

STATE OF SOUTH CAROLINA     )  
  )  
COUNTY OF DORCHESTER     )

ORDINANCE NUMBER 23-06

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF ORDINANCES,  
DORCHESTER COUNTY, SOUTH CAROLINA, BY DELETING IN ITS ENTIRETY  
CHAPTER 36, ARTICLE I, SEC. 36-1 THROUGH ARTICLE IV, SEC. 36-142,  
INCLUSIVE, AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 36,  
ARTICLE I, SEC. 36-1 THROUGH ARTICLE VI, SEC. 36-34, INCLUSIVE, AND  
RENUMBERING EXSITING ARTICLE V TO ARTICLE VII AND RENUMBERING  
EXISTING ARTICLE VI TO ARTICLE VIII**


It is hereby Ordained by Dorchester County Council, duly assembled, that the Code of Ordinances, Dorchester County, South Carolina, is hereby amended and supplemented as follows:

Chapter 36, Article I, Sec. 36-1 through Article IV, Sec. 36-142, inclusive, is deleted in its entirety and the attached Chapter 36, Article I, Sec. 36-1 through Article VI, Sec. 36-34, inclusive, is substituted in lieu thereof.

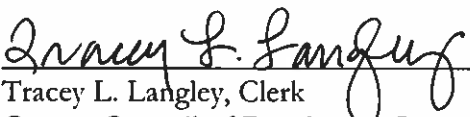
Further, existing Article V is renumbered to Article VII and existing Article VI is renumbered to Article VIII.

Approved and adopted at 3<sup>rd</sup> and final reading this 17<sup>th</sup> day of April 2023.

**DORCHESTER COUNTY, SOUTH CAROLINA**

By:   
S. Todd Friddle, Chairman  
County Council of Dorchester County,  
South Carolina

ATTEST:

  
Tracey L. Langley, Clerk  
County Council of Dorchester County,  
South Carolina

First Reading:	03/06/2023
Second Reading:	04/03/2023
Public Hearing:	04/17/2023
Third Reading:	04/17/2023

## CHAPTER 36 – STORMWATER MANAGEMENT

### ARTICLE I – GENERAL PROVISIONS

---

#### **Sec. 36-1. - Title.**

This Ordinance shall be known as the “Stormwater Management Program Ordinance of Dorchester County, South Carolina (Ordinance).”

#### **Sec. 36-2. - Authority.**

This Ordinance is adopted pursuant to the authority conferred upon Dorchester County (the “County”) by the South Carolina Constitution, the South Carolina General Assembly and in compliance with the requirements imposed upon the County by the National Pollution Discharge Elimination System (NPDES) Permit No. SCR030000 issued in accordance with the Federal Clean Water Act, the South Carolina Pollution Control Act, and regulations promulgated thereunder.

#### **Sec. 36-3. - Finding.**

Dorchester County makes the following findings:

- (a) Uncontrolled stormwater runoff has significant, adverse impact on health, safety and general welfare of the County and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion and/or flooding. Development and redevelopment alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reduce groundwater recharge.
- (b) Development and redevelopment have shown evidence of downstream degradation of the County’s receiving waters, thereby adversely affecting the unique qualities of the County’s estuaries, its commercial and recreational fishing, the ecosystem’s ability to naturally reproduce, and the general ability of the area to sustain its natural coastal resources.
- (c) The County is required to obtain an NPDES permit from South Carolina Department of Health and Environmental Control (SCDHEC) for stormwater discharge from the County stormwater system. The NPDES permit requires the County to impose controls to reduce the discharge of pollutants in stormwater to the maximum extent practicable (MEP) using management practices, control techniques and system, design and engineering methods, and such other provisions that are determined to be appropriate for the control of such pollutants.
- (d) Facilities that discharge stormwater associated with an individual activity, including land-disturbing activities, are required to obtain their own respective NPDES permits. The South Carolina Stormwater Management and Sediment Reduction Act [S.C. Code 48-14-10 et seq.] requires the County to obtain a permit for certain land disturbing activities.

#### **Sec. 36-4. - Purpose.**

The purpose of this Ordinance is to protect, maintain, and enhance the environment of the County and the short- and long-term public health, safety, and general welfare of the citizens of the County by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with future development, redevelopment, and existing developed land.

- (a) Additionally, the purpose of this Ordinance is to comply with all State and Federal regulations applicable to stormwater management and as authorized in Section 1.2 of this Ordinance. At a minimum, these regulations require the County to establish legal authority to manage a stormwater program that includes the following at a minimum:

1. Develop and maintain a Stormwater Management Plan (SWMP)

2. Develop and maintain a Stormwater Management Design Manual (DM).
3. Prohibit illicit discharges to the Dorchester County Stormwater System and Waters of the State (WoS).
4. Control the discharge of spills, dumping, or disposal of materials other than stormwater to the stormwater system waters of the state.
5. Address specific categories of non-stormwater discharge and similar other incidental non-stormwater discharges listed in the SWMP.
6. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state and federal regulations.
7. Define procedures for site plan review, inspection, and enforcement.
8. Define procedures for receipt and consideration of information submitted by the public.
9. Address post-construction runoff stormwater management and best management practices (BMPs).
10. Develop post-construction stormwater quality performance standards, through enforcement of minimum design standards for BMPs.
11. Ensure effective long-term operation and maintenance of post-construction BMP measures.
12. Carry out all inspection, monitoring, and enforcement procedures as required by state and federal regulations and Dorchester County Ordinances.

**Sec. 36-5. - Liability to Discharger.**

The application of this Ordinance and the provisions expressed herein are the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state or federal regulation or statute. The County has full discretion to exceed the minimum requirements of this ordinance including State and Federal requirements as deemed necessary to protect the health, welfare, and safety of the residents and protect the environment to include Waters of the State (WoS).

**Sec. 36-6. - Severability.**

Should any word, phrase, clause, or provisions of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this Ordinance as a whole or any part hereof, except that specific provision declared by such court to be invalid or unconstitutional.

**Sec. 36-7. - Definitions.**

The purpose of this Ordinance, definitions contained in South Carolina Regulations 61-9.122.2 and 72-301 are incorporated herein by reference. Where the same words are defined in both regulations, but are not the same, the definitions contained in R. 61-9.122.2 will be used for the purposes of this Ordinance. A synopsis for each referenced regulation can be found in the Appendix, Section 2. Additional terms, phrases, and words will have the meaning given in the Appendix, Section 1.

**Sec. 36-8. - Reserved.**

## ARTICLE II- ORGANIZATION AND ADMINISTRATION

---

### **Sec. 36-9. - Regulations.**

The Dorchester County Council, may, in its discretion, amend or change this Ordinance or adopt additional regulations or resolutions to implement this Ordinance in order to comply with state, federal, and local regulations.

### **Sec. 36-10. - Dorchester County Stormwater Management Program.**

The NPDES permit requires the County to develop and implement a Stormwater Management Plan to control the discharge of pollutants to the MEP from the borders of the MS4 designated area. The Stormwater Management Plan as adopted herein has been developed to comply with the NPDES permit and all applicable state and federal regulations. The Director of Public Works, hereinafter called the Director, is authorized to administer, implement, and enforce the provisions of the SWMP on behalf of the County. Any powers granted or duties imposed upon the Dorchester County Public Works may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employment of the County.

### **Sec. 36-11. - Coordination with Other Agencies.**

The Director will coordinate County activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters. Authority not expressly reserved for other agencies or restricted by statute is placed with the Director for the protection and preservation of receiving waters.

### **Sec. 36-12. - Cooperation with Other Governments.**

The County may enter into agreements with other governmental and private entities to carry out the purposes of this Ordinance. These agreements may include, but are not limited to, enforcement, resolution of disputes, cooperative monitoring, and cooperative management of stormwater systems and cooperative implementation of stormwater management programs.

### **Sec. 36-13. - Stormwater Management Design Manual.**

The DM shall serve as minimum criteria for the design, construction, and maintenance of infrastructure and facilities which collect, control, treat, and convey stormwater. The DM shall include, but not be limited to, the following information:

- (a) Details describing the policies, goals, and tasks of the Stormwater Management Program.
- (b) Design requirements and specifications for the preparation of Stormwater Pollution Prevention Plans (SWPPP) and Stormwater Technical Reports. Acceptable techniques for obtaining, calculating, and presenting the information required in the plans shall be described, as will design conditions which must be accounted for.
- (c) Minimum specifications for designing, constructing, and maintaining stormwater management facilities. These specifications shall be established in accordance with current good engineering practices.
- (d) Minimum easement requirements for the inspection and maintenance of stormwater management facilities.
- (e) Site design approaches that minimize the impact of development on runoff and protect natural resources and sensitive areas.

The DM shall be reviewed and, if needed, updated periodically (at a minimum every three years) to reflect the most current and effective practices, regulations, and water quality standards, and shall be made available to the public. The DM shall establish the minimum criteria and neither replaces the need for engineering judgment nor precludes

the use of information not presented. Other accepted engineering procedures may be used to conduct stormwater studies as required by the Director.

**Sec. 36-14. - Best Management Practices.**

The County shall develop and maintain a set of BMP measures in accordance with the approved SWMP, DM and the SC BMP Manual. The BMP measures shall serve as minimum criteria for the design, construction, and maintenance of facilities which collect, control, treat, and discharge stormwater. The BMP section of the DM will include, but not be limited to, the following information:

- (a) Guidance in selecting environmentally sound practices for managing and treating stormwater. Development and use of techniques emphasizing the use of natural systems shall be strongly encouraged.
- (b) Minimum specifications for designing, constructing, and maintaining stormwater management facilities. These specifications shall be established in accordance with current good engineering practices.
- (c) Easement, setback, and buffer requirements.
- (d) Post-development water quality performance standards for stormwater management facilities and practices. Methodology/criteria for evaluation will include (1) hydrologic and hydraulic evaluations; (2) chemical and biological evaluations; (3) evaluation of BMPs; and (4) evaluation of downstream impacts.

**Sec. 36-15. - Reserved.**

## ARTICLE III – STORMWATER CONTROL

---

### Sec. 36-16. - Prohibitions and Exemptions.

- (a) No person shall (1) develop or redevelop any land; (2) engage in any industry or enterprise; (3) construct, operate or maintain any landfill, hazardous waste treatment, disposal or recovery facility, or any other industrial or related facility; or (4) dispose of any hazardous or toxic substance or other pollutant without having first obtained a permit issued pursuant to this Ordinance and having complied with any program, plan, permit, or regulation of the Dorchester County's SWMP adopted in accordance with this Ordinance, and having complied with the Policies of the South Carolina Coast Management Program.
- (b) No person may obtain a permit issued pursuant to this Ordinance for any activity impacting wetlands or other waters of the state without first having complied with the policies of Army Corps of Engineers (ACOE) and the South Carolina Coastal Management Program. All permits must be reviewed by SCDHEC, Office of Ocean and Coastal Resources Management (OCRM) for consistency with the Coastal Management Program. If the Director suspects that there are wetlands or other waters of the state not disclosed in the application, the applicant shall obtain an ACOE jurisdictional determination and submit the determination to SCDHEC and OCRM for certification that the project is consistent with the Coastal Management Program.
- (c) No person shall create or cause a blockage of an open channel, pipe system, or other facility used to convey or transport stormwater runoff.
- (d) No person shall modify the topography of a property such that stormwater runoff is diverted from its intended path such as to cause it to be directed onto an adjacent property or away from a stormwater control measure.
- (e) The following development activities are exempt from the provisions of this Ordinance:
  - 1. Construction or improvement of single-family residences or their accessory buildings which are separately built and not part of a Major Subdivision development or Larger Common Plan (LCP).
  - 2. Land disturbing activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices and minimum erosion protection measures established by the South Carolina Forestry Commission pursuant to Section 48-18-70 of the Code of Laws of South Carolina 1976, as amended.
  - 3. Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
  - 4. Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mule, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture (under the condition they are in compliance with SCDHEC Agriculture Regulations), except that the construction of an agricultural structure of one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit will require the submittal and approval of a Stormwater Plan prior to the start of the land disturbing activity.
  - 5. Certain land disturbing activities undertaken by persons who are exempt from the provisions of the Stormwater Management and Sediment Reduction Act as set forth in Section 48-14-40 of the 1976 Code of Laws of South Carolina as amended.
  - 6. Industrial Facilities having a valid NPDES General Stormwater Permit issued by SCDHEC, and if the facility is in compliance with the conditions contained in the NPDES General Permit, will be deemed in compliance with the requirements of this Ordinance.

**Sec. 36-17. - Stormwater Plan and Permit Process.**

All development activities are required to ensure the stormwater permit and plan process is in compliance with the latest version of the DM.

**Sec. 36-18. - Ownership and County Participation.**

- (a) All stormwater management facilities should be privately owned and maintained, as designated on the Operating and Maintenance Agreement. Owners of privately owned stormwater management facilities shall grant the County right-of-entry to inspect and monitor the performance of the stormwater management facilities upon appropriate notice to the Property Owner. In emergency cases where the potential exists where the blockage of stormwater facilities may be causing structural or roadway flooding, the County will make all reasonable attempts to notify the effected property owner(s) prior to entering the property but will maintain the right to enter the property if such flooding is a danger to the public or off-site property owners.
- (b) When the Director determines that additional storage and/or treatment capacity beyond that required by the applicant for on-site stormwater management is necessary or additional BMPs may be required in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions, or to provide protection in a more desirable fashion for future development, the County may:
  - 1. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility.
  - 2. Require that the applicant attempt to obtain from the owners of property over, through or under where the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the County may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to (d) below, with any cost incurred hereby to be paid by the County).
  - 3. Participate financially in the construction of such facilities to the extent that such facility exceeds the required on-site stormwater management as determined by the director.

To implement this provision, both the County and developer will be in agreement with the proposed facility that includes the additional storage and/or treatment capacity and jointly develop a cost sharing plan which is agreeable to all parties.

**Sec. 36-19. - Financial Guarantees.**

- (a) Financial guarantees shall be in accordance with the latest version of Article XXIII, Section 23 of Dorchester County Zoning and Land Development Ordinance 04-13, **ARTICLE XVII. LAND DEVELOPMENT APPROVALS REQUIRED and ARTICLE XXII. MODIFICATIONS.**

**Sec. 36-20. - Reserved.**

## **ARTICLE IV – ENFORCEMENT, PENALTIES, AND ABATEMENT**

---

### **Sec. 36-21. – Violations.**

Upon determination that a violation of any of the provisions of this Ordinance has occurred, the Director may give timely actual notice at the property where the violation has occurred, or at the address of the permit holder. The notice can be in the form of a telephone call, warning letter, notice of violation, or Stop Work Order pending the severity of the violation. This notice will specify: the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies. Forms, procedures, and fees for violations may be found in the Enforcement Response Plan.

### **Sec. 36-22. - Civil Penalties.**

Any person or entity in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than \$250.00 and no more than \$5,000 per day per violation. Each day of violation may constitute a separate violation. This penalty can be determined utilizing the Enforcement Response Plan (ERP).

### **Sec. 36-23. - Additional Legal Measures.**

- (a) The Director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement of this Ordinance and the cost of any actual damages incurred by the County.
- (b) Where the County is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and the County can identify the person(s) who caused such violation(s) to occur, the County may pass through the penalty and cost of compliance to that person(s).
- (c) The County Attorney may institute injunction, mandamus, or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

### **Sec. 36-24. - Corrective Action.**

In the event a violation of this Ordinance has not been corrected within the applicable time period for correction, the County, or its contractor, may enter upon the lot or parcel of land and correct the violation, and the costs incurred as a result of such action (including inspection, administration, labor, and equipment costs) will be collected from the financial guarantee, if in place and sufficient to cover such costs, or the County may pursue legal action against the responsible party.

### **Sec. 36-25. - Stop Work.**

A stop-work order shall be issued by the Director if, as determined by the Director, one or more of the following violations have been committed:

- 1. Any person who proceeds with any work which requires a Stormwater Plan hereunder without first submitting a plan and obtaining a permit.
- 2. Violation(s) of the conditions of the Stormwater Management and Sediment Control Plan approval.
- 3. Construction not in accordance with the intent of the approved plans.
- 4. Noncompliance with correction notice(s).
- 5. The existence of an immediate danger in a downstream area in the judgment of the County Engineer.

Where one or more of these conditions are found, a written notice of violation will be served upon the owner of the property or an authorized representative. The time in which to correct the deficiencies will be specified in the notice of violation. The notice of violation will set forth the measures necessary to achieve compliance with the plan. Corrective actions must be started immediately, or the owner will be deemed in violation of this Ordinance.

If appropriate remedial actions as outlined in the written notice are not completed within the specified time period, a stop-work order will be issued within 7 days. The stop-work order will then be in force until the development is in compliance with this Ordinance.

If a violation of this Ordinance is occurring that the Director determined in his or her judgment will cause significant damage to off-site property or structures, the Director can issue an immediate stop-work order.

Prior to lifting of the stop-work order, payment of any applicable fees or penalties will be paid. The stop-work order may allow or require correction of violations, but no other project-related activities.

**Sec. 36-26. - Permit Suspension and Revocation.**

A site grading permit may be suspended or revoked if one or more of the following violations have been committed:

- (a) Violations of the conditions of the Stormwater Plan approval.
- (b) Construction not in accordance with the letter or intent of the approved plans.
- (c) Non-compliance with correction notice(s) or stop work order(s).
- (d) The existence of an immediate danger in a downstream area in the judgment of the Director.

Work authorized by permits issued under this Ordinance must be completed within five years after date of issuance. The time limit may be extended for good cause showing that due diligence toward completion of the work has been made as evidenced by significant work progress. An extension only may be granted if the permitted project meets the policies and regulations in force when the extension is requested, or the permittee agrees to accept additional conditions which would bring the project into compliance. The time periods required by this subsection must be acted on during the pendency of an administrative or a juridical appeal of the permit issuance.

**Sec. 36-27. - Criminal Penalties.**

In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this Ordinance will be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court per the Dorchester County Code of Ordinances General Provisions.

**Sec. 36-28. - After-the-fact Permits.**

The Director does not have authority to consider an after-the-fact application unless:

- a. All fines are paid before application.
- b. The permit would legitimize an activity that is a routine permitting matter that will meet all standards under this Ordinance.
- c. Any portion of the activity or structure that is in violation of the Ordinance is corrected prior to the approval.
- d. Mitigation for any damage caused by the activity has been completed.

**Sec. 36-29. – Reserved.**

## ARTICLE V – APPEALS

---

### **Sec. 36-30. - Appeals Process.**

Any person aggrieved by a decision or Notice of Violation may appeal the same by filing a written notice of appeal with the County Administrator within 30 days of the issuance of said decision or Notice of Violation. No extensions will be granted once the 30-day period of appeal has expired. If the person to whom the decision or notice of violation is directed fails or neglects to appeal the notice of violation within 30 days of the issuance of said decision or Notice of Violation, the decision or violation becomes final. The appeal shall contain the name of the party requesting review of the decision or notice of violation, the permit number or other information sufficient to identify the decision, order, action, or inaction which is the subject of review; and the relief requested. Upon receipt of the written appeal, the County Administrator shall appoint a Stormwater Appeal Committee consisting of three individuals employed by Dorchester County, none of whom shall be employed in the department which issued the decision or Notice of Violation. This Committee shall be convened for the purpose of hearing appeals of decisions or Notices of Violation regarding the enforcement and interpretation of this Ordinance.

### **Sec. 36-31. - Appeal of Decision.**

Following the receipt of the written appeal by the County Administrator and the appointment of the Stormwater Appeal Committee, the following process shall be followed:

1. The Director, within a reasonable time, shall schedule the convening of the Stormwater Appeal Committee.
2. The appealing party will be allowed to present evidence supporting the appeal to the Committee followed by the Director presenting evidence in support of the decision or Notice of Violation to the Committee. Absent extraordinary circumstances, each presentation shall last no more than 15 minutes.
3. The Committee will make a written decision regarding the appeal and will provide written notice to both the appealing party as well as the Director of its decision.
4. Should the appealing party disagree with the decision of the Committee, an appeal may be filed within 30 days of receipt of the written decision in the Court of Common Pleas for Dorchester County.

## ARTICLE VI – CHARGES AND FEES

---

### **Sec. 36-32. – Funding.**

In addition to all other charges, fees, and penalties, the County has the right to develop and impose a Stormwater Utility Fee to fund implementation of this Ordinance and its associated programs and plans.

Stormwater Utility Fees are outlined in the latest version of Ordinance 17-02.

### **Sec. 36-33. - Inspection Fees.**

Costs associated with field inspection of land development or construction activities other than those routinely performed by the Director as part of compliance monitoring shall be assessed a fee representing the cost in labor, equipment, and materials expended in the conduct of the inspection. Such fees will be applied only to those activities covered under a previously submitted and approved Stormwater Plan.

Inspection fees are outlined on the [Dorchester County Land Disturbance and Development website](#).

### **Sec. 36-34. - Permit Review Fee.**

A non-refundable permit fee shall be collected at the time the Construction Approval Application is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspection of all projects subject to this Ordinance. A permit fee schedule shall be established by the County Council based upon the type and size of the project and may be amended from time to time.

Stormwater Plan Review Fees are outlined on the [Dorchester County Land Disturbance and Development website](#).

## APPENDIX

---

### 1. Definitions

“Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Surface Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities.

“Clean Water Act” means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. § 1251 et seq.

“County” means Dorchester County, South Carolina

“County Council” mean the elected officials of Dorchester County, South Carolina

“Development” or “Develop Land” means any of the following actions undertaken by any person, including, without limitation, any public or private individual or entity:

- (a) Division of a lot, tract, or parcels or other divisions by plat or deed with the intent of construction of a residential or commercial structure(s).
- (b) The construction, installation, or alteration of a structure, impervious surface or drainage facility.
- (c) Clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand or rock of a site.
- (d) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

“Environment” means the complex of physical, chemical, and biotic factors that act upon an ecological community and ultimately determine its form and survival.

“Land Disturbance” means the use of land by any person that results in a change in the natural vegetated cover or topography, including clearing that may contribute to or alters the quantity and/or quality of stormwater runoff.

“Larger Common Plan for Development or Sale” (LCP) is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities which may occur on a specific plot.

“Dorchester County Stormwater System” means the conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is (a) owned or operated by Dorchester County; (b) designed or used for collecting or conveying stormwater; (c) not a combined sewer system; and (d) not part of a Publicly Owned Treatment Works (POTW).

“Illicit Discharge” means any activity which results in a discharge to the Dorchester County Stormwater System or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit and (b) other allowable discharges as defined in this Ordinance.

“Land Disturbing Activity” means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff.

“MS4” means Municipal Separate Stormwater Sewer System.

“Maintenance” means any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes, set forth in this Ordinance and to prevent structural failure of such facilities.

“Major Violation” means any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment to more than one property, as a result of non-conformance with the stormwater management ordinance.

“Minor Violation” means any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment to an adjacent property or the property owner’s own facilities, as a result of non-conformance with the stormwater management ordinance.

“Natural Resources” means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the Federal, State or local government, any foreign government, any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe.

“NPDES” means National Pollutant Discharge Elimination System (See “Clean Water Act”).

“NPDES permit” means the NPDES permit for stormwater discharges issued pursuant to the Clean Water Act and the federal stormwater discharge regulations (40 CFR 122.26).

“Person” means any and all persons, natural or artificial and includes any individual, associates, firm, corporation, business trust, estate, trust, partnership, two or more persons having a joint or common interest, state or federal or an agent or employee thereof, or any other legal entity.

“Pollutant” means those man-made or naturally occurring constituents that when introduced to a specific environment creates undesirable effect. Typical pollutants found in stormwater include but are not limited to sediment (suspended and dissolved), nutrients (nitrogen and phosphorus), oxygen demanding organic matter, heavy metals (iron, lead, manganese, etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

“Property Owner” or “Owner” means the legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

“Public Works Director” or “Director” means the Dorchester County Director of Public Works or any duly authorized representatives.

“Receiving Waters” means all natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater which are located within the jurisdictional boundaries of Dorchester County. Stormwater management ponds, wetlands, ditches, and swales constructed for the sole purpose of controlling and treating stormwater are excluded.

“Regulation” means any regulation, rule or requirement prepared by the County, and adopted by the Dorchester County Council pursuant to this Ordinance.

“Stormwater” means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

“Stormwater management” means the collection, conveyance, storage, treatment and disposal of stormwater runoff in manner to meet the objectives of this Ordinance and its terms, including, but not limited to measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

“Stormwater Management Facilities” means the conveyance or system of conveyance (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is (a) designed or used for collecting or

conveying stormwater; (b) not a combined sewer system; and (c) not part of a Publicly Owned Treatment Works (POTW).

“Stormwater Management Plan” or “SWMP” means the plan to manage stormwater in terms of collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this Ordinance and its terms, including, but not limited to, measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by man-made changes to the land. This plan is approved as detailed in this document and includes the engineering calculations and construction drawings.

“Violation” means any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment to an adjacent property or the property owner’s own facilities, or to more than one property, as a result of non-conformance with the stormwater management ordinance.

“Water Quality” means those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

“Water Quantity” means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

“Working Day” means Monday through Friday, excluding all County-observed holidays.

## **2. Synopses of Referenced Regulations**

### 72-300 Standards for Stormwater Management and Sediment Reduction

These proposed regulations pursuant to the Stormwater Management and Sediment Reduction Act of 1991 establish the procedure and minimum standards for a statewide uniform program for stormwater management and sediment reduction with the option of being operated locally. The regulations establish the procedure for local governments or conservation districts to apply for program component delegation. They also establish the criteria to be met for delegation. Minimum standards and specification are established for land disturbing activities that require a permit.

### R 61-9.122 The National Pollutant Discharge Elimination System

The NPDES program requires permits for the discharge of “pollutants” from any “point source” into “waters of the State” and into “waters of the United States.”