

Agenda

- WelcomeMark Nix, HBA
- Stormwater OverviewAnn Clark, DHEC
- Home Builders/MS4 Programs
- Q & A and Discussion...Karin Skipper, DHEC



Stormwater Forum for Home Builders

Ann R. Clark, Director

Stormwater, Construction, Agricultural and Dams Permitting



South Carolina Department of Health and Environmental Control

Goals for the Day

- Everyone walk away with a better understanding
 - ◆ Tried to incorporate all the pre meeting questions
 - ◆ Overview- site specific concerns- glad to address after the session
- DHEC provide overview of stormwater programs
- Give MS4s the opportunity to share about their specific programs
- Facilitate a dialogue about what can be improved in the processes

I had a really great lunch and I'll probably start snoozing soon- so what is the one thing that I should remember from this session?

Website:

www.scdhec.gov/stormwater

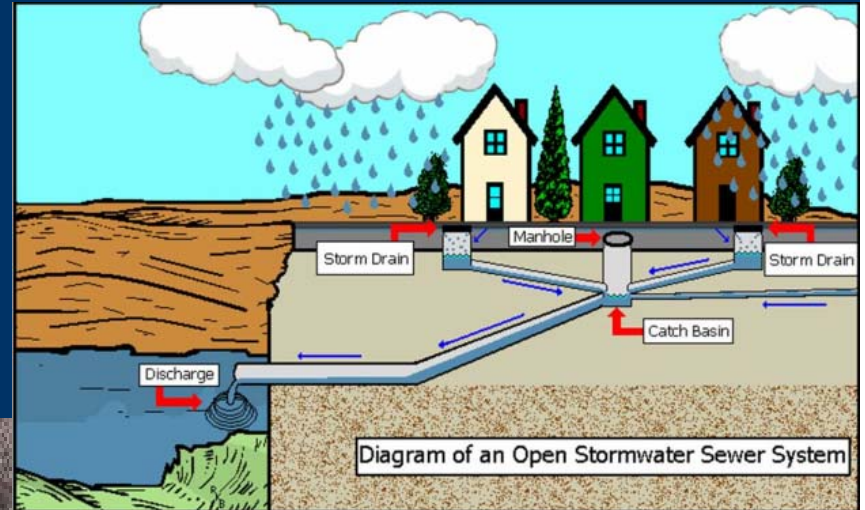
- This presentation (and others)
- Construction permit
- Summary of changes between old and new permit
- Where to apply for permits map
- Forms
- Inspection form templates
- Link for Clemson inspector training

I've heard the term MS4. What exactly is an MS4 and why are some local governments required to have a stormwater program?

Definition of MS4

- MS4 stands for Municipal Separate Storm Sewer System meaning a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - ◆ Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law);
 - ◆ Designed or used for collecting or conveying storm water.

Discharges



Federal Clean Water Act

- 1987- an amendment called the Water Quality Act required the Environmental Protection Agency to develop a phased Program to regulate stormwater

Why are some areas regulated MS4s and some are not?

- By Urbanized Area defined by US Census as 500 people/square mile
- Phase I - Large and Medium MS4s
 - ◆ Large: Urbanized Area with $\geq 250,000$
 - ◆ Medium: Urbanized Area 100,000 – 249,999
- Phase II- 1999 – Small MS4
 - ◆ Small: other urbanized areas

In South Carolina

- Phase I- Large and Medium
 - ◆ Large: SC Department of Transportation
 - ◆ Medium: Greenville County, Richland County, City of Columbia (all have individual permits)
- Phase II – Small
 - ◆ Small: 70 entities, Listed in Appendix of Permit
 - ◆ Includes 4 military facilities (ChAFB, ChNWS, ShawAFB, and FtJ)

What are Small MS4s required to do?

- Public Education and Outreach
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- **Construction Site SW Runoff Control**
- Post Construction SW Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

MS4 Construction Programs

- DHEC accepts MS4 reviews for our permit issuance- DHEC does not review
- Ask that they use state regs and permits as a baseline
- Required to address water quality concerns within their MS4- can be more stringent
- Not required, but there are other good tools available

Are there changes in store for Small MS4s?

- Covered under a General Permit that expired February 28, 2011
- Remains in effect until new one is issued
- Public notice period just closed on 6/27
- Addressing comments
- Reissue permit mid August
- After permit is effective, there will be new MS4s added based on 2010 census

Speaking of new permits- I'm hearing about some changes with a new stormwater construction permit. Why is there a new permit?

New Construction Permit

- General Permits- 5 years
- Permit issued in 2006 had expired
- Reissued permit- Effective January 1,2013
- Were some federal rule changes from EPA that we were required to incorporate- mostly related to design for new permits
- Also listened to challenges with previous permits and tried to adjust where possible to streamline process

I'm hearing about being a
secondary permittee- what is
this?



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Types of Permittees

- Old 2006 Permit
- Permittee (Developer)
- Required CoPermittee (Home Builder)
- 2013 Permit
 - ◆ A. Primary Permittee
 - ◆ B. Primary Permittee and Secondary Permittee

Option A

- Developer serves as Primary Permittee and allows homebuilders to work under his permit coverage
- Agreement between developer and homebuilder could be like old copermittee process or other agreement
- Primary Permittee is responsible for compliance of site, overall maintenance of drainage system, and inspections
- Downside is that if Primary submits a Notice of Termination or goes bankrupt- homebuilder no longer has permit

New- Option B

- Developer is Primary
- Homebuilders apply for their own permit with DHEC as a secondary permittee
- Fee is \$125
- Can get coverage for multiple lots
- Responsible for compliance/inspections
- Still have own permit if primary/developer files for termination or goes bankrupt

- Are there limits to what can be done as a secondary permittee?
 - ◆ Yes, limited to residential lots. No infrastructure or roads.
 - ◆ If the primary permit is no longer viable-stormwater infrastructure must be installed to be eligible

- I'm looking at working in a subdivision where the developer/primary permittee has gone bankrupt. What's the easy solution?
 - ◆ DHEC wants to work with you
 - ◆ Best to work through on case by case
 - ◆ Banks are allowed to stabilize but not develop under a Department order

I really like the idea of being a secondary permittee- how do I apply for this?

Getting a Secondary Permit

- Outside an MS4
 - Simplified form – send to the Department
 - Complete all sections
 - Can cover multiple lots with one application (NOI)
 - Provide plat identifying lots
- Within an MS4
 - Contact MS4
 - ◆ Yes- Go through them
 - ◆ No- Can get with DHEC
 - Hope to get this consistent throughout the state

- I need the permit number for the development and a copy of the individual lot detail. Where can I get that?
 - ◆ Contact DHEC Permitting Programs for permit numbers
 - ◆ Give as much info as you can- name of development (spelling), owner, county
 - ◆ Everything in files is available through Freedom of Information
 - ◆ Most/some stored electronically and can be emailed

What is required for the
preconstruction meeting? Why is
this necessary?

Preconstruction Meeting

- Not significant change
- Going over what each party is required to do to assist with compliance
- Recognize that there will probably be several preconstruction meetings
- Include parties that need to know about Stormwater Plans

What has changed about inspections?

Inspections

- Timing- more flexibility
 - ◆ Old- Every 7 days
 - ◆ New- “A minimum of once every calendar week”
- Inspections are recommended within 24 hours for event 0.5 inches or greater

- Who is responsible for having inspections done? Whoever is permittee for that area. Permit states: If inspection is not shared between primary and secondary permittees. Each secondary permittee must provide for their own inspections for the portion of the site for which their coverage includes.

- Who is qualified to do an inspection?
Professional engineer or someone who has completed a DHEC approved inspector course (Clemson- CEPSCI)
- Does my inspector have to be third party or can it be someone on my staff? Your choice

- Who is responsible for Monthly Inspection Reports? No longer required

Looks like there is a new requirement for maintaining a rainfall record. How can I comply if I'm not on site everyday?

Rain Logs

- Record significant rainfalls events
- Can use a simple rain gauge or data from a certified weather record located within a reasonable proximity (online)

What can be done to make this process more streamlined and permits issued faster?

Things that have been done

- Issue DHEC permits based on MS4 reviews with no additional review
- Provide training for design engineers- good applications (More on this)
- Streamlining CZC process
- All SW staff organizationally are under one Bureau
- Payment by credit card (Max \$2000/transaction)
- Offer Expedited Process for DHEC Reviews- 10 day maximum
- Evaluating electronic submission alternatives

What can I do as a home builder to expedite the process of filing as a secondary permittee?

- Use DHEC staff as a resource (don't just leave it blank)
- Assure that you have the needed information from the primary permittee