



**Spartanburg Water System  
Rules and Regulations**

**Municipal Reservoir #1**

**Effective Date - December 7, 2022**

**[www.spartanburgwater.org](http://www.spartanburgwater.org)**

# **The Commissioners of Public Works of the City of Spartanburg, SC**

**These Rules and Regulations were approved by the Commission on December 6, 2022 at their Regularly Scheduled Commission Meeting**

**d/b/a**

## **Spartanburg Water System**

### **Offices**

Spartanburg Water System  
P.O. Box 251  
Spartanburg, SC 2930  
(864) 583-7361

Lake Bowen Office  
8515 Highway 9  
Inman, SC 29349  
(864) 592-2240

24-Hour Emergency Number  
(864) 578-2764

## **Municipal Reservoir #1**

1. The Commissioners of Public Works of the City of Spartanburg, SC, d/b/a Spartanburg Water System (SWS) owns the property beneath the Municipal Reservoir #1 (the “Reservoir”), as well as a buffer area of real property surrounding the Reservoir between contour elevation 780 feet above mean sea level and the water’s edge (the “Buffer Area”). In addition, SWS owns certain real property in fee simple title above the 780’ MSL elevation. Please contact the Lake Bowen Office for information or to review maps of specific property owned by SWS.
2. SWS maintains an office (the “Lake Bowen Office”) at 8515 Highway 9, Inman, SC. SWS has staff assigned to this location and visitors can obtain copies of the Reservoir Rules and Regulations, permit applications and other information. The Lake Bowen Office is generally open daily from 7:30 am to 4:00 pm; however the hours are seasonal and subject to change.

## **General**

1. Municipal Reservoir #1 is the primary source of drinking water for the City of Spartanburg and portions of Spartanburg County and surrounding areas served by SWS. SWS has a duty to protect this resource from a wide range of threats such as pollutants and contaminants that could adversely affect the public water supply. SWS completed an America’s Water Infrastructure Act (AWIA) Risk and Resilience Assessment (RRA) in March of 2020. The RRA assessed the various source, treatment, and distribution assets associated with the SWS; information technology (IT) systems, and administrative facilities. The most critical assets were identified based on an all hazards approach considering man-made hazards and accidents as well natural hazards, dependency hazards, and proximity hazards. The results of the RRA prioritized risks and identified critical mission impacts that were subsequently used to focus and update the SWS Emergency Response Plan (ERP). Various sections of the 2018 AWIA have strengthened source water protection, water intake and critical infrastructure security, as well as water system resiliency requirements. Section 2013 of AWIA requires the RRA to evaluate the risk and resilience of source water intakes from malevolent acts and natural hazards. This assessment has been certified to the Environmental Protection Agency (EPA) as complete and the RRA is maintained as a controlled confidential document not for public dissemination.

2. SWS is committed to maintaining the natural condition of the Reservoir and the SWS-owned land surrounding the Reservoir that serves as a buffer. Human activities in, on, and adjacent to the Reservoir pose the greatest threat to the current and future health of the water supply. The vegetated buffer surrounding the Reservoir and the Reservoir itself act as the final lines of natural filtration for settling before the raw water reaches the R.B. Simms water treatment facility. This natural environment and protected buffer help SWS fulfill its mission of reliably delivering high quality drinking water to the region. Preventing harmful runoff pollution and other impacts to the region's primary water supply is a vital public health issue for the customers we serve as well as to ensure the economic vitality of the region.
3. All persons shall use SWS Property in accordance with applicable law. Like any landowner, SWS has the right to control who may enter its property and what activities are permitted. Any person who enters or engages in unauthorized activities on any property owned by SWS ("SWS Property") without SWS's permission is trespassing and may be subject to administrative, civil, or criminal penalties.
4. Municipal Reservoir # 1 is an artificial reservoir constructed, owned, and operated by SWS for the sole purpose of providing a high quality source of raw water for the regional public water system. SWS has authority under various provisions of the South Carolina Code of Laws to exercise full control and management of all portions of its public water system. That includes the authority to promulgate regulations and to issue permits governing the operation and any use of the Reservoir and the surrounding buffer land owned by SWS.
5. Any person who violates these regulations or any condition of a license, agreement, or permit issued thereunder is subject to administrative, civil and/or criminal penalties.
6. Except as provided below, access onto SWS Property is prohibited. This prohibition includes, but is not limited to access for the purpose of, swimming, wading, bathing, or floating on the Reservoir and entering and traversing the SWS buffer land.
7. SWS may, in its sole discretion, permit Contiguous Landowners and their families and guests, to access the Reservoir Buffer Area.
8. Any person who wishes to obtain access to SWS Property should contact the Chief Lake Warden, located at the Lake Bowen Warden's Office, 8515 Highway 9, Inman, SC 29349 for permit application information and forms.
9. SWS expects Contiguous Landowners and other members of the public to comply with all applicable environmental, sediment and erosion control, and land use laws and regulations. SWS will investigate and take appropriate legal action to enjoin any activities or abate any nuisances that present a potential threat to the Reservoir or other SWS water system assets.
10. Landowners are reminded that any foreign materials in the Reservoir have the potential to interfere with SWS's water treatment system and contaminate the public's drinking water.

11. Any discharge of solid or liquid waste materials into the Reservoir is a violation of federal and/or state law. That includes “indirect” discharges, such as pouring oil or other waste materials onto the ground where they may flow or be washed into the Reservoir. Construction and other land-disturbing activities in areas that drain to the Reservoir must employ appropriate erosion and sediment controls to prevent sediment-laden stormwater from discharging to the Reservoir.
12. Contiguous Landowners are responsible for ensuring that fertilizers, pesticides, and other lawn care chemicals applied on their properties are not applied in excessive amounts or contrary to their labels so that polluted/contaminated runoff does not flow into the Reservoir. *No fertilizers, pesticides, or other lawn care chemicals may be applied on SWS Property.*
13. No drainpipes or outlets, including, but not limited to, storm drains and downspouts, may be constructed to directly discharge to the Reservoir or otherwise channelize flow across SWS Buffer Area property.
14. SWS will take vigorous legal action or other appropriate means against any persons who deposit or discharge any harmful materials into the Reservoir or Buffer Area property. SWS does not permit any commercial use of SWS Property. Commercial use means activities associated with the sale, rental, or distribution of products or the performance of services. The term includes, without limitation, retail or wholesale sales; rentals of equipment, goods, products, vehicles, watercraft, or lodgings; offices; restaurants; and tourist attractions.
15. Any rights to access or use SWS Property that SWS may grant to a Contiguous Landowner by any Pathway Permit, Non-Conforming Structure License, or other permit or agreement are solely for the personal, non-commercial use of the landowner, long-term lessees (i.e., person occupying the landowner’s property for no less than 30 days), and their family and personal guests.
16. In the event of a dispute as to the location of the boundary line separating a Contiguous Landowner’s property from that of SWS, SWS will provide any relevant survey information it may have to assist in locating the property line. If the Contiguous Landowner disagrees with the location depicted by the SWS survey information, such landowner may, at such landowner’s expense, obtain additional information from a registered land surveyor in aid of resolving any discrepancies.
17. Any activities on, in, or under the Reservoir, or uses of the Reservoir or Buffer Area property, that are not expressly authorized by these regulations or by written permission from SWS are prohibited.
18. No septic tanks, septic tank drain lines or drain fields are allowed on SWS Property.
19. No phone service lines, cable television lines, gas lines, satellite dishes, or similar items can be installed on SWS Property.
20. No lights, spotlights, decorations, or similar items shall be permitted on SWS Property.
21. **TO THE FULLEST EXTENT PROVIDED BY APPLICABLE LAW, SWS IS NOT RESPONSIBLE FOR LOSSES, DAMAGES, OR INJURIES OF ANY KIND THAT ARE SUSTAINED WHEN USING SWS PROPERTY.**

## **Lake Wardens**

1. The Lake Wardens are the official custodians of SWS Property and are responsible for the enforcement of these rules and regulations. The Lake Wardens are commissioned law enforcement officers and have the authority to file charges and make arrests. The Lake Wardens are further authorized to revoke any permit and to deny access to persons (including Contiguous Landowners) who willfully or continuously violate SWS rules and regulations. Holders of permits and/or other licenses, agreements and special permissions will comply with all conditions or restrictions of such permits, license, agreement or permission; failure to do so may result in revocation or other enforcement actions.
2. The Lake Wardens have the authority to take necessary measures to ensure the safe and wholesome use of the Reservoir and surrounding property and watershed and to remove anyone interfering with the peaceful and safe use of SWS property or the Reservoir.

## **Pathway Permits**

1. If the slope of the Buffer Area is less than 8%, a soft pathway may be allowed with a permit issuance. The pathway shall be no more than four feet wide and shall be designed in a winding manner to avoid impact to trees greater than four inches in diameter at the ground. SWS may add installation conditions when permits for pathways are requested.
2. If the slope of the Buffer Area is greater than 8%, a hard pathway will be required. A permit must be obtained prior to the beginning of construction.
3. The pathway must either have natural ground cover or be constructed of natural materials and follow the contour of the land. Pathways are not allowed to be constructed with concrete, asphalt, or other impervious surfaces.
4. 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 SWS staff.
5. Contiguous Landowners performing maintenance on hard pathways, must notify SWS that work is taking place before the work begins.
6. Unless properly permitted, the use of powered vehicles (wheeled or track) on the pathway is prohibited.

## **Special Access Permissions**

1. Upon request and written approval, SWS may grant any person special permission to access the Reservoir and/or Buffer Area property adjacent to the Reservoir on a case-by-case basis.

## Boating

1. SWS does not allow or permit access through the buffer area for surface water recreation of any kind on the Reservoir. This prohibition includes, but is not limited to, kayaks, canoes, tubes, rafts, paddle boats, paddleboards, sailboats, racing sculls and shells, or any other type of watercraft, vessel or flotation device. No motorized watercraft or vessel, of any kind, is allowed on the Reservoir other than SWS authorized watercraft or vessels used in the protection, monitoring, and/or operation of the Reservoir.

## Structures

1. Except as provided below, SWS does not permit or allow private structures or other forms of improvements such as sitting areas on SWS Property at the Reservoir.
2. Any Contiguous Landowner who holds a valid temporary revocable Non-Conforming Structure License as of the date these regulations were adopted (December 6, 2022) may continue to maintain any structures authorized by that license, provided that the structure or structures are properly maintained, in good condition, and in compliance with all conditions of the previously executed Non-Conforming Structure License and that the landowner is in compliance with any other SWS regulations, permits, or agreements pertaining to the Reservoir.
3. These non-conforming structures are permitted only upon the continued strict adherence to the terms and conditions of the Non-Conforming Structure License. Existing authorizations (permits/licenses) are transferrable to new Contiguous Landowners if the previous holder was in compliance with the permit requirements immediately prior to transferring the property so long as the application for transfer is received and all necessary fees are paid within 90 days of the transfer of ownership.
4. Only Contiguous Landowners with lots approved for residential construction by Spartanburg County and SCDHEC, having 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 permitted to construct, install, establish, or create permitted stationary docks on SWS Property.
5. Permitted structures for new construction must be placed so that all portions of the structure are at least 14 feet from adjoining side lot lines as those lines project out into the Reservoir. Projection of these side lot lines is accomplished by extending an imaginary line perpendicular to the structure boundary at each property corner in the same manner used to determine a Contiguous Landowner's Buffer Access Area. Exact placement of structures will be determined by SWS. See [Appendix B](#) for a stationary dock placement example. Replacement or changes to an existing Permitted or Licensed stationary dock must be constructed so that the structure is at least 28 feet from the neighboring stationary dock on either side. Exact placement of the stationary dock will be determined by SWS.
6. Contiguous Landowners performing maintenance on stationary docks must notify SWS that work is taking place by submitting a Marine Structure Notification of Maintenance form. This form must be

submitted before work begins. Marine Structure Notification of Maintenance forms are available at the Lake Office and online at [www.spartanburgwater.org](http://www.spartanburgwater.org) .

- a. Stationary Dock Maintenance is defined as the ongoing repair of any aspect of an existing permitted stationary dock that does not involve replacement of any major components of the structure. Stationary Dock Maintenance includes, but is not limited to resurfacing of dock, walkway, staining, painting, or extensive pressure washing of docks, repairing or installing a handrail, to a new specification or configuration. Stationary Dock Maintenance, as defined herein, does not require a new permit, but does require the Marine Structure Notification of Maintenance form referenced above.
  - b. Contiguous Landowners are encouraged to maintain permitted stationary docks and to conduct maintenance regularly to prevent the development of potential hazards and promote safe use of the structure.
7. Certain structures constructed prior to the enactment of the current SWS policies and procedures do not meet the standards set forth herein. Such structures will be allowed to remain in place so long as they are maintained in good condition and repair.
  8. SWS reserves the right to require the removal of any structure which is abandoned or falls into disrepair. Upon request by SWS, Contiguous Landowners will either remove such structures or SWS will remove them at such landowner's expense in the event such landowner refuses to do so.
  9. No non-conforming structure may be rebuilt without prior written permission from SWS.
  10. Contiguous Landowners adjacent to a cove who request a stationary dock permit will be evaluated on a case-by-case basis. No stationary dock 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 side lot lines.
  11. Contiguous Landowners must apply for and obtain a proper permit prior to the beginning construction on SWS Property.
  12. SWS may deny a permit or agreement for the construction of any structure including but not limited to docks, walkways, or shoreline stabilization which is not suited to a particular 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 Reservoir, or that would adversely impact water quality or the environment.
  13. If SWS denies a permit or agreement, SWS will, upon request, furnish the applicant a written response for the denial. Such written response shall be sent to the address provided on the application.



14. Structures will be permitted only when such structures do not interfere with or impede the operation of the Reservoir or impose a threat to public health and safety. If a previously permitted structure is found to constitute a hazard, SWS may require the removal of the structure. Owners of such structures will have fifteen (15) days from the receipt of the removal notification to appeal the determination. If the owner does not appeal within such timeframe, the offending structure will be removed as directed in the notice.
15. SWS will not issue more than one permit for a stationary dock per deeded adjoining lot. A permitted stationary dock may only have a single tie to the shoreline.
16. SWS has developed a set of standards, specifications, and construction drawings for allowable stationary docks on the Reservoir (these are contained in [Appendix B](#)). The maximum footprint of the stationary dock shall not exceed 220 sq. ft.
17. Installation of a single SWS permitted pathway is a requirement for obtaining a stationary dock permit approval on SWS Property at the Reservoir. Pathway is not to exceed 48-inches in width. Refer to Pathways section for additional details.
18. Stationary dock permits issued by SWS may be revoked if pathway is not constructed or maintained as permitted.

## Irrigation Systems and Water Withdrawal

1. Withdrawing water from the Reservoir is prohibited. SWS does not permit or allow irrigation pumps or piping to be installed in the Reservoir or within Buffer Area property.

## Tree and Vegetation Management

1. All landscaping and vegetation management activities of any kind in the Buffer Area, including the cutting, trimming, planting, maintenance and/or removal of trees or vegetation, (collectively, "Vegetation Management") requires the Contiguous Landowner to first obtain a valid permit allowing the specific authorized Vegetation Management activity. **Absent a valid permit, Vegetation Management is prohibited.** The Lake Bowen Office has guidelines which SWS uses to evaluate Vegetation Management permit applications. **Please inquire in the Lake Bowen Office before beginning any Vegetation Management of any kind in the Buffer Area.**
2. Contiguous Landowners must first obtain a Vegetation Management permit before removing, pruning, damaging or otherwise harming any tree on SWS Property including trees in their Buffer Access Area. For these purposes, a tree is defined as any species of perennial plant with a trunk diameter measuring 2 inches or greater at ground level. A tree sapling is defined as any species of perennial plant with a trunk measuring less than 2 inches at ground level.
3. Contiguous Landowners may apply for a Vegetation Management permit to allow selective pruning of the lower limbs of trees. If appropriate, SWS will consider permit applications authorizing the removal of lower limbs on selected trees up to one-third of the tree height, not to exceed a maximum of 20 feet above ground level measured from the base of the tree. **With a properly issued Vegetation Management permit, SWS may allow Contiguous Landowners some limited ability to improve lake views.**
4. In emergency situations, only that portion of a fallen or partially fallen tree that is preventing access or causing damage to structures or real property and that is directly touching a structure or real property may be cut and removed from the structure or real property at the Contiguous Landowner's expense. The Contiguous Landowner may then apply for a permit to remove the remaining portion of the tree if such removal is desired.
5. The blowing, raking or depositing of yard debris onto SWS Property or in the Reservoir is prohibited. The clearing or removal of forest floor leaf or humus layers in the Buffer Area is prohibited.
6. Contiguous Landowners must first obtain a Vegetation Management permit before removing or

thinning of shrub/understory vegetation. For these purposes, shrub/understory is defined as woody plant species which are less than 3 inches in diameter at ground level. Typical examples of shrub/understory varieties include viburnum, mountain laurel, muscadine, catbrier, and other species.

7. Please note that clearing/thinning cannot result in the total removal of all shrub/understory vegetation such that an obvious maintained appearance develops. Undergrowth is critical to proper management of the Buffer Area and water quality in the Reservoir. Accordingly, shrub/understory must remain at least **12 inches** in height. Tree saplings measuring less than 2 inches at ground level, may be cut to ground level. All permitted Vegetation Management will be conducted at the Contiguous Landowners expense and in strict compliance with the requirements of the permit. If the Contiguous Landowner fails to comply with the requirements of any Vegetation Management permit, the Contiguous Landowner will be responsible for the cost of restoring the damaged areas to the satisfaction of SWS.
8. No new turf grass lawns may be established within SWS Property. However, existing turf grass lawns in the Buffer Area prior to November, 2018 may be maintained in their current condition and size so long as such lawn does not negatively impact the Reservoir or the Buffer Area. Contiguous Landowners that maintain any such existing lawn may mow such lawn, but a permit is required for activities such as re-seeding or sodding.
9. Bare soil areas within the Buffer Area are prohibited. The Buffer Area was inventoried in November, 2018 for disturbed, bare soil areas. If a Contiguous Landowner engages in any activity which causes or expands bare soil areas in the Buffer Area, the Contiguous Landowner must obtain a permit to restore, repair or remediate the bare soil area(s). If the Contiguous Landowner fails to remediate an affected area, SWS may, in its sole discretion, elect to remediate the bare soil area. If SWS is required to remediate a bare soil area, the Contiguous Landowner may be restricted from accessing the Buffer Area.

## **Permitting Fees**

Fees are subject to change by SWS. For current fees please go to the SWS website or contact the Lake Bowen Office.

## **Transfer of Permits**

Existing authorizations (permits/licenses) are transferrable to new Contiguous Landowners if the previous holder was in compliance with the permit requirements immediately prior to transferring the property so long as the application for transfer is received and all necessary fees are paid within 90 days of the transfer of ownership.

## **Hunting and Fishing**

1. It is SWS's general policy to allow Contiguous Landowners access to responsibly fish in the Reservoir from the Buffer Area, provided these regulations are followed.
2. Fishing is permitted for Contiguous Landowners within their Buffer Access Area at the Reservoir. All fishing is to be conducted in accordance with state law.
3. A valid South Carolina fishing license is required to fish.
4. Hunting of any kind on SWS Property is prohibited.

## **Dredging and Digging**

The dredging, digging, widening, or altering in any way of any artificial or natural channel, canal, stream, creek, tributary, or any other water course in or affecting the Reservoir is prohibited without prior authorization. Such authorization includes a (i) permit from the South Carolina Department of Health and Environmental Control ("SCDHEC") Division of Water Quality and (ii) signed written agreement with SWS.

## **Grading and Erosion Control**

1. Grading or disturbing the natural soil level on SWS Property is prohibited.

2. Contiguous Landowners will conduct all construction activities on adjacent lands taking all necessary steps to prevent silt, runoff, or other construction debris from entering onto SWS Property or the Reservoir.
3. Contiguous Landowners are prohibited from any activity which negatively impacts the Buffer Area or water quality. Specifically, Contiguous Landowners are prohibited from any activities which cause or promote the formation of bare soil areas in the Buffer Area. Contiguous Landowners causing bare soil areas, directly or indirectly from their activities, are required to remediate these areas as provided in the Tree and Vegetation Management section. If Contiguous Landowners fail to remediate bare soil conditions in the Buffer Area in a timely manner after being placed on notice by SWS, SWS may, in its discretion, elect to remediate the affected area. If SWS chooses to remediate a bare soil area, the Contiguous Landowner may be restricted from accessing the Buffer Area and/or obtaining recreational permits.
4. Shoreline erosion is caused by various factors, including normal wave action and storm water runoff from the Contiguous Landowner's property. **Seawalls will not be permitted.** If desired, a Contiguous Landowner may apply for a permit to allow shoreline stabilization in their Buffer Access Area. SWS will consider shoreline stabilization projects allowing the Contiguous Landowner, when appropriate, to introduce stone, vegetation and other natural materials into the Buffer Area for stabilization purposes. To assist with the Buffer Area stabilization and restoration or to impede storm water runoff, SWS may require native plants to be installed and maintained as part of an approved shoreline stabilization project. Contiguous Landowners must conduct the stabilization projects in accordance with the permit issued for this purpose and in such a way as to minimize adverse impact to the existing character, grade and vegetation in the Buffer Area surrounding the project.

## **SWS Reservoir Operations and Management**

1. These regulations are intended to govern access to and use of the Reservoir Buffer Area by Contiguous Landowners, their family and non-commercial guests. These regulations do not apply to SWS operations or to the staff, contractors, and invitees of SWS conducting activities authorized by SWS.
2. Municipal Reservoir #1 is a drinking water supply reservoir that is actively managed as a vital part of the drinking water treatment process. SWS staff, contractors, and Lake Wardens require unfettered access to SWS Property—including all areas of the Reservoir and land surrounding the Reservoir—to safely maintain and operate the public water system. Common operational activities include, but are limited to, taking water quality measurements at various points in the Reservoir, applying treatments for algae and other harmful aquatic organisms, performing maintenance on critical infrastructure such as dams, water intake structures, as well as monitoring and enforcing compliance with these regulations.
3. It is unlawful to interfere with any SWS staff, contractors, or Lake Wardens in the performance of their duties.
4. It is unlawful to damage or deface any SWS property. This includes, without limitation:

- Mowing, cutting, removing, or otherwise damaging any vegetation in the natural vegetative buffer owned by SWS surrounding the Reservoir.
- Removing or defacing any signs posted on SWS Property, including “No Trespassing” or “No Mowing” signs.
- Damaging any water quality monitoring station, fence, camera, buoy, or other equipment.
- Damaging water intakes, pipes, or other water supply infrastructure.

## **Reporting Unauthorized Activities on the Reservoir**

1. Protection of the public water supply is in the interest of all businesses, residents, and visitors to the City of Spartanburg and Spartanburg County.
2. Contiguous Landowners and the other members of the public are strongly encouraged to notify SWS by phone at (864) 592-2240 if they observe any unauthorized or suspicious activities on or near the Reservoir or any other portions of the public water system. In the event of an emergency, call 911 and SWS’s 24-hour emergency number at (864) 578-2764.

## **Requests for Variances**

1. Requests for variances from SWS Rules and Regulations for Municipal Reservoir #1 must be submitted, in writing, to the Watershed Management staff at the Lake Bowen Office.
2. Each request for a variance shall include the following:
  - a. Written statements of request and basis for such request;
  - b. Property surveys, maps, construction drawings, and other data necessary to support the request; and

- c. Documentation demonstrating that the variance will not have a negative impact on water quality, safety, the appearance (one in harmony with the existing natural land) or the overall quality of SWS Property.
3. All decisions of SWS related to variance requests are final.

## **Enforcement and Compliance**

1. Lake Wardens and other SWS staff routinely patrol the Reservoir to conduct inspections and monitoring of SWS Property. SWS also may monitor the Reservoir through remote means, including drones and mounted cameras.
2. Violation of any provision of these Rules and Regulations is subject to enforcement. Violating the terms or conditions of any permit or license issued by SWS or any agreement with SWS, including a Remediation Agreement, issued in accordance with these regulations also constitutes a violation of these regulations subject to enforcement.
3. In the exercise of its enforcement discretion, SWS may take any enforcement or legal action available under the law in response to non-compliance with these regulations. The actual response by SWS for any given violation is wholly within SWS's discretion.
4. SWS's decision on an appropriate enforcement action is generally guided by the following principles:
  - (1) Proportionality to the severity of the violation;
  - (2) Promotion of compliance in a timely manner;
  - (3) Deterrence of similar non-compliance by other parties; and
  - (4) SWS's authority under South Carolina laws and the Rules and Regulations.
5. Additionally, SWS generally considers the following factors when selecting an appropriate response:
  - (1) Magnitude of violation;
  - (2) Duration of violation;
  - (3) Effect of violation on water quality;
  - (4) Effect of violation on Buffer Area;
  - (5) Compliance history of the violator; and
  - (6) Good faith of the violator in reporting and/or responding to the violation.

## **Enforcement Actions**

1. SWS reserves the right for any violations of these regulations, to impose civil penalties of up to a maximum of \$2,000 for each day the violation continues. SWS also may, in its sole discretion, impose other fees, costs, and non-monetary penalties to the extent permitted by law. The Formal Enforcement Action process is outlined in Appendix A to these regulations.
2. Civil penalties of the maximum permitted by law are typically reserved for instances of egregious or repeated violations. However, SWS's response to a violation in any given case will be determined by SWS in the sole exercise of its enforcement discretion as outlined above.

## Enforcement Responses

1. There are various enforcement responses SWS may take in response to non-compliance. To better inform Contiguous Landowners and the public, the following is a non-exhaustive list of potential enforcement responses SWS may take at its discretion.

### **A. Violation of Vegetative Buffer Requirements**

Disturbance of the vegetative buffer on SWS Property is the most common violation observed by SWS.

If the disturbance is egregious (e.g., removing trees, building within the buffer, clearing the area, etc.), the Formal Enforcement Action typically will be the issuance of a Notice of Violation (NOV) with the intent to impose civil penalties. In these cases, SWS may engage a contractor to restore the buffer to its previous condition and initiate legal action against the landowner to recover SWS's response cost, including legal fees.

For chronic violations (e.g., repeated violations within the SWS vegetative buffer), SWS may, after proper notification, follow an informal enforcement response by posting No Trespassing signs at the edge of SWS property.

If the posting of signs is not sufficient, SWS may install a fence at the boundary between SWS Property and the adjoining landowner's property and install cameras or other electronic surveillance measures to monitor the buffer.

### **B. Unauthorized Access to SWS Property**

In addition to any other potential informal enforcement actions, SWS may initiate civil and/or criminal trespassing proceedings against persons who access SWS Property without SWS's permission.

### **C. Dumping or Discharging to the Reservoir**

Under no circumstance will SWS tolerate any dumping, depositing, or discharging of any waste materials directly or indirectly into the Reservoir. Such egregious actions violate federal and State law, as well as these regulations. SWS will implement a formal enforcement response to any such incidents and may also notify the relevant authorities, including the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and/or S.C. Department of Health and Environmental Control for appropriate enforcement action by those agencies.

Unpermitted dumping or discharging to the Reservoir presents a serious danger to public health and the environment. *Any Enforcement Action initiated by SWS related to dumping or discharging into the Reservoir typically will be to impose civil penalties to the maximum amount permitted by law.*

### **D. Violations of Permits, Licenses, and Agreements**



Violation of any permit, license, or agreement issued by SWS is grounds for immediate revocation of any and all permits, licenses, or agreements issued to the person. In addition to taking any appropriate response action, SWS may initiate a civil legal action to compel compliance with the permit, license, or agreement. In addition to any damages/response costs incurred by SWS, SWS will also seek recovery of any legal/expert fees incurred.

#### **E. Administrative Fines and Penalties**

Notwithstanding the Formal Enforcement Action Process as outlined in Appendix A, SWS reserves its authority to issue administrative fines and penalties for any violations of these Rules and Regulations.

SWS prefers to seek remedies to a violation of these regulations in an Informal Enforcement Action Process. This process follows the general steps of those outlined in Appendix A (Notice of Violation, informal conference, Remediation Agreement, etc.), but are carried out by SWS staff.

### **Informal Enforcement Action Appeals Process**

1. Contiguous Landowners and other persons have the right to appeal any enforcement action (“Enforcement Action”) taken by SWS in response to a violation of these rules and regulations. This appeal process will consist of the respondent submitting a Request for First Level Enforcement Action Review to the Chief Operating Officer (“COO”) c/o Spartanburg Water, PO Box 251, 200 Commerce Street, Spartanburg, SC 29304.
2. The COO will then review the record of the Enforcement Action, which may include a conference to hear the issues in question (“Enforcement Conference”). After careful review and consideration, the COO will render a decision within 30 days (“Enforcement Order”).
3. Should the COO deny the appeal request, the respondent 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 the ultimate authority to reverse any staff decision on an Enforcement Order. This appeal process will consist of the respondent submitting a Request for 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 careful review and consideration, the CEO will render a decision in a timely manner (generally within 30 days of receipt of the request). The decision of the CEO is the final decision of SWS.

### **Amendments to Rules and Regulations**

The Rules and Regulations contained herein are subject to periodic review and amendment by the Commissioners of Public Works of the City of Spartanburg, SC.

\*\*\*\*\*

## GLOSSARY OF TERMS

**Buffer Area** – The SWS property immediately adjoining the Contiguous Landowner’s property which serves as a buffer area between the Contiguous property and the Reservoir.

**Contiguous Landowner** – Those individuals, corporations, or trusts owning lots adjoining the Buffer Area above the 780 foot elevation contour line.

**Hard Pathway** – A hard pathway is a structural pathway (for example, wooden stairs and landings, hand rails, etc.) that is constructed on the ground surface or elevated above the ground surface, to allow safe passage across the Buffer Area due to a land surface slope of greater than 8%

**Soft Pathway** – A soft pathway may be permitted if the slope of the Buffer Area is less than 8%. The pathway shall be no more than four feet wide, a soft natural material cover (mulch, pine straw, etc.) and shall be designed in a winding manner to avoid impact to trees greater than four inches in diameter at the ground.

**Stationary Dock** - Those structures constructed to be over the water surface to be used as a structure for passive recreation such as a fishing area and/or sitting area. The maximum footprint of the stationary dock shall not exceed 220 sq. ft.

## **APPENDIX A**

### **Spartanburg Water System** **Municipal Reservoir #1 Rules and Regulations** **Formal Enforcement Action Process**

SWS may initiate Formal Enforcement Action against any person who violates the Reservoir's Rules and Regulations, including any permits, licenses, or agreements issued pursuant to the regulation.

The process described below is a general guide and is not binding on SWS. Nothing in these regulations creates any rights in any individual or entity against SWS.

#### **I. Notice of Violation**

- A. A Notice of Violation ("NOV") will be issued to the person determined by SWS to be in violation of one or more provisions of the Reservoir Regulation (the "Respondent"). The NOV will typically be in the form of a letter sent to the Respondent by certified mail.
- B. The NOV will provide the Respondent with notice of (1) the alleged past and/or ongoing violations SWS intends to remedy in the Enforcement Action; (2) the right to impose the maximum administrative civil penalty of \$2,000 per violation per day; and (3) other remedies SWS intends to seek in the action, including the recovery of remediation costs (if known).
- C. The NOV will state that the Respondent may submit a written response within fifteen (15) days of receipt of the NOV and will identify the name and contact information for the person to whom the response may be submitted.
- D. The NOV is intended solely to provide the Respondent with notice of the commencement of the Enforcement Action and the general nature of the violations. SWS is not bound or limited in subsequent steps of the Enforcement Action Process by the contents of the NOV, including with respect to the violations alleged or remedies sought.

#### **II. Response to Notice of Violation**

- A. Within fifteen (15) days of receiving an NOV, the Respondent may, but is not required to, provide SWS with a response in writing stating the (1) cause of the violation(s) and (2) any corrective actions the Respondent proposes to remedy the past or ongoing violations and/or to prevent future violations. For good cause shown, SWS may, in its discretion, grant a request by the Respondent to extend the deadline for the response.
- B. Following receipt of a timely response to an NOV or if no response is received, SWS will, at its discretion, take either of the following two actions: (1) if the explanation and proposed response actions are deemed acceptable, SWS may initiate the Remediation Agreement process described below; (2) if the explanation and/or proposed response actions are not deemed acceptable, SWS may issue a Rule to Show Cause. If SWS deems it beneficial, SWS

may elect to engage the Respondent in further discussions before determining which of the two above-stated actions to take.

### **III. Remediation Agreement**

- A. A Remediation Agreement is an enforceable contractual agreement executed by and between SWS and the Respondent to resolve an NOV. A Remediation Agreement may include (1) monetary penalties, damages, and/or fees to be paid by Respondent to SWS; (2) corrective actions to be taken by Respondent to remedy past or ongoing violations and to prevent future violations (including deadlines and timelines for implementation of the corrective action); (3) stipulated penalties or liquidated damages payable by Respondent to SWS for specified violations of the Remediation Agreement; (4) monitoring and reporting obligations; and (5) any other provisions as the parties may agree.
- B. Any deadlines or other obligations of the Formal Enforcement Action Process may be suspended upon notice by SWS to the Respondent that the Remediation Agreement process has commenced or, if a Rule to Show Cause has been issued, upon such notice to the Hearing Officer. This suspension is intended to allow SWS and the Respondent to engage in negotiations regarding the terms and conditions of the Remediation Agreement. Either party may terminate the Remediation Agreement process at any time upon notice to the other party.
- C. If a Remediation Agreement is executed by SWS and the Respondent, the Formal Enforcement Action will be suspended pending compliance. Upon Respondent's successful completion of all commitments in the Remediation Agreement, the Enforcement Action will be dismissed.
- D. Any violation of the terms and conditions of an executed Remediation Agreement by the Respondent will be a separate and new violation of the Reservoir Regulations. SWS may, in its discretion (1) resume the suspended Enforcement Action against Respondent by issuing a Rule to Show Cause, which may include additional violations and penalties arising from Respondent's violation of the Remediation Agreement; and/or (2) commence a civil action against Respondent in a court of competent jurisdiction to enforce the terms of the Remediation Agreement.

### **IV. Show Cause Hearing**

- A. If the NOV is not resolved through successful implementation of a Remediation Agreement, SWS may serve a Rule to Show Cause on Respondent requiring the Respondent to appear and show cause why civil penalties should not be imposed. Service will be made in person or by certified mail to Respondent's home address, with a copy to Respondent's legal counsel provided such counsel has been identified to SWS.
- B. The Rule to Show Cause will (1) provide notice of the charged violation(s) of the Reservoir's Regulations; (2) list the civil penalties and any other relief sought by SWS; and (3) state the time and place of the show cause hearing.

- C. The show cause hearing will be held before a Hearing Officer (“Hearing Officer”) who shall be designated by a formal act of SWS’s Commission (the “Commissioners”). The date of the hearing will be no sooner than thirty (30) days from the date the Rule to Show Cause was served.
- D. The prehearing and hearing procedures will be consistent, to the extent practicable, with the regulation cited in S.C. Code § 6-11-285(E), as further clarified in this Enforcement Action Process.
- E. At any time prior to the date of the show cause hearing, the Respondent may serve a written request on SWS to commence the Remediation Agreement Process (“Remediation Agreement Process”). If SWS accepts the request, the show cause hearing date will be canceled upon the provision of notice of such acceptance to the Hearing Officer. If the Remediation Agreement Process is terminated, SWS will serve Respondent with a new Rule to Show Cause specifying a revised hearing date.
- F. Motions may be served at any time after the service of the Rule to Show Cause.
- G. Upon request by Respondent, SWS will provide any information available under the South Carolina Freedom of Information Act. Additionally, either party may submit a timely motion for discovery or request for subpoenas requiring the attendance and testimony of witnesses and the production of documents. Such motions may be granted by the Hearing Officer if they are determined to be timely, reasonable, and appropriate to the subject matter of the hearing.
- H. The hearing will be on the record. SWS shall present its case first. The parties shall have the right to make opening and closing arguments, subject to any reasonable limitations determined by the Hearing Officer. The parties may call witnesses on their behalf and introduce evidence. The parties may cross examine the witnesses of the other party. The Hearing Officer may observe the rules of evidence liberally to the extent determined appropriate to the nature and subject of the hearing.

**V. Adjudication**

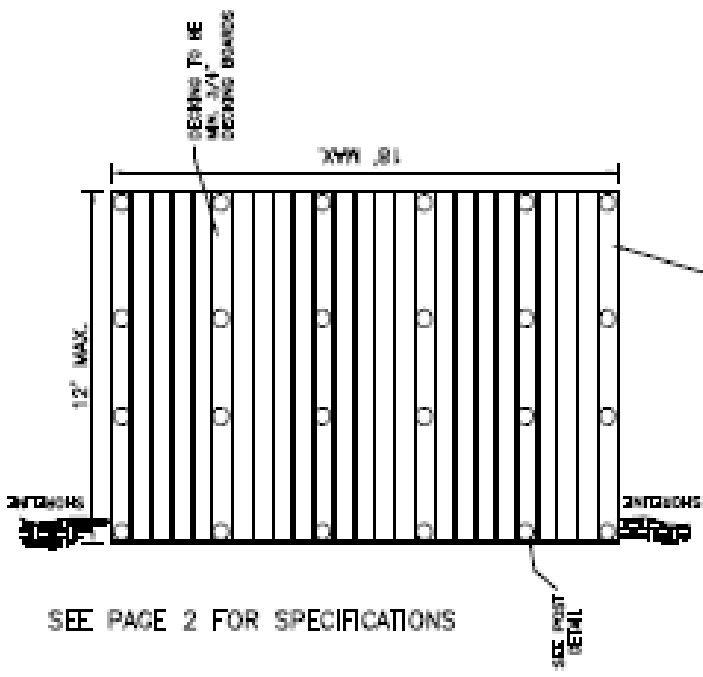
- A. After the conclusion of the show cause hearing, the Hearing Officer shall prepare a written report including findings of fact, conclusions of law, discussion (if appropriate), and a recommendation for decision. The Hearing Officer’s report shall be served on all parties and the Commissioners.
- B. The Commissioners will consider the Hearing Officer’s report and make a final decision on whether to grant any relief, including the assessment of civil penalties. The Commissioners may delegate their authority to consider the Hearing Officer’s report and make a final decision to the Chief Executive Officer.

- C. Any penalties assessed against Respondent will be held as debt and payable to SWS and may be reduced to judgment and stand as a lien against the Respondent's property upon proper application to a court of competent jurisdiction.
- D. Any appeal of a final decision of the Commissioners or of the Chief Executive Officer acting on behalf of the Commissioners containing errors of law may be appealed to the Court of Common Pleas.

**APPENDIX B**

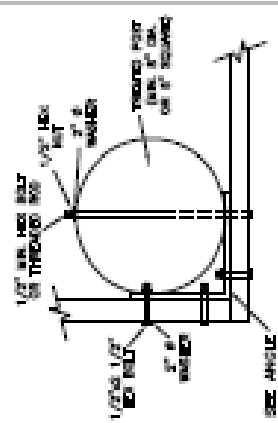
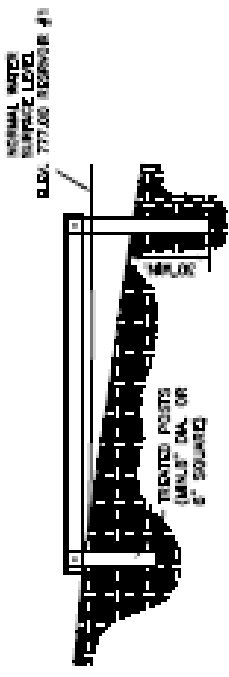
**Spartanburg Water System**  
**Municipal Reservoir #1 Rules and Regulations**  
**Stationary Dock Guidelines and Standards**



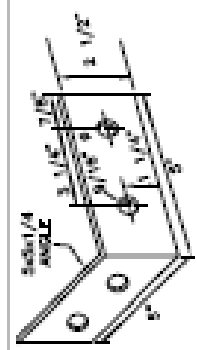


SEE PAGE 2 FOR SPECIFICATIONS

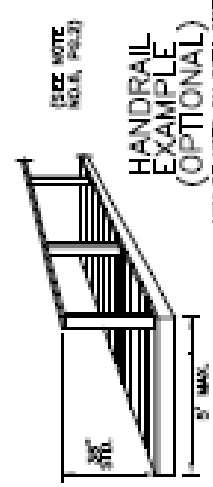
NOTE: ALL DOCK MATERIAL TO BE TREATED UNLESS NOTED OTHERWISE (SEE PAGE 2, NOTES 2 & 3)



POST DETAIL



ANGLE DETAIL  
REPTS. AT EACH INSIDE CORNER



MAY BE USED ON BOTH SIDES



12'X18' MAX. STATIONARY DOCK REQUIREMENTS

SCALE: NONE

REVISION DATE: Sep. 19, 2002

NOTES

1. NO CONSTRUCTION OF A STATIONARY DOCK WITHOUT A SIGNED AGREEMENT APPROVED BY THE COMMISSIONERS OF PUBLIC WORKS.
2. A STATIONARY DOCK MAY BE CONSTRUCTED OF PRESSURE TREATED WOOD, OR OTHER APPROVED MATERIALS AND SHALL BE A SIZE NOT TO EXCEED 12'X18'.
3. PRESSURE TREATED POSTS MUST BE USED TO SUPPORT A STATIONARY DOCK; MUST BE BURIED NO LESS THAN 30"; AND MUST BE 8" IN DIAMETER OR 6" SQUARE.
4. HANDRAILS MAY BE USED ALONG EACH SIDE OF STATIONARY DOCK.
5. NO DOCKS SHALL BE INSTALLED UNTIL APPROVAL IS RECEIVED FROM SPARTANBURG WATER.



12'X18' MAX. STATIONARY  
DOCK  
GENERAL NOTES

SCALE: NONE REVISION DATE: Sept. 18, 2002

PAGE 2 OF 2