

Appendix A Small Construction Waivers

Each operator, otherwise needing permit coverage, must notify Pickens County of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under the Pickens County Stormwater Ordinance to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

1. *Rainfall Erosivity Waiver*

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Equation) is less than 5 during the period of construction activity. The operator must certify to Pickens County that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the definition section of this Design Manual have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to Pickens County prior to commencing construction activities.

Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), page 21-64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.

You can access the calculator from EPA's website at:

www.epa.gov/npdes/stormwater/cgp

Use of the calculator allows you to determine potential eligibility for the rainfall erosivity waiver. It may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you must provide the following information on the waiver certification in order to be a waived from permitting requirements:

1. Name, address and telephone number of the construction site operators;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e. final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;

4. The rainfall erosivity factor calculation that applies to the active construction phase at you project site; and
5. A statement, signed and dated by an authorized representative that certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five.

If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for permit coverage unless you qualify for the Water Quality Waiver as described below.

TMDL Waiver

This waiver is available if a TMDL that addresses the pollutant(s) of concern and has determined that controls on storm water discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established is available from EPA online at www.epa.gov/owow/tmdl/ and from DHEC at: www.scdhec.gov/water.

If you are the operator of the construction activity and eligible for a waiver based on compliance with TMDL, you must provide the following information on the Waiver Certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s)
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water body(s) that would be receiving storm water discharges from your construction project;
5. The name and approval date of the TMDL; and
6. A statement, signed and dated by an authorized representative, as provided in § 122.22 of SC Regulation 61-9, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

C. Equivalent Analysis Waiver

This waiver is available for non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator (s)
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water bodies that would be receiving storm water discharges from your construction project;

5. Your equivalent analysis; and
6. A statement, signed and dated by an authorized representative, as provided in § 122.22 of SC Regulation 61-9, (See Appendix B), that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the equivalent analysis.

D. Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.
 2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until Pickens County Soil and Water Conservation District approves your request. As such, you may not commence construction activities until receipt of approval from Pickens County.
 3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. Pickens County may take enforcement action for any unpermitted discharge or violations of Laws or regulations that occur between the time construction commenced and waiver authorization is granted.
- Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity, provided you qualify for the waiver. Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act and the SC Pollution Control Act. As mentioned above, Pickens County may take enforcement for any unpermitted discharge or violations of laws or regulations that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. Pickens County may notify any operator covered by a waiver that they must apply for a permit. Pickens County may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition Pickens County to take action, under this provision by submitting written notice along with supporting justification.