

Appendix F: Stormwater General Permit _____ 131

NDPES Storm Water Regulations _____ 133

NPDES Storm Water Regulations

Phase I Program. The National Pollutant Discharge Elimination System (NPDES) Stormwater Program was created by the October 1990 amendments to the federal NPDES regulations. These amendments are also known as the Phase I Stormwater NPDES regulations. These regulations define certain stormwater discharges as point sources subject to the NPDES permit program. There are two broad areas of stormwater point sources as follows:

1. Stormwater Discharges Associated with Industrial Activity, and
2. Municipal Separate Storm Sewer Systems (MS4s).

The "Stormwater Discharges Associated with Industrial Activity" area is divided into eleven categories of industrial activity. The eleven categories include industrial manufacturing facilities, landfills, transportation facilities, construction (land clearing on five or more acres), etc. without regard to type of owner. Therefore, a municipal or county government may own and operate a facility or site classified as an industrial activity. Based on population, MS4s are divided into three categories: large (250,000 or greater); medium (less than 250,000 but equal to and greater than 100,000); and small (less than 100,000).

The Phase I Stormwater NPDES regulations require large and medium MS4s and all categories of discharges associated with industrial activity to obtain stormwater NPDES permits. However, the federal 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) temporarily exempted those industrial activities (except for power plants, airports, and uncontrolled sanitary landfills) operated by municipalities with a population of less than 100,000. The Phase II regulations now require the ISTEA facilities to have a stormwater NPDES permit and established March 10, 2003 as the application deadline these facilities. Also, facilities in category xi are exempted from the program if their stormwater is not exposed to pollutants. However, under the Phase II regulations discussed below, category xi facilities that were exempted in Phase I by a self determination of "no exposure" must now submit the "No Exposure" certification form to the Department to remain exempt.

Phase II Program. The federal NPDES regulations were amended again for stormwater discharges in December 1999. These amendments lower the acreage for when an NPDES permit is required for construction or land clearing to one acre while allowing a case-by-case determination for sites less than one acre. These are called Small Construction Sites. Also, small MS4s located in urbanized areas (typically areas with a population of 50,000 or more) must obtain an NPDES permit. Further, in the Phase II Stormwater Program, the "No Exposure" exemption of the program is expanded to all categories of industrial activity except construction (category x). To qualify for this exemption, a "No Exposure" certification form must be submitted. Additionally, existing municipal owned industrial activities that were exempted by the federal 1991 Intermodal Surface Transportation Efficiency Act were required to submit an application by March 10, 2003. These requirements went into effect March 10, 2003 and are known as the Phase II Stormwater NPDES regulations. The Department has adopted the 1999 regulation amendments (Phase II program) and these requirements are now effective in SC.

There has been a lot of misunderstanding or misinformation by the regulated community in regards to the Regulated Small MS4 Program. To address this issue, the Department has prepared a "Fact Sheet" which gives a brief overview of the MS4 Program and a list of the Regulated Small MS4s in SC. Also, the Department has received a lot of comments about the MS4 Program being an unfunded mandate from the federal government and the Department. While it is true that

neither the US Congress nor the EPA provided direct funding for this program to the State Permitting Authorities and the regulated communities throughout the nation, the EPA, as required by the Federal Unfunded Mandates Reform Act of 1995, did address this issue in the preamble to the Phase II stormwater regulations.

SC's Program. SC, as a delegated NPDES state since 1975, administers the NPDES permit program on behalf of EPA. This delegation includes the NPDES Stormwater Program. The Bureau of Water's Industrial, Agricultural, and Stormwater Permitting Division administers this permitting program. SC issued two general NPDES stormwater permits that cover all 11 categories of stormwater discharges associated with industrial activity. One general permit is for all industrial categories except construction and the other general permit covers construction. Since the construction activity and MS4 components of the NPDES Stormwater Program overlap with the State Sediment, Erosion, and Stormwater Management Program, these programs have been administratively merged to the extent allowed by law to minimize duplication. The Department has modified its program to comply with the new Stormwater Phase II program requirements.

The EQC District Offices are responsible for the fieldwork associated with the NPDES Stormwater Program. This includes inspections and complaint investigation to ensure compliance by owners of MS4s and all facilities and sites categorized as "Associated with Industrial Activity." Enforcement actions are used by the Bureau when necessary to ensure proper approvals are obtained and to ensure compliance with the NPDES permits.

Contacts

- Permitting
 - Industrial Activity Except Construction
 - Andy Yasinsac
 - Construction Activity
 - Ann Clark
 - MS4s
 - Rick Nuzum
 - Arturo Ovalles
- Inspections and Compliance
 - EQC Local District Offices
(<http://www.scdhec.gov/environment/envserv/regions.htm>)
 - Glenn Trofatter
- Enforcement
 - Doug Kinard
 - Robin Foy

Outreach and Education

Bureau and District Staff are available to give talks and presentations on the different aspects of the NPDES Stormwater Program. Please send an E-mail to one of the contacts listed above if you are interested in arranging a presentation for a group or class.

Also, the Bureau's Nonpoint Source Control Program which is a voluntary (non regulatory) program conducts numerous outreach and educational activities.

Related Links

Links to non-DHEC organizations found at this site are provided solely as a service to our users. The links do not constitute an endorsement of these organizations or their programs. DHEC is not responsible for the content of the individual web pages found at these links.

- DHEC
 - Sediment, Erosion, and Stormwater Management Program (<http://www.scdhec.gov/water/html/erfmain.html>)
 - Nonpoint Source Control Program (<http://www.scdhec.gov/eqc/water/html/npspage.html>)
- U. S. Environmental Protection Agency
 - Contacts (http://cfpub1.epa.gov/npdes/contacts.cfm?program_id=6&type=ALL)
 - EPA Stormwater Page (http://cfpub1.epa.gov/npdes/home.cfm?program_id=6)

