

# Greenville County

## Revised Storm Water Management Ordinance

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## **DIVISION 1 – GENERAL PROVISIONS**

### **Sec. 8-51. Title.**

This Ordinance shall be known as the Storm Water Management Ordinance of Greenville County, South Carolina.

### **Sec. 8-52. Authority.**

This Ordinance is adopted pursuant to the authority conferred upon the County of Greenville (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 thereunder.

### **Sec. 8-53. Findings.**

Greenville County Council makes the following findings:

1. Uncontrolled storm water runoff may have significant, adverse impact on the health, safety and general welfare of Greenville County and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion or flooding.
2. The County of Greenville is required by federal law [33 U.S.C 1342(p) and 40 CFR 122.26] to obtain a National Pollutant Discharge Elimination System permit from the South Carolina Department of Environmental Services (“DES”), formerly known as South Carolina Department of Health and Environmental Control (“DHEC”), for storm water discharges from the Greenville County Storm Water System. The NPDES permit requires the County to impose controls to reduce the discharge of pollutants in storm water to maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants.
3. Additionally, certain facilities that discharge storm water associated with an industrial activity, including land disturbing activities, are required to obtain NPDES permits. Also, the South Carolina Storm Water Management and Sediment Reduction Act [S.C. Code 48-14-10 et. seq.] requires a state permit for certain land disturbing activities.

### **Sec. 8-54. Purpose.**

1. It is the purpose of this Ordinance to protect, maintain, and enhance the environment of Greenville County and the short-term and long-term public health, safety, and general welfare of the citizens of Greenville County by establishing requirements and procedures to control the potential adverse effects of increased storm water runoff associated with both future 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 mitigating associated pollutant, flooding and drainage impacts.

2. 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 ensure that Greenville County has 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 Greenville County to establish legal authority which authorizes or enables Greenville County at a minimum to:
  - a. Control the contribution of pollutants to the Greenville County MS4 and receiving waters by storm water discharges associated with residential, commercial, industrial, and related facilities activity and the quality of storm water discharged from sites of residential, commercial, industrial, and related facilities activity;
  - b. Prohibit illicit discharges to the Greenville County MS4 and receiving waters;
  - c. Control, the discharge to the Greenville County MS4 and receiving waters of spills, dumping or disposal of materials other than storm water;
  - d. Control, through intergovernmental agreements, contribution of pollutants from one municipal storm water system to another;
  - e. Require compliance with conditions in ordinances, permits, contracts or orders;
  - f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to Greenville County MS4 and receiving waters.
3. The application of this Ordinance and the provisions expressed herein shall be 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 these minimum requirements will not provide adequate designs or protection for local property or residents, it is the responsibility of the Owner and the Operator to provide appropriate management practices, control techniques and system, design and engineering methods and such other programs and controls as are required by Greenville County's NPDES permit.
4. This Ordinance is to be construed to further its purpose of controlling and reducing pollutant discharges to the Greenville County MS4 and thus to the Waters of the State to assure the obligations under its NPDES permit issued by the Department of Environmental Services (DES) as required by 33 USC 1342 and 40 CFR 122.26.

**Sec. 8-55. Construction and Scope.**

1. It is the goal of the Greenville County Council that the provisions of this Ordinance will result in reduction of the discharge of pollutants to the Greenville County MS4 and thus its receiving waters to the maximum extent practicable using management practices, control techniques and system, design and engineering methods and such other programs and controls as are required by Greenville County's NPDES permit.

2. The application of this Ordinance, the provisions expressed herein, and the Federal and State storm water regulations shall be minimum storm water management requirements and shall not be deemed a limitation or repeal of any other ordinances of Greenville County or powers granted to Greenville County by the State of South Carolina statutes, including, without limitation, the power to require additional or more stringent storm water management requirements.
3. This Ordinance is also construed to further its purpose of controlling storm water runoff in Greenville County to reduce flooding using best management practices, control techniques and system, design and engineering methods and such other programs and controls as necessary to achieve this goal.
4. The provisions of this Ordinance shall apply throughout the unincorporated areas of Greenville County and within any Municipality that chooses to participate as a Co-Permittee with the County in its NPDES permit.
5. The Director shall be primarily responsible for the coordination and enforcement of the provisions of this Ordinance, the Greenville Storm Water Management Program, and Greenville County's NPDES permit.

**Sec. 8-56. 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 such court to be invalid or unconstitutional.

**Sec. 8-57. Prohibitions and Exemptions.**

1. No person shall (1) develop 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 provided for compliance with this Ordinance and with any program, plan, permit, or regulation of the Greenville County Storm Water Management Program (SWMP) adopted in accordance with this Ordinance.
2. The following development activities are exempt from the provisions of this Ordinance:
  - a. Construction or improvement of single family residences or their accessory buildings which are separately built and not part of a larger common plan of development or sale and which are anticipated to disturb an area of less than 5,000 square feet.
  - b. 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, except if retail sales will be part of the activity on the parcel, supports Agritourism or the construction of an agricultural structure resulting in the disturbance of one or more acres of land are not exempt from the provisions of this Ordinance.

- c. Land disturbing activities undertaken on forestland for the production and harvesting of timber and timber products. For sites that are substantially cleared of trees, pursuant to legitimate forestry activities, no land development applications that would result in a change from forestland to non-forest or non-agricultural use shall be approved for 12 months after the date the clearing is completed, in accordance with S.C. Section 48-23-205 (C)(1a)(a.).
- d. Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
- e. Certain land disturbing activities undertaken by persons who are exempt from the provisions of the Storm Water Management and Sediment Reduction Act as set forth in Section 48-14-40 of the 1976 Code of Laws of South Carolina as amended.

**Sec. 8-58. Contiguous Property.**

In order to preclude inappropriate phasing of developments to circumvent the intent of this Ordinance, when a proposed development activity will occur on a lot or parcel that has contiguous lots or parcels of lands owned in whole, or in part, by the same property owner, the criteria defined in Section 8-68 will be applied to the total land area comprising the contiguous lots or parcels of lands. The criteria defined in Section 8-68 also applies to any development regardless of size or disturbed area that is part of a larger common plan of development or sale.

**Sec. 8-59. Design Standards.**

The Director shall develop, maintain, implement, and enforce such design or engineering standards, as may be required, that is consistent with the Storm Water Management Program and provides a sound technical basis for the achievement of storm water management and water quality objectives.

1. The Director shall develop and maintain a Storm Water Management Design Manual in accordance with the approved Storm Water Management Program. The Storm Water Management Design Manual shall serve as guidance for the design, construction, and maintenance of facilities which discharge storm water. The Storm Water Management Design Manual shall be used to assist in the design and evaluation of storm water management facilities in the County of Greenville. The Storm Water Management Design Manual will include, but not be limited to, guidance in selecting environmentally sound practices for managing storm water. Description of specific techniques and practices shall be included. Use of techniques emphasizing use of natural systems shall be encouraged.

Best Management Practices (BMPs) can be either structural or non-structural and may be enforced by specific prescription in zoning requirements, subdivision regulations, or on a site-specific basis as may be prescribed to meet Storm Water Management Program objectives. The Storm Water Management Design Manual shall be updated periodically to reflect the most current and effective practices and shall be made available to the public. The Storm Water Management Design Manual is not designed to replace the need for engineering judgment. Other accepted best management practices may be used and will be encouraged if they equal or exceed the performance of practices contained in the Storm Water Management Design Manual and they are approved by the Director.

Although the intention of the Storm Water Management Design Manual is to establish uniform design practices, 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 hydrologic and hydraulic studies if approved by the Director. The Manual will include, but not be limited to:

- a. Guidance and specifications for the preparation of comprehensive storm water pollution prevention 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;
  - 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. Post-development performance standards for storm water management facilities and practices. Methodology/criteria for evaluation will include (1) hydrologic and hydraulic evaluations; (2) evaluation of best management practices (BMPs); and (3) evaluation of downstream impacts.
2. The Director shall develop and maintain a Best Management Practices (BMP) Field Manual in accordance with the approved Storm Water Management Program. The BMP Field Manual shall serve as a during construction guidance document for inspectors and contractors for the installation, construction, and maintenance of BMP's which discharge storm water. The BMP Field Manual is not designed to replace the need for engineering judgment. Other acceptable management practices may be used and will be encouraged if they equal or exceed the performance of practices contained in the Storm Water Management Design Manual and they are approved by the Director.

**Sec. 8-60. Definitions.**

Within the context of this Ordinance, the following words and terms shall have the meanings set forth except where specifically indicated. Words and terms not defined shall have the meanings indicated by common dictionary definition. For the purpose of this Ordinance, definitions contained in South Carolina regulations 61-9.122.2 and 72-301 are incorporated herein by reference, as needed and applicable.

1. "Accidental Discharge" means a discharge prohibited by this article into the Greenville County Storm Water System or receiving waters, which occurs by chance and without planning or consideration prior to occurrence.
2. "Action Area" means All areas to be affected directly or indirectly and not merely the immediate area involved in the action. The following areas are included in the definition of action area: (A) The areas on the construction site where stormwater discharges originate and flow towards the point of discharge into the receiving waters. This includes areas on the construction site where excavation, site development, or other ground disturbance activities occur; and areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls and the immediate vicinity. (B) The areas in the vicinity of the construction site where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (C) The extent of the receiving water potentially affected by stormwater discharges from your



construction site through alteration of water chemistry, turbidity, temperature, or bank structure, regardless of whether the construction site is adjacent to the receiving water.

3. “Agritourism” means activities conducted on a working farm, ranch, or other agricultural activity that offer opportunities to the general public or invited groups for education, entertainment, recreation and/or active involvement in the farm operation while generating income for the farm or business owner.
4. “Applicant” means a person, firm, or governmental agency who applying to the MS4 to obtain approval of a permit for a land disturbing activity and to obtain approval to discharge (including storm water) into the Waters of the State.
5. “Application” means the application form entitled Notice of Intent (NOI) or other specific uniform NPDES application form created or adopted by the MS4, including subsequent additions, revisions, or modifications.
6. “As-Built Plans or Record Documents” means a set of engineering or site drawings that delineate the specific permitted storm water management facility as actually constructed.
7. “Best Management Practices” (BMPs) means a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices to prevent or reduce the discharge of pollutants to Surface Waters of the State. BMP’s also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage in order to effectively reduce erosion and sedimentation impacts. Best Management Practices (BMPs) must be designed, installed and maintained during land disturbing activities.
8. “Best Management Practices Manual” or “BMP Manual” means the most recent County manual of installation, construction, and maintenance for storm water best management practices.
9. “Blue-line Stream” is a stream that appears as a broken or solid blue line (or purple line) on a USGS topographic map. Streams do not have to be “blue-line” to be considered jurisdictional. While topographic maps may be helpful for some streams, a stream does not have to appear on a map to be regulated by SCDES or USCOE.
10. “Storm Water Management Design Manual” or “Design Manual” means the most recent Greenville County manual for design, performance, and review criteria for storm water best management practices.
11. “Borrow and Fill Area” means areas where erodible materials (typically soil) are dug for use as fill and the areas where the fill is used, either on-site or off-site. There is no processing or separation of the erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, borrow and fill areas are considered construction activity for the purpose of this Ordinance.
12. “Buffer Zone” is an area, strip, or plot of dense undisturbed perennial native vegetation, either original or reestablished, surrounding streams and rivers, ponds and lakes, wetlands, seeps, or other surface waters that borders Jurisdictional Surface Waters of the United States within which construction activities are restricted, and which are further defined in 8-69 below. Buffer zones are established for the primary purposes of protecting water quality and

maintaining a healthy aquatic ecosystem in the runoff, enhancing water infiltration, and minimizing the discharge of potential sediment, nutrients or pollutants to receiving surface waters.

13. “Certified Erosion Prevention and Sediment Control Inspector” or “CEPSCI” or “Inspector” means a person certified by the State or SCDES through a Construction Site Inspectors Certification Course approved by SCDES. Performs and documents required inspections of storm water management construction activities paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. May also be referred to as Inspector.
14. “Channel” is a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated water flow or a ditch or canal excavated for the flow of water.
15. “Clean Water Act” means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C §1251 et. seq.
16. “Clearing” means the removal of vegetation and disturbance of soil prior to grading or exaction in anticipation of construction activities and/or non-construction activities. (For instance, clearing forested land in order to convert forestland to pasture for wildlife management purposes would be considered clearing in anticipation of non-construction activities.) In reference to this Ordinance, clearing do not refer to clearing of vegetation and disturbance of soil along existing or new roadways, highways, dams or power lines for sight distance or other maintenance and/or safety concerns, or cold milling of roadway pavement surfaces.
17. Comprehensive Storm Water Pollution Prevention Plan (C-SWPPP) as used in this Ordinance means the Storm Water Pollution Prevention Plan (SWPPP) prepared according to requirements outlined in this Ordinance and SCDES’s General Construction Permit Requirements. The comprehensive SWPPP must be submitted with the Notice of Intent (NOI) and must include the Engineering Report (project design calculations). This document must be submitted and approved by SCDES and the County prior to obtaining NOI coverage.
18. “Contractor” means a person, group, company, etc. hired by the Developer to commence and complete construction activities cover by this Ordinance.
19. “County” means Greenville County, South Carolina.
20. “County Council” mean the elected officials of Greenville County, South Carolina.
21. “Critical Habitat” means the specific areas within the geographical area currently occupied by a species, at the time it is listed in accordance with the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations, and specific areas outside the geographical area occupied by a species at the time it is listed upon determination by the Secretary that such areas are essential for the conservation of the species.
22. “Design Storm” means a Soil Conservation Service Type II, 24 hour duration storm with a specified return interval or as otherwise specified by the Director.

23. “Detention Structure” means a permanent storm water management structure whose primary purpose is to temporarily store storm water runoff and release the stored runoff at controlled rates.
24. “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;
  - 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; or
  - 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.
25. “Director” means the Greenville County Assistant Administrator for Community Planning, Development and Public Works or any of that person’s duly authorized representatives.
26. “Direct Discharge” means the “discharge of a pollutant” from the source directly into a receiving water body.
27. “Discharge” means any discharge or discharge of any sewage, industrial wastes or other waste into the Greenville County MS4 and thus its receiving waters of the State, whether treated or not. When used without qualification, means the “discharge of a pollutant.”
28. “Discharge of a Pollutant” as defined at §122.2 of SC Regulation 61-9:
- a. Means
    - i. Any addition of any pollutant or combination of pollutants to Waters of the State from any point source; or
    - ii. Any addition of any pollutant or combination of pollutants to the Waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
  - b. Includes additions of pollutants into Waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.
29. “Discharge of Storm Water Associated with Construction Activity” refers to a discharge of pollutants in storm water from areas where land disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles,

- borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.
30. “Ditch” is a man-made channel other than a modified natural stream. They are constructed for drainage purposes and typically dug through inter-stream divide areas. They may exhibit characteristics similar to streams.
  31. “Easement” means a grant or reservation by the owner of land for the use of such land by others for a specific purpose, and which must be included in the conveyance of land affected by such easement.
  32. “Erosion” means the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.
  33. “Ephemeral Stream” is a stream that general have defined natural water course that flow only in direct response to precipitation (rainfall or snowmelt) in which discrete periods of flow persist no more than 29 consecutive days per event and whose channel is at all times above the water table
  34. “Final Stabilization” means that all land disturbing activities at the construction site have been completed and that on all areas not covered by permanent structures, either of the following two criteria is met:
    - a. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover has been established excluding areas where no natural background vegetation cover is possible (e.g. on a beach); or
    - b. Equivalent permanent stabilization measures (such as the use of landscape mulch, riprap, pavement or gravel) have been implemented to provide effective cover for exposed portions of the construction site not stabilized with vegetation.
    - c. For individual lots in residential construction, final stabilization means that either:
      - i. The homebuilder has achieved final stabilization on all portions of the lot; or
      - ii. The homebuilder has established temporary stabilization including perimeter controls for a residential lot(s) have been achieved prior to occupation of the home by the homeowner and that the homeowner has been informed by the Primary/Secondary Permittee about the need for, and benefits of, final stabilization.
    - d. For construction Projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), either:
      - i. Final stabilization has been accomplished by returning the disturbed land to its preconstruction agricultural use; and
      - ii. For any areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “Surface Waters of the State,” and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) or (3) above.

- e. Land disturbance activities were never initiated on the construction site and the construction site remains permanently stabilized
35. “Construction General Permit” (GCP) as defined at §122.2 of SC Regulation 61-9 means an NPDES Permit issued under Section 122.28 authorizing a category of discharges or activities under the PCA and CWA within a geographical area.
36. “Grading” means excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
37. “Greenville County Storm Water System” means the conveyance or system of conveyances (including drainage systems associated with roads, 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 the Greenville County; (b) owned or operated by municipalities in Greenville County which have entered into inter-governmental agreements with Greenville County for the operation of their storm water system; (c) designed or used for collecting or conveying storm water and located within the county’s road right of way ; (d) which are not a combined sewer system; and (e) is not part of a Publicly Owned Treatment Works (POTW).
38. “Green Infrastructure (GI)” is an approach to water management that protects, restores, or mimics the natural water cycle by utilizing the absorbing and filtering ability of plants, trees, and soil to protect water quality, reduce runoff volumes, and recharge groundwater supplies.
39. “Illicit connection” means a connection to the Greenville 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 (other than the NPDES permit for the Greenville County Storm Water System).
40. “Illicit discharge” means any activity which results in a discharge to the Greenville County Storm Water System or receiving waters that is not composed entirely of storm water except:
- a. Discharge pursuant to an NPDES permit (other than the NPDES for the Greenville County); and
  - b. Discharges resulting from the fire-fighting activities.
  - c. Other allowable unpolluted discharges as determined by the director including but not limited to groundwater, hydrant or water line flushing, condensate discharge, etc.
41. “Impaired Waters” means waters identified by a State, Tribe or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards to support classified used as promulgated in Regulations 61 – 68. Water Classifications and Standards and Regulations 61 – 69 Classified Waters impaired waters include both waters with approved or established TMDLs and those for which a TMDL has not yet been approved or established. A list of the streams and lakes not meeting water quality standards can be found on SCDES’s website.
42. “Impervious Surface” means any land surfaces with a low or no capacity for storm water infiltration, including but not limited to, building rooftops, sidewalks, impervious pavement, impervious parking areas and driveways and packed gravel and soil).

43. “Improper disposal” means any disposal other than through an illicit connection that results 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.
44. “Infiltration” means the passage or movement of water through the soil or media profile.
45. “Inspector” means a person certified by the State or Department through a Construction Site Inspector Certification Course approved by SCDDES. An Inspector performs and documents required inspection of storm water construction activities or post construction BMP’s paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities.
46. “Intermittent Stream” (seasonal stream) is a stream that generally have defined natural water course which do not flow year around but flow at certain times of the year when ground water provides water for stream flow, as well as during and immediately after some precipitations events or snowmelt.
47. “Jurisdictional” means that the US Army Corp of Engineers (USACE or Corps) determined the water body fall under their definition of waters of the United State. SCDHEC has determined the presence and location of water bodies that falls under their definition of waters of the State or the United States. Jurisdiction may overlap and be concurrent with both levels of government or it may be reposed only to the state. Typically only Perennial, Intermittent and Modified Natural streams are regulated by SCHEs and the US Army Corps of Engineers.
48. “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 sediment and alter the quality and quantity of storm water runoff. Such activities include but are not limited to clearing, removal of vegetation that disturbs the soil, striping, grading, grubbing, excavation, filling, logging and storing of materials. Clearing of areas where soils are not exposed and an adequate vegetative structure is left in place is not considered land disturbance, provided that the clearing is not in anticipation of other construction activities such as grubbing and grading.
49. “Land Disturbance Permit” means the instrument issued by Greenville County that grants an Operator the right to perform land disturbance activities once Greenville County has reviewed the applicant’s submitted SWPPP to ensure that it complies with federal, state and county requirements.
50. “Larger Common Plan for Development or Sale” (LCP) is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities which may occur on a specific plot.
- a. A common plan for development or sale identifies a site where multiple separate and distinct construction activities (areas of disturbance) are occurring on contiguous areas. Such site may have one Operator or Owner or several Operators and Owners. Construction activities may take place at different times on different schedules, in separate stages, and/or in separate phases, and/or in combination with other construction

activities. Each Developer, Operator or Owner for each Site or Project determined to be a part of a LCP are subject to permitting requirements as defined by this Ordinance.

- b. Projects and sites identified as part of a larger common plan for development or sale are linked thru permitting by Greenville County as part of one plan, referred to as the larger common plan. LCP projects must ensure that adequate storm water management facilities are designed into the Project(s) or Site(s) to control pollution and protect water quality during all stages or phases of development. Project or sites added as part of a LCP may be required to expand existing or provide additional storm water management facilities to control pollution from land disturbance activities from other contiguous areas or proposed additional phases as required by this Ordinance.
  - c. LCP projects are typically identified by the documentation that identifies the scope of the project including such things as plats, blueprints, marking plans, contracts, building permits, public notice or hearing, and zoning requests. If master calculations have been prepared and/or submitted for an entire site, then all phases and parcels at that site would be considered part of a LCP.
51. "Landowner" means an owner of real property.
52. "Low Impact Development" (LID) means an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible, the LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions.
53. "Mass Grading" is the movement of earth as a part of construction activities altering the topographic features of a site, including elevation and slope, in order to prepare the site to be pad ready and prepared for fine grading/construction activities. Soils are heavily disturbed and compacted in this process.
54. "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.
55. "Maintenance Agreement" means a written contract between the Responsible Party and the County to perform any action necessary to maintain storm water management facilities and/or Best Management Practices in proper working condition as described in the Storm Water Management Design Manual, in order to serve the intended purposes as originally designed, and as set forth in this Ordinance.
56. "Minimize" means to reduce and/or eliminate to the extent achievable using storm water controls (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

57. “Modified Natural Stream” is a channelization or relocation of a stream where consequently the flow is relocated. They exhibit characteristics commonly associated with the continuous conveyance of water.
58. “Municipal Separate Storm Sewer System” or “MS4” as defined at §122.26(b)(8) of SC Regulation 61-9 means a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
- a. Owned and /or operated by a State, city, town, borough, county, parish, district, association or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or disposal of storm water or other wastes as designated under section 208 of the CWA that discharges to Surface Waters of the United States;
  - b. Designed or used for collecting or conveying storm water;
  - c. Which is not a combined sewer; and
  - d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at §122.2 of SC Regulation 61-9.
59. “Non-Structural Storm Water Method or Practice” means storm water runoff treatment techniques that use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.
60. “National Pollutant Discharge Elimination System” (NPDES”) as defined at §122.2 of SC Regulation 61-9 means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307,402,318, and 405 of National Pollutant Discharge Elimination System. See “Clean Water Act.” The term includes an “approved program.”
61. “New Owner or New Operator” means an Operator or Owner that replaces an existing Operator or Owner on a construction project through transfer of ownership and/or operation.
62. “NPDES Permit” means the NPDES permit for storm water discharges issued to Greenville County by SCDES pursuant to the Clean Water Act and the federal storm water discharge regulations (40 CFR 122.26) for all point source discharges into surface waters, and shall constitute a final determination of SCDES.
63. “One Hundred Year Frequency Storm” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as an exceedance probability with a 1 percent chance of being equaled or exceeded in any given year. Likewise a 100 year 24-hours storm event means the maximum 24-hour precipitation event with a probable recurrence interval of once in one hundred years.
64. “Operator” in context of Storm Water associated with construction activity, means any party associated with a construction project that meets one of the following two criteria:



- a. The person has operational or design control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs and specifications by a qualified individual. This person is typically the Owner or Developer of the project or a portion of the projects (subsequent builders), and is considered the Primary Permittee; or
  - b. The person has day-to-day operational control of those activities at a construction site which are necessary to ensure compliance with a SWPPP for the site or other permitted conditions. This person is often referred to as the Operator of Day-to-Day Site Activities and is typically a contractor or a commercial builder who is hired by the Primary Permittee. This person is considered a Secondary Permittee.
65. "Outfall" means a point source where Greenville County Storm Water System discharges into a receiving body of water. For the purpose of construction activities outfall means a point source at the discharge point of a waste stream, sewer, or drain into a receiving body of water.
  66. "Owner or Operator" means the Owner or Operator of any "facility or activity" subject to regulations under the NPDES program.
  67. "Perennial Stream" is a stream or river channel that has continuous flow in parts of its bed all year-round during years of normal rainfall. Base flow is maintained by ground water discharge, as the stream channel is usually below the water table.
  68. "Person" means any and all persons, natural or artificial and includes any individual, association, firm, public or private corporation, business trust, estate, trust, partnership, industry, two or more persons having a joint or common interest, political subdivision, municipality, state or federal or an agent or employee thereof, or any other legal entity whatsoever.
  69. "Pollutant" as defined at §122.2 of SC Regulation 61-9 means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Typical construction site pollutants include sediment, oil and grease, pesticides and fertilizers, pollutants from construction wastes, and pollutants from construction materials.
  70. "Pollution Control Act" (PCA) as defined at §122.2 of SC Regulation 61-9 means the South Carolina Pollution Control Act (PCA), S.C Code Ann. Section 48-1-10 et seq. (1976).
  71. "Post-Development" means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction storm water runoff.
  72. "Pre-Development" means the conditions which existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.
  73. "Primary Permittee" means the person that has operational control over construction plans, SWPPPs and specifications, including the ability to request modifications to those plans,

SWPPPS and specifications, by a qualified individual. This person is typically the Owner or Developer of the project or a portion of the project (subsequent builders).

74. "Receiving waters" means the waters into which the Greenville County Storm Water System outfalls flow and which are located within the jurisdictional boundaries of Greenville County and include, without limitation, the lakes, rivers, streams, ponds, wetlands, and groundwater of Greenville County.
75. "Redevelopment" means a land disturbance activity that alters the current use of the land but does not necessarily alter the pre-development runoff characteristics.
76. "Regulation" means any regulation, rule or requirement prepared by County, and adopted by the Greenville County Council pursuant to this Article.
77. "Responsible Party and/or Responsible Parties" means any Property (lot) Owner of a development, as defined in the original approved Storm Water Management Plan, Storm Water Pollution Prevention Plan, Maintenance Agreement, restrictive covenant, final plat, or are part of a larger common plan of development, and any Property Owner Association (POA), Home Owner Association (HOA), landowner, individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns or successors in interest, who has storm water responsibilities and/or requirements under this Ordinance.
78. "Responsible Personnel" means any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities and has signed the contractor certification form.
79. "Retention Structure" means a permanent structure whose primary purpose is to permanently store a given volume of storm water runoff. Release of the given volume is by infiltration and/or evaporation.
80. "Riparian Buffer" is a vegetated area boarding a body of water, such as a stream, lake or pond.
81. "SWMP" means the Greenville County Storm Water Management Program or may refer to the Greenville County Storm Water Management Plan.
82. "Secondary Permittee" means the person who has day-to-day operational control of those activities at a residential development that are necessary to ensure compliance with a SWPPP for the site or other permit conditions. The person is typically an individual lot owner or residential builder.
83. "Sediment" means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.
84. "Sensitive Waters" means any waters with approved or established TMDLs, any waters included in the most recent SCDES Bureau of Water Clean Water Act (CWA) Section 303(d) list, and/or any waters pursuant to South Carolina's Classification and Standards (R.61-68) and Classified Waters (R.61-69) regulations that are classified as either Outstanding National Resource Waters, Outstanding Resource Waters, Trout Waters, or Shellfish Harvesting Waters.

85. "Simplified Storm Water Management and Sediment Control Plan" (SMSCP) means a submittal meeting the requirements in Section 8-67.(b) of this Ordinance by the Operator for land disturbing activities meeting the requirements in Section 8-67.
86. "Single-Family Residence-Separately Built" means a noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development or a duplex.
87. "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.
88. "Stabilization" means the installation of vegetative or non-vegetative (structural measures) to establish a soil cover to prevent and/or reduce soil erosion and sediment loss in areas exposed during the construction process.
89. "Stream" is a body of concentrated flowing water in a natural low area or natural channel on the land surface. There are three stream types; perennial, intermittent and ephemeral.
90. "Stop Work Order" means an order directing cease and desist of all work or activity on the property, other than what is specifically authorized by the County to correct violations of this ordinance.
91. "Storm Water" means rainfall, storm water runoff, snow melt runoff, and surface runoff and drainage. May also be written as a combined word "stormwater."
92. "Storm Water Management" for:
- a. Quantitative control, a system of vegetative or structural measures, or both 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, that control the increased volume and rate of storm water runoff caused by manmade changes to the land;
  - b. Qualities control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by storm water runoff.
93. "Storm Water Management Program" (SWMP) means the requirements, policies and procedures established by Greenville County to control the contribution of pollutants to the Greenville County MS4 and receiving waters by storm water discharges associated with residential, commercial, industrial, and related facilities activity and the adverse effects to quantity and quality of storm water discharged from sites of residential, commercial, industrial, and related facilities activity in order to comply with the intent of the NPDES permit and the goals of Greenville County Council.
94. "Storm Water Management and Sediment Control Plan or "SMSCP" means the set of drawings and other documents and supporting calculations submitted as a prerequisite to obtaining a permit to undertake a land disturbance activity. SMSCP must contain all

information and specifications identified in the Design Manual. In general the SMSCP is considered to be a part of the Storm Water Pollution Prevention Plan (SWPPP).

95. “Storm Water Management Facility” means any structural storm water management measure used to treat storm water runoff including, but not limited to basins, ponds, proprietary devices, low impact development features, water quality buffers, filtration and/or other treatment devices.
96. “Storm Water Pollution Prevention Plan” (SWPPP) generally means a site-specific written document that (1) identifies potential sources of storm water pollution at the construction site; (2) describes storm water control measures to reduce or eliminate pollutants in storm water discharges from the construction site; and (3) identifies procedures that Operator will implement to comply with the terms and conditions of this Ordinance. The SWPPP includes site map(s), drawings and plans, other documents, and supporting calculations, and identifications of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. “SWPPP” generally means Comprehensive Storm Water Pollution Prevention Plan, unless specific reference is given to the On-Site SWPPP.
97. “Storm Water Runoff” means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.
98. “Subdivision”, unless otherwise defined in an Ordinance adopted by a local government pursuant to Section 6-7-1010, means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, or parcels less than five acres, for the purpose, whether immediate or future, of sale, legacy, or building development, or includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, in the context, shall relate to the process of subdividing or to the land or area subdivided.
99. “Ten-Year Frequency Storm” or “Ten Year Storm Event” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10 percent chance of being equaled or exceeded in any given year. Likewise a ten-year 24-hour storm event means the maximum 24-hour precipitation event with a problem recurrence interval of once in ten years.
100. “Total Daily Maximum Load” or “TMDL” is a calculation of the maximum amount of a specific pollutant(s) that a water body can receive and still meet water quality standards. It is the sum of the allowable loads or allocations of a given pollutant from all contributing points (waste load allocations (WLA)) and nonpoint (load allocation (LA)) sources. It also incorporates a margin of safety and consideration of seasonal variation. For an impaired water body, the TMDL document Specifies the level of pollutant reduction needed for water body use attainment. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.
101. “Twenty-Five Year Frequency Storm” or “Twenty-Five Year Storm Event” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It also may be expressed as an exceedance probability with a 4 percent chance of being equaled or exceeded in any given year. Likewise a twenty-five year 24-hour

storm event means the maximum 24-hour precipitation event with a problem recurrence interval of once in twenty-five years.

102. “Two-Year Frequency Storm” or “Two Year Storm Event” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50 percent chance of being equaled or exceeded in any given year. Likewise a two-year 24-hour storm event means the maximum 24-hour precipitation event with a problem recurrence interval of once in two years.
103. “Variance” means the modification of the minimum sediment and storm water management requirements contained in this Article and the Storm Water Management Program for specific circumstances where strict adhere of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.
104. “Waiver” means the relinquishment from sediment and storm water management requirements by the appropriate plan approval authority for a specific land disturbing activity on a case-by- case review basis.
105. “Water Quality” means those characteristics of storm water runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.
106. “Water Quantity” means those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff to downstream areas resulting from land disturbing activities.
107. “Watershed” means the drainage area contributing storm water runoff to a single point.
108. “Watershed Master Plan” means a plan for a designated watershed that analyzes the impact of existing and future land uses and land disturbing activities in the entire watershed and includes strategies to reduce nonpoint source pollution, to manage storm water runoff and control flooding. The plan must be developed for the entire watershed, regardless of political boundaries, and must include appropriate physical, institutional, economic and administrative data needed to justify the plan.
109. “Waters of the State” as defined in §122.2 of SC Regulation 61-9 means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.
110. “Waters of the United States” or “waters of the U.S.” as defined in §122.2 of SC Regulation 61-9 means:
  - a. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce;
  - b. All interstate waters, including interstate “wetlands;”
  - c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or

natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

- i. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - iii. Which are used or could be used for industrial purposes by industries in interstate commerce.
- d. All impoundments of waters otherwise defined as waters of the United States under this definition;
  - e. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
  - f. The territorial sea;
  - g. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition; and
  - h. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States.
111. “Wetlands” means those areas that are inundated or saturated by surface or groundwater 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 areas.

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

### **Sec. 8-61. Regulations.**

The Greenville County Council, may, in its discretion, amend or change this Ordinance or adopt additional regulations or resolutions to implement this Ordinance comply with the NPDES permit, implement the Storm Water Management Program (SWMP), to further the goal of protecting the quality of the waters into which the Greenville County MS4 outfalls flow, or to reduce the impact of flooding in the County.

### **Sec. 8-62. Greenville County Storm Water Management Program.**

1. The Storm Water Management Program developed by the County to comply with the NPDES Storm Water Permit serves as the basis for Greenville County’s program implementation and administration. The SWMP, as amended from time to time by the County, is hereby adopted for the life of Greenville County’s Storm Water System NPDES permit as the official operational Program. The mapping and geographic information system developed as part of the SWMP shall serve as the official authoritative information source for program administration.

2. The Director shall implement and conduct the County's operations according to the Greenville County Storm Water Management Program. The SWMP serves as the basis for compliance with the NPDES Storm Water Permit granted to the County of Greenville under the provisions of the Water Quality Act of 1987 and 40 C.F.R. 122.26. This Management Program is more fully described in the NPDES Storm Water Permit which defines the terms and conditions of Greenville County's authority to operate its storm water system. By way of summary only, the Management Program includes the following mandated elements:
  - a. A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas, the "Commercial and Residential Program";
  - b. A description of a program, including a schedule, to detect and remove illicit discharges and improper disposal into the storm water system or to require the discharger to the storm water system to obtain a separate NPDES permit, the "Illicit Discharges and Improper Disposal Program";
  - c. A description of a program to monitor and control pollutants in storm water discharges to the storm water system from municipal landfills, hazardous water treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that Greenville County determines are contributing a substantial pollutant loading to the storm water system, the "Industrial and Related Facilities Program"; and
  - d. A description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the storm water system, the "Construction Site Runoff Program".
3. The director shall implement and conduct the County's flood control and drainage programs according to the Greenville County Storm Water Management Program.

#### **Sec. 8-63. Duties of Director.**

The Director shall be responsible for day to day coordination, implementation and enforcement of this Ordinance and the SWMP. This includes but is not limited to, the SWMP's monitoring program and the SWMP's storm water management programs for commercial and residential activities, construction site runoff, industrial and related facilities, illicit discharges and improper disposal, and the flooding and drainage programs. Without limitation of the foregoing, the Director shall have the following specific powers and duties:

1. To issue any permit, certification or license that may be required by the SWMP.
2. To deny a facility connection to the MS4 or discharge to Waters of the State if State, Federal, or County Storm Water Ordinances and Regulations are not met.
3. To approve C-SWPPP BMP 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.
4. To require performance security in the form of Remediation Fees, Letters of Credit, or other forms of performance security acceptable to the County, of any person to secure that person's

compliance with any BMP Plan, permit, certificate, license or authorization issued or approved by the Director pursuant to the SWMP.

5. To comply with all Federal and State regulatory requirements, promulgated or imposed pursuant to the Clean Water Act, South Carolina Water Pollution Control Act, the South Carolina Storm Water Management and Sediment Reduction Act, and any South Carolina NPDES General Permit that is applicable to the management of storm water discharges to or from the Greenville County MS4.
6. To conduct all activities necessary to carry out the storm water management program and other requirements included in the Greenville County NPDES permit, the SWMP and this Ordinance, and to pursue the necessary means and resources required to properly fulfill this responsibility.
7. To develop and implement programs to reduce the impacts of flooding and drainage on the citizens and property of Greenville County.
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. To maintain the storm water system consistent with the provisions of the Greenville County NPDES permit, the SWMP and this Ordinance.
10. To direct, review and recommend for approval by County Council the Storm Water Management Program operating budget.
11. To direct, review and recommend for approval by County Council necessary changes to the existing County Storm Water Management Program.
12. To determine appropriate fees, to impose penalties, and to take necessary and appropriate actions to collect any fee or enforce any penalty assessed pursuant to this Ordinance.

**Sec. 8-64. Coordination with Other Agencies.**

The Director shall 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 Director for the protection and preservation of receiving waters. The Director shall coordinate with State and Federal Agencies having jurisdiction.

**Sec. 8-65. Cooperation with Other Governments.**

Greenville 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 shall 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 South Carolina statutes, including, without limitation, the power to



require additional or more stringent storm water management requirements within their jurisdictional boundaries.

### **DIVISION 3 – PERMIT AND SUBMITTAL REQUIREMENTS**

#### **Sec. 8-66. General Requirements.**

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,

#### **Sec. 8-67. Submittal Requirements.**

1. Requirements of Operators:

- a. An Owner, Developer(s), or Operator of a project is a Primary Permittee. This person meets the definitions of Operator. This person may include, but is not limited to a Developer, landowner, realtor, builder, utility provider, public or private entity. The Primary Permittee is responsible for preparation of the Comprehensive SWPPP and to comply with the requirements of this Ordinance and the most current SC NPDES Permit for Storm Water Discharges from Construction Activities (GCP).
- b. In developing plans for residential subdivisions, individual lots in a residential subdivision development shall be required to obtain and comply with the OS-SWPPP and the residential subdivision development, as a whole, shall be considered a Larger Common Plan for Development or Sale (LCP) and to be a single land disturbing activity requiring a C-SWPPP. Hydrologic parameters that reflect the Larger Common Plan for Development or Sale shall be used in all engineering calculations.
- c. If individual lots or sections in a residential subdivision are being developed by different Operators, all land disturbing activities related to the residential subdivision shall be covered by the approved C-SWPPP for the residential subdivision. If the Primary Permittee obtains coverage under a C-SWPPP for the development and then sells lots within the development, then coverage under this permit may either continue with the Primary Permittee or the Primary Permittee may require that the new lot owner (or the new lot owner may choose to) obtain their own coverage under the C-SWPPP as a Secondary Permittee. The Primary Permittee must make the OS-SWPPP and a copy of the GCP available to the new owner seeking individual lot(s) coverage.
- d. When the Operator (new Owner) makes changes after the C-SWPPP has been approved the new Owner must notify the County in writing within fourteen (14) calendar days. The new Owner may not commence work at the construction site until the C-SWPPP has been modified with the new Owner information and they have received NOI coverage from SCDES. If the new Owner elects to modify the layout of the construction site, thereby altering the approved C-SWPPP then the new Owner must apply for a new permit and new NOI coverage.

- e. If an individual lot Owner or residential builder elects to not follow the drainage provisions in the Primary Permittee's approved OS-SWPPP, the County will require the individual lot Owner or residential builder to obtain coverage under their own C-SWPPP as a Primary Permittee.
  - f. If a lending institution takes operational control of a construction site due to foreclosure, Permittee filing for bankruptcy, abandonment etc. then that entity is responsible for construction site's storm water discharges. A permit is required under this Ordinance prior to the entity initiating construction activity at the site.
  - g. Contractors employed by the Primary or Secondary Permittee whose work at the construction site may disturb soils or whose work may otherwise be necessary to implement the OS-SWPPP must complete a contractor certification form or must submit an annual Blanket Notice of Intent covering all construction activities within a LCP statewide to SCDES.
2. Residential subdivisions which were approved prior to the effective date of this Ordinance and have an active approved land disturbance permit. Greenville at the time of the effective date re exempt from these requirements but must comply with the Ordinance requirements that were in effect at the time that the phase of residential subdivision permitted were approved. They must also comply with the requirements of the most current SC NPDES Permit for Storm Water Discharges from Construction Activities as outlined under Section 2.4.2 of that permit. Development of new phases of existing subdivisions which were not included in the total disturbed area of an active land disturbance permit shall comply with the provisions of these regulations and the most current SC NPDES Permit for Storm Water Discharges from Construction Activities (GCP).

When the subdivision development reaches the condition where it is fifty percent built the following actions must be taken:

- a. Where a detention pond is installed as-built certification and drawings are due to the Director; and
- b. The detention pond shall be converted to post construction water quality BMP per approved plans. The pond shall be cleaned of all deposited sediment, remove all baffles and the skimmer, and overgrowth of invasive vegetation (weeds, vines, shrubs, trees) shall be removed, and all areas of the detention pond shall have reached final stabilization;
- c. All post construction stormwater management features must be deeded to the Homeowners Association and a new home owner's association document be filed with the Director defining the new contact person for the responsible party for maintaining the detention pond and/or any water quality features or BMP's installed in the subdivision.
- d. The Primary Permittee may elect at this stage of development to request for a Notice of Termination of the permit coverage and closure of the land disturbance permit with the County as long as all common area and rights of way have reached final stabilization and Secondary Permittees have NOI coverage for the lots under their ownership.

When the subdivision development is developed to a point between fifty and ninety percent built, individual lot controls as well as other erosion and sediment control BMP's shall provide the sediment control to meet 80 percent trapping efficiency rather than only the sediment/detention pond. Once the subdivision is ninety percent or greater built and the disturbed areas are stabilized according to the requirements of SCR100000 and 72-300 (SC Code of Regulations) then all Permittees may file a request for a Notice of Termination of the permit coverage for the subdivision.

3. Land disturbing activities involving more than 5,000 square feet but less than one (1) acre of actual land disturbance which are not part of a larger common plan of development or sale, Operator shall submit a simplified Storm Water Management and Sediment Control Plan (SMSCP) meeting the requirements listed below. This plan does not require approval by SCDHEC and does not require preparation or certification by the design professional.
  - a. A narrative description of the storm water management facilities to be used (if applicable).
  - b. A general description of topographic and soil conditions of the development site.
  - c. A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties.
  - d. Anticipated starting and completion dates of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
  - e. A map of the parcel, on which the land disturbance activities will take place, printed from Greenville County's Geographic Information System (GIS) Division's internet mapping system.
  - f. A sketch plan or use a GIS map to accompany the narrative which shall contain:
    - i. Site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers; the boundary lines of the site on which the work is to be performed;
    - ii. All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated;
    - iii. A topographic contours of the site;
    - iv. Anticipated starting and completion dates of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
    - v. The location of temporary and permanent vegetative and structural sediment/erosion control BMP's and storm water management control measures (if applicable).
  - g. Simplified SMSCP shall contain certification by the Operator that the land disturbing activities will be accomplished pursuant to the plan.

- h. Simplified SMSCP shall contain certification by the Operator of the right of the Director to conduct on-site inspections.
4. Land disturbing activities disturbing one or more acres and/or will result in more than one cubic foot per second increase in peak runoff rates, requires a storm drain pipe conveyance system (one or more pipes), or alterations to existing storm drain systems, or cause downstream impact requiring preparation by an engineer or design professional, all of the requirements of C-SWPPP as described in Section 8-68 shall apply. For sites that disturbed less than one acre but meet one or more of the other criteria listed the Director has the discretion to reduce some of the requirements of the C-SWPPP as described in Section 8-68.
5. Commercial and industrial sites which disturb 5000 square feet but less than one acre of area and otherwise are not part of a LCP may be eligible to submit a simplified plan as described in 8-67 (3). If any of the constraints listed in Section 8-67 (4) are required as part of the C-SWPPP then the plan must meet some or all of the requirements of 8-68.

**Sec. 8-68. Comprehensive Storm Water Pollution Prevention Plan Requirements.**

A Comprehensive Storm Water Pollution Prevention Plan (C-SWPPP) is a fundamental requirement for permit approval. Each C-SWPPP must include a Storm Water Management and Sediment Control Section. The C-SWPPP must be in compliance with state regulations 72-300 and the most current SCDES NPDES General Permit for Storm Water Discharges for Construction Activities (GCP). In additions to the requirements outlined in these requirements the C- SWPPP shall include as a minimum the following:

1. A vicinity map indicating a north arrow, scale, boundary lines of the site and other information necessary to locate the development site.
2. The existing and proposed topography of the development site except for individual lot grading plans in single-family subdivisions, if the subdivisions or phases of the subdivision are not mass graded. In subdivisions that are not mass graded drainage flow patterns will be shown for each lot with an overall site plan showing the general stormwater conveyance paths to proposed stormwater features.
3. Physical improvements on the site, including present development and proposed development.
4. Drainage easements shall have the following characteristics:
  - a. Provide adequate access to all portions of the drainage system and structures. Including lot to lot drainage when three or more lots collectively creates concentrated flow that needs to be directed to proposed stormwater features .
  - b. Provide sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the drainage system and all storm water facilities.
  - c. Restriction on easements shall include prohibiting all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.

5. An anticipated starting and completion date of the various stages of land disturbing activities as specifically outlined in the GCP and the expected date the final stabilization will be completed.
6. A determination that the development is in compliance with the County Flood Damage Prevention Ordinance.
7. At the discretion of the Director, for all portions of the drainage system which are expected to carry over 50 cubic feet per second (cfs) for the 100-year storm, the 100-year plus one foot flood elevation analysis shall be required if one of the following criteria apply:
  - a. The estimated runoff would create a hazard for adjacent property or residents;
  - b. The flood limits would be of such magnitude that adjacent residents should be informed of these limits.
8. For all portions of the drainage system which are expected to carry 150 cfs or more for the 100-year storm, the 100-year plus one foot flood elevation analysis shall be done and flood limits shall be shown on the drainage plans. Such data shall be submitted in digital form, as well as in print, in a format specified by the Director.
9. A Tree saving and planting plan consistent with the requirements of Greenville County Ordinance and the Landscape Plan requirements of the Design Manual
  - a. Buffers required by other Ordinances that will be used to meet post construction water quality requirements must be designated as such in the C-SWPPP and must meet the requirements of the design manual. The buffers must be located in subdivision common areas or in water quality conservation easements on summary plats for individual lots.
10. Construction and design details for structural controls.
11. The expected timing of flood peaks through the downstream drainage system shall be assessed when planning the use of detention facilities.
12. All storm water management facilities and all portions of the conveyance system through the proposed development (i.e., channels, culverts, piping) shall be analyzed, using the 100-year design storm, for design conditions and operating conditions which can reasonably be expected during the life of the facility. The results of the analysis shall be included in the hydrologic-hydraulic study.
13. If the site development plan and/or design report indicates that there may be a drainage or flooding problem at the exit to the proposed development or at any point downstream as determined by the Director, the Director may require as outlined in the Design Manual:
  - a. Water surface profiles plotted for the conditions of pre- and post- development for the 2-year through 100-year design;
  - b. Water surface profiles plotted for the conditions of pre- and post- development for the 100-year design storm;

- c. Elevations of all structures potentially damaged by the 2-year through 100-year flows.
- 14. All plans submitted for approval shall comply with the applicable requirements in Divisions 3, 5, 6, and 7 of this Ordinance.
- 15. Where known federally listed endangered and threatened species are reasonably considered to exist or any designated critical habitat that exists on or near the site being considered for development, specifically those that could be affected directly or indirectly by stormwater discharges or the change in drainage patterns, a more detailed assessment is required.
  - a) Consideration needs to be given beyond the immediate foot print of the construction activity and beyond the property line. The Action Area as defined by EPA must be identified.
  - b) If known critical habitat exists in the general vicinity and possibly within the Action Area of the proposed site development an environmental assessment survey is required by a specialist in species identification.
  - c) If outside the optimum window the environmental specialist should determine if conditions on site could support the species or wait until the optimum window opens.
  - d) If conditions exist within the Action Area that would support the listed species, outside the optimum window, then the site development will be expected to protect the listed species.
  - e) If the listed species or critical habitat is identified the potential impact to the species and/or habitat must be examined.
  - f) Determine what measures must be implemented to avoid or eliminate the likelihood of adverse effects to the listed species.
  - g) These measures must be described in the Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP).
  - h) At minimum, a 150-foot undisturbed buffer zone around all endangered or threatened plant colonies identified on site and/or to any segment of water flowing that a threatened or endangered species critically depends upon to survive is required.
- 16. All plans submitted for approval shall contain certification by the Operator that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project.
- 17. The C-SWPPP shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to the C-SWPPP or any approved revisions. Any and all SWPPPs may be revoked at any time if the construction of storm water management facilities or other elements of the plan is not in strict accordance with approved plans.
- 18. All plans shall contain certification by the Operator of the right of the Director to conduct on-site inspections.
- 19. The plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans by the Land Development Division. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the

applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the C-SWPPP.

20. Approved plans remain valid for two (2) years or for five (5) years, per County approved permit, from the date of an approval. Renewals of the plan approvals may be granted by the Director upon written request by the Operator along with a revised contact list and submittal of the renewal fees and compliance with state, federal, and the County's current ordinances, design manual, and/or other requirements in effect at the time of renewal.

#### **Sec. 8-69. Stream Protection**

Intermittent, perennial and blue line streams with watersheds draining less than 50 acres shall have a minimum 50-foot undisturbed riparian buffer on each side of the channel. All Intermittent, perennial and blue line streams draining greater than or equal to 50 acres shall have a 100-foot undisturbed riparian buffer on each side of the channel. Clearing of land that has rivers and/or streams designated as fishing habitat (trout waters) and their tributaries must maintain a minimum of 80 foot riparian buffer. Clearing of land within all other watersheds and/or that have existing lakes, ponds and/or jurisdictional wetlands on them must maintain a 50 foot undisturbed riparian buffer. Other regulations such as easement restriction still apply. The presence of threatened or endangered plants species located within riparian areas shall increase riparian buffers to 150 foot. Consult the protected plant species list by the US Fish and Wildlife Service.

1. All buffers shall be measured from the top of the bank on both sides of the stream.
2. Preservation of the buffer area shall be provided by plat and deed restrictions.
3. Within Residential Subdivisions approved by the Planning Commission through the preliminary plan process the buffers are required to be located in common areas on the final plat(s).
4. Individual Lots (minor subdivisions and lots not part of a larger common plan) development must meet these requirements but will preserve the buffer in an easement.
5. Within proposed project boundary all jurisdictional waters of the United States or streams classified as waters of the state located shall be delineated by a certified licensed professional using US Army Corp of Engineers and SCDES's Water Classifications and Standards and shall be shown in the stormwater management permit application along with all natural buffers areas.
6. Linear buffers shall be designated along both sides of all channels meeting the definition of waters of the United States or waters of the state.
7. Buffer areas disturbed by allowing construction activity or as part of a re-vegetation plan shall be re-vegetated using native vegetation. Removal of invasive species is permitted.
8. Diffuse flow from stormwater runoff shall be maintained in the buffer by dispersing concentrated flow with appropriate energy dissipation measures.
9. Exemptions are allowed for appropriate CWA 404 permits and/or authorization obtained from SCDHEC and that vegetation outside the cited disturbed areas are retained.

10. Within the Reedy River Watershed if existing tree density is inadequate, as determined by the County, re-forestation may be required or stream stabilization and grassed buffers provided to meet the needed buffers described above.
11. Any time a project proposal site is located within the action area, as defined by EPA, to an identified protected species a critical areas report prepared by a qualified biologist consultant will be prepared and submitted to subdivision administration with the preliminary plan. The purpose of the report is to determine the extent, characteristics, and function of any critical areas or habitat that may be affected by activities on site.
12. All buffer areas shall be maintained as in-situ vegetation and free from development. Access through buffer areas shall be provided, when necessary, for maintenance purposes.
  - a. Within the stream side zone of the buffer passive recreation such as bird watching and walking is permitted. The uses allowed in the stream side zone are limited to flood control structures and bank stabilization as well as utilities crossing and road crossings with stabilization of all disturbed areas.
  - b. Outside the stream side buffer area (within the managed zone) will be restricted to only utilities, road crossings, bike paths and greenway trails (not to exceed 12 feet in width).
13. Fill material cannot be brought into the buffer. Removal of invasive species is permitted.
14. Buffer averaging may be allowed due to odd, jagged shapes that can make site planning difficult. Requests for buffer averaging should be made through the variance process if the width reduction will not inhibit and degrade stream and habitat functions.
  - a. The Buffer width reduction can not be more that 25% of the standard buffer (or 25 feet), whichever is greater and the total area of the stream buffer may not be less through buffer averaging than the standard buffer area.
15. Buffers required by this Section that will be used to meet post construction water quality requirements must be designated as such in the C-SWPPP and must meet the requirements of the design manual. The buffers must be located in subdivision common areas or in conservation easements on summary plats for individual lots.

#### **DIVISION 4 – GRADING AND SEDIMENT CONTROL**

##### **Sec. 8-70. General.**

Except as provided in Section 8-57 of this Ordinance, a person may not perform clearing, stripping, excavating, or grading of land or create borrow pits, spoil areas, material processing plants or related facilities without first obtaining a land disturbance permit from the County. An Owner of real property may not permit grading or the creation of borrow pits, spoil areas, quarries, material processing plants or related facilities on the real property owned unless appropriate permits are received from the County and/or the SCDES based on State Mining regulations.

##### **Sec. 8-71. Basic Design Requirements.**



The C-SWPPP must include a Best Management Practices (BMP) section that accurately and descriptively addresses the use, installation, maintenance and inspection for each measure outlined in the Storm Water Management and Sediment Control section. This BMP section must be in accordance with SCDES's General Permit for Storm Water Discharges for Construction Activities and Greenville County's Stormwater Management Design Manual. In additions the plan must, at minimum, include the following:

1. Development shall be fitted to the topography and soils so as to create the least erosion potential.
2. Natural vegetation shall be retained and protected wherever possible.
3. Natural vegetation and non-structural methods shall be employed to the extent possible, for stream bank stabilization and erosion control in place of structural methods wherever possible.
4. Only the smallest practical area shall be exposed and then only for the shortest practical period of time.
5. Waterway stabilization structures such as drop structures, grade stabilization structures, and channel liners shall be utilized to dissipate the energy of flowing water by holding the waterway slopes and velocities within non-erosive limits.
6. Sediment basins and traps.
  - a. The structure may be removed once stabilization is reached in the development of the area draining to that sediment basin or trap.
  - b. A sediment basin or sediment trap may be required to be enclosed, in the discretion of the Director, when necessary to ensure public safety.
  - c. Sediment basins and traps shall be designed to achieve a sediment removal efficiency of 80 percent or greater for total suspended solids (TSS) or meet a 0.5 ml/l settleable solids effluent standard using a 10-year 24-hour design storm event, whichever is less.
  - d. On-site storm water retention structures (wet basins) shall not be utilized as a sediment basin during construction.
7. Cut and fill slopes and other exposed areas shall be stabilized as soon as practical to limit the duration of the exposed soil.
8. All sediment control BMP's shall be designed and installed to meet a minimum sediment removal efficiency of 80 percent for total suspended solids (TSS) or greater or a 0.5 ml/l settleable solid effluent concentration using a 10-year, 24-hour design storm event, whichever is less.
9. Description of spill prevention and response practices.
10. Temporary erosion and sediment control measures shall be maintained continuously until permanent soil erosion control measures have reached final stabilization.

## **DIVISION 5 – STORM WATER MANAGEMENT**

### **Sec. 8-74. Minimum Runoff Control Requirements.**

The Storm Water Management and Sediment Control section of the C-SWPPP shall comply with SCDES's Regulations 72-300 and the NPDES General Permit for Storm Water Discharges from Construction Activities and contain minimum storm water control requirements to accomplish the following:

1. Storm Water management facilities to limit the 2-year, 10-year and 25-year developed peak discharge rates to pre-developed peak discharge rates using a storm with a duration of 24 hours with a SCS Type II distribution and safely pass the 100-year, 24-hour storm event. The design of these facilities shall be based on; procedures contained in the Storm Water Management Design Manual or approved by the Director.
  - a. Sites located within the Gilder Creek Watershed must also limit the 50-year developed peak discharge rates to pre-developed discharge rates.
  - b. Additionally, sites within the Mauldin and Simpsonville city limits must comply with the 100-year development peak discharge rate to pre-developed discharge rates and sites as determined by the Director or specified in the Design Manual must meet 100-year requirements
  - c. Peak rate control during construction is required on all projects.
2. The requirements, or portions of this section may be waived by the Director if it can be shown by detailed engineering calculations and analysis which are acceptable to the Director that one of the following conditions exist:
  - a. The installation of storm water management facilities would have insignificant effects on reducing downstream flood peaks; or
  - b. The installation of storm water management facilities are not needed to protect downstream developments and the downstream drainage system has sufficient capacity to receive any increase in runoff for the design storm; or
  - c. The installation of storm water management facilities to control developed peak discharge rates at the exit to a proposed development would increase flood peaks at some downstream locations; or
  - d. The installation of storm water management facilities are not needed to control developed peak discharge rates and installing such facilities would not be in the best interest of the County.
3. The requirements, or portions thereof, of Section 8-74.(a.) may not be waived if the Director determines that not controlling downstream flood peaks would increase known flooding problems, or exceed the capacity of the downstream drainage system.
4. A waiver shall only be granted after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed

land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications which would alter the approved storm water runoff characteristics to a land disturbing activity receiving a waiver. The Director will conduct a review of the request for a waiver within ten (10) working days. Failure of the Director to act by the end of the tenth working day will result in the automatic approval of the waiver.

5. For all storm water management facilities, a hydrologic-hydraulic study shall be done showing how the drainage system will function with and without the proposed facilities. For such studies the following land use conditions shall be used. Existing land use data shall be determined by comparing the most recent aerial photograph to historical aerial photographs at the period of time prior to the County adopting storm water management requirements and field checked to confirm the current site conditions.
  - a. For the design of the facility outlet structure, use developed land use conditions for the area within the proposed development and existing land use conditions for upstream areas draining to the facility.
  - b. For any analysis of flood flows downstream from the proposed facility, use existing land use conditions for all downstream areas.
  - c. All storm water management facilities emergency spillways shall be checked using the 100-year storm and routing flows through the facility and emergency spillways. For this analysis, developed land use conditions shall be used for all areas within the analysis.
  - d. The effects of existing upstream detention facilities can be considered in the hydrologic-hydraulic study.
6. A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the total area of the development comprises ten percent (10%) of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be performed in accordance with the County's Storm Water Design Manual.
7. All storm water systems shall be designed to have no increase in velocity, peak flow, water surface level elevation in relationship to upstream, adjacent, and downstream property in the 100-year storm, unless an adequate permanent drainage easement is obtained from potentially affected property owner(s) or written notice from the downstream property owner denying the granting of the easement is provided to Greenville County.

#### **Sec. 8-75. Minimum Water Quality Requirements.**

1. All storm water runoff generated from a site shall be adequately treated before discharge in order to ensure maximum pollutant removal is achieved to the extent where these discharges

shall not cause or contribute to violations of the water quality standards. It will be presumed that a storm water management system complies with this requirement if:

- a. For sites over one acre the method to design water quality BMPs is to trap 85% of total suspended solids (TSS) based on annual loadings by particle class. An alternative method for sites over 10,000 square feet but less than one acre must ensure that annual TSS load is less than or equal to 600 pounds per acre.
  - b. The Director has discretion to require more stringent controls for water quality where the Director determines the minimum standards of this section are not adequate. Areas where more stringent controls may apply include but not limited to outstanding resource waters, trout waters, wetlands, steep slopes, 303 (d) listed waters, TMDLs, watersheds with approved watershed water quality implementation plan or other sensitive areas.
2. All development and redevelopment projects and portions of redevelopment projects disturbing over 10,000 square feet or more of area or that will result in more than one cubic foot per second increase in peak runoff rates shall meet the requirements of this section even though there is not a change in land use.

**Sec. 8-76. Storm Water Management Facilities.**

1. Storm water management facilities may include structural and non- structural practices. Natural swales and other natural runoff conduits shall be retained where practicable.
2. Where additional storm water management facilities are required to satisfy the minimum control requirements, the following measures are examples of what may be used in their order of preference or used in conjunction with multiple measures:
  - a. Green Infrastructure (GI) or Low impact development (LID) practices, such as minimizing the area of streets, parking lots and rooftops; bio-retention swales and basins; porous pavement; or other innovative measures to reduce runoff volume, encourages infiltration and protect water quality when used in conjunction with onsite detention for larger storm events;
  - b. Facilities designed to encourage overland flow, slow velocities of flow, and flow through buffer zones;
  - c. Regional storm water detention structures (dry basins);
  - d. Regional storm water retention structures (wet basins);
  - e. On-site storm water detention structures (dry basins);
  - f. On-site storm water retention structures (wet basins); and
  - g. Infiltration practices, where permeable soils are present.

3. Where detention and retention structures are used, designs which consolidate these facilities into a limited number of large structures are preferred over designs which utilize a large number of small structures, unless GI/LID features are used to provide post construction water quality. Individual lot LID's will be limited for use in minor subdivisions or to a maximum of 6 lots in proposed subdivision unless approved by the director.
4. C-SWPPPs can be rejected by the Director if they incorporate structures and facilities which have the potential to result in significant long-term maintenance problems. The structure design parameters outlined in the Design Manual must be met to prevent being rejected.
5. 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 and standards. The Land Development Division's review will be the same whether the portion of the drainage system will be under public or private control or ownership.
6. All storm water management measures shall be designed in accordance with the design criteria contained in the Storm Water Management Design Manual using procedures contained in this manual or procedures approved by the Director.

**Sec. 8-77. Hydrologic Criteria.**

The hydrologic criteria to be used for the C-SWPPP's Storm Water Management and Sediment Control section shall be as follows:

1. 25-year 24-hour duration design storm for all cross-drain culverts and drainage designs.
2. 10-year design storm for all interior culverts and drainage conveyance system designs, plus 25-year design storm for all channels conveyances.
3. 2-year, 10-year and 25-year design storms for all detention and retention basins using procedures contained in the Storm Water Management Design Manual or approved by the Director. The Gilder Creek watershed must also provide analysis for the 50-year design storm at a minimum or 100-year storm as required in 8-74.1 above.
4. All drainage designs shall be checked using the 100-year storm for analysis of local flooding, and possible flood hazards to adjacent structures and/or property.
5. All hydrologic analysis will be based on land use conditions.
6. For the design of storage facilities, a secondary outlet device or emergency spillway shall be provided to discharge the excess runoff in such a way to minimize potential danger of loss of life, downstream structure impact or facility failure is created. The size of the outlet device or emergency spillway shall be designed to pass the 100-year storm as a minimum requirement.

**Sec. 8-78. Fee-in-lieu of**

1. The Director may allow the payment of a fee-in-lieu of on-site storm water storage to fulfill all or part of the on-site storm water storage requirement.

2. The following fee-in-lieu of storm water storage procedures shall be used by the Director for requiring and collecting fee-in-lieu of revenues for storm water storage requirements in this Ordinance:
  - a. The applicant may submit a written request for the payment of a fee-in-lieu of on-site storm water storage to fulfill all or part of the on-site detention requirements established by this Ordinance. A request for fee-in-lieu of on-site storm water storage shall be either rejected or approved by the Director within forty five (45) days of the written request unless additional engineering studies are required.
  - b. Fee-in-lieu of on-site storm water storage shall be the estimated construction cost of the applicant's proposed and approved on-site storm water storage, including land costs and twenty years of operation and maintenance costs, as approved by the Director.
3. A fund will be maintained by the County for the purpose of identifying and controlling all revenues and expenditures resulting from fee-in-lieu of on-site storm water storage approvals. All fee-in-lieu of on-site storm water storage revenues received from each watershed shall be deposited in these funds for use within that watershed.
4. The Director may allow the payment of fee-in-lieu of for water quality requirements
5. Fee-in-lieu of revenues may be used to plan, design or construct an upgrade to existing or future storm water management systems if the upgrades are consistent with a TMDL or approved watershed water quality implementation plan, storm water master plan, floodplain study or storm water system improvement that has been approved the Director.
6. All fees shall be refunded to the person who paid the fee, or to the person's successor in interest, whenever the County fails to encumber the fees collected within ten (10) years from the date on which such fees are collected. Refunds shall be made provided the person, who paid the fee, or that person's successor, files a request with the County for the return of the fees within one (1) year from the date on which the fees are required to be encumbered.

**Sec. 8-79. Right-to-Discharge. Reserved.**

**Sec. 8-80. Consistency with Watershed Master Plans, Watershed Restoration Plans or Flood Studies.**

If applicable, the C-SWPPP's Storm Water Management and Sediment Control Section shall be consistent with watershed master plans, watershed restoration plans or flood studies adopted and approved by the County.

**Sec. 8-81. Ownership and County Participation.**

1. All storm water management facilities required by this Ordinance shall be privately owned and maintained unless the County accepts the facility for County ownership and maintenance.
2. When the Director determines that additional storage requirements for water quantity and/or water quality beyond that required by the Owner for on-site storm water management is necessary 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 agree to 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 Director. The Director and the Owner will jointly develop a cost sharing plan which is agreeable to both parties.

## **DIVISION 6 – ON-GOING INSPECTION AND MAINTENANCE OF STORM WATER FACILITIES AND PRACTICES**

### **Sec. 8-82. Long-Term Maintenance Inspection of Storm Water Facilities and/or Best Management Practices.**

Storm water management facilities and Best Management Practices, included in a C-SWPPP or older site development plan, must undergo ongoing inspections by the Responsible Parties, to document maintenance and repair needs and the Responsible Parties must ensure that maintenance is completed in compliance with the SWPPP, any Maintenance Agreements, The Storm Water Management Design Manual, and this Ordinance.

1. The Director may, to the extent authorized by federal law, state law, and/or this Ordinance, establish inspection programs to verify that all storm water management facilities and/or Best Management Practices including those built after the adoption of this Ordinance, are functioning within the design limits.
2. Subdivision storm water facilities and/or Best Management Practices must be located within dedicated common areas or easement.
3. Storm water easements and restrictions shall be provided by the landowner(s)/ person responsible for land disturbance activities to ensure access for inspection and maintenance. Easements and the Maintenance Agreements must be recorded prior to the issuance of the land disturbance permit. The restrictive covenants must be recorded prior to approval of the final plat. The maintenance agreement shall be recorded in the office of the Greenville County Register of Deeds and the maintenance agreement shall constitute a covenant running with the land, and shall be binding upon the Responsible Parties, heirs, administrators, executors, assigns and any other successors in interest.
4. The landowner(s)/ person responsible for land disturbance activities shall record a plat showing and accurately defining the easements for storm water management facilities and/or Best Management Practices. The plat must reference the Instrument Number where this agreement and its or attachments are recorded and contain a note that the Responsible Parties, are responsible for maintaining the storm water management facilities and/or Best Management Practices.
5. All storm water management facilities and/or Best Management Practices shall be maintained to the measures outlined in the SWPPP, the Storm Water Management Design Manual and/or as approved in the land disturbance permit by the Responsible Parties, to ensure the proper operation and application of the facilities, and/or Best Management Practices at all times.
6. The Responsible Parties responsible for maintenance of the storm water management facilities and/or Best Management Practices approved as part of a SWPPP proposed for a development under the current Ordinance requirements shall be designated in the SWPPP, the Maintenance Agreement, and final plat.

7. For developments which establish a property owner's association (POA) or HOA provisions for long term maintenance of site storm water facilities and/or BMP's , as outlined in the SWPPP must be defined in the Maintenance Agreement . The provisions of this agreement must also identify a source of funding to support future required maintenance and upkeep activities, and an entity responsible for general upkeep, maintenance and repair. The Director must be notified prior to any changes in status and personnel or contact information for record keeping and inventory purposes in accordance with its NPDES MS4 permit requirements.
8. If the Director determines that the storm water management facilities and/or Best Management Practices were specifically designed, as part of a larger common plan of development per any applicable approved storm water plans, calculations, narratives, final plats, restrictive covenants, and/or Maintenance Agreement to receive storm water runoff from properties other than just the parcel the feature is located on, then the County may determine that each parcel located within that larger common plan (LCP) of development served by the storm water management facilities, and/or Best Management Practices constitutes a Responsible Party; therefore, be held liable for a percentage of the required maintenance and / or repair. The County may issue a Notice of Violation and/or impose a percentage of the maintenance and repair costs to each Responsible Party.
9. The Responsible Parties responsible for maintenance and repair of the storm water management facilities and/or Best Management Practice shall inspect them at the frequencies listed in the maintenance agreement, SWPPP, or the Storm Water Management Design Manual (whichever applies) and perform any necessary maintenance including routine and non-routine activities.
10. It shall be unlawful to alter or remove any permanent storm water management facilities and/or Best Management Practices required by an approved SWPPP or storm water plan, or to allow property to remain in a condition that does not conform to the approved SWPPP or as outlined the Storm Water Management Design Manual.
11. It shall be unlawful for any Responsible Parties responsible for maintenance and repair of storm water management facilities and/or Best Management Practices to fail to maintain the facilities and/or Best Management Practices as required by the approved SWPPP, Maintenance Agreement, or storm water plan.
12. No person shall modify, remove, fill, or alter any existing storm water management facilities and/or Best Management Practices, areas or structures unless it is part of the approved maintenance program, Maintenance Agreement, or modified SWPPP without the written approval of the County.
13. No person shall place any structure, equipment, fill, landscaping or vegetation into storm water management facilities and/or Best Management Practices, or within a drainage easement that transport storm water to the storm water management facilities and/or Best Management Practices which would limit or alter the functioning of the storm water management facilities and/or Best Management Practices without the written approval of the County.
14. The Responsible Parties responsible for maintenance may landscape the storm water management facilities, Best Management Practices and/or areas if the landscaping is



designed, installed and maintained as prescribed in the Storm Water Management Design Manual.

15. The Responsible Parties responsible for maintenance shall take reasonable care to ensure that the storm water management facilities and/or Best Management Practices do not contain conditions that are unsafe or that adversely affect water quality including, but not limited to, leaving tools or equipment or misusing pesticides and/or herbicides in the storm water management facilities and/or Best Management Practices.
16. On property where a storm water management facilities and/or Best Management Practices are located fully or partially underground, the Responsible Parties and/or manager of the property shall be responsible for causing an inspection and maintenance of the facility or device to be performed in accordance with the manufacturer's recommendations with at least one annual inspection and at least one separate maintenance performed and shall submit a combined annual inspection and maintenance report to the County by January 31 of each year for the prior calendar year.
17. The County must be notified in writing of any changes in maintenance responsibility for the storm water management facilities and/or Best Management Practices. In order to transfer maintenance responsibilities a letter of acceptance by the entity accepting permanent maintenance responsibilities shall be filed with the Director.

**Sec. 8-83. Right-of-Entry for Inspection.**

1. In addition to the inspections performed by the Responsible Parties, authorized representatives from the County may enter at reasonable times to conduct on-site inspection or maintenance.
2. The terms of the County's inspection may be on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other Notice of possible Violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspection of businesses or industries of a type associated with higher than usual discharges of containments or pollutants or with discharges of a type which are more likely than the typical discharges to cause violations of the pollutants or with discharges of a types which are more likely than the typical discharges to cause violations of the County's NPDES Storm Water Permit and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in storm water management facilities; and evaluating the condition of storm water management facilities and other Best Management Practices. In the event that the storm water management facility has not been maintained and/or becomes a danger to public safety or public health, the corrective actions procedures as outlined in Section 8-85 apply.

**Sec. 8-84. Records of Maintenance Activities.**

The Responsible Parties and/or manager of the property responsible for the maintenance of a storm water management facilities and/or Best Management Practices shall document the inspection, maintenance and repair activities performed annually and shall submit an annual report of these activities to the County by January 31 of each year for the prior year calendar year and shall keep copies of those inspections on record for future verification by the County for a

period of at least five (5) years. Those records shall be made available to the County upon request.

**Sec. 8-85. Failure to Maintain.**

1. If the County determines at any time that any permanent storm water management facilities and/or Best Management Practices have been eliminated, altered or improperly maintained, the Responsible Parties responsible for maintenance shall be issued a Notice of Violation by mail. The Notice shall specify the corrective measures required to bring the facility and/or Best Management Practice back into compliance with the design parameters and specified period of time within which the necessary action to complete the repair must take place.
2. For a minor maintenance repair, such Notices will be issued by both regular and certified mail.
3. If the Responsible Parties responsible for maintenance fails or refuses to meet the requirements of the inspection and maintenance agreement, or as outlined in the Storm Water Management Design Manual, the County, after thirty (30) days of the Notice (except, that in the event the Violation constitutes an immediate danger to public health or public safety, then one-24 hours' notice-shall be sufficient), may correct a Violation of the design standards or maintenance requirements by performing or having performed the necessary work to place the facility or practice in proper working condition. The County may assess the Responsible Parties responsible for maintenance for the cost of repair work, including any associated plans, permits, oversight, inspection, and maintenance reporting, which shall become a lien on the property, and which lien may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

**DIVISION 7 – PERFORMANCE SECURITY**

**Sec. 8-86. Resource Remediation Fund.**

A monetary performance guarantee for every new development is required. This guarantee will provide assurance that all exposed soil surfaces will be stabilized and any other areas of storm water management and sediment control deficiency addressed, in the event a development discontinues or proper control measures are not installed and/or maintained.

Prior to the issuance of any building and/or land disturbance permit for a development or phase of development, every applicant must pay Greenville County a non-refundable Resource Remediation Fee. These Fees will be held in a separate, use restricted, interest bearing account known collectively as the Resource Remediation Fund (the "RRF"). Monies deposited into the RRF may be used by the County to remediate sites that have been abandoned, sites left in an unstable condition, or sites with storm water management or sediment control deficiencies, as determined by the Director. By submitting an application for land disturbing activity, each applicant gives the County express authority to enter upon the subject property during and after development activities for the purpose of performing inspections and/or needed remediation, as determined by the Director.

For all new development and all redevelopment of sites, an applicant must provide to the County a notarized certification that the applicant has no known direct or indirect contractual, business, financial, or familial relationship ("Relationship") to a RRF site where fund money is outstanding

or Operator at such site. Based on this statement, the County has the right to request, and the applicant must supply, additional specific information concerning any such affiliations.

For sites at which monies from the RRF are spent, an applicant with a Relationship to any Operator on such RRF site(s) or a Relationship with a person who in the past has significantly failed to comply with any provision of this Ordinance or previously issued permit, will not be allowed to further participate in this program and no further review of a permit for land disturbing activity will be conducted by the County or permit issued, until such time that all RRF monies are repaid to the County in full by the applicant or other such related person. This is in addition to any other penalty or injunctive relief authorized under this Ordinance.

Staff will review funding on an annual basis and recommend any needed changes.

**Secs. 8-87. – 8-90. Reserved.**

## **DIVISION 8 – DETECTION AND REMOVAL OF ILLICIT CONNECTIONS AND DISCHARGES AND IMPROPER DISPOSAL**

### **Sec. 8-91. Illicit Connections, Illicit Discharges and Improper Disposal.**

1. 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 Director, into receiving waters.
2. 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 must be disconnected and redirected, if necessary, to the satisfaction of the Director and any other federal, state, or local agencies or departments regulating the discharge.
3. It is unlawful for any person, directly or indirectly, to release, drain, run, allow to seep, or otherwise discharge to any component of the Greenville County MS4 or to the Waters of the State or to cause, permit or allow to be released, 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.
4. The Director may require controls for or exempt from the prohibition provision in (a), (b) and (c) above the following, discharges provided the Director determines these discharges are not a significant source of pollution:
  - a. Unpolluted industrial cooling water, but only under the authorization and direction of the Director and appropriate NPDES permit.
  - b. Water line and Fire Hydrant flushing performed or required by a government agency, diverted stream flows, rising ground waters.
  - c. Unpolluted pumped ground water.

- d. Unpolluted 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, flows from riparian habitats and wetlands, and street wash water.
  - e. Discharges or flows from firefighting activities.
  - f. Other unpolluted water.
  - g. All authorized non-storm water discharges must not cause erosion of soil or the stream bank or result in sediment impacts to the receiving stream.
5. In the event of an accidental discharge or an unavoidable loss to the Greenville County MS4 of any pollutant, the responsible person shall inform the Greenville County Land Development Division as soon as possible, but not to exceed 24 hours, of the nature, quantity and time of occurrence of the discharge. The responsible person shall take immediate steps to contain the waste, treat the waste or other actions to minimize effects of the discharge on the MS4 and receiving waters. The responsible person shall also take immediate steps to ensure no recurrence of the discharge.

**Sec. 8-92. Detection of Illicit Connections and Improper Disposal.**

1. The Director shall take appropriate steps to detect and eliminate illicit connections to the Greenville County Storm Water System, including the adoption of a program to screen illicit discharges and identify their source or sources.
2. The Director 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.

## **DIVISION 9 – SPECIAL POLLUTION ABATEMENT PERMITS**

### **Sec. 8-95. General.**

A Special Pollution Abatement Permit may be required in two case (1) when development or re-development occurs within a watershed that drains to a waterbody listed as impaired by the South Carolina Department of Environmental Services or has an established total maximum daily load (TMDL), approved watershed water quality implementation plan or equivalent developed and implemented for a pollutant(s) of concern or (2) when an existing development is within a watershed that becomes listed as impaired by SCDES or subject to a TMDL, approved watershed water quality implementation plan or equivalent. The purpose of special pollution abatement is to ensure that effective best management practices are used to control water quality for these waterbodies. The specific requirements will be set by the Director. Any development that occurs without required measures or any existing development that continues to operate after notices of violation are issued shall be in violation of this section of the code.

Development in other areas known to have particular adverse water quality pollutant impacts may be required to comply with this section at the discretion of the Director. Areas that qualify have been identified by sampling and monitoring results and are given as priority areas for water quality treatment. Outstanding resource waters may also qualify for compliance under this section for protection of their classification.

### **Sec. 8-96. Permit Application Procedure.**

1. All special pollution abatement requirements shall be included in the final site development plan or as outlined in a remediation plan prepared as a result of a notice of violation. The site plan shall show all development and redevelopment or remediation efforts including discharge points drainages to “Waters of the United States” or “Waters of the State”, location of storm water treatment facilities, and BMPs.
2. The purpose of a Special Pollution Abatement Permit is to ensure that effective BMPs are used to control water quality for impaired and sensitive waterbodies such that the waterbodies are not degraded any further because of the development or redevelopment. A Special Pollution Abatement Permit may be required by the Director, where the director has reason to believe the site is discharging pollutant loads that may adversely affect receiving waters. Information for BMPs shall include the following:
  - a. Storm water treatment facilities and BMPs including manufacturer, model, flow rates of runoff draining to each facility or BMP for the 1-year and 10-year 24-hour storms, and the verified treatment and bypass flows for each facility and BMP.
  - b. For each non-proprietary storm water BMP-type, unique indentifying name, and surface area.
  - c. Inspection and maintenance program and schedule for each facility or BMP.
  - d. Certification by the engineer of record that the storm water treatment facility or BMP will address the pollutants listed in the TMDL or on the impairment for the

waterbody on the 303(d) and meets the requirements in the TMDL for the subject waterbody.

- e. Certification by the Operator that the facility or BMP will be maintained and inspected according to the inspection and maintenance program detailed in the permit request. Certified quarterly reports shall be submitted to the Director by the Operator of the facility or as the Director requires as given in the permit conditions. Sampling and monitoring may be required to verify the performance of the facility and compliance with the requirements in the Special Pollution Abatement Permit.

**Sec. 8-97. Approval of Structural Treatment Devices.**

If approval of structural storm water treatment devices is given to address the pollutant of concern, the Director may require valid documentation from full-scale testing by an independent third party to verify that the pollutants of concern will be properly controlled .

**Secs. 8-98. – 8-100. Reserved.**

**DIVISION 10 – MONITORING AND INSPECTIONS**

**Sec. 8-101. Monitoring.**

The Director shall monitor the quantity of, and the concentration of pollutants in storm water discharges from the areas and/or locations designated in the Greenville County Storm Water Management Program.

**Sec. 8-102. Inspections.**

1. The Director and/or other authorized personnel or agents, 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 and of the SWMP programs. Authorized personnel or agents shall duly notify the Owner of said property or the representative on site and the inspection shall be conducted at reasonable times.
2. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the Director. The Director and/or other authorized personnel shall promptly seek appropriate compulsory process.
3. In the event that the Director or the designee reasonably believes that discharges from the property into the Greenville County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without Notice to the Owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the Owner or representative.
4. Inspection reports shall be maintained in a permanent file located in the Land Development Division office.

5. At any time during the conducting of an inspection or at such other times as the Director or his designee may request information from an Owner or representative, the Owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the Director or his designee has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL – TRADE SECRET." The trade secret designation shall be freely granted to any material claimed to be such by the Owner or representative unless there is clear and convincing evidence for denying such designation. In the event the Director does not agree with the trade secret designation, the material shall be temporarily designated a trade secret and the Owner or representative may request an appeal of the Director's decision in the manner in which all such appeals are handled in this Ordinance.
6. All trade secret material which are prepared or obtained by or for the Director shall be marked as such and filed in a secure place separate from regular, non-secret files, and documents. Reports from samples prepared or obtained by or for the Director or Appeal Board or submitted for laboratory analysis shall be marked as such and treated in the same manner as other trade secret material. Trade secret material shall not be divulged to anyone other than (1) other employees of the County or employees of the State or Federal governments engaged in an inspection or enforcement proceeding involving the designated material and (2) to administrative or judicial courts upon order to so divulge the material to the court.

#### **Sec. 8-103. Construction Inspection.**

Inspection and enforcement can be divided into two distinct categories, during construction and post construction. Construction inspection ensures that the storm drainage systems, storm water management facilities and erosion and sediment control measures are constructed and installed in accordance with the approved C-SWPPP and OS-SWPPP. All construction inspection shall conform as outlined in the most current SCDES NPDES General Permit for Storm Water Discharges for Construction Activities. In addition, the following apply:

1. No stage of work, related to the construction of storm water management facilities, shall proceed the next preceding stage of work, according to the sequence specified in the approved staged construction and inspection control schedule until it is inspected and approved.
2. The Permittee shall notify the Land Development Division before commencing any work to implement the OS-SWPPP and upon completion of the work.
3. Third party inspections, by a qualified individual who is independent of the Owner must comply as outlined in the most current SCDES's NPDES General Permit for Storm Water Discharges from Construction Activities or may be required at the discretion of the Director at sites that have compliance problems and at sites where storm water discharges to environmental sensitive waters (such as waters classified as Trout Waters, Outstanding Resource Waters, Shellfish Harvesting Waters, etc.).
4. Once construction is complete, a final inspection will be conducted, and as-built documentation will be submitted to show that the constructed project meets the requirements of the approved C-SWPPP and OS-SWPPP. At this point the, and upon submission and acceptance of a Notice of Termination (NOT), land disturbance permit is closed and the

responsibility for the operation and maintenance of the storm drainage systems and storm water management facilities is transferred from the Operator to the persons responsible for maintenance.

5. The Operator shall provide an "as-built" plan certified by a registered professional to be submitted upon completing of the storm water management facilities included in the C-SWPPP. The registered professional shall certify that:
  - a. The facilities have been constructed as shown on the "as-built" plan; and
  - b. The facilities meet the approved C-SWPPP and achieve the function for which they were designed.
6. Acceptable "as-built" plans shall be submitted prior to:
  - a. The use or occupancy of any commercial or industrial site.
  - b. 50% build out of a residential subdivision once the multi-purpose basin has been converted from a sediment basin to the post construction water quality feature.
  - c. Release of any performance security held by the County.
  - d. Approval of a new C-SWPPP if the plan proposes to use existing storm water management facilities that do not have an acceptable "as-built" plan on file at the Land Development Division.
  - e. Approval and/or acceptance for recording of plat or drawing, the intent of which is to cause a division of a single parcel of land into two or more parcels.
7. The Director shall report the performance of any non-performing Certified Erosion and Sediment Control Inspector to the South Carolina Department of Environmental Services for appropriate action.
8. After construction is complete the persons responsible for maintenance are required to conduct periodic inspections of the storm water management facilities, features or BMP's. Inspections must be documented, maintained, and available for future verification. The County will conduct periodic post-construction compliance inspections. During the compliance inspections the persons responsible for maintenance may be required to provide copies of their inspection and maintenance activities documentation to the County.

**Secs. 8-104. – 8-110. Reserved.**

## **DIVISION 11 – ENFORCEMENT, PENALTIES, AND CORRECTIVE ACTION**

### **Sec. 8-111. Violations.**

1. Upon determination that a Violation of any of the provisions of this Ordinance or the SWMP has occurred, the Director, Enforcement Officer, and other authorized County employee or agent may give timely actual Notice Violation 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 of Violation shall specify: the nature of the Violation, the potential penalty, if applicable, the corrective action required, which may include restoration of impact to offsite land and waters, and the amount of time in which to correct deficiencies, if appropriate. It shall be sufficient notification to deliver the Notice of Violation to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and uncertified and addressed to the address used for tax purposes.

2. Upon determination that a Violation of any of the provisions of this Ordinance or the SWMP have occurred, the County may choose to pursue in magistrate court action for criminal and/or civil penalties to the maximum extent allowed by law. The County may also choose at its sole discretion, to proceed with a consent process. The first step for the consent process is for the County's enforcement officer or other authorized County employee to hold a fact finding meeting with the violator. Second, the enforcement officer or other authorized County employee develops a draft consent decree that contains corrective actions and penalties based on the facts found. This draft consent decree is presented to the violator and may be negotiated for a mutually agreeable action. If the parties fail to agree on the consent action the enforcement officer will present an administrative order to be enforced on the violator. In cases where the violator refuses to comply with the administrative order the County will pursue criminal and/or civil penalties for Violations as authorized by this Ordinance. Nothing in this section shall limit the ability of the County to pursue additional action, including, Stop Work Orders under §8-115 and all other actions provided for in Division 11 of this ordinance.
3. The County Attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal proceedings, 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.

#### **Sec. 8-112. Criminal Penalties.**

The County has the authority to charge any person violating any provision of this Ordinance with a misdemeanor punishable within the jurisdictional limits of magistrate's court. Each day of a Violation shall constitute a new and separate offense.

#### **Sec. 8-113. Additional Legal Measures.**

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).

#### **Sec. 8-114. Corrective Action.**

Any person violating any of the provisions of this Ordinance shall be required to comply with the Notice of Violation. Where a Violation of this Ordinance has not been corrected by the violator within the applicable time period for correction, Greenville County, or its contractor, may enter upon the lot or parcel of land and correct the Violation, including offsite impact, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs) shall be collected from the remediation fee or other means of security in place and sufficient to cover such costs, or shall become a lien upon the property and shall be collected in

the same manner as County taxes are collected. These costs shall be assessed in addition to any other penalty, Stop Work Order, injunctive relief, or other action authorized under this Ordinance.

#### **Sec. 8-115. Stop Work.**

Any person who shall proceed with any work which requires a C-SWPPP or SMSCP hereunder without first submitting a plan and obtaining a land disturbance permit, where applicable, shall have automatically placed on the subject property a Stop Work Order, pay to Greenville County Land Development Division, a working without a permit, fee and penalty, and payment of any other applicable penalties and costs, prior to lifting of the Stop Work Order. A Stop Work Order may also be issued by the County for any uncorrected violation of this Ordinance, C-SWPPP, or SMSCP. The Stop Work Order may require correction of Violations, and no other project related activities may take place until such required correction is completed by the violator and approved by the County. Any person in Violation of a Stop Work Order is subject to impoundment of any and all equipment on the property, and payment of all fees, performance securities, penalties and payment of impoundment charges prior to retrieving such equipment.

#### **Sec. 8-116. Permit Suspension and Revocation.**

A Land Disturbance Permit may be suspended or revoked if one or more of the following Violations have been committed:

1. Violations of the conditions of approved C-SWPPP or the OS-SWPPP;
2. Construction not in accordance with the letter or intent of the approved plans;
3. Non-compliance with correction Notice(s) or Stop Work Order(s);
4. The existence of an immediate danger in a downstream area in the judgment of the Director; or
5. The Operator did not renew the land disturbance permit upon the permit's expiration date or renew NOI coverage from SCDES upon its expiration date.

#### **Sec. 8-117. Civil Penalties.**

In addition to or in lieu of the criminal penalties authorized by this Ordinance, the County has the authority to assess a civil penalty of not more than seven thousand five hundred dollars (\$7,500.00) per Violation against any person who has violated any provision of this Ordinance. Each separate day of a Violation constitutes a new and separate Violation. A person assessed a civil penalty under this section may appeal the assessment to the Magistrate Court. All civil penalties collected pursuant to the provisions of this section shall be directed to fund the costs associated with storm water education, correcting Violations and/or enforcing the provisions of this Ordinance.

#### **Secs. 8-118. – 8-120. Reserved.**

### **DIVISION 12 – VARIANCES**

**Sec. 8-121. General.**

The Director may grant a variance from the requirements of this Ordinance if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the Ordinance will result in unnecessary hardship and will not fulfill the intent of the Ordinance.

**Sec. 8-122. Requesting a Variance.**

A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, that a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

**Sec. 8-123. Review Procedure.**

The Director shall conduct a review of the request for a variance and issue a decision within 10 working days of receiving the request.

**Secs. 8-124. – 8-130. Reserved.**

**DIVISION 13 – APPEALS**

**Sec. 8-131. Appeal Procedure.**

Any person aggrieved by a decision or Notice of Violation of the Land Development Division Manager may appeal the same by filing a written Notice of appeal with the Director within (30) thirty days of the issuance of said decision or Notice of Violation. If the person to whom the decision or Notice of Violation is directed does not appeal the Notice of Violation within (30) thirty days of the issuance of said decision or Notice of Violation, the decision or Violation becomes final.

**Sec. 8-132. Review by Director.**

The Notice of Appeal shall state the specific reasons why the Violation or decision of County is alleged to be in error. The Director will review the appeal and will either reverse, modify or confirm the decision.

**Sec. 8-133. Review by the Zoning Board of Appeals.**

The Zoning Board of Appeals shall hear and determine any design appeals in within 30 days or such other times as may be mutually agreed upon and will render a decision within 10 working days after the appeal has been heard.

**Sec. 8-134. Appeal to Greenville County Court of Common Pleas.**

Any person aggrieved by the decision of either the Zoning Board of Appeals, Assistant County Administrator, or magistrate may appeal the decision to the Greenville County Court of Common Pleas in accordance with its rules and procedures.

**Sec. 8-135. – 8-140. Reserved.**

## **DIVISION 14 – CHARGES AND FEES**

### **Sec. 8-141. Funding.**

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

### **Sec. 8-142. Connection to Conveyances.**

The Director shall have 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 Greenville County or to a wet weather conveyance. Such fee shall be payable as part of any permit application or submission, regulating the discharge of storm water runoff. Permit fees shall be established on the basis of facility classes relating to the quantity and quality of permitted discharge.

### **Sec. 8-143. Field Inspection.**

Costs associated with field inspection of land development or construction activities, other than those routinely performed by the Director 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.