

**Sec. 26-203. NPDES Municipal Separate Storm Sewer System (MS4) Program. (Ord. 006-10HR; 1-19-10)**

(a) *Purpose and applicability.* (Ord. 006-10HR; 1-19-10)

- (1) *Purpose.* The primary intent of this section is to minimize the introduction of pollutants into stormwater runoff and subsequently into surface waters of the state. This will be accomplished through the implementation of programs developed to address specific activities that contribute to the contamination of stormwater. Richland County is required by its NPDES permit to regulate all discharges within the political boundary of the county; therefore, the county will take any measures necessary to comply with its permit and protect water quality within the jurisdictional areas defined with the NPDES permit. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of South Carolina water quality standards, and shall be in compliance with TMDLs where applicable. (Ord. 006-10HR; 1-19-10)
- (2) *General. Applicability.* The DHEC re-issued NPDES permit is hereby adopted in its entirety. This adoption includes individual programs developed as part of the implementation of the NPDES permit. The current NPDES permit became effective on September 11, 2006 and expires on September 10, 2011. The duration of the adoption of the NPDES permit will be for a term of five (5) years, and will be automatically renewed for a like term unless this provision is amended by County Council with an intent to terminate. Richland County personnel, the Director of Public Works, and Stormwater Management personnel, or their designees, may enforce any of the regulations in regards to DHEC delegated Richland County's NPDES storm water discharge permit programs or language. (Ord. 006-10HR; 1-19-10)

(b) *Components of NPDES MS4 Program.* (Ord. 006-10HR; 1-19-10)

- (1) *Pesticide, Herbicide and Fertilizer (PHF) program.* The intent of the PHF program is to aid Richland County in reducing the discharge of pollutants related to the storage and application of PHFs applied by county employees or residents or contractors to public rights-of-way, parks, and other property. (Ord. 006-10HR; 1-19-10)
  - a. All commercial and non-commercial application of pesticides is regulated in the state of South Carolina by the Department of Pesticide Regulation (DPR). The DPR requires mandatory licensing for applicators involved in pest control activities in structural, landscape and turf, aquatic, and public health areas.

- b. Only Richland County staff members who are properly licensed by the DPR, or who are directly supervised by a licensed applicator, will be permitted to apply pesticides and herbicides.
- c. *Commercial Applicators.*
  - 1. Richland County will only contract for pesticide and herbicide application with commercial applicators that are licensed through the DPR.
  - 2. All commercial applicators who are contracted by the county will maintain current licensing through the DPR throughout the entire contract with the county.
  - 3. Commercial applicators contracted by the county to apply pesticides and herbicides must provide written notification to the appropriate county divisional manager, the Public Works Director, or the Vector Control Director (or their designee) prior to commencement of any work involving PHF application.
- d. Inspections may be conducted within the county by the Stormwater Manager or designee to ensure compliance with the PHF Program. The county may require monitoring if deemed necessary to protect water quality within the county.

(2) *Illicit Connections, Illegal Discharges, Illegal Dumping, Improper Disposal, Organic Waste and Spills.* The intent of this section is to aid Richland County in reducing and eliminating the discharge of pollutants to the county's MS4 related to illicit/illegal discharges, illegal dumping, destruction of stormwater facilities, improper disposal, organic waste and spills. This section will also fulfill one of the minimum control measures of the Phase II Rule: IDDE. The county shall have the authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition on illicit discharges to the county's municipal separate storm sewer, as well as the stormwater systems within the jurisdictional areas of its NPDES co-permittees. (Ord. 006-10HR; 1-19-10)

- a. *Illicit Connections.*
  - 1. It shall be unlawful to connect or allow connection to any sanitary sewer. This includes existing connections.
  - 2. It shall be unlawful to cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto

driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system.

3. Building permits shall be required before the construction of any connection to the county's publicly owned stormwater management system.
- b. *Improper Disposal.* It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub, or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial, or institutional process, including water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state, and/or federal permits. Richland County shall be allowed on-site if there is a suspected illegal discharge for inspection and monitoring as deemed appropriate for the protection of water quality.
  - c. *Illegal Dumping.* It shall be unlawful to dispose of any trash or wastes in an unpermitted area or by disposing of such trash or waste into any storm drain or stormwater conveyance. Richland County shall be allowed on-site if there is suspected illegal dumping for inspection and monitoring as deemed appropriate. In addition, all provisions and authority contained within Chapter 12 (Garbage, Trash and Refuse) and Chapter 13 (Hazardous Materials) of this Code of Ordinances that are applicable to the protection of water quality shall be incorporated by reference to this section.
  - d. *Destruction of Stormwater Facilities.* It shall be unlawful, either willfully or negligently, to injure, deface, mutilate, destroy, tamper or interfere with any county-owned property or any property used in the county's publicly owned stormwater management system.
  - e. *Illegal Discharges.* It shall be unlawful for any person to discharge non-stormwater to any stormwater conveyance. The following non-storm water discharges to the MS4, wherever they are not a source of pollutants, are permitted:
    1. Water line flushing.
    2. Diverted stream flows.
    3. Rising ground water.

4. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 [20]) to separate storm sewers.
  5. Uncontaminated pumped ground water discharges from potable water sources.
  6. Foundation drains.
  7. Air conditioning condensation.
  8. Irrigation water.
  9. Springs.
  10. Water from crawl space pumps.
  11. Footing drains.
  12. Lawn watering.
  13. Car washing at one's residence, not for hire.
  14. Flows from riparian habitats and wetlands.
  15. Dechlorinated swimming pool discharges.
  16. Road wash water.
  17. Discharges from fire fighting.
  18. Dye testing is an allowable discharge provided that the Director of Public Works or Stormwater Management personnel, or designee, is verbally notified prior to the time of testing.
- f. *Oils, Toxics and Household Hazardous Wastes.* It shall be unlawful to discharge or dispose of used motor vehicle fluids and household hazardous wastes into the MS4.
- g. *Organic Waste.*
1. *Yard waste.* It shall be the duty of the property owner to keep grass clippings, leaves, tree and shrub clippings, stumps, organic materials, or any other yard trash out of gutters, inlets, catch basins, and side ditches. It shall be unlawful to place grass clippings, leaves, tree and shrub

clippings, stumps, organic materials, or any other yard trash in any road, storm drain, stream, storm water conveyance, or any other location where concentrated flows could wash such wastes into the storm sewer system. All yard waste shall be bagged and set out for collection weekly.

2. *Human and animal waste.* Privies, pigpens, and stables of all kinds shall be placed far enough away from any stream, ditch, drain, or other stormwater conveyance that human and/or animal waste(s) will not run into them. The Stormwater Manager (or his/her designee) shall have the authority to determine whether a privy, pigpen or stable is deemed “far enough away” from stormwater conveyances in order that the human or animal waste(s) will not adversely impact the receiving conveyance.