

# Georgetown County

## Storm Water Management Program Ordinance

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As Of: September 1, 2006

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## **APPENDICES**

- 1 Definitions
- 2 Synopses of Referenced Regulations

## **DIVISION 1 – GENERAL PROVISIONS**

### **1.1 Title**

This Ordinance shall be known as the “Storm Water Management Program Ordinance of Georgetown County, South Carolina (Ordinance).”

### **1.2 Authority**

This Ordinance is adopted pursuant to the authority conferred upon Georgetown County (the “County”) by the South Carolina Constitution, the South Carolina General Assembly and in compliance with the requirements imposed upon the County by the National Pollutant Discharge Elimination System (NPDES) Permit No. SC230001 issued in accordance with the Federal Clean Water Act, the South Carolina Pollution Control Act, and regulations promulgated there under.

### **1.3 Findings**

The Georgetown County Council makes the following findings:

- (a) Uncontrolled storm water runoff has significant, adverse impact on the health, safety and general welfare of the County and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion and/or flooding. Development and redevelopment alter the hydrologic response of local watersheds and increases storm water runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in storm water runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health and safety, as well as to the natural environment.
- (b) Development within the County and the effects of alterations to existing land use have shown evidence of downstream degradation of the County’s receiving waters, thereby adversely effecting the unique qualities of the County’s estuaries, its commercial and recreational fishing, the ecosystems’s ability to naturally reproduce, and the general ability of the area to sustain its natural coastal resources. Development within the County that has created concentrated urbanized areas have also effected the County’s receiving waters and aquatic species.
- (c) The County is required by federal law [33 U.S.C 1342(p) and 40 CFR 122.26] to obtain a NPDES permit from the South Carolina Department of Health and Environmental Control (SCDHEC) for storm water discharges from the Georgetown County Storm Water System. The NPDES permit requires the County to impose controls to reduce the discharge of pollutants in storm water to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions that are determined to be appropriate for the control of such pollutants.
- (d) Additionally, certain facilities that discharge storm water associated with an industrial activity, including land-disturbing activities, are required to obtain their own respective NPDES permits. Also, the South Carolina Stormwater Management and Sediment Reduction Act [S.C. Code 48-14-10 et seq.] requires the County to obtain a permit for certain land disturbing activities.

### **1.4 Purpose**

- (a) It is the purpose of this Ordinance to protect, maintain, and enhance the environment of the County and the short and long-term public health, safety, and general welfare of the citizens of

the County by establishing requirements and procedures to control the potential adverse effects of increased storm water runoff associated with both future development, re-development, and existing developed land. Proper management of storm water runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, reduce pollutant loading to the maximum extent practicable and maintain to the extent practicable the pre-developed runoff characteristics of the area, and facilitate economic development while minimizing associated pollutant, flooding, and drainage impacts.

- (b) It is further the purpose of this Ordinance to comply with the Federal and corresponding state storm water discharge (NPDES) regulations (40 CFR 122.26 and SC Regulation 61-9.122.26) developed pursuant to the Clean Water Act and to assure the County the authority to take any action required by it to obtain and comply with its NPDES permit for storm water discharges. Among other things, these regulations require the County to establish legal authority which authorizes or enables the County at a minimum to:
1. Prohibit illicit discharges to the Georgetown County Storm Water System and receiving waters.
  2. Control the discharge of spills, dumping or disposal of materials other than storm water to the Georgetown County Storm Water System and receiving waters.
  3. Address specific categories of non-storm water discharges and similar other incidental non-storm water discharges listed in the County Storm Water Management Plan (SWMP).
  4. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state regulations.
  5. Define procedures for site plan review, inspection, and enforcement.
  6. Define procedures for receipt and consideration of information submitted by the public.
  7. Address post-construction runoff particularly volume, rate, and quality through the control and treatment of storm water with storm water management facilities and/or best management practices (BMPs).
  8. Develop post-construction storm water quality performance standards, through enforcement of minimum design standards for BMPs.
  9. Ensure effective long-term operation and maintenance of BMPs.
  10. Carry out all inspection, surveillance and monitoring, and enforcement procedures necessary to determine compliance and noncompliance with storm water permit (permit) conditions including the prohibition of illicit discharges to the Georgetown County Storm Water System and the protection of water quality of the receiving waters.
- (c) This Ordinance is to be construed to further its purpose of controlling and reducing pollutant discharges to the Georgetown County Storm Water System and to the Waters of the State to assure the obligations under its NPDES permit issued by the SCDHEC as required by 33 USC 1342 and 40 CFR 122.26.
- (d) The Ordinance requires prudent site planning, including special considerations for the purposes of preserving natural drainage ways; incorporating on-site storm water retention and infiltration; to

minimize runoff from individual sites to streams, rivers, and the ocean by use of effective runoff management, structural and non-structural BMPs, drainage structures, and storm water facilities.

## **1.5 Liability to Discharger**

The application of this Ordinance and the provisions expressed herein are the minimum storm water management requirements and shall not be deemed a limitation or repeal of any other powers granted by statute. In addition, if site characteristics indicate that complying with the County's minimum storm water management requirements will not provide adequate design or protection for local property or residents, the County, as part of its review process will require the owner and operator of these facilities to exceed the minimum storm water management practices, control techniques design and engineering methods and such other programs and controls as are required to comply with the County's NPDES permit.

## **1.6 Construction and Scope**

- (a) It is the goal of the Georgetown County Council that the provisions of this Ordinance will result in reduction of the discharge of pollutants to the Georgetown County Storm Water System and its receiving waters to the maximum extent practicable using management practices, control techniques and systems, design and engineering methods and such other programs and controls as are required by the County's NPDES permit.
- (b) The application of this Ordinance, the provisions expressed herein, and the Federal and State storm water regulations are the minimum storm water management requirements and should not be deemed a limitation or repeal of any other ordinances of the County or powers granted to the County by the State of South Carolina statutes, including, without limitation, the power to require additional or more stringent storm water management requirements.
- (c) This Ordinance shall be applicable to all development and redevelopment, including but not limited to site plan applications, Major Subdivision applications, land grading applications, and any other land disturbing activity, unless specifically exempt.
- (d) The provisions of this Ordinance apply throughout the unincorporated areas of the County, as defined in the Appendix, Section 1.

## **1.7 Severability**

Should any word, phrase, clause or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this Ordinance as a whole or any part hereof, except that specific provision declared by such court to be invalid or unconstitutional.

## **1.8 Definitions**

For the purpose of this Ordinance, definitions contained in South Carolina regulations 61-9.122.2 and 72-301 are incorporated herein by reference. Where the same words are defined in both the aforementioned regulations, but are not the same, the definitions contained in R. 61-9.122.2 will be used for the purposes of this Ordinance. A synopsis for each referenced regulation can be found in the Appendix, Section 2. Additional terms, phrases, and words will have the meaning given in the Appendix, Section 1.

## **1.9 Reserved**

## **DIVISION 2 – ORGANIZATION AND ADMINISTRATION**

### **2.1 Regulations**

The Georgetown County Council, may, in its discretion, amend or change this Ordinance or adopt additional regulations or resolutions to implement this Ordinance in order to comply with the NPDES permit, implement the SWMP, or to otherwise further the goal of protecting the quality of the receiving waters into which the Georgetown County MS4 outfalls flow.

### **2.2 Georgetown County Storm Water Management Program**

The Storm Water Management Program (SWMP) developed by the County to comply with the NPDES Storm Water Permit, serves as the basis for the County's program implementation and administration. The SWMP, as amended from time to time by the County, is hereby adopted for the duration of the County's Storm Water System NPDES permit as the official operational Program.

The County Storm Water Engineer, who shall reside under the administration of the Department of Public Services (Department), with guidance and direction from the Director of Public Services (Director) shall administer, implement, and enforce provisions of this Ordinance on behalf of the County. Any powers granted or duties imposed upon the County Storm Water Engineer may be delegated in writing by the County Storm Water Engineer to persons or entities acting in the beneficial interest of or in the employment of the County.

### **2.3 Coordination with Other Agencies**

The Department will coordinate the County's activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters. Authority not expressly reserved for other agencies or restricted by statute is placed with the Department for the protection and preservation of receiving waters.

### **2.4 Cooperation with Other Governments**

The County may enter into agreements with other governmental and private entities to carry out the purposes of this Ordinance. These agreements may include, but are not limited to enforcement, resolution of disputes, cooperative monitoring, and cooperative management of storm water systems and cooperative implementation of storm water management programs.

Nothing in this Ordinance or in this section should be construed as limitation or repeal of any ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or statutes, including, without limitation, the power to require additional or more stringent storm water management requirements within their jurisdictional boundaries.

### **2.5 Design/Engineering Standards**

The County shall develop, maintain, and implement such design or engineering standards that are consistent with the SWMP and provide a sound technical basis for the achievement of storm water management and water quality objectives. All stormwater management facilities shall be designed in such a way as to allow for maximum removal of pollutants and maximum reduction in flow velocities, in accordance with this Ordinance and the Storm Water Management Design Manual.

## **2.6 Storm Water Management Design Manual**

The County shall develop and maintain a “Storm Water Management Design Manual (Manual)” in accordance with the approved SWMP. The Manual shall serve as minimum criteria for the design, construction, and maintenance of facilities which collect, control, treat (through pollutant removal), and convey storm water. This Manual will include, but not be limited to, the following information:

- (a) Details describing the policies, goals, and tasks of the Storm Water Management Program.
- (b) Design requirements and specifications for the preparation of storm water management plans. Acceptable techniques for obtaining, calculating and presenting the information required in the plans shall be described, as will design conditions which must be accounted for.
- (c) Minimum specifications for designing, constructing, and maintaining storm water management facilities. These specifications shall be established in accordance with current good engineering practices.
- (d) Minimum easement requirements for the inspection and maintenance of storm water management facilities.
- (e) Site design approaches that minimize the impact of development on runoff, and protect natural resources and sensitive areas.

The Manual shall be reviewed and, if needed, updated periodically (at a minimum every three years) to reflect the most current and effective practices, regulations and most current water quality standards, and shall be made available to the public. Although the intention of the Manual is to establish minimum design practices for the protection of water quality and downstream impacts, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct storm water studies as required by the County Storm Water Engineer.

## **2.7 Best Management Practices**

The County shall develop and maintain a set of BMP designs in accordance with the approved SWMP. The BMP designs are located in a section of the Manual, and shall serve as minimum criteria for the design, construction, and maintenance of facilities which collect, control, treat (for pollutant removal), and discharge storm water. This section of the Manual will include, but not be limited to, the following information:

- (a) Guidance in selecting environmentally sound practices for managing and treating storm water. Development and use of techniques emphasizing the use of natural systems shall be strongly encouraged.
- (b) Minimum specifications for designing, constructing, and maintaining storm water management facilities. These specifications shall be established in accordance with current good engineering practices.
- (c) Easement, setback, and buffer requirements.
- (d) Post-development water quality performance standards for storm water management facilities and practices. Methodology/criteria for evaluation will include (1) hydrologic and hydraulic

evaluations; (2) chemical and biological evaluations (3) evaluation of BMPs; and (4) evaluation of downstream impacts.

BMPs can be either structural or non-structural and may be enforced by specific prescription in zoning requirements, Major Subdivision regulations, or on a site-specific basis as shall be prescribed to meet SWMP objectives. The practices shall be updated periodically to reflect the most current and technologically effective practices and shall be made available to the public.

These practices are not designed to replace the need for sound engineering judgment. Rather, other accepted engineering procedures may be used to conduct stormwater studies if they equal or exceed the procedures contained in the Manual or if they are required by the County Engineer.

## **2.8 Reserved**

### **DIVISION 3 – STORM WATER CONTROL**

#### **3.1 Regulations**

- (a) Federal regulations governing storm water management, as specified in 40 C.F.R. 122.26, and State regulations, as specified in R. 61-9.122.26 adopted pursuant thereto, and state regulation R. 72.300 et. seq. are adopted as the minimum requirements for all facilities as defined in the respective regulations.
- (b) The County Storm Water Engineer will be responsible for day to day coordination, implementation and enforcement of this Ordinance and the SWMP. This includes but is not limited to requirements for commercial and residential activities, construction site runoff, industrial and related facilities, and illicit discharges and improper disposal. Without limitation of the foregoing, the Department has the following specific powers and duties:
  - 1. To issue any permit, certification or license that may be required by the SWMP.
  - 2. To issue any permit, certification or license that meets the minimum requirements under this Ordinance and State or Federal statutes and regulations.
  - 3. To approve a facility connection to the Storm Water System or discharge to Waters of the State (including ocean outfalls) if State, or Federal Regulations or requirements under this Ordinance are met.
  - 4. To approve Storm Water plans, and to require as a condition of such approvals structural and/or non-structural controls, practices, devices, or operating procedures, required under the SWMP.
  - 5. To require financial guarantees of any person to secure that person's compliance with any Storm Water Plan, permit, certificate, license or authorization issued or approved by the Department pursuant to the SWMP.
  - 6. To comply with all Federal and State regulatory requirements, promulgated or imposed pursuant to the Clean Water Act and the SC Stormwater Management Act, applicable to the management of storm water discharges to or from the Georgetown County Storm Water System.

7. To conduct all activities necessary to carry out the SWMP and other requirements included in the County's NPDES permit, the SWMP and this Ordinance, and to pursue the necessary means and resources required to properly fulfill this responsibility.
8. To enter into agreements with other governmental entities or private persons or entities to provide or procure services to conduct and carry out storm water management activities.
9. Plans must meet the minimum requirements of this Ordinance in order for a permit to be issued. An approval by other state and federal agencies does not constitute approval by the County.

### **3.2 Prohibitions and Exemptions**

- (a) No person may; (1) develop or redevelop any land, (2) engage in any industry or enterprise, (3) construct, operate or maintain any landfill, hazardous waste treatment, disposal or recovery facility, or any other industrial or related facility (4) or dispose of any hazardous or toxic substance or other pollutant without having first obtained a permit issued pursuant to this Ordinance and having complied with any program, plan, permit, or regulation of the Georgetown County's SWMP adopted in accordance with this Ordinance, and having complied with the Policies of the South Carolina Coastal Management Program.
- (b) No person may obtain a permit issued pursuant to this Ordinance for any activity impacting wetlands or other waters of the state without first having complied with the policies of the South Carolina Coastal Management Program. All permits must be reviewed by SCDHEC, Office of Ocean and Coastal Resources Management for consistency with the Coastal Management Program. If the Department suspects that there are wetlands or other waters of the state not disclosed in the application, the applicant shall obtain Army Corps of Engineers delineation and submit the delineation to SCDHEC, Office of Ocean and Coastal Resources Management for certification that the project is consistent with the Coastal Management Program.
- (c) No person shall create or cause a blockage of an open channel or pipe system used to convey or transport storm water runoff from one property to another separately owned property.
- (d) No person shall modify the topography of a property such that storm water runoff is diverted from its original path such as to cause it to be directed onto an adjacent property.
- (e) The following development activities are exempt from the provisions of this Ordinance.
  1. Construction or improvement of single family residences or their accessory buildings which are separately built and not part of a Major Subdivision development,
  2. 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, tobacco, cotton, and peanuts; dairy animals and dairy products; 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 (under the condition they are in compliance with SCDHEC Agriculture Regulations), except that the construction of an agricultural structure of 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 will require the submittal and approval of a Storm Water Plan prior to the start of the land disturbing activity.

3. Land disturbing activities undertaken on forestland for the production and harvesting of timber and timber products.
4. Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
5. Certain land disturbing activities undertaken by persons who are exempt from the provisions of the Stormwater Management and Sediment Reduction Act as set forth in Section 48-14-40 of the 1976 Code of Laws of South Carolina as amended.
6. Industrial Facilities having a valid NPDES General Storm Water Permit issued by SCDHEC, and if the facility is in compliance with the conditions contained in the NPDES General Permit will be deemed in compliance with the requirements of this Ordinance.

### **3.3 Scope of Development Plans**

- (a) For all Major Subdivisions development and commercial development greater than half an acre, for any related land disturbing activities all of the requirements of a storm water plan, as defined in the Design Manual, apply. In addition the CUA requirements of the storm water plan, as defined in the Design Manual, apply to all subdivision of residential and/or commercial property regardless of size.
- (b) For single-family residential construction by individuals, and construction of half acre or less for commercial properties, the person responsible for the land disturbing activity shall conform to the Residential Storm Water Requirements as defined in the Design Manual.

By obtaining a County Building Permit, the Owner grants the right to the Department to conduct on-site inspections.

- (c) In developing plans for residential Major Subdivisions, each individual lot in a residential Major Subdivision development shall be required to obtain and comply with the Major Subdivision's overall storm water permit, including specified BMPs for addressing storm water quality. The residential Major Subdivision development, as a whole, is considered to be a single land disturbing activity requiring a permit. Hydrologic parameters that reflect the fully-built Major Subdivision development will be used in all engineering calculations.

(d) If individual lots or sections in a residential Major Subdivision are being developed by different property owners, all land disturbing activities related to the residential Major Subdivision shall be covered by the approved Storm Water Plan for the residential Major Subdivision. Individual lot owners or developers will sign a certificate of compliance that all activities on that lot will be carried out in accordance with the approved Storm Water Plan for the residential Major Subdivision.

### **3.4 Storm Water Plan Process**

- (a) A storm water Concept Plan for each development will be submitted for review by the Department prior to submission of the Storm Water Plan and construction plans for the entire development, or any portion thereof.
- (b) All preliminary plats of the development will be consistent with the storm water Concept Plan required above.
- (c) The storm water Concept Plan shall be reviewed, with the designer, after Department review, where it will be approved, approved with changes, or rejected. If rejected, changes, additional

analysis, or other information needed to approve the next submittal of the Concept Plan will be identified.

- (d) Upon approval of the Concept Plan, the applicant shall submit a final Storm Water Plan (as part of the construction plans) through the Department for review and approval. Requirements for the Storm Water Plan are detailed in the Manual.
- (e) Should any Storm Water Plan involve any future storm water management facilities or land to be dedicated to public use, the same information will also be submitted to the Department for review and approval.
- (f) The review and approval of a Storm Water Plan will follow the procedures outlined for development review and approval by the Georgetown County Public Services Department, and as detailed in this ordinance and the Design Manual. The review of the Storm Water Plan shall be performed by the County Storm Water Engineer or his appointed representative.

### **3.5 Permit Requirements**

- 1. An application is not complete until the following information is submitted to the Department:
  - a) Name and address of applicant.
  - b) A Storm Water Plan meeting the requirements set forth in the Design Manual.
  - c) A Narrative Statement meeting the requirements set forth in the Design Manual.
  - d) Design Calculations meeting the requirements set forth in the Design Manual.
  - e) An Operations and Maintenance Plan meeting the requirements set forth in the Design Manual.
  - f) A completed Permit application and the appropriate permit fee.
  - g) Information necessary for the posting of a public notice by the County Storm Water Engineer, as further detailed in Section 8.3 of this ordinance.
- 2. No permit for a land-disturbing activity shall be issued or modified without the following being secured:
  - (a) An approved storm water Storm Water Plan, as appropriate.
  - (b) Right of entry for emergency maintenance if necessary.
  - (c) Right of entry for inspections and monitoring.
  - (d) Any off-site easements needed.
  - (e) All public easements for storm water management facilities should be identified and recorded prior to issuance of any construction permit.
  - (f) As applicable, evidence of a receipt of all other required permits including but not limited to: Erosion and Sediment Control, Endangered Species, Historic Properties, archaeological and all other state and federal permits.

- (g) Where land distributing activity may impact wetlands or any other waters of the state, evidence of receipt of the following is required: 1) all state and federal permits, and a state coastal zone consistency certification, including Nationwide Wetlands Permit, and 2) a copy of the Corp of Engineers letter of verification for wetlands. Revocation of any state and/or federal permit will constitute revocation of any local permit.
- 3. Any and all site grading permits will, as determined by the County, be revoked at any time if the construction of storm water management facilities is not in strict accordance with approved plans.
- 4. The County reserves the right to reject any plan, or require additional information and/or requirements to be met as a condition of County approval.

### **3.6 Minimum Runoff Control Requirements**

Minimum Runoff Control Requirements for storm water management facilities have been outlined in detail in the Manual. Before beginning the storm water permit process, the permit applicant shall ensure that the most update Manual is being used. The following outlines the general requirements for controlling storm water runoff rate and pollutant discharge.

- 1. All Single Family Residential Individual Lots (not part of a larger development), Minor Subdivisions, or commercial properties of one half acre or less, control of the peak runoff discharge is not required and Post construction water quality control is not required unless specifically required by current state or federal regulations.
- 2. For Non Residential Development and Major Residential Subdivisions Development outside of the CUA:
  - a. Parcels of greater than one half acre and less than or equal to 10 acres (small size development): Control post development peak runoff discharge to pre-development runoff rates for the 2-, 10-, and 25-year storm events. 100-year storm event must be accommodated through the development without causing damage to structures or exceeding the limits allocated for this storm event. Post construction water quality control shall meet the water quality performance standards by implementing approved BMPs as outlined in the Manual.
  - b. Parcels greater than 10 acres and less than 40 acres (mid size development): Control post development peak runoff discharge to pre-development runoff rates for the 2-, 10-, and 25-year storm events. 100-year storm event must be accommodated through the development without causing damage to structures or exceeding the limits allocated for this storm event. Post construction water quality control shall meet the water quality performance standards by implementing approved BMPs that meet targeted goals for BMP pollutant removal efficiency. The attainment of water quality performance standards shall be demonstrated through a specified calculation methodology submitted by the Developer and approved by the County. The specified calculation methodology for mid size developments shall be detailed in the Manual.
  - c. Parcels greater than or equal to 40 acres (large size development): Control post development peak runoff discharge to pre-development runoff rates for the 2-, 10-, and 25-year storm events. 100-year storm event must be accommodated through the development without causing damage to structures or exceeding the limits allocated for this storm event. Post construction water quality control shall meet the water quality performance standards by implementing BMPs that provide for a post development pollutant discharge equal to or less than the pre-development pollutant discharge. A Modeling Plan, submitted by the Developer and approved by the County, shall demonstrate the attainment of water quality

performance standards through the use of BMPs. The Modeling Plan submittal shall include the following but not necessarily be limited to: an explanation of the analysis approach, identification of pollutants or indicators and relationships thereof, description of model methodology, expected range of accuracy in result prediction, and sources of all data to be used for modeling

3. For Non-Residential Development and all Multi-lot Residential Development within the CUA:
  - a. New development on undisturbed tracts of land: Follow requirements as outlined in Section 3.6, part 2. Pervious pavement technology will be required for all driveways and parking lots for new development, in accordance with the Design Manual.
  - b. Redevelopment or expansion of existing development: Both existing and future development will follow requirements as outlined in Section 3.6, part 2, if at least one of the following criteria is met:
    - i. Value of improvements to the property meets or exceeds 51 percent of the current property value (based on current tax records).
    - ii. Amount of land disturbance meets or exceeds 40 percent of the total acreage of the parcel.
    - iii. Construction of at least 9,000 square feet total of additional impervious surface.
  - c. Redevelopment or expansion of existing development not meeting part 5b above: All new driveways and parking lots shall be constructed with pervious pavement technology, and all building roof drains and downspouts will be disconnected from impervious pavement/surfaces, and directed to vegetative ground cover for conveyance through a properly designed filter strip or vegetated swale (in accordance with the Manual). Properly installed and maintained porous paving technologies, including pervious concrete and pavers, will be considered 100 percent pervious and will not count against any total allowable impervious percentage on site, nor will it be considered impervious in determining the hydrologic runoff properties.
  - d. Buffer Requirements – Buffer requirements shall be in accordance with SCDHEC and Georgetown County Zoning regulations.
4. Construction Site Runoff Control measures for all qualifying developments shall be in accordance with the most current version of the SCDHEC Erosion and Sediment Reduction and Storm water Management regulations.

### **3.7 Storm Water Management Facilities**

- (a) Storm water management facilities may include natural and man-made elements. Natural swales and other natural runoff conduits shall be retained to the maximum extent practicable.
- (b) Where additional storm water management facilities are required to satisfy the minimum control requirements, the following measures are examples of what may be used along with other measures subject to the approval of the Department:
  1. Facilities designed to encourage overland flow, slow velocities of flow, and allow for sheet flow through buffer zones.
  2. Infiltration practices.

3. Bioretention facilities.
  4. Swales and filter strips.
  5. Constructed wetlands.
  6. Pervious paving technologies, including pervious concrete, asphalt and pavers.
  7. Natural and vegetated buffers.
  8. Storm water detention structures (dry basins used for reducing peak discharge only).
  9. Storm water retention structures (wet ponds used for reducing peak discharge and reducing pollutant discharge).
  10. Retention of natural landscape and trees in parking lots.
  11. Other BMPs aimed at reducing the discharge of polluted storm water.
- (c) Where detention and retention structures are used, designs which consolidate these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.
- (d) When wet ponds are employed, retention/planting of littoral vegetation, particularly native wetland plants selected for nutrient and contaminant uptake capacity shall be included.
- (e) Drainage plans can be rejected by the Department if they incorporate structures and facilities that will demand considerable maintenance and will be difficult to maintain, or utilize numerous small structures if other alternatives are physically possible.
- (f) The drainage system and all storm water management structures within the County (including both public and private portions) will be designed to the same engineering and technical criteria as provided in the Manual. The Department's review will be the same whether the portion of the drainage system will be under public or private control or ownership.

### **3.8 Storm Water Plan Requirements**

Storm Water Plan requirements for storm water permit submittal shall be outlined in the Design Manual.

### **3.9 Plan Hydrologic Criteria**

Plan Hydrologic Criteria for storm water management facilities shall be outlined in the Design Manual.

### **3.10 Ownership and County Participation**

- (a) All storm water management facilities should be privately owned and maintained, unless the County accepts the facility for County ownership and maintenance. Should the owner of a private facility desire the County to assume operation and maintenance of a storm water management facility, the owner shall grant to the County, a perpetual, non-exclusive easement that allows for public inspection, maintenance, and monitoring, and emergency access. Owners of privately owned storm water management facilities shall grant the County right-of-entry to

inspect and monitor the performance of the storm water management facilities upon appropriate notice to the Property Owner. In emergency cases where the potential exists where the blockage of storm water facilities may be causing structural or roadway flooding, the County will make all reasonable attempts to notify the effected property owner(s) prior to entering the property but will maintain the right to enter the property if such flooding is a danger to the public or off-site property owners.

- (b) All storm water management measures relying on designated vegetated areas or special site features (including buffers) will be privately owned and maintained as defined on the Storm Water Plan.
- (c) When the Department determines that additional storage and/or treatment capacity beyond that required by the applicant for on-site storm water management is necessary or additional BMP's may be required in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the County may:
  - 1. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility.
  - 2. Require that the applicant attempt to obtain from the owners of property over, through or under where the storm water management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the County may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to (d) below, with any cost incurred thereby to be paid by the County).
  - 3. Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site storm water management as determined by the Department.
- (d) To implement this provision both the County and developer will be in agreement with the proposed facility that includes the additional storage and/or treatment capacity and jointly develop a cost sharing plan which is agreeable to all parties.

### **3.11 Construction, Inspection, and Maintenance**

- (a) A permanent maintenance plan for each storm water management facility will be included in the drainage plan. As part of the maintenance plan, the owner of such facility shall specifically agree to be responsible for permanent maintenance including, but not limited to the physical and operational aspects of each facility to function to reduce peak discharge and reduce pollutants to the receiving streams. In order to transfer maintenance responsibility, a letter of acceptance by the entity accepting permanent maintenance responsibility should be filed with the Department.
- (b) Prior to the approval of the Storm Water Plan; the applicant will submit a proposed staged construction and inspection control schedule. This plan will indicate a phase line for approval otherwise the construction and inspection control schedule will be for the entire drainage system.
- (c) No subsequently staged work, related to the construction of storm water management facilities, may proceed until the preceding stage of work, according to the sequence specified in the approved staged construction and inspection control schedule, is inspected and approved, unless otherwise approved by the County Storm Water Engineer.
- (d) The permittee will notify the Department before commencing any work to implement the Storm Water Plan and upon completion of the work.

- (e) The permittee shall provide an "as-built" plan certified by a registered professional engineer to be submitted upon completing of the storm water management facilities included in the Storm Water Plan. The registered professional engineer will certify that:
  - 1. The facilities have been constructed as shown on the "as-built" plan.
  - 2. The facilities meet the approved Storm Water Plan and specifications or achieve the function for which they were designed.
- (f) Acceptable "as-built" plans will be submitted prior to:
  - 1. The use or occupancy of any commercial or industrial site.
  - 2. Final acceptance of any road into the Official County Road Inventory.
  - 3. Release of any financial guarantees held by the County.
  - 4. Approval and/or acceptance for recording of maps, plats or drawings, the intent of which is to cause a division of a single parcel of land into two or more parcels.
  - 5. A final inspection will be conducted by the Department upon completion of the work included in the approved Storm Water Plan to determine if the completed work is constructed in accordance with the plan.

### **3.12 Financial Guarantees**

- (a) Financial guarantees may be posted in lieu of completing improvements required by this Ordinance to allow for the recording of a final plat or to obtain building permits for properties for which ownership will be transferred. A financial guarantee is not required to be posted prior to obtaining model home permits once a preliminary plan has received conditional approval.
- (b) Acceptance of financial guarantees is discretionary and the County reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements be completed before the recording of a final plat or issuance of building permits. Acceptance of a financial guarantee by the County shall not be construed as an obligation to any other agency, utility or property owner within affected developments.
- (c) Financial guarantees shall be submitted to the County Planning Department (Planning Department) and follow procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a final plat or issuance of building permits. An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature and seal of a licensed professional engineer, be on company letterhead, and be in a form acceptable to the Planning Department. Cost estimates may include, but are not limited to the following:
  - 1. Water and sanitary sewer systems.
  - 2. Storm drainage systems and erosion control measures.
  - 3. Street improvements including curbs, gutter, temporary cul-de-sacs and required grassing or landscaping within the rights-of-way or easements.
  - 4. State road right-of-way improvements upon agreement between the County and South Carolina Department of Transportation.

Upon receipt of an itemized cost estimate, the Planning Department shall forward such estimate to the appropriate departments or agencies for review.

(d) The Planning Department may accept letters of credit or cash deposits as financial guarantees to ensure the completion of public or private improvements in accordance with the requirements enumerated below. Approved guarantees shall be independent of the development project's construction loan. The Planning Department shall not accept any guarantee that requires drawdowns for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held by the Planning Department. Approved letter of credit shall adhere to the following standards:

1. Be equal to 125 percent of the approved cost estimate.
2. Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording.
3. Be irrevocable, unconditional and subject to presentation for drawing within the State of South Carolina.
4. Be payable to the County.
5. Be for no less than \$10,000 of construction.

Approved cash deposits shall adhere to the following standards:

1. Be equal to 125 percent of the approved cost estimate, or for no less than \$1,000 of construction, whichever is greater.
2. Made payable by cashier's check to the County.
3. Cash deposits are deposited upon receipt with the Georgetown County Treasurer's Office.
4. Improvements guaranteed by such deposits shall be completed within 12 months.

### **3.13 Reserved**

## **DIVISION 4 – DETECTION AND REMOVAL OF ILLICIT CONNECTIONS AND DISCHARGES AND IMPROPER DISPOSAL**

### **4.1 Illicit Connections, Illicit Discharges and Improper Disposal**

- (a) It is unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything except storm water or unpolluted water, which is approved by the Department, into receiving waters or the County System.
- (b) It is unlawful for any person to continue the operation of any such illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this Ordinance will be disconnected and redirected, if necessary, to the satisfaction of the Department and any other federal, state, or local agencies or departments regulating the discharge.

- (c) It is unlawful for any person to throw, drain, run or otherwise discharge to any component of Georgetown County's Storm Water System or to the Waters of the State or to cause, permit or allow to suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system or receiving water all matter of any nature excepting only such storm or surface water as herein authorized.
- (d) The Department may require controls for or exempt from the prohibition provision in (a), (b) and (c) above the following, provided it is determined that they are not a significant source of pollution, but the permissibility of the following depends on their discharge into a vegetated area where practicable rather than onto an impervious surface or directly into a receiving water body.
  - 1. Unpolluted industrial cooling water, but only under the authorization and direction of the Department and appropriate NPDES permit.
  - 2. Water line flushing performed or required by a government agency, diverted stream flows, rising ground waters, and unpolluted pumped ground waters, and unpolluted ground water infiltration.
  - 3. Unpolluted pumped ground water.
  - 4. Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, residential pool backwashing, de-chlorinated pool water, flows from riparian habitats and wetlands, and street wash water.
  - 5. Discharges or flows from fire fighting.
  - 6. Other unpolluted water.
  - 7. Any of the permitted discharges are only to be made if suitable protection is provided by use of silt screens, or hay bales or such other approved methods to prevent the erosion or conveyance of silts or contaminants into the MS4.
  - 8. In the event of an accidental discharge or an unavoidable loss to the County Storm Water System of any pollutant, the person concerned will abide by requirements as regulated by the SCDHEC, informs the Office of the Public Services Department as soon as possible, but not to exceed 12 hours from time of discovery, of the nature, quantity and time of occurrence of the discharge. The person concerned must take immediate steps to contain the waste, treat the waste or other actions to minimize affects of the discharge on the Storm Water System and receiving waters. The person will also take immediate steps to ensure no recurrence of the discharge.

#### **4.2 Detection of Illicit Connections and Improper Disposal**

- (a) The Department will take appropriate steps to detect and eliminate illicit connections to Georgetown County Storm Water System, including the adoption of a program to screen illicit discharges and identify their source or sources.
- (b) The Department shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for disposal and programs to provide for public education, public information, and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.

**4.3 Reserved**

**DIVISION 5 – MONITORING AND INSPECTIONS**

**5.1 Monitoring**

The Department will monitor the quantity of, and the concentration of pollutants in, storm water discharges from the areas and/or locations designated in the County’s SWMP and will monitor impact to receiving water. The Department will establish a water quality monitoring plan for its jurisdictional area to be in compliance with its NPDES permit for storm water discharges. This monitoring plan will address at a minimum the appropriate measures as outlined in the County’s Phase II SWMP (when developed).

**5.2 Inspections**

- (a) The Director, or its designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to effectuate the provisions of this Ordinance that the SWMP promotes. The Department will duly notify the owner of said property or the representative on site and the inspection should be conducted at reasonable times.
- (b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector may terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector should immediately report the refusal and the grounds to the Director. The Director will promptly seek the appropriate compulsory process.
- (c) In the event that the Department’s appropriately credentialed designee reasonably believes that discharges from the property into the Georgetown County Storm Water System may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time upon an initial attempt to notify the owner of the property or a representative on site. The inspector should present proper credentials upon reasonable request by the owner or representative.
- (d) Inspection reports will be maintained in a permanent file located in the Department.

**5.3 Reserved**

**DIVISION 6 – ENFORCEMENT, PENALTIES, AND ABATEMENT**

**6.1 Violations**

Upon determination that a violation of any of the provisions of this Ordinance has occurred, the Department may give timely actual notice at the property where the violation has occurred or at the address of the permit holder and shall give written notice to the violator within 15 days. This notice will specify: the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies. It should be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

**6.2 Civil Penalties**

Any person or entity that violates any provision of this Ordinance shall be assessed either a Minor Violation or Major Violation as defined in the Appendix. Fines for Minor Violations shall be \$250 per day and \$1000 per day for Major Violations. Each separate day of a violation constitutes a new and separate violation.

### **6.3 Additional Legal Measures**

- (a) Where the County is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and the County can identify the person(s) who caused such violation(s) to occur, the County may pass through the penalty and cost of compliance to that person(s).
- (b) The County Attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

### **6.4 Corrective Action**

In the event a violation of this Ordinance has not been corrected within the applicable time period for correction, the County, or its contractor, may enter upon the lot or parcel of land and correct the violation, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs) will be collected from the bond, if in place and sufficient to cover such costs, or shall become a lien upon the property and should be collected in the same manner as County taxes are collected.

### **6.5 Stop Work**

A stop-work order shall be issued by the Department if, as determined by the Department, one or more of the following violations have been committed:

1. Any person who proceeds with any work which requires a Storm Water Plan hereunder without first submitting a plan and obtaining a permit.
2. Violation(s) of the conditions of the storm water management and sediment control plan approval.
3. Construction not in accordance with the intent of the approved plans.
4. Noncompliance with correction notice(s).
5. The existence of an immediate danger in a downstream area in the judgment of the County Engineer.

When one or more of these conditions are found, a written notice of violation will be served upon the owner of the property or an authorized representative. The time in which to correct the deficiencies will be specified in the notice of violation. The notice of violation will set forth the measures necessary to achieve compliance with the plan. Corrective actions must be started immediately or the owner will be deemed in violation of this article.

If appropriate remedial actions as outlined in the written notice are not completed within the specified time period, a stop-work order will be issued within 7 days. The stop-work order will then be in force until the development is in compliance with this article.

If a violation of this article is occurring that the County Storm Water Engineer determines in his or her judgment will cause significant damage to off-site property or structures, the County Storm Water Engineer can issue an immediate stop-work order.

Prior to lifting of the stop work order, fees double the normal amount of applicable bond and fees, with a minimum of \$250, and payment of any other applicable penalties will be paid. The stop work order may allow or require correction of violations, but no other project related activities.

## **6.6 Permit Suspension and Revocation**

A site grading permit may be suspended or revoked if one or more of the following violations have been committed:

- (a) Violations of the conditions of the Storm Water Plan approval.
- (b) Construction not in accordance with the letter or intent of the approved plans.
- (c) Non-compliance with correction notice(s) or stop work order(s).
- (d) The existence of an immediate danger in a downstream area in the judgment of the Department.

Work authorized by permits issued under this Ordinance must be completed within five years after the date of issuance. The time limit may be extended for good cause showing that due diligence toward completion of the work has been made as evidenced by significant work progress. An extension only may be granted if the permitted project meets the policies and regulations in force when the extension is requested or the permittee agrees to accept additional conditions which would bring the project into compliance. The time periods required by this subsection must be acted on during the pendency of an administrative or a judicial appeal of the permit issuance.

## **6.7 Criminal Penalties**

In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this Article will be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court per the Georgetown County Code of Ordinances General Provisions.

## **6.8 After-the-fact Permits**

The Department does not have authority to consider an after-the-fact application unless:

- a. All fines are paid before application.
- b. The permit would legitimize an activity that is a routine permitting matter that will meet all the standards under this Ordinance.
- c. Any portion of the activity or structure that is in violation of the Ordinance is corrected prior to the approval.
- d. Mitigation for any damage caused by the activity has been completed.

## **6.9 Reserved**

### **DIVISION 7 – VARIANCES**

Individuals submitting for a storm water permit may submit to the Storm Water Engineer for approval a variance from the requirements of this Ordinance if exceptional circumstances applicable to a site exist such that adherence to the provisions of the Ordinance will result in unnecessary hardship and will not fulfill the intent of the Ordinance, as defined in Section 1.4, Purpose.

#### **7.1 Requests for Variances**

A written request for a variance is required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request should include all information necessary to evaluate the proposed variance. The applicant will address the three areas of consideration for variance approval as follows:

1. What exceptional circumstances to the site are evident
2. What unnecessary hardship is being caused
3. How will failure to grant the variance be inconsistent with the intent of the Ordinance

#### **7.2 Review of Variances**

The County Storm Water Engineer will conduct a review of the request for a variance and issue a recommendation to the Public Services Director within 30 working days of receiving the request.

#### **7.3 Reserved**

### **DIVISION 8 – APPEALS**

#### **8.1 Appeal Process**

Any person aggrieved by a decision or Notice of Violation may appeal the same by filing a written notice of appeal with the County within 30 days of the issuance of said decision or Notice of Violation. No extensions will be granted once the 30-day period of appeal has expired. If the person to whom the decision or notice of violation is directed fails or neglects to appeal the notice of violation within 30 days of the issuance of said decision or Notice of Violation, the decision or violation becomes final. The County shall provide an appeals form to the applicant for use in submitting for a decision of appeal. The form will contain the name of the party requesting review of the decision or notice of violation, the permit number or other information sufficient to identify the decision, order, action or inaction which is the subject of review; and the relief requested. The County Council shall appoint a Storm Water Appeals Committee for the purposes of hearing appeals to decisions by the Department and the Storm Water Engineer regarding the enforcement and interpretation of this ordinance.

#### **8.2 Appeal of Decision**

Any person aggrieved by the decision of the County may appeal the decision of the Storm Water Engineer as follows:

1. The aggrieved party shall make a written request to the Storm Water Engineer of an appeal of the Storm Water Engineer's decision.
2. The Director of Public Services, within a reasonable time, shall schedule a meeting of the Storm Water Appeal Committee.

3. The aggrieved party will be allowed to present its appeal to the Appeal Committee as outlined in procedures developed by the Committee for the hearing of appeals.
4. The Committee will then make a decision related to the appeal and will inform the applicant of the results of its decision.
5. Should the applicant disagree with the decision of the Storm Water Appeal Committee, they may appeal the decision to the Georgetown County Court of Common Pleas in accordance with its rules and procedures.

### **8.3 Public Review and Input**

All Storm Water Program Permits submitted for approval for developments, except residential single family lots outside the CUA that are not part of a larger development, shall be given Public Notice as follows:

1. The County will advertise each permit request in a newspaper of general circulation in Georgetown County. Advertisement shall run for one day.
2. Comments received will be forwarded to the County Storm Water Engineer for review and action.
3. The County Storm Water Engineer will have the sole discretion to act on comments received.
4. A Public Hearing will be scheduled and held by the County Storm Water Engineer only if the following occurs:
  - a. Inside the CUA, for parcels larger than three (3) acres in size and when 20 or more individual requests are received by the Storm Water Engineer for a Public Hearing, or;
  - b. Outside the CUA, for parcels larger than forty (40) acres in size and when 20 or more individual requests are received by the Storm Water Engineer for a Public Hearing.
  - c. Otherwise no Public Hearing will be conducted on the Storm Water Permit request in question.
  - d. Information received from Public Hearings will be reviewed by the County Storm Water Engineer and he will have the sole discretion as to any actions taken from such comments.

## **DIVISION 9 – CHARGES AND FEES**

### **9.1 Funding**

In addition to all other charges, fees, and penalties, the County has the right to develop and impose a Storm Water Service Fee to fund implementation of this Ordinance and its associated programs and plans.

### **9.2 Connection to Conveyances**

The County Council has the right to establish a schedule of appropriate fees for any person or property owner establishing a new discharge to Waters of the State within the County or to any part of the County Storm Water System. Such fee should be payable as part of any permit application or submission, regulating the discharge of storm water runoff. Permit fees will be established on the basis of land use classes relating to the quantity and quality of permitted discharge.

### **9.3 Field Inspection**

Costs associated with field inspection of land development or construction activities other than those routinely performed by the Department as part of compliance monitoring shall be assessed a fee representing the cost in labor, equipment, and materials expended in the conduct of the inspection. Such fees will be applied only to those activities covered under a previously submitted and approved Storm Water Plan.

#### **9.4 Permit Fee Development**

A non-refundable permit fee will be collected at the time the storm water management plan or application is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspection of all projects subject to this Ordinance. A permit fee schedule shall be established by the County Council based upon the relative complexity of the project and may be amended from time to time.

## Appendix

### 1 Definitions

“Best Management Practices” means storm water management practices that have been demonstrated to effectively control movement of pollutants, prevent degradation of soil and water resources, and that are compatible with the planned land use.

“Clean Water Act” means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C §1251 et. seq.

“Concept Plan” means a preliminary version of the Storm Water Plan, illustrating the general intent of the proposed development including but not limited to the layout of physical improvements, existing site conditions, layout of all storm water management facilities, location and description of planned BMPs, and phasing plan (if planned).

“County” means Georgetown County, South Carolina.

“County Council” mean the elected officials of Georgetown County, South Carolina.

“Critical Urbanized Area” means that land within Georgetown County and designated as an “Urbanized Area” having a small municipal separate storm sewer system (MS4) and having a geographical boundary as defined by the most current NPDES Phase II Regulations.

“Development” or “Develop Land” means any of the following actions undertaken by any person, including, without limitation, any public or private individual or entity:

- (a) Division of a lot, tract, or parcels or other divisions by plat or deed with the intent of construction of a residential or commercial structure(s).
- (b) The construction, installation, or alteration of a structure, impervious surface or drainage facility.
- (c) Clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand or rock of a site.
- (d) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

“Disconnected Impervious Areas” or “Disconnected Impervious Surfaces” means those impervious areas or impervious surfaces which produce storm water runoff that discharges through or across a non-impervious area or surface (i.e. vegetated cover), of sufficient width to reduce or eliminate pollutants associated with storm water runoff, prior to discharge to the storm water system.

“Environment” means the complex of physical, chemical, and biotic factors that act upon an ecological community and ultimately determine its form and survival.

“Land Disturbance” means the use of land by any person that results in a change in the natural vegetated cover or topography, including clearing that may contribute to or alters the quantity and/or quality of storm water runoff.

“Georgetown County Storm Water System” means the conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other storm water facilities) which is (a) owned or operated by Georgetown County; (b) designed or used for collecting or conveying storm water; (c) not a combined sewer system; and (d) not part of a Publicly Owned Treatment Works (POTW).

“Illicit connection” means a connection to the Georgetown County Storm Water System which results in a discharge that is not composed entirely of storm water runoff except discharges pursuant to an NPDES permit.

“Impervious Coverage” or “Impervious Surface” means those surfaces that can not effectively infiltrate rainfall (i.e. building rooftops, pavements, sidewalks, driveways, etc.), and that is not constructed using pervious pavement technology.

“Industry or enterprise” means an organization created for business venture.

“Improper disposal” means any disposal other than through an illicit connection that result in an illicit discharge, including, but not limited to the disposal of used oil and toxic materials resulting from the improper management of such substances.

“Illicit discharge” means any activity which results in a discharge to the Georgetown County Storm Water System or receiving waters that is not composed entirely of storm water except (a) discharge pursuant to an NPDES permit and (b) other allowable discharges as defined in this Ordinance.

“Land Disturbing 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 storm water runoff.

“MS4” means Municipal Separate Storm Sewer System.

“Maintenance” means any action necessary to preserve storm water management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities.

“Major Subdivision” means a subdivision of greater than ten lots as defined in current Georgetown County Ordinances.

“Major Violation” means any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment to more than one property, as a result of non-conformance with the storm water management ordinance.

“Minor Subdivision” means a subdivision of ten lots or less as defined in current Georgetown County Ordinances.

“Minor Violation” means any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment to an adjacent property or the property owner’s own facilities, as a result of non-conformance with the storm water management ordinance.

“Modeling Plan” means a submittal of documents, calculations, data, and results demonstrating the attainment of a specified water quality performance standard. The submittal shall include the following but not necessarily be limited to: an explanation of the analysis approach, identification of

pollutants or indicators and relationships thereof, description of model methodology, expected range of accuracy in result prediction, and sources of all data to be used for modeling

“Natural Resources” means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the Federal, State or local government, any foreign government, any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe.

“NPDES” means National Pollutant Discharge Elimination System (see “Clean Water Act”).

“NPDES permit” means the NPDES permit for storm water discharges issued pursuant to the Clean Water Act and the federal storm water discharge regulations (40 CFR 122.26).

“Outfall” means the point where Georgetown County Storm Water System discharges to waters of the United States.

“Person” means any and all persons, natural or artificial and includes any individual, association, firm, corporation, business trust, estate, trust, partnership, two or more persons having a joint or common interest, state or federal or an agent or employee thereof, or any other legal entity.

“Pollutant” means those man-made or naturally occurring constituents that when introduced to a specific environment creates undesirable effect. Typical pollutants found in storm water include but are not limited to sediment (suspended and dissolved), nutrients (nitrogen and phosphorus), oxygen demanding organic matter, heavy metals (iron, lead, manganese, etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

“Property Owner” or “Owner” means the legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

“Department of Planning & Development” means the Planning & Development Director or any duly authorized representatives.

“Department of Public Services” (Department) means the Public Services Director or any duly authorized representatives.

“Receiving Waters” means all natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater which are located within the jurisdictional boundaries of Georgetown County. Storm water management ponds, wetlands, ditches, and swales constructed for the sole purpose of controlling and treating storm water are excluded.

“Regulation” means any regulation, rule or requirement prepared by the County, and adopted by the Georgetown County Council pursuant to this Article.

“Riparian Areas” means vegetated ecosystems along a waterbody through which energy, materials, and water pass. Riparian areas characteristically have a high water table and are subject to periodic flooding and influence from the adjacent waterbody. These systems encompass wetlands, uplands, or some combination of these two land forms. They will not in all cases have all of the characteristics necessary for them to be classified as wetlands.

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

“Storm water management” means the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this Ordinance and its terms, including, but not limited to measures that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

“Storm Water Management Facilities” means the conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other storm water facilities) which is (a) designed or used for collecting or conveying storm water; (b) not a combined sewer system; and (c) not part of a Publicly Owned Treatment Works (POTW).

“Storm Water Management Plan” or “SWMP” means the set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of storm water and which is incorporated as part of the NPDES permit for Georgetown County and as part of this Article.

“Total Impervious Coverage” means all impervious coverage or impervious surfaces on a site regardless if it is directly connected to each other, and that is not constructed using pervious pavement technology.

“Unincorporated areas” means the areas of Georgetown County that have not been incorporated as a single governing body separate from that of the County. The unincorporated area currently excludes the Town of Andrews, Town of Pawley’s Island, and City of Georgetown.

“Variance” means the modification of the minimum storm water management requirements contained in this Article and the Storm Water Management Program for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.

“Water Quality” means those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

“Water Quantity” means those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

“Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar type areas.

“Working Day” means Monday through Friday, excluding all County-observed holidays.

## **2 Synopses of Referenced Regulations**

### 72-300 Standards for Stormwater Management and Sediment Reduction

These proposed regulations pursuant to the Stormwater Management and Sediment Reduction Act of 1991 establish the procedure and minimum standards for a statewide uniform program for storm water management and sediment reduction with the option of being operated locally. The regulations establish the procedure for local governments or conservation districts to apply for program component delegation. They also establish the criteria to be met for delegation. Minimum standards and specifications are established for land disturbing activities that require a permit.

R. 61-9.122 The National Pollutant Discharge Elimination System

The NPDES program requires permits for the discharge of "pollutants" from any "point source" into "waters of the State" and into "waters of the United States."