

**Darlington County
Development Standards Ordinance**

ARTICLE 17

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Sec. 17.1. Purpose and Intent.

The purpose of this ordinance is to protect water quality by encouraging the promotion, protection, and improvement of the general health, safety, and welfare of the people, and to encourage the conservation of natural resources within the regulated MS4 of Darlington County as designated by the Environmental Protection Agency (EPA) and South Carolina Department of Health and Environmental Control (SCDHEC) based upon the Urbanized Area (UA). In order to protect the quality of water discharging from the regulated MS4 of Darlington County, these regulations are enacted to minimize the erosion of soils, reduce the sedimentation of streams, regulate stormwater runoff coming from developing areas, reduce the damage potential of flood water, protect properties near land disturbing activities, minimize the clogging of ditches, reduce the silting of water bodies, strive to provide unobstructed and sanitary channels for storm water runoff, reduce flooding caused by the encroachment of buildings or other structures on natural waterways and drainage channels, minimize pollution of surface water and groundwater, prohibit illicit discharges and promote groundwater recharge.

The requirements set forth in this Ordinance are not intended to negate any pre-existing County Ordinances, nor should they be interpreted in such a way that contradicts State or Federal regulations. If this Ordinance conflicts with another County Ordinance, State or Federal regulations, the most stringent requirements shall apply. Development in Darlington County must also comply with the earlier sections of Appendix A – Development Standards Ordinance.

Sec. 17.2. Establishing MS4 Area Stormwater Management Protection Overlay District Map.

- A. The MS4 Area Stormwater Management Protection District is created within Darlington County and is shown on the official district map. This map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.

- B. An official copy of the official district map of Darlington County shall be filed in the Office of the Clerk of Court in Plat Book 204 at page 45. This map shall bear the seal of Darlington County under the following word: *“This is to certify that this is the Official District Map referred to in Article Seventeen of the Development Standards Ordinance adopted by the Darlington County Council on August 20, 2007.”*

- C. The official district map shall be revised as necessary as District boundaries change as a result of new Census data revising the boundaries of the UA within Darlington County or as deemed necessary by Darlington County. The revised map shall then be filed with the Office of the Clerk of Court to replace the previously filed map.

Sec. 17.3. Definitions and References.

Sec. 17.3.A Definitions.

“Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Surface Waters of the State. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs are broadly defined by the South Carolina Department of Health and Environmental Control (SCDHEC) as stormwater management and conservation practices that prevent or reduce the discharge of pollutants to waters of the state of South Carolina. These practices have been demonstrated to effectively control the movement of pollutants and to prevent degradation of soil and water resources. See the latest version of SCDHEC’s Stormwater Management BMP Handbook for examples.

“Control Measure” as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the state of South Carolina.

“County” means Darlington County, or the office or department designated by the County Administrator of Darlington County to have authorized responsibility for particular requirements such as receiving applications, reviewing SWPPPs, enforcement, etc.

“CWA” means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

“Designated Watershed” means a watershed designated by a local government and approved by the Commission, Department of Health and Environmental Control and the South Carolina Water Resources Commission and identified as having an existing or potential stormwater, sediment control, or non-point source (NPS) pollution problem. The concept of designated watersheds is intended, not only to prevent existing water quantity and water quality problems from getting worse, but also to reduce existing flooding problems and to improve existing water quality or meet State Water Quality Standards through a reduction of the impacts of NPS pollution in selected watersheds. Further, the designation of watersheds under this section may also be used to protect watersheds which do not currently have significant water quality or quantity problems, but which require protection in order to avoid or mitigate the occurrence of future problems which might impair current or protected multiple water uses or important water resources within the watershed.

“DHEC” means the South Carolina Department of Health and Environmental Control’s Office of Environmental Quality Control (sometimes referred to as SCDHEC or “the Department”).

“Director of Planning” means the Director of the Darlington County Planning Department or his/her designated representative (also referred to as “the Director”).

“Discharge” when used without qualification means the “discharge of a pollutant.”

“Eligible” means qualified for authorization to discharge storm water under General Permit No. SCR030000.

“EPA” means United States Environmental Protection Agency.

“Facility” or **“Activity”** means any “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. In reference to stormwater management, this would include land disturbing activities as well as other facilities or activities with potential to impact stormwater runoff.

“Final Stabilization” means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - a. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures; or
 - b. Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “waters of the state of South Carolina,” and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) above.

“General Permit” means an NPDES permit issued under section 122.28 of SCR 61-9 authorizing a category of discharges or activities under the CWA within a geographical area.

“Impervious Surface” means a ground covering surface that does not allow the percolation or penetration of rain water into the ground (e.g. a concrete parking area or driveway, the roof of a building). A pervious surface allows rainfall to percolate into the ground (e.g. grassed or landscaped areas, pervious pavement).

“Land Disturbance Activity” means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff.

“Large Construction Activity” includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Municipal Separate Storm Sewer System” or **“MS4”** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

“NOI” is an abbreviation for “Notice of Intent” and is the mechanism used to request coverage under a general permit.

“Nonpoint Source Pollution” or **“NPS pollution”** means pollution contained in stormwater runoff from ill-defined, diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water. These pollutants include, but are not limited to: excess fertilizers, herbicides, and insecticides from agricultural lands and residential areas; oil, grease, and toxic chemicals from urban runoff and energy production; sediment from improperly managed construction sites, crop and forest lands, and eroding stream banks; salt from irrigation practices and acid drainage from abandoned mines; bacteria and nutrients from livestock, pet wastes, and faulty septic systems.

“NPDES” means National Pollutant Discharge Elimination System.

“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications; or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of storm water associated with construction activity.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, 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 storm water runoff.

“Pollutant” is defined at §122.2 of SC Regulation 61-9. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“Receiving water” means the “Waters of the state of South Carolina” as defined in §122.2 of SC Regulation 61-9 into which the regulated storm water discharges.

“Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the “facility or activity.”

“Small Construction Activity” includes clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres (but not for single-family homes which are not part of a subdivision development), that result in any land disturbance less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

“Storm Water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.

“**SWPPP**” means Storm Water Pollution Prevention Plan (also referred to as SWP3).

“**Total Maximum Daily Load**” (TMDL) is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards. In other words, it is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources and includes a margin of safety and consideration of seasonal variations. In addition, a TMDL contains the reductions needed to meet water quality standards and allocates those reductions among the sources in the watershed. The calculation must include a margin of safety to ensure that the waterbody can be used for the purposes that have been designated. The calculation must also account for seasonal variation in water quality. Water quality standards for South Carolina are promulgated by the Department of Health and Environmental Control with approval by the SC General Assembly. They identify the uses for each waterbody, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing) as well as the scientific criteria to support these uses. Streams, lakes, and other waterbodies that do not meet the standards are impaired and are required by the Clean Water Act to be listed as such (the 303d list). Section 303(d) also requires development of TMDLs for listed waters. TMDLs are an important step in the restoration of these impaired waterbodies.

“**Urbanized Area (UA)**” means a densely populated area (built up area). The Bureau of the Census determines UAs by applying a detailed set of published UA criteria to the latest decennial Census data. Although the full UA definition is complex, the Bureau of the Census' general definition of a UA, is based on population and population density. The UA is independent of corporate city or regional government boundaries. The regulated MS4 district boundary is defined by the official district map and can be larger than the actual UA to include designated watersheds or as deemed necessary by the County.

“**Waters of the State of South Carolina**” 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.

Sec. 17.3.B. References

SCR030000 – State of South Carolina NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s).

SCR100000 – South Carolina NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities.

R. 72-305 and R 72-307 of SC DHEC’s Standards for Stormwater Management and Sediment Reduction Regulation.

SCR 61-9 – SC DHEC’s Water Pollution Control Permits Regulation 61-9.

Compliance and Implementation Monitoring of Forestry Best Management Practices for Harvesting in South Carolina, 2004-2005 – SC Forestry Commission, July 2006

Copies of all the above-listed references can be found in the Darlington County Planning Department.

Sec. 17.4. Illicit Discharge Detection and Elimination.

Reserved for IDDE

Sec. 17.5. Construction and Post-Construction Stormwater Runoff Control.

Sec. 17.5.1. Requirements

- A. The surface of land in the regulated MS4 areas of Darlington County as defined by the official district map shall not be disturbed or altered for any purpose whatsoever, except in accordance with an approved Stormwater Pollution Prevention Plan (SWPPP) and Article 17. The owner or operator shall be required to submit a SWPPP to obtain a Certificate of Approval for Land Disturbance. Such approval shall be issued by the Director of Planning or his/her designated representative prior to any construction, grading or land disturbance of any nature. This only applies to sites equal to or greater than one acre, or as deemed necessary by Darlington County.
- B. The owner or operator shall also be required to obtain permit coverage under the *NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities* (SCR100000) from SCDHEC as with any land disturbance prior to any construction, grading or land disturbance of any nature.
- C. Certificate of Approval will be contingent on compliance with R.72-305 and R 72-307.
- D. If individual lots or sections in a residential subdivision are being developed by different property owners, all land-disturbing activities related to the residential subdivision shall be covered by the approved SWPPP and Article 17 for the residential subdivision. Individual lot owners or operators must sign a certification of compliance that all activities on that lot will be carried out in accordance with the approved SWPPP and Article 17 for the residential subdivision. Failure to provide this certification will result in owners or operators of individual lots developing a separate SWPPP meeting the requirements of Section 17.5.3.
- E. The Owner or Operator of land disturbance activity must observe strict adherence to the approved SWPPP and compliance with Article 17.

Sec. 17.5.2. Exemptions, Variances, and Waivers

- A. The provisions of the regulations that require the preparation and approval of a SWPPP shall not apply to the activities or conditions listed below.
1. Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture; except that the construction of an agricultural structure or structures which, singularly or collectively total one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a SWPPP and compliance with Article 17 prior to the start of the land disturbing activity.
 2. Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.
 3. Construction or improvement of single family residences or their accessory buildings disturbing less than an acre, which are separately built and not part of multiple construction in a subdivision development.
 4. Land disturbing activities associated with gas or electric services provided project has been permitted through SC DHEC.
- B. Where the exemptions listed above may apply, Darlington County encourages those persons engaged in the land disturbing activities to carry out such activities in a manner to achieve the objectives of erosion and sediment reduction and stormwater management through the use of applicable best management practices (BMP's), such as those identified in the report *Compliance and Implementation Monitoring of Forestry Best Management Practices for Harvesting in South Carolina, 2004-2005*.
- C. Darlington County may grant a written variance from any requirement of Article 17 if there are exceptional circumstances applicable to the site, such that strict adherence to the provisions of these regulations will not fulfill the intent of these regulations.
1. A written request for variance shall be provided to Darlington County Planning Department, and it shall state the specific variance sought. The reasons and supporting data for their granting shall be included. Darlington County will not consider a variance unless sufficient specific reasons justifying the variance are provided by the applicant.

2. Darlington County will conduct its review of the request for variance after which time it will be approved or disapproved by the Director of Planning.
- D. Darlington County may grant a waiver from the requirements of Article 17 for land disturbing activities associated with gas or electric services, provided the activities have been permitted through SC DHEC.

Sec 17.5.3. Stormwater Pollution Prevention Plans

- A. Stormwater Pollution Prevention Plans (SWPPPs) shall be submitted to Darlington County for approval prior to any land disturbance of greater than or equal to one acre including construction activity disturbing less than one acre if it is part of a larger common plan of development or sale. The designs, presentations and submittals shall be the responsibility of the person responsible for the land disturbing activity
- B. The SWPPP must be prepared, amended when necessary, certified, and stamped by a qualified individual who is licensed as follows:
 1. Registered professional engineers as described in Title 40, Chapter 22;
 2. Registered landscape architects as described in Title 40, Chapter 28, Section 10, item (b);
 3. Tier B land surveyors as described in Title 40, Chapter 22; or
 4. Federal government employees as described by Title 40, Chapter 22, Section 280(A)(3).
- C. The SWPPP must contain the following:
 1. Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
 2. Describe practices to be used to reduce pollutants in storm water discharges from the construction site including but not limited to Best Management Practices (BMPs) which specifically control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 3. Assure compliance with the terms and conditions of SCR100000 when properly implemented;
 4. Provide the required stormwater calculations for a 2-, 10-, and 25-year event, at a minimum;

5. Site and Activity Description

- a. Identify all Operators for the Project Site, and the areas of the Site over which each Operator has control;
- b. Describe the nature of the construction activity, including:
 - i. The function of the Project (e.g., low density residential, shopping mall, highway, etc.);
 - ii. The intended sequence and timing of planned major activities that disturb soils such as clearing and grubbing, initial and final grading, and cut and fill activities at the Site (except for SC Department of Transportation Projects, unless known at the time the SWPPP is prepared);
 - iii. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas; and
 - iv. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction Site and Surface Waters of the State within one mile of the Site.
- c. Contain a legible Site map, showing the entire Site, identifying:
 - i. Direction(s) of storm water flow and approximate slopes anticipated after major grading activities;
 - ii. Areas of soil disturbance and areas that will not be disturbed;
 - iii. Locations of structural and nonstructural BMPs identified in the SWPPP;
 - iv. Locations where stabilization practices are expected to occur;
 - v. Locations of off-site material, waste, borrow or construction equipment storage areas, excluding rolloff containers (not applicable to SC Department of Transportation Projects);
 - vi. Locations of all Surface Waters of the State (including wetlands);
 - vii. Locations where storm water discharges to a surface water; and

viii. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

- d. Describe and identify the location and description of any storm water discharge associated with industrial activity other than construction at the Site. This includes storm water discharges from dedicated asphalt plants and dedicated concrete plants, that are covered by the *NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities* (SCR100000).

6. Controls to Reduce Pollutants

- a. The SWPPP must include a description of all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. For each major activity identified in the Project description, the SWPPP must clearly describe control measures necessary to comply with this permit and applicable laws and regulations, the general sequence during the construction process in which the measures will be implemented, and which Operator is responsible for the control measure's implementation.
- b. The SWPPP must include a description of interim and permanent stabilization practices for the Site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the Site are stabilized. Use of impervious surfaces for stabilization should be avoided.
- c. For Sites with storm water discharges to a receiving water that is listed as impaired in South Carolina's 303(d) List of Impaired Waters the following requirements apply:
 - i. If a TMDL that is applicable to stormwater construction discharges has been established and is in effect, the requirements of Part 1.3.C.4 of the NPDES General Permit for Large and Small Construction Activities must be met.
 - ii. If a TMDL has not been established or is not in effect, you must ensure that your SWPPP does not allow storm water discharges that will contribute to the violations of the water quality standards. To accomplish this, the preparer of the SWPPP must address the following:
 - a. First determine whether or not the discharge may contain any pollutant that has caused the impairment.

- b. If the storm water discharges will not contain the pollutant(s) of concern, no additional requirements are necessary.
 - c. If the discharge will contain the pollutant(s) of concern, the SWPPP must address that selected BMPs and their performance to ensure that stormwater discharges will not contribute to or cause a violation of water quality standards. For Projects that disturb 25 acres or more, the SWPPP must contain a written quantitative and qualitative assessment that the BMPs selected will control the stormwater discharges so that they will not contribute to or cause a violation of water quality standards. For more information on this subject, please see the DHEC publication entitled “Antidegradation for Activities Contributing to NonPoint Source Pollution to Impaired Waters.”
- D. The SWPPP must include a description of all post-construction storm water management measures that will be installed during the construction process to control pollutants in storm water discharges after construction operations have been completed.
- E. Once a definable area has been finally stabilized, this should be identified on the SWPPP and no further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc).
- F. The SWPPP and compliance with Article 17 must be implemented as written from commencement of construction activity until final stabilization is complete.

Sec. 17.5.4. Permit Fee Schedule

- A. The application for a permit to disturb or change land in the regulated MS4 areas of Darlington County shall be accompanied by a non-refundable fee according to the following schedule:
- 1. The fee for any application for any permit or plan approval required by these regulations shall be \$125 to be sent to DHEC with NOI for NPDES Permit for Large and Small Construction Activities coverage plus \$100 per disturbed acre payable to Darlington County. The \$125 fee for DHEC will be collected once the project has been approved by Darlington County and is ready to be forwarded to DHEC for permit coverage. Additionally, a review fee of \$100 per disturbed acre payable to Darlington County shall be submitted at the time of the application, not to exceed \$2,000.00. Total maximum required fees are \$2,125.00. No plans shall be reviewed until all appropriate fees have been paid. No fee will be charged for land disturbing activities that disturb less than one (1) acre which are not part of a larger

common plan for development or sale. No fee will be charged for extensions or renewal of plan approval unless there are significant changes to the plans.

2. The fee for any determination or documentation of any exemption, variance, or waiver from any requirements of these regulations shall be \$100.

Sec. 17.5.5. Approval or Disapproval of Application

- A. Specific requirements of the permit application and approval process are generally based on the extent of the land disturbing activity. The permit application and approval procedure is as follows:
 1. For land disturbing activities of one (1) acre or greater, a SWPPP and compliance with Article 17 is required. However, the use of measures other than ponds (i.e., grass swales, bioretention cells, sand filters, filter strips, etc.) to achieve water quality improvement is recommended on sites containing less than ten (10) disturbed acres. Plans and specifications for these activities will be prepared by the designers specified in *NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (SCR100000)*. Upon receipt of a completed application for sediment and stormwater management, including a completed DHEC Checklist, Darlington County shall accomplish its review and have either the approval or review comments transmitted to the applicant within twenty (20) working days from receipt of the complete application with all required and requested documentation.
 2. When the land disturbing activity is adjacent to or discharging to an impaired water body listed on the 303(d) list, or to a receiving water with an approved total maximum daily load (TMDL), the SWPPP must incorporate antidegradation measures or controls that are consistent with the assumptions and requirements of such TMDL.
- B. A SWPPP or an application for a waiver shall be submitted to Darlington County by the person responsible for the land disturbing activity for review and approval for a land disturbing activity, unless otherwise exempted. The SWPPP shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire land disturbing activity. Darlington County shall review the plan to determine compliance with the requirements of these regulations prior to approval. The approved SWPPP shall serve as the basis for water quantity and water quality control on all subsequent construction.
- C. All SWPPPs submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project.

- D. All SWPPPs shall contain certification by the person responsible for the land disturbing activity of the right of the County or DHEC to conduct on-site inspections.
- E. The SWPPP, as submitted by the person responsible for the land disturbing activity, shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans by Darlington County. The stamp of approval on the plans is an acknowledgment of conformance with the requirements of these regulations. This approval does not constitute a representation or warranty to the applicant, or any other person, concerning the safety, appropriateness or effectiveness of any provision, or omission from the SWPPP.
- F. Approved plans remain valid for two (2) years from the date of an approval. At its discretion and upon receipt of a written request, Darlington County may grant extensions or renewals of the plan approvals for increments of up to one year, not to exceed a total of five years.
- G. Approvals of land disturbing activities, which were approved by Department of Health and Environmental Control prior to the effective date of this Article, shall remain in effect for the original term of the approval. For land disturbing activities which were not initiated during the original term of the approval, the person responsible for the land disturbing activity shall resubmit the SWPPP to Darlington County for review

Sec. 17.5.6 Inspections

- A. Inspections must be conducted by the owner or operator of the land disturbing activity as required in SCR100000. At a minimum, inspections must be carried out according to one of the two schedules below, and the chosen inspection frequency must be specified in the SWPPP.
 - 1. At least once every seven (7) calendar days, or
 - 2. At least once every 14 calendar days and within 24 hours after the end of a storm event of 0.5 inches or greater.
- B. Inspections must be carried out by a certified inspector, a registered professional engineer or a registered landscape architect. Detailed records of every inspection must be maintained at the construction site along with the SWPPP.
- C. Darlington County reserves the right to conduct inspections of the site and documentation at any time during construction to verify that inspections are being conducted in accordance with SCR100000. For sites greater than 10 acres, the required monthly reports shall be submitted to Darlington County.
- D. The person responsible for the land disturbing activity shall notify Darlington

County before initiation of construction. The County shall also be notified upon project completion, when a final inspection will be conducted to ensure compliance with the approved SWPPP and Article 17.

Sec. 17.5.7 Maintenance Requirements

A. Maintenance During Construction

The applicant is responsible for the maintenance and preventive maintenance of all completed stormwater management practices to ensure proper functioning. The applicant shall ensure preventive maintenance through inspection of all stormwater management practices. Preventative maintenance shall be installed and operational as approved in the SWPPP. If the BMPs are not functioning properly or adequately to protect water quality, an alternative BMP must be submitted for approval.

B. Maintenance Responsibilities Post Construction

As built drawings (as built) must be prepared where any new outfall discharging to Waters of the state has been added or modified, or any new facility to control post construction runoff has been constructed as part of an approved SWPPP. As built must be submitted to and approved by the Darlington County Planning Department before a Certificate of Occupancy is issued or final inspection of drainage facilities is passed, whichever is appropriate. As built shall show the final constructed location of all drainage and structural BMPs along with all pertinent final elevations.

Temporary and permanent erosion, sedimentation and stormwater management facilities once installed and after a final inspection has been completed, shall be maintained in one of the following manners:

1. Facilities maintained by owner - The owner of the property on which work has been done pursuant to this ordinance, or any other person or agent in control of such property, shall maintain in good condition and shall promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations and maintenance shall be in accordance with the approved SWPPP and Article 17. These generally include private detention and retention facilities.

The facilities to be maintained by the owner shall provide adequate access to permit County authorities to inspect and, if necessary, to take corrective action. If the owner or any other person or agent in control of such property fails to maintain properly the facilities for which he is responsible under the provisions of this ordinance, Darlington County shall give such owner, person or agent in control written notice describing specifically the deficiency. If the owner, person or agent in control fails, within twenty (20) days from the date of receipt of such notice, to take or commence corrective action, such owner, person or agent shall be subject to the penalties found in this ordinance.

2. Facilities maintained by Darlington County - All facilities to be maintained by Darlington County must be designed and constructed in accordance with the requirements of this ordinance and all such facilities shall be dedicated to the County by deed with attached record drawings. The County will then accept the conveyance of such facilities by appropriate action of the governing body. Such deed shall include sufficient ingress-egress easements to permit the County to properly maintain such facilities. These generally include public detention and retention facilities.

Sec. 17.5.8. Enforcement

Darlington County, in addition to its enforcement options, may refer a site violation to the Department of Health and Environmental Control for review.

(A) Administrative Procedures.

- (1) Inspections of Work in Progress: As the work pursuant to a permit progresses, the Director of Planning or designated representatives shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the approved SWPPP and Article 17. In exercising this power, the County has the right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) Stop-Work Orders: Whenever a land disturbance is in violation of the approved SWPPP or Article 17, the County may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor and shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days or by both fine and imprisonment.
- (3) Revocation of Permits: The Director of Planning may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of the approved SWPPP and Article 17; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (4) Periodic Inspections: The Director of Planning and the designated County inspectors shall have a right, upon presentation of proper credentials, to

enter on any premises within the territorial jurisdiction of Article 17 at any reasonable hour for the purposes of inspection or other enforcement action.

- (5) Violations to be Corrected: When the Director of Planning finds violations of the approved SWPPP or Article 17, it shall be his duty to notify the owner or operator of the land disturbance violation. The owner or operator shall immediately remedy each of the violations of the approved SWPPP or Article 17 on the property he owns or operates.
- (6) Actions in Event of Failure to Take Corrective Action: If the owner or operator of a land disturbance shall fail to take prompt corrective action, the Director shall give him written notice, by certified or registered mail to his last known address or by personal service that:
 - (a) the property is in violation of the approved SWPPP or Article 17;
 - (b) a hearing will be held before the Director of Planning at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner or operator shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
- (7) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Director of Planning shall find that the land disturbance is in violation of the approved SWPPP or Article 17, he shall make an order in writing to the owner or operator, requiring the owner or operator to remedy the violation within such period the Director may prescribe (not less than 60 days); provided that, where the Director finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (8) Appeal: Any owner or operator who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the Director and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Director shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (9) Failure to Comply with Order: If the owner or operator of a land disturbance activity fails to comply with an order to take corrective action from which no appeal has been made, or fails to comply with an order of the governing body following an appeal, he shall be subject to a fine not to exceed \$500.00 and he shall be found guilty of a misdemeanor and shall be punished at the discretion of the court. If a fine is levied, each day

where no corrective action has been taken may be considered a separate offense with a separate fine.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon public hearing and third reading.

The effective date of this ordinance shall be **August 20, 2007.**

DARLINGTON COUNTY COUNCIL

ATTEST:

BILLY BALDWIN, CHAIRMAN

PHYLLIS GRIFFITTS
COUNTY ADMINISTRATOR

FIRST READING: July 2, 2007
SECOND READING: July 16, 2007
PUBLIC HEARING: August 6, 2007
THIRD READING: August 20, 2007