



## South Carolina

### **NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

In compliance with the provisions of the SC Pollution Control Act (S.C. Code Sections 48-1-10 *et seq.*, 1976) and with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, Operators of large and small construction activities that are described in Section 1.3 of this National Pollutant Discharge Elimination System (NPDES) general permit, except for those activities excluded from authorization of discharge in Section 1.3.3 of this permit, are authorized to discharge stormwater to Surface Waters of the State in accordance with the conditions and requirements set forth herein. Permit coverage is required from the “commencement of construction activities” until “final stabilization” as defined in Appendix A.

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Stormwater, Construction, Agricultural, and Dams Permitting Division  
Bureau of Water

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**NPDES General Permit for  
Stormwater Discharges From Construction Activities**

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**NPDES General Permit for  
Stormwater Discharges From Construction Activities**

**ACRONYMS & ABBREVIATIONS**

**As used in this permit, the following acronyms and abbreviations shall have the meanings indicated below:**

**AB-NOI** - Annual Blanket Notice of Intent  
**BMPs** - Best Management Practices  
**CFR** - Code of Federal Regulations  
**CGP** - Construction General Permit  
**CRW** - Coastal Receiving Water  
**CWA** - Clean Water Act  
**C-SWPPP** - Comprehensive Stormwater Pollution Prevention Plan  
**CZC** - Coastal Zone Consistency  
**DHEC or SCDHEC** –South Carolina Department of Health and Environmental Control  
**EIN** - Employer Identification Number  
**EPA** - United States Environmental Protection Agency  
**EQC** - Environmental Quality Control  
**GEP** - Good Engineering Practices  
**GCZC** - General Coastal Zone Consistency  
**IL-NOI** - Individual Lot Notice of Intent  
**LCP** - Larger Common Plan  
**LOD** – Limit of Disturbance  
**LID** - Low Impact Development  
**MS4** - Municipal Separate Storm Sewer System  
**NOI** - Notice of Intent  
**NOT** - Notice of Termination  
**NPDES** - National Pollutant Discharge Elimination System  
**OCRM** – Ocean and Coastal Resource Management  
**ODSA** - Operator of Day-to-Day Site Activity  
**ONRW** - Outstanding National Resource Waters  
**OS-SWPPP** - On-Site Stormwater Pollution Prevention Plan  
**PCA** - South Carolina Pollution Control Act  
**POTW** - Publicly Owned Treatment Works  
**RWB** - Receiving Waters or Receiving Water Bodies  
**SCNW** – South Carolina Navigable Waters  
**SMSCP** - Stormwater Management and Sediment Control Plan  
**SWPPP** - Stormwater Pollution Prevention Plan  
**TMDL** - Total Maximum Daily Load  
**USACOE** – United States Army Corps of Engineers  
**WLA** - Waste Load Allocation  
**WoS** - Waters of the State  
**WQS** - Water Quality Standards

## **Section 1: COVERAGE UNDER THIS PERMIT**

### **1.1 INTRODUCTION**

This Construction General Permit (CGP) authorizes Stormwater discharges from large and small construction activities where those discharges enter Surface Waters of the State or a Municipal Separate Storm Sewer System (MS4) leading to Surface Waters of the State subject to the conditions set forth in this permit. This permit also authorizes Stormwater discharges from any other construction activity designated by DHEC where DHEC makes that designation based on the potential for contribution to a violation of a Water Quality Standard (WQS) or for significant contribution of pollutants to Surface Waters of the State. This permit replaces the Stormwater Construction General Permit (NPDES # SCR100000) issued September 1, 2006. Any references to the 2006 CGP in this permit refer to that permit.

This permit also addresses post-construction discharges, both water quality and quantity, through the regulations listed under SC Regulations 72-307, Specific Design Criteria, Minimum Standards and Specifications.

This permit is presented in a reader-friendly, plain language format. This permit uses the terms “you” and “your” to identify the person(s) who owns or operates a “facility” or “activity” as defined in Appendix A and who must comply with the conditions of this permit. This format should allow you, the Applicant and Operator of a large or small construction activity, to easily locate and understand applicable requirements. The goal of this permit is to reduce or eliminate stormwater pollution from construction activity by requiring that you plan and implement appropriate pollution control practices to protect water quality.

### **1.2 PERMIT AREA**

This permit covers all areas of South Carolina including Indian lands. The permit does not cover construction activities where the South Carolina Department of Transportation is the operator of the construction activity. Discharges on those construction sites are covered under the NPDES General Permit for Stormwater Discharges from South Carolina Department of Transportation Construction Activities (SCR160000).

### **1.3 ELIGIBILITY**

Permit eligibility is limited to discharges from “large” and “small” construction activities as defined in Appendix A. This general permit contains eligibility restrictions, as well as permit conditions and requirements. You may have to take certain actions to be eligible for coverage under this permit. In such cases, you must continue to satisfy those eligibility provisions to maintain permit authorization. If you

do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute un-permitted discharges. By contrast, if you do not comply with the requirements of the general permit, you may be in violation of the general permit for your otherwise eligible discharges.

### 1.3.1 **Allowable Stormwater Discharges**

Subject to compliance with the terms and conditions of this permit, you are authorized to discharge pollutants in:

- A. Stormwater discharges from construction activities including clearing, grading, filling, demolition that results in soil exposure, excavating and other land disturbing activities of one acre or more. In addition, stormwater discharges from projects or developments of less than one acre of land disturbance are required to obtain authorization under this permit if the construction activities at the site are part of a larger common plan of development or sale that comprise of at least one acre of land disturbance. One or more site operators must maintain coverage under this permit for all portions of a site that have not reached final stabilization as defined in Appendix A.
- B. In the State's Coastal Zone (Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper Counties), this permit also authorizes stormwater discharges from construction activities including clearing, grading, filling, demolition that results in soil exposure, excavating and other land disturbing activities of less than one acre located within one-half mile of a coastal receiving water which is a receiving water body as defined in the Policies and Procedures of the South Carolina Coastal Zone Management Program, updated July 1995. Projects or developments located in the Coastal Zone that are not part of a larger common plan of development or sale, that disturb one-half acre or less, and are located within one-half mile of a coastal receiving water are automatically granted coverage under this general permit without submitting an NOI to the Department provided the appropriate Best Management Practices are being used during construction activities. These construction activities require a coastal zone consistency determination, which is issued by DHEC's Office of Ocean and Coastal Resource Management. A comprehensive list of General CZC Certifications is available at <http://www.scdhec.gov/environment/ocrm/czc.htm>. Construction activities not listed require a CZC submittal and review by OCRM staff.
- C. Stormwater discharges designated by DHEC as needing a Stormwater permit under §122.26(a)(1)(v) or §122.26(b)(15)(ii) of SC Regulation 61-9 (Water Pollution Control Permits-NPDES and Land Application Permits Regulation):

<http://www.scdhec.gov/environment/water/regs/r61-9.pdf>;

- D. Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
  - I. The support activity is directly related to the construction site required to have NPDES permit coverage for discharges of Stormwater associated with construction activity;
  - II. The support activity is not a commercial operation serving multiple unrelated construction projects by different Operators;
  - III. The support activity does not operate beyond the completion of the construction activity at the last construction Project it supports; and
  - IV. The appropriate erosion prevention and sediment controls and measures applicable to the support activity, including any measures or monitoring required under the current NPDES General Permit for Stormwater Discharges from Industrial Activities, are described in the Comprehensive Stormwater Pollution Prevention Plan (SWPPP) covering the discharges from the support activity areas.
  
- E. Discharges composed of allowable discharges listed in Sections 1.3.1 and 1.3.2 commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

### **1.3.2 Allowable Non-Stormwater Discharges**

- A. The following non-Stormwater discharges are authorized by this permit, provided the non-Stormwater component of the discharge is in compliance with and managed according to Section 3.2.11 (Management of Non-Stormwater Discharges):
  - I. Discharges from fire-fighting activities;
  - II. Fire hydrant flushings;
  - III. Waters used to wash vehicles where detergents are not used;
  - IV. Water used to control dust in accordance with Section 3.2.2 (Stormwater Management and Sediment Control);
  - V. Potable water including uncontaminated water line flushings;
  - VI. Routine external building wash down that does not use detergents;
  - VII. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
  - VIII. Uncontaminated air conditioning or compressor condensate;
  - IX. Uncontaminated ground water or spring water;
  - X. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
  - XI. Uncontaminated excavation dewatering;
  - XII. Landscape irrigation; and
  - XIII. Dechlorinated swimming pool discharges.

- B. All non-Stormwater discharges authorized by this permit shall not cause erosion of soil or the stream bank and shall not cause or contribute to violations of water quality standards.

### **1.3.3 Limitations On Coverage**

- A. This permit does not authorize post-construction discharges that originate from the construction site after land-disturbing activities have been completed and the construction site has achieved final stabilization, including any temporary support activity. Post-construction Stormwater discharges from industrial sites may need to be covered by a separate NPDES permit.
- B. This permit does not authorize Stormwater discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Section 6.2.
  - I. This permit does not authorize stormwater discharges from mining activities. Mining discharges are covered under a separate NPDES permit.
  - II. This permit does not authorize stormwater discharges from a landfill after the landfill becomes operational. Discharges from an operational landfill and landfill expansions are covered under a separate NPDES permit.
- C. This permit does not authorize discharges that DHEC, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to a violation of any applicable Water Quality Standard. Where such a determination is made prior to authorization, DHEC may notify you that an individual permit application is necessary in accordance with Section 6.2. However, DHEC may authorize your coverage under this permit after you have included appropriate controls and implementation procedures in your C-SWPPP designed to bring your discharge into compliance with water quality standards.
- D. **Discharging into Receiving Waters with an Approved Total Maximum Daily Load Analysis.** The following is a list of limitations on coverage under this permit for discharges into receiving waters with an approved TMDL. See Section 3.2.12 for guidance on C-SWPPP documentation with regards to TMDL eligibility.
  - I. You are not eligible for coverage under this permit for stormwater construction discharges of pollutants of concern to waters for which there is an EPA approved or established Total Maximum Daily Load (TMDL) for the same pollutant unless you incorporate into your SWPPP measures or controls that are consistent with the assumptions and requirements of such TMDL.



- II. You are not eligible for coverage under this permit in the situation where an EPA approved or established TMDL has specified a general Waste Load Allocation (WLA) applicable to construction Stormwater discharges and where no specific requirements for construction sites have been identified in the TMDL, unless you consult with the Department to confirm that adherence to a SWPPP that meets the requirements of the CGP will be consistent with the TMDL.
  
- III. You are not eligible for coverage under this permit in a situation where an EPA approved or established TMDL has not specified a Waste Load Allocation applicable to construction Stormwater discharges, but has also not specifically excluded these discharges, unless adherence to a SWPPP that meets the requirements of the CGP is assumed to be consistent with the approved TMDL.
  
- IV. You are not eligible for coverage under this permit in a situation where an EPA approved or established TMDL specifically precludes stormwater construction discharges to the receiving waters.

**1.4 Waivers For Certain Small Construction Activities**

- A. Three scenarios (Rainfall Erosivity Waiver, TMDL Waiver, and Equivalent Analysis Waiver) exist under which small construction activities (see definition in Appendix A) may be waived from the NPDES permitting requirements detailed in this CGP. These waivers are applicable only to small construction activities and are predicated on certain criteria being met and proper notification procedures being followed, including submittal and approval of waiver certifications prior to commencement of construction activities.
  
- B. Details of the waiver options and procedures for requesting a waiver are provided in Appendix B (Small Construction Activity Waivers and Instructions).

## **Section 2: AUTHORIZATION FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY**

### **2.1 REQUIREMENTS OF OPERATORS**

Construction Site Operators must complete and submit, if required, the appropriate NOI form as specified below. “Operator” for the purpose of this permit and in the context of stormwater associated with construction activity means any person associated with a construction project who meets one of the following two criteria:

- A. The person has operational control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs, and specifications by a qualified individual identified in Section 3.1.2.B of this permit. This person is typically the owner or developer of the project or a portion of the project (subsequent builders), and is considered the Primary Permittee; or
- B. The person has day-to-day operational control of those activities at a construction site, which are necessary to ensure compliance with a SWPPP for the construction site or other permit conditions. This person is often referred to as the Operator of Day-to-Day Site Activities (OSDA) and is typically a contractor or a residential builder who is hired by the Primary Permittee. This person is considered a Secondary Permittee for a residential development.

### **2.2 CATEGORIES OF OPERATORS**

#### **2.2.1 Primary Permittee**

- A. An owner, developer(s) or operator of a project is a primary permittee. This person meets one or both of the definitions of Operator above. This person may include, but is not limited to a developer, landowner, realtor, builder, utility provider, public or private entity, etc. The Primary Permittee’s responsibility to comply with requirements of this permit extends until permit coverage is terminated in accordance with requirements of Section 5. The Primary Permittee must submit a complete and accurate NOI as described in Section 2.3. The Primary Permittee may rely on, or require, Secondary Permittees and/or contractors to assist with project activities necessary to ensure compliance with this permit and implementation of the OS-SWPPP
- B. The Primary Permittee on any construction site subject to this permit is responsible for preparation of the site-specific C-SWPPP as described in Section 3 of this permit.
- C. The Primary Permittee on any construction site shall either enforce compliance

with the approved, site-specific OS-SWPPP or report activities, which are not in compliance with the OS-SWPPP or this permit, to the appropriated Regulatory Agency when a Secondary Permittee fails to implement the appropriate BMPs or other measures as outlined by the OS-SWPPP or this permit.

### 2.2.2 **Secondary Permittees**

An individual lot owner or residential builder that conducts land-disturbing activity at a construction site, that is limited to an individual lot or a group of lots that are part of a LCP previously approved by the Department, is a Secondary Permittee.

#### **A. Residential Subdivisions – Individual and/or Multiple Lots**

Individual lots or a collection of individual lots within a residential subdivision that are part of a Larger Common Plan (LCP) are regulated regardless of lot size or ownership. If the Primary Permittee obtains coverage under this permit for the development and then sells lots within the development, then coverage under this permit may either continue with the Primary Permittee or the Primary Permittee may require that the new lot owner (or new lot owner may choose to) obtain their own coverage under this permit as a Secondary Permittee. The Primary Permittee must inform the new owner of the Individual Lot Notice of Intent requirements and make the OS-SWPPP and a copy of the CGP available to the new owner who would be seeking individual lot(s) coverage under this permit. When a Secondary Permittee elects to not follow the drainage provisions in the Primary Permittee's approved OS-SWPPP, the Department may require the Secondary Permittee to request coverage under this permit as a Primary Permittee.

Each individual lot(s) owner or residential builder obtaining their own coverage under this permit will be issued a new NPDES permit coverage number and assigned a state file number linked to the LCP by the Department.

For projects covered under the 2006 CGP and where an individual lot owner or residential builder has signed a Co-permittee Agreement, those individual lot owners or residential builders may continue to work under that agreement as a Co-permittee as long as the project's coverage remains active and under the control of the operator to whom coverage was originally granted.

#### **Lot owners obtaining their own coverage under this permit shall:**

- I. Complete and submit an Individual Lot Notice of Intent (IL-NOI) meeting the requirements set forth in Section 2.3.2 (NOI for Secondary Permittees) at least seven (7) business days prior to the commencement of construction activities by the Secondary Permittee at the site unless your project must comply with condition III below.

II. Indicate on the NOI that the new lot owner will follow the approved OS-SWPPP and individual lot controls developed for the LCP or develop a sediment and erosion control plan meeting the requirements set forth for a Comprehensive SWPPP in Section 3.1.1.G.

III. For construction sites located in the Coastal Zone, an individual Coastal Zone Consistency (CZC) certification may be required from DHEC's Office of Ocean and Coastal Resource Management. The General CZC certification issued on September 4, 2012 (GCZC-12-001) certifies many residential lots consistent with the Coastal Zone Management Program that are part of an LCP that has been reviewed previously and deemed consistent. Some exclusions do apply for residential lots that would affect coastal resources. (See the GCZC at <http://www.scdhec.gov/environment/ocrm/czc.htm>.)

For residential lots not covered by the General CZC, a 10-calendar day public notice of the CZC application may be required as part of the CZC review.

IV. Individual lot owners and residential builders with multiple lots within a LCP may submit only one (1) Individual Lot NOI for coverage under this permit.

### 2.2.3 **Contractors**

Contractors employed by the Primary or Secondary Permittee, whose work at a construction site may disturb soils or whose work may otherwise be necessary to implement the approved On-Site SWPPP (OS-SWPPP), must complete a project-specific Contractor Certification Form meeting the requirements set forth in Section 2.3.2. Each contractor must also attend and document attendance at a Pre-Construction Conference as defined in Sections 2.2.3.B and 4.1 of this permit. This form is to be submitted to the Primary Permittee or Secondary Permittee (as applicable) prior to commencement of construction activities and is to be retained with the approved, OS-SWPPP at the site. Contractors are responsible for ensuring that their activity is in compliance with the approved OS-SWPPP and other permit conditions.

An alternate certification process for contractors that are utility providers is outlined below.

#### **A. Utility Providers and Utility Contractors**

Utility providers and utility contractors that are responsible, either directly or indirectly, for the construction, installation, and maintenance of conduits, pipes, pipelines, cables, wires, trenches, vaults, manholes, and similar structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water or sewage are required to complete a Contractor Certification Form or as an

alternative, may submit an Annual Blanket Notice of Intent (AB-NOI) to the Department.

An approved Annual Blanket NOI provides statewide coverage within all construction activities performed by the utility provider/contractor within common developments or LCPs for a period of one (1) calendar year. Each Annual Blanket NOI must be submitted on or before January 1 of the year in which coverage is desired, except for calendar year 2012 in which case the Blanket NOI shall be submitted within sixty (60) days of the effective date of this permit. The Annual Blanket NOI will contain all applicable information contained in Section 2.3.2 of this permit, and must be retained within the On-Site SWPPP.

The Utility Provider/Contractor at each site shall provide a copy of the approved Annual Blanket NOI or equivalent registration information provided by the Department to the Primary Permittee or Secondary Permittee (as applicable) prior to performing land-disturbing activities at a construction site.

In order for a utility provider/contractor to be eligible to perform land-disturbing activities under an approved Annual Blanket NOI, the land-disturbing activities and location of utilities must have also been accounted for and approved, in terms of wetlands impacts, stormwater management, sediment control and erosion prevention, and coastal resource impacts (coastal zone only), within the approved C-SWPPP of each construction site. In instances where the utility work was not incorporated within the approved C-SWPPP, the utility provider/contractor may prepare a C-SWPPP and submit the NOI as a Primary Permittee based on the provisions in this permit. As an additional option, the original Primary/Secondary Permittee may submit a modification to the existing permit coverage to include the proposed utility work, if applicable or appropriate, as defined in section 3.1.7, or the Primary/Secondary Permittee may submit a new C-SWPPP and NOI, linked as an LCP to the previous approved construction project or site, to obtain coverage for the proposed utility work.

For projects covered under the 2006 CGP and where a contractor has signed a Co-permittee Agreement as required by that permit, those Contractors may continue to work under that agreement as a co-permittee as long as that project's coverage remains active and under the control of the to whom coverage was originally granted.

## **B. Pre-Construction Conference**

All contractors and builders, including blanket utility providers or utility contractors, employed by a Primary or Secondary Permittee to work at a construction site with an approved OS-SWPPP must attend and document attendance at a pre-construction conference for each specific project or construction site prior to performing construction activities at that site. This

documentation must be retained with the On-Site SWPPP. See Section 4.1 for additional details.

#### 2.2.4 **Lending or Other Institutions**

If a lending institution, government entity, etc. takes operational control of a construction site due to foreclosure, permittee filing for bankruptcy, abandonment, etc., then that entity is responsible for the construction site's stormwater discharges. Coverage is required under this permit prior to the entity initiating construction activity at the site. The entity shall contact DHEC within fourteen (14) business days of taking title to the property. If stabilization of the inherited construction site is required, DHEC may issue a compliance agreement.

### 2.3 **NOTICE OF INTENT AND OTHER REQUIRED INFORMATION**

Applicants seeking coverage under this permit must use the NOI forms provided by the Department. Forms will be made available at:

[www.scdhec.gov/stormwater](http://www.scdhec.gov/stormwater)

Other forms (Regulated MS4, review authority acceptable to DHEC) may be used as long as they contain the information specified in Section 2.3.1 and 2.3.2 below.

#### 2.3.1 **NOI Requirements for Primary Permittees**

Applicants seeking coverage under this permit as a Primary Permittee, as outlined in Section 2.2.1, must provide the following information on the NOI form:

- A. Owner/Operator name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
- B. Project/Site name, address, county or similar governmental subdivision, tax map number, and latitude/longitude of your construction Project or Site;
- C. Property owner name, address, and telephone number if property owner is different from Owner/Operator;
- D. Whether your site is located on Indian Land and if so, the name of the Reservation, if applicable;
- E. Whether the SWPPP has been prepared in accordance with this CGP;
- F. Name and classification of the Water(s) of the State into which your Site discharges and identification of proposed impacts, if any, to jurisdictional and non-jurisdictional waters, including impacts of construction activities to SC Navigable Waters (SCNW);
- G. Coastal Zone Only: Identification of proposed impacts, if any, to direct Critical Area.
- H. Indication whether your discharge is consistent with the assumptions and requirements of applicable TMDLs;

- I. Estimated dates of commencement of construction activity and final stabilization (i.e., Project start and completion dates);
- J. Total acreage of the construction site and total acreage (to the nearest tenth acre) to be disturbed for which you are requesting permit coverage;
- K. A certification statement, signed and dated by an authorized representative as defined in §122.22 of SC Regulation 61-9 (see Appendix C of this permit), and the name and title of that authorized representative. The signature on the submitted NOI must be original; and
- L. Any other information, pertinent to this permit, the Department requires on the NOI form.

2.3.2 **Requirements for NOIs for Secondary Permittees, Annual Blanket Utility Providers, and Contractor Certifications**

Secondary Permittees seeking coverage under this permit, as outlined in Section 2.2.2 for an individual lot owner or residential builder, must provide the following information on the NOI Form. Contractor Certifications Forms must contain items A, B, H, and I at a minimum, and the Annual Blanket Notice of Intent must contain items A, H, and I at a minimum.

- A. Secondary Permittee or Contractor name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
- B. Project/Site name, subdivision name and lot number(s) (if applicable), NPDES coverage number for Primary Permittee;
- C. Property owner name, address, and telephone number if property owner is different from Owner/Operator;
- D. The name, address, and telephone number of the individual to whom the Secondary Permittee has assigned the responsibility for the daily operational control of the site;
- E. Estimated dates of commencement of construction activity and final stabilization (i.e., Project start and completion dates);
- F. Total acreage of the construction site and total acreage (to the nearest tenth acre) to be disturbed for which you are requesting permit coverage;
- G. An indication that the provisions of the Primary Permittee's approved OS-SWPPP will be adhered to by the Secondary Permittee while conducting any construction activity at the site, or an indication that the Secondary Permittee will develop a C-SWPPP for their discharges consistent with the provisions of Section 3 of this permit. C-SWPPPs developed by the Secondary Permittee to address their discharges only should be provided to the Primary Permittee for inclusion in the Comprehensive SWPPP when the Secondary Permittee's SWPPP is not consistent with the design provided by the Primary Permittee;
- H. A certification statement, signed and dated by an authorized representative as defined in §122.22 of SC Regulation 61-9 (see Appendix C of this permit), and the name and title of that authorized representative. The signature on the

submitted NOI must be original; and

- I. Any other information, pertinent to this permit, the Department requires on the NOI form.

### 2.3.3 **Other Required Information**

The following information and fees must also be submitted with the NOI form for the NOI application to be complete:

- A. The fee for coverage under this CGP. A check made payable to SC DHEC or indication that the permittee wishes to pay via credit card. SC Regulation 61-30, Environmental Protection Fees, governs this fee. At the time of issuance of this CGP the fee was \$125. This fee applies to each request for coverage under this CGP.
- B. If DHEC reviews your C-SWPPP prior to granting coverage under this CGP, the NPDES plan review fee of \$100 per disturbed acre not to exceed \$2000. This fee is in addition to the fee for coverage under this CGP.
- C. If DHEC reviews a major modification, per section 3.1.7.C, to a SWPPP, the NPDES plan review fee is \$100 for the modification and \$100 per disturbed acre increase from what was approved under the original NOI, not to exceed \$2000 for the entire Project/Site.
- D. Written approval from the Regulated MS4 or entity, other than DHEC, if such a review is required under either an MS4 Program or SC Regulation 72-300. These approvals may not be required when submitting an Individual Lot Notice of Intent.
- E. A copy of the Comprehensive SWPPP with the supporting documents and calculations.
  - I. The Comprehensive SWPPP is not required to be submitted to DHEC if the construction site is located within a Regulated MS4 or entity delegated under Regulation 72-300 unless requested by the Department.
- F. In the Coastal Zone, submission must include an application for Coastal Zone Consistency (CZC). An individual CZC certification provided by DHEC's Office of Coastal Resource Management (DHEC-OCRM) is required for your proposed construction activities as part of your Notice of Intent unless your proposed activities are covered under a General Zone Consistency (GCZC) Certification issued by DHEC-OCRM. A comprehensive list of GCZC Certifications and CZC application information can be found at:  
<http://www.scdhec.gov/environment/ocrm/czc.htm>

A 10-calendar day public notice CZC application is required as part of the CZC review for construction activities not covered under the GCZC.
- G. For Secondary Permittees applying for coverage using the Individual Lot(s) NOI, a plat, plan or map must be submitted outlining and identifying each lot included in their request for permit coverage.



## **2.4 SUBMISSION DEADLINES**

Deadlines for submission of an initial or a modified Notice of Intent application and other required information are defined below for “New” and “Ongoing” projects.” Appendix A defines a “New Project” as one that commenced construction after the effective date of this general permit. An “Ongoing Project” is one that commenced construction before the effective date of this permit.

### **2.4.1 New Projects**

A. To obtain coverage under this CGP, you must submit a complete and accurate NOI and other information required in Section 2.3.3 prior to commencement of construction activities. Land disturbing activities may not commence until written approval is granted by the Department in accordance with Section 2.6.

### **2.4.2 Permitted Ongoing Projects**

A. If you previously received authorization to discharge for the current phase of your Project under the 2006 CGP, you shall be granted coverage under this general permit as long as your construction site complies with Section 3.1.1.F of this permit. There will be no additional fees associated with an extension of coverage for existing sites under the new general permit. However, the Department may, at its discretion, require an Applicant to confirm their intent to be covered under this new permit following its effective date. Should confirmation be requested and not provided within 30 calendar days from the date of the written request, coverage under the new general permit will be terminated. Should a site with terminated coverage be determined not to be finally stabilized or construction continues; the Owner/Operator must submit a new NOI, Comprehensive SWPPP, and all other required information, under Section 2.3 of this permit, along with appropriate fees. All construction activities must cease, except for those required to stabilize the site, until authorization to discharge may be granted.

B. All projects that received permit coverage under the 2006 CGP must modify their current SWPPP, as required by Section 3.1.1.F, and any SWPPP changes must be implemented no later than six (6) months following the effective date of the new permit.

C. For projects covered under the 2006 CGP, any individual or group that has signed a Co-permittee Agreement may continue to conduct work as a Co-permittee as long as the project’s coverage remains active and under the control of the operator to whom coverage was originally granted.

### **2.4.3 New Owner/Operator of Ongoing Projects**

A. Where the Operator changes (new Owner), after the initial NOI and

Comprehensive SWPPP (C-SWPPP) have been approved, the Department must be notified in writing within fourteen (14) calendar days. Accompanying this notification, the new Operator must submit one of the following:

- I. A New NOI and C-SWPPP, when the new Operator does not agree to comply with the approved C-SWPPP and/or elects to modify the approved C-SWPPP; or
- II. A New NOI and Compliance Statement, when the new Operator agrees to comply with the approved C-SWPPP. Note that the C-SWPPP must still be updated, if not already completed, in compliance with section 3.1.1.F.1.

The New Operator may not commence work at the construction site until approved by the Department. The new NOI and C-SWPPP must reference the project's name and tracking number assigned to the initial Operator's NOI and C-SWPPP. If the construction site is located in an MS4 area, the MS4 Operator must also receive notification of the change in Operator (new Owner).

- B. If the construction site under the control of the new Owner is inactive and all areas disturbed have reached stabilization, the NOI may not need to be submitted immediately. Written notification to the Department should:
  - I. Identify both the previous Owner and new Owner that will obtain operational control at a construction site,
  - II. Identify the construction site as inactive,
  - III. Identify each project area and the stabilization status (either as temporary stabilization or final stabilization),
  - IV. Provide a detailed explanation for delayed commencement of construction at the construction site under the direction of the new Owner and proposed plans, schedule, dates, etc. for recommencement under the new Owner, and;
  - V. A NOI will need to be submitted before any additional construction activities are to be implemented at the construction site.
- C. If the site under the control of the new Owner is inactive and all areas disturbed have not reached stabilization, the new Owner must obtain permit coverage and provide stabilization as defined in this permit. Stabilization measures may be implemented prior to issuance of new permit coverage.
- D. If the new Owner or Operator has elected to modify the layout of the construction site, there-by altering the approved, Comprehensive SWPPP, then the new Owner or Operator must apply for new coverage under this permit, per Section 2 of this permit.
- E. If upon the sale or transfer of the construction site's ownership does not change the signatory requirements for the NOI, but the site's owner or developer's company name has changed, an updated NOI should be submitted to the

Department along with written notification defining the proposed sale or transfer of ownership. If the new Operator agrees to comply with an existing Comprehensive SWPPP already implemented at the site, a SWPPP acceptance and compliance statement should be included in the notification to the Department. If the new Operator does not agree to comply with an existing C-SWPPP, a new C-SWPPP must be submitted with the NOI to apply for new coverage under this permit.

- F. Each new Owner/Operator will be subject to the standard NPDES permit coverage fee of \$125 for construction sites. There will be no additional review fees associated with the sale or transfer of ownership for existing permitted construction sites when no major modifications to a SWPPP occurs.
- G. If the transfer of ownership is due to foreclosure or a permittee filing for bankruptcy proceedings, see 2.2.4.

#### **2.4.4 Un-Permitted Ongoing Projects**

- A. If construction activity is implemented at any location without obtaining coverage under this permit or without previous authorization to discharge under the 2006 CGP, the Owner or Operator must:
  - I. Submit an NOI with the required other information within 90 days of the issuance date of this permit; and
  - II. Until you are authorized under this permit consistent with *Section 2.6*, all construction activities must cease, except for those required to stabilize the site, until authorization to discharge may be granted.
- B. If you meet the termination of coverage requirements in accordance with Section 5.1 within 90 days of the effective date of this permit (e.g., construction will be finished and final stabilization achieved) you must comply with a SWPPP consistent with this permit until permit coverage is no longer required. This provision is only applicable for 90 days from the effective date of this permit.
- C. DHEC may take enforcement for any un-permitted discharge or violations of laws or regulations that occur between the time construction commenced and discharge authorization.

#### **2.4.5 Late Notifications**

- A. NOIs submitted after initiating clearing, grading, filling and excavation activities (including borrow pits and stockpile material storage areas), or other similar construction activities for projects or sites required to obtain authorization under this permit are considered late. When a late NOI is submitted, authorization for discharges occurs consistent with Section 2.6. DHEC may take enforcement for

any un-permitted discharge or violations of laws or regulations that occur between the time construction commenced and discharge authorization.

**2.5 WHERE TO SUBMIT**

You must send a complete and accurate NOI application, consistent with Section 2.3, to the appropriate DHEC office based on the location of the construction activity:

**Non-Coastal Sites**

S.C. DHEC - Bureau of Water  
Stormwater Permitting Section  
2600 Bull Street  
Columbia, SC 29201-1708

**Coastal Zone**

S.C. DHEC- Bureau of Water  
Coastal Stormwater Permitting Section  
1362 McMillan Ave., Suite 400  
Charleston, S.C. 29405

If the Department provides an alternate means of permitting, for instance via a website, then the NOI must be submitted as directed by the Department.

**2.6 AUTHORIZATION TO DISCHARGE**

2.6.1 **Authorization to discharge is granted based on the timeframes specified in Table 2-1 below. For project sites located in the Coastal Zone, the timeframes provided below do not commence until a Coastal Zone Consistency determination has been issued for the site.**

**Table 2-1: DHEC's Review Time Table**

<b>Review Type</b>	<b>Allotted Review Time Frame</b>
Regulated MS4 or entity implementing Regulation 72-300	<b>7 business days of DHEC receipt of a complete NOI and fee payment.</b>
DHEC (when construction site is subject to State C-SWPPP reviews)	<b>20 business days of DHEC receipt of a complete NOI and fee payment.</b>
Secondary Permittees (when individual lot coverage is requested/required)	<b>7 business days of DHEC receipt of a complete individual lot NOI.</b>

If DHEC does not send a letter authorizing coverage, denying coverage, providing review comments, or advising that a review of the C-SWPPP will take place, the authorization to discharge will be automatically granted.

- 2.6.2 If a US Army Corps of Engineers' 404 Permit or DHEC 401 Water Quality Certification is required by Section 404 or 401 of the CWA for permanent or temporary Stormwater control structures, DHEC may not grant you coverage under this CGP until the 404 and 401 permits have been issued and are effective.
- A. In situations where the 404 Permit decision will not affect the implementation of a SWPPP, the Department will issue approval of the SWPPP and grant coverage under this permit before the 404 Permit decision is effective.
  - B. In situations where the 404 Permit decision will affect only a portion of the "Project Area", the Department may grant the unaffected portion of the "Project Area" coverage under this permit. The remaining portion of the "Project Area" will be considered after the 404 Permit is issued and effective.
  - C. In situations where the entire "Project Area" is affected by the 404 Permit decision, the Department will not grant coverage under this general permit until the 404 Permit decision is issued and effective.
- 2.6.3 In the Coastal Zone, if a DHEC Critical Area Permit is required by SC Regulation 30-10 et. seq. for permanent or temporary Stormwater control structures, DHEC may not grant you coverage under this CGP until the Critical Area permit has been issued and is effective.
- A. In situations where the Critical Area Permit decision will not affect the implementation of the SWPPP, the Department will issue approval of the SWPPP and grant coverage under this permit before the Critical Area Permit decision is effective.
  - B. In situations where the Critical Area Permit decision will affect only a portion of the "Project Area", the Department may grant the unaffected portion of the "Project Area" coverage under this permit. The remaining portion of the "Project Area" will be considered after the Critical Area Permit is issued and effective.
  - C. In situations where the entire "Project Area" is affected by the Critical Area Permit decision, the Department will not grant coverage under this general permit until the Critical Area Permit decision is issued and effective.
- 2.6.4 When permanent or temporary structures will be placed in South Carolina Navigable Waters, the Department will address any issues related to South Carolina Navigable Waters' Program under SC Regulation 19-450 during the review of the C-SWPPP rather than requiring a separate South Carolina Navigable Waters Permit. This provision will only apply to activities that will not require a 404 permit or a 401 certification.

2.6.5 DHEC may deny or delay your coverage based on eligibility considerations of Section 1.3 (e.g., TMDL concerns)

## **Section 3: STORMWATER POLLUTION PREVENTION PLANS**

### **3.1 OVERVIEW**

#### **3.1.1 General Information**

- A. A Stormwater Pollution Prevention Plan (SWPPP) is a fundamental requirement for coverage under this permit. To adequately meet this requirement, the Department requires development and submission of a SWPPP document. While under review, this document must be labeled as the Comprehensive SWPPP (C-SWPPP) as defined by Section 3.1.1.G of this permit. After C-SWPPP approval, a condensed version of the C-SWPPP labeled as the On-Site SWPPP (OS-SWPPP), as defined by Section 3.1.1.H of this permit, must be kept at the construction site until final stabilization is reached and coverage under this permit has been terminated.
- B. The Comprehensive SWPPP (C-SWPPP) must be prepared prior to submission of an NOI as required in Section 2 of this permit. At least one C-SWPPP must be developed for each construction site seeking coverage under this permit and a qualified individual, when applicable, as defined by Section 3.1.2.B, in accordance with Good Engineering Practices (GEP) must prepare the C-SWPPP.
- C. The C-SWPPP is to be consistent, at a minimum, to the standards listed in SC Regulation 72-300, unless specifically exempted by SC Regulation 72-302.A.
- D. The Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) must:
  - I. Be site-specific;
  - II. Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
  - III. Describe practices to be used to reduce pollutants in stormwater discharges from the construction site,
  - IV. Assure compliance with the terms and conditions of this permit when properly implemented; and
  - V. If the C-SWPPP must be prepared by an individual identified in *Section 3.1.2.B*, the C-SWPPP must contain the following certification:
    - (a). “I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of *Title 48, Chapter 14 of the Code of Laws of SC, 1976* as amended, pursuant to *Regulation 72-300 et seq.* (if applicable), and in accordance with the terms and conditions of *SCR100000.*”

- E. The Permittee must implement the approved C-SWPPP at the construction site as written from commencement of construction activities until final stabilization has been reached. The approved, C-SWPPP to be implemented will be a condensed version, as defined in Section 3.1.1.H, and will be labeled as the On-site SWPPP (OS-SWPPP).
- F. All SWPPPs associated with coverage approvals under the 2006 CGP, where coverage has not been terminated, will have to be updated in accordance with Section 3.1.1.F.I. Upon request, the Permittee shall make the updated SWPPP available for review by DHEC, MS4, or other local review entities. **Any SWPPP changes must be implemented no later than six (6) months following the effective date of the new permit.**
- I. The SWPPP approved for coverage under the 2006 CGP, will have to be revised to meet the following requirements in order to come into compliance with this permit:
- (a). **3.1.1.H.V.(h) – Record Keeping.** An appendix must be added to the SWPPP to track the progress, compliance, modifications, and those associated with the construction site.
  - (b). **3.2.10 – Non-Numeric Effluent Limits.** Site-specific procedures and information must be included within the C-SWPPP that addresses all applicable Non-Numeric Effluent Limits, which would not significantly impact the approved design (i.e., would not be considered a Major Modification per Section 3.1.7.C of this permit). This would include, but is not limited to, any addition/relocation of erosion control BMPs, changes to internal drainage patterns, limiting the amount of disturbed area allowed at any given time, minimizing steep slopes, enhancing the stabilization of steep slopes, preserving topsoil, minimization of exposed construction debris, and restricting the use of the additional prohibited discharges listed in Section 3.2.10.E of this permit.
  - (c). **4.2.B – Frequency of Site Inspections.** All references to construction site inspection frequencies that are greater than once every calendar week must be revised to meet this weekly inspection requirement.
  - (d). **4.2.D - Rain Gauge.** A rain log must be added as an appendix of the SWPPP.
  - (e). **4.2.H - Inspection Records.** An inspection log must be added as an appendix of the SWPPP.
- II. The SWPPP approved for coverage under the 2006 CGP, will not have to meet the following requirements to come into compliance with this permit:
- (a). **3.1.1.A – Development of a Comprehensive and On-site SWPPP.** For inspection, maintenance, and construction purposes, the SWPPP to be referred to and implemented shall be the SWPPP approved at the time when initial coverage under the 2006 CGP was granted, and would



include any revisions or modifications made to this approved SWPPP since the time when coverage was granted under the 2006 CGP.

- (b). **3.2.6.A.II.(c).(v) – Porous Baffles.**
- (c). **3.2.6.A.II.(e) - Water Surface Outlets.**
- (d). **3.2.4.C – Buffer Zone Preservation.**
- (e). **3.2.9.B – Phased Plan Requirement.**
- (f). **3.2.10.A.III.(a) – Non-Numeric Effluent Limit's Phased Plan Requirement.**
- (g). **3.2.10.A.VI - Non-Numeric Effluent Limit's Buffer Zone Requirement.**

- III. All SWPPPs associated with coverage approvals under the 1998 CGP, where coverage has not been terminated, will have to be updated to meet the requirements of this permit as identified in Section 3.1.1.F.I and the Permittee must remain in compliance with SC Regulation 72-308.B through the continued maintenance of temporary and permanent BMPs.

#### **G. Comprehensive SWPPPs**

- I. Each Comprehensive SWPPP (C-SWPPP) must be designed, approved, and implemented to meet all applicable requirements outlined by this permit. A C-SWPPP is to accompany the Notice of Intent when the Permittee is seeking coverage under this permit. The C-SWPPP is to include all applicable items outlined in Section 3.2 of this permit.

Once approved, the C-SWPPP will be condensed into the On-Site SWPPP, as outlined in Section 3.1.1.H, before undergoing implementation.

The Construction Site Plans are referenced as part of the contents of a C-SWPPP but do not have to be bound to the C-SWPPP. The Construction Site Plans should be submitted as a separate document.

- II. For non-linear construction sites disturbing more than 5 acres, the Comprehensive SWPPP must be submitted with a phased erosion prevention and sediment control plan in accordance with Section 3.2.9.B of this permit.
- III. For any Comprehensive SWPPPs associated with a Larger Common Plan (LCP), specifically associated with residential development, the C-SWPPP must be designed in a manner that the entire project site, during construction and through final build out, is in compliance with this permit. A Comprehensive SWPPP designed to the above conditions will allow Secondary Permittees to apply for individual lot coverage under this general permit by referencing and implementing the approved OS-SWPPP.

## H. On-Site SWPPPs

- I. An On-Site SWPPP is a derivative of the Comprehensive SWPPP and is created after the C-SWPPP has been submitted to and approved by DHEC, a regulated MS4, a tribal or an entity delegated under Regulation 72-300. Once the On-Site SWPPP is created from the approved C-SWPPP, it is to be stored at the construction site as required by Section 3.1.6.
- II. The On-Site SWPPP must include the same stormwater management and sediment control plan, and the same construction site plans included in the Comprehensive SWPPP approved for the site.
- III. Each On-Site SWPPP will act as the construction site's living documentation that will be followed as the stormwater pollution prevention plan is implemented, updated as modifications are made, and used as a record log as stages of the approved OS-SWPPP are completed until the construction site has reached final stabilization and coverage under this permit has been terminated.
- IV. The contents of the On-Site SWPPP include all items required for the review and approval of the C-SWPPP under Section 3.2 **except** for the following:
  - (a). **Engineering Reports.** Section 3.2.8.
- V. The contents of the On-Site SWPPP must also include the following additional documents which may not be required to be a part of the C-SWPPP prior to approval:
  - (a). **SC DHEC Construction General Permit.** One copy of this permit, excluding the appendices. Provisions may be made for the copy of general permit to be accessed electronically as long as a hard copy can be made available by the end of the working day when required.
  - (b). **Notice of Intent.** A stamped and approved copy of the NOI.
  - (c). **NPDES Coverage Approval Letter.** The letter generated once the C-SWPPP is determined to be in compliance with this permit.
  - (d). **Local Approvals.** Any additional letters, approvals, or certifications necessary to implement the OS-SWPPP, when necessary.
  - (e). **USACOE Approvals.** Certifications necessary to allow impacts to Waters of the State or Jurisdictional wetlands, when necessary.
  - (f). **Critical Area Permit.** (Coastal Zone Only) – Authorizations necessary to allow impacts to Critical Area when necessary.
  - (g). **Contractor Certifications.** Certifications necessary to allow contractors to conduct construction activities within the construction site.

- (h). **Record Keeping.** Any logs necessary to track the progress, compliance, modifications and those associated with the construction site. These logs may include, but are not limited to, a pre-construction conference log, an inspection log, a stabilization log, a rain log, a contractor log and/or any additional record keeping as deemed necessary by the Permittee, Contractor, DHEC, MS4 or an entity delegated under Regulation 72-300.
- (i). **CZC Certification.** For projects located in the Coastal Zone, the acquired Coastal Zone Consistency (CZC) certification must be kept in the On-site SWPPP.

### **3.1.2 Design And Development**

- A. Each C-SWPPP must be designed and developed to specifically address the unique situations found on each construction site seeking coverage under this permit. Each C-SWPPP must include a Stormwater Management and Sediment Control Section as outlined in Section 3.2.2 of this permit.
- B. For construction sites that disturb more than 2 acres, each C-SWPPP must be prepared, amended when necessary, certified, and stamped as allowed by their respective act and regulations by a qualified individual who is licensed as follows:
  - I. **Registered professional engineers** as described in *Title 40, Chapter 22*;
  - II. **Registered landscape architects** as described in *Title 40, Chapter 28, Section 10, item (b)*;
  - III. **Tier B land surveyors** as described in *Title 40, Chapter 22*; or
  - IV. **Federal government employees** as described by *Title 40, Chapter 22, Section 280(A)(3)*.
- C. In the Coastal Zone, for construction sites that are less than 2 acres and located within one-half mile of a coastal receiving water, each C-SWPPP must be prepared according to Section 3.1.2.B when storm water runoff storage is required for the construction site for water quality treatment.

### **3.1.3 Signatory Requirements**

- A. The C-SWPPP must be signed and certified by SWPPP preparer who meets the requirements in Section 3.1.2.B.

### **3.1.4 Applicable State, Tribal, or Local Programs**

- A. Each C-SWPPP must be consistent with all applicable federal, state, tribal, or local requirements for soil and erosion control and stormwater management, including updates to each C-SWPPP as necessary to reflect any revisions to applicable federal, state, tribal, or local requirements for erosion prevention and sediment control through the management of stormwater runoff.

### **3.1.5 Reviews and Approvals**

- A. The C-SWPPP is required to be **submitted for review** and approved by DHEC, a regulated MS4, or an entity delegated under Regulation 72-300 before construction activities may commence.
- B. Any Major Modification, as referenced in Section 3.1.7.C of this permit, to any SWPPP is required to be submitted to and approved by DHEC, a regulated MS4, or a or an entity delegated under Regulation 72-300 before implementation of any major modifications may commence.
- C. Minor Modifications, as referenced in Section 3.1.7.D of this permit, may be made to any SWPPP by the Permittee without approval. However, these modifications must be recorded in the On-Site SWPPP and be made available upon request by DHEC, a regulated MS4, or an entity delegated under Regulation 72-300.

### **3.1.6 Availability**

- A. A copy of the OS-SWPPP, as defined by Section 3.1.1.H, must be retained at the construction site or a nearby location easily accessible during normal business hours, from the date of commencement of construction activities to the date that final stabilization is reached.
- B. If a location within the construction site is unavailable to store the On-Site SWPPP when no personnel are present, notice of the plan's location, along with any updated contact information, must be posted near the main entrance at the construction site.
- C. Contractors and/or Builders, who have day-to-day operational control over OS-SWPPP implementation, must have a copy of this SWPPP available at a central location within the construction site for the use by all those identified as having responsibilities under the OS-SWPPP.
- D. For linear construction of roads and utilities (i.e., electrical power lines, gas lines, main sewer trunk lines, and water distribution lines), which are not part of a LCP, where it is not practical to have the OS-SWPPP on location, the Permittee and/or Operator must upon request make the OS-SWPPP available by the end of normal business hours, or by the following business day under extenuating circumstances.
- E. On-Site SWPPPs must be made available upon request and at the time of a construction site inspection by EPA; DHEC; a tribal or an entity delegated under Regulation 72-300; local government officials; and the Operator of a Municipal Separate Storm Sewer System (MS4) receiving discharges from the construction

site to the requestor.

### **3.1.7 Modifications**

- A. Each SWPPP must be modified if during inspections or investigations by local, state, tribal or federal officials, it is determined that any SWPPP is ineffective in either eliminating, when reasonably possible, or significantly minimizing pollutants in stormwater discharges from the construction site.
  
- B. Each SWPPP must be modified as necessary to include additional or modified BMPs, which are designed to correct problems identified during the construction site inspection by any qualified inspector, as identified in Section 4.2.E, or by local, state, tribal or federal officials. Revisions to each SWPPP must be completed within seven (7) calendar days following the inspection. Implementation of these additional or modified BMPs must be accomplished as described in Section 3.2.6.
  
- C. **Major Modifications.** Each SWPPP must be modified and submitted for review and approval by DHEC, a regulated MS4, or an entity delegated under Regulation 72-300 if any of the following conditions are met (*Regulated MS4s, tribal or local agencies with Permitting Authority, may require to be notified of additional conditions not listed below*):
  - I. Whenever there is a significant change in design, construction, operation, or maintenance at the construction site resulting in discharges that will cause, have the reasonable potential to cause, or contribute to violations to SC's Water Quality Standards.
  
  - II. Whenever a change in the design, construction, operation, or maintenance calls for a revision of any approved SWPPP based on the following list of modifications:
    - (a). Modifications that will affect the hydrology or trapping efficiency calculations including:
      - (i). Resizing Sediment or Detention Basins that either reduces the stormwater volume capacity and/or is resized to handle increase/decrease incoming peak flows or runoff volumes due to revised site development plans.
      - (ii). Deletion of Sediment or Detention Basin or Sediment Trap.
      - (iii). Relocation of Sediment or Detention Basins resulting in increases/decreases in receiving drainage area and/or resulting in a new/relocated basin outlet location, which is directed towards an outfall that was not approved within the C-SWPPP.
      - (iv). Addition/Removal of Sediment or Detention Basin.

- (v). Modification of Sediment or Detention Basin Outlet Structure.
  - (vi). Changes in grading that alter drainage patterns that may result in increased or decreased flow to a sediment or detention basin
  - (vii). Amending Construction Sequence in a fashion that the Detention Basin is not installed before Grubbing Operations begin.
- (b). Point Discharge or Outfall location changes.
  - (c). Any modification to regulated water quality structural control measures.
  - (d). Adding a new point discharge.
  - (e). Addition of Impervious Area due to revised site development plans.
  - (f). Addition of Disturbed Area.
  - (g). Changes to Navigable Water Crossing.
  - (h). Addition of Sediment Trap(s) when required to obtain 80% Trapping Efficiencies for disturbed areas not previously permitted or redirected away from an approved water quality BMP.
  - (i). Site layout changes that require redesigning the stormwater management system.
  - (j). Any additional modifications as determined by DHEC, a regulated MS4, a tribal or an entity delegated under Regulation 72-300.
- III. For projects located in the Coastal Zone, major modifications may require a new CZC determination to be submitted along with the revised C-SWPPP.
- D. **Minor Modifications.** The Permittee must modify the On-site SWPPP and keep a record of each modification within the On-Site SWPPP if any of the following conditions are met (*Regulated MS4s, State, tribal or local agencies with Permitting Authority, may require additional conditions not listed below*):
- I. **Addition of BMPs.** Addition of Silt Fence, Slope Drains, Inlet Protection, Outlet Protection that does not involve additional wetland impacts, or Check Dams to improve the overall stormwater management and sediment control at the construction site.
  - II. **BMP Relocations.** Relocation of Construction Entrance, pond inlet pipes (within a pond), and any other proposed BMP to improve the overall stormwater management and sediment control at the construction site.
  - III. **Removal of Disturbed Areas.** As long as the removal of the disturbed area does not also remove any BMPs (ponds, traps, etc.) that are required to meet SC's Water Quality or Quantity Standards. Removal of disturbed area only qualifies for disturbed area that was included in the initial coverage approval and that was never disturbed (i.e., cleared, grubbed or graded).
  - IV. **Modifying Individual Lot Drainage.** Unless the changes affect the inflow to a Detention Structure or Analysis Point, to which the lot drains, that was not previously approved.

## 3.2 CONTENTS

### 3.2.1 Narrative

- A. Each C-SWPPP must include a project narrative that accurately addresses the following requirements for each construction site:
- I. Scope of project outlined, including a detailed description of pre- and post-development conditions.
  - II. Description of existing and potential flooding problems at the site due to pre-construction drainage conditions, and any potential flooding problems within the surrounding area that may be a direct result of current site conditions or the proposed site development. Identify if the site is located within a floodplain.
  - III. The function of the Project (e.g., low density residential, shopping mall, highway, etc.).
  - IV. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas.
  - V. Information regarding the required on-site support activities (e.g. concrete and asphalt batch plants, etc).
  - VI. Identification of prior uses of the construction site or potential sources of pollution that may reasonably be expected to cause or contribute to a violation of any applicable water quality standard based upon the existing condition of the construction site.

### 3.2.2 Stormwater Management and Sediment Control

- A. Each C-SWPPP must include a Stormwater Management and Sediment Control section that accurately addresses the following requirements for each construction site:
- I. **Industrial Stormwater Discharges.** Identify and describe the location of any Stormwater discharge associated with industrial activity other than construction activities at the construction site. This includes Stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit.
  - II. **Water Quality BMPs.** Identify and describe all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activities to control pollutants in Stormwater discharges.
  - III. **Erosion Prevention BMPs.** Identify and describe all temporary and final stabilization practices for the construction site, including a schedule of when the practices will be implemented. Use of impervious surfaces for stabilization should be avoided.
  - IV. **Structural Control Measures and Floodplain Placement.** Identify and

describe all structural practices used to divert flows from exposed soils; to retain/detain flows; or to otherwise limit runoff and the discharge of pollutants from exposed areas of the construction site. Placement of structural practices in floodplains must be in accordance with applicable regulations.

- V. **Post-Construction Water Quality BMPs.** Identify and describe all post-construction Stormwater management measures (LIDs, BMPs, etc.) that will be installed during the construction process to control pollutants in Stormwater discharges after construction operations have been completed.
- VI. **Construction Debris Management.** Identify and describe all measures to prevent the discharge of building or other similar materials to Surface Waters of the State, except as authorized by a permit issued under section 404 of the CWA. In the coastal zone, this type of discharge may also require a Critical Area permit issued pursuant to SC Regulation 30-10 et seq.
- VII. **Construction Entrances and Dust Control.** Identify and describe all measures to minimize off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
- VIII. **Stock Pile Management.** Identify and describe potential construction and waste materials expected to be stored on-site. The controls, including storage practices such as roll off containers, spill prevention, and response practices used to minimize exposure of these waste materials to Stormwater discharges must also be identified and described.
- IX. **Additional Onsite and Offsite Pollution Identification.** Identify and describe potential pollutant sources from areas other than construction (including Stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and controls and measures that will be implemented at those Sites to minimize pollutant discharges.

### **3.2.3 Sequence of Construction**

- A. The C-SWPPP must include a Sequence of Construction that accurately describes the nature of the construction activity for each construction site. The Sequence of Construction must include, at a minimum, the following:
  - I. The intended sequence and timing of all planned major construction activities that disturb soils such as clearing and grubbing, installing sediment basins prior to remaining land disturbance, initial and final grading, and cut and fill activities at the construction site.
- B. When phased erosion prevention and sediment control plans are required, pursuant to Section 3.2.9.B, each phase must include a phase-specific sequence of construction that accurately describes the nature of all construction activity for each phase at the construction site.



- C. The Sequence of Construction must be included within the Construction Site Plans, per Section 3.2.9. The Sequence of Construction should begin with the installation of any construction entrances and installation of perimeter controls, and should end with the removal of all temporary sediment and erosion control measures and the conversion of any BMPs required to be converted into permanent control measures, once the site has been finally stabilized. The level of detail will vary based on the nature and complexity of the construction project

#### **3.2.4 Site Features and Sensitive Areas**

- A. The C-SWPPP must identify and delineate all Waters of the State (WoS), including wetlands, located within the disturbed area and/or the total area associated with the construction site. The C-SWPPP must also identify all WoS, including wetlands, which are located immediately adjacent to or within the surrounding area of the construction site. The C-SWPPP must also identify receiving waters, including wetlands and South Carolina Navigable Waters. The following must be addressed when a WoS is required to be identified.
  - I. An additional, separate plan sheet, provided within the construction site plans when necessary that delineates all WoS within the construction site's Limits of Disturbance, and that identifies all WoS within the surrounding or adjacent areas. This plan sheet must identify all impacted areas with a description of the activities, whether permanent or temporary, and any other relevant information.
  - II. If impacts to WoS, outlined areas of impacts and labeled that no work can begin in this area until all necessary USACOE permits and SCDHEC 401 certifications have been obtained.
  - III. If Structural BMPs are proposed to be installed within a WoS, the C-SWPPP must specifically address the requirements listed in Section 3.2.6.A.V of this permit.
- B. **Critical Areas (Coastal Zone Only)** - The C-SWPPP must identify and delineate all Critical Areas located within and/or directly adjacent to the proposed disturbed area and construction site. Any impacts to Critical Areas must be identified on the C-SWPPP with a description of the proposed activities and the amount and type of impact(s).
  - I. Identified areas of Critical Area impact(s) must be labeled on the C-SWPPP that no work can begin in these areas until all necessary Critical Area authorizations have been obtained for the work.
  - II. If a Structural BMP is proposed to be installed within a Critical Area, the C-SWPPP must specifically address the requirements listed in Section 3.2.6.A.VI of this permit.

- C. **Buffer Zone Management.** In order to minimize sediment discharges, **during construction**, if surface waters are located on or immediately adjacent to the construction site, the C-SWPPP must address any stormwater discharges from the construction site to such waters so that these discharges are treated by an undisturbed buffer zone that is capable of achieving maximum pollutant removal.
- I. **Requirements.** The C-SWPPP must identify an undisturbed buffer zone that meets the following criteria when surface waters are located on or immediately adjacent to the construction site:
- (a). **30-Foot, Natural Buffer.** Provide and maintain, at a minimum, a 30-foot undisturbed buffer zone **during construction**. This Natural Buffer should be located between the surface waters and the outermost sediment and erosion controls at the construction site;
  - (b). **45-Foot, Extended Natural Buffer around Sensitive Waters.** Provide and maintain, at a minimum, a 45-foot undisturbed buffer **during construction** where the surface waters are classified as **Sensitive Waters** as defined by this permit. This Extended Natural Buffer should be located between the surface waters and the outermost sediment and erosion controls at the construction site;
  - (c). **Velocity Dissipation Requirements.** All discharges into a buffer zone should be non-channelized and non-concentrated to prevent erosion, and must first be treated by the construction site's sediment and erosion controls. Velocity dissipation measures may be implemented within a buffer zone via Section 3.2.4.C.III.(d) of this permit; and
  - (d). **Additional Local Requirements, where applicable.** The provided buffer zone should meet any local requirements, if more restrictive. Local Requirements may allow for mechanisms that would affect the width or other parameters of a buffer zone given that, in the event that the buffer zone width is less than the required 30 ft or 45 ft widths, the requirements in Compliance Option B or C, Section 3.2.4.C.II.(b) or 3.2.4.C.II.(c) respectively, are met.
- II. **Compliance Options.** The C-SWPPP must identify and address each applicable **Buffer Zone Management** requirements through one of the following Compliance Options.
- (a). **Option A – Provide the Entire Buffer Width.** Provide and maintain, at a minimum, the required buffer zone in addition to the required erosion prevention and sediment control BMPs for the construction site. C-

SWPPPs pursuing this option must also include the following:

- (i). **Narrative.** A narrative detailing that a buffer zone is to be maintained at a length of the required buffer width; and
  - (ii). **Maintenance Notes.** A list of standard notes addressing the maintenance of the buffer zone and supporting BMPs. These notes may be located within the construction site plans.
- (b). **Option B – Reduction of the Buffer Width.** Provide and maintain an undisturbed buffer that is less than the required buffer width in addition to the required erosion prevention and sediment control BMPs for the construction site. **Situations qualifying for this option are listed in Section 3.2.4.C.III - Exceptions. Other situations may be approved for this option on a site-to-site basis.** C-SWPPPs pursuing this option must also include the following:
- (i). **Narrative.** A narrative detailing that a buffer zone is to be maintained at a length less than the required buffer width;
  - (ii). **Surface Water Protection Plan.** A detailed sequence of the procedures and/or controls (including the installation of BMPs, maintenance of BMPs, and removal of BMPs) to be implemented to protect the immediately adjacent or on-site surface waters;
  - (iii). **Maintenance Notes.** A list of standard notes addressing the maintenance of the buffer zone and supporting BMPs. These notes may be located within the construction site plans.
- (c). **Option C – Elimination of the Buffer Zone.** Provide and maintain the required erosion prevention and sediment control BMPs for the construction site when circumstances restrict the capability of providing a buffer zone. **Situations qualifying for this option are listed in Section 3.2.4.C.III - Exceptions. Other situations may be approved for this option on a site-to-site basis.** C-SWPPPs pursuing this option must also include the following:
- (i). **Narrative/Justification.** A narrative **justifying** why an undisturbed buffer, of any length, will not be provided due to site-specific conditions;
  - (ii). **Surface Water Protection Plan.** A detailed sequence of the procedures and/or controls (including the installation of BMPs, maintenance of BMPs, and removal of BMPs) to be implemented to protect the immediately adjacent or on-site surface waters;
  - (iii). **Supporting Calculations.** Calculations which support that the proposed sediment control BMPs are capable of meeting the design criteria identified in State Regulation 72-307.C.(5).(a)-(c),

Sedimentology, regardless of the disturbed area discharging to the surface water; and

- (iv). **Maintenance Notes.** A list of standard notes addressing the maintenance of all BMPs discharging into surface waters. These notes may be located within the construction site plans.

III. **Exceptions.** . All or portions of the construction site may not be required to meet the entire **30-foot** (45-foot if discharging to Sensitive Waters) buffer widths, if at all, when any of the following circumstances is applicable at the construction site prior to implementation of land-disturbing activities and all items in either Compliance Option B or C are provided.

- (a). **Discharges Away from Surface Waters.** Circumstance where construction stormwater runoff will not be discharged into on-site or immediately adjacent surface waters.
- (b). **Pre-Existing Development.** Areas within the required buffer zone that have been developed prior to the issuance of this permit.
- (c). **Non-jurisdictional Waters.** This includes, but is not limited to, surface waters to be impacted and treatment works.
- (d). **Special Circumstances.** Under special circumstances, work may be allowed within the designated buffer zones, but only when any of the following apply:
  - (i). Final stabilization measures have been implemented on all disturbed areas discharging to the buffer zone;
  - (ii). Implementation of velocity dissipation measures within the buffer zone; and
  - (iii). Work in the buffer zone will not allow stormwater discharges to cause or contribute to violations of water quality standards.

IV. **Exemptions.** Disturbances at the construction site are not required to meet the **Buffer Zone Management** requirements when the C-SWPPP limits the area of disturbance to the minimum needed to complete the construction and to access the site, that all appropriate CWA 404 permits and/or authorizations are obtained, that the C-SWPPP retains the vegetation outside of the cited disturbed areas, **and** where the construction activity consists solely of any of the following circumstances:

- (a). **Linear Projects.** This includes any linear construction projects, that consists solely of either roadways and/or utilities (such as roads that are not part of a development and utility construction including electrical power lines, gas lines, main sewer trunk lines, and water distribution lines that are not part of a development);
- (b). **Construction of Water Dependent Structures and Water Access Areas.** This includes, but is not limited to, piers, boat ramps, and trails

- (c). **Habitat Restoration Projects.** This includes, but is not limited to, mitigation requirements;
- (d). **Routine Maintenance.** This includes, but is not limited to, the maintenance of existing structures located within the required buffer width; and
- (e). **2006 Permit Coverage.** Construction sites covered under the 2006 CGP, per section 3.1.1.F of this permit.

- V. **Buffer Maintenance.** The selected compliance option, from Section 3.2.4.C.II, must be maintained throughout the duration of all land-disturbing activities until final stabilization has been reached on all areas discharging to the provided buffer zone.

Each erosion prevention, sediment control, and velocity dissipating BMP discharging to a buffer zone must be maintained to ensure that each BMP is capable of achieving maximum pollutant removal.

### **3.2.5 Sources of Pollution**

- A. The C-SWPPP must identify potential sources of pollution, including sediment and fertilizers, which are likely to affect the quality of stormwater discharges from the construction site. Identified sources of pollution must be addressed in the C-SWPPP, a few examples of sources of pollution are listed in Section 3.2.2 of this permit.
- B. Litter, construction debris, oils, fuels, and building products with significant potential for impact (such as stockpiles of freshly treated lumber) and construction chemicals that could be exposed to Stormwater must be prevented from becoming a pollutant source in Stormwater discharges, per *Section 3.2.2.A.VI and 3.2.2.A.VIII* of this permit.

### **3.2.6 Best Management Practices (BMPs)**

- A. The C-SWPPP must include a Best Management Practices (BMPs) section that accurately and descriptively addresses the use, installation, maintenance and inspection for each of the following types of pollution control measures (i.e., BMPs) as outlined in the Stormwater Management and Sediment Control, per Section 3.2.2 of this permit:
  - I. **Erosion Prevention BMPs.** Each erosion prevention BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in *State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications*, unless specifically exempted by *SC Regulation 72-302.A*.

- (a). **Stabilization.** Except as provided below, initiate soil stabilization measures as soon as practicable whenever land-disturbing activities have been temporarily or permanently ceased, but in no case more than 14 days after land-disturbing activity in that portion of the construction site has temporarily or permanently ceased.
  - (i). Where snow cover or frozen ground conditions preclude stabilization by the 14th day, stabilization measures must be initiated as soon as practicable.
  - (ii). Where construction activity on a portion of the construction site is temporarily ceased, and earth-disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the construction site.

II. **Sediment Control BMPs.** Each sediment control BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the permittee's discharges shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in *State Regulation 72-307.C.(5).(a)*, *72-307.C.(5).(b)* and *72-307.C.(5).(c)*, unless specifically exempted by *SC Regulation 72-302.A*.

- (a). **Inlet Protection.** Inlet protection must be provided at all existing and newly installed inlets that receive Stormwater runoff from the disturbed areas.
- (b). **Outlet Protection.** Outlet protection must be provided at all existing and newly installed outlets, within the construction site's boundary, that discharge stormwater runoff from the disturbed areas. Silt fence may not be used as outlet protection.
- (c). **Sediment Basins.** For common drainage outfalls that serve an area with 10 or more disturbed acres, a sediment basin, or equivalent sediment control BMPs, which meets the criteria identified in *State Regulations 72-307.C.(5)*, must be provided where attainable until final stabilization of the construction site is achieved. For common drainage outfalls serving an area of less than 10 acres, sediment basins are still recommended where applicable. In addition the sediment basin must be designed to meet the following requirements:
  - (i). When computing the number of acres draining into a common drainage outfall, it is not necessary to include flows from off-site areas and flows from on-site areas that are undisturbed or

have undergone final stabilization, and have been diverted around both the disturbed area and the sediment basin.

- (ii). In determining whether installing a sediment basin is attainable, the SWPPP Preparer may consider factors such as soils, slope, available area on-site, etc. If a sediment basin is determined to be not attainable, sediment traps or equivalent sediment control BMPs should be used (e.g., silt fences, vegetative buffer strips, rock check dams, rock sediment dikes, or a combination of these).
  - (iii). In any event, the SWPPP Preparer must consider public safety as a design factor for the sediment basin, and alternative sediment controls must be used where construction site limitations would preclude a safe design.
  - (iv). The Department may on a case-by-case or watershed-by-watershed basis require the use of a larger storm event and/or a larger storage volume when designing sediment basins or equivalent sediment control BMPs.
  - (v). Unless infeasible, properly design, install and maintain porous baffles, or similar control measures capable of enhancing settling capabilities and restricting the accumulation of sediment around the outlet structure, in all temporary sediment traps and sediment basins to reduce velocity, turbulence, and improve sediment trapping efficiency.
  - (vi). Unless infeasible, sediment forebays, or similar control measures capable of providing sediment trapping at inlets of sediment basins, should be installed as practicable based on sediment storage requirements of each sediment basin.
  - (vii). Unless infeasible, each sediment basin must be equipped with a cleanout stake indicating when the basin is to be cleaned.
- (d). **Sediment Traps.** For drainage outfalls serving greater than 2 acres but less than 5 acres, sediment traps, or equivalent sediment control BMPs, which meets the criteria identified in State Regulations 72-307.C, when applicable, must be provided where attainable until final stabilization of the construction site is achieved.
- (e). **Water Surface Dewatering.** When discharging from sediment basins and similar impoundments, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment,

unless infeasible. This outlet structure should be capable of conveying the flow for the 10-year, 24 storm event.

III. **Runoff Control and Conveyance Measures BMPs.** Each runoff control and conveyance measure BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications, unless specifically exempted by SC Regulation 72-302.A.

- (a). **Permanent Conveyance Measures.** Each conveyance measure must be stabilized and capable of handling the 10-year 24-hour storm event with non-erosive flow conditions during construction and post-construction. If the velocity exceeds 5 ft/s, then permanent velocity dissipation measures, devices, and/or erosion prevention BMPs must be installed to provide non-erosive flow conditions.
- (b). **Temporary Conveyance Channels.** Design channels to avoid disturbed areas and to reduce erosion. Divert concentrated flows of Stormwater running onto the site and within the construction site to avoid contact with soils exposed during construction, unless infeasible. Prevent erosion of channel embankments, outlets, adjacent streambanks, slopes and downstream waters during discharge conditions through the use of velocity dissipation devices (e.g., check dams, sediment traps, riprap, or grouted riprap at outlets) within and along the length of any constructed stormwater conveyance channel, and at any outlets to provide a non-erosive flow velocity.
- (c). **Stabilization of Conveyance Channels.** Complete stabilization of stormwater conveyance channels (within 7 days of channel construction). Examples of vegetative and non-vegetative stabilization techniques include channel liners, rolled erosion control products (e.g., erosion control blankets and turf reinforcement mats), riprap, geotextiles, or other armoring materials that are suitable for use in areas with concentrated or channelized flow. Application of mulch, hydromulch, tackifier, or similar erosion prevention practices that are erodible, conveyable, or that obstruct flow when used in areas with concentrated or channelized flow in stormwater conveyance channels is prohibited.
- (d). **Storm Drainage Systems.** No new point discharges onto adjacent property where there was not a point discharge previously, unless written permission from the adjacent property owner is provided. A twenty (20) foot minimum buffer should be provided, where feasible,



between the property line and the discharge point. Level spreaders, plunge pools, etc. shall be provided when the proposed outlet is near the property line and not directed to an existing outfall, such as a creek or ditch. All outlets from a storm sewer system shall not discharge on fill slopes.

- (e). **Velocity Dissipation Devices.** Appropriate Velocity Dissipation devices and/or erosion prevention BMPs must be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. Silt fence may not be used as an energy dissipater.

IV. **Post Construction Water Quality Control BMPs.** Each post-construction water quality control BMP, including structural and non-structural BMPs, as mentioned below, must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in *State Regulation 72-307.C.(5).(d)*, *72-307.C.(5).(e)*, *72.307.C.(5).(f)*, *72-307.C(5)(g)* and *72-307.C.(11)*, as applicable, unless specifically exempted by *SC Regulation 72-302.A*. Design Criteria may be modified for a specific project or type of project.

V. **Structural BMPs.** All Structural BMPs should be placed on upland soils to the best degree practicable. Such control measures must be designed and installed in compliance with applicable federal, local, state or tribal requirements. The following requirements for structural BMPs proposed to be installed in jurisdictional Waters of the State:

- (a). **Permanent Structural BMPs** can only be placed in jurisdictional Waters of the United States if the US Army Corps of Engineers issues a permit for the activity under Section 404 of the CWA. When South Carolina Navigable Waters may be affected, the C-SWPPP must include appropriate requirements applicable to South Carolina Navigable Waters under SC Regulation 19-450.
- (b). **Temporary Structural BMPs** can only be placed in jurisdictional Waters of the United States if the US Army Corps of Engineers issues a permit for the activity under Section 404 of the CWA. When South Carolina Navigable Waters may be affected, the C-SWPPP must include appropriate requirements applicable to South Carolina Navigable Waters under SC Regulation 19-450. All temporary structural BMPs placed in perennial streams must be removed after final stabilization has been accomplished.

- (c). **Temporary Structural BMPs** may only be placed in Waters of the State when there is no other feasible alternative. All temporary structural BMPs placed in ephemeral and intermittent streams must be removed after final stabilization has been accomplished. After removal of the temporary structural BMPs, the ephemeral or intermittent stream must be restored to its original condition.
- (d). **Detention/Retention Ponds.** When the C-SWPPP requires the use of Detention/Retention Ponds, the ponds should be designed, constructed and maintained in accordance to *SC Reg. 72.307*.

- VI. **Permanent/ Temporary Structural BMPs in the Coastal Zone.** All US Army Corps of Engineers Permits for the construction of permanent or temporary BMPs must have an accompanying Coastal Zone Consistency certification for the impacts. Placement of temporary structural BMPs into wetlands may require a Coastal Zone Consistency certification. Structural BMPs, whether temporary or permanent, can only be placed in the Critical Area if DHEC-OCRM issues a permit for the activity under SC Regulation 30-10 et. seq. All temporary structural BMPs placed in wetlands or Critical Area must be removed after final stabilization has been accomplished.
- VII. **Non-structural BMPs.** All non-structural BMPs must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined by the design criteria identified in *State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications*, unless specifically exempted by *SC Regulation 72-302.A*.
- VIII. **Low Impact Development BMPs.** The C-SWPPP should identify all Low Impact Development (LIDs) when these measures are proposed to treat post-development runoff in order to meet permanent water quality and/or post-development quantity requirements. LIDs and other infiltration practices for post-construction stormwater management should be constructed only after the drainage area to these practices has been stabilized.
- IX. **Additional BMPs.** Any additional BMPs, not listed above, BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined by the design criteria identified in *State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications*, unless specifically exempted by *SC Regulation 72-302.A*.

- B. The design, inspection and maintenance of Best Management Practices (BMPs) described in the C-SWPPP must be prepared in accordance with good engineering practices and at a minimum should be consistent with the requirements and recommendations contained in the current edition of the SC DHEC Stormwater BMP handbook, or an acceptable MS4, or local agency, handbook. The SC DHEC Stormwater BMP handbook is designed to provide guidance to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs.

### 3.2.7 Maps

- A. The C-SWPPP must include the following Maps for the Site:
  - I. **Topographic Map.** Must contain the project boundary outline, route of stormwater runoff towards the nearest receiving waterbody, overlaying contours of the site and the surrounding areas, and names of all roadways adjacent to the construction site.
  - II. **Soils Map.** Must contain the project boundary outline, the outlines of the predominate soil types found at the construction site, and the names of each soil type.
  - III. **Floodway Map.** Must contain the project boundary outlined and the boundaries of any floodplains or floodways on or adjacent to the construction site. Each floodplain must be clearly identified.
  - IV. **Vicinity Map.** Must contain the project boundary outline, north arrow, names of all roadways, towns and landmarks on or adjacent to the construction site.
- B. The C-SWPPP must include Drainage Maps, for both the pre-development and post-development conditions, including the entire construction site, identifying:
  - I. Direction(s) of Stormwater runoff and the approximate slopes anticipated after major grading activities;
  - II. Existing and/or Proposed Contours within the project boundary outline and into the surrounding area;
  - III. Drainage basins and subbasins in which Stormwater runoff collects and drains towards a common outfall location including offsite areas draining onto the site (must be consistent with *Section 3.2.8, Engineering Reports.*);
  - IV. Location of all outfall points where Stormwater runoff discharges off the construction site;
  - V. Location of all receiving waters, including wetlands and South Carolina Navigable Waters;
  - VI. Areas of soil disturbance and areas that will not be disturbed; and
  - VII. Each drainage map must be consistent with the information provided in all calculations provided within the Engineering Report, per Section 3.2.8.

- C. The C-SWPPP must include additional Drainage Maps (the pre- and post-development maps per Section 3.2.7.B may be referenced to achieve this requirement) for each BMP used to meet water quantity and water quality requirements, or as determined by DHEC, a regulated MS4, or an entity delegated under Regulation 72-300, identifying:
  - I. An outlined drainage basin of the proposed BMP;
  - II. Existing and Proposed contours within and adjacent to the drainage basin;
  - III. The location of the proposed BMP; and
  - IV. The area, in acres, associated with the drainage basin.

### 3.2.8 Engineering Reports

- A. For sites subject to SC Regulation 72-300, the Comprehensive SWPPP must include a detailed Engineering Report that contains, but is not limited to, the following calculations (The construction site may be subject to additional calculation requirements, when the C-SWPPP is under review by a MS4 or an entity delegated under Regulation 72-300, through local design requirements which may not listed below.):

- I. **Curve Number Analysis.** Each C-SWPPP must identify all curve numbers used within the Engineering Report for each condition of the construction site (pre-development, post-development, during construction, etc.) Information on how the curve numbers were obtained, including soil types, land cover and area, must be included. Any weighted curve number calculations must also be included.
- II. **Pre-/Post-Development Hydrologic Analysis.** Each C-SWPPP must use rainfall data from [South Carolina DHEC Stormwater Management BMP Handbook](#) (BMP Handbook) or another appropriate source may be used in the hydrologic calculations.

All outfalls for comparing runoff rates must be analyzed in a manner that the total area draining to these outfalls does not change from pre- to post-development conditions, although any subbasin drainage areas contributing to these outfalls may change between pre- and post-development conditions.

- III. **Detention Analysis.** Each C-SWPPP, when applicable, must provide a full pond routing for each proposed pond/basin. For each pond/basin the following, at a minimum, must be reported:
  - (a). A summary table of the peak inflows, peak outflows, and discharge velocities at each construction site outfall for each storm event analyzed.
  - (b). A summary table of the maximum water surface elevations (WSE) in

- each detention structure during each storm event analyzed.
- (c). A stage-storage-discharge relationship for the outlet structure of each detention structure analyzed.
- (d). If a rating curve for the outlet structure must be generated externally from the analysis program, the data and equations used to obtain the rating curve of the outlet structure must be included.

IV. **Permanent Water Quality Analysis.** Each C-SWPPP, when applicable, must provide detailed calculations for any structural BMP used to meet the water quality requirements listed in SC Regulation 72.307.C.(5), specifically (d), (e), (f), and (g). Infiltration practices, when applicable, must meet the design requirements provided in 72.307.C.(11).

V. **Sedimentology (Trapping Efficiency Analysis).** Each C-SWPPP, when applicable, must provide detailed calculations for any BMPs used to meet the water quality requirements during construction listed in SC Regulation 72.307.C.(5), specifically (a), (b) and (c).

VI. **As-Built Surveys.** Each C-SWPPP, when proposing to direct construction site runoff into a previously approved detention pond or another structural BMP designed to control water quality or quantity, must include an as-built survey of the existing structure prepared by a qualified individual, per Section 3.1.2.B, unless an as-built survey has been previously provided and accepted by the Department and/or by the MS4 Operator. In cases where a qualified individual certified that the previously approved structural BMP was built according to plan and DHEC staff conducted a final stormwater inspection, then the as-built survey may not be required in be included in the C-SWPPP.

**The As-built Survey must provide, at a minimum, the following information:**

- (a). All existing grades/contours/depths of the structure.
- (b). All elevations and dimensions of all outlet structures, including:
  - (i). Pipe and orifice inverts and diameters.
  - (ii). Weir elevations and dimensions.
  - (iii). Riser dimensions and elevations.
  - (iv). Emergency spillway dimensions and elevations.
  - (v). Locations and inverts for all pipes discharging into the pond.
- (c). Spot elevations along the top of the structural BMP's embankment.
- (d). Contours, dimension, and locations of all structural components (e.g., forebays, level spreaders, riprap aprons, inlets structures) of the structural BMPs.

VII. **Stable Channel Analysis.** Each C-SWPPP, when applicable, must submit

detailed calculations for proposed drainage channels, temporary or permanent, to ensure non-erosive flow conditions. Velocity dissipation BMPs and/or erosion prevention BMPs must be added to channels where erosive velocities are achieved

VIII. **Storm Sewer Analysis.** Each C-SWPPP, when applicable, must submit detailed calculations for any proposed storm sewer systems.

IX. **Riprap Apron Analysis.** Each C-SWPPP, when applicable, must submit detailed calculations for any proposed riprap aprons. These calculations must be based off of the most current edition of the SC DHEC BMP Handbook or other appropriate design criteria.

### **3.2.9 Construction Site Plans**

A. The C-SWPPP must include a set of Construction Site Plans that are consistent with the requirements listed in State Regulations 72-307.A.3 and include, but are not limited to, the following requirements:

- I. The Limits of Disturbed (LOD) area must be outlined on all plan sheets.
- II. BMPs must be identified on the construction site plans using the symbols identified in the current edition of the SC DHEC Stormwater BMP Handbook or from a unique legend of symbols provided on the construction site plans. Symbols used for BMPs not identified in the Handbook must be included in the legend on each sediment and erosion control plan sheet.
- III. A construction sequence per Section 3.2.3.
- IV. Detailed Plan sheets, including grading and drainage plans, and BMP Detail sheets.

B. **Phased Plan Requirement.** For non-linear construction sites disturbing more than 5 acres, the Construction Site Plans must include a phased stormwater management plan. This phased plan identifies all BMPs and grading work implemented during a specific portion of a site's construction sequence (e.g., initial grading and perimeter controls, interim land disturbances through final grading, post-construction and final stabilization). Each phase must be addressed and identified on at least one separate plan sheet as indicated in the requirements listed in Sections 3.2.9.B.I and 3.2.9.B.II. One sheet showing all BMPs and grading work for the entire course of the construction project will not be considered a complete phased plan.

- I. For site disturbances less than 10 acres, at least two (2) separate plan phases shall be developed. Each plan phase shall be identified and must be addressed separately on at least one single plan sheet, with each sheet reflecting the conditions and the BMPs necessary to manage Stormwater runoff, erosion and sediment during the phases, at a minimum, listed below:

- (a). **Initial Land Disturbance Phase.** This includes but is not limited to the perimeter BMPs, the necessary sediment and erosion control BMPs to be installed prior to initial/mass grading, and any additional BMPs necessary to keep the construction site in compliance with this permit.
- (b). **Stabilization Phase.** This includes but is not limited to all BMPs required to be installed, maintained, and retrofitted during the time required to begin the majority of all construction and grading activities, and the time required to bring the construction site into compliance with permanent water quality requirements and into final stabilization.

**The scope of the land-disturbing activities and BMPs to be included in each of the phases identified in this section should be evaluated on a site-to-site basis and selected based on what the SWPPP preparer and reviewer deems to be the most appropriate for each construction site.**

- II. For site disturbances greater than or equal to 10 acres, at least three (3) separate plan phases shall be developed. Each plan phase shall be identified and must be addressed separately on at least one single plan sheet, with each sheet reflecting the conditions and the BMPs necessary to manage Stormwater runoff, erosion and sediment during the phases, at a minimum, listed below:
  - (a). **Initial Land Disturbance Phase.** This includes but is not limited to the perimeter BMPs, the necessary sediment and erosion control BMPs to be installed prior to initial/mass grading, and any additional BMPs necessary to keep the construction site in compliance with this permit.
  - (b). **Construction Phase.** This includes but is not limited to all sediment and erosion control BMPs necessary to be installed, maintained and designed to prevent sediment-laden stormwater from discharging off-site during construction. Examples of such BMP control measures to include in this phase are all temporary BMPs used to convey, manage, and treat stormwater runoff including additional sediment traps and sediments basins, rock check dams, silt fence, sediment tubes, inlet protection, temporary conveyance channels and any other sediment control measure.
  - (c). **Stabilization Phase.** This includes but is not limited to all BMP control measures required to be installed, maintained, and retrofitted during the time required to bring a construction site into compliance with permanent water quality requirements and into final stabilization.

**The scope of the land-disturbing activities and BMPs to be included in each of the phases identified in this section should be evaluated on a site-**

**to-site basis and chosen based on what the SWPPP preparer and reviewer deems to be the most appropriate for each construction site.**

### **3.2.10 Non-Numeric Effluent Limits**

A. The C-SWPPP must be developed so that the design, installation and maintenance of all sediment control and erosion prevention BMPs are implemented in a manner to minimize the discharge of pollutants. At a minimum, such BMPs must be designed, installed and maintained to:

I. **Control Stormwater volume and velocity within the site to minimize soil erosion during construction activity.**

(a). **Stormwater volume control** must be accomplished during construction activities to minimize erosion within the boundaries of the construction site. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:

- Limiting of the amount of disturbed area not stabilized at a time;
- Staging and/or phasing of the construction sequence;
- Sediment Basins and Sediment Traps;
- Diverting off-site flow around the construction site; and
- Controlling the drainage patterns within the construction site.

(b). **Stormwater velocity control** must be accomplished during construction activities to minimize erosion within the boundaries of the construction site. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:

- Surface roughening along slopes;
- Sediment basins and traps;
- Level Spreaders;
- Erosion control blankets;
- Turf reinforcement mats;
- Riprap; and
- Staging and/or phasing of the construction sequence.

II. **Control Stormwater discharges, including both peak flow rates and total Stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion during construction activity.**

(a). **Stormwater Volume Discharge Control** must be accomplished



during construction activities to minimize erosion at outlets and to minimize downstream channel and stream bank erosion. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:

- Surface outlets; and
- Water quantity storage within impoundments.

(b). **Peak Flow Rate Discharge Control** must be accomplished during construction activities to minimize erosion at outlets and to minimize downstream channel and stream bank erosion. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:

- Energy dissipaters;
- Level spreaders;
- Riprap aprons;
- Erosion control blankets; and
- Turf reinforcement mats.

### III. **Minimize the amount of soil exposed during construction activity.**

- (a). Implement a phased stormwater management plan that limits the amount of exposed soil during construction by outlining the Limits of Disturbance for each phase and by labeling areas that are not to be disturbed throughout the course of construction activities or until a later phase of construction activities.
- (b). Outline the Limits of Disturbance on the construction plans and label areas within the construction site that are not to be disturbed.
- (c). Stabilize exposed areas as soon as practical to limit the duration of large areas of exposed soil.
- (d). Implement temporary seeding techniques.

### IV. **Minimize the disturbance of existing steep slopes (i.e., slopes of 30% (~3H:1V) or greater), unless infeasible. If steep slopes must be disturbed, or are created through grading activities, the C-SWPPP must:**

- (a). **Divert flows around steep slope disturbances.** Divert concentrated or channelized flows of Stormwater away from and around areas of disturbance having steep slopes;

(b). **Use BMP Controls.** Use appropriate erosion prevention and sediment control BMPs such as permanent seeding with soil binders, erosion control blankets, surface roughening, continuous slope length reduction through terracing or diversions, gradient terraces, interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, level spreaders, rock ditch checks, seep berms, and sediment dikes; and

1. **Stabilize Promptly.** Initiate stabilization measures on any exposed steep slope area where land-disturbing activities have permanently or temporarily ceased, and will not resume for a period of 7 calendar days.

V. **Minimize sediment discharges from the site during construction activity.** The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of the resulting Stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the construction site, while minimizing sediment discharges to the maximum extent practical;

VI. **Provide and maintain natural buffers around surface waters and, after stormwater runoff is treated by the construction site's BMPs, direct the construction site discharges into these vegetated areas to increase sediment removal and maximize Stormwater infiltration, unless infeasible (see Section 3.2.4.C of this permit) during construction activity; and**

VII. **Minimize soil compaction and, unless infeasible, preserve topsoil.**

B. **Soil Stabilization.** Permittees are required to initiate stabilization measures as soon as practicable whenever any clearing, grading, excavating or other earth disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable. For areas where initiating stabilization measures is infeasible (e.g., where snow cover, frozen ground, or drought conditions preclude stabilization), initiate vegetative or non-vegetative stabilization measures as soon as practicable.

C. **Trenches and Excavations Dewatering.** Permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Per Section 1.3.2 of this permit, discharges are prohibited unless managed by appropriate BMPs for stormwater and non-stormwater discharges.

D. **Pollutant Discharge Minimization During Construction Activity.** Permittees

are required to design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants during construction activity. At a minimum, such measures must be designed, installed, implemented and maintained to:

- I. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - II. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
  - III. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- E. **Prohibited Discharges.** The following discharges from sites are prohibited:
- I. Wastewater from washout of concrete, unless managed by an appropriate control;
  - II. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - III. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - IV. Soaps or solvents used in vehicle and equipment washing.

### **3.2.11 Management of Non-Stormwater Discharges**

- A. The C-SWPPP must identify all allowable sources of non-Stormwater discharges listed in Section 1.3.2 of this permit, except for flows from fire fighting activities that are combined with Stormwater discharges associated with construction activity at the Site. Non-Stormwater discharges should be eliminated or reduced to the extent where these discharges shall not cause or contribute to violations of water quality standards.
- B. The C-SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-Stormwater component(s) of the discharge allowed under Section 1.3.2.

### **3.2.12 - Documentation of Permit Eligibility Related to Total Maximum Daily Loads (TMDLs)** - For construction sites with stormwater discharges to a receiving water that is identified as being impaired or has an EPA established or approved TMDL the following requirements must be addressed by the C-SWPPP.

- A. **Receiving Water with TMDLs.** If a TMDL, that is applicable to Stormwater construction discharges, has been established and is in effect for any receiving waters downstream of a construction site, then the C-SWPPP must address the following:
- I. Include documentation supporting a determination of permit eligibility with regard to waters that have a TMDL that is effective and applicable to Stormwater construction discharges (See Section 1.3.3.D for further information on determining permit eligibility related to TMDLs);
  - II. Include documentation of whether the construction site's Stormwater discharge is identified, either specifically or generally, in a TMDL and if there is any associated allocations, requirements, and assumptions identified for the construction site's discharge;
  - III. Identify if a specific Waste Load Allocation (WLA) has been established that would apply to the construction site's stormwater discharges, and incorporate that allocation into the stormwater management plan by implementing any necessary steps and/or BMPs to meet that allocation; and
  - IV. Identify measures to be taken by the Operator so that the construction site's discharge of pollutants is consistent with the allocations, assumptions, and requirements contained in the TMDL, only the pollutants applicable to Stormwater discharges, including any specific WLA that has been established.
- B. **Receiving Waters with Impairments.** If the receiving water is listed on the most current South Carolina 303(d) List of Impaired Waters, the C-SWPPP must be developed so that any stormwater discharges from the construction site do not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. For receiving waters listed for a sediment or a sediment-related parameter (i.e., BIO (macroinvertebrate), turbidity, Total Phosphorous, Total Nitrogen, Chlorophyll-a, and Fecal Coliform in Shellfish Harvesting Waters in the Coastal Zone) the C-SWPPP must address the following:
- I. Carefully evaluate all selected BMPs and their performance such that the construction site's stormwater discharges will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.
  - II. For construction sites that disturb 25 acres or more and which have stormwater discharges draining directly to an impaired water body via structures or ditches, the C-SWPPP must contain a written quantitative and

qualitative assessment that the BMPs selected will control the construction site's stormwater discharges so that they will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.

For more information on this subject, please see the DHEC publication entitled "Antidegradation for Activities Contributing to NonPoint Source Pollution to Impaired Waters." This publication can be downloaded at the following DHEC WEB site:

<http://www.scdhec.gov/environment/water/docs/storm303.pdf>

A copy of the most current 303(d) List of Impaired Waters can be obtained from:

Water Quality Division  
Bureau of Water  
SC DHEC  
2600 Bull Street  
Columbia, SC 29201

or it can be downloaded at the following DHEC WEB site:

<http://www.scdhec.gov/environment/water/tmdl/>

## **Section 4: IMPLEMENTATION, INSPECTION AND MAINTENANCE OF BMPs**

### **4.1 PRE-CONSTRUCTION CONFERENCES**

A. A pre-construction conference must be held for each construction project or site with an approved On-Site Stormwater Pollution Prevention Plan (OS-SWPPP). Each contractor, subcontractor, blanket utility provider, etc., who will work at a site must attend this conference in person. The primary purpose of this conference is for:

- I. The **preparer of the SWPPP** or someone with a registration equivalent to that of the preparer of the SWPPP; and/or
- II. The **person with operational control** of the plans and specifications (the Primary or Secondary Permittee) or their duly authorized representative (as defined in Section 122.22(b) of SC Regulation 61-9))

to review and explain the On-Site SWPPP (OS-SWPPP) so that all are aware of the requirements before they start performing construction-related (land disturbing) activities that may affect the implementation of the approved OS-SWPPP. This conference may be held simultaneously with all contractors and builders present or may be conducted separately with one or more contractors, subcontractors, etc. present.

B. Linear construction of roads or utilities (such as roads and utility construction including electrical power lines, gas lines, main sewer trunk lines, and water distribution lines) that are not part of a Larger Common Plan (i.e., subdivision or other type of development) are considered to be linear construction projects or linear construction sites under this permit. Linear construction performed as a part of or within a LCP project or site, is considered to be linear construction activities under this permit and not linear construction projects or sites. (See Appendix A, Definitions.)

C. Pre-construction conference location requirements are defined below.

- I. For non-linear construction projects/sites that disturb 10 acres or more, the pre-construction conference must be held on-site unless it is justified in the SWPPP and approved by the Department to conduct the conference off-site.
- II. For non-linear construction projects/sites that disturb less than 10 acres, conferences may be held off-site unless specifically required in writing or as a condition of the approved OS-SWPPP by the Department or the respective MS4 to be conducted on-site.
- III. For linear construction projects/sites that are not part of a Larger Common Plan (LCP), subdivision or other type of development, conferences may be held off-site unless specifically required in writing or as a condition of the approved OS-SWPPP by the Department or the respective MS4 to be conducted on-site.

- IV. For linear construction activities (within a LCP), conferences must be held in accordance with disturbed area (<10 acres or  $\geq$  10 acres) criterion established for non-linear projects/sites in Items C.I and C.II above.
  - V. In addition, person(s) conducting the conference (Owner/Operator) may choose, at their discretion, to hold a conference normally held off-site, on-site.
- D. Each pre-construction conference must also specifically address Section 3.1.7, Modifications, detailing how each type of modification, Major and Minor, will be addressed and processed at the construction site to maintain compliance with this permit.
- E. Persons conducting this conference must document each contractor, subcontractor, blanket utility, etc., attending the conference. This documentation must be maintained with the On-Site SWPPP (OS-SWPPP), and include dates, locations, times, as well as, identification of those in attendance.

#### 4.2 **INSPECTIONS**

- A. **Scope.** Construction Site Inspections are to be conducted on a routine basis, as outlined in Section 4.2.B, and must include all areas disturbed by construction activity, including perimeter BMPs and areas used for storage of materials that are exposed to precipitation.

Each Inspection must look for the evidence of, or the potential for, inefficiencies within the implemented OS-SWPPP, whether the inefficiencies are a direct result of improper design, installation or maintenance, by inspecting, at a minimum, the following:

- I. All areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation;
- II. All stormwater conveyance systems for any evidence of, or the potential for, pollutants entering these systems;
- III. All BMPs identified in the OS-SWPPP;
- IV. All discharge locations to ascertain whether the implemented BMPs are effective in preventing the discharge of sediment from the site. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable; and
- V. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

If inspection responsibilities are not shared between the Primary and Secondary Permittees, each secondary permittee must provide their own inspections for the portions of the site for which their coverage includes.

- B. **Frequency.** After construction activities begin, inspections must be conducted at a minimum of at least once every calendar week and must be conducted until final

stabilization is reached on all areas of the construction site. An inspection is recommended within 24 hours of the end of a storm event of 0.5 inches or greater.

The Department on a case-by-case basis may require any permittee who has coverage under this CGP to conduct inspections on a more frequent basis than prescribed in this CGP. Examples include, but are not limited to, permittees who have compliance problems and permittees whose construction site's Stormwater discharges to **Sensitive Waters** (such as waters classified as Trout Waters, Outstanding Resource Waters, Shellfish Harvesting Waters, etc.).

Inspection frequencies for portions of the construction site that have reached temporary or final stabilization may be reduced to at least once every month, as long as the stabilization is maintained and there is no additional disturbance in these areas. Once a definable area has reached final stabilization, you may mark this on your On-Site SWPPP and no further inspection requirements apply to that portion of the Site (e.g., land-disturbing activities around one of three buildings in a complex are completed and the disturbed area has reached final stabilization, one mile of a roadway or pipeline Project is completed and the disturbed area has reached final stabilization, etc). Inspection of common BMPs, such as sediment basins, sediment traps, may be required to resume if areas that drain to them become disturbed during future construction.

- C. **Linear Site Inspection Frequency.** Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described in Section 4.2.A above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion.

In these circumstances, controls must be inspected on the same frequencies as other construction Projects, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction Site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction Site and allows access to the areas described above.

The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segments to either the end of the next 0.25 mile inspected segment, or to the end of the construction site, whichever occurs first. Representative inspections must include any areas where Stormwater discharges to **Sensitive Waters** (such as waters classified as Trout Waters, Outstanding Resource Waters, Shellfish Harvesting Waters, etc.).

- D. **Rain Gauge.** Permittees shall either maintain an on-site rain gauge or use data



from a certified weather record (such as a personal weather station or an airport) located within a reasonable proximity of the construction site, to record rainfall records from any significant rainfall event, 0.5 inches or greater. These recorded rainfall amounts must be maintained in a Rain Log located in the on-site SWPPP. Rainfall records for the day of an inspection and any significant rainfall events since the last inspection must be reported on each weekly inspection report.

E. **Inspector Qualifications.** Inspections must be conducted by qualified personnel (provided by the Permittee) as outlined by the following:

- I. For Projects that disturb more than 2 acres, “Qualified personnel” means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact Stormwater quality and to assess the effectiveness of any BMPs selected to control the quality of Stormwater discharges from the construction site.

This person must be either the preparer of the C-SWPPP or an individual who is under the direct supervision of the preparer of the approved C-SWPPP and who meets the requirements in this paragraph or an individual who has been certified through a Construction Site Inspector Certification Course that has been approved by DHEC.

Inspections may also be conducted by a person with a registration equivalent to the registration of the preparer of the C-SWPPP and who meets the qualifications of this paragraph or an individual who is under the direct supervision of the person with an equivalent registration and who meets the requirements in this paragraph.

- II. For Projects that disturb 2 acres or less, and that are not part of a Larger Common Plan, the Permittee or his designee may perform these inspections provided the preparer of the C-SWPPP or someone with a registration equivalent to that of the preparer of the C-SWPPP explains the OS-SWPPP including implementation along with the inspection requirements to the person who will be conducting the inspections.

- III. The Department and Regulated MS4s reserves the right to require that inspections be performed by an inspector meeting the requirements of 4.2.E.I for construction sites less than two acres in size that drain to **Sensitive Waters**, when deemed necessary.

F. **Inspection Reports.** For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:

- I. The inspection date;

- II. Names, titles, and, if not previously given in an inspection report, the qualifications of personnel making the inspection, unless those qualifications change;
- III. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether you know if any discharges occurred. At the very least, the total rainfall (in inches) since the time of the last inspection must be recorded;
- IV. Weather information and a description of any discharges occurring at the time of the inspection;
- V. Location(s) of discharges of sediment or other pollutants from the Site;
- VI. Location(s) of BMPs that need maintenance;
- VII. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- VIII. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
- IX. Corrective action required including any changes to the OS-SWPPP necessary and implementation dates;
- X. Site Name, Operator Name and permit number; and
- XI. Verification that all BMPs and stormwater controls identified in the OS-SWPPP have been installed and are operating as designed.

G. **Monthly Reports.** DHEC may require on a case-by-case basis that the Permittee submit a monthly report summarizing the inspections at the site and any associated maintenance activity.

H. **Inspection Records.** A record of each inspection and of any actions taken in accordance with this Section must be retained as part of the On-site SWPPP for at least three years from the date that permit coverage expires or is terminated. The qualified inspector, as identified in section 4.2.E, must sign the inspection report.

I. **Primary Permittees.** Inspectors employed by the Primary Permittee retain the authority to inspect, report, and document areas of the construction site that are under direct control of the Secondary Permittee, but only when a lack of compliance by the Secondary Permittee inhibits the Primary Permittee's ability to maintain compliance with the overall OS-SWPPP or this permit.

### 4.3 MAINTENANCE

A. **Construction Maintenance.** All BMPs and other protective measures identified in the OS-SWPPP must be maintained in effective operating condition. If site inspections required by Section 4.2 identify BMPs that are not operating effectively, maintenance must be performed within seven (7) calendar days, before the next inspection, or as reasonably possible, and before the next storm

event whenever practicable to maintain the continued effectiveness of Stormwater controls.

If periodic inspection or other information indicates that a BMP has been used inappropriately, or incorrectly, the Permittee must address the necessary replacement or modification required to correct the BMP within a time frame of 48 hours of identification.

If existing BMPs need to be modified or if additional BMPs are necessary to comply with the requirements of this permit and/or SC's Water Quality Standards, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the OS-SWPPP and alternative BMPs must be implemented as soon as reasonably possible.

Sediment from sediment traps or sedimentation basins must be removed as indicated in the OS-SWPPP or when the design capacity has been reduced by 50 percent, whichever occurs first.

Sediment collected by Silt Fence, or another sediment control measure, must be removed when the deposited sediment reaches 1/3 of the height of the above-ground portion of these BMPs, or before it reaches a lower height based on the manufacturer's specifications.

- B. **Permanent Maintenance.** Permanent Stormwater management structures must be routinely maintained to operate per design. The Department requires inclusion of a Permanent Stormwater Management Maintenance Agreement and a Maintenance Plan to ensure proper operation. Provide a detailed proposed maintenance plan for permanent stormwater management structures proposed for your project in the Narrative. The maintenance agreement and maintenance plan, when required, must be identified and located in the C-SWPPP.
- C. **Maintenance Agreements.** Permanent Stormwater Management Maintenance Agreement must meet the following information as a minimum:
  - I. Signed **notarized** agreement from the responsible party(ies) or individual(s) accepting ownership and maintenance of each permanent stormwater control device/structure, including any permanent LID and/or proprietary control devices (oil-water separators, etc.), underground detention structures, exfiltration systems and non-traditional stormwater controls (constructed wetlands, bioretention, etc.) incorporated into the construction process.
  - II. A generic template of a maintenance agreement may be found at [http://www.scdhec.gov/environment/ocrm/docs/SW/pond\\_maint.pdf](http://www.scdhec.gov/environment/ocrm/docs/SW/pond_maint.pdf). This template may be modified to identify each permanent structure(s) for your

project.

III. The Department and/or local permitting authority must be notified in writing of any changes in maintenance responsibility for the stormwater devices at the site (include this statement in agreement).

D. **Maintenance Plans.** All Maintenance Plans must meet the following information as a minimum:

I. Description of maintenance plan to be used.

II. Make sure that detailed or manufacturer-specific maintenance procedures are included for any permanent LID and/or proprietary control devices (oil-water separators, etc.), underground detention structures, exfiltration systems and non-traditional stormwater controls (constructed wetlands, bioretention, etc.) incorporated into the construction process.

III. Identify each maintenance activity (e.g., inspection, mowing, removing debris, etc.) to be completed. Typical maintenance items to be addressed include but not limited to:

- (a). Grass to be mowed;
- (b). Trees to be removed from within the pond and on the embankment;
- (c). Trash and sediment to be removed from inside of and around the pond outlet structure;
- (d). Orifices to be cleaned and unclogged;
- (e). Outlet pipe to be cleaned, inspected, and repaired;
- (f). Sediment accumulation to be removed from pond;
- (g). Pond bottom to be regraded to provide proper drainage towards the outlet discharge point;
- (h). Energy dissipator to be cleaned and repaired;
- (i). Emergency spillway, if applicable, to be inspected and repaired; and
- (j). Erosion on side slopes, if present, to be addressed

IV. Schedule or frequency for completing each maintenance activity of maintenance procedures (e.g., every 6 months).

E. **Secondary Permittee Common BMP Maintenance Requirement.** It shall be the responsibility of the Secondary Permittee to either maintain or coordinate the maintenance of any common stormwater BMPs, accepting stormwater discharges from any area associated with their work, with the primary permittee or the party responsible for permanent maintenance.

## **Section 5: TERMINATION OF COVERAGE**

### **5.1 REQUIREMENTS**

- A. You may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met:
  - I. Final stabilization has been achieved on all portions of the construction site for which you are responsible (see definition of final stabilization in Appendix A);
  - II. Another Operator has assumed control, according to §122.41(1)(3) of SC Regulation 61-9 (see Appendix C of this permit), over all areas of the construction site that have not reached final stabilization;
  - III. Coverage under an individual or alternative general NPDES permit has been obtained;
  - IV. For residential lots only, either (1) final stabilization has been achieved on all portions of a residential lot(s), or (2) temporary stabilization including perimeter controls for a residential lot(s) have been achieved prior to occupation of the home by the homeowner and that the homeowner has been informed, by the Primary/Secondary Permittee, about the need for, and benefits of, final stabilization;
  - V. For construction activities on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), either (1) final stabilization has been accomplished by returning the disturbed land to its preconstruction agricultural use, and (2) for any areas disturbed that were not previously used for agricultural activities and areas which are not being returned to their preconstruction agricultural use have achieved final stabilization, as defined by this permit; or
  - VI. Land disturbance activities were never initiated on the construction site and the construction site remains permanently stabilized.
- B. The NOT must be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates at midnight of the day the NOT is signed.
- C. If an NOT has been submitted and the construction site does not meet the criteria for termination, then the construction site remains subject to the provisions of this permit.
- D. A revised maintenance agreement, consistent with Section 4.3.C must be submitted along with the NOT, when the responsible party(ies) or individual(s) accepting ownership or maintenance of permanent stormwater control devices have changed from what was originally approved.

- E. For residential subdivisions, Primary Permittees do not need to terminate permit coverage in areas where Secondary Permittees have received permit coverage to perform work under this permit. Primary Permittees can request to terminate coverage when Secondary Permittees are authorized to conduct construction activities, independent of the Primary Permittee, for the remaining disturbed areas on the construction site and final stabilization has been achieved on all other areas of the construction site.

## **5.2 SUBMITTING A NOTICE OF TERMINATION**

- A. It is your responsibility to submit a complete and accurate Notice of Termination (NOT), using the form (or a photocopy thereof) provided by the Department. The NOT will be made available at our WEB site at:

<http://www.scdhec.gov/environment/water/swater/applications.htm>

- B. If DHEC notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOT form options (e.g., electronic submission), you may take advantage of those options to satisfy the requirements of Section 5.
- C. The Notice of Termination must include the following information:
  - I. Your CGP NPDES coverage number for the Stormwater discharge;
  - II. The basis for submission of the NOT as outlined in Section 5.1;
  - III. Operator's name, address, telephone number and your organization's Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
  - IV. The name of the Project and address (or a description of location if no street address is available) of the construction Site for which the notification is submitted; and
  - V. A certification statement, signed and dated by an authorized representative as defined in §122.22 of SC Regulation 61-9 (see Appendix C of this permit) and the name and title of that authorized representative.
  - VI. For Projects disturbing more than 2 acres, a certification statement, signed and dated by the preparer of the C-SWPPP or other person with a registration equivalent to that of the preparer of the C-SWPPP, that to the best of his or her knowledge and belief all work was conducted and completed in accordance with the approved OS-SWPPP and this CGP. This

certification must be based on the inspections performed in accordance with this Section 4.2 of this CGP and must state that any deficiencies that were noted have been corrected.

- VII. For projects located within an MS4, a letter or other statement from the MS4 that the site meets the MS4 requirements for project completion.

**5.3 WHERE TO SUBMIT**

- A. All original NOTs must be submitted to DHEC at the appropriate address as identified below:

**Non-Coastal Sites**

S.C. DHEC - Bureau of Water  
Stormwater Permitting Section  
2600 Bull Street  
Columbia, SC 29201-1708

**Coastal Zone**

S.C. DHEC- Bureau of Water  
Coastal Stormwater Section  
1362 McMillan Ave., Suite 400  
Charleston, S.C. 29405

## **Section 6: SPECIAL CONDITIONS, MANAGEMENT PRACTICES AND OTHER NON-NUMERIC LIMITATIONS**

### **6.1 CONTINUATION OF THE EXPIRED GENERAL PERMIT**

- A. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the SC Administrative Procedures Act and SC Regulation 61-9 and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until the earliest of:
- I. Reissuance or replacement of this permit, at which time you must comply with the conditions of the new permit to maintain authorization to discharge; or
  - II. Your submittal of a Notice of Termination; or
  - III. Issuance of an individual permit for the Project's discharges; or
  - IV. A formal permit decision by DHEC to not reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

### **6.2 REQUIRING AN INDIVIDUAL PERMIT OR AN ALTERNATIVE GENERAL PERMIT**

- A. In accordance with Section 122.28(b)(3) of SC Regulation 61-9, DHEC may require you to apply for and/or obtain an individual NPDES permit. Any interested person may petition DHEC to take action under this paragraph. If DHEC requires you to apply for an individual NPDES permit, DHEC will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if you are an existing permittee covered under this permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to you, coverage under this general permit will automatically terminate. Applications must be submitted to DHEC at the address given in Section 2.5. DHEC may grant additional time to submit the application upon your request. If you are covered under this permit and you fail to submit in a timely manner an individual NPDES permit application as required by DHEC, then the applicability of this permit to you is automatically terminated at the end of the day specified by DHEC as the deadline for application submittal.
- B. If an alternate general permit that is more appropriate for your construction activity is available, DHEC may grant you coverage under the alternate general permit in lieu of granting you coverage under this general permit. In accordance with applicable state law and regulation, you have a right to appeal the



Department's decision.

- C. You may request to be excluded from the coverage of this general permit by applying for an individual permit. In such a case, you must submit an individual application in accordance with the requirements of §122.26(c)(1)(ii) of SC Regulation 61-9, with reasons supporting the request, to:

Stormwater Permitting Section  
Bureau of Water  
SC DHEC  
2600 Bull Street  
Columbia, SC 29201

The request may be granted by issuance of an individual permit or an alternative general permit if your reasons are adequate to support the request.

- D. When an individual NPDES permit is issued to you, who are otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If you, who are otherwise subject to this permit, are denied an individual NPDES permit or an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the date of such denial, unless otherwise specified by DHEC.

### **6.3 RELEASES IN EXCESS OF REPORTABLE QUANTITIES**

- A. You must prevent or minimize the discharge of hazardous substances or oil in Stormwater discharges from the construction Site in accordance with the C-SWPPP. This permit does not relieve you of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.
- B. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302, occurs during a 24-hour period:
  - I. You must notify the Department's Emergency Response Section at (803) 253-6488 and the National Response Center (NRC) (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as Site staff have knowledge of the discharge; and
  - II. You must modify the C-SWPPP as required under Section 3.1.7 within 14 calendar days of knowledge of the release to: provide a description of the

release, the circumstances leading to the release, and the date of the release. In addition, you must review your C-SWPPP to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and you must modify your C-SWPPP where appropriate.

**6.4 ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION**

- A. You must select, install, implement and maintain BMPs at your construction Site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general your C-SWPPP developed, implemented, and updated consistent with Section 3 is considered as stringent as necessary to ensure that your discharges do not cause or contribute to a violation of any applicable water quality standard.
- B. All written responses required under this part must include a signed certification consistent with §122.22 of SC Regulation 61-9 (see Appendix C of this permit).

**Section 7: RETENTION OF RECORDS**

- 7.1 Copies of the C-SWPPP/OS-SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of DHEC or a Regulated MS4 at any time.

**Section 8: REOPENER CLAUSE**

**8.1 PROCEDURES FOR MODIFICATION OR REVOCATION**

- A. Permit modification or revocation will be conducted according to §122.62, §122.63, §122.64, and §124.5 of SC Regulation 61-9.

**8.2 WATER QUALITY PROTECTION**

- A. If there is evidence indicating that the Stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to a violation of any applicable water quality standard, you may be required to obtain an individual permit in accordance with Section 6.2 of this permit, the permit may be modified in accordance with Section 122.62 of SC Regulation 61-9 to include different limitations and/or requirements as addressed or your coverage may be terminated in accordance with Section 122.64 of SC Regulation 61-9.

### **8.3 TIMING OF PERMIT MODIFICATION**

- A. DHEC may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

## **Section 9: STANDARD PERMIT CONDITIONS**

- 9.1 South Carolina regulations require that the Standard Conditions provisioned at §122.41 of SC Regulation 61-9 be applied to all NPDES permits. You are required to comply with those Standard Conditions, details of which are provided in Appendix C of this permit, that are applicable to Stormwater discharges.

## APPENDIX A

### DEFINITIONS

All definitions contained in Section 402 of the Clean Water Act (CWA) and South Carolina Water Pollution Control Permits Regulation 61-9 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

**“Administrator”** means the Administrator of the Environmental Protection Agency or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under Section 307(a) of the CWA, or any person who shall by operation of law be authorized to carry out such functions.

**“Allowable Discharges”** means Stormwater and non-Stormwater discharges allowed to discharge to WoS as authorized by this permit. See Sections 1.3.A and 1.3.B.

**“Alternative General Permit”** means Stormwater and non-Stormwater discharges allowed to discharge to WoS as authorized by an alternative general permit. See Sections 1.3.A and 1.3.B.

**“Antidegradation Policy”** means the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" water bodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, State and Tribal Tier 2 programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.
3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

**“Applicant”** means a person, firm, or governmental agency applying to the Department for a State or NPDES permit to obtain approval or a permit for a land disturbing activity and to obtain approval to discharge wastes into the waters of the State or to operate a treatment works.

**“Application”** means the application form entitled Notice of Intent (NOI) or other specific uniform NPDES application form created or adopted by the State, including subsequent additions, revisions, or modifications.

**“Bank”** (e.g., **stream bank or river bank**) - the rising ground bordering the channel of a water of the U.S.

**“Best Management Practices” (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Surface Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control Site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities.

**“Best Management Practices (BMP) Handbook”** is a tool designed by the Department to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect Waters of the State. It also aids in the development other reports, plans, or specifications required by water quality regulations.

**The current link to the handbook may be found at**  
**[http://www.scdhec.gov/environment/ocrm/docs/BMP\\_Handbook/Erosion\\_prevention.pdf](http://www.scdhec.gov/environment/ocrm/docs/BMP_Handbook/Erosion_prevention.pdf)**.

**“Borrow and Fill Areas”** are areas where erodible material (typically soil) is dug for use as fill and the areas where the fill is used, either onsite or off-site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, borrow and fill areas are considered-construction activity for the purpose of this permit.

**“Buffer Zone”**, an area, strip, or plot of dense undisturbed perennial native vegetation, either original or reestablished, surrounding streams and rivers, ponds and lakes, wetlands, seeps, or other surface waters within which construction activities are restricted, and which are established for the primary purpose of protecting water quality and maintaining a healthy aquatic ecosystem in the receiving surface waters.

**“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility).

**“CFR”** means the Code of Federal Regulations, as amended.

**“Clean Water Act” (CWA)** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

**“Clearing”** means the removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction and/or non-construction activities. (For instance, clearing forested land in order to convert forestland to pasture for wildlife management purposes would be considered clearing in anticipation of non-construction activities.) In reference to this permit, Clearing does not refer to the removal of vegetation and disturbance of soil along existing or new roadways, highways, dams, power lines for sight distance, other maintenance and/or safety concerns, and cold milling of roadway pavement surfaces.

**“Coastal Receiving Water” (CRW)** means a receiving water body as defined in the Policies and Procedures of the South Carolina Coastal Zone Management Program, updated July 1995. This

includes all regularly tidally influenced salt and fresh water marsh areas, all lakes or ponds which are used primarily for public recreation or a public drinking water supply, and other water bodies within the coastal zone, excluding wetlands, swamps, ditches and stormwater management ponds which are not contiguous via an outfall or similar structure with a tidal water body.

**“Coastal Zone”** means all lands and waters in the counties of the State which contain any one or more of the critical areas. The counties included in the coastal zone Beaufort, Berkeley, Charleston, Colleton, Dorchester, Horry, Jasper and Georgetown. The coastal zone also includes all coastal waters and submerged lands seaward to the States jurisdictional limits.

**“Coastal Zone Consistency Determination” (CZC)** refers to the review of a permit application conducted by DHEC-OCRM where the staff must determine whether or not a new, regulated construction activity proposed in the coastal zone is consistent with the policies of the Coastal Zone Management Program. A Coastal Zone Consistency determination is required for all state and federal permits as per the South Carolina Coastal Tidelands and Wetlands Act of 1977 and the Coastal Zone Management Program established in 1979. The CZC review is triggered by the submission of a permit application and does not occur independently. Specific requirements for certification are contained in the South Carolina Coastal Program Document and associated refinements.

**“Coastal Zone Management Program” (CZMP)** is a coastal management and certification program that was established in 1979 in accordance with the South Carolina Coastal Tidelands and Wetlands Act of 1977 also known as the South Carolina Coastal Zone Management Act (CZMA). The policies and directives contained in the CZMP are administered by DHEC’s Office of Ocean and Coastal Resource Management (DHEC-OCRM). The CZMP and CZMA task DHEC-OCRM to review any state permit, federal permit, federal license or direct federal activity for consistency with the CZMP. Some main goals of the program are to protect both salt and fresh water wetlands, beach/dune systems, marshlands, tidelands and designated geographic areas of particular concern that include but are not limited to areas of special historic, archeological and cultural significance and threatened or endangered species habitat.

The policies and directives of the CZMP can be found in the South Carolina Coastal Program Document (Program Document), the Coastal Zone Management Program Refinements (1993), and the associated excerpt containing refinements entitled Policies and Procedures of the South Carolina Coastal Management Program, updated July 1995 all located at [http://www.scdhec.gov/environment/ocrm/czmp.htm#program\\_doc](http://www.scdhec.gov/environment/ocrm/czmp.htm#program_doc).

**“Commencement of Construction Activities”** means the initial disturbance of soils (or breaking ground) associated with clearing, grading, or excavating activities or other construction-related activities (e.g., installation of perimeter controls, stockpiling of fill material, etc).

**“Comprehensive Stormwater Pollution Prevention Plan” (C-SWPPP)** as used in this permit means the Stormwater Pollution Prevention Plan (SWPPP) prepared according to requirements outlined in Section 3 of this permit. The comprehensive SWPPP must be submitted with the Notice of Intent (NOI) and must include the Engineering Report (project design calculations). This document must be submitted and approved by the Department, regulated MS4 entity, or an approved entity with Permitting Authority prior to obtaining coverage under this permit.

**“Construction Activities”** means earth-disturbing activities, such as the clearing, grading, and excavation of land.

**“Construction General Permit” (CGP) or “General Permit”** means an NPDES permit issued under section 122.28 authorizing a category of discharges or activities under the PCA and CWA within a geographical area.

**“Construction Site”** means the land or water area where any construction “facility or activity” is physically located or conducted and where stormwater controls will be installed and maintained. The construction site also includes adjacent land used in connection with the facility or activity and support activities, which may be located at a different part of the property where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

**“Construction Waste”** means discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and styrofoam) and contaminated soil generated by construction activities.

**“Contractor”** means a person, group, company, etc. hired by the Developer to commence and complete construction activities covered by these regulations. See Section 2.2.3 of this general permit for additional information.

**“Control Measure”** refers to any stormwater control, Best Management Practice (BMP), or other method used to prevent or reduce the discharge of pollutants to “Waters of the United States.”

**“Conveyance Channel”** means a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

**“Corrective Action”** for the purposes of the permit, means any action taken to (1) repair, modify, or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

**“Critical Area”** means any of the following: (1) coastal waters; (2) tidelands; (3) beaches; (4) beach/dune system which is the area from the mean high-water mark to the setback line as determined in Section 48-39-280 of the Coastal Zone Management Act.

**“Curve Number”** means the runoff curve number (also called a curve number or simply CN). The curve number is an empirical parameter used in hydrology for predicting direct runoff or infiltration from rainfall excess. The curve number method was developed by the USDA Natural Resources Conservation Service, which was formerly called the *Soil Conservation Service* or SCS. The number is still popularly known as a "SCS runoff curve number". The runoff curve number was developed from an empirical analysis of runoff from small catchments and hillslope plots monitored by the USDA. It is widely used and is an efficient method for determining the approximate amount of direct runoff from a rainfall event in a particular area.

The runoff curve number is based on the area's hydrologic soil group, land use, treatment and hydrologic condition. References, such as from USDA indicate the runoff curve numbers for characteristic land cover descriptions and a hydrologic soil group. CN has a range from 30 to 100; lower numbers indicate low runoff potential while larger numbers are for increasing runoff potential.

**"Delegated Entity"** - means a local government (or other governmental entity such as a tribal

government or Conservation District) that has received authority to administer an environmental regulatory program in lieu of the State Agency counterpart. As used in connection with NPDES programs, the term does not connote any transfer of state authority to a local government.

**“Delegation”** means the acceptance of responsibility by a Local Government or Conservation District for the implementation of one or more elements of the statewide stormwater management and sediment control program.

**“Department”** means the South Carolina Department of Health and Environmental Control (SCDHEC or DHEC). This includes staff from the Bureau of Water, Office of Ocean and Coastal Resource Management (OCRM), and Regional Offices.

**“Detention Structure”** means a permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

**“Developer”** means a person undertaking, or for whose benefit, activities covered by these regulations are commenced and/or carried out.

**“Dewatering”** means the act of draining rainwater and/or groundwater from building foundations, vaults, and trenches.

**“Discharge”** means any discharge or discharge of any sewage, industrial wastes or other wastes into any of the waters of the State, whether treated or not. When used without qualification, means the “discharge of a pollutant.”

**“Discharge of a Pollutant”** means any addition of any pollutant or combination of pollutants to waters of the State from any point source or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This term includes additions of pollutants into waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

**“Discharge of Stormwater Associated with Construction Activity”** as used in this permit, refers to a discharge of pollutants in stormwater from areas where land disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

**“Discharge Point”** for the purposes of this permit, means the location where collected and concentrated stormwater flows are discharged from the construction site.

**“District”** means any soil and water conservation district created pursuant to Chapter 9, Title 48, S.C. Code of Laws.

**“Drainage Area”** means that area contributing runoff to a single point.



**“Drainage Area Map”** means a map showing areas of a construction site contributing runoff to a single point.

**“Easement”** means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

**“Effluent Limitation”** means any restriction imposed by the Department on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the State, the waters of the contiguous zone, or the ocean.

**“Effluent Limitations Guidelines”** means a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

**“Effluent Standards and Limitations”** means restrictions or prohibitions of chemical, physical, biological, and other constituents which are discharged from point sources into State waters, including but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, pretreatment standards and schedules of compliance. Limits are based on applicable technology-based and water quality-based standards.

**“Eligible”** means qualified for authorization to discharge stormwater and allowable non-stormwater discharges under this general permit.

**“Endangered Species”** is defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insects determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

**“Engineering Report”** as applied to the permit refers to the report or document submitted to the Department containing the specific Project or Site design calculations and supporting documents. This report includes as a minimum, calculation of parameters and design criteria specified in SC Regulation 72-300 and identified in Section 3.2.8 of this permit. The Engineering Report must be included in the Comprehensive SWPPP.

**“Environmental Protection Agency” (EPA)** means the United States Environmental Protection Agency.

**“Ephemeral Streams”** mean streams that generally have defined natural watercourses that flow only in direct response to precipitation (rainfall or snowmelt) in which discrete periods of flow persist no more than 29 consecutive days per event and whose channel is at all times above the water table.

**“EQC Regional Office ”** for purposes of this permit refers to eight (8) Environmental Quality Control (EQC) regions that provide local support to the Department and the public as described in the [EQC Regional Offices Web page](#).

**“Erosion”** means the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

**“Erosion and Sediment Control”** means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

**“Exemption”** means those land-disturbing activities that are not subject to the sediment and stormwater requirements contained in these regulations. See Appendix D for additional information.

**“Extended Natural Buffer”** in reference to this permit, means an area, strip, or plot of undisturbed, natural cover adjacent to surface waters, classified as Sensitive Waters, that may be utilized to provide water quality control of stormwater discharges from adjacent land-disturbing activities. Natural cover includes the vegetation, exposed rock, or barren ground that existed prior to commencement of land-disturbing activities. The minimum width of an Extended Natural Buffer is typically greater than the width required for Natural Buffers.

**“Facility” or “Activity”** means any “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

**“Final Stabilization”** means that all land-disturbing activities at the construction site have been completed and that on all areas not covered by permanent structures, either (1) a uniform (e.g., evenly distributed, without large bare areas) vegetative cover with a density of 70 percent of the natural background vegetative cover has been established excluding areas where no natural background vegetative cover is possible (e.g., on a beach), or (2) equivalent permanent stabilization measures (such as the use of landscaping mulch, riprap, pavement, and gravel) have been implemented to provide effective cover for exposed portions of the construction site not stabilized with vegetation.

**“General Coastal Zone Consistency” (GCZC)** means a general consistency issued by DHEC OCRM authorizing small project impacts in the eight county Coastal Zone. A comprehensive list of GCZC Certifications and CZC application information is currently available at: <http://www.scdhec.gov/environment/ocrm/czc.htm>.

**“General Permit” or “Construction General Permit” (CGP)** means an NPDES permit issued under section 122.28 authorizing a category of discharges or activities under the PCA and CWA within a geographical area.

**“Good Engineering Practice” (GEP)** is a term applied to engineering and technical activities to ensure that a company manufactures products of the required quality as expected by the relevant regulatory authorities. Good engineering practices are to ensure that the engineering development methodology generates deliverables that support the requirements for qualification or validation.

**“Grading”** means excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

**“Groundwater”** means water below the land surface in a zone of saturation.

**“Impaired Waters”** means waters identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards to support classified uses as promulgated in Regulation 61-68, Water Classifications and Standards and Regulation 61-69, Classified Waters. Impaired waters include both waters with approved or established TMDLs, and

those for which a TMDL has not yet been approved or established. A list of the streams and lakes not meeting water quality standards can be found at <http://www.scdhec.gov/environment/water/tmdl> under 303(d) & TMDLs.

**“Impervious Surface”** for the purpose of this permit, means any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

**“Inactive Sites ”** means sites or projects in which construction activities have been abandoned or ceased for long periods of time.

**“Indian Country ”or “Indian Land”** as defined at 40 CFR §122.2 means:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

**“Indirect Discharge”** means the “discharge of a pollutant” from a source indirectly into a receiving water body (i.e., an indirect source may discharge to a POTW, which in turn discharges into the receiving water body).

**“Individual Permit”** is a permit specifically tailored to an individual facility.

**“Infiltration”** means the passage or movement of water through the soil profile.

**“Inspector”** for the purposes of the permit, means a person certified by the State or Department through a Construction Site Inspector Certification Course approved by DHEC. An inspector performs and documents required inspections of stormwater construction activities, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector typically has the following responsibilities:

- a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit or Corps of Engineers permit for construction activities in or around Waters of the State;
- b) Update the records, logs, and inspection reports within the OS-SWPPP as necessary due to an on-site inspection;
- c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
- d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the CGP and other environmental permits.

**“Intermittent or Seasonal Streams”** means streams that generally have defined natural watercourses

which do not flow year round, but flow at certain times of the year when groundwater provides water for stream flow, as well as during and immediately after some precipitation events or snowmelt.

**“Jurisdictional Waters of the State”** is defined as water bodies, including wetlands, over which a state may exercise jurisdiction or control. Jurisdiction may overlap and be concurrent with the federal government, or it may be reposed only to the state.

**“Jurisdictional Waters of the United States” or “Waters of the U.S.”** are defined as waterbodies, including wetlands, under the jurisdiction or control of the United States federal government. Federal jurisdiction may overlap and be concurrent with a state. Section 404 of the Clean Water Act regulates the placement of dredged or fill material into waters of the United States, including wetlands. The Army Corps of Engineers (Corps) is the agency responsible for the processing and issuing of permits for proposed projects that will impact Waters of the United States, including wetlands.

**“Land Disturbance” or “Land Disturbing Activity”** by definition means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff. Such activities include, but are not limited to: clearing, removal of vegetation that disturbs the soil, stripping, grading, grubbing, excavating, filling, logging and storing of materials. Clearing of areas where soils are not exposed and an adequate vegetative structure is left in place is not considered land disturbance, provided that the clearing is not in anticipation of other construction activities such as grubbing and grading.

**“Large Construction Activity”** is defined at 40 CFR §122.26(b)(14)(x) of SC Regulation 61-9 and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the Site.

**“Larger Common Plan for Development or Sale” (LCP)** is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. [63 Federal Register No. 128, July 6, 1998, p. 36491].

A common plan for development or sale identifies a site where multiple separate and distinct construction activities (areas of disturbance) are occurring on contiguous areas. Such sites may have one operator or owner or several operators and owners. Construction activities may take place at different times on different schedules, in separate stages, and/or in separate phases, and/or in combination with other construction activities. Each Developer, Operator or Owner for each Site or Project determined to be a part of a LCP are subject to permitting requirements as defined by this permit.

Projects and sites identified as part of a larger common plan for development or sale are linked thru permitting by the Department as part of one plan, referred to as the larger common plan. LCP projects must ensure that adequate stormwater management facilities are designed into the Project(s) or Site(s) to control pollution and protect water quality during all stages or phases of development.

Projects or Sites added as part of a LCP may be required to expand existing or provide additional stormwater management facilities to control pollution from land disturbance activities from other contiguous areas or proposed additional phases as required by this permit.

LCP projects are typically identified by the documentation that identifies the scope of the project including such things as plats, blueprints, marketing plans, contracts, building permits, public notice or hearing, and zoning requests. If master calculations have been prepared and/or submitted for an entire site, then all phases and parcels at that site would be considered part of a LCP.

**Late Notifications**” means NOIs submitted after initiating clearing, grading, filling and excavation activities (including borrow pits and stockpile material storage areas), or other similar construction activities for projects or sites required to obtain authorization under this permit are considered late.

**“Level Spreader”** - a temporary stormwater control used to spread stormwater flow uniformly over the ground surface as sheet flow to prevent concentrated, erosive flows from occurring.

**“Limits of Disturbance” (LOD)** means specific areas of a site or individual lot in which construction and other land disturbing activities must be contained.

**“Linear Project” or “Linear Construction”** is a land disturbing activity that includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of a residential and/or commercial subdivision is not considered a linear project.

**“Load Allocation” (LA)** means the portions of a receiving water’s TMDL that is allocated to its non-point sources of pollution. See definition of TMDL.

**“Local Government”** means any county, municipality, or any combination of counties or municipalities, acting through a joint program pursuant to the provisions of this chapter.

**“Low Impact Development” (LID)** means an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed’s hydrologic and ecological functions.

**“Minimize”** means to reduce and/or eliminate to the extent achievable using stormwater controls (including best management practices) that are technologically available and economically

practicable and achievable in light of best industry practices.

**“Modification”** refers to the requirements defined in Section 3.1.7 for making and documenting major and minor revisions to an approved Stormwater Pollution Prevention Plan (SWPPP). Revisions to an approved SWPPP that present minor changes to design, construction, operation, or maintenance, thus minor changes in potential impacts to WoS are termed **“Minor Modifications.”** Minor modifications require only on-site documentation of the modified construction activity or facility on the On-Site SWPPP. Revisions to an approved SWPPP that present major changes to design, construction, operation, or maintenance, thus major changes in potential impacts to WoS are termed **“Major Modifications”** Major modifications must be reviewed and approved by the Department as outlined in this permit for inclusion in the Comprehensive SWPPP previously approved by the Department .

**“Modified SWPPP”** means a stormwater pollution prevention plan submitted to the Department to incorporate revisions or modifications to the construction Project or Site in accordance with Section 3.1 of this general permit or as required to meet submission deadlines for ongoing projects as defined in Section 2.4.

**“Municipality”** means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of CWA.

**“Municipal Separate Storm Sewer System” (MS4)** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, Stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to Surface Waters of the United States;
2. Designed or used for collecting or conveying Stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at §122.2 of SC Regulation 61-9.

**“National Pollutant Discharge Elimination System” (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an “approved program.”

**“Natural Buffer”**, in reference to this permit, means an area, strip, or plot of undisturbed, natural cover adjacent to surface waters that may be utilized to provide water quality control of stormwater discharges from adjacent land-disturbing activities. Natural cover includes the vegetation, exposed rock, or barren ground that existed prior to commencement of land-disturbing activities.

**“Navigable Waters”**, as defined in 33 CFR 329, means those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce while the waterway is in its ordinary condition. Navigable waters are waters that provide a channel for business (commerce) and transportation of people and goods. Jurisdiction over navigable waters belongs to the federal government rather than states or municipalities. The federal government can determine how the waters are used, by whom, and under what conditions. It also has the power to alter the waters, such as by dredging or building dams. Section 10 of the *Rivers and Harbors Act of 1899* (33 U.S.C. 403), approved 3 March 1899, prohibits the unauthorized obstruction of a navigable water of the U.S. This statute also requires a permit from the U.S. Army Corps of Engineers for any construction in or over any navigable water, or the excavation or discharge of material into such water, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters.

**“New Owner or New Operator”** means an operator or owner that replaces an existing operator or owner on a construction project through transfer of ownership and/or operation.

**“New Project”** means a construction project that commenced construction activities after the effective date of this general permit.

**“New Source”** for the purpose of this permit, a construction project that commenced construction activities after February 1, 2010, and that requires NPDES permit coverage for its construction discharges under Section 1.2.

**“Non-Numeric Effluent limitations”** for purposes of this permit means design of site-specific non-numeric erosion and sediment control methods and practices (i.e., minimizing amount of exposed soil during construction activity, maximizing infiltration, structural Best Management Practices, etc.) and other practices and procedures as defined in Section 3.2.12 of this permit to meet effluent limitations imposed by the Department. Non-numeric effluent limitations will apply to all permitted construction sites, regardless of disturbed area.

**“Non-Point Source Pollution”** means pollution contained in stormwater runoff from ill-defined, diffuse sources such as runoff from urbanized or agricultural areas. The majority of agricultural facilities are defined as non-point sources and are exempt from NPDES regulation.

**“Non-Stormwater Discharges”** means discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

**“Notice of Intent” (NOI)** means the NPDES application form developed by the Department to request coverage under a general permit. Required information and contents are as defined in Section 2.3 of this permit.

**“Notice of Termination” (NOT)** means the NPDES application form developed by the Department to terminate land disturbance activities and coverage under a general permit. Required information and contents are as defined in Section 5.2 of this permit.

**“NPDES Form” or “Application”** means any uniform permit application or any uniform form used by the Department or developed for use in the NPDES program, including a NPDES application, a

Refuse Act permit application and a reporting form.

**“NPDES Permit”** means a permit issued by the Department to a discharger pursuant to NPDES regulations for all point source discharges into surface waters, and shall constitute a final determination of the Department.

**“Ocean and Coastal Resource Management” (OCRM)** refers to DHEC’s Office of Ocean and Coastal Resource Management (DHEC-OCRM). OCRM is responsible for protection and enhancement of the state's coastal resources by preserving sensitive and fragile areas while promoting responsible development in the eight coastal counties of South Carolina.

**“Ongoing Project”** means the “commencement of construction activities” occurs before the effective date of this general permit.

**“On-Site Stormwater Pollution Prevention Plan” (OS-SWPPP)** as used in this permit means as the Stormwater Pollution Prevention Plan prepared according to requirements outlined in Section 3 of this permit. The On-Site SWPPP is a condensed version of the Comprehensive SWPPP and is stored on site. This SWPPP does not include the Engineering Report (project design calculations). This document does not require submission or approval by the Department, regulated MS4 entity, or an approved entity with Permitting Authority prior to obtaining coverage under this permit.

**“Operator”** for the purpose of this permit and in the context of Stormwater associated with construction activity, means any party associated with a construction Project that meets one of the following two criteria:

1. The person has operational control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs, and specifications by a qualified individual identified in Section 3.1.2.B of this permit. This person is typically the owner or developer of the project or a portion of the project (subsequent builders), and is considered the Primary Permittee; or
2. The person has day-to-day operational control of those activities at a construction site which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is often referred to as the Operator of Day-to-Day Site Activities (ODSA) and is typically a contractor or a commercial builder who is hired by the Primary Permittee. This person is considered a Secondary Permittee.

See Section 2.0 of this general permit for additional information.

**“Outfall”** means a point source at the discharge point of a waste stream, sewer, or drain into a receiving body of water. See discharge point.

**“Outstanding National Resource Waters” (ONRW)** means a classification of waters that is pursuant to South Carolina's Classification & Standards (R.61-68) and Classified Waters (R.61-69) regulations and that is intended to protect unique and special waters having excellent water quality and of exceptional state or national ecological or recreational significance.

**“Owner or Operator”** means the owner or operator of any “facility or activity” subject to regulation under the NPDES program. For purposes of this permit, when local governments (counties, cities, etc.) construct or improve state roads, the owner of these road construction



projects during the construction is the local government. See definition of Operator and details in Section 2.0 of this general permit for additional information.

**“Perennial Stream” or “Perennial River”** is a stream or river (channel) that has continuous flow in parts of its bed all year round during years of normal rainfall. Baseflow is maintained by groundwater discharge, as the stream channel is usually below the water table.

**“Permit”** means an authorization, license, or equivalent control document issued by the Department to implement the requirements of this regulation, **40 CFR Parts 123, and R.61-9.124**. Permit includes an NPDES general permit (**section 122.28**). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

**“Permitted Ongoing Project”** means a construction project that commenced prior to the effective date of this permit, which has been covered by a prior NPDES permit for stormwater discharges associated with construction activities.

**“Permitting Authority”** means the United States Environmental Protection Agency, EPA, a Regional Administrator of the Environmental Protection Agency, or an authorized representative.

**“Person”** means any individual, public or private corporation, political subdivision, association, partnership, corporation, municipality, State or Federal agency, industry, copartnership, firm, trust, estate, any other legal entity whatsoever, or an agent or employee thereof.

**“Point Source”** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non point-source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands or return flows from irrigated agriculture or agricultural stormwater runoff.

**“Point Source Discharge”** means a discharge which is released to the waters of the State by a discernible, confined and discrete conveyance, including but not limited to a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which waste is or may be discharged. Typical point source dischargers include discharges from publicly owned treatment works (POTWs), discharges from industrial facilities, and discharges associated with urban runoff.

**“Pollutant”** is defined at §122.2 of SC Regulation 61-9. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste. Typical construction site pollutants include sediment, oil and grease, pesticides and fertilizers, pollutants from construction wastes, and pollutants from construction materials. Pollutant does not mean sewage from vessels or water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

**“Pollution Control Act” (PCA)** means the South Carolina Pollution Control Act (PCA), S.C. Code Ann. section 48-1-10 et seq. (1976).

**“Pollution Prevention Measures”** means stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

**“Post-Development” or “Post-Construction”** means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

**“Pre-Development” or “Pre-Construction”** means the conditions which existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

**“Primary Permittee”** means the person that has operational control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs, and specifications by a qualified individual identified in Section 3.1.2.B of this permit. This person is typically the owner or developer of the project or a portion of the project (subsequent builders). See Section 2.2.1 of this general permit for additional information.

**“Prohibited Discharges”** means discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste from pollutant-generating activities.

**“Project”** means an undertaking such as, but not limited to, construction of commercial development, residential development, industrial development, roadways, railways, and utility lines.

**“Project Area”** means:

1. The areas on the construction Site where Stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, Site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction Site and could be disturbed by the construction activity or where grading causes Stormwater to flow into a small wetland or other habitat that is on the Site that contains listed species.)
2. The areas where Stormwater discharges flow from the construction Site to the point of discharge into receiving waters. (Example: Where Stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
3. The areas where Stormwater from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where Stormwater from construction activities discharges into a stream segment that is known to harbor listed

- aquatic species.)
4. The areas where Stormwater BMPs will be constructed and operated, including any areas where Stormwater flows to and from BMPs. (Example: Where a Stormwater retention pond would be built.)
  5. The areas upstream and /or downstream from construction activities discharges into a stream segment that may be affected by the said discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

**“Provisionally Covered Under this Permit”** for the purposes of this permit, means the Department provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

**“Publicly Owned Treatment Works” (POTW)** means a treatment works as defined by section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by section 502[4] of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality, as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharge from such a treatment works.

**“Qualified Personnel” or “Qualified Individual”** means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction Site that could impact Stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of Stormwater discharges from the construction activity.

**“Receiving Waters” or “Receiving Water Bodies” (RWB)** means the “Waters of the United States” as defined in §122.2 of SC Regulation 61-9 into which the regulated Stormwater discharges. For information on RWBs in respect to Coastal Zone stormwater management requirements, see the definition for Coastal Receiving Waters (CRW).

**“Refuse Act Permit application”** means an application for a permit issued under authority of Section 13 of the United States Rivers and Harbors Act of March 3, 1899.

**“Regional Administrator”** means the Regional Administrator of Region IV of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

**“Retention Structure”** means a permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

**“Riparian Buffer”**, means a permanent area, strip, or plot of undisturbed, naturally vegetated and/or engineered land cover consisting of vegetation (e.g., grass, brush, trees, foliage) adjacent to surface waters that is utilized to provide water quality control for post-construction stormwater discharges. These buffers may be designed to provide many types of water quality benefits including, but not

limited to, water quality protection, wildlife habitat preservation and flood mitigation.

**“Runoff Coefficient”** means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is NOT absorbed by the surface to the total amount of water that falls during a rainstorm.. The value of the coefficient is determined on the basis of climatic conditions and physiographic characteristics of the drainage area and is expressed as a constant between zero and one and symbol C.

**“SCDHEC” or “DHEC”** means Department or the South Carolina Department of Health and Environmental Control’s Office of Environmental Quality Control (EQC).

**“Secondary Permittee”** means the person who has day-to-day operational control of those activities at a residential development that are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically an individual lot owner or residential builder.

**“Section 404 Permit” or “U. S. Army Corps of Engineers 404 Permit”** refers to permits issued by the U.S. Army Corps of Engineers for certain activities conducted in wetlands or other U.S. waters as defined in Section 404 of the Clean Water Act. Construction projects affecting wetlands in any state cannot proceed until a §404 permit has been issued.

**“Sediment”** means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.

**“Sediment Basin”** means a temporary basin consisting of an embankment constructed across a wet weather conveyance, or an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, dam, impoundment, permanent pool, primary spillway, secondary or emergency spillway, and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., impaired, HQ, or unimpaired).

**“Sensitive Waters”** means any waters with approved or established TMDLs, any waters included in the most recent SC DHEC Bureau of Water Clean Water Act (CWA) Section 303(d) list, and/or any waters pursuant to South Carolina’s Classification & Standards (R.61-68) and Classified Waters (R.61-69) regulations that are classified as either Outstanding National Resource Waters, Outstanding Resource Waters, Trout Waters, or Shellfish Harvesting Waters.

**“Severe Property Damage”** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

**“Shellfish”** mean bivalve mollusks, specifically clams, mussels, or oysters.

**“Silvicultural Point Source”** means any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the State. The term does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from

which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA section 404 permit (See 33 CFR 209.120 and Part 233).

**“Small Construction Activity”** is defined under the definition of “Stormwater discharge associated with small construction activity” at §122.26(b)(15) of SC Regulation 61-9 as follows: “Stormwater discharge associated with small construction activity means the discharge of stormwater from:

- (i) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres and, in coastal counties within one-half (1/2) mile of a receiving water body (but not for single-family homes which are not part of a subdivision development), that result in any land disturbance less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The Department may waive the otherwise applicable requirements in a general permit for a Stormwater discharge from construction activities that disturb less than five acres where:
  - (A) The value of the rainfall erosivity factor (“R” in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. An Operator must certify to the Department that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five; or
  - (B) Stormwater controls are not needed based on a “total maximum daily load” (TMDL) approved or established by EPA that addresses the pollutant(s) of concern or, for non-impaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction Sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this paragraph, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The Operator must certify to the Department that the construction activity will take place, and Stormwater discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis.
- (ii) Any other construction activity designated by the Department, or in States with approved NPDES programs either the Department or the EPA Regional Administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

**“Soil”** means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

**“South Carolina Navigable Waters” (SCNW)** means those waters which are now navigable, or have been navigable at any time, or are capable of being rendered navigable by the removal of accidental obstructions, by rafts of lumber or timber or by small pleasure or sport fishing boats. Navigability shall be determined by the Department.

**“Stabilization”** means the installation of vegetative and/or non-vegetative (structural measures) to establish a soil cover to prevent and/or reduce soil erosion and sediment loss in areas exposed during the construction process.

**“State”** means the State of South Carolina.

**“Steep Slope”** means slopes of 30% (~3H:1V) or greater in grade.

**“Storm Event”** means a precipitation event that results in a discharge.

**“Stormwater”** means rainfall stormwater runoff, snowmelt runoff, and surface runoff and drainage.

**“Stormwater Discharge-Related Activities”** as used in this permit, include: activities that cause, contribute to, or result in stormwater point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control stormwater including the citing, construction and operation of BMPs to control, reduce or prevent stormwater pollution.

**“Stormwater Management”** means, for:

- (a) quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land;
- (b) qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.

**“Stormwater Management and Sediment Control Plan”** means a set of drawings, other documents, and supporting calculations submitted as a prerequisite to obtaining a permit to undertake a land disturbing activity. This plan must contain all required information and specifications identified in Section 3.2.2 of this permit. In general, this plan is considered to be a part of the Stormwater Pollution Prevention Plan (SWPPP).

**“Stormwater Pollution Prevention Plan” (SWPPP)** generally means a site-specific written document that (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit. The SWPPP includes site map(s), drawings and plans, other documents, and supporting calculations, and identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. **“SWPPP”** as used in this permit, generally means Comprehensive Stormwater Pollution Prevention Plan (SWPPP), unless specific reference is given to the On-Site SWPPP.

**“Stormwater Runoff”** means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.

**“Subdivision”** unless otherwise defined in an ordinance adopted by a local government pursuant to Section 6-7-1010, means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale, legacy, or building

development, or includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, in the context, shall relate to the process of subdividing or to the land or area subdivided.

**“Support Activities”** means various construction-related activities that occur or facilities provided at a construction site alongside the construction activity that are directly related to and implemented as support to the construction activity or facility. Typical support activities include concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas.

**“Surface Water”** means any waters where the surface of which is exposed to the atmosphere, such as water collecting on the ground or in a stream, river, lake, wetland, or ocean. It is related to water collecting as groundwater or atmospheric water. Surface water is naturally replenished by precipitation and naturally lost through discharge to evaporation and sub-surface seepage into the ground.

**“Surface Waters of the State”** means “Waters of the State” as defined in §122.2 of SC Regulation 61-9 except for groundwater.

**“Swale”** means a structural measure with a lining of grass, riprap or other materials, which can function as a detention structure and convey stormwater runoff without causing erosion.

**“Temporary Stabilization”** means a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area. Temporary controls must be installed, maintained, and removed according to specifications in the BMP Manual.

**“Ten-Year-Storm” or “Ten-Year Storm Event”** means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedence probability with a 10 percent chance of being equaled or exceeded in any given year. Likewise, a ten-year 24-hour storm event means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years.

**“Total Maximum Daily Load” (TMDL)** is a calculation of the maximum amount of a specific pollutant that a waterbody can receive and still meet water quality standards. It is the sum of the allowable loads or allocations of a given pollutant from all contributing point (wasteload allocation (WLA)) and nonpoint (load allocation (LA)) sources. It also incorporates a margin of safety and consideration of seasonal variation. For an impaired waterbody, the TMDL document Specifies the level of pollutant reductions needed for waterbody use attainment. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

**“Tracking or Permit Number”** refers to the permit numbering systems used by the Department to track each Notice of Intent (NOI) application. The permit number is generally formatted as SCR10XXXX.

**“Treatment Works”**, means any plant, disposal field, lagoon, constructed drainage ditch or surface

water intercepting ditch, incinerator, area devoted to sanitary landfills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste, stormwater runoff, or other wastes.

**“Turbidity”** is a condition of water quality characterized by cloudiness or haziness of a fluid caused by the presence of individual particles (suspended solids and/or organic material) that are generally invisible to the naked eye, similar to smoke in air.

**“Unpermitted Ongoing Project”** - a construction project that commenced prior to the effective date of this permit, but the discharges related to this project have not been authorized under an NPDES permit.

**“Upset”** means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. A upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**“Variance”** means the modification of the minimum sediment and stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of these regulations.

**“Waiver”** means the relinquishment from sediment and stormwater management requirements by the appropriate plan approval authority for a specific land disturbing activity on a case-by-case review basis. Rainfall Erosivity Waiver, TMDL Waiver, and Equivalent Analysis Waiver are defined for small construction activities in Appendix B of this permit.

**“Waste Load Allocation” (WLA)** is the portion of a receiving water’s TMDL that is allocated to one of its existing or future point sources of pollution (EPA-823-B-94-005a). See definition of TMDL.

**“Water Quality”** means those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

**“Water Quality Standards” (WQS)** are provisions of State or Federal law which consist of a designated (classified) use or uses for the Waters of the United States, water quality criteria, expressed in numeric or narrative form, for such waters based upon such uses, and an antidegradation policy that protects existing uses and provides a mechanism for maintaining high water quality. Water quality standards are measurable parameters of standards established as criteria to evaluate characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water. Water quality standards are to protect public health or welfare, enhance the quality of water and serve the purposes of the Federal Clean Water Act and the S.C. Pollution Control Act. .

**“Water Quantity”** means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

**“Watershed”** means the drainage area contributing stormwater runoff to a single point.

**“Waters of the State” (WoS)** means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the



territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

**“Waters of the United States” or “Waters of the U.S.”** means:

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate “wetlands;”
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (5) Tributaries of waters identified in paragraphs (1) through (4) of this definition;
- (6) The territorial sea; and
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not Waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in Waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of Waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA. The intent of this definition is to cover all possible waters within federal jurisdiction under the Commerce Clause of the Constitution.

**“Wetland”** means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**“You” and “Your”** as used in this permit is intended to refer to the Applicant (Permittee), the Operator, or the discharger as the context indicates and that party’s responsibilities (e.g., the city, the country, the flood control district, the U.S. Air Force, etc.).



## APPENDIX B

### SMALL CONSTRUCTION WAIVERS AND INSTRUCTIONS

These waivers are only available to storm water discharges associated with small construction activities (i.e., 1-5 acres). As the Operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction Sites are not needed. Each Operator, otherwise needing permit coverage, must notify DHEC of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the Operator changes or another is added during the construction Project, the new Operator must also submit a waiver certification to be waived.

#### A. Rainfall Erosivity Waiver

Under this scenario the small construction Project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than 5 during the period of construction activity. The Operator must certify to the Permitting Authority that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the Operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the construction general permit have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The Operator must submit a waiver certification to DHEC prior to commencing construction activities.

*Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA funded a cooperative agreement with Texas A&M University to develop an online rainfall erosivity calculator. You can access the calculator from EPA's website at:  
[www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp)

Use of the calculator allows you to determine potential eligibility for the rainfall erosivity waiver. It may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting Site stabilization will allow you to qualify for the waiver.

If you are the Operator of the construction activity and eligible for a waiver based on low erosivity potential, you must provide the following information on the waiver certification in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction Site Operators;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction Project or Site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The rainfall erosivity factor calculation that applies to the active construction phase at your Project Site; and
5. A statement, signed and dated by an authorized representative, as provided in §122.22 of SC Regulation 61-9 (see Appendix C of this permit), that certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five.

At the time of publication, a Low Erosivity Waiver Form is not available. If EPA or DHEC does create a form, it will be noticed (either directly, by public notice, or by making information available on the Internet at:

<http://www.epa.gov/npdes/stormwater/cgp> or [www.scdhec.gov/water](http://www.scdhec.gov/water)

*Note: If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for permit coverage as per Subpart 2.1 of the construction general permit, unless you qualify for the Water Quality Waiver as described below.*

If your small construction Project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new Project duration. If the R factor is below five (5), you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of the Site SWPPP. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, you must submit an NOI as per Section 2.3.

## **B. TMDL Waiver**

This waiver is available if a TMDL that addresses the pollutant(s) of concern and has determined that controls on storm water discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established is available from EPA online at [www.epa.gov/owow/tmdl/](http://www.epa.gov/owow/tmdl/) and from DHEC at: [www.scdhec.gov/water](http://www.scdhec.gov/water).

If you are the Operator of the construction activity and eligible for a waiver based on compliance with a TMDL, you must provide the following information on the Waiver Certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction Site Operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction Project or Site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water body(s) that would be receiving storm water discharges from your

- construction Project;
5. The name and approval date of the TMDL; and
  6. A statement, signed and dated by an authorized representative, as provided in §122.22 of SC Regulation 61-9 (see Appendix C of this permit), that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

### **C. Equivalent Analysis Waiver**

This waiver is available for non-impaired waters only. The Operator can develop an equivalent analysis that determines allocations for his small construction Site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction Operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction Operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction Site Operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction Project or Site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water bodies that would be receiving storm water discharges from your construction Project;
5. Your equivalent analysis; and
6. A statement, signed and dated by an authorized representative, as provided in §122.22 of SC Regulation 61-9 (see Appendix C of this permit), that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the equivalent analysis.

### **D. Waiver Deadlines and Submissions**

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until DHEC approves your request. As such, you may not commence construction activities until receipt of approval from DHEC.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. DHEC may take enforcement for any unpermitted discharge or violations of laws or regulations that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity, provided you qualify for the waiver. Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act and the SC Pollution Control Act. As mentioned above, DHEC may take enforcement for any unpermitted discharge or violations of laws or regulations that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver

certification is submitted. DHEC may notify any Operator covered by a waiver that they must apply for a permit. DHEC may notify any Operator who has been in non-compliance with a waiver that they may no longer use the waiver for future Projects. Any member of the public may petition DHEC to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate Rainfall Erosivity waiver certifications must be sent to the following address:

Stormwater Permitting Section  
Bureau of Water  
SC DHEC  
2600 Bull Street  
Columbia, SC 29201

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the following address:

Stormwater Permitting Section  
Bureau of Water  
SC DHEC  
2600 Bull Street  
Columbia, SC 29201

## APPENDIX C

### SECTIONS 122.22 AND 122.41 OF SC REGULATION 61-9

#### Section 122.22 of SC Regulation 61-9.

##### 122.22. Signatories to permit applications and reports.

(a) Applications. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).

(b) All reports required by permits, and other information requested by the Department, shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an

individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Department.

(c) Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

#### **Section 122.41 of SC Regulation 61-9.**

**122.41. Conditions applicable to all permits.** The following conditions apply to all NPDES permits. Additional conditions applicable to NPDES permits are in section 122.42. All conditions applicable to NPDES permit shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the federal regulations (or the corresponding approved State regulations) must be given in the permit.

(a) **Duty to comply.** The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The Department's approval of wastewater facility Plans and Specifications does not relieve the permittee of responsibility to meet permit limits.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(2) Failure to comply with permit conditions or the provisions of this regulation may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).

(3) A person who violates any provision of this regulation, a term, condition or schedule of compliance contained within a valid NPDES permit, or the State law is subject to the actions defined in the State law.

(b) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. (But see 122.4(g)(2)).



(c) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) **(1) Proper operation and maintenance.** The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance based on design facility removals, adequate funding, adequate operator staffing and training and also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

(2) The permittee shall develop and maintain at the facility a complete Operations and Maintenance Manual for the waste treatment facilities and/or land application system. The manual shall be made available for on-site review during normal working hours. The manual shall contain operation and maintenance instructions for all equipment and appurtenances associated with the waste treatment facilities and land application system. The manual shall contain a general description of: the treatment process(es), the operational procedures to meet the requirements of (e)(1) above, and the corrective action to be taken should operating difficulties be encountered.

(3)(i) Except as stated in (ii) below, the permittee shall provide for the performance of daily treatment facility inspections by a certified operator of the appropriate grade as defined in the permit for the facility. The inspections shall include, but should not necessarily be limited to, areas which require visual observation to determine efficient operation and for which immediate corrective measures can be taken using the O & M manual as a guide. All inspections shall be recorded and shall include the date, time, and name of the person making the inspection, corrective measures taken, and routine equipment maintenance, repair, or replacement performed. The permittee shall maintain all records of inspections at the permitted facility as required by the permit, and the records shall be made available for on-site review during normal working hours.

(ii) The Department may make exceptions to operating requirements, if stated in the permit, as follows:

(A) Attendance by the certified operator of the appropriate grade ("the operator") is normally required only on days when treatment or discharge occurs.

(B) For performance of daily inspections, permits may allow a reduced grade of operator for limited time periods under specific circumstances when justified by the permittee in a staffing plan and approved by the Department.

(C) Reduced inspection frequency, but in no case less than weekly, may be suitable when specified in the permit, if there is complete telemetry of operating data and there is either a simple treatment system with a low potential for toxicity but requiring pumps or other electrical functions or the ability to stop the discharge for an appropriate period when necessary.

(D) In other circumstances where the permittee demonstrates the capability to evaluate the facility in an alternative manner equivalent to the inspection requirements in subparagraph 3(i).

(E) Any exceptions allowed under (A), (B), (C), and (D) above may be subject to compliance with the permit conditions.

(4) (i) Purpose. This regulation establishes rules for governing the operation and maintenance of wastewater sewer systems, including gravity or pressure interceptor sewers. It is the

purpose of this rule to establish standards for the management of sewer systems to prevent and/or minimize system failures that would lead to public health or environmental impacts.

(ii) Authority and applicability. Under Section 48-1-30 of the Code of Laws of South Carolina (1976 as amended), the Department is authorized to adopt such rules and regulations as may be necessary to implement the Pollution Control Act. This regulation applies to all sewer systems that have been or would be subject to a DHEC construction permit under Regulation 61-67 and whose owner owns or operates the wastewater treatment system to which the sewer discharges and which discharges under NPDES. Nothing in this regulation supersedes a more stringent requirement that may be imposed by sewer system owners that manage wastewater from satellite systems. This regulation (122.41(e)(4)) is effective when published in the State Register.

(iii) General requirements. The requirements to properly operate and maintain sewer systems are the responsibility of the system owner. General Standards. The sewer system owner must:

(A) Properly manage, operate, and maintain at all times all parts of its sewer system(s), to include maintaining contractual operation agreements to provide services, if appropriate;

(B) Provide adequate capacity to convey base flows and peak flows for all parts of the sewer system or, if capital improvements are necessary to meet this standard, develop a schedule of short and long term improvements;

(C) Take all reasonable steps to stop and mitigate the impact of releases of wastewater to the environment; and

(D) Notify the Department within 30 days of a proposed change in ownership of a sewer system.

**(f) Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**(g) Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

**(h) Duty to provide information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

**(i) Inspection and entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and Pollution Control Act, any substances or parameters at any location.

**(j) Monitoring and records.**

(1) (i) (A) Samples and measurements taken for the purpose of monitoring shall be

representative of the monitored activity.

(B) Samples shall be reasonably distributed in time, while maintaining representative sampling.

(C) No analysis, which is otherwise valid, shall be terminated for the purpose of preventing the analysis from showing a permit or water quality violation.

(ii) Flow Measurements.

(A) Where primary flow meters are required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of not greater than 10 percent from the true discharge rates throughout the range of expected discharge volumes. The primary flow device, where required, must be accessible to the use of a continuous flow recorder.

(B) Where permits require an estimate of flow, the permittee shall maintain at the permitted facility a record of the method(s) used in "estimating" the discharge flow (e.g., pump curves, production charts, water use records) for the outfall(s) designated on limits pages to monitor flow by an estimate.

(C) Records of any necessary calibrations must be kept.

(iii) The Department may designate a single, particular day of the month on which any group of parameters listed in the permit must be sampled. When this requirement is imposed in a permit, the Department may waive or alter compliance with the permit requirement for a specific sampling event for extenuating circumstances.

(iv) The Department may require that a permittee monitor parameters in the stream receiving his permitted discharge as necessary to evaluate the need for and to establish limits and conditions and to insure compliance with water quality standards (i.e., R.61-68).

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by R.61-9.503 or R.61-9.504); the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(3) Records of monitoring information shall include:

- (i) The date, exact place, and time of sampling or measurements;
- (ii) The individual(s) who performed the sampling or measurements;
- (iii) The date(s) analyses were performed;
- (iv) The individual(s) who performed the analyses;
- (v) The analytical techniques or methods used; and
- (vi) The results of such analyses.

(4) Analyses for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures have been specified in the permit or, in the case of sludge use or disposal, unless otherwise specified in R.61-9.503 or R.61-9.504.

(5) The PCA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 or by imprisonment for not more than 2

years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment provided by the Clean Water Act is also by imprisonment of not more than 4 years.

**(k) Signatory requirement.**

(1) All applications, reports, or information submitted to the Department shall be signed and certified (See section 122.22).

(2) The PCA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than two years per violation, or by both.

**(l) Reporting requirements.**

(1) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under section 122.42(a)(1).

(iii) The alteration or addition results in a significant change in the permittee's sewage sludge or industrial sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan (included in the NPDES permit directly or by reference);

(2) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) Transfers. This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of permittee and incorporate such other requirements as may be necessary under the Pollution Control Act and the Clean Water Act. (See section 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified in the permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in R.61-9.503 or R.61-9.504, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See section 122.44(g)).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours (See section 122.44(g)).

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(i) of this section if the oral report has been received within 24 hours.

(7) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (1)(6) of this section.

(8) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

**(m) Bypass.**

(1) Definitions.

(i) “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraph (m)(3) and (m)(4) of this section.

(3) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(4) Prohibition of bypass

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

**(n) Upset.**

(1) Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. A upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of

paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph (l)(6)(ii)(B) of this section (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

(4) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**(o) Misrepresentation of Information.**

(1) Any person making application for a NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

## APPENDIX D

### REGULATIONS 72-302 AND 72-307 (OF STANDARDS FOR STORMWATER MANAGEMENT AND SEDIMENT REDUCTION REGULATION 72-300 THRU 72-316)

#### 72-302. Exemptions, Waivers and Variances from Law.

- A. The following activities are exempt from both the sediment control and stormwater management requirements established by these regulations:
- (1) Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture, except that the construction of an agricultural structure of one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a stormwater management and sediment control plan prior to the start of the land disturbing activity.
  - (2) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.
  - (3) Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
  - (4) Construction or improvement of single family residences or their accessory buildings which are separately built and not part of multiple construction in a subdivision development.
  - (5) Land disturbing activities, other than activities identified in R.72-302A(6), that are conducted under another state or federal environmental permitting, licensing, or certification program where the state or federal environmental permit, license, or certification is conditioned on compliance with the minimum standards and criteria developed under this act.
  - (6) Any of the following land disturbing activities undertaken by any person who provides gas, electrification, or communications services, subject to the jurisdiction of the South Carolina Public Service Commission, or corporations organized and operating pursuant to Section 33-49-10 et seq.:
    - (a) land disturbing activities conducted pursuant to a certificate of environmental compatibility and public convenience and necessity issued pursuant to Title 58, Chapter 33, of the South Carolina Code, or land disturbing activities conducted pursuant to any other certification or authorization issued by the Public Service Commission;
    - (b) land disturbing activities conducted pursuant to a federal environmental permit, including Section 404 of the Federal Clean Water Act, and including permits issued by the Federal Energy Regulatory Commission;
    - (c) land disturbing activities associated with emergency maintenance or construction of electric, gas, or communications facilities, when necessary to restore service or when the Governor declares the area to have sustained a disaster and the actions are undertaken to protect the public from a threat to health or safety;
    - (d) land disturbing activities associated with routine maintenance and/or repair of electric,



- gas, or communications lines;
- (e) land disturbing activities associated with the placement of poles for overhead distribution or transmission of electric energy or of communications services;
- (f) land disturbing activities associated with placement of underground lines for distribution or transmission of electric energy or of gas or communications services; or
- (g) land disturbing activities conducted by a person filing environmental reports, assessments or impact statements with the United States Department of Agriculture, Rural Electrification Administration in regard to a project.

Any person, other than a person identified in R.72-302A(6)(g) who undertakes land disturbing activities described in R.72-302A(6)(d,e,f) must file with the South Carolina Public Service Commission, in a Policy and Procedures Manual, the procedures it will follow in conducting such activities. Any person, other than a person identified in R.72-302A(6)(g), who conducts land disturbing activities described in R.72-302A(6)(b), must address the procedures it will follow in conducting the activities in the Policy and Procedures Manual filed with the South Carolina Public Service Commission to the extent that the land disturbing activities are not specifically addressed in the federal permit or permitting process. If any person, other than a person identified in R.72-302A(6)(g), does not have a Policy and Procedures Manual on file with the Public Service Commission, such manual must be filed with the Public Service Commission not later than six months after the effective date of Chapter 14, Title 48 of the 1976 Code of Laws, South Carolina.

Any person who undertakes land disturbing activities described in R.72-302A(6)(g) of this subsection shall give the same written notice to the commission as given to agencies whose permits are required for project approval by the regulations of the United States Department of Agriculture, Rural Electrification Administration.

- (7) Activities relating to the routine maintenance and/or repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
  - (8) Activities undertaken on state-owned or managed lands that are otherwise regulated by the provisions of Chapter 18 of this title, the Erosion and Sediment Reduction Act.
  - (9) Activities undertaken by local governments or special purpose or public service districts relating to the repair and maintenance of existing facilities and structures.
- B. Implementing agencies with responsibility for plan review and approval may grant waivers from the stormwater management requirements of these regulations for individual land disturbing activities provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications which would alter the approved stormwater runoff characteristics to a land disturbing activity receiving a waiver.
- (1) A project may be eligible for a waiver of stormwater management for both quantitative and qualitative control if the applicant can demonstrate that the proposed project will return the disturbed area to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.
  - (2) A project may be eligible for a waiver or variance of stormwater management for water quantity control if the applicant can demonstrate that:
    - (a) The proposed project will have no significant adverse impact on the receiving natural

- waterway or downstream properties; or
- (b) The imposition of peak control requirements for rates of stormwater runoff would aggravate downstream flooding.

- (3) The implementing agency will conduct its review of the request for waiver within 10 working days. Failure of the implementing agency to act by end of the tenth working day will result in the automatic approval of the waiver.

- C. The implementing agency with responsibility for plan review and approval may grant a written variance from any requirement of these regulations if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of these regulations. A written request for variance shall be provided to the plan approval agency and shall state the specific variances sought and the reasons with supporting data for their granting. The plan approval agency shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the applicant. The implementing agency will conduct its review of the request for variance within 10 working days. Failure of the implementing agency to act by the end of the tenth working day will result in the automatic approval of the variance.

#### **72-307. Specific Design Criteria, Minimum Standards and Specifications.**

- A. General submission requirements for all projects requiring stormwater management and sediment control plan approval will include the following information as applicable:

- (1) A standard application form,
- (2) A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel,
- (3) A plan at an appropriate scale accompanied by a design report and indicating at least:
  - (a) The location of the land disturbing activity shown on a USGS 7.5 minute topographic map or copy.
  - (b) The existing and proposed topography, overlaid on a current plat showing existing and proposed contours as required by the implementing agency. The plat and topographic map should conform to provisions of Article 4, Regulations 400-490.
  - (c) The proposed grading and earth disturbance including:
    - 1. Surface area involved; and
    - 2. Limits of grading including limitation of mass clearing and grading whenever possible.
  - (d) Stormwater management and stormwater drainage computations, including:
    - 1. Pre- and post-development velocities, peak rates of discharge, and inflow and outflow hydrographs of stormwater runoff at all existing and proposed points of discharge from the site,
    - 2. Site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity, and
    - 3. Design details for structural controls.
  - (e) Erosion and sediment control provisions, including:
    - 1. Provisions to preserve top soil and limit disturbance;
    - 2. Details of site grading; and
    - 3. Design details for structural controls which includes diversions and swales.

- (4) Federal Emergency Management Agency flood maps and federal and State wetland maps, where appropriate.
  - (5) The appropriate plan approval agency shall require that plans and design reports be sealed by a qualified design professional that the plans have been designed in accordance with approved sediment and stormwater ordinances and programs, regulations, standards and criteria.
  - (6) Additional information necessary for a complete project review may be required by the appropriate plan approval agency as deemed appropriate. This additional information may include items such as public sewers, water lines, septic fields, wells, etc.
- B. Specific requirements for the erosion and sediment control portion of the stormwater management and sediment control plan approval process include, but are not limited to, the following items. The appropriate plan approval agency may modify the following items for a specific project or type of project.
- (1) All plans shall include details and descriptions of temporary and permanent erosion and sediment control measures and other protective measures shown on the stormwater and sediment management plan. Procedures in a stormwater and sediment management plan shall provide that all sediment and erosion controls are inspected at least once every seven calendar days and after any storm event of greater than 0.5 inches of precipitation during any 24-hour period.
  - (2) Specifications for a sequence of construction operations shall be contained on all plans describing the relationship between the implementation and maintenance of sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The specifications for the sequence of construction shall, at a minimum, include the following activities:
    - (a) Clearing and grubbing for those areas necessary for installation of perimeter controls;
    - (b) Installation of sediment basins and traps;
    - (c) Construction of perimeter controls;
    - (d) Remaining clearing and grubbing;
    - (e) Road grading;
    - (f) Grading for the remainder of the site;
    - (g) Utility installation and whether stormdrains will be used or blocked until after completion of construction;
    - (h) Final grading, landscaping, or stabilization; and
    - (i) Removal of sediment controls.

Changes to the sequence of construction operations may be modified by the person conducting the land disturbing activity or their representative and do not constitute a violation unless measures to control stormwater runoff and sediment are not utilized.

- (3) The plans shall contain a description of the predominant soil types on the site, as described by the appropriate soil survey information available through the Commission or the local Conservation District.
- (4) When work in a live waterway is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction.
- (5) Vehicle tracking of sediments from land disturbing activities onto paved public roads

carrying significant amounts of traffic (ADT of 25 vehicles/day or greater) shall be minimized.

- C. Specific requirements for the permanent stormwater management portion of the stormwater management and sediment control plan approval process include, but are not limited to, the following items. The appropriate plan approval agency may modify the following items for a specific project or type or project.
- (1) It is the overall goal of the Commission to address stormwater management on a watershed basis to provide a cost effective water quantity and water quality solution to the specific watershed problems. These regulations will provide general design requirements that must be adhered to in the absence of Designated Watershed specific criteria.
  - (2) All hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to the Commission. The storm duration for computational purposes for this method shall be the 24-hour rainfall event, SCS distribution with a 0.1 hour burst duration time increment. The rational and/or modified rational methods are acceptable for sizing individual culverts or stormdrains that are not part of a pipe network or system and do not have a contributing drainage area greater than 20 AC. The storm duration for computational purposes for this method shall be equal to the time of concentration of the contributing drainage area or a minimum of 0.1 hours, whichever is less.
  - (3) Stormwater management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure and obligation for total site control.
  - (4) Water quantity control is an integral component of overall stormwater management. The following design criteria for flow control is established for water quantity control purposes, unless a waiver is granted based on a case-by-case basis:
    - (a) Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2-and 10-year frequency 24-hour duration storm event. Implementing agencies may utilize a less frequent storm event (e.g. 25-year, 24-hour) to address existing or future stormwater quantity or quality problems.
    - (b) Discharge velocities shall be reduced to provide a nonerosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
    - (c) Watersheds, other than Designated Watersheds, that have well documented water quantity problems may have more stringent, or modified, design criteria determined by the local government that is responsive to the specific needs of that watershed.
  - (4) Water quality control is also an integral component of stormwater management. The following design criteria is established for water quality protection unless a waiver or variance is granted on a case-by-case basis.
    - (a) When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or methods acceptable to the Commission.
    - (b) Stormwater runoff and drain to a single outlet from land disturbing activities which disturb ten acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used

until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated sediment loading from the land-disturbing activity and meet a removal efficiency of 80 percent suspended solids or 0.5 ML/L peak settable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin.

- (c) Other practices may be acceptable to the appropriate plan approval agency if they achieve an equivalent removal efficiency of 80 percent for suspended solids or 0.5 ML/L peak settable solids concentration, which ever is less. The efficiency shall be calculated for disturbed conditions for the 10-year 24-hour design event.
  - (d) Permanent water quality ponds having a permanent pool shall be designed to store and release the first 1/2 inch of runoff from the site over a 24-hour period. The storage volume shall be designed to accommodate, at least, 1/2 inch of runoff from the entire site.
  - (e) Permanent water quality ponds, not having a permanent pool, shall be designed to release the first inch of runoff from the site over a 24-hour period.
  - (f) Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first inch of runoff from all impervious areas.
  - (g) For activities in the eight coastal counties of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Jasper and Horry, additional water quality requirements may be imposed to comply with the S.C. Coastal Council Stormwater Management Guidelines. If conflicting requirements exist for activities in the eight coastal counties, the S.C. Coastal Council guidelines will apply.
- (6) Where ponds are the proposed method of control, the person responsible for the land disturbing activity shall submit to the approving agency, when required, an analysis of the impacts of stormwater flows downstream in the watershed for the 10-and 100-year frequency storm event. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed land disturbing activity, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. Lacking a clearly defined downstream point of constriction, the downstream impacts shall be established, with the concurrence of the implementing agency.
- (7) Where existing wetlands are intended as a component of an overall stormwater management system, the approved stormwater management and sediment control plan shall not be implemented until all necessary federal and state permits have been obtained.
- (8) Designs shall be in accordance with standards developed or approved by the Commission.
- (9) Ease of maintenance must be considered as a site design component. Access to the stormwater management structure must be provided.
- (10) A clear statement of defined maintenance responsibility shall be established during the plan review and approval process.
- (11) Infiltration practices have certain limitations on their use on certain sites. These limitations include the following items:
- (a) Areas draining to these practices must be stabilized and vegetative filters established prior to runoff entering the system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be, at least a 20 foot length of vegetative filter prior to stormwater runoff entering the infiltration practice;
  - (b) The bottom of the infiltration practice shall be at least 0.5 feet above the seasonal

high water table, whether perched or regional, determined by direct piezometer measurements which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation, or by the depth in the soil at which mottling first occurs;

- (c) The infiltration practice shall be designed to completely drain of water within 72 hours;
  - (d) Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of least 0.30 inches per hour. Initial consideration will be based on a review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seasonal high water table conditions when infiltration is to be utilized;
  - (e) Infiltration practices greater than three feet deep shall be located at least 10 feet from basement walls;
  - (f) Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of 150 feet from any public or private water supply well;
  - (g) The design of an infiltration practice shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall;
  - (h) The slope of the bottom of the infiltration practice shall not exceed five percent. Also, the practice shall not be installed in fill material as piping along the fill/natural ground interface may cause slope failure;
  - (i) An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds 20 percent.
  - (j) Clean outs will be provided at a minimum, every 100 feet along the infiltration practice to allow for access and maintenance.
- (12) A regional approach to stormwater management is an acceptable alternative to site specific requirements and is encouraged.
- D. All stormwater management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to:
- (1) The bottom of retention and detention ponds should be graded and have a slope not less than 0.5 percent.
  - (2) There should be no depressions in a normally dry detention facility where water might pocket when the water level is receding.
  - (3) Normally dry detention systems and swales should be designed to drain within three (3) days.
  - (4) An aquatic weed control program should be utilized in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred.
  - (5) Fish may be stocked in permanently wet retention and detention ponds.
  - (6) Normally dry swales and detention pond bottoms should be constructed with a gravel blanket or other measure to minimize the creation of tire ruts during maintenance activities.
- E. A stormwater management and sediment control plan shall be filed for a residential development and the buildings constructed within, regardless of the phasing of construction.
- (1) In applying the stormwater management and sediment control criteria, in R.72-307, individual lots in a residential subdivision development shall not be considered to be separate land disturbing activities and shall not require individual permits. Instead, the residential subdivision development, as a whole, shall be considered to be a single land

disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

- (2) If individual lots or sections in a residential subdivision are being developed by different property owners, all land-disturbing activities related to the residential subdivision shall be covered by the approved stormwater management and sediment control plan for the residential subdivision. Individual lot owners or developers may sign a certificate of compliance that all activities on that lot will be carried out in accordance with the approved stormwater management and sediment control plan for the residential subdivision. Failure to provide this certification will result in owners or developers of individual lots developing a stormwater management and sediment control plan meeting the requirements of R.72-307.
  - (3) Residential subdivisions which were approved prior to the effective date of these regulations are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.
- F. Risk analysis may be used to justify a design storm event other than prescribed or to show that rate and volume control is detrimental to the hydrologic response of the basin and therefore, should not be required for a particular site.
- (1) A complete watershed hydrologic/hydraulic analysis must be done using a complete model/procedure acceptable to the implementing agency. The level of detail of data required is as follows:
    - (a) Watershed designation on the 7.5 minute topo map exploded to a minimum of 1" = 400'.
    - (b) Inclusion of design and performance data to evaluate the effects of any structures which effect discharge. Examples may be ponds or lakes, road crossings acting as attenuation structures and there may be others which must be taken into account.
    - (c) Land use data shall be taken from the most recent aerial photograph and field checked and updated.
    - (d) The water surface profile shall be plotted for the conditions of pre-and post-development for the 10-, and 100-year 24-hour storm.
    - (e) Elevations of any structure potentially damaged by resultant flow shall also be shown.
  - (2) Based on the results of this type of evaluation, the certified plan reviewer representing the implementing agency shall review and evaluate the proposed regulation waiver or change.
- G. The general permit application for use by federal, local governments, or special purpose or public service districts shall contain, as a minimum, standard plans and specifications for stormwater management and erosion and sediment control; methods used to calculate stormwater runoff, soil loss and control method performance; staff assigned to monitor land disturbing activities and procedures to handle complaints for off-site property owners and jurisdictions.

This general permit will be valid for a period of three years and will be subject to the same review criteria by the Commission as that of the delegated program elements.

The use of the general permit classification does not relinquish a land disturbing activity from the requirements of these Regulations. Rather, the general permit precludes that activity from the necessity of a specific plan review for each individual project.

Approval of a general permit does not relieve any agency from the conditions that are part of the general permit approval regarding the implementation of control practices as required by the general permit. Failure to implement control practices pursuant to conditions included in the general permit may result in the revocation of the general permit and the requirement of the submission of individual plans for each activity.

H. The stormwater management and sediment control plan required for land disturbing activities of two (2) acres or less which are not part of a larger common plan of development or sale shall contain the following information, as applicable:

- (1) An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed;
- (2) A narrative description of the stormwater management and sediment control plan to be used during land disturbing activities;
- (3) General description of topographic and soil conditions of the tract from the local soil and water conservation district;
- (4) A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties;
- (5) A sketched plan (engineer's, Tier B surveyor's or landscape architect's seal not required) to accompany the narrative which shall contain:
  - (a) A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
  - (b) The boundary lines of the site on which the work is to be performed;
  - (c) A topographic map of the site if required by the implementing agency;
  - (d) The location of temporary and permanent vegetative and structural stormwater management and sediment control measures.
- (6) Stormwater management and sediment control plans shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan.
- (7) All stormwater management and sediment control plans shall contain certification by the person responsible for the land disturbing activity of the right of the Commission or implementing agency to conduct on-site inspections.

The requirements contained above may be indicated on one plan sheet.

I. The stormwater management and sediment control plan for land disturbing activities of greater than two (2) acres but less than five (5) acres which are not part of a larger common plan of development or sale shall contain the following information, as applicable:

- (1) An abbreviated application form;
- (2) A vicinity map sufficient to locate the site and to show the relationship of the site to its general surroundings at a scale of not smaller than one (1) inch to one (1) mile.
- (3) The site drawn to a scale of not smaller than one (1) inch to 200 feet, showing:
  - (a) The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site;



- (b) Existing contours and proposed contours as required by the implementing agency;
  - (c) Proposed physical improvements on the site, including present development and future utilization if future development is planned;
  - (d) A plan for temporary and permanent vegetative and structural erosion and sediment control measures which specify the erosion and sediment control measures to be used during all phases of the land disturbing activity and a description of their proposed operation;
  - (e) Provisions for stormwater runoff control during the land disturbing activity and during the life of the facility, including a time schedule and sequence of operations indicating the anticipated starting and completion dates of each phase and meeting the following requirements:
    - 1. Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2- and 10- year frequency 24-hour duration storm event. Implementing agencies may utilize a less frequent storm event (e.g. 25-year, 24-hour) to address existing or future stormwater quantity or quality problems.
    - 2. Discharge velocities shall be reduced to provide a nonerosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
  - (f) A complete and adequate grading plan for borrow pits and material processing facilities where applicable, including restoration and revegetation measures;
  - (g) A general description of the predominant soil types on the site;
  - (h) A description of the maintenance program for stormwater management and sediment control facilities including inspection programs.
- (4) All stormwater management and sediment control plans submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan.
  - (5) All stormwater management and sediment control plans shall contain certification by the person responsible for the land disturbing activity of the right of the Commission or implementing agency to conduct on-site inspections.
  - (6) All stormwater management and sediment control plans submitted to the appropriate plan approval agency for approval shall be certified by the designer. The following disciplines may certify and stamp/seal plans as allowed by their respective licensing act and regulations:
    - (a) Registered professional engineers as described in Title 40, Chapter 22.
    - (b) Registered landscape architects as describe in Title 40, Chapter 28, Section 10, item (b).
    - (c) Tier B land surveyors as described in Title 40, Chapter 22.
  - (7) Pursuant to Title 40, Chapter 22, Section 460, stormwater management and sediment control plans may be prepared by employees of the federal government and submitted by the person responsible for the land disturbing activity to the appropriate plan approval agency for approval.