

## **Re-Authorization for Discharges under NPDES Permit for Stormwater Discharges from Construction Activities Permit Number SCR100000**

### **Introduction**

This fact sheet has been prepared by the South Carolina Department of Environmental Services (SCDES) to set forth the principal facts in re-authorizing Stormwater Discharges from Construction Activities within the State of South Carolina; under the National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges, SCR100000.

This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities where those discharges enter Surface Waters of the State or a Municipal Separate Storm Sewer System (MS4) leading to Surface Waters of the State subject to the conditions set forth in this permit. This permit also authorizes stormwater discharges from any other construction activity designated by SCDES where SCDES makes that designation based on the potential for contribution to a violation of a Water Quality Standard (WQS) or for significant contribution of pollutants to Surface Waters of the State.

NPDES Storm Water Permit SCR100000 authorizes discharges composed entirely of stormwater as defined in Section 402(p) of the Clean Water Act (CWA), SC Water Pollution Control Permits Regulation 61-9 and the permit itself.

SCDES has been delegated authority by EPA to implement the NPDES program within the state of South Carolina. This current permit is set to become effective on March 30, 2026, and will expire on March 30, 2031.

### **Background**

In 1987, the US Congress amended the Federal Clean Water Act to require EPA to implement an NPDES Stormwater Permit Program for Construction Stormwater (CSW). EPA was directed to develop a phased regulatory program for construction site stormwater discharges. The CSW program includes large and small construction activities which discharge to surface waters or a Municipal Separate Storm Sewer System (MS4). Based on these amendments, EPA promulgated the Stormwater NPDES Regulations to address construction stormwater discharges in Phase I, in 1990, and Phase II, in 1999. These regulations categorized construction activities as follows:

- Phase I: Large construction sites, typically disturbing five (5) acres of land or greater.
- Phase II: Small construction sites, typically disturbing less than five (5) acres of land.

## Permit Requirements

This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities where those discharges enter Surface Waters of the State or a Municipal Separate Storm Sewer System (MS4) leading to Surface Waters of the State subject to the conditions set forth in this permit. For any project which disturbs greater than one acre of land, or for which is part of a Larger Common Plan (LCP) which disturbs one acre of greater, or for which is located within one half (½) mile of a coastal receiving water body must apply for coverage under this permit. Applicants seeking coverage under this permit must provide the following information within their application as necessary:

1. Full and completed Notice of Intent (NOI)
2. Stormwater Pollution Prevention Plan (SWPPP)
3. Full engineering calculations and reports
4. Design plans to include Stormwater Management and Sediment Control sheets
5. All associated and alternate permits and local approvals
6. A completed Plan Review Checklist
7. All maintenance agreements and easements

Specific updates contained in the permit to highlight include:

- Language has been changed to reflect the new agency title.
- Updated physical copy submission to electronic submission via the online permitting portal, ePermitting.
- Revised hyperlinks to reflect new resources that can be accessed through the updated agency website.
- Inclusion of the requirement for Primary Permittees to sign and submit a wet-ink Certifier Agreement prior to the submission of applications, or to complete the identity verification process online through ePermitting.
- Clarification to Larger Common Plan definition to include requirements under Regulations 72-300 through 72-316.
- Clarification to automatic coverage under this permit for lots created in a subdivision prior to 1992. Removal of language detailing 5 contiguous lots as a threshold for automatic coverage.
- Clarification to Section 2.2.2 which allows for Secondary coverage whether Primary coverage is active or terminated.
- Annual Blanket Notice of Intent (AB-NOI) has been changed to Utility Blanket Notice of Intent (UB-NOI) (Section 2.2.3.A) to allow for utilities to obtain coverage for the duration of this permit. Updates were made to reflect reapplication and reporting for the UB-NOI.
- Clarification was added to Section 2.4.2 to allow for permit extension requests beyond the initial 5-year permit term.
- Clarification added to Section 3.1.6 to allow for electronic copies of OS-SWPPP documents to be maintained, so long as they are reflective of site conditions and made available within 30 minutes upon request.
- Buffer Zone Management Plan has been updated to reflect the Methods available for a buffer zone implementation plan rather than Options. This was done to clarify that only one method may be used at a time and that this is not an optional process.
- Section 3.2.4.C.III.e was updated to include "impacts to waters."
- Section 3.2.10.C. was updated to include examples of dewatering methods and BMPs.

- Section 4.1.C was updated to allow for pre-construction conferences for all projects to be virtual, in-person, or at an off-site location designated by the permittee unless the representative MS4 requires otherwise. Record of the meeting location and all supporting documentation must be kept with the SWPPP.
- Section 4.3.A-B now includes reference to R.72-308 for the effective operating condition of all BMPs and other protective measures.
- Section 2.4.3 has been updated to clarify the Transfer of Ownership process for project modifications and projects with previously approved C-SWPPP.

### **Re-Authorization to Discharge under the Permit**

Permittees submitted a timely application to be re-authorized to discharge under this permit.

SCDES has conducted a meaningful evaluation of the previous iteration of the permit. EPA provided concurrence with the draft permit on has reviewed the draft permit and confirmed concurrence on January 16, 2026. The draft will be the fourth permit cycle. SCDES's preliminary determination to re-authorize the applicants to discharge under the draft permit is open for public comment.

Once a final decision is reached on the draft permit, stormwater discharges from land-disturbing activities associated with construction will be re-authorized under the newly effective NPDES Permit SCR100000.