



# Getting a Stormwater Construction Permit (National Pollutant Discharge Elimination System (NPDES) Permit for Land Disturbance)

## What is the purpose of this permit?

When we talk about NPDES permits, we're really talking about a family of permits. One branch of the family focuses on discharges from city and industrial wastewater treatment systems. Another branch deals with stormwater runoff from land disturbance activities. This fact sheet addresses the so-called "stormwater construction permit" related to land disturbance.

Under federal law, certain types of discharges to rivers, lakes, and streams need an NPDES permit. Land disturbance (e.g., clearing, excavating and grubbing) is one activity that requires an NPDES permit.

DHEC has developed a general (statewide) permit that applies to anyone clearing, excavating, grubbing or otherwise engaged in land disturbance. Whether building a subdivision or starting a new business, you may need to be covered under this permit. You can obtain this coverage by applying for and meeting the requirements of the general permit.

## Who issues this permit?

The S.C. Department of Health and Environmental Control (DHEC) administers NPDES permits within South Carolina. DHEC has been authorized by the U.S. Environmental Protection Agency (EPA) to manage the NPDES permitting process to satisfy both state and federal laws.

## What type of NPDES permit applies?

Because DHEC has established a statewide general permit for land disturbance activities, you will not have to go through the much more time consuming and expensive process of applying for an individual permit. When you apply for a general permit you are, in effect, requesting to be covered under a permit that has already been issued statewide. To learn more about general permits, visit the DHEC Stormwater Program's website at [www.scdhec.gov/stormwater](http://www.scdhec.gov/stormwater).

## What types of business need to obtain this permit?

Land development activities and other activities that disturb at least 1 acre of land (e.g., land clearing) need the permit.

For land disturbance of less than 1 acre, you must complete a form, but you do not need a permit. For projects involving less than 1 acre, see [www.scdhec.gov/administration/library/d-2628.pdf](http://www.scdhec.gov/administration/library/d-2628.pdf) for details.

## How much will it cost to get an NPDES permit?

The stormwater permit involves both a state and a federal component.

The federal NPDES permit coverage costs \$125. The state's permit fee is based on the acreage disturbed.

For more specific information on fees, see Page 3 of the Notice of Intent (NOI) for Stormwater Discharges from Large and Small Construction Activities (NPDES General Permit SCR100000) form at: [www.scdhec.gov/administration/library/d-2617.pdf](http://www.scdhec.gov/administration/library/d-2617.pdf).

## Where can I get the application form(s) for this permit?

In local areas that have stormwater programs required by DHEC (called Municipal Separate Storm Sewer Systems or MS4 programs), you must apply for an NPDES stormwater permit through a local government agency. To do this, you must complete the form provided by that local government agency. Once the local government approves your application, they will forward it to DHEC, which will then issue the NPDES decision. For information on the state's 75 MS4s visit [www.scdhec.gov/environment/water/swater/apply.htm](http://www.scdhec.gov/environment/water/swater/apply.htm). In all other cases, you must apply for the permit directly from DHEC.



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Complete Form D-2617  
([www.scdhec.gov/administration/library/d-2617.pdf](http://www.scdhec.gov/administration/library/d-2617.pdf)).

To figure out where you need to apply, use DHEC's interactive "Where to Apply" map at [www.scdhec.gov/environment/water/swater/apply.htm#top](http://www.scdhec.gov/environment/water/swater/apply.htm#top)

### What, if anything, do I need to include with my application form(s)?

In addition to the application form and the fees, engineering drawings detailing how the project will comply with the requirements of the general NPDES stormwater permit are needed. These plans show the techniques for erosion control and for controlling sediment runoff. DHEC or the applicable local government agency will review those plans.

### What factors will come into play in DHEC's decision about whether to grant my business/facility a permit?

DHEC staff will grant the stormwater permit when the application package, including the engineering drawings, demonstrates compliance with the requirements of the general NPDES stormwater permit.

### What if my project is located in one of the 8 coastal counties?

If your project is located in one of South Carolina's 8 coastal counties (Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper) a Coastal Zone Consistency Certification is required along with your application. This certification and review looks at the project's impacts on natural, historic, and cultural resources. The review is performed by DHEC's Office of Ocean and Coastal Resource Management (OCRM). For more information, visit our OCRM Coastal Permitting website at [www.scdhec.gov/environment/ocrm/coastal\\_permitting.htm](http://www.scdhec.gov/environment/ocrm/coastal_permitting.htm).

### How long will it take to review and approve my application?

In cases where a local government reviews the engineering drawings, DHEC can generally grant coverage within 8 calendar days (non-coastal) or 77 calendar days (coastal) following approval by the local entity.

Generally, if DHEC reviews the drawings, permits can be issued in 40-70 calendar days (depending on any revisions needed by the engineering consultant).

### Where do I submit my application?

Because some applications must be submitted to local governments while others must be submitted to DHEC, the DHEC website includes an interactive statewide map to clarify where applicants must apply. View the "Where to Apply" map at [www.scdhec.gov/environment/water/swater/apply.htm](http://www.scdhec.gov/environment/water/swater/apply.htm).

### How long is my coverage valid?

Your coverage is valid for 5 years or until you finish the construction activity, stabilize the site and submit a notice of termination (NOT). The NOT ends both your coverage and your obligations under the permit.

### Who can I contact if I have questions about this permit or the application process?

- **For projects in one of the 8 coastal counties:**  
Call Shannon Hicks 843-953-0240 or email her at [shannon.hicks@dhec.sc.gov](mailto:shannon.hicks@dhec.sc.gov)
- **For projects in non-coastal counties:**  
Call Jill Stewart at 803-898-0439 or email her at [jill.stewart@dhec.sc.gov](mailto:jill.stewart@dhec.sc.gov)



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### Where does the legal authority for this permit come from?

The authority for NPDES permits comes from federal and state laws. Our state environmental laws are written to be consistent with at least the standards set by federal laws. DHEC's fee structure is authorized by a separate law.

- Federal Clean Water Act  
([www.epa.gov/lawsregs/laws/cwa.html](http://www.epa.gov/lawsregs/laws/cwa.html))
- S.C. Pollution Control Act  
([www.scdhec.gov/environment/water/laws.htm](http://www.scdhec.gov/environment/water/laws.htm))
- S.C. Stormwater and Sediment Reduction Act  
([www.scdhec.gov/environment/water/laws.htm](http://www.scdhec.gov/environment/water/laws.htm))
- S.C. Environmental Protection Fund Act  
([www.scdhec.gov/environment/water/laws.htm](http://www.scdhec.gov/environment/water/laws.htm))

### Other helpful Web links:

See DHEC's stormwater page at:

[www.scdhec.gov/stormwater](http://www.scdhec.gov/stormwater)

*\* This fact sheet was last updated in December 2012. CR-010644 2/13*