

Purpose:

To decrease the water quality and water quantity impacts related to nonpoint source runoff during construction and after development.

Authority:

- S.C. Code Ann. Section 48-14-10 *et seq.* (supp. 2001), S.C. Stormwater Management and Sediment Control Act
- S.C. Code Ann. Regulations 72-300 *et seq.* (supp. 2001)
- SC Coastal Management Program (SCCMP), February 14, 1979, and Program Refinements, August 2, 1993

Regulated activities and impacted public:

All land disturbing activities greater than 2 acres except those specifically exempted, such as single family home construction and agricultural or forestry operations. Some activities smaller than 2 acres are regulated in the coastal zone if they are within one-half mile of a receiving waterbody. Those impacted include developers, local government and the general public.

Geographic Jurisdiction:

The lands of the eight coastal counties in the South Carolina coastal zone.

Description:

- In 2002, 578 individual stormwater permits were issued and 397 notifications of activities less than 2 actions were reviewed, for a total of 975 actions.
- The regulations for the statewide program require designing stormwater management systems to meet technical criteria that protect water quality and control water quantity such as:
 - a minimum of 80% sediment removal during construction,
 - post-development runoff rates being at or below pre-development rates for the 2 and 10-year 24-hour storm event, and
 - minimum “first flush” requirements for stormwater best management practices.
- In the coastal zone, the 1993 SCCMP Refinements establish more stringent requirements for:
 - development projects near receiving waterbodies and shellfish beds,
 - bridge runoff,
 - golf course runoff,
 - mines, landfills, and other activities with potential for significant impact.
- Unless exempted, any development project in the coastal zone that disturbs 2 acres or more, or is located within ½ mile of a receiving waterbody must obtain a stormwater permit that ensures compliance with the state stormwater management requirements and the SCCMP prior to construction.
- If the receiving waterbody for a project disturbing 25 acres or greater is on DHEC-EQC’s impaired waters list, applicants are required to meet State anti-degradation standards aimed at reducing further water quality impacts to these impaired waters.

FACT SHEET: STORMWATER MANAGEMENT PERMITTING

- Applications are placed on public notice for 10 days during which comments from agencies, adjacent property owners, and other interested parties are solicited.
- A public hearing is conducted with receipt of 20 letters requesting such or if an elected official makes a request.
- Decisions are required within either 10 or 20 working days after a file is complete depending on the size of the project.
- Decision documents are prepared for the file, and applications are approved, approved with conditions, or denied.
- Applicants must notify DHEC-OCRM of the start of construction. Site inspections are conducted during construction and at the conclusion of construction activities.

Coordination:

- For development projects that will disturb five acres or more, the stormwater management application form and permit are routed to Columbia by DHEC-OCRM and DHEC-EQC staff grants NPDES permit coverage.
- Notice of applications are routinely submitted to other State and federal agencies such as SC Department of Natural Resources, SC State Ports Authority, SC Department of Archives and History, US Fish and Wildlife Service, National Marine Fisheries Service, and US Environmental Protection Agency. These agencies provide comments that are considered in determining the final DHEC-OCRM decision.
- Local governments are also notified and included in the review.

Appeal Process:

- In 2002, 1 permit was appealed.
- Permit decisions must be appealed within 15 days.
- The Administrative Law Judge (ALJ) Division hears appeals. They are typically heard within 4-6 months, depending on complexity.
- The ALJ decision is appealed to the Board of Health and Environmental Control. They are typically heard within 3-4 months.
- Board decision must be appealed within 30 days.
- Circuit Court review typically takes 12 months or more.

Strengths:

- This is a technically robust water quality protection program implemented by experienced senior staff and licensed engineers
- Stormwater management in the South Carolina coastal zone is based on nearly 20 years of experience in dealing with nonpoint source impacts.

Shortcomings:

- Ongoing changes in federal and State rules may consolidate or eliminate DHEC-OCRM stormwater permitting authority through delegation of the programs to local Municipal Separate Storm Sewer Systems as part of the NPDES Phase II General Permit.
- The program inconsistently addresses flooding issues.