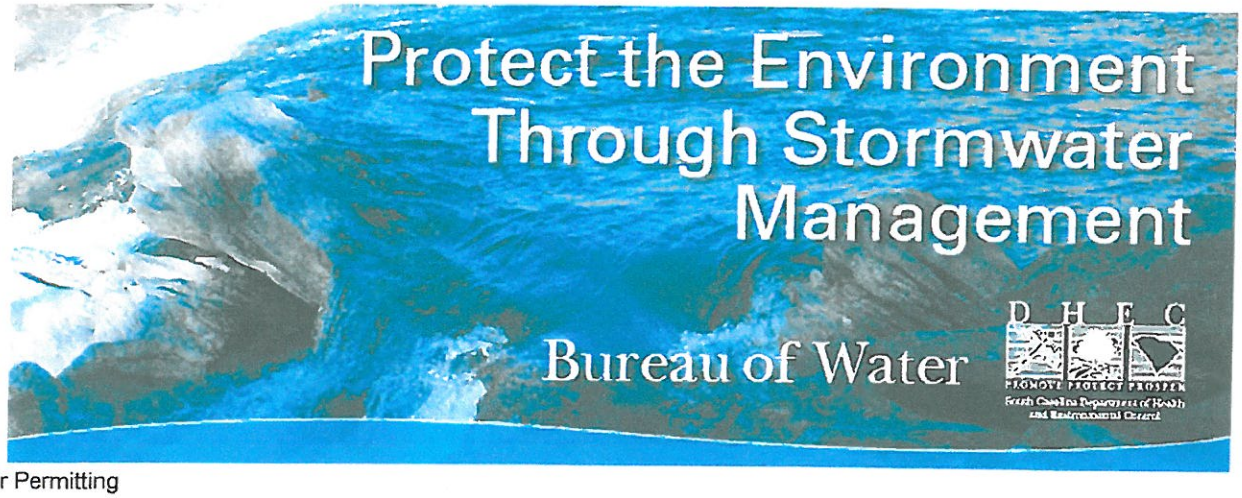

Stormwater Permitting

The South Carolina Department of Health and Environmental Control is responsible for managing the states Stormwater Program. The program requires all construction sites of one acre or more, many industrial sites, and all regulated Municipal Separate Storm Sewer Systems (MS4s) to obtain stormwater permit coverage. Some sites will be able to obtain coverage under the state general permit, but sites that pose considerable risk to contaminate water may be required to obtain an individual permit.

SC DHEC's Stormwater Permitting Section issues permit coverage for the above activites through the NPDES Permitting Program. Information on other permitting requests including extending or modifying existing approvals, all associated fees and Expedited Reviews can also be found via the links below.

The Importance of Stormwater Management

Stormwater Management focuses on the control of stormwater runoff that is generated when precipitation from rain and snowmelt events flows over land or impervious surfaces and does not percolate into the ground. This is accomplished through the use of Best Management Practices (BMPs) and the proper implementation of a site specific Stormwater Pollution Prevention Plan.

Uncontrolled or untreated stormwater runoff may cause significant adverse impacts, to downstream structures and waterways by either increasing the quantity of water being released offsite, detrimentally impacting downstream water quality through the transportation of common pollutants found in stormwater runoff, or both.

Through the use of proper stormwater management, drainage systems can be designed to address water quantity and quality concerns, alleviating downstream flooding problems and aiding in the restoration of South Carolina's waterways towards supportive conditions conducive to state wildlife and public usage.

BMPs

Best Management Practices (BMPs) are essential components of any successful Stormwater Management Plan.

SWPPP

A Stormwater Pollution Prevention Plan outlines how to lawfully discharge nonpoint source pollution.

NPDES Permitting

The NPDES permit program controls water pollution by regulating sources that discharge pollutants into Waters.

Stormwater Permitting

Less Than 1-Acre of Land Disturbance - Coastal Counties

If your construction project is located in the Coastal Zone and is not draining within ½ mile of a coastal receiving water OR meets the criteria for automatic permit coverage, submit notification via a Notification - Less than 1-Acre, Not within 0.5 Miles of a Coastal Receiving Water AND Automatic Permit Coverage (DHEC Form 0451) form as detailed below.

Automatic permit coverage under the NPDES Construction General Permit (CGP) applies to sites that comprise 0.5 acres and less of land disturbance, are not part of a larger common plan, and drain within ½ mile of a coastal receiving water *unless DHEC specifically requests an NOI and SWPPP for review and approval.* Below are links to requirements for each circumstance.

Less than 1-Acre Notification Requirements -
Not within 1/2 mile of Coastal Receiving Waters

Notification Requirements - Automatic Permit Coverage -
0.1 to 0.5 Acres within 1/2 mile of Coastal Receiving Waters

Contact DHEC's Office of Ocean and Coastal Resource Management (DHEC-OCRM) for Coastal Zone Consistency submittal requirements on sites qualifying for automatic permit coverage. Projects that involve 0.6-1.0 acres of disturbance and are located within 0.5 miles of coastal receiving waters are required to submit the standard application for Stormwater NPDES permit coverage, Notice of Intent (DHEC Form 2617).

Upon determining that NPDES coverage is not required, DHEC will issue a letter of exemption to the applicant stating that no further coverage is necessary and that the proposed land disturbance may begin. When it is determined a site is automatically covered under the CGP, a letter of notification will be issued to the applicant stating that proposed land disturbance activities may begin upon receipt of any necessary authorizations from DHEC-OCRM.

If your project is located within an MS4 Urbanized Area (UA), you must first contact the MS4 or or UA to identify applicable project requirements and received approval if the MS4 deems such approval appropriate.

When a construction site is part of a Larger Common Plan of Development or Sale (LCP), the standard application for NPDES Construction permit coverage, Notice of Intent (DHEC Form 2617) may be required to perform work, regardless of the amount of disturbance.

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Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

Less Than 1 Acre Project Requirements In Coastal Counties Not Within 0.5 Miles of Coastal Receiving Waters AND Automatic Permit Coverage

This document is to provide guidance for projects located within in one of the 8 coastal counties (**Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper**), and is not part of a larger common plan (LCP).

Construction sites located in the Coastal Zone disturbing less than 1 acre and not draining within 0.5 miles of *receiving waters as defined in* **South Carolina's Coastal Zone Management Program** **or** meeting the criteria for automatic permit coverage, submit notification via a **Notification-Less than 1-Acre, Not Within 0.5 Miles of a Coastal Receiving Water AND Automatic Permit Coverage** (DHEC Form 0451) form as detailed below.

Automatic permit coverage under the NPDES CGP applies to sites that comprise 0.5 acres and less of land disturbance, are not part of a larger common plan, and drain within 0.5 miles of a coastal receiving water *unless DHEC specifically requests an NOI and SWPPP for review and approval.* Contact **DHEC's Office of Ocean and Coastal Resource Management** (DHEC-OCRM) for Coastal Zone Consistency submittal requirements on sites qualifying for automatic permit coverage.

The following is a list of DHEC's submittal requirements for projects that meet one of the above conditions.

1. **Notification Form.** Provide one (1) **Notification-Less than 1-Acre, Not Within 0.5 Miles of a Coastal Receiving Water AND Automatic Permit Coverage** (DHEC Form 0451), signed and dated.

2. **Construction Plans.** Provide one (1) copy of the plan/sketch. Note: Plans are not required to be prepared by an engineer, Tier B surveyor, or landscape architect; however, if an individual with one of these licenses prepares the plan, then they must sign and seal the plans. The sketched plan should include:

    a. A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
    b. The boundary lines of the site on which the work is to be performed;
    c. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures; and
    d. A topographic map of the site (if required by the implementing agency).

3. **SWPPP Narrative.** A narrative description of the stormwater management and sediment control plan to be used during land disturbing activities. *Note:* This may be included on the plans instead of in a written narrative. Include a general description of topographic and soil conditions of the property. Include a general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties.

Projects within a MS4 or Urbanized Area

If the less than one (1) acre project is to be constructed inside a MS4 or Urbanized Area, you must first contact the respective MS4 or UA to identify applicable project requirements and received approval if the MS4 deems such approval appropriate.

Larger Common Plan (LCP)

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

For example, if master calculations have been prepared and/ or submitted for an entire site, then all phases and parcels at that site would be considered part of an LCP. If the site is part of a subdivision, industrial park, commercial park, etc., then it is considered to be part of an LCP. If there have been land-disturbing activities, including clearing, grading or excavating, that resulted in 1 disturbed acre or more since 1992, then any future land-disturbing activities at the site are considered to be part of an LCP.

Coastal Receiving Water (CRW)

The term CRW means *"a receiving water body as defined in the Policies and Procedures of the South Carolina Coastal Zone Management Program, updated July 1995. This includes all regularly tidally influenced salt and fresh water marsh areas, all lakes or ponds which are used primarily for public recreation or a public drinking water supply, and other water bodies within the coastal zone, excluding wetlands, swamps, ditches and stormwater management ponds which are not contiguous via an outfall or similar structure with a tidal water body."* [NPDES General Permit for Stormwater Discharges From Construction Activities]

1 and 2 Acres of Land Disturbance

South Carolina's NPDES Stormwater Program requires that anyone engaged in clearing, grading, and/or excavating activities that disturb between 1.0 acres and 2.0 acres, including smaller sites in a Larger Common Plan of development or sale, to obtain coverage under the state's 2006 Construction General Permit (CGP) prior to beginning any land disturbing activities.

All construction activities disturbing 1 to 2 acres shall submit a simplified stormwater management and sediment control plan meeting the requirements of R.72-300.

Coastal County Projects

Requirements for Projects within 1/2 mile of a Coastal Receiving Water (CRW) from 0.6 to 2.0 disturbed acres.

Requirements for Projects **NOT** within 1/2 mile of a Coastal Receiving Water(CRW) from 1.0 to 2.0 disturbed acres.

Non-Coastal County Projects

Requirements for Projects Outside the Coastal Area from 1.0 to 2.0 disturbed acres.

Construction Activities

Information and Requirements on land disturbing activities for construction activities.

Less Than 1 Acre

Information and Requirements on land disturbing activities that disturb less than 1 Acre.

Greater Than 2 Acres

Information and Requirements on land disturbing activities that disturb more than 2.0 Acres.

For Projects located within an MS4 jurisdiction, the construction site plan and SWPPP document reviewed for compliance by the MS4 does not need to be submitted to DHEC in order to issue the permit coverage approval. All that is required is the completed NOI, $125 Fee, and approval letter from the MS4.

Coastal Counties Only: Projects located within one of the eight coastal counties require a Coastal Zone Consistency determination from DHEC's Office of Ocean and Coastal Resource Management **(DHEC-OCRM)**.

A Coastal Zone Consistency submittal package must be submitted with requests for permit coverage for review by DHEC-OCRM. Contact DHEC-OCRM regarding submittal requirements.

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Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

0.6 to 2.0 Acre Project Requirements In Coastal Counties & Within 0.5 Miles of Coastal Receiving Waters

This document is to provide guidance for projects located within in one of the 8 coastal counties (**Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper**) that are subject to the requirements of the S.C. Coastal Zone Management Plan and not part of a larger common plan (LCP).

Construction sites subject to these requirements are not located within 0.5 miles of *receiving waters as defined in* **South Carolina's Coastal Zone Management Program** *as all regularly tidally influenced salt and fresh water marsh areas, all lakes or ponds which are used primarily for public recreation or a public drinking water supply, and other water bodies within the coastal zone, excluding wetlands, swamps, ditches and stormwater management ponds which are not contiguous via an outfall or similar structure with a tidal water body.*

The following is a list of DHEC's submittal requirements for projects that disturb between 0.6 and 2.0 acres in a coastal county and are within 0.5 miles of Coastal Receiving Waters.

1. **Notice of Intent Application.** A completed NOI (**DHEC Form 2617**) with all applicable fees. If project is located within a MS4 or Urbanized Area (UA) that requires an application other than DHEC Form 2617, then a copy of this application, reviewed and approved by the MS4 or UA, will need to be submitted.

2. **Construction Site Plans.** Provide 1 copy of Construction Site Plans prepared by a licensed South Carolina Professional Engineer. The plans must be in accordance with R72.300 and the NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (CGP). A **Professional Design Checklist** has been made available to help ensure that these regulations and permitting requirements are met.

3. **Stormwater Pollution Prevention Plan (SWPPP).** Provide 1 copy of a SWPPP prepared by a licensed South Carolina Professional Engineer. The SWPPP must be in accordance with R72.300 and the NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (CGP). A **Professional Design Checklist** has been made available to help ensure that these regulations and permitting requirements are met.

4. **CZC Determination Package.** A Coastal Zone Consistency submittal package for review by **DHEC's Office of Ocean and Coastal Resource Management** (DHEC-OCRM).

5. **MS4 Approval (when applicable).** A copy of the MS4 approval for the proposed project if subject to MS4 jurisdiction and the $125 NPDES fee only. If DHEC elects to perform a technical review on a project located in an MS4 area, construction plans and a SWPPP will be requested at

that time, otherwise items 2 and 3 above do not need to be submitted if a project is within a MS4 jurisdiction.

Additional Requirements

Projects may be subject to requirements of local governments through local ordinances, in particular, those areas that are considered Municipal Separate Storm Sewer Systems (MS4s) under the NPDES program. Please see http://www.scdhec.gov/environment/water/swater/ms4s.htm for more information

Larger Common Plan (LCP)

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

For example, if master calculations have been prepared and/ or submitted for an entire site, then all phases and parcels at that site would be considered part of an LCP. If the site is part of a subdivision, industrial park, commercial park, etc., then it is considered to be part of an LCP. If there have been land-disturbing activities, including clearing, grading or excavating, that resulted in 1 disturbed acre or more since 1992, then any future land-disturbing activities at the site are considered to be part of an LCP.

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1 to 2 Acre Project Requirements In Coastal Counties <u>Not</u> Within 0.5 Miles of Coastal Receiving Waters

This document is to provide guidance for projects located within in one of the 8 coastal counties (**Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper**) that are subject to the requirements of the S.C. Coastal Zone Management Plan and not part of a larger common plan (LCP).

Construction sites subject to these requirements are not located within 0.5 miles of *receiving waters as defined in* **South Carolina's Coastal Zone Management Program** *as all regularly tidally influenced salt and fresh water marsh areas, all lakes or ponds which are used primarily for public recreation or a public drinking water supply, and other water bodies within the coastal zone, <u>excluding</u> wetlands, swamps, ditches and stormwater management ponds which are not contiguous via an outfall or similar structure with a tidal water body.*

The following is a list of DHEC's submittal requirements for projects that disturb between 1.0 and 2.0 acres in a coastal county and are not within 0.5 miles of Coastal Receiving Waters.

1. **Notice of Intent Application.** A completed NOI (**DHEC Form 2617**) with all applicable fees. If project is located within a MS4 or Urbanized Area (UA) that requires an application other than DHEC Form 2617, then a copy of this application, reviewed and approved by the MS4 or UA, will need to be submitted.

2. **Construction Site Plans.** Provide <u>1 copy</u> of the Construction Site Plans (Not required to be prepared by a licensed engineer, Tier B surveyor or landscape architect but must include seal if plans are prepared by licensed individual) which contains:

    a. Site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers.
    b. The boundary lines of the site on which the work is to be performed.
    c. A topographic map of the site if required by the implementing agency.
    d. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures.

3. **Stormwater Pollution Prevention Plan (SWPPP).** A <u>simplified</u> stormwater management plan (Not required to be prepared by a licensed engineer, Tier B surveyor or landscape architect but must include seal if plans are prepared by licensed individual) consisting of a narrative description of all stormwater management and sediment control BMPs to be used during land disturbing activities.

    The SWPPP must also be in accordance with the NPDES General Permit for Storm Water

Discharges from Large and Small Construction Activities (CGP). To verify that all applicable requirements are addressed, please see the **Professional Design Checklist**. The SWPPP must also include the following information:

a. An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
b. General description topographic and soil conditions of the tract from the local soil and water conservation district.
c. General description of the pre- and post-development flows at each outfall.
d. General description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties.

4. **CZC Determination Package.** A Coastal Zone Consistency submittal package for review by **DHEC's Office of Ocean and Coastal Resource Management** (DHEC-OCRM).

5. **MS4 Approval (when applicable).** A copy of the MS4 approval for the proposed project if subject to MS4 jurisdiction and the $125 NPDES fee only. If DHEC elects to perform a technical review on a project located in an MS4 area, construction plans and a SWPPP will be requested at that time, otherwise items 2 and 3 above do not need to be submitted to DHEC if a project is within a MS4 jurisdiction.

Additional Requirements

Projects may be subject to requirements of local governments through local ordinances, in particular, those areas that are considered Municipal Separate Storm Sewer Systems (MS4s) under the NPDES program. Please see http://www.scdhec.gov/environment/water/swater/ms4s.htm for more information

Larger Common Plan (LCP)

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

For example, if master calculations have been prepared and/ or submitted for an entire site, then all phases and parcels at that site would be considered part of an LCP. If the site is part of a subdivision, industrial park, commercial park, etc., then it is considered to be part of an LCP. If there have been land-disturbing activities, including clearing, grading or excavating, that resulted in 1 disturbed acre or more since 1992, then any future land-disturbing activities at the site are considered to be part of an LCP.

Greater than 2 Acres of Land Disturbance

South Carolina's **NPDES Stormwater Program** requires that anyone engaged in clearing, grading, and/or excavating activities that disturb more than 2 acres, including smaller sites in a **Larger Common Plan** of development or sale, whose combined total disturbed area is more than 2 acres, to submit an **Notice Of Intent** for permit coverage approval prior to beginning any land disturbing activities.

In addition to the NOI, the request for permit coverage Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) prepared by a licensed South Carolina Professional Engineer, Landscape Architect, Tier B Land Surveyor, or a Federal Government Employee. The C-SWPPP must include the construction site plans and a SWPPP document that addresses all applicable requirements found in the Construction General Permit and SC Regulation 72.300.

A professional design checklist has been made available to help ensure that these regulations are met. Additionally, the SC DHEC BMP Handbook has been provided to aid in the selection of Best Management Practices (BMPs) that may address applicable requirements.

For those looking for additional information or help with acquiring NPDES Stormwater Coverage under the Construction General Permit, DHEC's**Stormwater Staff** is always available to answer questions about implementation and the design of proper stormwater managements plans. DHEC's also provides numerous **design aids**, **technical documents** and **stormwater-associated links** that may assist in the development of a site-specific C-SWPPP.

Greater than 2 Acres of Land Disturbance - Coastal Counties

Requirements for projects located within one of the eight coastal counties are the same as the requirements for projects outside of the coastal zone except for the inclusion of a Coastal Zone Consistency determination from **DHEC's Office of Ocean and Coastal Resource Management** **(DHEC-OCRM)**.

A Coastal Zone Consistency submittal package must be submitted with requests for permit coverage for review by DHEC-OCRM. Contact DHEC-OCRM regarding submittal requirements.

As-Built Surveys

S.C. DHEC requires the submittal of **As-Builts** under specific circumstances when it comes to land disturbing activities associated with large and small construction sites. There are two (2) circumstances where the Department requires submittal of **As-Builts**. These circumstances are while submitting a Notice of Termination (NOT) for NPDES coverage that included the construction of permanent detention and/or retention structures, and when you are applying for NPDES coverage that includes using a pre-existing detention and/or retention structure to accept on-site flows. Other cases may arise where S.C. DHEC will request an **As-Built**.

As-Built Survey Requirements

- Include grades/contours/depths for pond(s)
- Elevations and dimensions of all outlet structures, including:
    - Pipe and orifice inverts and diameters
    - Weir elevations and dimensions
    - Riser dimensions and elevations
    - Emergency spillway dimensions and elevations
    - Locations and inverts for all pipes discharging into the pond
- If the elevations or dimensions of the structures listed above do not match those used in the approved plans, certification statement signed by the project's Registered is required. Under some circumstances a revised pond routing calculations will be asked to be submitted.

All **As-Builts** must be prepared by a South Carolina Licensed Land surveyor and must be provided for all previously approved detention ponds that will receive flows from new drainage areas.

For **As-Builts** that do not match the approved plans on record, the project's Registered Engineer must submit a certification statement indicating that the pond, as built, will function within all applicable standards provided. **As-Builts** that drastically differ from approved plans may be required to submit a new analysis of the pond routing.

Note: As-built survey and /or analysis must be submitted and accepted by the Department before Notice of Termination (NOT) is submitted.

Residential Subdivisions

There are a few additional design considerations that will need to be taken into account when preparing a Stormwater Pollution Prevention Plan for **Residential Subdivisions**, particularly those developing subdivisions.

Residential Subdivision Guidance

Residential Disturbance Formula

Amount of Disturbance = 2[Max Restricted Building Size][Number of Lots] + Right of Way Areas
*Max Restricted Building Size = Maximum
Disturbed Area per Lot (Acres)

Residential Note for Plans

The site is not to be mass-graded. Only 2 times the footprint is to be cleared as the lots are developed. The assumed disturbance on each lot is _____ sq. ft."

One of those considerations that will affect the stormwater management plan of a **Residential Subdivision Projects** is the decision if the subdivision is to be mass graded or not. If the decision is made for the site not to be mass graded the following steps must be implemented while developing the SWPPP:

1. Determine the Disturbed Area based off the **Residential Disturbance Formula** provided in the Residential Subdivision Guidance to the right.
2. Include a note on the plans that states the site is not to be mass graded and the amount of disturbance allotted for each lot. (See Residential Guidance)
3. Provide a Residential Lot Detail that illustrates how much of the lot may be disturbed in addition to the placement of BMPs.

Developers may decide that they do not wish to include any of the residential lot's disturbed area in their NPDES Permit Coverage when deciding to not mass grade the site. In this case, the **Max Restricted Building Size** value would be Zero (0) in the above Residential Disturbance Formula and each individual lot would have to apply for NPDES coverage under a separate permit number but part of a Larger Common Plan (LCP).