

INTERNAL STAFF UPDATE*

Wednesday, February 3, 2016

DHEC – SC Dam Safety Program - Flood Response Status:

In the days following the October 2015 flood, DHEC and the US Army Corps of Engineers staff inspected the 562 high and significant hazard dams in the State. To protect downstream life and property DHEC issued Emergency Orders for 75 dams categorized as at a risk of imminent failure or that had breached. The Emergency Orders required that the dam owner immediately lower the water level and that a plan of action be submitted to the Department outlining the owner's path forward. The 75 dams issued Emergency Orders continue to be monitored by the Department on a weekly to monthly basis.

In cases where dam owners failed to comply with these orders, follow-up letters or Notices of Violation (NOV) are being issued. The NOV is the first step in taking formal enforcement action against a dam owner. It provides further notification to the dam owner that the department may issue an administrative order and assess penalties, and reminds owners that DHEC may go on to their property to take needed actions as outlined in the Emergency Order, and may seek cost recovery.

DHEC has obtained an engineering consultant (HDR) and a construction contractor (Phillips and Jordan) to assess, design and implement solutions which secure dams for protection of life and property when the dam owner has not taken necessary action. The Department has assigned 17 dams to HDR and Phillips and Jordan to date and they are listed below. Site activities by HDR and Phillips and Jordan have largely consisted of monitoring and/or dewatering to date. However, the Department has directed HDR to begin engineering planning for removal of the 4 dams bolded in the list below.

- (1) **Cullums Pond, D 1600, Saluda County (removal planning started by HDR)**
- (2) Loblolly Timber, D 0210, Chester County
- (3) **Mandel Park, D 0584, Richland County (removal planning started by HDR)**
- (4) Currytowne 1, D 4090, Edgefield County
- (5) **Lake Florence, D 1996, Aiken County (removal planning started by HDR)**
- (6) Myra Smith, D0907, Edgefield County
- (7) OE Rose, D 3487, Clarendon County
- (8) Scott Derrick, D 0905, Edgefield County
- (9) Stevensons Lake, D 0546, Richland County
- (10) **Pinewood Lake, D 0580, Richland County (removal planning started by HDR)**
- (11) Henry Jacobs, D 3370, Spartanburg county
- (12) Weston Pond, D 0593, Richland County
- (13) Clarkson Pond, D 0599, Richland County
- (14) Able Corbett, D 2048, Aiken County
- (15) Eloise Watson, D 2530, Kershaw County
- (16) Jefford's Dam, D 3526, Darlington County
- (17) Corbett Pond, D 2052, Aiken County

**This document is a transitory and temporary record created for short-term internal purposes that includes informal materials that do not record decisions.*

Additionally the Department has contracted with the engineering consultant to provide in-house support for implementing the Dam Safety Program due to the increased workload resulting from damage that occurred during the flood event.

SEE ATTACHED SPREADSHEET: The attached spreadsheet provides detailed information for each of the 75 dams that received Emergency Orders and that the Department continues to monitor. 29 of the dams are not impounding water and are considered of lowest concern. The remaining 46 dams continue to impound water and therefore are of safety concern. Those which the spreadsheet indicates are being inspected once per week are of the highest concern followed by those inspected 2 times per month and then those inspected monthly or every 4 to 6 weeks. After a rain event of two inches or more, weekly inspections are performed on all of these dams until safe water levels are re-established.

House Furlough Weeks:

The House plans to furlough the weeks of February 15th, March 28th and April 4th.

Legislative – SNAP Employment and Training Program:

Today, we received a number of questions from legislators regarding the transfer of the SNAP E&T program from DSS to DEW. We are coordinating with DSS and DEW on a one-pager for distribution to answer their questions. We have also offered to meet to answer any questions.

Legislative – Farm Aid Bill:

Representatives from the Farm Bureau have been meeting with individual delegations to push H.4717 (White) – Palmetto Farm Aid Bill. There was discussion that federal money is available that the state has not accepted for farmers – “\$60 million for us to take and the Governor won’t ask for it.” Staff is informing members that the Governor is not for cash payments for farmers and she will veto a bill that provides the mechanism for this.

The Leg. Shop recommends scheduling a meeting with Rep. Hiott, Chairman of Agriculture, to provide information on our position and to answer any questions.

This bill currently has 73 sponsors:

White, Lucas, Hiott, Simrill, G.M. Smith, Lowe, Whitmire, Taylor, George, V.S. Moss, J.E. Smith, M.S. McLeod, Bowers, Corley, Parks, McKnight, Douglas, Knight, Erickson, Merrill, Sandifer, Willis, Kirby, Clary, Cobb-Hunter, Hardee, Duckworth, Johnson, Limehouse, Clyburn, Bales, Horne, Stavrinakis, Hayes, Yow, Neal, Kennedy, Newton, Tinkler, Riley, Howard, King, Henegan, Williams, Anthony, Clemmons, Crosby, Cole, Daning, Dillard, Forrester, Funderburk, Gagnon, Gambrell, Herbkersman, Hixon, Hosey, Loftis, Long, Pitts, Rivers, Rutherford, Ryhal, G.R. Smith, Wells, W.J. McLeod, Ridgeway, G.A. Brown, Bamberg, Hodges, Alexander, Thayer and McEachern – *Note: Huggins has come off as a sponsor.*

Legislative – Bill Follow-Ups:

- First Steps: Josh and Haley met with Rep. Allison and staff today to discuss the strategy for legislation to restructure First Steps. Representative Allison will hold the House bill to reauthorize First Steps that was referred to her committee. We are working to prepare language for a strike-and-insert amendment to the bill. Josh is scheduling meetings with directors of county partnerships regarding the restructuring plan.
- Mopeds – H.3440 (Crosby) in Senate Transportation: Veldran spoke with Senator Grooms, and he is aware of our concerns and the bill will not go anywhere.
- Alcohol Distribution – H.3450 (Bannister) crossed over, Senate Judiciary: Veldran spoke with Chairman Martin, and he is aware of our concerns.
- Veterans Study Committee – H.4573 (J. Smith) in 3M: Veldran and Josh met with Rep. James Smith, and he is favor of an Executive Order and would like draft language to review.
- Local Bill for Camden – S.1000 (Sheheen) crossed over: Josh and Becca spoke with Secretary Hitt today, and Maceo Nance at Commerce will work with us on how/if current blight laws can be improved and on other ideas for statewide solutions. We are also awaiting draft language from Rep. Funderburk to review as well as a call back from Camden City Manager to get more information.

Legislative – Committee Actions:

- FOIA Reform Bill – H.3191 (Newton) in Senate Judiciary Sub: Today, Senator Campsen's subcommittee passed out this bill, which clarifies fees, shortens initial response time from 15 days to 10 days, sets a 30 day deadline for producing records, and establishes a FOIA Office at the Administrative Law Court to hear disputes. While this bill meets three of the McMaster-Medlock's four FOIA-related proposals, it does not eliminate the legislative exemption.
- Destruction of booking and arrest records – S.255 (Thurmond): Today, the House unanimously approved (107-0) the free conference report for S.0255 and the Senate ordered that it be enrolled for ratification (the Senate unanimously approved it last week, 38-0). This bill would make multiple revisions regarding expungement and the destruction of criminal records. Namely, it would:
 - Clarify for what purpose records can be retained by a law enforcement agency following an expungement order;
 - Remove the complete restriction on expungement for charged violations of Title 50 (Fish, Game, and Watercraft), Title 56 (Motor Vehicle), Title 4 (Counties), and Title 5 (Municipalities);
 - Streamline the expungement process for charges that were dismissed, nolle prossed, or the accused was found not guilty; and

- Establish a process whereby an individual could have his records and booking photographs removed from an entity's website for charges that were dismissed, nolle prossed, or the accused was found not guilty

The version of this legislation that originally passed the Senate had controversial language* related to expungement applications before the parole board, but that section was removed in conference.

Legislative – DV Fatality Review Bill:

Tomorrow, the House Crim Laws Sub will take up H.4666, the Domestic Violence Fatality Review Bill as recommended by the DV Task Force. (Recall that this bill will require solicitors to conduct annual reviews of a DV fatality case in order to address gaps in the system and improve policies. At least 31 states have a fatality review law, but SC does not.) Testifying on behalf of the DV Task Force will be Director Bryan Stirling and David Ross, Prosecution Coordination Commission.

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