.8 Island Management

All islands are to be governed as part of this Buffer Management Plan. The island located near the confluence of Buck Creek and Lake Blalock is to be maintained in its current state as habitat for wildlife. This commitment requires that no access is allowed to the island.

2.9 Vegetable Gardens

Due to the potential for erosion and use of chemicals and fertilizers, no vegetable gardens or other agricultural activities can be established within the Buffer.

2.10 Domestic Animals

2.10.1 No livestock (cows, horses, goats, chickens, etc.) are allowed within the Buffer. This article does not infringe on the adjacent Property Owners with documented existing grandfathered landowner property rights.

2.10.2 Pet kennels, pens, fences, dog houses, enclosures, etc., are also not allowed within the Buffer.
2.11 Herbicide, Fertilizer, Pesticide, and Other Chemical Use

The use of chemicals, pesticides, herbicides and fertilizers within the Buffer is not allowed except under special circumstances (pest management, etc., as pre-approved in writing by SWS or by guidance issued by SWS).

2.12 Septic Tanks

2.12.1 All septic tanks on private property adjoining SWS property around Lake Blalock should be maintained in proper working order.

2.12.2 Improperly maintained septic systems can cause water quality problems within the Lake Blalock.

2.12.3 All septic tanks must have a permit from the South Carolina Department of Health and Environmental Control (“SCDHEC”).

2.12.4 Regulations require that septic tanks and their drain lines be at least 75 feet from the high pool of Lake Blalock—710 feet MSL—and above the 720 elevation.

2.12.5 Prior to installing a septic tank and drain lines, the Lake Warden’s office must be contacted.

2.12.6 A SWS representative will mark the approximate 720 MSL elevation (and 710 MSL if necessary) so that the appropriate minimum setback is met.

2.12.7 All residents are encouraged to maintain their septic systems.

2.12.8 The Spartanburg Sanitary Sewer District (“SSSD”) offers a rebate to Property Owners within the District boundaries for all septic waste that is disposed at an approved SSSD treatment facility.

2.12.8.1 Proof of septic cleaning must be submitted to be eligible for the rebate.

2.12.9 Septic tanks adjacent to Lake Blalock that are observed to be malfunctioning or are documented as having chronic or recurring problems will be referred to the local Environmental Health Section of SCDHEC.

2.13 Stormwater

2.13.1 Residents adjacent to SWS property must not direct concentrated stormwater runoff into the Buffer or into Lake Blalock (such as from rooftops, gutters, patios, driveways, channels, swales or pipes).

2.13.2 Concentrated flows can lead to erosion, as well as the deposition of pollutants into the Buffer and lake, and are a violation of the Buffer Management Plan.

2.13.3 Stormwater must also be managed in accordance with local regulations.

2.13.4 Property Owners with a Land Access Permit may have privileges revoked and may face civil penalties if concentrated stormwater impacts the Buffer.

2.13.5 Property Owners without a Land Access Permit who direct concentrated stormwater runoff into the Buffer may face civil penalties.
2.14 Requests for Variances of Prohibited Uses, Activities or Actions

Requests for variances from the Buffer Management Plan must be submitted in writing, to the Chief Executive Officer who will act on behalf of the Commission.

2.14.1 All requests for a variance shall include the following:

2.14.1.1 Written statement of request and basis Applicant believes reconsideration and/or relief should be granted.

2.14.1.2 Property surveys, maps, construction drawings, and other supporting data necessary to explain request.

2.14.1.3 Documentation that variance will not have a negative impact on water quality, the appearance (one in harmony with the existing natural Buffer) or the overall quality of the Buffer or Lake Blalock.

2.14.2 All decisions of the Commission either approving or denying a request for a variance are final.

Section 3--Permits

3.1 Permits and Authorizations

3.1.1 Most specific activities conducted within the Buffer will require a permit from SWS.

3.1.2 The SWS Agents are the primary point of contact for permits at Lake Blalock.

3.1.3 The SWS Agents, with support from other SWS staff to include Lake Wardens and outside professionals as necessary, will review permit applications.

3.1.4 A party applying for or requiring a permit from SWS for activities within the Buffer is referred to as the “Applicant.”

3.1.4.1 The Applicant is required to obtain prior written authorization from SWS before conducting activities within the Buffer.

3.1.4.2 Prior written authorization can take the form of a letter from SWS addressed to the Applicant specifically authorizing the activity requested or a validly issued permit from SWS.

3.1.4.3 All letters, permits, and approvals shall be subject to revocation at any time and unless otherwise specified in writing shall expire within 365 days of the date granted.

3.1.5 Those parties not obtaining appropriate permits or authorization from SWS or not following the conditions of any permit granted will be subject to enforcement procedures as outlined in SWS’s enforcement guidance documents located in Appendix G. These enforcement guidance documents are incorporated into this Buffer Management Plan by reference.

3.1.6 Permit Documentation.
3.1.6.1 The typical permitting process includes Property Owner verification, preparation and recording of a Private Structure Agreement, and issuance of the permit.

3.1.6.2 When applying for a Landowner Access Permits (“LAP”), Property Owners must send a copy of their deed and plat of the property, along with an executed permit application form to the Lake Blalock Warden’s Office located at 1925 Sandy Ford Road, Chesnee, SC 29323.

3.1.6.3 After the property verification is completed, the Private Structure Agreement will be returned for the applicant to properly execute and notarize.

3.1.6.4 The Applicant should return the executed agreements, along with the applicable fees, to the Lake Blalock Warden’s Office. When received, the agreement will be executed by the Chief Executive Officer of SWS on behalf of the Commission. Upon receiving a notice of approval, the applicant may pick up the construction permits at the Lake Blalock Warden’s Office.

3.1.6.5 In order to maintain safety and the aesthetic quality of Lake Blalock, standard specifications for structures have been developed. These may be obtained from the Lake Blalock Warden’s Office. The Commission must approve any deviations from the standard specifications.

3.1.6.6 A minimum shoreline distance of 40 feet will be required in order to obtain a Private Structure Agreement in a non-cove area.

3.1.6.6.1 The shoreline frontage is determined by extensions of the property’s sidelines to a point where they intersect the normal water elevation 710 MSL feet or full pool.

3.1.6.6.2 The Agent is authorized to deny or limit the size of a proposed dock and walkway or other structure if it is determined to be inappropriate, too congested, or otherwise unacceptable for the proposed location.

3.1.6.6.3 Additionally, if the proposed location of the structure will result in an unsafe condition, then a permit will be denied.

3.1.6.6.4 An Agent will visit each site before any structure agreement is issued.

3.1.6.6.5 Requirements for docks placed in a cove will be determined on a case-by-case basis.

3.1.6.7 A permit is not transferable and is valid up to one year from the date the application was received.
3.2 Access Permits

3.2.1 As a framework for implementing this Buffer Management Plan, Property Owners must obtain a Landowner Access Permit if they desire access to the Buffer.

3.2.2 The Landowner Access Permit is issued upon payment of a fee and grants landowners, their families, and guests the non-exclusive right to the passive use and enjoyment of the Buffer lands as well as access to Lake Blalock, and other rights as may be specifically authorized under the Buffer Management Plan.

3.2.3 Maintaining a valid Landowner Access Permit is also a requirement of all other permits and authorizations that may be granted to Property Owners under this Buffer Management Plan.

3.2.4 By accepting the Landowner Access Permit, Property Owners agree that they, their families, and guests will respect the terms of this Buffer Management Plan, and will adhere to the SWS Policies and Procedures for Use of Water Supply Reservoirs in any activities that involve Buffer land.

3.2.5 The Landowner Access Permit also requires Property Owners to be responsible for any costs, damages, or penalties that result from violations of the Buffer Management Plan or any permits granted under it.

3.2.6 Property Owners interested in obtaining access to Buffer lands and lakefront areas are required to apply for a Landowner's Access Permit and pay a (see 3.12.1.9) fee.

3.2.7 Landowner's Access Permits are valid indefinitely, as long as the Property Owner remains the owner of the property and does not violate any policies and procedures outlined in this Buffer Management Plan.

3.2.8 Non-Landowner Access Permits are issued to all others seeking permission to use the SWS property at Lake Blalock that is open to general recreation.

3.2.8.1 Non-Landowner Access Permits are binding agreements that help ensure compliance with the Buffer Management Plan.

3.2.8.2 Non-Landowner Access Permits are required to be in the permittees possession, along with a state-issued photo identification, any time they are on SWS property.

3.2.8.3 Non-Landowner Access Permits are non-transferable and may be revoked at any time.

3.2.8.4 Non-Landowner Access Permits expire one year from the date of issuance.

3.2.8.5 Non-Landowner Access Permits may contain additional binding language as necessary.
3.3 Tree and Vegetation Permits

Vegetation within the Buffer must be managed in a responsible manner to ensure protection of the water resource.

3.3.1 No trees, brush, or vegetation on SWS property may be cut, pruned, or removed without a valid permit.

3.3.2 A permit application for activities within the Buffer must be obtained from SWS.

3.3.3 Reasons for tree removal are primarily, but are not limited to, hazardous trees and forestry management to improve vegetative Buffer conditions as approved by SWS.

3.3.4 Removal or other management of damaged trees or shrubs must be recommended by an ISA certified arborist and authorized by SWS.

3.3.5 Improvement of lake views from private property is not considered an acceptable reason for removing trees.

3.3.6 The Applicant must use approved methods to control erosion and to minimize the damage to soils or vegetation as a result of any activities within SWS property.

3.3.7 Permitted activities may not involve the ancillary clearing of roads or underbrush unless expressly permitted in writing.

3.3.8 All damage to soils or vegetation, except as expressly permitted, shall be restored to the satisfaction of SWS, or SWS shall have the right to undertake the restoration itself and to charge the Applicant for the restoration activities.

3.3.9 Storm Damaged debris/trees may be permitted to be removed from the Buffer which may require a replanting plan.

3.3.10 If authorized, any tree removal or pruning will be conducted at the Applicant’s expense. The Applicant is responsible for removing any cut or pruned trees from SWS property. The Applicant will be assessed the cost for removal of any cut or pruned material that is left within the Buffer.

3.3.11 Planting within the Buffer is allowed with the appropriate permits and/or prior written authorization from the Lake Warden’s office. Situations warranting planting within the Buffer include, but are not limited to:

3.3.11.1 Stabilizing eroding or potential erosion areas.

3.3.11.2 Improving wildlife habitat.

3.3.11.3 Replacement of non-native invasive species (Appendix B).

3.3.11.4 Replacement of removed hazardous trees.

3.3.11.5 Replacement of trees damaged by pine beetles.

3.3.11.6 Improving overall Buffer effectiveness.

3.3.12 Planted vegetation can range from groundcover to tree species. Species should be native to South Carolina. A list of pre-approved species is provided in Appendix C, however this list is not all inclusive and other plants will be considered.
3.3.13 Other native plants can be used with written pre-approval from the Lake Warden’s office.

3.3.14 Planted shrubs should have a caliper at the base of at least 0.5 inches, and trees must be a minimum height of 4 feet.

3.3.15 Any mulches applied around planted materials should consist of natural, biodegradable materials (pine straw, bark mulch, etc.).

3.3.15.1 Artificially colored or dyed mulches are not allowed within the Buffer.

3.3.16 Use of standard planting plans will facilitate timely approval of the proposed planting. Examples of standard planting plans for the Buffer are provided in Appendix C.

3.3.17 If the proposed planting is not in accordance with the standard planting plans, additional fees may be required to obtain approval of the planting plan.

3.3.18 Tree and Vegetation permit applications must include photographs of current site conditions as well as the proposed planting plan.

3.3.19 Vegetation within the Buffer must be managed in a responsible manner to ensure protection of the resource.

3.3.20 Hazardous Trees.

3.3.20.1 Hazardous trees are defined as those trees that are damaged (wind thrown, main trunk broken, dead or otherwise damaged) and present a danger to human life or immediately adjacent structures.

3.3.20.2 Trees with natural cavities or rotten areas are not considered hazardous trees unless they pose a danger as noted above.

3.3.20.3 Prior written approval/permits are needed from the Lake Warden’s office before a hazardous tree can be removed.

3.3.20.4 If authorized, hazardous tree removal will be conducted at the Applicant’s expense.

3.3.20.5 The Applicant is responsible for removing any cut or pruned trees from SWS property.

3.3.20.6 The Applicant will be assessed the cost for removal of any cut or pruned material that is left within the Buffer.

3.3.21 Pine Beetles/Forest Pests.

3.3.21.1 Forest pests are defined as non-native species capable of damaging individual trees or entire stands of trees.

3.3.21.2 Naturally occurring wildlife species are not considered to be pests. Suspected damage to trees and shrubs within the Buffer resulting from forest pests such as the southern pine beetle must be verified by the South Carolina Forestry Commission or an ISA certified arborist or entomologist.

3.3.21.3 Removal or other management of pine beetle or forest pests damaged trees or shrubs must be recommended by the Forestry Commission or an ISA certified arborist and authorized by SWS.
3.3.21.4 For forest management recommendations concerning pest species, contact the Spartanburg County office of the South Carolina Forestry Commission at 864-583-3438 or a list of ISA Certified Arborist can be found at www.isa-arbor.com.

3.3.21.5 If the management approach includes removal of trees within the Buffer, prior written approval must be obtained and control measures that minimize erosion must be implemented in disturbed areas.

3.3.21.6 Areas where trees and underbrush have been removed must be replanted and stabilized by the Property Owner at their sole cost and expense in coordination with the Lake Warden’s office and to the satisfaction of SWS.

3.3.22 Shrub/Understory Management.

3.3.22.1 The shrub/understory community plays an important role in protecting water quality. Shrub/understory vegetation is defined as those woody species that are less than 4 inches in diameter at ground level.

3.3.22.2 Selective removal/thinning of shrub/understory vegetation is allowed only for pathway construction with prior permitting from the Lake Warden’s office.

3.3.22.3 While SWS may allow limited access for certain types of powered equipment within the Buffer for permitted planting and buffer restoration activities (see vehicular/motorized access section of the Buffer Management Plan), authorized removal/thinning of shrub/understory species must be conducted with hand-operated, non-wheeled equipment.

3.3.22.3.1 Examples include chain saws, hand pruners, etc.

3.3.22.3.2 Bush-hogs, tractors, and similar equipment are not allowed within the Buffer for removal/thinning of shrub/understory species unless approved by special permit conditions.

3.3.22.3.3 Except as allowed by 2.7.1 lawn mowers are not allowed in the Buffer.

3.3.22.4 If authorized, shrub/understory removal/thinning will be conducted at the Applicant’s expense, and compliance with the requirements of the plan shall be to the satisfaction of SWS.

3.3.22.5 The Property Owner shall be responsible for restoring any areas that are damaged or cleared in violation of Tree and Vegetation Permit.

3.3.22.6 The Applicant is responsible for removing any cut or pruned trees from SWS-owned property.

3.3.22.7 The Applicant will be assessed the cost for removal of any cut or pruned material that is left within the Buffer.
3.3.22.8 Improvement of lake views from private property is not considered an acceptable reason for removing shrub/understory plants.

3.3.22.9 Clearing/thinning cannot result in the total removal of all shrub/understory vegetation such that an obvious maintained appearance develops.

3.3.23 Lawns.

3.3.23.1 Lawns are defined as those pre-existing (prior to May 1, 2006) areas dominated by grass species that are routinely maintained so that a shrub/understory or tree canopy is not allowed to develop.

3.3.23.2 These areas are mowed approximately every two to three weeks during the growing season. In several areas around the lake, existing lawns extend to the 710 foot MSL contour (normal pool of Lake Blalock).

3.3.23.3 These lawns were established before implementation of the Buffer Management Plan.

3.3.23.4 All existing lawns below the 720 foot MSL contour at Lake Blalock have been documented by SWS with the adjacent parcel number identified for the purpose of tracking within a permitting database.

3.3.23.5 No new lawns are allowed within the Buffer (below the 720 foot MSL contour).

3.3.23.6 In an effort to reduce runoff of chemicals and fertilizers into the Buffer, adjacent Property Owners are strongly encouraged not to establish their lawns to the 720 foot MSL contour.

3.3.23.7 Existing lawns within the Buffer to the 710 foot MSL contour can be maintained in their current condition and existing footprint (size) as long as soil erosion does not become a problem and water quality is not negatively impacted. However, the overall desire of SWS is to eliminate all lawns below the 720 foot MSL contour.

3.3.23.8 Should soil erosion or water quality become an issue in areas where existing lawns are located within the Buffer, SWS agents will work with Property Owners on ways to resolve the problem but may require limited planting of native species or alternate erosion control methods as needed to protect water quality and prevent loss of soil.

3.3.23.9 For those existing lawns located within the Buffer, routine lawn maintenance may consist of mowing (as allowed by 2.7.1), permit required re-seeding (by top-seeding / over-seeding) and placement of straw to temporarily hold the seed.

3.3.23.10 Other activities related to existing lawns may be permitted on a site specific case-by-case basis in coordination with SWS agents.

3.3.23.11 Property Owners that choose to revert or convert any portion of existing lawns within the Buffer into an area that enhances shoreline protection may consider the following strategies as guidance:
3.3.23.11.1 Allow the specific lawn area to naturalize within the Buffer by discontinuing mowing of the area.

3.3.23.11.2 Allow vegetation to naturally “recruit” into the area so that a shrub/understory and eventually a tree canopy are allowed to redevelop.

3.3.23.12 Develop and implement a planting plan.

3.3.23.12.1 Restoration would be accomplished by planting native grasses, shrubs, and trees.

3.3.23.12.2 The site-specific planting plan requires prior written approval from the Lake Warden’s office.

3.3.23.12.3 Planted trees must be a minimum of 4 feet in height.

3.3.23.12.4 No proposed planting for a single tree or shrub species should comprise more than 25% of a single species within the Buffer.

3.3.23.12.5 Native species not listed in Appendix C can be used with prior authorization from the Lake Warden’s office.

3.3.23.12.6 The Applicant is responsible for developing and implementing the planting plan.

3.3.24 Herbicide, Fertilizer, Pesticide, and Other Chemical Use.

The use of chemicals, pesticides, herbicides, and fertilizers within the Buffer is not allowed except under special circumstances (pest management, etc., as pre-approved in writing by SWS.)

3.3.25 Non-native Invasive Species Management.

3.3.25.1 Non-native invasive plant species (partial list in Appendix B) can be removed from the Buffer as long as replacement vegetation is provided where necessary to avoid potential erosion problems.

3.3.25.2 Removal of non-native plants requires a permit from SWS.

3.3.25.3 Non-native invasive vegetation must be removed using hand tools.

3.3.25.4 Cleared vegetation cannot be left within the Buffer.

3.3.25.5 The Applicant will be assessed the cost for removal of any cut material that is left within the Buffer.

3.3.26 Threatened Species.

A Federally protected plant species, the dwarf-flowered heartleaf (*Hexastylis naniflora*) is known to occur around Lake Blalock. The population of the dwarf-flowered heartleaf around Lake Blalock is one of the largest known. As stated in 50 CFR Part 17 “The City of Spartanburg, South Carolina, through a policy statement issued by the commissioners of public works, has agreed to protect most of the largest South Carolina population.” Therefore:

3.3.26.1 The SWS will implement a management plan to protect this species on SWS property and will inform Property Owners about the protection of the species.
3.3.26.2 The SWS will maintain a brochure and provide to the Property Owners regarding this species.

3.3.26.3 Private Property Owners with dwarf-flowered heartleaf on their property should note that damage to the species could result in a violation of the Endangered Species Act and could be assessed Civil or Criminal penalties.

3.3.26.4 Removal, destruction, use of herbicides, or other actions that could damage/kill this species is not allowed within the Buffer.

3.3.26.5 Buffer areas with this species are managed differently and typically more stringently than other Buffer areas around the lake.

3.3.26.6 If you are unsure if Hexastylis occurs on the Buffer adjacent to your property, contact the Lake Warden’s office.

3.3.26.7 Buffer areas containing Hexastylis have been placed under a restrictive covenant as required by United States Army Corps of Engineers.

3.3.26.7.1 A restrictive covenant is a legally binding document that applies to specific tracts of land.

3.3.26.7.2 This document limits uses of the property.

3.3.26.7.3 Please contact the Lake Warden’s office to obtain the management plan for sites with the dwarf-flowered heartleaf.

3.3.26.7.4 While it is not anticipated that Property Owners would damage, remove, kill, or otherwise harm Hexastylis plants located within the Buffer, it should be noted that the more stringent requirements associated with the restrictive covenant areas remain with the land even if plants are removed; therefore, no benefits would be gained by adjacent Property Owners from the removal of the species.

3.4 Dock Permits

3.4.1 Docks at Lake Blalock must be permitted by the Lake Warden’s office.

3.4.2 Installation of a SWS permitted pathway is a requirement for obtaining dock permit approval on SWS property.

3.4.3 Dock permits and any other permit issued by SWS may be revoked if pathways are not constructed or maintained as permitted.

3.4.4 All docks must be constructed in accordance with guidelines provided in Spartanburg Water System Policies and Procedures for Use of Water Supply Reservoirs.

3.4.5 Contact the Lake Warden’s office to obtain a copy of these guidelines.

3.4.6 If dock permits are withdrawn or revoked, Applicants will have a reasonable time, but not more than 45 days, to remove their docks and all associated structures. After that time, the SWS may have the facilities removed and disposed of at the Applicant’s expense.

3.4.7 Authorized Access Points/Dock Locations.
A permit must be obtained from the Lake Warden’s office prior to constructing or installing a dock at Lake Blalock.

3.4.7.1 The permit application must include photographs documenting the current condition of the Buffer.

3.4.7.2 The permit process will include a site visit with a SWS Agent to site the location of the dock and access to the dock.

3.4.7.3 The SWS Agent will mark and record the approved location of the dock.

3.4.7.4 The location for the dock will be based on a variety of factors, including depth of water, topography of the surrounding Buffer, vegetation within the Buffer, and other factors.

3.4.7.5 This effort will ensure that the dock is sited so that it is accessible, while limiting potential impacts to the Buffer.

3.4.7.6 The dock must be constructed at the approved location or the permit will be revoked and the dock removed.

3.4.7.7 The dock must be constructed from the water or constructed off-site and floated to the Applicant’s lot to avoid damage to the Buffer.

3.4.8 If dock permits are withdrawn or revoked, Applicants will have a reasonable time, but not more than 45 days, to remove their docks and all associated structures.

3.4.9 Dock Replacement.

3.4.9.1 When a dock is being replaced, the initial dock must be removed from the site within 14 days of the completion of the replacement.

3.4.9.2 The original dock cannot be moved to an unpermitted site

3.4.9.3 The original dock cannot be stored on SWS property.

3.4.9.4 Failure to remove the original dock may require SWS to have the dock removed and disposed of at the Applicant’s expense.

3.4.9.5 A new permit must be issued if an Applicant wishes to replace an existing dock.

3.4.10 All dock permits are non-transferable.

### 3.5 Reserved

### 3.6 Rules and Boating Access Permits

3.6.1 Recreational Rules and Regulations.

Spartanburg Water has adopted specific rules and regulations that govern any recreational activities on Lake Blalock. These rules and regulations have been adopted to ensure that all users of Lake Blalock conduct their recreational activities in a safe and conscientious manner. Before participating in any recreational activities on Lake Blalock, please read through South Carolina
3.6.2 Boat Access Permitting.
Spartanburg Water has established specific rules and regulations that govern the use of boats and acquisition of permits on Lake Blalock. These rules and regulations have been adopted to ensure that all users of Lake Blalock conduct their boating activities in a safe and conscientious manner. Before participating in any boating activities on Lake Blalock, please read through the *Spartanburg Water System Policies and Procedures for Use of Water Supply Reservoirs*

### 3.7 Irrigation Permits

3.7.1 Property Owners desiring an irrigation permit must submit an application to the Lake Warden’s office.

3.7.2 Once issued, all irrigation permits must be renewed on an annual basis.

3.7.3 To ease tracking of irrigation permits, all irrigation permits are valid for one calendar year and will expire on December 31 of each year.

3.7.4 No irrigation water can be withdrawn from the lake without a valid permit.

3.7.5 For new permit applications, an initial application fee will be required to initiate lake irrigation.

3.7.6 Irrigation systems that are currently permitted will only be assessed an annual renewal fee.

3.7.7 There may be occasions (e.g., during drought conditions) that the Applicants will not be allowed to withdraw water from the lake.

3.7.8 The Applicant agrees to discontinue irrigation activities during these times. Property Owners with irrigation permits will be notified when restrictions occur.

3.7.9 Withdrawing water from Lake Blalock when restrictions are in place may result in the revocation of all SWS-issued permits for that Property Owner.

3.7.10 If irrigation permits expire or are revoked, Applicants will have a reasonable time, but not more than 45 days, to remove all associated equipment from the Buffer. After that time, the SWS may have the equipment removed and disposed of at the Applicant’s expense.

3.7.11 Upon revocation of an irrigation permit or expiration of an irrigation permit without renewal, Property Owners that fail to meet the irrigation renewal deadline will be required to install an irrigation system electrical disconnect safety switch.

3.7.12 Once installed, SWS reserves the right to disconnect the irrigation system at any time.
3.7.13 New irrigation system applicants are required to install an irrigation system electrical disconnect safety switch upon written approval.

3.7.14 Applicants will be assigned an hourly and cumulative daily limit on the amount of irrigation water that may be applied (in inches), based on typical soil types and slopes documented around Lake Blalock.

3.7.15 Water withdrawn from the lake is for non-potable use only.

3.7.16 Should SWS observe potential or apparent problems, SWS will contact the property owner and refer these issues to the South Carolina Department of Health and Environmental Control (SCDHEC).

3.7.17 Irrigation permits may be suspended or revoked at the sole discretion of SWS.

3.8 Pathway Permits

3.8.1 SWS must pre-approve any pathway (including powered cart pathways), walkway, or other pedestrian access that requires the removal of vegetation that could lead to wearing away vegetation/natural ground cover due to repeated use, or that could lead to soil erosion within the Buffer.

3.8.2 This includes access points to permitted docks.

3.8.3 Installation of an approved pathway is a requirement for obtaining a dock permit approval on SWS property.

3.8.4 Dock permits and any other permit issued by SWS may be revoked if pathways are not constructed or maintained as required.

3.8.5 The type (mulch, boardwalk, stairs, etc.) and location of pathways will be determined based on the topography and sensitivity of the site in conjunction with input from the Lake Warden’s office.

3.8.6 Regardless of access type, grading or otherwise changing the surface topography is not allowed within the Buffer.

3.8.7 Applications for access through the Buffer should include existing-condition photographs, location of proposed access, type of access (soft surface, stairs, boardwalk, etc.), and a sketch of the proposed access plan.

3.8.8 The proposed location of the access should be flagged by the Applicant for inspection by SWS.

3.8.9 Access through areas of the Buffer that have populations of *Hexastylis naniflora* is regulated differently and have different access requirements.

3.8.10 Access Type Soft Surface.

3.8.10.1 Soft surface access is suitable for those sites with flat to gently sloping conditions ranging from 0 to 8%. This access type uses the existing ground surface.

3.8.10.2 The surface can consist of low-growing vegetation, mulches, natural materials approved by SWS, or native rock.

3.8.10.3 Mulch must consist of natural, undyed materials.
3.8.10.4 In general, all access types should follow natural surface contours and transition down gradient through the Buffer at appropriate intervals.

3.8.10.5 Pathways should meander through the Buffer rather than going directly down the slope through the Buffer, which could lead to erosion problems.

3.8.10.6 Soft surface access with slopes less than 5% can have a more direct route through the Buffer given that these flatter slopes are less likely to result in erosion.

3.8.10.7 Slopes from 5% to 8% require that the soft access pathway follow natural surface contours to the extent possible.

3.8.10.8 Detailed coordination with the SWS Agent will determine the actual location of all permanent access through the Buffer.

3.8.10.9 Soft access pathways should not be wider than 3 feet for pedestrian access or 5 feet for pedestrian/powered cart access.

3.8.10.10 Selected vegetation can be removed in accordance with the permit.

3.8.10.11 Vegetation clearing cannot exceed one foot on either side of the pathway.

3.8.10.12 Given the flexibility of soft surface access routes, no woody plants with a diameter greater than 4 inches at ground level can be removed.

3.8.10.13 Typical sketches showing trail clearing, a cross-section, and standard notes for soft access pathways through the Buffer are shown in Appendix D.

3.8.11 Access Type Hard Surface.

3.8.11.1 Slopes that exceed 8% require hard surface access. This is necessary to prevent erosion.

3.8.11.2 As previously noted, grading is not allowed within the Buffer.

3.8.11.3 Hard surface access consists of elevated pathways built through the Buffer.

3.8.11.4 Examples of hard surface access include boardwalks, elevated ramps and stairs.

3.8.11.5 The extent of required boardwalk, elevated ramps or stairs will vary based on site conditions.

3.8.11.6 Most instances will require the combined use of boardwalks, elevated ramps or stairs to create safe access conditions through the Buffer.

3.8.11.7 Hard surface access must be built by hand.

3.8.11.8 Minimal land disturbance such as that necessary to install post holes for boardwalk support is allowed.

3.8.11.9 The route for hard surface access should follow natural surface contours to the extent possible.

3.8.11.10 Detailed coordination with the SWS Agent will determine the actual location of all permanent access through the Buffer.
3.8.11.11 Boardwalks, elevated ramps or stairs that are higher than 30 inches from the ground’s surface will require a handrail.

3.8.11.12 Hard access pathways should not be wider than 4 feet for pedestrian access.

3.8.11.13 Suitable materials for construction include pressure-treated lumber and other materials commonly accepted for boardwalk construction such as recycled plastic decking.

3.8.11.14 All scrap material, construction debris, etc., must be removed from the Buffer.

3.8.11.15 Site clean-up should be completed immediately following construction.

3.8.11.16 If necessary, the Applicant will be charged a fee equal to SWS staff time to remove construction debris, etc., remaining as a result of access construction.

3.8.11.17 Selected vegetation can be removed in accordance with the permit.

3.8.11.17.1 Vegetation clearing cannot exceed one foot on either side of the pathway.

3.8.11.17.2 Typical sketches showing trail clearing and a cross-section and standard notes for hard access pathways through the Buffer are provided in Appendix D.

3.8.12 Powered Cart Path.

SWS has outlined some general requirements for powered cart paths that cross the Buffer as follows:

3.8.12.1 Cart paths must be permitted by SWS.

3.8.12.2 As determined by SWS, those properties that have less than 150 feet fronting and abutting on the ponded water at normal pool elevation are limited to one access pathway (whether this is simply a pedestrian pathway or a pedestrian/cart pathway) through the Buffer to a permitted structure (e.g. dock).

3.8.12.3 As determined by SWS, those properties that have a minimum of 150 feet fronting and abutting on the ponded water at normal pool elevation are limited to two access pathway areas per adjacent parcel (final location of both access pathway areas must be coordinated and approved by SWS.) One of these pathways may be a cart/pedestrian pathway and one must be a pedestrian only pathway.

3.8.12.4 Cart paths must be constructed in accordance with the Section 3.8 requirements of the BMP.

3.8.12.5 Cart paths may not exceed 5’ in width.

3.8.12.6 Access type (soft surface pathway, hard surface pathway, or a combination of hard and soft access) is determined by slope within the Buffer. Sections of the Buffer with a slope of 0-8% may utilize soft surface material at ground level. Sections of the Buffer with a slope
greater than 8% require installation of elevated hard surface pathways. A combination of soft surface material and hard surface material cart pathway types may be utilized for access through the Buffer as approved by SWS on a case-by-case basis.

3.8.12.7 Once approved/permitted and constructed, cart paths must be maintained by the Applicant to the satisfaction of SWS.

3.8.12.8 Carts may only be utilized within the Buffer on approved/permitted pathways, except as permitted on a case-by-case basis for approved Buffer restoration, approved planting, permitted tree or vegetation removal, mulch placement as part of a permitted activity or other limited access activities specifically approved by SWS (see 2.7.1).

3.8.13 The Applicant is responsible for the cost of installation, stability, and maintenance of the walkway/pathway. This responsibility includes ensuring the safety of those that use the access.

3.8.14 The SWS Agent must be notified at least seven days prior to constructing any type of access through the Buffer.

3.8.15 If pathway or walkway permits are withdrawn or revoked, Applicants will have a reasonable time, but not more than 45 days, to remove the permitted structures.

3.8.16 After that time, SWS may have the structures removed and disposed of at the Applicant’s expense.

3.9 Structures--Small, Non-permanent

3.9.1 No buildings or covered structures are allowed within the Buffer.

3.9.2.1 Vegetation removal is conducted in accordance with the vegetation management requirements.

3.9.2.2 No grading/changing of elevations is required to place the small, non-permanent structure(s).

3.9.2.3 The area occupied by the structure(s) cannot exceed 100 square feet in total area by all small, non-permanent structure(s).

3.9.2.4 A permit for the non-permanent structure has been issued by the SWS Agent.

3.9.2.5 All unauthorized structures will be removed from the Buffer.

3.9.2.6 The permitted structure is maintained by Applicant and replaced or removed from the Buffer if damaged or unserviceable.

3.9.2.7 Applicant is in compliance with other Buffer management requirements.

3.9.2.8 No impact to *Hexastylis naniflora* or habitat of *Hexastylis naniflora*.
3.9.3 Permits are not required for the installation of bird feeders, bird houses, bat boxes, and similar wildlife structures as long as damage does not occur to SWS property and no vegetation is removed.

3.9.4 No phone service lines or cable television lines can be installed below the 720 foot MSL contour.

3.10 Structures--Temporary

3.10.1 SWS will approve the use and placement of temporary structures (e.g., outdoor tents used for social functions, chairs and tables) within Buffer areas to Property Owners with a valid LAP with the following conditions:

3.10.1.1 Written approval for the placement of temporary structures larger than 144 square feet cumulative surface area within the Buffer must be provided by SWS Agents prior to the placement of the temporary structures within Buffer areas.

3.10.1.2 Temporary Structures placed within the Buffer must be removed from the Buffer area within seven (7) days of placement.

3.10.1.3 No removal of vegetation will be approved for the placement of temporary structures within the Buffer.

3.10.1.4 No grading or changing of elevations will be allowed for the placement of temporary structures within the Buffer.

3.10.1.5 Temporary Structures may not be placed where they impact *Hexastylis naniflora* or the critical habitat of *Hexastylis naniflora*.

3.11 Shoreline Stabilization Permits

3.11.1 It is anticipated that through time shoreline stabilization/erosion problems may occur due to normal wave action.

3.11.2 Shoreline stabilization will only be permitted with the use of natural looking stone and vegetation.

3.11.3 In accordance with the vegetation management section, native vegetation can be planted to assist with shoreline stabilization.

3.11.4 Shoreline stabilization requests will be considered on a case-by-case basis and require prior written approval from SWS.

3.11.5 Guidance for shoreline stabilization techniques can be found through references found in Appendix F. These references are for examples only. Please be aware that not all techniques represented in these references are allowed by SWS.

3.12 Permitting Fees

3.12.1 All fees are listed in Appendix E.
3.12.2 Fees include SWS staff time and administrative cost to provide routine verification of ownership of property, to ensure encroachments will not destroy protected species, to prepare and record a Private Structure Agreement, and to issue the permit.

3.12.3 If additional legal work is necessary by SWS attorneys, the applicant will be required to pay those costs. If additional legal costs are to be incurred, the applicant will be notified.

**Section 4--Enforcement**

SWS is committed to consistent application and enforcement of these regulations for its Buffer around Lake Blalock.

4.1 Citations
SWS, through its Lake Wardens, may issue citations for violations of the Buffer Management Plan.

4.1.1 These citations will be issued under the statutes that prohibit violations of municipal ordinances, trespassing, unauthorized cutting of timber, and the unauthorized use of or damage to property of water systems.

4.1.2 These are criminal citations, and the resulting fines or jail terms will be as permitted under the applicable statutes such as S.C. Code Ann. §§ 5-7-30, 5-31-1170.

4.2 Non-compliance with the Buffer Management Plan or with the terms of any permits or authorization issued under it can involve several levels of enforcement, depending on the specific situation.

4.3 SWS will make reasonable efforts to work with and provide information to Applicants and Property Owners to avoid or resolve non-compliance with the Buffer Management Plan.

4.3.1 If a resolution suitable to SWS cannot be reached through this coordination, SWS will take additional steps to ensure compliance.

4.3.2 Enforcement options include, but are not limited to, those presented below.

4.4 Fines and Jail

4.4.1 In appropriate circumstances, SWS has the authority to issue citations for fines and other criminal penalties for non-compliance with the Buffer Management Plan.

4.4.2 The applicable fines or other penalties are as set by the relevant statutes, as discussed above.
4.4.3 Depending on the relevant statutes, upon conviction, fines of up to $5000 and/or imprisonment for up to 5 years may be imposed.

4.5 Assessments for Costs and Damages
SWS may assess a violator for all SWS’s costs and damages arising out of a violation or enforcement of the Buffer Management Plan, which can include such things as the damage to Lake Blalock as a source of water, the value of lost timber or vegetation, or the cost of restoration of any damage to soils, timber, or vegetation, SWS staff time and administrative costs for responding to the violation, and SWS’s fees and costs for consultants, experts, and attorneys to assess the damages and prosecute the claim.

4.6 Permit Revocation/Denial
4.6.1 A variety of permits are needed for activities within the buffer area.
4.6.2 Compliance with all aspects of the Buffer Management Plan is a condition of each and every permit or authorization SWS issues.
4.6.3 Violations of the terms of the Buffer Management Plan or any permit may result in the revocation of all permits held by a Property Owner.
4.6.4 Unless all matters related to the violation are resolved promptly and to the satisfaction of SWS—including the payment of any assessments—SWS may remove structures within the Buffer, including docks, irrigation systems, and walkways, and dispose of them at the Applicant’s expense.
4.6.5 No additional permits will be issued with reference to any parcel of property until all existing issues related to a violation are resolved, including restoration of any damage and payment of all required fines and assessments.
4.6.6 The transfer of title while violations remain unresolved will not remove the suspension.

4.7 Non-Admittance
4.7.1 SWS owns all property around Lake Blalock extending to the 720 foot MSL elevation and has the right to control access onto this property.
4.7.2 At its discretion, SWS can fence any area within the property around Lake Blalock and/or post it for no trespassing at any time.
4.7.3 If necessary, SWS can seek a legal injunction against any person to prohibit access onto SWS property.

4.8 Vegetation Management Enforcement Policies
4.8.1 SWS is committed to maintaining and protecting water quality within Lake Blalock.
4.8.2 A key component of protecting water quality is maintaining and, where applicable, improving the natural, woodland vegetative Buffer around the lake.

4.8.3 Lake Wardens and other SWS agents will conduct routine inspections of the Buffer.

4.8.4 Non-permitted or unauthorized activities will be evaluated and, where applicable, the responsible party will be issued a notice of an assessment fine and/or civil penalty.

4.8.5 Under the terms of their permits, Property Owners contractually agree to pay any assessments related to SWS’s damages and costs incurred because of violations of the Buffer Management Plan. Non-permit holders may also face civil penalties.

4.8.5.1 Assessments can be enforced through civil lawsuits, as well as claims for restitution where criminal prosecutions are successful.

4.8.5.2 In addition, SWS may seek recovery of these assessments as civil penalties from violators under S.C. Code Ann. § 5-7-30, as interpreted by the Supreme Court in Municipal Ass’n v. AT&T, 361 S.C. 576, 580, 606 S.E.2d 468, 471 (2004).

4.8.6 In determining its damages and costs, SWS may seek to recover from violators the costs of repairing any damage to land, trees, vegetation, or other property; the cost of replacing or replanting any destroyed vegetation; staff time, legal fees, consultants’ fees, and other costs incurred in responding to the issues and prosecuting the claim; and any other cost incurred by SWS.

4.8.7 The replacement cost of vegetation will be determined by SWS in its sole discretion using industry standards.

4.8.7.1 The cost of shrubs and trees removed without authorization will be calculated using the most current edition of the Guide for Plant Appraisal (by the Council of Tree & Landscape Appraisers) or other commonly accepted methodologies as determined by SWS.

4.8.7.2 Any professional assistance (such as an ISA certified arborist) needed to determine the extent of removed vegetation, as well as the type and value of removed vegetation, will also be incorporated into the assessment.

4.8.8 The Property Owner will also be required to develop and implement a re-vegetation plan that restores the Buffer area to pre-existing conditions.

4.8.8.1 The plan should include replanting species that were removed from the Buffer. Prior to implementation by the Property Owner, SWS must approve the re-vegetation plan.

4.8.8.2 The cost to develop and implement the plan is the responsibility of the party responsible for the unauthorized activity.

4.8.8.3 Failure to develop and implement a re-vegetation plan will result in additional assessments for the Property Owner.
4.8.8.3.1 These assessments could include, but are not limited to, the cost for SWS to have an outside party develop and implement the restoration plan.

4.8.8.3.2 As necessary, other mechanisms may be employed by SWS to ensure that the Buffer Management Plan is followed.

**Section 5--Adjacent Property Management**

5.1 **Sediment and Erosion Control**

5.1.1 Erosion and resulting sedimentation can negatively impact water quality.
5.1.2 In addition to poor water quality, gullies and rills that form from erosion can lower land values.
5.1.3 Development has steadily increased in the watershed surrounding Lake Blalock. This is particularly true of the property immediately adjoining the Buffer around the lake.
5.1.4 SWS is committed to protecting the quality of the Buffer and Lake Blalock.
5.1.5 DHEC has detailed information and guidance on their website related to stormwater, erosion and sediment control practices.
5.1.5.1 *DHEC Stormwater Best Management Practices Handbook and Field Manual* as well as links to other detailed guidance and regulations related to erosion and sediment control can be found at the DHEC website http://www.scdhec.gov.

5.2 **Existing Problem Areas**

5.2.1 SWS encourages adjacent Property Owners to address these problem areas by establishing native vegetation and avoiding channelizing stormwater flows onto steep slopes such as those around the lake.
5.2.2 Working within the guidance provided in the vegetation management section, SWS will work with adjacent Property Owners to plant and stabilize currently eroding areas within the Buffer.
5.2.3 A valuable resource for information pertaining to reducing erosion and stabilizing eroding areas is the local Natural Resource Conservation Service office (864-814-2471 Ext. 111 or http://www.spartanburgswcd.org/about.htm.

5.3 **Logging, Clearing and Grubbing, Grading on Adjacent Property**

5.3.1 Residential and other developments will require land disturbance activities.
5.3.2 Typical disturbances include logging, clearing and grubbing, and grading lots to make them suitable for construction.
5.3.3 State and local laws require controlling potential erosion so that it remains within the construction area.
5.3.3.1 This is best accomplished by installing and maintaining sediment and erosion control Best Management Practices during construction.

5.3.3.2 Best Management Practices include installation of silt fences, temporary and permanent grassing, mulches, erosion control blankets and other methods to control erosion and to prevent eroded material from flowing onto adjacent properties.

5.3.4 Development adjacent to the Buffer that involves land-disturbing activities should employ Best Management Practices to limit erosion and to reduce sediment that flows into the lake.

5.3.5 In general, efforts should be made to grade the smallest area required for construction.

5.3.6 Temporary stabilization measures should be employed immediately to avoid potential impact to adjacent Buffer areas and water quality within the lake.

5.3.7 As applicable, development projects must obtain all necessary permits.

5.3.8 Sedimentation on SWS property that originates from a development, logging, or other adjacent activity will be noted and reported to the property owner so that the problem area(s) can be addressed.

5.3.8.1 If sediment continues to leave these sites and reach the Buffer, the situation will be reported to the responsible local or state agency for enforcement.

5.3.9 Allowing erosion and sedimentation to affect the lake or Buffer properties is a violation of this Buffer Management Plan.

5.3.10 Property Owners can be held liable for the damages incurred and the cost of restoration that results from a failure to control sediment and erosion under enforcement provisions of this plan and the associated enforcement guidance documents.

5.3.11 Damage to SWS property resulting from sediment runoff from adjacent property can result in legal or other actions necessary to remediate these impacts.

5.3.11.1 To avoid this situation, Property Owners, developers, and others conducting land disturbance activities adjacent to the Buffer are encouraged to coordinate with local experts such as Spartanburg County Government and the Natural Resources Conservation Service for information regarding sediment and erosion control.
Contact Information
Contact Information

Spartanburg Water System
PO Box 251
200 Commerce Street
Spartanburg, South Carolina 29306

Administrative Office Phone: 864-583-7361
Fax: 864-596-4937
Website:  www.spartanburgwater.org

Lake Blalock Warden’s Office
1925 Sandy Ford Road
Chesnee, SC 29323
Telephone Number: 864-578-5442

Natural Resource Conservation Service
105 Corporate Drive, Suite G
Spartanburg, SC 29303
Telephone Number: 864-814-2471
Website:  https://www.nrcs.usda.gov/wps/portal/nrcs/site/sc/home/

South Carolina Department of Natural Resources Nuisance Wildlife
Website:  www.dnr.sc.gov/wildlife/nwco.html

South Carolina Forestry Commission Piedmont Region
39 General Henderson Rd
Newberry, SC 29108
Telephone Number: 864-583-3438.
Website:  www.state.sc.us/forest/index.htm

South Carolina Native Plant Society
PO Box 491
Norris, SC 29667
Website:  www.scnps.org
APPENDIX B

Typical Non-Native Invasive Plant Species
Lake Blalock Buffer
Pueraria lobata (Kudzu)

Lonicera japonica (Japanese honeysuckle)
Albizia julibrissin (mimosa, silk tree)

Ligustrum sinense (Chinese privet)
Rosa multiflora (multiflora rose)

Rosa multiflora (multiflora rose)
## Native Plants Pre-Approved for SWS-owned Buffer Planting and Suggested Planting Zone Locations

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer barbatum</td>
<td>Southern sugar maple</td>
<td>Tree</td>
</tr>
<tr>
<td>Acer negundo</td>
<td>Boxelder</td>
<td>Tree</td>
</tr>
<tr>
<td>Acer rubrum</td>
<td>Red maple</td>
<td>Tree</td>
</tr>
<tr>
<td>Amelanchier arborea</td>
<td>Serviceberry</td>
<td>Tree</td>
</tr>
<tr>
<td>Betula nigra</td>
<td>River birch</td>
<td>Tree</td>
</tr>
<tr>
<td>Callicarpa americana</td>
<td>American beauty berry</td>
<td>Tree</td>
</tr>
<tr>
<td>Carpinus caroliniana</td>
<td>Musclewood/ironwood</td>
<td>Tree</td>
</tr>
<tr>
<td>Cercis canadensis</td>
<td>Redbud</td>
<td>Tree</td>
</tr>
<tr>
<td>Cornus florida</td>
<td>Flowering dogwood</td>
<td>Tree</td>
</tr>
<tr>
<td>Diospyros virginiana</td>
<td>Persimmon</td>
<td>Tree</td>
</tr>
<tr>
<td>Fraxinus americana</td>
<td>White ash</td>
<td>Tree</td>
</tr>
<tr>
<td>Ilex opaca</td>
<td>American holly</td>
<td>Tree</td>
</tr>
<tr>
<td>Liquidambar styraciflua</td>
<td>Sweetgum</td>
<td>Tree</td>
</tr>
<tr>
<td>Liriodendron tulipifera</td>
<td>Tulip poplar</td>
<td>Tree</td>
</tr>
<tr>
<td>Magnolia grandifolia</td>
<td>Southern magnolia</td>
<td>Tree</td>
</tr>
<tr>
<td>Ostrya virginiana</td>
<td>Ironwood</td>
<td>Tree</td>
</tr>
<tr>
<td>Oxydendrum arboretum</td>
<td>Sourwood</td>
<td>Tree</td>
</tr>
<tr>
<td>Pinus echinata</td>
<td>Shortleaf pine</td>
<td>Tree</td>
</tr>
<tr>
<td>Pinus taeda</td>
<td>Loblolly pine</td>
<td>Tree</td>
</tr>
<tr>
<td>Pinus virginiana</td>
<td>Virginia pine</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus alba</td>
<td>White oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus falcata</td>
<td>Southern red oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus lyrata</td>
<td>Overcup oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus michauxii</td>
<td>Swamp chestnut oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus montana</td>
<td>Mountain chestnut oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus nigra</td>
<td>Water oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus phellos</td>
<td>Willow oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus shumardii</td>
<td>Shumard red oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus stellata</td>
<td>Post oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Quercus velutina</td>
<td>Black oak</td>
<td>Tree</td>
</tr>
<tr>
<td>Sassafras albidum</td>
<td>Sassafras</td>
<td>Tree</td>
</tr>
<tr>
<td>Taxodium distichum</td>
<td>Bald cypress</td>
<td>Tree</td>
</tr>
<tr>
<td><strong>Plant Species</strong></td>
<td><strong>Common Name</strong></td>
<td><strong>Vegetation Type</strong></td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Aralia spinosa</td>
<td>Devil’s walkingstick</td>
<td>Shrub</td>
</tr>
<tr>
<td>Hamamelis virginiana</td>
<td>Witchhazel</td>
<td>Shrub</td>
</tr>
<tr>
<td>Hibiscus coccineus</td>
<td>Scarlet mallow</td>
<td>Shrub</td>
</tr>
<tr>
<td>Hibiscus lasiocarpus</td>
<td>Rose mallow</td>
<td>Shrub</td>
</tr>
<tr>
<td>Hibiscus militaris</td>
<td>Halberd-leaf mallow</td>
<td>Shrub</td>
</tr>
<tr>
<td>Hibiscus moscheutos</td>
<td>Swamp rose mallow</td>
<td>Shrub</td>
</tr>
<tr>
<td>Hypericum moscheutos</td>
<td>St. John’s-wort</td>
<td>Shrub</td>
</tr>
<tr>
<td>Ilex deciduas</td>
<td>Possumhaw</td>
<td>Shrub</td>
</tr>
<tr>
<td>Ilex vomitoria</td>
<td>Yaupon holly</td>
<td>Shrub</td>
</tr>
<tr>
<td>Kalmia latifolia</td>
<td>Mountain laurel</td>
<td>Shrub</td>
</tr>
<tr>
<td>Myrica cerifera</td>
<td>Wax myrtle</td>
<td>Shrub</td>
</tr>
<tr>
<td>Rhododendron austrinum</td>
<td>Yellow azalea</td>
<td>Shrub</td>
</tr>
<tr>
<td>Rhododendron calendulaceum</td>
<td>Flame azalea</td>
<td>Shrub</td>
</tr>
<tr>
<td>Rhododendron canescens</td>
<td>Piedmont azalea</td>
<td>Shrub</td>
</tr>
<tr>
<td>Viburnum acerifolium</td>
<td>Mapleleaf viburnum</td>
<td>Shrub</td>
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<tr>
<td>Asclepias tuberosa</td>
<td>Butterfly weed</td>
<td>Perennial</td>
</tr>
<tr>
<td>Echinacea purpurea</td>
<td>Purple cone flower</td>
<td>Perennial</td>
</tr>
<tr>
<td>Eupatorium coelestinum</td>
<td>Wild/Hardy ageratum</td>
<td>Perennial</td>
</tr>
<tr>
<td>Helianthus angustifolius</td>
<td>Swamp sunflower</td>
<td>Perennial</td>
</tr>
<tr>
<td>Liatris species</td>
<td>Blazing stars</td>
<td>Perennial</td>
</tr>
<tr>
<td>Phlox divaricata</td>
<td>Blue phlox</td>
<td>Perennial</td>
</tr>
<tr>
<td>Solidago species</td>
<td>Goldenrod</td>
<td>Perennial</td>
</tr>
<tr>
<td>Rudbeckia fulgida</td>
<td>Orange rudbeckia, perennial black-eyed Susan</td>
<td>Perennial</td>
</tr>
<tr>
<td>Andropogon gerardii</td>
<td>Big bluestem</td>
<td>Native grass</td>
</tr>
<tr>
<td>Chasmanthium latifolium</td>
<td>River oats</td>
<td>Native grass</td>
</tr>
<tr>
<td>Muhlenbergia capillaries</td>
<td>Pink muhly</td>
<td>Native grass</td>
</tr>
<tr>
<td>Schizachyrium scoparium</td>
<td>Little bluestem</td>
<td>Native grass</td>
</tr>
<tr>
<td>Sorghastrum nutans</td>
<td>Indian grass</td>
<td>Native grass</td>
</tr>
<tr>
<td>Gelsemium sempervirens</td>
<td>Yellow jasmine</td>
<td>Vine</td>
</tr>
<tr>
<td>Lonicera sempervirens</td>
<td>Coral honeysuckle</td>
<td>Vine</td>
</tr>
</tbody>
</table>
Native Plants Pre-Approved for SWS-owned Buffer Planting &
Suggested Planting Zone Locations

### Native Plants for the Shoreline Zone Area (continuous inundation)

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Cephalanthus occidentalis</em></td>
<td>buttonbush</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Justicia americana</em></td>
<td>water willow</td>
<td>herb</td>
</tr>
<tr>
<td><em>Nyssa aquatica</em></td>
<td>water tupelo</td>
<td>tree</td>
</tr>
<tr>
<td><em>Panicum hemitomon</em></td>
<td>maidencane</td>
<td>grass</td>
</tr>
<tr>
<td><em>Quercus lyrata</em></td>
<td>overcup oak</td>
<td>tree</td>
</tr>
<tr>
<td><em>Taxodium distichum</em></td>
<td>bald cypress</td>
<td>tree</td>
</tr>
</tbody>
</table>

### Native Plants that can be Seasonally Inundated

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acer rubrum</em></td>
<td>red maple</td>
<td>tree</td>
</tr>
<tr>
<td><em>Alnus serrulata</em></td>
<td>tag alder</td>
<td>shrub/tree</td>
</tr>
<tr>
<td><em>Betula nigra</em></td>
<td>river birch</td>
<td>tree</td>
</tr>
<tr>
<td><em>Clethra alnifolia</em></td>
<td>summersweet</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Cornus amomum</em></td>
<td>silky dogwood</td>
<td>shrub/tree</td>
</tr>
<tr>
<td><em>Cyrilla racemiflora</em></td>
<td>titi</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Diospyros virginiana</em></td>
<td>persimmon</td>
<td>tree</td>
</tr>
<tr>
<td><em>Hibiscus coccineus</em></td>
<td>scarlet mallow</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Hibiscus lasiocarpus</em></td>
<td>rose mallow</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Hibiscus militaris</em></td>
<td>Halberd-leaf mallow</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Hibiscus moscheutos</em></td>
<td>swamp rose mallow</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Itea virginica</em></td>
<td>Virginia willow</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Juncus effusus</em></td>
<td>common rush</td>
<td>grass-like</td>
</tr>
<tr>
<td><em>Panicum hemitomon</em></td>
<td>maidencane</td>
<td>grass</td>
</tr>
<tr>
<td><em>Panicum virgatum</em></td>
<td>switchgrass</td>
<td>grass</td>
</tr>
<tr>
<td><em>Salix nigra</em></td>
<td>black willow</td>
<td>tree</td>
</tr>
<tr>
<td><em>Spartina patens</em></td>
<td>cordgrass</td>
<td>grass-like</td>
</tr>
<tr>
<td><em>Spartina pectinata</em></td>
<td>prairie cordgrass</td>
<td>grass-like</td>
</tr>
</tbody>
</table>
# Native Plants Pre-Approved for SWS-owned Buffer Planting &
# Suggested Planting Zone Locations

## Native plants for the Splash Zone (moist soil; usually not eroded)

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acer leucoderme</em></td>
<td>chalk maple</td>
<td>tree</td>
</tr>
<tr>
<td><em>Acer negundo</em></td>
<td>boxelder</td>
<td>tree</td>
</tr>
<tr>
<td><em>Acer rubrum</em></td>
<td>red maple</td>
<td>tree</td>
</tr>
<tr>
<td><em>Alnus serrulata</em></td>
<td>tag alder</td>
<td>tree/shrub</td>
</tr>
<tr>
<td><em>Betula nigra</em></td>
<td>river birch</td>
<td>tree</td>
</tr>
<tr>
<td><em>Cephalanthus occidentalis</em></td>
<td>buttonbush</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Chamaecyparis thyoides</em></td>
<td>Atlantic white cedar</td>
<td>tree</td>
</tr>
<tr>
<td><em>Clethra alnifolia</em></td>
<td>summersweet</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Cornus amomum</em></td>
<td>silky dogwood</td>
<td>tree/shrub</td>
</tr>
<tr>
<td><em>Diospyros virginiana</em></td>
<td>persimmon</td>
<td>tree</td>
</tr>
<tr>
<td><em>Eupatorium fistulosum</em></td>
<td>joe-pye-weed</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Halesia tetraptera</em></td>
<td>Carolina silverbell</td>
<td>tree/shrub</td>
</tr>
<tr>
<td><em>Helianthus angustifolius</em></td>
<td>swamp sunflower</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Hibiscus species</em></td>
<td>native mallows</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Juncus effusus</em></td>
<td>common rush</td>
<td>grass-like</td>
</tr>
<tr>
<td><em>Myrica cerifera</em></td>
<td>wax myrtle</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Osmunda cinnamomea</em></td>
<td>cinnamon fern</td>
<td>fern</td>
</tr>
<tr>
<td><em>Osmunda regalis</em></td>
<td>royal fern</td>
<td>fern</td>
</tr>
<tr>
<td><em>Panicum hemitomon</em></td>
<td>maidencane</td>
<td>grass</td>
</tr>
<tr>
<td><em>Panicum virgatum</em></td>
<td>switchgrass</td>
<td>grass</td>
</tr>
<tr>
<td><em>Platanus occidentalis</em></td>
<td>American sycamore</td>
<td>tree</td>
</tr>
<tr>
<td><em>Quercus lyrata</em></td>
<td>overcup oak</td>
<td>tree</td>
</tr>
<tr>
<td><em>Quercus nigra</em></td>
<td>water oak</td>
<td>tree</td>
</tr>
<tr>
<td><em>Quercus phellos</em></td>
<td>willow oak</td>
<td>tree</td>
</tr>
<tr>
<td><em>Salix nigra</em></td>
<td>black willow</td>
<td>tree</td>
</tr>
<tr>
<td><em>Sambucus canadensis</em></td>
<td>elderberry</td>
<td>shrub</td>
</tr>
<tr>
<td><em>Spartina patens</em></td>
<td>cordgrass</td>
<td>grass-like</td>
</tr>
<tr>
<td><em>Spartina pectinata</em></td>
<td>prairie cordgrass</td>
<td>grass-like</td>
</tr>
<tr>
<td><em>Taxodium distichum</em></td>
<td>bald cypress</td>
<td>tree</td>
</tr>
</tbody>
</table>
Native Plants Pre-Approved for SWS-owned Buffer Planting &
Suggested Planting Zone Locations

Native Canopy Trees for Upland Areas (soils not influenced by lake level)

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acer barbatum</em></td>
<td>Southern sugar maple</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Acer rubrum</em></td>
<td>red maple</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Betula nigra</em></td>
<td>river birch</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Carya ovata</em></td>
<td>shagbark hickory</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Fagus grandifolia</em></td>
<td>American beech</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Fraxinus americana</em></td>
<td>white ash</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Gordonia lasianthus</em></td>
<td>loblolly bay</td>
<td>evergreen canopy tree</td>
</tr>
<tr>
<td><em>Ilex opaca</em></td>
<td>American holly</td>
<td>evergreen canopy tree</td>
</tr>
<tr>
<td><em>Juniperus virginiana</em></td>
<td>Eastern red cedar</td>
<td>evergreen canopy tree</td>
</tr>
<tr>
<td><em>Liquidambar styraciflua</em></td>
<td>sweetgum</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Liriodendron tulipifera</em></td>
<td>tulip poplar</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Magnolia acuminata</em></td>
<td>cucumbertree</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Magnolia grandiflora</em></td>
<td>Southern magnolia</td>
<td>evergreen canopy tree</td>
</tr>
<tr>
<td><em>Magnolia virginiana</em></td>
<td>sweet swampbay</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Nyssa sylvatica var sylvatica</em></td>
<td>blackgum</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Pinus echinata</em></td>
<td>shortleaf pine</td>
<td>evergreen canopy tree</td>
</tr>
<tr>
<td><em>Pinus taeda</em></td>
<td>loblolly pine</td>
<td>evergreen canopy tree</td>
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<tr>
<td><em>Pinus virginiana</em></td>
<td>Virginia pine</td>
<td>evergreen canopy tree</td>
</tr>
<tr>
<td><em>Quercus alba</em></td>
<td>white oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Quercus falcata</em></td>
<td>Southern red oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Quercus michauxii</em></td>
<td>swamp chestnut oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Quercus montana</em></td>
<td>mountain chestnut oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Quercus phellos</em></td>
<td>willow oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Quercus shumardii</em></td>
<td>Shumard red oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Quercus stellata</em></td>
<td>post oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Quercus velutina</em></td>
<td>black oak</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Taxodium distichum</em></td>
<td>bald cypress</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Tilia americana</em></td>
<td>basswood</td>
<td>deciduous canopy tree</td>
</tr>
<tr>
<td><em>Tsuga canadensis</em></td>
<td>Eastern hemlock</td>
<td>evergreen canopy tree</td>
</tr>
</tbody>
</table>
Native Plants Pre-Approved for SWS-owned Buffer Planting &
Suggested Planting Zone Locations

<table>
<thead>
<tr>
<th>Native Understory Plants for Upland Areas (soils not influenced by lake level)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plant Species</strong></td>
</tr>
<tr>
<td>Acer leucoderme</td>
</tr>
<tr>
<td>Aesculus parviflora</td>
</tr>
<tr>
<td>Aesculus pavia</td>
</tr>
<tr>
<td>Alnus serrulata</td>
</tr>
<tr>
<td>Amelanchier arborea</td>
</tr>
<tr>
<td>Aralia spinosa</td>
</tr>
<tr>
<td>Asimina triloba</td>
</tr>
<tr>
<td>Callicarpa americana</td>
</tr>
<tr>
<td>Calycanthus floridus</td>
</tr>
<tr>
<td>Carpinus caroliniana</td>
</tr>
<tr>
<td>Cercis canadensis</td>
</tr>
<tr>
<td>Chionanthus virginicus</td>
</tr>
<tr>
<td>Clethra alnifolia</td>
</tr>
<tr>
<td>Cornus florida</td>
</tr>
<tr>
<td>Crataegus marshallii</td>
</tr>
<tr>
<td>Diospyros virginiana</td>
</tr>
<tr>
<td>Euonymus americanus</td>
</tr>
<tr>
<td>Fothergilla major</td>
</tr>
<tr>
<td>Gaylussacia dumosa</td>
</tr>
<tr>
<td>Halesia diptera</td>
</tr>
<tr>
<td>Hamamelis virginiana</td>
</tr>
<tr>
<td>Hydrangea arborescens</td>
</tr>
<tr>
<td>Hydrangea quercifolia</td>
</tr>
<tr>
<td>Hypericum species</td>
</tr>
<tr>
<td>Ilex decidua</td>
</tr>
<tr>
<td>Ilex vomitoria</td>
</tr>
<tr>
<td>Ilex vomitoria</td>
</tr>
<tr>
<td>Ilex virginica</td>
</tr>
<tr>
<td>Kalnina latifolia</td>
</tr>
<tr>
<td>Leucothoe axillaris</td>
</tr>
<tr>
<td>Lindera benzoin</td>
</tr>
<tr>
<td>Myrica cerifera</td>
</tr>
<tr>
<td>Osmanthus americana</td>
</tr>
<tr>
<td>Ostrya virginiana</td>
</tr>
<tr>
<td>Oxydendrum arboreum</td>
</tr>
</tbody>
</table>
Native Plants Pre-Approved for SWS-owned Buffer Planting &
Suggested Planting Zone Locations

### Native Understory Plants for Upland Areas (soils not influenced by lake level)

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Persea borbonia</em></td>
<td>red bay</td>
<td>tree about 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron austrinum</em></td>
<td>yellow azalea</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron bakeri</em></td>
<td>Baker's azalea</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron calendulaceum</em></td>
<td>flame azalea</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron canescens</em></td>
<td>Piedmont azalea</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron flammeum</em></td>
<td>Oconee azalea</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron maximum</em></td>
<td>rosebay rhododendron</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron minus</em></td>
<td>dwarf rhododendron</td>
<td>low shrubs less that 5 feet</td>
</tr>
<tr>
<td><em>Rhododendron prunifolium</em></td>
<td>plumleaf azalea</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhododendron viscosum</em></td>
<td>swamp azalea</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Rhus copallina</em></td>
<td>winged sumac</td>
<td>shrub about 15 feet</td>
</tr>
<tr>
<td><em>Sassafras albidum</em></td>
<td>sassafras</td>
<td>tree/shrub about 15 feet</td>
</tr>
<tr>
<td><em>Syrax americana</em></td>
<td>American snowbell</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Symplocos tinctoria</em></td>
<td>horsesugar</td>
<td>tree about 15 feet</td>
</tr>
<tr>
<td><em>Vaccinium arboreum</em></td>
<td>sparkleberry</td>
<td>shrub about 15 feet</td>
</tr>
<tr>
<td><em>Vaccinium stamineum</em></td>
<td>deerberry</td>
<td>shrub less than 15 feet</td>
</tr>
<tr>
<td><em>Viburnum acerifolium</em></td>
<td>mapleleaf viburnum</td>
<td>low shrubs less that 5 feet</td>
</tr>
<tr>
<td><em>Viburnum dentatum</em></td>
<td>arrowwood</td>
<td>shrub less than 15 feet</td>
</tr>
</tbody>
</table>

### Native Grasses for Upland Areas

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Andropogon gerardii</em></td>
<td>big bluestem</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Andropogon virginicus</em></td>
<td>broomsedge</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Chasmanthium latifolium</em></td>
<td>river oats</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Muhlenbergia capillaries</em></td>
<td>pink muhly</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Panicum clandestinum</em></td>
<td>deertongue grass</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Panicum virgatum</em></td>
<td>switchgrass</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Saccharum contortus</em></td>
<td>plume grass</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Schizachyrium scoparium</em></td>
<td>little bluestem</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Sorghastrum nutans</em></td>
<td>Indian grass</td>
<td>native grass</td>
</tr>
<tr>
<td><em>Tridens flavus</em></td>
<td>purpletop</td>
<td>native grass</td>
</tr>
</tbody>
</table>
## Native Plants Pre-Approved for SWS-owned Buffer Planting &
Suggested Planting Zone Locations

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Vegetation Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Asclepias tuberosa</em></td>
<td>butterfly weed</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Athyrium filix-femina</em></td>
<td>Southern lady fern</td>
<td>fern</td>
</tr>
<tr>
<td><em>Dryopteris marginalis</em></td>
<td>marginal shield fern</td>
<td>fern</td>
</tr>
<tr>
<td><em>Echinacea pallida</em></td>
<td>pale cone flower</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Echinacea purpurea</em></td>
<td>purple cone flower</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Eupatorium coelestinium or Conoclinium coelestinum</em></td>
<td>wild ageratum, mistflower</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Galax urceolata</em></td>
<td>beetleweed</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Gelsemium sempervirens</em></td>
<td>yellow jasmine</td>
<td>vine</td>
</tr>
<tr>
<td><em>Iris cristata</em></td>
<td>crested dwarf iris</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Iris verna</em></td>
<td>dwarf iris</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Liatris species</em></td>
<td>blazing stars</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Lonicera sempervirens</em></td>
<td>blazing stars</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Mondarda fistulosa</em></td>
<td>beebalm, wild bergamont</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Phlox divaricata</em></td>
<td>blue phlox</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Polystichum acrostichoides</em></td>
<td>Christmas fern</td>
<td>fern</td>
</tr>
<tr>
<td><em>Rudbeckia fulgida</em></td>
<td>orange rudbeckia, perennial</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Thelypteris kunthii</em></td>
<td>normal shield fern</td>
<td>fern</td>
</tr>
<tr>
<td><em>Rudbeckia hirta</em></td>
<td>black-eyed Susan</td>
<td>perennial</td>
</tr>
<tr>
<td><em>Solidago species</em></td>
<td>goldenrod</td>
<td>perennial</td>
</tr>
</tbody>
</table>
# Planting Plan Checklist

## Start the Tree & Vegetation Management Application Process

- [ ] Provide the Lake Blalock Warden’s Office with a copy of the property deed and plat.
- [ ] Fill out the appropriate application and obtain the signatures of all those listed on the deed.

## Submit a Tree and Vegetation Application

- [ ] Provide a detailed written description of the proposed planting project and impacts on Spartanburg Water property.
- [ ] Develop a list of native, non-invasive species using the pre-approved native species planting list provided by Spartanburg Water. Factors to consider include the slope, moisture content of the soil, soil fertility and sun exposure (south facing slopes generally receive more sun than north facing slopes).
- [ ] Vary the native, noninvasive species to form diverse layers of vegetation within the buffer; no one species should compose more than 25 percent of the total planting list.
- [ ] Include the number and gallon size of each plant listed and the number, gallon size and caliper of each tree listed (trees should have a caliper at the base of at least 0.5 inches).
- [ ] Create a detailed drawing of the area, indicating the location of each proposed individual plant and/or tree. Use the following recommended spacing: 10-25 feet on-center for trees, 3-6 feet on-center for small-growing shrubs and 5-8 feet on center for large-growing shrubs.
- [ ] On the plan, intermix proposed trees and shrubs in a random pattern with herbaceous species being used to fill in the spaces between the trees and shrubs.
- [ ] Ensure that the drawings and application specify that mulches will be applied around the base of the plantings.
- [ ] Include photographs of the current site conditions.
- [ ] Submit the application and all supporting materials (including drawings) of the proposed planting plan to the Lake Blalock Warden’s Office.

## Steps Following the Tree and Vegetation Application

- [ ] Flags will be provided to the applicant to mark the exact location and name of each plant species.
- [ ] A Spartanburg Water Warden will perform a site visit to reference locations and gather information for the Approval Committee.
The Committee typically approves or denies the request within two (2) weeks and notifies the property owner. Please note that no planting may be conducted on Spartanburg Water property without an approved permit or written authorization.
Typical Existing Lot w/ no trees

Property 75' Wide, Typ.

Lake Edge

25' Lake Buffer

Planting Concept 1

Medium Trees, 25' O.C., (Typ.)

Large Shrubs, 8' O.C., (Typ.)

Perennials/grasses

Planting Concept 2

Medium Trees, 25' O.C., (Typ.)

Large Shrubs, 8' O.C., (Typ.)

Small Shrubs, 5' O.C., (Typ.)

Small Shrubs, 5' O.C., (Typ.)

BUFFER PLANTING CONCEPT A NOT TO SCALE
Typical Existing Lot w/ several trees

Planting Concept 1

Large Shrubs, 8' O.C., (Typ.)

Perrenials/grasses

Planting Concept 2

Medium Trees, 25' O.C., (Typ.)

Large Shrubs, 8' O.C., (Typ.)

Small Shrubs, 5' O.C., (Typ.)

BUFFER PLANTING CONCEPT B NOT TO SCALE
Typical Existing Lot w/ minimal trees

Planting Concept 1

Medium Trees, 25' O.C., (Typ.)

Small Shrubs, 5' O.C., (Typ.)

Planting Concept 2

Medium Trees, 25' O.C., (Typ.)

Small Shrubs, 5' O.C., (Typ.)

Large Shrubs, 8' O.C., (Typ.)

Perennials/grasses

BUFFER PLANTING CONCEPT C NOT TO SCALE
Typical Walkway/Pathway Plan View
Existing Slope

Existing surface, mulch bed, or native rock

Existing Slope

2'-3' Tread
Natural Ground

Width not to Exceed 4'

Wood Planks (Pressure Treated)

Galvanized Nails or Galvanized Wood Screws

Plank Step

Carriage (Pressure Treated for ground contact)

Galvanized Nails or Galvanized Wood Screws

TYPICAL STAIRWAY
New Dock and Walkway - $235.00
Dock Replacement - $35.00
Boat Lift - $25.00
Walkway (Fixed Walkway over Water, No Floating Dock) - $235.00
Tree/Vegetation - $0.00
Irrigation Pump – $115 for new irrigation system, $40 for annual renewal fee.
Shoreline Stabilization - $35.00
Other (pathway/walkway, small non-permanent structure) - $0.00
Landowner Access Permit--$5
Boundry Line Marker—not to exceed $25
Shoreline Stabilization References
United States Department of Agriculture, Natural Resources Conservation Service
"Engineering Field Handbook, Chapter 16 Streambank and Shoreline Protection"
(December 1996)
https://directives.sc.egov.usda.gov/17553.wba

Streambank and Shoreline Protection Manual (January 2002), Lake County Stormwater Management Commission, Lake County Planning, Building and Development Department, USDA-NRCS, USACE
www.co.lake.il.us\stormwater

Conservation Practice Standard—Riparian Herbaceous Cover (Ac.) Code 390, (January 2015) USDA-NRCS, South Carolina NRCS

Guidance and Resources for Stream Improvement Projects US Fish and Wildlife Service, Southeast Region
Enforcement Guidelines
SPARTANBURG WATER RESERVOIRS

ENFORCEMENT RESPONSE GUIDE

Introduction:
The Enforcement Response Guide (ERG) defines a range of appropriate enforcement actions based on the nature and severity of noncompliance events and other relevant factors. The legal basis for the ERG is the Spartanburg Water Policies and Procedures for Use of Water Reservoirs, and Lake Blalock Buffer Management Plan. Definitions in these regulatory guides apply to the terms used in the ERG.

Spartanburg Water may initially utilize enforcement actions such as the Letter of Violation (LOV) or Notice of Violation (NOV) when a violation is present. However, if the permittee is in significant violation or when the permittee fails to undertake prompt and sufficient corrective action, then Spartanburg Water shall respond with more severe enforcement actions including judicial remedies. Similarly, when the permittee fails to return to compliance following the initial enforcement response, or noncompliance recurs, Spartanburg Water shall follow up with progressively more severe enforcement actions, including revocation of permits and restricted access into the Spartanburg Water Buffer.

Spartanburg Water may also evaluate appropriate enforcement responses in the context of the permittee's compliance history. For example, if a permittee continues violating the policies set forth in Spartanburg Water’s Policies and Procedures for Use of Water Reservoirs and Lake Blalock Buffer Management Plan, however minor, despite initial enforcement measures (LOV/NOV), then Spartanburg Water shall adopt a more stringent approach. Similarly, if a permittee has committed several types of violations, then Spartanburg Water’s response shall address each violation and may escalate enforcement more quickly than otherwise for a single violation.

The enforcement response selected shall be appropriate to the violation. This determination is frequently a matter of common sense. For example, a telephone call or LOV/NOV may be an appropriate response to an isolated late report, while interference or pass through shall merit a more immediate and severe response. Spartanburg Water may consider the following criteria when selecting an appropriate response:

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on water quality
- Effect of the violation on the buffer
- Compliance history of the permittee
- Good faith of the permittee in reporting, and responding to, violation

At least once per year, Spartanburg Water shall publish, in the largest local newspaper of daily circulation, the names of permittees that were in significant violation of Spartanburg Water Policies and Procedures for Use of Water Reservoirs, and Lake Blalock Buffer Management Plan. A copy of this notice shall be kept on file if no instances of significant noncompliance have occurred.
**Progressive Enforcement Response:**
Spartanburg Water shall begin its enforcement response by identifying a permittee’s violation or responding to the permittee’s report of a violation. Once a violation is identified, Spartanburg Water shall determine whether the violation represents significant noncompliance with Spartanburg Water’s *Policies and Procedures for Use of Water Reservoirs*, and *Lake Blalock Buffer Management Plan*. When a violation has occurred, whether or not it represents significant noncompliance, Spartanburg Water shall determine the appropriate enforcement response. The selected response shall be that which is deemed proportionate to the severity of the violation, adequate to promote compliance in a timely manner, and authorized under South Carolina law and the Rules and Regulations.

The enforcement responses typically utilized by Spartanburg Water are described briefly in the following paragraphs.

1. **Notice of Violation (NOV) and Letter of Violation (LOV)**
The NOV or LOV are official communications from Spartanburg Water to a non-compliant permittee who has committed a violation that requires follow-up investigation. During the investigation, some action on the part of the permittee (e.g. submitting an explanation of how a violation occurred and what the permittee will do to prevent future violations) will be required. NOV may be made verbally, either in person, via telephone, or may take the form of a LOV. Permittees may expect that a LOV, at a minimum, will be issued to document every detected instance of a violation.

The NOV or LOV are appropriate initial responses when the violation is not significant. It may be the only response necessary in cases of isolated, infrequent, and generally minor violations. However, if the permittee does not comply following the receipt of a NOV or LOV, Spartanburg Water shall escalate enforcement actions. The LOV may be issued in instances of significant violation. It may be issued prior to or concurrent with other enforcement responses such as issuing an AO, assessing civil penalties, or pursuing judicial remedies.

The LOV may be physically delivered to the permittee by Spartanburg Water or via the United States Postal Service or other delivery service. Communication of the content of a LOV verbally or by other than physical means (e.g. by telephone, facsimile, or e-mail) may occur, but it shall be followed by physical delivery of the original.

2. **Administrative Order (AO)**
An AO is an enforcement document that directs a permittee to undertake or to cease specified activities. The terms of an AO may or may not be negotiated with the permittee. An AO may incorporate compliance schedules, penalties, suspension or termination of permits, or other requirements. The most common types of AO include, but are not limited to, the following:

A. **Cease and Desist Order**
A cease and desist order directs a noncompliant permittee to cease unpermitted or illegal activities immediately or to terminate its permits altogether. A cease and desist order is generally used in cases where the violation is significant. A cease and desist order may be issued immediately upon discovery of the violation or subsequent to an adjudicatory hearing. If necessary, Spartanburg Water may order revocation of suspension of all the permittee’s permits, regardless of the permittee’s compliance status. If the user fails to comply with a cease and desist order, then Spartanburg Water may take independent action to remove unpermitted structures or repair damage to buffer lands.
B. Show Cause Order
A show cause order directs the permittee to appear before an adjudicatory hearing officer selected by Spartanburg Water, explain its violation, and show cause why enforcement actions against the permittee should not be escalated. The show cause order is normally issued in cases where a permittee has not complied with all or part of an AO requiring corrective action, reimbursement of costs to Spartanburg Water, payment of penalties, or other requirements. However, the show cause order may also be used when enforcement actions such as the LOV have failed to resolve the noncompliance.

During an adjudicatory hearing, Spartanburg Water may explore the circumstances surrounding the violation and evaluate the sufficiency of evidence for civil or criminal actions. Spartanburg Water shall determine whether escalated enforcement response is warranted and, if so, its nature and extent. A show cause order or adjudicatory hearing shall not be a prerequisite for taking any other enforcement action or to suspend or revoke permits. The results of an adjudicatory hearing, along with any data and testimony (recorded by electronic or mechanical means or by stenographer) submitted as evidence, are generally available to the public and may also serve as evidentiary support for enforcement actions.

Generally, the objectives of the show cause order and adjudicatory hearing should be a consent order and prompt return to compliance by the user. However, Spartanburg Water may use whatever enforcement remedies are available. Should a permittee fail to comply with a show cause order (for example, fail to appear for the scheduled hearing), fail to comply with the orders of the hearing officer, or should an impasse be reached between Spartanburg Water and the permittee in negotiating a consent order, Spartanburg Water may follow up the adjudicatory hearing by issuing a compliance order, including a compliance schedule, imposing civil penalties, or referring the case for civil litigation or criminal prosecution.

C. Compliance Order
A compliance order directs the permittee to achieve or restore compliance by a date specified in the order. It is issued unilaterally by Spartanburg Water and its terms need not be discussed with the permittee in advance. A compliance order may be issued when a user has violated or continues to violate the Spartanburg Water Policies and Procedures for Use of Water Reservoirs, and Lake Blalock Buffer Management Plan. Spartanburg Water may issue an order requiring actions including, but not limited to, any one or more of the following:

1. Comply with the provisions of the Spartanburg Water Policies and Procedures for Use of Water Reservoirs, and Lake Blalock Buffer Management Plan;

2. Take appropriate preventive or remedial action(s) in the event of a continuing or threatened violation of the Spartanburg Water Policies and Procedures for Use of Water Reservoirs, and Lake Blalock Buffer Management Plan, or any other provision of applicable regulation or law;

3. Pay a civil penalty or cost recovery for violating any provision the Spartanburg Water Policies and Procedures for Use of Water Reservoirs, and Lake Blalock Buffer Management Plan, or any other provision of applicable regulation or law. Compliance orders may also contain other requirements to address the violation, including additional measures as necessary by Spartanburg Water.

D. Suspension or Revocation of Permits
Suspension or revocation of permits is the temporary or permanent cancelation of a user's privilege to access Spartanburg Water buffer lands or associated permits. Suspension or revocation may be accomplished by issuance of an AO directing the permittee to cease its activity, by a court ruling (e.g. injunctive relief), or by physical removal of the permittee’s permits and structures located on Spartanburg Water buffer lands.

Suspension or revocation or cease and desist orders are an appropriate response when Spartanburg Water must act immediately to halt or prevent further activity which presents a threat to human health, the environment, or Spartanburg Water buffer lands. Thus suspension or revocation may be used as an initial response to violators that cause or threaten to cause an emergency situation.

Suspension or revocation is an appropriate escalated response to permittee’s in significant violation or who have failed to respond to previous enforcement actions. Types of violations that warrant revocation include, but are not limited to, those listed in Spartanburg Water Policies and Procedures for Use of Water Reservoirs, and Lake Blalock Buffer Management Plan

Unlike civil or criminal proceedings, revocation of access or permits is an administrative response that may be implemented directly by Spartanburg Water.

Since suspension or revocation may force a permittee to restrict access during emergency situations, Spartanburg Water shall carefully consider all of the legal implications of suspension or revocation before using this enforcement response.

The circumstances of a permittee’s violation frequently influence the type of order needed to achieve an early return to compliance. No single type of AO is appropriate to all situations. Spartanburg Water may, at its discretion, combine elements of different order types into a single AO or issue more than one type of order when responding to a particular instance of violation.

3. Consent Order
The consent order combines the directive authority of an AO with the flexibility of a negotiated settlement. The consent order is an enforceable agreement between Spartanburg Water and the permittee, and normally includes the following elements:

1. Stipulated penalties and remedial actions;
2. Compliance schedules;
3. Signatures of Spartanburg Water and the permittee. A consent order is appropriate when the permittee assumes responsibility for its violation and is willing in good faith to correct its cause(s). The permittee need not admit to noncompliance in the text of the consent order. Thus, signing the order is neither an admission of liability for purposes of civil litigation, nor a plea of guilty for purposes of criminal prosecution. A consent order may be an outcome of any show cause order and adjudicatory hearing. Spartanburg Water shall assure that the conditions of the consent order are adequate to prohibit future violations and provide for corrective action on the part of the permittee.

4. Civil Litigation
Civil litigation is the formal process of filing lawsuits against permittees to secure court ordered action to correct violations, to secure damages for violations, and to secure other legal remedies.
The term civil litigation also includes enforcement measures that require involvement or approval by the courts, such as injunctive relief and settlement agreements.

Civil litigation may be pursued when corrective action for violation is costly and complex, the damages to Spartanburg Water exceed that which Spartanburg Water can assess administratively, or the permittee is considered to be recalcitrant and unwilling to cooperate. Civil litigation is an appropriate enforcement response in several general situations:

1. Emergency situations where injunctive relief is necessary to halt or prevent further damage or unauthorized structures which threaten human health, the environment, or Spartanburg Water buffer lands.

2. When efforts to restore compliance through cooperation with the permittee have failed and a court supervised settlement (consent decree) is necessary to enforce regulatory requirements;

3. To enforce civil penalties and recover losses incurred due to violation. Successfully concluded civil litigation helps to deter future violation through establishment of favorable judicial precedent. In addition, the awareness that litigation is a viable enforcement option will influence permittees to respond promptly to less severe enforcement measures such as a LOV or an AO. Civil litigation is similar to criminal prosecution in that it requires the full cooperation of Spartanburg Water’s attorney and may result in court trials of permittees and in the assessment of penalties. However, civil litigation is conducted for different purposes than criminal prosecution, and requires a less stringent burden of proof in order for Spartanburg Water to prevail. Civil litigation may be brought prior to, concurrent with, or subsequent to, criminal prosecution.

5. Criminal Prosecution
Criminal prosecution is the formal process of charging permittees or other legal entities, their employees, representatives, and agents with violations of rules, regulations, statutes or other provisions of law that are punishable, upon conviction, by fines or imprisonment. The purposes of criminal prosecution are to punish violation established through court proceedings and to deter future violation.

Criminal prosecution is appropriate when Spartanburg Water has adequate evidence of violation that shows criminal intent, criminal negligence, willfulness of violation(s), or nature and seriousness of offense. It is an option in cases involving repeated violations or aggravated violations and when less severe enforcement responses such as the LOV or AO have failed, Spartanburg Water, by internal policy, refers all cases of a potentially criminal nature to the Enforcement Division of the DHEC or the Enforcement Division of the EPA, Region IV, who have broader powers and fines to discourage such acts. Criminal prosecution may be brought prior to, concurrent with, or subsequent to, civil litigation.

6. Supplemental Enforcement Responses
Supplemental or innovative enforcement responses may be used to complement the more traditional enforcement responses described in the preceding sections. Application of supplemental enforcement responses is generally, as the name implies, used in conjunction with more traditional approaches for the purpose of reinforcing the compliance obligations of users. The application of supplemental approaches is determined on a case-by-case basis. Many supplemental responses require actions on the part of violating permittees. To ensure that permittees are legally bound to perform these actions, supplemental responses should be included as terms of an AO or settlement agreements. Some supplemental enforcement responses are
listed below. Spartanburg Water is not limited to the listed responses, and may develop additional responses that may be effective on a case by case basis.

A. Public Notices
Publication of a list of permittees in significant violation is required annually by Spartanburg Water regulations. At least once per year, Spartanburg Water shall publish, in the largest local newspaper of daily circulation, the names of permittees in significant violation. Permittees shall be given written notice of being in significant violation prior to publication, and a copy of this notice will also be kept on file.

Spartanburg Water may choose to publish more frequently as a more effective means of encouraging compliance. While public notice is not a direct enforcement action against a violating permittee, awareness that significant violation will result in public notice may deter permittees concerned with their public image.

B. Increased Self-Monitoring, Reporting, and Surveillance
Generally, permittees demonstrating a history of noncompliance should be subject to increased surveillance) by Spartanburg Water. Recurring violations indicate the existence of at least one chronic problem with the permittee, and the potential for others. Increased surveillance for chronic violators provides an incentive to return to compliance.