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A revised Storm Water Management Ordinance (#4698) was unanimously adopted by the Greenville County Council on May 5, 2015. These ordinance revisions were needed for two primary purposes: (1) to match SCDHEC's 2012 Construction General Permit (CGP) language, and (2) to help ensure ongoing long-term inspections and maintenance of storm water facilities and BMPs. The Storm Water Management Ordinance was also amended and reorganized to provide for clarity and modernization, including the use of more coherent and uniform terminology. A partial summary of these revisions is provided in this announcement.

The complete ordinance may be accessed online:

http://www.greenvillecounty.org/land_development/pdf/Ordinance.PDF

- *Section 8-57. Prohibitions and Exemptions* provides that for sites which are exempt due to legitimate forestry activity, there shall be no land development applications accepted by the Greenville County Land Development Division for at least 36 months after the forestry activity has been completed.
- The 2012 CGP resulted in numerous additions and changes to storm water definitions that were also addressed in the County's ordinance. For example, the definitions of Best Management Practices (BMPs) and Land Disturbing Activities have been expanded, while many new terms such as clearing, grading, SWPPP, C-SWPPP, illicit discharge, LCP, LID, Maintenance Agreement, Operator, and Responsible Party (just to name a few) have been added. For all the definitions contained in the revised ordinance see *Section 8-60. Definitions*.
- The Ordinance was heavily modified throughout per the requirements of the State's 2012 CGP, especially *Division 3 - Permit and Submittal Requirements*, including Sections 8-67 & 8-68.
- A major portion of *Section 8-71. Basic Design Requirements* was deleted from the ordinance because it is also covered in the CGP.
- The first paragraph of *Section 8-74. Minimum Runoff Control Requirements* was reworded to include all state requirements. Portions of this section were removed because they too were covered by the CGP.
- In *Section 8-74(4)*, language was added to clarify that C-SWPPPs may be rejected if they include storm water facilities or structures with potential for significant long-term maintenance problems.
- *Division 6 – Ongoing Inspection and Maintenance of Storm Water Facilities and Practices* was overhauled to include provisions that clarify long-term maintenance responsibilities must be done in accordance with any approved SWPPPs, Maintenance Agreements, or the County's Storm Water Management Design Manual.
- *Section 8-82. Long-Term Maintenance Inspection of Storm Water Facilities and/or Best Management Practices* now includes 17 new, revised, or reorganized provisions for inspections, maintenance, and record keeping related to BMPs (see page 2).
- *Section 8-83. Right-of-Entry for Inspection* clarifies that Greenville County representatives are authorized to enter a site to conduct its inspection and maintenance program. As before, the inspection and maintenance program may include routine, random, or complaint inspections, as well as the review of maintenance/repair records, water sampling, and the evaluation of BMPs.
- *Section 8-84. Records of Maintenance Activities* continues to require that all inspection, maintenance, and repair activities associated with BMPs be documented and that a report of these activities be submitted to the County annually, retained for at least five years, and be made available upon request.
- *Section 8-85. Failure to Maintain* modified the procedures for issuing Notices of Violations, taking corrective actions, and recovering the costs of any corrective actions undertaken by the County.
- *Section 8-10. Construction Inspections* reiterates language from the previous Ordinance concerning the submittal of as-built documentation, the transfer of maintenance responsibility from the Operator to the Responsible Party, and the obligation of the Responsible Party to conduct periodic inspections and maintenance activities.

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

- Storm water facilities and BMPs for subdivisions must be located in common areas or easements.
- Easements and Maintenance Agreements must be recorded in the office of the Greenville County Register of Deeds prior to the issuance of a land disturbance permit. Restrictive covenants must be recorded prior to approval of the final plat. Maintenance Agreements shall run with the land and are transferable to any successors and assigns.
- Easements for storm water management facilities and BMPs must be shown on a final plat which also references the Instrument Number where the Maintenance Agreement has been recorded with the Register of Deeds. The final plat must also include a note stating that Responsible Parties are to provide long-term maintenance of the BMPs.
- BMPs shall be maintained at all times, as outlined in the SWPPP, Design Manual, Maintenance Agreement and/or any approved land disturbance permit, to ensure proper operation and application.
- Parties responsible for maintenance shall be designated in the SWPPP, the Maintenance Agreement, and on the final plat.
- For developments which establish an HOA or POA, provisions for long-term maintenance must be defined in the Maintenance Agreement. The Maintenance Agreement must identify a funding source for future maintenance expenditures, as well as the entity responsible for general upkeep, maintenance, and repairs of BMPs. County notification is required prior to a change in responsibility.
- The County may determine that the owner of each land parcel draining to a storm water management facility or BMP is a Responsible Party (a new term used to define those responsible for maintenance activities) if a BMP is part of a Larger Common Plan (LCP). When this determination is made, Responsible Parties may be held liable for an equal percentage of any required maintenance or repairs of the BMPs in the LCP.
- Responsible Parties shall inspect and maintain storm water management facilities and BMPs, including routine or non-routine activities, according to the schedules listed in the Maintenance Agreement, SWPPP, and/or Design Manual.
- Alteration or removal of any permanent storm water management facility or BMP is prohibited. This includes allowing a BMP to remain out of compliance with the SWPPP or Design Manual.
- Failure to maintain a BMP as required by the SWPPP, Maintenance Agreement, or Storm Water Plan is prohibited.
- Modification, removal, or any other alteration of an existing storm water management facility or BMP without prior written approval from the County is prohibited, unless it is part of an approved maintenance plan, Maintenance Agreement, or modified SWPPP.
- No person is allowed to place any structure, equipment, fill, landscaping or vegetation in any storm water management facility or BMP, or within any drainage easement that conveys runoff to a storm water management facility or BMP, which would alter its functionality, without prior written approval from the County.
- Landscaping of storm water management facilities and BMPs is allowed only when the landscaping is designed, installed, and maintained according to the Design Manual.
- Unsafe conditions, or conditions that would negatively affect water quality, are not allowed in any storm water management facility or BMP. This includes storage of equipment or tools and the misuse of pesticides and herbicides.
- For any storm water management facility or BMP that is partially or fully underground, Responsible Parties are required to have independent inspections performed regularly and have annual reports of the results submitted to the County by January 31st each year.
- Changes in maintenance responsibility for any storm water management facility or BMP requires written notification to the County of such change, including a letter of acceptance from the entity taking over responsibility.