

**BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
INITIAL STAFF RESPONSE TO REQUEST FOR FINAL REVIEW**

Requestor(s): Keith A. Hewitt

Docket No.: 16-RFR-24 – The Department issued Administrative Order 15C-009F to Keith A. Hewitt for the unauthorized installation of structures in the tidelands critical area.

OGC No.: 22715

I. SUMMARY

a) Type of Decision

On May 6, 2016, the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management ("Department") issued Administrative Order 15C-009F ("Order") to Mr. Hewitt (Exhibit A) regarding violations of the South Carolina Coastal Zone Management Act (Act), S.C. Code Ann. §49-39-130(A), *as amended*, and the Critical Area Permitting Regulations (Regulations), S.C. Code Ann Regs. 30-2(B) and 30-12(A)(2)(c)(v), *as amended*.

The Order requires Mr. Hewitt to remove the unauthorized structures consisting of a 15' x 32.5' JetDock® floating boat storage structure, a 14' x 38' HydroHoist®, and a roof, including associated support structure, over the fixed pierhead from the tidelands critical area and pay a civil penalty in the amount of three thousand dollars (\$3,000.00).

b) Party/Parties

Requestor: Mr. Keith A. Hewitt, owner of the property located in Isle of Palms, South Carolina, which is the subject of this Request for Final Review.

c) Location

The unauthorized structures are located in the tidelands critical area of Morgan Creek adjacent to 54 Waterway Island Drive, Isle of Palms, Charleston County, SC 29451 ("Site").

d) Relevant Chronology ¹

July 2, 1993 - Mr. Hewitt purchased the property at the Site.

July 21, 1998 – The Department issued Critical Area Permit # OCRM-98-253-I ("Permit"), to Mr. Hewitt for the construction of a private dock consisting of a 4' x 72' walkway leading to a 10' x 10' fixed pierhead from which a ramp leads channelward to an 8' x 49' x 20.5' "L" shaped floating dock. Also authorized was an 8' x 12.5' boatlift located between the floating dock and pierhead. Drawings associated with the Permit are attached as Exhibit B. This permit was later accepted by signature of Mr. Hewitt.

¹ Please reference Administrative Order 15C-006F (Exhibit A) for a more detailed chronology

March 15, 2013 - The Department acknowledged a request to replace four deteriorated pilings on the existing fixed pierhead as work that conforms to Department criteria for Normal Maintenance and Repair.

June 16, 2014 – Department staff conducted a routine compliance inspection at the Site and observed the permitted dock structure and:

1. Three (3) unauthorized JetDock® brand floating boat storage structures,
2. One (1) unauthorized HydroHoist® brand floating boat storage structure, and
3. An unauthorized roof over the fixed pierhead.

Three of the four floating boat storage structures were larger than 160 square feet. (Exhibit C).

August 19, 2014 - Department staff had a phone conversation with Mr. Hewitt in which Mr. Hewitt was informed of the compliance issues at the Site.

September 15, 2014 - The Department sent a Notice to Comply to Mr. Hewitt requiring removal of one (1) of the JetDock® brand floating boat storage structures, the HydroHoist® brand floating boat storage structure, and the roof over the fixed pierhead. Additionally, the Notice to Comply required Mr. Hewitt to remove or submit an after-the-fact critical area permit application for the two remaining floating boat storage structures provided both structures were 160 sq. ft. or less.

September 29, 2014 - At the request of Mr. Hewitt, Department staff met with him to discuss the contents of the Notice to Comply. A clear path to compliance was discussed in detail and the compliance and enforcement process was explained to Mr. Hewitt. Mr. Hewitt stated he would begin removing and reducing the unauthorized structures within the week to bring his dock structure into compliance.

October 28, 2014 – In response to a Department request, Mr. Hewitt submitted photographs showing removal of one (1) of the JetDock® floating boat storage structures and the roof over the fixed pierhead. The support structure for the roof remained on the fixed pierhead.

December 16, 2014 - Department staff emailed Mr. Hewitt requesting a status update on his progress to bring the dock structure into compliance.

January 9, 2015 - The Department received photographs from Mr. Hewitt showing removal of a second JetDock® floating boat storage structure. Department staff had a phone conversation with Mr. Hewitt to discuss the two remaining floating boat storage structures at the Site. Mr. Hewitt inquired about the possibility of keeping the 14' x 38' HydroHoist®. The Department reiterated that the HydroHoist® must be removed. Mr. Hewitt stated that he reduced the remaining JetDock® floating boat storage structure to less than 160 sq. ft. and that he would submit an after-the-fact permit application for that structure.

May 6, 2015 - Department staff emailed Mr. Hewitt requesting a status update on his progress to bring the dock structure into compliance.

June 10, 2015 - Department staff emailed Mr. Hewitt informing him that the Department had not received any correspondence since January 9, 2015. This email also informed Mr. Hewitt that this matter would be referred for further enforcement action should the violations not be resolved by July 10, 2015. Mr. Hewitt responded but did not address his progress in bringing the dock structure into compliance. Mr. Hewitt reiterated several items that had already been discussed and responded to by Department staff.

June 30, 2015 - Department staff emailed Mr. Hewitt responding to his June 10, 2015 email to remind him that the HydroHoist® floating boat storage structure must be removed and the remaining JetDock® floating boat storage structure must be reduced to 160 sq. ft. or less by July 10, 2015.

July 17, 2015 - Department staff referred this case for enforcement action since no further correspondence had been received from Mr. Hewitt.

July 23, 2015 - Department staff conducted an inspection at the Site and observed that the roof was reinstalled over the fixed pierhead and that the HydroHoist® and JetDock® floating boat storage structures were present in the tidelands critical area at the Site. Mr. Hewitt was present during this inspection.

July 30, 2015 - Department staff conducted an additional inspection at the Site and confirmed that the JetDock® floating boat storage structure had not been reduced in size and was still larger than 160 sq. ft.

August 11, 2015 - Department staff conducted a review of aerial imagery of the Site and observed the following:

1. Aerial imagery dated March 17, 2007 of the Site shows the existence of two (2) unauthorized floating boat storage structures in the tidelands critical area. (Exhibit D).
2. Aerial imagery dated February 26, 2009 of the Site shows the existence of three (3) unauthorized floating boat storage structures in the tidelands critical area. (Exhibit E).
3. Aerial imagery dated January 1, 2012 of the Site shows the existence of four (4) unauthorized floating boat storage structures in the tidelands critical area. (Exhibit F).
4. Aerial imagery dated March 5, 2013 of the Site shows that the most recently added floating boat storage structure moved locations since January 1, 2012. (Exhibit G).

5. Aerial imagery dated March 8, 2013 of the Site shows that the most recently added floating boat storage structure moved locations again since March 5, 2013. (Exhibit H).
6. Aerial imagery dated March 1, 2014 of the Site shows the existence of three unauthorized floating boat storage structures in the tidelands critical area; none of which were of the HydroHoist® brand style. (Exhibit I).

October 29, 2015 - The Department issued a Notice of Violation/Admission Letter (NOV/AL), including proposed Findings of Fact, to Mr. Hewitt. The NOV/AL scheduled an enforcement conference for November 19, 2015.

November 19, 2015 - An enforcement conference was held at the Department's office in Charleston; of which Mr. Hewitt attended. Department staff read through the proposed Findings of Fact and explained the critical area violations in detail. Department staff explained the administrative enforcement process as well as the assessment of civil penalties. Department staff outlined a clear path to compliance and Mr. Hewitt stated he was not willing to resolve this enforcement action through a consent order.

May 6, 2016 - The Department issued Administrative Order 15C-009F.

May 12, 2016 – The Department sent Mr. Hewitt notice of the decision to issue the Order via certified mail. This mailing included a cover letter, certified copy of the Order, and a Guide to Board Review.

May 14, 2016 - The Order and associated documents were delivered to the Hewitt residence.

May 24, 2016 - The Department received a Request for Final Review from Mr. Hewitt.

e) Decision

The South Carolina Coastal Zone Management Act, §49-39-50(I), *as amended*, provides the Department the power to enforce the provisions of this chapter and all rules and regulations promulgated by the Department. Section 49-39-170(C), *as amended*, gives the Department the authority to issue orders and assess penalties when a person is in violation of the any permit, regulation, standard or requirement under this chapter. As outlined above, the decision by Department staff to issue the Administrative Order (requiring removal of the unauthorized structures and payment of a civil penalty) was made after working for nearly two (2) years to assist Mr. Hewitt in complying with the Act and Regulations in a manner that would have allowed for the retention of the maximum square footage and number of boat storage structures allowed by the Regulations. Mr. Hewitt made several arguments in support of his many boat storage structures throughout the enforcement process. After consideration of these arguments Department staff determined that such arguments lacked merit or relevancy to the matter. Absent an agreement through a consent order, the Department must require the removal of all structures not contemplated in the Permit through an administrative order.

II. RELEVANT LAW

a) Statute

South Carolina Coastal Zone Management Act, S.C. Code Ann. §49-39-130(A), *as amended*, requires, "[n]inety days after July 1, 1977, no person shall utilize a critical area for a use other than the use the critical area was devoted to on such date unless he has first obtained a permit from the department."

b) Regulation

1. South Carolina Critical Area Permitting Regulations S.C. Code Ann. Regs. 30-2(B), *as amended*, requires, "...any person wishing to alter a critical area must receive a permit from the Department."
2. South Carolina Critical Area Permitting Regulations S.C. Code Ann. Regs. 30-12(A)(2)(c)(v), *as amended*, provides that, "[o]n creeks larger than 150 feet, as measured from marsh vegetation on each side, total allowable dock square footage shall be restricted to 600 square feet unless special geographic circumstances and land uses warrant a larger structure."
3. South Carolina Critical Area Permitting Regulations S.C. Code Ann. Regs. R.30-12(A)(2)(c)(x), *as amended*, "[b]oat storage structures will not count against the total dock square footage as outlined in 30-12.A(2)(c)(ii-vi) if the size of the structure is 8 feet by 20 feet or less. The area of any larger structure greater than 160 square feet will count against the total allowable dock square footage."

III. JURISDICTIONAL ISSUES

None (Reserved)

IV. RESPONSE TO GROUNDS STATED IN THE REQUEST FOR FINAL REVIEW

Requestor asserts the structures located in the tidelands critical area are grandfathered based on information received from a former Department employee and, therefore, are not required to be in compliance with the Department's regulations.

A "grandfathered" structure is one that existed in its present configuration prior to September 29, 1977. Mr. Hewitt purchased the property at the Site in 1993 and received a Department permit in 1998 for a dock that consisted of a walkway, fixed pierhead, ramp, floating dock and boat lift. A floating boat storage structure was not contemplated as part of the Department's 1998 authorization for the dock at the Site. No structure was present at the Site prior to 1977; therefore, no part of the structure, permitted or otherwise, can be considered grandfathered. S.C. Code Ann. §49-39-130(A) and R. 30-2(B), *as amended*, require that any utilization/alteration of any critical area be permitted by the Department.

Mr. Hewitt has maintained throughout his correspondence with the Department during the compliance and enforcement process that Department staff informed him some 30 years ago that he was not required to obtain a permit to place a floating boat storage structure in the tidelands critical area at his property. Mr. Hewitt

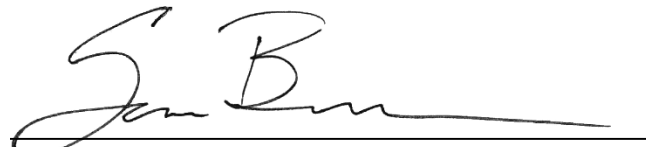
purchased the property that is the subject of this matter approximately 23 years ago. Any discussion Mr. Hewitt may have had with Department staff 30 years ago would not have been in reference to the property at the Site and is irrelevant to this matter. Additionally, "statements by agency employees alone may not abrogate the authority granted by statute." Spectre, LLC v. SCDHEC, 386 S.C. 357, 368, 688 S.E.2d 844, 850 (2010).

Mr. Hewitt initially signaled cooperation with the Department in resolving the violations at the Site by removing the roof over the fixed pierhead and removing two (2) floating boat storage structures. However, he has since reinstalled the roof over his pierhead and has not reduced or removed the remaining floating boat storage structures at the Site. Mr. Hewitt was made aware of the path to compliance multiple times throughout the compliance and enforcement process. Cooperative resolution of this matter through a consent order was discussed with Mr. Hewitt, but terms to bring the dock structure into compliance could not be agreed upon between the parties.

V. REQUESTED ACTION

Based on the foregoing, the Department respectfully requests that the Board decline to hold a final review conference in the above-referenced matter thereby upholding the staff decision as the Final Agency Decision.

Respectfully Submitted,



Sean M. Briggs
Manager, Compliance and Enforcement Section
Office of Ocean & Coastal Resource Management



Nathan M. Haber
Counsel
Office of Ocean & Coastal Resource Management

**STATE OF SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**

**IN RE: KEITH A. HEWITT
PERMIT # OCRM-98-253-I
CHARLESTON COUNTY**

**ADMINISTRATIVE ORDER
15C-009F**

Keith A. Hewitt is responsible for unauthorized structures in the tidelands critical area regulated by the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (Department). In accordance with Department regulations and enforcement policy, this Administrative Order (Order) is now being issued to include the following:

FINDINGS OF FACT

1. Keith A. Hewitt is the current owner of certain property abutting the tidelands critical area regulated by the Department, located on and adjacent to Morgan Creek at 54 Waterway Island Drive, Isle of Palms, Charleston County, SC (PIN #604-01-00-055) (Site), and as such, is responsible for the unauthorized activity described herein.
2. On July 21, 1998, the Department issued Critical Area Permit #OCRM-98-253-I (Permit) to Mr. Hewitt for the construction of a private dock at the Site. This structure was authorized to consist of a 4' x 72' walkway leading to a 10' x 10' fixed pierhead from which a ramp leads channelward to an 8' x 49' x 20.5' "L" shaped floating dock. Also authorized was an 8' x 12.5' boatlift located between the floating dock and pierhead.
3. On August 15, 1998, the Department issued a construction placard to Mr. Hewitt for work as authorized by the Permit. This placard held an expiration date of November 11, 1998.

4. On March 12, 2013, the Department received a Maintenance and Repair Request from Mr. Hewitt. Craig Pawlyk with Jon Guerry Taylor & Associates, Inc. was listed as the agent for Mr. Hewitt. This request was to replace four deteriorated pilings on the fixed pierhead at the Site.
5. On March 15, 2013, the Department acknowledged the request to replace four deteriorated pilings on the existing fixed pierhead as work that conforms to Department criteria for Normal Maintenance and Repair.
6. On June 16, 2014, Sarah Reed, Compliance Project Manager, conducted a routine compliance inspection at the Site and observed a 4' x 72' walkway with handrails leading to a 10' x 10' fixed pierhead. A 3' x 20' ramp accessed an 8' x 49' x 20.5' "L" shaped floating dock.¹ Additionally, Ms. Reed observed the following unauthorized structures: a roof over the fixed pierhead, three Jet Dock® brand floating boat storage structures measuring ~11.2' x 22.4', 15' x 32.5', and 8' x 14', and a 14' x 38' HydroHoist® brand floating boat storage structure.² Photographs of the Site were taken during this inspection.
7. On August 19, 2014, Ms. Reed had a phone conversation with Mr. Hewitt in which Ms. Reed explained the compliance issues at the Site. Ms. Reed stated that she would issue a Notice to Comply that would outline the corrective actions Mr. Hewitt would need to take to bring the dock into compliance with Critical Area Permitting Regulations and the Permit.
8. On September 15, 2014, Ms. Reed sent a Notice to Comply via certified mail to Mr. Hewitt that required removal of the 14' x 38' HydroHoist®, the 15' x 32.5' JetDock® floating boat storage structure, and the roof over the fixed pierhead. Additionally,

¹ The floating dock dimensions were documented as 8' x 61.5' in the Inspection Report Form. These dimensions indicate the entire width and length of the floating dock and do not denote the specific "L" shaped measurements. For consistency and clarity in this document, the dimensions are clarified as 8' x 49' x 20.5' to denote the "L" shaped floating dock.

² The ~11.2' x 22.4' JetDock® floating boat storage structure was documented as a 246 sq. ft. boat storage structure in the Inspection Report Form. For consistency and clarity in this document, the approximate length and width dimensions are specified.

FOR ALTA CENTER
ON 09/15/2014 10:00 AM
ADMIN: GARY HARRISON

Mr. Hewitt was required to either remove or submit an after-the-fact critical area permit application for authorization of the 8' x 14' JetDock® floating boat storage structure and the ~11.2' x 22.4' JetDock® floating boat storage structure provided that it is reduced from 246 sq. ft. to 160 sq. ft. or less. This Notice was also sent electronically to Mr. Hewitt the same day. Mr. Hewitt signed for and received the mailed Notice to Comply on September 25, 2014.

9. On September 18, 2014, Ms. Reed received an email from Mr. Hewitt regarding the Notice to Comply. Mr. Hewitt requested a meeting with Ms. Reed and management staff to discuss the contents of this Notice. In this email correspondence, Mr. Hewitt stated "[i]t's my belief that I am compliance [*sic*] per written or verbal authorization from SCDHEC. After review should it be determined changes or permitting are need [*sic*], I will make every effort to do so." Mr. Hewitt also inquired about the process to appeal Department decisions.
10. On September 29, 2014, a meeting was held at the Department's office in Charleston. Ms. Reed and Sean M. Briggs, Manager, Compliance and Enforcement Section, were in attendance along with Mr. Hewitt. The violations at the Site were discussed in detail. Mr. Hewitt inquired about the process to appeal decisions by the Department and Mr. Briggs explained the compliance and enforcement process. Mr. Hewitt stated that he would begin removing and reducing the structures that week. The Department agreed to give Mr. Hewitt additional time to remove/modify the unauthorized structures as long as Mr. Hewitt was working towards bringing the dock into compliance in a timely manner. Ms. Reed requested that Mr. Hewitt provide the Department with progress updates and pictures documenting his efforts.
11. On October 27, 2014, Ms. Reed sent an email to Mr. Hewitt requesting a status update on his progress to remove the unauthorized floating boat storage structures and roof over the fixed pierhead.
12. On October 28, 2014, Mr. Hewitt submitted photographs via email showing the removal of the 8' x 14' Jet Dock® floating boat storage structure and the roof over

THIS IS A TRUE COPY
OF THE ORIGINAL RECORDS
MAINTAINED BY THE
DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL

CERTIFIED A TRUE COPY
OF DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL RECORDS

the fixed pierhead from the tidelands critical area. The support structure for the roof remained on the fixed pierhead at the Site.

13. On December 16, 2014, Ms. Reed sent an email to Mr. Hewitt requesting a status update on the progress made in removing the remaining unauthorized structures.
14. On January 9, 2015, Mr. Hewitt submitted photographs via email showing the removal of the ~11.2' x 22.4' JetDock® floating boat storage structure. Ms. Reed had a phone conversation with Mr. Hewitt that same day to discuss the remaining floating boat storage structures at the Site. Mr. Hewitt inquired about the possibility of keeping the 14' x 38' HydroHoist® and Ms. Reed informed him that it must be removed. Mr. Hewitt stated that he reduced the remaining 15' x 32.5' JetDock® floating boat storage structure to 160 sq. ft. and that he would submit an after-the-fact permit application for that structure.
15. On May 6, 2015, Ms. Reed sent an email to Mr. Hewitt requesting a status update on the progress made in removing the remaining unauthorized structures.
16. On June 10, 2015, Ms. Reed sent an email to Mr. Hewitt. This email stated that Ms. Reed had not received any correspondence from Mr. Hewitt since January 9, 2015. Ms. Reed stated that this matter would be referred for further enforcement action if the violations were not resolved by July 10, 2015. Mr. Hewitt replied via email the same day, but did not address the violations or provide an update of his progress in removing the unauthorized structures. Mr. Hewitt reiterated several items that had already been discussed and responded to by Department staff.
17. On June 30, 2015, Ms. Reed sent an email to Mr. Hewitt responding to his June 10, 2015 email and reminding him that the HydroHoist® must be removed and the remaining JetDock® floating boat storage structure must be reduced to less than or equal to 160 sq. ft. by July 10, 2015.
18. On July 17, 2015, Ms. Reed referred this case for further enforcement action since the Department had received no further correspondence from Mr. Hewitt with regard to this matter.

19. On July 23, 2015, Morgan Flake, Enforcement Project Manager, conducted an inspection at the Site. Mr. Hewitt was present during this inspection. Ms. Flake observed that the roof was reinstalled over the fixed pierhead and that the 15' x 32.5' JetDock® floating boat storage structure and 14' x 38' HydroHoist® were present in the tidelands critical area at the Site. Photographs of the Site were taken during this inspection.
20. On July 30, 2015, Ms. Flake conducted an additional inspection at the Site to confirm that the JetDock® floating boat storage structure dimensions were 15' x 32.5'. Mr. Hewitt was present during this inspection and stated that the 15' x 32.5' JetDock® had not been reduced. Photographs of the Site were taken during this inspection.
21. On August 11, 2015, Ms. Flake conducted a review of aerial imagery of the Site and observed the following:
- a. 2007 aerial imagery shows the existence of two unauthorized floating boat storage structures in the tidelands critical area;
 - b. 2009 aerial imagery shows the existence of three unauthorized floating boat storage structures in the tidelands critical area;
 - c. 2012 aerial imagery shows the existence of four unauthorized floating boat storage structures in the tidelands critical area. The most recently added floating boat storage structure moved locations multiple times throughout 2012 and 2013;
 - d. 2014 aerial imagery shows the existence of three unauthorized floating boat storage structures in the tidelands critical area; none of which were of the HydroHoist® brand style.
22. On October 29, 2015, a Notice of Violation/Admission Letter (NOV/AL), including proposed Findings of Fact, was sent via certified mail to Mr. Hewitt. The NOV/AL scheduled an enforcement conference for November 19, 2015 and was signed for and received by Mr. Hewitt on October 31, 2015.
23. On November 19, 2015, an enforcement conference was held at the Department's office in Charleston. Ms. Flake was in attendance representing the Department. Mr.

Hewitt was also in attendance. Ms. Flake read through the proposed Findings of Fact and explained the critical area violations in detail. Mr. Hewitt stated that the dock structure (i.e. walkway to ramp accessing the floating dock) at the Site was built in 1984 and that the 8' x 12.5' boatlift indicated in the Permit drawings was actually a Jet Dock®. Mr. Hewitt restated several points previously made during the September 29, 2014 meeting with Department staff and in the June 10, 2015 email to Ms. Reed. Ms. Flake explained the administrative enforcement process as well as the assessment of civil penalties. Mr. Hewitt stated that he was not willing to work with the Department to resolve the remaining violations at the Site.

CONCLUSIONS OF LAW

Based on the above findings, Keith A. Hewitt has violated the following:

1. **The South Carolina Coastal Zone Management Act, S.C. Code Ann. §48-39-130(A) and 23A S.C. Code Ann. Regs. 30-2(B), as amended**, which require that any utilization/alteration of any critical area be permitted by the Department. Specifically, Mr. Hewitt installed a 15' x 32.5' JetDock® floating boat storage structure, a 14' x 38' HydroHoist®, and a roof over the fixed pierhead in the tidelands critical area at the Site without a permit from the Department.
2. **23A S.C. Code Ann. Regs. 30-12(A)(2)(c)(v), as amended**, restricts the total allowable square footage for docks on creeks larger than 150 feet, as measured from marsh vegetation on each side, to 600 square feet unless special geographic circumstances exist. In this case, special geographic circumstances do not exist. Pursuant to **23A S.C. Code Ann. Regs. 30-12(a)(2)(c)(x), as amended**, boat storage structures will not count against the total dock square footage as outlined in 30-12(A)(2)(c)(ii-vi) if the size of the structure is 8 feet by 20 feet or less. The area of any larger structure greater than 160 square feet will count against the total allowable dock square footage. Specifically, Mr. Hewitt installed a 15' x 32.5' JetDock® floating boat storage structure and a 14' x 38' HydroHoist® on a dock structure that totals 592 square feet, excluding these additional boat storage structures.

The Coastal Zone Management Act, S.C. Code Ann. §48-39-50(I), *as amended*, provides the Department the power to enforce the provisions of this chapter and all rules and regulations promulgated by the Department and institute or cause to be instituted in courts of competent jurisdiction of[sic] legal proceedings to compel compliance with the provisions of this chapter. Section 48-39-170(C), *as amended*, provides that any person determined to be in violation shall be liable for, and may be assessed a civil penalty of not less than one hundred dollars nor more than one thousand dollars per day of violation. It also provides that whenever the Department finds that a person is in violation of any permit, regulation, standard, or requirement under this chapter, the Department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement, including an order requiring restoration when deemed environmentally appropriate by the Department. In addition, §48-39-170(C), *as amended*, provides that the Department may bring a civil enforcement action under this section as well as seeking appropriate injunctive relief under §48-39-160.

NOW, THEREFORE, IT IS ORDERED that Keith A. Hewitt shall:

1. Within thirty (30) days of the effective date of this Order, pay a civil penalty in the amount of three thousand dollars (\$3,000.00) to the Department. The penalty payment shall be in the form of a check made payable to SCDHEC and reference order number 15C-009F.
2. Within thirty (30) days of the effective date of this Order, remove the 15' x 32.5' JetDock® floating boat storage structure, the 14' x 38' HydroHoist®, and the roof, including associated support structure, over the fixed pierhead from the tidelands critical area at the Site.
3. Within seven (7) days of completion, notify the Department, in writing, of the removal of the unauthorized structures. Following this notification, the Department will perform an inspection of the Site to ensure compliance with the Act and the terms of this Order.

NO DUPLICATION
OF INFORMATION TO
BE MAINTAINED
IN THE
RECORDS

CERTIFIED A TRUE COPY
OF DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL RECORDS

4. All requirements of this Order to be submitted shall be addressed as follows:

Attn: Morgan H. Flake
Enforcement Project Manager
SCDHEC's Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

This Order becomes effective fifteen (15) days after the date of mailing or hand delivery, unless otherwise appealed. Should this Order not be appealed and the terms of the Order are not satisfied within the specified time frames, the Department may file an action in Circuit Court to enforce this Order.

IT IS FURTHER ORDERED that failure to comply with any provision of this Order within the time specified above shall be grounds for additional daily monetary sanctions and/or the institution of a court action.

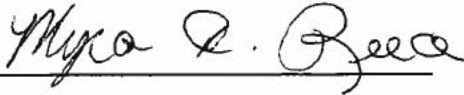
IT IS FURTHER ORDERED that this Administrative Order governs only the civil liability imposed upon Keith A. Hewitt by the Department for civil sanctions arising from the matters set forth herein.

AND SO IT IS ORDERED

THIS IS A TRUE COPY
OF THE ORIGINAL
RECORDED IN THE
OFFICE OF THE
CLERK OF THE
COURT

CERTIFIED A TRUE COPY
OF DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL RECORDS

STATE OF SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT



Myra C. Reece
Director of Environmental Affairs

Date: 5/6/16



Elizabeth B. von Kolnitz
Chief

Date: 4/27/16



Rheta Geddings DiNovo
Director, Regulatory Division

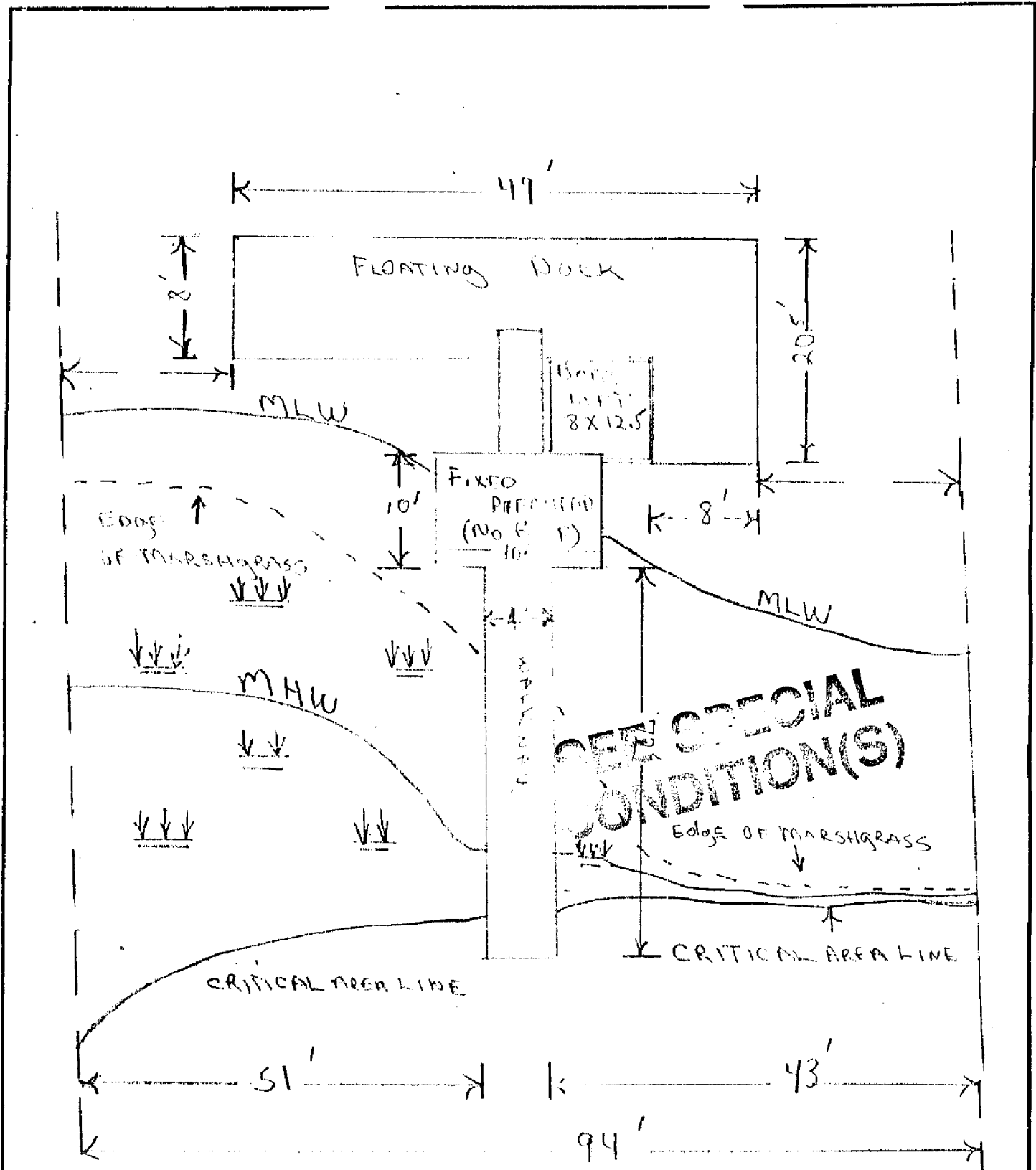
Date: April 27, 2016

Reviewed By:



Attorney
Office of General Counsel

Date: 4/27/16



<p>APPLICANT: KEITH HEWITT</p> <p>ACTIVITY: PRIVATE</p> <p>RECREATIONAL DOCK</p> <p>P/N # CCRM-98-253-E</p>	<p>LOCATION: 54 WATERWAY IS</p> <p>ISLE OF PALMS, S.</p> <p>COUNTY: CHARLESTON</p> <p>DATE: JUNE, 17, 1998</p>	<p>ADJACENT PROPERTY OWNERS:</p> <p>1. RALPH OGDEN</p> <p>2. LUE DEWOLFE</p>
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PROGRESS TO END OF PAVING CONC.

37'

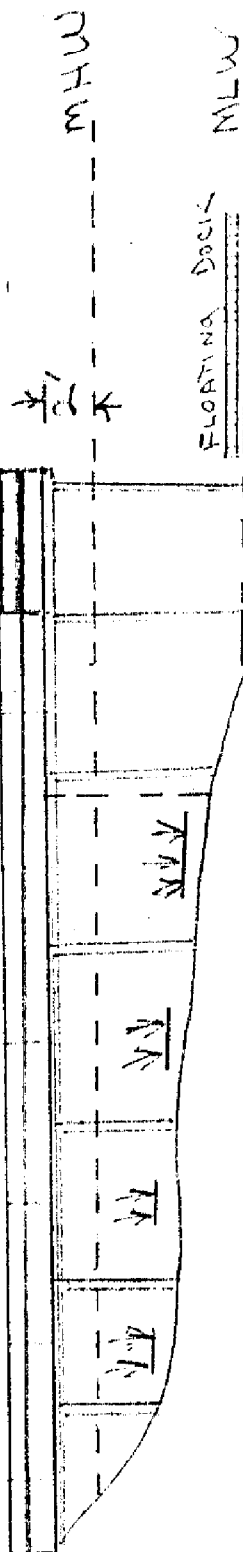
EDGE OF MANGROVE

CRITICAL AREA LINE
(SHORELINE)

4'x72'

WALKWAY w/ HANDRAILS

10'x10'
FIXED DOCK



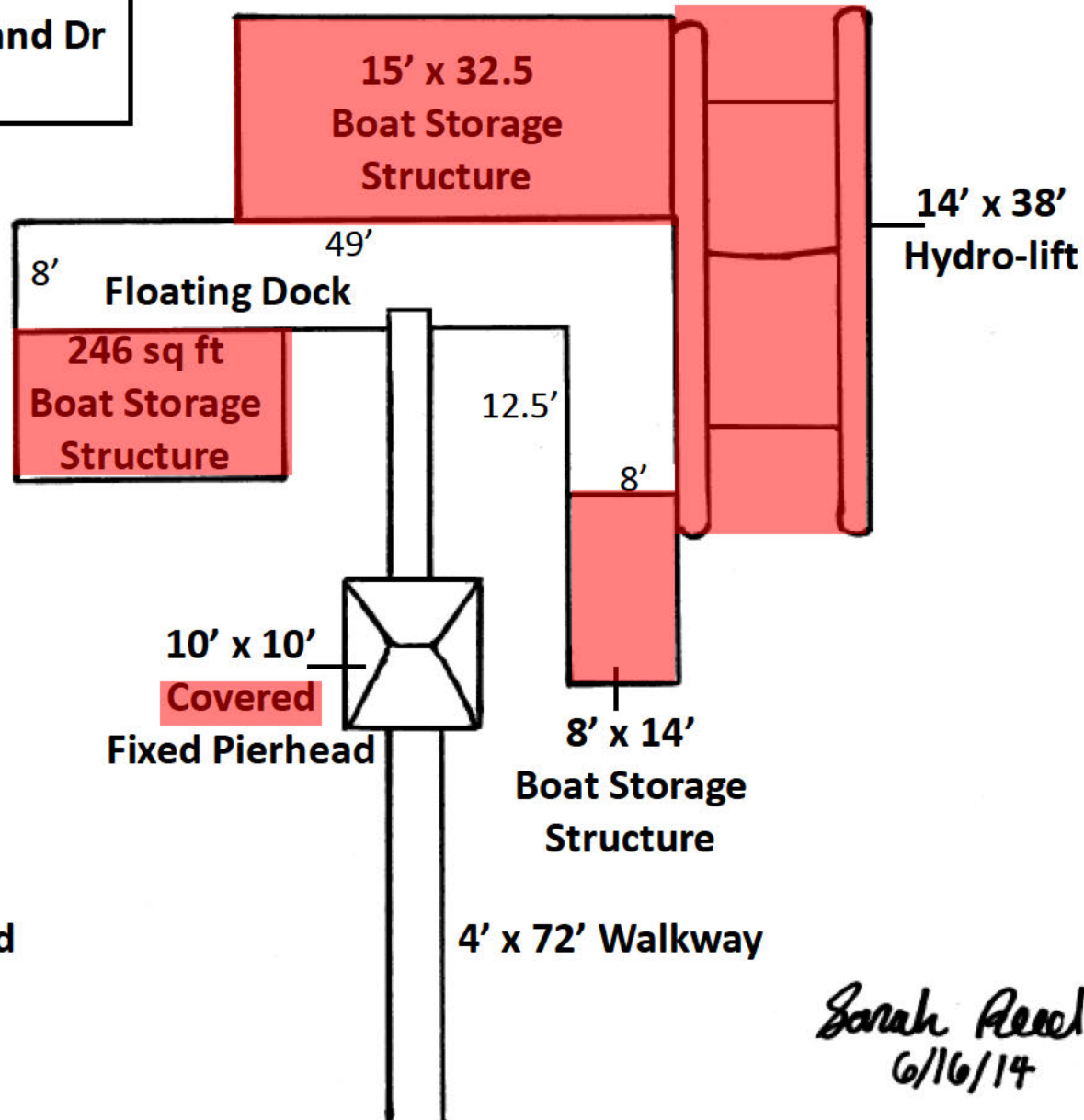
SEE SPECIAL
CONDITION(S)



DRAWING NOT TO SCALE

APPLICANT: KETA NEWITT	LOCATION: 54 WATERWAY IS.	ADJACENT PROPERTY OWNERS: IRANX BROWN LLOYD DEBARGE
ACTIVITY: PRIVATE RECREATIONAL DOCK	ISLE OF PALMS, FLA. COUNTY: CHARLES COUNTY, FLA.	
P/N # 000M-98-253-E	DATE: JUNE 10, 1998	

Keith Hewitt
54 Waterway Island Dr
Isle of Palms, SC

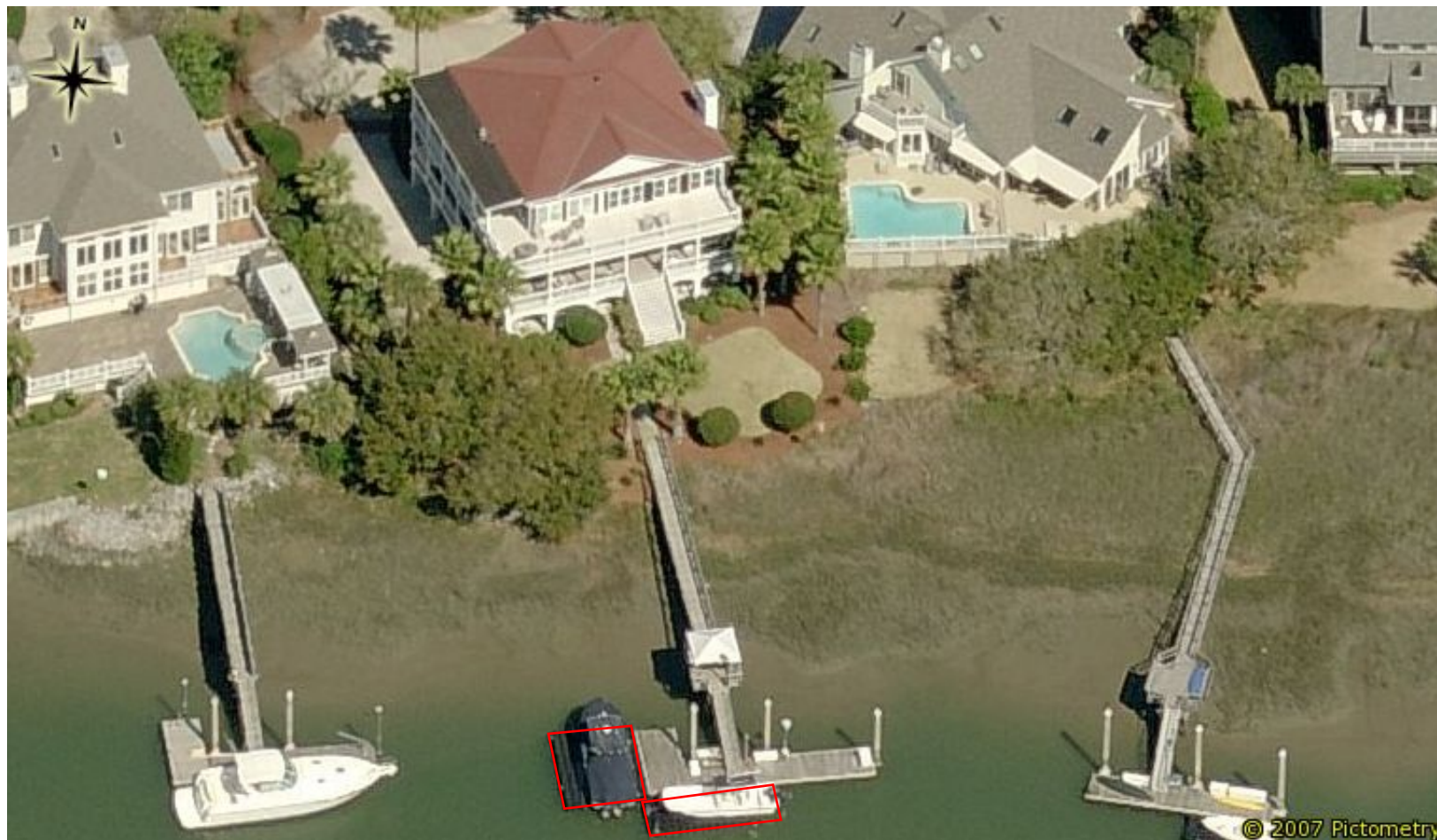
Exhibit C



 Unauthorized
 Permitted

SCALE 1" = 10'

Sarah Reed
6/16/14



3.17.2007 Pictometry Image of 54 Waterway Island Drive

Print Date: 08/11/2015
Image Date: 03/17/2007
Level: Neighborhood



2.26.2009 Pictometry Image of 54 Waterway Island Drive

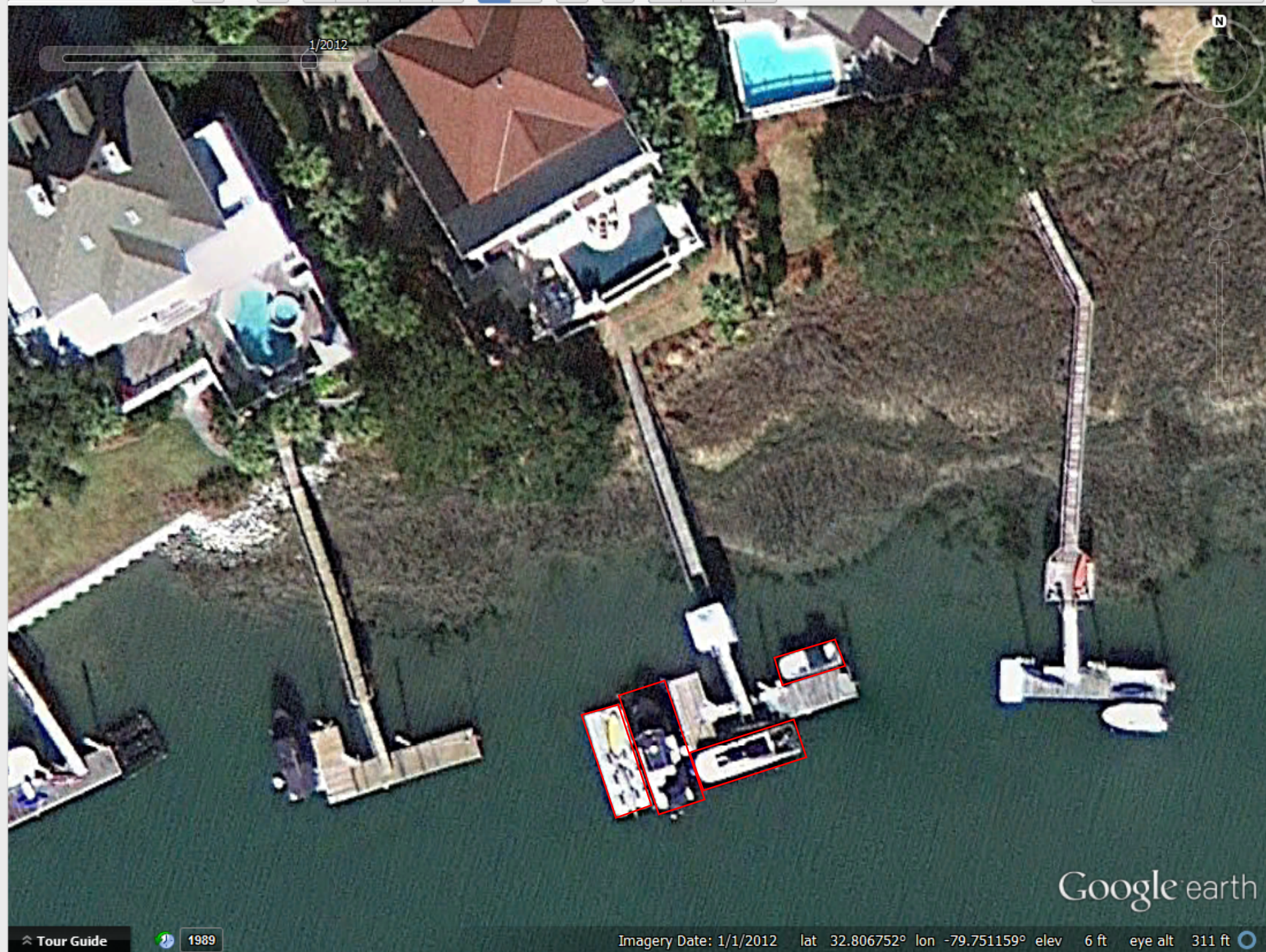
Print Date: 08/11/2015
Image Date: 02/26/2009
Level: Neighborhood



Sign in

1/2012

N



Google earth

Tour Guide



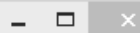
1989

Imagery Date: 1/1/2012 lat 32.806752° lon -79.751159° elev 6 ft eye alt 311 ft



3.5.2013 Pictometry Image of 54 Waterway Island Drive

Print Date: 08/11/2015
Image Date: 03/05/2013
Level: Neighborhood



54 Waterway Tr



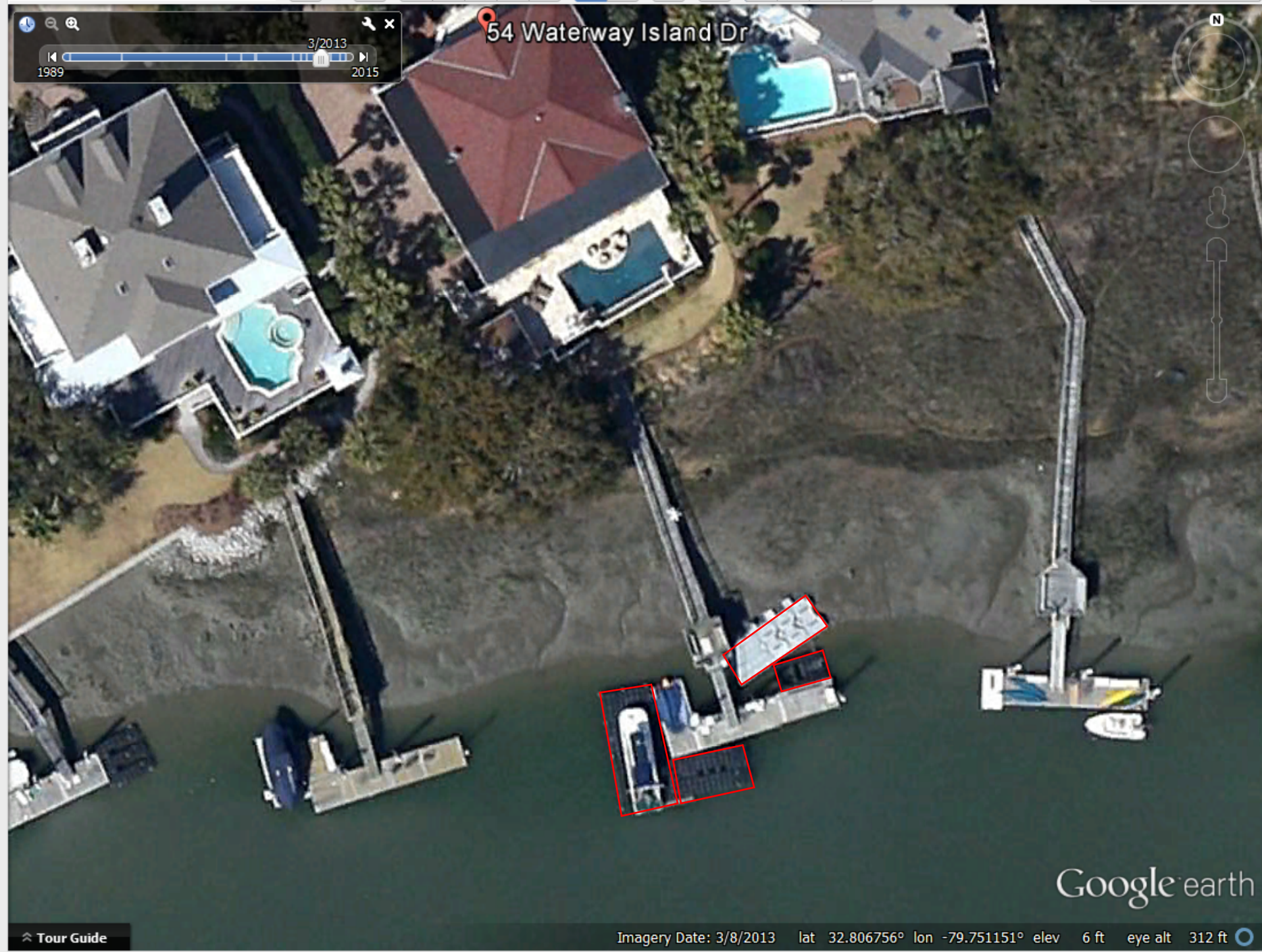
Sign in

54 Waterway Island Dr

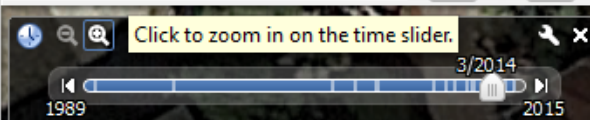
3/2013

1989

2015



Google earth



54 Waterway Island Dr