



## **RICHLAND COUNTY STORMWATER MANAGEMENT**

### **IHR LANGUAGE FROM CHAPTER 26 LAND DEVELOPMENT ORDINANCE**

#### **Sec. 26-203. Stormwater Management.**

##### **(10) Stormwater Management NPDES Permit Compliance**

The Land Development Ordinance adopts SCDHEC re-issued National Pollutant Discharge Elimination System (NPDES) permit in its entirety. This adoption includes individual programs developed as part of implementation of NPDES permit. NPDES permit was effective from September 11, 2006 through September 10, 2011. The duration of the adoption of NPDES permit will be for a term of five (5) years, and will be automatically renewed for a like term unless the Ordinance amended by Council for an intent to terminate. Richland County Personnel, Director of Public Works, Stormwater Management Personnel or designee may enforce any of the violations in regards to SCDHEC delegated Richland County's NPDES storm water discharge permit programs or language. The individual programs and their legalities are further discussed through Sec 26-203-10-a

- I. The Director of Department of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing, and any other NPDES related tasks. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times.
- II. In the event that the Richland County or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

#### **Violations**

Upon determination that a violation of any of the provisions of this article or the NPDES permit has occurred, the Richland County personnel may give timely actual notice at the property where the violation has occurred and shall give written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the time line (depending on the violation and is left to the discretion of the inspector) to correct deficiencies, if appropriate. There shall be sufficient notification to deliver the notice to

the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

### **Civil Penalties**

Any person violating any provision of this article shall be subject to a civil penalty of not more than \$500 for each violation. Each separate day of a violation, constitutes a new and separate violation.

### **Criminal Penalties**

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. Each day of a violation shall constitute a new and separate offense.

## **Sec. 26-203-10-a**

### *a. Industrial and High Risk Runoff Program*

The county may review industrial storm water pollution preventions plan(s), as required under National Pollutant Discharge Elimination System (NPDES) storm water discharge permit, while outfall monitoring indicates a suspected violation or proactively in its routine water quality checks as per below guidelines:

- I. The Director of Department of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times.
- II. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the director. The director shall promptly seek issuance of an administrative search warrant.
- III. In the event that the director or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.
- IV. Inspection reports shall be maintained in a permanent file located in the Storm Water Management Division.

- V. At any time during an inspection or at such other times as the director or his designee may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the director or his designee has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL TRADE SECRET." The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event the director does not agree with the trade secret designation, the material shall be temporarily designated a trade secret, and the owner or representative may request an appeal of the director's decision in the manner in which all such appeals are handled in this article.
- VI. All trade secret material which are prepared or obtained by or for the director shall be marked as such and filed in a secure place separate from regular, non-secret files, and documents. Reports from samples prepared or obtained by or for the director or submitted for laboratory analysis shall be marked as such and treated in the same manner as other trade secret material. Trade secret material shall not be divulged by the director to anyone other than:
- 1) Other employees of the county or employees of the state or federal governments engaged in an inspection or enforcement proceeding involving the designated material; and
  - 2) To administrative or judicial courts upon order to so divulge the material to the court.

### **Monitoring**

The director may require the person responsible for any private property or premises, including, but not limited to, any private property or premises which is or may be the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high-risk facility, or the source of an illicit discharge, at that person's expense, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such discharge in accordance with such methods, at such locations, and intervals as the director shall prescribe, and provide periodic reports relating to the discharge. To the extent practicable, the director shall recognize and approve the sampling procedures and test methods established by 40 CFR 136.

### **Best management practices**

Industrial facilities and high risk facilities may be required to implement, at their own expense, structural and/or nonstructural BMPs, as appropriate, to prevent the discharge of

pollutants to the Richland County MS4. To the extent practicable, the director shall recognize that storage and handling of significant materials, material handling equipment or activities, intermediate products or industrial machinery in such a manner that they are not exposed to stormwater is an effective BMP. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

### **Violations**

Upon determination that a violation of any of the provisions of this article or the Storm Water Management Plan (SWMP) has occurred, the director may give timely actual notice at the property where the violation has occurred and shall give written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies, if appropriate. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

### **Providing false information and tampering prohibited**

- a) It shall be unlawful for any person to provide false information to the director or anyone working under the director's supervision when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any inspection, recordkeeping or monitoring requirement carried out or imposed under this article.
- b) It shall be unlawful for any person to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.

### **Civil Penalties**

Any person violating any provision of this article shall be subject to a civil penalty of not more than \$500 for each violation. Each separate day of a violation, constitutes a new and separate violation.

### **Criminal Penalties**

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. Each day of a violation shall constitute a new and separate offense.

(Ord. No. 074-04HR, § V, 11-9-04; Ord. No. 065-05HR, § X, 9-20-05)

**Secs. 26-204 - 26-220. Reserved.**