

- (5) The County Engineering Division shall designate an employee to monitor compliance with the Stop Work Order. The name of the employee so designated shall be included in the Stop Work Order. The employee so designated shall rescind the Stop Work Order if all the violations, for which the Stop Work Order is issued, are corrected, no other violations have occurred and all measures necessary to abate the violations have been taken. The County Engineering Division, through its designated employee, shall rescind any Stop Work Order that is issued in error.

Sec. 9.5-35. - Penalties.

- (a) Any person who violates any provision of this article or who initiates or continues a Land Disturbing Activity, for which a Stormwater Management and Sediment Control Plan is required, except in accordance with the terms, conditions and provisions of an approved plan, is subject to a civil penalty of not more than \$1,000.00 for each violation. No civil penalty may be assessed and no prosecution for a misdemeanor may occur until the person alleged to be in violation has been notified of each violation. Each separate day of a continued violation constitutes a new violation for civil or criminal purposes, once said party has been given notification of each violation, as set forth above. In addition to any applicable civil penalties, any person who negligently, willfully, or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Upon conviction, a person who violates this article may be fined not more than \$500.00 or confined for not more than 30 days for each violation.
- (b) The County Engineering Division shall determine the amount of the civil penalty to be assessed under this section for violations under its jurisdiction. It shall make written demand for payment upon the Person Responsible for the violation and set forth, in detail, the violation for which the penalty has been invoked. If payment is not received within 30 days after demand for payment is made, a civil action may be filed in the circuit court in the County to recover the amount of the penalty.
- (c) Where the County is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and the County can identify the person(s) who caused such violation(s) to occur, the County may assess the penalty and cost of compliance against that Person(s) Responsible as a civil penalty.
- (d) The County may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this article or to correct violations of this article, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Secs. 9.5-36. to 9.5-50. – Reserved.

ARTICLE III. – PLAN AND APPLICATION

DIVISION 1. – PLAN AND APPLICATION

Sec. 9.5-51. - Standards and requirements for preparation of Stormwater Management and Sediment Control Plans.

- (a) Stormwater Management and Sediment Control Plan submittal requirements shall be included in the Florence County Stormwater Management Design Manual and/or the Sediment and Erosion Control Plan Review Checklist for Design Professionals.
- (b) The County Engineering Division shall require that plans and design reports be sealed by a qualified design professional and certified that the plans have been designed in accordance with this article and all other relevant and applicable Sediment and Stormwater laws and regulations.
- (c) The Person Responsible for the Land Disturbing Activity shall submit as-built or record document plans for all plans that include any structural BMPs. In addition, the Person Responsible for the Land Disturbing Activity is required to submit written certification from the professional engineer, landscape architect or tier B land surveyor responsible for the field supervision of the Land Disturbing Activity that the Land Disturbing Activity was accomplished in substantial accordance with the approved Stormwater Management and Sediment Control Plan.
- (d) Additional information necessary for a complete project review may be required by the County Engineering Division as deemed appropriate. This additional information may include items such as location of public sewers, water lines, septic fields, wells, etc.
- (e) The Florence County Stormwater Design Manual, DHEC Stormwater BMP Handbook, and BMP Field Manual includes a list of acceptable BMPs, including their specific design performance criteria and operation and maintenance requirements for each Stormwater practice. Copies of these documents may be obtained through the Florence County Engineering Division, local DHEC office or can be downloaded from the Stormwater section of the Florence County and DHEC website.
- (f) Specific Florence County requirements, Erosion and Sediment Control BMPs and Post-Construction Water Quality BMPs to be used in the Stormwater Management and Sediment Control Plan are included in the Florence County Stormwater Design Manual.

Secs. 9.5-52. to 9.5-60. – Reserved.

ARTICLE IV. – MAINTENANCE REQUIREMENTS

DIVISION 1. – MAINTENANCE REQUIREMENTS

Sec. 9.5-61. - Permanent Stormwater maintenance requirements.

- (a) The Person Responsible for permanent maintenance of all completed Stormwater Management practices shall perform, or cause to be performed, preventive maintenance to ensure proper functioning.
- (b) Where permanent Stormwater BMPs are employed, the Person(s) Responsible for maintenance shall execute a permanent Stormwater Management maintenance agreement to assure proper maintenance of BMPs in accordance with the approved plan. The maintenance agreement shall also specify responsibilities for financing permanent maintenance with options that may include (1) the property owner, (2) a homeowner's association, provided that provisions for financing necessary permanent maintenance are included in deed restrictions or other contractual agreements, or (3) other financing mechanisms acceptable to the County.
- (c) The County Engineering Division and any other permitting authority must be notified in writing of any changes in maintenance responsibility for the Stormwater BMPs at the site. This requirement shall be included in the maintenance agreement.
- (d) Periodic Post-Construction inspections may also be performed by the County Engineering Division. These inspection reports shall be maintained by the County Engineering Division on all Detention and Retention Structures and shall include the following items, as applicable:
 - (1) The date of inspection.
 - (2) The name of the inspector.
 - (3) The condition of, if applicable:
 - a) Vegetation;
 - b) Spillways;

- c) Embankments;
 - d) Reservoir area;
 - e) Outlet channels;
 - f) Underground drainage;
 - g) Sediment load; or
 - h) Other items which could affect the proper function of the structure.
- (4) Description of needed maintenance.
- (e) The County Engineering Division shall provide procedures to ensure that deficiencies identified by inspections are rectified. The procedures shall include the following:
- (1) Notification to the Person Responsible for maintenance of deficiencies including a time frame for repairs;
 - (2) Subsequent inspection to ensure completion of repairs; and
 - (3) If repairs are not undertaken or not performed properly, the Person Responsible may be assessed a civil and/or a criminal penalty as provided in section 9.5-35 and/or referred to SCDHEC.

Sec. 9.5-62. - Off-site damage correction.

- (a) The following criteria shall be used by the County Engineering Division in evaluating and remedying off-site damages resulting from the Land Disturbing Activity:
- (1) Determine the extent of damage by Sediment resulting from the Land Disturbing Activity;
 - (2) Determine the classification of the impaired waterbody, if any;
 - (3) Determine the impact and severity of the damage resulting from noncompliance with or lack of an approved Stormwater Management and Sediment Control Plan;
 - (4) Attempt to develop an agreement for cleanup and corrections, including a schedule

of implementation between the damaged landowner(s) and the owner/custodian of the property causing the damage;

- (5) Evaluate alternatives for correction of the damage and prevention of future damage.
- (b) The unreasonable failure of the owner/custodian of the property that is causing the damage to implement the agreement with the damaged landowner(s) will constitute a violation of this article.
- (c) In cases of flooding, where the County Engineering Division has determined the cause of flooding issues in an area are due to, but not limited to; BMPs such as silted detention or retention basins, clogged ditches, inlet basins, culverts, and the cause of impaired BMPs is due to; improper maintenance, neglect, or intentional compromising of affected BMPs, the County Engineering Division will send notice to the owner/custodian of property that is the cause of the flooding. The notice will state the problem and include potential solutions to correct the problem. The notice shall establish a deadline for remediation of the problem. The notice shall advise that, should the owner fail to remedy the situation within the allotted time frame, the County Engineering Division, at its discretion, may perform the work or contract the work to be performed, and that the expense of the remediation work shall be charged to the owner. In performing the work, the County Engineering Division does not assume any future responsibility to ensure proper maintenance and operation of said BMP.

Secs. 9.5-63. to 9.5-70. - Reserved

ARTICLE V. – ILLICT DISCHARGES

DIVISION 1. – ILLICT DISCHARGES

Sec. 9.5-71. - Applicability.

This division shall apply to all water entering the County Storm Drain System or County watercourses generated on any developed and undeveloped lands unless explicitly exempted by the NPDES permitting authority.

Sec. 9.5-72. - Administration.

The County Engineering Division shall administer and implement the provisions of this division of this article. Other duly authorized officers of the County may also enforce provisions of this article.

Sec. 9.5-73. - Discharge Prohibitions.

(a) Prohibition of Illegal Discharges

- (1) No person shall discharge or cause to be discharged into the Storm Drain System or watercourses any materials, including but not limited to Pollutants or waters containing any Pollutants, that cause or contribute to a violation of applicable Water Quality standards other than Stormwater.
- (2) This prohibition includes spillage or leakage of leachate during transport from all vehicles used to collect and/or transport municipal solid wastes into the storm drain system or County watercourses.
- (3) The commencement, conduct or continuance of any illegal discharge to the Storm Drain System is prohibited except as follows:
 - a) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one part per million chlorine), firefighting activities, and any other water source not containing Pollutants.
 - b) Discharges specified in writing by DHEC or the United States Environmental Protection Agency (EPA) as being necessary to protect public health and safety.
 - c) Dye testing is an allowable discharge, but requires a verbal notification to the County Engineering Division 10 days prior to the event.
 - d) The prohibition shall not apply to any non-Stormwater discharge permitted

under an NPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and all other applicable laws and regulations, provided that written approval has been granted for any discharge into the Storm Drain System.

(b) Prohibition of Illicit Connections

- (1) The construction, use, maintenance, or continued existence of Illicit Connections to the Storm Drain System is prohibited.
- (2) This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects to a line conveying Wastewater or any other non-Stormwater discharge to the SMS4, or allows such connection to continue.

Sec. 9.5-74. - Exemptions.

(a) The following discharges do not require NPDES permits:

- (1) Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the State for the purpose of mineral or oil exploration or development.
- (2) Discharges of dredged or fill material into waters of the United States which are regulated under section 404 of the Clean Water Act (CWA).
- (3) The introduction of sewage, industrial wastes or other Pollutants into publicly owned treatment works by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of Pollutants to waters of the State are eliminated. This exclusion does not apply to the introduction of Pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other party not leading to treatment works.

- (4) Any discharge in compliance with the instructions of an On-Scene Coordinator pursuant to 40 CFR Part 1510 (The National Oil and Hazardous Substances Pollution Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).
- (5) Any introduction of Pollutants from non-point-source agricultural and silvicultural activities, including Stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations, discharges from concentrated aquatic animal production facilities, discharges to aquaculture projects, and discharges from silvicultural point sources.
- (6) Return flows from irrigated agriculture.
- (7) Discharges into a privately owned treatment works, except as DHEC may otherwise require in its regulations.

Sec. 9.5-75. - Suspension of SMS4 Access.

- (a) The County Engineering Division may, without prior notice, suspend SMS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health and welfare of persons, or to the SMS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the County Engineering Division may take such steps as deemed necessary to prevent or minimize damage to the SMS4 or waters of the United States, or to minimize danger to persons.
- (b) Any person discharging to the SMS4 in violation of this article may have their SMS4 access terminated if such termination would abate or reduce an illicit discharge.

Sec. 9.5-76. - Unauthorized Connection.

It shall be unlawful for any person to make any connection to the SMS4 without written permission, or to reconnect access when it has been suspended or terminated due to an illicit discharge without the prior approval of the County Engineering Division.

Sec. 9.5-77. - Litter and Refuse Control

- (a) It shall be unlawful for any person to throw litter, garbage, vegetative matter, bottles, cans, or containers upon public right-of-way or property or the premises of another without permission of the owner.

- (b) It shall be the duty of the property owner to keep piles of leaves out of any gutter, inlet, catch basin or ditch.
- (c) It shall be unlawful to place yard waste into any storm drain, stream, or conveyance where concentrated Stormwater flows will wash such wastes into the storm sewer system or County watercourse.

Sec. 9.5-78. - Monitoring of Discharges.

- (a) This section applies to all facilities that have Stormwater discharges associated with industrial activity, including Construction Activity, or in the investigation of an Illicit Connection to the storm drain system or County watercourses.
 - (1) The County Engineering Division shall be permitted to enter and inspect facilities subject to regulations under this article as often as may be necessary to determine compliance with this article. If a discharging facility has security measures in force that require proper identification and clearance before entry into its premises, the facility shall make the necessary arrangements to allow access to representatives of the County Engineering Division.
 - (2) Facility operators shall allow the County Engineering Division ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES Permit to discharge Stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The County Engineering Division shall have the right to set upon any permitted facility such devices as are necessary in the opinion of the County Engineering Division to conduct monitoring and/or sampling of the facilities Stormwater discharge.
 - (4) The County Engineering Division has the right to require the discharging facility to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility at its own expense. All devices used to measure Stormwater flow and quality shall be calibrated to ensure its accuracy.
 - (5) If the County Engineering Division has been refused access to any part of the premises from which Stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety and welfare of

the community, then the County may seek issuance of a search warrant from any court of competent jurisdiction or refer the case to DHEC.

Sec. 9.5-79. Notification of Spills

- (a) Notwithstanding other requirements of law, as soon as any Person Responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected releases of materials which are resulting or may result in illegal discharges or Pollutants discharging into Stormwater, the SMS4, or waters of the United States, that person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release, and in addition to other notification requirements, the person shall notify the County Engineering Division in person, by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County's Public Works Department, Stormwater Division within three business days of the original notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- (b) For facilities that operate under existing NPDES permits for Stormwater discharge, spill reporting shall be made to the permitting authority in accordance with the permit. The County Engineering Division shall be provided with copies of any written notification required by the NPDES permitting authority.

Sec. 9.5-80. Enforcement

- (a) Whenever the County Engineering Division finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the County Engineering Division may order compliance by written notice violation to the Person Responsible. Such notice may require without limitation:
 - (1) The elimination of Illicit Connections or discharges;
 - (2) That violating discharges, practices or operations shall cease and desist;
 - (3) The abatement or remediation of Stormwater pollution or contamination hazards and the restoration of any affected property; and
 - (4) The implementation of source control or treatment BMPs.
- (b) If abatement of a violation and/or restoration of the damaged property is required, the notice shall set forth a deadline for remediation or restoration to be completed. The notice shall advise that, should the violator fail to remediate or restore within the established deadline, the County Engineering Division or a contractor will do the work

development division, copies of which shall be forwarded to the County Engineer for such engineer's review and comments and an evaluation of such submitted to the planning and development division and the County planning commission.

Sec. 9.5-106. - Interpretation and conflict.

In interpreting and applying the provisions of this article, the provisions shall be held to be minimum requirements necessary to uphold the purpose of this article. It is not intended by this article to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, where this article imposes greater restriction on the subdivision and/or use of buildings or land, or requires more open spaces or more stringent development standards than required by other resolutions, ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this article shall govern. When the provisions of any other statute require more restrictive standards than are required by the regulations of this article, the provisions of the more restrictive statute shall govern.

DRAFT