

Changes Proposed in Draft 2018 SCDHEC Construction General Permit (CGP)

1. Added Appendix E, Sections R.405-425 which are the state stormwater regulations for land disturbance projects under the jurisdiction SCDOT.
2. Changed Bureau title from Environmental Quality Control (EQC) to Environmental Affairs (EA) throughout the draft permit.
3. Change to Section 1.1 “Introduction”: This permit also addresses post-construction discharges, both water quality and quantity, through the ~~regulations listed under SC Regulations 72-307, Specific Design Criteria, Minimum Standards and Specifications~~applicable State Stormwater Regulations.
4. Added to 1.3.1.B “Allowable Stormwater Discharges”: Certain activities may qualify for a General Coastal Zone Consistency review.
5. Added 1.3.1.C “Allowable Stormwater Discharges”: This permit automatically covers, without having to submit an NOI, individual residential lots within an LCP provided that:
 - a. LCP or subdivision was approved prior to the effective date of the South Carolina Stormwater Management and Sediment Reduction Regulations in 1992; and
 - b. No more than 5 contiguous lots remain for home construction, and no more than 5 acres of potential construction activities remain within the development (and
 - c. The operator of the construction activities installs appropriate best management practices on the lot(s) for sediment control, erosion protection, stormwater management, and pollution prevention during construction activities. All
BMPs and other protective measures must be maintained in effective operating condition. If BMPs are not operating effectively, then maintenance must be performed within seven (7) calendar days or as reasonably possible, and before the next storm event whenever practicable to maintain the continued effectiveness of BMPs
- a-d. Coastal Zone Consistency Determination is made for the residential lot or lot(s) for sites located in the Coastal Zone. These construction activities will require a CZC determination which is issued by DHEC’s Office of Ocean and Coastal Resource Management. Certain activities may qualify for a General Coastal Zone Consistency Review. A comprehensive List of General CZC certifications is available at <http://www.dhec.sc.gov/Environment/WaterQuality/CoastalPermits/CoastalZoneConsistency/Construction> activities not listed require an individual CZC submittal and review by OCRM staff.);
6. Added to Section 1.3.2 “Allowable Non-Stormwater Discharges: The Department reserves the right to allow certain non-stormwater discharges not explicitly

stated in Section 1.3.2.A to be authorized by this permit. A written request explaining the nature of the discharges by the permittee must be submitted to the Department and a written approval received by the permittee from the Department before the discharges can be treated as “allowable non-stormwater.”

7. Added to 1.3.3 “Limitations on Coverage”: Discharges from groundwater contaminated by past industrial uses at the site or area may require an alternate or additional wastewater permit. However, DHEC may allow coverage under this permit after you have included appropriate controls and implementation procedures in your C-SWPPP designed to bring the discharge into compliance with water quality standards.

5-8. Added to 2.2.2 “Secondary Permittees”: The primary permittee permit coverage may be active or terminated, but if terminated the infrastructure must be completed. Also, if the primary permittee is no longer working on site, the infrastructure must be complete.

6-9. Deleted from 2.2.2.A “Secondary Permittees – **Residential Subdivisions – Individual and/or Multiple Lots**”: Each individual lot(s) owner or residential builder obtaining their own coverage under this permit will be issued a new NPDES permit coverage number ~~and assigned a state file number linked to the LCP by the Department. For projects covered under the 2006 CGP and where an individual lot owner or residential builder has signed a Co-permittee Agreement, those individual lot owners or residential builders may continue to work under that agreement as a Co-permittee as long as the project’s coverage remains active and under the control of the operator to whom coverage was originally granted.~~

10. Change to 2.2.A.III. “Secondary Permittees”: The General CZC certification issued on ~~September 4, 2012~~October 9, 2017 (GCZC-~~1217~~-001) certifies many residential lots consistent..

11. Deleted from 2.2.3.A “Utility Providers and Contractors”: ~~For projects covered under the 2006 CGP and where a contractor has signed a Co-permittee Agreement as required by that permit, those Contractors may continue to work under that agreement as a co-permittee as long as that project’s coverage remains active and under the control of the to whom coverage was originally granted.~~

12. Added to 2.3 “NOI and other required information:” Other forms (Regulated MS4, review authority acceptable to DHEC) may be used as long as they contain the information specified in Section 2.3.1 and 2.3.2 ~~below~~below. Once the Department provides an alternate means of permitting, for instance via a website, then the NOI must be submitted as directed by the Department.

13. Added to 2.3.1 "NOI requirements for primary permittees": Project/Site name, address, county or similar governmental subdivision, tax map number/parcel identification number, and latitude/longitude of your construction Project or Site;

14. Added to 2.4 "Submission Deadlines": . If you are conducting construction activities in response to a public emergency (e.g., earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency.

15. Changes to 2.4.2 "Permitted Ongoing Projects": ~~All projects that received permit coverage under the 2006 CGP must modify their current SWPPP, as required by Section 3.1.1.F, and any SWPPP changes must be implemented no later than six (6) months following the effective date of the new permit.~~

A. The South Carolina General Assembly passed joint resolutions Permit Extension Joint Resolution of 2010 (H. 4445) and , Permit Extension Resolution of 2013 (H.3774), which extend the running of the time period of development approvals, including permit coverage under the NPDES CGP Permit coverages of on-going projects subject to these resolutions 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 2012 CGP and the original operator of the construction activities remains in control of implementation of the SWPPP. Should the operator of construction activities change, then a new NOI must be submitted in compliance with Section 2.4.3 of this permit.

~~1. For projects covered under the 2006 CGP, any individual or group that has signed a Co-permittee Agreement may continue to conduct work as a Co-permittee as long as the project's coverage remains active and under the control of the operator to whom coverage was originally granted.~~

Added to 3.1 "SWPPP Overview": Unless specifically exempted by SC Regulation 72-302.A, or Consistent with 72-425 for those projects under the jurisdiction of the SCDOT.

16. Changes to 3.1.1 "SWPPP General Information": All SWPPPs associated with coverage approvals under the 2006 CGP, where coverage has not been terminated, will have to be updated in accordance with Section 3.1.1.F.I. Upon request, the Permittee shall make the updated SWPPP available for review by DHEC, MS4, or other local review entities. ~~Any SWPPP changes must be~~

~~implemented no later than six (6) months following the effective date of the new permit.~~

- ~~— The SWPPP approved for coverage under the 2006 CGP, will have to be revised to meet the following requirements in order to come into compliance with this permit:
 - ~~(i). **3.1.1.H.V.(h) – Record Keeping.** An appendix must be added to the SWPPP to track the progress, compliance, modifications, and those associated with the construction site.~~
 - ~~(ii). **3.2.10 – Non-Numeric Effluent Limits.** Site-specific procedures and information must be included within the C-SWPPP that addresses all applicable Non-Numeric Effluent Limits, which would not significantly impact the approved design (i.e., would not be considered a Major Modification per Section 3.1.7.C of this permit). This would include, but is not limited to, any addition/relocation of erosion control BMPs, changes to internal drainage patterns, limiting the amount of disturbed area allowed at any given time, minimizing steep slopes, enhancing the stabilization of steep slopes, preserving topsoil, minimization of exposed construction debris, and restricting the use of the additional prohibited discharges listed in Section 3.2.10.E of this permit.~~
 - ~~(iii). **4.2.B – Frequency of Site Inspections.** All references to construction site inspection frequencies that are greater than once every calendar week must be revised to meet this weekly inspection requirement.~~
 - ~~(iv). **4.2.D – Rain Gauge.** A rain log must be added as an appendix of the SWPPP.~~
 - ~~(v). **4.2.H – Inspection Records.** An inspection log must be added as an appendix of the SWPPP.~~~~
- ~~— The SWPPP approved for coverage under the 2006 CGP, will not have to meet the following requirements to come into compliance with this permit:
 - ~~(aa). **3.1.1.A – Development of a Comprehensive and On-site SWPPP.** For inspection, maintenance, and construction purposes, the SWPPP to be referred to and implemented shall be the SWPPP approved at the time when initial coverage under the 2006 CGP was granted, and would~~~~

~~include any revisions or modifications made to this approved SWPPP since the time when coverage was granted under the 2006 CGP.~~

~~(dd). 3.2.6.A.II.(c).(v) – Porous Baffles.~~

~~(ee). 3.2.6.A.II.(e) – Water Surface Outlets. (d). 3.2.4.C – Buffer Zone~~

~~Preservation. (e). 3.2.9.B – Phased Plan Requirement.~~

~~(ff). 3.2.10.A.III.(a) – Non-Numeric Effluent Limit's Phased Plan Requirement.~~

~~(gg). 3.2.10.A.VI – Non-Numeric Effluent Limit's Buffer Zone Requirement.~~

~~All SWPPPs associated with coverage approvals under the 1998 CGP, where coverage has not been terminated, will have to be updated to meet the requirements of this permit as identified in Section 3.1.1.F.I and the Permittee must remain in compliance with SC Regulation 72-308.B through the continued maintenance of temporary and permanent BMPs.~~

~~36-17.~~ Deleted from 3.2.H.V: **Notice of Intent.** ~~A stamped and approved~~ A copy of the NOI.

18. Added to 3.1.2: For construction sites subject to Regulation 72-400, that disturb 5 acres or more, each C- SWPPP must be prepared, amended when necessary, certified, and sealed by a registered professional engineer licensed to practice in SC as described in Title 40, Chapter 22.

~~37-19.~~ Added to 3.1.4 “Signatory Requirements”: The C-SWPPP must be signed and certified by SWPPP preparer who meets the requirements in Section 3.1.2.B and 3.1.2.C.

~~38-20.~~ Added to 3.1.6 “Availability”: A copy of the OS-SWPPP, as defined by Section 3.1.1.H, must be retained at the construction site ~~or a nearby location easily accessible during normal business hours,~~ during construction activities from the date of commencement of construction activities to the date that final stabilization is reached.

B. If a location within the construction site is unavailable to store the On-Site SWPPP when no personnel are present, 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 the plans must be available within 30 minutes upon request by Department or other regulatory staff.

21. Added to 3.1.7 “Major Modification”: Changes to the status of jurisdictional features on the site may constitute a major modification.

22. Added VII to 3.2.1 “Narrative”: For sites that are less than 2 acres, and not part of an LCP, the following details are required in the narrative:

- (a). Narrative description of the stormwater management and sediment control plan to be used during construction activities (may be included on plan in lieu of narrative)
- (b). General description of topographic and soil conditions of the site
- (c) General description of adjacent properties and description of existing structures, buildings and other fixed improvements located on surrounding properties

23. Changes to 3.2.4.C “Buffer Zone Management”: Replaced “surface waters” with “Waters of the US throughout.”

24. Change to 3.2.4.C.III “Buffer Zone Management – **Exceptions**”: **Non-jurisdictional Waters**. This includes, but is not limited to, surface waters to non-jurisdictional water to be impacted and treatment works.

25. Added to 3.2.4.C “Buffer Zone Management”: **CWA 404 and/or other authorizations for wetlands impacts. Areas covered under CWA 404 permits and/or other authorizations for wetlands impacts, regardless of the timing of those authorizations.**

26. Deleted from 3.2.4.C.IV.c “Exemptions”: ~~2006 Permit Coverage. Construction sites covered under the 2006 CGP, per section 3.1.1.F of this perm~~

27. Changes to 3.2.6. “**Erosion Prevention BMPs**”: Each erosion prevention BMP must be designed, installed and maintained to achieve maximum pollutant removal, ~~to the extent that the Permittee’s discharges shall not cause or contribute to violations of water quality standards,~~ as outlined below and by the design criteria identified in *State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications*, unless specifically exempted by *SC Regulation 72-302.A. Projects under the jurisdiction of SCDOT are subject to design criteria specified in SC Regulation 72-425- Specific Design Criteria, Minimum Standards and Specification.*

28. Deleted from 3.2.6. “**Sediment Control BMPs**”: Each sediment control BMP must be designed, installed- and maintained to achieve maximum pollutant removal, ~~to the extent that the permittee's discharges shall not cause or contribute to violations of water quality standards,~~ This same deletion is done for BMPs throughout this section. Also, inclusion of references to using standards from R.72-425 for SCDOT projects is done throughout this section.

29. Changes to 3.2.6.d “Storm Drainage Systems”: All outlets from a storm sewer system shall not discharge on fill slopes Discharges of stormwater systems onto fill slopes should be avoided unless infeasible. When the aforementioned discharges are necessary additional protection must be provided to prevent erosion.

30. Added to 3.2.7 “Maps”: The following information is required for sites 2 acres and greater or sites that are part of an LCP that disturb 2 acres or more collectively. The Department reserves the right to request this information for sites less than 2 acres, when necessary.

31. Added to 3.2.7.B “Maps”: For sites that are less than 2 acres and not part of an LCP the following maps and details are required:

I. Site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers.

II. The boundary lines of the site on which the work is to be performed.

III. A topographic map of the site if required by the implementing agency.

IV. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures.

32. Change to 3.2.9.B “Phased Plan Requirement”: For site disturbances less than 10 acres and more than 5 acres, at least two (2) separate plan phases shall be developed.

33. Added to 3.2.10.I “Non-Numeric Effluent Limits”: **Control Stormwater volume and velocity within the site to minimize soil ~~erosion~~erosion in order to minimize pollutant discharges during construction activity.**

34. Added to 3.2.10.I.(a) “Non-Numeric Effluent Limits-Stormwater Volume Control”: Diverting off-site flow around the construction site to its existing outfall;

35. Added to 3.2.10.II “Non-Numeric Effluent Limits-Control Stormwater Discharge”: **Control Stormwater discharges, including both peak flow rates and total Stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion and scour in the immediate vicinity of discharge points during construction activity.**

36. Changes to 3.2.10.VI-VIII “Non-Numeric Effluent Limits”: **Provide and maintain natural buffers around ~~surface waters~~Waters of the U.S. and, after stormwater runoff is treated by the construction site’s BMPs, direct the construction site discharges into these vegetated areas to increase sediment removal and ~~maximize Stormwater~~maximize Stormwater infiltration to reduce pollution discharges, unless infeasible (see Section 3.2.4.C of this permit) during construction activity; and **Minimize soil compaction ~~and, unless infeasible, preserve topsoil.~~ Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.****

Preserve topsoil, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the top soil be disturbed or removed.

37. Changes to 3.2.10.B-C “Non-Numeric Effluent Limits”: **Soil Stabilization.** Permittees ~~are required to~~must initiate stabilization measures ~~as soon as practicable~~immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable. For areas where initiating stabilization measures is infeasible (e.g., where snow cover, frozen ground, or drought conditions preclude stabilization), initiate vegetative or non-vegetative stabilization measures as soon as practicable. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.

Trenches and Excavations Dewatering. Permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Per Section 1.3.2 of this permit, discharges are prohibited unless managed by appropriate BMPs for stormwater and non-stormwater discharges. As per Section 1.3.3.D discharges of groundwater contaminated by past industrial uses at the site or area may require an alternate or additional wastewater permit.

38. Changes to 3.2.10.D “Non-Numeric Effluent Limits-**Pollutant Discharge Minimization during Construction Activity**: Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use);

39. Changes to 3.2.12.B “Receiving Waters with Impairments”: **Receiving Waters with Impairments.** If the receiving water is listed on the most current South Carolina 303(d) List of Impaired Waters, the C-SWPPP must be developed so that any stormwater discharges from the construction site do not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.

- I. For receiving waters listed for a sediment or a sediment-related parameter (i.e., BIO (macroinvertebrate), turbidity, Total Phosphorous, Total Nitrogen, Chlorophyll-a, ~~and Fecal Coliform in Shellfish Harvesting Waters in the Coastal Zone) the C-~~ the C- SWPPP must address the following:

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.

For construction sites that disturb 25 acres or more and which have stormwater discharges draining directly to an impaired water body via structures or ditches, the C-SWPPP must contain a written quantitative and qualitative assessment demonstrating that the BMPs selected will control the construction site’s stormwater discharges so that they will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.

- II. For receiving waters listed for a Fecal Coliform impairment in Shellfish Harvesting Waters in the Coastal Zone, carefully evaluate the location of portable toilets and waste receptacles to minimize the risk of an excursion above any state water quality standard.

40. Changes to 4.2.B “Inspections-**Frequency**”:

A. **Frequency.** After construction activities begin, inspections must be conducted at a minimum of at least once every calendar week, with no time period between inspections exceeding 9 days, and must be conducted until final stabilization is reached on all areas of the construction site. An inspection is recommended within 24 hours of the end of a storm event of 0.5 inches or greater, as well as during the first rain event after the initiation of construction activities, after the installation of BMPs.

41. Changes to 4.2.B “Inspections-**Frequency**”: If the entire site has reached final stabilization and you do not submit a NOT, you must continue to perform monthly inspections.

42. Change to 4.2.C. “Linear Site Inspection Frequency”: Representative inspections must include any areas where Stormwater discharges ~~to Sensitive Waters (such as waters classified as Trout Waters, Outstanding Resource Waters, Shellfish Harvesting Waters, etc.)~~ to Waters of the State or US.

43. Change to 4.2.D. “Rain Gauge”: Permittees shall ~~either~~ maintain an on-site rain gauge ~~or use data from a certified weather record (such as a personal weather station or an airport) located within a reasonable proximity of the~~ during active construction ~~site~~, to record rainfall records from any significant rainfall event, 0.5 inches or greater.

44. Changes to 4.2.E. “Inspector Qualifications”: **Inspector Qualifications.** Inspections must be conducted by qualified personnel (provided by the Permittee) as outlined by the following:

For Projects that disturb more than 2 acres, “Qualified personnel” means a person must be:

- Preparer of the C-SWPPP; or
- A person with a registration equivalent to the registration of the preparer of the C-SWPPP who is knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact Stormwater quality and to assess the effectiveness of any BMPs selected to control the quality of Stormwater discharges from the construction site;
or
- This person must be either the preparer of the C-SWPPP or an individual who is under the direct supervision of the preparer of the approved C-SWPPP and who meets the requirements in this paragraph or an individual who is under the direct supervision of an individual who is qualified to prepare a C-SWPPP based on section 3.1.2.B of this permit and who is knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact Stormwater quality and to assess the effectiveness of any BMPs selected to control the quality of Stormwater discharges from the construction site; or
- An individual who has been certified through a Construction Site Inspector Certification Course that has been approved by DHEC.

~~Inspections may also be conducted by a person with a registration equivalent to the registration of the preparer of the C-SWPPP and who meets the qualifications of this paragraph or an individual who is under the direct supervision of the person with an equivalent registration and who meets the requirements in this paragraph.~~

45. Changes to 4.2.F “Inspection Reports”: **Inspection Reports.** For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:

~~I.~~ I. The inspection date;

~~H.I.~~ H.I. Names, titles, and, ~~if not previously given in an inspection report,~~ the qualifications of personnel making the inspection, ~~if not previously given in an inspection report,~~ unless those qualifications change;

~~.~~ ~~Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether you know if any discharges occurred. At the very least, the total rainfall (in inches) since the time of the last inspection must be recorded;~~

II. All discharge points

~~IV.III.~~ IV.III. Weather information and a description of any discharges occurring at the time of the inspection;

IV. Total rainfall since last inspection;

Also added:

XIII. Determine whether or not the construction sequence is being followed;

XIV. Status of corrective actions undertaken following previous inspection to include date(s) each item was addressed;

XV. List of items that have carried over from previous inspection reports that were not addressed.

46. Changes to 4.3.A “Construction Maintenance”: **Construction Maintenance.** All BMPs and other protective measures identified in the OS-SWPPP must be maintained in effective operating condition. If site inspections required by Section 4.2 identify BMPs that are not operating effectively, maintenance must be performed within seven (7) calendar days, before the next inspection, or as reasonably possible, and before the next storm event whenever practicable to maintain the continued effectiveness of Stormwater controls. If the required maintenance takes longer than 7 days, documentation as to the reason shall be provided along with estimated time of completion.

Also added to this section:

If sediment escapes the construction Site, off-site accumulations of sediment should be removed to minimize off-site impacts unless access to the off-site property cannot be reasonably obtained from the property owner or it is determined that it is appropriate to leave the off-site accumulations in place. The permittee must contact either the MS4 or DHEC to assist with the determination.

47. Added to Section 5.1.A.I “Termination of Coverage - **Requirements**”: You may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met:

Final stabilization has been achieved on all portions of the construction site for which you are responsible (see definition of final stabilization in Appendix A~~);~~). All temporary BMPs (silt fence, sediment tubes, etc.) should be removed;

48. Addition to 5.3 “Where to Submit”: Once the Department provides an alternate means of permitting, for instance via a website, then the NOT must be submitted as directed by the Department.

49. Changes to Appendix A “Definitions”: “Coastal Zone Consistency Determination (CZC)” - ...Specific requirements for certification are contained in the South Carolina Coastal Zone Management Program Document and associated refinements. The CZC certification becomes a component of the overall permit, and the certification, including any possible conditions, is enforceable by Department staff.

50. Changes to Appendix A “Definitions”: “Dewatering” means the act of draining rainwater and/or groundwater from building foundations, vaults, ~~and~~ trenches, and other excavation activities.

51. Added to Appendix A “Definitions”: “EA Regional Office” for purposes of this permit refers to eight (8) Environmental Affairs (EA) regions that provide local support to the Department and the public as described in the EA Regional Offices Web page: <http://www.scdhec.gov/HomeAndEnvironment/DHECLocations/> and in turn deleted the definition of the “EQC Regional Office.”

52. Changes to Appendix A “Definitions”: “General Coastal Zone Consistency (GCZC)” ~~means a general consistency~~ A CZC Certification issued by DHEC OCRM authorizing small ~~project impacts in~~ projects that have no or minimal affect on the coastal resources within the eight county Coastal Zone. A comprehensive list of GCZC Certifications and CZC application information is currently available at: <http://www.dhec.sc.gov/Environment/WaterQuality/CoastalPermits/CoastalZoneConsistency/>

53. Changes to Appendix A “Definitions”: “**Impaired Waters**” means, for the purpose of this permit, those waters identified by a State, Tribe, or EPA pursuant to Section listed on the most recent 303(d) of the Clean Water Act as not meeting applicable State water quality standards to support classified uses as promulgated in Regulation 61-68, Water Classifications and Standards and Regulation 61-69, Classified Waters. List of Impaired waters include both Waters and those waters with an approved or established TMDLs, and those for which a TMDL has not yet been approved or established. A list of the streams and lakes not meeting water quality standards can be found at <http://www.scdhec.gov/environment/water/tmdl> <http://www.scdhec.gov/HomeAndEnvironment/Water/ImpairedWaters/Overview/> under 303(d) & TMDLs.

54. Added to Appendix A “Definitions”: “**Infeasible**” means not technologically possible, or not economically practicable and achievable in light of best industry

practices.

55. Deleted from Appendix A “Definitions”: “**Large Construction Activity**” is defined at 40 CFR §122.26(b)(14)(x) of SC Regulation 61-9 and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part ~~of a larger common plan of an LCP of~~ development or sale that will ultimately disturb equal to or greater than five acres. ~~Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the Site.~~

56. Added to Appendix A “Definitions”: Added **railroads** to the definition of “Linear Project.”

57. Deleted the definition for “Riparian Buffer” from Appendix A.

58. Deleted the definition for “Surface Water” from Appendix A. This was replaced in the draft permit with “Waters of United States.”

59. Added to the definition for “Waters of US” - *Note: as of the issuance of this permit, this definition is being decided by the court system*

60. Added Appendix E which are Regulations 72-405 and 72-420 through 425 which are the stormwater requirements for land disturbing activities under the jurisdiction of SCDOT.