July 26, 2019

Dear Valued Stakeholder,

We wanted to let you know Spartanburg Water is opening a window of opportunity to submit public comments for a draft set of Rules and Regulations governing our drinking water reservoirs.

The Watershed and Reservoir Management Rules and Regulations will serve as a framework to encourage the responsible use of these natural resources in order to help us achieve our top priority: to protect the integrity of the water quality and sustain a long-term supply of source water. These draft Rules and Regulations are a comprehensive document that apply to all three reservoirs.

In a continued effort to engage with our customers and community, Spartanburg Water will accept feedback on the draft Watershed and Reservoir Management Rules and Regulations between August 1, 2019, and August 30, 2019.

Your input is important to us. In order to maximize participation during the public comment window, we have made the complete Rules and Regulations document readily available to you in several formats. You can read the draft as a digital version on our website, www.spartanburgwater.org. If you prefer to review a hard copy of the document, the digital version will be print-ready and we will also have copies available for review at each of the following Spartanburg County Library branches:

- Downtown Spartanburg
- Boiling Springs
- Chesnee
- Inman
- Landrum

While we prefer you submit comments electronically through the online form that will be available on the SWS website, written comments will also be accepted by mail. If sending written comments, please make every effort to note the document section you are referencing. Written comments can be sent to:

Spartanburg Water System
Attn: Public Comments
P.O. Box 251
Spartanburg, SC 29304
Once the 30-day window for public comment closes, only comments *with a name and address attached* will be considered for review.

Pending approval by the Commission, the final rules and regulations will supersede all previous policies and will apply to any and all SWS-owned properties along the North Pacolet River, the South Pacolet River, the Pacolet River, Lake William Bowen Reservoir, Municipal Reservoir #1, and Lake H. Taylor Blalock Reservoir.

We all share a common goal: to preserve the reservoirs and our shared resources. Drinking water quality and water supply are critical to the prosperity and economic growth of Spartanburg County and the surrounding area.

We are confident that by opening this line of communication and working together, we will establish a set of Watershed and Reservoir Management Rules and Regulations that will ensure the continued preservation of our reservoirs for the use and recreation of our growing community.

We look forward to hearing from you.

Sincerely,

Spartanburg Water
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SECTION 1
INTRODUCTION, DEFINITIONS, AND GENERAL PROVISIONS

1.1 Introduction

The Watershed and Reservoir Management Rules and Regulations (WRMRR) incorporates current policies for Lake William C. Bowen Reservoir (Lake Bowen), Lake H. Taylor Blalock Reservoir (Lake Blalock), and Municipal Reservoir #1 into a single, comprehensive document.

The Watershed and Reservoir Management Rules and Regulations supersedes all previous rules, regulations, policies, procedures, guidance, management plan documents adopted by the Commissioners of Public Works of the City of Spartanburg, SC (d/b/a, Spartanburg Water System) (SWS) concerning the subject matter herein, and will remain in effect until modified or otherwise changed by SWS. These include, but are not limited to, the SWS Policies and Procedures for the Use of Water Supply Reservoirs (May 2017), the Lake Blalock Buffer Management Plan (April 2017), the Lake Bowen Irrigation Plan, Fire Ring Policy, and Guidance Documents.

Should any provision of this document be declared invalid, void or unenforceable for any reason, the remainder of these WRMRR shall not be affected and shall remain in full force and effect.

These WRMRR shall apply to any and all of the properties that SWS owns on the North Pacolet, the South Pacolet and the Pacolet Rivers. Any properties surrounding the Reservoirs and tributaries owned by SWS are subject to these WRMRR.

1.2 SWS Water Supply Reservoirs History and Purpose

In 1925, construction work began on Municipal Reservoir #1 and a new modern filter plant on the South Pacolet River. In June 1926, the R. B. Simms Filtration Plant and Municipal Reservoir #1 began operation with a 6-million-gallon-per-day capacity, serving over 30,000 people.

Lake William C. Bowen (Lake Bowen) is a man-made water supply reservoir that was constructed in 1960. Lake Bowen Reservoir is owned and managed by SWS and receives water from the South Pacolet River and its tributaries. The normal pool elevation of Lake Bowen reservoir is 815 feet above Mean Sea Level (MSL). The surface area of Lake Bowen reservoir is approximately 1,534 acres.

Lake H. Taylor Blalock (Lake Blalock) is a man-made water supply reservoir that was constructed in 1983. Lake Blalock Reservoir is owned and managed by SWS. Lake Blalock reservoir receives surplus water from the Lake Bowen Reservoir/Municipal Reservoir #1 system combined with flows from the North Pacolet River and its tributaries. When originally constructed, the normal pool elevation of Lake Blalock reservoir 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 reservoir in 2006 by raising the Lake Blalock dam, bringing the normal elevation to 710 feet above MSL. The surface area of Lake Blalock reservoir is approximately 1,050 acres. Other major tributaries to Lake Blalock reservoir are Buck Creek and Casey Creek.
The watershed for Lake Bowen and Lake Blalock reservoirs includes 173,201 acres (271 square miles) of land area within both South Carolina and North Carolina. The primary purpose of the SWS Reservoirs is to provide high quality drinking water to the customers in the SWS service area. Water from Lake Bowen reservoir flows over the Lake Bowen dam into Municipal Reservoir #1, and then to the R.B. Simms Water Treatment Facility, where it is treated and distributed into the SWS drinking water system. In 1999, SWS began pumping water from Lake Blalock reservoir to the Myles W Whitlock Jr. Water Treatment Facility.

The Commissioners of Public Works of the City of Spartanburg, SC adopted a Commission Resolution on January 8, 2018 which established a set of principles for the reservoirs (Appendix A) to ensure water quality, define permitted activities, address encroachments and regulate recreational access in, over and around its reservoirs in an effort to protect these valuable resources. Further, the Resolution addressed important aspects of the stewardship of the reservoirs, their ownership and the need to protect these primary drinking water sources for the Spartanburg community and contiguous areas. The Commissioners also acknowledged their encouragement of responsible use of the natural resources for recreation for all citizens to enjoy recreational access to the water, but added where recreational access and drinking water supply and quality intersect, SWS will prioritize public safety and environmental protection of its reservoirs as drinking water sources.

Access to all reservoirs and SWS owned land around them is by written permission from SWS in the form of a fully executed access agreement. SWS is responsible for managing the Lake Bowen and Lake Blalock reservoirs and Municipal Reservoir #1 to ensure that they remain a source of high-quality drinking water for local citizens. Adjoining landowners’ access to the reservoirs and adjacent property is always secondary to the reservoirs 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 Bowen and Lake Blalock reservoirs and Municipal Reservoir #1.

1.3 Lake and Property Ownership

1.3.1 The Commissioners of Public Works of the City of Spartanburg owns via fee simple title Lake Bowen reservoir and its surrounding land to an elevation of 827 feet above Mean Sea Level (MSL).

1.3.2 The Commissioners of Public Works of the City of Spartanburg owns via fee simple title Municipal Reservoir #1 and it surrounding land to an elevation of 780 feet above Mean Sea Level (MSL).

1.3.3 The Commissioners of Public Works of the City of Spartanburg owns via fee simple title Lake Blalock reservoir and its surrounding land to an elevation of 720 feet above Mean Sea Level (MSL).

1.3.4 In some areas, such as Lake Bowen and Lake Blalock Parks, the Commissioners of Public Works of the City of Spartanburg owns via fee simple title lands above the 827’ above MSL and 720’ above MSL elevations, respectively. In addition, SWS also owns additional acreage around the reservoirs. The boat landings at Lake Bowen park and
Lake Blalock Park are not “public landings”, but solely SWS Property and therefore subject to the Rules and Regulations of SWS.

1.3.5 SWS, from time to time, may post signs and/or survey benchmarks to assist in identification of the property boundary. Removal or defacing of such signs or benchmarks may be a criminal act punishable as such under South Carolina law. See S.C. Code Ann. § 5-31-1120.

1.4 Commissioners of Public Works of the City of Spartanburg - Authority/Jurisdiction

1.4.1 Pursuant to authority granted by the General Assembly of South Carolina in 1986, the Commissioners of Public Works of the City of Spartanburg (CPW) operate and manage the assets and critical infrastructure of Spartanburg Water System (SWS), Lake Bowen reservoir, Lake Blalock reservoir, and Municipal Reservoir #1. The CPW, doing business as (dba) Spartanburg Water System has the authority to build, maintain, and operate facilities needed to meet the water supply needs of its service area.

1.4.2 Pursuant to South Carolina law, 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 Bowen reservoir, Lake Blalock reservoir, and Municipal Reservoir #1 to ensure that these assets have a long and useful lifespan.

1.4.3 These Watershed and Reservoir Management Rules and Regulation are 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.

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

1.4.5 Under State statutes it is a crime to pollute the water supply of any city water system, and such pollution can result from unauthorized activities on SWS properties. See S.C. Code Ann. § 5-31-1130.

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

1.4.7 Unauthorized activities on reservoir buffer properties (i.e., SWS Property) constitute acts of trespass under South Carolina law, which may make the person involved liable for civil/criminal sanctions and for damage claims for any injury to SWS Property. Those damage claims can include, but not limited to the cost of restoring any injury to the land or quality of the water supply in any or all of the water supply reservoirs and the cost of enforcement. S.C. Code Ann. § 16-11-520.

1.4.9 Offenses under these South Carolina State statutes can result in criminal fines of up to $200 and 60 days imprisonment. See S.C. Code Ann. § 5-31-1170.

1.4.10 Due to the unique operational needs of SWS, there may be times that SWS operational activities may conflict with portions of the Watershed and Reservoir Management Rules and Regulations. SWS operational needs will not be restricted by these rules and regulations unless a failure to do so would violate Federal, State or Local law.

1.4.11 The Bioterrorism Act of 2002 requires that drinking water utilities serving more than 3,300 people conduct vulnerability assessments and develop emergency response plans. Additionally, the National Infrastructure Protection Plan (2018) identified water supply infrastructure as critical infrastructure so vital to the United States that its incapacitation or destruction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

1.5 Definitions

Unless a provision explicitly states otherwise or the context indicates otherwise, the following terms and phrases, whether capitalized or otherwise, as used in these Rules and Regulations, shall have the meanings ascribed to them below:

1.5.1 Adjoining Property Owner. An owner of land that is adjoining or abutting (a shared Boundary Line) to SWS Property.

1.5.2 Agent. Any person authorized by the Commission to act on its behalf.

1.5.3 Applicant. Any person, Limited Liability Company, corporation, partnership or governmental body requesting a permit, considerations, or exemption from the SWS.

1.5.4 Boundary Line. For Lake Bowen reservoir, SWS Property extends upward to the 827 feet above MSL contour line around Lake Bowen. For Municipal Reservoir #1, SWS Property extends upward to the 780 feet above the MSL contour line around Municipal Reservoir #1. For Lake Blalock reservoir, SWS Property extends to the 720 feet above MSL contour line around Lake Blalock.

1.5.5 Chief Executive Officer. The person designated by the Commission to manage the activities and responsibilities of Spartanburg Water System, or the Chief Executive Officer’s duly authorized representative.

1.5.6 Commission. The governing body of the District or any person designated or appointed by the Commission to act on its behalf.

1.5.7 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.

1.5.8 County. Spartanburg County.

1.5.9 Cove. A small recessed inlet or bay from the main body of water whose length measures greater than its width.
1.5.10 Derelict. Condition of non-maintenance of a structure such that some component is in a very poor condition as a result of disuse and neglect.

1.5.11 Encroachment. Unlawful entering (gradually and without permission) or placement of any improvements upon the land, property, other possessions, or the rights of another. For example, a building extending beyond the legal boundaries on to neighboring private or public land.

1.5.12 Lake Wardens (Warden). Those individuals, all of whom are South Carolina Constables, employed by SWS who can issue citations for criminal violations and for permit violations.

1.5.13 Marina. A marina is a dock structure that has more than 2 boat slips and is designed to serve more one adjoining property owner.

1.5.14 Marine Structure. A structure protruding from the shoreline with a single tie in whose purpose is for recreation. The structure may consist of multiple devices, but may only occupy one interrupted footprint not exceeding 1000 square feet. The structure may contain up to, but not exceed, one dock and walkway, two boatlifts, two personal watercraft (PWC) lifts, and may not contain more than two boat slips. Only one (1) dock is allowed per qualifying lot. (See Section 3.9)

1.5.15 MSL. Mean Sea Level.

1.5.16 Non-Qualifying Lot. A lot located around Lake Bowen or Lake Blalock that does not meet the specifications required for installation of a marine structure. This can include any combination of the following criteria: inability to maintain a 14’ offset from either side of the extended property lines along the 720 foot or 827 foot MSL contour; less than 40’ of shoreline at the water’s edge; or only one property pin along the 720 foot or 827 foot MSL contour.

1.5.17 Pollution. Any liquid, gas, or solid substance which is introduced into any of the SWS water supply reservoirs or the surrounding SWS Property that may have a deleterious effect on the quality of the water and/or natural environment.

1.5.18 Qualifying Lot. An adjoining lot with a minimum of 40’ of shoreline at the water’s edge after extending the property lines across SWS Property to the water.

1.5.19 Structure. An object, permanent or temporary, constructed or placed within SWS Property, including but not limited to a dock, seawall, hard pathway, boat or Personal Watercraft (PWC) lifts, or other configuration.

1.5.20 Structure Maintenance. The ongoing repair of any aspect of an existing permitted or licensed structure (i.e., dock, boat lift, PWC lift, hard paths, etc.) or seawall that does not involve replacement of any major components of the structure. The maintenance of dock structures includes, but is not limited to, hinge replacement, resurfacing of dock walkways or floats, staining, painting, or pressure washing docks, repairing or installing handrail, maintaining dock cables, or replacement of boat or PWC slides. For seawall maintenance, see Section 5.5.3.

1.5.21 SWS. Spartanburg Water System, is the common name for the Commissioners of Public Works of the City of Spartanburg, SC water supply system.
1.5.22 **SWS Property.** For Lake Bowen reservoir, the property SWS owns in fee simple to an elevation of 827 feet above MSL around Lake Bowen. For Lake Blalock reservoir, the property SWS owns in fee simple to an elevation of 720 feet above MSL around Lake Blalock. For Municipal Reservoir #1, the property SWS owns in fee simple to an elevation of 780 feet above the MSL around Municipal Reservoir #1. SWS also owns additional properties above these contour lines, such as Anchor Park, Lake Blalock Park and other properties throughout the watershed.

1.5.23 **Tree and Vegetation Maintenance.** Allowable maintenance of tree, shrubs and other vegetation on SWS Property will be as stipulated in an SWS Tree and Vegetation Permit. No Tree and Vegetation maintenance on SWS Property is allowed without prior written authorization.

1.5.24 **Watershed Management Staff.** Those individuals employed by SWS who are charged with maintaining the integrity of all SWS-owned property around its water supply reservoirs.
SECTION 2

PROHIBITIONS AND LIMITATIONS ON WATER SUPPLY RESERVOIR USES

All persons using or impacting the reservoirs and properties of Spartanburg Water System (SWS) are subject to all policies, procedures, rules and regulations adopted by the Commissioners of Public Works of the City of Spartanburg, SC. These Rules and Regulations are enacted pursuant to statutory authority giving the Commissioners full management and control over all SWS properties. 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. Any uses of the land owned by SWS between the Boundary Line and the water’s edge shall be subject to the issuance of a permit and a fully executed access agreement prior to such use. There is no implied access to SWS Property and SWS does not allow unpermitted access to, or use of, its property except in designated areas.

Any permit, license or agreement issued for structures, access to reservoirs, or other purposes may be revoked, temporally suspended or other action by SWS whenever the holder thereof violates any of the policies, procedures, rules, regulations or restrictions governing the use of SWS water supply reservoirs, any governing laws or regulations, or any contractual obligations.

2.1 Prohibited uses, activities or actions

No person shall be allowed to use any SWS owned properties adjacent to Lake Bowen reservoir, Lake Blalock reservoir, or Municipal Reservoir #1 for the following uses, activities, or actions which are expressly forbidden and will not be permitted:

2.1.1 No person shall pollute the waters of the reservoirs or property of the SWS with any sewage, garbage, rubbish, tree limbs, stumps, debris, or waste of any kind. No person shall use gasoline, oil, lubricants, pesticides, herbicides, fertilizers, or any other toxic or hazardous substance that may cause pollution of the water supply provided the use of gasoline and lubricants is permitted only for the proper operation of motorized boats.

2.1.2 The possession of firearms or fireworks is not allowed on SWS reservoirs and properties, except for waterfowl hunting on Lake Blalock reservoir in accordance with Section 2.2 hereof.

2.1.3 No wading, bathing, or swimming is permitted in SWS owned parks or within 200 feet of public landings, bridges, or restricted areas.

2.1.4 No picnicking, cleaning, or cooking of fish or other foodstuffs is permitted on SWS Property except in designated areas. Portable fire rings/pits are allowed in certain areas. See Section 3.18.

2.1.5 No persons may grade, disturb or alter the property of SWS without a written permit from SWS.

2.1.6 No alcoholic beverages (beer, wine, distilled spirits) or any controlled substance without a prescription will be permitted on any property of SWS. Persons showing evidence of
intoxication will not be permitted to occupy or operate a vessel on SWS reservoirs and will not be allowed on any SWS Property.

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

2.1.8 Construction or installation of private boat launching ramps of any kind is prohibited.

2.1.9 Commercial activity of any kind, in areas other than those specifically designated and approved by the Commission, is prohibited.

2.1.10 Possession or use of any kind of firearm, gun, pistol, firecrackers, or fireworks on any SWS lands is prohibited, except for law enforcement or governmental personnel on duty.

2.1.11 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. Burning on SWS Property is not allowed except as allowed for in Section 3.18.

2.1.12 Property Owners are not allowed to blow, rake or otherwise dispose of yard debris onto adjoining SWS Property or the reservoirs.

2.1.13 All applicable Rules and Regulations of the South Carolina Department of Natural Resources (SCDNR) apply to SWS reservoirs. SCDNR may place their boats on SWS reservoirs for inspection and enforcement of state laws and regulations. A copy of SCDNR’s Rules and Regulations is available online at SC Code of Laws, Title 50 (Fish, Game and Watercraft).

2.1.14 All persons using the reservoirs and properties of SWS are subject to all applicable Local, State and Federal laws.

2.1.15 All pets shall be kept on a leash at all times while on SWS Property. No pets are permitted within the Lake Bowen Anchor Park. Spartanburg County Ordinance 0-12-01 section 6-17 prohibits pets from Running at Large. At Large means being off the property of the owner or keeper and not under restraint.

2.1.16 **SPARTANBURG WATER SYSTEM IS NOT RESPONSIBLE FOR LOSSES, DAMAGES, OR INJURIES OF ANY KIND THAT HAVE BEEN SUSTAINED WHILE USING THE RESERVOIRS, FACILITIES, AND ADJOINING PROPERTIES OF SPARTANBURG WATER SYSTEM.**

2.1.17 The operation of a boat, watercraft or any type of vessel is prohibited on Municipal Reservoir #1.

2.1.18 The operation of a boat, watercraft, or any type of vessel authorized on SWS reservoirs shall be at the risk of the user and shall be subject to all Federal and State laws and the policies and procedures herein set forth by the Commissioners.
2.1.19 It shall be the responsibility of the operator of a boat, watercraft, or any other type of vessel to make certain that there is a U.S. Coast Guard-approved lifesaving device for each person aboard or skiing from such a vessel.

2.1.20 The Warden may deny an access permit to any owner of a boat, watercraft, or any other type of vessel that the Warden deems to be in unsafe condition.

2.1.21 No boat, watercraft, or any other type of vessel can be placed on the Lake Bowen and Lake Blalock reservoirs without a boat permit from SWS.

2.1.22 No boat, watercraft, or any other type of vessel shall be operated within a distance of 500 feet of a pump station, water intake of the dam, or spillway.

2.1.23 Hydroplanes, powered racing hulls, airboats, airplanes (including seaplanes), hovercraft, and houseboats are not allowed on SWS reservoirs.

2.1.24 No person shall operate a boat, watercraft, or any other type of vessel at a speed that will produce a wake, in a congested area. No person shall operate a boat, watercraft, or any other type of vessel in such a manner as to endanger the passengers or the safety of other persons or property.

2.1.25 The operator is legally responsible for the wake of his or her boat, watercraft, or vessel. There is a posted no-wake zone at all bridges and public docks.

2.1.26 At no time shall any vessel carry more than the recommended weight specified by the manufacturer or carry so many persons that an unsafe or hazardous condition is created.

2.1.27 Recreational floats, of any kind, shall not be placed beyond the farthest point extending from the water’s edge of the marine structure. These items are not allowed to be permanently installed and must be removed before sunset each day, except between Memorial Day and Labor Day.

2.1.28 No boat, watercraft, or any other type of vessel shall operate, anchor, moor, or dock within 150 feet of the public fishing piers on Lake Blalock or Lake Bowen reservoirs.

2.1.29 At times when the Warden deems the reservoirs to be too congested with boat, watercraft, or vessel traffic to permit safe navigation, the Warden, in the interest of safety, may close boat landings and otherwise restrict access to use of the reservoirs.

2.1.30 SC Code of Laws, SC1976 Sections 15-25-1330 and 50-25-1350, prohibits the operation of any boat, watercraft, or any other type of vessel between midnight and one hour before sunrise on Lakes Bowen and Blalock reservoirs.

2.1.31 Fishing within or on the pump station, water intake of the dams, hydroelectric generator outfalls, spillways, or any portion of the dam, restricted or posted areas is strictly prohibited. See America’s Water Infrastructure Act of 2018 (Public Law No: 115-270).

2.1.32 Designated fishing areas on SWS Property are posted in the Lake Offices.

2.1.33 Use of the reservoir frontage of an adjoining property owner with a valid access agreement is only allowed with permission of the adjoining landowner.
2.1.34 A valid South Carolina Fishing License is required to fish in the SWS owned reservoirs.

2.1.35 No rope swings, cables, platforms or springboards used for diving and swimming are allowed.

2.1.36 Dock lighting must be focused downward and shall not intrude on adjacent property owners, or impact navigation.

2.2 Waterfowl Management Areas (Lake Blalock ONLY)

2.2.1 Waterfowl hunting is only allowed in designated Waterfowl Management Areas. Waterfowl Management Areas on the Lake Blalock reservoir are owned by SWS but are managed by the South Carolina Department of Natural Resources (SCDNR) as a Category II designated waterfowl area. All Local, State and Federal laws must be followed.

2.2.2 Lake Blalock Park will open at 5:00 a.m. on Wednesday mornings during the official waterfowl season.

2.2.3 ALL dogs must be kept on a leash at all times while in Lake Blalock Park during the official waterfowl season.

2.2.4 Except for officially designated Waterfowl Management Areas during legal SCDNR Category II Waterfowl Management Area dates and hours, no firearms are allowed while on SWS Property.

2.3 Requests for Variances of Prohibited Uses, Activities or Actions

Requests for variances from the SWS Rules and Regulations must be submitted, in writing, to the Watershed Management staff at the respective Lake Office who will process the requests and forward them to the Chief Executive Officer, for action by the Commission.

2.3.1 All requests for a variance shall include the following:

   a. Written statements of request and basis Applicant believes reconsideration and/or relief should be granted.
   b. Property surveys, maps, construction drawings, and other supporting data necessary to explain request.
   c. Documentation that variance will not have a negative impact on water quality, the appearance (one in harmony with the existing natural land) or the overall quality of SWS Property, Lake Bowen reservoir, Lake Blalock reservoir, or Municipal Reservoir #1

2.3.2 All decisions of the Commission either approving or denying the request for a variance are final.
SECTION 3
PERMITS AND AUTHORIZATIONS FOR WATER SUPPLY RESERVOIR USES

Rationale for Permits and Authorizations (Structures/Docks, Irrigation, Pathways)

These Watershed and Reservoir Management Rules and Regulations are intended to serve as the framework for protecting the reservoirs and the SWS Property surrounding them and provide the adjoining landowners and the general public who wish to enjoy these resources, guidelines on allowed activities and the permitting processes and requirements required.

There are four (4) zones of the SWS-managed resources that are covered by these Rules and Regulations. Those are: 1) the upland SWS Property, 2) the near shore property (riparian buffer zone), 3) the interface between the land and water (shoreline) and 4) the water within the reservoir.

As stated in the Commissions Resolution to Protect Water Quality, January, 2018 (Appendix A) SWS wants to provide all citizens access to the reservoirs, but SWS’s primary interest is to protect the integrity of the water quality in the drinking water reservoirs. To accomplish these two objectives, SWS has developed these Watershed and Reservoir Management Rules and Regulations.

Failure to obtain the necessary permits from SWS for uses and activities within the SWS Property boundary may result in SWS’s exercise of any or all of its enforcement rights pursuant to these Rules and Regulations and applicable law.

3.1 Access Agreement for SWS Property

3.1.1 All adjoining Property Owners must sign an access agreement if they desire access to the SWS Property adjoining theirs. This includes access across SWS Property to the reservoirs. Without a fully executed access agreement in place, entering, crossing or use of SWS Property is considered trespassing except for designated use areas.

3.1.2 The Access Agreement grants adjoining landowners, their families, and guests the non-exclusive right to the passive use and enjoyment of the lands around Lake Bowen and Lake Blalock reservoirs and Municipal Reservoir #1.

3.1.3 Maintaining a valid access agreement is also a requirement of all other permits and authorizations that may be granted to Adjoining Property Owners under these Watershed and Reservoir Management Rules and Regulations.

3.1.4 By signing the access agreement, Adjoining Property Owners agree that they, their families, and guests will respect the terms of and will adhere to any and all other applicable SWS rules, regulations, policies and procedures, as amended by the Commissioners of Public Works for City of Spartanburg, SC.

3.1.5 The access agreement requires Adjoining Property Owners to be responsible for any remediation costs, damages, or penalties that result from violations of these Watershed
and Reservoir Management Rules and Regulations or any SWS Land Permit granted under them. 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.

3.1.6 Access Agreements are generally valid indefinitely, as long as the Adjoining Property Owner remains the owner of the property and does not violate any policies and procedures outlined in these Watershed and Reservoir Management Rules and Regulations, or any Permits, Licenses, or Agreements. Access Agreements may be withdrawn as a result of non-compliance or violations of SWS-issued Permits, Licenses, Agreements, or these Rules and Regulations.

3.2 Change of Adjoining Property Ownership
3.2.1 All adjoining property owners with a fully executed access agreement should disclose the information contained within these Watershed and Reservoir Management Rules and Regulation and all accompanying guidance documents to prospective buyers before closing. All Permits, Licenses, and Agreements are not transferrable with change of title/ownership.

3.2.2 The access agreement, any Permits or Licenses on Lake Bowen and Lake Blalock reservoirs and Municipal Reservoir #1 are not transferrable between owners. All Property Owners must, within 30 days of closing or occupancy, apply for their own set of permits upon assuming ownership of a lot adjoining SWS Property surrounding the Lake Bowen and Lake Blalock reservoirs and Municipal Reservoir #1 if they wish to access or use SWS Property.

3.2.3 For non-conforming/qualifying marine structures that were licensed under the SWS Press Pause Program, new owners will be required to continue maintenance until no longer feasible, at which time the structure will have to be removed. Current property owners are required to disclose this information to potential buyers prior to the sale.

3.3 Permits and Authorizations
3.3.1 Most specific activities conducted within SWS Property will require a permit from SWS in addition to the access agreement.

3.3.2 The Watershed Management staff are the primary point of contact for permits for activities on SWS Property or reservoirs. The Watershed Management staff, with support from other SWS staff, to include Lake Wardens and outside professionals, as necessary, will review permit applications.

3.3.3 The Applicant is required to obtain prior written authorization from SWS before conducting activities within SWS Property.

3.3.4 All letters, permits, licenses, agreements and approvals shall be subject to revocation at any time by SWS.
3.3.5 Those parties not obtaining appropriate permits or authorization from SWS or not following the conditions of any permit granted will be subject to revocation of permits and enforcement procedures as outlined in Section 6. These enforcement response guidance documents are incorporated into these Rules and Regulations by reference. 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.

3.4 Permit Documentation

3.4.1 The typical permitting process includes an applicable application, Property Owner verification, a fully executed access agreement, and issuance of permit.

3.4.2 An access agreement must be correctly executed by all parties stated on the deed of the property before any land permit application will be considered by SWS.

3.4.3 When applying for a permit, Property Owners must send a copy of their deed and plat of the property, an executed access permit, along with a complete, signed permit application form to either the Lake Bowen Office located at 8515 Highway 9, Inman, SC 29349 or Lake Blalock/Municipal Reservoir #1 Office located at 1925 Sandy Ford Road, Chesnee, SC 29323 (Lake Offices).

3.4.4 In order to maintain safety and the aesthetic quality of Lake Bowen and Lake Blalock reservoirs, standard specifications for marine structures have been developed (Section 3.8.1 and Appendix C). The Commission must approve any variance from the standard specifications.

3.4.5 A minimum shoreline frontage of 40 feet will be required in order to obtain a permit for any component of a marine structure.

3.4.6 The shoreline frontage, at the water’s edge, is determined by extensions of the property’s sidelines to the point where they intersect the normal water elevation: 815 MSL feet or full pool at Lake Bowen reservoir, and 710 MSL feet or full pool at Lake Blalock reservoir.

3.4.7 The Watershed Management staff 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 unsafe or otherwise unacceptable for the proposed location.

3.4.8 SWS staff will visit each site before any structure permit is issued.

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

3.4.10 Additional information on marine structure construction may be found in Appendix C.

3.4.11 A permit application is not transferable and is valid up to 60 days from the date the application was received from the Applicant. Docks, once installed per the stipulations of a valid permit, are permitted for as long as the Permittee retains ownership of the adjoining property.
Docks

Many adjoining landowners want to recreate and enjoy the reservoirs on the water, be it on a dock structure, in a watercraft or both. SWS fully acknowledges these desires of the adjoining landowners and has developed rules and regulations to allow structures to be placed on its property to make these uses of the resource possible. Each of these activities, docks and watercraft, represent a risk to the integrity, safety and quality of our drinking water utility infrastructure.

SWS limits the number of structures (docks) to one per adjoining landowner lot so as to not impede recreational activities and/or safety. This restriction prevents the installation of multiple docks and marinas while still providing a minimum level of access for each adjoining landowner. These structures have size restrictions as well. By establishing these restrictions, which include set-backs from the neighboring adjoining landowners, it protects the adjoining landowners’ access and enjoyment of the reservoirs. Protecting the shoreline and vegetated riparian buffer around the reservoirs are especially important to maintaining the reservoirs and their water quality. The protection of the shoreline from erosion is a critical element of maintaining the capacity and maintenance of the reservoirs.

SWS has developed specifications for the type of materials that must be used to construct these structures. This is done to ensure the safety and structural stability of the structures. Should a dock structure fall into disrepair, SWS has regulations for non-maintained docks and structures to be repaired in a timely manner to prevent the failure of the structure which would result in a boating safety issue from the floating debris or could cause damage to SWS’s dam and associated pumping and piping infrastructure. SWS requires that the dock floats must be encapsulated. This is a requirement to ensure that the flotation material does not break off into the water which could negatively impact water quality and the wildlife, as well as, contribute to unaesthetic shoreline trash.

SWS has developed its Rules and Regulations in an integrated fashion, to preserve, protect and enhance the four zones around the reservoirs. By doing so, SWS still allows for enjoyment and use of the natural resource provided by the reservoirs and reducing the risks of impacts to the drinking water quality.

3.5 Permits for Structures on Lake Bowen and Lake Blalock Reservoirs

3.5.1 Only adjoining property owners with lots approved for residential construction, as approved by Spartanburg County and SCDHEC, and with a minimum of 40 feet fronting and abutting on the ponded water at normal pool elevation when the side boundaries are extended across SWS Property, may be granted authority to construct, install, establish, or create any improvements on SWS Property. No ramps, roads or driveways shall be constructed on SWS Property. Structures must be placed so that all portions of the structure are at least 14 feet from the imaginary projection of adjoining side lot lines as those lines project out into the lake. Projection of these side lot lines is accomplished by extending an imaginary line perpendicular to the structure boundary at each property corner. These lines are determined by bisecting the angle formed by the two structure front property lines that intersect at each corner. Exact placement will be determined by SWS.
3.5.2 Property owners living in a cove who request a structure permit will be evaluated on a case-by-case basis. No marine structure may extend beyond one-third the width of a cove and configured so that it is a minimum of 14 ft. from the adjoining parcels projected sidelines.

3.5.3 Certain docks and structures constructed prior to the enactment of the Spartanburg Water System Policies and Procedures for Use of Water Supply Reservoirs (May, 2017) do not meet the standards set forth herein. Those non-conforming docks and structures, provided they are maintained in good condition and repair, will be Licensed to remain subject to the following conditions:

a. As long as the docks do not interfere with or impede the operation of, or other authorized use of, the water reservoir they will be allowed to remain as they are.

b. If any docks are abandoned or are not maintained, SWS reserves the right to (1) require the owner of the dock to remove the dock or (2) remove the dock at the owner’s expense.

c. No Licensed dock shall be rebuilt or replaced. Property owners of Licensed docks will only be allowed to perform basic maintenance of the dock. When the condition of the docks/structures requires anything more than basic maintenance, the dock/structure will have to be removed and not replaced.

3.5.4 Application for a structure permit shall be made to SWS (contact the Lake Office for an application and specific requirements).

3.5.5 A fully executed access agreement and signed Permit by both parties must be secured before initiating construction of a structure. A fully executed permit document must be in the possession of the adjoining landowner, his contractor, or posted on site prior to any construction of installation of any improvements on SWS Property.

3.5.6 SWS may deny a permit or agreement for the construction of any structure such as, but not limited to, a dock, walkway, or shoreline stabilization that is not suited to a particular adjoining lot because of the shape of the shoreline or for any and all other circumstances that would or could potentially endanger the health, safety, and welfare of persons entitled to the use of the lakes or would degrade the water quality in the reservoir. SWS may also deny a permit or agreement for the construction of any structure that would or could potentially endanger or negatively impact the environment or other natural resource(s).

3.5.7 If SWS denies a permit or agreement, SWS will furnish the applicant written response for the denial. Such written response shall be sent by email or to the mailing address provided on the application.

3.5.8 Structures will be permitted only when such structures do not interfere with or impede the operation of the water reservoir or other authorized use of the reservoir or impose a threat to public health and safety. Upon five days after written notice, by registered or certified mail, SWS may require the removal of any such non-conforming structure(s). Owners of said structure have five days from the date of SWS’s requested certified return receipt to appeal the required removal by submitting an appeal request to SWS Commissioners, c/o Chief Executive Officer, P.O. Box 251, Spartanburg, SC 29304.
3.6 Non-Qualifying Properties and/or Non-Qualifying Structures

3.6.1 Certain adjoining properties exist around Lake Bowen and Lake Blalock reservoirs that are considered “non-qualifying properties” for docks and additional structures along the shoreline on SWS Property.

3.6.2 These properties do not satisfy the 14’ offset from the extended property lines, do not have at least the 40’ of shoreline at the water’s edge required for construction of a marine structure, and/or have only a single property pin along the corresponding MSL contour (720 foot at Lake Blalock reservoir, 827 foot at Lake Bowen reservoir).

3.6.3 Property Owners with existing docks/structures on lots that do not meet the specifications outlined in Section 3.6.2 will be issued a License that will not require the immediate removal of these structures unless said structures pose a hazard to the Property Owner or recreational users of the reservoirs.

3.6.4 Those structures determined to be non-qualifying through some combination of the above criteria may exist with no modifications under a SWS issued License until they become derelict and require replacement or removal. Replacement of structure on non-qualifying lots will not be allowed. Adjoining Property Owners will have 45 days from the date of notice that the structure is derelict to remove the structure in its entirety or SWS will facilitate the removal of the structure at the Adjoining Property Owner’s full expense. Licenses expire 45 days after closing or occupancy.

3.7 Marine Structure Permits

3.7.1 Marine Structures at Lake Bowen and Lake Blalock reservoirs must be permitted by SWS. Marine structures include docks, boat lifts, and PWC lifts. Marine Structures are not allowed on Municipal Reservoir #1.

3.7.2 At Lake Blalock reservoir, installation of a SWS permitted pathway is a requirement for obtaining dock permit approval on SWS Property. Installation of a SWS permitted pathway is recommended for obtaining dock permit approval at Lake Bowen reservoir, but is not required.

3.7.3 Marine structure permits issued by SWS may be revoked if pathways at either lake are not constructed or maintained as permitted.

3.7.4 All docks must be constructed in accordance with standards, specifications and construction drawings in Appendix C. There is a maximum square footage limit for all marine structures installed on SWS reservoirs. The total area of a marine structure – including any and all lifts and constructed extensions – may not exceed 1000 square feet. Refer to Appendix C for additional information regarding the installation of structures along the shoreline.
3.7.5 All docks/structures must be maintained in good condition. Property owners are allowed and must maintain permitted marine structures to the best of their abilities to prevent the development of potential hazards and promote safe use of the structure. Adjoining property owners performing maintenance on their marine structure will be required to notify SWS that work is taking place by submitting a Structure Maintenance Notification. This form shall be submitted before maintenance work begins, and simply serves to notify the Lake Wardens and Watershed Management staff that the work will take place. Notification of Maintenance forms are available at the Lake Offices and online at www.spartanburgwater.org.

3.7.6 SWS may permit one marine structure per qualifying parcel when landowner’s lots are immediately adjacent to the buffer area surrounding a reservoir having the required lot width and adequate lake depth. A permitted structure may only have a single tie to the shoreline and may not be configured in a manner so as to constitute a marina.

3.8 Docks

3.8.1 SWS has developed a set of standards, specifications, and construction drawings for allowable docks on Lake Bowen and Lake Blalock reservoirs. (See Appendix C) The maximum footprint of the dock, walkway, slips, and all lifts inclusive shall not exceed 1000 sq. ft. A dock structure can consist of only one walkway and dock, a maximum of two boat lifts and two personal watercraft lifts and no more than two boat slips. Only one dock structure is allowed per deeded adjoining lot. Should an adjoining landowner wish to have a dock structure which differs from the SWS standards and specifications, the adjoining landowner may request a variance. Variances will be reviewed on a case by case basis. Dock variance requests must comply with section 3.8.2.

3.8.2 Those Adjoining Landowners wanting to construct a dock that does not conform to the SWS standards and specifications will have to apply for a variance from SWS and follow those procedures.

Adjoining landowners seeking a variance to any of the standards and specifications, shall follow the following steps:

1. When applying for a dock where a variance is being requested, submit a written justification to SWS and provide the details of the variance being requested.

2. SWS may request that engineered drawings or additional information be submitted for further review to ensure the safety and suitability of the structure.

At its sole discretion, the Commission will make a determination as to the suitability of the request for variance, and the decision of the Commission shall be final and binding.

3.9 Boat and Personal Watercraft Lifts

3.9.1 Any Adjoining Property Owner wishing to install a lift, which is considered part of a marine structure, must apply for the appropriate permit from his/her local Lake Office.
3.9.2 No more than two (2) boat and two (2) personal watercraft lifts are allowed per conforming adjoining lot and the size of these lifts is counted into the total square footage allowed.

3.9.3 Boat lifts may be installed on both Lake Bowen and Lake Blalock reservoirs. Personal Watercraft Lifts (PWC lifts) are only allowed on Lake Bowen reservoir.

3.9.4 Lifts may be attached or unattached to the dock.

3.9.5 Free-standing lifts may have either a metal or a canvas cover. Canvas covers may be dark green or tan in color. Metal covers shall be dark green. All covers and roofs must be maintained in good condition.

3.9.6 Property Owners wishing to exchange an old existing lift for a new lift, replace any structural component of a lift, or shift a lift from one boat configuration to another must apply to the Lake Office for the appropriate permit. A change in configuration will also require documentation from the lift manufacturer or an official representative stating that the lift is engineered to handle the load of the alternate boat type. Removal of a lift is only allowed after submittal of a Marine Structure Maintenance Notification to the Lake Office.

3.9.7 If permits for any component of the marine structure are withdrawn or revoked, Owners 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 Owner’s expense.

3.10 Authorized Access Points/Dock Locations

3.10.1 A permit must be obtained from SWS prior to constructing or installing a marine structure on either Lake Bowen or Lake Blalock reservoirs. **NO work** may commence without first obtaining authorization from SWS. If required, a fully executed permit document must be in the possession of the adjoining landowner, his contractor, or posted on site prior to any construction of installation of any improvements on SWS Property.

3.10.2 New Marine Structures are not allowed on Municipal Reservoir #1.

3.10.3 The permit application must include photographs documenting the current condition of the surrounding area.

3.10.4 The permit process will include a site visit with Watershed Management staff to site the location of the dock and access to the dock.

3.10.5 SWS staff will mark and record the approved location of the dock.

**Note:** Replacement docks will not always be permitted to be installed in the location of the current dock and may need to be shifted along the shoreline associated with the Applicant’s property to maintain the integrity of the mandated 14 foot offset or to allow for pre-existing structures already permitted by SWS. SWS will make the final determination.
3.10.6 The location of the dock will be based on a variety of factors, including, but not limited to, depth of water, topography, vegetation, and other factors. This effort will ensure that the dock is situated to allow access while also minimizing impacts to the vegetative buffer on SWS Property.

3.10.7 The dock must be constructed at the approved location and in compliance with all SWS permit requirements or the permit will be revoked and the dock removed.

3.10.8 The dock must be constructed from the water or constructed off-site and floated to the applicant’s lot to avoid damage to SWS Property.

3.10.9 The dock may not be installed at the Applicant’s lot until the Applicant is in possession of a signed permit from SWS

3.11 Dock Replacement

3.11.1 A new permit must be issued if an Applicant wishes to replace an existing dock. Transfer of ownership of docks may also be permitted under Dock Replacement permits. Transfer will be permitted in new property owners’ name.

3.11.2 All dock permits are non-transferable.

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

3.11.4 The original dock cannot be moved to an unpermitted site.

3.11.5 The original dock cannot be stored on SWS Property.

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

3.11.7 Renting or leasing of an adjoining landowners dock is not allowed.

3.12 Rules and Boating Access Permits

3.12.1 SWS has adopted specific rules and regulations that govern any recreational activities on Lake Bowen and Lake Blalock reservoirs. These rules and regulations have been adopted to ensure that all users of SWS accessible reservoirs conduct their recreational activities in a safe and conscientious manner. Before participating in any recreational activities on SWS Lakes, please read through South Carolina Department of Natural Resources The Handbook of South Carolina Boating Laws and Responsibilities

3.13 Boat Permits

3.13.1 Access and launching permits for all boats, watercraft, or any other type of vessels must be secured from the Lake Office before they are placed on SWS reservoirs. The permit
sticker must be attached to the boat, watercraft, or vessel in a highly visible location on the port (left) side of the vessel.

3.13.2 SWS will charge for replacement of boat permit stickers, after the 2nd sticker.

3.13.3 Watercraft used for commercial purposes is not allowed except to assist with the installation of marine structures and/or to aid with shoreline stabilization projects. Commercial purposes is 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, with the exception for testing of boat repairs, as allowed by SCDNR.

3.13.4 SWS season permits are valid from January 1 through December 31.

3.13.5 The Warden may deny a permit to an owner of any boat, watercraft, or any other type of vessel which:
   a. Is in an unsafe condition.
   b. Is propelled by a motor or motors having a combined horsepower rating in excess of lake specifications as discussed in Code of Laws, SC 50-25-1320 and 50-25-1330– 1976 (see Section 7).
   c. Has a motor from which the serial number or model number has been removed. The Warden shall revoke any permit previously issued if he discovers a boat, watercraft, or any other type of vessel propelled by a motor on which the serial number or model number has been removed, changed, or altered, or if the cover of a small engine has been used to camouflage a larger engine size.

3.13.6 If alterations to the exhaust system on any motor result in excessive noise, no permit will be issued. If a permit has been issued, such permit will be immediately revoked and seized by the Warden.

3.13.7 Anyone operating a boat, or any other type of vessel under the influence of alcohol or drugs will have all privileges revoked for a minimum of one year and may be subject to criminal sanctions.

3.13.8 SWS may revoke Boat Permits as part of a land-based permit non-compliance enforcement action.

Irrigation

Use of the water in the reservoirs (Bowen and Blalock) for residential landscape irrigation is permittable by SWS if requested by the adjoining landowner. SWS restricts this use of the reservoir water to only that amount needed for basic landscape needs. SWS wants to ensure that the volume of water used is only that amount which can be used by the landscape vegetation and thus not contribute to runoff which could carry pollutants back to the reservoirs. An irrigation permit is suspended during periods of drought to ensure adequate water supply in the reservoirs. SWS strongly encourages the planting of native species of grasses, shrubs and trees which have deeper root systems than non-native turf grasses. While some non-native turf grasses have deep root system, they still require additional irrigation and fertilizers. Native species are much better acclimated to the existing climate and nutrient conditions. The many
benefits of the riparian buffer are due to the heterogeneous mixture of native trees, shrubs and grasses. A single species lawn, does not provide the same degree of benefits.

3.14 Irrigation Permits

3.14.1 Adjoining Property Owners desiring to withdraw water from Lake Bowen or Lake Blalock reservoirs must receive an Irrigation Permit from SWS. A drawing with the location of the septic system must be included with the application for a new irrigation system.

3.14.2 No water shall be withdrawn from Municipal Reservoir #1 at any time.

3.14.3 Once issued, all irrigation permits must be renewed on an annual basis. To ease tracking of irrigation permits, all irrigation permits are valid for one calendar year and will expire on December 31 of each year. Renewal notices will be sent in December and renewals must be completed no later than January 31st of the upcoming permit year.

3.14.4 No water can be withdrawn from the Lake Bowen of Lake Blalock reservoirs without a valid permit.

3.14.5 For new permit applications, an initial application fee will be required to initiate reservoir withdrawal irrigation.

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

3.14.7 New property owners purchasing a lot already permitted for irrigation will be only required to pay the next annual renewal fee upon transfer of the permit into their name. Should the new property owner not apply for an irrigation permit transfer after assuming ownership of the lot, the property owner will be assessed the full price of the initial application fee or he/she will be required to remove the pump and/or piping from SWS Property.

3.14.8 There may be occasions (e.g., during drought conditions) that the Permit holder will not be allowed to withdraw water from the reservoirs.

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

3.14.10 Withdrawing water from the lakes when restrictions are in place may result in the revocation of all SWS-issued permits.

3.14.11 If irrigation permits are revoked, Permit holders will have a reasonable time, but not more than 30 days, to remove all associated equipment from SWS Property. After that time, the SWS may have the equipment removed and disposed of at the Applicant’s expense.

3.14.12 Property Owners that fail to meet the irrigation renewal deadline will be required to pay the full price of the initial application fee or remove the pump from SWS Property.

3.14.13 Once installed, SWS reserves the right to disconnect the irrigation system at any time.

3.14.14 New irrigation system applicants are required to install an irrigation system electrical disconnect safety switch upon written approval.
3.14.15 Permit holders may not exceed ½” per hour and 1” per day on the amount of irrigation water that may be applied (in inches), based on typical soil types and slopes documented around SWS reservoirs.

3.14.16 Water withdrawn from the Lake Bowen or Lake Blalock reservoirs is for non-potable use only.

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

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

Access Pathways (Lake Blalock Reservoir and Municipal Reservoir #1 ONLY)

To allow the adjoining landowner access across SWS Property surrounding Lake Blalock reservoir and Municipal Reservoir #1 while reducing the impacts of that access on SWS Property, SWS has developed regulations for the construction of minimally invasive pathways for the adjoining landowner to transverse SWS Property. There are two sets of regulations, one for relatively flat land and one for land with steeper slopes and require a structure to ensure safe access. In both instances, the intent is to provide an access pathway which is safe, minimally impactful to the buffer area and which reduces the likelihood of erosion due to stormwater runoff.

3.15 Pathway Permits (Lake Blalock and Municipal Reservoir #1 ONLY)

3.15.1 As determined by SWS, those adjoining properties at Lake Blalock reservoir and Municipal Reservoir #1 that have less than 150 feet fronting and abutting on the ponded water at normal pool elevation are limited to one access through SWS. Footpaths for individual adjoining lots shall be no more than four (4) feet wide and shall be designed in a winding manner to avoid trees greater than 3-inches in diameter at 4.5 feet from the ground. Walkways must either have natural ground cover or be constructed of natural materials, follow the contour of the land, and must lead to an approved reservoir-use area. Concrete, asphalt or other impervious surfaces are not allowed within SWS Property.

3.15.2 As determined by SWS, those adjoining properties at Lake Blalock Reservoir 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 coordinate and approved by SWS). One of these pathways may be a cart/pedestrian pathway and one must be a pedestrian only pathway.

3.15.3 SWS must pre-approve any pathway, powered cart pathway, walkways, or other pedestrian access that requires the removal of vegetation or that could lead to wearing away vegetation/natural ground cover due to repeated use, or that could lead to soil erosion within SWS Property. This includes access points to permitted docks.
3.15.4 Pre-existing pathways without a permit will be permitted or licensed in the Applicant’s name, provided the pathway is constructed of appropriate materials and meet all current SWS standards.

3.15.5 Installation of an approved pathway is a requirement for obtaining a dock permit approval on SWS Property at Lake Blalock reservoir.

3.15.6 Installation of an approved hard pathway is required for Adjoining Property Owners on Lake Bowen and Lake Blalock reservoirs and Municipal Reservoir #1 with slopes greater than 8%.

3.15.7 Dock permits and any other permits issued by SWS may be revoked if pathways are not constructed or maintained as required. This applies to both Lake Bowen and Lake Blalock reservoirs. If a pathway is required, a dock permit will not be issued until installation of pathway is complete.

3.15.8 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 Watershed Management Staff.

3.15.9 Regardless of access type, grading or otherwise changing the surface topography is not allowed within SWS Property. Adjustment of the surface topography may result in the suspension or revocation of all permits under the Adjoining Property Owner’s name.

3.15.10 Applications for access through SWS Property shall include existing-condition photographs, location of proposed access, type of access (soft surface, stairs, boardwalk, etc.), and a sketch of the proposed access plan.

3.15.11 The proposed location of the access shall be flagged by the Applicant for inspection by SWS.

3.15.12 Access through areas of SWS Property on Lake Blalock reservoir that have populations of *Hexastylis naniflora* is regulated differently and has different access requirements. See Section 5.20.

3.16 Pathway across SWS Property with Land Slopes <8%

3.16.1 Natural 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.

3.16.2 The surface can consist of low-growing vegetation, mulches, natural materials approved by SWS, or natural rock free laid without any fillers.

3.16.3 Mulch must consist of natural, undyed materials. Pine Straw may be substituted where approved.

3.16.4 In general, all access shall follow natural surface contours and transition down gradient through SWS Property at appropriate intervals. Pathways shall meander through SWS Property rather than going directly down the slope to the shoreline, which could lead to erosion problems.
3.16.5 Soft surface access with slopes less than 5% can have more direct route through SWS Property given that these flatter slopes are less likely to result in erosion.

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

3.16.7 Detailed coordination with the Watershed Management Staff will determine the actual location of all permanent access through SWS Property.

3.16.8 Soft access pathways shall not be wider than 4 feet for pedestrian access, or 5 feet for powered cart access.

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

3.16.10 Vegetation clearing cannot exceed one foot on either side of the pathway on Lake Blalock reservoir.

3.16.11 Typical sketches showing trail clearing, a cross-section, and standard notes for soft access pathways through SWS Property are available at the Lake Offices.

3.17 Pathway across SWS Property with Land Slopes >8%

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

3.17.2 Grading is not allowed within SWS Property.

3.17.3 Hard surface access consists of elevated pathways built through SWS Property.

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

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

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

3.17.7 Hard surface access must be built by hand. No machinery is allowed on SWS Property except as allowed for and outlined in a valid SWS land permit.

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

3.17.9 Detailed coordination with the SWS staff will determine the actual location of all permanent access through SWS Property.

3.17.10 Boardwalks, elevated ramps or stairs that are higher than 30 inches from the ground’s surface will require a handrail.

3.17.11 Hard access pathways shall not be wider than 4 feet for pedestrian access.
3.17.12 Suitable materials for construction include pressure-treated lumber and other materials commonly accepted for boardwalk construction such as recycled plastic decking.

3.17.13 All scrap material, construction debris, etc. must be removed from SWS Property.

3.17.14 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.

3.17.15 Selected vegetation can be removed in accordance with the permit. Only that vegetation specifically described in the Applicant’s permit document may be removed.

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

3.17.17 Typical sketches showing trail clearing and a cross-section and standard notes for hard access pathways through SWS Property are available at the Lake Offices.

3.18 Permits for Portable Fire Rings/Fire Pits

3.18.1 Adjoining Property Owners desiring a portable fire ring/fire pit permit must submit an application to SWS.

3.18.2 Once issued, all portable fire ring/fire pit permits must be renewed on an annual basis.

3.18.3 To ease tracking of portable fire ring/fire pit permits, all portable fire ring/fire pit permits are valid for one calendar year and will expire on December 31 of each year. Renewal notices will be sent in December and renewals must be completed no later than January 31st of the upcoming permit year.

3.18.4 An approved portable fire ring/pit must be easily moveable and no larger than 30-inches in diameter. It shall have legs at least 4-inches in length so that it does not touch the surface it is sitting on. The fire ring/pit shall also have a screen cover to prevent embers from being emitted that could result in a fire of the surrounding vegetation or structures.

3.18.5 For adjoining landowners at Lake Bowen, the use of a portable fire ring/pit can be used on SWS Property below the 827’ MSL contour and on permitted structures (docks/sitting areas).

3.18.6 For adjoining landowners at Municipal Reservoir #1, fire rings, of any type, are not allowed on SWS Property below the 780’ MSL contour.

3.18.7 For adjoining landowners at Lake Blalock, portable fire rings can only be used on permitted structures (docks). Fire rings/pits are not allowed on SWS Property below the 720’ MSL contour.

3.18.8 The burning of rubbish, leaves, garbage or other refuse is not allowed on SWS Property.

3.18.9 No person shall pollute the waters of the reservoirs or SWS Property with waste of any kind. The permitted user is responsible for the safe and proper disposal of the ashes. The permitted user must properly cool the ashes and place them in a container suitable for proper disposal. The ashes are not allowed to be placed on SWS Property or dumped into the water.
3.18.10 The permitted user shall be responsible for monitoring the conditions for safe burning and shall be aware of any alerts, advisories, or bans on burning that may be issued by the Department of Forestry or the Fire Marshall, and shall discontinue all burning activity until such bans are lifted. During periods of drought or when the SC Forestry Commission or Fire Marshall issues High Fire Conditions alerts, permits shall be deemed to be temporarily suspended.

3.18.11 The permitted user shall take all appropriate precautions to prevent personal injury and property damage and ensure adequate horizontal and vertical clearance away from tree branches and other surrounding vegetation exists. It is suggested that a minimum of 15 feet of total clearance be maintained at all times.

3.19 Permitting Fees

3.19.1 Fees are subject to change by Commission. For current fees please go to the SWS website or contact the Lake Offices.
SECTION 4
ADJOINING PROPERTY MANAGEMENT

Adjoining landowner’s property management can significantly affect SWS Property and its reservoirs. The actions and activities conducted on the adjoining land to the SWS Property, if not properly and responsibly managed can increase the stormwater runoff from those properties, which can carry along with it a variety of pollutants onto SWS Property and/or flow into the reservoirs. Therefore, SWS has developed guidance for the management of the adjoining lands to protect the integrity and quality of the SWS buffer lands, reservoir shorelines and water quality.

Stormwater Runoff/Erosion Control

Stormwater runoff is a major concern for the protection of all waterways. Uncontrolled stormwater runoff accounts for a majority of the pollution and nutrients inputs into our rivers, streams and lakes. Adjoining landowners can assist with the protection of SWS drinking water reservoirs by reducing the amount of hardscaping (impervious area) on their property, which increases the quantities of stormwater, and carefully managing their use of herbicides, pesticides, fertilizers, and petroleum based products. Additionally, control of sediment erosion is another primary factor affecting the quality of the reservoirs. Stormwater should be allowed to slowly percolate into the soils instead of directly piping stormwater onto SWS buffer property or directly into the reservoirs. With increased impervious areas, channelization of the stormwater is more likely to occur and this can lead to sediment erosion. Homeowners should consider the placement of roof downspouts and other drainage too ensure that the stormwater is not channelized, but rather diffused slowly across their property to prevent erosion onto SWS Property.

4.1 Stormwater Management

4.1.1 SCDHEC has detailed information and guidance on their website related to stormwater, erosion and sediment control practices.

   a) 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

4.1.2 Landowners adjoining SWS Property must not direct concentrated stormwater runoff onto SWS Property, including channels, swales or pipes. The landowner must install rip-rap or other BMP’s on their property to adequately reduce the velocity of the stormwater before it is capable of eroding SWS Property.

4.1.3 Property Owners may not direct any outflow pipes from their property across SWS Property to either Lake Bowen or Lake Blalock reservoirs or Municipal Reservoir #1. This includes subterranean pipes that empty into the lakes from the shoreline or a seawall.

4.1.4 Offsite stormwater shall not be discharged onto SWS Property without authorization.
4.1.5 Stormwater must also be managed in accordance with State and Local regulations.

4.1.6 Property Owners with an access agreement may have privileges revoked and may face penalties if concentrated stormwater impacts any aspect of SWS Property or the reservoirs.

4.1.7 Property Owners without an access agreement who direct concentrated stormwater runoff in SWS Property may face civil penalties.

4.2 Existing Problem Areas

4.2.1 SWS encourages adjoining Property Owners to address these problem areas by establishing native vegetation, utilizing other stormwater control management practices, and avoiding channelizing stormwater flows onto steep slopes, such as those around the reservoirs.

4.2.2 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. 101) or https://www.spartanburgswcd.org/

4.3 Sediment and Erosion Control

4.3.1 Development and construction on property adjacent to SWS Property that involves land-disturbing activities shall employ Best Management Practices (BMPs) to limit erosion and to reduce sediment that flows onto SWS Property or into the lake. Property Owners conducting construction activities that will affect sediment flow onto SWS Property, or to the reservoir, shall install BMPs including, but not limited to, silt fences, temporary and permanent grassing, mulches, erosion control blankets and other methods to control erosion and to prevent eroded material from flowing onto SWS Property in keeping with the DHEC Stormwater Best Management Practices Handbook and Field Manual.

  a) 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 https://live-sc-dhec.pantheonsite.io/environment/water-quality/stormwater/bmp-handbook

4.3.2 Temporary stabilization measures should be employed immediately to avoid potential impact to adjoining SWS Property and water quality within the reservoirs.

4.3.3 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.

  a) If sediment continues to leave these sites and reach the reservoirs, the situation will be reported to the responsible Local or State agency for enforcement.

4.3.4 Allowing erosion and sedimentation to affect the reservoirs or SWS properties is a violation.
4.3.5 Property Owners can be held liable for the damage incurred and the cost of restoration that results from a failure to control sediment and erosion under enforcement provisions of these Rules and Regulations and the associated enforcement guidance documents.

4.3.6 Damage to SWS Property resulting from sediment runoff from adjoining or offsite properties can result in legal or other actions necessary to remediate these impacts.

**Septic Systems**

*Another critical management practice is the proper maintenance and location of the septic system serving the adjoining property. A properly maintained and located septic system (septic tank and drainfield) will not result in sewerage from leaching into the reservoir. Septic tank discharges contain harmful bacteria and nutrients which can be carried by stormwater runoff onto SWS Property and into the drinking water reservoirs.*

*SWS through its rules and regulations expect adjoining landowners to take reasonable and prudent steps and precautions to prevent the deterioration of SWS Property and minimize any contaminated stormwater runoff from reaching its reservoirs.*

4.4 **Septic Systems**

4.4.1 No septic tanks, septic tank lines and drain fields are allowed on SWS Property.

4.4.2 All septic systems must have been issued a permit from the South Carolina Department of Health and Environmental Control ("SCDHEC") and constructed in accordance with all applicable requirements. [https://www.scdhec.gov/laws-regulations/onsite-wastewater-septic-tanks](https://www.scdhec.gov/laws-regulations/onsite-wastewater-septic-tanks).

4.4.3 All Septic Systems on private property adjoining SWS Property around the water supply reservoirs shall be maintained in proper working order. Maintenance includes having the septic tank pumped out on a frequency of less than every ten years.

4.4.4 Regulations require that all new septic tanks and their drain lines be at least 75 feet from the reservoir full pool level and above the respective SWS MSL contour line.

4.4.5 Prior to installing a septic tank and drain lines, the Lake Office must be contacted and provided with a copy of the SCDHEC approved plan for installation.

4.4.6 It is the adjoining property owner’s responsibility to obtain a survey when initiating construction work.

4.4.7 The Spartanburg Sanitary Sewer District ("SSSD") offers a rebate to all adjoining Property Owners for all septic waste that is disposed at an approved SSSD treatment facility. Proof of septic cleaning must be submitted to be eligible for the rebate.

4.4.8 Septic systems adjacent to any SWS Property that are observed to be malfunctioning, or documented as having chronic or recurring problems will be referred to the Environmental Health Section of SCDHEC.
4.4.9 All Property Owners wishing to apply for any permit at either Lake Office who have not yet provided Watershed Management staff with documentation of the location and condition of the septic systems will be required to do so upon submission of their application material. Property Owners unfamiliar with the layout and status of their septic systems should consult a third party company to determine the location of and maintain the existing septic system.

4.4.10 Prior to performing any repair work or modification of the septic system, other than routine pumping out of the tank, adjoining landowners must notify the Lake Office and coordinate with SWS Watershed Management staff.
SECTION 5

SWS Property Management

Stabilizing the shoreline and re-establishing a robust vegetated buffer zone within the SWS Property surrounding the reservoirs will provide for natural shoreline stabilization (i.e., replacing seawalls with a more natural shoreline), reducing the effects of polluted stormwater runoff to the reservoirs, and protecting water quality.

The shoreline of a reservoir is a dynamic environment with many complex ecosystem relationships. The shoreline of a lake is the single most important aspect of lake ecology. The shoreline is the interface between the water and the surrounding landscape. However, most of our lakes have a significant level of near-shoreline development. The U.S. Environmental Protection Agency (USEPA) 2009 National Lakes Assessment: A Collaborative Survey of the nation’s lakes found that nationally, poor lakeshore habitat is the biggest problem in the nation’s lakes with over one-third exhibiting poor shoreline habitat condition. Degraded biological health is three times more likely in lakes with poor lakeshore habitat.

A vegetated buffer or riparian buffer is the zone between terrestrial upland and shoreline aquatic habitats. The maintenance and enhancement of riparian vegetated buffers are essential for preserving, protecting, and enhancing the scenic, recreational, and other environmental resources of a waterbody and/or watercourse. Riparian buffer corridors along the water’s edge play a significant role as a first line of defense against the uplands that contributes contaminated stormwater runoff, sediment and nutrients to these important resources.

Vegetated buffers are essential in:
- Stabilizing shoreline soil and slope
- Collecting, treating, and filtering polluted stormwater runoff into lakes
- Protecting and enhancing the water quality of our lakes
- Providing food and shelter for fish, birds, insects, and other wildlife
- Reducing maintenance needs and costs.

Preserving and protecting the existing natural buffers should always be considered before establishing new, enhanced, and/or landscaped buffers on a site. A good natural buffer provides a diverse, healthy aquatic, transitional, or upland zone and has strong plant and animal community diversity. It is always better to have a partial naturalized vegetated buffer rather than no buffer at all.

The following provides a breakdown of the types of vegetated buffers that a homeowner may consider when preserving and protecting an existing natural buffer.

A. Natural Buffer

A natural buffer is the simplest and least expensive buffer zone to establish. Natural buffers can be established simply by not mowing a specific width along the shoreline. This method is often referred to as the “No mow, let it grow” technique. This approach requires patience to allow the re-establishment and growth of native vegetation through natural succession. The success of this method is often determined by the existing native plant seed bank in the soils and/or the adjacent native plants’ ability to spread seeds into the no mow zones. Vegetative communities change over time, and many vegetative communities must go through succession (i.e., transition from lawn to meadow to shrubs to a forested area), which will take several years. An
advantage to allowing the buffer zone to establish naturally is that the native plants that begin to
grow are tougher and more resilient to site conditions and are most likely already found along
other parts of the lake shoreline. This type of buffer also minimizes the homeowner’s capital
investment. Identification of and removal (i.e., weeding) of invasive plant species may be
required to establish and maintain a native plant community over time.

B. No-Mow Enhanced Buffer

An enhanced buffer includes keeping areas as no-mow as well as supplementing areas; proper
installation of the native plants (ground cover, understory shrubs, and trees) and requires
greater initial capital investment than a natural buffer. Monitoring and removal of invasive plant
species may be required to maintain a native plant community over time.

C. Landscaped Buffer

Landscaped buffers require site design and planning to ensure proper spacing of mature plants;
the selection of the proper native species for the site’s sun exposure and soil conditions;
purchasing of nursery-grown native plant stock; proper site preparation including soil testing and
fertilization for the installation of the chosen plants (ground cover, understory shrubs, and
canopy trees); and longterm fertilization and irrigation requirements during establishment or
times of drought and, therefore, require greater initial capital investment than a natural buffer.
Monitoring and removal of invasive plant species may be required to maintain a native plant
community over time.

Property Boundary Marking

5.1 Boundary Line Marking

5.1.1 SWS owns all the land below the 827 foot MSL contour at Lake Bowen reservoir, the
780 foot MSL contour at Municipal Reservoir #1, and the 720 foot MSL contour at Lake
Blalock reservoir.

5.1.2 SWS may place signs or benchmarks along the SWS boundary to assist in identification
of the property boundary.

5.1.3 Under the terms of the access agreement, as a condition of receiving access to SWS
Property, adjoining Property Owners are responsible for protecting any boundary
markers from being removed, defaced, or destroyed.

5.1.4 SWS may charge the adjoining landowner a reasonable charge for replacing boundary
markers that are not so protected.

5.1.5 Landowners that are uncertain about the limits of SWS Property around their reservoir
should contact a licensed surveyor to mark the location of individual property
boundaries. The SWS Property boundary is based on the National Geodetic Vertical
Datum of 1929 (NGVD29). SWS staff can only provide an approximation of the location
of the respective contour line.
5.1.6 Disputed property boundaries regarding adjoining SWS Property shall be immediately brought to SWS's attention.

5.1.7 No boundary line marking is allowed below the 827 foot MSL contour at Lake Bowen reservoir, the 780 MSL at Municipal Reservoir #1, and the 720 foot MSL contour at Lake Blalock reservoir. This includes cutting or removal of vegetation, painting trees, or the placement of iron pins or other property markers.

**SWS Contours**

5.2 **Grading**

5.2.1 There shall be no change of ground elevation or grading/backfilling on SWS Property. No disturbance of the natural soil level of SWS Property and the shoreline of the water without prior issuance of a permit by the SWS staff.

5.2.2 No grading will be permitted that will change the location of the present contour elevation of each lake (827 feet above MSL at Lake Bowen reservoir, 780 feet above MSL at Municipal Reservoir #1) and 720 feet above MSL at Lake Blalock reservoir.

5.2.3 The Landowner, at his sole expense, shall establish the location of contour elevation by a registered land surveyor using the NGVD29 datum, subject to review by SWS.

5.3 **Dredging and Digging**

5.3.1 The dredging, digging, widening, or altering in any way of any artificial or natural channel, canal, stream, creek, tributary, or any other water course on all property lying below the elevation of 815 feet above MSL for the entire Lake Bowen reservoir property or below the contour elevation 710 feet above MSL for the entire Lake Blalock reservoir property must be approved by the Commission.

5.3.2 The dredging, digging, widening, or altering in any way of any artificial or natural channel, canal, stream, creek, tributary, or any other water course on all property lying below the contour elevation 777 feet above MSL for the entire Municipal Reservoir #1 reservoir will not be allowed.

5.3.3 These activities require a permit from the South Carolina Department of Health and Environment Control (SCDHEC), any other applicable permits and must have a signed written agreement by SWS once a permit from SCDHEC is obtained.

**Shoreline Management**

SWS’s Lake Bowen and Lake Blalock reservoirs create lakes that provide the recreational boating public with opportunities to operate watercraft. Boat wakes from motorized watercraft generate significant unnatural wave energy that causes severe erosion along the natural shoreline. A vegetated buffer can absorb this energy and prevent erosion of the shoreline.
Shorelines that consist of maintained lawn to the water’s edge typically do not have sufficient root structure to bind the underlying soils and prevent even natural erosion. Having a mixture of deeper-rooted plants, including a combination of trees, shrubs, and herbaceous plants, creates a shoreline that is more resistant to erosion. The re-establishment of a productive aquatic shoreline zone that includes emergent plants that produce a wetland shelf is ideal. The upland shoreline above the seasonal high water line is an important transition zone that plays a critical role in absorbing wave energy and protecting the shoreline soils from erosion.

The shoreline zone begins in the lake at the depth penetrated by sunlight beneath the surface and continues onto the land. It contains both aquatic and emergent plants in the water and adjacent upslope terrestrial vegetation. The shoreline zone is an important food, shelter, and resource area for aquatic organisms including insects, fish, reptiles, mammals, and birds.

Clearing of vegetation and woody debris (i.e., woody snags, stumps, etc.) adjacent to and within the shoreline zone will impact the following:

- Turtles lose sun basking sites.
- Significant decline in shelter for snails, fish, frogs, turtles, water birds, and mammals
- Populations of some fish species are significantly reduced over time due to loss of woody debris that provides shade and sheltering.
- Indirectly affects energy flow through macroinvertebrate communities, which leads to shifts in species composition by removing critical material used by macroinvertebrates, which are eaten by fish or hatch into mosquito-eating dragonflies.
- Loss of downed trees near shore also results in increased wave energy action along the lakeshore.
- Significant decline in habitat heterogeneity causing an overall decrease in species diversity in invertebrate, young fish, frogs, dragonfly, and damselfly populations.
- Loss of shoreline habitat heterogeneity can lead to a decline in energy transfer to open water fish, causing stunted population growth.

5.4 **Shoreline Stabilization**

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

5.4.2 Any permitted Shoreline Stabilization will follow all guidelines and definitions as outlined in the SWS Shoreline Stabilization Guidelines.

5.4.3 In accordance with the vegetation management section, native vegetation will be planted to assist with shoreline stabilization regardless of whether Applicant is approved for riprap/natural stone or a seawall. Guidance for shoreline stabilization techniques can be found through references found in the SWS Shoreline Stabilization Guidelines. The provided references are for examples only and may not be suitable for all portions of the SWS reservoir shorelines.
5.5 Seawalls

5.5.1 New seawall construction will only be allowed in the conditions outlined under the SWS shoreline Stabilization Guidelines. Otherwise, Applicants are encouraged to consider a combination of native stone and vegetative plantings to help stabilize shoreline erosion.

5.5.2 Existing seawalls may remain as installed until such a point in time that SWS determines them to be considered derelict or hazardous to water quality or recreational users of the lake. Once a seawall is declared derelict, the Property Owner will be notified and given a reasonable time, but not more than 45 days, to apply to the Lake Office to either remove or replace the derelict wall.

5.5.3 Property Owners need to submit a Notification of Maintenance form to the Lake Office to perform routine maintenance on existing seawalls, such as repairing or replacing boards on wooden walls, re-setting loose stones or blocks, or backfilling those areas where the water has come behind the wall. These notifications will be assessed on a case-by-case basis by the Watershed Management Staff. **NO work** may commence on an existing wall without first obtaining authorization from SWS. If required, a fully executed permit document must be in the possession of the adjoining landowner, his contractor, or posted on site prior to any construction of installation of any improvements on SWS Property.

5.5.4 Walls constructed of material that could potentially impact water quality—such as creosote posts—are not allowed on SWS Property. Property owners wishing to perform maintenance on these structures will be required to remove and replace these non-conforming structures. Walls requiring removal will be assessed on a case-by-case basis and replaced with appropriate material.

5.6 Fish Habitat/Attractors

5.6.1 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 the Lake Bowen and Lake Blalock reservoirs as a valuable source of drinking water while providing ample habitat for fish. SWS may, in its sole discretion, approve structures consisting of man-made materials that can be used as fish attractors in a secured fashion.

5.6.2 Vegetative and other biodegradable materials such as Christmas trees are not allowed in SWS reservoirs as fish attractors.

5.7 Boat Ramps

5.7.1 At Lake Blalock and Lake Bowen reservoirs, all motorized watercraft must be launched from the boat ramps at the Parks, from permitted docks, or from those existing Licensed
private boat ramps. **NOTE:** For existing licensed private boat ramps, only boats permitted under the adjoining landowners name are allowed to be launched.

5.7.2 The launching of watercraft is prohibited on Municipal Reservoir #1.

5.7.3 No new boat ramps will be constructed around any of SWS’s reservoirs. Existing licensed boat ramps can be utilized until such a time that they fall out of an acceptable condition. Replacement of derelict ramps is not permitted

**Buffer Zone Management**

A vegetated buffer zone serves many critical and important functions within a reservoir system. Each of these functions is described below:

**Stormwater Runoff Filtering**

Diminishing water quality and clarity within our reservoirs have become increasing concerns for SWS and reservoir users as they relate to bacteria and nutrient levels, algae blooms, and excessive submerged aquatic plant growth. Fertilizers and pesticides that are applied to maintained lawns contribute to reductions in water quality and clarity. Conventional grass lawn species do not completely absorb or filter fertilizers and pesticides that are commonly applied to them, as most planted lawn grasses have a shallow rooting depth ranging from 3 to 5 inches. However, native grasses maintain deeper rooting zones. Some native species can reach depths greater than 12 inches and therefore capture more of these nutrients. Nutrients and pesticides often attach themselves to sediments that can become suspended within stormwater and overland runoff. The dense vegetation found in a healthy vegetated buffer zone intercepts rainfall, promotes infiltration, and slows down stormwater runoff, allowing for increased nutrient absorption by the vegetation. Vegetated buffer zones that have a diverse community of plant species, variable plant stratums, and greater plant density provide increased stormwater filtering opportunities for the nutrients found in fertilizers, such as nitrogen and phosphorous, as the stormwater travels toward the lake.

**Wildlife Habitat**

Vegetated buffer zones are a key area for most species of wildlife. They provide essential resources such as shade, shelter, and food sources for a variety of fish and wildlife species that utilize the shoreline. For example, the fruits of many of our native shrubs are eaten by a variety of resident and migratory songbirds and waterfowl. Low, dense-growing shrubs provide additional habitat to protect wildlife. The leaves and woody materials from trees and shrubs that fall into the water also provide essential food sources for aquatic macroinvertebrates (insects), which are the primary food sources at the base of the food chain for fish and other small vertebrates. Densely vegetated buffers have also been found to deter nuisance waterfowl such as the Canada geese from feeding on lawns adjacent to the shoreline. Maintaining a dense shoreline buffer at the water's edge will invoke a natural predatory response of fear in geese and other waterfowl as the geese are unsure as to what is hiding in the vegetation. Waterbodies with naturally vegetated shorelines and no lawn have lower populations of resident nuisance waterfowl (Canada geese).
Mixed plantings also furnish an attractive living screen against visual intrusion. The creation of natural outdoor living spaces that are integrated within a vegetated buffer allows for an opportunity for individuals to interact with nature and entertain while immersed in the natural lake scenery—making the SWS Property desirable to property owners. A well-designed vegetated buffer will also increase adjoining property values.

Properly placed vegetation can provide shade during the warmer months, making a home more comfortable and energy efficient throughout the year. Ground cover not only protects and stabilizes bare soil, but it has been shown to deflect heat as well.

Properly designed and installed vegetated buffers provide long-term sustainability. They can be implemented at relatively low initial installation costs and require minimal maintenance costs over the long term. Vegetated buffers require less maintenance, including reduced thatching, mowing, weed whacking, fertilizing, mulching, and raking in the fall, saving you both time and money.

There are critical and sensitive ecological functions and values that are impacted when vegetated buffer zones are removed, not properly preserved, restored, enhanced, and maintained including:

- Reduction in terrestrial insect food chain for fish, which can comprise a large fraction of food for fish where riparian vegetation is undisturbed
- Significantly change or reduce native bird populations or species assemblages leading to an overall decline in avian diversity and lower bird foraging guild diversity
- Reduced capacity to absorb rain energy and infiltrate and collect rainwater, which greatly increases erosion and stormwater runoff during storm events causing increased nutrient and sediment transport
- Developed residential shorelines have increased impervious surfaces including driveways, rooftops, walkways, decks, and patios, which generate increased stormwater runoff volumes and velocities, leading to the transport of sediments, fertilizers, and other nutrients from the landscape into the lake.
- The maintenance of conventional lawns and non-native ornamental landscapes requires the addition of fertilizers, which often leach through soils into adjacent waterbodies.
- An overall decline in habitat heterogeneity, which leads to a decline in species diversity
- State Natural Resources Departments have estimated that developed sites that do not contain vegetated buffers contribute five times more runoff, seven times more phosphorus, and 18 times more sediment to a lake than the naturally forested sites.
- An overabundance of nutrients reaching a lake contributes to excess algal and aquatic plant growth, which negatively impacts swimming, boating, and other recreational activities in and around the lakes.
5.8 Tree and Vegetation Management

Any tree, shrub or other vegetation growing on SWS Property, is the property of SWS regardless of whether it is growing naturally or was planted by SWS or adjoining landowner and provides important wildlife habitat.

5.8.1 No trees, brush, or vegetation on SWS Property may be cut, pruned, or removed without a valid permit. This includes annual maintenance to Crepe Myrtles and other trees/shrubs. SWS requires a vegetation permit for any cutting or limbing of trees, shrubs and vegetation on its property. On Lake Bowen only, an adjoining landowner may perform limited trimming of trees not to exceed 1/3 of the height of the tree or 20 feet from the ground level, whichever is less. However, trees must be pruned properly. SWS may require a written evaluation from an ISA Licensed Arborist along with a SWS permit before such pruning of vegetation can be done. NO work may commence on trees, shrubs or other vegetation without first obtaining authorization from SWS. If required, a fully executed permit document must be in the possession of the adjoining landowner, his contractor, or posted on site prior to any cutting, limbing, and trimming on SWS Property.

5.8.2 Reasons for tree removal are primarily, but are not limited to, dead or hazardous trees (see 5.9) and forestry management to improve vegetative conditions as permitted by SWS.

5.8.3 Removal or other management of damaged trees or shrubs must be authorized by SWS. Recommendation by an ISA certified arborist may be required. Quotes are not a suitable substitute for an official recommendation.

5.8.4 Improvement of lake views from private property is not considered an acceptable reason for removing trees and/or other vegetation.

5.8.5 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.

5.8.6 Applicants may not conduct ancillary clearing of understory unless expressly permitted by SWS.

5.8.7 All damage to soil 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. A properly vegetated buffer area shall include canopy trees, sub-canopy trees, shrubs, herbaceous plants and forest floor leaf and hummus layer.

5.8.8 Storm damaged debris/trees may be permitted to be removed from SWS Property. Such removals may require a planting plan. The adjoining landowner must obtain a Tree and Vegetation permit prior to the commencement of work.

5.8.9 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 or debris from SWS Property. The applicant may be assessed the cost for removal of any cut or pruned material that is left within SWS Property. The Applicant will also be assessed the cost for any neighboring vegetation damaged in the removal of the approved vegetation.
5.8.10 Protection and enhancement of the buffer area may be accomplished by accommodating and supplementing existing native vegetation. Planting within SWS Property is allowed with the appropriate permits and/or prior written authorization form the Lake Office. Situations warranting planting within SWS Property include, but are not limited to:
   a) Stabilizing eroding or potential erosion areas.
   b) Improving wildlife habitat.
   c) Replacement of non-native invasive species, must be clearly marked.
   d) Replacement of removed hazardous trees.
   e) Replacement of trees damaged by pine beetles.
   f) Improving overall buffer effectiveness.
   g) Shoreline stabilization

5.8.11 Development and implementation of a remediation planting plan.
   a) Implement remediation/restorative efforts by planting native grasses, shrubs and trees.
   b) The site-specific planting plan requires prior written approval from Watershed Management staff.
   c) Planted trees must be a minimum of 4 feet in height.
   d) No proposed planting for a tree or shrub species should comprise more than 25% of a species within SWS Property.
   e) Native species not listed in SWS's Native Plants Reference Guidance can be used with prior authorization from Watershed Management staff.

The Applicant is responsible for developing and implementing the planting plan or contracting with a third party to do so under the Applicant’s direction.

5.8.12 Planted vegetation can range from groundcover to tree species, and must be approximate equivalent of the vegetation to be removed. Species should be native to South Carolina. A list of recommended species is available at the Lake Offices, however this list is not inclusive and other native plants will be considered.

5.8.13 Planted shrubs shall have a caliper at the base of at least 0.5 inches, and trees must be not be less than one inch in diameter at the base of the tree. Replacement trees shall be a native “ecological equivalent” of the tree that is removed (i.e., a tree removed from the canopy shall be replaced with a similar species with the potential to reach the canopy, and the sub-canopy trees shall be replaced with similar sub-canopy species). Soil types, soil moisture and shade tolerance should be considered when selecting replacement trees. Larger trees and/or shrubs may be required under enforcement actions.

5.8.14 Any mulches applied around planted materials shall consist of natural, biodegradable materials (pine straw, bark mulch, etc.). Artificially colored or dyed mulches are not allowed within SWS Property.

5.8.15 Except for a permitted pathway across SWS Property and/or authorized clearing, all soil and existing forest floor leaf and hummus layers of the SWS buffer area shall remain undisturbed or intact.
5.8.16 Use of standard planting plans will facilitate timely approval of the proposed planting. Examples of standard planting plans for SWS Property are available at the Lake Offices. Applicants are welcome to collaborate with a professional landscaper to create a plan appropriate for the area adjacent to their respective properties. All planting plans must be approved by SWS.

5.8.17 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.

5.8.18 Tree and Vegetation permit applications must include photographs of current site conditions as well as the proposed planting plan. Additionally, written justification must be provided for any requests to remove living vegetation from SWS Property. Any vegetation requested to be removed must be clearly marked for SWS Staff.

5.8.19 All plants installed on SWS Property become a permanent part of the natural buffer around the reservoir by which they were planted. In agreeing to plant the vegetation described in the permit he/she signs, the Adjoining Property Owner agrees to be responsible for the continued health and care of the planted vegetation throughout the entire time they own the adjoining property. Any work that might affect the installed vegetation must be permitted by SWS before its onset, and SWS must be notified immediately should the health of the vegetation planted on SWS Property begin to decline.

5.8.20 Grubbing or grinding of tree stumps of any size is not allowed except to create permitted pathways.

5.9 Hazardous Trees

5.9.1 Hazardous trees are defined as those trees that are diseased or damaged (wind thrown, main trunk broken, dead or otherwise damaged) or presents a potential threat to human life or immediately-adjacent structures above the SWS Property contour line. SWS may require a determination by an ISA certified arborist. SWS is not liable for any damage to structures or other improvements on SWS Property.

5.9.2 Trees with natural cavities or rotten areas are not considered hazardous trees unless they pose a danger as noted above (5.9.1). Leaning trees are not considered a hazard unless a portion of the root ball is exposed, and/or the tree meets the other criteria listed above.

5.9.3 Prior written approval/permits are needed from SWS before a hazardous tree can be removed.

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

5.9.5 SWS will remove or cut, at its expense, any hazardous trees which threatens safety or personal property above the SWS Property contour line once being placed on notice by the adjoining landowner.
5.10 Pine Beetles/Forest Pests

5.10.1 Forest pests are defined as species capable of damaging individual trees or entire stands of trees.

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

5.10.3 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 permitted by SWS.

5.10.4 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

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

5.10.6 Areas where trees and underbrush have been removed must be replanted and stabilized by the Adjoining Landowner at their sole cost and expense in coordination with the Lake Office and to the satisfaction of SWS.

5.11 Buffer Shrub/Understory Management

5.11.1 Improvement of lake views or access from adjoining landowner property is not considered an acceptable reason for removing shrub/understory plants.

5.11.2 Shrub/understory vegetation is defined as those woody species that are less than 4 inches in diameter at 4 ½ feet above ground level.

5.11.3 No clearing or cutting of any vegetation, to include but not limited to grasses, vines, shrubs, immature trees, seedlings, herbaceous plants, and forest floor leaf and hummus layers, shall be allowed without with the appropriate permits and/or authorization by SWS.

5.11.4 The Property Owner shall be responsible for remediating areas that are damaged or cleared in violation of the issued Tree and Vegetation Permit or other permits.

5.11.5 The Applicant is responsible for removing any cut or pruned vegetation from SWS Property.

5.11.6 For adjoining landowners to Municipal Reservoir #1, as an alternative to requiring the SWS Property below the 780’ MSL contour line to remain a natural (wild) vegetative area, SWS may allow an adjoining landowner to furnish and install native vegetation to form an Improved Riparian Buffer (IRB). An IRB is comprised of native plants and
grasses specified by SWS which provide continuous vegetation across the width and length of the SWS Property (buffer area). At the request of an adjoining landowner, SWS will evaluate the location and may approve a IRB planting plan. The adjoining landowner would be responsible for the cost and maintenance of the vegetation planted.

5.12 Lawns

5.12.1 No new lawns may be established within SWS Property.

5.12.2 Existing lawns are defined as those pre-existing (for Lake Blalock reservoir those established prior to May 1, 2006, for Lake Bowen reservoir those established before January 1, 2019 areas dominated by grass species that are routinely maintained so that a shrub/understory or tree canopy is not allowed to develop. These areas are mowed approximately every two to three weeks during the growing season. In several areas around the lakes, existing lawns extend to the normal pool levels (815 foot MSL contour at Lake Bowen reservoir, 710 foot MSL contour at Lake Blalock reservoir).

5.12.3 All existing lawns have been documented by SWS with the adjoining parcel number identified for the purpose of tracking within a permitting database.

5.12.4 In an effort to reduce runoff of chemicals and fertilizers into SWS Property, adjoining Property Owners are strongly encouraged not to establish their lawns to the respective SWS Property MSL contours.

5.12.5 Existing lawns within SWS Property around Lake Bowen and Lake Blalock reservoirs extending all the way to either the 815 foot or the 710 foot MSL contours, respectively, can be maintained in their current condition and existing footprint (size) as long as soil erosion does not become a problem and water quality in the reservoirs is not negatively impacted. However, the overall desire of SWS is to eliminate all lawns within SWS Property.

5.12.6 No lawns shall be allowed on SWS Property surrounding Municipal Reservoir #1. Any existing lawns surrounding Municipal Reservoir #1 below the 780 foot MSL contour shall no longer be maintained in any manner.

5.12.7 Should soil erosion or water quality become an issue in areas where existing lawns are located within SWS Property, SWS will work with adjoining landowners 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.

5.12.8 For those existing lawns located within SWS Property surrounding Lake Bowen and Lake Blalock, routine lawn maintenance may consist of mowing (as allowed by 5.12.2). A permit is required for re-seeding (by top-seeding / over-seeding) and placement of straw to temporarily hold the seed. Installation of sod over existing seed or grass does not constitute routine lawn maintenance.

5.12.9 Other activities related to existing lawns may be permitted on a site specific case-by-case basis in coordination with SWS agents.
5.12.10 Property Owners that choose to revert or convert any portion of existing lawns within SWS Property into an area that enhances shoreline protection may consider the following strategies as guidance:

   a) Allow the specific lawn area to naturalize within SWS Property by discontinuing mowing of the area.
   b) Allow vegetation to naturally “recruit” into the area so that a shrub/understory and eventually a tree canopy are allowed to redevelop.
   c) If a landowner stops maintaining the lawn for a period longer than 90 days, it will not be allowed to revert back to a lawn.

5.13 Herbicide, Fertilizer, Pesticide, and Other Chemical Use

5.13.1 The use of chemicals, pesticides, herbicides and fertilizers within the SWS Property is not allowed except under special circumstances (pest management, removal of poison ivy, poison sumac, and/or poison oak or exotic species as identified by SCDNR, etc.), as pre-approved in writing by SWS or by guidance issued by SWS.

5.14 Vegetable Gardens

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

5.15 Structures—General

5.15.1 No improvements are allowed on SWS Property without a permit or license.

5.15.2 Construction of buildings or covered structures is not allowed within SWS Property. This includes, but not limited to, storage sheds, garages, carports or other vehicle enclosures, doghouses, dog runs, closed-roof pergolas, enclosed porches or concrete pads.

5.15.3 Any existing covered structures Licensed by SWS will be allowed to remain on SWS Property provided they are kept in good condition. Should said structures ever fall into a non-maintained state, the adjoining landowner will have a reasonable time, but not more than 45 days to remove the structure from SWS Property.

5.15.4 No playgrounds shall be allowed on SWS Property

5.15.5 Placing benches, small swings, and similar small, non-permanent structures within SWS Property is allowed with the following conditions:

   a) No vegetation removal is allowed.
   b) No grading/changing of elevations is allowed to place the small, non-permanent structure(s).
c) On Lake Bowen and Lake Blalock only, the area occupied by the structure(s) cannot exceed 100 square feet in total area by all small, non-permanent structure(s).

d) Proper Permits are obtained from SWS.

5.15.6 Construction of a standalone wooden deck is not allowed on SWS Property.

5.15.7 All unpermitted/unlicensed structures will be removed from SWS Property.

5.15.8 No impact to *H. naniflora* or habitat of *H. naniflora* on SWS Property is allowed.

5.15.9 Permits are not required for the installation of bird feeders, bird houses, bat boxes, and similar wildlife structures as long as an anchored pole/post is not required, no damage occurs to SWS Property and no vegetation is removed.

5.15.10 No phone service lines, cable television lines, gas lines or satellite dishes can be installed on SWS Property.

5.15.11 No fences of any kind are allowed on SWS Property, unless authorized by SWS.

5.15.12 Items such as flagpoles and light posts may be installed on SWS Property only by permit by SWS. Installation of a light post will also require the Applicant to complete an *Indemnity and Hold Harmless Agreement Related to Electric Wiring (Appendix B)*.

5.15.13 No items can be stored on SWS Property at Lake Bowen or Lake Blalock reservoirs, such as, canoes, kayaks, paddleboats, etc., unless stored on a permitted rack.

5.15.14 No lights, spotlights, decorations, etc. shall be permanently attached to any tree or vegetation on SWS Property.

5.16 Structure—Temporary (Lake Bowen and Lake Blalock ONLY)

5.16.1 SWS may approve the use and placement of temporary structures (e.g., outdoor tents, chairs and tables used for social functions) within SWS Property to Property Owners with a valid access agreement under the following conditions:

a) Written approval for the placement of temporary structures larger than 144 square feet cumulative surface area within SWS Property must be provided by SWS prior to the placement of the temporary structures within the requested areas.

b) Temporary Structures placed within SWS Property must be removed within seven (7) days of placement.

c) No removal of vegetation will be approved for the placement of temporary structures on SWS Property.

d) No grading or changing of elevations will be allowed for the placement of temporary structure on SWS Property.
e) Temporary Structures may not be placed where they impact *Hexastylis naniflora* or the critical habitat of *Hexastylis naniflora.*

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

5.16.2 Items such as small statues, flower pots, single chairs, etc. which are easily moved by one person, do not require a Permit.

5.17 Vehicular/Powered Access

5.17.1 The use of powered vehicles (wheeled or track) is not allowed within SWS Property except as permitted on a case-by-case basis approved for restoration or planting, permitted tree or vegetation removal, mulch placement as part of a permitted activity, lawn maintenance, or other limited access activities specifically approved by SWS.

5.17.2 Powered carts may be utilized to access property on permitted powered cart paths. In general, types of powered vehicles utilized within SWS Property 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.

5.17.3 Passive or recreational use of powered vehicles within SWS Property (except powered carts utilized on permitted pathways) is not allowed. Powered vehicle access through SWS Property to complete permitted activities must cease at the conclusion of a permitted activity.

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

5.18 Powered Cart Path (Lake Bowen and Lake Blalock ONLY)

5.18.1 Cart paths that cross SWS Property must be permitted by SWS.

5.18.2 Cart paths must be constructed in accordance with the current requirements of SWS.

5.18.3 Cart pathways shall not exceed 5’ in width.

5.18.4 Access type (soft surface pathway, hard surface pathway, or a combination of hard and soft access) is determined by slope within the SWS Property. Sections of the SWS Property with a slope of 0-8% may utilize soft surface material at ground level.

Sections of SWS Property 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 SWS Property as approved by SWS on a case-by-case basis.

5.18.5 Once approved/permited and constructed, cart paths must be maintained by the Applicant to the satisfaction of SWS.
5.18.6 Carts may only be utilized within SWS Property on approved/permitted pathways, except as permitted on a case-by-case basis for approved restoration or planting, permitted tree or vegetation removal, mulch placement as part of a permitted activity or other limited access activities specifically approved by SWS.

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

5.18.8 The Watershed Management Staff must be notified at least seven days prior to constructing any type of access through SWS Property.

5.18.9 If pathway permit is withdrawn or revoked, Applicants will have a reasonable time, but not more than 45 days, to remove the permitted structures. After that time, SWS may have the structure removed and disposed of at the Applicant’s expense.

Nuisance/Invasive Species, Non-Native Species and Domestic Animals

5.19 Non-native Invasive Species Management

5.19.1 Non-native invasive plants species can be removed from SWS Property as long as replacement vegetation is provided where necessary to avoid potential erosion problems. The replacement vegetation planting plan must be approved by SWS prior to removal and replacement of existing vegetation (see Section 5.8.11).

5.19.2 Removal of non-native nuisance/invasive plants require a permit from SWS.

5.19.3 Non-native invasive/nuisance vegetation must be removed using hand tools.

5.19.4 Cleared vegetation cannot be left within SWS Property.

5.19.5 The Applicant will be assessed the cost for removal of any cut material that is left within SWS Property and/or any native plants that were harmed or removed during the process.

5.20 Threatened Species

5.20.1 A Federally protected plant species, the dwarf-flowered heartleaf (*Hexastylis naniflora*) is known to occur around SWS reservoirs. The population of the dwarf-flowered heartleaf around Lake Blalock reservoir is one of the largest known. As stated in 50CFR 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:

a) The SWS will implement a management plan to protect this species on SWS Property and will inform adjoining Property Owners about the protection of the species.

b) The SWS will maintain a brochure and provide to the adjoining Property Owners regarding this species.
5.20.2 Private Property Owners with dwarf-flowering heartleaf on their property should note that damage to the species could result in a violation of the Endangered Species Act and that they could be assessed Civil or Criminal penalties.

5.20.3 Removal, destruction, use of herbicides, or other actions that could damage/kill this species is not allowed within SWS Property.

5.20.4 If you are unsure if *H. naniflora* occurs on SWS Property adjacent to your property, contact the Lake Office.

5.20.5 Areas containing *H. naniflora* have been placed under a restrictive covenant as required by United States Army Corps of Engineers. A restrictive covenant is a legally binding document that applies to specific tracts of land. This document limits uses of the property.

   a) Please contact the Lake Office to obtain the management plan and maps for sites with the dwarf-flowered heartleaf.

   b) While it is not anticipated that Adjoining Property Owners would damage, remove, kill, or otherwise harm *H. naniflora* plants located within SWS Property, it should be noted that the restrictive covenant areas remain with the land even if plants are removed; therefore, no benefits would be gained by adjoining Property Owners from the removal of the species.

5.21 Nuisance Wildlife Control

5.21.1 A wide variety of wildlife exists around the reservoirs. 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 adjoining landowners and visitors from feeding wildlife.

5.21.2 Trapping, destroying, or otherwise harming nuisance wildlife is not allowed without prior coordination with SWS. SWS authorization will only be considered once a South Carolina Department of Natural Resources (“SCDNR”) Depredation permit has been acquired by the Adjoining Property Owner. A SCDNR Certified Wildlife Control Trapper must be used. A list of certified trappers can be found at [http://www.dnr.sc.gov](http://www.dnr.sc.gov).

5.21.3 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 Adjoining Property Owner. A SCDNR Certified Wildlife Control Trapper must be used. A list of certified trappers can be found at [http://www.dnr.sc.gov](http://www.dnr.sc.gov).

5.21.4 The use of poisons is not allowed on SWS Property for nuisance wildlife control.

5.21.5 SWS allows installing materials around tree trunks located below the 720’, 780’ and 827’ MSL contour to prevent beaver damage with SWS written approval.
a. Hardware cloth, chicken wire, or similar materials should be used to protect the trees.
b. Solid materials such as metal flashing, tin panels, etc., are not allowed for use to protect trees from beaver damage within SWS Property.

5.22 Domestic Animals

5.22.1 No livestock (cows, horses, goats, chickens, etc.) are allowed on SWS Property. This does not infringe on the adjoining landowners with documented existing landowner property use rights.

5.22.2 Pet kennels, pens, fences, dog houses, enclosures, etc., are also not allowed within SWS Property. Installation of an invisible dog fence on SWS Property is not allowed.

5.22.3 Existing fences and fenced enclosures around Lake Blalock may be Licensed until such time as they become derelict or not repairable or the property is transferred to another landowner, at which time they will need to be removed from SWS Property.

Island Management

5.23 Island Management

5.23.1 All islands are to be governed as part of these Reservoir Management Rules and Regulations. The island located near the confluence of Buck Creek and Lake Blalock channel is to be maintained in its current state as habitat for wildlife. This commitment requires that no access is allowed to the island.
SECTION 6

ENFORCEMENT OF RULES AND REGULATIONS FOR WATER SUPPLY RESERVOIR USES

SWS is committed to consistent application and enforcement of these regulations throughout the watershed including, but not limited to, its properties around Lake Bowen and Lake Blalock reservoirs, Municipal Reservoir #1 and the tributaries.

6.1 Lake Wardens and Watershed Management Staff (SWS Staff)

6.1.1 The Wardens are responsible for the enforcement of these policies and procedures. The Wardens are commissioned law enforcement officers and have the authority to file charges and make arrests.

6.1.2 The Wardens may deny admission to SWS Property to any person known to have willfully violated any of these policies and procedures. Persons who are discourteous on SWS reservoirs or property in a manner that interferes with the peaceful use of the reservoirs and adjoining property by others will be required to leave SWS Property and may be denied future admission to SWS reservoirs and property.

6.1.3 The Wardens are hereby vested with the authority to take necessary measures within these policies and procedures and the laws of the state to ensure safe, wholesome activities on SWS Property and to remove from SWS Property persons creating a nuisance, a disturbance, or an unsafe situation.

6.1.4 Any permit may be revoked and immediately seized by the Wardens whenever the holder or operator violates any of the policies and procedures governing the use of SWS reservoirs or property. This also applies to any of the restrictions attached to permit issued by SWS.

6.2 Enforcement Response Guidelines

6.2.1 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.

6.2.2 The enforcement response selected shall be appropriate to the violation. This determination is frequently a matter of best practices.

6.2.3 SWS will consider the following criteria when selecting an appropriate response:

   a) Magnitude of violation
   b) Duration of violation
   c) Effect of the violation on water quality
   d) Effect of the violation on the buffer
e) Compliance history of the permittee
f) Good faith of the permittee in reporting, and responding to, violation

6.2.4 SWS 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 SWS 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, SWS shall follow up with progressively more severe enforcement actions, including but not limited, revocation of permits and restricted access into SWS Property.

6.2.5 SWS may also evaluate appropriate enforcement responses in the context of the permittees compliance history. For example, if a permittee continues violating the policies set forth in SWS Rules and Regulations, however minor, despite initial enforcement measures (LOV/NOV), then SWS shall adopt a more stringent approach. Similarly, if a permittee has committed several types of violations, then SWS response shall address each violation and escalate enforcement more quickly than otherwise for a single violation.

6.3 Notice of Violation (NOV) and Letter of Violation (LOV)

6.3.1 The NOV or LOV are official communications from SWS to a non-compliant permittee who has committed a violation that requires follow-up investigation.

6.3.2 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.

6.3.3 The NOV or LOV are appropriate initial responses when the violation is not significant.

6.3.4 It may be the only response necessary in cases of isolated, infrequent, and generally minor violations.

6.3.5 However, if the permittee does not comply following the receipt of a NOV or LOV, SWS shall escalate enforcement actions.

6.3.6 The LOV may be issued in instances of significant violation.

6.3.7 It may be issued prior to or concurrent with other enforcement responses such as issuing an Administrative Order, assessing civil penalties, or pursuing judicial remedies.

6.3.8 The LOV may be physically delivered to the permittee by SWS or via the United States Postal Service or other delivery service.
6.3.9 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.

6.4 Administrative Order (AO)

6.4.1 An AO is an enforcement document that directs a permittee to undertake or to cease specified activities.

6.4.2 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:

6.5 Cease and Desist Order

6.5.1 A Cease and Desist Order directs a noncompliant permittee to cease unpermitted or illegal activities immediately or to terminate its permits altogether.

6.5.2 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.

6.5.3 If necessary, SWS may order revocation of suspension of all the permittee’s permits, regardless of the permittee’s compliance status.

6.5.4 If the user fails to comply with a cease and desist order, then SWS may take independent action to remove unpermitted structures or repair damage to buffer lands.

6.6 Show Cause Order

6.6.1 A Show Cause Order directs the permittee to appear before an Enforcement Conference hearing officer, explain its violation, and show cause why enforcement actions against the permittee should not be undertaken.

6.6.2 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 SWS, payment of penalties, or other requirements.

6.6.3 However, the show cause order may also be used when enforcement actions such as the LOV have failed to resolve the noncompliance.

6.6.4 During an enforcement conference, SWS may explore the circumstances surrounding the violation and evaluate the sufficiency of evidence for civil or criminal actions. SWS shall determine whether escalated enforcement response is warranted and, if so, its nature and extent.
6.6.5 A Show Cause Order or enforcement conference shall not be a prerequisite for taking any other enforcement action or to suspend or revoke permits.

6.6.6 Generally, the objectives of the Show Cause Order and enforcement conference should be a Consent Order and prompt return to compliance by the landowner.

6.6.7 However, SWS 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 conference), fail to comply with the orders of the hearing officer, or should an impasse be reached between SWS and the permittee in negotiating a Consent Order, SWS may follow up the enforcement conference by issuing a compliance order, including a compliance schedule, imposing penalties, or referring the case for civil litigation or criminal prosecution.

6.7 Compliance Order

6.7.1 A Compliance Order directs the permittee to achieve or restore compliance by a date specified in the order. It is issued unilaterally by SWS and its term need not be discussed with the permittee in advance.

6.7.2 A compliance order may be issued when a user has violated or continues to violate the Watershed and Reservoir Management Rules and Regulations.

6.7.3 SWS may issue an order requiring actions including, but not limited to, any one or more of the following:

a) Comply with the provisions of the SWS Reservoir Management Rules and Regulations.

b) Take appropriate preventative or remedial action(s) in the event of a continuing or threatened violation of the, SWS Watershed and Reservoir Management Rules and Regulations or any other provision of applicable regulation or law;

c) Pay a penalty or cost recovery for violating any provision the SWS Watershed and Reservoir Management Rules and Regulations, 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 SWS.

6.8 Suspension or Revocation of Permit

6.8.1 Suspension or revocation of permits, loss of access to SWS Property, and loss of consideration for use permitting activities for up to five (5) years is the temporary or permanent cancellation of a user’s privilege to access SWS Property or associated permits.

6.8.2 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 permit and structures located on SWS Property.
6.8.3 Suspension or revocation or cease and desist orders are an appropriate response in a number of situations, including, but not limited to, when SWS must act immediately to halt or prevent further activity which presents a threat to human health, the environment, or SWS Property.

6.8.4 Types of violations that warrant revocation include, but are not limited to, those listed in these Watershed and Reservoir Management Rules and Regulations.

6.8.5 Unlike civil or criminal proceeding, revocation of access or permits is an administrative response that may be implemented directly by SWS.

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

6.8.7 The circumstances of a permittees 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. SWS 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.

6.9 Consent Order

6.9.1 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 SWS and the permittee, and normally includes, but is not limited to, the following elements:

a) Stipulate penalties and remedial actions;
b) Compliance schedules;
c) Signature of SWS and the permittee. A consent order is appropriate in a number of situations, including, but not limited to, 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, not a plea of guilty for purposes of criminal prosecution. A consent order may also be an outcome of any show cause order and adjudicatory hearing. SWS 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.

6.10 Civil Litigation

6.10.1 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.

6.10.2 The term civil litigation also includes enforcement measures that require involvement or approval by the courts, such as injunctive relief and settlement agreements.
6.10.3 SWS may choose to pursue civil litigation in a number of situations, including, but not limited to, when corrective action for violation is costly and complex, the damages to Spartanburg Water System exceed that which SWS can assess administratively, or the permittee is considered to be recalcitrant and unwilling to cooperate. Civil litigation may be an appropriate enforcement response in several general situations:

a) Emergency situations where injunctive relief is necessary to halt or prevent further damage or unauthorized structures which threaten human health, the environment, or SWS Property.
b) 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;
c) 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 may be brought prior to, concurrent with, or subsequent to, criminal prosecution.

6.11 Criminal Prosecution

6.11.1 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 deter future violation.

6.11.2 Criminal prosecution may be appropriate in a number of situations, including, but not limited to, when SWS has adequate evidence of violation that shows criminal intent, criminal negligence, willfulness of violation(s), or nature of seriousness of offense.

6.11.3 It is also an option in cases involving repeated violations or aggravated violations and when less severe enforcement responses such as the LOV or AO have failed, SWS, 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.

6.12 Supplement Enforcement Responses

6.12.1 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.
6.12.2 The application of supplemental approaches is determined on a case-by-case basis.

6.12.3 Many supplemental responses require actions on the part of violating permittees.

6.12.4 To ensure that the 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.

6.12.5 SWS is not limited to the listed responses, and may develop additional responses that may be effective on a case by case basis.

6.13 Citations

6.13.1 SWS, through its Lake Wardens, may issue citations for violations of these Watershed and Reservoir Management Rules and Regulations. These citations will be issued under the Statutes that prohibit violations of municipal ordinances, trespassing, unauthorized cutting of trees and understory vegetation, and the unauthorized use of or damage to SWS Property.

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

6.13.3 Non-compliance with these Watershed and Reservoir Management Rules and Regulations or with the terms of any permits or authorization issued under it can involve several levels of enforcement, depending on the specific situation.

6.13.4 SWS will make reasonable efforts to work with and provide information to Applicants and Adjoining Property Owners to avoid or resolve non-compliance with these Watershed and Reservoir Management Rules and Regulations.

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

6.13.6 Enforcement options include, but are limited to, those presented below.

6.14 Fines and Jail

6.14.1 In appropriate circumstances, SWS has the authority to issue citations for fines and other criminal penalties for non-compliance with the SWS Watershed and Reservoir Management Rules and Regulations. 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.

6.14.2 Other fines and penalties that may be applicable are as set by the relevant statutes such as S.C. Code Ann. §§ 5-7-30, 5-31-1170.

6.14.3 Depending on the relevant statutes, upon conviction, fines of up to $5000 and/or imprisonment for up to 5 years may be imposed.
6.15 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 SWS Watershed and Reservoir Management Rules and Regulations, which can include such things as the damage to Lake Bowen or Lake Blalock reservoirs or Municipal Reservoir #1 as a source of water, the value of lost trees or vegetation, loss of ecosystem functionality, and SWS staff time and administrative costs for responding to the violation.

6.16 Permit Revocation/Denial
6.16.1 A variety of permits are needed for activities within SWS Property.
6.16.2 Compliance with all aspects of the SWS Rules and Regulations is a condition of each and every permit or authorization SWS issues. SWS, through its Lake Wardens, may issue citations for violations of the SWS Watershed and Reservoir Management Rules and Regulations.
6.16.3 Violations of the terms of the SWS Watershed and Reservoir Management Rules and Regulations or any permit may result in the revocation of all permits held by a Property Owner, including both land permits and watercraft permits.
6.16.4 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, subject to these Rules and Regulations, structures within its property, including docks, irrigation systems, and walkways, and dispose of them at the Applicant’s expense.
6.16.5 No additional permits will be issued with reference to any parcel of property until all existing issues related to a violation are resolved pursuant to these Rules and Regulations, including restoration of any damage and payment of all required fines and assessments.
6.16.6 The transfer of title while violations remain unresolved will not remove the suspension.

6.17 Non-admittance
6.17.1 SWS owns all property around and underneath the Lake Bowen reservoir extending to the 827 foot MSL elevation and has the right to control this property.
6.17.2 SWS owns all property around and underneath the Municipal Reservoir #1 extending to the 780 foot MSL elevation and has the right to control this property.
6.17.3 SWS owns all property around and underneath the Lake Blalock reservoir extending to the 720 foot MSL elevation and has the right to control access onto this property.
6.17.4 At its discretion, SWS can fence any area within the property around Lake Bowen reservoir, Municipal Reservoir #1, or Lake Blalock reservoir and/or post it for no trespassing at any time.
6.17.5 If necessary, SWS can seek a legal injunction against any person to prohibit access onto SWS Property.

6.18 Vegetation Management Enforcement Policies

6.18.1 SWS is committed to maintaining and protecting water quality within Lake Bowen reservoir, Municipal Reservoir #1, and Lake Blalock reservoir.

6.18.2 A key component of protecting water quality is maintaining and, where applicable, improving the natural, woodland vegetation around the reservoir.

6.18.3 Lake Wardens and other SWS agents will conduct routine inspections of SWS Property.

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

6.18.5 Under the terms of their permits, adjoining Property Owners contractually agree to pay any assessments related to SWS’s damages and costs incurred because of violations of these Watershed and Reservoir Management Rules and Regulations. Non-permit holders may also face civil penalties.

   a) Assessments can be enforced through civil lawsuits, as well as claims for restitution where criminal prosecutions are successful.
   b) 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 Association v. AT&T, 361 S.C. 576, 580, 606 S.E.2d 468, 471 (2004).

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

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

   a) 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.
   b) 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.

6.18.8 The Landowner will also be required to develop and implement a re-vegetation plan that restores SWS Property area to pre-existing conditions.

   a) The plan shall include replanting species that were removed from SWS Property. Prior to implementation by the Property Owner, SWS must approve the re-vegetation plan (See Section 5.8.11).
b) The cost to develop and implement the plan is the responsibility of the party responsible for the unauthorized activity.

c) Failure to develop and implement a re-vegetation plan will result in additional assessment for the Adjoining Landowner.

d) These assessments could include, but are not limited to, the cost of SWS to have an outside party develop and implement the restoration plan.

e) As necessary, other mechanisms may be employed by SWS to ensure that these SWS Reservoir Management Rules and Regulations are followed.

6.19 Enforcement Action Appeals Process

6.19.1 Should an Adjoining Landowner or other person from the public feel that the enforcement response for a violation of the Watershed and Reservoir Management Rules and Regulations is unwarranted or unjust, they have the right to an appeals process of the enforcement response decision.

6.19.2 The first level of the appeal process is to the Chief Operating Officer (COO) of SWS. The COO is responsible for the operations of the Watershed Management staff. In this role, the COO is responsible to ensure fair and equitable enforcement of the Reservoir Management Rules and Regulations.

A person who has received an Enforcement Order (NOV, LOV, Consent Order, Administrative Order, or other enforcement action) can request a review of the enforcement action and order by the COO. This appeal process will consist of the person submitting a Request for First Level Enforcement Action Review to the Chief Operating Officer c/o Spartanburg Water, PO Box 251, 200 Commerce Street, Spartanburg, SC 29304. The COO will then review the record of the Enforcement Action, which may include an Enforcement Conference to hear the issues in question. After carefully review and consideration of all the facts that lead to the action, the COO will render a decision within 30 days either to uphold the appeal request and modify or dismiss the Enforcement Action or deny the appeal request.

6.19.3 Should the COO deny the appeal request, the person may appeal to the second level of the appeal process. The second level is to the Chief Executive Officer (CEO) of SWS. The CEO has ultimate authority to reverse any staff decision on an Enforcement Order. This appeal process will consist of the person submitting a Request for a Second Level Enforcement Action Review to the Chief Executive Officer c/o Spartanburg Water, PO Box 251, 200 Commerce Street, Spartanburg, SC 29304. The CEO will then review the record of the Enforcement Action and Appeal, which may include an Enforcement Conference to hear the issues in question. After carefully review and consideration of all the facts that lead to the denial of the first level appeal, the CEO will render a decision within 30 days either to uphold the appeal request and modify or dismiss the Enforcement Action or deny the appeal request.

The decision of the CEO is the final decision of SWS.
6.19.4 A person whose appeal is denied at the Second Level and wants to contest the Rule or Regulation upon which the violation and subsequent Enforcement Action was based, has the right to Request a Variance from the specific Rule or Regulation (See Section 2.3). A Request for a Variance must be submitted in writing to the Watershed Management staff at the respective Lake Office who will then process the request and forward it to the CEO for action by the Commission.

6.19.5 All appeals from the final decision of the Commission shall be heard in the Court of Common Pleas in Spartanburg County.
SECTION 7

STATE LAWS PERTAINING TO SPARTANBURG WATER SYSTEM DRINKING WATER SUPPLY RESERVOIRS

As of the date of this publication, the following are the State Laws and Regulations applicable to Lake William C. Bowen and Lake H. Taylor Blalock. For the most recent Laws see the SC General Assembly website at http://www.scstatehouse.net/code/statmast.html

ARTICLE 13. RESTRICTIONS APPLICABLE TO LAKE WILLIAM C. BOWEN AND H. TAYLOR BLALOCK IN SPARTANBURG COUNTY

SECTION 50-25-1310. No wake zones; restricted areas for boating and bathing; authority of wardens to limit number of boats. [SC ST SEC 50-25-1310]

On Lakes William C. Bowen and H. Taylor Blalock in Spartanburg County:

(1) There is established a no wake zone within three hundred feet of all bridges and public docks. No wake zones must be clearly marked with signs. The signs must be designed and installed by the department.

(2) No boat, watercraft, or any other type of vessel may be operated, anchored, moored, docked, or otherwise may enter within five hundred feet of any pump station, water intake of a dam, hydroelectric generator outfall, or spillway. These restricted areas must be clearly marked with signs. Signs must be designed and installed by the Spartanburg Water System. Boats, watercraft, and other vessels operated for law enforcement, emergency medical services, or dam maintenance and repair are exempted from this requirement.

(3) No boat, watercraft, or any other types of vessel may operate or anchor within one hundred fifty feet of public fishing piers.

(4) No sailing craft with a mast height in excess of thirty feet is permitted to operate.

(5) No wading, bathing, or swimming is permitted within two hundred feet of any public landing, bridge, or restricted area. These restricted areas must be clearly marked with signs. The signs must be designed and installed by the Spartanburg Water System.

(6) The lake wardens, at their discretion, may limit entrance of boats, watercraft, or any other type of vessel onto the lakes via the public landings when conditions such as overcrowding or adverse weather create an unsafe boating environment.

SECTION 50-25-1320. Motor restrictions on Lake William C. Bowen. [SC ST SEC 50-25-1320]

On Lake William C. Bowen:

(1) No boat, watercraft, or any other type of vessel with an outboard motor having a horsepower rating in excess of one hundred fifteen horsepower is permitted.
(2) No boat, watercraft, or any other type of vessel with an outboard motor is excess of the United States Coast Guard rating, with Coast Guard rating plate missing or changed, is permitted.

(3) No boat, watercraft, or any other type of vessel powered by an outdrive or inboard motor having an engine automotive horsepower rating in excess of one hundred ninety horsepower is permitted. This restriction does not apply to towboats which have been approved by the American Water ski Association or any Coast Guard approved boat commonly referred to as an inboard boat designed by the manufacturer for towing water skiers with the motor or engine located near the midpoint of the boat between the bow and stern, propeller driven by a single rod drive shaft extending through the hull with the propeller located under the boat in front of a rudder.

(4) There is no minimum or maximum restriction on length of boats, watercraft, or any other type of vessel. Boats, watercraft, and other vessels operated for law enforcement, emergency medical services, or dam maintenance and repair are exempted from the restrictions in item (1) and (3) of this section.

SECTION 50-25-1330. Watercraft and recreational activity restrictions on Lake H. Taylor Blalock [SC ST SEC 50-25-1330]

(A) No boat, watercraft, or any other type of vessel may not operate on Lake H. Taylor Blalock with an engine greater than thirty horsepower or greater than twenty-five feet in length, and in the case of a pontoon boat, the engine may not be greater than forty horsepower or greater than twenty-five feet in length, unless:

(1) the gas line has been disconnected and the engine or prop is trimmed out of water; and

(2) an electric trolling motor or engine of thirty horsepower or less is mounted. Boats, watercraft, and other vessels operated for law enforcement, emergency medical services, or dam maintenance and repair are exempted from the restrictions contained in this sub-section.

(B) It is unlawful on Lake H. Taylor Blalock to:

(1) operate personal watercraft, including jet skis;

(2) operate any boat, watercraft, or any other type of vessel between midnight and one hour before sunrise, except that public access to Lake H. Taylor Blalock for the purpose of hunting waterfowl on South Carolina Department of Natural Resources leased premises shall be open weekly on Wednesday mornings beginning at 5:00 a.m. during the federal Waterfowl Hunting Season, provided the hunting of waterfowl shall no longer be allowed on Lake H. Taylor Blalock after December 31, 2018, unless reauthorized in statute;

(3) operate any boat, watercraft, or any other type of vessel with an outboard motor having horsepower in excess of the United States Coast Guard rating for the watercraft or with the Coast Guard rating plate missing or changed;

(4) operate, anchor, moor, or dock any boat, watercraft, or any other type of vessel to enter within five hundred feet of any pump station, water intake of a dam, hydroelectric generator
outfall, or spillway, and these restricted areas must be clearly marked with signs designed and installed by the Spartanburg Water System. Boats, watercraft, and other vessels operated for law enforcement, emergency medical service, or dam maintenance and repair are exempted from this requirement;

(5) operate, anchor, moor, or dock any boat, watercraft, or any other type of vessel within one hundred fifty feet of public fishing piers;

(6) operate sailing craft with a mast height in excess of thirty feet;

(7) wade, bathe, or swim within two hundred feet of any public landing, bridge, or restricted area, and these restricted areas must be clearly marked with signs designed and installed by Spartanburg Water System.

(C) The lake wardens may limit entrance of boats, watercraft, or any other type of vessel onto the lake via the public landings when conditions including, but not limiting to, overcrowding or adverse weather, create an unsafe boating environment.

SECTION 50-25-1340. Waterskiing and towing of floating devices prohibited on Lake H. Taylor Blalock [SC ST SEC 50-25-1340]

On Lake H. Taylor Blalock, it is unlawful to water ski or tow rafts, discs, or any other similar floating devices.

SECTION 50-25-1350. Waterskiing and towing restrictions on Lake William C. Bowen; times boating prohibited. [SC ST SEC 50-25-1350]

On Lake William C. Bowen it is unlawful to:

(1) water ski or tow rafts, discs, or other similar floating devices within three hundred feet of any bridge or within one hundred feet of public dock facilities of the Spartanburg Water System;

(2) water ski and tow rafts, discs, or other similar floating devices upstream and west of the Interstate Highway 26 bridge which crosses over Lake William C. Bowen;

(3) pull more than two skiers at one time from any boat or to water ski while carrying one or more persons piggyback;

(4) operate a watercraft between midnight and one hour before sunrise.

SECTION 50-25-1360. Special permits waiving restrictions of this article. [SC ST SEC 50-25-1360]

The department, after consultation with the Spartanburg Water System, by special permit, may waive the restrictions and provisions of Section 50-25-1310 through 50-25-1350 to allow for boat testing, water and ski shows, and similar activities. It is unlawful to violate the terms and conditions of the permit.
SECTION 50-25-1370. Penalty for violation. [SC ST SEC 50-25-1370]

A person violating a provision of this article is guilty of a misdemeanor and must be punished as provided in Section 50-1-130.
Appendix A
Commission Resolution
A RESOLUTION TO PROTECT WATER QUALITY

WHEREAS, The Commissioners of Public Works of the City of Spartanburg, SC ("Spartanburg Water") have established a series of reservoirs to provide a quality source of drinking water for the citizens of Spartanburg County and surrounding areas; and

WHEREAS, Spartanburg Water is responsible for and maintains ownership of these properties including shoreline property above the water level at each of these reservoirs; and

WHEREAS, because these reservoirs are the primary sources of drinking water for an estimated 200,000 people in Spartanburg, Cherokee and Union counties, it is the intent of Spartanburg Water to exercise exclusive control over the use of the reservoirs and adjacent public lands and to develop policies and guidelines for allowable activities for the safe public enjoyment of the water and land, while protecting the quality of these drinking water sources; and

WHEREAS, Spartanburg Water now adopts this resolution as a statement of policy to ensure water quality, define permitted activities, address encroachments and regulate recreational access in, over and around its reservoirs in an effort to protect these valuable resources; and

WHEREAS, Spartanburg Water recognizes that rules and regulations must be promulgated to support the policies outlined in this resolution, but that it is important that this statement of policy be issued to address important aspects of the stewardship of these reservoirs, their ownership and to protect these primary drinking water sources for the Spartanburg community and contiguous areas.

NOW, THEREFORE, BE IT RESOLVED that Spartanburg Water hereby adopts the following statements of policy and directs that staff propose, adopt and enforce guidelines, rules and regulations which carry out these principles:

Section 1. Water Quality.

The buffers around Spartanburg Water's reservoirs are essential in protecting the integrity of the reservoirs themselves as well as the quality of the water contained therein. When possible, Spartanburg Water will work to maintain a natural vegetation barrier where it currently exists and establish guidelines to support natural regrowth within the buffers when practical. Where nature needs a helping hand, supplemental plantings of native species may be required to support the reestablishment of a protective buffer area to protect or enhance lake health.

Healthy lakes support a healthy ecosystem allowing fish and other aquatic species to thrive while simultaneously maintaining a proper natural balance that results in exceptionally good water quality. A healthy lake has good quality source water, which can be treated for drinking water in an affordable and cost-effective manner.
Section 2. Permitted Activities.

At some of its properties, Spartanburg Water supports the erection of certain structures and facilities and the use of the lakes and the buffer area around the lakes for recreational purposes where those structures and activities do not adversely impact the reservoir as a drinking water source. Allowable structures and activities will be set forth in the regulations and will require permitting to ensure the safety of all individuals enjoying the reservoir for recreation and the protection of the reservoir as a drinking water source. Where a previously permitted structure or activity on the lake or within the buffer area requires removal, replacement, maintenance or modification, the proposed change must meet all current guidelines, rules and regulations set forth by Spartanburg Water for such structure or activity.

Section 3. Encroachments.

The buffer property surrounding Spartanburg Water's reservoirs is publicly owned and is protected and controlled by Spartanburg Water. Encroachments on these public properties will be addressed by Spartanburg Water in its permitting processes and/or referenced in an encroachment agreement duly signed by the relevant parties and filed in the public record. In certain instances, Spartanburg Water may require removal of certain encroachments when the water quality of the lake or the safety and security of persons or publicly owned property is threatened or impaired.

Section 4. Recreational Access.

At certain reservoirs, Spartanburg Water encourages responsible use of these natural resources for recreation and in some cases maintains public boat landings, parks and associated amenities for all citizens to enjoy recreational access to the water. At some reservoirs, Spartanburg Water may permit one marine structure per qualifying parcel when landowners' lots are immediately adjacent to the buffer area surrounding a reservoir having the required lot width and adequate lake depth. A permitted structure may only have a single tie to the shoreline and may not be configured in a manner so as to constitute a marina. Where recreational access and drinking water supply and quality intersect, Spartanburg Water will prioritize public safety and environmental protection of its reservoirs as drinking water sources.
The above resolution is adopted this 8 day of January, 2018 by the Commissioners of Public Works of the City of Spartanburg, SC as a statement of policy and as guidance for staff in the promulgation of rules, regulations, guidelines and procedures in full adherence of these policies and priorities.

COMMISSIONERS OF PUBLIC WORKS OF THE
CITY OF SPARTANBURG, SOUTH CAROLINA

SEAL

By: 

Name: 

Its: 

Chairperson

Attest:

By: 

Name: G. Newton Pressley

Its: Secretary/Treasurer
Appendix B

Guidelines for Use of Electricity within SWS Property
Spartanburg Water System
Indemnity and Hold Harmless Agreement Related to Electric Wiring

Dated this _____ day of ___________________________.

The commissioner of Public Works of the City of Spartanburg, S.C., doing business as the Spartanburg Water System (“SWS”), owns Lake Bowen and the buffer land surrounding it.

The undersigned person (the “Landowner”) seeks permission to install and maintain electric wires within or crossing SWS property.

In consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge and agree to, the undersigned Landowner covenants and agrees as follows:

As a condition of SWS granting authorization for the undersigned Landowner to install and maintain electrical wiring on or through SWS property, the Landowner agrees to indemnify and hold SWS harmless for all claims and liabilities arising out of the installation and maintenance of electrical wiring on or through SWS property, including reasonable attorney’s fees and costs related to such claims.

The Landowner agrees that by granting permits SWS is not undertaking any duty to Landowner or to the public to inspect, approve or monitor the safety of any of Landowner’s activities on SWS property, including without limitation the structures placed on SWS property. The Landowner remains solely responsible for complying with all applicable safety and engineering codes, and conducting all activities and maintaining all construction in a safe manner.

This indemnity and hold harmless agreement a) creates no rights in third parties, b) is to be interpreted under the laws of South Carolina, c) represents the entire agreement related to such indemnity and hold-harmless, d) may only be amended by writing signed by both parties, and e) shall remain in force until all claims that might be subject to it have been extinguished. It shall bind the successors and assigns of the parties.

SWS may revoke permission to maintain electrical wiring at any time.

_________________________________         ______________________________
Witness        Signature of Landowner

_________________________________  _________________________________
Witness        Name
Appendix C
Marine Structures Guidelines