

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. The Fort Jackson Land Disturbance Handbook provides 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 Stormwater Management and Sediment Control Regulations](#), R.72-302.A (1) and (2),. All other activities described in R.72-302.A are subject to the requirements of this guidance. The Fort Jackson Land Disturbance Handbook (Handbook) 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 Construction Activities (Construction General Permit). This permit defines procedures and stormwater design standards for land disturbing activities. The Fort Jackson Land Disturbance Handbook (Handbook) 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) 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 [South Carolina Stormwater Management and Sediment Control Regulations](#) R.72-307H . This plan does 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.

(2) 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 Contractor Certification Form found in Appendix H

(3) 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, 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 Contractor Certification Form found in Appendix H

(4) For activities involving more than two (2) acres of actual land disturbance, the requirements of [South Carolina Stormwater Management and Sediment Control Regulations](#) R.72-305 and R.72-307 , and the requirements of the [National Pollutant Discharge Elimination System \(NPDES\) General Permit](#) #SCR100000, 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 Contractor Certification Form found in Appendix H

(5) 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 SWPPP. 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

(2) SCDHEC Pollution Prevention Plan Review Checklist

(3) Stormwater Pollution Prevention Plan (SWPPP) 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
- Engineering Reports
- Other supporting documents

The Handbook provides greater detail on each of these items.

- After SWPPP approval, a condensed version of the SWPPP labeled as the On-Site SWPPP (OS-SWPP) must be kept at the construction site until final stabilization is reached and coverage under the permit has been terminated.
- The On-Site SWPPP must include the same stormwater management and

sediment control plan, and the same construction site plans included in the Comprehensive SWPPP approved for the site.

- Each On-Site SWPPP will act as the construction site's living documentation that will be followed as the stormwater pollution prevention plan is implemented, updated as modifications are made, and used as a record log as stages of the approved OS-SWPPP are completed until the construction site has reached final stabilization and coverage under this permit has been terminated.
- The contents of the On-Site SWPPP must also include the following documents which may not be required to be a part of the SWPPP prior to approval:
 - i. SC DHEC Construction General Permit. One copy of this permit, excluding the appendices. Provisions may be made for the copy of general permit to be accessed electronically as long as a hard copy can be made available by the end of the working day when required.
 - ii. Notice of Intent. A stamped and approved copy of the NOI.
 - iii. NPDES Coverage Approval Letter. The letter generated once the SWPPP is determined to be in compliance with this permit.
 - iv. Local Approvals. Any additional letters, approvals, or certifications necessary to implement the OS-SWPPP, when necessary.
 - v. USACOE Approvals. Certifications necessary to allow impacts to Waters of the State or Jurisdictional wetlands, when necessary.
 - vi. Contractor Certifications. Certifications necessary to allow contractors to conduct construction activities within the construction site.
 - vii. Record Keeping. Any logs necessary to track the progress, compliance, modifications and those associated with the construction site. These logs may include, but are not limited to, a pre-construction conference log, an inspection log, a stabilization log, a rain log, a contractor log and/or any additional record keeping as deemed necessary by Fort Jackson

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 pollution prevention plan (SWPPP). 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 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 (10/2012) Stormwater Notice of Intent (NOI) (Appendix XXX) 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) 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 [South Carolina Stormwater Management and Sediment Control Regulations](#) (see R.72-302), 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 [South Carolina Stormwater Management and Sediment Control Regulations](#) and/or the Handbook Sections 2.5.3. 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. Modifications: Each SWPPP must be modified if during inspections or investigations it is determined that any SWPPP is ineffective in either eliminating, when reasonably possible, or significantly minimizing pollutants in stormwater discharges from the construction site. Each SWPPP must be modified as necessary to include additional or modified BMPs, which are designed to correct problems identified during the construction site inspection by any qualified inspector, or ENV Revisions to each SWPPP must be completed within seven (7) calendar days following the inspection. More information for Major and Minor SWPPP modifications can be found in Chapter 2 of the handbook.

f. Contractor Certification Form: All construction contractors and subcontractors

involved in land disturbing activities shall sign the Contractor Certification Form found in Appendix H

g. 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 (803-751-9504) or by e-mail message (matthew.holstein@us.army.mil).

h. Final Regulations: [South Carolina Stormwater Management and Sediment Control Regulations](#) is the official regulation concerning stormwater management and sediment reduction. This regulation contains the specific requirements for developing stormwater management and sediment reduction plans.

i. 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.

j. 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 [South Carolina Stormwater Management and Sediment Control Regulations](#) 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.

k. 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.

1. 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: IMFJ-PWV, Building 2562 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 [South Carolina Stormwater Management and Sediment Control Regulations](#))

Applicable Links:

South Carolina Stormwater Management and Sediment Control Regulations 72-300
<http://www.scdhec.gov/environment/water/regs/r72-300.pdf>

NPDES General Permit for Stormwater Discharges From Construction Activities
<http://www.scdhec.gov/environment/water/swater/news.htm#top>

EPA NPDES Guidance Stormwater Pollution Prevention Plans for Construction Activities
<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>

SCDHEC Plan Review Checklist
<http://www.scdhec.gov/environment/water/swater/docs/erfchecklist.pdf>

SCDHEC – Notice of Intent (NOI)
<http://www.scdhec.gov/administration/library/D-2617.pdf>

Notice of Intent for projects less than 1 acre
<http://www.scdhec.gov/administration/library/D-0432.pdf>

SCDHEC/EPA Notice of Termination (NOT)
<http://www.scdhec.gov/administration/library/d-2609.pdf>