



SOUTH CAROLINA ENVIRONMENTAL HEALTH & SAFETY CONFERENCE



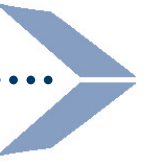
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"What Does the SWPPP Really Say About My Compliance"

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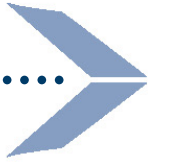
FEDERAL CLEAN WATER ACT NPDES PERMIT PROGRAM



- Under the NPDES Permit Program, stormwater discharges are considered point sources and operators of these sources are required to receive an NPDES permit before they can discharge stormwater runoff.
- EPA has authority to allow states to implement the NPDES stormwater program. EPA has delegated authority to South Carolina to implement the NPDES stormwater program.

- Who needs a stormwater permit?
 - All construction sites of 1 acre or more
 - Many industrial sites
 - All regulated Municipal Separate Storm Sewer Systems (MS4s) .

CONSTRUCTION ACTIVITIES



- NPDES General Permit For Stormwater Discharges From Construction Activities
- DHEC issued the current Construction General Stormwater Permit (SCR100000) on January 29, 202.

INDUSTRIAL ACTIVITIES ASSOCIATED WITH STORMWATER DISCHARGES



- NPDES General Permit For Stormwater Discharges Associated With Industrial Activities (Except Construction)
- DHEC issued the current Industrial Stormwater General Permit (SCR000000) on May 26, 2022.

STORMWATER POLLUTION PREVENTION PLANS (SWPPPs)



A **Stormwater Pollution Prevention Plan (SWPPP)** is a site-specific document or collection of documents that identifies the potential sources of stormwater pollution, describes stormwater control measures, such as best management practices (BMPs), to reduce or eliminate the identified pollutants, and that also identifies procedures operators will implement to comply with specific permit conditions. A SWPPP can be provided for a number of circumstances, but the most common is to address stormwater pollutants during **construction activities** and during **operation of industrial activities**.

SC DHEC's STORMWATER POLLUTION PREVENTION PLAN (SWPPP) TEMPLATE

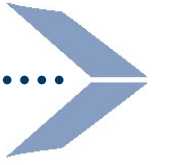


This template covers the majority of the requirements that may need to be addressed to obtain coverage under the CGP for most construction sites located within South Carolina.

STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL PLAN REVIEW CHECKLIST FOR DESIGN PROFESSIONALS FEB. 2017



- This Plan Review Checklist for Design Professionals has been developed by South Carolina Department of Health and Environmental Control (DHEC) to aid those who prepare Stormwater Pollution Prevention Plans (SWPPPs).
- Adjacent to the heading for most sections are references from the corresponding portion of the **NPDES General Permit for Stormwater Discharges from Construction Activities (CGP)** (SCR100000).



- Template is designed for use by all facilities eligible for coverage under the General Permit.
- The Template is NOT tailored to individual industrial sectors.
- Depending on the industrial sector (see Appendix D of the General Permit), permittees will need to address additional SWPPP requirements outlined in Section 8. Sector Specific Requirements of the General Permit.

SWPPP REQUIREMENTS ARE ENFORCEABLE



- DHEC enforcement (state)
 - Administrative
 - Judicial
 - Criminal
- EPA enforcement (federal)
 - Administrative
 - Civil judicial
 - Criminal
- Citizen enforcement (federal)

4TH CIRCUIT NARROWS PROTECTIONS FROM CWA CITIZEN SUITS



- By majority decision in *Naturaland Trust v. Dakota Finance, LLC*, the United States Court of Appeals for the Fourth Circuit struck a blow against one of the affirmative defenses a company may use to defend against citizen suits brought under the CWA.
- The CWA allows affected private parties, including citizens groups, to file civil actions in federal court (“citizen suits”) against violators of the law (i.e. polluters of jurisdictional waters) if certain procedural requirements are met.
- The Defendants conduct business as Arabella Farm (“Arabella”), and, in 2017, Arabella began clearing around 20 acres of land on its property bordering three bodies of water in South Carolina’s Jocassee Gorges area. Arabella did not obtain any CWA stormwater permits for the land disturbance activity, or install sediment or stormwater control measures
- *Naturaland Tr. v. Dakota Fin. LLC*, 41 F.4th 342 (4th Cir. 2022).

PROMINENT PIERCE COUNTY DEVELOPER SENTENCED TO PRISON FOR CRIMINAL VIOLATIONS OF CLEAN WATER ACT, October 10, 2012, Western District of Washington

- *One of First Prosecutions in the Nation for Stormwater Violations*
- A prominent Sumner, Washington developer was sentenced to prison in U.S. District Court in Tacoma for a felony violation of the Clean Water Act. Bryan Stowe, 65, was sentenced to six months in prison, one year of supervised release, and a \$300,000 fine for knowingly violating a national pollution discharge elimination permit. In addition, Stowe will make a \$100,000 payment to the National Fish and Wildlife Foundation for environmental projects targeting resources impacted by the illegal discharges. Stowe, as president and co-owner of Stowe Construction, Inc., admitted knowingly violating the Construction General Storm Water Permit.



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