

EFFINGHAM COUNTY

Post-Construction

Stormwater Management Ordinance



Approved by the Effingham County Board of Commissioners – January 6, 2015

1.0 General Provisions

1.1 Findings of Fact

It is hereby determined that:

- (1) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and increases flooding, channel erosion and pollutant transport and deposition in rivers and streams;
- (2) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters water levels and fluctuations and increases pollutant transport and deposition in wetlands;
- (3) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters salinity concentrations and fluctuations and increases primary productivity and pollutant transport and deposition in estuaries;
- (4) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and increases bacteria transport and deposition in near coastal waters, which leads to beach contamination and poses a serious threat to human health;
- (5) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates and volumes, and decreases the amount of rainfall that is available to recharge shallow groundwater aquifers;
- (6) The negative impacts of the land development process on local aquatic resources can adversely affect the health, safety and general welfare of the general public;
- (7) The negative impacts of the land development process can be controlled and minimized through the management of stormwater runoff rates, volumes and pollutant loads;
- (8) Communities located within Georgia's Coastal Non-point Source Management Area and Area of Special Interest are required to comply with a number of state and federal regulations that require the adverse impacts of the land development process to be controlled and minimized; and,
- (9) Therefore, Effingham County has determined that it is in the public interest to control and minimize the adverse impacts of the land development process and has established this set of local stormwater management regulations to control post-construction stormwater runoff rates, volumes and pollutant loads on development and redevelopment sites.

1.2 Purpose and Intent

The purpose of this ordinance is to protect and maintain the integrity of local aquatic resources and, consequently, the health, safety and welfare of the general public, by establishing local

stormwater management regulations that control and minimize the adverse impacts of the land development process. The ordinance seeks to achieve these goals by:

- (1) Comply with the Georgia Department of Natural Resources (DNR) and federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act. These requirements include:
 - a) Control the discharge of stormwater and contribution of pollutants to the municipal storm sewer system (MS4) by stormwater discharged from sites' impervious area;
 - b) Prohibit illicit connections and/or discharges to the MS4;
 - c) Control discharge to municipal storm sewers of spills, dumping or disposal of materials other than stormwater; and
 - d) Control, through intergovernmental agreements, contribution of pollutants from one municipal/county system to another.
- (2) Establishing decision-making processes that can be applied during the site planning and design process to help protect the integrity of local aquatic resources;
- (3) Establishing post-construction stormwater management and site planning and design criteria to help protect natural resources from the direct impacts of the land development process and preserve existing hydrologic conditions on development sites;
- (4) Establishing post-construction stormwater management and site planning and design criteria to help reduce flooding, channel erosion and pollutant transport and deposition in local aquatic resources;
- (5) Establishing design guidelines for green infrastructure and stormwater management practices that can be used to meet the post-construction stormwater management and site planning and design criteria;
- (6) Encouraging that green infrastructure practices, which include better site planning techniques, better site design techniques and low impact development practices, be used to the maximum extent practical on development sites;
- (7) Establishing provisions for the long-term inspection and maintenance of green infrastructure and stormwater management practices to ensure that they continue to function as designed and pose no threat to public safety; and,
- (8) Establishing administrative procedures for the submittal, review, approval and disapproval of stormwater management plans and for the inspection of approved development projects.

1.3 Criteria for variance.

The County Engineer, or his designee, may grant a variance from the requirements of this article when exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the article will result in unnecessary hardship and will not fulfill the intent of the article. The County Engineer, or his designee, may grant a variance from requirements of this article if the proposed development activity will not:

- (1) Increase the rate, volume, or concentration of runoff to the existing downstream storm sewer system;

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- (2) Increase the base flood elevation upstream or downstream; or
 - (3) Have a negative impact on any wetland, watercourse, or water body; or
 - (4) Contribute to degradation of water quality.

A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance. The County Engineer, or his designee, will conduct a review of the request for a variance within 10 working days of receiving the request.

1.4 Applicability and Exemptions

- (1) This ordinance shall be applied to all land disturbing activities, unless exempt pursuant to applicable provisions of this ordinance. The stormwater management regulations presented within shall be applied to any new development or redevelopment activity that meets one or more of the following criteria:
 - (a) New development that involves the creation of 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one acre or more;
 - (b) Redevelopment that involves the creation, addition or replacement of 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one acre or more;
 - (c) New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules; and,
 - (d) New development or redevelopment, regardless of size, that involves the creation or modification of a stormwater hotspot, as defined by this Ordinance.
- (2) The following activities are exempt from this ordinance:
 - (a) New development or redevelopment that involves the creation, addition or replacement of (less than 5,000 square feet) of impervious cover and that involves (less than one acre) of other land disturbing activities;
 - (b) New development or redevelopment activities on individual residential lots that are not part of a larger common plan of development and do not meet any of the applicability criteria listed above;
 - (c) Additions or modifications to existing single-family homes and duplex residential units that do not meet any of the applicability criteria listed above;
 - (d) Development projects that are undertaken exclusively for agricultural or silvicultural purposes within areas zoned for agricultural or silvicultural land use;

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- (e) Maintenance and repairs of any green infrastructure or stormwater management practices deemed necessary by the County Administrator (or his designee);
 - (f) Any part of a land development project that was approved by the Effingham County Board of Commissioners prior to the adoption of this ordinance; and,
 - (g) Redevelopment activities that involve the replacement of impervious cover when the original impervious cover was wholly or partially lost due to natural disaster or other acts of God occurring after January 6,2015.

1.5 Designation of Ordinance Administrator

The County Administrator (or his designee) is hereby appointed to administer, implement and enforce the provisions of this ordinance. Section 8.0 further elaborates on the issues of enforcement and penalties.

1.6 Compatibility with Other Regulations

This ordinance is not intended to interfere with, modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1.7 Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

2.0 Definitions

“Accidental Discharge” shall mean a discharge prohibited by this chapter into the county separate stormwater system which occurs by chance and without planning or consideration prior to occurrence.

“Agricultural Practices” shall mean practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pastureland, farm ponds; and the construction of farm buildings.

“Applicant” means a property owner or agent of a property owner who has submitted an application for a post-construction stormwater management development plan review.

“Aquatic Buffer” means an area of land located around or near a stream, wetland, or waterbody that has intrinsic value due to the ecological services it provides, including pollutant removal, erosion control and conveyance and temporary storage of flood flows.

“Aquatic Resource Protection” means measures taken to protect aquatic resources from several negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations.

“Better Site Design Techniques” means site design techniques that can be used during the site planning and design process to minimize land disturbance and the creation of new impervious and disturbed pervious cover. Better site design techniques include reducing clearing and grading limits, reducing roadway lengths and widths and reducing parking lot and building footprints.

“Better Site Planning Techniques” means site planning techniques that can be used during the site planning and design process to protect valuable aquatic and terrestrial resources from the direct impacts of the land development process. Better site planning techniques include protecting primary and secondary conservation areas.

“Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than 100 square feet of area.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“Coastal Stormwater Supplement (CSS)” means a technical design supplement to the Georgia Stormwater Management Manual (GSMM) that was developed for coastal Georgia. The CSS addresses stormwater management practices and BMPs that are specific and applicable to coastal stormwater quantity and quality issues. The CSS can be found on the Internet by using the following link: <http://www.mpcnaturalresources.org/pdf/2009-05-05/Georgia-CSS-Final-Apr-09.pdf>.

“Conservation Areas” means permanently protected areas of a site that are preserved, in perpetuity, in an undisturbed, natural state.

“Conservation Easement” means a legal agreement between a land owner and a local, state or federal government agency or land trust that permanently protects conservation areas on the owner’s land by limiting the amount and type of development that can take place within them but continues to leave the conservation areas in private ownership.

“Conveyance” shall mean stormwater facilities designed for the movement of stormwater through the drainage system, such as concrete or metal pipe, ditches, depressions, swales.

“Dedication” means the deliberate appropriation of property by its owner for general public use.

“Detention” means the temporary storage of stormwater runoff in a stormwater management practice for the purpose of controlling the peak discharge rates and providing gravitational settling of pollutants.

“Developer” means a person who undertakes a land development project.

“Development” shall mean:

The division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed;

The construction, installation, or alteration of a structure, impervious surface, or drainage facility;

Clearing, scraping, grubbing, or other activities that significantly disturb the soil, vegetation, mud, sand or rock of a site; or

Adding, removing, exposing, excavations, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

“Development Project” means a new development or redevelopment project.

“Development Site” means a parcel of land where land disturbing activities have been or will be initiated to complete a land development project.

“Discharge” shall mean the release of stormwater to the county separate stormwater system.

“Drainage” shall mean the removal of stormwater from a given area either by gravity or by pumping.

“Drainage Easement” means a legal right granted by a land owner to a grantee allowing the grantee to convey, treat or manage stormwater runoff on the private land subject to the drainage easement.

“Easement” means a legal right granted by a land owner to a grantee allowing the use of private land for conveyance, treatment and management of stormwater runoff and access to green infrastructure and stormwater practices.

“Employee” shall mean any county employee as designated by the county administrator to have authority in stormwater management, planning, maintenance, or construction.

“Exempt” shall mean the release of the obligation to comply with specific sections of this chapter.

“Erosion and Sediment Control Plan” means a plan that is designed to minimize and control the accelerated erosion and increased sediment loads that occur at a site during land disturbing activities.

“Evapotranspiration” means the loss of water to the atmosphere through both evaporation and transpiration, which is the evaporation of water from the aerial parts of plants.

“Extended Detention” means the temporary storage of stormwater runoff in a stormwater management practice for an extended period of time, typically 24 hours or greater.

“Extreme Flood Protection” means measures taken to protect downstream properties from dangerous extreme flooding events and help maintain the boundaries of the existing 100-year floodplain.

“Fee in Lieu Contribution” means a payment of money in place of meeting all or part of the stormwater management criteria required by a post-construction stormwater management ordinance.

“Flood” shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal water; or

The unusual and rapid accumulation or runoff of surface waters from any source.

“Flooding” means a volume of stormwater runoff that is too great to be confined within the banks of a stream, river or other aquatic resource or walls of a stormwater conveyance feature and that overflows onto adjacent lands.

“Green Infrastructure Practices” means the combination of three complementary, but distinct, groups of natural resource protection and stormwater management practices and techniques, including better site planning and design techniques and low impact development practices, that are used to protect valuable terrestrial and aquatic resources from the direct impacts of the land development process, maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

Georgia Stormwater Management Manual (GSMM)” means a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia. The GSMM can be found on the Internet by using the following link: <http://www.georgiastormwater.org/>.

“Hotspot” shall mean the same as Stormwater Hotspot, described elsewhere in these definitions.

“Hydrologic Soil Group (HSG)” means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

“Illicit Connection” shall mean an unauthorized or illegal connection to a county separate stormwater system which results in discharge that is not composed entirely of stormwater runoff.

“Impaired Waters” means those streams, rivers, lakes, estuaries and other water bodies that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act.

“Impervious Cover” means a surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets and roads.

“Indirect Discharge” shall mean any discharge to the county’s separate stormwater system via another conveyance system that is not owned, operated, or maintained by the city.

“Industrial Stormwater Permit” means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

“Infill Development” means land development that occurs within designated areas based on local land use, watershed and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

“Infiltration” means the process of allowing stormwater runoff to percolate into the underlying native soils.

“Infiltration Practice” means a green infrastructure or stormwater management practice designed to provide infiltration of stormwater runoff into the underlying native soils. These stormwater management practices may be above or below grade.

“Inspection and Maintenance Agreement and Plan” means a written agreement and plan providing for the long-term inspection and maintenance of all green infrastructure practices, stormwater management practices, stormwater conveyance features and stormwater drain infrastructure on a development site.

“Jurisdictional Wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Land Development” means any project undertaken to change or improve a site that involves one or more land disturbing activities.

“Land Disturbing Activity” means any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

“Land Owner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

“LDM” or “Local Design Manual” means the manual of design practices and approval process prescribed by Effingham County.

“Low Impact Development Practice” means small-scale stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system and reduce post-construction stormwater runoff rates, volumes and pollutant loads. Low impact development practices include soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

“Maintenance” shall mean any action necessary to preserve stormwater facilities in proper working condition, in order to serve the intended purposes set forth in this chapter.

“Maximum Extent Practicable (MEP)” shall mean the discharge standards and controls necessary for the reduction of pollutants discharged into the municipal separate stormwater system. These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from the municipal separate stormwater system.

“Municipal Separate Stormwater System (MS4)” shall mean a conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, city streets, catchbasins, curbs, gutters, ditches, both natural and manmade channels, storm drains, detention ponds, drainage easements, other stormwater facilities) which meets all the following criteria:

Owned or maintained by Effingham County;

Designed or used for collecting or conveying stormwater;

Not a known combined sewer, and

Not part of a publicly owned treatment works (POTW).

“National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the EPA, or by a State under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

“New Development” means a land development project undertaken on a previously undeveloped or unimproved site.

“Nonpoint Source Pollution” means pollution from any source other than from a discernible, confined and discrete conveyance, such as a wastewater treatment plant or industrial discharge. Sources of nonpoint source pollution include, but are not limited to, agricultural, silvicultural, mining and construction activities, subsurface disposal and urban stormwater runoff.

“Nonstructural Stormwater Management Practice” means any natural resource protection or stormwater management practice or technique that uses natural processes and natural systems to intercept, convey, treat and/or manage stormwater runoff. Nonstructural stormwater management practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building footprints, soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

“Off-Site Stormwater Management Practice” means a green infrastructure or stormwater management practice located outside the boundaries of a development site.

“On-Site Stormwater Management Practice” means a green infrastructure or stormwater management practice located within the boundaries of a development site.

“Overbank Flood Protection” means measures taken to protect downstream properties from damaging overbank flooding events.

“Owner” means the legal or beneficial owner of a piece of land, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm, or corporation in control of the site.

“Permanent Stormwater Management Practice” means a green infrastructure or stormwater management practice that will be operational after the land disturbing activities are complete and that is designed to become a permanent part of the site for the purposes of managing post-construction stormwater runoff.

“Permit” means the permit issued by a local development review authority to an applicant, which is required for undertaking any land development project or land disturbing activities, typically referred to as a Land Disturbance Activity (LDA) Permit.

“Person” means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision, any interstate body, or any other legal entity.

“Pollutant” shall mean any substance contributing to the contamination or alteration of stormwater’s physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor; by the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters that will or is likely to create a nuisance or have a detrimental impact on the county’s stormwater system which would preclude the legitimate use of such a system.

“Post-Development Hydrology” refers to the set of hydrologic conditions that may reasonably be expected to exist on a development site, after the completion of all land disturbing and construction activities.

“Pre-Development Hydrology” refers to the set of hydrologic conditions that exist on a development site prior to the commencement of any land disturbing activities and at the time that plans for the land development project are approved by the local development review authority.

“Private Property” shall mean property or facilities owned by individuals, corporations, and organizations other than the city, state, or federal government.

“Quality” shall mean those parameters of stormwater that relate to the physical, chemical, biological or radiological integrity of stormwater.

“Quantity” shall mean those characteristics of stormwater that relate to the rate, volume, and duration of concentration of stormwater runoff.

“Receiving Stream” or **“Receiving Aquatic Resource”** means the body of water or conveyance into which stormwater runoff is discharged.

“Recharge” means the replenishment of groundwater aquifers.

“Redevelopment” means a change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

“Regional Stormwater Management Practice” means a stormwater management practice designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may participate in providing land, financing, design services, construction services and/or maintenance services for the practice.

“Regulation” shall mean any local, state, or federal rule, ordinance, design directive or other policies adopted by the Effingham County Board of Commissioners pursuant to the requirements of this chapter.

“Responsible Party” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater inspection and maintenance agreement and plan as responsible for the long-term operation and maintenance of one or more green infrastructure or stormwater management practices.

“Sanitary Sewer System” means the complete sanitary sewer system of Effingham County which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances.

“Sediment” shall mean solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its origin.

“Site” means development site.

“Stop Work Order” means an order issued that requires that all land disturbing activity on a site be stopped.

“Stormwater” shall mean precipitation runoff, snowmelt runoff, and surface runoff.

“Stormwater Hotspot” means an area where land use or pollution generating activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater runoff. Stormwater hotspots include, but are not limited to, fueling stations (including temporary fueling stations during construction), golf courses, public works yards and marinas.

“Stormwater Management” means the interception, conveyance, treatment and management of stormwater runoff in a manner that is intended to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation and to enhance and promote the public health, safety and general welfare.

“Stormwater Management Facilities” shall mean any and all components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipe, swales, ditches, culverts, streets, detention basins, retention basins, constructed wetlands, infiltration devices, catchbasins, oil/water separators, sediment basins, natural systems, modular pavement and pump stations.

“Stormwater Management Plan” means a written document that details how stormwater runoff will be managed on a development site and that shows how the stormwater management criteria that apply to the development project have been met.

“Stormwater Management Practice” means a practice or technique, either structural or nonstructural that is used to intercept stormwater runoff and change the characteristics of that runoff. Stormwater management practices are used to control post-construction stormwater runoff rates, volumes and pollutant loads to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation.

“Stormwater Management System” means the entire suite of green infrastructure and stormwater management practices and stormwater conveyance features that are used to intercept, convey, treat and manage stormwater runoff on a development site.

“Stormwater Retrofit” means a green infrastructure or stormwater management practice designed for an existing development site that previously had no green infrastructure or stormwater management practice in place or had a practice that was not meeting local stormwater management criteria.

“Stormwater Runoff” means surface water resulting from precipitation.

“Stormwater Runoff Reduction” means providing for the interception, evapotranspiration, infiltration, or capture and reuse of stormwater runoff to help maintain pre-development site hydrology and help protect aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality.

“Subdivision” means the division of a parcel of land to create one or more new lots or development sites for the purpose, whether immediately or in the future, of sale, transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or construction of a new street or roadway or a change in the layout of an existing street or roadway.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

“Watershed Management Plan” or **“Subwatershed Management Plan”** means a document, usually developed cooperatively by government agencies and other stakeholders, to protect, restore and/or otherwise manage the water resources found within a particular watershed or subwatershed. Watershed or subwatershed management plans commonly identify threats, sources of impairment, institutional issues and technical and programmatic solutions or projects to protect and/or restore water resources.

“Water Quality Protection” means adequately treating stormwater runoff before it is discharged from a development site to help protect downstream aquatic resources from water quality degradation.

“Wetland Hydroperiod” means the pattern of fluctuating water levels within a wetland caused by the complex interaction of surface water, groundwater, topography, soils and geology within a wetland.

“Variance” shall mean the modification of the minimum stormwater management requirements for specific circumstance where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

3.0 Minimum Stormwater System Design Standards

(a) There shall be no increase in the base flood elevation within the special flood hazard area (SFHA), as delineated by the latest National Flood Insurance Program (NFIP) maps, or in any areas that are known to have flooded repetitively, or areas where a hydrologic model predicts flooding will occur in the 100-year, 24-hour event. Where hydrologic model results are conflicting, the County Engineer, or his designee shall decide which model will be used.

(b) Finished floor elevations for structures not included in the special flood hazard area shall be equal to or higher than that shown on the original subdivision plat or neighborhood grading and drainage plan or as determined by a registered civil engineer.

(c) The post development peak rate of runoff shall not exceed the predevelopment peak rate of runoff for the one, two, five, ten, twenty-five, fifty and one hundred year, 24-hour events.

(d) If drainage calculations indicate that post-development runoff will exceed predevelopment runoff, then on-site detention for the one, two, five, ten, twenty-five, fifty and one hundred year, 24-hour events is required at a discharge rate equal to the pre-developed 24-hour peak rate of

discharge for all storm events for the one, two, five, ten, twenty-five, fifty and one hundred year event.

(e) All stormwater management systems shall be designed to comply with the requirements of the latest Effingham County Local Design Manual and comply with the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

3.1 Stormwater Management Local Design Manual (LDM)

Effingham County will utilize the information presented in the latest edition of the Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management Manual (GSMM), and the Effingham County Stormwater Management Local Design Manual (LDM), to assist in the proper implementation of this ordinance. The LDM shall serve as an addendum to the CSS and the GSMM. The LDM shall endeavor to accomplish the following: (1) clarify discrepancies between the CSS and any section of the County's Post Construction Stormwater Management Ordinance and other related Development Regulations; (2) provide guidance to supplement information contained in the County's Post Construction Stormwater Management Ordinance and other related Development Regulations; (3) establish minimum stormwater management related design standards and criteria; and (4) further describe the stormwater management design preparation, submittal, review and approval requirements. The criteria within the LDM shall be considered minimum design standards and, in the event of a conflict, supersede design standards set forth in the CSS and/or the GSMM. A copy of the addendum shall be available from the Engineering Department.

In addition, Effingham County encourages the application of the practices and concepts contained in the Green Growth Guidelines to meet the goals and objectives of the Effingham County Post Construction Stormwater Management Ordinance.

Effingham County also requires the use and application of the "*Georgia-CSS-Site-Planning-Design-Worksheet*" spreadsheet tool to evaluate compliance with the CSS design guidelines.

These references and assistance tools may be updated and expanded periodically, based on additional information obtained through scientific research, performance monitoring and local experience.

4.0 Stormwater Management Design Procedures and Requirements

4.1 Development Plan Submittal Review Requirements

No owner or developer shall undertake any development activity without first meeting the requirements of this ordinance and receiving County approval for the proposed land development activity from Effingham County. Unless specifically exempted by this ordinance, any owner or developer proposing a development project shall submit to Effingham County the required information in a format specified by Effingham County. Unless otherwise exempted by this ordinance, the following items shall accompany the submittal package:

- (1) Stormwater management concept plan prepared in accordance with Section 4.2;
- (2) Stormwater management design plan prepared in accordance with Section 4.4;
- (3) Stormwater management system inspection and maintenance agreement and plan prepared in accordance with Section 4.5;

- (4) Application and development plan review fees prepared in accordance with Sections 4.6 and 4.7; and,
- (5) Performance bond (or other means of security acceptable to Effingham County) be provided in accordance with applicable requirements of the Effingham County Subdivision regulations.

The LDM provides additional details and requirements pertaining to the preparation, submittal, review and approval process associated with stormwater management design and development plans.

4.2 Stormwater Management Concept Plan

Prior to the preparation and submittal of a stormwater management design plan review and approval request, the owner or developer shall submit to Effingham County a stormwater management concept plan illustrating the layout of the proposed development project and showing, in general, how post-construction stormwater runoff will be managed on the development site.

Green infrastructure practices (i.e., better site planning techniques, better site design techniques, low impact development practices) shall be used to the maximum extent practical during the creation of a stormwater management concept plan. Green infrastructure practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building footprints, soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens. Section 7.1 of the LDM provides additional detail regarding the requirements for the Stormwater Management Concept Plan.

4.3 Consultation Meeting

All applicants are encouraged to hold a consultation meeting with Effingham County to discuss the proposed development project, the stormwater management concept plan and the approach that was used to satisfy the post-construction stormwater management and site planning and design criteria that apply to the development site.

4.4 Stormwater Management Design Plan

Subsequent to approval of the stormwater management concept plan, the owner or developer shall submit to Effingham County for review and approval, a stormwater management design plan that details how post-development stormwater runoff will be controlled or managed on the development site. The stormwater management design plan shall detail how the proposed development project will meet the post-construction stormwater management and site planning and design criteria that apply to the development site.

A copy of the stormwater management concept plan shall be included with the submittal of the stormwater management design plan. The stormwater management design plan should be consistent with the stormwater management concept plan. If any significant changes were made to the plan of development, the County Engineer, or his designee may ask for a written statement providing rationale for any of the changes that were made. Section 7.2 of the LDM provides additional detail regarding the requirements for the Stormwater Management Design Plan.

4.5 Stormwater Management System Inspection and Maintenance Agreement and Plan

Prior to the issuance of a LDA Permit for any new development or redevelopment activity that requires one, the applicant or owner of the development site, if different, must execute an inspection and maintenance agreement and plan that shall be binding on all subsequent owners of the site, unless the stormwater management system is dedicated to and accepted by Effingham County. A sample copy of the stormwater management maintenance agreement is included in the Effingham County Stormwater Management LDM. Section 7.6 of the LDM provides additional detail regarding the requirements for the Stormwater Management System Inspection and Maintenance Plan and Agreement.

4.6 Stormwater Management Design Submittal & Approval Procedure

- (1) Stormwater management design review and approval requests shall be filed with Effingham County in a format specified by the County.
- (2) Stormwater management design review and approval requests shall include the items set forth herein.
- (3) The County Engineer, or his designee shall inform the applicant whether the stormwater management design plan and the inspection and maintenance agreement and plan are approved or disapproved.
- (4) If the design package; stormwater management design plan; and/or the inspection and maintenance plan and agreement are disapproved, the County Engineer, or his designee shall notify the applicant of that fact in writing. The applicant may then revise any item not meeting the requirements of this ordinance and resubmit the package.
- (5) Upon a finding by the County Administrator (or his designee) that the stormwater management design package; stormwater management design plan; and the inspection and maintenance agreement and plan (if applicable) meet the requirements of this ordinance, the County Engineer, or his designee may approve the stormwater management design for the development or redevelopment project, provided that all other applicable legal requirements for the issuance of a LDA Permit have been met.
- (6) Notwithstanding approval of the stormwater management design, in undertaking the new development or redevelopment activity, the applicant or other responsible person shall be subject to the following requirements:
 - (a) The applicant shall comply with all applicable requirements of the approved stormwater management design plan and the provisions of this ordinance;
 - (b) The development project shall be conducted only within the area specified in the approved stormwater management design plan;
 - (c) The County Engineer, or his designee shall be allowed to conduct periodic inspections of the development project in accordance with applicable sections of this ordinance;

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- (d) No changes may be made to an approved stormwater management design plan without review and written approval by the County Engineer, or his designee; and,
 - (e) Upon completion of the development project, the applicant shall submit as built plans for the stormwater management system, as required under the applicable sections of this ordinance.

Sections 1.0 and 7.0 of the LDM provide additional detail regarding the procedures and requirements for the Stormwater Management Design Plan Submittal and Approval Process.

4.7 Application Review Fees

A non-refundable development review fee may be collected at the time the stormwater management design package is submitted to Effingham County for initial review. Any development review fees that are collected shall be used to support the administration and management of the plan review and approval process and the inspection of all development projects subject to the requirements of this ordinance. Effingham County may develop a fee schedule based on the area of land disturbed by the project and may amend the fee schedule from time to time.

4.8 Performance Bonds

Effingham County shall require, from the owner, a surety or maintenance bond, letter of credit (or other means of security acceptable to Effingham County) prior to the issuance of a LDA Permit for any new development or redevelopment activity in accordance with applicable sections of the Effingham County Subdivision Regulations and the County Erosion and Sedimentation Control Ordinance.

4.9 Compliance Through Off-Site Stormwater Management Practices

All stormwater management design plans shall include on-site green infrastructure and stormwater management practices, unless arrangements are made with the County Engineer, or his designee to manage post-construction stormwater runoff in an off-site or regional stormwater management practice. The off-site or regional stormwater management practice must be located on property legally dedicated to that purpose, be designed and sized to meet the post-construction stormwater management criteria presented in the Effingham County LDM, provide a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by on-site green infrastructure and stormwater management practices and have an associated inspection and maintenance agreement and plan. In addition, appropriate stormwater management practices shall be installed, where necessary, to protect properties and drainage channels that are located between the development site and the location of the off-site or regional stormwater management practice.

To be eligible for compliance through the use of off-site stormwater management practices, the applicant must submit a stormwater management design plan to Effingham County that shows the adequacy of the off-site or regional stormwater management practice and demonstrates, to the satisfaction of the County Engineer, or his designee, that the off-site or regional stormwater management practice will not result in the following impacts:

- (1) Increased threat of flood damage or endangerment to public health or safety;

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- (2) Deterioration of existing culverts, bridges, dams and other structures;
 - (3) Accelerated streambank or streambed erosion or siltation;
 - (4) Degradation of in-stream biological functions or habitat; and,
 - (5) Water quality impairment in violation of state water quality standards and/or violation of any other state or federal regulations.

5.0 Construction Inspection of Stormwater Management Systems

Section 5.0 of the LDM provides additional information and details regarding approved construction materials and practices regarding stormwater management controls and systems.

5.1 Notice of Construction Commencement

The applicant must notify Effingham County prior to the commencement of construction on a development site. In addition, the applicant must notify the County Engineer, or his designee in advance of the installation of critical components of the stormwater management system shown on the approved stormwater management design plan. The County Engineer, or his designee may, at his discretion, issue verbal or written authorization to proceed with the installation of critical components of the stormwater management system, such as permanent green infrastructure and stormwater management practices, based on the stabilization of contributing drainage areas and other factors.

5.2 Inspections During Construction

Periodic inspections of the green infrastructure and stormwater management practices shown on the approved stormwater management design plan shall be conducted by staff or representatives of the County Engineer, or his designee during construction. Construction inspections shall utilize the approved stormwater management design plan for establishing compliance with the provisions of this ordinance. All inspections shall be documented in written reports that contain the following information:

- (1) The date and location of the inspection;
- (2) The name of the inspector;
- (3) Whether construction is in compliance with the approved stormwater management design plan;
- (4) Violations of the approved stormwater management design plan; and,
- (5) Any other variations from the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing about the nature of the violation and the remedial measures that are required to bring the action or inaction into compliance with the approved stormwater management design plan. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in this ordinance may be taken against the applicant.

5.3 Final Inspection and As Built Plans

Subsequent to the final installation and stabilization of all green infrastructure and stormwater management practices shown on the approved stormwater management design plan, and before the issuance of a certificate of occupancy, the applicant is responsible for submitting as built plans for all green infrastructure and stormwater management practices shown on the approved stormwater management design plan. The as built plans must show the final design specifications for all green infrastructure and stormwater management practices and must be certified by a licensed design professional such as a landscape architect, professional surveyor or professional engineer. A final inspection shall be conducted by the County Administrator (or his designee) to confirm the accuracy of the as built plans.

6.0 Ongoing Inspection and Maintenance of Stormwater Management Systems

A sample copy of the stormwater management maintenance agreement is included in the Effingham County Stormwater Management LDM. Section 7.6 of the LDM provides additional detail regarding the requirements for the Stormwater Management System Inspection and Maintenance Plan and Agreement. The maintenance responsibility imposed by this Section shall apply to any new stormwater management systems constructed after the effective date of this Ordinance.

6.1 Maintenance Responsibility

The responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan, shall maintain in good condition and promptly repair and restore all green infrastructure and stormwater management practices, maintenance access routes and appurtenances, including, but not limited to surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control practices and other devices. Such repairs and restoration and maintenance activities shall be performed in accordance with an approved inspection and maintenance agreement and plan.

If the responsible party named in the recorded inspection and maintenance agreement and plan is a homeowner's association or other owner's association, such as a unit owner's association, the responsible party shall submit to the County Administrator (or his designee) a copy of a recorded declaration that provides:

- (1) That green infrastructure and stormwater management practices are part of the common elements of the development site and shall be subject to the requirements of the stormwater management system inspection and maintenance agreement and plan;
- (2) That membership in the association shall be mandatory and automatic for all homeowners or unit owners of the development site and their successors;
- (3) That the association shall have lien authority to ensure the collection of dues from all members;
- (4) That the requirements of the inspection and maintenance agreement and plan shall receive the highest priority for expenditures by the association except for any other expenditures that are required by law to have a higher priority;
- (5)

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- (6) ,
- (7) That, to the extent permitted by law, the association shall not enter into voluntary dissolution unless responsibility for the green infrastructure and stormwater management practices is transferred to an appropriate successor.

6.2 Maintenance Inspections

Inspections of the green infrastructure and stormwater management practices shown on an approved stormwater management design plan, and subject to the terms and conditions of an approved inspection and maintenance agreement and plan, may be conducted by staff or representatives of Effingham County to document repair and maintenance needs and ensure compliance with the requirements of the approved inspection and maintenance agreement and plan and provisions of this ordinance. Any inspections shall be documented in written reports that contain the following information:

- (1) The date and location of the inspection;
- (2) The name of the inspector;
- (3) The condition of:
 - (a) Vegetation and filter media;
 - (b) Fences and other safety devices;
 - (c) Spillways, valves and other hydraulic control structures;
 - (d) Embankments, slopes and safety benches;
 - (e) Reservoirs and permanent pools;
 - (f) Inlet and outlet channels and structures;
 - (g) Underground drainage structures;
 - (h) Sediment and debris accumulation in storage and forebay areas; and,
 - (i) Any other item that could affect the proper function of the stormwater management system; and,
- (4) A description of any repair, restoration and maintenance needs.

Please refer to applicable sections of the GSMM and the CSS to obtain tools for utilization when performing maintenance inspections.

If any repair, restoration or maintenance needs are found, the responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan shall be notified in writing about the repair, restoration or maintenance needs and the remedial measures that are required to bring the stormwater management system into compliance with

the approved stormwater management system inspection and maintenance agreement and plan. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in this ordinance may be taken against the responsible party named in the approved stormwater management system inspection and maintenance agreement and plan.

6.3 Records of Maintenance Activities

The responsible party shall make and maintain records of all inspections, maintenance and repairs, and shall retain the records for a minimum of five years. These records shall be made available to Effingham County during inspections and at other reasonable times upon request of Effingham County.

6.4 Failure to Maintain

If the responsible party fails or refuses to meet the terms and conditions of an approved stormwater management system inspection and maintenance agreement and plan and/or the requirements of this ordinance, Effingham County, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours notice shall be sufficient), may correct a violation by performing the work necessary to place the green infrastructure or stormwater management practice in proper working condition. Effingham County may assess the responsible party for the cost of the repair work, which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

7.0 Illicit Discharge Prohibition

7.1 General Provisions

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Effingham County through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable. The objectives of this article are:

- a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- b. To prohibit illicit connections and discharges to the MS4;
- c. To prohibit illicit connections and discharges to Waters of the United States; and
- d. To establish legal authority to carry out all inspection; surveillance and monitoring; and enforcement procedures as necessary to ensure compliance with this article.

7.2. Applicability

This article shall apply to all non-stormwater discharges entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by Effingham County under Section 7.3 of this Article.

7.3 Discharge Prohibitions

No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a. The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- b. Discharges specified in writing by the County Engineer, or his designee as being necessary to protect public health and safety.
- c. Dye testing is an allowable discharge, but requires a verbal notification to the County Engineer, or his designee 24 hours prior to the time of the test followed by written notice within 10 days.
- d. Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the US Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that approval has been granted for any discharge to the storm drain system. Proof of compliance with said permit may be required in a form acceptable to the County Engineer, or his designee prior to the allowing of discharges to the MS4.
- e. Any stormwater discharge regulated under an NPDES stormwater discharge permit for industrial activities provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be required in a form acceptable to the County Engineer, or his designee prior to the allowing of discharges to the MS4.
- f. Any stormwater discharge regulated under an NPDES stormwater discharge permit for construction activities or other local land disturbance permit provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be required in a form acceptable to the County Engineer, or his designee prior to the allowing of discharges to the MS4.

7.4 Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the MS4 or watercourses is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

7.5 Suspension of MS4 Access

The County Engineer, or his designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the County Engineer, or his designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United

States, or to minimize danger to persons. Any person discharging to the MS4 or watercourses in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The County Engineer, or his designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the County or its Agent for a reconsideration and hearing.

A person commits a violation of this Article if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior written approval of the County Engineer, or his designee.

7.6 Monitoring of Discharges

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

- a. The County Engineer, or his designee shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the County Engineer, or his designee.
- b. Facility operators shall allow the County Engineer, or his designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- c. The County Engineer, or his designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the County Engineer, or his designee to conduct monitoring and/or sampling of the facility's stormwater discharge.
- d. The County Engineer, or his designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the County Engineer, or his designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f. Unreasonable delays in allowing the County Engineer, or his designee access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits a violation if the person denies the County Engineer, or his designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.
- g. If the County Engineer, or his designee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then Effingham County may seek issuance of a search warrant from any court of competent jurisdiction.

7.7 Requirement to Prevent, Control & Reduce Stormwater Pollutants

Effingham County may adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the MS4 or watercourses, or waters of the U.S.

7.7.1 Pollution Prevention in New Facilities

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and non-structural BMPs.

7.7.2 Pollution Prevention in Existing Facilities

Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4 or watercourses.

7.7.3 Discharge Permits from Regulatory Agencies other than Effingham County

Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. BMPs designated for compliance with the NPDES permit or BMPs implemented as a result of action taken in compliance of this Article shall be included in a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

7.8 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

7.9 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4 or watercourses, or waters of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the County Engineer, or his designee in person, by phone, facsimile or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County Engineer, or his designee within three business days of the phone notice. The notification of the discharge of materials to the County Engineer, or his designee shall be in addition to notification of other applicable County, Regional, State and Federal authorities. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

7.10 Enforcement

Whenever the County Engineer, or his designee finds that a person has violated a prohibition or failed to meet a requirement of this article, the County Engineer, or his designee may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

8.0 Violations, Enforcement and Penalties

Any action or inaction that violates the provisions of this ordinance or the requirements of an approved stormwater management design plan; land development related permit; or inspection and maintenance agreement and plan, may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time may be deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

8.1 Notice of Violation

If Effingham County determines that an owner, applicant or other responsible person has failed to comply with the provisions of this ordinance, or the terms and conditions of an approved stormwater management design plan; land development related permit; or inspection and maintenance agreement and plan, it shall issue a written notice of violation to said owner, applicant or other responsible person. Where a person is engaged in a new development or redevelopment activity covered by this ordinance without having first secured approval of the stormwater management design, the notice of violation shall be served on the owner or the person in charge of the new development or redevelopment activity being conducted on the development site.

The notice of violation shall contain the following information:

- (1) The name and address of the owner, applicant or other responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the provisions of this ordinance, or the terms and conditions of the

approved stormwater management design plan; land development related permit; or inspection and maintenance agreement and plan, and the date for the completion of such remedial measures;

- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is issued; and,
- (6) A statement that the determination of violation may be appealed to Effingham County by filing a written notice of appeal within ten (10) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or safety, a written notice of appeal must be filed within 24 hours after the notice of violation).

8.2 Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the County Engineer, or his designee to the Board of Commissioners. The notice of appeal must be received within 10 days from the date of the Notice of Violation, or within 24 hours if the violation constitutes an immediate danger to public health or safety. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the reviewing authority or their designee shall be final.

8.3 Penalties

In the event that the remedial measures described in the notice of violation have not been completed by the date set forth for completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was issued.

Before taking any of the following actions or imposing any of the following penalties, Effingham County shall first notify the owner, applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours' notice shall be sufficient) to correct the violation. In the event the owner, applicant or other responsible person fails to correct the violation by the date set forth in said notice, Effingham County may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) **Stop Work Order:** Effingham County may issue a stop work order that shall be served on the owner, applicant or other responsible person. The stop work order shall remain in effect until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may temporarily be withdrawn or modified by Effingham County to enable the applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.
- (2) **Withhold Certificate of Occupancy:** Effingham County may refuse to issue a certificate of occupancy for the building or other structure constructed or being constructed on the development site until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein.

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- (3) **Suspension, Revocation, or Modification of LDA Permit:** Effingham County may suspend, revoke or modify the LDA Permit authorizing the development project. A suspended, revoked or modified LDA Permit may be reinstated after the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The LDA Permit may be modified by Effingham County to enable the owner, applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.
- (4) **Civil Penalties:** In the event the owner, applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to correct the violation or violations described therein, by the date set forth in the notice of violation, Effingham County may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains un-remedied after the date set forth in the notice of violation.
- (5) **Criminal Penalties:** For intentional and flagrant violations of this ordinance, Effingham County may issue a citation to the owner, applicant or other responsible person, requiring said person to appear in Magistrate Court to answer to criminal charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000, imprisonment for up to 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

8.4 Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the reviewing authority upholding the decision of the County Engineer, or his designee, then representatives of the County Engineer, or his designee may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the County Engineer, or his designee or designated contractor to enter upon the premises for the purposes set forth above.

8.5 Cost of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the reviewing authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

8.6 Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the County Engineer, or his designee may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

8.7 Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, Effingham County may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

8.8 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance that is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

8.9 Remedies Not Exclusive

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

9.0 Enforcement.

Enforcement of this chapter is final unless the person submits a written request for a hearing within ten days of the notice of violation being served.

10.0 Appeals.

(1) Any person aggrieved by a decision of the County Engineer, or his designee, (including any decision with reference to the granting or denial for a variance from the terms of this article,) may appeal same by filing a written notice of appeal with the County Administrator within five days of the issuance of said decision by the County Engineer, or his designee. A notice of appeal shall state specific reasons.

(2) The County Administrator shall prepare and send to the Board of Commissioners and appellant a written response to said notice of appeal within ten days of receipt of the notice of appeal.

(3) All appeals shall be heard by the Board of Commissioners. The hearing shall be held within 30 days after receipt of notice of appeal or a date mutually agreed upon in writing by the appellant and the County Administrator. The Board of Commissioners shall then make its findings within ten days of the appeal hearing.

11.0 Emergency conditions.

If a condition presents an immediate danger to the public health, safety, or general welfare because of unsafe conditions or improper maintenance, the County Engineer, or his designee shall have the right, should the owner not take immediate action, to make necessary corrections to protect the public and to make the facility safe at the expense of the responsible person. Expenses, if charged, shall be those direct costs incurred and those expenses documented in general accordance with Chapter 7 of FEMA document P-323, Public assistance applicant handbook of latest revision