



Response to Comments

For The
**2026 NPDES General Permit for
Stormwater Discharges from
Construction Activities (SCR100000)**

Introduction:

The following is South Carolina’s Department of Environmental Services (SCDES) “Response to Comments” to the comments received during the Public Notice of the Draft Construction General Stormwater Permit (CGP), which was on public notice January 16th, 2026, until February 19th, 2026. A public meeting was held on Thursday, February 5th, 2026, at Peeples Auditorium, 2600 Bull Street, Columbia SC 29201, from 5:30 p.m. to 7:00 p.m. The meeting included an open discussion and concluded with a question-and-answer session. A formal public hearing took place Thursday, February 19th, 2026, at Peeples Auditorium from 2:00 p.m. to 4:00 p.m.

The Department has prepared written responses to all substantive public comments prior to issuance of the final permit. Where appropriate and within the scope of the Department’s statutory and regulatory authority, the Department has considered incorporating revisions or clarifications into the final CGP. Any changes adopted will be supported by the Department’s legal authority and programmatic consistency with applicable state and federal requirements. The NPDES General Permit for Stormwater Discharges from Construction Activities is hereby issued, as of **February 27, 2026**.

Due to the sheer number of comments received on this permit, the comments were organized in a fashion that presented all comments for a particular section of the permit within a table, called a **Comment Group**. Each Comment Group is listed in order based upon time received during the reissuance process. The template used for each Comment Group can be seen in **Table 1**. Each Comment Group will show the permit section, the topic addressed, the commenter, a summary of the comments received, and the Department’s response.

Table 1: Example of Comment Group

Permit Section(s) & Topic: (Section Reference – Topic Addressed)	Commenter(s): (Name of Commenter)
Comment(s) Received: 1. (Summary of Comments)	
Department’s Response to Comments	
SCDES’s Response to comments and revised permit language where applicable.	

Thank you for participating in the reissuance process of the 2026 South Carolina National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities.

<i>Permit Section & Topic:</i> 2.2.2	<i>Commenter(s):</i> The Home Builder’s Association of South Carolina
Comments: Section 2.2.2 requires that infrastructure be complete before secondary permittees (individual home builders) can obtain lot coverage if the primary permittee has terminated coverage. This provision conflicts with South Carolina’s established bonding practices under S.C. Code §§ 6-7-10 et seq. and S.C. Code § 6-29-1200 et seq.	
Response	
The CGP does not require the permit to be terminated prior to obtaining secondary coverage. Language has been included in section 2.2.2 to clarify that secondary permittees may obtain coverage whether the primary permit is active or terminated (R.72-307) based upon this comment. New language states “The primary permittee permit coverage may be active or terminated as per the requirements of the Notice of Termination. Secondary Permittees may obtain coverage whether the primary permit is active or terminated.”	

<i>Permit Section & Topic:</i> 2.2.3. A	<i>Commenter(s):</i> The Home Builder’s Association of South Carolina
Comments: Builders continue to face compliance issues regarding Annual Blanket NOI (AB-NOI) documentation from utility providers. While the 2019 modification removed the on-site retention requirement, practical difficulties remain. Builders have no contractual relationship with utilities and cannot compel AB-NOI copies. Utilities often fail to respond to comments, leaving builders exposed to NOV’s (Notice of Violations) for missing documentation beyond their control. Builders are then responsible for third-party documentation. Establish a builder-safe harbor: no enforcement where builder provides written notification to the Department (SCDES) identifying the utility and documents good-faith efforts to obtain the AB-NOI.	
Response	
Section 2.2.3.A states that a copy of the AB-NOI must be provided by the utility provider/contractor prior to land-disturbing activity to all primary and secondary permittees. The term Annual Blanket NOI (AB-NOI) has been adjusted for additional clarification. AB-NOI has been changed to a five (5)- year permit term under the Utility-Blanket NOI (UB-NOI). Language was added to section 2.2.3.A stating “An approved Utility Blanket NOI provides statewide coverage for all construction activities performed by the utility provider/contractor within common developments or Larger Common Plans (LCP’s) for the duration of this issue of the permit. Renewal of each Utility Blanket NOI must be submitted prior to the expiration of this permit if coverage is still desired. Utility providers may seek coverage throughout the coverage term of this permit. The Utility Blanket NOI will contain all applicable information contained in Section 2.3.2 of this permit.”	



<i>Permit Section & Topic:</i> 1.3.1.C	<i>Commenter(s):</i> The Home Builder’s Association of South Carolina
Comments: Section 1.3.1.C restricts automatic coverage for pre-1992 subdivisions to those with no more than 5 contiguous lots and 5 acres remaining. These retroactive restrictions undermine vested rights. Remove acreage and contiguity limits and restore automatic coverage for pre-1992 subdivisions, subject only to BMP standards.	
Response	
Construction of homes within residential developments approved prior to the effective date (1992) of South Carolina Stormwater Management and Sediment Reduction Regulations (R.72-300) are exempt from the provision of those regulations, these construction activities are not exempt from the NPDES Stormwater regulations. Language limiting to 5 contiguous lots has been removed from the CGP. Automatic coverage will remain for LCPs with no more than 5 acres of potential construction activities remaining within the development. Reference to R.72-307 as well as R.72-307E(3) to support this request has been added to Section 1.3.1.C. In addition, automatic coverage for single-family residential construction was added for clarification.	

<i>Permit Section & Topic:</i> 1.3.3. D	<i>Commenter(s):</i> The Home Builder’s Association of South Carolina
Comments: Section 1.3.3.D Introduces obligations for groundwater-contaminated sites that exceed traditional stormwater permit authority. The section lacks criteria defining “appropriate controls.” The HBA would like to extend CGP jurisdiction into historic contamination regulated under CERCLA/RCRA. The HBA recommends developing a comprehensive guidance specifying contamination thresholds, acceptable BMP’s and coordination procedures.	
Response	
This comment refers to CERCLA sites specifically in full document. As the permit is currently written, 1.3.3.D aims to reduce the risk of off-site impacts while providing a path for permit coverage for otherwise prohibited discharges. Purchasers of a lot for construction assume responsibility for any on-site contaminants and must abide by the State Regulations for maintaining potential pollutants on-site. The requirement for addition or alternate wastewater permit is based on wastewater regulations and additional construction permitting is limited on first obtaining all pertinent wastewater permits. The Department cannot permit the discharge of contaminated water.	



<i>Permit Section & Topic:</i> 4.2.D	<i>Commenter(s):</i> Home Builder's Association of South Carolina
Comments: The Physical rain gauge mandate costs and redundancy compared to certified remote sensing methods. NOAA's NEXRAD system achieves daily rainfall accuracy within 0.1 inch (NOAA Technical Memorandum NWS HYDRO-19), comparable to on-site gauges. HBA recommends allowing operators a choice between physical rain gauges or remote sensing using NWS or certified weather services within 5 miles of the site. HBA also recommends eliminating dual documentation and focusing on verifiable rainfall data accuracy.	
Response	
The current CGP does not require an on-site rain gauge but recommends it as best practice. Permittees may instead use a certified weather station, if it is reasonably close to the site and reflects local conditions, as outlined in Section 4.2.D. This approach provides flexibility while ensuring rainfall data used for compliance is representative. This section accommodates sites that may not have the capacity to maintain on-site equipment. Permittees should select stations carefully to ensure compliance.	

<i>Permit Section & Topic:</i> 3.2.6. A. II(d)	<i>Commenter(s):</i> Home Builder's Association of South Carolina
Comments: Sediment traps for 2-5-acre sites, exceeding R.72-300 standards and limiting engineering discretion. HBA recommends revising language to include "For drainage areas of 2-5 acres, sediment traps or equivalent sediment control measures designed by a qualified professional shall be provided." HBA also recommends publishing equivalency guidance identifying acceptable alternatives to align the CGP with R. 72-300 to prevent duplicative federal/state conflict.	
Response	
This section does not mandate the use of sediment traps for sites between 2 and 5 acres. Instead, it allows for the use of sediment traps or other Best Management Practices (BMPs) that are functionally equivalent and meet the performance standards outlined in Regulation 72-307.C (Section 72.425). Design professionals have the flexibility to select alternative BMPs, provided they offer comparable sediment control effectiveness.	



<i>Permit Section & Topic:</i> Proviso 55.26	<i>Commenter(s):</i> Home Builder’s Association of South Carolina
Comments: The Department should establish maximum review times for the SWPPP submissions to provide predictability and efficiency for permittees. Recent implementation practices suggest the Department may be misinterpreting Proviso 55.26 in a manner that improperly shifts deadline compliance burdens onto engineers and applicants. HBA recommends clarifying the proviso and similar Legislative provisions are intended to hold the Department accountable for timely reviews, not to create punitive deadlines for applicants responding to Department comments.	
Response	
This comment stems from the Department’s implementation of Proviso 55.26 rather than from any requirements outlined in the Construction General Permit (CGP). In adapting to Proviso 55.26, the Department has structured its processes to operate within a 90-day window for agency decisions on all submissions. Additionally, individual project review timeline agreements are available to extend the review period for a mutually agreed upon amount of time beyond the 90-day window.	

<i>Permit Section & Topic:</i> 2.2.2	<i>Commenter(s):</i> Home Builder’s Association of South Carolina
Comments: Section 2.2.2 of the CGP describes the process for lot owners or residential builders to obtain permit coverage for individual lots or a collection of individual lots that are part of an LCP. The lot owner or residential builder files an Individual Lot Notice of Intent as the Secondary Permittee for lots that are purchased from the previous owner or Primary Permittee. In South Carolina, it is a common practice for residential homebuilders to purchase groups of lots from developed subdivision owners on a quantity over time or “takedown” schedule (e.g., If a developer is selling 30 residential lots, they may enter into an agreement with a residential builder to sell them five (5) lots, every three (3) months until all 30 are purchased). This practice reduces the financial burden for the residential builder and reduces land carrying cost, which in turn reduces the cost of the home for the end-user. However, with the current process, the permittee in the process described above would accumulate six (6) different permit numbers from DES, which increases the administrative burden of maintaining the SWPPPs and causes confusion to local regulators when inspecting, issuing enforcement, and closing permitted areas. Operators with coverage as Secondary Permittees should be able to increase their disturbed areas via NOI modification and have the option for partial termination for finished areas that are no longer under the Secondary Permittee’s control.	
Response	
The IL-NOI process allows applicants to select the number of lots they wish to have permitted. If the applicant desires to terminate coverage as each lot is completed, then it is possible to permit each lot separately. Coverage on additional lots may be obtained by submitting a separate IL-NOI.	



<i>Permit Section & Topic:</i> 3.1.6	<i>Commenter(s):</i> Home Builder's Association of South Carolina
Comments: Section 3.1.6 of the CGP requires that a copy of the OS-SWPPP be retained at the construction site. As DES and homebuilders are continuing to forge ahead into the digital world together, the allowance for an alternative to store the OS-SWPPP electronically should be included in the 2026 CGP. The requirement to keep a physical copy of the OS-SWPPP onsite is an unnecessary administrative task that is overly burdensome to the regulatory community, without providing any environmental benefits. Part 4.2.H of the CGP requires that inspection records be retained as a part of the OS-SWPPP after permit coverage expires or is terminated. Part 3.1.1.H.V.h of the CGP clarifies that the content of the OS-SWPPP includes copies of "inspection logs". The CGP does not inform the permittee where or how "inspection reports" need to be stored during construction. Regardless, keeping printed inspection reports onsite is regarded as a CGP regulation by many local inspectors. The requirement to print all inspection reports and deliver them to the project for storage is a needlessly enforcement sensitive administrative burden for the regulated community that is wasteful of both fuel and paper while generating no apparent impact on water quality.	
Response	
Section 3.1.6. B of the permit has been revised based on the submitted comment. This revision should allow flexibility for a variety of situations which may realistically occur during the life of construction activities. 3.1.6.B now states: "If it is not possible to maintain a copy of the OS-SWPPP on the construction site, notice of the plan's location, along with any updated contact information, must be posted near the main entrance at the construction site. Copies of plans, either printed or easily readable digital, must be updated to reflect current site conditions and available within thirty (30) minutes upon request."	

<i>Permit Section & Topic:</i> 4.1.C.I	<i>Commenter(s):</i> Home Builder's Association of South Carolina
Comments: Section 4.1.C. I of the CGP requires that preconstruction meetings for non-linear construction sites that disturb 10 acres, or more be held onsite. The purpose of these meetings is to review and explain the OS-SWPPP, not to explore the unmarked, undeveloped land. Conducting these meetings on site is prohibitive to a large group collectively reviewing a small document.	
Response	
The Department concurs. Non-linear construction sites of 10 acres or more now have the option to hold pre-construction conferences virtually. The permit has been revised based on this comment. 4.1.C. I now states "Pre-construction conferences for all projects may occur virtually, in-person, or at an off-site location designated by the permittee unless the respective MS4 requires otherwise. Record of the meeting location and all supporting documentation must be kept with the SWPPP, to include all signatory records."	



<i>Permit Section & Topic:</i> 4.2.1	<i>Commenter(s):</i> Home Builder's Association of South Carolina
Comments: Section 4.2.1 of the CGP described the inspection authority of a Primary Permittee if Secondary Permittees are inhibiting the Primary Permittee's ability to maintain compliance with the OS-SWPPP, but does not include provisions for Secondary Permittees when a Primary Permittee inhibits their ability to maintain compliance. Often, secondary permittees are forced to comply with Stop Work Orders resulting from non-compliance by Primary Permittees, which is undue and costly to the secondary permittees.	
Response	
At the State level, Secondary Permittee's are held responsible by SCDES for the portion of the site for which they hold permit coverage. The MS4's have their own local ordinance which may be stricter than SCDES.	

<i>Permit Section & Topic:</i> 2.2.3	<i>Commenter(s):</i> Dominion Energy
Comments: Consider a multi-year blanket permit cycle instead of requiring a renewal every January if performance is satisfactory. AB-NOI coverage for a single year limits projects within larger common plans.	
Response	
The Department concurs with this comment. Section 2.2.3.A states that a copy of the AB-NOI must be provided by the utility provider/contractor prior to land-disturbing activity to all primary and secondary permittees. The term Annual Blanket NOI (AB-NOI) has been adjusted for additional clarification. AB-NOI has been changed to a five (5)- year permit term under the Utility-Blanket NOI (UB-NOI). Language was added to section 2.2.3.A stating "An approved Utility Blanket NOI provides statewide coverage for all construction activities performed by the utility provider/contractor within common developments or LCP's for the duration of this issue of the permit. Renewal of each Utility Blanket NOI must be submitted prior to the expiration of this permit if coverage is still desired. Utility providers may seek coverage throughout the coverage term of this permit. The Utility Blanket NOI will contain all applicable information contained in Section 2.3.2 of this permit."	



<i>Permit Section & Topic:</i> Low Impact Development	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends implementing a new waiver specific to linear utilities for minor disturbances that meet low-impact criteria.	
Response	
Appendix A defines “Low Impact Development (LID)” as a means to manage stormwater 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 treats stormwater as a resource rather than a waste product.” Practices such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements are typical LID Best Management Practices (BMPs) to address permanent water quality. Section 3.2.6.A.VIII states the methods outlined in Appendix A are to be included for post-development runoff in order to meet permanent water quality and/or post-development quantity requirements. Linear disturbances are encouraged to use LID BMPs as outlined in Section 3.2.6.A.VIII of the CGP, but their incorporation cannot exempt the project from NPDES requirements to obtain coverage.	

<i>Permit Section & Topic:</i> MS4 Program Implementation	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends overlapping regulatory oversight by aligning the state CGP requirement with local MS4 programs for utility-related construction.	
Response	
MS4s are required to adopt local ordinances that meet or exceed the requirements established within the CGP. The CGP provides a state-level baseline for stormwater management on construction sites to meet federal NPDES requirements. However, MS4s have the authority and responsibility to impose additional or more stringent requirements to protect local water quality.	



<i>Permit Section & Topic:</i> 72-302 Exemptions, Waivers and Variances from Law, Appendix D	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends including the EPA NPDES Oil and Gas Exemption under Waivers and Exemptions under Appendix D.	
Response	
This exemption covers buildings/treatment plants, not just transmission lines. 72-302 6(f) "land disturbing activities associated with placement of underground lines for distribution or transmission of electric energy or of gas or communications services"...Following activities are exempt from both sediment control and stormwater management requirements established by these regulations. 61-9 122.26(a)(2) states "The Department may not require a permit for discharges of stormwater runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels)..." Section 72-302 of the South Carolina Standards of Stormwater Management and Sediment Reduction Regulations provides for certain oil and gas exemptions. This regulation is incorporated into the CGP as an appendix. The Department will review each concurrence request on a case-by-case basis.	

<i>Permit Section & Topic:</i> 5.1	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends including 'pre-construction' condition as a method of meeting final stabilization criteria when the site was not previously stabilized or adequate vegetative cover. Dominion Energy also recommends establishing a requirement for images of the site pre- and post- construction activities upon submittal of the Notice of Termination.	
Response	
The operator must continue to meet the requirements of the AB-NOI/Utility Blanket NOI. "Stabilization" is defined as the installation of vegetative and/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 per Appendix A of the CGP.	



<i>Permit Section & Topic:</i> Utility Line Projects General Permit	<i>Commenter(s):</i> Dominion Energy
Comments: Consider creating a dedicated general permit subsection for "Linear Utility Line Projects" that covers common utility construction/maintenance activities under a single set of pre-approved standards. Utility companies could operate under pre-approved Stormwater Management "Standards and Specifications" in lieu of submitting individual NOIs and site plans for each project. Under this programmatic approach, a utility provider prepares a comprehensive across-the-board SWPPP and BMP toolkit for typical linear construction projects to be approved by SCDES.	
Response	
SCDES does not have statutory authority to implement this request for construction. However, if maintenance activities can be performed without altering the original grade, hydraulic capacity, or original purpose of the facility, this would not be considered construction activity. Appropriate best management practices for sediment control, erosion protection, stormwater management, and pollution prevention during maintenance activities must be provided. The definition for "Small Construction Activities" in Appendix A, states "small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility." These disturbances must be less than 5 acres to qualify for small construction activities maintenance exemption.	

<i>Permit Section & Topic:</i> 4.2	<i>Commenter(s):</i> Dominion Energy
Comments: SCDES regularly asserts that failures of BMPs are to be handled through the self-implementing provisions of the CGP (Clean it up/ interact with other agencies such as if WOS become impacted/ repaired, evaluate why BMP failed, resolve via engineering manufacturer, document in SWPPP, and implement remedial actions in a timely manner per the CGP). However, BMP failures continue to the SCDES BOW when they occur (including USACE and SCDES BCM). SCDES should clarify reportability of BMP failures when WOS/WOTUS are impacted by resultant sediment releases to resolve reportability confusion and instill clarity to the regulated community in the renewed permit.	
Response	
The previous permit required permittees to report instances where more than seven (7) days were needed to complete repairs following the release of hazardous materials or petroleum products. This requirement was intended to ensure timely response and mitigation of potential environmental impacts. In addition to this, Regulation R.72-308 outlines comprehensive requirements for the inspection and maintenance of Best Management Practices (BMPs), which are critical for the effective control of stormwater discharges. To strengthen the connection between the permit and existing regulatory frameworks, a reference to R.72-308 has now been explicitly included in Section 4.2 of the permit. This addition reinforces the expectation that permittees adhere to both the permit conditions and applicable state regulations governing BMP performance and maintenance. The Department is developing a template for self-reporting purposes of BMP failure and/or illicit discharges during construction activities as a result of this comment. The template is not required; however, all corresponding documents may be kept in the OS-SWPPP per section 3.1.1.H of the CGP.	



<i>Permit Section & Topic:</i> 1.3.3 Limitations on Coverage	<i>Commenter(s):</i> Dominion Energy
Comments: Consider small construction activities to be covered under a facility's Industrial Stormwater General Permit or another individual permit and not require CGP coverage.	
Response	
Section 1.1.4.3 of the Industrial General Permit (IGP) states that discharges associated with construction activities, including construction stormwater, are not covered. These discharges are regulated separately under the Construction General Permit (CGP), pursuant to the requirements of 40 CFR §122.26(b)(14)(x) and §122.26(b)(15), which govern stormwater discharges from construction sites. Section 1.3.3 of the CGP states "post-construction stormwater discharged from industrial sites may need to be covered by a separate NPDES permit."	

<i>Permit Section & Topic:</i> 2.2.3.A	<i>Commenter(s):</i> Dominion Energy
Comments: Reconsider the current practice of requiring the developer's SWPPP to specifically identify the utility's infrastructure, since utilities are often brought in after the LCP is permitted and the SWPPP is approved. SCDES should consider: (1) Utility work within developer's permitted LOD (2) utility follows preconstruction briefing and therein agree to the developer's BMPs, and (3) Utility has an active Annual Blanket NOI. Then Utility should be considered covered and compliant -- without the developer having to revise their SWPPP to show the utility's exact location.	
Response	
Identifying all utility infrastructure in the SWPPP and construction plans before land-disturbing activity is an important step in supporting water quality protection and regulatory coordination. Utility installations can influence runoff patterns, erosion control, and the effectiveness of BMPs. Without this information, there's a greater risk of unanticipated impacts or noncompliance. Programs such as the Coastal Zone Consistency (CZC) certification rely on visualizing utility locations in advance to evaluate potential environmental effects during their review process. Including this information early helps ensure accurate planning, effective BMP design, and alignment with related regulatory processes. This requirement will remain in place for this iteration of the CGP. Language remains: "the land-disturbing activities and location of utilities must have also been accounted for an approved, in terms of wetland impacts, stormwater management, sediment control and erosion prevention, and coastal resource impacts (coastal zone only), within the approved C-SWPPP of each construction site."	



<i>Permit Section & Topic:</i> Concurrent reviews & adjacent permits	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends The Department perform concurrent reviews of CZC and NPDES so both permits/approvals are obtained at the same time to avoid delays.	
Response	
The SC CGP does not govern the Coastal Zone Consistency (CZC) review process, which is administered separately by the Bureau of Coastal Management (BCM).	

<i>Permit Section & Topic:</i> 4.3	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends including additional language outlining BMP failures will not result in enforcement actions.	
Response	
Section 4.3 of the CGP states “if required maintenance takes longer than 7 days, documentation as to the reason shall be provided upon request of the Department or other regulatory staff along with estimated time of completion.” The Department developed a template for self-reporting purposes of BMP failure and/or illicit discharges during construction activities as a result of this comment. This template and all corresponding documents may be kept in the OS-SWPPP per section 3.1.1.H of the CGP. Regulation 72-308 outlined the maintenance requirements and off-site damage corrections to maintain proper stormwater management. A description of needed maintenance is required per R. 72-308.	

<i>Permit Section & Topic:</i> Neighboring States & Implementation of EPA Regulations	<i>Commenter(s):</i> Dominion Energy
Comments: Review how Virginia State regulators handle linear construction projects through energy dominion. An ideal method would be to have energy providers function similar to an MS4. Small projects within the right-of-way can receive coverage through a potential separate permit, maintaining interactions with the state for final approval.	
Response	
The Department consulted Dominion Energy’s Virginia sector to gather more information on the functionality of Virginia’s energy project program. SCDES does not have statutory authority to implement this request.	



<i>Permit Section & Topic:</i> 4.3	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends extending the BMP reporting period for heavier rainfall events like 10- or 15-year storms to be extended from 7 days to 15 days.	
Response	
Section 4.3 of the CGP states “if required maintenance takes longer than 7 days, documentation as to the reason shall be provided upon request of the Department or other regulatory staff along with estimated time of completion.” The Department is developing a template for self-reporting purposes of BMP failure and/or illicit discharges during construction activities as a result of this comment. This template and all corresponding documents may be kept in the OS-SWPPP per section 3.1.1.H of the CGP. Regulation 72-308 outlines the maintenance requirements and off-site damage corrections to maintain proper stormwater management. A description of needed maintenance is required per R. 72-308. An estimated timeline for repairs may be included in the Department provided template.	

<i>Permit Section & Topic:</i> Appendix A	<i>Commenter(s):</i> Dominion Energy & North Augusta MS4
Comments: Dominion Energy recommends adding clarification language to distinguish the difference between routine maintenance and what is covered under small construction projects. Dominion Energy also recommends including an acreage determination between maintenance and NPDES coverage. Example: Golf course hole maintenance versus fairway replacement/ rework.	
Response	
If maintenance activities can be performed without altering the original grade, hydraulic capacity, or original purpose of the facility, this would not be considered construction activity. However, appropriate best management practices for sediment control, erosion protection, stormwater management, and pollution prevention during maintenance activities must be provided. The definition for “Small Construction Activities” in Appendix A, states “small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.” These disturbances must be less than 5 acres to qualify for small construction activities maintenance exemption.	



<i>Permit Section & Topic:</i> Appendix A	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy recommends adding clarification language to distinguish the difference between routine maintenance and what is covered under small construction projects. Dominion Energy also recommends including an acreage determination between maintenance and NPDES coverage. Example: Golf course hole maintenance versus fairway replacement/ rework. Dominion Energy proposes adding a threshold of 1000 square feet of disturbance in previously approved Larger Common Plan for maintenance, not falling under a new permit for small construction activities.	
Response	
If maintenance activities can be performed without altering the original grade, hydraulic capacity, or original purpose of the facility, this would not be considered construction activity. However, appropriate best management practices for sediment control, erosion protection, stormwater management, and pollution prevention during maintenance activities must be provided. The definition for "Small Construction Activities" in Appendix A, states "small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility." These disturbances must be less than 5 acres to qualify for small construction activities maintenance exemption.	

<i>Permit Section & Topic:</i> 2.4.2	<i>Commenter(s):</i> Dominion Energy
Comments: Dominion Energy requests clarification of when there is a need to change the permit for small-scale land disturbances. Is a modification possible on closed permits? Non-MS4 area language such as "including non-ms4 areas" for major modifications within those areas.	
Response	
Section 2.4.2 of the CGP states "Should a site with terminated coverage be determined not to be finally stabilized or construction continues; the Owner/Operator must submit a new NOI, Comprehensive SWPPP, and all other required information, under section 2.3 of this permit." As long as there is no change to line and grade, hydrology, and land use/building intent, maintenance that results in less than 5 acres of disturbance may occur per "Small Construction Activities" definition outlined in Appendix A of this permit. No further additions have been made to the CGP based upon this comment.	



<i>Permit Section & Topic:</i> 4.2.B & 4.2.C	<i>Commenter(s):</i> Public Notice Commentor
Comments: This comment requests elaboration on inspection frequency during inclement weather. Please consider adding the following: "Inspection activities may be temporarily deferred when site conditions prevent safe access during normal business hours or meaningful and representative assessment, provided such conditions are documented and the inspection is conducted as soon as practicable once conditions allow." This falls more in line with the EPA permit and allows for a meaningful inspection as opposed to documentation for the sake of blindly adhering to a calendar.	
Response	
Section 4.2.B and 4.2.C of the Construction General Permit (CGP) stipulate that site inspections must occur at least once every calendar week, with a maximum interval of nine days between inspections. This schedule is designed to ensure consistent monitoring while providing flexibility to accommodate weather-related disruptions.	

<i>Permit Section & Topic:</i> 3.1.6.B	<i>Commenter(s):</i> Public Notice Commentor
Comments: Section 3.1.6.B indicates availability of "plans" may be digital, however the last 2 certification cycles indicated digital records (OS/SWPPP, plans etc.) may be available digitally. With the advent of Digital Site Box and other QR code style document storage systems, it reduces the potential for lost, stolen or damaged SWPPP data. This should be revised to include the new language since many municipalities focus on the letter of the permit language over the function and spirit.	
Response	
The Department concurs with this comment. Section 3.1.6. B of the permit has been revised based on the submitted comment. This revision should allow flexibility for a variety of situations which may realistically occur during the life of construction activities. 3.1.6.B now states: "If it is not possible to maintain a copy of the OS-SWPPP on the construction site, notice of the plan's location, along with any updated contact information, must be posted near the main entrance at the construction site. Copies of plans, either printed or easily readable digital, must be updated to reflect current site conditions and available within thirty (30) minutes upon request."	



<i>Permit Section & Topic:</i> 4.2.B	<i>Commenter(s):</i> Public Notice Commentor
Comments: Section 4.2.B Indicates weekly inspections not to exceed 9 days. The 3rd paragraph allows for reducing to monthly, those areas where temporary or final stabilization has been "reached" (has been interpreted on the local level to include the entire site if all activity has ceased and stabilization has been applied to all disturbances). The language of the permit should specifically address this if SCDES allows this practice.	
Response	
Section 4.2.B states "Inspection frequencies for portions of the construction site that have reached temporary or final stabilization may be reduced to at least once every month, as long as the stabilization is maintained and there is no additional disturbance in these areas... If the entire site has reached final stabilization and you do not submit an NOT, you must continue to perform monthly inspections." This practice is a requirement outlined in the CGP.	

<i>Permit Section & Topic:</i> 4.2.D & 3.1.6.B	<i>Commenter(s):</i> Public Notice Commentor
Comments: This comment requests elaboration on "reasonable proximity" in section 4.2.D and "reasonable timeframe" in section 3.1.6.B. Municipalities may not agree with the term "reasonable." Does the allowance of digital records eliminate the requirement of 'reasonable' if authorized?	
Response	
Digital copies of documents must be kept and maintained to match current site conditions and must be made available upon request within 30 minutes. Section 3.1.6.B now states: "If it is not possible to maintain a copy of the OS-SWPPP on the construction site, notice of the plan's location, along with any updated contact information, must be posted near the main entrance at the construction site. Copies of plans, either printed or easily readable digital, must be updated to reflect current site conditions and available within thirty (30) minutes upon request. The current CGP does not require an on-site rain gauge but recommends it as best practice. Permittees may instead use a certified weather station, if it accurately reflects local conditions. This approach provides flexibility while ensuring rainfall data used for compliance is representative. This section accommodates sites that may not have the capacity to maintain on-site equipment. Permittees should select stations carefully to ensure compliance.	



<i>Permit Section & Topic:</i> 2.4.2.A	<i>Commenter(s):</i> Public Notice Commentor
Comments: For areas located within an MS4, please clarify whether the MS4 has the authority to grant extensions to NPDES permit coverage beyond five years from the original date of issuance.	
Response	
MS4's have no authority to grant extensions or approvals for NPDES coverage. They may only approve of SWPPPs that fall within their designated area. The authority to issue NPDES approvals and extensions are delegated to SCDES by the EPA and cannot be transferred to MS4s.	

<i>Permit Section & Topic:</i> 3.2.4 & 4.3	<i>Commenter(s):</i> South Carolina Rivers Forever
Comments: Add riparian buffer requirements; adjust all requirements through section 3.2.4(c)(I)(a-b) for Waters of the State to include Waters of the US; include riparian buffer requirements in permanent maintenance (section 4.3(B); Section 4.3(D)(V)) add new section titled, 'Provisions Applicable to Riparian Buffers;' including Riparian buffer language: "Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storing materials or machinery are prohibited within the buffer...";	
Response	
The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA's Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.	
The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.	



<p><i>Permit Section & Topic:</i> 3.2.4 & 4.3</p>	<p><i>Commenter(s):</i> Save our Saluda</p>
<p>Comments: Add riparian buffer requirements; adjust all requirements through section 3.2.4(c)(l)(a-b) for Waters of the State to include Waters of the US; include riparian buffer requirements in permanent maintenance (section 4.3(B); Section 4.3(D)(V)) add new section titled, 'Provisions Applicable to Riparian Buffers;' including Riparian buffer language: "Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storing materials or machinery are prohibited within the buffer..."; Require riparian buffers protection for all waters of the state; and require riparian buffers be maintained following construction.</p>	
<p>Response The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA’s Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.</p> <p>The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.</p>	



<i>Permit Section & Topic:</i> Permit/General	<i>Commenter(s):</i> Lennar
Comments: Unlike most of the surrounding states almost all surrounding states South Carolina assigns a unique expiration date for each permittee. Five (5) years from the time that coverage is gained rather than aligning their expiration with the general permit cycle and having them reapply for new coverage under the new general permit because of that. Often permittees lose their coverage during the middle of a general permit cycle if their project lasts longer than 5 years. The general permit does not outline permit coverage. Permittees could extend coverage by requesting an extension online using the E permitting portal, if we're going to do it, we need to have it written down. Simply putting an extension request form on the website doesn't make it law and doesn't make a regulation or we wouldn't need to be here having this conversation today. We really need to make sure that the permit a prospective permittee can pick up the permit, read it and know exactly what they must do to maintain compliance with the permit throughout its life. The HBA's prior comment was regarding the same matter. We were told that South Carolina 72-300 K in the response addressed extensions, however, 72-300 K doesn't seem to exist. 72-300 is limited to plan extensions, not specifically permit extensions. This comment would like further direction on what needs to occur to obtain an extension of permit coverage past the allotted 5 years.	
Response	
Section 2.4.2.A of the CGP states if you previously received authorization to discharge for the current phase of your Project under the 2021 CGP, you shall be granted a continuation of coverage under this general permit for the remainder of your individual project's coverage. Section 2.4.2.B also states "Permit coverages of on-going projects are automatically covered under this permit for the time remaining on the permit coverage provided that the SWPPP was updated in accordance with provisions of the 2026 CGP and the original operator of the construction activities remains in control of implementation of the SWPPP." This language has been updated to reference the previous iteration of the CGP (2021) as well as the most recent iteration, dated 2026.	

<i>Permit Section & Topic:</i> 3.1.6	<i>Commenter(s):</i> Lennar
Comments: This comment recommends it would be beneficial if the CGP includes both the OS-SWPPP and plans to be accepted digitally.	
Response	
Language has been added to the CGP to meet the needs of this comment. This revision should allow flexibility for a variety of situations which may realistically occur during the life of construction activities. 3.1.6.B now states: "If it is not possible to maintain a copy of the OS-SWPPP on the construction site, notice of the plan's location, along with any updated contact information, must be posted near the main entrance at the construction site. Copies of plans, either printed or easily readable digital, must be updated to reflect current site conditions and available within thirty (30) minutes upon request."	



<p><i>Permit Section & Topic:</i> 3.2.4 & 4.3</p>	<p><i>Commenter(s):</i> South Carolina Environmental Law Project (SCELP)</p>
<p>Comments: Add riparian buffer requirements; adjust all requirements through section 3.2.4(c)(l)(a-b) for Waters of the State to include Waters of the US; include riparian buffer requirements in permanent maintenance (section 4.3(B); Section 4.3(D)(V)) add new section titled, 'Provisions Applicable to Riparian Buffers;' including Riparian buffer language: "Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storing materials or machinery are prohibited within the buffer..."; Require riparian buffers protection for all waters of the state; and require riparian buffers be maintained following construction.</p>	
<p>Response The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA’s Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.</p> <p>The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.</p>	



<p><i>Permit Section & Topic:</i> 3.2.4 & 4.3</p>	<p><i>Commenter(s):</i> South Carolina Native Plants Society (SCNPS)</p>
<p>Comments: Add riparian buffer requirements; adjust all requirements through section 3.2.4(c)(1)(a-b) for Waters of the State to include Waters of the US; include riparian buffer requirements in permanent maintenance (section 4.3(B); Section 4.3(D)(V)) add new section titled, 'Provisions Applicable to Riparian Buffers;' including Riparian buffer language: "Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storing materials or machinery are prohibited within the buffer..."; Require riparian buffers protection for all waters of the state; and require riparian buffers be maintained following construction.</p>	
<p>Response</p>	
<p>The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA’s Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.</p> <p>The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.</p>	



<i>Permit Section & Topic:</i> 3.2.4 & 4.3	<i>Commenter(s):</i> Renewable Water Resources (ReWa)
Comments: Require riparian buffer protection for all Waters of the State (WOS) in addition to Waters of the U.S (WOTUS); and require riparian buffers be maintained both during and after construction activities commence.	
Response	
<p>The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA’s Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.</p> <p>The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.</p>	

<i>Permit Section & Topic:</i> 3.2.4 & 4.3	<i>Commenter(s):</i> Easley Combined Utilities
Comments: Easley Combined Utilities spends money annually on streambank restoration and conservations due to severe erosion upstream of our drinking water reservoir. We believe riparian buffers are necessary throughout the state. Easley Combined Utilities recommends requiring riparian buffer protection for all Waters of the State and require riparian buffers be maintained following construction.	
Response	
<p>The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA’s Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.</p> <p>The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.</p>	



<p><i>Permit Section & Topic:</i> 3.2.4 & 4.3</p>	<p><i>Commenter(s):</i> Upstate Forever (UF)</p>
<p>Comments: UF recommends a few simple, specific edits to the current provisions of the Permit that will effectively mitigate stormwater runoff from construction sites and protect South Carolina’s surface water through improved riparian buffer protection. Riparian buffers are cost-effective, preventative measures that protect local surface waters and provide long-term, cumulative benefits on a watershed scale. UF recommends adding riparian buffer requirements; adjust all requirements through section 3.2.4(c)(I)(a-b) and 3.2.10(A)(VI) for Waters of the State to include Waters of the US; include riparian buffer requirements in permanent maintenance (section 4.3(B); Section 4.3(D)(V)) add new section titled, 'Provisions Applicable to Riparian Buffers;' including Riparian buffer language: "Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storing materials or machinery are prohibited within the buffer..."; Require riparian buffers protection for all waters of the state; and require riparian buffers be maintained following construction.</p>	
<p>Response</p>	
<p>The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA’s Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.</p>	
<p>The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.</p>	



<i>Permit Section & Topic:</i> 2.3	<i>Commenter(s):</i> Greenville County/ Public Commentor
Comments: Mandating ePermitting introduces a moderate administrative burden, particularly for organizations that must complete identity-verification and initial account setup before submitting NOIs or NOTs. While the long-term process is streamlined, the transition may delay submissions for new users and create short-term compliance challenges for permittees with limited digital access or multiple authorized signatories. This comment suggests allowing a phased implementation period for mandatory ePermitting and permit temporary acceptance of paper or email submissions until identity verification is completed. Clarify that delays caused solely by pending verification will not be considered compliance violations.	
Response	
The requirement of online only application processes is a result of CROMERR (Cross Media Electronic Reporting Rule) which is a Federal rule that was given a set deadline (December of 2025) for compliance. Implementation of CROMERR was executed in a phased manner, beginning with the Industrial Stormwater Program, SCDOT Transportation Permit, followed by voluntary ePermitting submissions with the CGP, concluding with mandatory use of ePermitting. The Department has executed a streamlined certification process for users with signatory authority. This certification process is required by EPA for NPDES permitting.	

<i>Permit Section & Topic:</i> 2.4.2.A	<i>Commenter(s):</i> Greenville County/ Public Commentor
Comments: Ongoing projects authorized under the 2021 CGP are now restricted to a five-year coverage limit from the date of individual issuance. Permittees can no longer assume their coverage is valid for the entire duration of the new master permit cycle. They must now track the specific 5-year anniversary of when their individual project was first authorized. This commentor recommends establishing an extension mechanism. The current draft specifies that coverage for ongoing projects is effective for only five (5) years from individual issuance, but it lacks a process for projects requiring longer timelines. The language should be revised to allow permittees to request a five-year extension by submitting a letter of intent at least 30 days prior to expiration, provided the site conditions have not significantly changed.	
Response	
Regulation 72-305 (K) allows for the continuation of coverage during the full individual permit term. Section 2.4.2.A of the CGP states if you previously received authorization to discharge for the current phase of your Project under the 2021 CGP, you shall be granted a continuation of coverage under this general permit for the remainder of your individual project's coverage. Section 2.4.2.B also states "Permit coverages of on-going projects are automatically covered under this permit for the time remaining on the permit coverage provided that the SWPPP was updated in accordance with provisions of the 2026 CGP and the original operator of the construction activities remains in control of implementation of the SWPPP." This language has been updated to reference the previous iteration of the CGP (2021) as well as the most recent iteration, dated 2026.	



<p><i>Permit Section & Topic:</i> 3.1.6.B</p>	<p><i>Commenter(s):</i> Greenville County/ Public Commentor</p>
<p>Comments:</p> <p>Requiring OS-SWPPP plans to be available within 30 minutes creates a significant compliance risk for remote, large, or distributed projects where staff may not be on-site or have immediate access to digital files. This accelerates response expectations beyond what is practical for many permittees and increases the likelihood of inadvertent violations.</p> <p>Additionally, the requirement that OS-SWPPP plans be made available “upon request” creates an unintended vulnerability by allowing third-party environmental groups or other non-regulatory entities to request access to these documents. Because OS-SWPPPs contain detailed site information, granting broad access upon any external request may increase operational and legal exposure for permittees.</p> <p>This commentor recommends Revise the requirement to allow plans to be made available “within a reasonable timeframe not to exceed 2 hours,” or permittees to satisfy the requirement by maintaining readily accessible digital copies through approved online platforms. This maintains regulatory responsiveness while reducing unnecessary compliance risk for geographically dispersed or complex sites. The permit language should clarify that availability obligations apply only to authorized regulatory agencies or individuals granted explicit access rights under state or federal law, and that third-party requests fall outside the scope of mandatory disclosure.</p>	
<p>Response</p>	
<p>All OS-SWPPP documents are required to be located on site or accessible at the construction entrance or upon request by inspection staff. Providing thirty (30) minutes is the newly established grace period, whereas the previous iteration of the CGP required the OS-SWPPP and corresponding documents upon request. Section 3.1.6.B states “if it is not possible to maintain a copy of the OS-SWPPP on the construction site, notice of the plan’s location, along with any updated contact information, must be posted near the main entrance at the construction site. Copies of plans, either printed or easily readable digital, must be updated to reflect current site conditions and available within thirty (30) minutes upon request.” Section 3.1.6.E limits this request to the following entities: EPA, SCDES, Tribal/Delegated Entity under R. 72-300, local government officials and the operator of the MS4 receiving discharges from the site.</p>	



<i>Permit Section & Topic:</i> 4.1.C	<i>Commenter(s):</i> Greenville County/ Public Commentor
Comments: Allowing virtual pre-construction conferences may reduce meeting effectiveness by limiting participant attention to site-specific conditions and enabling attendance without an in-person site visit. This increases the risk of misalignment on drainage patterns, access constraints, and other field-critical elements. It may also create pressure on MS4s to accept virtual meetings universally, potentially weakening oversight for complex or sensitive sites. This comment recommends modifying language to state that virtual pre-construction conferences are permitted when only when an on-site meeting is not feasible, only with MS4 approval, and only when site conditions are sufficiently documented to support an effective virtual discussion.	
Response	
Non-linear construction sites of 10 acres or more now have the option to hold pre-construction conferences virtually. The permit has been revised based on this comment. 4.1.C. I now states "Pre-construction conferences for all projects may occur virtually, in-person, or at an off-site location designated by the permittee unless the respective MS4 requires otherwise. Record of the meeting location and all supporting documentation must be kept with the SWPPP, to include all signatory records." MS4s may require on-site conferences at its discretion.	

<i>Permit Section & Topic:</i> Appendix A	<i>Commenter(s):</i> Greenville County/ Public Commentor
Comments: The Sensitive Waters Expansion definition now includes waters draining to a monitoring station on the 303(d) list, potentially increasing the number of sites subject to stricter inspection frequencies. Expanding the definition of "Sensitive Waters" to include areas draining to monitoring stations on the 303(d) list may significantly increase the number of sites subject to enhanced inspection frequencies. This could raise compliance and monitoring costs for projects that were not previously classified as sensitive, particularly those located near impaired waterways with broad drainage catchments. This comment recommends clarifying when a site drains to a 303(d) monitoring station and provide mapping resources or clear guidance to ensure consistent application. Consider limiting the expanded definition to cases where the project has a direct hydrologic connection to the impaired segment to avoid unnecessarily subjecting low-impact sites to stricter inspection requirements.	
Response	
Water quality for these areas are assessed at the watershed level. SCDES has an online mapping tool available to the public, to assist with the selection of monitoring stations. This tool also defines the sensitive waters watershed boundaries. By highlighting these areas, users can determine if a site location falls within the established TMDL/303(d) list monitoring areas. All monitoring stations and their related data are available via this online tool. Appendix A defines "Sensitive Waters" as any waters with approved or established TMDLs, any waters draining to a monitoring station 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 & Standards and Classified Waters..."	



<i>Permit Section & Topic:</i> 3.1.6	<i>Commenter(s):</i> SCDOT
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Comments:

Section 3.1.6 Availability (Proposed Language) “Copies of the plans, either printed or easily readable digital, must be updated to reflect current site conditions and available within thirty (30) minutes upon request.” SCDOT has serious concerns with the proposed language requiring the SWPPP to be provided within 30 minutes of a request. Not all projects have a construction trailer. If a project construction trailer is not available onsite, the SWPPP is housed at the construction office of the SCDOT Resident Construction Engineer (RCE). The travel time distance to the construction site from the RCE’s construction office may exceed 30 minutes. A fixed 30 minute requirement does not account for these logistical realities and could create unnecessary compliance issues even when documents are properly maintained and accessible. SCDOT recommends retaining the current approved Construction General Permit language, which allows SCDOT and SCDES staff to agree on a reasonable timeframe for document delivery. This approach provides flexibility for conditions which affect site variation while maintaining safety for the SCDOT representative during delivery to the site.

Response

All OS-SWPPP documents are required to be located on site or accessible at the construction entrance or upon request by inspection staff. Providing thirty (30) minutes is the newly established grace period, whereas the previous iteration of the CGP required the OS-SWPPP and corresponding documents upon request. Section 3.1.6.B states “if it is not possible to maintain a copy of the OS-SWPPP on the construction site, notice of the plan’s location, along with any updated contact information, must be posted near the main entrance at the construction site. Copies of plans, either printed or easily readable digital, must be updated to reflect current site conditions and available within thirty (30) minutes upon request.” Travel time should not be considered for SCR100000 permitted sites.



<i>Permit Section & Topic:</i> 2.4.2.A	<i>Commenter(s):</i> Lennar via HBA
Comments: South Carolina Department of Environmental Services (“DES”) issues unique permit coverage expiration dates that are five years from the date that coverage is granted. There are many projects in South Carolina that exceed five years to complete. DES’s practice is to allow permittees with ongoing work at the time of their project-specific expiration date to apply for an “Extension Request” using the ePermitting system. The draft Construction General Permit (“CGP”) does not inform prospective permittees that they will have a project-specific expiration date and it does not provide any instruction to the permittee on what to do if the project is ongoing when the coverage is set to expire. Apparently, the Extension Request application pre-dates the ePermitting system; however, both the existing and draft CGP do not include any information on extension requests, so many permittees are unaware of the Extension Request process.	
Response	
Regulation 72-305 (K) allows for the continuation of coverage during the full individual permit term. Section 2.4.2.A of the CGP states if you previously received authorization to discharge for the current phase of your Project under the 2021 CGP, you shall be granted a continuation of coverage under this general permit for the remainder of your individual project’s coverage. Section 2.4.2.B also states “Permit coverages of on-going projects are automatically covered under this permit for the time remaining on the permit coverage provided that the SWPPP was updated in accordance with provisions of the 2026 CGP and the original operator of the construction activities remains in control of implementation of the SWPPP.” This language has been updated to reference the previous iteration of the CGP (2021) as well as the most recent iteration, dated 2026.	

<i>Permit Section & Topic:</i> 3.1.6	<i>Commenter(s):</i> Lennar via HBA
Comments: Section 3.1.6 of the CGP discusses where the Stormwater Pollution Prevention Plan (“OS-SWPPP”) needs to be kept during construction. In the draft CGP, DES allows “copies of plans” to be available as an “easily readable digital” copy if it is not possible to maintain a hard copy of the OS-SWPPP at the site and the digital copy can be made available to DES within 30 minutes of request. “Plans” is not a defined term. It would be helpful to the regulated community if DES could clarify that in this context, the term “Plans” would include an OS-SWPPP, the Stormwater Management and Sediment Control Plan, Construction Site Plan, and Development Plan, which are all terms used in the draft CGP.	
Response	
Section 3.1.1.H states after C-SWPPP approval, a condensed version of the C-SWPPP labeled as the On-Site SWPPP (OS-SWPPP), as defined by Section 3.1.1.H of this permit, must be kept at the construction site until final stabilization is reached and coverage under this permit has been terminated.” The OS-SWPPP must include the same stormwater management plan, sediment control plan and the same construction site plans included in the Comprehensive SWPPP approved for the site (3.1.1.H). The C-SWPPP must include a set of Construction Site Plans that are consistent with State Regulations as outlined in section 3.2.9 of the CGP. These requirements include but are not limited to: The Limits of Disturbed area must be outlined on all plan sheets, BMP’s must be identified, construction sequence and Detailed Plan sheets, including grading and drainage plans as well as BMP Detail sheets. The OS-SWPPP must accurately reflect on-site conditions.	



<i>Permit Section & Topic:</i> Electronic ePermitting System	<i>Commenter(s):</i> Lennar via HBA
Comments: To submit a complete NOI using the ePermitting system, the Responsible Corporate Officer (“RO”) must first submit a Certifier Approval form to DES. Once approved, the RO has the ability to certify NOIs for submittal. DES is not linking the certifier approval to the ePermitting user accounts, resulting in additional steps to have the NOI certified and submitted, which causes a completely avoidable delay in gaining permit coverage, increases inactive land carrying time for owners, and increases the cost of homes for the residents of South Carolina. Despite having the certifier status listed as “approved,” prospective permittees are having to e-mail the ePermitting helpdesk and re-request that the certifier status be changed to “approved” in order to complete the submittal. DES is having to manually modify this for each new submittal, which is burdensome for DES and for permittees.	
Response	
The requirement of online only application processes is a result of CROMERR (Cross Media Electronic Reporting Rule) which is a Federal rule that was given a set deadline (December of 2025) for compliance. The Department has executed a streamlined certification process for users with signatory authority. This certification process is required by EPA for NPDES permitting.	

<i>Permit Section & Topic:</i> 4.2.1	<i>Commenter(s):</i> Lennar via HBA
Comments: Section 4.2.1 of the CGP describes the inspection authority of a Primary Permittee if Secondary Permittees are inhibiting the Primary Permittee’s ability to maintain compliance with the OS-SWPPP, but does not include provisions for Secondary Permittees when a Primary Permittee inhibits their ability to maintain compliance. Often, Secondary Permittees are required to comply with Stop Work Orders resulting from non-compliance by Primary Permittees, which in many cases unfair to the Secondary Permittee.	
Response	
At the State level, Secondary Permittee’s are held responsible by SCDES for the portion of the site for which they hold permit coverage. The MS4’s have their own local ordinance which may be stricter than SCDES.	



<i>Permit Section & Topic:</i> Electronic ePermitting System	<i>Commenter(s):</i> Lennar via HBA
Comments: The NOI form includes the questions: "Is this project part of a Larger Common Plan for Development or Sale (LCP)?" and "Check here if this is the first phase". These questions are appropriately worded for when a new operator (e.g., a residential builder) is entering an LCP, but not appropriate for the development of the area. Often, developers create plans for a single parcel of land to construct a single-phase subdivision. Single phase subdivisions are not "part of an LCP" they are "An LCP". In most cases, determining whether or not a project is an LCP is easily determined by looking at the plans. The cases where it is difficult to determine if a project meets the LCP criteria should be an unusual exception to this rule. It is also important to note that because a project is an LCP, it does not mean that there will be multiple operators- a single operator can create and complete an LCP. Asking if a single-phase development is "part of an LCP" is confusing to the regulated community, resulting in inaccuracies on the NOI form, which then results in confusion from DES in their attempt to "link" permits at LCPs.	
Response	
The Department concurs with this comment. This comment pertains to the applications in place to meet the EPA requirements of online permitting. The Department will take your comments into consideration as we move forward editing these online forms.	

<i>Permit Section & Topic:</i> General - Response to Public Comments	<i>Commenter(s):</i> Lennar via HBA
Comments: We request that in DES's response to public comment that the entirety of the comments be included along with DES's response.	
Response	
The Department concurs with this comment. The Department will be providing all comments received and subsequent responses to all those who have provided feedback. A copy will also be available via the ePermitting public notice portal for the 2026 CGP.	



<i>Permit Section & Topic:</i> 3.2.4 & 4.3	<i>Commenter(s):</i> South Carolina Office of Resilience
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Comments:

Thank you for the opportunity to Comment on the proposed NPDES General Permit for Stormwater Discharges from Construction Activities. As you are aware, the South Carolina Office of Resilience’s (SCOR) mission is to lessen the impact of disasters on the communities and citizens of South Carolina by planning and coordinating statewide resilience, long-term recovery and hazard mitigation. As noted in the 2023 Strategic Statewide Resilience and Risk Reduction Plan, in times of rapid development, green infrastructure (including riparian buffers) provides a way to increase stormwater system capacity while maintaining the quality of the landscape. To ensure the General Permit protects riparian buffers during the duration of the permit the following changes to the draft are proposed: Document wide: Replace references of “Waters of the U.S” to “Waters of the State”. This change will allow for protection of natural infrastructure that may otherwise not be covered due to changing definitions at the federal level, for example Carolina Bays and isolated wetlands. 3.2.4(C), 3.2.4(C)(I)(a-b) : Replace “During Construction” with for the “during the duration of the Permit” 3.2.4(C)(III)(c): Add “Jurisdictional waters include both Waters of the U.S. and Waters of the State.” 3.2.4(C)(V): Add “Riparian buffers must be maintained for the duration of the permit according to the maintenance plan.” 4.3(B): Replace “Permanent stormwater management structures” with “Permanent stormwater management structures and riparian buffers” 4.3(D) add V. Provisions Applicable to Riparian Buffers. The maintenance plan shall include the following provisions for riparian buffers: (a). Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storing materials or machinery are prohibited within the buffer. (b). The following structures and activities, if approved by the State of South Carolina or the local governing body, are permitted within the riparian buffer: (1) road crossings, bridges, trails, and utilities; (2) stream restoration projects; (3) scientific studies, including water quality monitoring and stream gauging; (4) horticultural practices, including thinning and planting, may be used to maintain health of individual trees; and (5) removal of hazard trees and invasive species. Thank you for consideration of the above suggestions. Should you have any questions or need clarification please do not hesitate to contact us.

Response

The buffer provisions included in the Draft NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) apply only during active land-disturbing construction activities. These requirements are included to remain consistent with federal expectations in EPA’s Construction General Permit for Waters of the United States (WOTUS). These temporary buffers are not based on South Carolina law.

The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require permanent buffers, establish buffer maintenance obligations after construction ends, or apply buffer requirements to Waters of the State. Without such authority, the SCDES cannot unilaterally expand the scope of the draft CGP buffer provisions to either include permanent buffers to Waters of the United States or apply such buffers to Waters of the State.



<p><i>Permit Section & Topic:</i> 2.2.3.A</p>	<p><i>Commenter(s):</i> Dominion Energy (DESC)</p>
<p>Comments: DESC recommends that the final permit includes a mechanism that enables Primary/Secondary Permittees of Large Common Plan projects to share approved C-SWPPPs with Utility Providers and Utility Contractors if services are included in development projects. A mechanism that allows Utility Providers and Utility Contractors to access approved C-SWPPPs will provide these entities with the ability to maintain efficient project timelines and ensure appropriate environmental protections are in place.</p>	
<p>Response</p>	
<p>Section 2.2.3.B requires that all site contractors, including utility providers or contractors, to attend the pre-construction conference for all projects prior to land-disturbing activities. Section 4.1.A describes the documentation which must be provided and explained during this conference; “to review and explain the On-Site SWPPP (OS-SWPPP) so that all are aware of the requirements before they start performing construction-related (land disturbing) activities that may affect the implementation of the approved OS-SWPPP.”</p>	



<i>Permit Section & Topic:</i> 3.2.12	<i>Commenter(s):</i> Catawba Riverkeepers
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Comments:

The Catawba Riverkeeper Foundation is a member-funded environmental nonprofit that educates, advocates, and protects the Catawba-Wateree River and all its tributaries. Our organization represents over 7,000 active members who rely on the watershed for drinking water, recreation, and electricity. Stormwater runoff and sediment pollution is the greatest threat to water quality in the watershed. Active construction sites pose a significant threat, particularly in rapidly developing areas near Rock Hill and along the I-77 corridor. Thirty-six of the 2024 303(d) impairments in the SC portion of the Catawba-Wateree watershed were caused by high turbidity or lack benthic community. We appreciate the opportunity to comment on the SC Construction General Permit (SCR100000) and strongly support the recommendations submitted by SC Rivers Forever. Additionally, we urge the state to adopt numeric turbidity monitoring of construction sites which discharge into sensitive waters. While we appreciate the protections in section 3.2.12, they are unnecessarily vague and possibly ineffective. In 2022 and 2024 the EPA and Virginia respectively updated their General Construction Permits to include numeric turbidity monitoring of site effluent into impaired or high-quality waters. Rather than exclusively relying on design standards, site operators are held to their actual impact on surface waters. Performance based results encourage innovation and offer clarity on the effectiveness of BMPs. Analysis by the EPA and VA shows that this monitoring costs less than \$1000 per project per year and provides significant benefits to waters.

Response

The South Carolina CGP derives its authority primarily from SC Regulation 61-9 and the Clean Water Act. The technical standards for the CGP are provided from Regulation 72-300 through 72-316 (Standards for Stormwater Management and Sediment Reduction) and these standards are incorporated into the CGP by reference. The Stormwater Management and Sediment Reduction Act provide the statutory authority for Regulation 72-300 through 72-316. Neither these statutes nor these regulations grant SCDES authority to require numeric limitations.

SCDES does not have the authority nor standards to impose numeric effluent limitations on stormwater construction sites for turbidity. Section 3.2.12.B.I states "...the C-SWPPP must address the following: (a). Carefully evaluate all selected BMPs and their performance such that the construction site's stormwater discharges will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." SCDES requires BMPs be in place to control, prevent, and address total suspended solids, turbidity, or siltation. The CGP relies on non-numeric effluent limits that are based on erosion and sediment controls, pollution prevention measures, and water quality-based limits for impaired waters.

