

NPDES INDUSTRIAL STORMWATER PERMITTEE RESPONSIBILITIES

Owners and operators of facilities issued Kansas Department of Health and Environment (KDHE) National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Discharge Permits have certain requirements and responsibilities, which are detailed in both the NPDES general permit and in the Stormwater Pollution Prevention (SWP2) Plan.

The heart of the NPDES Industrial Stormwater General Permit is the requirement for the permittee to develop a site and facility-specific plan identifying potential stormwater pollution sources; and the development, implementation, and maintenance of structural, non-structural, and managerial/administrative control measures and best management practices (BMPs) that minimize or eliminate the potential for generating contaminated stormwater runoff and that control contaminated stormwater runoff if it is generated at the facility.

Along with the permit requirement for developing, implementing, maintaining, periodically evaluating, and updating the SWP2 Plan, the permit requires periodic inspections of facility activities and stormwater controls, an annual facility evaluation, training of employees responsible for implementing stormwater management activities, documentation of the various required inspections and activities, and the retention of records.

The current NPDES Industrial Stormwater General Permit will expire on October 31, 2016. A copy of the current general permit, associated information regarding the industrial stormwater permit program, and the new general permit, once it is issued, can be found on the KDHE Stormwater Program website at www.kdheks.gov/stormwater. Once the new NPDES Industrial Stormwater General Permit is issued, permittees will need to read the new general permit and implement any new permit conditions and requirements.

Permittees are required to develop a SWP2 Plan that is specific to the industrial activity and site characteristics occurring at the permitted location described in the general permit notices of intent (NOI), which serves as the permit application. The permittee is responsible for fully implementing, periodically reviewing, and updating as necessary the provisions of the SWP2 Plan. The plan must initially be completed within 10 months of KDHE's authorization of the permittee's NOI. Once the SWP2 Plan is completed, the permittee must submit an SWP2 Plan Certification Form, which is a part of the general permit packet that can be found on the KDHE website, with the first annual permit fee billing statement issued by KDHE.

SWP2 Plan Minimum Content

Facility Description – A description of the production activities conducted at the facility.

Pollution Prevention Team – Identification of specific individuals or positions at the facility responsible for developing, implementing, maintaining, and revising the plan.

Description of Potential Pollution Sources – The pollutant sources which may reasonably be expected to add significant pollutants to the stormwater discharge(s) are to be described. The description shall include at a minimum a general location map of the facility; a site map identifying significant facility structures, outlined drainage areas, direction of drainage flows, and approximate size of each drainage area for each outfall or discharge point; authorized non-stormwater discharge locations; name of the first

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waterbody the discharge is directed to; the location of significant materials that are exposed to precipitation or stormwater runoff; storage tanks; scrap areas; refuse areas; fuel storage and distribution areas; vehicle and equipment maintenance and storage areas; loading and unloading areas; waste treatment, storage, and 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); on-site landfills; construction sites; stockpiles; areas where spills have occurred and residuals remain; surface water bodies; and structural control measures to reduce pollutants in stormwater runoff (such as bermed areas, grassy swales, stormwater ponds, etc.).

The SWP2 Plan is to contain an inventory of exposed materials. This would include a description of significant materials treated, stored, leaked, spilled, or disposed of in a manner which would allow exposure to stormwater; existing managerial/administrative, structural, non-structural control measures to reduce pollutants in stormwater runoff, and any treatment the stormwater runoff receives. If stormwater runoff sampling and analysis is sampled and analyzed, a summary of the data. A risk identification and summary of potential pollutant sources shall be provided along with a narrative description of the potential pollutant sources, their location(s), at the facility, and potential pollutant parameters identified.

Measures and Controls – A listing and description of stormwater management controls, managerial/administrative BMPs, structural control BMPs, and non-structural control BMPs at the facility. These controls include good housekeeping; preventive maintenance; spill prevention and response procedures; scheduling inspections (the general permit requires at a minimum quarterly inspections of pollution sources and controls and annual visual examination of a stormwater discharge from each identified stormwater outfall), tracking and follow-up procedures on required actions, completion of an inspection report, and records retention for a minimum of 3 years on-site; employee training; record keeping and internal reporting; identification of unauthorized non-stormwater discharges; sediment and erosion control measures; and management of stormwater runoff.

Annual Comprehensive Site Evaluation

The general permit requires that a comprehensive site compliance evaluation be conducted at least annually. Such evaluations shall provide for: visual inspections of areas contributing to a stormwater discharge for evidence of, or the potential for, pollutants entering the stormwater drainage system; determining whether the stormwater management controls are adequate, and whether additional controls or practices are needed; visual evaluation of equipment needed to implement the SWP2 plan; a report summarizing the scope, details, and observations made, a summary of any actions taken or required, and resolution of any non-compliance determined or improvements found to be required; and if needed, a modification of the SWP2 plan within 90 days of completing the comprehensive site compliance evaluation. If the comprehensive site evaluation does not identify any non-compliance, the report shall include a statement that the facility is in compliance with both the SWP2 plan and the general permit conditions. Inspection reports are required to include specific detailed information.

SWP2 Plan Maintenance and Updating

The SWP2 plan is to be re-evaluated and modified in a timely manner, but in no case more than 90 days after: a change in design, construction, operation or maintenance that has a significant effect on the potential for the discharge of pollutants; KDHE, EPA, the permittee's inspection (including a comprehensive site compliance evaluation) indicate deficiencies in the SWP2 plan or any BMP; or a visual inspection of the 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

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plan. The plan shall include a statement as to when the plan was initially completed and the dates of modification.

Records Maintenance

The permittee shall maintain all records required by the general permit for a minimum period of 3 years. The records shall be kept on-site or in a readily accessible location and be made available to either KDHE or the U.S. Environmental Protection Agency (EPA) staff upon demand. Records that shall be maintained by the permittee include, but are not limited to: the NOI authorized by KDHE and any supporting documents submitted with the NOI; a copy of the general permit; the SWP2 Plan and any amendments; all inspection records; copies of the comprehensive site compliance evaluations; and any correspondence from the Kansas Department of Wildlife Parks and Tourism or the Kansas State Historical Society.

General Requirements and Standard Permit Conditions

The general permit requires 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 to achieve compliance with the requirements of the general permit.

The general permit requires that any diversion or bypass of facilities or controls 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 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 re-occurrences.

The general permit requires permit non-compliance incidents to be reported in writing within 5 days of becoming aware of the non-compliance. Specific information, outlined in the permit, is required to be included in the report.

The NPDES Industrial Stormwater General Permit does not cover soil disturbing activities associated with construction activities that disturb 1 acre or more. Coverage under a separate NPDES Construction Stormwater Permit secured from KDHE will be required.

Additional stormwater program requirements may be required by local city or county governmental authorities thru an EPA mandated Municipal Separate Storm Sewer System (MS4) Program. Specific requirements should be determined from the designated MS4 Program authority. A list of MS4 Program can be found on the KDHE Stormwater Program website at www.kdheks.gov/muni/MS4.htm (find document typically titled "Listing of Phase 1 & 2 MS4s in Kansas").

Common Sense Tips and Recommendations for Consideration

Materials stored outside should be evaluated for the potential for pollutants being picked up by precipitation or stormwater runoff. Materials such as scrap metal or plastics proposed for recycling should be evaluated from the standpoint as to how clean the material is. Scrap metal showing evidence of the presence of oils, greases, hydraulic or brake fluids, evidence of solvents being present, or other materials such as residual food stuff, powders, or solids observed being present should be placed in an area protected from contacting precipitation or stormwater runoff, covered, or provide for the collection, containment, and treatment of contaminated stormwater. Clean materials which have minimal potential for pollutants being present may be stored outside exposed to the environment. It is always prudent to keep stockpiled and bailed materials out of areas where stormwater drainage is diverted to, flows through, or is allowed to pool.

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Areas used for composting yard waste should be designed to limit the area where composting activities are conducted, divert extraneous stormwater runoff from the composting area and areas where materials are delivered and finished compost is stored. Compost areas should be constructed, operated, and maintained per the direction of the KDHE Bureau of Waste Management Section. These provisions should be addressed in the facility SWP2 plan.

Equipment maintenance and storage areas should be evaluated from the standpoint of what equipment or materials are exposed and whether pollutants could be exposed to precipitation or stormwater runoff. Use of roof structures, secondary containment structures, earthen berms, and temporary covers such as tarps should be considered.

Fueling areas present the potential for contaminated stormwater runoff from unloading fuel to tankage to the actual fueling of equipment and vehicles.

Loading and unloading areas are always potential sources of stormwater contamination when bulk materials such as solids and liquids are being loaded or unloaded. Use of covered loading and loadout areas provide good protection from precipitation. Drainage control to prevent site and/or off-site runoff from contacting spilled materials should be provided. Routine maintenance along with implementation of spill prevention and cleanup procedures needs to be practiced and available. Cleanup should be conducted at a minimum daily and always immediately prior to any forecasted precipitation event.

The discharge of cleanup wash water and other wastewaters are not authorized by the NPDES Industrial Stormwater Discharge Permit. These waste streams should be collected, contained, and either treated or disposed of in a manner approvable to KDHE and never be allowed to come into contact with precipitation or stormwater runoff.

Schedule routine inspections, conduct the inspections, complete the inspection reports, identify and track any permit violations or stormwater BMP deficiencies, ensure the violations are eliminated and the deficiencies are adequately addressed or resolved and document the return to compliance as well as the resolution of any deficiencies noted.

Schedule and conduct an annual comprehensive compliance evaluation, complete the report, address any deficiencies noted from the evaluation, and update the SWP2 plan, if necessary.

Retain records in a readily accessible location and keep them updated.

If significant changes take place at the facility such as a facility expansion, changes in production activities or raw materials used, loading/unloading, etc. it may necessitate a need to update the facility SWP2 plan.