



**STATE OF SOUTH CAROLINA
NPDES GENERAL PERMIT
FOR
STORM WATER DISCHARGES
FROM
REGULATED SMALL MUNICIPAL
SEPARATE STORM SEWER SYSTEMS (SMS4)**

The Permit is issued 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 and subsequent regulations. Upon being granted coverage under this general permit, operators of Regulated Small Municipal Separate Storm Sewer Systems that are described in Subpart 1.2 of this National Pollutant Discharge Elimination System (NPDES) general permit, except for those activities excluded from authorization of discharge in Subpart 1.3 of this permit, are authorized to discharge storm water to waters of the state of South Carolina in accordance with the conditions and requirements set forth herein.

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

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ACRONYMS

ASAP	As Soon As Possible
BMP	Best Management Practices
BPJ	Best Professional Judgment
CDP	Census Designated Place
CEPSCI	Certified Erosion Prevention and Sediment Control Inspector
CFR	Code of Federal Regulations
COC	Certificate of Coverage
CWA	Clean Water Act, 33 U.S.C. §1251 et. seq., Water Quality Act of 1987, P.L. 100-4
DHEC	Department of Health and Environmental Control
DMR	Discharge Monitoring Report
ELG	Effluent Limitations Guidelines
EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
GPS	Geographic Positioning System
IDDE	Illicit Discharge Detection and Elimination
LCP	Larger Common Plan
MCM	Minimum Control Measure
MEP	Maximum Extent Practicable, CWA §402(p)(3)(B)(iii), Federal Register/Vol. 63, No.6/Friday, January 9, 1998, SC Water Pollution Control Permits Regulation 61-9 122.34(a)
MS4	Municipal Separate Storm Sewer System, SC Water Pollution Control Permits Regulation 61-9 122.26(b)(4) or (7)
MSGP	Multi-Sector General Permit
NOI	Notice of Intent
NOV	Notice of Violation
NSPS	New Source Performance Standards
NPDES	National Pollutant Discharge Eliminating System
ORW	Outstanding Resource Water, SC Water Classifications & Standards 61-68 G
PCA	South Carolina Pollution Control Act
PHF	Pesticides, Herbicides and Fertilizers
PIS	Permit Implementation Schedule
POC	Pollutant of Concern
QLP	Qualifying State, Tribal, or local programs, SC Water Pollution Control Permits Regulation 61-9 122.44(s)
SC	South Carolina
SFH	Shellfish Harvesting, SC Water Classifications & Standards 61-68 G
SMS4	Small Municipal Separate Sewer System, SC Water Pollution Control Permits Regulation 61-9 122.26(b)(16)
SOP	Standard Operating Procedure
SWMP	Storm Water Management Program
SWP3	Storm Water Pollution Prevention Plan
SWPA	Drinking Water Source Protection Area
TMDL	Total Maximum Daily Load, Title 40 Code of Federal Regulations (40 CFR) 130 & SC Regulation 61-110
TN	Trout Natural, SC Water Classifications & Standards 61-68 G
TPGT	Trout Put Grow and Take, SC Water Classifications & Standards 61-68 G
TPT	Trout Put and Take, SC Water Classifications & Standards 61-68 G
UA	Urbanized Area as defined by the U.S. Bureau of Census
WHPA	Groundwater Protection Area
WLA	Waste Load Allocation
WQBEL	Water Quality Based Effluent Limitations
WQMS	Water Quality Monitoring Station
WQS	Water Quality Standards

1 Coverage Under this Permit

1.1 Permit Area

This permit covers all areas of the State of South Carolina including the Catawba Indian Reservation.

1.2 Eligibility

1.2.1 This permit authorizes discharges composed entirely of storm water from SMS4 as defined in South Carolina Water Pollution Control Permits Regulation (SC 61-9) and also in Title 40 of the Code of Federal Regulations (40 CFR), 122.26(b)(16), as designated under either 122.26 or 122.32, or as required either under section 402(p)(3) of the Federal Water Pollution Control Act, Public Law 100-4, or by Title 33 of the United States Code (33 U.S.C. § 1251 et. seq., hereinafter referred as the Clean Water Act, CWA, or The Act). You are eligible to be authorized to discharge under the terms and conditions of this general permit if you:

1.2.1.1 Own or operate a SMS4 within the permit area described in Section 1.1,

1.2.1.2 Are not a “large” or “medium” MS4 as defined in SC 61-9 122.26(b)(4) or (7), and

1.2.1.3 Submit either a Notice of Intent (NOI), Appendix C, in accordance with Part 2 of this permit or an individual application in accordance with Sections 122.26, 122.33(b)(2) or (3) of SC 61-9, and

1.2.1.3.1 Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census,

1.2.1.3.2 Are designated for permit authorization by SCDHEC or EPA pursuant to SC 61-9 (40 CFR) 122.26, 122.32 and 40 CFR §123.35, or

1.2.2 The following are types of authorized discharges:

1.2.2.1 *Storm water discharges.* This permit authorizes storm water discharges to waters of the State or waters of the United States from the SMS4s identified in Section 1.2.1, except as excluded in Section 1.3.

1.2.2.2 *Non-storm water discharges.* You are authorized to discharge the following non-storm water sources provided that the Department has not determined these sources to be substantial contributors of pollutants to your SMS4:

- a) Water line flushing
- b) Landscape irrigation
- c) Diverted stream flows
- d) Rising ground waters
- e) Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as

defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)

- f) Uncontaminated pumped ground water
- g) Discharges from potable water sources
- h) Foundation drains
- i) Air conditioning condensate
- j) Irrigation water (not consisting of treated, or untreated, waste water)
- k) Springs
- l) Water from crawl space pumps
- m) Footing drains
- n) Lawn watering
- o) Individual residential car washing
- p) Natural flows from riparian habitats and wetlands
- q) Dechlorinated swimming pool discharges
- r) Street wash water
- s) Discharges or flows from fire fighting activities

1.3 Limitations on Coverage

This permit does not authorize:

- 1.3.1 Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - a) In compliance with a separate NPDES permit, or
 - b) Determined not to be a substantial contributor of pollutants to waters of the State.
- 1.3.2 Storm water discharges associated with industrial activity as defined in SC 61-9 122.26(b)(14)(i)-(ix) and (xi).
- 1.3.3 Storm water discharges associated with construction activity as defined in SC 61-9 122.26(b)(14)(x) or 122.26(b)(15).
- 1.3.4 Storm water discharges currently covered under another NPDES permit.
- 1.3.5 Discharges to territorial seas, the contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M.
- 1.3.6 New or expanding point source discharges that would cause or contribute to violations of water quality standards unless the Storm Water Management Plan (SWMP) contains enforceable schedules, obligations, and measurable goals accountable to the performance standards specified in this permit consistent with the CWA requirement to reduce the discharge of pollutants from the SMS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act (SC 61-9 122.34(a)) The CWA requires all MS4 not only to effectively prohibit non-storm discharges into their systems but also to implement management

practices, control techniques, system design, engineering methods and provisions that EPA and / or SC DHEC determine appropriate for the control of pollutants present in storm water discharges to reduce, to the MEP, the discharge of such pollutants to “Waters of the State”, or to “Waters of the United States” from land uses over which the permitted SMS4 owner / operator has asserted jurisdiction.

- 1.3.7 Existing discharges that are causing or contributing to a violation of water quality standards unless the SWMP contains enforceable schedules, obligations, and measurable goals accountable to the performance standards specified in this permit consistent with the CWA requirement to reduce the discharge of pollutants from the SMS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act (SC 61-9 122.34(a)) The CWA requires all MS4 not only to effectively prohibit non-storm discharges into their systems but also requires the implementation of management practices, control techniques, system design, engineering methods and provisions that EPA and / or SC DHEC determine appropriate for the control of pollutants present in storm water discharges to reduce, to the MEP, the discharge of such pollutants to “Waters of the State”, or to “Waters of the United States”, from land uses over which, the SMS4 owner / operator has asserted jurisdiction.
- 1.3.8 Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been established unless the SWMP contains enforceable schedules, obligations, and measurable goals accountable towards achieving the waste load allocation (WLA) of the TMDL. Permitted SMS4 shall comply with any more stringent effluent limitations in the permit, including permit requirements that modify, or are in addition to, the minimum control measures based on an approved TMDL, or equivalent analysis. The Department may include such more stringent limitations based on a TMDL or equivalent analysis that determines such limitations are needed to protect water quality. This permit ensures that water quality-based effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available WLA for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7. To that effect, permitted SMS4 shall incorporate any limitations, conditions and requirements contained in the TMDL applicable to their discharges including monitoring frequency and reporting required, in order to be eligible for permit coverage. Applicable limitations, conditions and requirements contained in the TMDL are those limitations, conditions and requirements set forth in the WLA applicable to permitted NPDES point sources.
- 1.3.9 Any violation of specific standards for ground water quality as outlined in SC regulation 61-68 resulting from runoff discharged into the subsurface via storm water controls or storage / detention. For areas within the boundaries of the MS4 where it is determined by SC DHEC, that there is a potential ground water contamination caused by storm water from the MS4, the permittee will, after proper notification by SC DHEC, develop and upon approval, implement a ground water monitoring plan to monitor compliance with specific standards for ground water.

1.4 Obtaining Authorization

To be authorized to discharge storm water from SMS4, a notice of intent (NOI), Appendix C, see Part 2 below, shall first be submitted, as follows,

- 1.4.1 **SMS4 Dischargers already authorized under a South Carolina NPDES permit for Storm Water Discharges From Regulated Municipal Separate Storm Sewer Systems (MS4) on, or before, June 11, 2010 (hereinafter, EXISTING PERMITTEES)** must reapply for coverage under this permit in accordance with 61-9 122.6(a) as requested by the Department. The complete reapplication NOI, signed and dated in accordance with SC 61-9 122.22 shall have been received no later than the expiration date of the prior permit (SC 61-9 122.21(d)(2)).
- 1.4.2 **SMS4 Dischargers that were waived from coverage under the previous permit by SC DHEC Bureau of Water under 40 CFR § 123.35(h)**, that are listed for **Automatic Designation** in Federal Register / Vol. 64, No. 235 / Wednesday, December 8, 1999, or those that are **located within an urbanized area (UA) as defined by the U.S. Bureau of the Census** upon availability of the 2010 decennial census data shall apply for coverage under this permit. Upon Department written notification, the complete NOI, signed and dated in accordance with SC 61-9 122.22, shall be received no later than six months from said notification. (SC 61-9 122.28(b)(2)(iii), 122.30(b), 122.32(f)(1)(ii), 122.32(g)).
- 1.4.3 **SMS4 Dischargers that must be examined by SC DHEC Bureau of Water for Potential Designation under 40 CFR § 123.35(b)(2)**, Federal Register / Vol. 64, No. 235 / Wednesday, December 8, 1999, shall apply for coverage under this permit. Upon Department written notification, the complete NOI, signed and dated in accordance with SC 61-9 122.22, shall be received no later than six months from said notification. (SC 61-9 122.28(b)(2)(iii), 122.30(b), 122.32(f)(1)(ii), 122.32(g)).
- 1.4.4 **SMS4 Dischargers located within an urbanized area (UA) as defined by the U.S. Bureau of the Census.** Upon availability of new decennial census data, SMS4 captured within the boundaries of an UA in the State will become automatically designated for permitting. The complete NOI, signed and dated in accordance with 61-9 122.22, shall be received no later than six months from the date the automatically designated SMS4 are notified by SC DHEC Bureau of Water. (SC 61-9 122.28(a)(1)(vi), 122.28(b)(iii), 122.30(b), 122.32 (a), (f) & (g), 122.33(c)).
- 1.4.5 **SMS4 Dischargers designated by SC DHEC Bureau of Water according to 61-9 122.32** are eligible for coverage under this permit. The complete NOI, signed and dated in accordance with 61-9 122.22, shall be received no later than six months from the date the MS4 are notified by SC DHEC Bureau of Water (SC 61-9 122.28(a)(1)(vi), 122.28(b)(iii), 122.30(b), 122.32 (a), (f) & (g), 122.33(c)).
- 1.4.6 **SMS4 Dischargers designated by SC DHEC Bureau of Water according to 61-9 122.26(a)** may be eligible for coverage under this permit. In the cases where they are eligible, the complete NOI, signed and dated in accordance with 61-9 122.22, shall be received no later than six months from the date the SMS4 are notified by SC DHEC Bureau of Water (SC 61-9 122.26(a)(9)(ii) & (iii), 122.28(b)(iii), 122.30(b), 122.32 (a), (f) & (g), 122.33(c)).

- 1.4.7 The Department shall not issue coverage under this permit for any of the SMS4 Dischargers listed in Parts 1.4.1 – 6, above, before the NOI and all required information in Part 2.2, below, as applicable, is completed to its satisfaction.
- 1.4.8 For areas annexed into your MS4 area after you received coverage under this general permit, the first annual report submitted after the annexation shall include the updates to your SWMP, as appropriate.
- 1.4.9 Small MS4 that submit an individual permit application may also be granted coverage under this general permit in lieu of SC DHEC issuing an individual MS4 NPDES permit. Provided, however, that if any Small MS4 demonstrates a basis for declining coverage under the general permit, then SC DHEC shall provide individual permit coverage.
- 1.4.10 SMS4 who submit a complete NOI in accordance with the requirements of the Department are authorized to discharge storm water from SMS4 under the terms and conditions of this permit from the effective date indicated in the written certificate of coverage issued to the SMS4 by the Department. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information at any time (SC 61-9 122.28 & 124.52).
- 1.4.11 Alternative Permits.
 - 1.4.11.1 The Department Requests an MS4 to seek Coverage under either an Individual, or under an Alternative Permit.

The Department may require MS4 to apply for and / or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit in accordance with S.C. R.61-9 122.28(b)(3), 122.64 and 124.5. Any interested person may petition the Department to take action under this paragraph. If the Department requires a MS4 to apply for an individual NPDES permit under this paragraph, the Department will notify the MS4 in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if the MS4 is an existing discharger authorized under this permit, the notice will set a deadline to file the permit application, and will also include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will be terminated. If a MS4 covered under this permit, failed to submit an individual NPDES permit application as required by the Department, then the applicability of this permit to the MS4 is terminated at the end of the day specified by the Department as the deadline for application submittal. The Department may take appropriate enforcement action for any unauthorized discharge.

1.4.11.2 Permittee Requests Coverage under an either an Individual, or under an Alternative Permit.

A MS4 may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, the MS4 must submit an individual permit application in accordance with all applicable requirements of S.C. R.61-9.122.26(d)(1) & (2), 122.34, and 122.41 - 44 with reasons supporting the request, to the Department at the address listed in Part 2.3 of this permit. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit, if the MS4 reasons are adequate to support the request. When an individual NPDES permit is issued to a MS4, or a MS4 is authorized to discharge under an alternative NPDES general permit, the authorization to discharge under this permit is terminated on the effective date of the individual permit, or on the date of authorization to discharge under the alternative general permit.

1.5 Maximum Extent Practicable (MEP)

- 1.5.1 Permittees shall, in accordance with the schedules and / or deadlines included in this permit, the certificate of coverage, and /or the SWMP herein, develop a comprehensive SWMP that complies with storm water requirements (including the decision making process) including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the MS4. The SWMP shall continue to be implemented in accordance with Section 402(p)(3)(B) of the Clean Water Act and South Carolina (SC) Regulation 61-9 and be consistent with: SC Water Classifications and Standards (SC Regulation 61-68), SC Classified Waters (SC Regulation 61-69) Sections 48-1-10, et seq of the 1976 Code, and, with Storm Water Management and Sediment Reduction Act (SC Regulation 72-300) Chapter 14, Title 48, 1976 SC Code, as amended, or similarly applicable statute or city ordinance.
- 1.5.2 Controls and activities in the SWMP shall clearly define areas of permittee jurisdiction, applicability, and responsibility on specific area basis. The SWMP shall include controls necessary to effectively prohibit the discharge of non-storm water into the MS4 and to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Compliance with the SWMP shall be reported annually in the ANNUAL REPORT.
- 1.5.3 The SWMP shall cover the term of the permit and shall be updated as necessary, or as required by the SCDHEC, to ensure compliance with this statutory requirement of Clean Water Act Section 402(p)(3)(B). Permittees will update their SWMP and develop programs, processes, and procedures necessary to implement it. Measures, practices and their associated implementation schedules contained in the SWMP shall uphold permit conditions. Modifications to the SWMP shall be made in accordance with this permit. The SWMP, and its updates, shall be incorporated into this permit by reference and shall be carried out unless notified otherwise in writing by SC DHEC.

- 1.5.4 Maximum extent practicable (MEP) is a technology-based control standard used in the municipal storm water program against which the Department and the permittees assess whether or not an adequate level of control has been proposed in the storm water management program (SWMP). MEP is applied to all permits issued to municipal separate storm sewer systems, including this one, to achieve greater cooperation and consistency, to reduce conflicts and confusion, and to improve economies of scale in the effort to manage storm water pollution. MEP criteria include, but is not limited to: (1) The effectiveness to address the pollutant(s) of concern, (2) public acceptance, (3) cost, (4) technical feasibility, and (5) compliance with Federal, State, local laws and all applicable regulations.
- 1.5.5 This NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems requires SMS4 to develop, implement, and enforce an SWMP designed to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. SMS4 are expected to reduce the pollutants to the MEP through implementation of the SWMP six minimum control measures (MCM); namely, Public Education and Outreach on Storm Water Impacts, Public Involvement/Participation, Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control, Post-Construction Storm Water Management in New Development and Redevelopment and Pollution Prevention/Good Housekeeping for Municipal Operations. In addition, Special Conditions in Part 3 of this permit applicable to permitted discharges to waters with an approved Total Maximum Daily Load (TMDL) assigned to them; listed under Section 303(d) of the CWA; or, classified as either Outstanding Resource (ORW), Trout (TN, TPGT & TPT), or Shellfish Harvesting Waters (SFH) pursuant to SC DHEC Bureau of Water Classifications & Standards (R.61-68) Classified Waters (R.61-69) shall be met through SWMP implementation as well.
- 1.5.6 MEP will be determined through a series of steps associated with identification of BMP and implementation of the MCM of the SWMP. SC DHEC establishes requirements for each of the MCM elements and requires SMS4 to identify the BMP to be performed and the measurable goals to be achieved. SMS4 are herein required to identify the BMP and the associated measurable goals for addressing each of the MCM in the SWMP.
- 1.5.7 SC DHEC Bureau of Water has had the opportunity to review the NOI submitted by the SMS4 to verify that the identified BMP and measurable goals in fact meet the MEP requirement. If necessary, SC DHEC could ask SMS4 to revise the mix of BMP to better reflect the requirement. This process will be followed by the actual SWMP implementation by SMS4. Implementation of Best Management Practices (BMP) consistent with the SWMP pursuant to applicable provisions of SC 61-9 122.34 requires as a condition of this NPDES Phase II permit to:
- 1.5.7.1 develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from your MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA;
- 1.5.7.2 include elements required under SC Water Pollution Control Permits Regulation 61-9 ; and,

- 1.5.7.3 implement the controls to reduce the discharge of pollutants, including management practices, control techniques, and system, design and engineering methods and such other provisions as SC DHEC Bureau of Water determines appropriate for the control of such pollutants in order to constitute compliance with the standard of "reducing pollutants to the maximum extent practicable."
- 1.5.8 The pollutant reductions that represent MEP may be different for each SMS4 given the unique storm water concerns that may exist and the differing possible remedies. Therefore, each SMS4 will determine the specific details that represent MEP, protect water quality, and satisfy the CWA in each of the SWMP MCM. SC DHEC Bureau of Water evaluated the proposed SWMP controls to determine whether reduction of pollutants to the MEP, protective of water quality as required by the CWA could be achieved with the identified BMP. SC DHEC Bureau of Water NOI review process considered such factors as conditions of receiving waters, specific local concerns, and other aspects included in the watershed monitoring strategy. The SWMP performance will be evaluated again during the term of the coverage against a MEP criteria including but not limited to: (1) The effectiveness to address the pollutant(s) of concern, (2) public acceptance, (3) cost, (4) technical feasibility, and (5) compliance with Federal, State, local laws and all applicable regulations.
- 1.5.9 For purposes of this section, narrative effluent limitations requiring implementation of BMP are generally the most appropriate form of water quality based effluent limitations (WQBEL) when properly designed, developed and implemented to satisfy technology requirements (including reductions of pollutants to the MEP) and to protect water quality. Implementation of BMP consistent with the provisions of the SWMP required pursuant to the provisions of the permit constitutes compliance with the standard of reducing pollutants to the MEP. This permit, clearly and specifically, establishes the measurable goals, timetables, frequency and level of effort required to develop and implement the SWMP in accordance to this permit. SMS4 performance will be evaluated consistently by SC DHEC via periodic inspections, annual reports reviews and scheduled audits.
- 1.5.10 Should there be additional policy and technical guidance developed on the process of evaluating MEP for municipal separate storm sewer system permits, such guidance would be applicable to SC SMS4 addressed by the SWMP requirements. It is important to note that SC DHEC Bureau of Water may develop more stringent requirements than these should water quality merits it. Special consideration shall be given to highly sensitive watershed areas including, but not limited to, those draining, or in proximity, to waters classified as Outstanding Resource (ORW), Trout (TN, TPGT & TPT), or Shellfish Harvesting Waters (SFH) pursuant to SC DHEC Bureau of Water Classifications & Standards (R.61-68) Classified Waters (R.61-69). Additional elaboration of the MEP determination process is not necessary in this permit because MEP is determined on a NOI-by-NOI, on SMS4-by-SMS4 basis.

2 Notice of Intent Requirements

2.1 Deadlines for Notification

- 2.1.1 If you are the owner / operator of a regulated SMS4, either defined under SC 61-9 122.26(b)(16), located in an Urbanized Area (UA), or otherwise designated under 122.32, you shall apply for and obtain coverage under an NPDES permit, or apply for a modification of an existing NPDES permit according to part 1.4 above, unless your SMS4 has been specifically exempted by a waiver granted under SC 61-9 122.32(d) or (e).
- 2.1.2 *Additional designations after the date of permit issuance.* If your SMS4 is designated by the Department after the effective term of this permit (hereinafter **NEW PERMITTEES**), you are required to submit an NOI and a description of your SWMP as required in parts 1.4.2 – 8.
- 2.1.3 *Submitting a Late NOI.* You are not prohibited from submitting an NOI after the dates provided in this section. If a late NOI is submitted, your authorization is only for discharges that occur after the written certificate of coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.2 Contents of the Notice of Intent

The Notice(s) of Intent, Appendix C, shall be signed in accordance with Section 122.22 of SC 61-9. In addition to the requirements in part 1.4, applicable to your SMS4, the following information shall be included:

2.2.1 *Information on the Permittee:*

- 2.2.1.1 The name of your municipal entity/tribe/state agency/federal agency, mailing address, and telephone number;
- 2.2.1.2 An indication of whether you are a Federal, State, Tribal, or other public entity;

2.2.2 *Information on the SMS4:*

- 2.2.2.1 The Urbanized Area or Core Municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county(ies), city(ies), town(s) or parish(es) where your SMS4 is located, and the latitude and longitude of an approximate center of your SMS4. Maps submitted to the Department should not exceed a “D” size, 24 in. by 36 in. and the scale of the maps should be at least 1 inch equals 1,000 feet but not more than 1 inch equals 2,000 feet. Electronic maps, in a format suitable to the Department, may be submitted in lieu of the size D maps.
- 2.2.2.2 The name of the waters of the State and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters or have Total Maximum Daily Load (TMDL) allocated to them. If you have discharges to 303(d) waters, including those with TMDL, a

certification that your SWMP procedures are in compliance with Part 3 of this permit shall be included.

- 2.2.2.3 An indication of whether all or a portion of the SMS4 is located on Indian Country lands.
- 2.2.2.4 If you are relying on another entity to satisfy one or more of your permit obligations (see Section 4.4), the identity of that entity(ies) and the element(s) they will be implementing.
- 2.2.2.5 Information on your chosen BMP and the measurable goals for each of the storm water minimum control measures in Section 4.2 of this permit, your time frame for implementing each of the BMP, and the person or persons responsible for implementing or coordinating your SWMP.
- 2.2.2.6 A list of entities such as military bases, large hospitals, prison complexes, universities, sewer districts, highway departments and others that operate a small separate storm sewer system and are located within your SMS4 area. Indicate whether they are an integral part of your SMS4.
- 2.2.2.7 For a NOI to be deemed complete, the following requisites shall be met:
 - 2.2.2.7.1 All applicable provisions contained in this permit,
 - 2.2.2.7.2 All applicable provisions contained in the Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems, Federal Register / Vol. 61, No. 155 / Friday, August 9, 1996,
 - 2.2.2.7.3 A SWMP that contains enforceable schedules, obligations, and measurable goals accountable to the performance standards specified in this permit consistent with the CWA requirement to reduce the discharge of pollutants from the SMS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP will address all the requirements in this permit.

2.3 Where to Submit

You are to submit your NOI, signed in accordance with the signatory requirements of Section 122.22 of SC Regulation 61-9 (see Appendix B of this permit), to the Department at the following address:

SCDHEC Bureau of Water
Storm Water Permitting Section
2600 Bull Street
Columbia, SC 29201

2.4 Co-Permittees Under a Single NOI

You may partner with other MS4 to develop and implement your SWMP. You may also jointly submit an NOI with one or more SMS4. Each SMS4 must obtain authorization under this permit by filling out the NOI form required in part 1.4 of this permit. The description in the SWMP shall clearly indicate which permittees are responsible for implementing each of the control measures.

2.5 Renotification

Upon reissuance of this general permit, permittees already covered by the existing NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems will be granted coverage under the new general permit upon approval of a new NOI submitted to the Department not later than 180 days prior to the expiration date of this permit unless otherwise indicated by the Department. The re-application NOI shall consist of all the requirements stipulated under 2.2 of this part, signed in accordance with Section 122.22 of SC 61-9 and a copy of the most recent “Annual Report” required under Subpart 5.3 including any updates of this Annual Report that are necessary to address new information on your program that is generated between the date of the most recent Annual Report and the date that the NOI is due. The Department reserves the right to request additional information to supplement the application requirements.

3 SPECIAL CONDITIONS APPLICABLE TO PERMITTED STORM WATER DISCHARGES TO SENSITIVE WATERS

For the purpose of this permit, sensitive waters are waters:

- With a TMDL developed and approved, or established by EPA,
- Included in the most recent SC DHEC Bureau of Water Clean Water Act (CWA) Section 303(d) list approved by EPA,
- That pursuant to SC DHEC Bureau of Water Classifications & Standards (R.61-68) & Classified Waters (R.61-69) regulations are classified as either;
 - Outstanding National Resource Waters (ONRW)
 - Outstanding Resource Waters (ORW)
 - Trout Waters (Natural (TN), Put, Grow, and Take (TPGT) & Put and Take (TPT), or Shellfish Harvesting Waters (SFH), and
- In Drinking Water Source Protection Areas (SWPA), or
- Groundwater Protection Areas (WHPA).

3.1 Determination of receiving water conditions and impacts

3.1.1 Permittees shall determine whether their SMS4 discharges to receiving waters with water quality monitoring stations (WQMS) that either have TMDL, or have impairments in the latest CWA §303(d) list of impaired waters. Visit: <http://www.scdhec.gov/tmdl>

3.1.1.1 Permittees shall refer to the most recent CWA §303(d) list approved by EPA to determine WQMS impairment status and to identify the pollutant(s) of concern (POC). This information shall be updated in the SMS4 annual reports subsequent to a SC CWA §303(d) 303(d) list being approved by EPA (2010, 2012, 2014 etc.)

3.1.1.2 For all TMDL, permittees shall determine whether POC, or surrogate parameters¹, have potential to occur in SMS4 storm water discharges. This information shall be included in the annual reports. If intended uses are fully supported for a particular TMDL, no further action on the permittee's part is needed for that TMDL.

3.1.2 Permittees shall address all known MS4 discharges of the pollutant(s) of concern in relation to impaired and /or TMDL water(s) whose location have been identified under Part 4.2.3.2.2.1 by implementing the requirements of 3.2.1.2.1.e of this part.

3.2 TMDL Monitoring and Assessment

3.2.1 Where a TMDL Wasteload Allocation (WLA) is assigned to point sources, permittees shall review its SWMP requirements for the control of stormwater discharges to WQMS identified in the TMDL. For SMS4 discharges of the pollutant(s) of concern to TMDL waters, permittees shall identify discharges located in the TMDL watershed draining to the impaired WQMS. The SWMP shall include a TMDL Monitoring and Assessment Plan. The Monitoring and Assessment Plan component shall;

3.2.1.1 Be completed and submitted to the SC DHEC Bureau of Water, as follows;

3.2.1.1.1 For EXISTING PERMITTEES, as defined in Part 1.4.1 of this permit, within 12 months of the effective date of permit coverage for existing TMDL.

3.2.1.1.2 For NEW PERMITTEES, as defined in Parts 1.4.2 – 7 & 2.1.2, authorized to discharge storm water from their SMS4 for the first time under this permit (or, for EXISTING PERMITTEES, where additional MS4 areas captured under 1.4.4 and 1.4.7, fall beyond the boundaries of the MS4 area authorized in the previous permit), hereforth referred as NEW PERMITTEES, within 24 months of the effective date of permit coverage for existing TMDL.

3.2.1.1.3 Monitoring and Assessment Plans, applicable to EXISTING and to NEW PERMITTEES under parts 3.2.1.1.1 & 2 above respectively, shall be submitted within 12 months of the EPA-approval or establishment of new TMDL (Effective Date of the TMDL), after the first year of permit coverage.

3.2.1.2 Describe the activities permittees will conduct to address applicable WLA, including at a minimum the following elements:

3.2.1.2.1 **The monitoring plan** to measure the pollutant levels discharged from SMS4 outfalls to waters subject to TMDL shall include:

a. Schedule for conducting monitoring to be initiated as follows;

i. not more than 18 months from the Effective Date of the Certificate of Coverage for existing

¹ Surrogate parameters are those parameters used in the TMDL as indicative of the POC. % Imperviousness is an indicator directly linked to biological impairments; hence the WLA of a TMDL may be expressed as % reduction of imperviousness. BOD and COD reductions may be indicated as WLA in TMDL where DO is the POC.

TMDL in the case of EXISTING PERMITTEES,

- ii. not more than 30 months from the Effective Date of the Certificate of Coverage for existing TMDL, and, for TMDL issued 24 months after the Effective Date of the Certificate of Coverage in the case of NEW PERMITTEES.
 - iii. The monitoring plan for subsequently issued TMDL shall include a schedule for monitoring activities to be initiated no more than 18 months from the effective date of the TMDL for EXISTING and for NEW PERMITTEES.
- b. Requirements to monitor the pollutants of concern, on a frequency necessary to determine statistically significant seasonal pollutant loads baseline, with duration of not less than two years. Minimum frequency and representativeness are stipulated as follows:
- i. Samples and measurements taken for the purpose of the TMDL Monitoring Plan shall:
 - (1) Be representative of the SMS4 discharges,
 - (2) Be reasonably distributed in time, while maintaining representative sampling,
 - (3) Not be terminated for the purpose of preventing the analysis results from a permit or water quality violation,
 - (4) Describe and consider frequency, mass and/or rate of discharge, as appropriate, and,
 - (5) Be expressed in terms of units or measurements consistent with the requirements contained in the WLA.
 - ii. The information contained in the TMDL Monitoring Plan shall:
 - (1) Location of outfalls, or field screening points, appropriate for representative data collection in a manner reflecting land uses (undeveloped commercial, residential, industrial and agricultural) characteristic to the SMS4,
 - (2) Explanation of why monitoring is being conducted for selected outfalls, or field screening point,
 - (3) Description whether the outfalls, or field screening points are representative of particular land uses or geographical areas that contribute to pollutant loads,
 - (4) Indication the seasons during which sampling is intended,
 - (5) The pollutant of concern, or its surrogate(s), as a sampling parameter,
 - (6) Description of the sampling equipment, and,
 - (7) A rationale supporting the proposed location of outfalls, or field screening points, as reflective of water quality concerns to the MEP.
 - iii. The TMDL monitoring plan shall focus on the pollutant of concern, or its surrogates, to characterize the quality and quantity of the SMS4 permitted discharges to evaluate the progress toward the WLA and / or Water Quality Standards (WQS) attainment by implementing one, or a combination, of the following strategies:
 - (1) In-stream monitoring, and / or
 - (2) Outfall monitoring.

The TMDL monitoring plan shall be implemented on one, all, or a combination of the following basis:

- (a) % MS4 area, at least 25%,
- (b) Land use,
- (c) TMDL watershed.

Monitoring strategies and spatial basis mentioned above will be implemented as necessary to evaluate WLA progress / WQS attainment.

- iv. Established field and sampling protocols shall be followed when characterizing MS4 discharges.
 - (1) Guidance for collecting samples under the stormwater permitting program while fulfilling NPDES stormwater sampling needs is provided in the **NPDES Stormwater Sampling Guidance Document** (EPA 833-8-92-001) and it is incorporated by reference herein. It can be found by visiting, <http://www.epa.gov/npdes/pubs/owm0093.pdf>
 - (2) Technical assistance and support for MS4 subject to NPDES program regulations for storm water point source discharges can be found in the **Guidance Manual For the Preparation of NPDES Permit Applications for Discharges from Municipal Separate Storm Sewer Systems** (EPA-833-B-92-002) and it is incorporated by reference herein. Visit, <http://www.epa.gov/npdes/pubs/owm0246.pdf>
- v. Permittees may collect composite samples using different protocols than those indicated in Part 3.2.1.2.1.b.ii above with respect to the time duration subject to the approval of SC DHEC.
- vi. Where field analysis does not involve analytical methods approved under 40 CFR 136, permittees shall provide a description of the method used including the name of the manufacturer of the test method along with the range and accuracy of the test.
- vii. When no analytical method is approved, permittees may use any suitable method but must provide a description of the method.
- viii. For each outfall, or field screening point, selected in Parts 3.2.1.2.1.b.ii(1) & (7) above, samples of storm water discharges shall be collected for laboratory analysis, as follows:
 - (1) at a minimum of once per season each year, at least one month apart from each other,
 - (2) a combined total of no less than six measurable storm events per year, with the goal of targeting two sampling events per season each year (during not less than two years, four seasons per year)

- ix. Samples collected under 3.2.1.2.1.b.viii for laboratory analysis for all wet weather flows established under Part 3.2.1.2.1.b.ii(1) & (7) viii discharged from the SMS4, shall be analyzed for the POC, or surrogates, in the TMDL.
- x. For SMS4 discharges to tidal influenced waters, alternative accepted sampling protocols may be used to collect the samples required in 3.2.1.2.1.b.viii above. A description of the methodology used shall be provided as required by SC-R 61-9 122.26(d)(1)(iv)(D) & (d)(2)(iii). Adherence to 3.2.1.2.1.b.viii (1) – (4) to the MEP is expected. Documentation of any deviation is required.
- c. Biological monitoring may be appropriate at some locations to demonstrate the recovery of biological communities after implementation of stormwater control measures. Location of stream stations in receiving waters must be at least both upstream and downstream of major MS4 discharges, with a frequency of at least annual basis for the permit term. Regardless, the monitoring type, representativeness of the location, pollutant(s) of concern and / or parameters to be sampled, description of sampling equipment and sampling frequency of ambient waters should be strategically designed to demonstrate the level of progress made towards meeting the applicable WLA and addressing impairments in the receiving and/or in downstream waters;
- d. For each pollutant of concern, permittees shall report on the progress of the characterization of the relative pollutant levels from various SMS4 discharges to TMDL waters. Resulting data shall be included in every annual report following the commencement of monitoring for TMDL pollutant characterization.
- e. Perform field screening as required in the **Illicit Discharge Detection and Elimination (IDDE) MCM, Part 4.2.3 of this permit**. For all dry weather screening conducted under Part 4.2.3.3.1.d.ii of this permit, in addition to field screening monitoring, permittees are required to collect samples for laboratory analysis for the POC for all dry weather flows observed where the field screening is conducted according to Part 4.2.3.3.1.d.ii, below (and for salinity for discharges to tidal influenced waters, see 3.2.1.2.1.b.x above).

3.2.1.2.2 **Assessment of achieving the WLA / WQS** consists of

- a. Process and schedule for assessing the monitoring data to prioritize areas of the SMS4 that will be targeted for implementation of BMP,
- b. Process and schedule for selection of appropriate BMP that will implement the WLA to the MEP, will protect water quality, and will satisfy the appropriate water quality requirements of the Clean Water Act, and,
- c. Updates to TMDL Monitoring and Assessment Plans to be submitted in each annual report.
- d. Progress on the TMDL Monitoring and Assessment Plan shall be documented in the Annual Report.

3.3 TMDL Implementation and Analysis

- 3.3.1 Permittees shall initiate the monitoring described in Section 3.2.1.1 above.
- 3.3.1.1 Any monitoring data and information generated from the previous year of the monitoring program to satisfy the provisions under Section 3.2 must be submitted with each annual report.
- 3.3.2 Permittees shall complete and submit TMDL Implementation Plans for approved TMDL as follows;
 - 3.3.2.1 Within 36 months from the Effective Date of the Certificate of Coverage, or 36 months from the new TMDL effective date, for EXISTING PERMITTEES, and,
 - 3.3.2.2 Within 42 months from the Effective Date of the Certificate of Coverage, or 36 months from the new TMDL effective date, for NEW PERMITTEES.
- 3.3.3 TMDL Implementation Plans submitted to SC DHEC Bureau of Water under 3.3.2 shall describe the following:
 - 3.3.3.1 Assessment of the monitoring data. Where long-term data is available, this assessment should include an analysis of the data to show trends;
 - 3.3.3.2 Prioritization of areas targeted for BMP implementation and underlying rationale;
 - 3.3.3.3 Structural and nonstructural BMP to address the WLA. Permittees should include a brief explanation of why the BMP are selected (e.g., expected load reductions or percent of capture); and,
- 3.3.4 Schedule for completing BMP implementation as soon as practicable. The schedule shall describe all of the BMP implementation activities that are expected to occur during the current and the next permit term. In addition to the BMP implementation activities that are expected to occur during the current permit cycle, the TMDL Implementation Plan shall include proposed monitoring to be used to evaluate the effectiveness of the BMP and facilitate the iterative revision of the BMP Implementation Plan to achieve progress towards addressing the TMDL's WLA as long as the intended uses are not supported.
- 3.3.5 Permittees shall implement those elements of the TMDL Implementation Plan that are scheduled to occur within the term of this permit. Schedules and plans herein are part of the re-application process.
- 3.3.6 Progress on the TMDL Implementation and Analysis shall be documented in the Annual Report.
- 3.3.7 Should there be no water quality improvement of the discharges from permitted SMS4 resulting from BMP implementation, permittees may be required to implement additional control measures, to make changes to the TMDL implementation plan, or to seek an individual permit, as needed.

3.4 Discharges to Impaired Water Bodies

- 3.4.1 Applicability: For SMS4 discharges of the pollutant(s) of concern to impaired waters listed in the 303(d) list, permittees shall:
- 3.4.1.1 Determine whether storm water discharges from any part of SMS4 covered under this permit contribute directly or indirectly to an impaired water body listed in accordance with Section 303(d) of the CWA. If your SMS4 has discharges meeting this criterion, you must comply with Section 3.4.1.2; if you do not, Section 3.4 does not apply to your SMS4.
- 3.4.1.2 If SMS4 have “303(d)” discharges described above, you must also determine whether TMDL have been developed by SCDHEC, and approved by EPA, for listed water body(ies). If no TMDL is assigned, your SMS4 must comply with parts 3.1.2 and 3.4.2. If TMDL are in effect, or assigned after submitting the NOI, you must comply with sections 3.1 to 3.3.
- 3.4.2 Water Quality Controls for Discharges to Impaired Water Bodies.- The SWMP shall include a section describing how BMP implementation will not cause or contribute to violations of water quality standards in impaired water bodies identified by the SC DHEC Bureau of Water under Section 303(d) of the Federal Clean Water Act or under 40 CFR § 130.7. The SWMP shall specifically identify BMP, control techniques, system design, and engineering methods and such other provisions deemed appropriate for control of the pollutants of concern. Part 1.5.5 of this permit and the document titled Antidegradation for Activities Contributing Nonpoint Source Pollution to Impaired Waters – Maintaining Water Quality Through Stormwater Controls must be followed to provide compliance with SC R. 61-68 & 61-69 specifically apply to this section.

3.5 Discharges to waters classified as Outstanding Resource (ORW), Trout (TN, TPGT & TPT), or Shellfish Harvesting (SFH), pursuant to SC DHEC Bureau of Water Classifications & Standards (R.61-68) Classified Waters (R.61-69).

- 3.5.1 Determine whether storm water from any part of the SMS4 covered under this permit discharges directly or indirectly to any water classified as Outstanding Resource (ORW), Trout (TN, TPGT & TPT), or Shellfish Harvesting Waters (SFH) pursuant to SC DHEC Bureau of Water Classifications & Standards (R.61-68) Classified Waters (R.61-69), or to Source Water Protection Areas (SWPA), including Groundwater Protection Areas (WHPA).
- 3.5.2 If you have discharges meeting any of these criteria, you must comply with Sections 3.4.2, 3.6 & 3.7, as applicable; if you do not, Section 3.5 does not apply to your SMS4.

3.6 Discharges to Source Water Protection Areas (SWPA), including Groundwater Protection Areas (WHPA)

- 3.6.1 SWPA and WHPA should be afforded the protection necessary to support its uses through MCM implementation in the SMS4 area.
- 3.7 Storm water discharges covered under this permit shall be in compliance with Parts of 1.3, 1.5.5 &

1.5.10 of this permit; with all applicable provisions contained in the document titled Antidegradation Implementation for Water Quality Protection in South Carolina, and in the Antidegradation Rules, SC R.61-68.

4 Storm Water Management Programs (SWMP)

4.1 Permit Requirements

4.1.1 You shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from your SMS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP shall include management practices; control techniques and system, design, and engineering methods; and such other provisions as the Department determines appropriate for the control of such pollutants.

4.1.2 *Requirement to Develop SWMP.* Permittees must revise and update its written SWMP document and submit the SWMP to SC DHEC Bureau of Water as follow;

4.1.2.1 EXISTING PERMITTEES, identified in Section 1.4.1, will submit their revised SWMP along with an up-to-date NOI, if applicable, six months from the effective date of the certificate of coverage (COC), Appendix D. This deadline will be included in the Implementation Schedule portion of the COC. Permittees must continue to implement the current SWMP until the revised SWMP is submitted. Existing Sensitive Waters (Part 3) at the time of re-application must be identified in the submittal as required in Parts 1.4.9 & 2.2.2.2.

4.1.2.2 NEW PERMITTEES, identified in Sections 1.4.2 – 1.4.8 & 2.1.2, will submit their NOI as required in the written notification on the SMS4 designation. The SWMP shall be developed as required in Section 4.1.9 below. Existing Sensitive Waters (Part 3) at the time of application must be identified in the submittal as required in Parts 1.4.9 & 2.2.2.2.

4.1.3 *Contents of the SWMP document.* – At a minimum, the permittee shall include the following information in its SWMP document:

4.1.3.1 Ordinances, or other regulatory mechanisms, providing the legal authority necessary to implement and enforce the requirements of this permit (see Part 4.1.3);

4.1.3.2 Statement certifying to the adequacy of legal authority (see Parts 4.1.3 - 5) signed by either a principal executive officer, mayor, or other duly authorized employee or ranking elected official.

4.1.4 Requirement to Develop Adequate Legal Authority to Implement and Enforce SWMP

4.1.4.1 Within *one year from the effective date of coverage* [24 months for NEW PERMITTEES identified in Parts 1.4.2 – 1.4.8 & 2.1.2, Appendix E], permittees shall review and revise their relevant ordinances, or adopt any new ordinances or other regulatory mechanisms, that provide them with adequate legal authority to control pollutant discharges into and from their SMS4, and to meet the requirements of this permit.

4.1.4.2 In order to be considered adequate, this legal authority shall, at a minimum, address the following:

- a. Authority to Prohibit Illicit Discharges – Prohibit and eliminate illicit connections and discharges to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4. Illicit discharges include all non-stormwater discharges except those from fire fighting activities, discharges from NPDES permitted industrial sources and discharges not otherwise authorized under Part 1.2.2.2 & 1.3 of this permit.
- b. Allowable Non-Stormwater Discharges – Exceptions to the prohibition in Part 1.2.2.1 may include the following, only if they are considered non-significant contributors of pollutants: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- c. Authority to Prohibit Spills or Other Releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the MS4.
- d. Authority to Require Compliance – Require compliance with conditions in the permittee’s ordinances, permits, contracts, or orders (i.e., hold dischargers accountable for their contributions of pollutants and flows).
- e. Authority to Require Installation, Implementation, and Maintenance of Control Measures for owners/operators of construction sites, new development and redevelopment (including industrial and commercial activities without an NPDES industrial storm water permit) to minimize the discharge of pollutants to the MEP in order to protect water quality.
- f. Authority to Require Continued Implementation, and Maintenance of long-term storm water pollution control measures associated with existing development (including industrial and commercial activities without an NPDES industrial storm water permit) to ensure their intended stormwater management pollutant removal performance.
- g. Authority to Receive and Collect Information – Permittee must have the authority to request from operators of construction sites, new or redeveloped land, including industrial and commercial facilities information including, but not limited to, specific requirements to control construction, industrial and post-construction discharges of pollutants in storm water. Should include authority to enforce, penalize, stop work, require compliance, etc. for controlling pollutants from these sources.
- h. Authority to Inspect – Permittees must have the authority to enter private property for the purpose of inspecting any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance with local stormwater control ordinances/standards or requirements in this Permit.

- i. Response to Violations – The permittee must have the ability to promptly require that violators cease and desist illicit discharges or discharges of stormwater in violation of any ordinance or standard and/or cleanup and abate such discharges, including the ability to:
 - 1. Effectively require the discharger to abate and clean up their discharge, spill, or pollutant release within *48 hours* of notification; or
 - 2. For uncontrolled sources of pollutants that could pose an environmental threat, require abatement within *30 days of notification*; or,
 - 3. Perform the clean up and abatement work and bill the responsible party, if necessary.
 - 4. If a situation persists where pollutant-causing sources or activities are not abated, provide the option to order the cessation of activities until such problems are adequately addressed.
 - 5. When all parties agree that clean-up activities cannot be completed within the timeframe provided, determine a new timeframe and notify *SC DHEC*.
- j. Monetary Penalties – The permittee must have the ability to:
 - 1. Levy citations or administrative fines against responsible parties either immediately at the site, or within a few days.
 - 2. Require recovery and remediation costs from responsible parties.
- k. Civil/Criminal Penalties – The permittee must have the ability to impose more substantial civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its enforcement response plan developed pursuant to Part 4.1.4, for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.
- l. Interagency Agreements – Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements or other similar agreements with other MS4 owners, wherever and whenever such agreements are effective.

4.1.4.3 Permittees shall include as part of its written SWMP document a certification that they have taken the necessary steps to obtain and maintain full legal authority to implement and enforce each of the requirements contained in this permit. This statement must include:

- a. Identification of all departments within the permittee’s jurisdiction that conduct stormwater-related activities and their roles and responsibilities under this permit. Include an up-to-date organizational chart specifying these departments, key personnel, and contact information.
- b. Identification of the local administrative and legal procedures and ordinances available to mandate compliance with stormwater-related ordinances and therefore with the conditions of this permit.
- c. A description of how stormwater related-ordinances are implemented and appealed.
- d. A description of whether the municipality can issue administrative orders and injunctions, or whether it must go through the court system for enforcement actions.

4.1.5 Enforcement Measures and Tracking

- 4.1.5.1 Permittee shall implement within *12 months of permit issuance*, and revise as necessary, an enforcement response plan (ERP), which sets out permittees' potential responses to violations and addresses repeat and continuing violations through progressively stricter responses as needed to achieve compliance. The ERP must describe how permittees will use each of the following types of enforcement responses based on the type of violation:
- a. Verbal Warnings – Verbal warnings are primarily consultative in nature. At a minimum, verbal warnings must specify the nature of the violation and required corrective action.
 - b. Written Notices – Written notices of violation (NOV) must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
 - c. Escalated Enforcement Measures – Permittees must have the legal ability to employ any combination of the enforcement actions below (or their functional equivalent), and to escalate enforcement responses where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm:
 1. Citations (with Fines) – The ERP must indicate when permittees will assess monetary fines, which may include civil and administrative penalties.
 2. Stop Work Orders – Permittees must have the authority to issue stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
 3. Withholding of Plan Approvals or Other Authorizations – Where a facility is in non-compliance, the ERP must address how permittees' own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.
 4. Additional Measures – Permittees may also use other escalated measures provided under local legal authorities. Permittees may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.
- 4.1.5.2 Enforcement Tracking – Permittees shall track instances of non-compliance either in hard-copy files or electronically. The enforcement case documentation must include, at a minimum, the following:
- a. Name of owner/operator of facility or site of violation
 - b. Location of stormwater source (i.e., construction project, industrial facility)
 - c. Description of violation
 - d. Required schedule for returning to compliance
 - e. Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner
 - f. Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations)
 - g. Any referrals to different departments or agencies
 - h. Date violation was resolved.
- 4.1.5.3 Recidivism Reduction – Permittees must summarize inspection results by consuetudinary violators and include incentives, disincentives, or an increased inspection frequency at the operator's sites.

- 4.1.6 **Requirement to Ensure Adequate Resources to Comply with SMS4 Permit** The owner / operator of a SMS4 authorized to discharge stormwater under this permit must submit the following information in the annual report. Information shall include:
- 4.1.6.1 The status of implementing the components of the storm water management program that are established as permit conditions;
 - 4.1.6.2 Proposed changes to the storm water management programs that are established as permit conditions;
 - 4.1.6.3 Revisions, if necessary, to the assessment of controls and the fiscal analysis, including a description of staff resources necessary to meet the requirements of this permit;
 - 4.1.6.4 A summary of data, including monitoring data, that is accumulated throughout the reporting year;
 - 4.1.6.5 Annual expenditures and proposed budget, including legal restrictions in the use of such funds, for year following each annual report;
 - 4.1.6.6 A summary describing the number and nature of enforcement actions, inspections, and public education programs; and,
 - 4.1.6.7 Identification of water quality improvements or degradation.
- 4.1.7 Your SWMP shall include the following information for each of the six minimum control measures (MCM) described in Section 4.2 of this permit:
- 4.1.7.1 Best management practices (BMP) that you or another entity will implement for each of the MCM;
 - 4.1.7.2 Measurable goals for each of the BMP including, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action; and,
 - 4.1.7.3 Person, or persons, responsible for implementing or coordinating the BMP for your SWMP.
- 4.1.8 In addition to the requirements listed above, you shall provide a rationale for how and why you selected each of the BMP and measurable goals for your SWMP. The information required for such a rationale must answer the questions below for each MCM;
- 4.1.8.1 *What* needs to happen, what is the goal,
 - 4.1.8.2 *When* the BMP / MCM needs to get done, developed, implemented,
 - 4.1.8.3 *Where* is the BMP / MCM needs to be implemented,
 - 4.1.8.4 *Who* will develop / implemented the BMP / MCM,
 - 4.1.8.5 *Why* was the particular BMP chosen to achieve the goal of the MCM, and,
 - 4.1.8.6 *How* many, or *how* much, and *how* often will SMS4 carry the BMP / MCM out.

- 4.1.9 NEW PERMITTEES shall develop the SWMP one year from the effective date of their written certificate of coverage, Appendix E, unless otherwise specified.
- 4.1.10 NEW PERMITTEES shall have the SWMP fully implemented by the expiration date of this permit. However, the construction and post construction runoff control programs must be implemented in the entire regulated SMS4 area within eighteen months of the Effective Date of coverage under this permit (see the **Construction Site Storm Water Runoff Control** and the **Post-Construction Storm Water Management in New Development and Redevelopment**, sections 4.2.4 & 5 of this general permit). **NEW PERMITTEES** must include an implementation schedule in the NOI application. The schedule cannot exceed the permit term.
- 4.1.11 Assessment of Controls. Estimated reductions in loadings of pollutants from discharges of MS4 constituents from MS4 expected as the result of the SWMP. The assessment shall also identify known impacts of storm water controls on ground water.
- 4.1.12 Modifications to the SWMP document – SC DHEC Bureau of Water may notify permittees of the need to modify the SWMP document to be consistent with the permit, in which case permittees will have 90 days to finalize such changes to the program. Permittees are required to keep the SWMP document up to date during the term of the permit. Where permittees determine that ordinance modifications are needed to address any procedural, protocol, or programmatic change, such changes must be made as soon as practicable, but not later than 180 days.

4.2 Minimum Control Measures (MCM)

The six MCM that shall be included in your SWMP are:

4.2.1 Public Education and Outreach on Storm Water Impacts

- 4.2.1.1 *Permit requirement.* Permittees shall continue to implement, and revise if necessary within the first year of permit coverage, a comprehensive stormwater education/outreach program. The program must, at a minimum:
- 4.2.1.1.1 Identify the pollutant(s) of concern and define the goals and objectives of the program based on at least three high priority, community-wide issues (e.g. reduction of the POC in discharges from the MS4, promoting pervious techniques used in the MS4);
 - 4.2.1.1.2 Analyze the audience(s) identified in 4.2.1.1.1, above, to be targeted;
 - 4.2.1.1.3 Based on sections 4.2.1.1.1 & 2, above, create an appropriate message(s) based on at least three targeted residential issues and three targeted industrial / commercial issues (See table 4.2.1.1.4 below for reference purposes, SMS4 may include issues deemed more appropriate to the identified POC):

4.2.1.1.4 Table of commonly targeted industrial / commercial issues.

Residential Community	Industrial / Commercial Community
<ul style="list-style-type: none"> • Residential car washing and auto maintenance control measures • Off-pavement automobile parking • Home and garden care activities (pesticides, herbicides, and fertilizers) • Disposal of household hazardous waste (e.g. paints, cleaning products) • Snow removal activities • Using techniques that keep water onsite and/or reduce imperviousness (rain barrels, rain gardens, porous pavers, permeable concrete, porous asphalt, etc.) • Litter prevention • Importance of native vegetation for preventing soil erosion • Public reporting of water quality issues • Community activities (monitoring programs, environmental protection organization activities, etc.) • Pet and other animal wastes 	<ul style="list-style-type: none"> • Automobile repair and maintenance control measures • Control measure installation and maintenance • Lawful disposal of vacuum truck and sweeping equipment waste • Pollution prevention and safe alternatives • Using techniques that keep water onsite and/or reduce imperviousness (rain barrels, rain gardens, porous pavers, permeable concrete, porous asphalt, etc.) • Equipment and vehicle maintenance and repair • Importance of good housekeeping (e.g. sweeping impervious surfaces instead of hosing) • Illicit discharge detection and elimination observations and follow-up during daily work activities • Water quality impacts associated with land development (including new construction and redevelopment) • Water quality impacts associated with road resurfacing and repaving.

4.2.1.1.5 Develop appropriate educational materials (e.g. the materials can utilize various media such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, websites);

4.2.1.1.6 Determine methods and process of distribution;

4.2.1.1.7 Evaluate the effectiveness of the program; and,

4.2.1.1.8 Utilize public input (e.g., the opportunity for public comment, public meetings, or other relevant sources) in the development of this MCM.

- 4.2.1.2 During the permit coverage, the goals and objectives identified in 4.2.1.1.1 must be implemented using whichever methods and procedures required in sections 4.2.1.1.2 – 8 that are determined appropriate by the permittee.
- 4.2.1.2.1 25% of the goals and objectives of this MCM should be accomplished on a yearly basis during the last four years of permit coverage.
- 4.2.1.2.2 A target different than 25% may be selected for any of the last four year(s) of permit coverage. This must be clearly documented under 4.2.1.3.2, below.
- 4.2.1.2.3 100% of the goals and objectives identified in 4.2.1.1.1 for this MCM must be met after 5 years of years of permit coverage to the MEP as assessed in 4.2.1.3.2, below.
- 4.2.1.3 Within the permit term, permittees must:
- 4.2.1.3.1 Assess changes in public awareness, attitude and behavior toward storm water pollution prevention resulting from the implementation of **Public Education and Outreach on Storm Water Impacts** strategies such as using a statistically valid survey and modifying this MCM accordingly.
- 4.2.1.3.2 Assess their stormwater education/outreach program annually as specified in Part 5.3 of this permit. Permittee must adjust their educational materials and the delivery of such materials to address any shortcomings found as a result of these assessments.
- 4.2.1.3.3 Incorporate written procedures for implementing this MCM into the SWMP.

4.2.2 Public Involvement / Participation

- 4.2.2.1 *Permit requirement.* Permittees are required to involve the public in the planning and implementation of activities related to the development and implementation of the SWMP. The proposed Public Involvement / Participation MCM should provide, among other things, a forum and a structure by which to encourage, or to allow, the public to participate. There may be specific ways the public might be involved, based on a program particular needs. For instance, you may want stream watch groups to be organized. As such, the proposed program should describe how this will be accomplished, and the time schedule to do so. At a minimum, permittees shall:
- 4.2.2.1.1 Promote the creation of citizen groups or utilize existing citizen organizations. The permittee may establish a stand-alone group, utilize existing groups or already implemented Public Involvement / Participation process(es). The group must consist of a balanced representation of all affected parties, including residents, business owners, and environmental organizations in the MS4 area and / or affected watershed. The permittee must invite citizen groups to participate in the development and implementation of all parts of the community's SWMP.
- 4.2.2.1.2 Create opportunities for citizens to participate in the implementation of stormwater controls (e.g., stream clean-ups, storm drain stenciling, volunteer monitoring, and educational activities).

4.2.2.1.3 Ensure the public can easily find information about the permittee's SWMP

4.2.2.1.4 Incorporate written procedures for implementing the **PIP** MCM into the SWMP.

4.2.3 Illicit Discharge Detection and Elimination (IDDE)

4.2.3.1 *Permit requirement.* Permittees shall develop, implement and enforce a program to detect and eliminate illicit discharges into the SMS4.

4.2.3.2 Permittees shall implement a program to detect, investigate and eliminate non-stormwater discharges (see Part 1.2.2) including illegal dumping into its system. Permittees must also procure all necessary legal authority to do this. The IDDE program must include the following:

4.2.3.2.1 ***Develop or update the regulated storm sewer system map.*** The storm sewer system map must show the following, at a minimum:

- a. The location (and name, where known to permittees) of all waters receiving discharges from the permitted MS4. Each mapped outfall must be given an individual alphanumeric identifier, which must be noted on the map. When possible, the outfalls should be located using a geographic position system (GPS) and photographs should be taken to provide baseline information and track operation & maintenance needs over time.
- b. Priority areas identified under Part 4.2.3.2.2
- c. If during the course of illicit discharge investigation, the drainage area of the illicit discharge is identified, the illicit discharge with its respective drainage area should be mapped.
- d. A copy of the storm sewer system map must be available for review by SC DHEC.

4.2.3.2.2 ***Procedures for identifying priority areas within the MS4*** likely to have illicit discharges, and a list of all such areas identified in the system.

4.2.3.2.2.1 Permittees must identify the following as priority areas:

- a. Areas with older, decaying, dilapidated infrastructure that are more likely to have illicit connections;
- b. Industrial, commercial, or mixed use areas, with a high potential for pollutant discharges;
- c. Areas with a history of more than one illicit discharge in any rolling calendar year (i.e. from April 1, year 2 to March 31, year 3);
- d. Areas with a history of more than one illegal dumping in any rolling calendar year;
- e. Areas with onsite sewage disposal systems older than 40 years, history of failing, or with soils are not amenable to absorption;

- f. Areas with sewer lines older than 40 years or with a history of sewer overflows or cross-connections; and,
 - g. Areas upstream of sensitive waterbodies as defined in Part 3 of this permit.
- 4.2.3.2.2 Permitees must document the basis for its selection of each priority area and create a list of all priority areas identified in the system no later than 12 months after the effective date of the certificate of coverage. This priority area list must be updated *annually* to reflect changing priorities and be available for review by the permitting authority.
- 4.2.3.3 **Field screening to detect illicit discharges.** Permitees must implement, or continue to revise as applicable, a written dry weather field screening and analytical monitoring procedures to detect and eliminate illicit discharges to the MS4 within one year from the effective date of coverage. These procedures must be included as part of the IDDE program, and must be incorporated into the SWMP document. Dry weather field screening may consist, but is not limited to, (1) visual observations; (2) field screening monitoring; and may include (3) analytical monitoring at selected points to the extent necessary to identify and eliminate an illicit discharge in the drainage area of the suspected illicit. Field screening points can be any, or all, of the following suitable to complete field screening activities: major outfalls, other outfalls or points of access such as manholes.
- 4.2.3.3.1 Conduct dry weather field screening (including analytical monitoring where field screen monitoring has not yielded a definitive identification of the source of the illicit discharge) to identify the source of illicit discharges. At a minimum, permittees must:
 - a. Identify all field screening points within the priority areas identified in Part 4.2.3.2 where field screening and analytical monitoring, if warranted, will take place. In addition, where permittees are aware of non-stormwater discharges that occur outside of the priority areas, permittees must identify points, outfalls, or major outfalls to conduct field screening in the drainage area of such non-stormwater discharges;
 - b. Permitees must include the following in the field screening portion of their IDDE program:
 - i) the areas and the schedule for conducting the screening, the proposed location of outfalls, or field screening points, should reflect water quality concerns (as required in Part 3.1.2 of this permit) to the MEP and to protect water quality.
 - ii) a description of which screening methods will be used (i.e. outfall, major outfall, or screening point) and a description as to why it is appropriate for each area, and,
 - iii) a description of field screening equipment with their respective methodologies for use.
 - c. Conduct all dry weather visual observations and required field screening at each outfall / field screening point identified in 4.2.3.3.1.b.i, above. All dry weather screening activities should be conducted, preferably, during prolonged dry weather periods when no rainfall runoff has the potential to be present.
 - d. When field observations do not suffice to identify the source of the suspected non-stormwater discharge, permittees must perform field screening monitoring to characterize the discharge as outlined in paragraph (D), SC 61-9 122.26(d)(1)(iv). If any flow, or

ponded runoff, not associated with tidal influence, is observed at a field screening point, or major outfalls as defined in SC 61-9 122.26(b)(5), and there has been at least seventy-two (72) hours of dry weather, two grab samples shall be collected during a 24 hour period with a minimum period of four hours between samples. For all such samples, permittees must also record in the narrative general information such as time since last qualifying storm event, site descriptions (e.g., conveyance type, dominant watershed land uses), flow estimation (e.g., width of water surface, approximate depth of water, approximate flow velocity, flow rate), and visual observations (e.g., color; odor; turbidity; oil sheen, or surface scum, presence; clarity, floatables, deposits/stains, vegetation condition, structural condition, and biology as well as any other relevant observations regarding the potential presence of non-storm water discharges or illegal dumping).

- i. Field screening requirements: Permittees are also required to include a narrative description of the results of field screening analysis using suitable methods to estimate the following constituents:

pH,

total chlorine,

total copper,

total phenol,

detergents (surfactants),

any pollutant of concern, if in the watershed area of a TMDL / 303(d) WQMS, and, a description of the flow rate.

Samples must be collected in accordance to SC 61-9 122.21(g)(7)(ii). Where the field screening does not involve analytical methods approved under 40 CFR 136, permittees shall provide a description of the method used including the name of the manufacturer of the test method along with the range and accuracy of the test.

Where field screening and / or source tracking monitoring methods are not sufficient to identify the source of the discharge to be eliminated, laboratory analysis is necessary for definite identification. Sample analysis must be consistent with the procedures required by 40 CFR Part 136.

- ii. When field screening is performed in a drainage area contributing to a TMDL / 303(d) impairment of a WQMS, in Part 4.2.3.3.1.d.i, above, the minimum level of effort requires, at first, that at least all major MS4 outfalls draining to the WQMS of concern be screened.
- iii. Analytical monitoring requirements: Samples collected for laboratory analysis where the field screening is conducted according to Part 4.2.3.3.1.d.ii, must be conducted as specified in Part 3.2.1.2.1.f.i of this permit.
- iv. Consult developed benchmark concentration levels (Center for Watershed Protection, Industrial MSGP, Effluent Guidelines, etc.) to compare dry weather field screening and analytical monitoring results obtained under parts 4.2.3.3.1.c.i.–iii, above.

- vi. Where exceedance of widely accepted benchmark values occur, follow-up investigations to identify and eliminate the source causing the benchmark excursions must be conducted under Part 4.2.3.5, below.
 - e. Document elimination of the illicit discharge.
- 4.2.3.3.2 Permittees must assess the effectiveness of the Field Screening component of their IDDE program in the third annual report to determine if the level of effort is adequate in attaining the effective prohibition of non-stormwater discharges into the MS4. Where updates are found to be necessary, the permittee must make such changes and include them as part of the renotification required under Part 2.5 of this permit.
- 4.2.3.3.3 For non-traditional MS4 permittees, if illicit connections or illicit discharges are observed related to another operator's municipal storm sewer system then the permittee must notify the other operator within *within two business days* of discovery.
- 4.2.3.3.4 If another operator notifies the permittee of an illegal connection or illicit discharge to the municipal separate storm sewer system then the permittee must follow the requirements specified in Part 4.2.3.4.
- 4.2.3.3.5 Written procedures for implementing this program, including those components described in Parts 4.2.3.3.1 – 4.2.3.3.6 must be incorporated into the SWMP document.
- 4.2.3.4 ***Procedures for tracing the source of an illicit discharge.*** Permittees are required to develop written procedures for conducting investigations into the source of all identified illicit discharges, including approaches to requiring such discharges to be eliminated.
- 4.2.3.4.1 **Minimum Investigation Requirements** – At a minimum, the permittee is required to initiate an investigation(s) to identify and locate the source of any continuous or intermittent non-stormwater discharge within two (2) business days of becoming aware of the illicit discharge.
- a. Permittees must report immediately the occurrence of any dry weather flows believed to be an immediate threat to human health or the environment to SC DHEC Emergency Response, 1-888-481-0125.
 - b. Illicit discharges suspected of being sanitary sewage and/or significantly contaminated must be considered a high priority.
 - c. Investigations of illicit discharges suspected of being cooling water, wash water, or natural flows may be delayed until after all discharges suspected of having the potential for adversely impact either human health or water quality have been investigated, eliminated and/or resolved.
 - d. Permittees must track all investigations to document at a minimum the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
- 4.2.3.4.2 **Determining the Source of the Illicit Discharge** – Permittees are required to determine and document through their investigations, carried out in Part 4.2.3.4.1, the source of all documented illicit discharges. If the source of the suspected illicit discharge is found to be a

suspected non-compliance with an NPDES permit, the appropriate SC DHEC Regional Office must be notified.

- a. If an illicit discharge is found, but within six (6) months of the beginning of the investigation neither the source nor the same non-stormwater discharge has been identified/observed, then permittees must maintain written documentation for review by the permitting authority.
- b. If the observed discharge is intermittent, permittees must document that a minimum of three (3) separate investigations were made to observe the discharge when it was flowing. If these attempts are unsuccessful, permittees must maintain written documentation for review by the permitting authority. However, since this is an ongoing program, permittees should periodically recheck these suspected intermittent discharges.

4.2.3.4.3 Corrective Action to Eliminate Illicit Discharges – Once the source of the illicit discharge has been determined, permittees:

- a. Must notify the responsible party of the problem immediately,
- b. Must require the responsible party to conduct all necessary corrective actions to eliminate the non-stormwater discharge within 10 days. When, and if, elimination will take longer than 30 days, permittees shall require responsible parties to submit a plan with a schedule for elimination that meets the ASAP standard herein to the MEP,
- c. Must conduct a follow-up investigation and field screening, consistent with Part 4.2.3.4, to verify that the discharge has been eliminated upon being notified that the discharge has been eliminated,
- d. Are required to document their follow-up investigations.
- e. Must follow the SWMP ERP and include the resulting enforcement actions in the subsequent annual report.

4.2.3.5 Permittees must promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including phone numbers for complaints and spill reporting, and publicize to both internal permittee staff and the public. If 911 is selected, permittees must also create, maintain, and publicize a staffed, non-emergency phone number with voicemail, which is checked.

4.2.3.5.1 Permittees must develop a written spill/dumping response procedure, and a flow chart or phone tree, or similar list for internal use, that shows the procedures for responding to public notices of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response, even if it is a different entity than the permittee.

- 4.2.3.5.2 Permittees must conduct reactive inspections in response to complaints and follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party to achieve and maintain compliance.
- 4.2.3.6 Permittees must implement a training program for all appropriate municipal field staff, who, as part of their normal job responsibilities, may come into contact with, or otherwise observe, an illicit discharge or illicit connection to the storm sewer system.
- 4.2.3.6.1 Contact information, including the procedure for reporting an illicit discharge, should be included in the permittee’s fleet vehicles that are used by field staff. Training program documents must be available for review by the permitting authority.
- 4.2.3.6.2 By no later than *12 months after permit coverage is granted*, permittees must train all staff identified in Section 4.2.3.6 above on:
- a. identification of illicit discharges or connections,
 - b. proper procedures for reporting and responding to the illicit discharge or connections,
 - c. changes in procedures, techniques, or staffing as needed, and,
 - d. documentation and maintenance of records
- 4.2.3.6.3 Permittees must keep track of all training and follow up training provided to address IDDE and to the staff trained in this MCM.

4.2.4 Construction Site Storm Water Runoff Control

- 4.2.4.1 **NEW PERMITEES.** Within eighteen months from the date of coverage, first time permittees shall develop, implement, and enforce a program which requires operators of public or private “construction activities” to select, install, implement, and maintain stormwater control measures that comply with *any and all applicable erosion and sediment control, pollution prevention, and other stormwater requirements, including, but not limited to, the effective SC NPDES General Permit for Storm Water Discharges from Construction Activities (SCR100000), the technical provisions contained in SC Stormwater Management and Sediment Reduction Regulations 72-300, and any local requirements.* “Construction activity” for this permit includes, at a minimum, all public and private clearing, grading and excavating that result in a total land disturbance of *either: one or more acres, less than one acre if part of a larger common plan or development or sale (LCP), or, if located in the eight coastal counties, any land disturbance located within one-half (1/2) mile of a receiving water body.* Written procedures for implementing this program, including all components described in this Construction Site Storm Water Runoff Control measure, must be incorporated into the SWMP document.
- 4.2.4.2 **EXISTING PERMITEES** shall continue developing, implementing, and enforcing a program which requires operators of public or private “construction activities” to select, install, implement, and maintain stormwater control measures that comply with *any and all applicable erosion and sediment control, pollution prevention, and other stormwater requirements, including, but not*

limited to, the effective SC NPDES General Permit for Construction Activities (SCR100000), the technical provisions contained in SC Stormwater Management and Sediment Reduction Regulations 72-300, and any local requirements. “Construction activity” for this permit includes, at a minimum, all public and private clearing, grading and excavating that result in a total land disturbance of either: one or more acres, less than one acre if part of a LCP, or, if located in the eight coastal counties, any land disturbance located within one-half (1/2) mile of a receiving water body. Written procedures for implementing this program, including all components described in this Construction Site Storm Water Runoff Control measure, must be incorporated into the SWMP document.

- 4.2.4.3 **Construction Site Storm Water Runoff Control** programs required under 4.2.4.1 & 2 above must include the development and implementation of, at a minimum:
- 4.2.4.3.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law.
- e. **NEW PERMITTEES** need to develop the ordinance or other regulatory mechanism. A plan and a schedule to have this mechanism implemented in full force and effect 18 months from the date of coverage, along with the rationale why you chose such mechanism must be included in the SWMP required with the NOI.
- f. **EXISTING PERMITTEES** must include a copy of the relevant sections of the existing ordinance or other regulatory mechanism along with the SWMP description.
- 4.2.4.3.2 Requirements for construction site operators to implement appropriate BMP such as,
- a. Erosion and Sediment Controls, and
b. Soil Stabilization Practices
- 4.2.4.3.3 Requirements for the design, installation and maintenance of effective pollution prevention measures for construction site operators to:
- a. minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Washouts from concrete, stucco, paint, oils, oils, brick acid wash, curing compounds, fuel and soaps or solvents used in equipment washing are subject to the effective prohibition in 402(p)(3)(B)(ii) of the CWA,
b. minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on site to precipitation and to stormwater runoff that may cause adverse impacts to water quality, and,
c. minimize the discharge of pollutants from spills and and leaks and implement chemical spill and leak prevention and response procedures
- 4.2.4.3.4 Permittees must require each operator of a construction activity to prepare and submit an *stormwater management /erosion and sediment reduction plan*, hereinafter referred as Storm Water Pollution Prevention Plan (SWP3), prior to the disturbance of land for the SMS4 review

and written approval prior to issuance of the *appropriate permit prior to the commencement of grading or construction*. Permittees must make it clear to operators of construction activity that they are prohibited from commencing construction activity until they receive of written approval of the plans. If after approval, the *SWP3* is revised, SMS4 must review and approve those revisions.

- a. The permittee must implement site plan review procedures that meet the following minimum requirements:
 - i. Permittees must not approve any *SWP3* unless it contains appropriate site-specific construction site control measures that meet all requirements in Parts 4.2.4 & 5 of this permit.
 - ii. The *SWP3* must include the rationale used for selecting control measures, including how the control measure protects a waterway or stormwater conveyance.
 - iii. Permittees must ensure plan reviewers are either qualified professionals as defined in South Carolina Regulation 72-300 and 61-9 or have completed, and become certified through, a plan reviewer course acceptable to the SCDHEC use qualified individuals, knowledgeable in the technical review of *SWP3* to conduct such reviews, see Part 4.2.4.3.7.b.
 - iv. Permittees must document its review of each *SWP3* using a checklist or similar process.
- b. *SWP3* review for all sites that either disturb 1 acre or more (less, if part of a LCP, or any land disturbance in the eight coastal counties that is located within one-half (1/2) mile of a receiving water body) that discharge pollutant(s) of concern to TMDL waters and to waters on the 303(d) List of Impaired Waters must identify potential water quality impacts the permitted discharges may have. The *SWP3* shall limit sediment discharges and protect water quality to the MEP and shall include an assessment showing that the selected BMP will effectively control the construction and post-construction storm water discharges such that the storm water discharges will not cause or contribute to a violation of water quality standards. Procedures for *SWP3* review will;
 - i. incorporate consideration of potential water quality impacts,
 - ii. include the review of construction site plans,
 - iii. require a written quantitative and qualitative assessment showing that the selected BMP will control the discharge of the pollutant, or pollutants, of concern from construction and post construction within a TMDL watershed, or to a water on the 303(d) List of Impaired Waters, and
 - iv. require that the *SWP3* prepared by applicants for construction sites that SMS4 review must demonstrate that stormwater discharges will neither cause nor contribute to a violation of water quality standards.

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

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

the most current TMDL / 303(d) List can be also be downloaded at:

<http://www.scdhec.gov/tmdl>;

4.2.4.3.5 Construction Site Operator and Public Involvement

- a. Construction Operator Education. Develop and implement an effective communication process with construction contractors to educate them on areas in which improvements are needed and to enforce any required actions.
- b. Public Involvement. Implement procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the public participation program.

4.2.4.3.6 Construction Site Inspections and Control Measures Enforcement Response Plan (ERP).

- a. Permittees must maintain an inventory of all active public and private construction sites that result in a total land disturbance of disturb of 1 acre or more (less, if part of a LCP, or any land disturbance within one-half (1/2) mile of a receiving water body in the eight coastal counties). The inventory must be continuously updated as new projects are permitted and projects are completed. The inventory must contain relevant contact information for each project (e.g., name, address, phone, etc.), the size of the project and area of disturbance, whether the project has submitted for permit coverage under *SC NPDES General Permit for Storm Water Discharges from Construction Activities (SCR100000)*, the date the permittee approved the stormwater management / erosion and sediment reduction plan in accordance with Part 4.2.4.3.4, and the NPDES coverage number SCR10##### issued by SC DHEC. Permittees must make the inventory available to SC DHEC Bureau of Water upon request. As part of this inventory,
 - i. Permittees must track the number of inspections for the inventoried construction sites throughout the reporting period to verify that the sites are inspected at the minimum frequencies required, and,
 - ii. Inspection findings must be documented and maintained for review by SC DHEC.
 - iii. Permittees must develop and maintain an active ERP tracking system.

- b. Permittees must implement procedures for inspecting public and private construction projects in accordance with the frequency specified in table 4.2.4.3.6.b below.

Table 4.2.4.3.6.b Inspection Frequency

Site	Inspection Frequency
a. All sites 5 acres or larger in size	
b. All sites one (1) acre or larger that discharge to a tributary listed by the state/tribe as an impaired water for sediment, turbidity, or BIO under the CWA section 303(d)	All new approvals must be inspected initially within the first two weeks of commencement of land disturbing activity.
c. Other sites one (1) acre or more determined by permittees or by SC DHEC to be a significant threat to water quality*	All active sites shall be inspected at least monthly during construction.
d. All other construction sites with one (1) acre or more of soil disturbance not meeting the criteria specified in (A),(B), or (C) above	Inspection must occur at least monthly
e. Construction sites less than one (1) acre	Inspection must occur as needed based on the evaluation of the factors that are a threat to water quality*
f. Final Inspection	Inspect all projects to ensure that all graded areas have reached final stabilization and that all temporary control measures are removed and permanent stormwater management BMP are permitted as required
*In evaluating the threat to water quality, the following factors must be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; past record of non-compliance by the operators of the construction site; proximity to sensitive water bodies; and, other factors relevant to particular MS4.	

- c. Permittees must adequately inspect all phases of construction as follows.
- i. Beginning of Land Disturbance: Prior to, or during the commencement of land disturbance, permittees must perform an inspection to ensure all necessary erosion and sediment controls are in place within the first two weeks of commencement of land disturbing activity.
 - ii. During Active Construction: During active construction, permittees are required to conduct inspections in accordance with the frequencies specified in Table 4.2.4.3.6.b.
 - iii. Following Active Construction: At the conclusion of the project, permittees must inspect all projects to ensure that all graded areas have reached final stabilization and that all temporary control measures are removed (e.g., silt fence).

- d. Permittees must have trained and qualified inspectors (See Part 4.2.4.3.7.a). Permittee must also continue to follow, and revise as necessary, written procedures outlining the inspection and enforcement procedures. Inspections of construction sites must, at a minimum:
 - i. Check for coverage under SCR100000 by requesting a copy of any application or Notice of Intent (NOI), the stamped approved stormwater management / erosion and sediment reduction plan or other relevant application form during initial inspections.
 - ii. Review the applicable stormwater management / erosion and sediment reduction plan and conduct a thorough site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the plan.
 - iii. Assess compliance with the permittee's ordinances and permits related to stormwater runoff, including the implementation and maintenance of designated minimum control measures.
 - iv. Assess the effectiveness of control measures.
 - v. Visually observe and record non-stormwater discharges, potential illicit connections, and potential discharge of pollutants in stormwater runoff.
 - vi. Provide a written or electronic inspection report generated from findings in the field.
- e. The Construction Site Inspections and Control Measures Enforcement Response Plan (ERP) must contain a description of how permittees would use specific type of responses to address various types of violation.
 - i. Types of response include, but is not limited to;
Verbal warnings,
Written notices,
Escalated enforcement measures such as citations, stop work orders, etc.
 - ii. Specific strategies for escalating enforcement response, where necessary, to address persistent, repeat or escalating violations.
 - iii. Ensure the ERP is reasonably effective in reducing pollutant discharges to the MEP and to protect water quality.

4.2.4.3.7 MS4 Staff Training. Permittee must ensure that all staff whose primary job duties are related to implementing the construction stormwater program, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. The training can be conducted by the permittee or outside training can be attended, however, this training must include, at a minimum:

- a. Erosion and Sediment Control / Stormwater Management Inspectors:
 - i. Initial training, held within the first permit year, regarding proper control measure selection, installation, implementation, and maintenance, (e.g. CEPSCI Certification) as well as administrative requirements such as inspection reporting/tracking and use of permittees enforcement responses; and,
 - ii. Annual refresher training for existing inspection staff to update them on preferred controls, regulation changes, permit updates, and policy or standards updates. Throughout the year, e-mails and/or memos must be sent out to update the inspectors as changes happen.
- b. Plan Reviewers:
 - i. Initial training, held within the first two permit years, regarding control measure selection, design standards, and review procedures; and,
 - ii. Annual training regarding new control measures, innovative approaches, permit updates, regulation changes, and policy or standard updates.
- c. Third-Party Inspectors and Plan Reviewers: If the permittee utilizes outside parties to conduct inspections and/or review plans, these outside staff must be trained per the requirements listed in Parts 4.5.1.a and / or b (above).

4.2.5 Post-Construction Storm Water Management in New Development and Redevelopment or Permanent / Long Term Storm Water Pollution Control Measures

4.2.5.1 Post-Construction Stormwater Management Program

- 4.2.5.1.1 Permittees shall implement a program to control stormwater discharges from new development and redeveloped sites that disturb at least one acre (including projects that disturb less than one acre that are part of a larger common plan of development or sale, LCP) that discharge into an MS4. The program must apply to private and public development sites, including roads.
- 4.2.5.1.2 The **Post-Construction Stormwater Management Program** shall require that controls are in place to meet the performance standards in Part 4.2.5.2 to the MEP and to protect water quality.
- 4.2.5.1.3 Written procedures for implementing this program, including, but not limited to, the components described in Parts 4.2.5.2 – 8, must be incorporated into the SWMP document.

4.2.5.2 Site Performance Standards

- 4.2.5.2.1 Permittees must establish, implement and enforce a requirement that owners or operators of new development and redeveloped sites discharging to the MS4, which disturb greater than or equal to one acre (including projects that disturb less than one acre that are part of a LCP), design, install, implement, and maintain stormwater control measures that maintain pre-development conditions and protect water quality to the MEP.

4.2.5.2.2

New Development Standards to be used can be either one, combination, or equivalent combination of design strategies, control measures, practices or provisions such as infiltration, evapotranspiration, rain harvesting, and stormwater reuse and recharge that demonstrate the runoff reduction and pollutant removal necessary to maintain pre-development conditions and to protect water quality to the MEP. Permittees must require that the first inch of runoff be managed. Table 4.2.5.2.2.1, below, contains examples of specific standards that could be adopted. Permittees must describe the site design strategies, control measures and other practices deemed necessary by the MS4 to maintain, or in the case of redevelopment improve, pre-development hydrology in order to meet 4.2.5.2.1 above.

Table 4.2.5.2.2.1 Site Performance Standards

<i>Basis for Performance Standard</i>	<i>Description</i>	<i>Performance Standard</i>
<i>Rainfall</i>	<i>Minimum storm volume to be retained on site.</i>	<i>Design, construct, and maintain stormwater management practices that manage rainfall on-site, and prevent the off-site discharge of the precipitation from [insert standards, such as “the first one inch of rainfall from a 24-hour storm preceded by 48 hours of no measurable precipitation”]. Discharge volume reduction can be achieved by canopy interception, soil amendments, evaporation, rainfall harvesting, engineered infiltration, extended filtration and/or evapotranspiration and any combination of the aforementioned practices. This first one inch of rainfall must be 100% managed with no discharge to surface waters, except when the permittee chooses to implement the conditions in Part 5.2.5.d below</i>
<i>Rainfall</i>	<i>Minimum storm size to be retained on site.</i>	<i>Design, construct, and maintain stormwater management practices that manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to [insert standards, such as “the 95th percentile rainfall event”]. This objective must be accomplished by the use of practices that infiltrate, evapotranspire and/or harvest and reuse rainwater. The 95th percentile rainfall event is the event whose precipitation total is greater than or equal to 95 percent of all storm events over a given period of record.</i>
<i>Recharge/Runoff</i>	<i>Hydrologic analysis.</i>	<i>Design, construct, and maintain stormwater management practices that preserve the pre-development runoff conditions following construction. The post-construction rate, volume, duration and temperature of discharges must not exceed the pre-development rates and the pre-development hydrograph for 1, 2, 10, 25, 50 and 100 year storms must be replicated through site design and other appropriate practices. These goals must be accomplished through the use of infiltration, evapotranspiration, and/or rainwater harvesting and reuse practices. Defensible and consistent hydrological assessments and modeling</i>

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 NPDES General Permit for Storm Water Discharges from Regulated SMS4, SCR030000.

		<i>methods must be used and documented.</i>
<i>Recharge</i>	<i>Groundwater recharge requirement.</i>	<p>Any “major development” project, which is one that disturbs [insert standards, such as at least one (1) acre of land or creates at least 0.25 acres of new or additional impervious surface], must comply with one of the following two groundwater recharge requirements:</p> <ul style="list-style-type: none"> • Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or • Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater discharges volume from pre-construction to post-construction for the two-year storm is infiltrated.
<i>Annual Pollutant Load</i>	<i>Hydrologic Analysis Loading Calculations</i>	<p>Design, construct and maintain stormwater management practices that preserve the pre-development runoff conditions following development. Post construction annual pollutant loads are not allowed to exceed pre-development levels. Whenever and wherever appropriate, runoff volume and peak discharge rates for specific design storms should be taken into account as well. These goals will be accomplished through low impact development practices (LID) including impervious cover limitations and treatment means. Water quality modeling methods used to support establishment of this standard must be defensible and be consistent with the MEP standard, to protect water quality and to satisfy the appropriate water quality requirements of the CWA².</p>

4.2.5.2.3 Incentives for Redeveloped Sites. When considered at the watershed scale, certain types of developed sites can either reduce existing impervious surfaces, or at least create less ‘accessory’ impervious surfaces. SMS4 may develop a program to allow adjustments to the performance standard for new development or redevelopment sites that qualify.

4.2.5.2.4 Additional Requirements and Exceptions: The permittee shall implement the following additional requirements where applicable:

- a. A site with potential for contaminating groundwater must provide treatment for associated pollutants (e.g., petroleum hydrocarbons at a vehicle fueling facility).
- b. A site that discharges or proposes to discharge to any surface water or ground water that is used as a source of drinking water must comply with all applicable requirements relating to source water protection.
- c. Sites may not use infiltration techniques as a method for stormwater control in areas of documented soil contamination.

² SC DHEC Bureau of Water / SCASM Phase II MS4 Permit Focus Group

- d. Proposed storm water controls with potential to adversely impact ground water that are required under for **Post-Construction Storm Water Management in New Development and Redevelopment or Permanent / Long Term Storm Water Pollution Control Measures**, shall be assessed for potential impacts to **waters classified as Ground Waters (GA, GB & GC) pursuant to SC DHEC Bureau of Water Classifications & Standards (R.61-68) Classified Waters (R.61-69)**,
- e. For projects that cannot meet the performance standard in Part 4.2.5.2.2 on site, alternatives such as off-site mitigation and payment in lieu should be made available. A determination that standards cannot be met on site must include multiple criteria that would rule out fully meeting the performance standard in Part 4.2.5.2.2, such as: too small a lot outside of the building footprint to create the necessary infiltrative capacity even with amended soils; soil instability as documented by a thorough geotechnical analysis; a site use that is inconsistent with capture and reuse of stormwater; or too much shade or other physical conditions that preclude adequate use of plants. Sites must still maximize stormwater retention on-site, before applying the remaining stormwater to one of the alternatives. In instances where alternatives are chosen, technical justification as to the infeasibility of on site management is required to be documented.

4.2.5.3 **Site Plan Review**

- 4.2.5.3.1 To ensure that all applicable new development and redeveloped sites conform to the performance standards required in Section 4.2.5.2, permittees must implement project review, approval, and enforcement procedures that include:
 - a. Procedures for the site plan review and approval process(es) that include inter-departmental consultations, as needed, and a required re-approval process when changes to an approved plan are desired; and
 - d. A requirement for submittal of ‘as-built’ certifications at project completion.
- 4.2.5.3.2 Permittees must conduct site plan reviews, using the procedures described in Part 4.2.5.3.1, of all new development and redeveloped sites which will disturb greater than or equal to one acre and discharge to the MS4 (including sites that disturb less than one acre that are part of a LCP). The site plan review must specifically address how the project applicant meets the performance standards in Part 4.2.5.2 and how the project will ensure long-term maintenance as required in Part 4.2.5.4.
- 4.2.5.4 **Long-Term Maintenance of Post-Construction Stormwater Control Measures**
- 4.2.5.4.1 All structural stormwater control measures installed and implemented to meet the performance standards of Part 4.2.5.2 must be maintained in perpetuity. Permittees must ensure the long-term maintenance of structural stormwater control measures installed according to this Part through one, or both, of the following approaches:

- a. Maintenance performed by the Permittee. See part 4.2.6.4.
- b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance agreement. Permittee must require the owner or operator of any new development or redeveloped site subject to the performance standards in Part 4.2.5.2 to develop and implement a maintenance agreement addressing maintenance requirements for any structural control measures installed on site to meet the performance standards. The agreement must allow the permittee, or its designee, to conduct inspections of the structural stormwater control measures and also account for transfer of responsibility in leases and/or deeds. The agreement must also allow the permittee, or its designee, to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator when the owner/operator has not performed the necessary maintenance.

4.2.5.4.2 Verification of maintenance responsibilities. Permittees must require that property owners or operators of any new development or redeveloped site subject to the performance standards in Part 4.2.5.2 provide verification of maintenance for the approved structural stormwater control measures used to comply with the performance standards. Verification must include one or more of the following as applicable:

- a. The owner/operator's signed statement accepting responsibility for maintenance with a provision for transferring maintenance responsibility if the property is legally transferred to another party; and/or
- b. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
- c. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control stormwater management practices; and/or
- d. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control stormwater management practices.

4.2.5.5 **Watershed Protection**

Review planning procedures and ordinances to provide requirements for implementation of consistent water quality protection measures for new development and redeveloped sites within 36 months from the effective date of coverage. When permittees revise its planning procedures and ordinances, effective water quality and watershed protection measures must be included. Examples of water quality and watershed protection elements to be considered as principles, or policies, as they may be appropriate for the watershed include the following:

- 4.2.5.5.1 Encourage development in,
- a. High density urban areas, or
 - b. Areas with existing storm sewer infrastructure.

- 4.2.5.5.2 Preserve, protect, create and restore ecologically sensitive areas such as:
 - a. Wetlands,
 - b. Riparian areas,
 - c. Headwaters, and,
 - d. Floodplains.

- 4.2.5.5.3. Prevention of water quality impacts to streams by,
 - a. Providing buffers along sensitive water bodies,
 - b. Disconnecting discharges to surface waters from impervious surfaces such as parking lots,
 - c. Minimize impervious surfaces.

- 4.2.5.5.4 Minimize disturbance of soils and vegetation, and / or,

- 4.2.5.5.5 Maintain and / or increase open space (including a dedicated funding source for open space acquisition).

4.2.5.6 **Tracking of Post-Construction Stormwater Control Measures**

- 4.2.5.6.1 Inventory of Post-Construction Stormwater Control Measures. Permittee must maintain an inventory of all post-construction structural stormwater control measures installed and implemented at new development and redeveloped sites, including both public and private sector sites located within the permit area. At a minimum, the inventory shall contain all BMP constructed since the effective date of the first certificate of coverage under the permit. The inventory must be searchable. New entries to the inventory must be made during the as built plan review and approval process in Part 4.2.5.3.1.

- 4.2.5.6.2 Tracking Information. Each entry to the inventory must include basic information on each project, such as project name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries must include the following for each project:
 - a. List of each stormwater control measure (type, number, design or performance specifications);
 - b. Latitude and longitude coordinates of each stormwater control measure; and,
 - c. Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).

Based on inspections conducted under Part 4.2.5.7, permittees must update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site. This inventory must be maintained and available for review by the permitting authority.

4.2.5.7 **Inspections and Enforcement**

4.2.5.7.1 Inspection Frequency. To ensure that all stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance agreement, Permittees must conduct inspections of each project site covered under Part 4.2.5.2 performance standards, *at least one time during the permit term*. A description of inspection procedures must be included in the SWMP document.

4.2.5.7.2 Post-Construction Inspection. Within 30 days of completion of construction of any project required to meet the Section 4.2.5.2 performance standards, SMS4 must conduct a post-construction inspection to verify that BMP have been installed as per approved plans. Permittees must include in its SWMP a mechanism for being notified by construction operators/owners of their completion of active construction so that the post-construction inspection may be conducted.

4.2.5.7.3 Inspection Reports. Permittee must document its inspection findings in an inspection report. Each inspection report must include:

- a. Inspection date;
- b. Name and signature of inspector;
- c. Project location (street address, latitude/longitude, etc.) and inventory reference number (from inventory established in Section 4.2.5.6.1)
- d. Current ownership information (for example, name, address, phone number, fax, and email)
- e. A description of the condition of the structural stormwater control measure such as: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; catch basins; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;
- f. Photographic documentation of all critical structural stormwater control measure components as necessary; and
- g. Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and reinspection dates.

Permittees must document and maintain records of inspection findings and enforcement actions and make them available for review by the permitting authority.

4.2.6 **Pollution Prevention/Good Housekeeping for Municipal Operations**

4.2.6.1 **Requirement** Permittees shall develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations as an integral part of the SWMP.

4.2.6.1.1 Development of a Municipal Facility and Stormwater Control Inventory - Permittees must update and maintain an inventory of municipally-owned or operated facilities and stormwater controls, including but not limited to the following:

- Composting facilities
- Equipment storage and maintenance facilities
- Fuel farms
- Hazardous waste disposal facilities
- Hazardous waste handling and transfer facilities
- Incinerators
- Landfills
- Landscape maintenance on municipal property
- Materials storage yards
- Pesticide storage facilities
- Public buildings, including schools, libraries, police stations, fire stations, municipal buildings, and similar buildings
- Public parking lots
- Public golf courses
- Public swimming pools
- Public works yards
- Recycling facilities
- Salt storage facilities
- Solid waste handling and transfer facilities
- Street repair and maintenance sites
- Vehicle storage and maintenance yards
- Municipally-owned and/or maintained structural stormwater controls

4.2.6.1.2 Documentation - The list of municipally owned, or operated, facilities and stormwater controls must be maintained and available for review by the permitting authority.

4.2.6.1.3 Mapping - On a map of the area covered by the MS4 permit, required under part 4.2.3.2.1, permittees must identify where the municipally-owned or operated facilities and stormwater controls are located. The map must identify the stormwater outfalls corresponding to each of the facilities as well as the receiving waters to which these facilities discharge. The map must be maintained and updated regularly and be available for review by the permitting authority.

4.2.6.2 **Municipally-owned or operated facility assessment:**

4.2.6.2.1 Comprehensive Assessment of Pollutant Discharge Potential –The permittee must review, reassess, and update the comprehensive assessment of all municipally-owned or operated facilities identified in Part 4.2.6.1 at least once during the permit term and

include it in the permit reapplication for their potential to discharge in stormwater the following typical urban pollutants: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, and trash. Other pollutants may be associated with, but not generated directly from, the municipally-owned or operated facilities, such as bacteria, chlorine, organic matter, etc. Permittees must determine additional pollutants associated with its facilities that could be found in stormwater discharges. A description of the assessment process must be included in the SWMP document and must be made available during the renotification process, Part 2.5.

4.2.6.2.2 Identification of “High Priority” Facilities – Based on Part 4.2.6.2.1, the permittee must identify as “high-priority” those facilities that have a high potential to generate stormwater pollutants. Among the factors that must be considered in giving a facility a high priority ranking is the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (e.g., changing automotive fluids, vehicle washing), proximity to waterbodies, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include the permittee’s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.

4.2.6.2.3 Documentation of Comprehensive Assessment Results – The permittee must document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the comprehensive assessment. The documentation must include the results of the permittee’s initial assessment, any identified deficiencies and corrective actions taken, and a list of the “high priority” facilities identified per Part 4.2.6.3.2.

4.2.6.3 **Development of Facility-Specific Stormwater Management SOP and Implementation of Facility Stormwater Controls**

4.2.6.3.1 Facility-specific Stormwater Management SOPs for “High Priority” Facilities:

- a. For each “high priority” facility or operation identified in Part 4.2.6.2.2, the permittee must develop a site-specific SOP that identifies stormwater controls (i.e., structural and non-structural controls, and operational improvements) to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater. At a minimum, the facility-specific SOP must include the stormwater control measures described below in Part 4.2.6.3.2, as well as inspection and visual monitoring procedures and schedules described in Part 4.2.6.3.3. Storm Water Pollution Plans in full compliance with all applicable requirements contained in the Multi Sector NPDES General Permit for Storm Water Discharges Associated with Industrial Activity, SCR030000, may be acceptable substitutes.
- b. A copy of the facility-specific stormwater management SOP must be maintained and be available for review by the permitting authority. The SOP must be kept on-site at each of the municipally-owned or operated facilities’ offices for which it was completed. The SOP must be updated as necessary.

- c. The permittee must install, implement, and maintain all stormwater controls required per Part 4.2.6.3.2 of this permit and included in the facility's site-specific SOP.

4.2.6.3.2

Stormwater Controls for “High Priority” Facilities – The following stormwater controls must be implemented at all “high priority” municipally-owned or operated facilities identified in Part 4.2.6.2.2. A description of any controls included in this part and any standard operating procedures developed to comply with this part must be included as part of the of each facility's SOP:

- a. General good housekeeping – The following good housekeeping practices must be implemented for all facilities identified as “high priority”:
 - i. Permittees must keep all municipally-owned or operated facilities neat and orderly, minimizing pollutant sources through good housekeeping procedures and proper storage of materials.
 - ii. Exposure of materials to storm water must be minimized.
- b. Sand, salt, recycled oils, fertilizers, pesticides and other materials storage – Permittees must store and/or cover salt and other erodible materials in a manner to minimize potential runoff impacts. Storage areas for recycled oils, fertilizers, pesticides and other chemicals must ensure that all containers / structures are in good condition and that all materials are properly stored, labeled, closed and / or covered. Spill prevention and cleaning measures must be developed and implemented for facilities with chemical and recycled waste material storage. If a permanent storage structure is required but does not exist, one must be built within the permit term, and seasonal tarping must be used as an interim control measure until the permanent structure is completed. If a permanent storage facility is not feasible, the permittee must provide a rationale to the permitting authority as to why and what alternate BMPs will be utilized instead. Where a permanent storage structure is present, the permittee must perform regular maintenance and inspections of the permanent storage structure.
- c. Fueling operations – Permittees must develop and implement standard operating procedures for vehicle fueling and receiving of bulk fuel deliveries at municipally-owned or operated facilities with the goal of reducing the likelihood of spills, and providing spill controls in the event that accidental spills do occur.
- d. Vehicle maintenance – Permittees must develop and implement a standard operating procedure for vehicle maintenance and repair activities that occur at municipally-owned or operated facilities with the goal of reducing the likelihood of spills or releases and providing controls in the event that accidental spills do occur. The standard operating procedures must include regular inspections of all maintenance areas and activities.

- e. Equipment and vehicle washing – The discharge of equipment and vehicle wash wastewater to the MS4 or directly to receiving waters from municipal facilities is prohibited. Permittees may meet this requirement by either installing on site BMP such as vehicle wash reclaim system, biodegradable soaps, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the activity, and/or applying for and obtaining a separate NPDES permit for the discharge.
- f. Animal Shelters and pounds. Permittees should develop and implement a plan to address potential discharges associated with animal shelters/pounds to include, but not be limited to, collecting and / or directing animal waste to a waste water treatment system (not the storm sewer), covering storage areas whenever possible and / or utilizing BMP to minimize offsite / onsite water quality impacts.
- g. Locally owned and operated parks and recreation facilities – Permittees should develop and implement a plan to address potential discharges from parks and recreation facilities to include, but not be limited to, utilization of the correct amount of pesticides, herbicides and fertilizers, proper disposal of yard waste, proper condition of waste containers / dumpsters and the repair and / or replacement of damaged waste containers.

4.2.6.3.3

Inspections and Visual Monitoring:

- a. Initial visual inspection – Permittees must perform an initial inspection of all Municipally-owned or operated facilities identified in 4.2.6.1.1 to ensure materials and equipment are clean and orderly, and to minimize the potential for pollutant discharge no later than 18 months from the effective date of coverage . Permittees must look for evidence of spills and immediately clean them up to prevent contact with precipitation or runoff. The inspection must be tracked in a log for every facility, and records kept with the SWMP document. The inspection report must also include any identified deficiencies and the corrective actions taken to fix the deficiencies.
- b. Yearly comprehensive inspections – Starting no later than 24 months from the effective date of coverage and at least once per year thereafter, a comprehensive inspection of “high priority” facilities (Part 4.2.6.2.2), including all stormwater controls, must be performed by the permittee. Pay specific attention to waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar potential pollutant-generating areas. The yearly inspection results must be documented and records kept with the SOP document. This inspection must be done in accordance with the developed SOP. The inspection report must also include any identified deficiencies and the corrective actions taken to fix the deficiencies.
- c. Semi-annual visual observation of stormwater discharges – At least once between yearly comprehensive inspections, permittees must visually observe the quality of the stormwater discharges from the “high priority” facilities (unless climate conditions preclude doing so, in which case the permittee must attempt to evaluate the discharges

two times during the wet season). Any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls must be remedied within three days or before the next storm event, whichever is sooner. Visual observations must be documented, and records kept with the SOP document. This inspection must be done in accordance with the developed SOP. The inspection report must also include any identified deficiencies and the corrective actions taken to fix the deficiencies. These semi-annual visual observations may be performed by the facilities themselves provided that SOP are followed. Inspection reports must include the corrective action taken within three days of the observation of the deficiency, or before the next storm event, whichever is sooner.

4.2.6.4 **Storm Sewer System Maintenance Activities -MS4 Maintenance**

4.2.6.4.1 Assessment/prioritization of MS4 catch basins – Permittees must prioritize their owned and / or operated storm water management systems / structures and implement a maintenance schedule.

a. The prioritization and schedule should be based on factors such as:

- Known problem areas,
- Citizen complaints,
- Reports,
- Proximity to sensitive waters

The prioritization scheme and its corresponding schedule must be included in the SWMP.

b. Catch basin maintenance inspection and cleaning

i. Based on the priorities assigned in Parts 4.2.6.4.1, permittees must inspect and clean catch basins in accordance with the following schedule:

- Priority A – Catch basins to be cleaned annually
- Priority B – Catch basins to be cleaned at least once every two years
- Priority C – Catch basins to be cleaned less frequently than A & B
- All basins must be inspected with cleaning and maintenance performed as necessary.
- Permittees must develop a catch basin cleaning schedule based on the frequency specified in this permit, along with a list of each of its catch basins and the priority assigned to them per Parts 4.2.6.4.1

ii. In addition to catch basin cleanings performed above, permittees must ensure that any catch basin that is inspected and found to be between one third and one half full of trash and/or debris must be cleaned within one month of discovery. Permittees must maintain a log of all maintenance performed.

- iii. Permittees must document that they have performed all required catch basin cleanings in a log that is to be made available for review by SC DHEC upon request.
- c. Catch basin labeling – Permittee must ensure that all new, or replaced, catch basins includes a legible stormwater awareness message (e.g., a label, stencil, marker, or pre-cast message such as “drains to the creek” or “only rain in the drain”).
- d. Maintenance of surface drainage structures – Permittees must:
 - i. Remove trash and debris from open channels and other drainage structures at least *once per permit term*.
 - ii. Document their drainage structure maintenance in a log that is to be made available for review by the permitting authority upon request.
- e. Disposal of waste materials – Permittees must develop a procedure to dewater and dispose of materials extracted from municipally owned and operated systems / structures. This procedure must ensure that water removed during the stormwater system/ structure cleaning process and waste material will not reenter the MS4. Dewatering and disposal methods for materials removed from storm water systems / structures shall be handled to the MEP and to protect water quality to the Best Professional Judgement (BPJ) of the permittee.

4.2.6.4.2 Municipal activities and operations

- a. Assessment of municipal activities and operations
 - i. Permittees must develop, implement, and update, as necessary, the operation and maintenance (O&M) activity assessment. The following municipal O&M activities must be included in the assessment for their potential to discharge pollutants in stormwater:
 - Road and parking lot maintenance, including pothole repair, pavement marking, sealing, and re-paving
 - Bridge maintenance, including re-chipping, grinding, and saw cutting
 - Cold weather operations, including plowing, sanding, and application of deicing compounds and maintenance of snow disposal areas
 - Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation
 - Municipally-sponsored events such as large outdoor festivals, parades, or street fairs
 - ii. Permittees must identify materials that could be discharged from each of these O&M activities. Typical pollutants associated with these activities include metals, chlorides, hydrocarbons (e.g. benzene, toluene, ethylbenzene, xylene), sediment, and trash.
 - iii. Permittees must develop a set of pollution prevention measures that, when applied during municipal O&M activities, will reduce the discharge of

pollutants in stormwater. These pollution prevention measures must consider, at a minimum:

- Replacing materials/chemicals with more environmentally benign materials or methods (e.g., use mechanical methods vs. herbicides, or use water-based paints or thermoplastics rather than solvent-based paints for stripping) to the MEP
- Changing operations to minimize the exposure or mobilization of pollutants (e.g., mulch, compost or landfill grass clippings) to prevent them from entering surface waters
- Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters), consistent with Part 4.2.6.5.1.e

iv. Permittees must develop and implement a schedule for instituting the pollution prevention measures. At a minimum, with respect to all roads, highways, and parking lots with more than 5,000 square feet of impervious surface area that are owned, operated, or maintained, permittees must implement all pollution prevention measures by the expiration date of the permit.

v. Results of the above assessments and of the pollution prevention measures, including schedules for implementation, must be documented and made available for review by SC DHEC upon request.

b. Inspection of pollution prevention measures – All pollution prevention measures implemented at municipal facilities must be visually inspected once every six month to ensure they are working properly; a log of inspections must be maintained and made available for review by the permitting authority upon request.

4.2.6.4.3

Maintenance of municipally-owned and/or maintained structural stormwater controls

Permittees must inspect, and maintain, wherever and whenever necessary, all municipally-owned or maintained structural stormwater controls according to the schedules in this Section. The permittee must also maintain all green infrastructure practices through regularly scheduled maintenance activities.

4.2.6.5

Flood Management Projects

Within *two years* of the effective date of coverage, permittees must ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices. An inventory of these procedures must be included in the SWMP document and in the re-application submittal (Part 2.5).

4.2.6.6 Pesticide, Herbicide, and Fertilizer (PHF) Application and Management in Landscape Maintenance

4.2.6.6.1 Permittees must evaluate the materials used and activities performed on public spaces such as parks, schools, golf courses, easements, public rights of way, and other open spaces owned / operated by the permitted SMS4 for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these can include mowing, fertilization, pesticide application, irrigation, etc. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides and organic debris.

4.2.6.6.2 Permittees must implement the following practices to minimize landscaping-related pollutant generation resulting from PHF application:

- a. Educational activities, permits, certifications, and other measures for municipal applicators and distributors.
- b. Integrated pest management measures that rely on non-chemical solutions to the MEP, including
 - Use of native plants, xeriscaping in arid/semi-arid regions (reduces water usage and fertilization)
 - Keeping clippings and leaves away from waterways and out of the street using mulching, composting, or landfilling
 - Limiting or eliminating the use of fertilizers, or, if necessary, prohibiting application within 5 feet of pavement, 25 feet of a storm drain inlet, or 50 feet of a waterbody
 - Scheduling grass mowing frequency to reduce PHF application and to allow for greater pollutant removal to the MEP, but not jeopardizing motorist safety
- c. The following pesticide BMP must be implemented:
 - Compliance with SC NPDES General Permit for discharges from the Application of Pesticides for SMS4 areas, or operations, authorized to discharge under SCG160000.
 - For areas, or activities not covered by SCG160000,
The application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions, must be carefully planned with water quality in mind,
The use of pesticides must be limited, or replaced to the MEP (e.g., manual weed and insect removal), and,
- d. Schedules for PHF application that minimize the discharge of such constituents due to irrigation and expected precipitation (e.g. applying for mosquitoes immediately after runoff has stopped save \$,,\$\$.¢¢ because pesticide will not run off; hence, won't pollute receiving waters).
- e. The collection and proper disposal of unused pesticides, herbicides, and fertilizers.

4.2.6.7 **Employee Training and Education Requirements –**

Permittees must develop an annual employee training program for appropriate employees involved in implementing pollution prevention and good housekeeping practices.

- 4.2.6.7.1 This annual training must include a general stormwater education component, any new technologies, operations, or responsibilities that arise during the year, and the Permit Requirements that apply to the staff being trained.
- 4.2.6.7.2 A description of the program must be maintained for review by the permitting authority.
- 4.2.6.7.3 The permittee must also identify and track all personnel requiring training and records must be maintained.
- 4.2.6.7.4 Training must begin within the first year from the effective date of permit authorization.
- 4.2.6.7.5 Effective April 9, 2012, permittee operated pesticide applications must be conducted by competently trained individuals to ensure that water quality impacts are minimized, eliminated to the MEP. Details of the Initial Training for Pesticide Applicators may be found at: <http://entweb.clemson.edu/pesticid/document/PATinit.htm> (<http://entweb.clemson.edu/pesticid/document/lawsregs.htm>), and (<http://entweb.clemson.edu/pesticid/document/siteindx.htm>)

4.2.6.8 **Requirements for Contractors Oversight:**

- 4.2.6.8.1 Contractors hired by permittees to perform municipal maintenance activities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management SOP described above.
- 4.2.6.8.2 Permittees must provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOP. Oversight procedures must be described in the SWMP document.

4.2.7 **Industrial Storm Water Sources**

Permittees shall develop and maintain an inventory of all industrial sites/sources permitted under the DHEC Industrial NPDES Permitting program within their jurisdiction (regardless of ownership) that could discharge pollutants in stormwater to the MS4 by the fourth (4th) year of the permit term. The inventory must be updated at least once per permit term, must be available for review by the permitting authority upon request, and must be included in the renotification (Part 2.5) submittal.

4.3 **Reserved**

4.4 Sharing Responsibility.

Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. You may rely on another entity only if:

- 4.4.1 The other entity in fact, implements the control measure.
- 4.4.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.
- 4.4.3 The other entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of your SWMP. If the other entity agrees to report on the minimum measure, you must supply the other entity with the reporting requirements contained in Section 5.3 of this permit. If the other entity fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

4.5 Reviewing and Updating Storm Water Management Programs (SWMP)

- 4.5.1 *SWMP Review:* You must do an annual review of your SWMP in conjunction with preparation of the annual report required under Section 5.3
- 4.5.2 *SWMP Update:* You may change your SWMP during the life of the permit in accordance with the following procedures:
 - 4.5.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Department.
 - 4.5.2.2 Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Unless denied by the Department, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the Department will send you a written response giving a reason for the decision. Your modification requests must include the following:
 - 4.5.2.2.1 An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),
 - 4.5.2.2.2 Expectations on the effectiveness of the replacement BMP, and
 - 4.5.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
 - 4.5.2.3 Change requests or notifications must be made in writing and signed in accordance with Section 122.22 of SC Regulation 61-9 (see Appendix B of this permit).

- 4.5.3 *SWMP Updates Required by the Department:* The Department may require changes to the SWMP as needed to:
- 4.5.3.1 Address documented impacts on receiving water quality caused, or contributed to, by discharges from the SMS4;
 - 4.5.3.2 Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or
 - 4.5.3.3 Include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Clean Water Act.
 - 4.5.3.4 Changes requested by the Department must be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Department will be made in accordance with South Carolina Water Pollution Control Permits Regulation 61-9 124.5, 122.62, or as appropriate 122.63.
- 4.5.4 *Transfer of Operational Authority, or Responsibility for SWMP Implementation:* You must implement the SWMP on all new areas added to your portion of the SMS4 (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
- 4.5.4.1 Within 90 days of a transfer of operational authority, or responsibility for SWMP implementation, you must have a plan for implementing your SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
 - 4.5.4.2 Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of South Carolina Water Pollution Control Permits Regulation 61-9.124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

5 Monitoring, Record keeping, and Reporting

5.1 Monitoring

- 5.1.1 You must evaluate program compliance, the appropriateness of identified BMP, and progress toward achieving identified measurable goals. If you discharge to a water body for which a TMDL has been established, you have additional monitoring requirements under Part 3 of this permit.
- 5.1.2 When you conduct monitoring at your permitted SMS4, you are required to comply with the following:
- 5.1.2.1 *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 5.1.2.2 *Test Procedures.* Monitoring results must be conducted according to test procedures approved under 40 CFR part 136.
- 5.1.3 Records of monitoring information shall include:
- 5.1.3.1 The date, exact place, and time of sampling or measurements;
- 5.1.3.2 The names(s) of the individual(s) who performed the sampling or measurements;
- 5.1.3.3 The date(s) analyses were performed;
- 5.1.3.4 The names of the individuals who performed the analyses;
- 5.1.3.5 The analytical techniques or methods used; and
- 5.1.3.6 The results of such analyses.
- 5.1.4 *Discharge Monitoring Report.* Monitoring results must be reported on a Discharge Monitoring Report (DMR)

5.2 Record Keeping

- 5.2.1 You must 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, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the Department at any time.

5.2.2 You must submit your records to the Department when specifically asked to do so. You must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the Department. You must make your records, including the notice of intent (NOI) or application and the description of the SWMP, available to the public if requested to do so in writing.

5.3 Reporting

You must submit your first annual report to the Department fourteen months after the effective date of the written certificate of coverage. The following annual reports shall be submitted every twelve months from the scheduled date of the first submittal. All annual reports shall be sent to:

SCDHEC Bureau of Water
Water Pollution Compliance & Enforcement Section
2600 Bull Street
Columbia, SC 29201-1708

The report must include:

- 5.3.1 The status of your compliance with permit conditions, an assessment of the appropriateness of the identified BMP under Part 4, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
- 5.3.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- 5.3.3 A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);
- 5.3.4 Proposed changes to your SWMP, including changes to any BMP or any identified measurable goals that apply to the program elements; and
- 5.3.5 Notice that you are relying on another entity to satisfy some of your permit obligations (if applicable).
- 5.3.6 Information requested in the permit including, but not limited to: sections 1.4.7, 1.5.2, 3.1.1.1 & 2, 3.2.1.2.1.c & d, 3.3.1.1, 3.3.6, 4.1.6, 4.2.1.3.2, 4.2.3.2.2.2, 4.2.3.3.1.2, 4.2.3.4.3.e, 4.2.4.3.7, 4.5.1 and in the additional conditions applicable to NPDES MS4 permits contained in Appendix B of the permit.

6 Standard Permit Conditions

South Carolina regulations require that the Standard Conditions provisioned at §122.41 of SC Regulation 61-9 be applied to all NPDES permits. In addition to complying with those Standard Conditions, there are

Additional Conditions details of which are provided in Appendix B, as they are applicable to MS4 storm water discharges.

7 Definitions

All definitions contained in Section 502 of the Act 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.

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure, as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

Department means the South Carolina Department of Health and Environmental Control.

Discharge, when used without a qualifier, refers to “discharge of a pollutant” as defined at South Carolina Water Pollution Control Permits Regulation 61-9 122.2.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a small municipal separate storm sewer.

Illicit Discharge is defined at South Carolina Water Pollution Control Permits Regulation 61-9 122.26(b)(2) and refers to any discharge to a small municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the SMS4) and discharges resulting from fire fighting activities.

Indian Country, as defined in 18 USC 1151, means:

- (a) 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;
- (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and,

- (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

MEP is an abbreviation for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p).

MS4 is an abbreviation for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Columbia MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Greenville County MS4 includes MS4s operated by the city of Greenville, the South Carolina Department of Transportation, Greenville County, and others).

Municipal Separate Storm Sewer is defined at South Carolina Water Pollution Control Permits Regulation 61-9 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or 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, storm water, 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 waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at South Carolina Water Pollution Control Permits Regulation 61-9 122.2.

NOI is an abbreviation for "Notice of Intent" to be covered by this permit and is the mechanism used to request coverage under a general permit.

Outfall means a point source as defined by section 122.2 of SC Regulation 61-9 at the point where a municipal separate storm sewer discharges to waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

Regulated Small Municipal Separate Storm Sewer System is defined by Section 122.32 South Carolina Regulation 61-9 and means: (1) a small municipal storm sewer system that is located in an urbanized area as determined by the latest Decennial Census by the Bureau of Census (If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated.); or (2) you are designated by the Department, including where the designation is pursuant to Sections 122.35(b)(3) or (b)(4) of SC Regulation 61-9, or is based upon a petition under Section 122.26(f) of the SC Regulation 61-9. In accordance with Section 122.32(c) of SC Regulation 61-9, the Department may waive the requirements otherwise applicable to you if you meet the criteria of Sections 122.32(d) or (e) of SC Regulation 61-9.

Small Municipal Separate Storm Sewer System (SMS4) is defined at South Carolina Water Pollution Control Permits Regulation 61-9 122.26(b)(16) and refers to all small separate storm sewer systems that are owned or operated by the United States, 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, storm water, 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 waters of the United States, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Storm Water is defined at South Carolina Water Pollution Control Permits Regulation 61-9 122.26(b)(13) and means storm water runoff, snowmelt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive storm water management program to manage the quality of storm water discharged from the small municipal separate storm sewer system.

Waters of South Carolina, or Waters of the State 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 and all waters of the United States within the political boundaries of the State of South Carolina. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the South Carolina. This exclusion applies only to manmade bodies of water which neither were originally created in waters of South Carolina (such as disposal areas in wetlands) nor resulted from the impoundment of waters of South Carolina.

Waters of the United States, or Waters of the U.S. means:

- (a) 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;
- (b) All interstate waters, including interstate "wetlands";
- (c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, wet meadows, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of South Carolina under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

“You” and “Your” as used in this permit is intended to refer to the 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.).

DRAFT PERMIT FOR PUBLIC NOTICE 11-0300-R – Thursday, March 3rd, 2011
 NPDES General Permit for Storm Water Discharges from Regulated SMS4, SCR030000.

Appendix A - Regulated Small MS4s in SC

Reference list (not inclusive of all SMS4 owners or operators subject to SC Water Pollution Control Permits Regulation 61-9 122.32 – 122.36) of Governmental Entities Located Fully or Partially Within an Urbanized Area in the State of South Carolina according to the 2000 Census of Population and Housing, U.S. Bureau of the Census (May be subject to change). Military bases, large hospitals, prison complexes, universities and colleges, sewer districts, and highway departments that own or operate an SMS4 within an urbanized area are also subject to the SC Water Pollution Control Permits Regulation 61-9 122.26(b)(16) and 122.32(a).

URBANIZED AREA (UA)	MUNICIPALITY	POPULATION (IN UA)	DENSITY
Anderson, including Centerville, Homeland Park & Northlake CDPs	Anderson	25,510	1,845
	Anderson County ¹	(40,636) + 9,958	
	Belton *	4,290	1,150
Augusta – SC, including Belvedere, Clearwater, Gloverville & Murphys Estates CDPs	Aiken	24,621	1,559
	Aiken County	40,423	
	Burnettown	2,331	558
	Edgefield County	246	
	North Augusta ²	17,381 + 5	1,003
Charleston – N. Charleston, including Ladson, a CDP	Berkeley County	43,233	
	Charleston	93,382	847
	Charleston AFB **		
	Charleston County	45,755	
	Dorchester County	40,132	
	Folly Beach	1,760	113
	Goose Creek	28,708	903
	Hanahan	12,708	1,211
	Isle of Palms	4,508	826
	Lincolnton	904	807
	Mount Pleasant	45,582	959
	North Charleston ³	74,336 + 3,379	1,274
	Sullivan's Island	1,911	574
	Summerville ⁴	940 + 20 + 26,782	1,806
US Navy WS **			
Charlotte – SC, including Lake Wylie & Riverview CDPs	Fort Mill	7,533	1,649
	Tega Cay *	4,044	1,287
	York County ⁵	(12,552) + 20,663	
Columbia, including Dentsville, Lake Murray, Oak Grove, Red Bank, Seven Oaks, St. Andrews & Woodfield CDPs	Arcadia Lakes	882	1,316
	Cayce	11,817	1,076
	Elgin *	801	814
	Fort Jackson **		
	Forest Acres	10,558	2,133
	Irmo ⁶	4,071 + 6,968	2,719
	Kershaw County *	1,678	
	Lexington *	9,769	1,709
	Lexington County	93,069	
	Pine Ridge	1,195	428
	South Congaree	2,252	697
	Springdale	2,877	712
West Columbia	13,064	2,064	

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URBANIZED AREA (UA)	MUNICIPALITY	POPULATION (IN UA)	DENSITY
Florence	Darlington County	3,067	
	Florence	30,126	1,704
	Florence County	33,346	
Greenville, including Arial, Berea, City View, Dunean, Gantt, Golden Grove, Judson, Parker, Piedmont, Powdersville, Sans Souci, Taylors, Wade Hampton & Welcome CDPs	Anderson County ¹	(9,958) + 40,636	
	Easley [*]	17,698	1,659
	Greenville [*]	55,789	2,140
	Greer ^{7*}	(10,966 + 4,867) + 399	1,057
	Liberty [*]	2,697	705
	Pickens [*]	2,970	1,240
	Pickens County	17,454	
	Spartanburg County ⁸	(7,415) + 331 + 90,254	
	Travelers Rest [*]	3,693	932
	Mauldin – Simpsonville, including Five Forks, a CDP	Fountain Inn ^{9*}	4,612 + 1,178
Greer ^{7*}		(399) + 10,966 + 4,867	1,057
Laurens County [*]		386	
Mauldin [*]		14,978	1,764
Simpsonville [*]		14,352	2,300
Spartanburg County ⁸		(331) + 7,415 + 90,254	
Myrtle Beach, including Forestbrook, Garden City, Little River, Murrells Inlet, Red Hill & Socastee CDPs	Atlantic Beach [*]	351	2,340
	Briarcliffe Acres [*]	470	712
	Conway [*]	11,506	884
	Georgetown County	5,233	
	Horry County	68,302	
	Myrtle Beach	22,696	1,351
	North Myrtle Beach [*]	10,001	808
	Surfside Beach	4,425	2,269
Rock Hill, including India Hook, Lesslie & Newport CDPs	Rock Hill	49,344	1,599
	York County ⁵	(20,663) + 12,552	
Spartanburg, including Boiling Springs, Inman Mills, Roebuck, Saxon, Southern Shops, Startex & Valley Falls CDPs	Cherokee County [*]	363	
	Cowpens	2,074	978
	Duncan [*]	2,764	824
	Inman [*]	1,884	2,117
	Lyman [*]	2,391	653
	Spartanburg	39,673	2,064
	Spartanburg County ⁸	(90,254)	
	Wellford [*]	1,948	1,005
Sumter, including Cane Savannah, Cherryvale, East Sumter, Lakewood, Millwood, Mulberry, Oakland, South Sumter & Stateburg CDPs	Shaw AFB ^{**}		
	Sumter	38,579	1,478
	Sumter County	25,561	

() Population for counties in two, or more UAs.

(*) SMS4 owners or operators of Governmental Entities Located Fully or Partially Within an Urbanized Area in the State of South Carolina in addition to those listed on page 68831 of Appendix 6 of the preamble of the Federal Register, Vol. 64, N^o. 235, Wednesday, December 8, 1999, according to the 2000 Census of Population and Housing, U.S. Bureau of the Census.

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- (**) Military bases, large hospitals, prison complexes, universities and colleges, sewer districts, and highway departments that own or operate an SMS4 within an Urbanized Area are also subject to SC Water Pollution Control Permits Regulation 61-9 122.32 – 122.36

- (¹) In the Anderson UA, 40,636 people & in the Greenville UA, 9,958 people

- (²) In the Augusta – Richmond County, GA – SC UA, 17,381 people in Aiken County & 5 in Edgefield County

- (³) In the Charleston – North Charleston UA, 74,336 people in Charleston County & 3,379 in Dorchester County

- (⁴) In the Charleston – North Charleston UA, 940 people in Berkeley County, 20 in Charleston County & 26,782 in Dorchester County

- (⁵) In the Charlotte, NC – SC UA, 12,552 people & in the Rock Hill UA, 20,663 people

- (⁶) In the Columbia UA, first number is the population in the Lexington County portion of the municipality, while the second corresponds to the Richland County portion

- (⁷) In the Greenville UA, 10,966 people in Greenville County & 4,867 in Spartanburg County. In the Mauldin - Simpsonville UA, 399 people in Spartanburg County

- (⁸) In the Greenville UA, 7,415 people, in the Mauldin – Simpsonville UA, 331 people & in the Spartanburg UA, 90,254 people

- (⁹) In the Mauldin – Simpsonville UA, 4,612 people in Greenville County & 1,178 in Laurens County

Appendix B – Sections 122.41 and 122.22 of SC Regulation 61-9

Section 122.41

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.

(iv) [Reserved.]

(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.

Additional conditions applicable to NPDES MS4 permits

Requiring an individual permit. The Department may require any person authorized by a general permit to apply for and obtain an individual NPDES permit. An applicant, any affected state, or interstate agency, the Regional Administrator, or any other interested person may petition the Department to take action under this paragraph. The petition shall indicate specific reasons why an individual permit is requested and the interest in or relationship of the petitioner to the applicant. Cases where an individual NPDES permit may be required include the following:

- (A) The discharger is not in compliance with the conditions of the general NPDES permit;
- (B) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- (C) Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit, Land Application permit;
- (D) A Water Quality Management plan containing requirements applicable to such point sources is approved;
- (E) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
- (F) Standards have been promulgated for the discharges covered by the general NPDES permit; or
- (G) The discharge(s) is a significant contributor of pollutants. In making this determination, the Department may consider the following factors:
 - (1) The location of the discharge with respect to waters of the State;
 - (2) The size of the discharge;
 - (3) The quantity and nature of the pollutants discharged to waters of the State; and
 - (4) Other relevant factors.

Any MS4 owner or operator authorized by this general permit may request to be excluded from coverage under this general permit by applying for an individual permit. The owner or operator shall submit an application, with reasons supporting the request, to the Department no later than 90 days after the publication of the general permit in the State Register. The request shall be processed in accordance with R.61-9.124. The request shall be granted by issuing of an individual permit if the reasons cited by the owner or operator are adequate to support the request.

When an individual NPDES permit is issued to a MS4 owner or operator otherwise subject to a general NPDES, permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit.

A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked, and be covered under the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

Small Municipal Separate Storm Sewer System The owner / operator of a small municipal separate storm sewer system (SMS4) authorized to discharge stormwater under this permit must submit the following information in the annual report. Information shall include:

- (1) The status of implementing the components of the storm water management program that are established as permit conditions;
- (2) Proposed changes to the storm water management programs that are established as permit conditions;
- (3) Revisions, if necessary, to the assessment of controls and the fiscal analysis, including a description of staff resources necessary to meet the requirements of this permit;
- (4) A summary of data, including monitoring data, that is accumulated throughout the reporting year;
- (5) Annual expenditures and proposed budget, including legal restrictions in the use of such funds, for year following each annual report;
- (6) A summary describing the number and nature of enforcement actions, inspections, and public education programs; and,
- (7) Identification of water quality improvements or degradation.

Storm Water Discharges.

The reauthorized permit coverage for storm water discharges composed entirely of storm water issued pursuant to section 122.26(e)(9) of this regulation shall require compliance with the conditions of the permit based on 122.34(e) for existing TMDL at the time of permit coverage as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit.

A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment in compliance with 122.34(e) is appropriate for new permittees authorized pursuant to section 122.26(e)(9).

Water Quality Standards and State requirements: In addition to effluent limitations guidelines or standards under sections 301, 304, 306, 307, and 318, and 405 of CWA conditions in this permit are necessary to achieve water quality standards established under section 303 of the CWA, including State narrative criteria for water quality.

Limitations control all pollutants or pollutant parameters which the Department determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.

Wherever and whenever it is determined that discharges covered under this permit cause, have the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criteria within a State water quality standard, this permit contains procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species, and the increased flow of discharges composed entirely of storm water in the receiving water.

Where SC DHEC Bureau of Water has determined that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a State numeric criteria within a State water quality standard for an individual pollutant, this permit contain effluent limits for that pollutant of concern.

Where the Department has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, this permit establishes effluent limitations on an indicator parameter (surrogate) indicated for the pollutant of concern, provided it is identified in a TMDL for which pollutants are intended to be controlled. This permit requires all effluent and ambient monitoring necessary to show that during the term of the permit the limit on the indicator parameter continues to attain and maintain applicable water quality standards.

For water quality-based effluent limits WQBEL, compliance with this permit shall ensure that the level of water quality to be achieved by limits on permitted point sources established is derived from, and complies with all applicable water quality standards; and that effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available wasteload allocation WLA for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7.

Best management practices (BMP) to control or abate the discharge of pollutants are appropriate controls under section 402(p)(3)(B) of the CWA to reduce the discharge of pollutants for discharges from MS4.

Interim effluent limitations, standards or conditions are at least as stringent as the final limitations, or conditions in the previous permit. In no event may this permit contain a less stringent effluent limitation that would result in a violation of a water quality standard under section 303 of the CWA applicable to such waters. In the event this section conflicts with the provisions of the Clean Water Act, the CWA will apply.

Discharges to territorial seas, the contiguous zone, and the oceans are not authorized for coverage under this permit unless such discharges incorporate, and are in compliance with, the ocean discharge criteria of 40 CFR Part 125, Subpart M, CWA 403(c) criteria for ocean discharges.

Qualifying State, Tribal, or Local programs.

For storm water discharges associated with small construction activity identified in section 122.26(b)(15), this permit include conditions that incorporate qualifying State, Tribal, or local erosion and sediment control program requirements by reference. All MS4 **Construction Site Storm Water Runoff Control & Post-Construction Storm Water Management in New Development and Redevelopment or Permanent / Long Term Storm Water Pollution Control Measures** MCM include:

- (1) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- (2) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- (3) Requirements for construction site operators to develop and implement a storm water pollution prevention plan. (A storm water pollution prevention plan includes site descriptions, descriptions of appropriate control measures, copies of approved State, Tribal or local requirements, maintenance procedures, inspection

procedures, and identification of non-storm water discharges); and

- (4) Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.

For storm water discharges from construction activity identified in section 122.26(b)(14)(x), this permit also include conditions that incorporate qualifying State, Tribal, or local erosion and sediment control program requirements by reference. In addition to the elements listed above, additional requirements necessary to achieve the applicable technology-based standards of “best available technology” and “best conventional technology” have been included based on the best professional judgment of the permit writer.

In the event this permit, or any section herein, conflicts with any provision contained in SC Water Pollution Control Permit Regulation 61-9, SC R.61-9 will apply. In the event any applicable section of SC R-61-9 conflicts with the provisions of the Clean Water Act, the CWA will apply.

Section 122.22

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.”

APPENDIX C

**Small Municipal Separate Storm Sewer Systems (SMS4)
Notice of Intent (NOI) Template for authorization to discharge
Storm Water from Regulated SMS4 under
SC NPDES Phase II General Permit (SCR030000)**

**South Carolina Department of Health and Environmental Control
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201-1708**

DRAFT

Small Municipal Separate Storm Sewer Systems (SMS4) Notice of Intent (NOI) Template for authorization to discharge Storm Water from Regulated SMS4 under SC NPDES Phase II General Permit (SCR030000)

FOR OFFICE USE ONLY	
DATE RECEIVED	
DATE REVIEW COMPLETE	
REVIEWED BY	

PURPOSE

The purpose of the SMS4 Notice of Intent (NOI) is for an owner / operator of a Regulated Small Municipal Separate Storm Sewer System located partly, or wholly, in the State of South Carolina to seek authorization to discharge stormwater runoff under SC Phase II NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems, SCR030000

INSTRUCTIONS

The following information must be provided to the Bureau of Water, Stormwater Permitting Section as application material. Application questions are intended to highlight the SWMP requirements under the SMS4 permit. Each element not currently performed must be implemented by the date required in the permit.

NOTE: The proposed stormwater quality management program should provide a forum and a structure by which to encourage, or to allow, the public to participate. There may be specific ways the public might be involved, based on a program's particular needs. For instance, you may want stream watch groups to be organized. As such, the proposed program should describe how this will be accomplished, and the time schedule. Each SWMP will be reviewed by the Department to ensure it is the functional equivalent of the permit under which the SMS4 is seeking coverage. This application is divided into five Parts (I thru V) and seven subsequent Sections (1 thru 7). Each must be completed in their entirety. Attached at the end this SMS4 NOI, there are three tables listed as addenda to sections 1 thru 6 to list BMP Measurable Goals and Implementation Milestones for each MCM. Complete each addendum, providing more details on the goals and milestones for each BMP outlined in this NOI as required in the permit and attach them to this NOI.. In Table 1, you must list by name and description the Best Management Practices (BMP) that will be implemented in each area (based on a set of priorities identified in the area). In Table 2, provide the administrative information to complete those identified BMP as explained below. In Table 3, provide more details on the goals and milestones for each BMP outlined in this NOI as required in the permit.

ADMINISTRATIVE INFORMATION	
Primary Contact and Position/Title	The person in your organization serving as the primary contact.
Other Department and Roles	Other departments within your organization involved in the project and how their role is identified.
Other Government Entity and Roles	Identification of other government entities responsible for implementing one or more of the BMP's. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.
Other Institutions and Roles	Identification of partnerships with another MS4 operator or institution (e.g., Chamber of Commerce, environmental interest organizations, civic groups) to achieve the BMP.
Equipment Needs (if applicable)	What are these needs?
Target Groups (if applicable)	Specific kinds of groups that will be targeted, such as service industries (i.e., carpet cleaning), civic groups, schools, and church groups, etc.

DRAFT PERMIT FOR PUBLIC NOTICE 11-0300-R – Wednesday, March 3rd, 2011
 NPDES General Permit for Storm Water Discharges from Regulated SMS4, SCR030000.

**PART 1
 ADMINISTRATIVE INFORMATION**

Name of municipal entity / tribe / state agency / federal agency / or public institution that owns / operates a small MS4:

 MS4 SCR03
 NPDES Small MS4 Permit Coverage Number

 Responsible Elected Official or Officer Title

 Street Address City State Zip Code

- Indicate whether the SMS4 is a:
- Municipal Entity
 - Tribe
 - State Agency
 - Federal Agency
 - Other Public Institution: _____.

PROGRAM CONTACT

TECHNICAL CONTACT

 Name

 Email Address

 Phone Number

 Name

 Email Address

 Phone Number

PROGRAM CONTACT (Continued)

TECHNICAL CONTACT (Continued)

 Phone Number

 Name

- Attach an organizational chart that shows the different departments involved in stormwater management.
- Indicate whether or not the SMS4 is relying on another entity to satisfy one or more of its permit obligations. If checked, the entities and the elements being implemented must be listed below with copy of all written documentation required under Section 4.4 attached to this NOI.

- Indicate whether or not the SMS4 is a co-permittee partnering with other SMS4 to develop and implement the SWMP. If checked, SMS4 may jointly submit an NOI with one or more SMS4 in it. Each SMS4 in the NOI must obtain authorization to discharge under SCR030000. The SWMP description must clearly indicate the joint permittees responsibility. Each and every element being implemented must be discussed in the written documentation pertinent to Section 2.4 attached to this SMS4 NOI.

**PART II
SMS4 INFORMATION**

**ITEM A
MS4 SYSTEM**

Urbanized Area (UA), or Core Municipality (if the SMS4 is not located in an UA) _____

Latitude and Longitude of the center of the SMS4 _____

Jurisdiction in square miles within current corporate boundaries: _____

Area of additional urban growth boundary: _____

The permit will be used to regulate the: Entire Jurisdiction UA portions, as follows (Counties only):

Unincorporated Area _____

Total Area: _____ Unincorporated, Urbanized Area _____

**ITEM B
STORM DRAINAGE INFRASTRUCTURE**

Give figures for the following features of stormwater drainage infrastructure owned or operated by the local government. For a county government, indicate whether the figures represent the entire county or only the urbanized area. Figures for length and number of culverts and catch basins may be rough estimates.

Entire Jurisdiction _____	Urbanized Area(s) _____	COUNTIES ONLY
Storm Sewers _____	Open Ditches _____	
Miles _____	Miles _____	Feet _____
Feet _____		
Culverts _____	Catch Basins _____	
(estimate number)	(estimate number)	
Retention and / or Detention Basins _____	(estimate MS4 owned / operated number)	

**ITEM C
MAPS MUST CLEARLY OUTLINE ALL OF THE REQUESTED INFORMATION**

Zoned areas for commercial or industrial activity _____	State vocational, technical, college or universities _____
Actual areas of commercial or industrial activity _____	Federal vocational, technical, college or universities _____
Other municipally owned/operated industrial activities _____	City Roads _____
Municipal or County Wastewater Treatment Plants _____	County Roads _____
Vehicle Fleet Maintenance Centers _____	Perennial and intermittent streams _____
Power Plants _____	Topography or Drainage Patterns _____
Airports _____	Landfills _____
Military Installations _____	Indian Country lands, if any _____

**ITEM D
IDENTIFYING IMPAIRED STREAMS AND ALL SENSITIVE WATER BODIES**

Identify water bodies (located throughout the SMS4 jurisdiction or extending one mile beyond the SMS4 service boundaries SMS4 intended to be covered under the permit) listed in Part 3 of the permit. Impairments, indicating the nature of pollution (cause) and their sources should be listed below. Visit: <http://www.scdhec.gov/tmdl>

STREAM NAME	WQMS	Impairment(s)

ITEM E
HAS THE STATE OR EPA ISSUED A TDML FOR ANY STREAMS LOCATED THROUGHOUT THE SMS4 JURISDICTION OR EXTENDING ONE MILE BEYOND THE SMS4 SERVICE BOUNDARY?

Yes No If yes, list stream, WQMS, and parameter(s) of concern, visit: <http://www.scdhec.gov/tmdl>:

STREAM	WQMS and PARAMETERS OF CONCERN

PART III
EXISTING LEGAL AUTHORITY TO CONTROL STORMMATER DISCHARGES TO MS4

Review ordinances applicable to the control of pollution that might enter the SMS4. Extract the portions of the ordinances that apply to the control of the storm sewer system and attach a copy of those portions to this NOI. Ordinances dealing with stormwater issues might be found, for example, in conjunction with litter control, prohibition of dumping, clean up of spills, grading/building permits, sewer connection ordinances, erosion and sediment practices, subdivision regulations or other land use/development ordinances. Ensure that all legal authority necessary to enable the SMS4 to carry out all provisions of the permit are obtained.

PART IV
PROPOSED STORMWATER MANAGEMENT PROGRAM

This NOI requires SMS4 seeking coverage to provide a description of existing and planned activities as well as Best Management Practices (BMP) for a SWMP. The following sections correspond to the six minimum control measures MCM to be included in the SWMP required in part 4.2 of the permit. If another MS4 will be responsible for implementing any or all portions of any or all following six minimum measures, attach the inter local agreement (ILA) and the proposed implementation schedule. The NOI must be completed by answering all pertinent questions for the six MCM.

PART V
SIGNATURE OF RESPONSIBLE CORPORATE OFFICER

This NOI must be signed as follows: For a municipality, state, federal, other public agency, and/or co-permittees by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes one of the following:

- i. The chief executive officer of the agency.
- ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

"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."

 Signature Title/MS4 Date

SECTION 1
PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS

1. Are (or will, within the first year of permit coverage,) the goals and objectives of the program based on at least three high priority, community-wide issues (e.g. reduction of the POC in discharges from the MS4, promoting pervious techniques used in the MS4) defined?

Yes
No

If no, explain

2. Are (or will, within the first year of permit coverage) the pollutant(s) of concern identified and the audience(s) targeted?

Yes
No

If no, explain

3. Have (or will, during permit coverage,) appropriate message(s) based on targeted residential issues and on targeted industrial/commercial issues and / or from issues deemed more appropriate to the MS4 been created?

Yes
No

If no, explain

4. Have (or will, during permit coverage,) appropriate educational materials (e.g. the materials can utilize various media such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, websites) been developed?

Yes
No

If no, explain

5. Is (or will during permit coverage) public input (e.g., the opportunity for public comment, or public meetings) being utilized in the development of the SWMP?

Yes
No

If no, explain

Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 1 tables to this NOI.

SECTION 2
PUBLIC INVOLVEMENT AND PUBLIC PARTICIPATION

1. Have (or will, within the first year of permit coverage,) balanced citizen groups been established and invited to participate in the development and implementation of all parts of the community's SWMP?

Yes
No

If no, explain

2. Are (or will, during the permit term) opportunities created for citizens to participate in the implementation of stormwater controls (e.g., stream clean-ups, storm drain stenciling, volunteer monitoring, and educational activities)?

Yes
No

If no, explain

3. Has the permittee (or will, during the permit term,) ensured that the public can easily find information about the SMS4 SWMP? If available in the web, provide link

Yes
No

If no, explain

4. Are (or will) written procedures for implementing the **Public Involvement / Participation** MCM incorporated into the SWMP?

Yes
No

If no, explain

Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 2 tables to this NOI.

**SECTION 3
ILLICIT DISCHARGE DETECTION AND ELIMINATION**

The following are common sources of illicit discharges to an MS4:

- Sanitary Wastewater
- Car wash wastewaters
- Radiator flushing disposal
- Spills from roadway accidents
- Carpet cleaning wastewaters
- Effluent from septic tanks
- Improper oil disposal
- Laundry Wastewaters/gray water
- Improper disposal of auto and household toxics

STORM SEWER SYSTEM MAP

Does the MS4 currently have a storm sewer system map completed for the entire regulated municipal separate storm sewer system? The map must depict, at a minimum: city streets, topography or drainage patterns, streams, and outfalls (points where the city or county-operated MS4 discharges into the streams or adjacent MS4s).

Yes

No If no, explain

PRIORITY AREAS, FIELD SCREENING, TRACING AND ELIMINATION OF ILLICIT DISCHARGES

Has (or will, within the first year of permit coverage,) the MS4 identified priority areas documenting its basis for the selection?

Yes

No If no, explain

Does the MS4 currently have (or will have) written field screening and analytical protocol to detect and eliminate illicit discharges to the MS4 within one year from the effective date of coverage?

Yes

No If no, explain

Does the MS4 currently have procedures for tracing the source of an illicit discharge?

Yes

No If no, explain

INSPECTION/SCREENING AND ENFORCEMENT PROCEDURES

1. Does the MS4 presently have personnel and procedures in place for inspection and/or screening for non-stormwater discharges? If yes, please describe and indicated percentage of system inspected and/or screened.

Yes

No

2. Does the MS4 presently have procedures and personnel in place for enforcement of violations of the illicit discharge ordinance? If yes, please describe.

Yes

No

3. How are enforcement actions documented?

4. Has the MS4 defined "hot spots" for non-stormwater discharge screening and inspections? If yes, please describe and provide a map of illicit discharge screening priority areas.

Yes

No

PUBLIC INPUT AND COMPLAINTS

1. Does the MS4 presently have procedures in place to receive and consider information and complaints about non-stormwater discharges that are submitted by the public? If so, provide brief description: responsible departments, personnel, steps followed.

Yes

No

EDUCATION

1. Has the MS4 educated the public and businesses including, but not limited to, auto parts supply, auto repair shop and restaurants, regarding ways to detect, prevent and eliminate illicit discharges? If yes, briefly describe the educational materials, including media

used (e.g., written brochures, public service announcements, etc.), the topic(s) covered, intended target audience(s), and the distribution method.

Yes
No

ILLCIT DISCHARGE ORDINANCES

1. Does the MS4 currently have an ordinance or regulatory mechanism that prohibits non-stormwater discharges into the storm sewer system? If yes, please attach a copy of the ordinance and give page number(s) of this section of ordinance. If No, proceed to the next section (inspections and enforcement).

Yes No _____ Page Number _____ Ordinance Section Number

2. Does the ordinance or regulatory mechanism clearly define non-stormwater discharges, either through a written description of a non-stormwater discharge or through a listing of unallowable or allowable non-stormwater discharges?

Yes No If no, explain

3. Does the ordinance or regulatory mechanism allow right-of-entry on private property for inspection of suspected discharges?

Yes No If no, explain

4. Does the ordinance or regulatory mechanism prohibit dumping?

Yes No If no, explain

5. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to eliminate non-stormwater discharges in the event of violations? If yes, please note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

6. What is maximum penalty in ordinance or regulatory? Please note maximum penalty, page number and paragraph number.

Yes No _____ Max. Penalty _____ Page Number _____ Paragraph Number

7. Does the MS4 have ordinance or other regulatory mechanism that prohibits contamination of stormwater runoff from "hot spots" including industrial and commercial properties, restaurants, auto repair shops, auto supply shops, and large commercial parking areas?

Yes No If no, explain

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI.
Identify and outline measurable goals and milestones. Attach completed Section 3 tables to this NOI.**

SECTION 4

CONSTRUCTION SITE RUNOFF PROGRAM

CONSTRUCTION SITE RUNOFF ORDINANCES

1. Do the current ordinances/regulations for the municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified.

Yes
No

2. Do you currently have an erosion prevention and sediment control - or similar - ordinance or regulatory mechanism? If yes, include a copy and reference the page number(s). If No, proceed to the next set of questions below about construction site plans review.

Yes No _____ Page Number

3. Does the ordinance or regulatory mechanism require that site operators implement erosion prevention, sediment control, soil stabilization practices and other controls for land disturbance activities?

Yes No If no, explain

4. Does the ordinance/regulatory mechanism require (explicitly or implicitly) that controls be implemented for any land disturbances greater than or equal to one acre, or less than one acre if part of a large common plan of development or sale that would disturb one acre or more? If yes, note the page number and paragraph number where this is defined.

Yes No _____ Page Number _____ Paragraph Number

5. Does the ordinance or regulatory mechanism contain or reference technical standards for erosion and sediment control? If yes, note the page number and paragraph number where this is defined.

Yes No _____ Page Number _____ Paragraph Number

6. Do those technical standards meet with or exceed the current SC DHEC construction general permit sections 3.5 and 4.4?

Yes No

7. Do technical standards require that construction activities maintain temporary water quality buffers during construction?

Yes No

8. Does the ordinance or regulatory mechanism clearly define the criteria - primarily who must submit - for submitting erosion and sediment control information or plans? If yes, note page number and paragraph number

Yes No _____ Page Number _____ Paragraph Number

9. Does the ordinance or regulatory mechanism require approval by the local government prior to commencement of land disturbance activities? If yes, note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

10. Does the ordinance or regulatory mechanism require re-submittal of erosion and sediment control information or plans if site plans or conditions change during land disturbance activities? If yes, note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

11. Does the ordinance or regulatory mechanism allow right-of-entry for government officials onto construction sites for inspections? If yes, note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

12. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to STOP WORK in the event of non-compliance violations? If yes, note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

13. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to effectively prohibit the discharge of pollutants in wash waters, from washouts, in stormwater runoff and from leaks and spills? If yes, note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

CONSTRUCTION SITE PLANS REVIEW

1. Does the MS4 presently have in place a technical review process with approval conditioned to meeting all requirements contained in parts 4.2.4 & 5 of the permit (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment construction for construction site runoff?

Yes No If no, explain

2. Does the technical review process require an erosion prevention and sediment control plan to protect water quality with appropriate BMP rationale?

Yes No If no, explain

3. Does the review process include a requirement for pre-construction meeting between the MS4 and site developer, for priority construction sites, including at a minimum those construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired or high quality?

Yes No If no, explain

4. If there is a review process, provide a brief narrative or a flow chart of the process, describing the process steps, responsible personnel qualifications (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

Yes No If no, explain

RESPONDING TO PUBLIC INPUT AND COMPLAINTS

1. Does the MS4 presently have procedures in place for receipt and consideration of information and complaints submitted by the public?

Yes No

If Yes, please provide a brief narrative of the receipt process and procedures, describing process steps, responsible departments, and personnel (by title). If available, provide information on complaint tracking, documentation, etc:

ENFORCEMENT AND INSPECTION PROCEDURES

1. Does the MS4 presently have personnel and procedures in place for construction site runoff inspection?

Yes No If no, explain

2. Does the program provide for monthly inspection of priority sites?

Yes No If no, explain

3. Does the MS4 presently have procedures and personnel in place for enforcement to the maximum extend for violations of construction site requirements?

Yes No If no, explain

4. Does the MS4 use a STOP WORK order to enforce non-compliance with construction site policies and requirements?

Yes No If no, explain

5. How are enforcement actions documented?

TRAINING AND EDUCATION

1. Does the MS4 presently make construction site runoff control training/information available to the public, developers, engineers, and contractors? (Clemson University periodically provides training through its Certified Erosion Prevention & Sediment Control Inspection (CEPSCI) course. Local governments are encouraged to refer developers and contractors to these classes.)

Yes No If no, explain

2. Has MS4 staff completed states approved training, such as the Clemson CEPSCI program? Enter the number either way

Yes If yes, how many? No

Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI. Identify and outline measurable goals and milestones. Attach completed Section 4 tables to this NOI.

SECTION 5
POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT OR
PERMANENT / LONG TERM STORM WATER POLLUTION CONTROL MEASURES

POST-CONSTRUCTION STORMWATER MANAGEMENT PROGRAM

1. Will the Post-Construction Stormwater Management Program require that controls are in place to meet the site performance standards in Part 4.2.5.2 to the MEP and to protect water quality?

Yes

No If no, explain

2. Does the MS4 currently have in place mechanisms or strategies to address permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more? For example, land use planning requirements, zoning directives, site-based local controls such as riparian buffer zone protection; storage or detention of stormwater prior to release to streams; practices to cause stormwater to percolate the soil rather than runoff immediately; vegetative practices.

Yes

No

If Yes, please provide a brief narrative of - and/or references to - the structural and non-structural strategies, describing strategies implemented, Best Management Practices allowed, technical guidance, responsible departments, and personnel (by title).

SITE PERFORMANCE STANDARDS

1. Has the permittee established, implemented and enforced a requirement that owners or operators of new development and redeveloped sites discharging to the MS4, which disturb greater than or equal to one acre (including projects that disturb less than one acre that are part of a larger common plan of development or sale), design, install, implement, and maintain stormwater control measures that maintain pre-development conditions and protect water quality to the MEP?

Yes

No

Page Number _____

Paragraph Number _____

PERMANENT STORMWATER CONTROLS SITE MANAGEMENT ORDINANCE

1. Do you currently have an ordinance or regulatory mechanism that addresses permanent stormwater runoff management from new development and redevelopment projects? If yes, reference the page number in your ordinance. If No, proceed to the next section on permanent stormwater management plans review.

Yes

No

Page Number _____

Paragraph Number _____

2. Does the ordinance or regulatory mechanism require controls to mitigate pollutants in stormwater runoff? If yes, note page number and paragraph number.

Yes

No

Page Number _____

Paragraph Number _____

3. Does the ordinance or regulatory mechanism require (explicitly or implicitly) that controls be implemented for any new development or redevelopment projects greater than or equal to one acre, including projects less than one acre that are part of a large common plan of development or sale, that discharge into your small MS4? If yes, note page number and paragraph number.

Yes

No

Page Number _____

Paragraph Number _____

4. Does the ordinance or regulatory mechanism contain or reference technical standards for water quality controls (e.g., design of detention basins)? If yes, note page number and paragraph number.

Yes

No

Page Number _____

Paragraph Number _____

5. Does the ordinance or regulatory mechanism clearly define the criteria for submittal -who must submit - of permanent stormwater management design information or plans? If yes, note page number and paragraph number.

Yes

No

Page Number _____

Paragraph Number _____

6. Does the ordinance or regulatory mechanism require approval prior to construction of permanent stormwater management controls? If yes, note page number and paragraph number.

Yes

No

Page Number _____

Paragraph Number _____

7. Does the ordinance or regulatory mechanism require re-submittal of permanent stormwater management design information or plans if site plans change after the initial design has been approved? If yes, please note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

8. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to penalize the owner of permanent stormwater management controls for violations? If yes, note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

9. Does the ordinance or regulatory mechanism allow the MS4 right-of-entry on property where permanent stormwater management controls are installed for inspections? If yes, please note page number and paragraph number.

Yes No _____ Page Number _____ Paragraph Number

10. Does the ordinance or regulatory mechanism require that permanent stormwater management controls have adequate and long-term operation and maintenance? If yes, please note page number and paragraph number. If no, how does the MS4 owner/operator maintain permanent stormwater management controls?

Yes
No

11. Does the ordinance or regulatory mechanism require establishment and maintenance of water quality buffers in areas of new development and redevelopment?

Yes No If no, explain

PERMANENT STORMWATER MANAGEMENT PLANS REVIEW

1. Does the MS4 presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment with regard to the impact that permanent stormwater runoff will have on receiving streams? Plan review must specifically address site performance standards and ensure long term maintenance.

Yes No

If Yes, provide a brief narrative or a flow chart of the review process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

2. Does the MS4 presently have in place a requirement for submittal of 'as-built' certifications at project completion to ensure that site performance standards and long term maintenance requirements are met?.

Yes No If no, explain

3. Does the MS4 presently include measures for effective water quality protection in its watersheds?

Yes No If no, explain

4. Does the MS4 track Post-Construction Stormwater Control measures?.

Yes No If no, explain

5. Does the MS4 conduct inspection of permanent storm water controls and document all findings and enforcement actions? .

Yes No If no, explain

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI.
Identify and outline measurable goals and milestones. Attach completed Section 5 tables to this NOI.**

SECTION 6
POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

MUNICIPAL FACILITIES AND STORMWATER CONTROL INVENTORY

1. Has the MS4 owner/operator obtained a SC Industrial Stormwater General Permit coverage or a no-exposure waiver for all qualifying municipal industrial activities? If yes, please give permit numbers or copy of the No-Exposure Certification form.

Yes No _____ Permit Numbers(s)

List municipally-owned or operated facilities that have a notable potential for contaminating runoff: for example - vehicle maintenance garages; waste transfer operations; golf courses; salt or other materials storage; landfill. If more than one facility for a given type of operation; give the number of such facilities. Indicate if any of these are covered by an NPDES permit. Is there a documented pollution prevention plan in place for these facilities?

FACILITY OR TYPE OF OPERATION	NUMBER	IS ACTIVITY COVERED BY NPDES PERMIT?	IS A POLLUTION PREVENTION PLAN IN EFFECT?
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

In addition to considering industrial-type operations, you must also consider municipal infrastructure, and related maintenance activities, maintenance schedules and long-term inspection procedures for structural controls and the proper disposal of waste from storm sewers/catch basins, etc. Also included in this program area is discharge of pollutants from roads and parking lots. See Part 4.2.6.1

MUNICIPAL OPERATIONS POLLUTION PREVENTION

1. Does the MS4's operations and maintenance program have policies and procedures in place that address pollution prevention? If yes, please describe procedures. Consider the following in your response: Municipally owned or operated facility assessment (4.2.6.2), Facility specific stormwater management SOP and facility stormwater controls (4.2.6.3), Storm sewer system maintenance activities-MS4 Maintenance (4.2.6.4), Flood management projects, (4.2.6.5), Pesticide, herbicide and fertilizer application and management in landscape maintenance (4.2.6.6). You may want to incorporate maintenance activities, maintenance schedules; long term inspection procedures for structural and non-structural stormwater controls to reduce floatables and other pollutants; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways; controls for reducing or eliminating pollutants from municipal parking lots, maintenance and storage yards, fleet or maintenance areas with outdoor storage areas, salt/sand storage areas, snow disposal areas, waste transfer stations; disposal of waste removed from storm sewers and the areas listed above; and assessment of impacts on water quality from all of the above.

Yes No If no, explain

STAFF EDUCATION AND TRAINING

1. Does the MS4's current operation and maintenance program provide annual training for staff on preventing and reducing stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance?

Yes No If no, explain

2. Are training activities documented? If yes, please describe training and method of record-keeping.

Yes No If no, explain

REQUIREMENTS FOR CONTRACTORS OVERSIGHT

1. Are contractors hired by the permitteeto perform municipal maintenance activities required to comply with all municipal operations control measures?

Yes

No If no, explain

2. Are oversight procedures documented? If yes, please describe SOP.

Yes

No

--

BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES

	Name	DESCRIPTION
A.		
B.		
C.		
D.		

ADMINISTRATIVE INFORMATION

PRIMARY CONTACT	POSITION OR TITLE

OTHER DEPARTMENT	ROLE

BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES (Continued)

GOVERNMENT ENTITY	BMP

OTHER INSTITUTION	ROLE

EQUIPMENT NEEDS (IF APPLICABLE)

GROUP	TARGET DESCRIPTION

**Complete Tables 1, 2, and 3 (BMP Measurable Goals and Milestones) in the addendum of this NOI.
Identify and outline measurable goals and milestones. Attach completed Section 1 tables to this NOI.**

**SECTION 7
INDUSTRIAL STORM WATER SOURCES**

1. Does the MS4 owner/operator maintain an inventory of all industrial sites/sources permitted under the DHEC Industrial NPDES Permitting program within their jurisdiction (regardless of ownership) that could discharge pollutants in stormwater to the MS4? If yes, please give permit numbers or copy of the No-Exposure Certification form.

Yes

No

_____ Permit Numbers(s)

ADDENDUM
TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES
These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)

SECTION

TABLE 1: BMP MEASURABLE GOALS AND IMPLEMENTATION MILESTONES

	Name	DESCRIPTION
A.		
B.		
C.		
D.		

TABLE 2: ADMINISTRATIVE INFORMATION

PRIMARY CONTACT	POSITION OR TITLE

OTHER DEPARTMENT	ROLE

BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND IMPLEMENTATION MILESTONES (Continued)

GOVERNMENT ENTITY	ROLE

OTHER INSTITUTION	ROLE

EQUIPMENT NEEDS (IF APPLICABLE)

GROUP	TARGET DESCRIPTION

**ADDENDUM
TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT (SMS4-NOI)
BEST MANAGEMENT PRACTICES (BMP) MEASURABLE GOALS AND MILESTONES**

These tables must be completed and attached for each of Sections 1 thru 6 of this Notice of Intent (NOI)

SECTION _____

TABLE 3: BEST MANAGEMENT PRACTICES

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year. Also, certain BMPs - e.g., an ordinance - should be put in place within one year.

BMP A	MEASURABLE GOALS AND MILESTONES
Goals	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BMP B	MEASURABLE GOALS AND MILESTONES
Goals	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BMP C	MEASURABLE GOALS AND MILESTONES
Goals	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BMP D	MEASURABLE GOALS AND MILESTONES
Goals	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

APPENDIX D

Permit Implementation Schedule for Existing Small Municipal Separate Storm Sewer Systems SMS4

PERMIT IMPLEMENTATION SCHEDULE

DATE	SECTION	REQUIREMENTS
Effective	1.4.3	Storm Water discharges from SMS4 authorized under Certificate of Coverage N°: SCR03XXnn
6 M	4.1.2.1, 4.2.4.2, 4.2.4.3.1.b, 4.2.5.1.3	If applicable, revised SWMP and / or up-to-date NOI
April 9, 2012	4.2.6.7.5	Pesticide Operations conducted by competently trained individuals
1 Y	3.2.1.1.1	Existing TMDL Monitoring and Assessment
	4.1.4.1	Adequate Legal Authority to implement and Enforce SWMP
	4.1.5.1	Implement Enforcement Response Plan (ERP)
	4.2.1.3	Initial assessment of public perception toward SWMP, assess and write the Public Education & Outreach (PEO) and the Public Involvement & Participation (PIP) Minimum Control Measures (MCM)
	4.2.2.1.3	
	4.2.3.6.2	IDDE training of appropriate municipal field staff
	4.2.4.3.7.a.i.	Initial MS4 Construction Staff Training
	4.2.4.3.7.b.i	Initial Training MS4 Plan Reviewers
4.2.6.4.1.b.i	Priority A Catch basins cleaned	
14 M	4.5.1 & 5.3	SWMP Annual Review & First Annual Report
18 M	3.2.1.2.1.a.i	Existing TMDL Monitoring Activities Initiated
	4.2.6.1.1 & 3.3.a	Initial Visual Inspection of all municipally owned, or operated, facilities
2 Y	4.2.1.2.1	~ 25% of the Public Education & Outreach (PEO) MCM accomplished
	4.2.1.3.2	Annual PEO assessment
	4.2.3.2.2.2	Update IDDE priorities
	4.2.4.3.7.a.ii	Annual refresher MS4 Construction Staff Training
	4.2.4.3.7.b.ii	Annual training (control measures, approaches, updates, changes)
	4.2.6.2.2 & 3.3.b	Yearly comprehensive inspection of “high priority” facilities
	4.2.6.4.1.b.i	Priority A & B Catch basins cleaned
4.2.6.5	Assessment of new flood projects water quality impacts & additional water quality protection devices or practices for existing ones	
2 Y +	3.2.1.1.3	Monitoring & Assessment Plans for new TMDL
26 M	4.5.1 & 5.3	SWMP Annual Review & Second Annual Report
30 M	4.2.6.2.2 & 3.3.c	Semi-annual visual observation of “high priority” facilities
3 Y	3.3.2.1	Existing TMDL Implementation Plan
	4.2.1.2.2	~ 50% of the PEO MCM accomplished
	4.2.1.3.2	Annual PEO assessment
	4.2.3.2.2.2	Update IDDE priorities
	4.2.4.3.7.a.ii	Annual refresher MS4 Construction Staff Training
	4.2.4.3.7.b.ii	Annual training (control measures, approaches, updates, changes)
	4.2.5.5	Implementation of consistent watershed quality protection measures
	4.2.6.2.2 & 3.3.b	Yearly comprehensive inspection of “high priority” facilities
4.2.6.4.1.b.i	Priority A Catch basins cleaned	
38 M	4.2.3.3.2, 4.5.1 & 5.3	Assess IDDE Field Screening Effectiveness, SWMP Annual Review & Third Annual Report
42 M	4.2.6.2.2 & 3.3.c	Semi-annual visual observation of “high priority” facilities
2Y & 18M +	3.2.1.2.1.a.iii	New TMDL Monitoring Activities Initiated
4 Y	4.2.1.2.2	~ 75% of the PEO MCM accomplished
	4.2.1.3.2	Annual PEO assessment
	4.2.3.2.2.2	Update IDDE priorities
	4.2.4.3.7.a.ii	Annual refresher MS4 Construction Staff Training
	4.2.4.3.7.b.ii	Annual training (control measures, approaches, updates, changes)
	4.2.6.2.2 & 3.3.b	Yearly comprehensive inspection of “high priority” facilities
	4.2.6.4.1.b.i	Priority A & B Catch basins cleaned
4.2.7	Inventory of all NPDES permitted industrial sites / sources developed	

DATE	SECTION	REQUIREMENTS
50 M	4.2.1.3.1 4.5.1 & 5.3	Assess changes in public awareness, attitude and behavior toward storm water pollution prevention resulting from the implementation of PEO / PIP strategies such as using a statistically valid survey and modifying these MCM accordingly. SWMP Annual Review & Fourth Annual Report
4 Y & 180 D	2.5 4.2.6.5 4.2.7	Re-notification, NOI for permit re-issuance must be submitted. Inventory of procedures for new flood projects water quality impacts & for additional water quality protection devices or practices for existing ones. NPDES permitted industrial sites / sources inventory
	4.2.6.2.2 & 3.3.c	Semi-annual visual observation of "high priority" facilities
2Y & 36 M+	3.3.2.1 & 3.3.4	New TMDL Implementation Plan
5 Y	4.2.1.2.3	100% of the PEO MCM accomplished
	4.2.1.3.2	Annual PEO assessment
	4.2.3.2.2.2	Update IDDE priorities
	4.2.4.3.7.a.ii	Annual refresher MS4 Construction Staff Training
	4.2.4.3.7.b.ii	Annual training (control measures, approaches, updates, changes)
	4.2.5.7.1	All stormwater control measures inspected at least once.
	4.2.6.2.1	All municipally-owned or operated facilities inspected at least once
	4.2.6.2.2 & 3.3.b	Yearly comprehensive inspection of "high priority" facilities
	4.2.6.4.1.b.i	Priority A Catch basins cleaned, all catch basins inspected
4.2.7	Inventory of all NPDES permitted industrial sites / sources updated	

APPENDIX E

Permit Implementation Schedule for New Small Municipal Separate Storm Sewer Systems SMS4

PERMIT IMPLEMENTATION SCHEDULE

DATE	SECTION	REQUIREMENTS
Effective	1.4.3	Storm Water discharges from SMS4 authorized under Certificate of Coverage N°: SCR03XXnn
April 9, 2012	4.2.6.7.5	Pesticide Operations conducted by competently trained individuals
1 Y	4.1.9	Storm Water Management Plan (SWMP) fully developed
	4.2.1.3 4.2.2.1.3	Initial assessment of public perception toward SWMP, assess and write the Public Education & Outreach (PEO) and the Public Involvement & Participation (PIP) Minimum Control Measures (MCM)
	4.2.3.2.2.2	Select IDDE priority areas
	4.2.3.6.2	IDDE training of appropriate municipal field staff
14 M	4.5.1 & 5.3	SWMP Annual Review & First Annual Report
18 M	2.2.2.5 4.1.4 – 10 4.2.4, 4.2.4.3.1.a, 4.2.5.1.3 & 5	Implement the Construction Site Storm Water Runoff Control and the Post-Construction Storm Water Management in New Development and Redevelopment minimum control measure (MCM) 4.2.4 & 4.2.5 of NPDES MS4 GP SCR030000 as a NPDES Qualifying Local Program. BMPs, measurable goals, persons responsible, and all permit requirements for the Construction Site Storm Water Runoff Control and for the Post-Construction Storm Water Management in New Development and Redevelopment MCMs 4.2.4 & 4.2.5 pp. 33-45 of SCR030000, including an ordinance, or other regulatory mechanism, must be in effect to provide reasonable assurance to SC DHEC Bureau of Water to develop, implement and enforce an NPDES Qualifying Local Program. Provide for and assure compliance with SC Regulation 61-9 122.2, 122.26(b)(14)(x), 122.26(b)(15)(i)&(ii), 122.28, 122.34(b)(4) & (5), to SC Regulation 61-68 B.30 & 36, C.5, D, E.3 & G.3-10, and, to all applicable Construction Site Storm Water Runoff Control and Post-Construction Storm Water Management in New Development and Redevelopment requirements contained in regulations outlined under Standards for Stormwater Management and Sediment Reduction 72-300 et. seq. and any local requirements. SC Water Pollution Permits Regulation 61-9 122.34(e) & (f), 122.43, 122.44(s) and 122.47(c), (d) & (e).
	4.2.6.1.1 & 3.3.a	Initial Visual Inspection of all municipally owned, or operated, facilities
2 Y	3.2.1.1.2	Existing TMDL Monitoring and Assessment
	4.1.4.1	Adequate Legal Authority to implement and Enforce SWMP
	4.1.5.1	Implement Enforcement Response Plan (ERP)
	4.2.1.2.1	~ 25% of the PEO MCM accomplished
	4.2.1.3.2	Annual PEO assessment
	4.2.3.2.2.2	Update IDDE priorities
	4.2.4.3.7.a.i.	Initial MS4 Construction Staff Training
	4.2.6.2.2 & 3.3.b	Yearly comprehensive inspection of “high priority” facilities
	4.2.6.4.1.b.i	Priority A Catch basins cleaned
4.2.6.5	Assessment of new flood projects water quality impacts & additional water quality protection devices or practices for existing ones	
2 Y +	3.2.1.1.3	Monitoring & Assessment Plans for new TMDL
26 M	4.5.1 & 5.3	SWMP Annual Review & Second Annual Report
30 M	3.2.1.2.a.ii	Monitoring Activities Initiated for Existing TMDL
	4.2.6.2.2 & 3.3.c	Semi-annual visual observation of “high priority” facilities
3 Y	4.2.1.2.2	~ 50% of the PEO MCM accomplished
	4.2.1.3.2	Annual PEO assessment
	4.2.3.2.2.2	Update IDDE priorities
	4.2.4.3.7.a.ii	Annual refresher MS4 Construction Staff Training
	4.2.4.3.7.b.i	Initial Training MS4 Plan Reviewers
	4.2.5.5	Implementation of consistent watershed quality protection measures
	4.2.6.2.2 & 3.3.b	Yearly comprehensive inspection of “high priority” facilities
4.2.6.4.1.b.i	Priority A & B Catch basins cleaned	