



South Carolina Department of Health  
and Environmental Control

# *National Pollutant Discharge Elimination System*

## *General Permit*

*for*

# *Hydrostatic Test 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."

Jeffrey P. deBessonnet, P.E., Director  
Water Facilities Permitting Division  
Bureau of Water

*Issue Date: April 6, 2006*

*Expiration Date: May 31, 2011*

*Effective Date: June 1, 2006*

*Permit No.: SCG670000*

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## PREFACE

The CWA provides that discharges from a point source including discharges through a municipal separate storm sewer system to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit.

### Part I. DEFINITIONS

Any term not defined in this Part has the definition stated in the Pollution Control Act or in “Water Pollution Control Permits”, R.61-9 or its normal meaning.

- A. The “Act”, or CWA, shall refer to the Clean Water Act (Formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended.
- B. The “average” or “arithmetic mean” of any set of values is the summation of the individual values divided by the number of individual values.
- C. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
- D. “Daily maximum” is the highest average value recorded of samples collected on any single day during the calendar month.
- E. “Daily minimum” is the lowest average value recorded of samples collected on any single day during the calendar month.
- F. The “Department” or “DHEC” shall refer to the South Carolina Department of Health and Environmental Control.
- G. “DMR” is a Discharge Monitoring Report.
- H. “Emergency” is any situation arising from sudden and unforeseeable events beyond the control of the permittee, including acts of God, which requires immediate maintenance, repair, or other corrective action to return service to the customers of the permittee.
- I. “EPA” is the United States Environmental Protection Agency.
- J. A “grab sample” is 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. Instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity, unless a totalizer is used.
- K. The “maximum or minimum” (for pH) is the highest or lowest value, respectively, recorded of all samples collected during the calendar month. These terms may also be known as the instantaneous maximum or minimum.

- L. The “monthly average”, other than for fecal coliform and enterococci, is the arithmetic mean of all samples collected in a calendar month period. The monthly average for fecal coliform and enterococci bacteria is the geometric mean of all samples collected in a calendar month period. The monthly average loading is the arithmetic average of all individual loading determinations made during the month.
- M. “NOI” is a notice of intent to discharge hydrostatic test water. The initial NOI submitted by an entity shall have cover letter that requests coverage under this general permit (See Part III of this permit).
- N. “NOT” is a notice of termination (see Part VII of this permit).
- O. The “PCA” shall refer to the Pollution Control Act (Chapter 1, Title 48, Code of Laws of South Carolina).
- P. The “practical quantitation limit” (PQL) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed. It is also referred to as the reporting limit.
- Q. “Point Source” is any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, 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 agriculture or agricultural storm water runoff.
- R. “Project” is any group of one or more discharges that will occur from one or more separate outfall locations due to the hydrostatic testing of one or more interrelated components.
- S. “Significant materials” includes but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers’ pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.
- T. “Significant spills” includes but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR Part 110.10 and 40 CFR Part 117.21) or Section 102 of CERCLA (see 40 CFR Part 302.4).
- U. “Storm water” is storm water runoff, snow melt runoff, and surface runoff and drainage.
- V. “TPH” is Total Petroleum Hydrocarbons.

- W. "TRC" is Total Residual Chlorine.
- X. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- Y. "Used" mean tanks and pipelines which have previously transported product unless sandblasted and/or cleaned to remove all residues from within.
- Z. "Waters of South Carolina" means all waters of the United States within the political boundaries of the State of South Carolina.
- AA. "Waters of the United States" means:
- (a) 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 which are subject to the ebb and flow of the tide;
  - (b) All interstate waters, including interstate "wetlands";
  - (c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, 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:
    - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
  - (d) All impoundments of waters otherwise defined as waters of South Carolina under this definition;
  - (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
  - (f) The territorial sea; and
  - (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) 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 that 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.

AB. “10-year, 24-hour precipitation event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years.

## **Part II. PERMIT COVERAGE**

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 waters of South Carolina and discharges to the land, as identified in this section below, except for discharges identified under Part II.B.3 (Limitations on coverage). This permit authorizes discharge of the following types of wastewater as further specified in this permit:
  - a. Hydrostatic test waters from new and used natural gas and new liquified petroleum gas (LPG) pipelines.
  - b. Hydrostatic test waters from used LPG pipelines and from new petroleum tanks and pipelines.
  - c. Hydrostatic test waters from used petroleum tanks and pipelines.
2. This permit may authorize hydrostatic 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: The following hydrostatic water discharges are not authorized by this permit:
  - a. hydrostatic water discharges that are mixed with sources of non-hydrostatic water other than non-hydrostatic water discharges that are in compliance with a different NPDES permit.
  - b. hydrostatic water (or a combination of hydrostatic water and process water) discharges which are subject to an existing effluent limitation guideline addressing hydrostatic water;

- c. hydrostatic water discharges that are subject to an existing NPDES individual or general 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 cancelled;
- d. hydrostatic 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; and
- e. hydrostatic water discharges that would adversely effect a listed endangered or threatened species or its critical habitat.

C. **Authorization.**

1. Hydrostatic water discharges from new and used natural gas and LPG pipelines and new petroleum tanks and pipelines that discharge *3000 gallons or less* are covered under this permit, but the NOI, monitoring, reporting, record keeping, and other such requirements do not apply to these discharges. This Department does not include these small discharges for administrative reasons. This does not exclude these discharges from having to meet the permit limitations of Part X (Effluent Limitations and Monitoring Requirements). Used petroleum tank and pipeline test waters must abide by all permit requirements for all wastewater volumes.
2. Entities who plan to discharge hydrostatic water must submit a Notice of Intent (NOI), except as noted above, in accordance with the requirements of Part III (Notice of Intent Requirements) of this permit, to be covered under this general permit. A transmittal letter requesting coverage under this permit shall be included with the initial NOI submitted by an entity. *Only one permit is required by an entity* no matter how many hydrostatic test water discharges are to be conducted.
3. The Department will send the permittee a letter indicating that the permittee has or has not been granted coverage under this permit. If coverage is granted, this letter will also include a copy of each type of DMR form used for this permit. The appropriate DMR form shall be used by the permittee to submit monitoring data.
4. Once coverage under this permit has been granted by the Department, a discharge from hydrostatic testing is authorized based on the terms and conditions of this permit beginning on the date of receipt of a letter from this Department which indicates that the hydrostatic test water project has been approved. Note that the NOI approval letter is a separate letter from the letter that grants coverage under this permit. An NOI form shall be submitted to the Department prior to **each** hydrostatic test water discharge.

5. 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 the 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 (Duty to Reapply) below are satisfied.

E. **Duty to Reapply**

1. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permit must apply for and obtain a new permit. A permittee with a currently effective permit shall submit a new NOI before the existing permit expires, unless permission for a later date has been granted by the Department. The Department shall not grant permission for applications or NOIs that are submitted later than the expiration date of the existing permit.
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. A letter submitted in accordance with Part II.E.1 or Part II.E.2 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 (NOI) form shall be signed in accordance with Part V.I (Signatory Requirements) of this permit and shall include the following information:

1. Name, mailing address, and phone number of the owner of the equipment that is to be tested and for which the NOI is submitted;
2. The name and title of the responsible person who has signature authority as described in Part V.I (Signatory Requirements);
3. The name and title of the person to whom all permitting correspondence from the Department must be sent. If the billing address is different than the address for sending correspondence, the permittee shall list the billing address in the cover letter when requesting coverage under this general permit;

4. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;
5. Name, mailing address, and phone number of the site or project contact person for the equipment to be tested and for which the NOI is submitted;
6. Up to four 4-digit Standard Industrial Classification (SIC) codes and the names that best represent the principal products or activities provided by the facility;
7. The permit number of additional National Pollution Discharge Elimination System (NPDES) permits for any discharges (including non-hydrostatic test water discharges) from the site that are currently, or have been previously, authorized by an NPDES permit;
8. Indication of whether or not the facility has previously been issued an individual NPDES discharge permit. If so, indicate the facility permit number (example: SC0000000);
9. Indication of whether this NOI is for a first time general permit coverage and the initial hydrostatic test water discharge or a subsequent hydrostatic test water discharge. If for a subsequent hydrostatic test water discharge, list the applicable general permit number for your company (example: SCG670004);
10. The type of structure to be tested
11. Whether the structure is new or existing;
12. The volume of water to be discharged;
13. The source of the test water;
14. The expected date(s) of testing and discharge;
15. The location of the proposed discharge on a topographic map, the county in which the discharge will occur and a physical description of nearby roads, landmarks, etc.;
16. Latitude and longitude (to seconds);
17. 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;
18. Description of any treatment that may be performed prior to discharge and what type;
19. List any expected toxic and/or hazardous pollutants and the reason for their presence;

20. A brief description of hydrostatic test water discharge erosion and other pollution control measures which may be taken on a project;
21. Confirmation that reasonable efforts have been or will be made to notify any landowners possibly affected by wastewater conveyances due to this project; and
22. Title, date, and signature of the responsible person. Signatures must be in accordance with Part V.I (Signatory Requirements).

**B. Deadlines for Notification.**

1. Except as provided in Part II.C.1 (Authorization) (less than 3000 gallons), each operator of a facility which requires coverage under this permit shall submit an NOI in accordance with the requirements of Part III.A (Contents of Notice of Intent) **at least 30 days prior to the intended date of commencement of the discharge.**

Submission of an NOI less than 30 days prior to the intended date of hydrostatic testing may be allowed under emergency situations (see Part I - Definitions). Under these situations, notification/approval shall be attempted in the following order:

- a. Obtaining written (or faxed or e-mailed) approval from this Department,
  - b. Obtaining verbal approval in-person or by telephone,
  - c. Notification by telephone to the emergency response hotline **(803-253-6488)** prior to discharge followed by a written/faxed notification including an explanation of the emergency situation at the nearest possible opportunity (this option should only be done after hours).
2. An operator of a hydrostatic water discharge is not precluded from submitting an NOI in accordance with the requirements of this part after the effective date of this permit.

- C. Where to Submit.** Facilities that discharge hydrostatic water must use the appropriate NOI form provided by the Department (or photocopy thereof). Forms are also available by calling **(803) 898-4300** or downloading from the Department's web site at [www.scdhec.gov/water](http://www.scdhec.gov/water). NOI's must be signed in accordance with Part V.I (Signatory Requirements) of this permit. NOI's are to be submitted to the Department at the following address:

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

as well as the local EQC regional office in the county of the discharge:

<b>County</b>	<b>EQC Region</b>	<b>Phone No.</b>
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

**REGION 1 EQC**

**Greenwood EQC Office**  
 613 South Main Street  
 Greenwood, SC 29646-3245

**Anderson EQC Office**  
 2404 N. Main Street  
 Anderson, SC 29621-3275

**REGION 2 EQC**

**Greenville EQC Office**  
 301 University Ridge, Suite 5800  
 Greenville, SC 29601-3677

**Spartanburg EQC Office**  
 975-C North Church Road  
 Spartanburg, SC 29303-2712

**REGION 3 EQC**

**Columbia EQC Office**  
 Bldg #5 /PO Box 156  
 State Park, SC 29147-0156

**Lancaster EQC Office**  
 P.O. Box 100, Fort Lawn, SC 29714-0100  
 Lancaster, SC 29720

**REGION 4 EQC**

**Florence EQC Office**  
145 E. Cheves Street  
Florence, SC 29506-2526

**Sumter EQC Office**  
P.O. Box 1628  
Sumter, SC 29151

**REGION 5 EQC**

**Aiken EQC Office**  
206 Beaufort Street, NE  
Aiken, SC 29801-4476

**REGION 6 EQC**

**Myrtle Beach EQC Office**  
927 Shine Avenue  
Myrtle Beach, SC 29577-3580

**REGION 7 EQC**

**Charleston EQC Office**  
1362 McMillan Ave., Suite 300  
Charleston, SC 29405

**REGION 8 EQC**

**Beaufort EQC Office**  
104 Parker Dr.  
Beaufort, SC 29906

- D. **Individual Applications.** Any applicant 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.
- E. **Transfer of Ownership or Control.** This general permit is not transferable to any person except after written notice to the DHEC/Bureau of Water/NPDES Administration. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Pollution Control Act and the Clean Water Act.
1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under R.61-9.122.62(e)(2), or a minor modification made (under R.61-9.122.63(d), to identify the new permittee and incorporate such other requirements as may be necessary under the CWA.
  2. Other transfers. As an alternative to transfers under paragraph 1 of this section, any permit may be transferred to a new permittee if:
    - (a) The current permittee notifies the Department at least 30 days in advance of the proposed transfer date in Part III.E.2(a) of this section:
    - (b) The notice includes the U. S. EPA NPDES Application Form 1 and a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

- (c) Permits are non-transferable except with prior consent of the Department. A modification under this section is a minor modification which does not require a Public Notice.

F. **Public Notice.** Facilities which plan to discharge hydrostatic test water of 15,000 gallons or more at a single location *must post at least three weather resistant copies of the Public Notice* of the intended discharge near the outfall (within 10 miles) and in separate locations. At least one of the three shall be located at the nearest publicly accessible location to the discharge point. The location all notices shall be publicly accessible and in prominent locations (i.e. a nearby post office, a property entrance gate, a nearby highway intersection, beside a local public road). They shall be posted at the time the discharge begins and must remain posted during the entire period of the discharge. All notices shall contain the following information and may be the same for all discharges of a project:

- 1.
  - a. Project description including the equipment being tested
  - b. Dates of discharge for each outfall
  - c. Volume of water being discharged at each outfall
  - d. Project location(s) (county and description, such as nearby roadways)
  - e. Receiving water(s)
  - f. A 7.5' topographic map indicating the location of the outfall(s)
- 2.
  - a. Owner's name
  - b. Owner's mailing address
  - c. Name of site/project contact person
  - d. Telephone number of site/project contact person.

A copy of the notice must be sent to this Department along with certification by the pipeline operator that it has been posted as required above and be postmarked no later than 30 days after project completion.

#### **Part IV. MONITORING AND REPORTING REQUIREMENTS**

A. **Facilities Required to Monitor.** Facilities covered by this permit, except those facilities that are exempt per Part II.C.1 (Authorization) from the monitoring requirements, are required to conduct sampling of their hydrostatic water discharges. These measurements shall be taken: (1) After approximately 5% of the test water has been released and (2) After approximately 95% of the test water has been released. **Only one measurement per discharge will be required for discharges from pipelines of less than 50,000 gallons and tanks of less than 500,000 gallons.** These discharges will require one sample to be taken at 5% as listed above.

B. **Monitoring and Records.**

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

- b. Samples shall be reasonably distributed in time, while maintaining representative sampling.
- c. No analysis, which is otherwise valid, shall be terminated for the purpose of preventing the analysis from showing a permit or water quality violation.

2. Flow Measurements.

- a. Where primary flow meters are required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes. The primary flow device, where required, must be accessible to the use of a continuous flow recorder.
- b. 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.
- c. Records of any necessary calibrations must be kept.

3. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by R.61-9.503 or R.61-9.504), 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.

4. 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.
5. a. 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.

In the case of sludge use or disposal, analysis for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136, test procedures specified in R.61-9.503 or R.61-9.504, equivalent test procedures approved by the Department or other test procedures that have been specified in the permit.

- b. Unless addressed elsewhere in this permit, the permittee shall use a sufficiently sensitive analytical method that achieves a value below the derived permit limit stated in Part X (Notice of Intent Requirements). If more than one method of analysis is approved for use, the Department recommends for reasonable potential determinations that the permittee use the method having the lowest practical quantitation limit (PQL) unless otherwise specified in Part IX (Standard Permit Conditions) of the permit. For the purposes of reporting analytical data on the Discharge Monitoring Report (DMR):

- (1) Analytical results below the PQL conducted using a method in accordance with Part IV.B.5.a in this section shall be reported as zero (0). Zero (0) shall also be used to average results which are below the PQL. When zero (0) is reported or used to average results, the permittee shall report, in the "Comment Section" or in an attachment to the DMR, the analytical method used, the PQL achieved, and the number of times results below the PQL were reported as zero (0).

- (2) Analytical results above the PQL conducted using a method in accordance with Part V.B.5.a of this section shall be reported as the value achieved. When averaging results using a value containing a "less than," the average shall be calculated using the value and reported as "less than" the average of all results collected.

7. 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.

C. **Reporting**

1. The permittee must submit monitoring results obtained during each project period on the appropriate Discharge Monitoring Report (DMR) Forms postmarked no later than 30 days after project completion. A separate Discharge Monitoring Report Form is required for each outfall of each project.
2. Signed copies of required discharge monitoring reports, public notices, and all other reports required herein shall be submitted to the Department at the following address:

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

- D. **Additional Monitoring by the Permittee.** If the permittee monitors any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in R.61-9.503 or R.61-9.504, 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 or sludge reporting form specified by the Department. The permittee has sole responsibility for scheduling analyses, other than for the sample date specified in Part X (Effluent Limitations and Monitoring Requirements), so as to ensure there is sufficient opportunity to complete and report the number of valid results for each monitoring period.
- E. **Availability of Reports.** Except for data determined to be confidential under Section 48-1-270 of the S.C. Pollution Control Act, all reports prepared in accordance with the terms and conditions of this permit shall be available upon request for public inspection at the offices of the Department. As required by the CWA, effluent data shall not be considered confidential.

**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 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 or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**D. Proper Operation.**

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 that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
2. Power Failures. 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.

3. Facilities with wastewater treatment systems must comply with the requirements in this section:
  - a. The permittee shall develop and maintain at the facility a complete Operations and Maintenance Manual for the waste treatment facilities and/or land application system. The manual shall be made available for on-site review during normal working hours. The manual shall contain operation and maintenance instructions for all equipment and appurtenances associated with the waste treatment facilities and land application system. The manual shall contain a general description of the treatment process(es), the operational procedures to meet the requirements of D.1 above, and the corrective action to be taken should operating difficulties be encountered.
  - b. The permittee shall provide for the performance of daily treatment facility inspections by a certified operator of the appropriate grade as defined in the NPDES permit or construction permit for the wastewater treatment system. The Department may make exceptions to the daily operator requirement in accordance with R.61-9.122.41(e)(3)(ii). The inspections shall include, but should not necessarily be limited to, areas which require visual observation to determine efficient operation and for which immediate corrective measures can be taken using the O & M manual as a guide. All inspections shall be recorded and shall include the date, time, and name of the person making the inspection, corrective measures taken, and routine equipment maintenance, repair, or replacement performed. The permittee shall maintain all records of inspections at the permitted facility as required by the permit, and the records shall be made available for on-site review during normal working hours.
  - c. The name and grade of the operator of record shall be submitted to DHEC/Bureau of Water/Water Enforcement Division prior to placing the facility into operation. A roster of operators associated with the facility's operation and their certification grades shall also be submitted with the name of the "operator-in-charge." Any changes in operator or operators shall be submitted to the Department as they occur.

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 that 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 applications, reports, or information submitted to the Department shall be signed and certified.
  - a. Applications. All permit applications 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(1) 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(1) 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.K.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/Industrial, Agricultural and Storm Water 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.6 (Existing Manufacturing, Commercial, Mining, and Silviculture Discharges) of this section.
- c. The alteration or addition results in a significant change in the permittee's sewage sludge or industrial sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan (included in the NPDES permit directly or by reference);

**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. 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:

<b>County</b>	<b>EQC Region</b>	<b>Phone No.</b>
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 in Part V.J.4.a(4) 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.

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.

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours (See R 61-9.122.44(g)). If the permit contains maximum limitations for any of the pollutants listed below, a violation of the maximum limitations shall be reported orally to the DHEC/Bureau of Water/Water Enforcement Division within 24 hours or the next business day.

(a) Whole Effluent Toxicity (WET),

(b) tributyl tin (TBT), and

(c) any of the following bioaccumulative pollutants:

$\alpha$ BHC	Mercury
$\beta$ BHC	Mirex
$\delta$ BHC (Lindane)	Octachlorostyrene
BHC	PCBs
Chlordane	Pentachlorobenzene
DDD	Photomirex
DDE	1,2,3,4-Tetrachlorobenzene
DDT	1,2,4,5-Tetrachlorobenzene
Dieldrin	2,3,7,8-TCDD
Hexachlorobenzene	Toxaphene
Hexachlorobutadiene	

c. The Department may waive the written report on a case-by-case basis for reports under Part V.J.3.b of this section if the oral report has been received within 24 hours.

#### 4. **Other Noncompliance.**

The permittee shall report all instances of noncompliance not reported under Part V.J.2 (Anticipated Noncompliance) and Part V.J.3 (Twenty-Four Hour Reporting) of this section at the time monitoring reports are submitted. The reports shall contain the information listed in V.J.3 (Twenty-Four Hour Reporting) of this section.

5. **Other Information.**

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information to the Industrial Wastewater Permitting Section. This permit may result in permit modification, revocation, and reissuance, or termination in accordance with Regulation 61-9.

6. **Existing Manufacturing, Commercial, Mining and Silviculture Discharges**

In addition to the reporting requirements under Part V.J.1-5 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
  - (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/ Industrial, Agricultural and Storm Water Permitting Division.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part V.J.3.b 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.K.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.3.b(2) of this section.
  - d. The permittee complied with any remedial measures required under Part V.C (Duty to Mitigate) of this section.
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.C (Where to Submit) 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.C (Where to Submit) 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 hydrostatic 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 the possibility of future discharges from all hydrostatic test water discharge locations that are authorized by this permit are eliminated, the operator of the facility shall submit a Notice of Termination that is signed in accordance with Part V.I (Signatory Requirements) of this permit. The Notice of Termination shall include the following information:
1. Name, mailing address, phone number, and location of the facility for which the notification is submitted.
  2. The NPDES permit number; and
  3. The following certification signed, titled, and dated in accordance with Part V.I (Signatory Requirements) of this permit:

"I certify under penalty of law that all hydrostatic test water discharges from the identified facility that are authorized by a NPDES general permit have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge hydrostatic test water under this general permit, and that discharging pollutants in hydrostatic test water to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES 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. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

## Part IX. SPECIAL CONDITIONS

- A. **Prohibition on Non-hydrostatic Water Discharges.** All discharges covered by this permit shall be composed entirely of hydrostatic water, except discharges of material other than hydrostatic water which are in compliance with an NPDES permit (other than this permit) issued for the discharge.

B. **Releases in Excess of Reportable Quantities.**

1. The discharge of hazardous substances or oil in the storm water 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 a 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 IX.B.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

Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsythe Street  
Atlanta, Ga. 30303-3104

c. The BMP plan required under this permit must be modified within 14 calendar days of knowledge of the release to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the 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.

C. **Best Management Practices Plan.** The Best Management Practices Plan (BMP) requirement is applicable to dischargers with ancillary industrial activities who use, store, manufacture, handle or discharge any pollutant listed as toxic 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. Permittees, other than those which only test natural gas and LPG pipelines, 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; transfer 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, be documented in narrative form, and include any necessary plot plans, drawings, or maps.
  2. Where no previous permit issued for the site has required a BMP plan, a BMP plan shall be developed and implemented prior to initiating the first discharge covered under this permit. Where a plan has been required and put into effect under a previous permit for the facility, appropriate changes to the plan shall be developed and implemented prior to initiating the first discharge covered under this permit.
  3. The BMP plan shall be maintained at the site and shall be available for inspection by U.S. EPA and Department personnel.
- D. **Removed Substances.** Solids, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent such materials from entering State waters and in accordance with guidelines issued pursuant to Section 405 of the CWA, and the terms of a construction or NPDES and/or solid or hazardous waste permit issued by the Department.
- E. **Chemical Addition.** Approval from the Department must be obtained prior to chemical addition or other types of treatment to maintain compliance with the NPDES permit. A determination will be made by the Department as to whether the discharge can still be covered under the permit and to determine if a construction permit is required for any type of treatment system. Wastewater containing chemicals used for reasons other than maintaining compliance with the NPDES permit will be considered process wastewater and will need to be covered under an individual permit or if available, an alternative general permit.

F. **Erosion Prevention.**

1. Appropriate erosion control measures must be in place before discharging hydrostatic test water. Consideration of the Department's stormwater management and sediment reduction reference materials" shall be given. If the permittee is required to file a Policy and Procedure Manual which includes sediment migration control and erosion control practices to the Public Service Commission, such control practices shall also be adhered to.
2. Where the discharge of hydrostatic test water will occur at an existing outfall permitted for petroleum-tank stormwater, a sound estimate of the normal runoff in the proposed outfall during a 3-inch, 24-hour rainfall shall be obtained. This value shall be compared with the proposed discharge rate. The proposed rate should not exceed normal runoff by more than 50% or further evaluation, and possible erosion control or treatment measures, will be required.

G. **pH Variance**

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 in accordance with Section IV.E (Availability of Reports).

H. **Chlorine Requirements**

This permit requires monitoring and reporting only for Total Residual Chlorine (TRC). This permit may be reopened to include specific TRC limitations based on the data obtained.

**Part X. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (See Part IV).**

**A. Hydrostatic test waters from new and used natural gas and new LPG pipelines.**

During the period beginning on the effective date and lasting through the expiration date (See Part VII), the permittee is authorized to discharge hydrostatic test waters from new and used natural gas and new LPG pipelines.

Such discharge shall be limited and monitored<sup>1</sup> by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u> <sup>2</sup>		
		Minimum	Maximum	Average <sup>3</sup>	Measurement Frequency	Sample Type
pH <sup>5</sup>	s.u.	6.0	8.5	-	2/Discharge <sup>4</sup>	Grab
TSS	mg/l	-	MR	MR	2/Discharge <sup>4</sup>	Grab
TRC <sup>6</sup>	mg/l	-	MR	MR	2/Discharge <sup>4</sup>	Grab
Flow	mgd	-	MR	MR	2/Discharge <sup>4</sup>	Estimate or Instantaneous

**Note:** MR means monitor and report only.

1. Except as stated in Part II.C.1. (3000 gallons or less).
2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the nearest accessible location after final treatment (if necessary) but prior to discharge.
3. Average limits do not apply when a parameter is monitored only once during a project.
4. Only one measurement per discharge will be required for discharges from pipelines of less than 50,000 gallons and tanks of less than 500,000 gallons. See Part IV.A.
5. See Section IX.G.
6. Monitoring of chlorine is not required if chlorine is not present in the test water. Monitoring is required if a potable water source is used in testing. Also, see Part IX.H.

**B. Hydrostatic test waters from used LPG pipelines and from new petroleum tanks and pipelines.**

During the period beginning on the effective date and lasting through the expiration date (See Part VII), the permittee is authorized to discharge hydrostatic test waters from used LPG pipelines and from new petroleum tanks and pipelines.

Such discharge shall be limited and monitored<sup>1</sup> by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS<sup>2</sup></u>	
		Minimum	Maximum	Average <sup>3</sup>	Measurement Frequency	Sample Type
pH <sup>5</sup>	s.u.	6.0	8.5	-	2/Discharge <sup>4</sup>	Grab
TPH	mg/l	-	15	10	2/Discharge <sup>4</sup>	Grab
TSS	mg/l	-	MR	MR	2/Discharge <sup>4</sup>	Grab
TRC <sup>6</sup>	mg/l	-	MR	MR	2/Discharge <sup>4</sup>	Grab
Flow	mgd	-	MR	MR	2/Discharge <sup>4</sup>	Estimate or Instantaneous

**Note:** MR means monitor and report only.

1. Except as stated in Part II.C.1. (3000 gallons or less).
2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the nearest accessible location after final treatment (if necessary) but prior to discharge.
3. Average limits do not apply when a parameter is monitored only once during a project.
4. Only one measurement per discharge will be required for discharges from pipelines of less than 50,000 gallons and tanks of less than 500,000 gallons. See Part IV.A..
5. See Section IX.G.
6. Monitoring of chlorine is not required if chlorine is not present in the test water. Monitoring is required if a potable water source is used in testing. Also, see Part IX.H.

C. **Hydrostatic test waters from used petroleum tanks and pipelines.**

During the period beginning on the effective date and lasting through the expiration date (See Part VII), the permittee is authorized to discharge hydrostatic test waters from used petroleum tanks and pipelines.

Such discharge shall be limited and monitored<sup>1</sup> by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS<sup>2</sup></u>	
		Minimum	Maximum	Average <sup>3</sup>	Measurement Frequency	Sample Type
pH <sup>5</sup>	s.u.	6.0	8.5	-	2/Discharge <sup>4</sup>	Grab
TPH	mg/l	-	15	10	2/Discharge <sup>4</sup>	Grab
TSS	mg/l	-	MR	MR	2/Discharge <sup>4</sup>	Grab
TRC <sup>6</sup>	mg/l	-	MR	MR	2/Discharge <sup>4</sup>	Grab
Chromium(III)	mg/l	-	MR	MR	1/Discharge	Grab
Copper	mg/l	-	MR	MR	1/Discharge	Grab
Zinc	mg/l	-	MR	MR	1/Discharge	Grab
Iron	mg/l	-	MR	MR	1/Discharge	Grab
Lead	mg/l	-	MR	MR	1/Discharge	Grab
Benzene	mg/l	-	MR	-	1/Discharge	Grab
Ethylbenzene	mg/l	-	MR	-	1/Discharge	Grab
Toluene	mg/l	-	MR	-	1/Discharge	Grab
Xylene	mg/l	-	MR	-	1/Discharge	Grab
Napthalene	mg/l	-	MR	-	1/Discharge	Grab
Methyl-tert-butyl-ether (MTBE)	mg/l	-	MR	-	1/Discharge	Grab
Surfactants <sup>7</sup>	mg/l	-	MR	-	1/Discharge	Grab
Flow	mgd	-	MR	MR	2/Discharge <sup>4</sup>	Estimate or Instantaneous

**Note:** MR means monitor and report only.

<sup>1.</sup> Except as stated in Part II.C.1. (3000 gallons or less).

<sup>2.</sup> Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the nearest accessible location after final treatment (if necessary) but prior to discharge.

C. **Hydrostatic test waters from used petroleum tanks and pipelines(cont.)**

3. Average limits apply only when a parameter is monitored more than once during a project.
4. Only one measurement per discharge will be required for discharges from pipelines of less than 50,000 gallons and tanks of less than 500,000 gallons. See Part IV.A.
5. See Section IX.H.
6. Monitoring of chlorine is not required if chlorine is not present in the test water. Monitoring is required if a potable water source is used in testing. Also, see Part IX.G.
7. Surfactant monitoring will be required only if cleaning agents are introduced or added to the discharge water.

**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 HYDROSTATIC TEST WATER  
TO STATE WATERS**

Application No. SCG670000

Date: January 4, 2006

**1. SYNOPSIS OF APPLICATION**

- a. Name and Address of Applicant

Specific to each entity covered.

- b. Facility Location

A facility that is located within the geographic boundaries of the State of South Carolina.

- c. Description of Applicant's Operation

Discharging water after hydrostatically testing new or used, natural gas, LPG, or petroleum, tanks or pipelines.

- d. Receiving Water Name

A covered discharge may discharge to or flow to any water body within the geographic boundaries of the State of South Carolina, as defined in SC Regulation 61-68, *Water Classification and Standards*.

- e. Description of Existing Pollution Abatement Facilities

Covered discharges may be contaminated slightly such that no treatment is required. It is the permittee's responsibility to ensure the limitations are met. If treatment is necessary, the treatment system must be properly permitted by this Department prior to use.

- f. Permitting Action

Reissuance of a General Permit for hydrostatic test water discharges.

**2. PROPOSED EFFLUENT LIMITATIONS**

See Part X of the General Permit

### **3. RATIONALE FOR DETERMINING EFFLUENT LIMITATIONS**

- a. pH: The limits are consistent with S.C. Water Standards due to various water sources\discharge points and possible contamination.
- b. Total Petroleum Hydrocarbons (TPH): The limit provides protection of receiving stream based on Professional Judgment due to residual material in the structures or material coatings or lubricants on new structures.
- c. Total Residual Chlorine (TRC): This parameter will be "monitor and report" based on aquatic life standards and current limits of detection due to the existence of chlorine in potable municipal water systems.
- d. Chromium, Copper, Zinc, Iron, and Lead: These parameters will be "monitor and report" based on Professional Judgment due to data which has been reviewed from discharges of this type. The data has shown low metals concentrations; however, it is from a limited numbered of discharges, and a small potential for the occurrence of metals remains. Monitoring is being required, but if significant metals concentrations are shown to exist, the permit may be modified to include metals limits. If certain/all metals concentrations are consistently low or non-existent, monitoring of these parameters may be eliminated.
- e. Total Suspended Solids (TSS): This parameter will be "monitor and report" based on Professional Judgment due to solids in the intake water source and/or solids which may have accumulated during the pipe, tank, fitting, etc. installation. Monitoring is being required, but if significant TSS concentrations are shown to exist, the permit may be modified to include a limit. If TSS concentrations are consistently low or non-existent, monitoring of this parameter may be eliminated.
- f. Benzene, Ethylbenzene, Toluene, Xylene, Napthalene, MTBE, and surfactants: These parameters will be "monitor and report" based on water quality concerns for used petroleum tanks and pipelines. A reasonable potential evaluation could not be performed due to lack of sufficient data from hydrostatic tests that were conducted during the life of the current permit.

### **4. MONITORING REQUIREMENTS**

- a. Measurement Frequency: Measurement frequency is stated in the permit for the different parameters.
- b. Submission of Discharge Monitoring Reports (DMR's): DMR's are to be prepared separately for each outfall of each project greater than 3000 gallons except for used petroleum tank and pipeline test waters which must report all wastewater volumes. These reports are to be submitted to the Department and postmarked no later than 30 days after project completion.

**5. SCHEDULE FOR MEETING LIMITS**

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

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

See Part IX. of the 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  
Industrial, Agricultural and Storm Water Permitting Division  
Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201

For additional information, interested persons may contact your name at 803-898-4111.

All written comments received during the period beginning January 13, 2006 and ending on February 12, 2006 shall be considered in making the final decision and shall be answered as prescribed below. See Public Notice # 06-008-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.

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.

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.

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).
4. Unless specific circumstances warrant otherwise, the permit will become effective on the first of the month following the 30-day appeal period if no request for adjudicatory hearing is filed (see E below). If a request for adjudicatory hearing is filed, the permit will become effective on the first of the month following resolution of the appeal.

E. Adjudicatory Hearings

Any person may submit a request for an administrative adjudicatory hearing to consider the final permit and its conditions. Such appeal must be made pursuant to the amended Rules of Procedure for the Administrative Law Court that became effective on May 1, 2005. Pursuant to Rule 11 of the amended ALC Rules of Procedure, such appeal must be made by filing a request for a contested case hearing with the Clerk of the ALC within thirty (30) days after notice of this decision at the following address:

Clerk's Office  
South Carolina Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton St., Suite 224  
Columbia, SC 29201

Pursuant to Rule 11(D), the following elements must, at a minimum, be included within the request:

1. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;
2. The caption or other information sufficient to identify the decision, order, letter, determination, action, or inaction which is subject to the hearing;
3. A copy of the written agency decision, order, letter or determination, if any, which gave rise to the request;
4. The relief requested.

Furthermore, pursuant to ALC Rule 71, the Administrative Law Court requires that a party requesting a contested case hearing must submit a filing fee in the amount of \$250.00 with the Administrative Law Court. A copy of a request for the contested case hearing must also be served on each party, including but not limited to, DHEC. Copies of a request for a contested case hearing should be mailed to the Clerk of the Board, DHEC, 2600 Bull Street, Columbia, SC 29201, (803) 898-3300.

A petition for review of a decision to issue a new permit stays all actions for which the permit is a prerequisite. A petition for review of a decision to reissue a permit stays the entire permit; the conditions of the expiring/expired permit remain in effect until the appeal is resolved. Any party may petition the ALC to allow all uncontested provisions of the permit to be placed into effect. 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