

**FACT SHEET**  
**2009 INDUSTRIAL STORM WATER (except construction)**  
**GENERAL NPDES PERMIT; SCR000000**  
South Carolina Department of Health and Environmental Control  
January 7, 2009  
Updated July 31, 2009

**Introduction:**

This fact sheet describes the basis and issuance procedures for reissuance by the South Carolina Department of Health and Environmental Control (SCDHEC) of a National Pollutant Discharge Elimination System Permit (NPDES number SCR000000) for discharge of industrial storm water, except for storm water from construction activity. Storm water for construction activity is covered separately under South Carolina permit SCR100000 (note the 1 after SCR).

An NPDES permit was first issued in South Carolina for industrial storm water with an effective date of October 1, 1992. The permit was reissued in 1998 and 2004, with the latter permit having an effective date of July 1, 2005, because of an appeal of the permit.

The permit which was effective in 2005 expired August 31, 2008. However, that permit continues in effect under item 6.1 of the permit and under South Carolina Regulation 61-9, Water Pollution Control Permits, item 122.6, and will do so until this proposed permit becomes effective, with any appropriate changes based on public participation.

Public comments have been received and reviewed, and the SCDHEC anticipates final approval of the Industrial Storm Water Permit by mid-August 2009.

**Permit Basis:**

This permit would be available to facilities throughout South Carolina.

This permit is based on requirements in the Federal Clean Water Act, 33 U.S. Code §§ 1251 et seq., and the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., that discharges of pollutants apply for and receive permits for the discharges. Additional requirements are established in South Carolina Regulation 61-9, Water Pollution Control Permits, and especially S.C. R.61-9.122.26 Storm Water Discharges.

Further, this permit is essentially patterned after the U.S. Environmental Protection Agency (EPA) Multi-Sector General NPDES Permit (MSGP) for industrial storm water issued September 29, 2008. See the EPA permit at [http://www.epa.gov/npdes/pubs/msgp2008\\_finalpermit.pdf](http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf) and the EPA fact sheet for the permit at [http://www.epa.gov/npdes/pubs/msgp2008\\_finalfs.pdf](http://www.epa.gov/npdes/pubs/msgp2008_finalfs.pdf).

The EPA permit, and similarly, the South Carolina permit, is completely reformatted and renumbered from previous permits. Numbering of the South Carolina permit is almost identical to that of the EPA MSGP 2008 with a few additions and deletions.

Major changes in the proposed permit from the previous permit, based on the EPA MSGP, are:

The proposed permit would allow discharge of storm water which is specifically regulated by effluent limitations guidelines under 40 CFR Part N (40 CFR 400 to 471) for the subparts which are included in Table 1.1 of the proposed permit. This is specifically prohibited under the present permit. Such discharges would have numeric effluent limits in the permit and would have to monitor their discharges periodically and report the results to the Department.

Permittees in all sectors covered by the permit would have to monitor their storm water discharge and meet numeric benchmarks on the parameters monitored.

Additional differences are stated below.

#### **Activities Covered by the Permit:**

The Department may designate a particular facility to obtain an NPDES permit, such as coverage under the permit under S.C. R.61-9.122.26(a)(1)(v), even though the facility does not meet a definition of a category of activities generally required to be covered by a permit. Such a designation would be made where there is a concern, as defined in the regulation, for the discharge to cause a water quality problem. However, this has been done very rarely, and it is expected that this would continue to be the case.

The specific facilities described below are relisted in the permit in a somewhat revised manner (taken directly from the EPA MSGP) in Appendix D. Specific facilities which must obtain permit coverage are described in South Carolina regulation at R.61-9.122.26(b)(14):

"(14) "Storm water discharge associated with industrial activity" means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under this regulation. For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate

product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (b)(14)(i) through (xi) of this section) include those facilities designated under the provisions of paragraph (a)(1)(v) of this section. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of paragraph (b)(14):

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) in paragraph (b)(14) of this section);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (b)(14)(i)-(vii) or (ix)-(xi) of this section are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under R.61-9.403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;

*(Item x is excluded from this permit; see above. Also, small construction activity, between one (1) acre and five acres, is excluded from this permit.)* (x) Construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25."

### **Major Changes in the Proposed Permit from the 2005 South Carolina Permit:**

1. Monitoring and benchmark concentrations are set for all facilities covered by the proposed permit. Many facilities were not required by the 2005 S.C. permit to monitor their storm water discharge. Most benchmarks are the same as those established in the EPA MSGP.

2. The proposed permit would add fecal coliform monitoring and a benchmark (the Freshwater stream standard) for domestic wastewater treatment plants, meat packing (animal killing) plants, wool scouring (textile) plants, and raw hide (leather) plants.

3. The proposed permit would require **annual** reporting for those with effluent limits, rather than EPA's "within 30 days of receiving data".

4. The proposed permit would eliminate toxicity testing which was included in the existing permit for some facilities. (Toxicity testing is also not included in the EPA MSGP [any date]). Eliminating toxicity testing does not constitute "backsliding" (see S.C. R.61-9.122.44(1), which prohibits backsliding), as there is no effluent limit in the existing permit.

5. Under the new permit, coverage would occur in 17 days after submittal (post mark) of the NOI, rather than 30 days as U.S. EPA proposes
6. The name of permit will be the IGP (Industrial Storm Water General NPDES Permit [except construction]), not MSGP.
7. The proposed permit would provide a schedule of compliance for new requirements; that is, requirements which were not in the 2005 S.C. permit.
  - a. This would include the limits for categories which did not previously have limits.
  - b. There will be no schedule of compliance for coal pile runoff, as these were in the previous permit.
  - c. It would also include category-specific BMP, which were not included in the previous S.C. permit.
  - d. The schedule should provide a year to comply with limits.
  - e. It should require installation of BMP "as soon as possible, but not later than one (1) year".
8. The Endangered Species Act sections of the MSGP are proposed to be included in IGP 2009.
9. The proposed permit would remove the **mineral mining** sector and refer to S.C. Mineral Mining General NPDES Permit, SCG730000.
10. The proposed permit would remove the **coal mining** sector, as there is no coal mining now and there is no significant deposit of coal in S.C., per Craig Kennedy, manager of the mine permitting program in the DHEC Bureau of Land and Waste Management. Similarly for the **oil and gas** extraction sector.
11. The proposed permit would require that **storm water ponds** installed under a construction-activity storm water permit be kept and maintained for industrial operation.
12. A table stating the **laboratory parameter codes** for parameters required to be monitored by the permit and any additional parameters to be monitored based on stream impairment has been included in the permit draft.
13. The Notice of Intent (**NoI**) and Notice of Termination (**NoT**) for the new permit will not be included as part (appendices, for EPA) of the permit.
14. **New storm water discharges** to impaired waters must obtain concurrence from the Department that the discharge will be suitable before submitting an NOI.
15. a. Dischargers to **all impaired waters**, not just those with approved TMDL as in the present permit, are required to monitor for appropriate parameters. Corrective action is required if the discharge exceeds standards, but no submittal of monitoring data is required.

b. However, monitoring is not required for discharges to **waters impaired for "bio"** (instream biological, based on macro-invertebrate stream study), until a TMDL related to the site is issued or a procedure is developed to determine in general the monitoring requirements for bio impairment.

c. The new permit will continue the exemption from monitoring for dischargers which would not contribute the pollutant of concern to the impaired receiving water body.

16. Specific **frequencies for permittee inspections** would be stated in sector requirements (Part 4); commonly, monthly, but weekly is also occasionally required.

17. **Regional offices** for the counties of S.C. and phone numbers for the offices are listed in the permit.

18. In BMP for junkyards, vehicle salvage, the new permit would require that vehicles be drained as soon as possible, but within two working days.

19. Listing information required in NoI, NoT

20. The proposed permit would require that each permittee review the S.C. list of approved TMDL in each annual evaluation and carry out monitoring and consequent actions.

#### **Differences between Proposed Permit and EPA MSGP 2008:**

1. a. No reporting of the monitoring required for benchmarks or stream quality is to be required under the proposed permit. No resources within the agency are available for the review of such data and there is no prospect of obtaining such resources, as any fee increase is expected to be anathema to the South Carolina Legislature.

b. No annual report of facility inspections or corrective actions is proposed for the permit. Rather, monitoring and a benchmark for TSS have been proposed for all sectors, similar to the 2005 draft U.S. EPA MSGP.

2. Add fecal coliform monitoring and a benchmark (the Freshwater stream standard) for domestic wastewater treatment plants, meat packing (animal killing) plants, wool scouring (textile) plants, and raw hide (leather) plants.

3. The proposed permit will require **annual** reporting for a particular facility for those parameters with effluent limits, rather than EPA's "within 30 days of receiving data".

4. a. Coverage will occur in 17 days after submittal (post mark) of the NoI, rather than 30 days as U.S. EPA proposes.

b. There is not proposed to be any public notice of individual coverages.

5. The proposed permit will include a specific allowance for pavement deicing (see permit item 5.1.3.5), which is taken from S.C. IGP 2005 (item 3.4.H).

6. The requirement to submit information related to the Endangered Species Act is eliminated in the proposed permit.

6. The historic preservation sections of the MSGP are proposed to be removed and reserved.

7. The proposed permit would provide a schedule of compliance for new requirements; that is, requirements which were not in the 2005 S.C. permit.

a. This would include the limits for categories which did not previously have limits.

b. There will be no schedule of compliance for coal pile runoff.

c. It would also include category-specific BMP, which were not included in the previous S.C. permit.

d. The schedule should provide a year to comply with limits.

e. It should require installation of BMP "as soon as possible, but not later than one (1) year after the effective date of the permit".

8. The proposed permit would remove the **mineral mining** sector and refer to S.C. Mineral Mining General NPDES Permit, SCG730000.

9. The proposed permit would remove the **coal mining** sector, as there is no coal mining now and there is no significant deposit of coal in S.C., per Craig Kennedy, manager of the mine permitting program in the DHEC Bureau of Land and Waste Management. Similarly for the **oil and gas** extraction sector.

10. MSGP requirements related to New Source performance Standards , permit item 1.1.2.5, have been revised to eliminate any requirement related to the National Environmental Policy Act (NEPA).

11. There is a fee required by S.C. Regulation 61-30, Environmental Protection Fees, for submittal of the No-exposure Certification (NEC) for each five-year period. The fee is presently \$350 for each five-year period.

12. Definitions were added in Appendix A for "Waters of the State" and "Waters of the United States".

13. For Standard Permit Conditions, Appendix B, the specific language of S.C. regulation was substituted for the reformatted language of the MSGP, with some revisions related to differences in the EPA and S.C. regulations. References in sections 1 to 7 of the permit were also revised to match the regulation language.

### **Administrative Considerations:**

The receiving streams for the various permittees may be classified any class stated in South Carolina Regulation 61-68, Water Classifications and Standards, except that no discharge

is allowed to streams classed Outstanding National Resource Waters (ONRW). Below is an outline description of all S.C. water classifications allowing an industrial storm water discharge. (excludes ONRW) (*See S.C. Regulation 61-68 for additional descriptions and restrictions.*): I. Non-salt waters (*generically, fresh waters*): A. "Outstanding resource waters (ORW)" (*fresh*) - excludes domestic, industrial, and agricultural wastewater discharges; B. "Trout: 1. "Natural (TN)", 2. "Put, grow, and take (TPGT)", 3. "Put and take (TPT)"; C. "Fresh waters (FW)" - for properly treated domestic, industrial, and agricultural wastewater discharges. D. General uses for all of the above: 1. for drinking water supply after conventional treatment in accordance with the requirements of the Department; 2. suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora ; 3. for primary and secondary contact recreation . II. Salt waters: A. "Outstanding resource waters (ORW)" (*brackish or salt*) - excludes domestic, industrial, and agricultural wastewater discharges; B. "Shellfish harvesting waters (SFH)" - harvesting of shellfish, including for market purposes or human consumption - fecal coliform restrictions; C. "Tidal saltwater": 1. "SA"; 2. "SB" - lower dissolved oxygen, etc. (than SA). D. General uses for all of the above: 1. suitable for crabbing and fishing and the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora; 2. for primary and secondary contact recreation.

The Department has made a preliminary determination that these storm water discharges are necessary to important economical or social development, and they will be allowed if water quality necessary for existing and classified uses will be maintained and protected consistent with Antidegradation Rules. The Department is seeking comment on this preliminary finding. In accordance with the Section D.(2), Antidegradation, of the State Water Quality Standards, this notice provides public participation and intergovernmental coordination for this decision.

Persons wishing to comment on or object to permit coverage or to the proposed permit conditions are invited to submit the same in writing within thirty (30) days of the date of this notice to the attention of: Mel Leaphart, SC DHEC; Outreach, Stormwater, Agricultural, and Dams Permitting Division, 2600 Bull Street, Columbia, South Carolina 29201, Telephone: 803/898-4143. The NPDES permit number should be placed at the top of the first page of comments. If there is a significant degree of public interest in the permit, the Department will hold a public hearing.


NOTE: DHEC is not involved in zoning or land use issues. Please contact your Local County or Municipal officials for questions or concerns on these issues.

All comments received within the 30-day period will be considered in the formulation of final determinations regarding the permit. All persons submitting written comments will be notified of the final determinations. Requests for adjudicatory hearings may be filed after the above-described determinations have been made. Additional information regarding adjudicatory hearings is available from the Legal Office at the above Department address or by calling 803/898-3350.

Additional information on proposed permit determinations and on hearing procedures is available by writing or calling the Department at the above address or telephone number. This Notice is also posted on

<http://www.scdhec.gov/environment/water/publicnote/html/eqpnwater.asp?SortBy=title&PFilter=sw>. ) A copy of a specific application or draft permit of interest to an individual, organization, or company must be requested in writing. A fee schedule has been established for processing these requests: reproduction of documents - \$0.25 per page. Requests must be mailed to the Freedom of Information Office at S.C. DHEC, 2600 Bull Street, Columbia, SC 29201, phone number: 803-898-3882; or requests may be faxed to the Freedom of Information Office at 803-898-3816. Arrangements can be made to review all the permit information at the Freedom of Information Office on the third floor of the Sims Building across from Peoples Auditorium.

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