



Beaufort County Stormwater Department Establishes New Stormwater Permitting Requirements

Beginning 4/1/18 any land disturbance that requires a Zoning or Development Permit application will also require a Stormwater permit issued by Beaufort County. There will be limited exceptions for some properties. To determine if an exemption applies to a particular property, these exemptions can be found in the [Manual for Stormwater Best Management and Design Practices \(BMP Manual\)](#). In addition to local stormwater permitting, applicants developing a lot are required to obtain coverage under the South Carolina Department of Health and Environmental Control's (SCDHEC) - NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000 (NPDES CGP). This is commonly known as the Notice of Intent or NOI.

SCDHEC requires Form 2617 (NOI) for all construction activities resulting in land disturbance of 1 acre or more (please note that Beaufort County requires permit coverage for land disturbance of more than 5000 square feet) and construction activities disturbing less than 1 acre that are within a Larger Common Plan for Development or Sale (LCP) that will disturb more than 1 acre. Further, submission of Form 2617 and permit coverage are required for sites located within ½ mile of a coastal receiving water (CRW), which disturb 0.6 acres or more, or are part of an LCP having a cumulative disturbed area of 0.6 acres or more. Sites located within ½ mile of a CRW, which disturb 0.5 acres or less and are not part of an LCP, are automatically covered while using the appropriate best management practices during construction. Beaufort County recommends that these projects complete the SCDHEC NOI Form 0451 as notification to SCDHEC of the project. This form also covers projects less than 1 acre, not located within a ½ mile of a CRW, and not part of a LCP. Notification to SCDHEC's Office of Coastal Resource Management, Coastal Zone Consistency (OCRM CZC) is still required for projects that are automatically covered under the NPDES CGP. The applicant may apply to OCRM for a Minor Project Impact General Consistency for projects 0.5 acres or less that is not part of a larger common plan.

DHEC Form 0432 is an NOI available for residential lot construction only. It is referred to as the Individual Lot NOI or IL-NOI. The IL-NOI is a permitting option available for residential lots. In cases where the residential subdivision was previously permitted by SCDHEC as a larger common plan of development, even if the LCP has filed a Notice of Termination (NOT) with SCDHEC, the form will be required. Permittees having coverage using the IL-NOI are Secondary Permittees. This permit coverage does not cover installation of infrastructure. Development of residential lots not included in an LCP subdivision previously permitted by SCDHEC may require form 2617 should the thresholds noted above regarding Form 2617 be triggered based upon project scope.

There are limited projects, or Small Construction Activities, that are exempt from SCDHEC permitting. The construction of single family homes separately built and not part of a LCP do not require permit coverage. Acreage limitations do not apply in this case and the project does not qualify as a small construction activity. Please see the included definition below.

"Small Construction Activity" is defined under the definition of "Stormwater discharge associated with small construction activity" at §122.26(b)(15) of SC Regulation 61-9 as follows:

"Stormwater discharge associated with small construction activity means the discharge of stormwater from:

- (i) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres and, in coastal counties within one-half (1/2) mile of a receiving water body (but not for single-family*

homes which are not part of a subdivision development), that result in any land disturbance less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade...

However, County permitting would not be exempt unless the disturbance was less than 5,000 square feet.

DHEC IL-NOI and NOI applications must be reviewed and endorsed by the Beaufort County Community Development Department. The County will endorse and return the completed NOI to the applicant with an approved local permit for submittal to DHEC. Applicants are allowed to submit a NOI to DHEC without the County's endorsement to facilitate concurrent review, however SCDHEC will not issue a permit until the approved County MS4 permit and endorsed NOI is submitted to SCDHEC. The applicants will be required to provide a copy of the approved SCDHEC NOI to Beaufort County prior to receiving the Beaufort County Zoning or Development permits. The County recommends applicants read and comply with SCDHEC NOI application instructions before submittal to SCDHEC to assure timely processing. Please be advised that changes to the plan after submittal to SCDHEC and prior to County approval, or changes required by the OCRM CZC review, might result in additional submittals and review by SCDHEC and/or the County.

SCDHEC NOIs can be submitted to:

SC Department of Health & Environmental Control
Bureau of Water Coastal Stormwater Section
1362 McMillan Avenue, Suite 400
Charleston, SC 29405

If you are uncertain whether you need to obtain coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000 (NPDES CGP), contact the Coastal Stormwater Permitting Section at (843) 953-0200.

The SCDHEC review process will commence upon receipt of the NOI, including the application form and other required submittal information, by SCDHEC. The NPDES CGP requires SCDHEC to send a letter authorizing coverage, denying coverage, requesting additional information, or advising the applicant that SCDHEC has decided to also perform a full review of the SWPPP, seven (7) business days from the receipt of a complete NOI.

Note: A complete NOI includes MS4 approval from Beaufort County and a Coastal Zone Consistency Determination from SCDHEC's Office of Ocean and Coastal Resource Management (OCRM). Requests for Coastal Zone Consistency must be submitted with the NOI. NOI and CZC reviews occur concurrently. For more information on a complete NOI please see the NPDES CGP at:

<http://www.scdhec.gov/Environment/WaterQuality/Stormwater/ConstructionActivities/Overview/>

Beaufort County MS4 Stormwater Department's review and issuance of a local stormwater permit and zoning permit begins with an application for the permit to the [Community Development Department](#). This is typically done as part of a Zoning or Development Permit application. Application, fee schedule, and submittal requirements are posted on the County website [here](#) and published in the Manual for Stormwater Best Management and Design Practices (BMP Manual).

Please direct permit application and plan review questions to the Stormwater Department Manager Eric Larson at 843-255-2805.