

APPENDIX J

NPDES Phase II Permit



**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.

**Ann R. Clark, Director
Storm Water, Construction, Agricultural and Dams Permitting Division
Bureau of Water**

Permit No.: SCR030000

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ACRONYMS

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
POC	Pollutant of Concern
QLP	Qualifying State, Tribal, or local programs, SC Water Pollution Control Permits Regulation 61-9 122.34(c) & 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 Plan
SWPA	Source Water Protection Area
SWP3	Stormwater Pollution Prevention Plan
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
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 authorizes discharges composed entirely of storm water from regulated Small Municipal Separate Storm Sewer Systems (SMS4) in all areas of the State of South Carolina including the Catawba Indian Nation.

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) 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, or

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.

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. In addition to any other grounds specified herein, authorization to discharge shall be modified or revoked at any time if, on the basis of any new data, the EPA determines that continued discharges from a SMS4 covered under this permit cause unreasonable degradation of the marine environment. SC R. 61-9 122.44(d)(7).

- 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 schedules, objectives, and measurable goals accountable to the performance standards specified in this permit
- 1.3.7 Existing discharges that are causing or contributing to a violation of water quality standards unless the SWMP contains schedules, obligations, and measurable goals accountable to the performance standards specified in this permit.
- 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 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.
- 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. .

1.4 Obtaining Authorization

To be authorized to discharge storm water from SMS4, a notice of intent (NOI), 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 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 of permit 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)

Maximum Extent Practicable (MEP) is the technology-based control standard used in the NPDES municipal storm water program against which SC DHEC Bureau of Water and permittees assess whether or not an adequate level of control has been proposed in the storm water management program (SWMP). This term is defined by §403(p)(3)(B) of the Clean Water Act, by SC Water Pollution Control Permits Regulation 61-9 122.34(a) and by Federal Register / Vol. 63, No.6, p.1574 / Friday, January 9, 1998. This permit:

- 1.5.1 Requires owners, or operators, to effectively prohibit non-stormwater discharges into their SMS4,
- 1.5.2 Requires controls to reduce the discharge of pollutants from SMS4 to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods determined appropriate for the control of such pollutants,
- 1.5.3 Requires, at a minimum, to develop, implement and enforce a SWMP designed to reduce the discharge of pollutants from SMS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA).
 - 1.5.3.1 SWMP must include the minimum control measures (MCM) in Part 4.2 of this permit. Narrative water quality based effluent limitations (WQBEL) requiring implementation of Best Management Practices (BMP) are included in Part 3 to satisfy technology requirements (including reduction of pollutants to the MEP) and to protect water quality.
 - 1.5.3.2 Implementation of BMP consistent with the provisions of the SWMP and with the requirements and timetables in this permit constitutes compliance with the standard of reducing pollutants to the MEP.

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 permit 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 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.

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 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.

2.2.2.5 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.

2.2.2.6 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.

2.3 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

Permittees authorized to discharge under this NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, SCR030000, will be granted coverage under the next general permit upon approval of a new NOI. The re-application NOI must be submitted to the Department no 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. The Department reserves the right to request additional information to supplement the application requirements.

2.6 Continuation of the Expired Permit

The conditions of this permit, if expired, continue in force under S.C. Code section 1-23-370(b) until the effective date of a new permit (see SC Water Pollution Control Permits Regulation 61-9.124.15), if:

- 2.6.1 The permittee has submitted a timely application under R.61-9 122.21 which is a complete (under R.61-9 122.21(e)) application for a new permit; and
- 2.6.2 The Department, through no fault of the permittee does not issue a new permit with an effective date under R.61-9.124.15 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints); or
- 2.6.3 The permittee has submitted a timely application under section R.61-9 122.21(d)(2) which is a complete application under R.61-9 122.21(e)(1) for a new permit and makes a timely appeal of the new permit. See Part 2.5, Renotification.
- 2.6.4 While, and if the expired permit is continued, Annual Reports are due every year on the anniversary date of the expired permit. In the case of NEW PERMITTEES, Annual Reports will be due on the anniversary date of their respective certificate of coverage.

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 Source Water Protection Areas (SWPA)

3.1 Determination of receiving water conditions and impacts

- 3.1.1 Permittees shall determine whether their SMS4 discharges to receiving waters within a TMDL watershed or with a listing in the latest CWA §303(d) list of impaired waters that is associated with a water quality monitoring station (WQMS). 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 (2012, 2014 etc.)
- 3.1.1.2 For all TMDLs, permittees shall determine whether POC 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.

3.2 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 SMS4 areas annexed under 1.4.8 or SMS4 boundaries have expanded) 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 this permit for existing 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 include:
 - (1) *Monitoring locations*, appropriate for representative data collection
 - (2) Explanation of why monitoring is being conducted for selected locations
 - (3) A Description of whether the *location(s)* are representative and contribute to pollutant loads,
 - (4) An 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 *monitored location(s)* 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 to the MEP:
 - (1) In-stream monitoring, and / or
 - (2) Outfall monitoring.

Monitoring location(s) should be selected based on one, all, or a combination of the following basis:

 - (a) % MS4 area draining to the WQMS, at least 25%,
 - (b) Collection of a representative contributing watershed,
 - (c) Inclusion of the entire TMDL watershed within the MS4.

- iv. Established field and sampling protocols shall be followed when characterizing MS4 discharges, such as:
 - (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 monitoring location selected in Parts 3.2.1.2.1.b.ii(1) & (7) above, samples of storm water discharges shall be collected at a minimum of once per season 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. Monitoring locations 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.

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 made available to SC DHEC upon request.
- 3.3.2 Permittees shall complete and submit TMDL Implementation Plans for approved TMDL as follows;
 - 3.3.2.1 Within 48 months from the Effective Date of this permit, or 48 months from the new TMDL effective date, for EXISTING PERMITTEES, and,
 - 3.3.2.2 Within 60 months from the Effective Date of the Certificate of Coverage, or 60 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 with monitoring stations 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 with monitoring stations 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 waterbody(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 water bodies with impaired monitoring stations 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.

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.
- 3.5.2 If you have discharges meeting any of these criteria, you must comply with Sections 3.4.2 & 3.6 as applicable; if you do not, Section 3.5 does not apply to your SMS4.

3.6 Discharges to Source Water Protection Areas (SWPA)

- 3.6.1 SWPA, including groundwater protection areas, should be afforded the protection necessary to support its uses through MCM implementation in the SMS4 area.

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 this permit. 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 Part 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 Part 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;

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 this permit* [24 months from the effective date of their certificate of coverage for NEW PERMITTEES identified in Parts 1.4.2 – 1.4.8 & 2.1.2], 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 and to protect water quality.
- f. 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.
- g. 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.

- h. 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 *a time frame consistent with the procedures outlined in the SWMP*; or
 - 2. For uncontrolled sources of pollutants that could pose an environmental threat, require abatement within *a time frame consistent with the procedures outlined in the SWMP*; 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.

- i. Monetary Penalties – The permittee must have the ability to:
 - 1. Levy citations or administrative fines against responsible parties.
 - 2. Require recovery and remediation costs from responsible parties.

- j. 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.

- k. 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. Identify departments and/or positions (including contact information) responsible for implementing the SWMP.
- 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 from the effective date of this permit*, and revise as necessary, an enforcement response plan (ERP), which sets out permittee's potential responses to violations and addresses repeat and continuing violations through progressively stricter responses as needed to achieve compliance.
- 4.1.5.2 **Enforcement Tracking.** Permittees shall track instances of non-compliance either in hard-copy files or electronically.
- 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; and,
- 4.1.6.5 A summary describing the number and nature of enforcement actions, inspections, and public education programs.

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** NEW PERMITTEES shall develop the SWMP one year from the effective date of their written certificate of coverage, unless otherwise specified.
- 4.1.9** 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.
- 4.1.10 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 360 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.** Within the first year of permit coverage, permittees shall continue to implement, and revise if necessary, a comprehensive stormwater education/outreach program in accordance with items noted below.
- 4.2.1.1.1 Identify the pollutant(s) of concern (POC) within the municipality's defined watershed area(s).
- 4.2.1.1.2 Analyze the POC identified in 4.2.1.1.1, above, to be targeted;
- 4.2.1.1.3 Initiate a planning process that defines the goals and objectives of the program as they relate to at least three high priority community issues with potential to decrease the POC's effect on water quality. Include formative and summative evaluation within the planned goals and objectives. Program goals and objectives must include short-term goals geared to increase awareness of the issue as well as longer-term goals geared to affect behavior change to the maximum extent practicable (MEP).
- 4.2.1.1.4 Identify and analyze the audience(s) that is believed to have an influence on the POC identified in 4.2.1.1.1 above and that are believed to have influence on the goals and objectives identified in 4.2.1.1.3 above (i.e., Identify the target audience(s)).
- 4.2.1.1.5 Create an appropriate message(s) in accordance with the program goals and objectives that is designed to invoke a desired response in the targeted audience(s).

- 4.2.1.1.6 Develop an appropriate education campaign and/or materials as needed to convey any messaging created in accordance with program goals and objectives and based on knowledge of the target audience(s). Campaign items and materials can utilize various media such as printed materials, billboard and mass transit advertisements, websites, social media or other special events.
- 4.2.1.1.7 Determine methods and process of distribution for campaign materials in accordance with a knowledgebase of the target audience(s) (i.e. what is the best way to reach the audience using their preferred mode(s) of communication).
- 4.2.1.1.8 To the MEP, utilize quantitative and/or qualitative formative evaluation assessments to guide and/or change the program goals and objectives and/or program activities as needed. Evaluate the effectiveness of the program.
- 4.2.1.1.9 Utilize public input to the MEP (e.g., the opportunity for public comment, public meetings, or other relevant sources) in the development of this MCM.
- 4.2.1.1.10 During the permit coverage, the program goals and objectives identified must be implemented to the MEP.
- 4.2.1.1.11 There will be an assessment of the stormwater education/outreach program annually as specified in Part 5.3 of this permit. The permittee must adjust their educational materials and the delivery of such materials to address any shortcomings found as a result of these assessments.

4.2.2 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 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).
 - 4.2.2.1.2 Ensure the public can easily find information about the permittee's SWMP
 - 4.2.2.1.3 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 System map.** Develop (if not already completed) a storm sewer system map showing the location of all outfalls, and names and location of all waters of the United States that receive discharges from those outfalls.

4.2.3.2.2 **Identify Priority Areas.** Permittees must identify priority areas (i.e. problem areas) for more detailed screening of their system based on higher likelihood of illicit connections (e.g. areas with older sanitary sewer lines), or by conducting ambient sampling to locate impacted reaches.

Permittees 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 permit coverage. This priority area list must be updated *annually* to reflect changing priorities and be available for review by the permitting authority.

4.2.3.2.3 **Field screening to detect illicit discharges.** Permittees 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 permit 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.

- a. **Conduct Field Screening.** Conduct dry weather field screening and / or analytical monitoring, when necessary, to identify the source of illicit discharges. At a minimum, permittees must:
 - i. 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;
 - ii. Permittees must include the following in the field screening portion of their IDDE program:
 - a. The areas and the schedule for conducting the screening, the proposed location of outfalls, or field screening points, should reflect water quality concerns to the MEP and to protect water quality.
 - b. 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,
 - c. A description of field screening equipment with their respective methodologies for use.

- iii. Conduct all dry weather visual observations and required field screening at each outfall / field screening point. All dry weather screening activities should be conducted after 72-hours of continuous dry conditions following at least 0.10-inch of rainfall.
- iv. Document elimination of the illicit discharge.
- b. **Field Screening Assessment.** 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.
- c. 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 a timeframe that is consistent with the procedures found in the permittees SWMP.
- d. 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
- e. Written procedures for implementing this program must be incorporated into the SWMP document.

4.2.3.2.4 **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.

4.2.3.2.5 **Minimum Investigation Requirements** - At a minimum, after becoming aware of the illicit discharge, the permittee is required to initiate an investigation(s) to identify and locate the source of any continuous or intermittent non-stormwater discharge within a timeframe that is consistent with the procedures found in the permittees SWMP.

- 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 and addressed in a timeframe consistent with the procedures found in the permittees SWMP.
- 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.

4.2.3.2.6 **Determining the Source of the Illicit Discharge** - Permittees are required to determine and document through their investigations 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.

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

- a. Notify the responsible party of the problem in a timeframe consistent with the procedures found in the permittees SWMP. ,
- b. Require the responsible party to conduct all necessary corrective actions to eliminate the non-stormwater discharge within 30 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
- c. 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. Document their follow-up investigations.
- e. Follow the SWMP ERP and include the resulting enforcement actions in the subsequent annual report.

4.2.3.2.8 **Public Reporting Mechanism.** Permittees must promote, publicize, and facilitate a reporting mechanism for the public and staff to report illicit discharges and establish and implement citizen request response procedures.

- a. Permittees must develop a written spill/dumping response procedure 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

- b. 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.

4.2.3.9 **Employee training.** Permittees must implement a training program for all appropriate municipal field staff, which, 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.

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**

You must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to your SMS4 from construction activities that result in a land disturbance of greater than or equal to one acre.

Construction activity, for the purpose of this SMS4 permit, includes, at a minimum:

- Clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre
- Clearing, grading, and excavating that result in disturbance of less than one acre of total land area that is part of a larger common plan of development or sale (LCP)
- In coastal counties, any land disturbance within one-half (1/2) mile of a receiving water body (but not for single-family homes which are not part of a subdivision development that result in any land disturbance less than five acres).

4.2.4.1 **NEW PERMITEES.** Within eighteen months from the effective date of coverage, first time permittees shall develop, implement, and enforce a program to reduce pollutants in any storm water runoff to their regulated SMS4 from construction activity.

4.2.4.2 **EXISTING PERMITEES** shall continue developing, implementing, and enforcing a program to reduce pollutants in any storm water runoff to their regulated SMS4 from construction activity.

4.2.4.3 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.

4.2.4.4 Construction Site Storm Water Runoff Control programs must include the development and implementation of, at a minimum:

4.2.4.4.1 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. Describe the mechanism (ordinance or other) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism.

- a. **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 must be included in the SWMP required with the NOI.
- b. **EXISTING PERMITTEES** must include a copy of the relevant sections of the existing ordinance or other regulatory mechanism along with the SWMP.

4.2.4.4.2 Requirements for construction site operators to implement appropriate BMP such as,

- a. Erosion and Sediment Controls, and
- b. Soil Stabilization Practices

4.2.4.4.3 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. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge,
- 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 leaks and implement chemical spill and leak prevention and response procedures.
- d. The following discharges from sites are prohibited:
 - i. Wastewater from washout of concrete, unless managed by an appropriate control;
 - ii. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 - iii. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,
 - iv. Soaps or solvents used in vehicle and equipment washing.

4.2.4.4.4 Permittees must require each operator of a construction activity to prepare and submit a Stormwater Pollution Prevention Plan (SWP3) prior to the disturbance of land for the SMS4 to review and approve.

4.2.4.5

Plan Review. Permittee must implement site plan review procedures that at a minimum meet the following:

- a. Make clear to operators of construction activity that they are prohibited from commencing construction activity until they receive of written approval of the plans.
- b. Approve SWP3 that complies with the technical requirements of the effective NPDES General Permit for Storm Water Discharges from Construction Activities, SCR100000, **or** establish alternative technical criteria that are equally, or more, protective of water quality. When SMS4 elects to develop alternative technical criteria, a rationale statement must be included in the SWMP documenting how the control measures selected by the SMS4 provide protection of water quality.
- c. The SWP3 must include the rationale used for selecting control measures, including how the control measure protects a waterway or stormwater conveyance.
- d. Permittees must use qualified individuals, knowledgeable in the technical review of SWP3 to conduct reviews.
- e. Document the review of each SWP3 plan using a checklist or similar process.
- f. Procedures for SWP3 review, including the review of pre-construction site plans, for construction activity 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 to the MEP, shall protect water quality. Procedures for SWP3 review shall:
 - i. Incorporate consideration of potential water quality impacts,
 - ii. Include the review of construction site plans,
 - iii. For construction projects that disturb less than 25 acres, carefully evaluate all selected BMPs and their ability to control the pollutant(s) of concern.
 - iv. For construction projects that disturb 25 acres or more, 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,
 - v. Require that SWP3 prepared by construction activity applicants for SMS4 review and approval 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 is available at:

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

4.2.4.6 Inspections

- a. Permittees must maintain an inventory of all active construction projects. 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. Permittees must make the inventory available to SC DHEC 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. Document inspections and enforcement activities for each site in the inventory.
- b. Permittees must implement procedures for inspecting construction projects in accordance with the frequency specified in table 4.2.4.6.b on the adjacent page.

Table 4.2.4.6.b Inspection Frequency

Site	Inspection Frequency
a. All sites <i>5 acres</i> or larger in size	All new approvals must be inspected initially within the first two weeks of commencement of land disturbing activity. All active sites shall be inspected at least monthly during construction. All inactive sites shall be inspected at least bi-monthly
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)	
c. All sites determined to be a significant threat to water quality*	
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

Site	Inspection Frequency
e. Final Inspection	Inspect all permitted 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 SMS4.	

- c. Permittees must adequately inspect all phases of construction. At a minimum, inspections must occur following installation of initial BMPs, during active construction, and after final site stabilization.
- d. Permittees must have trained and qualified inspectors. 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 pollution prevention plan or other relevant application form during initial inspections.
 - ii. Review the applicable stormwater pollution prevention 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.

4.2.4.7 **Enforcement.** Permittee must develop an Enforcement Response Plan (ERP). The ERP must contain a description of how Permittees would use specific type of responses to address various types of violation. The ERP shall include, but is not limited to:

- a. Types of response;
 - i. Verbal warnings,
 - ii. Written notices, and
 - iii. Escalated enforcement measures such as citations, fines, stop work orders, etc.
- b. Specific strategies for escalating enforcement response, where necessary, to address persistent, repeat or escalating violations.
- c. Ensure ERP is reasonably effective in reducing pollutant discharges to the MEP and to protect water quality.

4.2.4.8 **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, is trained to conduct these activities. The training can be conducted by the permittee or outside training can be attended.

4.2.4.9 **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.

4.2.5 Post-Construction Storm Water Management for New Development and Redevelopment

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 SMS4. The program must apply to private and public development sites, including roads.

4.2.5.1.2 The **Post-Construction Stormwater Management Program** shall ensure that controls are in place to meet the performance standards in Part 4.2.5.2 to the MEP and to prevent or minimize water quality impacts.

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 approximate pre-development conditions to the MEP and protect water quality.

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 approximate pre-development conditions to the MEP and to protect water quality. The first inch of runoff must be addressed. 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 Examples of 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 4.2.5.2.3 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 methods must be used and documented.</i>
<i>Recharge</i>	<i>Groundwater Recharge Requirements</i>	<i>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:</i> <ul style="list-style-type: none"> <i>• 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;</i> <i>or</i>

<i>Basis for Performance Standard</i>	<i>Description</i>	<i>Performance Standard</i>
		<ul style="list-style-type: none"> <i>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>
<i>Annual Pollutant Load</i>	<i>Hydrologic Analysis Loading Calculations</i>	<i>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 CWA.</i>

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.

4.2.5.3 **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

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

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.

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

4.2.5.5.1 **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 starting with the effective date of this permit.

4.2.5.6 **Inspections and Enforcement**

4.2.5.6.1 **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.

4.2.5.6.2 **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.

4.2.5.6.3 **Inspection Reports.** Permittee must document its inspection findings in an inspection report.

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 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 and stormwater controls that are not covered under a separate general or individual NPDES permit (i.e. industrial, solid waste, etc.). Examples of these types of facilities may include but are limited to composting facilities, equipment storage and maintenance facilities, landscape maintenance on municipal property, material storage yards, public buildings, golf courses, public work yards, recycling facilities, salt storage facilities, municipally owned and/or maintained structural stormwater controls.

- 4.2.6.1.2 You must also include a list of industrial facilities you own or operate that are subject to SCDHEC NPDES General Permit for Storm Water Discharges Associated with Industrial Activity (SCR000000) or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your SMS4. Include the SCDHEC permit number or a copy of the Industrial NOI form for each facility.
- 4.2.6.1.3 **Documentation** - The list of municipally owned, or operated, facilities and stormwater controls must be maintained and available for review by the permitting authority.
- 4.2.6.2 **Municipally-owned or operated facility assessment:**
- 4.2.6.2.1 **Comprehensive Assessment of Pollutant Discharge Potential** –The permittee must develop a 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 pollutants in stormwater.
- 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.
- 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.
- 4.2.6.3 **Facility-Specific Stormwater Management**
- 4.2.6.3.1 **Facility-specific Stormwater Management Inspections for “High Priority” Facilities:**
- 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 maintained by the SMS4. The inspection report must also include any identified deficiencies and the corrective actions taken to fix the deficiencies.
- 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.

4.2.6.4.2 Municipal activities and operations

Pollution prevention for municipal O&M activities- 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. Municipal operation and maintenance activities to be considered include but are not limited to pavement and rights-of-way maintenance, bridge maintenance, cold weather operations, and municipally sponsored events.

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. The permittee must also maintain all municipally owned green infrastructure practices through regularly scheduled maintenance activities.

4.2.6.5 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.

4.2.6.5.1 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.

4.2.6.5.2 A description of the program must be maintained for review by the permitting authority.

4.2.6.5.3 The permittee must also identify and track all personnel requiring training and records must be maintained.

4.2.6.5.4 Training must begin within the first year from the effective date of permit authorization.

4.2.6.6 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 SMS4 stormwater control measures, good housekeeping practices, and facility-specific stormwater management procedures.

4.2.6.8.2 Permittees must provide oversight of contractor activities to ensure that contractors are using appropriate control measures and procedures.

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 no 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

Unless a **NEW PERMITTEE** is relying on another entity to satisfy its NPDES permit obligations under SC R. 61-9 122.35(a), annual reports must be submitted to the Department for the first permit term based on the following schedule:

1. The first annual report must be submitted to the Department fourteen months after the effective date of permit coverage.
2. Subsequent annual reports shall be submitted every twelve months from the scheduled date of the first submittal.
3. The last annual report shall be submitted, as part of renotification, 180 days prior to expiration date of the permit, see Part 2.5, **Renotification**.
4. While, and if, the expired permit is continued, Annual Reports will be due on the anniversary date of the **NEW PERMITTEE** certificate of coverage. See Parts 2.6, **Continuation of the Expired Permit**.

Unless an **EXISTING PERMITTEE** is relying on another entity to satisfy its NPDES permit obligations under SC R. 61-9 122.35(a), or unless the Department requires more frequent reports, annual reports must be submitted based on the following schedule:

1. The first report covering years 1 and 2 must be submitted to the Department twenty-seven (27) months after the effective date of the permit.
2. The following annual report, covering years 3 and 4 shall be submitted 180 days before the permit expiration date as part of the renotification. See part 2.5, **Renotification**.
3. While, and if the expired permit is continued, Annual Reports are due every year on the anniversary date of the expired permit. See Parts 2.6, **Continuation of the Expired Permit**.

All annual reports shall be sent to the address below unless the Department instructs permittees to submit via alternate mechanisms (i.e. electronic mechanisms):

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

All annual reports 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, 3.1.1.1, 3.2.1.1, 3.2.1.2.2, 3.3.6, 4.1.6 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.

Coastal Counties are the eight South Carolina counties bordering on the Atlantic Ocean; namely, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper.

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.).

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	1,096
	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.

(I) 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.

A qualifying local program is a local storm water management program that imposes, at a minimum, the relevant requirements of SC Water Pollution Control Permits Regulation 61-9 122.34(b). 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."