

ORDINANCE NO. 2469

**AN ORDINANCE AMENDING AND RESTATING ORDINANCE 2251, AS
PREVIOUSLY AMENDED, WHICH ESTABLISHED STORMWATER MANAGEMENT
AND SEDIMENT CONTROL REGULATIONS, PROCEDURES, FEES, PENALTIES,
AND OTHER MATTERS RELATED THERETO
FOR THE CITY OF SUMTER, SOUTH CAROLINA**

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Ordinance No. 2251 of the City of Sumter, South Carolina, as previously amended to the date hereof, is hereby amended and restated in its entirety to read as follows:

**SECTION 1
PURPOSE, AUTHORITY AND JURISDICTION**

1.1. PURPOSE

In order to protect the general health, safety, and welfare of the people in the City of Sumter, South Carolina, and to protect the natural assets and resources of the City of Sumter, South Carolina, for posterity, this Storm Water Management and Sediment Control ordinance is enacted to protect the City's lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and lakes, to prevent clogging of drainage channels, to reduce excessive flood damage, and to prevent damages to property of adjacent landowners.

1.2. AUTHORITY

This ordinance is adopted under the authority and powers granted by the General Assembly of South Carolina in Chapter 14, Title 48, Code of Laws of South Carolina, 1976, and by other powers granted to local governments by the General Assembly of South Carolina.

1.3. JURISDICTION

The provisions of this ordinance shall apply to all lands within the incorporated areas of the City of Sumter, South Carolina.

SECTION 2
INTERPRETATIONS AND DEFINITIONS

2.1. RULES OF LANGUAGE AND INTERPRETATION

- A. The word "shall" is mandatory; and the word "may" is permissive.
- B. The particular shall control the general.
- C. Words used in present tense shall include the future, and words used in the singular shall include the plural, and plural the singular, unless the context clearly indicates the contrary.

2.2. DEFINITIONS

Words used in this ordinance shall have their customary meanings as determined by the standard dictionary definition except for the following specific words and terms which are herein defined.

- A. "Adverse Impact" means a significant negative impact to land, water, and associated resources resulting from a land disturbing activity. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organism; negative impacts on wildlife and other resources; and threatened public health.
- B. "Appeals and Hearing Board" means the Storm Water Management Appeals Board, as appointed by the City Council of the City of Sumter to hear appeals and conduct administrative hearings associated with the provisions and requirements of this ordinance.
- C. "Applicant" means a person, firm, or governmental agency who executes the necessary forms to obtain approval or a permit for a land disturbing activity.
- D. "Appropriate Plan Approval Agency" means the Commission, Local Government, or Conservation District that is responsible in a jurisdiction for review and approval of storm water management and sediment control plans. For the purposes of this ordinance, this function shall be carried out by the City of Sumter.
- E. "As-Built Plans or Record Documents" means a set of engineering or site drawings that delineate the specific permitted storm water management facility as actually constructed.
- F. "Best Management Practices" means a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices

which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

- G. "Commission" or "Department" as used herein means the South Carolina Department of Health and Environmental Control. The terms "Commission" and "Department" may be used interchangeably herein to refer to the Department of Health and Environmental Control.
- H. "Conservation District" means the Sumter County Soil and Water Conservation District, created pursuant to Chapter 9, Title 48, of the S.C. Code of Laws.
- I. "Detention Structure" means a permanent storm water management structure whose primary purpose is to temporarily store storm water runoff and release the stored runoff at controlled rates.
- J. "Develop Land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.
- K. "Developer" means a person undertaking, or for whose benefit, activities covered by these regulations are commenced and/or carried out.
- L. "Drainage Area" means that area contributing runoff to a single point.
- M. "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
- N. "Erosion" means the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those factors.
- O. "Erosion and sediment control" means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity or ice.
- P. "Exemption" means those land disturbing activities that are not subject to the sediment and storm water requirements contained in these regulations.
- Q. "Grading" means excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
- R. "Implementing Agency" means the Commission, Local Government, or Conservation District with the responsibility for receiving storm water management and sediment control plans for review and approval, reviewing plans, issuing permits for land disturbing activities, or conducting inspections and

enforcement actions in a specified jurisdiction. For the purposes of this ordinance, the implementing agency is the City of Sumter.

- S. "Infiltration" means the passage or movement of water through the soil profile.
- T. "Land Disturbing Activity" means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of storm water runoff.
- U. "Natural Waterways" means waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.
- V. "Non-erodible" means a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.
- W. "Non-point Source Pollution" means pollution contained in storm water runoff from ill-defined, diffuse sources.
- X. "One Hundred Year Frequency Storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as an exceedence probability with a 1% percent chance of being equaled or exceeded in any given year.
- Y. "Operator" for the purpose of this ordinance and in the context of storm water associated with construction activity, means any party associated with a construction Project that meets either of the following two criteria:
 - 1. The party has operational control over construction plans, SWPPPs, and specifications. Note: A party has "operational control over construction plans and specifications" if they have the authority to prepare or modify such plans and specifications under *Section 6.2.B*. This person is typically the owner or developer of the project or a portion of the project (subsequent builders), and is considered the Primary Permittee; or
 - 2. The party has "operational control over day-to-day activities" at a Project that are necessary to ensure compliance with a SWPPP for the Site or other permit conditions (e.g., they are authorized to direct workers at a Site to carry out activities required by the SWPPP or comply with other permit conditions). This person is often referred to as the Operator of Day-to-Day Site Activities (ODSA) and is typically a contractor or a residential builder who is hired by the Primary Permittee. This person is considered a secondary Permittee for a residential development. This

definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "Owner or Operator" and "facility or activity" are applied to discharges of storm water associated with construction activity.

- Z. "Person" means any State or Federal agency, individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality, or other political subdivision of this State, any interstate body or any other legal entity.
- AA. "Person Responsible for the Land Disturbing Activity" means
 - (a) the person who has or represents having financial or operational control over the land disturbing activity; and/or
 - (b) the landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provisions of the act. these regulations, or any order or local ordinance adopted pursuant to this act as imposes a duty upon him.
- BB. "Post-Development" means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.
- CC. "Pre-Development" means the conditions which existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.
- DD. "Re-development" means a land disturbance activity that alters the current use of the land but does not necessarily alter the pre-development runoff characteristics.
- EE. "Responsible Personnel" means any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities
- FF. "Retention Structure" means a permanent structure whose primary purpose is to permanently store a given volume of storm water runoff. Release of the given volume is by infiltration and/or evaporation.
- GG. "Sediment" means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.
- HH. "Single Family Residence - Separately Built" means a non-commercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

- II. "Stabilization" means the installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by storm water runoff, wind, ice and gravity.
- JJ. "Stop Work Order" means an order directing the person responsible for the land disturbing activity to cease and desist all or any portion of the work which violates the provisions of this act.
- KK. "Storm Water Management" means, for:
- (a) quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff caused by manmade changes to the land;
 - (b) qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might be carried by storm water runoff.
- LL. "Storm Water Management and Sediment Control Plan" means a set of drawings, other documents, and supporting calculations submitted by a person as a prerequisite to obtaining a permit to undertake a land disturbing activity, which contains all of the information and specifications required by an implementing agency.
- MM. "Storm Water Pollution Prevention Plan" means the same as a Storm Water Management and Sediment Control Plan
- NN. "Storm Water Runoff" means direct response of a watershed to precipitation and includes the surface and sub-surface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.
- OO. "Subdivision" means all divisions of a tract, parcel or lot of land into two or more lots, building sites, or other divisions, or parcels less than five acres, for the purpose, whether immediate or future, of sale, legacy, or building development, or includes all divisions of land involving a new street or a change in existing streets, and includes re-subdivision of land. Provided, however, pursuant to Title 6, Chapter 29, Section 1110 of the SC Code of Laws, certain exempt subdivisions, as defined in Article VII thereof, shall not be considered subdivisions for the purposes of this Ordinance herein.
- PP. "Swale" means a structural measure with a lining of grass, riprap or other materials which can function as a detention structure and convey storm water runoff without causing erosion.
- QQ. "Ten-Year Frequency Storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also

be expressed as an exceedence probability with a 10% chance of being equaled or exceeded in any given year.

- RR. "Twenty-Five Year Frequency Storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It also may be expressed as an exceedence probability with a 4% chance of being equaled or exceeded in any given year.
- SS. "Two-Year Frequency Storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 2 years. It may also be expressed as an exceedence probability with a 50% percent chance of being equaled or exceeded in any given year.
- TT. "Variance" means the modification of the minimum sediment and storm water management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of these requirements.
- UU. "Waiver" means the relinquishment from sediment and storm water management requirements by the appropriate plan approval authority for a specific land disturbing activity on a case-by-case review basis.
- VV. "Water Quality" means those characteristics of storm water runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.
- WW. "Water Quantity" means those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff to downstream areas resulting from land disturbing activities.
- XX. "Watershed" means the drainage area contributing storm water runoff to a single point.
- YY. "Watershed Master Plan" means a plan for a designated watershed that analyzes the impact of existing and future land uses and land disturbing activities in the entire watershed and includes strategies to reduce nonpoint source pollution, to manage storm water runoff and control flooding. The plan must be developed for the entire watershed, regardless of political boundaries, and must include appropriate physical, institutional, economic and administrative data needed to justify the plan.
- ZZ. "The Act" means the South Carolina Storm Water Management and Sediment Reduction Act, as set forth in Title 48, Chapter 14, Section 10 of the SC Code of Laws, 1976, as amended.
- AAA. "Plan Approval Agency" means the City of Sumter.

SECTION 3
PERMITTING PROCEDURES, EXEMPTIONS AND WAIVERS

3.1. PERMIT

Unless otherwise provided within this Ordinance, the surface of land in the incorporated areas of the City of Sumter shall not be disturbed or altered for any purpose whatsoever, except in accordance with the City of Sumter Storm Water Management and Sediment Control Ordinance.

3.2. EXEMPTIONS

The provisions of this Ordinance that require the preparation and approval of erosion and sediment control and storm water management plans shall *not* apply to the following activities or conditions. However, the City of Sumter encourages all persons engaged in land disturbing activities in the City of Sumter, even if such activities are exempt from the provisions of this Ordinance, to carry out such activities in a manner to achieve the objectives of erosion and sediment reduction and storm water management through the use of applicable best management practices (BMPs).

- A. The following activities are exempt from both the sediment control and storm water management requirements established by these regulations:
- (1) Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture; except that the construction of an agricultural structure or structures which, singularly or collectively, total one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a storm water management and sediment control plan prior to the start of the land disturbing activity.
 - (2) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.
 - (3) Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
 - (4) Construction or improvement of single family residence or their accessory buildings which are separately built and not part of multiple construction

in a subdivision development, and is less than one acre of total disturbance.

- (5) Land disturbing activities, other than activities identified in *Section 3.2.A.(6)* that are conducted under another state or federal environmental permitting, licensing, or certification program where the state or federal environmental permit, license, or certification is conditioned on compliance with the minimum standards and criteria developed under this act.
- (6) Certain land disturbing activities undertaken by any person who provides gas, electrification, or communications services, subject to the jurisdiction of the South Carolina Public Service Commission, or corporations organized and operating pursuant to Title 33, Chapter 49, Section 10, et seq., of the SC Code of Laws, 1976, as amended, such activities being delineated in Title 48, Chapter 14, Section 40-(F).
- (7) Activities related to the routine maintenance and/or repair or re-building of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
- (8) Activities undertaken on state-owned or managed lands that are otherwise regulated by the provisions of Title 48, Chapter 18 of this title, the Erosion and Sediment Reduction Act.
- (9) Activities undertaken by local government or special purpose or public service districts relating to the repair and maintenance of existing facilities and structures.

3.3. WAIVERS

Waivers may be granted from the storm water management requirements of these regulations for individual land disturbing activities provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications which would alter the approved storm water runoff characteristics to a land disturbing activity receiving a waiver.

- A. A project may be eligible for a waiver of storm water management for both quantitative and qualitative control if the applicant can demonstrate that the proposed project will return the disturbed area to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.
- B. A project may be eligible for a waiver or variance of storm water management for water quality control if the applicant can demonstrate that: (1) the proposed

project will have no significant adverse impact on the receiving natural waterway or downstream properties; or (2) the imposition of peak control requirements for rates of storm water runoff would aggravate downstream flooding.

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

3.4. VARIANCES

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

3.5. EXISTING DISTURBED AREAS

All disturbed areas which existed on May 27, 1992 as a result of a land disturbing activity and which are resulting in off-site damage from sediment and storm water runoff, must be provided with ground cover or other protective measures, structures, or devices sufficient to control off-site sediment and non-point source pollution. The City of Sumter shall serve a notice to comply upon the landowner or other person in possession or control of the land by depositing in the mail a certified letter. The notice must state the measures needed and the time allowed for compliance. The City of Sumter shall consider the economic feasibility, technological expertise, and quality of work required, and shall establish reasonable time limits.

3.6. APPLICATION FOR PERMIT

The person responsible for the land disturbing activity shall apply in writing, on forms provided by City of Sumter, to the City for a permit. Such application shall include a complete and accurate NOI and shall be accompanied by five (5) copies of the Stormwater Pollution Prevention Plan prepared in accordance with the provisions of *Section 5* of this ordinance.

3.7. TYPES OF STORM WATER MANAGEMENT AND SEDIMENT CONTROL PLANS

For the purposes of this ordinance, storm water management and sediment control plans shall be divided into two types: Type 1, and Type 2. The designs, presentations and submittals shall be the responsibility of the person responsible for the land disturbing activity.

- A. **Type 1** storm water management and sediment control plans shall be submitted for all land disturbing activities with disturbed areas of one (1) acre or greater. Type 1 plans shall be prepared in accordance with the requirements of *Section 5.1* of this ordinance.
- B. **Type 2** storm water management and sediment control plans shall be submitted for all land disturbing activities less than one (1) acre which are not part of a larger common plan of development or sale. A Type 2 plan shall be prepared in accordance with the requirements of *Section 5.2* of this ordinance.

3.8. APPROVAL OR DISAPPROVAL OF APPLICATION

- A. Specific requirements of the permit application and approval process are generally based on the extent of the land disturbing activity. The permit application and approval procedure is as follows:
 - (1) For land disturbing activities involving less than one (1) acre of actual land disturbance which are not part of a larger common sale, the person responsible for the land disturbing activity shall submit a Type 2 stormwater management and sediment control plan. This plan does not require preparation or certification by the designers specified in *Section 6.2.B*.
 - (2) For land disturbing activities disturbing one (1) acre or more a Type 1 storm water management and sediment control plan is required. However, the use of measures other than ponds to achieve water quality improvements are recommended on sites containing less than ten (10) disturbed acres. Plans and specifications for these activities will be prepared by the designers specified in *Section 6.2.B*. Upon receipt of a completed application for sediment and storm water management, the appropriate plan approval agency shall accomplish its review and have either the approval or review comments transmitted to the applicant within twenty (20) working days. If notice is not given to the applicant or if action is not taken by the end of the twenty (20) day working period, the applicant's plan will be considered approved.
 - (3) These requirements may be modified on a case-by-case basis to address specific storm water quantity or quality problems or other regulatory requirements. Requests for waivers or variances from these requirements will be made in accordance with the provisions of *Sections 3.3* and *3.4*.
 - (4) When the land disturbing activity consists of the construction of a pond, lake or reservoir which is singly built and not part of a permitted land disturbing activity, the following procedures will apply:

- (a) A storm water management and sediment control plan will not be required if the pond, lake or reservoir is permitted under the SC Dams and Reservoirs Safety Act or has received Certificate of Exemption from the SC Dams and Reservoirs Act. Best management practices should be used to minimize the impact of erosion and sediment.
 - (b) A storm water management and sediment control plan will be required for the construction of all ponds, lakes or reservoirs not meeting the conditions in *Section 3.8.B(4)(a)* that otherwise meet the size requirements for storm water management and sediment control plan approval.
- B. A storm water management and sediment control plan or an application for a waiver shall be submitted to the appropriate plan approval agency by the person responsible for the land disturbing activity for review and approval for a land disturbing activity, unless otherwise exempted. The storm water management and sediment control plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which storm water runoff will be managed from the entire land disturbing activity. The appropriate plan approval agency shall review the plan to determine compliance with the requirements of these regulations prior to approval. The approved storm water management and sediment control plan shall serve as the basis for water quantity and water quality control on all subsequent construction.
- C. All storm water management and sediment control plans submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project.
- D. All storm water management and sediment control plans shall contain certification by the person responsible for the land disturbing activity of the right of the Commission or implementing agency to conduct on-site inspections.
- E. The storm water and sediment management plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans by the appropriate plan approval agency. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the storm water and sediment plan.
- F. Approved plans remain valid for 5 years from the date of an approval. Extensions or renewals of the plan approvals will be granted by the plan approval agency upon written request by the person responsible for the land disturbing activity.

- G. Approvals of land disturbing activities which were approved by the Commission or its designee prior to the effective date of these regulations shall remain in effect for the original term of the approval.

3.9. OTHER AUTHORIZATION OR REOUIREMENT

Where any authorization, bonds, permits or other securities are required by applicable federal, state or local laws, regulations or ordinances for any part of the proposed work to be done under the plan, the applicant shall, upon request, furnish the City of Sumter with satisfactory evidence that such requirements have been met before the commencement of work under an approved application.

3.10. EXTENSION OF TIME

If the applicant is unable to complete the work within the time specified in the approved plan and grading permit, he may, prior to the expiration of such time, present in writing a request for an extension of time, setting forth the reasons for the requested extension. The City of Sumter shall respond to this request within 10 working days of submission.

3.11. RESPONSIBILITY OF APPLICANT

The applicant shall be responsible for carrying out the proposed work in accordance with the approved erosion and sediment control and storm water management plan and grading permit, and in compliance with the requirements of this ordinance.

3.12. APPEALS AND ADMINISTRATIVE HEARINGS

- A. The City Council of the City of Sumter shall appoint a five-member appeals board to carry out the provisions of this section. The appeals board shall be constituted as follows, and shall serve staggered three-year terms:
 - two grading contractors, or persons who have experience in grading or similar field;
 - one designer meeting the requirements of *Section 6.2.B* of this ordinance
 - two members at large

In order to provide continuity in the composition and operation of this board, the initial appointments of the grading contractors referenced above shall be one such contractor for an initial one-year term, and one such contractor for an initial two-year term. The designer referenced above shall be appointed for an initial one-year term. Upon expiration of such initial terms, the appointments thereafter shall be for three-year terms. The Assistant City Manager of Public Services or his designee, and the County Engineer or County Director of Public Works, shall serve *ex officio*, as advisory, non-voting members of the board.

The appeals and hearings board shall select a chairperson at its inception; the chair shall be rotated on an annual basis. No member shall be appointed to more than three consecutive terms.

- B. A meeting of the local appeals and hearings board shall be called when appeals are received by the local government. No business shall be conducted at such meeting without a quorum. A quorum shall consist of three of the five board members. A simple majority of those members present and voting at any meeting shall be required to carry any motion or action.
- C. A hearing by the board is available following a request to determine the propriety of:
 - (1) the denial or revocation of a grading permit;
 - (2) a citizen complaint concerning program operation;
 - (3) the issuance of a notice of violation or noncompliance with the plan;
 - (4) the regulations included in this ordinance;
 - (5) the issuance of a stop work order as a result of this ordinance.
- D. All hearings shall be scheduled via correspondence approved by the appeals and hearings board which shall give notice to all parties of the hearing.
 - (1) All parties must receive notice of the hearing of not less than thirty days;
 - (2) The notice shall be sent by the chairman of the hearings board;
 - (3) The notice shall include:
 - (a) a statement of time, place and nature of the hearing;
a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - (b) a reference to the particular sections of the statutes and rules involved;
 - (c) a short and plain statement of the matters asserted. If the hearing officers are unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

- E. All hearings shall be conducted by the chairman of the appeals and hearings board.
- F. All hearings shall be conducted in accordance with Title 1, Chapter 23, Section 10 of the SC Code of Laws, 1976.
- G. The hearing officers shall issue a proposal for decision which shall be mailed to the parties.
- H. Within 20 days after mailing of the proposal for decision, any party may file exceptions to the hearing officers' proposal for decision.
 - (1) such exceptions shall be in written form, addressed to the Chairman of the Hearing Board, and served upon all adverse parties;
 - (2) the exceptions shall list all the grounds upon which the exceptions are based.
- I. If no exceptions are received by the appeals and hearings board within the 20 day period following the mailing of the proposal for decision, the appeals and hearings board shall issue a final decision.

If timely exceptions are received, the hearings board shall send notice to the parties that the appealing party(s) has 30 days to submit a brief. Following the service of the appealing party's brief, or upon the expiration of the 30 day period, whichever shall occur first, the other party shall have 30 days to submit a brief. All briefs must be served on the opposing parties and filed with the appeals and hearings board.
- J. Following receipt of all briefs, the appeals and hearings board shall schedule an oral argument if requested to do so by either party.
- K. The request for an oral argument must be in writing, addressed to the chairman of the appeals and hearings board, and submitted with that party's brief.
- L. The oral argument shall be scheduled following the filing on the last working day of the month.
- M. The oral argument shall be heard by the members of the appeals and hearings board and shall be held in accordance with the following format:
 - (1) The appealing party shall be given twenty minutes to present his case;
 - (2) The opposing party shall be given twenty minutes to present his case;
 - (3) The appealing party shall be given a rebuttal period of five minutes.

- N. The parties by written stipulation may agree that the hearing officers' decision shall be final and binding upon the parties.
- O. The final order shall be issued by the appeals and hearing board, and the decision of such board shall be made in accordance with *Section 3.12.A* of this ordinance.
- P. The final order shall be written and shall comply with the provisions of Title 1, Chapter 23, Section 10 of the SC Code of Laws, 1976.

**SECTION 4
AUTHORIZATION FOR DISCHARGES OF STORMWATER FROM
CONSTRUCTION ACTIVITY**

4.1. OPERATOR REQUIREMENTS

Construction Site Operators must complete, and submit to the City, the appropriate NOI form as specified below to receive coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities as regulated by SCDHEC. "Operator" means any person associated with a construction project who meets one of the following two criteria:

- A. The person has operational control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs, and specifications by a qualified individual identified in *Section 6.2.B*. This person is typically the owner or developer of the project or a portion of the project (subsequent builders), and is considered the Primary Permittee; or
- B. The person has day-to-day operational control of those activities at a construction site, which are necessary to ensure compliance with a SWPPP for the construction site or other Permit conditions. This person is often referred to as the Operator of Day-to-Day Site Activities (ODSA) and is typically a contractor or a residential builder who is hired by the Primary Permittee. This person is considered a Secondary Permittee for a residential development.

4.2. OPERATOR CATEGORIES

A. Primary Permittee

- (1) An owner, developer(s) or operator of a project is a Primary Permittee. This person may include, but is not limited to a developer, landowner, realtor, builder, utility provider, public or private entity, etc. The Primary Permittee's responsibility to comply with requirements of the Permit extends until coverage is terminated in accordance with requirements of *Section 9 Termination of Coverage*. The Primary Permittee must submit a

complete and accurate NOI as described in *Section 4.6 Notice of Intent*. The Primary Permittee may rely on, or require, Secondary Permittees and/or contractors to assist with project activities necessary to ensure compliance with the Permit and implementation of the OS-SWPPP.

- (2) The Primary Permittee on any construction site subject to the Permit is responsible for preparation of the site-specific C-SWPPP as described in *Section 6 Stormwater Pollution Prevention Plans*.
- (3) The Primary Permittee on any construction site shall either enforce compliance with the approved, site-specific OS-SWPPP or report activities, which are not in compliance with the OS-SWPPP, to the City when a Secondary Permittee fails to implement the appropriate BMPs or other measures as outlined by the OS-SWPPP or alternate Permit conditions.

B. Secondary Permittees

- (1) An individual lot owner or residential builder that conducts land-disturbing activity at a construction site, that is limited to an individual lot or a group of lots that are part of a LCP previously approved by the City, is a Secondary Permittee.
- (2) Residential Subdivisions – Individual and/or Multiple Lots
 - (a) Individual lots or a collection of individual lots within a residential subdivision that are part of a Larger Common Plan (LCP) are regulated regardless of lot size or ownership. If the Primary Permittee obtains coverage under the Permit for the development and then sells lots within the development, then coverage under the Permit may either continue with the Primary Permittee or the Primary Permittee may require that the new lot owner (or new lot owner may choose to) obtain their own coverage under the Permit as a Secondary Permittee. The Primary Permittee must inform the new owner of the Individual Lot Notice of Intent requirements and make the OS-SWPPP and a copy of the CGP available to the new owner who would be seeking individual lot(s) coverage under the Permit. When a Secondary Permittee elects to not follow the drainage provisions in the Primary Permittee’s approved OS-SWPPP, the City may require the Secondary Permittee to request coverage under the Permit as a Primary Permittee.
 - (b) Each individual lot(s) owner or residential builder obtaining their own coverage under the Permit will be issued a new NPDES permit coverage number and assigned a state file number linked to the LCP by SCDHEC.

- (c) For projects covered under the 2006 CGP and where an individual lot owner or residential builder has signed a Co-Permittee Agreement, those individual lot owners or residential builders may continue to work under that agreement as a Co-Permittee as long as the project's coverage remains active and under the control of the operator to whom coverage was originally granted.
- (3) Lot owners obtaining their own coverage under the Permit shall:
- (a) Complete, and submit to the City, an Individual Lot Notice of Intent (IL-NOI) meeting the requirements set forth in *Section 4.6.C* at least seven business days prior to the commencement of construction activities by the Secondary Permittee at the site.
 - (b) Indicate on the NOI that the new lot owner will follow the approved On-Site SWPPP (OS-SWPPP) and individual lot controls developed for the LCP or develop a sediment and erosion control plan meeting the requirements set forth for a Comprehensive SWPPP (C-SWPPP) in *Section 6.1.G Comprehensive SWPPPs*.
 - (c) Individual lot owners and residential builders with multiple lots within a LCP may submit only one (1) Individual Lot NOI for coverage under the Permit.
- (4) Contractors
- (a) Contractors employed by the Primary or Secondary Permittee, whose work at a construction site may disturb soils or whose work may otherwise be necessary to implement the approved On-Site SWPPP (OS-SWPPP), must complete a project-specific Contractor Certification Form meeting the requirements set forth in *Section 4.6.C*. Each contractor must also attend and document attendance at a Pre-Construction Conference as defined in *Sections 4.4 and 7.1 Pre-Construction Conferences*. All contractors and subcontractors identified in the plan to perform construction related work intended to disturb soils at the Site that may affect the implementation of the SWPPP must sign the certification statement given below:

"I certify by my signature below that: a) I or I on behalf of my company, as the case may be, participated in a pre-construction conference onsite or, when allowed, offsite with the individual who is responsible for the operational control of the Storm Water Pollution Prevention Plan (SWPPP) or the duly authorized representative, and/or the preparer of the SWPPP or person with

registration equivalent to that of the preparer of the SWPPP; and b) I or I on behalf of my company accept the terms and conditions of the SWPPP as it pertains to the portion or portions of the plan I or my company am responsible for, and as required by the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities permit SCR100000 issued to the Owner/Operator of the construction activity for which I or my company have been contracted to perform construction related professional services. I understand that I, and my company, as the case may be, may be legally accountable to the SC Department of Health and Environmental Control (SCDHEC) and/or the local implementing authority (City of Sumter), under the authorities of the CWA and the SC Pollution Control Act, to ensure compliance with the terms and conditions of the SWPPP.”

- (b) This form is to be submitted to the Primary Permittee or Secondary Permittee (as applicable) prior to commencement of construction activities and is to be retained with the approved OS-SWPPP at the site. Contractors are responsible for ensuring that their activity is in compliance with the approved OS-SWPPP and other permit conditions.
- (c) The date of the signature, the title of the Person providing the signature, and the name, address, and telephone number and Employer Identification Number (EIN) of the contracted firm, shall also be provided. In the event the Primary Permittee amends the SWPPP, such amendments should be incorporated to the plan and the contractors and subcontractors should acknowledge by signature. Contractors who have completed their work prior to the amendments do not have to sign the amendments.
- (d) All Contractors are subject to SCDHEC and City enforcement actions if permit conditions are not met. Enforcement actions may be taken against any specific Contractor or combination of Contractors, with consideration given to the party responsible for the violation. The Primary Permittee submitting the NOI shall retain all contractor certifications for at least three years after a contractor has completed work at the Site. Contractors who sign the certification may be liable to SCDHEC or City enforcement actions related to their work at the site. All certifications must be included in the SWPPP.
- (e) Copies of all Contractor Certifications and a copy of this permit shall be kept with the SWPPP. If additional Contractors are added later on, the original and one copy of the additional Contractor

Certifications must be submitted along with the monthly reports or copies of the inspection forms submitted after the signing of the certification. For construction Sites that disturb less than 10 acres, the Primary Permittee of the facility covered by this permit shall make all contractor certifications available to SCDHEC and the City of Sumter upon request. The Department and/or City of Sumter may on a case-by-case basis require the submittal of the Contractor Certifications.

(5) Utility Providers and Utility Contractors

Utility providers and utility contractors that are responsible, either directly or indirectly, for the construction, installation, and maintenance of conduits, pipes, pipelines, cables, wires, trenches, vaults, manholes, and similar structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water or sewage are required to complete a Contractor Certification Form or as an alternative, may submit an Annual Blanket Notice of Intent (AB-NOI) to SCDHEC. Utility operators shall submit their AB-NOI approved by SCDHEC to the City prior to the commencement of site activities.

4.3. PREVIOUSLY PERMITTED PROJECTS

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

4.4. PRE-CONSTRUCTION CONFERENCE

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

4.5. LENDING OR OTHER INSTITUTIONS OR OTHER INSTITUTIONS

If a lending institution, government entity, etc. takes operational control of a construction site due to foreclosure, Permittee filing for bankruptcy, abandonment, etc., then that entity is responsible for the construction site's stormwater discharges. Coverage is required under the Permit prior to the entity initiating construction activity at the site.

4.6. NOTICE OF INTENT

A. Applicants seeking coverage under the Permit must use the NOI forms provided by the City of Sumter.

B. NOI Requirements for Primary Permittees

Applicants seeking coverage under the Permit as a Primary Permittee must provide the following information on the NOI form to the City:

- (1) Owner/Operator name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
- (2) Project/Site name, address, county or similar governmental subdivision, tax map number, and latitude/longitude of the construction Project or Site;
- (3) Property owner name, address, and telephone number if property owner is different from Owner/Operator;
- (4) Completed SWPPP in accordance with the provisions of *Section 6*;
- (5) Name and classification of the Water(s) of the State into which the Site discharges and identification of proposed impacts, if any, to jurisdictional and non-jurisdictional waters, including impacts of construction activities to SC Navigable Waters (SCNW);
- (6) Indication whether the site discharge is consistent with the assumptions and requirements of applicable TMDLs;
- (7) Estimated dates of commencement of construction activity and final stabilization (i.e., Project start and completion dates);
- (8) Total acreage of the construction site and total acreage (to the nearest tenth acre) to be disturbed for which the Applicant is requesting permit coverage;
- (9) A certification statement, signed and dated by an authorized representative as defined in §122.22 of *SC Regulation 61-9*, and the name and title of that authorized representative. The signature on the submitted NOI must be original; and
- (10) Any other information, pertinent to the Permit, the City requires on the NOI form.

C. Requirements for NOIs for Secondary Permittees and Contractor Certifications

Secondary Permittees seeking coverage under the Permit must provide the following information on the NOI Form. Contractor Certifications Forms must contain items (1), (2), (8), and (9) at a minimum.

- (1) Secondary Permittee or Contractor name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
- (2) Project/Site name, subdivision name and lot number(s) (if applicable), NPDES coverage number for Primary Permittee;
- (3) Property owner name, address, and telephone number if property owner is different from Owner/Operator;
- (4) The name, address, and telephone number of the individual to whom the Secondary Permittee has assigned the responsibility for the daily operational control of the site;
- (5) Estimated dates of commencement of construction activity and final stabilization (i.e., Project start and completion dates);
- (6) Total acreage of the construction site and total acreage (to the nearest tenth acre) to be disturbed for which the Applicant is requesting permit coverage;
- (7) An indication that the provisions of the Primary Permittee's approved OS-SWPPP will be adhered to by the Secondary Permittee while conducting any construction activity at the site, or an indication that the Secondary Permittee will develop a C-SWPPP for their discharges consistent with the provisions of *Section 6*. C-SWPPPs developed by the Secondary Permittee to address their discharges only should be provided to the Primary Permittee for inclusion in the Comprehensive SWPPP when the Secondary Permittee's SWPPP is not consistent with the design provided by the Primary Permittee;
- (8) A certification statement, signed and dated by an authorized representative as defined in §122.22 of SC Regulation 61-9, and the name and title of that authorized representative. The signature on the submitted NOI must be original; and
- (9) Any other information, pertinent to the Permit, the City requires on the NOI form.

4.7. OTHER REQUIRED INFORMATION

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

- A. **Fee Schedule.** The application for a permit to disturb or change land in the incorporated areas of the City of Sumter shall be accompanied by a non-refundable fee according to the following schedule.
 - (1) The fee of any Type 1 application for permit or plan approval required by the ordinance shall be \$125 per disturbed acre and the fee for any Type 2 application for permit or plan approval shall be a set fee of \$100, each to be adjusted as needed to maintain program self-sufficiency as approved by SC Department of Health and Environmental Control.
 - (2) The fee for any determination or documentation of any waiver or exemption from any requirements of this ordinance shall be \$100.
- B. A copy of the Comprehensive SWPPP with the supporting documents and calculations.
- C. For Secondary Permittees applying for coverage using the Individual Lot(s) NOI, a plat, plan or map must be submitted outlining and identifying each lot included in their request for permit coverage.

4.8. SUBMISSION DEADLINES

- A. Deadlines for submission of an initial or a modified Notice of Intent application and other required information are defined below for “New” and “Ongoing” projects.” A “New Project” is defined as one that commenced construction after January 1, 2013. An “Ongoing Project” is one that commenced construction before January 1, 2013.
- B. New Projects
 - (1) To obtain coverage under the Permit, the Applicant must submit a complete and accurate NOI and other information required in *Section 4.7* to the City prior to commencement of construction activities. Land disturbing activities may not commence until written approval is granted by SCDHEC.
- C. Permitted Ongoing Projects
 - (1) If the applicant previously received authorization to discharge for the current phase of their Project under the 2006 CGP, they shall be granted coverage under the Permit as long as the construction site complies with the SWPPP requirements of *Section 6*. There will be no additional fees associated with an extension of coverage for existing sites under the

Permit. However, the City may, at its discretion, require an Applicant to confirm their intent to be covered under the Permit following its effective date.

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

D. New Owner/Operator of Ongoing Projects

- (1) Where the Operator changes (new Owner), after the initial NOI and Comprehensive SWPPP (C-SWPPP) have been approved, the City must be notified in writing within seven calendar days. Accompanying this notification, the new Operator must submit one of the following:
 - (a) A New NOI and C-SWPPP, when the new Operator does not agree to comply with the approved C-SWPPP and/or elects to modify the approved C-SWPPP; or
 - (b) A New NOI and Compliance Statement, when the new Operator agrees to comply with the approved C-SWPPP. Note that the C-SWPPP must still be updated, if not already completed, in compliance with *Section 6.1.G*.

The New Operator may not commence work at the construction site until approved by the City and SCDHEC. The new NOI and C-SWPPP must reference the project's name and tracking number assigned to the initial Operator's NOI and C-SWPPP.

- (2) If the construction site under the control of the new Owner is inactive and all areas disturbed have reached stabilization, the NOI may not need to be submitted immediately. Written notification to the City should:
 - (a) Identify both the previous Owner and new Owner that will obtain operational control at a construction site,
 - (b) Identify the construction site as inactive,
 - (c) Identify each project area and the stabilization status (either as temporary stabilization or final stabilization),
 - (d) Provide a detailed explanation for delayed commencement of construction at the construction site under the direction of the new Owner and proposed plans, schedule, dates, etc. for recommencement under the new Owner, and;

- (e) A NOI will need to be submitted before any additional construction activities are to be implemented at the construction site.
- (3) If the site under the control of the new Owner is inactive and all areas disturbed have not reached stabilization, the new Owner must obtain permit coverage and provide stabilization as defined in this Ordinance. Stabilization measures may be implemented prior to issuance of new permit coverage.
- (4) If the new Owner or Operator has elected to modify the layout of the construction site, thereby altering the approved Comprehensive SWPPP, then the new Owner or Operator must apply for new coverage under the Permit.
- (5) If upon the sale or transfer of the construction site's ownership does not change the signatory requirements for the NOI, but the site's owner or developer's company name has changed, an updated NOI should be submitted to the City along with written notification defining the proposed sale or transfer of ownership. If the new Operator agrees to comply with an existing Comprehensive SWPPP already implemented at the site, a SWPPP acceptance and compliance statement should be included in the notification to the City. If the new Operator does not agree to comply with an existing C-SWPPP, a new C-SWPPP must be submitted with the NOI to apply for new coverage under the Permit.
- (6) Each new Owner/Operator will be subject to the standard NPDES permit coverage fee of \$125 for construction sites. There will be no additional review fees associated with the sale or transfer of ownership for existing permitted construction sites when no major modifications to a SWPPP occurs.
- (7) If the transfer of ownership is due to foreclosure or a Permittee filing for bankruptcy proceedings, see *Section 4.5*.

4.9. LATE NOTIFICATIONS

- A. NOIs submitted after initiating clearing, grading, filling and excavation activities (including borrow pits and stockpile material storage areas), or other similar construction activities for projects or sites required to obtain authorization under the Permit are considered late. When a late NOI is submitted, authorization for discharges occurs consistent with *Section 4.11*. The City or SCDHEC may take enforcement for any un-permitted discharge or violations of laws or regulations that occur between the time construction commenced and discharge authorization.

4.10. WHERE TO SUBMIT

- A. The Applicant must send a complete and accurate NOI application to the City of Sumter.

4.11. AUTHORIZATION TO DISCHARGE

- A. Authorization to discharge shall be granted by SCDHEC within seven business days of SCDHEC receipt of NOI, submittal review fees and written approval from the City of Sumter.
- B. If SCDHEC does not send a letter authorizing coverage, denying coverage, providing review comments, or advising that a review of the C-SWPPP will take place, the authorization to discharge will be automatically granted.
- C. If a US Army Corps of Engineers' 404 Permit or SCDHEC 401 Water Quality Certification is required by Section 404 or 401 of the CWA for permanent or temporary Stormwater control structures, SCDHEC may not grant the Applicant coverage under the Permit until the 404 and 401 permits have been issued and are effective.
- D. In situations where the 404 Permit decision will not affect the implementation of a SWPPP, SCDHEC will issue approval of the SWPPP and grant coverage under the Permit before the 404 Permit decision is effective.
- E. In situations where the 404 Permit decision will affect only a portion of the "Project Area", the City may grant the unaffected portion of the "Project Area" coverage under the Permit. The remaining portion of the "Project Area" will be considered after the 404 Permit is issued and effective.
- F. In situations where the entire "Project Area" is affected by the 404 Permit decision, the Department will not grant coverage under this general permit until the 404 Permit decision is issued and effective.
- G. When permanent or temporary structures will be placed in South Carolina Navigable Waters, the Department will address any issues related to South Carolina Navigable Waters' Program under SC Regulation 19-450 during the review of the C-SWPPP rather than requiring a separate South Carolina Navigable Waters Permit. This provision will only apply to activities that will not require a 404 permit or a 401 certification.

SECTION 5
PLAN AND APPLICATION REQUIREMENTS

5.1. STANDARDS AND REQUIREMENTS FOR PREPARATION OF TYPE 1 STORM WATER MANAGEMENT AND SEDIMENT CONTROL PLANS

General submission requirements for all projects requiring storm water management and sediment control plan approval will include a standard application form and must meet all the requirements of *Section 6, Stormwater Pollution Prevention Plans*.

5.2. STANDARDS AND REQUIREMENTS FOR PREPARATION OF TYPE 2 STORM WATER MANAGEMENT AND SEDIMENT CONTROL PLANS

The storm water management and sediment control plan required for land disturbing activities of less than one acre which are not part of a larger common plan of development or sale shall contain the following information, as applicable:

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

- G. All storm water management and sediment control plans shall contain certification by the person responsible for the land disturbing activity of the right of the Commission or implementing agency to conduct on-site inspections. The requirements contained above may be indicated on one plan sheet. More detailed hydrologic or soils information may be required on a case-by-case basis by the implementing agency. Storm water detention/retention may be required if excessive water problems are known to exist in the area.

SECTION 6
STORMWATER POLLUTION PREVENTION PLANS

6.1. GENERAL INFORMATION

- A. A Stormwater Pollution Prevention Plan (SWPPP) is a requirement for coverage under the NPDES Permit. The applicant shall submit a complete Comprehensive SWPPP (C-SWPPP) as defined in *Section 6.1.G* for City and SCDHEC review and approval. After C-SWPPP approval, a condensed version of the C-SWPPP labeled as the On-Site SWPPP (OS-SWPPP), as defined in *Section 6.1.H* must be kept at the construction site until final stabilization is reached and coverage under the Permit has been terminated.
- B. At least one C-SWPPP must be developed for each construction site seeking coverage under the Permit and a qualified individual, when applicable, as defined by *Section 6.2.B*, in accordance with Good Engineering Practices (GEP) must prepare the C-SWPPP.
- C. The C-SWPPP must be submitted with the NOI for the application to be deemed complete.
- D. The C-SWPPP is to be consistent, at a minimum, to the standards listed in SC Regulation 72-300, unless specifically exempted by SC Regulation 72-302.A.
- E. The Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) must:
 - (1) Be site-specific;
 - (2) Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
 - (3) Describe practices to be used to reduce pollutants in stormwater discharges from the construction site,
 - (4) Assure compliance with the terms and conditions of the Permit when properly implemented; and
 - (5) If the C-SWPPP must be prepared by an individual identified in *Section 6.2.B*, the C-SWPPP must contain the following certification:
 - (a) “I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of *Title*

48, Chapter 14 of the Code of Laws of SC, 1976 as amended, pursuant to Regulation 72-300 et seq. (if applicable), and in accordance with the terms and conditions of SCR100000.”

- F. The Permittee must implement the approved C-SWPPP at the construction site as written from commencement of construction activities until final stabilization has been reached. The approved, C-SWPPP to be implemented will be a condensed version, as defined in *Section 6.1.H*, and will be labeled as the On-site SWPPP (OS-SWPPP).

- G. Comprehensive SWPPPs
 - (1) Each Comprehensive SWPPP (C-SWPPP) must be designed, approved, and implemented to meet all applicable requirements outlined by the Permit. A C-SWPPP is to accompany the Notice of Intent when the Permittee is seeking coverage under the Permit. The C-SWPPP is to include all applicable items outlined in *Section 6.8 Submittal Requirements*. Once approved, the C-SWPPP will be condensed into the On-Site SWPPP, as outlined in *Section 6.1.H*, before undergoing implementation. The Construction Site Plans are referenced as part of the contents of a C-SWPPP but do not have to be bound to the C-SWPPP. The Construction Site Plans should be submitted as a separate document.
 - (2) For non-linear construction sites disturbing more than 5 acres, the Comprehensive SWPPP must be submitted with a phased erosion prevention and sediment control plan in accordance with *Section 6.8.I.2*.
 - (3) For any C-SWPPPs associated with a Larger Common Plan (LCP), specifically associated with residential development, the C-SWPPP must be designed in a manner that the entire project site, during construction and through final build out, is in compliance with the requirements herein. A C-SWPPP designed to the above conditions will allow Secondary Permittees to apply for individual lot coverage under the NPDES Permit by referencing and implementing the approved OS-SWPPP.

- H. On-Site SWPPPs
 - (1) An On-Site SWPPP is a derivative of the Comprehensive SWPPP and is created after the C-SWPPP has been submitted to and approved by the City and SCDHEC. Once the On-Site SWPPP is created from the approved C-SWPPP, it is to be stored at the construction site as required by *Section 6.6*.
 - (2) The On-Site SWPPP must include the same stormwater management and sediment control plan, and the same construction site plans included in the Comprehensive SWPPP approved for the site.

- (3) Each On-Site SWPPP will act as the construction site's living documentation that will be followed as the stormwater pollution prevention plan is implemented, updated as modifications are made, and used as a record log as stages of the approved OS-SWPPP are completed until the construction site has reached final stabilization and coverage under the Permit has been terminated.
- (4) The contents of the On-Site SWPPP include all items required for the review and approval of the C-SWPPP under *Section 6.8* except for the following:
 - (a) **Engineering Reports.** *Section 6.8.H.*
- (5) The contents of the On-Site SWPPP must also include the following additional documents which may not be required to be a part of the C-SWPPP prior to approval:
 - (a) **SCDHEC Construction General Permit.** One copy of the Permit, excluding the appendices. Provisions may be made for the copy of general permit to be accessed electronically as long as a hard copy can be made available by the end of the working day when required.
 - (b) **Notice of Intent.** A stamped and approved copy of the NOI.
 - (c) **NPDES Coverage Approval Letter.** The letter generated once the C-SWPPP is determined to be in compliance with the Permit.
 - (d) **City Approval.** Any additional letters, approvals, or certifications necessary to implement the OS-SWPPP, when necessary.
 - (e) **USACOE Approvals.** Certifications necessary to allow impacts to Waters of the State or Jurisdictional wetlands, when necessary.
 - (f) **Contractor Certifications.** Certifications necessary to allow contractors to conduct construction activities within the construction site.
 - (g) **Record Keeping.** Any logs necessary to track the progress, compliance, modifications and those associated with the construction site. These logs may include, but are not limited to, a pre-construction conference log, an inspection log, a stabilization log, a rain log, a contractor log and/or any additional record keeping as deemed necessary by the Permittee, Contractor, SCDHEC or the City.

6.2. DESIGN AND DEVELOPMENT

- A. Each C-SWPPP must be designed and developed to specifically address the unique situations found on each construction site seeking coverage under the Permit. Each C-SWPPP must include a Stormwater Management and Sediment Control Section as outlined in *Section 6.8.B*.
- B. For construction sites that disturb more than one acre (Type 1), each C-SWPPP must be prepared, amended when necessary, certified, and stamped as allowed by their respective act and regulations by a qualified individual who is licensed as follows:
 - (1) Registered professional engineers as described in Title 40, Chapter 22;
 - (2) Registered landscape architects as described in *Title 40, Chapter 28, Section 10, item (b)*;
 - (3) Tier B land surveyors as described in *Title 40, Chapter 22*; or
 - (4) Federal government employees as described by *Title 40, Chapter 22, Section 280(A)(3)*.

6.3. SIGNATORY REQUIREMENTS

- A. The C-SWPPP must be signed and certified by SWPPP preparer who meets the requirements in *Section 6.2.B*.

6.4. APPLICABLE FEDERAL, STATE, AND CITY REGULATIONS

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

6.5. REVIEWS AND APPROVALS

- A. The C-SWPPP is required to be submitted for review and approved by the City and SCDHEC before construction activities may commence.
- B. Any Major Modification, as referenced in *Section 6.7.C*, to any SWPPP is required to be submitted to and approved by the City and SCDHEC before implementation of any major modifications may commence.
- C. Minor Modifications, as referenced in *Section 6.7.D*, may be made to any SWPPP by the Permittee without approval. However, these modifications must be

recorded in the On-Site SWPPP and be made available upon request by the City or SCDHEC.

6.6. AVAILABILITY

- A. A copy of the OS-SWPPP, as defined by *Section 6.1.H*, must be retained at the construction site or a nearby location easily accessible during normal business hours, from the date of commencement of construction activities to the date that final stabilization is reached.
- B. If a location within the construction site is unavailable to store the On-Site SWPPP when no personnel are present, notice of the plan's location, along with any updated contact information, must be posted near the main entrance at the construction site.
- C. Contractors and/or Builders, who have day-to-day operational control over OS-SWPPP implementation, must have a copy of this SWPPP available at a central location within the construction site for the use by all those identified as having responsibilities under the OS-SWPPP.
- D. For linear construction of roads and utilities (i.e., electrical power lines, gas lines, main sewer trunk lines, and water distribution lines), which are not part of a LCP, where it is not practical to have the OS-SWPPP on location, the Permittee and/or Operator must upon request make the OS-SWPPP available by the end of normal business hours, or by the following business day under extenuating circumstances.
- E. On-Site SWPPPs must be made available upon request and at the time of a construction site inspection by EPA, SCDHEC or City representatives.

6.7. MODIFICATIONS

- A. Each SWPPP must be modified if during inspections or investigations by City, state or federal officials, it is determined that any SWPPP is ineffective in either eliminating, when reasonably possible, or significantly minimizing pollutants in stormwater discharges from the construction site.
- B. Each SWPPP must be modified as necessary to include additional or modified BMPs, which are designed to correct problems identified during the construction site inspection by any qualified inspector, as identified in *Section 7.2.E*, or by City, state or federal officials. Revisions to each SWPPP must be completed within seven calendar days following the inspection. Implementation of these additional or modified BMPs must be accomplished as described in *Section 6.8.F*.
- C. **Major Modifications.** Each SWPPP must be modified and submitted for review and approval by the City and SCDHEC if any of the following conditions are met:

- (1) Whenever there is a significant change in design, construction, operation, or maintenance at the construction site resulting in discharges that will cause, have the reasonable potential to cause, or contribute to violations to SC's Water Quality Standards.
- (2) Whenever a change in the design, construction, operation, or maintenance calls for a revision of any approved SWPPP based on the following list of modifications:
 - (a) Modifications that will affect the hydrology or trapping efficiency calculations including:
 - i. Resizing Sediment or Detention Basins to meet flow or volume requirements of a site redesign.
 - ii. Deletion of Sediment or Detention Basin or Sediment Trap.
 - iii. Relocation of Sediment or Detention Basins resulting in increases/decreases in receiving drainage area and/or resulting in a new/relocated basin outlet location, which is directed towards an outfall that was not approved within the C-SWPPP.
 - iv. Addition/Removal of Sediment or Detention Basin.
 - v. Modification of Sediment or Detention Basin Outlet Structure.
 - vi. Changes in grading that alter drainage patterns that may result in increased or decreased flow to a sediment or detention basin
 - vii. Amending Construction Sequence in a fashion that the Detention Basin is not installed before Grubbing Operations begin.
 - (b) Point Discharge or Outfall location changes.
 - (c) Any modification to regulated water quality structural control measures.
 - (d) Adding a new point discharge.
 - (e) Addition of Impervious Area due to revised site development plans.

- (f) Addition of Disturbed Area.
- (g) Changes to Navigable Water Crossing.
- (h) Addition of Sediment Trap(s) when required to obtain 80% Trapping Efficiencies for disturbed areas not previously permitted or redirected away from an approved water quality BMP.
- (i) Site layout changes that require redesigning the stormwater management system.
- (j) Any additional modifications as determined by the City or SCDHEC.

D. **Minor Modifications.** The Permittee must modify the On-site SWPPP and keep a record of each modification within the On-Site SWPPP if any of the following conditions are met:

- (1) **Addition of BMPs.** Addition of Silt Fence, Slope Drains, Inlet Protection, Outlet Protection that does not involve additional wetland impacts, or Check Dams to improve the overall stormwater management and sediment control at the construction site.
- (2) **BMP Relocations.** Relocation of Construction Entrance, pond inlet pipes (within a pond), and any other proposed BMP to improve the overall stormwater management and sediment control at the construction site.
- (3) **Removal of Disturbed Areas.** As long as the removal of the disturbed area does not also remove any BMPs (ponds, traps, etc.) that are required to meet SC's Water Quality or Quantity Standards. Removal of disturbed area only qualifies for disturbed area that was included in the initial coverage approval and that was never disturbed (i.e., cleared, grubbed or graded).
- (4) **Modifying Individual Lot Drainage.** Unless the changes affect the inflow to a Detention Structure or Analysis Point, to which the lot drains, that was not previously approved.

6.8. SUMITTAL REQUIREMENTS

A. **Narrative.** Each C-SWPPP must include a project narrative that accurately addresses the following requirements for each construction site:

- (1) Scope of project outlined, including a detailed description of pre- and post-development conditions.

- (2) Description of existing and potential flooding problems at the site due to pre-construction drainage conditions, and any potential flooding problems within the surrounding area that may be a direct result of current site conditions or the proposed site development. Identify if the site is located within a floodplain.
- (3) The function of the Project (e.g., low density residential, shopping mall, highway, etc.).
- (4) Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas.
- (5) Information regarding the required on-site support activities (e.g. concrete and asphalt batch plants, etc.).
- (6) Identification of prior uses of the construction site or potential sources of pollution that may reasonably be expected to cause or contribute to a violation of any applicable water quality standard based upon the existing condition of the construction site.

B. **Stormwater Management and Sediment Control.** Each C-SWPPP must include a Stormwater Management and Sediment Control section that accurately addresses the following requirements for each construction site:

- (1) **Industrial Stormwater Discharges.** Identify and describe the location of any Stormwater discharge associated with industrial activity other than construction activities at the construction site. This includes Stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by the Permit.
- (2) **Water Quality BMPs.** Identify and describe all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activities to control pollutants in Stormwater discharges.
- (3) **Erosion Prevention BMPs.** Identify and describe all temporary and final stabilization practices for the construction site, including a schedule of when the practices will be implemented. Use of impervious surfaces for stabilization should be avoided.
- (4) **Structural Control Measures and Floodplain Placement.** Identify and describe all structural practices used to divert flows from exposed soils; to retain/detain flows; or to otherwise limit runoff and the discharge of pollutants from exposed areas of the construction site. Placement of

structural practices in floodplains must be in accordance with applicable regulations.

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

C. **Sequence of Construction**

- (1) The C-SWPPP must include a Sequence of Construction that accurately describes the nature of the construction activity for each construction site. The Sequence of Construction must include, at a minimum, the following:
 - (a) The intended sequence and timing of all planned major construction activities that disturb soils such as clearing and grubbing, installing sediment basins prior to remaining land disturbance, initial and final grading, and cut and fill activities at the construction site.
- (2) When phased erosion prevention and sediment control plans are required, pursuant to *Section 6.8.I.(2)*, each phase must include a phase-specific sequence of construction that accurately describes the nature of all construction activity for each phase at the construction site.

- (3) The Sequence of Construction must be included within the Construction Site Plans, per *Section 6.8.I*. The Sequence of Construction should begin with the installation of any construction entrances and installation of perimeter controls, and should end with the removal of all temporary sediment and erosion control measures and the conversion of any BMPs required to be converted into permanent control measures, once the site has been finally stabilized. The level of detail will vary based on the nature and complexity of the construction project.

D. Site Features and Sensitive Areas

- (1) The C-SWPPP must identify and delineate all Waters of the State (WoS), including wetlands, located within the disturbed area and/or the total area associated with the construction site. The C-SWPPP must also identify all WoS, including wetlands, which are located immediately adjacent to or within the surrounding area of the construction site. The C-SWPPP must also identify receiving waters, including wetlands and South Carolina Navigable Waters. The following must be addressed when a WoS is required to be identified.
 - (a) An additional, separate plan sheet, provided within the construction site plans when necessary that delineates all WoS within the construction site's Limits of Disturbance, and that identifies all WoS within the surrounding or adjacent areas. This plan sheet must identify all impacted areas with a description of the activities, whether permanent or temporary, and any other relevant information.
 - (b) If impacts to WoS, outlined areas of impacts and labeled that no work can begin in this area until all necessary USACOE permits and SCDHEC 401 certifications have been obtained.
 - (c) If Structural BMPs are proposed to be installed within a WoS, the C-SWPPP must specifically address the requirements listed in *Section 6.8.F.(1)(f)*.
- (2) **Buffer Zone Management.** In order to minimize sediment discharges, during construction, if surface waters are located on or immediately adjacent to the construction site, the C-SWPPP must address any stormwater discharges from the construction site to such waters so that these discharges are treated by an undisturbed buffer zone that is capable of achieving maximum pollutant removal.
 - (a) Requirements. The C-SWPPP must identify an undisturbed buffer zone that meets the following criteria when surface waters are located on or immediately adjacent to the construction site:

- i. **30-Foot, Natural Buffer.** Provide and maintain, at a minimum, a 30-foot undisturbed buffer zone **during construction**. This Natural Buffer should be located between the surface waters and the outermost sediment and erosion controls at the construction site;
 - ii. **45-Foot, Extended Natural Buffer around Sensitive Waters.** Provide and maintain, at a minimum, a 45-foot undisturbed buffer **during construction** where the surface waters are classified as **Sensitive Waters**. This Extended Natural Buffer should be located between the surface waters and the outermost sediment and erosion controls at the construction site;
 - iii. **Velocity Dissipation Requirements.** All discharges into a buffer zone should be non-channelized and non-concentrated to prevent erosion, and must first be treated by the construction site's sediment and erosion controls. Velocity dissipation measures may be implemented within a buffer zone via *Section 6.8.D.(2)(c)v*;
- (b) **Compliance Options.** The C-SWPPP must identify and address each applicable **Buffer Zone Management** requirement through one of the following Compliance Options.
- i. **Option A – Provide the Entire Buffer Width.** Provide and maintain, at a minimum, the required buffer zone in addition to the required erosion prevention and sediment control BMPs for the construction site. C-SWPPPs pursuing this option must also include the following:
 - 1) **Narrative.** A narrative detailing that a buffer zone is to be maintained at a length of the required buffer width; and
 - 2) **Maintenance Notes.** A list of standard notes addressing the maintenance of the buffer zone and supporting BMPs. These notes may be located within the construction site plans.
 - ii. **Option B – Reduction of the Buffer Width.** Provide and maintain an undisturbed buffer that is less than the required buffer width in addition to the required erosion prevention and sediment control BMPs for the construction site. **Situations qualifying for this option are listed in *Section***

6.8.D.(2)(c) Exceptions. Other situations may be approved for this option on a site-to-site basis. C-SWPPPs pursuing this option must also include the following:

- 1) **Narrative.** A narrative detailing that a buffer zone is to be maintained at a length less than the required buffer width;
- 2) **Surface Water Protection Plan.** A detailed sequence of the procedures and/or controls (including the installation of BMPs, maintenance of BMPs, and removal of BMPs) to be implemented to protect the immediately adjacent or on-site surface waters;
- 3) **Maintenance Notes.** A list of standard notes addressing the maintenance of the buffer zone and supporting BMPs. These notes may be located within the construction site plans.

iii. **Option C – Elimination of the Buffer Zone.** Provide and maintain the required erosion prevention and sediment control BMPs for the construction site when circumstances restrict the capability of providing a buffer zone. **Situations qualifying for this option are listed in Section 6.8.D.(2)(c) Exceptions.** Other situations may be approved for this option on a site-to-site basis. C-SWPPPs pursuing this option must also include the following:

- 1) **Narrative/Justification.** A narrative justifying why an undisturbed buffer, of any length, will not be provided due to site-specific conditions;
- 2) **Surface Water Protection Plan.** A detailed sequence of the procedures and/or controls (including the installation of BMPs, maintenance of BMPs, and removal of BMPs) to be implemented to protect the immediately adjacent or on-site surface waters;
- 3) **Supporting Calculations.** Calculations which support that the proposed sediment control BMPs are capable of meeting the design criteria identified in State Regulation 72-307.C.(5).(a)-(c), Sedimentology, regardless of the disturbed area discharging to the surface water; and

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

(c) **Exceptions**

- i. All or portions of the construction site may not be required to meet the entire **30-foot** (45-foot if discharging to Sensitive Waters) buffer widths, if at all, when any of the following circumstances is applicable at the construction site prior to implementation of land-disturbing activities and all items in either Compliance Option B or C are provided.
- ii. **Discharges Away from Surface Waters.** Circumstance where construction stormwater runoff will not be discharged into on-site or immediately adjacent surface waters.
- iii. **Pre-Existing Development.** Areas within the required buffer zone that have been developed prior to the issuance of the Permit.
- iv. **Non-jurisdictional Waters.** This includes, but is not limited to, surface waters to be impacted and treatment works.
- v. **Special Circumstances.** Under special circumstances, work may be allowed within the designated buffer zones, but only when any of the following apply:
 - 1) Final stabilization measures have been implemented on all disturbed areas discharging to the buffer zone;
 - 2) Implementation of velocity dissipation measures within the buffer zone; and
 - 3) Work in the buffer zone will not allow stormwater discharges to cause or contribute to violations of water quality standards.

(d) Exemptions

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

- 1) **Linear Projects.** This includes any linear construction projects, that consists solely of either roadways and/or utilities (such as roads that are not part of a development and utility construction including electrical power lines, gas lines, main sewer trunk lines, and water distribution lines that are not part of a development);
- 2) **Construction of Water Dependent Structures and Water Access Areas.** This includes, but is not limited to, piers, boat ramps, and trails;
- 3) **Habitat Restoration Projects.** This includes, but is not limited to, mitigation requirements; and
- 4) **Routine Maintenance.** This includes, but is not limited to, the maintenance of existing structures located within the required buffer width.

(e) **Buffer Maintenance.** The selected compliance option, from *Section 6.8.D.(2)(b)*, must be maintained throughout the duration of all land-disturbing activities until final stabilization has been reached on all areas discharging to the provided buffer zone. Each erosion prevention, sediment control, and velocity dissipating BMP discharging to a buffer zone must be maintained to ensure that each BMP is capable of achieving maximum pollutant removal.

E. **Sources of Pollution**

- (1) The C-SWPPP must identify potential sources of pollution, including sediment and fertilizers, which are likely to affect the quality of stormwater discharges from the construction site. Identified sources of

pollution must be addressed in the C-SWPPP, a few examples of sources of pollution are listed in *Section 6.8.B*.

- (2) Litter, construction debris, oils, fuels, and building products with significant potential for impact (such as stockpiles of freshly treated lumber) and construction chemicals that could be exposed to Stormwater must be prevented from becoming a pollutant source in Stormwater discharges, per *Sections 6.8.B.(6) and 6.8.B.(8)*.

F. Best Management Practices (BMPs)

- (1) The C-SWPPP must include a Best Management Practices (BMPs) section that accurately and descriptively addresses the use, installation, maintenance and inspection for each of the following types of pollution control measures (i.e., BMPs) as outlined in the Stormwater Management and Sediment Control, per *Section 6.8.B*:

- (a) Erosion Prevention BMPs. Each erosion prevention BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in *State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications*, unless specifically exempted by *SC Regulation 72-302.A*.

- i. Stabilization. Except as provided below, initiate soil stabilization measures as soon as practicable whenever land-disturbing activities have been temporarily or permanently ceased, but in no case more than 14 days after land-disturbing activity in that portion of the construction site has temporarily or permanently ceased.

- 1) Where snow cover or frozen ground conditions preclude stabilization by the 14th day, stabilization measures must be initiated as soon as practicable.

- 2) Where construction activity on a portion of the construction site is temporarily ceased, and earth-disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the construction site.

- (b) Sediment Control BMPs. Each sediment control BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges shall not

cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in *State Regulation 72-307.C.(5).(a)*, *72-307.C.(5).(b)* and *72-307.C.(5).(c)*, unless specifically exempted by *SC Regulation 72-302.A*.

- i. Inlet Protection. Inlet protection must be provided at all existing and newly installed inlets that receive Stormwater runoff from the disturbed areas.
- ii. Outlet Protection. Outlet protection must be provided at all existing and newly installed outlets, within the construction site's boundary, that discharge stormwater runoff from the disturbed areas. Silt fence may not be used as outlet protection.
- iii. Sediment Basins. For common drainage outfalls that serve an area with 10 or more disturbed acres, a sediment basin, or equivalent sediment control BMPs, which meets the criteria identified in *State Regulations 72-307.C.(5)*, must be provided where attainable until final stabilization of the construction site is achieved. For common drainage outfalls serving an area of less than 10 acres, sediment basins are still recommended where applicable. In addition the sediment basin must be designed to meet the following requirements:
 - 1) When computing the number of acres draining into a common drainage outfall, it is not necessary to include flows from off-site areas and flows from on-site areas that are undisturbed or have undergone final stabilization, and have been diverted around both the disturbed area and the sediment basin.
 - 2) In determining whether installing a sediment basin is attainable, the SWPPP Preparer may consider factors such as soils, slope, available area on-site, etc. If a sediment basin is determined to be not attainable, sediment traps or equivalent sediment control BMPs should be used (e.g., silt fences, vegetative buffer strips, rock check dams, rock sediment dikes, or a combination of these).
 - 3) In any event, the SWPPP Preparer must consider public safety as a design factor for the sediment basin, and alternative sediment controls must be used where

construction site limitations would preclude a safe design.

- 4) Unless infeasible, properly design, install and maintain porous baffles, or similar control measures capable of enhancing settling capabilities and restricting the accumulation of sediment around the outlet structure, in all temporary sediment traps and sediment basins to reduce velocity, turbulence, and improve sediment trapping efficiency.
 - 5) Unless infeasible, sediment forebays, or similar control measures capable of providing sediment trapping at inlets of sediment basins, should be installed as practicable based on sediment storage requirements of each sediment basin.
 - 6) Unless infeasible, each sediment basin must be equipped with a cleanout stake indicating when the basin is to be cleaned.
- iv. Sediment Traps. For drainage outfalls serving greater than 2 acres but less than 5 acres, sediment traps, or equivalent sediment control BMPs, which meets the criteria identified in State Regulations 72-307.C, when applicable, must be provided where attainable until final stabilization of the construction site is achieved.
- v. Water Surface Dewatering. When discharging from sediment basins and similar impoundments, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment, unless infeasible. This outlet structure should be capable of conveying the flow for the 10-year, 24 storm event.
- (c) Runoff Control and Conveyance Measures BMPs. Each runoff control and conveyance measure BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications, unless specifically exempted by SC Regulation 72-302.A.

- i. Permanent Conveyance Measures. Each conveyance measure must be stabilized and capable of handling the 25-year 24-hour storm event with non-erosive flow conditions during construction and post-construction. If the velocity exceeds 4 ft./s, then permanent velocity dissipation measures, devices, and/or erosion prevention BMPs must be installed to provide non-erosive flow conditions.
- ii. Temporary Conveyance Channels. Design channels to avoid disturbed areas and to reduce erosion. Divert concentrated flows of Stormwater running onto the site and within the construction site to avoid contact with soils exposed during construction, unless infeasible. Prevent erosion of channel embankments, outlets, adjacent streambanks, slopes and downstream waters during discharge conditions through the use of velocity dissipation devices (e.g., check dams, sediment traps, riprap, or grouted riprap at outlets) within and along the length of any constructed stormwater conveyance channel, and at any outlets to provide a non-erosive flow velocity.
- iii. Stabilization of Conveyance Channels. Complete stabilization of stormwater conveyance channels (within 7 days of channel construction). Examples of vegetative and non-vegetative stabilization techniques include channel liners, rolled erosion control products (e.g., erosion control blankets and turf reinforcement mats), riprap, geotextiles, or other armoring materials that are suitable for use in areas with concentrated or channelized flow. Application of mulch, hydromulch, tackifier, or similar erosion prevention practices that are erodible, conveyable, or that obstruct flow when used in areas with concentrated or channelized flow in stormwater conveyance channels is prohibited.
- iv. Storm Drainage Systems. No new point discharges onto adjacent property where there was not a point discharge previously, unless written permission from the adjacent property owner is provided. A twenty (20) foot minimum buffer should be provided, where feasible, between the property line and the discharge point. Level spreaders, plunge pools, etc. shall be provided when the proposed outlet is near the property line and not directed to an existing outfall, such as a creek or ditch. All outlets from a storm sewer system shall not discharge on fill slopes.

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

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

- (e) All storm water management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to:
 - i. The bottom of retention and detention ponds should be graded to have slope not less than 0.5 percent.
 - ii. There should be no depressions in a normally dry detention facility where water might pocket when the water level is receding.
 - iii. Normally dry detention systems and swales should be designed to drain within three (3) days.
 - iv. An aquatic weed control program should be utilized in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred.
 - v. Fish may be stocked in permanently wet retention and detention ponds.
 - vi. Normally dry swales and detention pond bottoms should be constructed with a gravel blanket or other measures to

minimize the creation of tire ruts during maintenance activities.

- (f) Structural BMPs. All Structural BMPs should be placed on upland soils to the best degree practicable. Such control measures must be designed and installed in compliance with applicable federal, state and City requirements. The following requirements for structural BMPs proposed to be installed in jurisdictional Waters of the State:
 - i. Permanent Structural BMPs can only be placed in jurisdictional Waters of the United States if the US Army Corps of Engineers issues a permit for the activity under Section 404 of the CWA. When South Carolina Navigable Waters may be affected, the C-SWPPP must include appropriate requirements applicable to South Carolina Navigable Waters under SC Regulation 19-450.
 - ii. Temporary Structural BMPs can only be placed in jurisdictional Waters of the United States if the US Army Corps of Engineers issues a permit for the activity under Section 404 of the CWA. When South Carolina Navigable Waters may be affected, the C-SWPPP must include appropriate requirements applicable to South Carolina Navigable Waters under SC Regulation 19-450. All temporary structural BMPs placed in perennial streams must be removed after final stabilization has been accomplished.
 - iii. Temporary Structural BMPs may only be placed in Waters of the State when there is no other feasible alternative. All temporary structural BMPs placed in ephemeral and intermittent streams must be removed after final stabilization has been accomplished. After removal of the temporary structural BMPs, the ephemeral or intermittent stream must be restored to its original condition.
 - iv. Detention/Retention Ponds. When the C-SWPPP requires the use of Detention/Retention Ponds, the ponds should be designed, constructed and maintained in accordance to *SC Reg. 72-307*.
- (g) Non-structural BMPs. All non-structural BMPs must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined by the design criteria identified in *State Regulation 72-307 - Specific*

Design Criteria, Minimum Standards and Specifications, unless specifically exempted by *SC Regulation 72-302.A*.

- (h) Low Impact Development BMPs. The C-SWPPP should identify all Low Impact Development (LIDs) when these measures are proposed to treat post-development runoff in order to meet permanent water quality and/or post-development quantity requirements. LIDs and other infiltration practices for post-construction stormwater management should be constructed only after the drainage area to these practices has been stabilized.
 - (i) Additional BMPs. Any additional BMPs, not listed above, BMP must be designed, installed and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined by the design criteria identified in *State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications*, unless specifically exempted by *SC Regulation 72-302.A*.
- (2) The design, inspection and maintenance of Best Management Practices (BMPs) described in the C-SWPPP must be prepared in accordance with good engineering practices and at a minimum should be consistent with the requirements and recommendations contained in the current edition of the SCDHEC Stormwater BMP handbook. The SCDHEC Stormwater BMP handbook is designed to provide guidance to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs.

G. **Maps**

- (1) The C-SWPPP must include the following Maps for the Site:
- (a) Topographic Map. Must contain the project boundary outline, route of stormwater runoff towards the nearest receiving waterbody, overlaying contours of the site and the surrounding areas, and names of all roadways adjacent to the construction site.
 - (b) Soils Map. Must contain the project boundary outline, the outlines of the predominate soil types found at the construction site, and the names of each soil type.
 - (c) Floodway Map. Must contain the project boundary outlined and the boundaries of any floodplains or floodways on or adjacent to the construction site. Each floodplain must be clearly identified.

- (d) Vicinity Map. Must contain the project boundary outline, north arrow, names of all roadways, towns and landmarks on or adjacent to the construction site.
- (2) The C-SWPPP must include Drainage Maps, for both the pre-development and post-development conditions, including the entire construction site, identifying:
- (a) Direction(s) of Stormwater runoff and the approximate slopes anticipated after major grading activities;
 - (b) Existing and/or Proposed Contours within the project boundary outline and into the surrounding area;
 - (c) Drainage basins and subbasins in which Stormwater runoff collects and drains towards a common outfall location including offsite areas draining onto the site;
 - (d) Location of all outfall points where Stormwater runoff discharges off the construction site;
 - (e) Location of all receiving waters, including wetlands and South Carolina Navigable Waters;
 - (f) Areas of soil disturbance and areas that will not be disturbed; and
 - (g) Each drainage map must be consistent with the information provided in all calculations provided within the Engineering Report, per *Section 6.8.H*.
- (3) The C-SWPPP must include additional Drainage Maps (the pre- and post-development maps per *Section 6.8.G.(2)* may be referenced to achieve this requirement) for each BMP used to meet water quantity and water quality requirements, or as determined by SCDHEC, a regulated MS4, or an entity delegated under Regulation 72-300, identifying:
- (a) An outlined drainage basin of the proposed BMP;
 - (b) Existing and Proposed contours within and adjacent to the drainage basin;
 - (c) The location of the proposed BMP; and
 - (d) The area, in acres, associated with the drainage basin.

H. Engineering Reports

- (1) For sites subject to SC Regulation 72-300, the Comprehensive SWPPP must include a detailed Engineering Report that contains the items specified in SC Regulation 72-307.C., including, but not limited to, the following calculations:
 - (a) Curve Number Analysis. Each C-SWPPP must identify all curve numbers used within the Engineering Report for each condition of the construction site (pre-development, post-development, during construction, etc.) Information on how the curve numbers were obtained, including soil types, land cover and area, must be included. Any weighted curve number calculations must also be included.
 - (b) Pre-/Post-Development Hydrologic Analysis. Each C-SWPPP must use rainfall data from South Carolina SCDHEC Stormwater Management BMP Handbook (BMP Handbook) or another appropriate source may be used in the hydrologic calculations. All outfalls for comparing runoff rates must be analyzed in a manner that the total area draining to these outfalls does not change from pre- to post-development conditions, although any subbasin drainage areas contributing to these outfalls may change between pre- and post-development conditions.
 - (c) All hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to the implementing agency. The storm duration for computational purposes for this method shall be the 24-hour rainfall event, applicable NRCS distribution with a 0.1 hour burst duration time increment. The rational and/or modified rational methods are acceptable for sizing individual culverts or storm drains that are not part of a pipe network or system and do not have a contributing drainage area greater than 20 acres. The storm duration for computational purposes for this method shall be equal to the time of concentration of the contributing drainage area or a minimum of 0.1 hours, whichever is less.
 - (d) Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2- and 10- year frequency 24-hour duration storm event. Implementing agencies may utilize a less frequent storm event (e.g. 25-year, 24-hour) to address existing or future storm water quantity and quality problems. In areas identified as critically impaired watersheds, post-development discharge will be reduced to 75% of predevelopment discharge. Critically impaired watersheds will be officially

designated at the pleasure of the Sumter County Planning Commission.

- (e) Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
- (f) Detention Analysis. Each C-SWPPP, when applicable, must provide a full pond routing for each proposed pond/basin. For each pond/basin the following, at a minimum, must be reported:
 - i. A summary table of the peak inflows, peak outflows, and discharge velocities at each construction site outfall for each storm event analyzed.
 - ii. A summary table of the maximum water surface elevations (WSE) in each detention structure during each storm event analyzed.
 - iii. A stage-storage-discharge relationship for the outlet structure of each detention structure analyzed.
 - iv. If a rating curve for the outlet structure must be generated externally from the analysis program, the data and equations used to obtain the rating curve of the outlet structure must be included.
- (g) Where ponds are the proposed method of control, the person responsible for the land disturbing activity shall submit to the approving agency, when required, an analysis of the impacts of storm water flows downstream in the watershed for the 10- and 100- year frequency storm event. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed land disturbing activity, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. Lacking a clearly defined downstream point of constriction, the downstream impacts shall be established, with the concurrence of the implementing agency.
- (h) Permanent Water Quality Analysis. Each C-SWPPP, when applicable, must provide detailed calculations for any structural BMP used to meet the water quality requirements listed in SC Regulation 72-307.C.(5), specifically (d), (e), (f), and (g).

Infiltration practices, when applicable, must meet the design requirements provided in 72-307.C.(11).

- (i) Sedimentology (Trapping Efficiency Analysis). Each C-SWPPP, when applicable, must provide detailed calculations for any BMPs used to meet the water quality requirements during construction listed in SC Regulation 72-307.C.(5), specifically (a), (b) and (c).
- (j) As-Built Surveys. Each C-SWPPP, when proposing to direct construction site runoff into a previously approved detention pond or another structural BMP designed to control water quality or quantity, must include an as-built survey of the existing structure prepared by a qualified individual, per *Section 6.2.B*, unless an as-built survey has been previously provided and accepted by SCDHEC or the City. In cases where a qualified individual certified that the previously approved structural BMP was built according to plan and SCDHEC or City staff conducted a final stormwater inspection, then the as-built survey may not be required in be included in the C-SWPPP. The As-built Survey must provide, at a minimum, the following information:
 - i. All existing grades/contours/depths of the structure.
 - ii. All elevations and dimensions of all outlet structures, including:
 - 1) Pipe and orifice inverts and diameters.
 - 2) Weir elevations and dimensions.
 - 3) Riser dimensions and elevations.
 - 4) Emergency spillway dimensions and elevations.
 - 5) Locations and inverts for all pipes discharging into the pond.
 - iii. Spot elevations along the top of the structural BMP's embankment.
 - iv. Contours, dimension, and locations of all structural components (e.g., forebays, level spreaders, riprap aprons, inlets structures) of the structural BMPs.
- (k) Stable Channel Analysis. Each C-SWPPP, when applicable, must submit detailed calculations for proposed drainage channels,

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

- (l) Storm Sewer Analysis. Each C-SWPPP, when applicable, must submit detailed calculations for any proposed storm sewer systems.
- (m) Riprap Apron Analysis. Each C-SWPPP, when applicable, must submit detailed calculations for any proposed riprap aprons. These calculations must be based off of the most current edition of the SCDHEC BMP Handbook or other appropriate design criteria identified by the City.

I. **Construction Site Plans**

- (1) The C-SWPPP must include a set of Construction Site Plans that are consistent with the requirements listed in State Regulations 72-307.A.3 and include, but are not limited to, the following requirements:
 - (a) The Limits of Disturbed (LOD) area must be outlined on all plan sheets.
 - (b) BMPs must be identified on the construction site plans using the symbols identified in the current edition of the SCDHEC Stormwater BMP Handbook or from a unique legend of symbols provided on the construction site plans. Symbols used for BMPs not identified in the Handbook must be included in the legend on each sediment and erosion control plan sheet.
 - (c) A construction sequence per *Section 6.8.C*.
 - (d) Detailed Plan sheets, including grading and drainage plans, and BMP Detail sheets.
 - (e) Locations of all preconstruction stormwater discharge points and Post construction stormwater discharge points shall be shown on the plans.
- (2) Phased Plan Requirement. For non-linear construction sites disturbing more than 5 acres, the Construction Site Plans must include a phased stormwater management plan. This phased plan identifies all BMPs and grading work implemented during a specific portion of a site's construction sequence (e.g., initial grading and perimeter controls, interim land disturbances through final grading, post-construction and final stabilization). Each phase must be addressed and identified on at least one separate plan sheet as indicated in the requirements listed in *Sections*

6.8.I.(2)(a) and 6.8.I.(2)(b). One sheet showing all BMPs and grading work for the entire course of the construction project will not be considered a complete phased plan.

- (a) For site disturbances less than 10 acres, at least two (2) separate plan phases shall be developed. Each plan phase shall be identified and must be addressed separately on at least one single plan sheet, with each sheet reflecting the conditions and the BMPs necessary to manage Stormwater runoff, erosion and sediment during the phases, at a minimum, listed below:
 - i. Initial Land Disturbance Phase. This includes but is not limited to the perimeter BMPs, the necessary sediment and erosion control BMPs to be installed prior to initial/mass grading, and any additional BMPs necessary to keep the construction site in compliance with the Permit.
 - ii. Stabilization Phase. This includes but is not limited to all BMPs required to be installed, maintained, and retrofitted during the time required to begin the majority of all construction and grading activities, and the time required to bring the construction site into compliance with permanent water quality requirements and into final stabilization.
 - iii. The scope of the land-disturbing activities and BMPs to be included in each of the phases identified in this section should be evaluated on a site-to-site basis and selected based on what the SWPPP preparer and reviewer deems to be the most appropriate for each construction site.

- (b) For site disturbances greater than or equal to 10 acres, at least three (3) separate plan phases shall be developed. Each plan phase shall be identified and must be addressed separately on at least one single plan sheet, with each sheet reflecting the conditions and the BMPs necessary to manage Stormwater runoff, erosion and sediment during the phases, at a minimum, listed below:
 - i. Initial Land Disturbance Phase. This includes but is not limited to the perimeter BMPs, the necessary sediment and erosion control BMPs to be installed prior to initial/mass grading, and any additional BMPs necessary to keep the construction site in compliance with the Permit.
 - ii. Construction Phase. This includes but is not limited to all sediment and erosion control BMPs necessary to be installed, maintained and designed to prevent sediment-laden stormwater from discharging off-site during

construction. Examples of such BMP control measures to include in this phase are all temporary BMPs used to convey, manage, and treat stormwater runoff including additional sediment traps and sediment basins, rock check dams, silt fence, sediment tubes, inlet protection, temporary conveyance channels and any other sediment control measure.

- iii. Stabilization Phase. This includes but is not limited to all BMP control measures required to be installed, maintained, and retrofitted during the time required to bring a construction site into compliance with permanent water quality requirements and into final stabilization.
- iv. The scope of the land-disturbing activities and BMPs to be included in each of the phases identified in this section should be evaluated on a site-to-site basis and chosen based on what the SWPPP preparer and reviewer deems to be the most appropriate for each construction site.

J. **Non-Numeric Effluent Limits**

- (1) The C-SWPPP must be developed so that the design, installation and maintenance of all sediment control and erosion prevention BMPs are implemented in a manner to minimize the discharge of pollutants. At a minimum, such BMPs must be designed, installed and maintained to:
 - (a) Control Stormwater volume and velocity within the site to minimize soil erosion during construction activity.
 - i. Stormwater volume control must be accomplished during construction activities to minimize erosion within the boundaries of the construction site. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:
 - 1) Limiting of the amount of disturbed area not stabilized at a time;
 - 2) Staging and/or phasing of the construction sequence;
 - 3) Sediment Basins and Sediment Traps;
 - 4) Diverting off-site flow around the construction site; and
 - 5) Controlling the drainage patterns within the construction site.

- ii. Stormwater velocity control must be accomplished during construction activities to minimize erosion within the boundaries of the construction site. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:
 - 1) Surface roughening along slopes;
 - 2) Sediment basins and traps;
 - 3) Level Spreaders;
 - 4) Erosion control blankets;
 - 5) Turf reinforcement mats;
 - 6) Riprap; and
 - 7) Staging and/or phasing of the construction sequence.

- (b) Control Stormwater discharges, including both peak flow rates and total Stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion during construction activity.
 - i. Stormwater Volume Discharge Control must be accomplished during construction activities to minimize erosion at outlets and to minimize downstream channel and stream bank erosion. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:
 - 1) Surface outlets; and
 - 2) Water quantity storage within impoundments.

 - ii. Peak Flow Rate Discharge Control must be accomplished during construction activities to minimize erosion at outlets and to minimize downstream channel and stream bank erosion. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:
 - 1) Energy dissipaters;
 - 2) Level spreaders;

- 3) Riprap aprons;
 - 4) Erosion control blankets; and
 - 5) Turf reinforcement mats.
- (c) Minimize the amount of soil exposed during construction activity.
- i. Implement a phased stormwater management plan that limits the amount of exposed soil during construction by outlining the Limits of Disturbance for each phase and by labeling areas that are not to be disturbed throughout the course of construction activities or until a later phase of construction activities.
 - ii. Outline the Limits of Disturbance on the construction plans and label areas within the construction site that are not to be disturbed.
 - iii. Stabilize exposed areas as soon as practical to limit the duration of large areas of exposed soil.
 - iv. Implement temporary seeding techniques.
- (d) Minimize the disturbance of existing steep slopes (i.e., slopes of 30% (~3H:1V) or greater), unless infeasible. If steep slopes must be disturbed, or are created through grading activities, the C-SWPPP must:
- i. Divert flows around steep slope disturbances. Divert concentrated or channelized flows of Stormwater away from and around areas of disturbance having steep slopes;
 - ii. Use BMP Controls. Use appropriate erosion prevention and sediment control BMPs such as permanent seeding with soil binders, erosion control blankets, surface roughening, continuous slope length reduction through terracing or diversions, gradient terraces, interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, level spreaders, rock ditch checks, seep berms, and sediment dikes; and
 - 1) Stabilize Promptly. Initiate stabilization measures on any exposed steep slope area where land-disturbing activities have permanently or temporarily ceased, and will not resume for a period of 7 calendar days.

- (e) Minimize sediment discharges from the site during construction activity. The design, Installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of the resulting Stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the construction site, while minimizing sediment discharges to the maximum extent practical;
 - (f) Provide and maintain natural buffers around surface waters and, after stormwater runoff is treated by the construction site's BMPs, direct the construction site discharges into these vegetated areas to increase sediment removal and maximize Stormwater infiltration, unless infeasible (*see Section 6.8.D.(2)*) during construction activity; and
 - (g) Minimize soil compaction and, unless infeasible, preserve topsoil.
- (2) Soil Stabilization. Permittees are required to initiate stabilization measures as soon as practicable whenever any clearing, grading, excavating or other earth disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable. For areas where initiating stabilization measures is infeasible (e.g., where snow cover, frozen ground, or drought conditions preclude stabilization), initiate vegetative or non-vegetative stabilization measures as soon as practicable.
- (3) Trenches and Excavations Dewatering. Permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate BMPs for stormwater and non-stormwater discharges.
- (4) Pollutant Discharge Minimization During Construction Activity. Permittees are required to design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants during construction activity. At a minimum, such measures must be designed, installed, implemented and maintained to:
- (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 the site to precipitation and to stormwater; and

- (c) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (5) Prohibited Discharges. The following discharges from sites are prohibited:
- (a) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (b) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 - (c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - (d) Soaps or solvents used in vehicle and equipment washing.

K. Management of Non-Stormwater Discharges

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

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

- (1) Receiving Water with TMDLs. If a TMDL, that is applicable to Stormwater construction discharges, has been established and is in effect for any receiving waters downstream of a construction site, then the C-SWPPP must address the following:
 - (a) Include documentation supporting a determination of permit eligibility with regard to waters that have a TMDL that is effective and applicable to Stormwater construction discharges;

- (b) Include documentation of whether the construction site's Stormwater discharge is identified, either specifically or generally, in a TMDL and if there is any associated allocations, requirements, and assumptions identified for the construction site's discharge;
 - (c) Identify if a specific Waste Load Allocation (WLA) has been established that would apply to the construction site's stormwater discharges, and incorporate that allocation into the stormwater management plan by implementing any necessary steps and/or BMPs to meet that allocation; and
 - (d) Identify measures to be taken by the Operator so that the construction site's discharge of pollutants is consistent with the allocations, assumptions, and requirements contained in the TMDL, only the pollutants applicable to Stormwater discharges, including any specific WLA that has been established.
- (2) Receiving Waters with Impairments. If the receiving water is listed on the most current South Carolina 303(d) List of Impaired Waters, the C-SWPPP must be developed so that any stormwater discharges from the construction site do not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. For receiving waters listed for a sediment or a sediment-related parameter (i.e., BIO (macroinvertebrate), turbidity, Total Phosphorous and Total Nitrogen, Chlorophyll-a the C-SWPPP must address the following:
- (a) Carefully evaluate all selected BMPs and their performance such that the construction site's stormwater discharges will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.
 - (b) For construction sites that disturb 25 acres or more and which have stormwater discharges draining directly to an impaired water body via structures or ditches, the C-SWPPP must contain a written quantitative and qualitative assessment that the BMPs selected will control the construction site's stormwater discharges so that they will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.

SECTION 7
IMPLEMENTATION, INSPECTION AND MAINTENANCE REQUIREMENTS
AND OFF-SITE DAMAGE CORRECTION

7.1. PRE-CONSTRUCTION CONFERENCES

- A. A pre-construction conference must be held for each construction project or site with an approved On-Site Stormwater Pollution Prevention Plan (OS-SWPPP). Each contractor, subcontractor, blanket utility provider, etc., who will work at a site must attend this conference in person. The primary purpose of this conference is for:
- (1) The preparer of the SWPPP or someone with a registration equivalent to that of the preparer of the SWPPP; and/or
 - (2) The person with operational control of the plans and specifications (the Primary or Secondary Permittee) or their duly authorized representative (as defined in Section 122.22(b) of SC Regulation 61-9))
 - (3) Review and explanation of the On-Site SWPPP (OS-SWPPP) so that all are aware of the requirements before they start performing construction-related (land disturbing) activities that may affect the implementation of the approved OS-SWPPP. This conference may be held simultaneously with all contractors and builders present or may be conducted separately with one or more contractors, subcontractors, etc. present.
- B. Linear construction of roads or utilities (such as roads and utility construction including electrical power lines, gas lines, main sewer trunk lines, and water distribution lines) that are not part of a Larger Common Plan (i.e., subdivision or other type of development) are considered to be linear construction projects or linear construction sites under the Permit. Linear construction performed as a part of or within a LCP project or site, is considered to be linear construction activities under the Permit and not linear construction projects or sites.
- C. Pre-construction conference location requirements are defined below.
- (1) For non-linear construction projects/sites that disturb 10 acres or more, the pre-construction conference must be held on-site unless it is justified in the SWPPP and approved by the Department to conduct the conference off-site.
 - (2) For non-linear construction projects/sites that disturb less than 10 acres, conferences may be held off-site unless specifically required in writing or as a condition of the approved OS-SWPPP by the Department or the respective MS4 to be conducted on-site.

- (3) For linear construction projects/sites that are not part of a Larger Common Plan (LCP), subdivision or other type of development, conferences may be held off-site unless specifically required in writing or as a condition of the approved OS-SWPPP by the Department or the respective MS4 to be conducted on-site.
 - (4) For linear construction activities (within a LCP), conferences must be held in accordance with disturbed area (< 10 acres or > 10 acres) criterion established for non-linear projects/sites in Items C.I and C.II above.
 - (5) In addition, person(s) conducting the conference (Owner/Operator) may choose, at their discretion, to hold a conference normally held off-site, on-site.
- D. Each pre-construction conference must also specifically address *Section 6.7 Modifications*, detailing how each type of modification, Major and Minor, will be addressed and processed at the construction site to maintain compliance with the Permit.
- E. Persons conducting this conference must document each contractor, subcontractor, blanket utility, etc., attending the conference. This documentation must be maintained with the On-Site SWPPP (OS-SWPPP), and include dates, locations, times, as well as, identification of those in attendance.

7.2. INSPECTIONS

- A. **Scope.** Construction Site Inspections are to be conducted on a routine basis, as outlined in *Section 7.2.B below*, and must include all areas disturbed by construction activity, including perimeter BMPs and areas used for storage of materials that are exposed to precipitation. Each Inspection must look for the evidence of, or the potential for, inefficiencies within the implemented OS-SWPPP, whether the inefficiencies are a direct result of improper design, installation or maintenance, by inspecting, at a minimum, the following:
- (1) All areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation;
 - (2) All stormwater conveyance systems for any evidence of, or the potential for, pollutants entering these systems;
 - (3) All BMPs identified in the OS-SWPPP;
 - (4) All discharge locations to ascertain whether the implemented BMPs are effective in preventing the discharge of sediment from the site. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable; and

- (5) Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

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

- B. **Frequency.** After construction activities begin, inspections must be conducted at a minimum of at least once every calendar week and must be conducted until final stabilization is reached on all areas of the construction site. An inspection is recommended within 24 hours of the end of a storm event of 0.5 inches or greater.

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

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

- C. **Linear Site Inspection Frequency.** Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described in *Section 7.2.A above*. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion.

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

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

- D. **Rain Gauge.** Permittees shall either maintain an on-site rain gauge or use data from a certified weather record (such as a personal weather station or an airport) located within a reasonable proximity of the construction site, to record rainfall records from any significant rainfall event, 0.5 inches or greater. These recorded rainfall amounts must be maintained in a Rain Log located in the on-site SWPPP. Rainfall records for the day of an inspection and any significant rainfall events since the last inspection must be reported on each weekly inspection report.
- E. **Inspector Qualifications.** Inspections must be conducted by qualified personnel (provided by the Permittee) as outlined by the following:
- (1) For Projects that disturb more than 1 acre, “Qualified personnel” means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact Stormwater quality and to assess the effectiveness of any BMPs selected to control the quality of Stormwater discharges from the construction site. This person must be either the preparer of the C-SWPPP or an individual who is under the direct supervision of the preparer of the approved C-SWPPP and who meets the requirements in this paragraph or an individual who has been certified through a Construction Site Inspector Certification Course that has been approved by SCDHEC. Inspections may also be conducted by a person with a registration equivalent to the registration of the preparer of the C-SWPPP and who meets the qualifications of this paragraph or an individual who is under the direct supervision of the person with an equivalent registration and who meets the requirements in this paragraph.
 - (2) For Projects that disturb 1 acre or less, and that are not part of a Larger Common Plan, the Permittee or his designee may perform these inspections provided the preparer of the C-SWPPP or someone with a registration equivalent to that of the preparer of the C-SWPPP explains the OS-SWPPP including implementation along with the inspection requirements to the person who will be conducting the inspections.
 - (3) The City reserves the right to require that inspections be performed by an inspector meeting the requirements of *Section 7.2.E.(1)* for construction sites less than 1 acre in size that drain to Sensitive waters, when deemed necessary.

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

- (1) The inspection date;
- (2) Names, titles, and, if not previously given in an inspection report, the qualifications of personnel making the inspection, unless those qualifications change;
- (3) Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether the Permittee knows if any discharges occurred. At the very least, the total rainfall (in inches) since the time of the last inspection must be recorded;
- (4) Weather information and a description of any discharges occurring at the time of the inspection;
- (5) Location(s) of discharges of sediment or other pollutants from the Site;
- (6) Location(s) of BMPs that need maintenance;
- (7) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- (8) Location(s) where additional BMPs are needed that did not exist at the time of inspection;
- (9) Corrective action required including any changes to the OS-SWPPP necessary and implementation dates;
- (10) Site Name, Operator Name and permit number;
- (11) Verification that all BMPs and stormwater controls identified in the OS-SWPPP have been installed and are operating as designed; and
- (12) The City reserves the right to request monthly inspection reports on a case by case basis.

G. **Inspection Records.** A record of each inspection and of any actions taken in accordance with this Section must be retained as part of the On-site SWPPP for at least three years from the date that permit coverage expires or is terminated. The qualified inspector, as identified in *Section 7.2.E*, must sign the inspection report.

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

7.3. MAINTENANCE

- A. The City of Sumter shall provide procedures to ensure that deficiencies indicated by inspections are rectified. The procedures shall include the following:
 - (1) Notification to the person responsible for maintenance of deficiencies including a time frame for repairs;
 - (2) Subsequent inspection to ensure completion of repairs; and
 - (3) Effective enforcement procedures or procedures to refer projects to the Commission if repairs are not undertaken or are not done properly.
- B. **Construction Maintenance.** All BMPs and other protective measures identified in the OS-SWPPP must be maintained in effective operating condition. If site inspections required by *Section 7.2* identify BMPs that are not operating effectively, maintenance must be performed within seven (7) calendar days, before the next inspection, or as reasonably possible, and before the next storm event whenever practicable to maintain the continued effectiveness of Stormwater controls. If periodic inspection or other information indicates that a BMP has been used inappropriately, or incorrectly, the Permittee must address the necessary replacement or modification required to correct the BMP within a time frame of 48 hours of identification. If existing BMPs need to be modified or if additional BMPs are necessary to comply with the requirements of the Permit and/or SC's Water Quality Standards, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the OS-SWPPP and alternative BMPs must be implemented as soon as reasonably possible. Sediment from sediment traps or sedimentation basins must be removed as indicated in the OS-SWPPP or when the design capacity has been reduced by 50 percent, whichever occurs first. Sediment collected by Silt Fence, or another sediment control measure, must be removed when the deposited sediment reaches 1/3 of the height of the above-ground portion of these BMPs, or before it reaches a lower height based on the manufacturer's specifications.
- C. **Permanent Maintenance.** Permanent Stormwater management structures must be routinely maintained to operate per design. The City requires inclusion of a Permanent Stormwater Management Maintenance Agreement and a Maintenance Plan to ensure proper operation. Provide a detailed proposed maintenance plan for

permanent stormwater management structures proposed for the project in the Narrative. The maintenance agreement and maintenance plan, when required, must be identified and located in the C-SWPPP.

D. **Maintenance Agreements.** Permanent Stormwater Management Maintenance Agreement must meet the following information as a minimum:

- (1) Signed notarized agreement from the responsible party(ies) or individual(s) accepting ownership and maintenance of each permanent stormwater control device/structure, including any permanent LID and/or proprietary control devices (oil-water separators, etc.), underground detention structures, exfiltration systems and non-traditional stormwater controls (constructed wetlands, bioretention, etc.) incorporated into the construction process.
- (2) A generic template of a maintenance agreement may be found at http://www.scdhec.gov/environment/ocrm/docs/SW/pond_maint.pdf.
- (3) This template may be modified to identify each permanent structure(s) for the Applicant's project.
- (4) The City must be notified in writing of any changes in maintenance responsibility for the stormwater devices at the site (include this statement in agreement).

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

- (1) Description of maintenance plan to be used.
- (2) Make sure that detailed or manufacturer-specific maintenance procedures are included for any permanent LID and/or proprietary control devices (oil-water separators, etc.), underground detention structures, exfiltration systems and non-traditional stormwater controls (constructed wetlands, bioretention, etc.) incorporated into the construction process.
- (3) Identify each maintenance activity (e.g., inspection, mowing, removing debris, etc.) to be completed. Typical maintenance items to be addressed include but not limited to:
 - (a) Grass to be mowed;
 - (b) Trees to be removed from within the pond and on the embankment;

- (c) Trash and sediment to be removed from inside of and around the pond outlet structure;
 - (d) Orifices to be cleaned and unclogged;
 - (e) Outlet pipe to be cleaned, inspected, and repaired;
 - (f) Sediment accumulation to be removed from pond;
 - (g) Pond bottom to be regraded to provide proper drainage towards the outlet discharge point;
 - (h) Energy dissipator to be cleaned and repaired;
 - (i) Emergency spillway, if applicable, to be inspected and repaired; and
 - (j) Erosion on side slopes, if present, to be addressed
- (4) Schedule or frequency for completing each maintenance activity of maintenance procedures (e.g., every 6 months).

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

7.4. OFF-SITE DAMAGE CORRECTION

The following criteria shall be used by the appropriate implementing agency in evaluating and for correcting off-site damages resulting from the land disturbing activity:

- A. Determine the extent of damage by sediment resulting from non-compliance with the approved storm water management and sediment control plan (SWMSCP or SWPPP);
- B. Determine the classification of the impaired waterbody, if any; For the purposes of administering this ordinance, off-site damages shall include any restrictions to flow or reduced flow/capacity of stormwater management devices that serve more than a single residential/commercial/industrial lot.
- C. Determine the impact and severity of the damage resulting from non-compliance with the approved storm water management and sediment control plan;

- D. Develop an agreement with landowners for cleanup and corrections, including a schedule of implementation;
- E. Evaluate the alternatives for correction of the damage and prevention of future damage; and
- F. Failure to implement the agreement in the required schedule will constitute a violation of these regulations.

SECTION 8
NPDES SPECIAL CONDITIONS

8.1. CONTINUATION OF THE EXPIRED GENERAL PERMIT

- A. If the Permittee receives coverage under the 2013 issuance of the Permit, they will retain coverage and be required to adhere to permit conditions in accordance with the SC Administrative Procedures Act and SC Regulation 61-9 until the earliest of:
- (1) Reissuance or replacement of the Permit, at which time the Permittee must comply with the conditions of the new permit to maintain authorization to discharge; or
 - (2) The Permittee submits a Notice of Termination; or
 - (3) Issuance of an individual permit for the Project's discharges; or
 - (4) A formal permit decision by SCDHEC to not reissue this general permit, at which time the Applicant must seek coverage under an alternative general permit or an individual permit.

8.2. REQUIRING AN INDIVIDUAL OR AN ALTERNATE GENERAL PERMIT

- A. In accordance with Section 122.28(b)(3) of SC Regulation 61-9, SCDHEC may require the Applicant to apply for and/or obtain an individual NPDES permit. Any interested person may petition SCDHEC to take action under this paragraph. If SCDHEC requires the Applicant to apply for an individual NPDES permit, SCDHEC will notify the Applicant in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if the Applicant is an existing Permittee covered under the Permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the Permittee, coverage under this general permit will automatically terminate. SCDHEC may grant additional time to submit the application upon the Applicant's request. If the Permittee is covered under the Permit and the Permittee fails to submit in a timely manner an individual NPDES permit application as required by SCDHEC, then the applicability of the Permit to the Permittee is automatically terminated at the end of the day specified by SCDHEC as the deadline for application submittal.
- B. If an alternate general permit that is more appropriate for the Applicant's construction activity is available, SCDHEC may grant the Applicant coverage under the alternate general permit in lieu of granting the Applicant coverage under

the Permit. In accordance with applicable state law and regulation, the Applicant has a right to appeal SCDHEC's decision.

- C. An Applicant may request to be excluded from the coverage of the Permit by applying for an individual permit. In such a case, the Applicant must submit an individual application in accordance with the requirements of §122.26(c)(1)(ii) of SC Regulation 61-9, with reasons supporting the request, to: Stormwater Permitting Section Bureau of Water SCDHEC 2600 Bull Street Columbia, SC 29201. The request may be granted by issuance of an individual permit or an alternative general permit if the Applicant's reasons are adequate to support the request.
- D. When an individual NPDES permit is issued to an Applicant, who is otherwise subject to the Permit, or an Applicant is authorized to discharge under an alternative NPDES general permit, the applicability of the Permit to the Permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If the Permittee, who is otherwise subject to the Permit, is denied an individual NPDES permit or an alternative NPDES general permit, the applicability of the Permit to the Permittee is automatically terminated on the date of such denial, unless otherwise specified by SCDHEC.

8.3. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

- A. The Permittee must prevent or minimize the discharge of hazardous substances or oil in Stormwater discharges from the construction Site in accordance with the C-SWPPP. The Permit does not relieve the Permittee of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.
- B. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302, occurs during a 24-hour period:
 - (1) The Permittee must notify the City and SCDHEC's Emergency Response Section at (803) 253-6488 and the National Response Center (NRC) (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as Site staff have knowledge of the discharge; and
 - (2) The Permittee must modify the C-SWPPP as required under *Section 6.7 Modifications* within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the Permittee must review the C-SWPPP to identify measures to prevent the reoccurrence of such

releases and to respond to such releases, and the Permittee must modify the C-SWPPP where appropriate.

8.4. ATTAINMENT OF WATER QUALITY STANDARDS AFTER AUTHORIZATION

- A. The Permittee must select, install, implement and maintain BMPs at the construction Site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general the C-SWPPP developed, implemented, and updated consistent with *Section 6 Stormwater Pollution Prevention Plans* is considered as stringent as necessary to ensure that Site discharges do not cause or contribute to a violation of any applicable water quality standard.
- B. All written responses required under this part must include a signed certification consistent with §122.22 of SC Regulation 61-9.

8.5. RETENTION OF RECORDS

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

8.6. WATER QUALITY PROTECTION

- A. If there is evidence indicating that the Stormwater discharges authorized by the Permit cause, have the reasonable potential to cause or contribute to a violation of any applicable water quality standard, the Permittee may be required to obtain an individual permit in accordance with *Section 8.2*, the permit may be modified in accordance with Section 122.62 of SC Regulation 61-9 to include different limitations and/or requirements as addressed or the Permittee's coverage may be terminated in accordance with Section 122.64 of SC Regulation 61-9.

SECTION 9
TERMINATION OF COVERAGE

9.1. REQUIREMENTS

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

- D. A revised maintenance agreement, consistent with *Section 7.3.D* must be submitted along with the NOT, when the responsible party(ies) or individual(s) accepting ownership or maintenance of permanent stormwater control devices have changed from what was originally approved.
- E. Permanent Stormwater Management Maintenance Agreements for stormwater ponds must be recorded with the Sumter County Register of Deeds Office, and a copy of the recorded Agreement submitted to the City of Sumter.
- F. For residential subdivisions, Primary Permittees do not need to terminate permit coverage in areas where Secondary Permittees have received permit coverage to perform work under the Permit. Primary Permittees can request to terminate coverage when Secondary Permittees are authorized to conduct construction activities, independent of the Primary Permittee, for the remaining disturbed areas on the construction site and final stabilization has been achieved on all other areas of the construction site.

9.2. SUBMITTING A NOTICE OF TERMINATION

- A. It is the Permittee's responsibility to submit a complete and accurate Notice of Termination (NOT), using the form (or a photocopy thereof) provided by SCDHEC or the City.
- B. If SCDHEC notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOT form options (e.g., electronic submission), the Permittee may take advantage of those options to satisfy the requirements of *Section 9*.
- C. The Notice of Termination must include the following information:
 - (1) The Permittee's CGP NPDES coverage number for the Stormwater discharge;
 - (2) The basis for submission of the NOT as outlined in *Section 9.1*;
 - (3) Operator's name, address, telephone number and the Permittee's organization's Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
 - (4) The name of the Project and address (or a description of location if no street address is available) of the construction Site for which the notification is submitted; and
 - (5) A certification statement, signed and dated by an authorized representative as defined in §122.22 of SC Regulation 61-9 and the name and title of that authorized representative.

- (6) For projects disturbing more than 1 acres, a certification statement, signed and dated by the preparer of the C-SWPPP or other person with a registration equivalent to that of the preparer of the C-SWPPP, that to the best of his or her knowledge and belief all work was conducted and completed in accordance with the approved OS-SWPPP and the CGP. This certification must be based on the inspections performed in accordance with *Section 7.2* and must state that any deficiencies that were noted have been corrected.
- (7) A letter or other statement from the City that the site meets the City requirements for project completion.

9.3. WHERE TO SUBMIT

- A. All original NOTs must be submitted to the City of Sumter at:

City of Sumter
Stormwater Utility Department
PO Box 1449
Sumter, SC 29151

**SECTION 10
ADMINISTRATION AND ENFORCEMENT**

10.1. NOTIFICATION

The City of Sumter shall provide proper notification of this ordinance to those persons desiring to conduct a covered land disturbing activity and shall provide the necessary forms required for application for securing approval of the storm water management and sediment control plan. A copy of this ordinance shall be made available, for a reasonable charge, upon request.

10.2. ENFORCEMENT

- A. Failure of the contractor of the person engaged in the land disturbing activity to comply with Commission requirements may result in the following actions in addition to other penalties as provided in Chapter 14 of Title 48 of the Code of Laws of South Carolina, 1976, as amended.
- (1) The Commission shall have the power to request the implementing agency to order any person violating any provisions of said Chapter 14 and / or these regulations to cease and desist from any site work activity other than those actions necessary to achieve compliance with any administrative order.
 - (2) The Commission may request that the appropriate plan approval agency refrain from issuing any further building or grading permits to the person having outstanding violations until those violations have been remedied.
 - (3) The Commission may recommend fines to be levied by the implementing agency.
- B. The City of Sumter may utilize "Stop Work" orders as a part of its inspection and enforcement program in accordance with the following procedures:
- (1) The implementing agency may issue a stop work order if it is found that a land disturbing activity is being conducted in violation of this Ordinance or of any regulation adopted or order issued pursuant to, in connection with or otherwise related to this Ordinance, that the violation is knowing and willful, and that either:
 - (a) Off-site sedimentation resulting from non-compliance with the approved storm water management and sediment control plan has eliminated or severely degraded a use in a lake or natural waterway or that such degradation is imminent.

- (b) Off-site sedimentation resulting from non-compliance with the approved storm water management and sediment control plan has caused severe damage to adjacent land.
 - (c) Off-site tracking of sediment from land disturbing activities into roadways has created a hazard.
 - (d) The land disturbing activity which requires an approved plan under this Ordinance and is being conducted without the required approved plan.
 - (e) Sediment leaving a site is entering a "common" stormwater control/conveyance device(s) and is restricting design capacity flow.
- (2) The stop work order shall be in writing and shall state what work is to be stopped and/or what measures are required to abate the violation. The order shall include a statement of the findings made by the implementing agency pursuant to paragraph (1) of this section and shall list the conditions under which work that has been stopped by the order may be resumed. The delivery of equipment and materials which does not contribute to the violation may continue while the stop work order is in effect. A copy of this section shall be attached to the order.
 - (3) The stop work order shall be served by the City of Sumter Police Chief, any of his officers, City of Sumter Codes Enforcement officers, or by some other person duly authorized by law to serve process, and shall be served on the person at the site of the land disturbing activity who is in operational control of the land disturbing activity. The Police Chief or other person duly authorized by law to serve process shall post a copy of the stop work order in a conspicuous place at the site of the land disturbing activity. The implementing agency shall also deliver a copy of the stop work order to any person that the implementing agency has reason to believe may be responsible for the violation.
 - (4) The directives of the stop work order become effective upon service of the order. Thereafter, any person notified of the stop work order who violates any of the directives set out in the order may be assessed a civil penalty as provided in *Section 10.3*. A stop work order issued pursuant to this section may be issued for a period not to exceed three calendar days.
 - (5) The implementing agency shall designate an employee to monitor compliance with the stop work order. The name of the employee so designated shall be included on the stop work order. The employee so designated shall rescind the stop work order if all the violations for which the stop work order are issued are corrected, no other violations have

occurred, and all measures necessary to abate the violations have been taken. The implementing agency shall rescind a stop work order that is issued in error.

- (6) The issuance of a stop work order shall be a final agency decision subject to judicial review in the same manner as an order in a contested case pursuant to Title 1, Chapter 23, Section 380 of the Code of Laws of South Carolina, 1976. The petition for judicial review shall be filed in the circuit court of the county in which the land disturbing activity is being conducted.

10.3. PENALTIES

- A. Any person who violates any provision of this ordinance or who initiates or continues a land disturbing activity for which a storm water management and sediment control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty of not more than \$1,000 for each violation thereof. No penalty may be assessed until the person alleged to be in violation has been notified of the violation. Each day of the violation constitutes a separate violation.
- B. The implementing agency shall determine the amount of the civil penalty to be assessed under this section for violations under its jurisdiction. It shall make written demand for payment upon the person responsible for the violation and set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty days after demand for payment is made, a civil action may be filed in the circuit court in the county in which the violation is alleged to have occurred to recover the amount of the penalty.

SECTION 11 LEGAL STATUS

11.1. RELATIONSHIP WITH OTHER LAWS, REGULATIONS, AND ORDINANCES

Whenever the provisions of this ordinance impose more restrictive standards than are required in or under any other law, regulation, or ordinance, the requirements herein contained shall prevail. Whenever the provisions of any other law, regulation, or ordinance require more restrictive standards than are required herein, the requirements of such law, regulation, or ordinance shall prevail.

11.2. REPEAL OF CONFLICTING REGULATIONS

All ordinances and resolutions regulating erosion and sediment control and stormwater management adopted prior to this Ordinance, which ordinances or resolutions conflict with this Ordinance, are hereby repealed.

11.3. SEPARABILITY

If any section, clause, or portion of this ordinance shall be held by a court of competent jurisdiction to be invalid or unconstitutional or otherwise unenforceable, such finding shall not affect any other section, clause, or portion of this Ordinance, and the remaining portions of this Ordinance shall be valid and shall be enforced to the fullest extent provided by law.

11.4. AMENDMENTS

This ordinance shall be amended in the same manner as prescribed by law for its original adoption. Provided, however, before the governing body of the City of Sumter amends this ordinance, it shall seek the review and advice of the Sumter County Soil and Water Conservation District, which shall have not less than thirty days to make its recommendation concerning any proposed amendment.

11.5. EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after July 17, 2013.

11.6. CIVIL LIABILITY

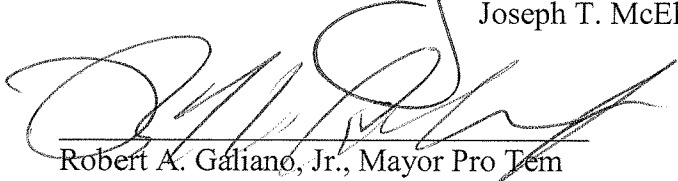
Neither the approval of a plan under the provisions of this ordinance, nor compliance with the provision herein shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law or equity, nor shall such approval and / or compliance operate to impose any liabilities upon the City of Sumter or the Sumter County Soil and Water Conservation District for damage to any person or property.

11.7. ADOPTION

Now therefore, be it ordained, that the City Council of the City of Sumter, South Carolina, in Council duly assembled, adopts the Storm Water Management and Sediment Control Ordinance, this 6th day of August, 2013. This ordinance shall take effect upon its adoption.

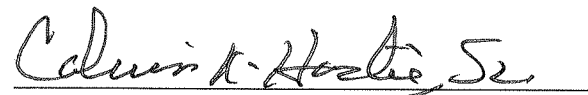
CITY OF SUMTER, SOUTH CAROLINA



Joseph T. McElveen, Jr., Mayor

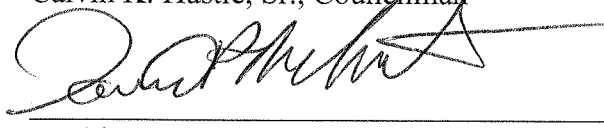

Robert A. Galiano, Jr., Mayor Pro Tem

Thomas J. Lowery, Councilman

Ione J. Dwyer, Councilwoman


Calvin K. Hastie, Sr., Councilman


Charles R. Burns, Councilman


David P. Merchant, Councilman

ATTEST:


Linda D. Hammett, City Clerk

First Reading: July 16, 2013

Second/Final Reading: August 6, 2013