

Guidance and Instructions for the Implementation of Land Disturbing Activities on Fort Jackson

1. Purpose: This document is to provide a summary of regulations that Fort Jackson and associated consultants, contractors, engineers, etc must adhere to when engaging in land disturbing activities. There are a number of different state and federal regulatory mechanisms that are discussed in terms of the activities affected. Eight enclosures are presented that provide greater details on a number of subjects and should be referenced as necessary.

2. Regulations: There are four regulatory drivers that exist for Fort Jackson related to land disturbing activities. These are discussed below.

a. The Stormwater Management and Sediment Reduction Act (Stormwater Act) of South Carolina is administered by the South Carolina Department of Health and Environmental Control (SCDHEC) and delegated to Fort Jackson. This Act requires that a stormwater management and sediment reduction plan be prepared before conducting any "land disturbing activity." All land disturbing activities conducted on Fort Jackson shall be conducted in accordance with the guidance presented in this document except for the activities described in South Carolina Code of Regulations, R.72-302.A (1) and (2), in Enclosure 1. All other activities described in R.72-302.A are subject to the requirements of this guidance. The Fort Jackson Land Disturbance Handbook (Handbook) at Enclosure 2 defines the procedures and minimum design standards and specifications for land disturbing activities for compliance with the Stormwater Act.

b. As a delegated authority, Fort Jackson must also ensure compliance with the National Pollutant Discharge Elimination Program (NPDES) General Permit for Stormwater Discharges from Large and Small Construction Activities (Construction General Permit). This permit defines procedures and stormwater design standards for land disturbing activities. The Fort Jackson Land Disturbance Handbook (Handbook) in Enclosure 2 defines the procedures and minimum design standards and specifications for land disturbing activities for compliance with the Stormwater Act as well as the Construction General Permit.

c. Fort Jackson has been identified by SCDHEC as a small Municipal Storm Sewer System (MS4) and is therefore required to comply with the NPDES General Permit for Stormwater Discharges from Regulated Small MS4s (Phase 2 MS4 General Permit). This permit requires Fort Jackson to develop a number of procedures to reduce stormwater pollution, including defining stormwater design standards, reviewing of construction documents for land disturbing activities, and conducting site inspections. The Handbook has been developed to assist Fort Jackson in complying with the Phase 2 MS4 General Permit.

d. The Energy Independence and Security Act (EISA) Section 438 of 2007 establishes into law new stormwater design requirements for Federal development and redevelopment projects. Under these requirements, Federal facility projects that disturb 5,000 square feet or more must "maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow." The EPA has developed a *Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects Under Section 438 of the Energy*

Independence and Security Act. The methods for compliance with the EISA requirement are at the discretion of the ENV. These methods may involve the use of additional LID techniques. Although the EISA Section 438 requirements are independent stormwater requirements, the resulting stormwater management system can and should be used to comply with the Stormwater Act, the Construction General Permit, and Fort Jackson design standards.

3. Approval Procedures: This section discusses the approval process, from submittal, to review, to approval, followed by the start of the land disturbing activity.

a. Applicability: The following criteria can be used to determine which stormwater management design standards should be used for a given project.

(1) Recurring land disturbance activities described in Enclosure 3 do not require the submission of a Stormwater Management and Sediment Control Plan if the activity is conducted in accordance with the requirements and conditions in Enclosures 3 and 4.

(2) For activities involving less than 5,000 square feet of actual land disturbance and not part of a larger common plan, a simplified Stormwater Management and Sediment Control Plan that meets the requirements of R.72-307H in Enclosure 1. This plan does not require approval by ENV, but does not require preparation or certification by a registered engineer, landscape architect, or Tier B land surveyor. Both ENV and SCDHEC staff have the authority to conduct site inspections on these projects to insure compliance with the submitted plans. More information on the submittal components is available in the Handbook. No land disturbance shall begin before a request for approval is granted and written approval issued.

(3) For activities involving more than 5,000 square feet but less than an acre of actual land disturbance, the EISA Section 438 requirements are applicable. All requests shall be submitted to and approved by ENV. This plan does not require preparation or certification by a registered engineer, landscape architect, or Tier B land surveyor unless structural stormwater best management practices (BMPs) are to be designed and constructed/installed or at the discretion of ENV. No land disturbance shall begin before the plan is reviewed and written approval is issued by the ENV. All contractors and subcontractors whose activities may impact storm water discharges shall sign the appropriate Co-Permittee Agreement found in Enclosure 5.

(4) For activities involving more than one (1) acre and less than two (2) acres of actual land disturbance, the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit #SCR100000, Enclosure 6, are applicable. All requests shall be submitted to ENV. This plan does require approval by the ENV, but does not require preparation or certification by a registered engineer, landscape architect, or Tier B land surveyor. No land disturbance shall begin before the plan is reviewed and written approval is issued by the ENV. All contractors and subcontractors whose activities may impact storm water discharges shall sign the appropriate Co-Permittee Agreement found in Enclosure 5.

(5) For activities involving more than two (2) acres of actual land disturbance, the requirements of R.72-305 and R.72-307 in Enclosure 1, and the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit #SCR100000, Enclosure 6,

are applicable. All requests shall be submitted to ENV. Plans and specifications for these activities will be prepared, amended when necessary, certified, and stamped by professional engineers, landscape architects, Tier B land surveyors, or by employees of the federal government within the scope of their employment. No land disturbing activity shall begin before the plan is reviewed and written approval issued by the ENV. All contractors and subcontractors whose activities may impact storm water discharges shall sign the appropriate Co-Permittee Agreement found in Enclosure 5.

(6) Any activity that creates a peak flow increase of greater than one cubic foot per second (1 cfs), for the 2-, 10-, or 25-year design storm events, must develop and submit a SWMP. The level of detail will depend on the area of disturbance.

b. Submittal Items: All land disturbance activities governed by one or more of the regulations listed in item 2 above will require the submittal of the following items:

(1) NOI (Enclosure 7)

(2) Fort Jackson Storm Water Pollution Prevention Plan Review Checklist (Enclosure 8).

(3) Stormwater Management Plan (SWMP) that may include all of the following at the discretion of the ENV, depending on the size of the land disturbance and the potential effect on receiving waterways:

- Construction Documents
- Specifications
- Engineering Calculations
- Stormwater Pollution Prevention Plan (SWPPP)
- Other supporting documents

The Handbook provides greater detail on each of these items.

c. Plan Submittal and Approval: The applicant should determine which category a project will fall under and submit the appropriate application form and information required on the checklist.

(1) The initial submittal should include only one (1) paper copy of the above mentioned forms and the stormwater management plan (SWMP). After the plan has been reviewed, the Fort Jackson plan reviewer will contact the applicant and request necessary changes or provide notification that the plan is complete. When the plan has been determined to be complete, the plan reviewer will specify the number of copies to be submitted for approval. As a general rule, the applicant shall send four (4) paper copies for stamp approval. One copy of the plans is for the engineer, one is for the applicant, one is for the contractor and must be available onsite at all times, and one is for the Fort Jackson inspector. Each copy will be stamped and signed to signify approval.

(2) To obtain coverage under the Construction General Permit, (for projects disturbing one acre or more) the application form DHEC 2617 (09/2007) Stormwater Notice of Intent (NOI) (Enclosure 7) must be completed, signed, and submitted to ENV along with

payment of a \$125.00 administration fee. ENV will submit the NOI and approval memo to SCDHEC for coverage. Notification of coverage by SCHDEC will be submitted directly back to the applicant. After the construction project is completed and all disturbed areas are stabilized, a Notice of Termination (NOT) (Enclosure 7) must be submitted to ENV. ENV will then forward the NOT to SCDHEC.

(3) If a project has a disturbed acreage of one (1) acre or more yet is exempt from the requirements of the Stormwater Management and Sediment Reduction Act of South Carolina (see R.72-302 in Enclosure 1), but not exempt from the requirements of SCR100000 pursuant to South Carolina Regulation 61-9, then a completed and signed NOI must still be submitted to ENV along with payment of a \$125.00 administration fee.

d. Waiver and Variance Procedure: To be eligible for a waiver, the proponent must submit a written request with descriptions, drawings, and any other information necessary to evaluate the proposal. See paragraphs 72-302-B and C of the SC Stormwater Management and Sediment Reduction Regulations found in Enclosure 1 and/or the handbook. A waiver from stormwater management requirements may be granted for the following reasons:

(1) The disturbed area is returned to a pre-development runoff condition and pre-development land use is unchanged or changed such that there is no impact on stormwater runoff volume or rate discharged and the water quality of receiving waters is not degraded.

(2) Stormwater quantity control requirements would aggravate downstream flooding.

(3) Implementing these regulations will cause unnecessary hardship and not fulfill the intent of the regulations.

e. Co-permittee Agreement: All construction contractors and subcontractors involved in land disturbing activities shall sign the applicable co-permittee agreement found in Enclosure 5.

f. Notification of Initiation of Land Disturbance Activity and Final Inspection: The organization/contractor shall notify the ENV inspector of the date for commencement of the activity and the name of the contact person prior to commencement. Notification of completion of the stormwater management system will also be provided. These notices can be sent by FAX (803-751-6821) or by e-mail message (matthew.holstein@us.army.mil).

g. Final Regulations: Enclosure 1 is the official regulation concerning stormwater management and sediment reduction. This regulation contains the specific requirements for developing stormwater management and sediment reduction plans.

h. Fees: There are no fees in conjunction with applications filed with or approvals issued by Fort Jackson. SCDHEC requires a \$125 administration fee for the NPDES NOI for land disturbing activities one (1) acre or greater.

i. Inspections: Inspections may also be conducted by SCDHEC staff at their discretion or as the result of a complaint. (See Sections 72-308D-3, 72-312(E), (F), (I), and (J) of the SC Stormwater Management and Sediment Reduction Regulations found in Enclosure 1. ENV staff will conduct periodic site inspections on all land disturbing activities to:

(1) Ensure that the approved stormwater management and sediment control plans are on the project site and are in compliance.

(2) Ensure that every active site is inspected for compliance with the approved plan.

(3) Provide inspection reports for deficiencies noted during ENV inspections. These reports shall be signed by the responsible organization and returned to ENV staff when the deficiency is corrected.

(4) Notify the organization/contracting officer in writing when violations are observed, describing the nature of the violation, required corrective action, and the time period for correction of the violation.

j. Compliance: If prompt and appropriate action is not taken to correct an observed deficiency, the proponent will be notified in writing by the Director of Public Works (DPW). If corrective action is not completed within the time frame specified by the DPW, the proponent will be notified in writing by the Garrison Commander. If corrective action is still not completed, either the proponent will be notified in writing by the Fort Jackson Commanding General or the matter will be turned over to DHEC.

k. Complaint Procedure: Any person, including any adjacent landowner or governmental body, may direct any complaint or allegation of a violation of this guidance and/or the aforementioned regulations in writing to USATC & Fort Jackson, Chief, Environmental Division, ATTN: ATZJ-JAC-PWE-ENV, Building 2563 Essayons Way, Fort Jackson, South Carolina, 29207. The ENV will investigate the complaint and provide appropriate response. If a solution cannot be reached, the person may forward the complaint to SCDHEC for review (See sections 72-308 and 72-314 of the SC Stormwater Management and Sediment Reduction Regulations at Enclosure 1.

8 Enclosures

LIST OF ENCLOSURES

1. South Carolina Stormwater Management and Sediment Control Regulations
2. Fort Jackson Land Disturbance Handbook
3. Routine land disturbing activities that do not require a permit.
4. Fort Jackson minimal best management practices (BMP) for routine activities
5. Co-Permittee Agreement for land disturbing activities of 1 acre or greater
6. NPDES General Permit and EPA NPDES Guidance for Storm Water Pollution Prevention Plans for Construction Activities
7. Application Form, NOI, and NOT
8. Fort Jackson Storm Water Pollution Prevention Plan Review Checklist

ENCLOSURE 1

South Carolina Stormwater Management and Sediment Control Regulations

72-300

<http://www.scdhec.gov/environment/water/regs/r72-300.pdf>