KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER

KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY

GENERAL PERMIT PACKET

2016-11-01	0.0
DATE	REVISION

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367
(785) 296-4347
Email address: stormwater@kdheks.gov

EXECUTIVE SUMMARY

Purpose of this General NPDES Permit

The purpose of this general permit is to regulate discharges of stormwater runoff from certain types of industrial activity subject to National Pollutant Discharge Elimination System (NPDES) permit requirements; to protect the waters of the State; to improve surface water quality by reducing pollutants contained in stormwater discharges; and to implement both State and Federal Water Pollution Control statutes and regulations.

What is covered.

This NPDES permit is for stormwater runoff associated with industrial activity, addressing categories of facilities generally involved in materials handling, manufacturing, transportation and/or production, as opposed to businesses more closely associated with providing service or trade at the retail level. Applicability is typically determined by comparing the facility's industrial activities and primary Standard Industrial Classification (SIC) code with the federal regulatory definition under 40 CFR 122.26(b)(14).

How to get a permit.

A request for authorization to discharge stormwater and some specifically identified non-stormwater discharges under the permit is made by completing a "Notice of Intent" (NOI) form which may be downloaded from the KDHE Stormwater Website at www.kdheks.gov/stormwater or which is available upon request from the Kansas Department of Health and Environment (KDHE).

Existing facilities subject to NPDES stormwater permitting requirements should already have an Industrial Stormwater NOI on file. If an NOI is not on file with KDHE, the NOI and permit fee must be filed as soon as possible. KDHE requires a completed NOI and permit fee to allow KDHE to authorize coverage under this permit allowing discharges of stormwater from the site identified in the NOI.

For new operations, the Industrial Stormwater NOI and first annual permit fee must be sent to KDHE at least 60 days before starting the "industrial activity" subject to stormwater permitting provisions. Upon authorization of the NOI, a Kansas permit number and a Federal permit number will be assigned to the facility. A signed and dated copy of the authorized NOI will be provided to the permittee.

What the permit costs.

The permit fee is established by regulation (K.A.R. 28-16-56 et seq. as amended). The permit fee for this general permit for stormwater runoff associated with industrial activity is currently $60 per year.

What the permit requires.

The primary requirement of the general permit is for the permittee to develop and implement a site/facility specific Stormwater Pollution Prevention (SWP2) plan. The SWP2 plan must contain certain items which are specified in the general permit, and the SWP2 plan must specify the "Best Management Practices" (BMPs) (structural, non-structural, and managerial/administrative) to be employed and what controls will be implemented to minimize the contamination of stormwater runoff associated with industrial activity from the site.

The permittee is required to comply with all of the applicable requirements listed in the general permit. This summary is provided for information only and does not describe all of the applicable requirements in the general permit.

Exclusions and Permit Exemptions.

Facilities can receive an authorized exclusion from industrial stormwater runoff permitting requirements if persons requesting an exclusion can certify a condition of "no exposure". 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. Also, the facility may be subject to additional discharge conditions and/or alternate general or individual permit requirements for construction stormwater or non-stormwater discharges which may require separate or additional permit coverage. Stormwater runoff discharged to a combined sewer system is excluded from industrial stormwater permit requirements. Facilities must certify annually that the facility continues to meet the condition of "No Exposure" on KDHE's No Exposure Re-certification form.

Availability of Forms and Information.

Applicants can download copies of all information, forms, reference materials, or the general NPDES permit from the KDHE Stormwater Website at http://www.kdheks.gov/stormwater.

Copies of all information, forms, reference materials or the general NPDES permit requirements may also be obtained by writing to:

Kansas Department of Health and Environment
Bureau of Water – Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

Contact Information:
Email: Stormwater@kdheks.gov
Phone: (785) 296-4347

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

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National Pollutant Discharge Elimination System

Stormwater Runoff from Industrial Activity

GENERAL PERMIT

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Kansas Water Pollution Control General Permit and Authorization to Discharge

STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY Under the National Pollutant Discharge Elimination System

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165; the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.; the "Clean Water Act"); and the Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.); this general National Pollution Discharge Elimination System (NPDES) permit authorizes the discharge of stormwater runoff and some specifically identified non-stormwater discharges from industrial activity on the site described in the authorized Notice of Intent (NOI) in accordance with the limitations and conditions set forth in this general NPDES permit and associated stormwater pollution prevention (SWP2) plan.

Coverage is provided and discharge authorized under this permit when the Kansas Department of Health and Environment (KDHE) authorizes the NOI. A signed and dated copy of the authorized NOI will be provided to the permittee.

This general NPDES permit is effective November 1, 2016 through October 31, 2021.

_____
Secretary, Kansas Department of Health and Environment

_____
Date

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Upon request, KDHE will provide copies of State published information. EPA contact information will be provided in response to requests for Federal Publications.

Preface

Facilities with a stormwater discharge associated with industrial activity subject to the definition at 40 CFR 122.26(b)(14) or those notified by KDHE they represent a significant pollution potential must request authorization for and obtain coverage under an NPDES permit. Coverage may be obtained under this general permit, under an alternative individual or general NPDES permit, or by meeting the requirements for permit exemption or exclusion.

The purpose of this general permit is to regulate discharges of stormwater runoff from certain types of industrial activity subject to National Pollutant Discharge Elimination System (NPDES) requirements; to protect the waters of the State; to improve surface water quality by reducing pollutants contained in stormwater discharges; and to implement both State and Federal Water Pollution Control statutes and regulations.

This general NPDES permit provides KDHE's requirements for the discharge of stormwater runoff from industrial activities. "Stormwater Associated with Industrial Activity" means the discharge from any conveyance that is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.

"Storm Water Discharges Associated with Industrial Activity", defined in federal regulations 40 CFR 122.26(b)(14)(i)-(xi), determine which industrial facilities are potentially subject to stormwater regulation provisions. The definition uses either Standard Industrial Classification (SIC) codes or narrative descriptions to characterize the industrial activities.

Please note that the EPA stormwater program regulations implemented by this permit contain special conditions and exceptions which may exempt or exclude a facility from having to obtain an NPDES permit, regardless of whether the facility's activity matches one of the SIC codes or narrative descriptions. These exceptions include provisions for exclusion if a facility is covered under the definition of stormwater discharge associated with industrial activity, but has taken steps to ensure that a condition of "no exposure" exists at the industrial facility. No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to precipitation, snowmelt, surface runoff or drainage.

To qualify, the facility must meet the "no exposure" exclusion requirements and the duly authorized representative must submit a "No Exposure Certification Form" (see Section 1.3). The exclusion becomes effective when KDHE authorizes the No Exposure Certification. A No Exposure Re-certification is required annually on a KDHE No Exposure Re-certification form. If changes occur at the industrial site that disqualify the facility from this "no exposure" exclusion, the facility representative must request authorization for coverage under this general permit, an alternative general permit, or an individual NPDES permit, as a new discharge.

This permit does not cover industrial activity specified in 40 CFR 122.26(b)(14)(x), i.e., stormwater runoff from construction activity where new construction is the primary purpose of the request. A separate Kansas construction stormwater general permit, or an individual permit as appropriate, is required for this industrial activity.

Additional general permits may be available for specific industrial categories and/or may be developed in the future. Obtaining coverage under an alternative individual or general permit which addresses or includes stormwater permitting provisions will result in the automatic termination of coverage under this general permit.

The issuance of an authorization to discharge under this general NPDES permit allows the permittee to discharge stormwater from the industrial activity to surface waters of the State of Kansas in accordance with the provisions of this permit and associated SWP2 plan.

Other agencies should be contacted to determine the need for additional permits, authorizations, or requirements, if any for the diversion or discharge of stormwater, the construction and use of structural BMPs, etc. In particular, persons requesting coverage under this general permit shall contact the **municipal separate storm sewer agency (MS4)** (see endnote 1, page 16). Persons requesting coverage under this general permit may also need to contact and consult with the United States Army Corps of Engineers; Kansas Department of Agriculture, Division of Water Resources; the United States Fish and Wildlife Service; the Kansas State Historical Society; the Kansas Department of Wildlife, Parks and Tourism (KDWPT); and any other local governmental or regulatory agencies which are not listed herein that may have jurisdiction.

Part 1. WHAT THIS GENERAL NPDES PERMIT COVERS

1.1 Permit Area and Discharges Covered

This general NPDES permit authorizes both new and existing point source discharges of storm-water runoff associated with industrial activity to waters of the State of Kansas. Certain non-stormwater discharges are also included in this authorization. Discharge is authorized, provided:

> The discharge point is located in the state of Kansas and is not on Indian Lands (see endnote 2, Permit pg 16); and
>
> The industrial activity, for which authorization is sought under this general permit, is described or included in 40 CFR 122.26(b)(14) (i) through (ix) or (xi) of the definition of stormwater associated with industrial activity, or
>
> When KDHE makes a determination that the stormwater discharge has the potential for being a significant contributor of pollutants.
>
> If you are a new discharger or an existing unpermitted discharger, in regard to antidegradation, you are eligible for authorization under this general permit to discharge to a Tier 1, 2, or 2½ Water only if your 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 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 water.

Stormwater Associated with Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. "Storm Water Discharges Associated with Industrial Activity", defined in federal regulations 40 CFR 122.26(b)(14)(i)-(xi), determines which industrial facilities are potentially subject to the stormwater program requirements. The definition uses either Standard Industrial Classification (SIC) codes or narrative descriptions to characterize the activities. The definition's 11 categories [(i) - (xi)] are listed below. Please note that the EPA stormwater regulations contain special conditions and exceptions which may make a facility **not** subject to the program, and therefore not required to request coverage under this general permit, even though the facility's activity matches one of the SIC codes. In the case of construction activities, a separate permitting program has been established.

Category (i) - Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N.

Some facilities in these below listed subcategories (Parts) do not have applicable limits or standards. See 40 CFR Subchapter N for an up-to-date listing of categories and to verify applicability. See Appendix 1, Definitions and Acronyms, for additional coverage clarification.

A listing of the Subchapter N categories is provided below:

40 CFR Subchapter N

Part 405 Dairy products processing
Part 406 Grain mills
Part 407 Canned & preserved fruits & vegetable processing
Part 408 Canned & preserved seafood processing
Part 409 Sugar Processing
Part 410 Textile mills
Part 411 Cement manufacturing
Part 412 Concentrated Animal Feeding Operations (CAFOs)
Part 413 Electroplating
Part 414 Organic Chemicals plastics and synthetic fibers
Part 415 Inorganic chemical manufacturing
Part 417 Soap and detergent manufacturing
Part 418 Fertilizer manufacturing
Part 419 Petroleum refining
Part 420 Iron and steel manufacturing
Part 421 Nonferrous metal manufacturing
Part 422 Phosphate manufacturing
Part 423 Steam electric power generating
Part 424 Ferroalloy manufacturing
Part 425 Leather tanning and finishing
Part 426 Glass manufacturing
Part 427 Asbestos manufacturing
Part 428 Rubber manufacturing
Part 429 Timber products processing
Part 430 Pulp, paper, and paperboard
Part 432 Meat and poultry products
Part 433 Metal finishing
Part 434 Coal mining
Part 435 Oil and gas extraction
Part 436 Mineral mining & processing
Part 437 Centralized waste treatment
Part 438 Metal products and machinery

Part 439 Pharmaceutical manufacturing
Part 440 Ore mining & dressing
Part 442 Transportation equipment cleaning
Part 443 Paving and roofing materials
Part 444 Waste combustors
Part 445 Landfills
Part 446 Paint formulating
Part 447 Ink formulating
Part 449 Airport Deicing
Part 450 Construction and development
Part 451 Concentrated aquatic animal production
Part 454 Gum and wood chemicals manufacturing
Part 455 Pesticide Chemicals
Part 457 Explosives manufacturing
Part 458 Carbon Black manufacturing
Part 459 Photographic
Part 460 Hospital
Part 461 Battery manufacturing
Part 463 Plastics molding and forming
Part 464 Metal molding and casting
Part 465 Coil coating
Part 466 Porcelain enameling
Part 467 Aluminum forming
Part 468 Copper forming
Part 469 Electrical & electronic component
Part 471 Nonferrous metal forming & metal. powders.

Category (ii) - Facilities classified by the following SIC codes:
SIC Code 24 lumber and wood products (except 2434 wood kitchen cabinets, see (xi))
SIC Code 26 paper & allied products (except 265 paperboard containers, 267 converted paper, see (xi))
SIC Code 28 chemicals & allied products (except 283 drugs, see (xi))
SIC Code 29 petroleum & coal products
SIC Code 311 leather tanning & finishing
SIC Code 32 stone, clay & glass production (except SIC Code 323 products of purchased glass, see (xi))
SIC Code 33 primary metal industry
SIC Code 3441 fabricated structural metal
SIC Code 373 ship and boat building and repair.

Category (iii) Mineral Industry
Facilities classified as SIC codes 10-14 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).

SIC Code 10 metal mining (metallic mineral/ores)
SIC Code 12 coal mining
SIC Code 13 oil and gas extraction
SIC Code 14 non-metallic minerals except fuels

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:

> 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
>
> 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
>
> Causes or contributes to a violation of a water quality standard.

Category (iv) Hazardous Waste
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
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) Recycling/Reclamation
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 Plants
Steam electric power generating facilities, including coal handling sites.

Category (viii) Transportation
Transportation facilities classified by the SIC codes listed below 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.

SIC Code 40 railroad transportation
SIC Code 41 local and interurban passenger transit
SIC Code 42 trucking & warehousing (except 4221-25, see Category xi)
SIC Code 43 US postal service
SIC Code 44 water transportation
SIC Code 45 transportation by air
SIC Code 5171 petroleum bulk stations and terminals.

Category (ix) Treatment Works
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 an average 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
Construction activity is not covered under this permit. The construction "operator" of both large and small construction activities must request coverage under an individual permit or the General Stormwater Permit for Construction Activity requirements.

Category (xi) Light industry
Facilities classified by the following SIC codes:

SIC Code 20 food and kindred product
SIC Code 21 tobacco products
SIC Code 22 textile mill products
SIC Code 23 apparel and other textile product
SIC Code 2434 wood kitchen cabinets
SIC Code 25 furniture and fixtures
SIC Code 265 paperboard containers and boxes
SIC Code 267 miscellaneous converted paper products
SIC Code 27 printing and publishing
SIC Code 283 drugs
SIC Code 285 paints and allied products
SIC Code 30 rubber and miscellaneous plastic
SIC Code 31 leather and products (except 311)
SIC Code 323 products of purchased glass
SIC Code 34 fabricated metal products (except 3441)
SIC Code 35 industrial machinery and equipment
SIC Code 36 electronic and other electric equipment
SIC Code 37 transportation equipment (except 373)
SIC Code 38 instruments and related products
SIC Code 39 miscellaneous manufacturing
SIC Code 4221 farm product storage
SIC Code 4222 refrigerated storage
SIC Code 4225 general warehouse and storage.

1.2 Common Non-stormwater Discharges Authorized Under this General NPDES Permit

The following common non-stormwater discharges are authorized by this general 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 these discharges in the facility site specific Stormwater Pollution Prevention (SWP2) plan required by Part 2 of this general permit:

a. Potable water sources including flushing of water hydrants and potable water lines;
b. Air conditioner and compressor condensate;
c. Foundation and footing drains if overlaying soils and nearby groundwater are uncontaminated and other sources of uncontaminated dewatering discharges;

d. 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;

e. Uncontaminated irrigation water used to establish or maintain vegetation;

f. Incidental cooling tower mist, provided minimization of toxicity of water treatment chemicals is implemented as a Best Management Practice (BMP);

g. Stormwater discharges commingled with other 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

h. Potable waters used without solvents, cleansers, detergents, or other additives as a BMP for external vehicle washing or for dust control.

1.3 No Exposure Certification

If a facility is covered under the definition of stormwater discharge associated with industrial activity, but has taken steps to ensure that a condition of "no exposure" exists at the industrial facility, National Pollution Discharge Elimination System (NPDES) permit coverage is not required. While NPDES permit coverage may not be required, the facility must still secure a "No Exposure Certification" authorization and provide KDHE with annual recertification on a Kansas Department of Health and Environment No Exposure Re-certification form. No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to precipitation, snowmelt, surface runoff or drainage (see Appendix 2, NOEC instructions for a discussion of materials and activities not required to be protected for this exclusion). To qualify, the facility must submit a "No Exposure Certification Form" (Appendix 2, NOEC). The exclusion becomes effective when KDHE issues a written authorization of the No Exposure Certification.

1.4 Discharges Not Covered by this Permit

This general permit does not authorize any other wastewater treatment system or the discharge of sewage, pollutants or wastewater to waters of the State, including such sewage, pollutants or wastewater as:

a. Stormwater runoff associated with construction activities;

b. Hazardous substances or oil from an on-site spill or improper handling and disposal practices;

c. Stormwater discharges subject to an existing Kansas individual permit or general NPDES permit that is in effect for any other permitted point source discharge at the site;

d. Stormwater discharges associated with industrial activity from inactive facilities located on Federal lands where a facility operator cannot be identified;

e. Stormwater discharges that are subject to effluent guidelines, except discharges expressly identified and authorized in this permit;

f. Stormwater discharges which cause or contribute to a violation of the Kansas Surface Water Quality Standards;

g. Stormwater discharges that adversely affect a threatened or endangered species as listed in K.A.R. 115-15-1 et seq.;

h. Process, domestic, or cooling waste-waters subject to an existing effluent guideline or required to obtain an NPDES permit for the wastewater discharge; and

i. Discharges from exposed storage piles of salt used for deicing or other commercial or industrial purposes [storage piles of salt/sand mixtures must be enclosed or covered except when adding or removing materials from the pile].

j. Stormwater discharges into a combined sewer collection system.

This general NPDES 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 general permit does not authorize the placement of fill materials in flood plains, the obstruction of stream flow, directing stormwater runoff across private property, increasing stormwater runoff flow, changing the channel of a defined drainage course, etc. This general permit is intended to address only the quality of

the stormwater runoff and to minimize off-site migration of sediments and contaminants.

The issuance of an authorization to discharge under this general NPDES permit allows a facility owner or operator, after implementation of the facility stormwater pollution prevention plan, to commence industrial activities that will produce or potentially produce a discharge of stormwater into waters of the State of Kansas.

Other agencies should be contacted to determine the need for additional permits, authorizations, or requirements, if any. In particular the persons requesting coverage under this general permit shall contact the local **municipal separate storm sewer system agency (MS4)**. Other agencies the person requesting coverage under this general permit may also need to contact and consult with include the United States Army Corps of Engineers; Kansas Department of Agriculture, Division of Water Resources; the United States Fish and Wildlife Service; and any other local governmental or regulatory agencies which are not listed herein that may have jurisdiction.

Authorization to Discharge under this general permit does not constitute approval of a project under the provisions of the Environmental Coordination Act, K.S.A. 82a-326.

This general permit does not authorize discharges of stormwater runoff associated with industrial activity which may adversely affect threatened or endangered species as listed in K.A.R. 115-15-1 et seq.; or industrial activities which may affect any identified historical or archeological sites listed or eligible for listing on the National Register of Historic Places. Applicants for coverage under this general NPDES permit which have the potential to impact threatened or endangered species or historical sites can obtain information regarding regulatory requirements or special conditions which may be applicable to the activities covered by this permit from the Kansas Department of Wildlife and Parks or the Kansas State Historical Society respectively.

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 your 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:

1. For discharges to waters without a KDHE established 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

2. 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 at 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 (ONRWs) for antidegradation purposes. If you are a new discharger and 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) As of the date of this permit, Tier 3 Waters [Outstanding National Resource Waters (ONRWs)] consist of:

Quivira Big Salt Marsh in Stafford County
Quivira Little Salt Marsh in Stafford County
Cheyenne Bottoms in Barton County
Flint Hills National Wildlife Refuge Coffey Co.
Kirwin Lake in Phillips County
Kirwin National Wildlife Refuge in Phillips County

Cimarron National Grasslands in Morton and Stevens Counties

An up-to-date listing of Tier 3 Waters (ONRWs) can be found in the Kansas Surface Water Register.

1.5 Obtaining Authorization - Notice of Intent

Submission of a Notice of Intent (NOI) form (Appendix 2) for stormwater runoff from industrial activity is a *request* for authorization for coverage under this general NPDES permit. **Completion of the NOI does not provide automatic coverage under the general permit.** Coverage under the general permit begins when KDHE authorizes the NOI.

Facilities that have submitted an NOI prior to the effective date of this permit are considered to have satisfied the administrative requirements for filing for an NPDES permit for stormwater runoff associated with industrial activity. However, the submission of a permit fee and an updated NOI form are required for coverage under this permit.

Please note that EPA is not the NPDES permitting authority in Kansas. A group application previously submitted to EPA is no longer valid for Kansas facilities. Former participants in group applications are now required to submit an NOI and permit fee for coverage under this permit.

The permittee is authorized to discharge stormwater under this general permit when KDHE authorizes the NOI. A signed and dated copy of the NOI indicating the authorization of the discharge in conformance with the general permit will be provided to the permittee.

A copy of the NOI and the KDHE Authorization to Discharge for the specific facility location shall be readily available for inspection at the facility by KDHE, EPA, or MS4 representatives.

For new facilities requiring authorization to discharge stormwater runoff, the person requesting authorization under this general permit must submit an NOI at least 60 days prior to commencement of the covered Industrial Activities.
Copies of the NOI and other relevant forms, notifications, reference material and the general NPDES permit requirements are available from the KDHE Stormwater Website at:
www.kdheks.gov/stormwater (see endnote 3, page 16)

A hard copy of the NOI, the general permit, the general permit information packet, or other reference material may also be obtained by sending a written request to KDHE at:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 – 1367

Information can also be requested by e-mailing:
Stormwater@kdheks.gov

For additional information, contact KDHE at (785) 296-4347.

A complete request for authorization under the general permit must be submitted or it will not be processed. To be considered complete an NOI must provide or address all requested information, bear an original authorized signature, and must be accompanied by the annual permit fee as required by K.A.R. 28-16-56c and 28-16-56d. The current annual permit fee for this general permit is $60.00. Make the check payable to "KDHE – Water Pollution Control Permit". An invoice for the annual permit fee will be sent to the designated contact person until such time as the permittee submits and KDHE authorizes a Notice of Termination (NOT).

Updated and corrected forms may be submitted by email or fax

1.6 Additional Required Notifications

Facilities that discharge stormwater to a Municipal Separate Storm Sewer System (MS4) need to submit a copy of the authorized NOI and any supporting documentation required by the MS4 operator to obtain any permits or approvals which may be required under the local stormwater management program. A list of urbanized and non-urbanized MS4 operators which have, or which may have, a Stormwater Management Program is available on the KDHE Stormwater Website:

http://www.kdheks.gov/muni/ms4.htm

on the "municipal stormwater program" link, or is available upon request to KDHE Bureau of Water Industrial Programs Section.

Coverage under, and the requirements of this NPDES general permit are transferable but transfer is not automatic and must be authorized by KDHE. See Section 3.9 for permit transfers.

1.7 Continuing Coverage - Annual Permit Fee and Renewal Requirements

The permit holder shall pay an annual permit fee as specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE – Water Pollution Control Permit". An invoice for the annual permit fee will be sent to the designated contact person as long as stormwater discharges from the facility continue to meet the definition of stormwater discharges associated with industrial activity.

Continued coverage by this permit is required until such time as a request for a transfer of ownership or request for termination is authorized by KDHE.

An annual invoice for the annual fee will be sent to the designated contact listed in the NOI. Payment of the annual permit fee is required to maintain continued coverage under this NPDES general permit until such time as a request for a transfer of ownership or until a Notice of Termination (NOT) is accepted by KDHE or the permit is revoked/terminated.

Facilities which have received authorization under this General Permit that are placed on Inactive Status will no longer have permit coverage under this General Permit. KDHE will place previously permitted facilities on Inactive Status for failure to pay the annual permit fee if payment is not received within 3 months of the date of the invoice.

This general permit will expire October 31, 2021. Should KDHE fail to issue a new general permit with an effective date on or before the expiration date of this permit, the conditions of this NPDES general permit continue in force until the effective date of a new NPDES general permit.

A permittee who has a valid authorization to discharge stormwater runoff from industrial activity under the conditions of this NPDES general permit will continue to be covered until the effective date of a successor general permit and shall continue to comply with the conditions of this general permit until the effective date of the successor general permit. Upon the effective date of the successor NPDES general permit, the permittee shall comply with the terms and conditions of the successor general permit or obtain coverage for industrial stormwater discharges under alternative provisions of this permit.

If the permittee wishes to continue industrial activities regulated by this NPDES general permit after the expiration date of this permit, the permittee must continue to pay the annual fee, and continue to comply with the terms and conditions of this general permit until the effective date of the successor NPDES general permit.

On and after the effective date of the successor NPDES general permit, the permit holder must comply with the terms and conditions of the successor permit; and continue paying the annual permit fee; or request an individual NPDES permit. The facility will continue coverage under this general stormwater permit and comply with the provisions of this general permit until the individual NPDES permit is issued.

The permittee is not required to submit a new NOI for continuing coverage under the successor general NPDES permit unless modifications, changes or discoveries are made which may affect coverage under the successor general NPDES permit or the information in the current NOI is inaccurate, needs to be updated, or KDHE requests the submission of a new NOI.

1.8 Terminating Coverage - Notice of Termination

The permittee may submit a Notice of Termination (NOT) (Appendix 2) to terminate coverage under this general permit.

For inactive or closed facilities, the permittee must maintain coverage under this or successor permits until the elimination of all stormwater discharges associated with industrial activity are achieved, including the removal of all significant materials, site cleanup and closure has removed potential pollutants which can be subject to exposure to precipitation or stormwater runoff, or a no exposure authorization can be obtained.

For facilities authorized for coverage under this general permit and qualifying for termination of coverage under the No Exposure Certification, an NOT must be submitted in conjunction with the “No Exposure Certification Form” (Appendix 2).

Coverage under this NPDES general permit automatically terminates for facilities obtaining coverage for stormwater discharge associated with industrial activity under another general or individual NPDES permit issuance.

Part 2. Stormwater POLLUTION PREVENTION (SWP2) PLANS & Best Management Practices (BMPs)

2.1 SWP2 Plan Development, Submittal, and Implementation Requirements

The permittee shall develop a stormwater pollution prevention (SWP2) plan that is specific to the industrial activity and site characteristics occurring at the permitted location described in the NOI. The permittee shall fully implement and periodically review, and update as necessary, the provisions of their SWP2 Plan, as required under this part, as a condition of this general permit.

The permittee shall develop and implement a SWP2 Plan within 10 months of KDHE's authorization of the permittee's NOI. The permittee shall submit an SWP2 Plan Completion Certification Form (Appendix 2) to KDHE with the first annual billing statement.

The SWP2 Plan is to be retained on site and made available to KDHE, EPA, or MS4 upon request. The SWP2 Plan is to be submitted to KDHE only upon request.

2.2 SWP2 Plan Purpose and Basis

The purpose of the SWP2 Plan is to ensure the design, implementation, management, and maintenance of Best Management Practices (BMPs) in order to reduce the amount of pollutants in stormwater discharges associated with the industrial activities at the facility.

The SWP2 plan itself does not contain effluent limits but the SWP2 plan must include the specific control measures that will be used to meet the limits contained in the permit (i.e. the technology based BMP limits). Implementation of the BMPs specified in the SWP2 plan are enforceable requirements of the permit.

The SWP2 Plan shall evaluate BMPs from each of three major classes: managerial/ administrative BMPs, structural control BMPs and non-structural control BMPs.

As guidance, in developing the SWP2 Plan, the permittee shall review, evaluate, select, install, utilize, operate and maintain the BMPs in accordance with best professional judgement, generally accepted and scientifically defensible guidance and the concepts and methods as described in Environmental Protection Agency (EPA) guidance documents. These documents include EPA 833-R-92-002, **Storm Water Management for Industrial Activities** – Developing Pollution Prevention Plans and Best Management Practices Summary Guidance, published in October, 1992[1], Developing Your Stormwater Pollution Prevention Plan, EPA 833-B-09-002, 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 June 4, 2015, and subsequent modifications, and the EPA developed individual sector fact sheets EPA 833-F-06-016 through EPA 833F-06-044.

2.3 SWP2 Plan Development and Certification

Individuals that are knowledgeable in stormwater management and control and familiar with the site characteristics of the facility shall develop the SWP2 Plan and submit the stormwater pollution prevention plan certification form in Appendix 2. Due to technical and site specific requirements in developing a SWP2 Plan, KDHE highly encourages and recommends that the SWP2 Plan and any amendments be prepared by, or under the supervision of a Kansas licensed professional engineer.

If KDHE determines the SWP2 Plan to be inadequate, KDHE reserves the right to require the permittee to obtain the services of a qualified consultant to correct any deficiencies in the SWP2 Plan.

2.4 SWP2 Plan Minimum Requirements

The plan shall contain, at a minimum, the following items:

2.4.0. Facility Description – Production activities conducted at the facility.

2.4.1. Pollution Prevention Team - Specific individuals or positions shall be identified within the facility organization as members of a Stormwater Pollution Prevention Team who are responsible for developing, implementing, maintaining and revising the plan. Each member's responsibilities shall be clearly identified in the plan. The activities and responsibilities of the team shall address all aspects of the facility's stormwater pollution prevention plan.

2.4.2. Description of potential pollutant sources - pollutant sources which may

[1] The referenced guidance documents are available on-line at: https://www.epa.gov/npdes/npdes-stormwater-program and at http://nepis.epa.gov/ . Links to the referenced guidance are also available at the KDHE website: http://www.kdheks.gov/stormwater .

reasonably be expected to add significant pollutants to the stormwater discharge shall be described. The description shall include, at a minimum:

a. General Location Map.

b. Site Map(s) - a site map identifying: the scale of the map; the location of significant structures; the outlined drainage areas, direction of flow, approximate acreage of each stormwater outfall; stormwater conveyances and area inlets for each outfall; all authorized non-stormwater discharge locations; name of the first water body the discharge is directed to; the location of significant materials exposed to precipitation or runoff; storage tanks; scrap yards and general refuse areas; fuel storage and distribution areas; vehicle and equipment maintenance and storage areas; loading/unloading areas; waste treatment, storage or disposal areas; short and long term material storage areas (including but not limited to: supplies, construction materials, plant equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizers, and pesticides); landfills; construction sites; stock piles; areas where spills have occurred and residues remain; surface water bodies; existing structural control measures to reduce pollutants in stormwater runoff (such as bermed areas, grassy swales, etc.); historic sites; and T & E species habitat.

c. Inventory of Exposed Materials - a narrative description of significant materials handled, treated, stored, leaked, spilled or disposed of in a manner which would allow exposure to stormwater within the period starting three years prior to the date of this permit; existing managerial/administrative, structural and non-structural control measures to reduce pollutants in stormwater runoff; and any treatment the stormwater receives. A list of significant spills and leaks of toxic / hazardous materials in exposed areas shall be maintained and kept updated.

d. Sampling Data - a summary of existing sampling data, if available.

e. Risk Identification and Summary of Potential Pollutant Sources - A narrative description of the potential pollutant sources, their location(s) at the facility, and pollutant parameters of concern shall be identified.

2.4.3. Measures and Controls - A listing and description of stormwater management controls, managerial/administrative BMPs, structural control BMPs, and non-structural control BMPs appropriate for the facility that addresses the following minimum components, including a schedule, if necessary, for implementing such controls:

a. Good housekeeping requiring the maintenance of areas in a clean, orderly manner including handling, process, and storage areas (exposed to precipitation) for raw materials, scrap metals, general refuse, fuels, paints, etc.

b. Preventive Maintenance – Provide a schedule for inspection and maintenance of stormwater management controls, like oil water separators, catch basins etc.

c. Spill Prevention and Response Procedures - Appropriate material handling procedures, storage requirements, use of equipment such as diversion valves, and procedures for cleaning up spills should be identified. Procedures for cleaning up spills may involve other regulatory preventative release/spill response plan requirements under RCRA, SPCC, CERCLA, etc. Availability of the necessary equipment to implement a cleanup should be addressed. The following areas should be addressed:

(1) Metal fabrication and finishing areas - include measures for maintaining clean, dry, orderly conditions and use of dry cleanup techniques;

(2) Receiving, Unloading and Storage Areas and Raw Material Storage Areas - include measures to prevent spills & leaks; easy access for spill cleanup; quick and correct identification of materials; and training employees on cleanup and disposal techniques.

(3) Storage of Equipment - include procedures for proper cleanup and/or covering of equipment before storing outdoors.

(4) Storage of Metal Working Fluids - measures to identify proper controls.

(5) Cleaners and Rinse Water - Include measures to control spills, build-up and disbursement of sand from sand blasting, and use of less toxic cleaners.

(6) Lubricating Oils and Hydraulic Fluids –

include procedures for using detecting and control devices to reduce, prevent, and contain leaks and overflows.

(7) Chemical Storage Areas - include a program to inspect containers, and identify proper containment, disposal and spill controls to prevent stormwater contamination.

d. Inspections: Identification of facility personnel trained to inspect at appropriate intervals, (inspection frequency shall be stated in SWP2 Plan, but at a minimum quarterly inspections shall be performed), designated equipment and storage areas for raw material, finished product, chemicals, recycling, equipment, paint, fueling and maintenance; and loading, unloading, and waste management areas. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. The inspection report shall include completion dates for correction of all deficiencies. Records of inspections shall be maintained on-site or in a readily accessible location for at least three years after the date of the inspection.

e. Employee Training: Employee training programs to inform personnel responsible for implementing activities identified in the SWP2 Plan or otherwise responsible for stormwater management, at all levels of responsibility, of the components and goals of the SWP2 Plan. The SWP2 Plan shall provide for training existing and new staff.

f. Record keeping and Internal Reporting Procedures: A log to document a description of incidents (such as spills, or other discharges, actions taken and signature of inspector), along with other information which may impact the quality and quantity of stormwater discharges needs to be developed and maintained. Reporting procedures, inspections and maintenance activities shall be developed and included in the SWP2 Plan.

g. The SWP2 Plan must identify all unauthorized, non-stormwater (dry weather) discharges directed to surface water or groundwater. These discharges include any process water discharges not directed to a POTW sanitary sewer and any other discharges not described under Part 1.2 as meeting the definition for coverage under Part 1.2 of this permit, unless such discharges are already covered by a Water Pollution Control Permit issued by KDHE. KDHE shall be notified of all unauthorized discharge(s) immediately by telephone and in writing within 5 days.

h. Sediment and Erosion Control: Measures to minimize erosion in areas which, due to topography, non-construction related operating activities, or other factors, have a high potential for significant soil erosion. At a minimum consider structural, vegetative, and/or stabilization measures to limit erosion. Include measures to minimize erosion related to the high volume of vehicle traffic and heavy equipment operating at the facility on a daily basis such as trucks, forklifts, cranes etc.

i. Management of Runoff: Describe and locate on a site map existing and/or proposed stormwater management practices (practices other than those which control the generation or source(s) of pollutants) to treat, divert, infiltrate, reuse or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The pollutant sources at the facility identified in Item 2.4.2 with potential to contribute pollutants to stormwater discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures to implement.

2.4.4. Comprehensive Site Compliance Evaluation - A comprehensive site compliance evaluation shall be conducted and documented at least once a year. Such evaluations shall provide for:

a. Visual inspection of areas contributing to a stormwater discharge associated with industrial activity for evidence of, or the potential for, pollutants entering the stormwater drainage system. Evaluation of measures to reduce pollutant loadings to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. A visual evaluation as to the availability of equipment needed to implement the plan, such as spill response equipment and containment drums, shall be made to determine it is functioning properly and drums are not corroded.

b. A report kept on site summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to

the implementation of the stormwater pollution prevention plan, and any actions taken shall be made and retained as part of the stormwater pollution prevention plan.

c. The report shall include resolution to any non-compliance or changes in the site not identified or controlled as determined from the comprehensive site evaluation including the modification of the SWP2 Plan within 90 days or an alternative period approved by KDHE.

If the comprehensive site evaluation does not identify any non-compliance, the report shall include a statement that the facility is in compliance with the SWP2 Plan and the conditions of this permit.

2.4.5. Monitoring and Record Keeping Requirements.

a. Visual Examination of Stormwater Quality: The permittee shall periodically, (frequency shall be stated in SWP2 Plan, but at a minimum of once per year) perform and document a visual examination of a stormwater discharge associated with industrial activity from each identified stormwater outfall. Visual examination reports shall be maintained onsite and be made available for KDHE & EPA inspection upon request. Each report shall include the date and time, name of the person performing examination, nature of discharge (runoff or snow melt), visual quality of the discharge (i.e., color, odor, clarity, floating solids, suspended solids, foam, oil sheen, and other indicators of stormwater pollution) and probable sources of any observed contamination.

b. The permittee may sample and analyze stormwater runoff (e.g. to evaluate the effectiveness of the SWP2 Plan and/or Best Management Practices (BMPs)). The results, compared to EPA Multisector General Permit pollutant benchmark concentrations, can be utilized to: evaluate performance of BMPs; as a design guide (e.g. based on visual observation of water quality); or when establishing effectiveness of newly implemented BMPs. The benchmark concentrations are not effluent limitations. Therefore, a benchmark exceedance is not a permit violation. While the benchmark monitoring results are for use by the permittee and do not automatically trigger corrective action as a part of this permit, a benchmark exceedance must be followed by an evaluation on the part of the permittee of whether corrective actions are needed. The results of this evaluation must be recorded in writing and kept as part of the records related to this permit.

c. Records of all stormwater monitoring data[2], unless otherwise indicated in this permit, shall be kept on-site or in a readily accessible location.

2.4.6. SWP2 Plan Update and Modification

The SWP2 Plan shall be re-evaluated and modified in a timely manner, but in no case more than 90 days after:

a. a change in design, construction, operation or maintenance that has a significant effect on the potential for the discharge of pollutants to the waters of the State, or

b. the KDHE, EPA, or permittee's inspections (including the regular comprehensive site compliance evaluation required herein) indicate deficiencies in the SWP2 Plan or any BMP; or

c. a visual inspection of contributing areas or a visual inspection of the stormwater discharges or monitoring of the stormwater discharges indicate the plan appears to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the plan.

2.4.7. Date SWP2 Plan Completed/Modified

The SWP2 Plan shall include a statement indicating the date the plan was completed and implemented and the date(s) of subsequent modifications to the SWP2 Plan.

Part 3. General Requirements of this Permit

3.1 Record Maintenance

The permittee shall maintain all records required by this general permit for a period of three (3) years. All records shall be kept on-site or in a readily accessible location.

[2] For sampling methods and procedures please refer to NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001 and/or the EPA Industrial Stormwater Monitoring and Sampling Guide, EPA 832-B-09-003, available online at http://nepis.epa.gov/.

Records shall be readily available to KDHE or EPA during normal business hours.

Records that shall be maintained by the permittee include, but are not limited to;

- the NOI authorized by KDHE, and supporting documentation used to request authorization under this general permit;
- a copy of this general permit;
- the SWP2 Plan for the site named in the authorized NOI, and any amendments to the SWP2 Plan;
- all inspection records;
- comprehensive site compliance evaluations
- correspondence, from the Kansas Department of Wildlife Parks and Tourism (KDWPT) or the Kansas State Historical Society (KSHS) (see endnote 4, page 16);
- and the NOT.

Except for data determined to be confidential *under 33 USC Section 1318*, all reports prepared in accordance with the terms of this permit shall be made available upon request by KDHE for public inspection at the offices of the Department or to EPA. Stormwater data shall not be considered confidential.

3.2 KDHE Contact Information

Persons requesting authorization under this general permit can download copies of all notifications, forms, references, or the general NPDES permit from the KDHE Stormwater Website at: http://www.kdheks.gov/stormwater

All notifications, forms, reports, or other correspondence which must be submitted to KDHE as required by this general permit shall be sent to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

3.3 Duty to Comply.

The permittee shall comply with all conditions of this general permit. Any noncompliance with this general permit constitutes a violation of the CWA, K.S.A. 65-164 and 65-165, and/or K.A.R. 28-16-28 et seq. Noncompliance may result in enforcement action; termination of this authorization; denial of a permittee's request for continuing coverage; requirement to obtain coverage under an individual permit; or revision of the facility SWP2 Plan.
It shall not be a defense for a permittee in an enforcement action to contend that it would have been necessary to halt or reduce production activities or facility operations in order to maintain compliance with the conditions of the general NPDES permit.

3.4 Duty to Provide Information and Site Access

The permittee shall furnish to KDHE or the EPA any information that is requested to determine compliance with this general permit.

When the permittee becomes aware they failed to submit any relevant facts or submitted incorrect information to KDHE, they shall promptly submit such facts or information to KDHE at the address given in Part 3.2.

The permittee shall allow the Director or an authorized representative of KDHE or the EPA, upon the presentation of proper credentials and other documents as may be required by law, to:

- enter upon the site where a regulated industrial activity is located or conducted or where records are kept under the conditions of this general permit;
- obtain samples of any discharge to waters of the State;
- have access to and copy at reasonable times, any records which are kept under the conditions of this general permit; and
- inspect any facilities or equipment (including monitoring equipment and BMPs).

3.5 Signatory Requirements

The Notice of Intent (NOI), all SWP2 Plans and subsequent modifications, inspection reports, the Notice of Termination (NOT), and the Notice of Transfer of Ownership (NOTO) and all forms, reports, and other correspondence or information which must be submitted to as required by this general permit shall be signed by the permittee or their duly authorized representative.

3.6 Signature Delegation.

A person is a duly authorized representative only if the authorization is made in writing by the owner or operator (see definition) and submitted to KDHE. The authorization may be to a specific person or to a specified position within the permittee's organization. The authorization may be for all aspects of the project or only for a portion of the project, such as inspection reports.

If the signature delegation is no longer accurate because a different individual or organizational position has responsibility for a particular aspect or for the overall operation of the industrial site, the permittee shall send a letter designating the new authorization to KDHE.

3.7 Spill and Release Requirements

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under 33 U.S.C. Section 1321 or KSA 65-164 et seq.

In the case of discharges under conditions other than those allowed in an NPDES permit, the report shall be made by the permittee or his duly authorized representative. The report shall be made by telephone to KDHE at 785-296-1679 during regular business hours or to the Kansas Spills and All Hazards Notification Phone call routing number at 785-241-3333 during non-business hours in accordance with K.A.R. 28-48-1 et seq.

3.7.1 Chemical and Sewage Spill and Release Reporting

Any discharge or escape of sewage, substances, materials, or wastes, as set forth in K.S.A. 65-171d, which are, or threaten to contaminate or alter any of the properties of the waters of the State or pollute soil in a detrimental, harmful, or injurious manner or create a nuisance, shall immediately be reported to the Kansas Department of Health and Environment. The report shall be made by the permittee, or the owner of the spilled materials, or their respective authorized representative.

In case of a spill emergency call:

U.S. EPA National Response Center:
(24 hours a day) (800) 424-8802

Kansas Division of Emergency Management:
(KDEM) (24 hours a day) (785) 213-6216

KDHE: (24 hours a day) (785) 291- 3333
(Regular business hours) (785) 296-1679

3.7.2 Hazardous Substance and Oil Spill Reporting

The permittee or authorized representative is required to notify the U.S. EPA National Response Center in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as the discharge of any hazardous substance or oil in excess of the reportable quantity has been discovered. A reportable quantity of oil is the quantity which causes a "film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines." Reportable quantities for hazardous substances are listed in the cited CFRs.

The permittee is also required to notify the Local Emergency Planning Agency, the Kansas Division of Emergency Management (KDEM), and KDHE.

In case of a hazardous substance release or oil spill call:

U.S. EPA National Response Center:
(24 hours a day) (800) 424-8802

Kansas Division of Emergency Management:
(KDEM) (24 hours a day) (785) 213-6216

KDHE: (24 hours a day) (785) 291- 3333
(Regular business hours) (785) 296-1679

3.8 Director Required Replacement of this Permit with a Different NPDES Permit

The Director may require the permittee to request coverage and obtain an alternative individual permit or general NPDES permit if:

- the permittee is not in compliance with the conditions of this general permit;
- the discharge no longer qualifies for this general permit due to changed site conditions or regulations; or
- information becomes available which indicates water quality standards have been, or may be violated.

The permittee will be notified in writing of the need to request coverage under an alternative individual permit or general NPDES permit. The permittee shall submit appropriate request(s) for authorization under the alternate permit in

accordance with the alternative permit requirements designated by KDHE.

When an alternative individual permit or general NPDES permit is issued to the authorized permittee, the applicability of this general permit to the permittee is automatically terminated upon the effective date of the individual or different general permit, whichever the case may be.

3.9 Transfer of Ownership

Coverage under, and the requirements of this general NPDES permit are transferable but transfer is not automatic and must be authorized by KDHE. The current permittee and the new permittee shall provide a Notice of Transfer of Ownership (NOTO) form, bearing original signatures, to KDHE at the address given in Part 1.5 of this general permit.

The permittee named on the first page of the authorized NOI shall submit a Notice of Transfer of Ownership (NOTO).

Transfers should be requested at least two weeks in advance of transfer of ownership or operational control to ensure KDHE has authorized the transfer and/or provisions need to be addressed by the two parties covering continued responsibility by the original permittee until such time as KDHE formally authorizes the permit transfer.

Part 4. STANDARD CONDITIONS

In addition to the conditions specified in this general permit, the permittee shall comply with the following Standard Conditions.

4.1 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater/stormwater at this facility.

4.2 Severability

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

4.3 Permit Modifications and Terminations

As provided by K.A.R. 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in K.A.R. 28-16-62 and K.A.R. 28-16-28b through f. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

4.4 Change in discharge

All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, production process operations or treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.

The SWP2 Plan shall be updated to reflect significant changes to the facility in accordance with the applicable requirements of this general permit.

This general permit does not authorize changes or modifications to domestic or process wastewater treatment systems.

4.5 Removed substances

Solids, sludge, sediments, or other pollutants removed in the course of treatment or control of stormwater runoff shall be properly managed and disposed of in a manner acceptable to the Division and in accordance with applicable statutes and regulations to prevent pollution of surface water, groundwater, or soil.

4.6 Civil, Criminal, and Administrative Penalties

Nothing in this general permit shall be construed to relieve the permittee from civil, criminal, and/or administrative penalties as provided for in K.S.A. 65-161 et seq. and 33 U.S.C. Section 1319 (enforcement). Knowingly making any false statement on any report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 U.S.C. Section 1319 and K.S.A. 65-170c.

4.7 Property Rights

The issuance of this general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, nor any invasion of personal rights, nor any infringement or violation of Federal, State or local laws or regulations. This general permit in no way reduces or eliminates the permittee's responsibilities to landowners whose property may be traversed by stormwater runoff from the facility. It is the permittee's responsibility to obtain any necessary approvals from any affected property owner.

4.8 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit that has a reasonable likelihood of adversely affecting human health or the environment.

4.9 Bypasses

Any diversion or bypass of facilities necessary to maintain compliance with the general permit is prohibited except where necessary to prevent loss of human life, personal injury, or severe property damage, and where no feasible alternative to the bypass exists.

Any bypass which occurs shall be reported to KDHE verbally within 24 hours, and within 5 business days in writing.

If a bypass occurs, the SWP2 Plan shall be updated to prevent future occurrences in accordance with the requirements and conditions of this general permit.

4.10 Non-compliance Notification

If the permittee does not comply with or will be unable to comply with any requirement or condition specified in this general permit, the permittee shall provide the Department with the following information in writing within five days of becoming aware of such noncompliance:

- a description of the discharge and the cause of noncompliance;
- the period of noncompliance including exact dates and times, or if not corrected, the anticipated time non-compliance is expected to continue;
- the steps taken to reduce or eliminate the noncompliance; and
- the steps taken to prevent recurrence of the noncompliant discharges.

4.11 Electronic Data Monitoring Report

EPA has promulgated a final rule requiring regulated entities to report discharge monitoring report (DMR) data electronically by December 21, 2016. Also, K.A.R. 28-16-63 requires permittees to report NPDES data in a form required by KDHE. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule and K.A.R. 28-16-63. Unless a waiver has been approved by KDHE, permittees are required to submit reports electronically when these tools are made available to them by KDHE. By December 21, 2020, the permittee must submit electronically compliance data, reports, and permit applications by a KDHE approved electronic reporting tool.

ENDNOTES

1. The owner or operator must determine whether discharging stormwater runoff from activities on the site are subject to any local applicable requirements. To determine the local requirements applicable to each facility stormwater discharge, the owner or operator must contact the local Municipal Separate Storm Sewer System (MS4) operator. During the life of this general NPDES permit, small, medium and large MS4 operators, which operate MS4s in urbanized areas, may develop local requirements for discharging stormwater runoff

from industrial activities. MS4 operators may be any level of government or any public entity as described in the definitions and are not limited to just municipalities. A list of MS4 operators who have or may be required to have a local stormwater pollution prevention program is available on the KDHE Stormwater Website. This list is provided for information only, and will not necessarily include all MS4 operators with a local program.

2. For information on permitting and location of Indian Lands, contact the Bureau of Indian Affairs at (785) 486-2161 or the EPA Region VII Office of Tribal Affairs - Regional Indian Coordinator at (913) 551-7969. EPA is the NPDES permitting authority on Indian Lands. To request authorization to discharge stormwater runoff from industrial activities on Indian Land, the person requesting authorization must contact EPA Region VII.

3. The general NPDES permit, forms, notifications, and reference material is available at the KDHE Stormwater Website:

http://www.kdheks.gov/stormwater

or directly to the industrial stormwater link at:

http://www.kdheks.gov/stormwater/#indust

The website also provides links to EPA guidance documents.

Material available on the KDHE Stormwater Website includes the General NPDES Permit; Notice of Intent; Notice of Termination; Notice of Transfer of Ownership; SWP2 Plan Completion Certification Form (SWP2 Plan CCF), Definitions and Acronyms; Frequently Asked Questions; and the Fact Sheet in Adobe Acrobat Reader format (pdf).

4. This permit does not relieve the permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable, KDWPT and KSHS should be contacted and compliance efforts in regard to these laws should be reflected in the SWP2 Plan.

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER

KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY

GENERAL PERMIT

APPENDIX 1

DEFINITIONS & ACRONYMS

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DEFINITIONS AND ACRONYMS

These definitions pertain to the Kansas Water Pollution Control General Permit and Authorization to Discharge **STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY** under the National Pollutant Discharge Elimination System. Persons subject to the general NPDES permit for Stormwater Runoff From Industrial Activity should make themselves familiar with this list of definitions.

"Antidegradation" means the regulatory actions and measures taken to prevent or minimize the lowering of water quality in surface waters of the state, including those streams, lakes, and wetlands in which existing water quality exceeds the level required for maintenance and protection of existing uses.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other administrative and management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Bypass" means any diversion around BMPs of contaminated stormwater runoff.

"Construction Activity" means activities including clearing, grading and excavating which result in the disturbance of one or more acres of total land area. See the General Permit for Stormwater Runoff from Construction Activities for more information.

"Critical Water Quality Management Area" means a watershed, or a portion of a watershed, in which application of minimum state or national wastewater and water quality management practices and procedures cannot be reasonably expected to result in attainment of water quality goals, attainment of water quality standards, protection of resources of the state, prevention of excessive sediment deposition in stream beds, lakes or reservoirs, or prevention of destruction of fishery habitat; or an area in which additional treatment and control of pollutants can result in additional cost effective benefits.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

"Department" means the Kansas Department of Health and Environment.

"Drainage Area/System" means the outline of drainage areas for each stormwater outfall and the pattern/direction of drainage through the drainage areas for the locations of industrial activity and significant materials exposed to precipitation, including surface water bodies and existing structural control measures to control flow and/or reduce pollutants in stormwater runoff (such as bermed areas, grassy swales, etc.) for all drainage at the facility.

"Director" means the Director of the Division of Environment, of the Kansas Department of Health and Environment.

"Discharge Monitoring Requirement" means a requirement to observe or evaluate a discharge and note the conditions observed.

"Duly Authorized Representative" means somebody who speaks, acts or votes on behalf of others. For the purposes of this stormwater general permit, the duly authorized representative either 1) has operational control over the facility; or 2) has the day-to-day operational control of those activities at the facility necessary to ensure compliance.

"Effluent Limitation" means any restriction established by the Director on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources, other than new sources, into navigable waters, the waters of the contiguous zone or the ocean.

"Effluent Limitations Guidelines" means any effluent limitations guidelines issued by the Director pursuant to section 304(b) of the Federal Water Pollution Control Act.

"EPA" means the U.S. Environmental Protection Agency.

"Exceptional State Waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in K.A.R. 28-16-28b(ddd), and are afforded the level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Hazardous Substance" means elements and compounds designated as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4.

DEFINITIONS AND ACRONYMS

"Impaired Water" or "Water Quality Limited Segment" means a surface water that has been identified by KDHE pursuant to Section 303(d) of the Clean Water Act as not meeting applicable Kansas Surface Water Quality Standards. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. (Note: To view the Section 303(d) list and TMDLs go to http://www.kdheks.gov/tmdl/index.htm)

"Indian Lands" means (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of the State; and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights of way running through the same.

"KDHE" means the Kansas Department of Health and Environment.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well or waste pile.

"Municipal Separate Storm Sewer System" ("MS4") means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a state, city, town, borough, county, parish, district association, or other public body which is designed or used for collecting or conveying stormwater.

"National Pollutant Discharge Elimination System" ("NPDES") means the national system for the issuance of permits under 42 U.S.C. Section 1342 and includes any state or interstate program which has been approved by the administrator, in whole or in part, pursuant to 42 U.S.C. Section 1342.

"New Source" means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 306 of the Federal Water Pollution Control Act which will be applicable to such source if such standard is thereafter promulgated in accordance with Section 306 of the Federal Water Pollution Control Act.

"No Exposure Certification form" "NOEC" means the form which is used to apply for exclusion from the requirement of obtaining a permit for stormwater runoff associated with industrial activity. [A copy of the NOEC form is provided as part of the general permit.].

"Notice of Intent form" "NOI" means the form which is to be used to apply for authorization to discharge under this general permit [A copy of the NOI form is provided as part of the general permit.].

"Notice of Termination form" "NOT" means the form which is to be completed by the permittee once the project is completed or the permittee decides to cease industrial activities subject to permitting. [A copy of the NOT form is provided as part of the general permit.].

"Notice of Transfer of Ownership form" "NOTO" means the form which is to be completed by the permittee and the new facility owner or operator when sale of the entire permitted facility occurs.

"Owner(s) or operator(s)" means the party or parties that either individually or taken together meet the following three criteria: 1) they own the facility; 2) they have operational control over the facility; 3) they have the day-to-day operational control of those activities at the facility necessary to ensure compliance with this permit.

"Outstanding National Resource Water" or "Tier 3 Water" means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined in K.A.R. 28-16-28b(ddd), and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Permit" means an authorization, license, or equivalent control document issued by the Director to implement the provisions of K.A.R. 28-16-150 through 28-16-154, inclusive and any amendments to those regulations. Permit includes a `general permit' (K.A.R. 28-16-150). Permit does not include any document which has not yet been subject to final agency action, such as a "draft permit" or "proposed permit."

"Permittee" means the individual, company, corporation, institution, municipality, township, county, federal agency, owner, operator, or legally constituted sewer district which is authorized by a Kansas Water Pollution Control permit to discharge to the waters of the State and which has operational control of the permitted discharge by specifying activities at the facility.

DEFINITIONS AND ACRONYMS

"Point Source" means any discernible, confined, and discrete conveyance, including, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft from which pollutants are or may be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agriculture stormwater discharges or return flows from irrigated agricultural land.

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq*.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water.

"Severe Property Damage" means substantial physical damage to property or substantial and permanent loss of natural resources.

"Significant contributor of pollutants" means the discharge of one or more pollutants that does or has the potential to degrade water quality, violate a water quality standard, or impair a designated use of a classified water. KDHE, in making a determination as to whether a discharge is a significant contributor of pollutant will consider the size and location of the discharge, the quantity and nature of the discharge, and other relevant factors. Examples of a significant contributor of pollutants would include, but not be limited to, uncovered salt or salt/sand storage piles; spilled or leaking toxic or hazardous waste; spilled or leaking fuel, oils, grease, solvents; etc.

"Significant materials" includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oils or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4);

"Standard Industrial Classification" (SIC) means the economic activity classification system established by the Executive Office of the President, Office of Management and Budget which classifies each business by its primary business activity. Each type of business activity is assigned a unique number. Every business which has as its primary activity an activity assigned an SIC number, is classified by its corresponding SIC number. The most current Standard Industrial Classification System was published in 1987. The SIC Codes can be determined by searching the following website: http://www.osha.gov/pls/imis/sicsearch.html.

"Stormwater" means stormwater runoff induced by atmospheric precipitation, including snowmelt runoff, and surface runoff and drainage.

"Stormwater Runoff from Industrial Activities" 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 plant. The term does not include discharges from facilities or activities excluded from the Kansas Water Pollution Control program.

For the categories of industries identified in this definition, the term 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.

For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on the plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded area is not mixed with stormwater drained from the above described areas.

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

DEFINITIONS AND ACRONYMS

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

Category (i) - Facilities subject to storm water effluent limitations guideline, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N;

Limits and/or standards for this category are subject to change and new limits and standards may be adopted. To verify applicability, see 40 CFR subchapter N.

Stormwater Effluent Guidelines

For a discharge to be covered under stormwater effluent guidelines, the facility must have a stormwater discharge subject to stormwater effluent guidelines. At the time of permit issuance, facilities that have stormwater effluent limitations guidelines for at least one of their subcategories include the following:

40 CFR Subchapter N

Part 411 Cement manufacturing
Part 412 Concentrated Animal Feeding Operations (CAFOs)
Part 418 Fertilizer manufacturing
Part 419 Petroleum refining
Part 420 Iron & steel manufacturing
Part 422 Phosphate manufacturing
Part 423 Steam electric power generating
Part 434 Coal mining
Part 436 Mineral mining & processing
Part 440 Ore mining & dressing
Part 442 Transportation equipment cleaning
Part 443 Paving and roofing materials
Part 445 Landfills

A facility that falls into one of these Parts should examine the effluent guideline to determine if it is categorized in one of the subcategories that have stormwater effluent guidelines. If a facility is classified in one of those subcategories, that facility is subject to the standards listed in the CFR for that category, and as such is required to submit an NOI for any stormwater discharge subject to the stormwater effluent guideline.

Toxic Pollutant Effluent Standards

Toxic Pollutant means any pollutant listed as toxic under section 307(a)(1) or, in the case of “sludge use or disposal practices,” any pollutant identified in regulations implementing section 405(d) of the CWA.

Facilities subject to toxic pollutant effluent standards refers to the standards established pursuant to CWA section 307(a)(2) and codified at 40 CFR Part 129. Part 129 applies only to manufacturers of six pesticide products which are defined as toxic pollutants. Manufacturers of the following pesticides are subject to regulation under these provisions:

(a) Aldrin/Dieldrin, (b) DDT, (c) Endrin, (d) Toxaphen (e) Benzidine, and (f) Polychlorinated Biphenyls (PCBs).

(a) Aldrin/Dieldrin---*Aldrin* means the compound aldrin as identified by the chemical name, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4-endo-5,8-exo-dimethanonaphthalene; “”Dieldrin”” means the compound the dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-exo-dimethanonaphthalene.

(b) DDT---*DDT* means the compounds DDT, DDD, and DDE as identified by the chemical names:(DDT)-1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and some o,p '-isomers; (DDD) or (TDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethane and some o,p '-isomers; (DDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene.

(c) Endrin---*Endrin* means the compound endrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-endodimethanonaphthalene.

(d) Toxaphene---*Toxaphene* means a material consisting of technical grade chlorinated camphene having the approximate formula of C_{10} H_{10} Cl_8 and normally containing 67--69 percent chlorine by weight.

(e) Benzidine---*Benzidine* means the compound benzidine and its salts as identified by the chemical name 4,4 '-diaminobiphenyl.

(f) Polychlorinated Biphenyls (PCBs) *polychlorinated biphenyls* (PCBs) means a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

DEFINITIONS AND ACRONYMS

Please note that the phrase "facilities subject to toxic pollutant effluent standards" does not refer to those industries subject to effluent limitation guidelines for toxics under 40 CFR sub-chapter N.

New Source Performance Standards (NSPS)
For a stormwater discharge associated with industrial activity to be covered under NSPS, the facility must have an activity subject to the NSPS. The new source varies based on the publication date of a particular effluent guideline. Most effluent guidelines listed in 40 CFR Subchapter N contain NSPS.

The following categories of 40 CFR Subchapter N **do not have** new source performance standards. All other categories have at least one subcategory with new source performance standards.

Part 454 Gum and wood chemicals manufacturing
Part 459 Photographic
Part 460 Hospital

Category (ii) - Facilities classified as Standard Industrial Classifications 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 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 storm water 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 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) - 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 listed below 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) of this definition are

associated with industrial activity, and need permit coverage. Based on a potential for being a significant contributor of pollutants, KDHE has determined Aerial Spray Operations at Airports are subject to coverage for stormwater runoff associated with industrial activity.

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 General Stormwater Permit for Construction Activity requirements.

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.

"Surface water" means all of the following:

(1) streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps and cavern streams, and any alluvial aquifers associated with these surface waters;

(2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes and ponds; and

(3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "Corps of Engineers wetlands delineation manual," as published in January 1987.

"Surface Waters of the State" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

"Tier 1 Water" means, in regard to antidegradation, a level of protection that provides a "floor" which protects water quality and existing designated uses. Water quality must be preserved to protect and maintain those existing uses. Activities that would lower water quality below levels necessary to maintain existing designated uses are prohibited.

"Tier 2 Water" means, in regard to antidegradation, high quality waters where water quality exceeds the criteria associated with the assigned designated uses. Limited water quality degradation is allowed in high quality water where the degradation is necessary to accommodate important social or economic development, but only if designate uses are still maintained and the highest statutory and regulatory requirements for all point sources of pollution and all cost effective and reasonable best management practices for nonpoint sources of pollution are achieved.

"Tier 2½ Water" means in regard to antidegradation, means a water classified as an Exceptional State Water (see definition of "Exceptional State Waters" in Appendix 1).

"Tier 3 Water" means, in regard to antidegradation, any waters designated as an Outstanding National Resource Water (ONRW) (see definition of Outstanding National Resource Water in Appendix 1).

"Total Maximum Daily Load (TMDL)" is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations. (Note: To view TMDLs go to http://www.kdheks.gov/tmdl/index.htm.)

"Toxic Pollutant Effluent Standards" means the standards established pursuant to CWA section 307(a)(2) and codified at 40 CFR Part 129. Part 129 applies only to manufacturers of six specific pesticide products which are defined as toxic pollutants. Please note that the phrase ■facilities subject to toxic pollutant effluent standards• does not refer to those industries subject to effluent limitation guidelines for toxics under 40 CFR sub-chapter N.

"Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

DEFINITIONS AND ACRONYMS

List of Acronyms

BMPs - Best Management Practices
CERCLA - Comprehensive Environmental Response, Compensation and Liability Act
CFR - Code of Federal Regulations
CWA - Clean Water Act
CWQMA - Critical Water Quality Management Area
EPA - Environmental Protection Agency
ESW - Exceptional State Water
K.A.R. - Kansas Administrative Regulations
KDHE - Kansas Department of Health and Environment
KDOT - Kansas Department of Transportation
KDWPT - Kansas Department of Wildlife Parks and Tourism
K.S.A. - Kansas Statutes Annotated
MS4 - Municipal Separate Storm Sewer System
NOEC - No Exposure Certification
NOI - Notice of Intent
NOT - Notice of Termination
NOTO - Notice of Transfer of Ownership
NPDES - National Pollutant Discharge Elimination System
NTIS - National Technical Information Service
ONRW - Outstanding National Resource Water
RCRA - Resource Conservation and Recovery Act
SALU - Special Aquatic Life Use
SHPO - State Historic Preservation Officer
SMCRA - Surface Mining Control and Reclamation Act
SPCC - Spill Prevention Control and Countermeasures
SWP2 Plan - Stormwater Pollution Prevention Plan
U.S.C. - United States Code

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BUREAU OF WATER

KANSAS WATER POLLUTION CONTROL

AND

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY

GENERAL PERMIT

APPENDIX 2

FORMS

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See Attached Sheet for Instructions

NOTICE OF INTENT (NOI)
For Stormwater Runoff from Industrial Activity
Authorized by a Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form desires to be authorized by an NPDES permit issued for stormwater runoff from industrial activity in the State of Kansas. Becoming a permittee obligates the discharger to comply with the terms and conditions of the Kansas NPDES Stormwater Runoff from Industrial Activity General Permit. **Completion of this NOI does not provide automatic coverage under the general permit. Coverage is provided and discharge permitted when the Kansas Department of Health and Environment (KDHE) authorizes the NOI. A signed and dated copy of the authorized NOI will be provided to the owner or operator.** Upon authorization of the NOI, a Kansas permit number and a Federal permit number will be assigned to the industrial facility. ONLY COMPLETE NOI FORMS ACCOMPANIED BY THE $60 ANNUAL PERMIT FEE WILL BE PROCESSED. KDHE WILL NOTIFY PERSONS WHOSE NOI FORMS ARE INCOMPLETE, DEFICIENT, OR DENIED.

Please Print or Type.

I. FACILITY OWNER OR OPERATOR INFORMATION

Owner or Operator's Name: _____ Contact Name: _____

Company Name: _____ Company Name: _____

Owner or Operator's Phone: _____ Contact Phone: _____

Mailing Address: _____ E-mail Address: _____

City: _____State: _____ Zip Code: _____

PERMIT FEE BILLING INFORMATION

Billing contact name: _____ Phone: _____

Billing Address (if different): _____ Email Address: _____

City: _____ State: _____ Zip Code: _____

II. FACILITY INFORMATION

A. LOCATION

Industrial Facility Name: _____ Facility Contact Name: _____

Street Address: _____ Company Name: _____

City: _____State: KS Zip Code: _____ Contact Phone: _____

County: _____ E-mail Address: _____

Physical Location: _____

____, ____, _____, _____South, ____ □ E; □W; or _____ _____
QTR QTR Section Township Range Decimal Degrees Latitude Decimal Degrees Longitude

For Official Use Only:

Received	**Paid:**	**Accepted** □ Y; □ N
	Date:	_____
	Initials:	**Reviewer**
	Check No.:	_____ **Date**
Authorized by: _____ **Secretary, Kansas Department of Health and Environment**		_____ **Date**
KS Permit No. _____	**Federal Permit No.** _____	

B. EXISTING CONDITIONS/USES

Is any part of the Facility located on Indian lands? □ Y; □ N

If yes, contact EPA Region VII regarding discharging stormwater runoff from industrial activities on Indian lands.

If stormwater runoff drains to or through a Municipal Separate Storm Sewer System; MS4 Name: _____

Name of the first receiving water; stream; or lake: _____ River Basin: _____

Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters,
or Outstanding National Resource Waters located within . mile of the facility boundary? _____ □ Y; □ N

SIC/Activity Codes: Primary: _____ Secondary (if applicable): _____ _____ _____

If this facility has another existing NPDES or Kansas Water Pollution Control permit(s). Enter the permit number(s):_____

_____

C. FACILITY DESCRIPTION

Facility Description: _____

_____

Is this a new facility? □ Y; □ N

Approximate total facility size _____ acres. Approximate size _____ acres of industrial development on site.

Provide an area location map that shows the boundaries of the industrial site and arrows showing direction(s) of stromwater flow from the industrial site to the first receiving water.

III. ANNUAL FEE

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended. The current annual permit fee for this general permit is $60. An invoice for future annual permit fees will be sent to the identified billing contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

IV. NOI CERTIFICATIONS

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Industrial Activity is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

_____ _____
Signature (owner, operator, or duly authorized representative) Date

_____
Name and Official Title (Please Print)

To receive a hard copy of the general permit packet, check yes: □Y; □ N (Note: A copy of the permit can be obtained at www.kdheks.gov/stormwater)

Send completed form to:
Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

KDHE Contact Information:
Phone: (785) 296-4347
E-mail: stormwater@kdheks.gov

Notice of Intent (NOI) Instructions
For Stormwater Runoff from Industrial Activities

Who Must File an NOI

Federal law through Clean Water Act and 40 CFR Part 122 prohibits point source discharges of stormwater runoff associated with industrial activity to Waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. The operator of a facility with industrial activity that has such a stormwater runoff discharge subject to these regulations as outlined under Part 1.1 of this permit must submit an NOI to obtain coverage under the NPDES general permit for stormwater runoff associated with industrial activities.

A hard copy of the NOI and other materials may be obtained by sending a written request to KDHE. The NOI and other materials are also available on-line at: www.kdheks.gov/stormwater .

Where To File An NOI Form

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

For additional information, contact KDHE at (785) 296-4347 or by e-mail at: stormwater@kdheks.gov.

Section I Facility Owner or Operator Information

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this NOI form. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the owner or operator's complete address and telephone number. Provide billing contact information if different than owner/operator.

Section II Facility Information

A. LOCATION

Enter the facility's official or legal name and complete street address, including the city, county, state and ZIP code. If the facility lacks a street address, indicate the county, quarter, section, township, and range of the center of the site or the Latitude and Longitude.

Enter the name and phone number of a person who can be contacted regarding this industrial facility. The owner or operator contact and the on-site contact need not be the same.

B. EXISTING CONDITIONS/USES

Indicate whether the facility is located on Indian lands. EPA is the permitting authority on Indian lands. To request authorization to discharge stormwater runoff from industrial activities conducted on Indian lands, the person requesting authorization must contact EPA at:

U.S. EPA, Region VII
Storm Water Coordinator
11201 Renner Blvd.
Lenexa, KS, 66219

If the stormwater runoff from industrial activities flows into a municipal separate storm sewer system (MS4), enter the name of the MS4 (e.g., municipality name, county name, or the name of the responsible public body).

If the facility discharges stormwater directly to a receiving water, enter the name of the first receiving water. This may be obtained from the Kansas Surface Water Register, a United Sates Geological Survey (U.S.G.S.) or topographic map, internet map or KDOT general highway map for the county where the facility or discharge point is located. Indicate the river basin in which the facility is located. A map of Kansas River basins is attached for reference.

Beginning with the primary SIC code, list the 4-digit standard industrial classification (SIC) coed(s) that best describe the principal products or services provided at the facility or site identified in Section II of this NOI form.

If there are other NPDES or KWPC permits presently issued for the facility or site listed in Section II, list the permit numbers.

C. FACILITY DESCRIPTION

Briefly describe the nature of the industrial activity.

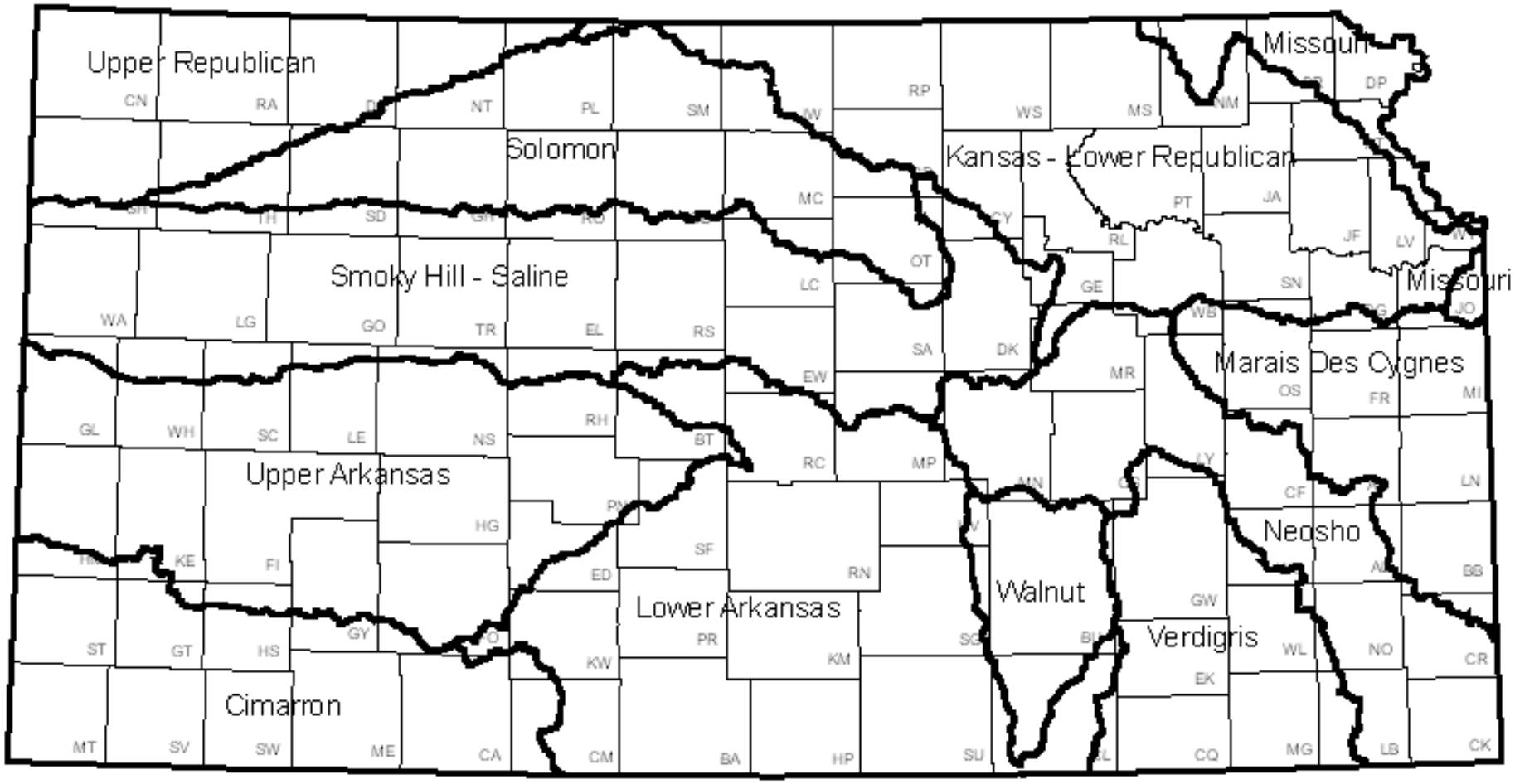
Section III Annual Fee

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE – Water Pollution Control Permit". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is $60. The payment must be submitted with the NOI. Annually, following authorization of the NOI, you will receive an invoice for the annual permit fee.

Section IV NOI Certifications

Persons submitting a request for authorization under this general permit should read and ensure they understand the statement in this section of the NOI before signing the NOI form. The NOI form must be signed by the facility owner or operator or duly authorized representative.

RIVER BASIN MAP



See Attached Sheet for Instructions

No Exposure Certification Form (NOEC)

For Exclusion from Permitting Requirements of the Kansas Water Pollution Control General Permit
For Stormwater Runoff from Industrial Activity
Under the National Pollutant Discharge Elimination System

Submission of this No Exposure Certification (NOEC) form constitutes a request on behalf of the party identified in Section 1 for exclusion from the applicable requirements under the Kansas Water Pollution Control general permit, or KDHE authorized successors, issued for stormwater runoff from industrial activity in the State of Kansas. If a facility is covered under the definition of stormwater discharge associated with industrial activity, but has taken steps to ensure that a condition of "no exposure" exists at the industrial facility, NPDES permit coverage is not required. 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 (see instructions for a discussion of materials and activities not required to be protected for this exclusion). **Completion of this NOEC does not automatically exclude the facility from applicable requirement of the general NPDES permit. The facility is excluded from coverage when the Kansas Department of Health and Environment (KDHE) authorizes the No Exposure Certification Form (NOEC). A signed and dated copy of the authorized NOEC will be provided to the owner or operator.** The exclusion becomes valid when KDHE issues a written authorization of the No Exposure Certification. ONLY COMPLETE NOEC FORMS WILL BE PROCESSED. KDHE WILL NOTIFY PERSONS WHOSE FORMS ARE INCOMPLETE, DEFICIENT, OR DENIED.

Please Print or Type.

I. FACILITY OWNER OR OPERATOR INFORMATION

Owner or Operator's Name: _____ Contact Name: _____

Company Name: _____ Company Name: _____

Owner or Operator's Phone: _____ Contact Phone: _____

Mailing Address: _____ E-mail Address: _____

City: _____State: _____ Zip Code: _____

II. FACILITY INFORMATION

A. LOCATION

Industrial Facility Name: _____ Facility Contact Name: _____

Street Address: _____ Company Name: _____

City: _____State: _KS_Zip Code: _____ Contact Phone: _____

County: _____ E-mail Address: _____

Physical Location: _____

____, ____, _____, _____South, ____ □ E; □W; or _____ _____
QTR QTR Section Township Range Decimal Degrees Latitude Decimal Degrees Longitude

For Official Use Only:

Received	**Exclusion Accepted:** □ **Y;** □ **N**
	_____ **Reviewer**
Authorized by: _____ _____ **Secretary, Kansas Department of Health and Environment** **Date**	_____ **Date**

This certification is valid as long as I-ISWA-1611-1 remains in effect, provided No Exposure Recertification forms are submitted annually. A minimum of 180 days prior to expiration, a new NOEC shall be submitted to the Department.

Send completed form with original signature to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

KDHE Contact Information:

Phone: (785) 296-4347
E-mail: stormwater@kdheks.gov

B. Existing Conditions/Uses

Is any part of the project located on Indian lands? _____ □ Y; □ N

If yes, contact EPA Region VII regarding discharging stormwater runoff from industrial activities on Indian lands.

If stormwater runoff drains into a Municipal Separate Storm Sewer System; MS4

Name: _____

Name of the first receiving water; stream; or lake: _____

River Basin: _____

Was the facility or site previously covered under an NPDES stormwater permit? □Y; □ N

If yes, enter NPDES permit number: _____

SIC/Activity Codes: Primary: _____ Secondary (if applicable): _____ _____ _____

Total size of site associated with industrial activity: _____ acres

III. EXPOSURE CHECKLIST

Are any of the following materials or activities exposed to stormwater, now or in the foreseeable future? Please check "Yes" or "No" in the appropriate box. **If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the no exposure exclusion**

1.	Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater	□ Y; □ N
2.	Materials or residuals on the ground or in stormwater inlets from spills/leaks	□ Y; □ N
3.	Materials or products from past industrial activity	□ Y; □ N
4.	Material handling equipment (except adequately maintained vehicles)	□ Y; □ N
5.	Materials or products during loading/unloading or transporting activities	□ Y; □ N
6.	Materials or products stored outdoors (except final products intended for outside use [e.g. new cars] where exposure to stormwater does not result in the discharge of pollutants)	□ Y; □ N
7.	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks and similar containers	□ Y; □ N
8.	Materials or products handled/stored on roads or railways owned or maintained by the discharger	□ Y; □ N
9.	Waste material (except waste in covered, non-leaking containers [e.g. dumpsters])	□ Y; □ N
10.	Application or disposal of process wastewater (unless otherwise permitted)	□ Y; □ N
11.	Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated(i.e., under an air quality control permit) and evident in the stormwater outflow	□ Y; □ N

IV. NOEC CERTIFICATIONS

I, the undersigned, certify that I have read and understand the requirements and conditions of the NPDES general permit for Stormwater Discharges from Industrial Activity applicable to "No Exposure" exclusions;

To the best of my knowledge, the industrial activity qualifies for a no exposure certification exclusion in accordance with the applicable requirements and conditions of the NPDES general permit for Stormwater Discharges from Industrial Activity.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I will re-certify the "No Exposure" status of the facility annually on the KDHE No Exposure Re-certification form. Should changes in operation result in the potential for stormwater runoff associated with industrial activity, I will immediately notify KDHE and submit an NOI or other request for authorization for coverage, as required, for coverage under an NPDES permit for stormwater runoff from industrial activity.

_____ _____

Signature Date

_____

Name and Official Title (Please Print)

Industrial Facility Name: _____

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No Exposure Certification form (NOEC) Instructions

Who Must File a NOEC?

Federal law through the Clean Water Act and 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to Waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES coverage is not required for "Storm Water Discharges Associated with Industrial Activity", defined in federal regulations 40 CFR 122.26(b)(14)(i)-(ix) & (xi), if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Please note that the stormwater discharges from construction activities are not eligible for the no exposure exclusion, and are required to obtain coverage under a separate general NPDES permit which is specifically for construction activity.

If a facility is covered under this definition of stormwater discharge associated with industrial activity, the facility must either obtain coverage under the general NPDES permit to discharge stormwater, or must request a "no exposure" exclusion from the applicable requirements of the general NPDES permit.

The No Exposure Certification form (NOEC) is a request by a facility with stormwater runoff associated with industrial activity for exclusion from the applicable requirements of the Kansas Water Pollution Control general NPDES permit for Stormwater Runoff from Industrial Activity.

The NOEC form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. To retain this exclusion, a No Exposure Re-certifications form shall be submitted annually to KDHE. Note that recertification form will be sent to the facility annually for recertification. To be returned to KDHE by the date noted on the form to retain the No Exposure Exclusion.

Obtaining and Maintaining the NOEC

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure certification to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must immediately submit either an NOI for coverage under the general NPDES permit; or a request for authorization for coverage under an individual Kansas Water Pollution Control permit.

The NOEC, the general NPDES permit, forms, and other reference material, is available from the KDHE Stormwater Website: www.kdheks.gov/stormwater

A hard copy of the NOEC, the general NPDES permit, the general permit information packet, or other reference material may also be obtained by sending a written request to KDHE at:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

For additional information, contact KDHE at (785) 296-4347, or e-mail at: stormwater@kdheks.gov

Where to Send the NOEC

Send the NOEC to the address given above.

Persons requesting a no exposure certification exclusion are not authorized to discharge under the general NPDES permit for Stormwater Runoff from Industrial Activity. The facility is not excluded from requirements and conditions of the general permit until KDHE has authorized the NOEC. **The facility is excluded from coverage when the Kansas Department of Health and Environment (KDHE) authorizes the No Exposure Certification form (NOEC). When KDHE authorizes the NOEC, a signed and dated copy of the authorized NOEC will be sent to the facility.**

Fee: No fee is required for a no exposure certification exclusion.

Section I Facility Owner/Operator Information

Identify the party or parties that either individually or taken together have operational control over the facility; and which have the day-to-day operational control of those industrial activities at the facility necessary to ensure compliance. The responsible party is the legal entity that controls the site's operation. Enter the owner or operator's complete mailing address and phone number.

Give the legal name of the company, firm, public organization, or any other entity that owns the site described in the NOEC, or if the activity will be on a right of way, leased property, or easement, give the name of the responsible party.

Section II Facility/Site Information

A. Location

Enter the project's official or legal name and physical location including the complete street address, city, county, state, and ZIP code. Also include the legal address including the section, township, and range and the nearest quarter section center to the center of the approved center of the site or the latitude and longitude in decimal degrees in the decimal notation rounded to the 5'th decimal.

Enter the name and phone number of a person who can be contacted regarding this industrial facility. The owner or operator and contact person need not be the same.

B. Existing Conditions/Uses

Indicate whether the site is located on Indian lands. If the facility is located on Indian land, the owner or operator does not need to submit this form to KDHE. For information regarding discharging stormwater runoff on Indian lands contact:

U.S. EPA, Region VII
Storm Water Coordinator
11201 Renner Blvd.
Lenexa, KS, 66219

NOEC Instructions CONTINUED:

EPA is the permitting authority on Indian lands. To request a No Exposure Certification exclusion for discharging stormwater runoff from industrial activity conducted on Indian lands, the person seeking a "no exposure" exclusion must contact EPA.

If stormwater runoff from industrial activity flows into or through a municipal separate storm sewer system (MS4), enter the name of the MS4 operator (e.g., municipality name, county name, or the name of the responsible public body).

If stormwater runoff from industrial activity flows directly to a receiving a water (e.g., a lake, river, or tributary, etc.), enter the name of the first receiving water. To identify a receiving water, refer to the Kansas Surface Water Register, a United States Geological Survey (U.S.G.S) topographic map or KDOT general highway map for the county.

The Kansas Surface Water Register, can be downloaded from the KDHE Stormwater website: www.kdheks.gov/stormwater . A hard copy of the list of waters or the complete Surface Water Register may also be obtained by sending a written request to KDHE at the address above. Indicate whether the facility was previously covered under an NPDES stormwater permit. Enter the 4-digit SIC Code which identifies the facility's' primary activity, and additional secondary SIC Codes identifying the facility's secondary activities, if applicable. SIC Codes can be obtained from the Standard Industrial Classification Manual, 1987.

Enter the total size of the site associated with industrial activity in acres.

Section III. EXPOSURE CHECKLIST

Check "Yes" or "No" as appropriate to describe the exposure conditions at the facility. If you answer "Yes" to **ANY** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an NPDES stormwater permit. After obtaining permit coverage, you can install modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

Section IV. NOEC CERTIFICATIONS

Persons seeking a "no exposure" exclusion must read and understand the statements in this section of the No Exposure Certification form before signing the NOEC form. Federal and State statutes provide for severe penalties for submitting false information.

The NOEC form must be signed by the facility owner/operator, or an authorized representative.

Materials and Activities
Not required to be Enclosed for this Exclusion

A storm resistant shelter is not required for the following industrial materials and activities:

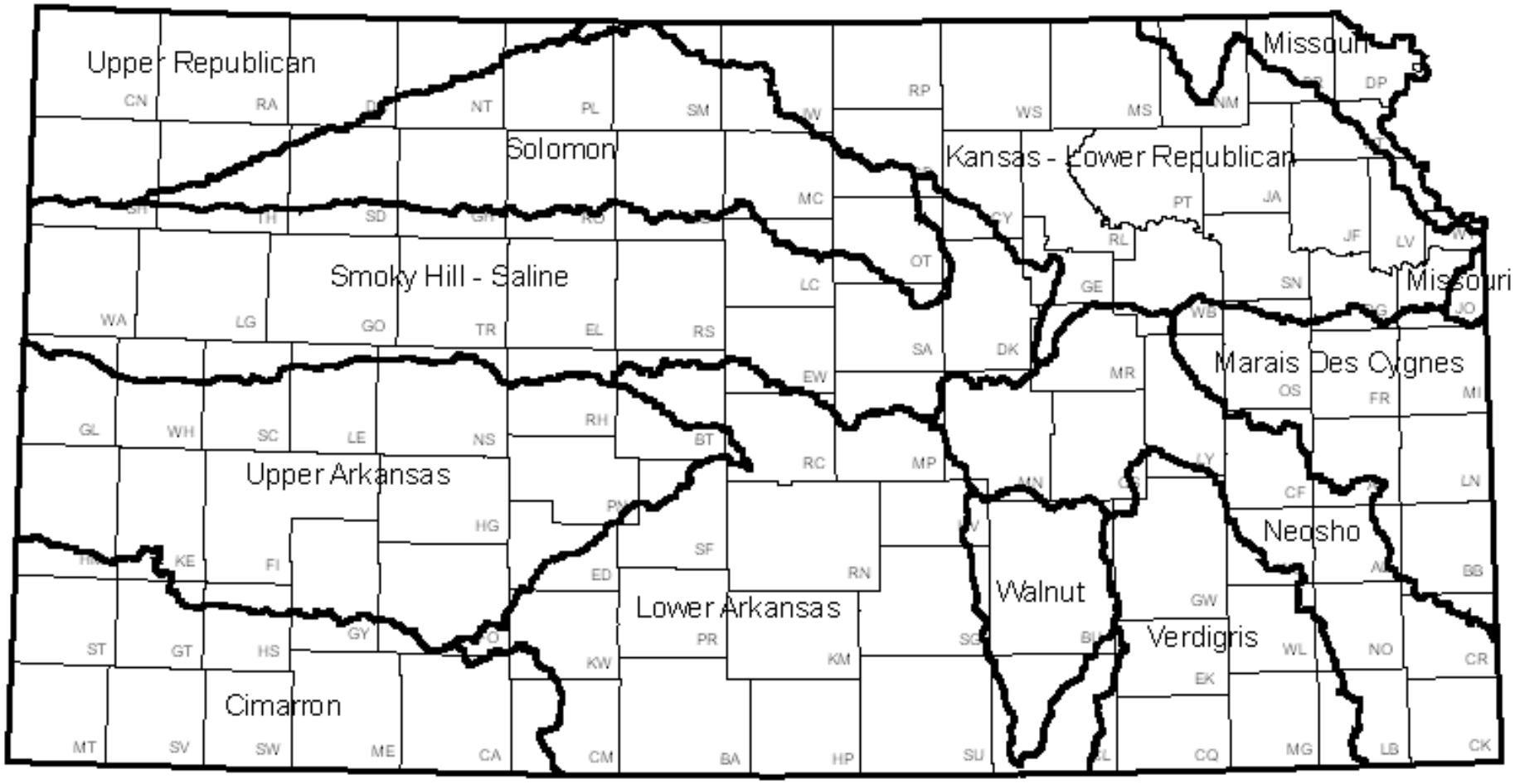
- Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed means banded or otherwise secured and without operational taps or valves;

- Adequately maintained vehicles used in materials handling, and

- Final products, other than products that would be mobilized in stormwater discharges (e.g. rock salt).

- There are circumstances where permanent "no exposure" of industrial activities is not possible, and therefore, under such conditions, materials and activities can be sheltered with temporary covers (e.g. tarps) between periods of permanent enclosure. If unsure about a specific situation, contact KDHE for a determination.

RIVER BASIN MAP



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NOTICE OF TERMINATION FORM (NOT)

To Relinquish the Authorization to Discharge
Stormwater Runoff from Industrial Activity
from the Industrial Facility Described Herein.
Kansas Water Pollution Control General Permit No. S-ISWA-1611-1

Submission of this Notice of Termination (NOT) constitutes notice that the party identified in Section I of this form relinquishes authorization for coverage under the Kansas Water Pollution Control general permit, KDHE authorized successors issued for Stormwater Runoff from Industrial Activity in the State of Kansas or receiving a No Exposure authorization per this general permit. Submission of this Notice of Termination to KDHE relinquishes the permittee's authorization to discharge stormwater associated with industrial activity at the industrial facility described herein. Completion of this NOT does not automatically relieve the former permittee of any civil, criminal and/or administrative penalties.

Coverage is terminated when the Kansas Department of Health and Environment (KDHE) receives and accepts a complete NOT. KDHE will notify any permittee whose NOT is incomplete, deficient or denied.

Certification

I certify under penalty of law that all authorized discharges of stormwater associated with industrial activity at the industrial facility described herein have been eliminated. I understand that by submitting this Notice of Termination, I am no longer authorized under the general NPDES permit S-ISWA-1611-1 to discharge stormwater associated with industrial activity at this industrial facility. I understand that discharging pollutants in stormwater associated with industrial activity to waters of the State is unlawful under K.S.A. 65-164 and 65-165 and the Clean Water Act without authorization by a valid Kansas Water Pollution Control Permit. I understand that by submitting this Notice of Termination, I am not released from liability for any violations of the general NPDES permit S-ISWA-1611-1, K.S.A. 65-164 and 65-165, the Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.), or the Clean Water Act. *I also hereby certify that I am authorized to sign this Notice of Termination as a representative of the permittee named herein.*

Please Print or Type.

Name of Industrial Facility: _____

Address: _____ City: _____ County: _____ State: KS Zip Code: _____

Kansas Permit No._____ Federal Permit No._____

Or, if covered by a No Exposure Authorization, check this box. ☐

Print Name: _____ Date: _____

Signature: _____ E-mail address: _____

Submit the NOT with original signature to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

KDHE Contact Information

Phone: (785) 296-4347
e-mail: stormwater@kdheks.gov

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NOTICE OF TRANSFER OF OWNERSHIP FORM (NOTO)

For Stormwater Discharges Associated with Industrial Activity
Authorized by a Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Submission of the Notice of Transfer of Ownership (NOTO) constitutes notice that the new permittee, or an authorized representative, requests authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE authorized successors, issued for Stormwater Runoff from Industrial Activity in the State of Kansas. Completion of this NOTO does not provide automatic coverage under the general permit to the new permittee. Coverage is provided and discharge permitted when the Kansas Department of Health and Environment (KDHE) receives a complete NOTO for the facility, and KDHE authorizes the transfer. Upon transfer, the new permittee shall assume responsibility for the annual permit fee.

Submission of this NOTO to KDHE does not relinquish the current permittee's authorization to discharge stormwater runoff from industrial activity at the site described herein. Completion of this NOTO does not automatically relieve the current permittee of any civil, criminal and/or administrative penalties. Coverage is terminated when KDHE receives a complete NOTO for the facility, and KDHE authorizes the transfer. To be considered complete, the NOTO must be signed by the relinquishing permittee or a duly authorized representative of the relinquishing permittee, and must include the permit number assigned to the industrial facility. The new permittee or duly authorized representative must also sign the NOTO. KDHE will notify any new permittee whose NOTO is incomplete, deficient or denied.

Within 90 days of permit transfer approval, the new permittee shall evaluate industrial activities at the site to determine applicable industrial stormwater permit coverage, and submit a new NOI or No Exposure Certification (NOEC) as applicable, with up-to-date information, including a current map of the site industrial activities and current billing and contact information.

Please Print or Type.

TO BE COMPLETED BY THE NEW OWNER/OPERATOR

I hereby accept transfer of the general NPDES permit, which was issued to _____. I have reviewed the terms and conditions of the general permit and the Stormwater Pollution Prevention plan and accept full responsibility, coverage, and liability. This transfer will be effective when KDHE confirms the transfer.

The NEW owner/operator is:

Owner or Operator's Name:_____ Contact Name:_____

Company Name:_____ Contact Phone:_____

Owner or Operator's Phone:_____ E-mail Address:_____

Mailing Address:_____ City: _____State:___Zip Code:_____

If permit is being transferred, permit fee billing information from the NOI is needed.

I certify under penalty of law that I have personally examined and am familiar with the information described herein, and based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

New Permittee's Signature:_____ Date: _____

Name (typed or printed):_____ Title:_____

TO BE COMPLETED BY THE RELINQUISHING OWNER/OPERATOR

As previous permittee, I hereby agree to the transfer of the permit and all responsibilities thereof. I understand that the transfer of permit responsibilities is effective when KDHE authorizes the transfer.

Name of Industrial Facility:_____

Address: _____City:_____ County:_____ State: KS Zip Code:_____

E-mail Address:_____

Kansas Permit No._____ Federal Permit No._____

Permittee Signature:_____ Date: _____

Permittee Name:_____ Title: _____Phone Number: _____

Name of Industrial Facility: _____

Notice of Transfer of Ownership Form

Kansas Permit No.:_____

Federal Permit No._____

For Official Use Only:

Comments:	**Permit Transfer Approved:** □ **Y;** □ **N**
	_____ **Reviewer** _____ **Date**

Submit the NOTO form with original signatures to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

KDHE Contact Information:

Phone: (785)296-4347
E-mail: stormwater@kdheks.gov

STORMWATER POLLUTION PREVENTION PLAN COMPLETION CERTIFICATION FORM (SWP2 Plan CCF)

For Stormwater Discharges Associated with Industrial Activity
Authorized by a Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Kansas Water Pollution Control General Permit No. S-ISWA-1611-1

Submission of this SWP2 Plan Completion Certification Form (SWP2 Plan CCF) constitutes notice that the facility has complied with Part 2 of the Kansas Water Pollution Control General Permit for Stormwater Runoff from Industrial Activity. This includes development and implementation of a SWP2 Plan which is specific to the industrial activity and site characteristics occurring at the location described in the authorized NOI.

TO BE COMPLETED BY THE PERMITTEE

I certify under penalty of law that the Stormwater Pollution Prevention Plan (SWP2 Plan) required by this General Permit has been completed, retained on site and fully implemented at this facility. The SWP2 Plan document and all attachments were prepared on my behalf in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon the information gathered and the belief formed after a reasonable inquiry, the statements and information contained in the SWP2 Plan, to the best of my knowledge and belief, is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify, under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the SWP2 Plan adheres to the stormwater control provisions of this General Permit for the development and implementation of a Stormwater Pollution Prevention Plan (SWP2 Plan) and that the SWP2 plan will be complied with.

Name of Facility:_____

Address: City:_____ County: _____State: KS Zip Code: _____

Kansas Permit No._____ Federal Permit No. _____

Date of SWP2 Plan: _____

Has the SWP2 Plan identified any unauthorized, non-stormwater (dry weather) discharges [see Part 2.4.3(g.)]? □ Y; □ N

If yes, has KDHE been notified of all such discharges? □ Y; □ N

Signature: _____

Owner, Operator or Duly or Authorized Representative, Name (typed or printed):
_____

Title: _____

Date: _____

Send completed form with original signatures to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

KDHE Contact Information:

Phone: (785) 296-4347
e-mail: stormwater@kdheks.gov