



South Carolina Department of Health
and Environmental Control


National Pollutant Discharge Elimination System

General Permit

for

Vehicle Wash Water Discharges

in accordance with limitations, monitoring requirements and other conditions set forth herein. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (S.C. Code Sections 48-1-20 *et seq.*, 1976), Regulation 61-9 and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "Act."



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Part I. DEFINITIONS

- A. “Arithmetic Mean” for any set of values means the summation of the individual values divided by the number of individual values.
- B. “Best Management Practices” (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. “Biodegradable” means capable of being decomposed by natural biological process.
- D. “CFEVWF” means commercial, fixed, external, vehicle washing facility.
- E. “Commercial facilities” means facilities that are engaged in vehicle washing for direct (payment for wash or use of wash equipment) profit.
- F. “Construction Equipment” includes, but is not limited to, trenchers, backhoes, boring equipment, bulldozers and any other piece of earth moving equipment, equipment used in the paving industry and dump trucks.
- G. “CWA” means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
- H. “Daily maximum” means the highest average value recorded of samples collected on any single day during the calendar month.
- I. “Daily minimum” is the lowest average value recorded of samples collected on any single day during the calendar month.
- J. “Department” means the South Carolina Department of Health and Environmental Control or an authorized representative.
- K. “DMR” means a Discharge Monitoring Report
- L. “EPA” means the Environmental Protection Agency.
- M. “External washing” means washing of all surfaces other than the inside of trailers, tankers and the flat beds of trucks where goods are transported or the inside of engine compartments.
- N. “Facility” means the owner of the property or activity that generates the vehicle wash water, except as described in the permit where mobile washers are involved.
- O. “Fixed” means stationary at one facility location.
- P. “Fleet operation” means a group of vehicles located at one site, owned or operated as a unit.

- Q. “Freshwater” means any freshwater as defined by Regulation 61-68 and classified by Regulation 61-69.
- R. “Grab Sample” means an individual discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding 15 minutes and retained separately for analysis. Where a number of grab samples are to form a composite, instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity.
- S. “MGD” means million gallons per day.
- T. “NOI” means Notice of Intent to be covered by this permit (see Part III of this permit.)
- U. “NOT” means Notice of Termination (see Part VII of this permit.)
- V. “Outfall” or “Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agricultural or agricultural storm water runoff.
- W. “Permittee” means any individual, facility or company to whom this permit has been issued.
- X. “Quarter” means calendar quarters as follows: January-March, April-June, July-September, and October-December.
- Y. “Quarterly average” is the arithmetic mean of all samples collected in a quarter.
- Z. “Saltwater” means any tidal saltwater defined as Class SA, SB or Shellfish Harvesting (SFH) by Regulation 61-68 and classified by Regulation 61-69.
- AA. “Storm Water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.
- BB. “Tank Truck” means a motor driven vehicle with a completely enclosed storage vessel used to transport liquid, solid or gaseous materials over roads and highways. The storage vessel or tank may be detachable, as with tank trailers, or permanently attached. The commodities or cargos transported come in direct contact with the tank interior. A tank truck may have one or more storage compartments. There are no maximum or minimum vessel or tank volumes. Tank trucks are also commonly referred to as cargo tanks or tankers.
- CC. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations of Part IX of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- DD. “Vehicles” includes, but is not limited to, automobiles, trucks (except below), motor homes, buses, motorcycles, ambulances, fire trucks, and other devices that convey passengers and/or goods on

streets or highways. This definition may also include golf course equipment and some lawn maintenance equipment. It does not include tank trucks, garbage trucks, logging trucks, trucks used in transporting livestock, construction equipment, boats or aircraft.

EE. “Waters of South Carolina” means all waters of the United States within the political boundaries of the State of South Carolina.

FF. “Waters of the United States” means:

1. All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate “wetlands”;
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, wet meadows, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of South Carolina under this definition.
5. Tributaries of waters identified in paragraphs 1 through 4 of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of South Carolina. This exclusion applies only to manmade bodies of water, which neither were originally created in waters of South Carolina (such as disposal areas in wetlands) nor resulted from the impoundment of waters of South Carolina.

Part II. COVERAGE UNDER THIS PERMIT

A. Permit Area

The permit covers all areas of South Carolina.

B. Eligibility

1. This permit may cover all new and existing point source discharges to land or waterways of South Carolina, as identified in this section below, except for discharges identified under Part II.B.3.
 - a. Types of wastewater permitted: This permit authorizes the discharge of 10,000 gallons per day (gpd) or less of wastewater from the following types of operations as further specified in this permit:
 - (1) Commercial, fixed, exterior, vehicle washing facilities (CFEVWF) which discharge to a waterway or the land.
 - (2) Fixed, exterior, vehicle washes which discharge to a waterway or the land. Examples of fixed exterior facilities include, but are not limited to: car dealerships, car rental agencies, transportation facilities, fleet operations, etc.
 - (3) Mobile washing of vehicle exteriors which discharge to a waterway or the land.
 - b. A discharger covered under this permit who intends to discharge or increase the discharge of any of the types of wastewater permitted hereunder to a flow rate greater than is authorized under this permit must apply for and obtain an individual permit for such discharge before beginning operations or increasing the flow rate.
2. This permit may authorize vehicle wash water discharges that are mixed with other discharges provided that the other discharges are in compliance with the terms, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.
3. Limitations on Coverage

Although this general permit does not cover the following types of discharges, other permits such as an individual NPDES permit, an alternate permit or other approval from the Department may be required. This permit does not authorize the following vehicle wash water discharges:

- a. Vehicle wash water discharges that are mixed with other types of wastewater unless those wastewater discharges are in compliance with a different NPDES permit.
- b. Vehicle wash water discharges that are subject to an existing NPDES individual permit; are located at a facility where an NPDES permit has been terminated or denied; or which are issued a permit in accordance with Part V.N (Requiring an Individual Permit or an Alternative General Permit) of this permit. Such discharges may be authorized under this permit after an existing permit expires or is canceled.
- c. Pressure washing or steam cleaning of engines or parts is prohibited.

- d. Vehicle washing using chemicals of any type or detergents which are not readily biodegradable.
- e. Vehicle wash water discharges that the Department has determined to be or which may reasonably be expected to be contributing to a violation of a water quality standard.
- f. Vehicle wash water discharges that would adversely affect a listed endangered or threatened species or its critical habitat.
- g. Vehicle wash water discharges that are discharged to a permitted public sewer, sanitary sewer, septic tank, or tile field. Other permits may apply for these discharges.
- h. Discharges of wash water from washing aircraft of any kind.
- i. Discharges of wash water from golf course equipment to waters of the State.
- j. Discharges of wash water from washing the exterior of tank trucks of any kind.
- k. Discharges of wash water from garbage trucks, logging trucks, livestock trucks and construction equipment (see Part II.B.3.o below).
- l. Vehicle wash water discharges to Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW) and Trout Waters (TN, TPGT and TPT);
- m. Vehicle wash water discharges to impaired waters where the parameter causing or contributing to the impairment may be discharged;
- n. Wash water discharges, which are categorically limited, such as lead battery transport truck wash water (40 CFR 461) and Transportation Equipment Cleaning discharges (40 CFR 442).
- o. Construction equipment wash water which discharges to an on site erosion control facility are or may be authorized by the NPDES General Permit for Storm Water Discharges from Construction Activities That Are Classified As "Associated with Industrial Activity" by EPA Regulation. The site must meet the requirements of construction-related storm water permit coverage. The washing activities shall be incorporated into the Storm water Pollution Prevention Plan required by that permit. All other discharges of construction equipment wash water are not authorized under this General permit.

C. Authorization

1. The facilities required to submit a Vehicle Wash Water General Permit Notice of Intent (NOI) shall do so at least 60 days prior to the commencement of the vehicle washing activities at the facility. A new discharger of vehicle wash water is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. See Part III.D for a list of facilities required to submit an NOI.
2. The Department may determine that an individual permit application for a proposed vehicle wash facility qualifies for coverage under this permit. Discharges for which individual permit

applications have been submitted are authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. The Department may require additional information from the permit applicant to determine appropriate permit conditions.

3. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

D. Continuation of Expired General Permit

This permit expires on the date stated on the first page of the permit. However, an expired general permit continues in force and effect until a new general permit is issued. Coverage under this permit continues in force and effect only if the conditions in Part II.E below are satisfied.

E. Duty to Reapply

1. Permittees must submit an NOI in accordance with the requirements of Part III of this permit at least 180 days prior to the permit expiration date (unless an extension has been granted) to remain covered under the continued permit after expiration. The completed NOI should be submitted to the Department at the address in Part III.B.
2. Permittees who submit NOIs less than 9 months from permit expiration and obtain coverage during that time are automatically considered covered under the continued permit after expiration.
3. An NOI submitted in accordance with E.1 or E.2 above will be used to determine coverage under the new General Permit when this permit is reissued. The Department may, at the time of permit reissuance, require additional information to be submitted based on changes in the reissued general permit.

Part III. NOTICE OF INTENT REQUIREMENTS

A. Contents of Notice of Intent.

The Notice of Intent shall be signed in accordance with Part V.I of this permit and shall include the following information:

1. Name, mailing address, location of the facility for which the notification is submitted and location of the outfall(s) stated as latitude and longitude to the nearest 15 seconds.
2. Up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities provided by the facility; or for hazardous waste treatment, storage or disposal facilities, land disposal facilities that receive or have received any industrial waste, steam electric power generating facilities, or treatment works treating domestic sewage, a narrative identification of those activities;
3. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;

4. The permit number of additional NPDES permits for any discharges (including storm water discharges, etc.) from the site that are currently, or have been previously, authorized by an NPDES permit;
5. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the receiving water(s) for the discharge through the municipal separate storm sewer;
6. Information related to the quality and quantity of wastewater to be discharged;
7. A statement that easements for the discharge of vehicle wash water have been obtained by the permittee for any conveyances of the discharge not on property of the permittee and which do not constitute waters of the State;
8. A map indicating facility and discharge locations.

B. Where to Submit

Facilities required to submit an NOI per Part III.D of this permit must use the appropriate NOI form provided by the Department (or photocopy thereof). Forms are also available by calling (803) 898-4300. Forms can also be downloaded from the Department's website (www.scdhec.net). NOIs must be signed in accordance with Part V.I of this permit. NOIs are to be submitted to the Department at the following address:

S.C. Dept. of Health and Environmental Control
Bureau of Water
NPDES/ND Permit Administration
2600 Bull Street
Columbia, SC 29201

C. Individual Application

Any applicant/facility that has previously filed an individual application and has not received an NPDES permit can receive coverage under this general permit. To do so, a letter may be sent to the Department requesting coverage in lieu of an individual permit.

D. Facilities Required to Submit an NOI

Facilities with 1000 gallons per day (gpd) or more of the following vehicle wash water discharges are required to submit an NOI to obtain coverage under this permit:

1. Commercial, fixed, exterior vehicle washing facilities (CFEVWF) which discharge to a waterway or the land;
2. Fixed, exterior, vehicle washing facilities which discharges to a waterway or the land. Fixed, exterior facilities include, but are not limited to the following: car rental agencies, car dealerships, transportation facilities, distribution facilities, and fleet operations; and

3. Mobile wash owner/operators conducting business at a fixed, exterior, vehicle washing facility. The facility owner, not the mobile washer, is responsible for coverage in this situation.

E. Facilities with Automatic Coverage

Facilities with the following vehicle wash water discharges are automatically covered by this permit and are not required to submit an NOI:

1. Mobile wash owners who wash vehicle exteriors that discharge to a waterway or the land in varying locations (except those noted in Part III.D above). The mobile washer, not the facility owner, has coverage in this situation;
2. Any facility which discharges less than 1,000 gallons per day of vehicle wash water;
3. Charitable organizations conducting one-time or infrequent car washes for fundraising purposes;
4. Golf course equipment washing activities including washing of mowers, the outside of pesticide application equipment, and turf maintenance equipment that discharge to the land. Discharges from the washing of golf cart exteriors are allowed to the land or waters of the State.

Part IV. MONITORING AND REPORTING REQUIREMENTS

A. Monitoring Reports

1. Facilities identified in Part III.D (Facilities Required to Submit NOIs) must report effluent monitoring results obtained during each reporting period on a Discharge Monitoring Report (DMR) Form (EPA Form 3320-1). DMR forms shall be submitted on the 28th day of the month following the end of the monitoring period. The data may be written on a photocopy of the original DMR form provided by the Department. One original and one copy of the DMR form(s) shall be submitted to:

SC Dept. of Health and Environmental Control
Bureau of Water/ Compliance Assurance Division
Permit and Data Administration Section
2600 Bull Street
Columbia, SC 29201

2. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in the permit, all valid results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR form specified by the Department. The permittee has sole responsibility for scheduling analyses so as to ensure there is sufficient opportunity to complete and report the required number of valid results for each monitoring period.
- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean.

B. Monitoring and Records

1. a. (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Samples shall be reasonably distributed in time, while maintaining representative sampling.

(3) No analysis, which is otherwise valid, shall be terminated for the purpose of preventing the analysis from showing a permit or water quality violation.
- b. Flow Measurements.

(1) Where permits require an estimate of flow, the permittee shall maintain at the permitted facility a record of the method(s) used in estimating the discharge flow (e.g., pump curves, production charts, water use records) for the outfall(s) designated on limits pages to monitor flow by an estimate.

(2) Records of any necessary calibrations must be kept.
2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Analyses for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136, equivalent test procedures approved by the Department or other test procedures that have been specified in the permit.
5. The PCA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first

conviction of such person under this paragraph, punishment provided by the Clean Water Act is also by imprisonment of not more than 4 years.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The Department's approval of wastewater facility plans and specifications does not relieve the permittee of responsibility to meet permit limits.

1. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
2. Failure to comply with permit conditions or the provisions of this permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).
3. A person who violates any provision of this permit, a term, condition or schedule of compliance contained within this NPDES permit, or the State law is subject to the actions defined in the State law.

B. Need to Halt or Reduce Activity Not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

D. Proper Operation and Maintenance

1. The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance based on design facility removals, adequate funding, adequate operator staffing and training and also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar

systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Power Failures. In order to maintain compliance with effluent limitations and prohibitions of this permit, the permittee shall either:
 - a. provide an alternative power source sufficient to operate the wastewater control facilities;
 - b. or have a plan of operation which will halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

E. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

F. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

G. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

H. Inspection and Entry

The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and Pollution Control Act, any substances or parameters at any location.

I. Signatory Requirements

1. All Notices of Intent, Notices of Termination, Best Management Practices plans, reports, certifications or information either submitted to the Department, or that this permit requires be maintained by the permittee, shall be signed.
 - a. All Notices of Intent and Notices of Termination shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).
 - b. All reports required by permits, and other information requested by the Department, shall be signed by a person described in Part V.I.1.a of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1).The authorization is made in writing by a person described in Part V.I.1.a of this section;

- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (3) The written authorization is submitted to the Department.
- c. Changes to authorization. If an authorization under Part V.I.1.b of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.I.1.b of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
 - d. Certification. Any person signing a document under Part V.I.1.a or b of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
2. The PCA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than two years per violation, or by both.

J. Reporting Requirements

1. Planned changes

The permittee shall give written notice to DHEC/Bureau of Water/Water Facilities Permitting Division as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in R 61-9.122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part V.J.7 of this section.

2. Anticipated noncompliance

The permittee shall give advance notice to the DHEC/Bureau of Water/Water Enforcement Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This general permit is not transferable. If an NOI is required per Part III.D, the new owner/operator shall submit an NOI in accordance with Part III.D at least 30 days in advance of the proposed transfer of ownership/control. Upon notification of coverage to the new permittee, the existing permittee may request termination by submission of a Notice of Termination in accordance with Part VII if this permit.

4. Twenty-four hour reporting

- a. The permittee shall report any non-compliance, which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call:

County	EQC Region	Phone No.
Anderson, Oconee	Region 1- Anderson EQC Office	864-260-5569
Abbeville, Edgefield, Greenwood, Laurens, McCormick, Saluda	Region 1 – Greenwood EQC Office	864-223-0333
Greenville, Pickens	Region 2 – Greenville EQC Office	864-241-1090
Cherokee, Spartanburg, Union	Region 2 – Spartanburg EQC Office	864-596-3800
Fairfield, Lexington, Newberry, Richland	Region 3 –Columbia EQC Office	803-896-0620
Chester, Lancaster, York	Region 3 – Lancaster EQC Office	803-285-7461
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Region 4 – Florence EQC Office	843-661-4825
Clarendon, Kershaw, Lee, Sumter	Region 4 – Sumter EQC Office	803-778-6548
Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg	Region 5 – Aiken EQC Office	803-641-7670
Georgetown, Horry, Williamsburg	Region 6 – Myrtle Beach EQC Office	843-238-4378
Berkeley, Charleston, Dorchester	Region 7 – Charleston EQC Office	843-740-1590
Beaufort, Colleton, Hampton, Jasper	Region 8 – Beaufort EQC Office	843-846-1030

*After-hour reporting should be made to the 24-Hour Emergency Response telephone number 803-253-6488 or 1-888-481-0125 outside of the Columbia area.

A written submission shall also be provided to the address below within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

S.C. Department of Health and Environmental Control
Bureau of Water/Water Enforcement Division
Water Pollution Enforcement Section
2600 Bull Street
Columbia, South Carolina 29201

- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See R.61-9.122.44(g)).
 - (2) Any upset which exceeds any effluent limitation in the permit.
- c. The Department may waive the written report on a case-by-case basis for reports under Part V.J.4.b of this section if the oral report has been received within 24 hours.

5. Other noncompliance.

The permittee shall report all instances of noncompliance not reported under Part IV.A.1 and V.J.4 at the time monitoring reports are submitted. The reports shall contain the information listed in Part V.J.4 of this section.

6. Other information.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Water Facilities Permitting Division. This information may result in permit modification, revocation and reissuance, or termination in accordance with Regulation 61-9.

7. Existing manufacturing, commercial, mining, and silvicultural dischargers

In addition to the reporting requirements under Part V.J.1-6 of this section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the DHEC/Bureau of Water/Water Enforcement Division of the Department as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:

- (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application or NOI; or
 - (4) The level established by the Department in accordance with section R.61-9.122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed in the highest of the following “notification levels”:
- (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with R.61-9.122.21(g)(7).
 - (4) The level established by the Department in accordance with section R.61-9.122.44(f).

K. Bypass

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part V.K.2 and 3 of this section.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass to the DHEC/Bureau of Water/ Water Facilities Permitting Division.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part V.J.4 of this section.
3. Prohibition of bypass
 - a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part V.K.2 of this section.
- b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part V.K.3.a of this section.

L. Upset

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part V.L.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated; and
 - c. The permittee submitted notice of the upset as required in Part V.J.4.b(2).
 - d. The permittee complied with any remedial measures required under Part V.C.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

M. Misrepresentation of Information

1. Any person making application for a NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.
2. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

N. Requiring an Individual Permit or an Alternative General Permit

1. The Department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Department to take action under this paragraph. The Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address shown in Part III.B of this permit. The Department may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Department, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C, 2D, or 2E, as appropriate) with reasons supporting the request to the Department. Individual permit applications shall be submitted to the address in Part III.B of this permit. The request may be granted by the issuance of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

Part VI. REOPENER CLAUSE

- A. If there is evidence indicating potential or realized impacts on water quality due to any vehicle wash water discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part V.N (Requiring an Individual Permit or Alternative General Permit) of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation of coverage will be conducted according to S.C. Pollution Control Act and S.C. Regulation 61-9.

Part VII. TERMINATION OF COVERAGE

A. Notice of Termination

Where all vehicle wash water discharges that are authorized by this permit are eliminated or where a facility's operation changes as to reclassify it under another type of eligible operation, the operator of the facility shall submit a Notice of Termination. The Notice of Termination shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds that the facility is located in;
2. Up to four 4-digit SIC codes that best represent the principal products or activities provided by the facility;
3. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
4. The NPDES permit number for the vehicle wash water discharge identified by the Notice of Termination;
5. The reason(s) for termination; and
6. The NOT must be signed in accordance with Part V.I of this permit.

B. Where to Submit

All Notices of Termination are to be sent to the following address:

SC Dept. of Health and Environmental Control
Bureau of Water
NPDES/ND Permit Administration
2600 Bull Street
Columbia, SC 29201

Part VIII. SPECIAL CONDITIONS

A. Releases in Excess of Reportable Quantities.

1. The discharge of hazardous substances or oil in the discharge(s) from a facility shall be prevented or minimized in accordance with the applicable BMP plan for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. Where a release containing a hazardous substance in an amount equal to or in excess of reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:
 - a. The discharger is required to notify both the Department's Emergency Response Section at (803) 253-6488 and the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;

- b. The permittee shall submit within 14 calendar days of knowledge of the release a written description of the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with Part VIII.A.1.c (below) of this permit to both:

Emergency Response Section
SC Dept. of Health and Environmental Control
2600 Bull Street
Columbia, S.C. 29201; and

EPA Region IV
61 Forsyth Street SW
Atlanta, Ga. 30303-3104

- c. The BMP plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.
2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

B. Best Management Practices Plan.

The Best Management Practices (BMP) Plan requirement is applicable to dischargers with ancillary industrial activities who use, store, manufacture, handle or discharge any pollutant listed as toxic under section 307(a) of the CWA or any pollutant listed as hazardous under section 311 of the CWA. These dischargers are subject to the requirements of this part for all activities, which may result in significant amounts of those pollutants reaching waters of the State. Where these conditions are satisfied:

1. The permittee shall develop and implement a Best Management Practices (BMP) Plan, or update and maintain an existing plan, to identify and control the discharge of significant amounts of oils and the hazardous and toxic substances listed in 40 CFR Part 117 and Tables II and III of Appendix D to 40 CFR Part 122. The plan shall include a listing of all potential sources of spills or leaks of these materials, a method for containment, a description of training, inspection and security procedures, and emergency response measures to be taken in the event of a discharge to surface waters, or it shall include plans and/or procedures which constitute an equivalent BMP. Sources of such discharges may include materials storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; plant site runoff; and sludge and waste disposal areas. The BMP plan shall be developed in accordance with good engineering practices, shall be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.
2. Where no previous permit issued for the site has required a BMP plan, the BMP plan shall be developed no later than six months after the effective date of coverage of this permit, and shall be implemented no later than one year after the effective date of coverage of this permit. Where a plan has been required under a previous permit to the facility and after implementation

of a plan, appropriate changes to the plan shall be developed and implemented before facility changes are put into operation.

3. The BMP plan shall be maintained at the plant site and shall be available for inspection by U.S. EPA and Department personnel.

C. pH Variance for Streams

If the pH of the receiving stream is less than 6.0 standard units, the discharge pH may be less than 6.0 standard units only if the discharge pH is not less than the stream pH by a difference of more than 0.2 standard units. Example: If the stream pH is 5.5, the discharge pH must be between 5.3 and 8.5. The difference between the stream pH (5.5) and the discharge pH (5.3) is 0.2. This variance will be granted only if the stream pH is analyzed on the day of the discharge, the results satisfy the above conditions, and the results are submitted with the DMR forms.

D. Conditions Applicable to All Permitted Discharges.

1. The occurrence of a problem in the receiving water body or waterway may be a basis to terminate coverage under the general permit, require an individual permit, and/or take enforcement action.
2. The quantity of soap, detergent, or other chemical used, and the discharge of wash water containing soaps, detergents, or other chemicals to surface waters, shall be minimized as much as practicable.
3. When discharging to surface waters, the use of detergents or cleaners containing phosphate is prohibited in accordance with S.C. Code of Laws 44-53-50.
4. Discharge of concentrated oil, such as from oil changing, is prohibited.
5. This permit does not supersede the municipal ordinances for the purpose of controlling storm water discharge quality regulating activities permitted herein.
6. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
7. All permittees covered under this general permit need not apply to this Department for a Construction Permit for added or existing treatment systems (such as an oil/water separator). Permittees who are required to monitor and submit results for their discharge must meet the effluent limitations, whether treatment is used or not.
8. Any soaps, chemicals or detergents used must be readily biodegradable. (Note that mild acidic cleansers may be used if readily biodegradable, but are not allowed to cause violations of pH limits).

Part IX. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Freshwater (FW)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001: Vehicle Wash Water.

Such discharge shall be limited at each outfall and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (mg/l unless otherwise stated)			MONITORING REQUIREMENTS	
	Daily Minimum	Quarterly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow		MR ¹ , MGD	0.01 MGD ²	1/Quarter	Estimate or Instantaneous
pH ³	6.0 su ⁴		8.5 su ⁴	1/Quarter	Grab
Oil and Grease (Hexane extraction method)		10	15	1/Quarter	Grab
Total Suspended Solids		30	60	1/Quarter	Grab
Surfactants ⁵		MR ¹	MR ¹	1/Quarter	Grab
Phosphorus, Total			MR ¹	1/Quarter	Grab

¹ MR = Monitor and Report

² Discharge flow is not to exceed a total of 0.010 MGD for all covered outfalls to a particular water body on any day.

³ See Section VIII.C.

⁴ su = Standard Units

⁵ Monitoring for surfactants required if soaps or surfactants are used in the washing process.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at each monitored outfall but prior to mixing with the receiving waters.

B. Saltwater (SFH, SA & SB)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 002: Vehicle Wash Water.

Such discharge shall be limited at each outfall and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (mg/l unless otherwise stated)			MONITORING REQUIREMENTS	
	Daily Minimum	Quarterly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow		MR ¹ , MGD	0.01 MGD ²	1/Quarter	Estimate or Instantaneous
pH ³	6.5 su ⁴		8.5 su ⁴	1/Quarter	Grab
Oil and Grease (Hexane extraction method)		10	15	1/Quarter	Grab
Total Suspended Solids		30	60	1/Quarter	Grab
Surfactants ⁵		MR ¹	MR ¹	1/Quarter	Grab
Phosphorus, Total			MR ¹	1/Quarter	Grab

¹ MR = Monitor and Report

² Discharge flow is not to exceed a total of 0.010 MGD for all covered outfalls to a particular water body on any day.

³ See Section VIII.C.

⁴ su = Standard Units

⁵ Monitoring for surfactants required if soaps or surfactants are used in the washing process.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at each monitored outfall but prior to mixing with the receiving waters.

**South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201**

FACT SHEET

APPLICATION FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE VEHICLE WASH WATERS TO STATE WATERS

Application No. SCG750000

Date: July 7, 2006

1. SYNOPSIS OF APPLICATION

a. Name of and Address of Applicant

This permit may cover all new and existing point source discharges to land or waterways of South Carolina, as specified below:

a. Types of wastewater permitted: This permit authorizes the discharge of 10,000 gallons per day (gpd) or less of wastewater from the following types of operations as further specified in this permit:

- (1) Commercial, fixed, exterior, vehicle washing facilities (CFEVWF) which discharge to a waterway or the land.
- (2) Fixed, exterior, vehicle washes which discharge to a waterway or the land. Examples of fixed exterior facilities include, but are not limited to: car dealerships, car rental agencies, transportation facilities, fleet operations, etc.
- (3) Mobile washing of vehicle exteriors which discharge to a waterway or the land.

b. Facility Location

Within the geographic boundaries of the State of South Carolina.

c. Description of Applicant's Operation

Exterior vehicle washing activities.

d. Receiving Water Name

A covered discharge may discharge to any waterbody classified by SC Regulation 61-68 and 69, *Water Classifications and Standards*, except ORW, ONRW and Trout Waters (TPT,

TPGT, TN).

e. Description of Existing Pollution Abatement Facilities

Covered discharges should require no treatment. It is the permittee's responsibility to ensure the pollutant discharge limitations are met. If treatment is determined to be needed, no construction permit is required for simple treatment systems such as an oil/water separator.

f. Permitting Action

Reissuance of a General Permit for vehicle wash water discharges.

2. PROPOSED EFFLUENT LIMITATIONS

See Part IX. of the General Permit.

3. RATIONALE FOR DETERMINING EFFLUENT LIMITATIONS

The Department's professional judgment and water quality standards from Regulation 61-68 have been used to justify the permit limits.

- a. pH: The limits provide protection of the stream based on discharge specific information and are consistent with South Carolina Water Classifications and Standards (Reg. 61-68 and Reg. 61-69). Alternate limitations based on actual stream data are allowed for pH.
- b. Total Suspended Solids (TSS): General free-from criteria in Regulation 61-68.E.5 (2004 WQS) restrict the discharge of solids. The limits are based on the Department's professional judgment due to solids (especially soils) being removed from the vehicle during washing.
- c. Oil & Grease: General free-from criteria in Regulation 61-68.E.5 (2004 WQS) restrict the discharge of oils and greases. The limits are based on the Department's professional judgment due to the likelihood of oils, greases, and other lubricating fluids being removed from the vehicle during washing.
- d. Surfactants: Surfactants may be toxic to aquatic life and a concern for human health due to secondary drinking water MCLs. Monitor and report is included in the permit to gather data since cleaning products may be used on the vehicles.
- e. Phosphorus: Phosphorus can cause eutrophication in lakes and reservoirs. Regulation 61-68.E.11 addresses discharge of nutrients to lakes and other state waters. To establish the levels that may be present as a result of a vehicle washing activity, monitor and report is included.

4. MONITORING REQUIREMENTS

- a. Measurement Frequency: The measurement frequency is once per quarter for each parameter and is stated in Part IX. of the permit.

- b. Submission of Discharge Monitoring Reports (DMR's): Permittees identified in Part III.D must submit monitoring results on a quarterly basis.

5. SCHEDULE FOR MEETING LIMITS

The permittee is to be in compliance with the permit limitations and conditions on the effective date of permit coverage.

6. PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

See Part VIII of the general permit.

7. PERMIT DURATION

Five (5) years from the effective date of the permit.

8. PROCEDURES FOR REACHING A FINAL PERMIT DECISION

A. Comment Period (R.61-9.124.10 and 11)

The Department of Health and Environmental Control proposes to issue an NPDES permit to this applicant subject to the effluent limitations and special conditions outlined in this document. These determinations are tentative.

During the public comment period, any interested person may submit written comments on the draft permit to the following address:

SC Dept. of Health and Environmental Control
Water Facilities Permitting Division
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201

For additional information, interested persons may contact Omari Thompson at 803-898-4238 or at thompson@dhec.sc.gov.

All written comments received during the period beginning July 28, 2006 and ending on August 27, 2006 shall be considered in making the final decision and shall be answered as prescribed below. See Public Notice #06-176-G.

Per R.61-9.124.17, the Department is only required to issue a response to comments when a final permit is issued. This response shall:

1. Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

2. Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

The response to comments shall be available to the public.

B. Public Hearings (R.61-9.124.11 and 12)

During the public comment period, any interested person may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

1. Determinations and Scheduling.

- a. Within the thirty (30) day comment period or other applicable comment period provided after posting or publishing of a public notice, an applicant, any affected state or interstate agency, the Regional Administrator or any other interested person or agency may file a petition with the Department for a public hearing on an application for a permit. A petition for a public hearing shall indicate the specific reasons why a hearing is requested, the existing or proposed discharge identified therein and specifically indicate which portions of the application or other permit form or information constitutes necessity for a public hearing. If the Department determines that a petition constitutes significant cause or that there is sufficient public interest in an application for a public hearing, it may direct the scheduling of a hearing thereon.
- b. A hearing shall be scheduled not less than four (4) nor more than eight (8) weeks after the Department determines the necessity of the hearing in the geographical location of the applicant or, at the discretion of the Department, at another appropriate location, and shall be noticed at least thirty (30) days before the hearing. The notice of public hearing shall be transmitted to the applicant and shall be published in at least one (1) newspaper of general circulation in the geographical area of the existing or proposed discharge identified on the permit application and shall be mailed to any person or group upon request thereof. Notice shall be mailed to all persons and governmental agencies which received a copy of the notice or the fact sheet for the permit application.
- c. The Department may hold a single public hearing on related groups of permit applications.
- d. The Department may also hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision;
- e. Public notice of the hearing shall be given in accordance with R.61-9.124.10.
- f. Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period

under R.61-9.124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

- g. A tape recording or written transcript of the hearing shall be made available to the public.

C. Obligation to raise issues and provide information during the public comment period. (R.61-9.124.13)

All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing). No issue shall be raised during an appeal by any party that was not submitted to the administrative record as part of the preparation and comment on a draft permit, unless good cause is shown for the failure to submit it. Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, Department and EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting materials not already included in the administrative record available. (A comment period longer than 30 days may be necessary to give commenters a reasonable opportunity to comply with the requirements of this section. Additional time shall be granted under R.61-9.124.10 to the extent that a commenter who requests additional time demonstrates the need for such time).

D. Issuance and Effective Date of the Permit

1. After the close of the public comment period on a draft permit, the Department shall issue a final permit decision. The Department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a permit. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.
2. A final permit decision shall become effective 30 days after the service of notice of the decision unless:
 - a. A later effective date is specified in the decision; or
 - b. No comments requested a change in the draft permit, in which case the permit shall become effective on the effective date shown in the issued permit.
3. Issuance or Denial of Permits. An appeal to a final determination of the Department or to a condition of a permit issued or the denial of a permit pursuant to the State law and Regulation 61-9, shall be in accordance with and subject to 48-1-200 of the SC Code (see E

below).

E. Adjudicatory Hearings

If you wish to appeal this decision, such appeal must be made by filing a written request for final review with the Clerk of the DHEC Board within fifteen (15) days after notice of this decision at the following address:

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

The following elements must, at a minimum, be included with the request:

1. The name of the party requesting the final review and the grounds on which they challenge the Department's decision;
2. The specific changes that are being sought in the decision; and
3. The permit number, name of the permitted facility and any other information sufficient to identify the decision being challenged.

The Board of Health and Environmental Control has 60 days from the date of receipt of a request for final review to conduct a final review conference. The conference may be conducted by the Board, its designee, or a committee of three members of the Board appointed by the chair.

If a final review conference is not conducted within 60 days, the Department decision becomes the final agency decision, and a party may request a contested case hearing before the Administrative Law Court within 30 days after the deadline for the final review conference.

Information pertaining to adjudicatory matters may be obtained by contacting the Legal Office of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina or by calling 803-898-3350.