

FACT SHEET
GENERAL PERMIT NO. S-ISWA-1611-1
FOR STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY

DATE: July 22, 2016

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PROPOSED ACTION:

The Kansas Department of Health and Environment (KDHE) has prepared a combined Kansas Water Pollution Control (KWPC) and National Pollutant Discharge Elimination System (NPDES) general permit for stormwater runoff from industrial activity. The proposed action consists of the issuance of a KWPC and NPDES Stormwater Runoff from Industrial Activity general permit to replace the current general permit which remains effective through October 31, 2016 or is administratively extended until such time as a successor general permit is issued.

RECEIVING STREAM:

All surface waters of the State of Kansas where the stormwater discharge point is located in the State of Kansas but is not on Indian Lands.

AUTHORIZED ACTIVITY DESCRIPTION:

This general permit covers discharges of stormwater runoff from industrial activity. Stormwater runoff from industrial activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term does not include discharges from facilities or activities excluded or exempted from the Kansas Water Pollution Control program requirements.

The categories of industrial activity subject to coverage under the KDHE Industrial Stormwater General Permit includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials; and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. Material handling activities include storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product, by-product or waste product.

Industrial activity excludes areas located on the plant site that are separate from the plant's industrial activities. Areas such as office buildings and accompanying parking lots are excluded as long as the drainage from the excluded area is not mixed with stormwater drainage from areas with industrial activities subject to permit coverage.

Industrial facilities (including industrial facilities which are Federally, State or municipally owned or operated and meet the description of the facilities listed in 40 CFR 122.26(b)(14) paragraphs (i)-(ix) and (xi) of this definition) include those facilities designated under 40 CFR 122.26(a)(1)(v).

The following categories of facilities are considered to be engaging in industrial activity for the purpose of this general permit:

Category (i) - Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N, except facilities with toxic pollutant effluent standards which are exempted under category (xi) described below.

Category (ii) - Facilities classified as Standard Industrial Classifications (SICs) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373.

Category (iii) - Facilities classified as SIC codes 10-14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).

A facility with an existing or new discharge composed entirely of stormwater from oil or gas exploration, production, processing, or treatment operations or transmission facility is not required to submit a request for authorization under this general permit unless the facility:

(A) Has a discharge of stormwater composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying collection runoff and which are contaminated by contact with, or come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products on the site of such operations; or

(B) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or

(C) Causes or contributes to a violation of a water quality standard.

Category (iv) - Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA.

Category (v) - Landfills, land application sites, and open dumps that receive or have received any industrial waste [waste that is received from any of the facilities described under categories (i) - (xi)] including those that are subject to regulations under Subtitle D of RCRA.

Category (vi) - Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and SIC 5093 (scrap and waste materials).

Category (vii) - Steam electric power generating facilities, including coal handling sites.

Category (viii) - Transportation facilities classified by the SIC codes 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) are associated with industrial activity, and need permit coverage.

Category (ix) - Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility,

with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

Category (x) - Construction activity is not covered under this permit. The construction operator of both large and small construction activities must apply for coverage under an individual permit or the KDHE General Stormwater Permit for Construction Activity.

Category (xi) - Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.

The common non-stormwater discharges authorized under this general NPDES permit, provided the facility has stormwater discharges subject to the requirements of this general permit and only if the permittee evaluates and implements, where practical, Best Management Practices (BMPs) to minimize pollutants in the discharges of their site specific Stormwater Pollution Prevention plan (SWP2) plan required by this general permit, include potable water sources including flushing of water hydrants and potable water lines; air conditioner and compressor condensate; foundation and footing drains if overlaying soils and nearby groundwater are uncontaminated and other sources of uncontaminated dewatering discharges; rinsing of buildings and streets or pavement where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) with potable water that does not use solvents, cleansers, detergents, or other additives; uncontaminated irrigation water used to establish or maintain vegetation; incidental cooling tower mist, provided minimization of toxicity of water treatment chemicals is implemented as a Best Management Practice (BMP); stormwater discharges commingled with discharges authorized by an NPDES permit or exempt from having an NPDES permit, provided the operator complies with the permitting, monitoring and pollution prevention requirements of the discharge; and potable waters used without solvents, cleansers, detergents, or other additives as a BMP for external vehicle washing or for dust control.

New discharges or existing unpermitted discharges, in regard to antidegradation, are eligible for authorization under this general permit to discharge to a Tier 1, 2, or 2½ Water only if the discharge has appropriate controls that are not expected to significantly lower the water quality of the applicable water. In the absence of information demonstrating otherwise, KDHE expects that development of an appropriate Stormwater Pollution Prevention (SWP2) Plan and compliance with the stormwater control requirements of this permit will result in discharges that will not lower the water quality of the receiving stream.

UNAUTHORIZED ACTIVITY DESCRIPTION:

This general permit does not authorize any other discharge of sewage, pollutants or wastewater to waters of the State, including such sewage, pollutants or wastewater as: stormwater runoff associated with construction activities; hazardous substances or oil from an on-site spill or improper handling and disposal practices; wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks; wastewater generated from wet air pollution control equipment for asphalt plants, or the containment of scrubber water in lined ponds.

This general permit also does not authorize stormwater discharges subject to an existing individual permit or general NPDES permit which is in effect for any other permitted point source discharge at the site; stormwater discharges associated with industrial activity from inactive facilities located on Federal lands where a facility operator cannot be identified; stormwater discharges which are subject to effluent guidelines, except discharges expressly identified as permissible in this permit; stormwater discharges which cause a violation of the Kansas Surface Water Quality Standards; stormwater discharges which adversely affect a threatened or endangered species as listed in K.A.R. 115-15-1 et seq.; process, domestic, or cooling wastewaters subject to an existing effluent guideline or required to obtain an NPDES permit for process wastewater discharge; discharges from exposed storage piles of salt used for deicing or other commercial or industrial purposes [storage piles of salt and salt/sand mixtures must be enclosed or covered except when adding or removing materials from the pile], and stormwater discharges into a combined sewer collection system.

This general permit does not relieve the permit holder of the obligation to obtain other approvals, permits, licenses, or documents of sanction that may be required by other federal, state, or local government agencies.

This permit does not authorize new discharges to an “impaired water” (as defined in Appendix 1) unless the applicant can:

- a. Prevent or minimize exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent onsite exposure with the SWP2 Plan; or
- b. Document that the pollutant(s) for which the waterbody is impaired is not associated with the industrial activities present at the site/facility, and retain documentation of this finding with the industrial SWP2 Plan; or
- c. In advance of submitting your NOI, provide to KDHE data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with the industrial SWP2 Plan. The applicant must provide data and other technical information to KDHE sufficient to demonstrate:

For discharges to waters without a KDHE established Total Maximum Daily Load (TMDL), that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or

For discharges to waters with a KDHE established TMDL, that there are sufficient remaining wasteload allocations in a KDHE established TMDL or the TMDL addresses the type of discharge being proposed.

The discharge is eligible for coverage under this general permit if KDHE provides an affirmative determination that the discharge will not contribute to the existing impairment, in which case the determination must be maintained as the industrial site/facility with the SWP2 Plan. KDHE will provide notification that additional limits or controls that are necessary for the discharge to comply with water quality standards or that are necessary to be consistent with wasteload allocations for an established TMDL, or if coverage under an individual NPDES permit is necessary.

This general permit does not authorize new discharges to waters designated as Tier 3 Waters i.e., Outstanding National Resource Waters (ONRWs) for antidegradation purposes. For new dischargers that discharge or propose to discharge to a Tier 3 Water, you are not eligible for coverage under this general permit. (See definition of “Tier 3 Water” in Appendix 1 of the general permit.) As of the date of this general permit, Tier 3 Waters (ONRWs) consist of the: Quivira Big Salt Marsh in Stafford County, Quivira Little Salt Marsh in Stafford County, Cheyenne Bottoms in Barton County, Flint Hills National Wildlife Refuge in Coffey County, Kirwin Lake in Phillips County, Kirwin National Wildlife Refuge in Phillips County, and the Cimarron National Grassland in Morton and Stevens Counties. An up-to-date listing of Tier 3 Waters (ONRWs) can be found in the Kansas Surface Water Register.

STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS AND GUIDELINES:

This general permit requires the permittee to develop and periodically review/update the Stormwater Pollution Prevention (SWP2) Plan. The permit specifies plan development, submittal, and implementation requirements, the plan purpose and basis, and the minimum contents of the SWP2 Plan.

The basis of the SWP2 Plan is to select, design, install, utilize, operate, and maintain managerial/administrative, structural, and non-structural Best Management Practices (BMPs) in accordance with the concepts and methods described in Environmental Protection Agency (EPA) document number EPA 832-R-92-006, entitled ***Storm Water Management for Industrial Activities - Developing Pollution Prevention Plans and Best Management Practices***, published in September, 1992, EPA document number EPA 833-B-09-003, entitled ***Developing Your Stormwater Pollution Prevention Plan***, and the U.S. Environmental Protection Agency's BMPs listed in the most current *NPDES Storm Water Multi-Sector General Permit for Industrial Activities*; Notice dated

September 29, 2008, and subsequent modifications, and the EPA developed individual sector fact sheets EPA 833-F-06-016 through 044. KDHE expects the SWP2 Plan to be individually tailored to the site conditions, industrial facility layout, industry activities conducted at the facility, and possible off-site stormwater drainage contributions. The design, installation, operation, utilization, and maintenance of appropriate managerial/administrative, structural, and non-structural BMPs should be adequate to eliminate and/or significantly minimize the potential for release of pollutants in the stormwater discharge from the facility. Failure of a permittee to select, design, install, utilize, operate, and maintain effective managerial/administrative, structural, and non-structural BMPs may result in either initiating appropriate enforcement action and/or revocation of coverage under the general permit and issuance of an NPDES individual permit containing provisions addressing sampling, analysis, and specific pollutant limits.

The SWP2 Plan Minimum Requirements include:

Establishing a Pollution Prevention Team;

Describing all Potential Pollutant Sources;

Administrative/Managerial, Structural and
Non-Structural BMP Measures and Controls;

Annual Comprehensive Site Compliance Evaluations;

Monitoring and Record Keeping Requirements; and

SWP2 Plan Update and Modification Requirements.

GENERAL REQUIREMENTS OF THIS PERMIT

The permittee is required to comply with the following general requirements:

Record Maintenance;

KDHE Contact Information;

Duty to comply;

Duty to provide information and site access;

Signatory requirements;

Signature delegation;

Spill and release requirements, chemical and sewage spill and release reporting and hazardous substance and oil spill reporting;

Director required replacement of this permit with a different NPDES permit; and

Transfer of ownership.

STANDARD CONDITIONS

The permittee is required to comply with the following standard conditions:

Proper operation and maintenance;

Severability;
Permit modifications and terminations;
Change in discharge;
Removed substances;
Civil, criminal and administrative penalties;
Property rights;
Duty to mitigate;
Bypasses; and
Non-Compliance Notification.

FORMS AND ADMINISTRATIVE PROCEDURES

New permittees are required to complete and submit the Notice of Intent along the first years permit fee of \$60.00 and receive a signed and dated authorization from KDHE. To minimize administration, the first page of the NOI will be used as the authorization. A copy of the general NPDES permit is available at the [KDHE Stormwater Website](http://www.kdheks.gov/stormwater) industrial stormwater link at: www.kdheks.gov/stormwater. Existing permittees will not need to submit an NOI and will be automatically covered under the new permit upon issuance unless the permittee requests coverage under another KDHE issued general permit or requests coverage under a KDHE issued NPDES individual permit. A hardcopy of the general NPDES permit will be provided upon written request.

To maintain the permit, the permittee is required to achieve and maintain compliance with the permit requirements, pay the annual \$60.00 permit fee and periodically review and update the SWP2 Plan.

Other supporting documents include an Executive Summary, Notice of Intent form and instructions, No Exposure Certification form and instructions, a Notice of Termination form, a Notice of Transfer of Ownership form, and Definitions and Acronyms.

Additional reference material is available to supplement the instructional material provided in the program documents, located at the [KDHE Stormwater Website](http://www.kdheks.gov/stormwater) at: www.kdheks.gov/stormwater .

NO EXPOSURE CERTIFICATION EXCLUSION

This general permit offers a No Exposure Certification exclusion if a facility is covered under the definition of stormwater discharge associated with industrial activity, but has taken certain steps to ensure that a condition of no exposure exists at the industrial facility, facilities can receive an authorized exclusion from permitting requirements. No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Certain defined materials and activities are not required to be enclosed for this exclusion.