

Response to Comments Reissuance
of NPDES General Permit for
Stormwater Discharges from
Industrial Activities
(Except Construction)
SCR000000
May 26, 2022



Comment 1 - [Mike Loyd, Republic Service]: *In accordance with Sector L, Section 8.L.10, effluent limitations shown in Table 8.L-2 applies to contaminated stormwater discharges. Therefore, it is our interpretation that active MSWLFs are conditionally subject to effluent limitation monitoring upon the identification of a contaminated stormwater discharge. Contaminated stormwater includes but is not limited to stormwater that has come into contact with landfill wastes, waste handling and treatment areas, or landfill wastewater (leachate). During routine landfill operations, there may not always be a contaminated storm water event. If a leachate outbreak, spill, or any other conditions occur that result in contamination of stormwater, the landfill should be required to sample for the effluent parameters at that time (not annually).*

Response: Numeric effluent limits in the IGP are intended to be proactive, not reactive, in identifying wastewater (leachate) at a landfill. These, coupled with the unauthorized discharge test in 8.L.5.3, the limits in Table 8.L-2 assure these illicit discharges are not occurring. Performing the monitoring when a landfill deems contaminated stormwater is known to have occurred is a reactionary response. The Department believes the annual frequency specified in 6.2.2 of the permit is appropriate and is line with EPA's current MSGP.

Comment 2 - [Mike Loyd, Republic Service]: *We request clarification language be added to the permit to reflect the current process for determining stream impairments, TMDLs, and parameters to be tested using the water quality information tool with an emphasis on Fecal and BIO impairments.*

- a. *What parameter(s), if any, need to be monitored in instances where sites are located on a Fecal impaired stream but are supporting for E. Coli or Enterococcus?*
- b. *What parameter(s), if any, need to be monitored when a site is located in a BIO impaired stream (no sample parameters) but is also located in a TMDL?*

Response: The department has developed a tool, in addition to the current 303(d) list and list of approved TMDLs, to assist applicants and permittees for stormwater with determining the status of the waters to which they discharge. The Department does not believe that additional clarification within the permit is necessary.

In reply to the question posed in a., the facility would be required to sample for fecal coliform. Water quality standards are established based on the designated use and classification of the waterbody (shellfish harvesting, recreation, aquatic life propagation, etc.). Depending on the classification of the waterbody, it is possible that it could be impaired for more than one bacteriological parameter. For example fecal coliform has been established as the bacteriological parameter for Shellfish Harvesting, while E. coli and Enterococcus are for recreational uses.

As for question b., see 6.4.1.d of the permit. However, if a TMDL has been developed, then the facility would need to monitor for the pollutant(s) or surrogate(s) specified in the TMDL.

Comment 3 - [Mike Loyd, Republic Service]: *We request clarification language be added to the permit regarding which 303(d) list to use, the 2018 approved vs. the 2021 unapproved version (DHEC staff have recently told one our consultants to use the latest version)? Is the water quality information tool to be utilized in place of the 303d list(s)? If the tool is to be utilized in place of the lists the language in the permit needs to be clarified. If both the list and the tool are used, then which supersedes the other if they conflict?*

Response: Facilities should utilize the current, EPA-approved 303(d) found here: <https://scdhec.gov/bow/south-carolina-303d-list-impaired-waters-tmdls> The Water Quality Tool is updated once a new 303(d) is approved.

The Tool is not a replacement for the use of the 303(d) list. The Department encourages its use but it is not a requirement.

The Department suggests you contact us to resolve any discrepancies in case of a conflict.

Comment 4 - Stephanie Warden, TRC Companies: *Section 2.1.1.h – TRC, on behalf of our client, believes that the additional requirement for control measure selection and design consideration surrounding extreme weather events is too burdensome. TRC respectfully requests that SC DHEC consider removing this section from the permit.*

Response: The language in 2.1.1.h. is adopted from the MSGP. As our permitting authority is delegated to us from EPA, we often adopt requirements from their MSGP. The language provided serves as a recommendation to be considered in BMP selection and serves as a reminder that BMPs may need to be designed to meet larger storm events in South Carolina. The Department believes this is appropriate language for our state as we often are subjected to tropical storms and other large precipitation events.

Comment 5 - Stephanie Warden, TRC Companies: *Section 6.2.4.2 – TRC, on behalf of our client, finds the new requirement for impaired waters monitoring during the 4th year of the permit term to be excessive. If the site has already proven the ability to meet the water quality standard and no significant operational changes have occurred, they should not be required to perform analytical monitoring again. TRC respectfully requests that SC DHEC consider removing this new requirement from the permit.*

Response: The Department believes fourth year quarterly benchmark sampling will be a common requirement for industrial coverage in the near future and is including it in this iteration of the IGP to allow for incremental progress. In the past when many new requirements were added at once (i.e., the 2011 IGP), it created an arduous task to for all involved. The Department believes it is better to adopt select pieces along the way to foster an easier to understand permit and ultimately better compliance with its requirements.

Additionally, fourth year benchmark sampling will provide current information that will be useful for providing meaningful updates to an industrial SWPPP. Please see pages 12, 13, and 90 of the MSGP Fact Sheet for additional information on this position. The citation below is excerpted from those pages:

“The extended benchmark monitoring schedule under the 2021 MSGP will ensure that operators have current data on their industrial stormwater discharges and stormwater control measure effectiveness throughout their permit coverage and will help identify potential adverse effects from modifications in facility operations and/or personnel over time. Part 4.2.2.3 of the MSGP.”

Comment 6 - Lisa Ochsenhirt, SCWQA: *DHEC Should Not Require Benchmark Monitoring for Sector T Facilities The Proposed IGP includes benchmark monitoring for bacteria for Sector T, Treatment Works. Proposed IGP, p. 119.*

EPA does not require that Sector T facilities conduct any benchmark monitoring under the NPDES Multi-Sector Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity. In this regard, the South Carolina IGP goes farther and is more stringent than the permit DHEC uses as a pattern. Draft Fact Sheet, p. 1.

SCWQA requests that DHEC remove this requirement. Requiring benchmark monitoring often leads to mandatory corrective action—in fact, the Proposed IGP states that after the collection of four quarterly samples, if the average exceeds the benchmark, the permittee must review control measures to determine whether modifications are needed to hit the benchmark. Proposed IGP, p. 43-44.

Stormwater discharges from a POTW are typically comprised of rain or snow melt collected in a drainage system after running over grass. If there is bacteria at these facilities, it is almost always related to visiting waterfowl (Canadian geese, ducks, etc.) and other wildlife that a POTW cannot control. Putting a POTW on a circular loop of benchmark monitoring and corrective action would be ineffective and would waste precious resources that could be spent on other more effective compliance efforts.

Response: Typical WWTP(s) are rife with exposed areas of operation. For example, clarifiers, aeration basins, screens, and solids/sludge handling are just some of the operational steps where aerosolized material can transport throughout the plant. That material often does contain bacteriological elements.

As a delegated authority, DHEC can be more stringent than the MSGP in our IGP and corrective action is a foundational piece of industrial stormwater management. Permittees often need to affect corrective action based on, routine and comprehensive inspections, visual assessments, and Sector-specific requirements. Benchmark monitoring is simply another facet to ensuring the IGP's requirements are met.

Additionally, the IGP does provide an alternative to full benchmark monitoring in 6.2.1.2.b.ii.

Comment 7 - Lisa Ochsenhirt, SCWQA: *DHEC Should Not Impose TRC Limits on Fire Hydrant and Water Line Flushing The Proposed IGP states that “[u]nless such discharges are covered by another*

permit," discharges from fire hydrant and water line flushing "must not exceed a total residual chlorine (TRC) concentration at the outfall of 0.5 mg/l." Proposed IGP, p. 8. Fire hydrant flushing and water line flushing of potable water are otherwise acceptable non-stormwater discharges. EPA does not impose any TRC concentration limits from these activities in EPA's MSGP. As with Sector T benchmark monitoring, this is another instance of DHEC going beyond EPA's regulatory requirements. Setting a concentration limit for TRC from flushing is problematic. SCWQA is concerned that there may not be a standard procedure for removing chlorine from fire hydrant flushing. Even if there is, SCWQA questions whether DHEC has considered potential operational and financial impacts on the State's localities associated with this requirement. Lastly, there may be inconsistencies between this Proposed IGP text and State requirements for disinfecting water mains. DHEC should consider deferring to the State's drinking water regulations, which are driven by critical public health needs, if this is the case. For all of these reasons, SCWQA recommends that DHEC should revise the text as follows: 1.1.3 Allowable Non-Stormwater Discharges The following are the non-stormwater discharges authorized under this permit, provided the non-stormwater component of your discharge is in compliance with Part 2.1.2.10: a. Discharges from emergency/unplanned fire-fighting activities; b. Fire hydrant flushings, if the discharge is managed in a manner to avoid instream impacts c. Potable water, including water line flushings;, if the discharge is managed in a manner to avoid instream impacts; Unless such discharges are covered under another permit, discharges from fire hydrant and water line flushing must not exceed a total residual chlorine (TRC) concentration at the outfall of 0.5 mg/l.

Response: The TRC limit was in the previous two iterations of the IGP and was included after considering the State's drinking water standards. DHEC can be more stringent than the MSGP in our IGP implementation when the situation dictates. Please keep in mind this requirement is applied at the outfall, not the hydrant discharge. The TRC limit in the current and proposed iterations of the IGP were included to avoid instream impacts.

Comment 8 - Lisa Ochsenhirt, SCWQA: *DHEC Should Clarify Continuing Coverage During the NOI Review Period The Proposed IGP requires that an existing discharger submit its NOI no later than 90 days after the permit effective date, with coverage provided 17 days after the NOI is received by the Department. Proposed IGP, p. 11. The Proposed IGP does not include a clear statement that coverage will be provided during this 17-day period. Exposing permittees to a claim of discharging without permit coverage is unnecessary. The 2016 IGP provides some protection for existing permittees. Under the current IGP, existing dischargers were not required to submit an NOI, unless requested by the Department. In that case, authorization was automatically continued. 2016 IGP, p. 10. Likewise, the EPA MSGP provides that coverage occurs 30 days after EPA notifies an existing facility that it has received a complete NOI, but if the NOI is timely submitted "your authorization under the 2015 MSGP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated." EPA MSGP, p. 13. SCWQA requests that DHEC add clarifying text that is consistent with their the 2016 IGP or the EPA MSGP.*

Response: This has been incorporated into the IGP.

Comment 9 - Lisa Ochsenhirt, SCWQA: *Permittees Should Have a Period to Review Storm Risks Before Installing Controls The Proposed IGP mandates that a permittee consider additional stormwater control measures if the facility "may be exposed to or has previously experienced...major storm events..."*

Proposed IGP, p. 16. This is a new requirement, based in part on the EPA MSGP (although the Proposed IGP is missing EPA's footnote 5, which describes heavy precipitation, and footnote 6, which provides information on how to determine if a permittee's facility is at risk for more frequent major storm events). SCWQA appreciates that the requirement is only that a permittee consider certain control measures, however, we are concerned that failure to implement additional control measures during the permit cycle may result in second-guessing during an inspection or audit. In addition, determining whether a facility may be exposed to major storm events in the future is likely to take a significant amount of review time. If a permittee decides additional measures are needed, those improvements may take time to install and/or be expensive. For these reasons, SCWQA requests that DHEC give permittees who need it the time to consider potential flooding impacts before requiring consideration of structural improvements, etc. SCWQA requests that DHEC add the following text to the end of subparagraph h: If you have not previously reviewed whether your facility may be exposed to major storm events in the future, you may have until the end of the permit term to review potential exposure and make a determination regarding the need for potential future improvements.

Response: The added language regarding major storm events serves as a reminder to current and potential IGP permittees that expected rainfall should be considered in the selection process of stormwater control measures at their facilities. See Comment 4 above.

Per 3.1.d of the permit, the Department reserves the right to require changes to stormwater control measures when necessary to meet non-numeric effluent limits.

Comment 10 - Lisa Ochsenhirt, SCWQA: *The Proposed IGP only authorizes pavement deicing if needed "for safety purposes during inclement weather" and if the activity meets water quality standards and MS4 permit conditions. Proposed IGP, p. 20. This language is also repeated in Part 5.1.3.5 (Salt Storage and Pavement Deicing), p. 35. EPA has no similar requirement in the MSGP. SCWQA understands that, unlike MS4 permittees, industrial stormwater permittees are required to comply with applicable water quality standards. However, even the Clean Water Act acknowledges that there are situations where strict compliance with water quality standards must yield to other societal issues (for example, EPA's use attainability analysis regulations allow considerations of "substantial and widespread economic and social impact" in determining whether a designated use is attainable). SCWQA is concerned that the Proposed IGP implies that deicing, which may be used to ensure public safety during winter weather, may subject a permittee to allegations of permit non-compliance by DHEC, EPA, or a citizen group. SCWQA requests that DHEC consider an alternative requirement to encourage the careful management of deicers. SCWQA offers the following amendment for consideration: Deicing is to be carried out only for safety purposes during inclement weather and must be conducted consistent with a standard operating procedure that optimizes the application of deicing materials with due considerations of potential water quality impacts meet water quality standards in compliance with permit item 2.2, and meeting MS4 permit conditions (pertinent to the discharge).*

Response: As written in the draft permit, as well as the previous permit, operators of industrial activities are required to provide measures for the application of deicing chemicals such that discharges from the facility comply with water quality standards. The Department can be more stringent than the MSGP in our IGP implementation when the situation dictates.

Comment 11 - Lisa Ochsenhirt, SCWQA: *The Proposed IGP directs a permittee to comply with EPA approved or established TMDLs “if you discharge” to that waterbody. Proposed IGP, p. 22. The Proposed IGP goes on to state that even if there is no wasteload allocation (WLA) for industrial or other stormwater sources, “your discharges are to be consistent with the pollution reduction goals of the TMDL.” The Proposed IGP gives a permittee up to 24 months to make progress to meet a TMDL WLA before it suggests “an individual permit may be required” and it warns that a permittee who has not met a WLA during the permit term may not be eligible for IGP coverage at renewal. SCWQA objects to the suggestion that a permittee without a WLA in a TMDL should follow the general reduction goals in the TMDL. In addition, SCWQA views the suggestion that a permittee could comply with a TMDL in 24 months as unreasonable. As noted above, POTWs have limited options for controlling bacteria from birds and wildlife scat. If a TMDL expects, for example, a 90% plus reduction in bacteria, that level of reduction cannot possibly be achieved in 24 months. For these reasons, SCWQA requests that DHEC substitute language similar to EPA’s MSGP for Part 2.2.2.1. Revised for purposes of the Proposed IGP, it would read: If you discharge to an impaired water with an EPA-approved or established TMDL, DHEC will inform you whether any additional measures are necessary for your discharge to be consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation, or if coverage under an individual permit is necessary per Part 1.6.1.*

Response: As of the drafting of this permit, most of the issued and effective TMDLs in South Carolina are for bacterial sources. Regulated stormwater sources (industrial, construction, and MS4) are captured as a Wasteload Allocation (WLA), typically in the form of a percentage reduction from a regulated facility’s current contributions. Though achievement of water quality standards is ideal, the department recognizes the diffuse and highly variable nature of bacteria pollutant sources within the confines of an industrial facility, as noted in the commentor’s reference to birds and scat. Sections 6.2.4.2.b and c provide guidance on when sampling may cease once either the water quality standards or WLA has been achieved. To emphasize this, section 6.2.4.2.b.iv. has been modified to read:

“Progress toward the pollutant reduction goal of the TMDL must be demonstrated. Upon demonstrating compliance with the water quality standard or meeting the waste load allocation for the pollutant of concern during four consecutive stormwater monitoring events, you may discontinue monitoring of the authorized discharge provided that the drainage conditions leading to that outfall remain the same as it was during the compliance period. In this scenario, monitoring results must demonstrate consistency with the assumptions and requirements of the TMDL prior to monitoring of the authorized discharge being discontinued. See 2.2.2.1.”

Comment 12 - Lisa Ochsenhirt, SCWQA: *The Proposed IGP states that a signature on a submitted NOI “must be original.” Proposed IGP, p. 12. In contrast, the draft Fact Sheet states that DHEC will require that an NOI be submitted electronically through ePermitting. Draft Fact Sheet, p. 2. SCWQA suggests that DHEC clarify expectations on this point.*

Response: The certifier agreement addresses this. It is a form that allows us to have an original, “wet” signature on file so electronic submittals can occur without the undue requirement of

inclusion each time. It is person and site-specific so one is necessary for each site and each will have to be updated for any new person authorized to sign the submittals in question.

Comment 13 - Lisa Ochsenhirt, SCWQA: *Permittees Should Be Required to Eliminate “Known” Non-Stormwater Discharges* The Proposed IGP directs a permittee to eliminate non-stormwater discharges not authorized by an NPDES permit or listed as acceptable non-stormwater discharges under Part 1.1.3. Proposed IGP, p. 21, p. 35. SCWQA asks that DHEC add the word “known” to these requirements. A permittee can only be expected to investigate and eliminate non-stormwater discharges if it is aware they are occurring.

Response: These requirements are in the previous two iterations of the IGP. This is not a proposed change and industrial permittees are already required to eliminate non-stormwater discharges. No distinction is or should be made to account for foreknowledge of the non-stormwater discharge.

Comment 14 - Lisa Ochsenhirt, SCWQA: *Requirements for Waste, Garbage, and Floatable Debris Should Mirror the State’s Water Quality Standards* The Proposed IGP mandates that a permittee “ensure” that waste, garbage, and floatable debris are not discharged “by keeping exposed areas free of such materials or by intercepting them before they are discharged.” Proposed IGP, p. 21. In contrast, the State’s Water Quality Standards only prohibit these types of discharges if they are discharged in amounts “sufficient to be unsightly to such a degree as to create a nuisance or interfere with classified water uses or existing water uses.” S.C. Code Regs. 61-68, Section E. SCWQA asks that DHEC revise this language to reflect the applicable narrative water quality standard or, in the alternative, reflect the language from EPA’s MSGP (“Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.” MSGP, p. 21).

Response: In addition to SC Reg. 61-68 Section E, Section G provides more specific standards for a wide array of pollutants based on the classification of the receiving waterway (e.g., Shellfish, Freshwater, etc.). The standard for trash, floatables, cinders, etc. for each of these is “none allowed.” As an example, the excerpt below is from the Freshwater standards in Section G:

Quality Standards for Freshwaters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.

The permit, as drafted, is consistent with these standards.

Comment 15 - Emily Wyche, Southern Environmental Law Center: *DHEC Must Ensure Greater Transparency by Requiring Facilities to Submit Benchmark Monitoring Reports, Corrective Action Reports, and Comprehensive Site Inspection Reports, and by Requiring Facilities to Make SWPPPs Available to the Public Upon Request.*

Response: Currently there is no regulatory requirement to mandate posting of industrial stormwater documents online. Please note the status of applications can be tracked through: <https://scdhec.gov/permits-regulations/permit-central/environmental-application-tracker>. NOIs, DMRs, and other facility documents on file are currently available through the Department's Freedom of Information Office. Benchmark monitoring acts a gauge for facilities to proactively assess the effectiveness of their stormwater control measures. During comprehensive compliance inspections, the Department requests that permittees provide necessary documentation for review to check for compliance with the IGP. The Department does not request SWPPPs from industrial facilities as they are living documents that should be continually updated as required. Although we will provide any documentation that is on file for these facilities through FOI, the Department is not able to process requests for information that is not in our possession.

Comment 16 Emily Wyche, Southern Environmental Law Center: *DHEC Must Ensure Facilities Account for Major Storm Events, Flooding, and Sea Level Rise in the Selection, Design, Installation, and Implementation of Control Measures.*

Response: Please see response to comments 4 and 9 above.

Comment 17: *DHEC Must Include Stronger Requirements to Prevent the Discharge of Pre- Production Plastics Through Stormwater.*

Response: In terms of the IGP, the Department believes that the language currently in 2.1.2.2, excerpted below, is sufficient to address the facilities subject to the IGP:

"Facilities that handle pre-production plastic must implement best management practices to eliminate discharges of plastic in stormwater. Examples of plastic material required to be addressed as stormwater pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling."

Comment 18 - Emily Wyche, Southern Environmental Law Center: *DHEC Should Not Authorize Coverage Under the General Permit for Stormwater Discharges That Will Result in the Take of Threatened or Endangered Species.*

Response: As specified in our MOA to implement section 402 of the Clean Water Act, the Department and EPA have agreed to and follows a procedure that coordinates with the US Fish and Wildlife Services to comply with the Endangered Species Act. Furthermore, the Department considers all issues raised by the EPA or the Fish and Wildlife Services (Services) regarding federally listed species or designated critical habitats. When EPA has concerns that an NPDES permit is likely

to have more than a minor detrimental effect on federally listed species or designated critical habitats, EPA contacts the Department to discuss identified concerns. EPA also provides the Services with copies of any comments it provides to the Department on issues related to federally listed species or designated critical habitat. The Department complies with applicable federal laws in accordance with 40 CFR 124.59.

Comment 19 - Thurman Simmons, Berkeley County: *The numeric effluent limit discharge monitoring reports (DMR) requirements should describe when reporting is exempt for the different Sectors. Thus, describe when monitoring, reporting, and recordkeeping would not be applicable to respective Sectors (ex. Sector S exemption - As an airport with less than 1000 non-propeller aircraft departures the airport can be relieved of the monitoring requirement.)*

Response: There are no exemptions from the requirements of numeric effluent limits. The example given is a de minimis threshold for applicability. Sectors K and L have applicability exclusions listed in the footnotes of Table 8.K-2 and 8.L-2, respectively. All others have no restrictions. If the activity is occurring, the limits must be met. The Department will point out the concept of substantially identical outfalls are not allowed with numeric effluent limits. Therefore all discharge points from the subject activity must be monitored. See 6.2.2.2 of the IGP.

Comment 20 - Judy Wortkoetter, Greenville County: *Section 1.3.1.d The County requests that the language in section 1.3.1.d regarding the contents of the NOI be amended and that all of this information be captured in E-Permitting. This would facilitate oversight of the local permitted industrial community. Greenville County requests read access to ePermitting to view this information for all facilities in the County as needed. See existing and suggested language below:*

d. Contents of the NOI. Provide information as follows and as per SC Reg. 61-9. Section 122.28(b)(2)(ii):

- i. Name phone number, email, and mailing address of the entity (owner or operator) applying for permit coverage;*
- ii. Name and physical location (address) of the facility and a U.S.G.S. 7-1/2 minute quadrant map (or 8 1/2" x 11" section of such map or copy) with the site location marked;*
- iii. Name and contact information for landowner, if different from section i. above (owner/operator name & mailing address), including name, phone number, email, and mailing address;*
- iv. Contact information for the SWPPP, including name, phone number, email, and address;*
- v. Whether the facility is a Federal facility;*
- vi. Whether the facility is on Indian land;*
- vii. Description of receiving waters (each stream, if more than one);*
- viii. The name of any municipal separate storm sewer system (MS4) which receives the stormwater discharge;*
- ix. The Standard Industrial Classification code and the permit sector (see Appendix D of this permit) of the facility. Also reference the following US Department of Labor site:
https://www.osha.gov/pls/imis/sic_manual.html*
- x. Permit coverage number, if an existing permittee;*
- xi. Signature per SC Reg. 61-9. Section 122.22(a) certifying:*

- a. That the applicant is requesting coverage under this permit, SCR000000;
 - b. That a SWPPP in accordance with Part 3 of this permit has been prepared and implemented for the facility, signed, and dated by an authorized representative as defined in Appendix B, SC Reg. 61-9. Section 122.22 and 122.41(k). Also, provide the name and address of the person signing the NOI;
 - c. That the NOI was properly completed.
 - d. The signature on the submitted NOI must be original.
- xii. The fee for coverage under this permit. Acceptable forms of payment are a check made payable to the Department of Health and Environmental Control or use of a debit/credit card. SC Reg. 61-30, Environmental Protection Fees, governs this fee. This fee consists of the first year of a recurring annual fee, the cycle of which is July 1 of each year through June 30 of the following year. Failure to pay the recurring annual fee within 30 days of invoicing will result in penalties as per SC Reg. 61-30. D. Failure to pay fees may, after a hearing in accordance with the provisions of SC Reg. 61-30. F., result in the revocation of existing coverage. Continuation of operation without proper coverage will result in violations of the SC Pollution Control Act, SC Code 48-1-10, et seq.
 - xiii. Any other information the Department requires on the NOI form.
 - xiv. NOI submittal shall be submitted via E-Permitting and all information in the NOI will be made available via view access for permitted MS4s where facilities are located.

Response: The Department concurs that many of the suggestions provided will prove beneficial for overall implementation of the industrial stormwater program. The exceptions being the suggested language under items iii., x., and xiv. For Item iii., NPDES regulations place full authority for compliance with permits on the **operator** of the permitted facility, not the landowner, thus this information is not needed for permit implementation. In terms of Item x., ePermitting is site oriented. Any previous permitting decisions will be shown on the site. Lastly, the current configuration of ePermitting does not allow for access to records contained within the system to entities other than the permittee or DHEC. At present, information can be obtained without an ePermitting account or FOI request at: <https://epermweb.dhec.sc.gov/nsite/map>

Comment 21 - Judy Wortkoetter, Greenville County: *The County requests that the language in section 1.5 regarding No Exposure be amended and that information for facilities covered under a No Exposure Exclusion be captured in ePermitting. Greenville County requests read access to ePermitting to view this information for all facilities in Greenville County as needed. See existing and suggested language below.*

1.5 Conditional Exclusion for No Exposure.

a. *If you are covered by this permit and become eligible for a no-exposure exclusion from permitting under SC Reg. 61-9. Section 122.26(g), you may file a No Exposure Certification. You are no longer required to have a permit upon submission and approval by the Department of a complete and accurate no exposure certification to the Department. The No Exposure Certification must be submitted with the fee stated on the SCDHEC application and in SC Reg. 61-30. If you are no longer required to have permit coverage because of a no-exposure exclusion and have submitted a No Exposure Certification form to the Department, you are not required to submit a NOT. You must submit a No Exposure Certification to the Department once every five years. Existing No Exposure Certifications remain valid until their five-year certification period has expired, at which time you may file for a new Certification.*

b. There is a fee required by SC Reg. 61-30, Environmental Protection Fees for submittal of the No Exposure Certification for each five-year period. The fee is presently \$350 for each five-year period.

c. Failure to file a No Exposure Certification (currently NPDES Form 2616) for each five-year period and maintain no exposure conditions at the facility would constitute noncompliance with the permit. Any facility that continues to operate would be considered in violation of the industrial general permit and the Department may take enforcement action under the Clean Water Act (CWA) and the SC Pollution Control Act (PCA).

d. Facilities shall submit documentation for No Exposure Certification via E-Permitting and such information will be made available via view access for permitted MS4s where facilities are located.

Response: With a minor edit, the language proposed in paragraph c. has been adopted into the IGP. See the preceding comment on MS4 access to data.

Comment 22 - Judy Wortkoetter, Greenville County: Greenville County works diligently to minimize erosion and sedimentation of local creeks/streams through implementation of their land disturbance permitting requirements and inspections. Regarding SCDHEC's requirement for velocity dissipation in section 2.1.2.5 and considering the limited number of outfalls from industrial facilities, the County suggests that the permit language be amended to further ensure proper design, inspection, and maintenance. See existing and suggested language below:

2.1.2.5 Erosion and Sediment Controls. You must stabilize exposed areas and manage runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity-dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. The selected velocity dissipation must be capable of withstanding expected runoff velocities from a minimum of a 10-year 24-hour design storm. Velocity control must be included in the facilities SWPPP document and shall be included in areas for routine inspection and maintenance. All discharge locations shall include flow velocity control practices to reduce discharge velocity and shear stress to allowable levels for specific soil types. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with U.S. EPA's internet-based resources relating to BMP for erosion and sedimentation, including the sector-specific Industrial Stormwater Fact Sheet Series, (<https://www.epa.gov/npdes/stormwater-discharges-industrialactivities#factsheet>) and Stormwater Discharges from Construction Activities (<https://www.epa.gov/npdes/epas-2012-construction-general-permit-cgp-and-relateddocuments>).

Response: While the recourses highlighted in this comment are helpful guidelines for facilities to use when they or a regulatory agency identify an erosion or sedimentation issue, the Department does not believe that establishment of a design standard for remedial action is appropriate for industrial stormwater.

Comment 23 - Judy Wortkoetter, Greenville County: Greenville County has developed a robust post-construction BMP program to oversee the implementation and long-term operation of privately owned BMPs permitted by the County. With existing industries permitted by SCDHEC or with no management of runoff and with those industries possessing a limited number of discharge locations and/or existing BMPs, Greenville suggests that the permit language be amended to require any changes being done to address

the management of runoff be required to meet local municipal requirements. See existing and suggested language below:

2.1.2.6 Management of Runoff. You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's Internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series, (<https://www.epa.gov/npdes/stormwater-discharges-industrialactivities#factsheet>), National Menu of Stormwater BMPs, (<https://www.epa.gov/npdes/national-menu-best-management-practices-bmpsstormwater>), in particular the Post-Construction link on this page, and National 20 Management Measures to Control Nonpoint Source Pollution from Urban Areas (<http://water.epa.gov/polwaste/nps/urban/>), and any similar state or tribal resources. In local jurisdictions with specific design requirements, any post construction BMPs shall be designed to meet design manual specifications, including design storm, for those jurisdictions. For facilities built prior to current standards for post construction water quality or water quality controls, owners shall evaluate the ability to reduce runoff volume and minimize pollutant discharges and work towards meeting the current design standards for the appropriate jurisdictions. For sites in jurisdictions where no design manual or BMP guidance exists you must follow SCDHEC recommended practice given in the SCDHEC stormwater design manual.

Response: The Department applauds Greenville County's efforts in implementing a robust post-construction BMP inspection program. However, we do not believe regulatory authority exists to mandate existing industrial facilities, many of which were constructed prior to the promulgation of NPDES regulations, retrofit or install stormwater practices to comply with stormwater design standards established through local ordinance.

Comment 24 - Judy Wortkoetter, Greenville County: *Section 7.3 Greenville County periodically reviews industrial facility operations and perform inspections of some local facilities each year. The ability to access facility SWPPPs via E-Permitting could improve the County's process and allow the County to focus on facilities that may need more oversight or attention. Greenville County suggests that the permit language of section 7.3 be amended to require SWPPP submittal via E-Permitting. See existing and suggested language below.*

7.3 Recordkeeping. You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years after the date that your coverage under this permit expires or is terminated. A digital version of your SWPPP shall also be uploaded to E-Permitting for use by SCDHEC and any appropriate permitted MS4 permittee.

Response: The last sentence is similar to the MSGP requirement to publicly post a sign of coverage that includes access to a site's SWPPP. See Part 1.3.5 of the MSGP. The Department is not adopting the requirement in this iteration of the IGP. However, a site can post their SWPPP on ePermitting as a public document. See 5.3.b. in the IGP.

Comment 25 - Johnie Alexander, Concrete Supply: *Section 5.1.3.6 - This creates unnecessary paperwork and is redundant since this information is already located in the SWPPP which is reviewed by the inspector. This odd requirement seems to be an easy way for the Agency to issue a Violation to the site.*

Response: The summary is for monitoring data from the previous term of the IGP. The data for the current term should be captured as specified in 5.1.5.2.b.

Comment 26 - Johnie Alexander, Concrete Supply: *5.1.5.1 and 5.1.5.2 - The goal of the permit is compliance, it should not be up to the Agency to request how a company intends to achieve compliance thru these requested procedures to be in the SWPPP. Procedures vary because control measures and monitoring can easily change. If it does, and the procedures are not updated in the SWPPP a Violation would be issued because of a paperwork deficiency in the SWPPP even though the enhanced controls/monitoring were achieved. This is an example of No Good Deed goes Unpunished. This appears to be an easy pathway to issue a Violation to a site.*

Response: If procedures and monitoring vary then the SWPPP must be updated to accommodate. Without the update, an inspector or permittee can't determine compliance with the IGP. The SWPPP (and its associated documentation) is the tool used to demonstrate that compliance. If it is not clearly defined and reflective of the site as it is operated, compliance can't be met.

Comment 27 - Johnie Alexander, Concrete Supply: *6.1.3B - "Time in days since the previous measurable storm event." - What is the point of this than an easy way to issue a Violation. The inspector reviews the Quarterly Visual Inspections and Lab sample reports. The inspector is able to determine if there is more than 3 days between samples. The requirement is one sample per quarter, why does it matter how many storm events fall in that quarter if the requirement is one sample per quarter?*

Response: This requirement is to assure "first flush" in a stormwater discharge and has been in both the 2011 and 2016 permits. There was an additional requirement of 0.1" measured rainfall in the 2011 iteration but was abandoned because highly impervious sites would have to pass up sampling opportunities. So, it was removed in the 2016 version.

All types of sampling must adhere to the "first flush" concept. In the example posed, since a quarterly frequency is mentioned, it is implied benchmarks. If a sample is taken on the last day of a quarter, at least 72 hours of separation must occur in order to take the next quarter's sample. Days 1 and 2 of that next quarter are not available for sampling.

Comment 28 - Johnie Alexander, Concrete Supply: *8.E.2 - Consider sweeping regularly...but it must be performed once per week if materials are processed. Housekeeping is a must, however ready-mix sites are set up with catch basin and other BMP to prevent solids from discharging. Most producers do perform sweeping and other housekeeping measures in the yard weekly, however documentation is required by the permit. The problem is the required documentation, again it seems an easy path to a Violation. I would understand the requirement for the documentation if it was part of a corrective action for samples exceeding the TSS limit. However, for sites that have the BMP in place and achieving TSS results below the allowable limit this requirement seems unnecessary.*

Response: The Department is not removing the documentation requirement. It is currently in the MSGP and its previous iteration and is a carry-over from the 2011 and 2016 versions of the IGP.

Comment 29 - Nate Hobbs, Blue Water Engineering: *Facilities which are not wastewater treatment, meat packing, wool scouring, and rawhide/leather plants should not be subjected to fecal coliform testing parameters. Bacteriological benchmark parameters for these other subsectors, should be responsible for neighbors that do not maintain septic systems and municipalities that do not maintain sanitary sewer structures.*

Response: The water quality status of any given site may dictate otherwise regardless of Sector. This state is generally considered rural which correlates to a large number of bacteriological impairments. The large number equates to better chances of encountering these impairments.

There are allowances or “outs” for these situations in 6.2.4.2. of the IGP for both with and without EPA-approved TMDL. Allows a subject site to explain any water quality exceedances due to impacts from neighbors. If the neighbors are also subject to the IGP, then it is incumbent on them to show compliance with the appropriate water quality standards.

Comment 30 - Cal Easter, Smith Gardner Inc.: *8.L.2 - Industrial Activities Covered by Sector L. "This permit does not cover discharges from landfills that receive only municipal wastes." The excerpt was added to this section from the previous permit and clarification is requested.*

Response: The language is taken from the MSGP and EPA doesn't provide a definition. Municipal Solid Waste (MSW) landfills in this state are nominal only simply because it is a large majority of what they receive in waste, not exclusively. The Department interprets this language to mean landfills that exclusively receive MSW are not eligible for coverage under the IGP. In checking with our Solid Waste group here at DHEC, we do not have any exclusive MSW landfills in the state.

Comment 31 - Tom Daniel, SCDNR: *To further minimize environmental impacts and water quality degradation that may result from projects operating under the proposed GP, the SCDNR recommends that SCDHEC consider incorporating the following best management practices as permit conditions in Part 2.1 and elsewhere as appropriate:*

- *Materials used for erosion control (e.g., hay bales or straw mulch) will be certified as weed free by the supplier.*
- *All necessary measures must be taken to prevent oil, tar, trash and other pollutants from entering the adjacent offsite areas/wetlands/water.*
- *Construction and land disturbing activities must avoid to the greatest extent practicable, encroachment into any riparian or wetland areas not designated as impact areas. Any wetland or stream impacts may require a permit from the U.S. Army Corps of Engineers, as well as a compensatory mitigation plan. For more information, please visit their website at www.sac.usace.army.mil/Missions/Regulatory.*
- *If clearing must occur, riparian vegetation within wetlands and waters of the U.S. must be conducted manually and low growing, woody vegetation and shrubs must be left intact to maintain bank stability and reduce erosion.*

• *Where necessary to remove vegetation, supplemental plantings should be installed following completion of the project. These plantings should consist of appropriate native species for this ecoregion.*

Response: The second bullet is understood in other places in 2.1 of the IGP such as 2.1.2.2 and is explicitly stated in SC Reg. 61-68 for each waterbody classification. See for example G.7.c. and G.9.a. from SC Reg. 61-68 and Comment 14 above.

The BMP suggested in the first and last three bullets are better implemented in the CGP (SCR100000) since that permit deals explicitly with land disturbance.