

STORMWATER UTILITY MS4 PROGRAM

Explanation of Regulatory Authority and Federal Mandate of the MS4 Permit

August 24, 2015



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The Federal Government

The Federal Water Pollution Control Act of 1948 was reorganized and expanded as the United State Environmental Protection Agency (US EPA) Clean Water Act (33 U.S.C. §1251 et seq.) (1972), which was further amended in 1981 and 1987.

The National Pollutant Discharge Elimination System (NPDES) was created by Section 402 of the CWA. The Municipal Separate Stormsewer Program (MS4) is a component of the NPDES for stormwater permitting of stormwater facilities operated by local governments. MS4 was implemented in multiple Phases. Phase II was enacted in the Federal Register Dec. 8, 1999 (64 FR 68722).



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The State Government

CWA mandates the NPDES permit program to be administered by authorized states. In 1975, the South Carolina Bureau of Water received authority from the EPA to administer the NPDES Permit Program in SC.

South Carolina Code of Law Section 48-1 Pollution Control Act establishes NPDES permitting. NPDES permitting is promulgated by SC via SC Regulation R.61-9, Water Pollution Control Permits, which allows the Department of Health and Environmental Control's (DHEC) Bureau of Water to issue "General Permits". The application process consists of a Notice of Intent (NOI) to be covered by a General Permit.



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The Local Government

June 4, 2014 - DHEC designated Beaufort County as a MS4 and requested NOI submittal.

NOI was submitted Nov. 1, 2014.

Anticipated Public Notice is Sept. 1, 2015.

Anticipated Permit effective date is October 1, 2015.



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