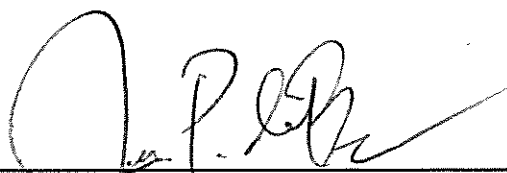


# **NPDES GENERAL PERMIT**

**for**

## **DISCHARGES ASSOCIATED WITH NONMETAL MINERAL MINING FACILITIES**

This permit authorizes discharges from mining facilities to waters of the State of South Carolina in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I through XI hereof. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (S. C. Code Sections 48-1-10 *et seq.*, 1976), Regulation 61-9, and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "CWA."



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Jeffrey P. deBessonnet, P.E., Director  
Water Facilities Permitting Division

Issued: September 29, 2017

Expires: December 31, 2022

Effective: January 1, 2018

Permit No.: SCG730000



S.C. Department of Health and  
Environmental Control

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## PREFACE

The Clean Water Act (CWA) provides that discharges from stormwater and/or from point sources to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. This permit does not relieve the permittee from compliance with the South Carolina Mining Act, the South Carolina Mining Regulation (R.89.10 – 89.350), any mine operating permit issued by the South Carolina Department of Health and Environmental Control, or with coastal zone consistency requirements issued by the Department's Division of Ocean and Coastal Resource Management.

## PART I. DEFINITIONS

NOTE: The following definitions are not intended to supersede any definitions established by the South Carolina Mining Act.

- A. **Administrator** means the EPA Regional Administrator or an authorized representative.
- B. The **arithmetic mean** of any set of values is the summation of the individual values divided by the number of individual values.
- C. **Best management practices** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- D. **Closure** means the act of rendering a mine facility or portion of a mine facility to an inoperative state that prevents the gradual or sudden release of contaminants that are harmful to the environment.
- E. **Crushed stone** means rock or stone which has been reduced in size after mining to meet various consumer requirements.
- F. **CWA** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 *et seq.*
- G. **Daily maximum** is the highest average value recorded of samples collected on any single day during the monitoring period.
- H. **Department** means the South Carolina Department of Health and Environmental Control or an authorized representative.
- I. **Dimension stone** is rock or stone which has been specially cut or shaped for use in buildings, monuments, memorial and gravestones, curbing or other construction or special uses.
- J. **Domestic Sewage** is waste and wastewater produced from humans.
- K. **EPA** means the United States Environmental Protection Agency.

- L.** A **grab sample** is an individual, discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding 15 minutes and retained separately for analysis. Instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity, unless a totalizer is used.
- M.** The **instantaneous maximum or minimum** is the highest or lowest value recorded of all samples collected during the calendar month.
- N.** **Mine** means an area of land or water, surface or underground, used for or resulting from the extraction of a mineral solid from natural deposits that are sold or consumed in the regular operation of a business.
- O.** **Mine dewatering** means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. For sand and gravel mines and/or industrial sand mines, this term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of mine process generated wastewater, discharges of commingled water from the mine shall be deemed discharges of mine process generated wastewater.
- P.** The **monthly average** is the arithmetic mean of all samples collected in a calendar month period.
- Q.** **NOI** means Notice Of Intent (Form No. DHEC 3559) to be covered by this permit (see Part III of this permit.)
- R.** **NOT** means Notice Of Termination to discontinue coverage by this permit (see Part VII of this permit.)
- S.** **Point Source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- T.** **Mine process generated wastewater** means any wastewater used in the slurry transport of mined material, air emissions control (excluding water used for dust suppression on roads which is evaporated or absorbed by soils such that no runoff to a receiving stream occurs), or processing exclusive of mining. The term shall also include any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine or other facility used for treatment of such wastewater. The term does not include wastewater used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other wastewater.
- U.** **Quarter** is defined as three calendar months beginning with January and each group of three calendar months thereafter. (January to March, April to June, July to September, and October to December)
- V.** **Reclamation** means the reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation control the type and degree of reclamation in a specific instance, the basic objective is to establish on a continuing basis the vegetative cover, soil, stability, water conditions, and safety conditions appropriate to the area. Closure activities are a part of reclamation.
- W.** **Stormwater** means stormwater runoff, snow melt runoff, and surface runoff and drainage from facilities

classified as Standard Industrial Classification 14 (non-metallic mineral industry) including active or inactive mining operations that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

- X. Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations of Part X of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- Y. Waters of the State** means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.
- Z. Waters of the United States** means:
1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
  2. All interstate waters, including interstate "wetlands";
  3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
  4. All impoundments of waters otherwise defined as waters of the United States under this definition;
  5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
  6. The territorial sea; and
  7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.
  8. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to manmade bodies of water that neither

were originally created in waters of South Carolina (such as disposal areas in wetlands) nor resulted from the impoundment of waters of South Carolina.

NOTE: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by R.61-9.122.26(b)(14)(iii).

- AA. Mining operations** - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) construction activities as defined in Part I.BB; and b) active mining activities, as defined in Part I.CC, which includes reclamation. "Mining Operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.
- BB. Construction Activities** - Includes any land disturbance or construction related activities integral to the development and operation of the mine. Those activities and associated stormwater discharges, unless otherwise prohibited, are covered by this permit, e.g. building of access roads, stormwater controls, construction of scale houses, shops, offices, etc. Stormwater discharges from construction activities are allowable discharges under this permit pursuant to part II.B.1.a of this permit.
- CC. Active Mining Activities** Includes activities related to the extraction, removal or recovery, and beneficiation of non-metallic minerals from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the "active mining area." Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part IX.C have been met, and a well-delineated "active mining area" has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are "active mining activities".
- DD. Active Mining Area** A place where work or other activity related to the extraction, removal or recovery of non-metallic minerals is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun. *Note:* Construction activities described in the definition in Part I.BB that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered construction activities and must comply with the requirements in Part IX.C.
- EE. Coastal Zone** means eight county coastal zone which is comprised of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper Counties.
- FF. Coastal Zone Consistency Determination** means a certification of a state permit that operates in the Coastal Zone. The determination is based upon the enforceable policies contained within the SC Coastal Zone Management Program and is provided to the Agency permit program area prior to the issuance of either a permit or general permit.
- GG. Inactive Mineral Mining Facility** - A site or portion of a site where mineral mining and/or milling occurred in the past but is not engaged in active mining activities as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency, or an exemption from mine operating permit requirements. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive

mining facilities and do not require an NPDES industrial stormwater permit. (See Part VII.A of this permit. A site or a portion of a site that has been released from applicable state reclamation requirements is no longer required to maintain coverage under this permit.)

- HH. Temporarily Inactive Mineral Mining Facility** - A site or portion of a site where mineral mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is either covered by an active mining permit issued by the applicable State or Federal agency or is a S.C. Department of Transportation or S.C. Ports Authority project that is exempt from the South Carolina mining permit requirements.
- II. GAPC's** means Geographic Areas of Particular Concern as it relates to the Coastal Zone. GAPC's typically consist of cultural resources, threatened and endangered species, public areas and resource waters. The priority of uses of GAPC's is the standard for each review, i.e. the use of a public park remains the same after a project review.
- JJ. Uncontaminated** - Free from the presence of pollutants attributable to industrial activity.
- KK. Impaired Water** - (or "Water Quality Impaired Water" or "Water Quality Limited Segment") - A water is impaired for purposes of this permit if it has been identified by a State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDL, and those for which a TMDL has not yet been approved or established.
- LL. Total Maximum Daily Load (TMDL)** - A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLA) for point source discharges; load allocations (LA) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).
- MM. Mine Equipment Wash Water** - means wastewater generated by washing mine equipment (including trucks) used in onsite mining operations. To qualify as mine equipment wash water under this general permit any soaps or detergents used for washing must be biodegradable and phosphate-free.
- NN. Suction Dredge Water** - means wastewater generated from suction dredging in sand or gravel dredge mining operations conducted in surface waters classified as Waters of the State and subsequently processed onshore to extract the sand or gravel. Suction dredge waters generated from dredging operations conducted in a mine pit are not included in this definition.
- OO. Tier 2 Waters** - For anti-degradation purposes, pursuant to 40 CFR 131.12(a)(2), waters (of any class under S.C. R.61-68, except ORW or ONRW) characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.
- PP. Qualified Personnel** - For the purpose of Part VIII.E Inspections - personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at your facility, and who can also evaluate the effectiveness of control measures.
- QQ. PCA** shall refer to the Pollution Control Act (Chapter 1, Title 48, Code of Laws of South Carolina).
- RR. Control Measure** - refers to any BMP or other method (including effluent limitations) used to prevent or



reduce the discharge of pollutants to Waters of the State.

- SS.** **SCCZMP** means the S. C. Coastal Zone Management Program which is the controlling document for policy based decisions for the required Coastal Zone Consistency Determinations if the project of record is located in the eight county Coastal Zone.

## PART II. PERMIT COVERAGE

### A. Permit Area

The permit covers all areas of South Carolina including Catawba Indian Nation lands.

### B. Eligibility

1. a. Except for discharges identified under Part II.B.2, this Permit may cover all new and existing point source discharges of the following:

- stormwater (See I.W, and as noted below in this section)
- mine dewatering (See I.O)
- mine process wastewater (See I.T, and as noted below in this section)
- mine equipment wash water (See I.MM)
- and suction dredge water (See I.NN and II.B.1.b)

to waters of South Carolina, from the following types of mines:

- sand
- gravel
- clay
- fill dirt
- kaolin
- vermiculite
- dimension stone quarries
- crushed stone quarries
- or other types of nonmetallic mineral mines or quarries as approved by the Department on a case-by-case basis.

Discharges from South Carolina Department of Transportation or South Carolina Ports Authority borrow pits that are fill dirt mines may also be covered under this permit.

Allowable mine process wastewaters include wash waters such as for classifying or washing of a mineral, water used in the slurry transport of a mineral, and other mine process wastewaters which do not involve use of chemicals unless approved by the Department.

Allowable stormwater includes runoff from any overburden, raw material, intermediate product, finished product, byproduct or waste product located on the site and which have not undergone chemical processing unless otherwise approved by the Department. This permit covers stormwater discharges from active, temporarily inactive, and inactive facilities including stormwater discharges from construction activities as defined in Part I.BB. Stormwater from vehicle maintenance shops and truck washes may also be allowed if there are proper Best Management Practices, Stormwater Pollution Prevention Plans, or Spill Prevention Control or Countermeasures (SPCC) Plans (as appropriate) in place (See Part II. B. 2. h.).

Small quantities of once-through non-contact cooling water may also be covered, where the cooling water is either held or diluted by other waters such that the temperature of the water becomes ambient before discharge.

The following additional non-stormwater discharges are also authorized under this permit:

Discharges from fire-fighting activities;  
Fire hydrant flushings;  
Potable water, including line flushings;  
Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;  
Irrigation drainage;  
Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;  
Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);  
Routine external building washdown that does not use detergents;  
Uncontaminated groundwater or spring water;  
Foundation or footing drains where flows are not contaminated with process materials; and  
Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g. "piped" cooling tower blowdown or drains).

- b.** Discharges of dredged or fill material into waters of the United States, which are regulated under Section 404 of the CWA, do not require NPDES permits, and, thus, are not covered by this Permit. However, discharges of pollutants into waters of the United States resulting from the onshore subsequent processing of dredged material that is extracted for any commercial use (other than fill) are not considered discharge of dredged material, are regulated under Section 402 of the CWA, and require NPDES permits (see 33 CFR 323.2(d)(2) and 40 CFR 232.2).
- c.** Mining facilities which do not discharge mine dewatering, mine process generated wastewater, mine equipment wash water, or suction dredge water as defined in Part I of this Permit shall be covered by this Permit in accordance with Regulation 61-9.122.26(a)(1)(ii) and Regulation 61-9.122.26(b)(14)(iii). These facilities must complete a NOI and coverage under this Permit must be granted prior to the start of mining operations. These facilities are covered under all parts of this Permit with the exception of Part X Numeric Effluent Limitations.
- d.** This Permit may authorize mine discharges that are mixed with other discharges provided that the other discharges are in compliance with the terms, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.

## **2. Limitations on Coverage**

The following discharges are not authorized by this Permit:

- a.** Mine discharges that are mixed with other discharges (other than those non-stormwater discharges listed in Part II.B.1.a) unless those discharges are in compliance with a different NPDES permit;
- b.** Mine discharges that are subject to an existing NPDES permit or are located at a facility where an NPDES permit has been terminated, denied, or revoked (except as noted below); or which are issued a permit in accordance with Part VI.A. (Requirements for Individual or Alternative General Permits) of this Permit. Such discharges may be authorized under this Permit after an existing permit expires or is canceled

(permittees with existing individual permits may request that the facility be covered under the general permit prior to the expiration date of the individual permit, in such case the individual permit may be revoked and the general permit coverage issued);

- c. Discharges from a mine other than a sand, gravel, clay, fill dirt, kaolin, or vermiculite mine or dimension stone or crushed stone quarry (or other types of nonmetallic mineral mines as approved by the Department on a case-by-case basis);
- d. Discharges that the Department has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
- e. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat;
- f. Discharges, other than existing NPDES permitted discharges as of the effective date of this permit, whose receiving waters are Outstanding National Resource Waters, Outstanding Resource Waters, or Trout Waters.  
(Discharges whose receiving waters are FRESHWATER, Saltwaters (Class SA or SB) or Shellfish Harvesting Waters (where approved by the Department) as classified by SC Reg. 61-68, 61-69, *Water Classifications and Standards* and *Classified Waters* are allowed under this Permit unless otherwise determined by the Department.)
- g. Discharges of domestic sewage;
- h. Stormwater runoff from areas such as chemical or fuel storage areas, vehicle maintenance shops, truck washes or similar operations located on the mine site which do not have proper controls (proper controls shall include having in place effective Best Management Practices, Stormwater Pollution Prevention in accordance with the plans required in this Permit) to manage spills and/or to keep oils, greases, lubricants, fuels and other deleterious substances from entering surface or ground waters;
- i. Discharges from other operations which are located on the mine site such as asphalt plants or concrete plants which would be considered to have a different Standard Industrial Classification (SIC) Code than SIC Code 14 series (Nonmetallic Minerals, except Fuels) unless in compliance with the terms of a different general or individual NPDES permit authorizing such discharges or otherwise approved by the Department.
- j. Stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in II.B.1.a, are not eligible for coverage under this permit.
- k. Stormwater discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit, unless the construction activity meets the definition of "construction activities" in Part I.BB of this permit.
- l. Unless you received written notification from the Department specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for the following:

Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific, numeric water-quality-based limitations developed for the stormwater component of the discharge.

- m.** If you are a new discharger you are not eligible for coverage under this permit to discharge to an "impaired water", as defined in Part I unless you:
- i.** prevent all exposure to storm water of the pollutant(s) for which the water body is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP; or
  - ii.** document that the pollutant(s) for which the water body is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or
  - iii.** in advance of submitting your NOI, prepare data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with your SWPPP. To do this, you must include data and other technical information to demonstrate:
    - (a) For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
    - (b) For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the water body are subject to compliance schedules designed to bring the water body into attainment with water quality standards.
  - iv.** Parts II.B.2.m.i, ii, and iii do not apply to streams for which the cause of impairment is stated as solely "bio" (biological, based on macro-invertebrate stream study). After development and U.S. EPA approval of a TMDL which states the pollutants of concern, Parts II.B.2.m.i, ii, and iii(b) will apply.
- n.** Discharges from mines that permanently impact waters of the State that have not previously received authorization for the impact and properly mitigated the impact.
- o.** Discharges from mines that would negatively change the priority of uses of on-site and adjacent GAPC's.

### **C. Authorization**

- 1.** Dischargers identified under this Permit must submit a Notice of Intent (NOI) using the NOI form (DHEC 3559) provided by the Department (or legible photocopy) as applicable in accordance with the requirements of Part III of this Permit to be authorized to discharge under this Permit. A new discharger is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. An existing discharger previously covered under the NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities is authorized to discharge under the terms and conditions of this permit contingent upon compliance with the renotification requirement of Part III.D of this permit, if applicable. Expiration of this permit does not preclude the Department from granting coverage to new dischargers.
- 2.** The Department may deny coverage under this Permit and require submittal of an application for an individual NPDES permit, an individual No Discharge/Land Application permit, or an alternative NPDES general permit based on a review of the NOI or other information.

**PART III. NOTICE OF INTENT REQUIREMENTS****A. Deadlines for Notification**

1. Except as provided in Part III.F (Transfer of Ownership or Control), individuals who intend to obtain coverage under this Permit for a new mine discharge shall submit a Notice of Intent (NOI) in accordance with the requirements of this part at least thirty (30) days prior to proposed operation. The Department may determine that a shorter time frame is acceptable on a case-by-case basis.
2. An operator of a mine discharge is not precluded from submitting an NOI in accordance with the requirements of this part after the effective date of this Permit. If the time frame allowed under III.A.1 is not met, the Department may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges that have occurred.

**B. Contents of Notice of Intent**

1. The Notice of Intent (see Part II.C.1. for required forms) shall be signed in accordance with Part V.I. (Signatory Requirements) of this Permit and shall include the following information:
  - a. Name of facility, facility contact, mailing address, and location of the facility for which the notification is submitted including tax map numbers;
  - b. Up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities provided by the facility along with a description of the material mined;
  - c. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;
  - d. The permit number of additional NPDES permits for any discharges (including other wastewater discharges) from the site that are currently, or have been previously, authorized by an NPDES permit;
  - e. A US Geological Survey (USGS) Topographical 7.5' or 15' Quadrant map (or 8.5" x 11" section of either map along with the name of the quadrant) showing the proposed point or points of discharge (outfalls) and ultimate receiving waters;
  - f. The permit number of any existing or pending mining permits at the site;
  - g. The name of the receiving water(s); latitude and longitude of all outfall(s) to the nearest 15 seconds;
  - h. Description of all operations contributing wastewater to the effluent including process wastewater, cooling water and other allowable non-stormwater discharges, groundwater and stormwater runoff and an average flow for each, and any treatment provided. For a new facility, an indication of whether the owner or operator has existing quantitative data describing the concentration of pollutants in mine discharges - this data or estimates should be provided. Existing facilities are required to submit at a minimum, quantitative data for pH, total suspended solids, oil and grease (for quarries) and any other constituents of concern;
  - i. The total number of acres affected by the mining activity;

- j. Describe the discharge flow path from the point it exits the system to the point it enters the receiving water. If applicable, note that easements have been obtained for any conveyances of the discharge not on property of the permittee, which are not waters of the State;
- k. A map of the site that shows the following: the property boundary and all areas that will be affected by mining activities; the location of planned access and haul roads on the area to be affected; the location and name of streams, lakes, wetlands, and existing drainage ditches within the area to be permitted and the direction of water flow; and a legend that shows the name of the applicant, the name of the proposed mine, north arrow, county, scale, date of preparation, and name and title of the person who prepared the map;
- l. Other pertinent information or clarifications concerning the mining facility which the permittee wishes to be considered.

### **C. Where to Submit**

Facilities which discharge must use the appropriate NOI form provided by the Department (or legible photocopy thereof). Forms are available by calling (803) 898-4300 or on the Department's web page <http://www.scdhec.gov/Library/d-3559.pdf>. NOIs must be signed in accordance with Part V.I. (Signatory Requirements) of this Permit. NOIs are to be submitted to the Department at the following address:

SC Department of Health and Environmental Control  
NPDES/ND Permit Administration  
2600 Bull Street  
Columbia, SC 29201

### **D. Renotification**

Existing dischargers previously covered under the NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities are required to renotify by submitting a new NOI within 120 days after the effective date of this permit only if the information included on the most recently submitted NOI is no longer accurate. Other existing dischargers previously covered under that general permit are not required to renotify.

### **E. Individual Applications**

1. Any applicant eligible to apply for coverage under a general permit that has previously filed an individual application and has not received an NPDES permit can receive coverage under this general permit. To do so a letter and a completed NOI must be sent to the Department requesting coverage in lieu of an individual permit. Permittees with existing individual permits may request that its discharge be covered under the general permit prior to the expiration date of the individual permit, in such case the individual permit may be revoked and the general permit coverage issued.
2. Any owner or operator authorized by this Permit may request to be excluded from the coverage of this Permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C, 2D, 2E, or 2F and other relevant documents) with reasons supporting the request to the Department. Individual permit applications shall be submitted to the address in Part III.C. of this Permit. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request. The owner or operator shall

continue to comply with this Permit until an individual permit or an alternative general permit coverage is issued.

#### **F. Transfer of Ownership or Control**

1. Coverage under a general permit may be transferred to another party under the following conditions:
  - a. The permittee notifies the Department of the proposed transfer at least thirty (30) days in advance of the proposed transfer date;
  - b. A written agreement is submitted to the Department between the existing and new permittee containing a specific date for the transfer of permit responsibility, coverage, and liability for violations up to that date and thereafter; and
  - c. An NOI is filed by the new owner.
2. Transfers are not effective if, within thirty (30) days of receipt of proposal, the Department disagrees and notifies the current permittee and the new permittee of the intent to modify, revoke and reissue, or terminate the permit coverage and to require that a new application be filed.

#### **G. Modification of Outfall(s) and Other Changes**

The permittee shall submit a new Notice of Intent, if the outfall location is to be moved, or a new outfall is added or the mine site is to be modified in any way that would affect the characteristics of a discharge covered by this Permit. For an outfall that is being terminated, a letter stating such will be needed. The Department will determine if the modification is acceptable and notify the permittee in writing as to continuing coverage under this Permit or that an individual permit will be necessary.



## **PART IV. MONITORING AND REPORTING REQUIREMENTS**

### **A. Facilities Required to Monitor for Effluent Limitations**

1. Facilities covered by this Permit which have mine dewatering, mine process wastewater, mine equipment wash water, or suction dredge water discharges as defined in Part I of this Permit, are required to conduct effluent limitations monitoring of their mine discharges as specified in Part X of this Permit. All point source discharges of mine dewatering, mine process wastewater, mine equipment wash water, suction dredge water, and those stormwaters (or allowable non-stormwaters described in Part II.B.1.a) which become mixed with mine dewatering, mine process wastewater, mine equipment wash water, and/or suction dredge water prior to discharge are required to be monitored for the effluent limitations specified in Part X Numeric Effluent Limitations.
2. Facilities covered by this Permit which have only non-mixed stormwater discharges are not required to conduct effluent limitations monitoring of the stormwater runoff. Facilities with only stormwater runoff must continue to meet all conditions of this Permit, including the benchmark monitoring of Part IV, the impaired waters monitoring of Part IV, and the quarterly visual assessment of VIII.E.2, but are not required to monitor according to the effluent limitations of Part X or to report under Part IV.B.6. However, the Department may determine on a case-by-case basis that certain stormwaters which are not mixed with mine dewatering, mine process wastewater, mine equipment wash water, also require monitoring with specific numeric effluent limitations and reporting.

### **B. Monitoring and Reporting**

1. Representative Sampling
  - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - b. Samples shall be reasonably distributed in time, while maintaining representative sampling.
  - c. No analysis, which is otherwise valid, shall be terminated for the purpose of preventing the analysis from showing a permit or water quality violation.
2. Flow Measurements.
  - a. Appropriate flow measurement devices and/or methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. Any selected devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes.
  - b. The permittee shall maintain at the permitted facility a record of the method(s) used in measuring the discharge flow for the outfall(s) designated on limits pages to monitor flow. Records of any necessary calibrations must also be kept. This information shall be made available for onsite review by Department personnel during normal working hours.
3. The Department may designate a single, particular day of the month on which any group of parameters

listed in the permit must be sampled. When this requirement is imposed in a permit, the Department may waive or alter compliance with the permit requirement for a specific sampling event for extenuating circumstances.

- 4.** The Department may require that a permittee monitor parameters in the stream receiving his permitted discharge as necessary to evaluate the need for and to establish limits and conditions and to ensure compliance with water quality standards (i.e. R.61-68).
- 5.** The permittee shall retain the BMP plan, Stormwater Pollution Prevention Plan, and any other plans developed in accordance with this Permit and records of all data used to complete the Notice of Intent to be covered by this Permit, at least one (1) year after coverage under this Permit terminates. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- 6.** Reporting Results.
  - a.** Effluent limitations monitoring results as required by Part X shall be recorded on a Discharge Monitoring Report Form (EPA Form 3320-1) or other approved form. The form is to be signed by a person identified under Part V.I. The information from monthly and/or quarterly monitoring is to be recorded on the DMR form and maintained onsite no later than the 28th day of the month following the month and/or quarter coverage is granted. If no discharge occurs during a month, "NO DISCHARGE" shall be plainly labeled in the flow column and all other values marked "Not Applicable" or "N/A". These reports are to be submitted to the Department monthly.
  - b.** The reports shall also be available for onsite review by the Department.
  - c.** For benchmark monitoring, note that you are required to submit sampling results to the Department only when specifically required in writing by the Department.
- 7.** Records of monitoring information shall include:
  - a.** The date, exact place, and time of sampling or measurements;
  - b.** The individual(s) who performed the sampling or measurements;
  - c.** The date(s) analyses were performed;
  - d.** The individual(s) who performed the analyses;
  - e.** The analytical techniques or methods used; and
  - f.** The results of such analyses.
- 8.**
  - a.** Analysis for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136, equivalent test procedures approved by the Department or other test procedures that have been specified in the permit.

b. Unless addressed elsewhere in this Permit, the permittee shall use a sufficiently sensitive analytical method that achieves a value below the permit limit stated in Part X .

9. The PCA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment provided by the Clean Water Act is also by imprisonment of not more than 4 years.

10. Planned Changes.

The permittee shall give written notice to DHEC/Bureau of Water/Water Facilities Permitting Division as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in R 61-9.122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification also applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.B.16 of this Permit.

11. Anticipated Noncompliance.

The permittee shall give advance notice to the DHEC/Bureau of Water/Division of Water Pollution Control of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

12. Effluent Limitation Monitoring Reports.

Effluent limitation monitoring results under Part X shall be reported at the intervals specified elsewhere (see Part IV.B.6) in this Permit.

- a. Effluent limitation monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department including the following:
  - i. Effluent Monitoring: Until final approval of DHEC's designated electronic DMR system, effluent monitoring results obtained at the required frequency shall be reported on a Discharge Monitoring Report Form (EPA Form 3320-1). The DMR is due postmarked no later than the 28th day of the month following the end of the monitoring period. One original and one copy of the Discharge Monitoring Reports (DMRs) shall be submitted to:

S.C. Department of Health and Environmental Control  
Bureau of Water/Division of Water Pollution Control  
Data and Records Management Section  
2600 Bull Street  
Columbia, South Carolina 29201

Once DHEC notifies the permittee that the electronic DMR system is operational, the permittee will be required to use the electronic DMR system beginning the monitoring period following the notification. Completed electronic DMRs must be received no later than 11:59 PM on the 28th day of the month following the end of the monitoring period.

- ii. All other reports required by this Permit shall be submitted at the frequency specified elsewhere in the permit to:

S.C. Department of Health and Environmental Control  
 Bureau of Water/Division of Water Pollution Control  
 Data and Records Management Section  
 2600 Bull Street  
 Columbia, South Carolina 29201

- b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, all valid results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. However, benchmark monitoring data collected under Part IV.C.2.a is not required to be included in the calculation and reporting of the data submitted in the DMR. The permittee has sole responsibility for scheduling analyses so as to ensure there is sufficient opportunity to complete and report the required number of valid results for each monitoring period.
- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

**13. Twenty-four hour reporting**

- a. The permittee shall report any non-compliance, which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call:

<b>County</b>	<b>DHEC Region</b>	<b>Phone No.</b>
Anderson, Oconee	Upstate Region BEHS Anderson	864-260-5585
Abbeville, Greenwood, Laurens, McCormick	Upstate Region BEHS Greenwood	864-227-5915
Greenville, Pickens	Upstate Region BEHS Greenville	864-372-3273
Cherokee, Spartanburg, Union	Upstate Region BEHS Spartanburg	864-596-3327
Fairfield, Lexington, Newberry, Richland	Midlands Region BEHS Columbia	803-896-0620
Chester, Lancaster, York	Midlands Region BEHS Lancaster	803-285-7461
Aiken, Barnwell, Edgefield, Saluda	Midlands Region BEHS Aiken	803-642-1637
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Pee Dee Region BEHS Florence	843-661-4825
Clarendon, Kershaw, Lee, Sumter	Pee Dee Region BEHS Sumter	803-778-6548

Georgetown, Horry, Williamsburg	Pee Dee Region BEHS Myrtle Beach	843-238-4378
Berkeley, Charleston, Dorchester	Lowcountry Region BEHS Charleston	843-953-0150
Beaufort, Colleton, Hampton, Jasper	Lowcountry Region BEHS Beaufort	843-846-1030
Allendale, Bamberg, Calhoun, Orangeburg	Lowcountry Region BEHS Orangeburg	803-533-5490

After-hour reporting should be made to the 24-Hour Emergency Response telephone number 1-888-481-0125.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances to the address in Part IV.B.12.a.ii. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b.** The following shall be included as information which must be reported within 24 hours under this paragraph.
- i.** Any unanticipated bypass which exceeds any effluent limitation in the permit. (See R.61-9.122.44(g)).
  - ii.** Any upset which exceeds any effluent limitation in the permit.
  - iii.** Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours (See R 61-9.122.44(g)). If the permit contains maximum limitations for any of the pollutants listed below, a violation of the maximum limitations shall be reported orally to the DHEC/Bureau of Water/Division of Water Pollution Control within 24 hours or the next business day.
    - (a) Whole Effluent Toxicity (WET),
    - (b) tributyl tin (TBT), and
    - (c) any of the following bioaccumulative pollutants:
 

$\alpha$ BHC	Lindane
$\beta$ BHC	Mercury
$\delta$ BHC	Mirex
BHC	Octachlorostyrene
Chlordane	PCBs
DDD	Pentachlorobenzene
DDE	Photomirex
DDT	1,2,3,4-Tetrachlorobenzene
Dieldrin	1,2,4,5-Tetrachlorobenzene
Hexachlorobenzene	2,3,7,8-TCDD
Hexachlorobutadiene	Toxaphene

- c. The Department may waive the written report on a case-by-case basis for reports under Part IV.B.13.b. if the oral report has been received within 24 hours.

**14.** Other noncompliance.

The permittee shall report all instances of noncompliance not reported previously at the time monitoring reports are submitted. The reports shall contain the information listed in Part IV.B.13 of this section.

**15.** Other information.

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Water Facilities Permitting Division. This information may result in permit modification, revocation and reissuance, or termination in accordance with Regulation 61-9.

**16.** Existing mining dischargers.

All existing mining dischargers must notify the DHEC/Bureau of Water/Division of Water Pollution Control of the Department as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - i. One hundred micrograms per liter (100 µg/l);
  - ii. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
  - iv. The level established by the Department in accordance with section R.61-9.122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant, as listed in Section 307(a)(1) of the Clean Water Act, which is not limited in the permit, if that discharge will exceed in the highest of the following notification levels:
  - i. Five hundred micrograms per liter (500 µg/l);
  - ii. One milligram per liter (1 mg/l) for antimony;
  - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with R.61-9.122.21(g)(7).
  - iv. The level established by the Department in accordance with section R.61-9.122.44(f).

## C. Stormwater Monitoring

You must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in this section, IV.B, and V.I.

### 1. Monitoring Procedures

#### a. Monitored Outfalls and Substantially Identical Outfalls

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall.” If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and document that the results also apply to the substantially identical outfall(s). As required in Part VIII.C.5.e.ii of this Permit, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially-identical-outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with effluent limitations specified in Part X of this Permit. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part X of this Permit.

#### b. Commingled Discharges

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

#### c. Measurable Storm Events

i. All required stormwater monitoring must be performed on a measurable storm event (meaning a storm event that results in an actual discharge from your site) that follows the preceding measurable storm event by at least 72 hours (3 days). In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

ii. For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the dates of the snowfall and of the sampling event.

#### d. Sample Type

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part IV.C.1.c of this Permit. Samples must be collected within the first 30 minutes of initial discharge from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of initial discharge from a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes, and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. For sites where multiple outfalls are separated by distances that preclude sample collection within 30 minutes of each discharge event, you must begin collection procedures within 30 minutes and continue until all outfalls with discharges are sampled. In this

case, include in the SWPPP a one-time justification describing the site conditions that preclude samples from being collected within the first 30 minutes of the discharge and giving an alternate estimated time period for completion. In the case of snowmelt, samples must be taken during a period with a measurable discharge. In the case the facility collects and holds stormwater with no discharge during and soon after the storm event, samples must be taken during the next discharge period.

**e. Adverse Weather Conditions**

When adverse weather conditions as described in Part VIII.E.2.c.i of this Permit prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to document your benchmark monitoring in accordance with your sampling schedule. You must document in your SWPPP any failure to monitor as specified in Part VIII.C.7.g of this Permit, indicating the basis for not sampling during the usual reporting period.

**f. Monitoring Periods**

Stormwater (benchmark and impaired waters) monitoring requirements in this permit begin in the first full quarter following either 180 days after the effective date of the permit or your date of discharge authorization, whichever date comes later. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

January 1 – March 31;  
April 1 – June 30;  
July 1 – September 30; and  
October 1 – December 31.

Effluent limitations monitoring periods are specified in Part X of this Permit.

**2. Required Monitoring.**

This permit includes four types of required analytical monitoring, one or more of which may apply to your discharge (See Part IV.A for applicability):

- Quarterly benchmark monitoring (see Part IV.C.2.a);
- Effluent limitations monitoring (see Part X);
- Impaired waters monitoring (see Part IV.C.2.b); and
- Other monitoring as required by the Department (see Part IV.C.2.c).

All required monitoring must be conducted in accordance with the procedures described in IV.B.8 and S.C. R.61-9.122.41(j)(4).

**a. Benchmark Monitoring**

This permit establishes pollutant benchmark concentrations applicable to your stormwater discharge. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Parts IX. Benchmark monitoring performed on discharges subject to Part X effluent limitations is not subject to DMR reporting requirements (see Part IV.B.12.b.).



**i. Applicability of Benchmark Monitoring.**

- (a) You must monitor for the benchmark parameter specified in (c) below.
- (b) Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.
- (c) For the following non-metal mineral mining activities, a benchmark monitoring concentration of 100 mg/l Total Suspended Solids (TSS) applies to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Sand and Gravel Mining (SIC 1442, 1446)

Dimension and Crushed Stone (SIC 1411, 1422-1429)

Nonmetallic Minerals (except fuels) (SIC 1481, 1499 – includes borrow pits/fill dirt pits)

- (d) Exception for Inactive and Unstaffed Sites. The requirement for benchmark monitoring does not apply at a non-metal mineral mining facility that is inactive and unstaffed. To invoke this exception, you must do the following:

Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed and sign and certify the statement in accordance with Part V.I of this Permit; and

If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part IV.C.2 of this Permit as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has become active and/or staffed.

If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, then you must prepare and sign the certification statement described above concerning your facility's qualification for this special exception. This statement must be maintained onsite with your SWPPP. You may discontinue benchmark monitoring once you have prepared the certification statement and filed it with your SWPPP.

The Department retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

- ii. Benchmark Monitoring Schedule.** Benchmark monitoring must be conducted quarterly, as stated in Part IV.C.1.f, for your first 4 full quarters of permit coverage commencing no earlier than 180 days after the effective date of this permit.

(a) Data not exceeding benchmarks

- (i) After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term.
- (ii) For averaging purposes, use a value of zero for any individual sample parameter analyzed using procedures consistent with Part IV.C.2.a.i(b) which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

(b) Data exceeding benchmarks: After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part XI.B, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- (i) Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- (ii) Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts IX and X of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must also notify the Department of this determination within 30 days after reaching that conclusion.

(c) In accordance with Part XI.B, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

**b. Monitoring Discharges to Impaired Waters**

**i. Permittees Required to Monitor Discharges to Impaired Waters**

- (a) If you discharge to an impaired water, you must monitor for all pollutants for which the water body is impaired and for which a standard analytical method exists (see 40 CFR Part 136).

- (b) If the pollutant for which the water body is impaired is turbidity you must monitor for turbidity.
- (c) If the pollutant for which the water body is impaired is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant.
- (d) For streams for which the cause of impairment is stated as "bio" (biological, based on macro-invertebrate stream study), monitoring is required only after development and U.S. EPA approval of a TMDL which states the pollutants of concern;
- (e) This permit may be reopened to include a procedure to determine monitoring requirements for a stream impaired for "bio" where a TMDL has not been developed.
- (f) No monitoring is required when a water body's impairment is related to hydrologic modifications, impaired hydrology, temperature, or dissolved oxygen.

## ii. Impaired-Waters-Monitoring Schedule

- (a) Discharges to impaired waters without an EPA approved or established TMDL:
  - (i) Beginning in the first full quarter following 180 days after the effective date of this permit, your date of discharge authorization, or the date of the initiation of mining operations, whichever date comes later, you must monitor once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an EPA approved or established TMDL. This monitoring requirement does not apply after one year if the pollutant for which the water body is impaired is not detected above natural background levels in your stormwater discharge, and you document, as required in Part VIII.C.7.j (Additional Documentation Requirements), that this pollutant is not expected to be present above natural background levels in your discharge.
  - (ii) If the pollutant for which the water is impaired is not present and not expected to be present in your discharge, or it is present but you have determined that its presence is caused solely by natural background sources, you should include a notification to this effect in your SWPPP, after which you may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, you must keep the following documentation with your SWPPP records:
    - (1) An explanation of why you believe that the presence of the pollutant causing the impairment in your discharge is not related to the activities at your facility and
    - (2) Data and/or studies that tie the presence of the pollutant causing the impairment in your discharge to natural background sources in the watershed.
  - (iii) Natural background pollutants include those substances that are naturally

occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

- (b) Discharges to impaired waters with an EPA-approved or established TMDL: For stormwater discharges to waters for which there is an EPA-approved or established TMDL, you must comply with any requirement(s) stated in the TMDL to be pertinent to industrial stormwater discharges. Monitoring must be performed at least once for the pollutants of concern in the TMDL within one year after the effective date of the permit, within one year after coverage is granted to you, or within one year of the initiation of mining operations. Based on the annual review of S.C. TMDL's under permit item VIII.E.3.a.v of this Permit, monitoring required by a TMDL must begin within 90 days after such a review. Following the first year of monitoring:
- (i) If the TMDL pollutant is not detected in any of your first-year samples, you may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case you must follow those instructions. You must keep records of this finding onsite with your SWPPP.
  - (ii) If you detect the presence of the pollutant causing the impairment in your stormwater discharge for any of the samples collected in your first year, you must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case you must follow the TMDL requirements.

**c. Additional Monitoring Required by the Department.**

The Department may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

**PART V. STANDARD PERMIT CONDITIONS****A. Duty to Comply**

1. The permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of CWA and the S.C. Pollution Control Act and is grounds for enforcement action; for permit coverage termination, revocation and reissuance of an individual permit; or for denial of coverage on a permit renewal application. The Department's approval of wastewater facility Plans and Specifications does not relieve the permittee of responsibility to meet permit limits.
2. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
3. Failure to comply with permit conditions or the provisions of this Permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).
4. A person who violates any provision of this Permit, a term, condition or schedule of compliance contained within this NPDES permit, or the State law is subject to the actions defined in the State law.
5. As detailed in Part XI (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit, CWA, and PCA. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial, underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation, provided you take the required corrective action within the relevant deadlines established in Part XI.C.

**B. Continuation of the Expired Permit**

This Permit expires on the date specified on the cover page of this Permit. However, coverage under an expired permit continues in force and effect until a new permit becomes effective.

**C. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this Permit.

**D. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

**E. Proper Operation And Maintenance**

1. The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control (and related appurtenances) which

are installed or used by the permittee to achieve compliance with the terms and conditions of this Permit. Proper operation and maintenance includes effective performance based on design facility removals, adequate funding, adequate operator staffing and training and also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. To maintain compliance with effluent limitations and prohibitions of this Permit, the permittee shall either:
  - a. provide an alternative power source sufficient to operate the wastewater control facilities;
  - b. or have a plan of operation which will halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

#### **F. Property Rights**

The issuance of coverage under this Permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

#### **G. Duty to Provide Information**

The permittee shall furnish to the Department, within a reasonable time as specified by the Department, any information which the Department may request to determine whether cause exists for revoking or terminating coverage under this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this Permit.

#### **H. Inspection and Entry**

The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and Pollution Control Act, any substances or parameters at any location.

#### **I. Signatory requirement**

1. All applications, reports, or information submitted to the Department shall be signed and certified.

- a.** Applications. All permit applications shall be signed as follows:
- i.** For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - ii.** For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - iii.** For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - (a) The chief executive officer of the agency, or
    - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).
- b.** All reports required by permits, and other information requested by the Department, shall be signed by a person described in Part V.I.1.a of this section, or by a duly authorized representative of that person. A person is a duly authorized representative if:
- i.** The authorization is made in writing by a person described in Part V.I.1.a of this section;
  - ii.** The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
  - iii.** The written authorization is submitted to the Department.
- c.** If an authorization under Part V.I.1.b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.I.1.b. of this section must be submitted to the Department prior

to or together with any reports, information, or applications to be signed by an authorized representative.

- d. Any person signing a document under Part V.I.1.a. or b. of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
2. The PCA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than two years per violation, or by both.

## **J. Bypass**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part V.J.2. & 3.
2. Notice.
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass to the DHEC/Bureau of Water/ Water Facilities Permitting Division.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass in compliance with Part IV.B.11.b.i.
3. Prohibition of bypass
  - a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
    - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - iii. The permittee submitted notices as required under Part V.J.2.



- b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part V.J.3.a.

**K. Upset**

1. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part V.J.2. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated; and
  - c. The permittee submitted notice of the upset as required in Part IV.B.13.b.ii.
  - d. The permittee complied with any remedial measures required under Part V.D of this section.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**L. Misrepresentation of Information**

1. Any person making application for a NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.
2. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

**M. Change in Discharge**

All discharges authorized herein shall be consistent with the terms and conditions of this Permit. The discharge of any pollutant identified in this Permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any planned facility expansions, production increases, or process modifications which will result in a new or different discharge of pollutants must be reported by submission of an individual NPDES application or, if such changes will not violate the effluent limitations specified in this Permit, by notice to the Department of such changes. Following such notice, the permittee may be required to obtain an individual NPDES permit for the discharge. (See also Part IX.B.3 of this Permit.)

## Part VI REVOCATION OF COVERAGE

### A. Requirements for an Individual Permit or an Alternative General Permit

1. This Permit may be revoked at the request of any interested person (including the permittee) or upon the Department's initiative. However, this Permit may only be revoked after notice and for the reasons specified in R.61-9.122.62. All requests shall be in writing and shall contain facts or reasons supporting the request.
2. If the Department decides the request is not justified, it shall send the requester a brief written response giving a reason for the decision. Denials of request for revocation are not subject to public notice, public comment, or public hearings.
3. If the Department tentatively decides to revoke this Permit, it may require any owner or operator authorized to discharge under this Permit to apply for an individual NPDES permit or an alternative NPDES general permit. In such case, the owner or operator will be notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this Permit shall automatically terminate. Permit applications shall be submitted to the address shown in Part III.C. (Where to Submit) of this Permit. The Department may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application or an alternative NPDES general permit application as required by the Department, then the applicability of this Permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
4. When an individual NPDES permit is issued to an owner or operator otherwise subject to this Permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this Permit to the individual NPDES 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. When an individual NPDES permit is denied to an owner or operator otherwise subject to this Permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this Permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.
5. If there is evidence indicating potential or realized impacts on water quality due to any mine discharges covered by this Permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit.
6. Permit revocation of coverage will be conducted according to S.C. Pollution Control Act and S.C. Regulation 61-9.

**Part VII. TERMINATION OF COVERAGE****A. Notice of Termination**

A site or a portion of a site that has been released from applicable state reclamation requirements is no longer required to maintain coverage under this permit.

Where all mine discharges authorized by this Permit are eliminated and the mine has met the minimum reclamation standards under the S.C. Mining Act and regulations, the operator of the facility may submit a Notice of Termination that is signed in accordance with Part V.I. (Signatory Requirements) of this Permit. (Instead of the reclamation standards under the S.C. Mining Act and regulations, S.C. Department of Transportation projects that are exempt from mine operating permit requirements, must meet the standards in the Memorandum of Agreement concerning reclamation between the Department and the S.C. Department of Transportation. S.C. Ports Authority projects that are exempt from mine operating permit requirements, must meet the standards in Appendix A of this Permit.)

The Notice of Termination shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds that the facility is located in;
2. Up to four 4-digit SIC codes that best represent the principal products or activities provided by the facility;
3. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
4. The NPDES permit for the mine discharges identified by the Notice of Termination; and
5. The following certification signed in accordance with Part V.I. (Signatory Requirements) of this Permit:

"I certify under penalty of law that all mine discharges from the identified facility that are authorized by the NPDES permit have been eliminated. The mine has met the minimum reclamation standards under the SC Mining Act and regulations (or Memorandum of Agreement concerning reclamation between the Department and the S.C. Department of Transportation, or Appendix A of the NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities). I understand that by submitting this notice of termination, that I am no longer authorized to discharge under this Permit, and that discharging pollutants from mine discharges to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit."

**B. All Notices of Termination are to be sent to the following address:**

SC Department of Health and Environmental Control  
NPDES/ND Permit Administration  
Notice of Termination – Mine Discharges General Permit  
2600 Bull Street  
Columbia, SC 29201

**C. Cancellation of the NPDES Permit Number**

Upon completing Department approved reclamation of the site, the assigned NPDES permit number will be cancelled. The Department will provide written notification of this cancellation to the permittee.

**Part VIII. SPECIAL CONDITIONS****A. Best Management Practices Plan**

1. The permittee shall develop and implement a Best Management Practices (BMP) Plan, or update and maintain an existing plan, to identify and control the discharge of significant amounts of oils and the hazardous and toxic substances listed in 40 CFR Part 117 and Tables II and III of Appendix D to 40 CFR Part 122. The plan shall include a listing of all potential sources of spills or leaks of these materials, a method for containment, a description of training, inspection and security procedures, and emergency response measures to be taken in the event of a discharge to surface waters, or it shall include plans and/or procedures which constitute an equivalent BMP. Sources of such discharges may include materials storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; plant site runoff; and sludge and waste disposal areas. The BMP plan shall be developed in accordance with good engineering practices, shall be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.
2. Where no previous permit issued for the site has required a BMP plan, the BMP plan shall be developed no later than six months after the effective date of coverage of this Permit, and shall be implemented no later than one year after the effective date of coverage of this Permit. Where a plan has been required under a previous permit to the facility and after implementation of a plan, appropriate changes to the plan shall be developed and implemented before facility changes are put into operation.
3. The BMP plan shall be maintained at the plant site and shall be available for inspection by EPA and Department personnel.
4. The BMP plan may be incorporated into the Stormwater Pollution Prevention Plan (and Spill Prevention, Control and Countermeasure (SPCC) Plan, if required) as long as requirements for all plans are met.

**B. Chemical Addition**

Approval from the Department must be obtained prior to chemical addition or other types of treatment to maintain compliance with the NPDES permit. A construction permit, per R.61-67, may be required for treatment systems, but for systems only involving the addition of coagulants/flocculants, Department approval rather than a construction permit will be required. (See Part IX.C.8 for additional limitations on chemical treatment associated with construction activities as defined in Part I.BB.)

**C. Stormwater Pollution Prevention Plans (SWPPP)**

1. A stormwater pollution prevention plan shall be developed and implemented for each facility covered by this Permit. Stormwater pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to prevent the discharge of pollutants via stormwater discharges and via authorized non-stormwater discharges at the facility, and to assure compliance with the terms and conditions of this Permit. Dischargers must implement the provisions of the stormwater pollution prevention plan required under this part as a condition of this Permit. All documents related to plan development, implementation, and compliance shall be orderly and logically arranged with a plan outline related to compliance with specific requirements of the Permit. The SWPPP shall be kept and maintained together.

2. Deadlines for Plan Preparation and Compliance.

- a. Except as provided in this paragraph, the plan shall be prepared prior to the NOI being submitted to the Department, and the plan shall provide for implementation and compliance with the terms of the plan prior to commencement of regulated activities at the site. If you prepared a SWPPP for coverage under a previous NPDES permit, you must review and update the SWPPP to implement all provisions of this permit within 120 days after the effective date of this permit.

3. Signature and Plan Review

- a. The plan shall be signed in accordance with Part V.I., and be retained onsite at the facility which generates the stormwater discharge in accordance with Part IV.B.5 of this Permit.
- b. The permittee shall make plans available upon request to the Department.
- c. The Department may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Within 30 days of such notification from the Department (or as otherwise provided by the Department) or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Department a written certification that the requested changes have been made.

4. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of South Carolina or if the stormwater pollution prevention plan proves to be ineffective in eliminating or adequately minimizing pollutants, or in otherwise achieving the general objectives of controlling pollutants in stormwater discharges. Amendments to the plan may be reviewed by the Department in the same manner as described in Part VIII.C.3.b.

5. Contents of Plan.

The plan shall include, at a minimum, the following items:

- a. Each plan shall identify a specific individual or individuals within the facility organization as members of a stormwater pollution prevention team that are responsible for developing the stormwater pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's stormwater pollution prevention plan.
- b. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which are potentially significant pollutant sources. Each plan shall include, at a minimum:
  - i. Drainage.

- (a) A site map indicating an outline of the portions of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under paragraph 3 (Spills and Leaks) of this subpart have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage, or disposal of wastes, liquid-storage tanks, processing areas and storage areas. The site map shall either include exclusively or emphasize the features described in this paragraph.
    - (b) For each area of the facility that generates industrial stormwater discharges with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in industrial stormwater discharges. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall also be identified.
  - ii. An inventory of the types of materials handled at the site that may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored, or disposed in a manner to allow exposure to stormwater between the time of three years prior to the date of the issuance of this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with stormwater runoff between the time of three years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives.
  - iii. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility within three years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.
  - iv. A summary of existing discharge sampling data describing pollutants in stormwater discharges from the facility, including a summary of sampling data collected during the term of this permit.
  - v. A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; mining activities; outdoor storage activities; outdoor manufacturing or processing activities; significant dust- or particulate-generating processes; and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and, for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.
- c. Measures and Controls.**

Each facility covered by this Permit shall develop a description of stormwater management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of

stormwater management controls shall address the following minimum components, including a schedule for implementing such controls:

- i. Areas where potential spills which can contribute pollutants to stormwater discharges can occur and their accompanying drainage points shall be identified clearly in the stormwater pollution prevention plan. Where appropriate, specifying material handling procedures and storage requirements and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to personnel.
  - ii. Employee training programs shall inform personnel responsible for implementing activities identified in the stormwater pollution prevention plan or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.
  - iii. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of stormwater discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented, and records of such activities shall be incorporated into the plan.
  - iv. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion
- d. Management of Runoff.**

The plan shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the generation or source[s] of pollutants) used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to stormwater discharges shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

**e. Schedules and Procedures**

- i. Pertaining to Control Measures Used to Comply with the Effluent Limits in Part IX and X. The following must be documented in your SWPPP:
  - (a) Good Housekeeping (See Part IX.A.2.b) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
  - (b) Maintenance (See Part IX.A.2.c) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and



any back-up practices in place should a runoff event occur while a control measure is off-line;

**ii.** Pertaining to Monitoring and Inspection.

(a) You must document in your SWPPP your procedures for conducting the ~~five~~ four types of analytical monitoring specified by this permit, where applicable to your facility, including:

- (i) Benchmark monitoring (see Part IV.C.2.a);
- (ii) Effluent limitations guidelines monitoring (see Part X);
- (iii) Impaired waters monitoring (see Part IV.C.2.b); and
- (iv) Other monitoring as required by the Department (see Part IV.C.2.c).

(b) For each type of monitoring, your SWPPP must document:

- (i) Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- (ii) Parameters for sampling and the frequency of sampling for each parameter;
- (iii) Schedules for monitoring at your facility;
- (iv) Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- (v) Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part IV.C.1.c.

(c) If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part IV.C.2.a.i(d).

(d) You must document the following in your SWPPP, if you plan to use the exception for substantially identical outfalls for your quarterly visual assessment requirements in Part VIII.E.2 or your benchmark monitoring requirements in Part IV.C.2.a:

- (i) Location of each of the substantially identical outfalls;
- (ii) Description of the general industrial activities conducted in the drainage area of each outfall;
- (iii) Description of the control measures implemented in the drainage area of each outfall;
- (iv) Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- (v) An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- (vi) Why the outfalls are expected to discharge substantially identical effluents.

(e) You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- (i) Routine facility inspections (see Part VIII.E.1);
- (ii) Quarterly visual assessment of stormwater discharges (see Part VIII.E.2); and
- (iii) Comprehensive site inspections (see Part VIII.E.3).

(f) For each type of inspection performed, your SWPPP must identify:

- (i) Person(s) or positions of person(s) responsible for inspection;
- (ii) Schedules for conducting inspections; and
- (iii) Specific items to be covered by the inspection, including schedules for specific outfalls.

(g) If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts VIII.E.1.c and VIII.E.2.c.ii.

#### 6. Consistency with Other Plans.

- a. The permittee may incorporate the stormwater pollution prevention plan requirements specified in Part VIII.C., the best management practices (BMP) plan requirements specified in Part VIII.A., and, if applicable, the spill prevention, control, and countermeasure (SPCC) requirements developed for a facility under section 311 of the CWA into one site plan, as long as the requirements for all plans are met.
- b. In addition to the applicable requirements of this Permit, dischargers covered by this Permit must comply with applicable requirements in municipal stormwater management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system (MS4) that receives the facility's discharge, provided the discharger has been notified of such conditions.

#### 7. Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date and demonstrate your full compliance with the conditions of this permit:

- a. A copy of the NOI submitted to the Department along with any correspondence exchanged between you and the Department specific to coverage under this permit;
- b. A copy of the acknowledgment letter you receive from the Department assigning your permit coverage number;
- c. A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- d. Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the State or U.S., through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part IX.A.2.d);
- e. Records of employee training, including the date training is received (see Part IX.A.2.h); documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part IX.A.2.c);
- f. All inspection reports, including the Routine Facility Inspection Reports (see Part VIII.E.1), the Quarterly Visual Assessment Reports (see Part VIII.E.2), and the Comprehensive Site Inspection

Reports (see Part VIII.E.3);

- g.** Descriptions of any deviations from the schedule for visual assessments and/or monitoring, and the reasons for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event; see Parts VIII.E.2.a, IV.C.1.d, and IV.C.2.a.ii);
- h.** Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;
- i.** Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part IV.C.2.a.ii;
- j.** Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part IV.C.2.b.ii); and
- k.** Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part VIII.E.1.c), quarterly visual assessments (see Part VIII.E.2.c.ii), and/or benchmark monitoring (see Part IV.C.2.a.i(d)).
- l.** Regarding sand and gravel dredging operations: description of best management practices selected to minimize the discharge of pollutants (see Part IX.E.2), and documentation of when maintenance activities, including the removal of sediment from basins, were conducted (see Part IX.E.4).

#### **D. Plan Modification**

The BMP plan (and Stormwater Pollution Prevention Plan, as appropriate) required under this Permit must be modified within 14 calendar days of knowledge of any release . Modification includes, but is not limited to, providing a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed and modified where appropriate to identify measures to prevent the reoccurrence of such releases and to respond to such releases.

#### **E. Inspections**

You must conduct the inspections in Parts VIII.E.1, VIII.E.2, and VIII.E.3 at your facility.

##### **1. Routine Facility Inspections.**

###### **a. Routine Facility Inspection Procedures**

Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in this permit. Routine facility inspections must be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection

(e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. Perform these inspections during periods when the facility is in operation. You must specify the relevant inspection schedules in your SWPPP document as required in Part VIII.C.5.e. These routine inspections must be performed by qualified personnel (for definition, see Part I.PP) with at least one member of your stormwater pollution prevention team participating. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring.

**b. Routine Facility Inspection Documentation**

**i.** You must document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP as required in Part VIII.C.7. You are not required to submit your routine facility inspection findings to the Department, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection must include:

- (a) The inspection date and time;
- (b) The name(s) and signature(s) of the inspector(s);
- (c) Weather information and a description of any discharges occurring at the time of the inspection;
- (d) Any previously unidentified discharges of pollutants from the site;
- (e) Any control measures needing maintenance or repairs;
- (f) Any failed control measures that need replacement;
- (g) Any incidents of noncompliance observed; and
- (h) Any additional control measures needed to comply with the permit requirements.

**ii.** Any corrective action required as a result of a routine facility inspection must be performed consistent with Part XI of this permit.

**c. Exceptions to Routine Facility Inspections - Inactive and Unstaffed Sites:**

The requirement to conduct routine facility inspections on a quarterly basis does not apply at a non-metal mineral mining facility that is inactive and unstaffed. Such a facility is required to conduct only an annual comprehensive site inspection in accordance with the requirements of Part VIII.I.3. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

To invoke this exception, you must do the following:

Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed and sign and certify the statement in accordance with Part V.I of this Permit; and

If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume periodic (at least quarterly) facility inspections.

If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, then you must prepare and sign the certification statement described above concerning your

facility's qualification for this special exception. This statement must be maintained onsite with your SWPPP.

The Department retains the authority to revoke this exemption where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

## 2. Quarterly Visual Assessment of Stormwater Discharges.

### a. Quarterly Visual Assessment Procedures

- i. Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall (except as noted in Part VIII.E.2.c) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but should be collected in such a manner that the samples are representative of the stormwater discharge.
- ii. The visual assessment must be made:
  - (a) Of a sample in a clean, clear glass or plastic container and examined in a well-lit area;
  - (b) On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes, and you must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and
  - (c) For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge.
- iii. You must visually inspect the sample for the following water quality characteristics:
  - (a) Color;
  - (b) Odor;
  - (c) Clarity;
  - (d) Floating solids;
  - (e) Settled solids;
  - (f) Suspended solids;
  - (g) Foam;
  - (h) Oil sheen; and
  - (i) Other obvious indicators of stormwater pollution.

### b. Quarterly Visual Assessment Documentation

- i. You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part VIII.C.7. You are not required to submit your visual assessment findings to the Department, unless specifically requested to do so. At a minimum, your documentation of the visual assessment must include:
  - (a) Sample location(s)

- (b) Sample collection date and time, and visual assessment date and time for each sample;
- (c) Personnel collecting the sample and performing visual assessment, and their signatures;
- (d) Nature of the discharge (e.g., runoff or snowmelt);
- (e) Results of observations of the stormwater discharge;
- (f) Probable sources of any observed stormwater contamination; and
- (g) If applicable, why it was not possible to take samples within the first 30 minutes.

- ii. Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part XI of this permit.

**c. Exceptions to Quarterly Visual Assessments**

- i. **Adverse Weather Conditions:** When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for not making a visual assessment for the quarter must be included with your SWPPP records as described in Part VIII.C.7. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

- ii. **Inactive and unstaffed sites:**

The requirement for a quarterly visual assessment does not apply at a non-metal mineral mining facility that is inactive and unstaffed. To invoke this exception, you must do the following:

Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed and sign and certify the statement in accordance with Part V.I of this Permit; and

If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly visual assessments.

If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, then you must prepare and sign the certification statement described above concerning your facility's qualification for this special exception. This statement must be maintained onsite with your SWPPP.

The Department retains the authority to revoke this exemption where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

- iii. **Substantially identical outfalls:**

- (a) If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part VIII.C.5.e.ii, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

- (b) If stormwater contamination is identified through visual assessment performed at a

substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

### 3. Comprehensive Site Inspections.

#### a. Comprehensive Site Inspection Procedures

- i.** You must conduct annual comprehensive site inspections while you are covered under this permit.
- ii.** The requirement for you to perform a comprehensive site inspection for an inspection period is waived, as defined above, if you obtain authorization to discharge less than three months before the end of that inspection period.
- iii.** Should your coverage be administratively continued after the expiration date of this permit, you must continue to perform these inspections annually until you are no longer covered.
- iv.** Comprehensive site inspections must be conducted by qualified personnel, with at least one member of your stormwater pollution prevention team participating in the comprehensive site inspections.
- v.** Your comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part VIII.C.5.b) where industrial materials or activities are exposed to stormwater, any areas where control measures are used to comply with the effluent limits in Part IX and X, and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with Part IV and X. Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:
  - (a) Industrial materials, residue, or trash that may have or could come into contact with stormwater;
  - (b) Leaks or spills from industrial equipment, drums, tanks, and other containers;
  - (c) Offsite tracking of industrial or waste materials or sediment where vehicles enter or exit the site;
  - (d) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
  - (e) Control measures needing replacement, maintenance, or repair.
  - (f) The S.C. list of approved TMDL must also be reviewed during each annual comprehensive site compliance evaluation related to water-quality-based monitoring and potential corrective action.
- vi.** Stormwater control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.
- vii.** Your annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

**b. Comprehensive Site Inspection Documentation**

- i. You must document the findings of each comprehensive site inspection and maintain this documentation onsite with your SWPPP as required in Part VIII.C.7. At a minimum, your documentation of the comprehensive site inspection must include:
  - (a) The date of the inspection;
  - (b) The name(s) and title(s) of the personnel making the inspection;
  - (c) Findings from the examination of areas of your facility identified in Part VIII.E.3.a;
  - (d) All observations relating to the implementation of your control measures including:
    - (i) previously unidentified discharges from the site,
    - (ii) previously unidentified pollutants in existing discharges,
    - (iii) evidence of, or the potential for, pollutants entering the drainage system;
    - (iv) evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
    - (v) additional control measures needed to address any conditions requiring corrective action identified during the inspection.
  - (e) Any required revisions to the SWPPP resulting from the inspection;
  - (f) Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
  - (g) A statement, signed and certified in accordance with Appendix B, S.C. R.61-9.122.22 of the permit.
- ii. Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part XI of this permit.

**F. Recordkeeping**

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part VIII.C.7 (including documentation related to corrective actions taken pursuant to Part XI), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years after the date that your coverage under this permit expires or is terminated.

If an onsite location is not available to store documents that this permit requires to be retained onsite, the documents must be retained at another location that is easily and locally accessible during normal business hours to Department staff. The documents must be provided to Department or EPA staff within a reasonable period of time subsequent to a request for such documents during an onsite inspection.

**G. S.C. Ports Authority Mines**

For mines that are exempt from the S.C. Mining Act pursuant to Section 48-20-280(1) of the S.C. Code of Laws, this permit also requires compliance with the minimum standards and criteria found in R.72-307 to satisfy compliance with R.72.302.A(5).



#### **H. Requirements within the Coastal Zone**

Within the eight county Coastal Zone, mines that are located within a ½ mile of a receiving waterbody pumping (groundwater from sediment basins) must be done with floating intakes only. Pumping of these basins must cease whenever the water levels come to within two (2) feet of the pond bottom pursuant to SCCZMP Chapter XIII.E.

**Part IX CONTROL MEASURES AND EFFLUENT LIMITS**

In the technology-based limits included in Part IX, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

**A. Control Measures**

You must select, design, install, and implement control measures (including best management practices [BMP]) to address the selection and design considerations in Part IX.A.1, meet the non-numeric effluent limits in Part IX.A.2, and meet limits contained in applicable effluent limitations in Part X. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. Note that you may deviate from such manufacturer’s specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part VIII.C.5.c. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated storm water discharges from your facility include storm water run-on that commingles with storm water discharges associated with industrial activity at your facility.

**1. Control Measure Selection and Design Considerations**

You must consider the following when selecting and designing control measures:

- a.** preventing storm water from coming into contact with polluting materials is generally more effective and less costly than trying to remove pollutants from storm water;
- b.** using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your storm water discharge;
- c.** assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- d.** minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams; although, care must be taken to avoid groundwater contamination;
- e.** attenuating flow using open, vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- f.** conserving and/or restoring riparian buffers will help protect streams from storm water runoff and improve water quality; and
- g.** using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

**2. Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).**

- a.** Minimize Exposure. You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff. Locating industrial

materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended) are two options for consideration. In minimizing exposure, you should pay particular attention to the following:

- i.** use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- ii.** locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- iii.** clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- iv.** use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- v.** use spill/overflow protection equipment;
- vi.** drain fluids from equipment and vehicles prior to onsite storage or disposal;
- vii.** perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- viii.** ensure that all wash water drains to a proper collection system (i.e., not the storm water drainage system).

Note: Industrial materials do not need to be enclosed or covered if storm water runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

- b.** Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers. The lids of waste containers such as but not limited to dumpsters, trash cans, and roll off boxes, should be kept closed when not in use. For these types of waste containers that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). This permit does not authorize dry weather discharges from these types of waste containers.
- c.** Maintenance. You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:
  - i.** Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of stormwater.
  - ii.** Diligently maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).
  - iii.** Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.
  - iv.** Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe.
  - If you find that your control measures are in need of routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant

- discharges.
- If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events.
  - Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part XI.C. corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the SCDHEC Regional and Central Office of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance. If a control measure was never installed, was installed incorrectly or not in accordance with Part IX, or is not being properly operated or maintained, you must conduct corrective action as specified in Part XI.
- d. Spill Prevention and Response Procedures.** You must minimize the potential for leaks, spills, and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur. At a minimum, you must implement:
- i.** Procedures for plainly labeling containers (e.g., "used oil," "spent solvents," "fertilizers and pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - ii.** Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
  - iii.** Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your storm water pollution prevention team (see Part VIII.C.5.a); and
  - iv.** Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other 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, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 and the Department's Emergency Response Section at 888-481-0125 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.
- e. Erosion and Sediment Controls.** You must stabilize exposed areas and manage runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity-dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. You must also minimize the discharge of sediment from stormwater that runs off of

stockpiles, using sediment controls as necessary. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with U.S. EPA's internet-based resources relating to BMP for erosion and sedimentation, including the sector-specific *Industrial Stormwater Fact Sheet Series*, ([www.epa.gov/npdes/stormwater/msgp](http://www.epa.gov/npdes/stormwater/msgp)), *National Menu of Stormwater BMPs* (<http://water.epa.gov/polwaste/npdes/swbmp/>), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (<http://water.epa.gov/polwaste/nps/urban/index.cfm>), and any similar State publications.

- f.** Management of Runoff. You must divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's internet-based resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series*, ([www.epa.gov/npdes/stormwater/msgp](http://www.epa.gov/npdes/stormwater/msgp)), *National Menu of Stormwater BMPs* (<http://water.epa.gov/polwaste/npdes/swbmp/>), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (<http://water.epa.gov/polwaste/nps/urban/index.cfm>), and any similar State publications.
- g.** Salt Storage Piles or Piles Containing Salt. You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.
- h.** Employee Training. You must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Pollution Prevention Team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:
- Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
  - Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges;
  - Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts IV and VIII.E; and
  - Personnel who are responsible for taking and documenting corrective actions as required in Part XI.

Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;

- The location of all controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

Employee training must be conducted at least annually (or more often if employee turnover is high) at active and temporarily inactive sites.

- i. Waste, Garbage, and Floatable Debris. You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
- j. Dust Generation and Vehicle Tracking of Industrial Materials. You must minimize generation of dust and off-site tracking of raw, final, or waste materials

## **B. Water Quality-Based Effluent Limitations**

### **1. Water Quality Standards**

- a. Your discharge must be controlled as necessary to meet applicable water quality standards.
- b. The Department expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or the Department determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective action as required in Part XI.A and document the corrective actions as required in Parts XI.D and VIII.C.7.
- c. Additionally, the Department may impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or required reports or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

### **2. Discharges to Water Quality Impaired Waters.**

- a. Existing Discharge to an Impaired Water with an EPA Approved or Established TMDL. If you discharge to an impaired water with an EPA approved or established TMDL, the Department will inform you if any additional limits or controls are necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary in accordance with Part VI.A.
- b. Existing Discharge to an Impaired Water without an EPA Approved or Established TMDL. If you discharge to an impaired water without an EPA approved or established TMDL, you are required to comply with Part IX.B.1 and the monitoring requirement of Part IV.C.2.b. Note that this provision also applies to situations where the Department determines that your discharge is not controlled as necessary to meet water quality standards in a downstream water segment, even if your discharge is to a receiving water that is not specifically identified

on a Section 303(d) list.

- c. New Discharge to an Impaired Water. If your authorization to discharge under this permit relied on Part II.B.2.m for a new discharge to an impaired water, you must implement and maintain any control measures or conditions on your site that enabled you to become eligible under Part II.B.2.m, and modify such measures or conditions as necessary pursuant to any Part XI Corrective Actions. You are also required to comply with Part IX.B.1 and the monitoring requirements of Part IV.C.2.b.

### 3. Tier 2 Anti-degradation Requirements for New or Increased Dischargers

If you are a new discharger, or an existing discharger required by Part IV.B.10 and V.M to notify the Department of an increased discharge, and you discharge directly to waters which meet this permit's definition of Tier 2 waters, the Department may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable anti-degradation requirements, or notify you that an individual permit application is necessary in accordance with Part VI.A.

### 4. Water Quality-Based Requirements Applicable to Construction Activities

If stormwater discharges from construction activities, as defined in Part I.BB, discharge to an impaired water or a water that is identified by the Department as a Tier 2 for antidegradation purposes, the following stricter requirements apply:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping construction work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.5 inches or greater.

## C. Technology-Based Effluent Limits for Construction Activities

Stormwater discharges from construction activities as defined in Part I.BB are covered under this permit. Authorized discharges from areas where construction activities have ceased and stabilization as specified in Part IX.C.9 or IX.C.10.k, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the requirements of IX.C. At such time, authorized discharges become subject to all other applicable requirements of this permit. The following technology-based effluent limits apply to authorized discharges from construction activities defined in Part I.BB, except construction activities that drain to areas with control measures or BMPs properly designed for the construction activities. These limits supersede the technology-based limits listed in Part IX.A.2 and Part IX.D of this permit.

### 1. Erosion and sediment control installation requirements.

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.

- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

**2. Erosion and sediment control maintenance requirements. You must:**

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon as practicable.

**3. Perimeter controls. You must:**

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-third of the above-ground height of any perimeter control.

**4. Sediment track-out. For construction vehicles and equipment exiting the site directly onto paved roads, you must:**

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: The Department recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part IX.C.4.

**5. Soil or sediment stockpiles. You must:**

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).



6. Sediment basins. If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:
  - Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
  - Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.
7. Minimize dust. You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.
8. Restrictions on use of treatment chemicals. (See also Part VIII.B.) If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:
  - Use conventional erosion and sediment controls prior to and after application of chemicals;
  - Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
  - Minimize the discharge risk from stored chemicals;
  - Comply with state/local requirements;
  - Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
  - Ensure proper training;
  - Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals to treat your discharge, you are ineligible for coverage under this permit, unless you notify the Department and the Department authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

9. Site stabilization requirements for construction activities performed for purposes of mine site preparation (i.e., not applicable to construction of structures and access roads - see Part IX.C.10.k). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):
  - Temporary stabilization of disturbed areas. Stabilization measures must be initiated immediately in portions of the site where construction activities performed for purposes of mine site preparation have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for

purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.

- Final stabilization of disturbed areas. Stabilization measures must be initiated immediately where construction activities performed for purposes of mine site preparation have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.
- 10.** Additional Technology-Based Effluent Limits Applicable Only to the Construction of Structures and Access Roads. The following technology-based effluent limits apply to authorized discharges from construction activities associated with the construction of structures and the construction of access roads. These limits supersede the technology-based limits listed in Part IX.A.2 and Part IX.D of this permit. These limits do not apply to construction activities performed for purposes of mine site preparation.
- a.** Area of disturbance. You must minimize the amount of soil exposed during construction activities.
  - b.** Erosion and sediment control design requirements. You must:
    - Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
      - o The expected amount, frequency, intensity and duration of precipitation;
      - o The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
      - o The range of soil particle sizes expected to be present on the site.
    - Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
    - If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flow rates and total stormwater volume to

minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.

- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.
- c.** Natural Buffers. For any stormwater discharges from construction activities within 50 feet of a water of the U.S., you must comply with one of the following compliance alternatives:
- i.** Provide a 50-foot undisturbed natural buffer between construction activities and the water of the U.S.; or
  - ii.** Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or
  - iii.** If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a water of the U.S.;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the U.S.

See [http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012\\_appendixg.pdf](http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012_appendixg.pdf) for guidance on complying with these alternatives.

- d.** Soil or sediment stockpiles. In addition to the requirements in Part IX.C.5, you must locate any piles outside of any natural buffers established under Part IX.C.10.c.
- e.** Sediment basins. In addition to the requirements in Part IX.C.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part IX.C.10.c, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

- f.** Native topsoil preservation. You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.
- g.** Steep slopes. You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes. Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.
- h.** Soil compaction. Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.
- i.** Dewatering Practices. You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - o No discharging visible floating solids or foam;
  - o Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
  - o Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
  - o Implement velocity dissipation devices at all points where dewatering water is discharged;
  - o Haul backwash water away for disposal or return it to the beginning of the treatment process; and
  - o Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts VIII.B and IX.C.8.

- j.** Pollution prevention requirements.
- Prohibited discharges (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that the only allowable non-stormwater discharges are those enumerated in Part II.B.1.a):
    - o Wastewater from washout of concrete;
    - o Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
    - o Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
    - o Soaps, solvents, or detergents used in vehicle or equipment washing;
    - o Toxic or hazardous substances from a spill or other release.
  - Design and location requirements: Minimize the discharge of pollutants from pollutant sources by:
    - o Minimizing exposure;
    - o Using secondary containment, spill kits, or other equivalent measures;
    - o Locating pollution sources away from surface waters, storm sewer inlets, and drainage ways;
    - o Cleaning up spills immediately (do not clean by hosing area down).
  - Pollution prevention requirements for wash waters: 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;
  - Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes: 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 stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
- k.** Site Stabilization requirements for the construction of structures and access roads. You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will

become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily (“temporarily” means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - o Seed or plant the area, and provide temporary cover to protect the planted area;
  - o Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
  - o Install or apply all non-vegetative measures;
  - o Cover all areas of exposed soil.

Note: For the purposes of this permit, the Department will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
  - o Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - o Initiate vegetative stabilization as soon as conditions on the site allow;
  - o Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - o Plant the area so that within 3 years the 70% cover requirement is met.
- Sites affected by severe storm events or other unforeseen circumstances:
  - o Initiate vegetative stabilization as soon conditions on the site allow;
  - o Document the schedule that will be followed for initiating and completing vegetative stabilization;

o Plant the area so that within 3 years the 70% cover requirement is met.

**11. Inspection of Construction Activities.** (See also Part VIII.E)

- a. Inspection Frequency.** Inspections must be conducted either at least once every 7 calendar days or at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the disturbed portion of the site is temporarily stabilized (pursuant to Part IX.C.9 or IX.C.10.k) or if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen). If construction is occurring during seasonal arid periods in arid areas and semi-arid areas, inspection frequency may be reduced to at least once every month and within 24 hours of a 0.5 inch storm event. Inspections are required only during working hours and are not required during unsafe conditions.

Note: To determine if a storm event of 0.5 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.5 inches or greater, you must record the total rainfall measured for that day.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.5 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.5 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

- b. Location of Inspections.** Inspections must include all areas of the site disturbed by construction activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures implemented must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.
- c. Inspection Reports.** (See also Part VIII.E.1.b) For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part VIII.E.1.b.

**12. Cessation of Requirements Applicable to Construction Activities.** The requirements in IX.B.4 and IX.C no longer apply for any construction activities as defined in Part I.BB where:

- a.** Construction activities have ceased; and
- b.** Stabilization has been met consistent with Part IX.C.9 or IX.C.10.k (not required for areas where active mining activities will occur).

**D. Stormwater Controls**

Apart from the control measures you implement to meet your Part IX and X effluent limits, where necessary to minimize pollutant discharges, implement the following control measures at your site. The potential pollutants identified in Part VIII.C.5.b.v shall determine the priority and appropriateness of the control measures selected.

1. **Stormwater Diversions:** Consider diverting stormwater away from potential pollutant sources. Following are some control measure options: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
2. **Capping:** When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.
3. **Treatment:** If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe in the SWPPP the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged.

**E. Management of Wastewater from Onshore Processing of Dredge Material from Sand Dredging and Gravel Dredging Operations**

1. You must select, design install, implement, and maintain best management practices (BMP) at the facility to minimize pollutants in the discharge.
2. You must include in your SWPPP a description of the BMP's selected under Part IX.E.1 (see Part VIII.C.7.I).
3. Sediment basins shall be properly operated and maintained. Attention to sediment accumulations within the pond is extremely important. Sediment deposition should be continually monitored in the basin. Sediment shall be removed from sediment basins when it reaches 50% of storage volume or reaches the top of the cleanout stake.
4. You must include in your SWPPP documentation of when maintenance activities, including the removal of sediment from basins, were conducted (see Part VIII.C.7.I).



**Part X. NUMERIC EFFLUENT LIMITATIONS**

**A.** For Discharges from Sand and Gravel Mines, Sand Mines, Dimension Stone Quarries, Crushed Stone Quarries and other mines or quarries which the Department determines to be nonmetallic heavyweight aggregates. (For sand and gravel dredging operations, see Part X.D.)

1. During the period beginning on the effective date of this Permit and lasting through the expiration date, the permittee is authorized to discharge: mine process wastewater, mine dewatering water, and stormwater associated with the industrial activity of mining from outfall(s)

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Average	Daily Maximum	Measurement Frequency <sup>B</sup>	Sample Type
Flow, effluent	MR <sup>A</sup> (mgd)	MR <sup>A</sup> (mgd)	1/month	estimate <sup>C</sup>
Total Suspended Solids (TSS)	25 mg/l	45 mg/l	1/month	grab
Oil and Grease <sup>D</sup>	10 mg/l	15 mg/l	1/quarter	grab

<sup>A</sup> MR = Monitor and Report only

<sup>B</sup> Sampling shall be conducted when a discharge is occurring.

<sup>C</sup> See Part IV. B.

<sup>D</sup> For dimension stone or crushed stone quarries only, unless otherwise designated by the Department.

2. The pH shall be limited based on the receiving stream classification as identified in *SC Regulation 61-68, Water Classification and Standards* and *SC Regulation 61-9, Classified Waters*. Monitoring frequency shall be once a month by grab sample. The pH limitations are as follows:  
(See Parts X.E and X.F.)
  - a. for discharges to water bodies classified as **Freshwaters (FW): not lower than 6.0 or above 8.5.**
  - b. for discharges to water bodies classified as **Freshwaters with site-specific standards (FW\*): not lower than 5.0 or above 8.5.**
  - c. for discharges to water bodies classified as **Shellfish Harvesting Waters (SFH):** Shall not vary more than three-tenths (3/10) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
  - d. for discharges to water bodies classified as **Tidal Saltwaters (SA or SB):** Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): prior to mixing with other waste streams or the receiving stream.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.

**B.** For Discharges from Clay Pits, Fill Dirt Mines, Kaolin Pits, Vermiculite Mines, and other pits or mines which the Department determines to be nonmetallic lightweight aggregates.

1. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge: mine process wastewater, mine dewatering water, and stormwater associated with the industrial activity of mining from outfall(s)

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Daily Maximum	Measurement Frequency <sup>B</sup>	Sample Type
Flow, effluent	MR <sup>A</sup> (mgd)	MR <sup>A</sup> (mgd)	1/month	estimate <sup>C</sup>
Total Suspended Solids (TSS)	55 mg/l	110 mg/l	1/month	grab

<sup>A</sup> MR = Monitor and Report only

<sup>B</sup> Sampling shall be conducted when a discharge is occurring.

<sup>C</sup> See Part IV. B.

2. The pH shall be limited based on the receiving stream classification as identified in *SC Regulation 61-68, Water Classification and Standards and SC Regulation 61-9, Classified Waters*. Monitoring frequency shall be once a month by grab sample. The pH limitations are as follows:  
(See Parts X.E and X.F.)
  - a. for discharges to water bodies classified as **Freshwaters (FW): not lower than 6.0 or above 8.5.**
  - b. for discharges to water bodies classified as **Freshwaters with site-specific standards (FW\*): not lower than 5.0 or above 8.5.**
  - c. for discharges to water bodies classified as **Shellfish Harvesting Waters (SFH):** Shall not vary more than three-tenths (3/10) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
  - d. for discharges to water bodies classified as **Tidal Saltwaters (SA or SB):** Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): prior to mixing with other waste streams or the receiving stream.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.

**C.** For Discharges of mine equipment wash water.

1. During the period beginning on the effective date of this Permit and lasting through the expiration date, the permittee is authorized to discharge: mine equipment wash water from outfalls

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Average	Daily Maximum	Measurement Frequency <sup>B</sup>	Sample Type
Flow, effluent	MR <sup>A</sup> (mgd)	MR <sup>A</sup> (mgd)	1/month	estimate <sup>C</sup>
Total Suspended Solids (TSS)	30 mg/l	60 mg/l	1/month	grab
Oil and Grease	10 mg/l	15 mg/l	1/quarter	grab

<sup>A</sup> MR = Monitor and Report only

<sup>B</sup> Sampling shall be conducted when a discharge is occurring.

<sup>C</sup> See Part IV. B.

2. The pH shall be limited based on the receiving stream classification as identified in *SC Regulation 61-68, Water Classification and Standards and SC Regulation 61-9, Classified Waters*. Monitoring frequency shall be once a month by grab sample. The pH limitations are as follows:  
(See Parts X.E and X.F.)
  - a. for discharges to water bodies classified as **Freshwaters (FW): not lower than 6.0 or above 8.5.**
  - b. for discharges to water bodies classified as **Freshwaters with site-specific standards (FW\*): not lower than 5.0 or above 8.5.**
  - c. for discharges to water bodies classified as **Shellfish Harvesting Waters (SFH):** Shall not vary more than three-tenths (3/10) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
  - d. for discharges to water bodies classified as **Tidal Saltwaters (SA or SB):** Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): prior to mixing with other waste streams or the receiving stream.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
5. If mine equipment wash water is mixed with discharges subject to the effluent limitations of Part X.A, the TSS effluent limitations of X.A.1 shall apply in lieu of the TSS effluent limitations included in X.C.1.

**D.** For Discharges resulting from the onshore subsequent processing of dredged material from sand or gravel dredging operations.

1. During the period beginning on the effective date of this Permit and lasting through the expiration date, the permittee is authorized to discharge: suction dredge water and stormwater associated with the industrial activity of mining from outfall(s)

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency<sup>B</sup></u>	<u>Sample Type</u>
Flow, effluent	MR <sup>A</sup> (mgd)	MR <sup>A</sup> (mgd)	1/month	estimate <sup>C</sup>
Total Suspended Solids (TSS)	MR <sup>A</sup>	MR <sup>A</sup>	1/month	grab

<sup>A</sup> MR = Monitor and Report only

<sup>B</sup> Sampling shall be conducted when a discharge is occurring.

<sup>C</sup> See Part IV. B.

2. The pH shall be limited based on the receiving stream classification as identified in *SC Regulation 61-68, Water Classification and Standards* and *SC Regulation 61-9, Classified Waters*. Monitoring frequency shall be once a month by grab sample. The pH limitations are as follows:

(See Parts X.E and X.F.)

- a. for discharges to water bodies classified as **Freshwaters (FW): not lower than 6.0 or above 8.5.**
- b. for discharges to water bodies classified as **Freshwaters with site-specific standards (FW\*): not lower than 5.0 or above 8.5.**
- c. for discharges to water bodies classified as **Shellfish Harvesting Waters (SFH):** Shall not vary more than three-tenths (3/10) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
- d. for discharges to water bodies classified as **Tidal Saltwaters (SA or SB):** Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**

3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): prior to mixing with other waste streams or the receiving stream.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.

### **E. Reduced pH in Streams**

If the pH of the receiving stream is less than 6.0 standard units (6.5 for SFH, SA, and SB waters), the discharge pH may be less than 6.0 standard units (6.5 for SFH, SA, and SB waters) only if the discharge pH is not less than the stream pH by a difference of more than 0.2 standard units. Example: If the stream pH is 5.5, the discharge pH must be between 5.3 and 8.5. The difference between the stream pH (5.5) and the discharge pH (5.3) is 0.2. This variance will be granted only if the stream pH is analyzed on the day of the discharge, the results satisfy the above conditions, and the results are submitted with the DMR forms. After at least 12 months of stream pH data has been submitted to the Department, the permittee may request that stream sampling be conducted quarterly. The Department will consider the variability of the stream pH data in granting such a request. If the request is granted, the stream pH for the purpose of the calculation above shall be determined by the most recent quarterly analytical pH result.

### **F. Increased pH**

If the permittee submits information demonstrating that either of the following two conditions are met, the Department may increase the maximum pH limit from 8.5 standard units to 9.0 standard units.

1. The 7Q10 of the receiving stream is at least ten times greater than the long-term average of the effluent flow.
2. A bench scale test demonstrates that a proportional mixture of effluent (at pH 9.0 standard units) and the receiving stream does not exceed a pH of 8.5 standard units. The mixture should be made using the proportion of the stream 7Q10 and the long-term average effluent flow.

**Part XI. CORRECTIVE ACTIONS****A. Conditions Requiring Review and Revision to Eliminate a Problem**

If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

1. an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
2. a discharge violates a numeric effluent limit;
3. you become aware, or the Department determines and notifies you, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
4. an inspection or evaluation of your facility by the Department determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
5. you find in your routine facility inspection, quarterly visual assessment, or comprehensive site inspection that your control measures are not being properly operated and maintained.

**B. Conditions Requiring Review to Determine if Modifications Are Necessary**

If any of the following conditions occur, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit:

1. construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in stormwater from your facility or significantly increases the quantity of pollutants discharged or
2. the average of 4 quarterly sampling results exceeds an applicable benchmark. If less than 4 benchmark samples have been taken, but the results are such that an exceedance of the 4 quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than 4 times the benchmark level) this is considered a benchmark exceedance, triggering this review.

**C. Corrective Action Deadlines**

You must document your discovery of any of the conditions listed in Parts XI.A and XI.B within 24 hours of making such discovery. Subsequently, within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in Part XI.D. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

**D. Corrective Action Report**

1. Within 24 hours of discovery of any condition listed in Parts XI.A and XI.B, you must document the following information:

- a.** Identification of the condition triggering the need for corrective action review;
- b.** Description of the problem identified; and
- c.** Date the problem was identified.

**2.** Within 14 days of discovery of any condition listed in Parts XI.A and XI.B you must document the following information:

- a.** Summary of corrective action taken or to be taken (or, for triggering events identified in Part XI.B where you determine that corrective action is not necessary, the basis for this determination);
- b.** Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- c.** Date corrective action is initiated; and
- d.** Date corrective action is completed or expected to be completed.

**E.** Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not eliminate the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The Department will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

**F.** Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

**APPENDIX A****Reclamation Requirements for S.C. Ports Authority Mines**

Section 48-20-280(1) of the S.C. Code of Laws exempts from the S.C. Mining Act certain activities of the S.C. Ports Authority and persons acting under contract with the S.C. Ports Authority. These reclamation requirements apply to mines that meet the exemption of 48-20-280(1).

Reclamation plans as stated herein shall include all areas disturbed in excavations of borrow and material pits, except planned inundated areas.

The final side slopes of areas excavated for borrow and material pits shall be left at such an angle so as to minimize erosion and the possibility of slides. The minimum slope in every case shall be not less than 3:1.

Small pools of water should not be allowed that are, or are likely to become noxious, odious, or foul to collect or remain on the borrow pit. Suitable drainage ditches, conduits, or surface gradient shall be constructed to avoid collection of noxious, odious, or foul pools of water unless the borrow pit is to be reclaimed into a lake or pond.

Borrow pits reclaimed to a lake or pond must have an adequate supply of water to maintain a water sufficient level to maintain a minimum water depth of four (4) feet on at least fifty (50) percent of the surface area of the lake or pond.

Excavated areas will be drained where feasible unless otherwise requested by the property owner where, in such instances, the property owner may wish to develop the excavated area for recreational purposes or for the raising of fish, or for other uses.

Where material is stripped from the ground surface in relatively thin layers, the area, after excavation has been completed, will be thoroughly scarified and terraced and planted to establish satisfactory vegetation necessary to control erosion. Vegetative cover should be established on a continuing basis to ensure soil stability appropriate to the area. Conservation practices essential for controlling both on-site and off-site erosion and siltation must be established. A minimum of seventy-five (75) percent vegetative ground cover, with no substantial bare spots, must be established and maintained into the second growing season.

Excavated areas that are drained will be seeded to obtain a satisfactory vegetative cover. The side slopes of excavated area will be planted to vegetation.

All applicable regulations of agencies and statutes relating to the prevention and abatement of pollution shall be complied with by the contractor in the performance of the contract.