

Response to Comments
GENERAL PERMIT NO. G-CONC-2017-1
FOR READY-MIXED CONCRETE PLANTS, CONCRETE PRODUCTS PLANTS,
AND THEIR ASSOCIATED FACILITIES

DATE: September 26, 2017

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KDHE received two formal comment letters regarding the proposed ready-mixed concrete general permit during the public notice period; one comment letter from the Kansas Ready Mixed Concrete Association (KRMCA), and the second comment letter from Allied Environmental Consultants (Allied), in collaboration with Cornejo and Sons, LLC.

KRMCA hosted regional meetings statewide and the Association was generally supportive of KDHE efforts to update the permit in a manner that meets current regulatory program requirements, while considering the significant changes to business practice that are required for permit holders during the next five years. KRMCA comments are general in nature; the specific issues discussed during the statewide meetings are encompassed within the specific items listed in the Allied Environmental Consultants comment letter.

KDHE Response to the Allied comments relative to the Ready-Mixed Concrete General Permit are as follows:

Permit Supplemental Conditions (SC):

Item 1: Allied commented that this SC states that [only] earthen structures must meet lagoon liner requirements, and suggests including this information in the NOI instructions, the NOI, and the example general permit. [KDHE will include the permit language in each of these documents.](#)

Item 2: Allied requests several clarifications on chemical additives. [KDHE responses are: the chemical additives list will be used for documentation; it is not KDHE's intention to approve or disapprove these additives. If an additive is listed that may impose identified risks, \(e.g. hazardous, etc.\), KDHE may contact the permit holder to discuss its use. KDHE's intention is to assure on-site chemicals are handled in a safe, environmentally responsible manner. The additives requested do not include additives to the concrete product. The additives list is to be submitted as part of the NOI \(permit application\).](#)

Item 5: Allied requests clarification on the approval process for a modification or expansion and whether this applied only to wastewater structures. The SC requires submittal of a new site plan to KDHE for approval prior to construction. [Most modifications will require only submittal of a new site plan with an explanation of the proposed changes and a new NOI will not be required. These changes include significant changes to the site layout involving movement of industrial activity, such as stockpiles, equipment, buildings, other structures, outfalls, etc. that affect implementation of the stormwater pollution prevention plan, such as relocation of inspection points, etc. Addition/deletion of structures and outfalls or expansion of the approved site area justify submittal of a new NOI for the proposed changes. A facility can contact KDHE for details if they are unsure whether a new NOI is needed for changes to the facility.](#)

Item 14: Allied comments that the requirement of a new NOI for relocating portable plants is a lot of extra paperwork for very little benefit. Allied opines that some portable facilities have a permanent location for operation during parts of the year. [KDHE understands the paperwork burden associated with relocation of portable plants. For a site where the portable plant will return to use, the permit may be held open, even when the portable plant is not physically present. In that case the portable plant may hold separate permits for multiple locations. Administratively, KDHE needs to have a new NOI for each site where the plant will be operated, and the facility must meet closure requirements for the plant when it is permanently removed.](#)

Item 17(b): Allied comments that a facility may wish to idle a plant for more than 5 years and not close all water pollution control structures. [This SC is written a mechanism for closing abandoned facilities. KDHE will consider any reasonable request for a facility to remain in service, even though mothballed or idled. If the inactive facility poses any pollution potential or health risk, KDHE may require those issues to be addressed even if a permit remains active for a facility that hasn't been used for long periods of time.](#)

Item 20: Allied comments that the requirement to inspect after a storm event that could reasonably be expected to affect the integrity of the controls is vague and potentially litigious. KDHE agrees and based on professional judgement, the permit will quantify this as a 3 inch rainfall event within 24 hours, unless another intensity storm event is justified by the permittee base on a written record of past performance.

Item 21(a): Allied comments again on the process for permit modifications. This issue is addressed in response to comment Item 5 above. Regarding submittal of a SWP2 Plan Certification form, this form is intended only for the first time a SWP2 Plan is submitted, and is not required each time the plan is subsequently modified.

Instructions for the NOI:

Allied questions whether a single NOI can be authorized for co-located industrial activities at the same site (e.g. quarries and asphalt plants). This will be handled on a case by case basis as some permitting restrictions apply. For instance, effluent guideline limitations apply to quarries, and an individual quarry permit will be issued. If no separate structures or discharges occur that would prohibit KDHE from issuing the NOI, additional non-ready mix concrete industrial activities may be included in the permit. The permit will not be issued for other types of water pollution control structures or activities generating industrial wastewater that require a Kansas Water Pollution Control Permit.

Allied questions the process for a waiver in lieu of meeting 100 foot setback requirements. The permittee would need to obtain and submit for KDHE approval a signed waiver from the affected adjacent land owner allowing the facility to encroach upon the required setback. Highway Rights-of-Way (ROW) are not included in the setback requirement; the ROW may be used to help satisfy the required setback.

Allied questions the Minimum Standards of Design provisions and specifically what provisions apply. KDHE will implement approvals based on Best Professional Judgement. In most instances, only earthen lagoon structures will need professional certifications for approval. These will be addressed on a case-by-case basis and full blown Facility Plans, Pre-Design Conferences, PE Sealed design, etc. will not typically be required, although a reasonably detailed description of the facility, processes, structures and flow volumes is expected. Concrete and asphalt structures will not be required to meet the lagoon liner regulations.

Chemical Additives Log:

Allied questions whether the Log is to be submitted. The document is to be submitted along with the NOI. Allied questions the units for Annual Quantity Used. The units will be corrected to indicate gallons per year. Allied indicates the No Observed Effect Concentration (NOEC) may not be readily available. KDHE understands and only expects readily available information to be provided.

Example General Permit:

Section A.1.D: Allied would like a Standardized Annual Comprehensive Site Evaluation form. KDHE does not have one available at this time but will consider making one in the future. The Annual form will not be sent to KDHE; the facility will only be required to acknowledge annually that the evaluation has been performed.

Section B: Allied questions whether eDMRs are required for non-discharging structures. The eDMRs will not be required for non-discharging structures.

Section C.2: Allied repeats comments on Permit Modifications. Permit modifications are addressed above.

Section C.3: Allied repeats comments on Industrial Wastewater Lagoon Requirements. Industrial Wastewater Lagoon Requirements are addressed above.

PROPOSED ACTION:

All comments on the combined Kansas Water Pollution Control (KWPC) and National Pollutant Discharge Elimination System (NPDES) general permit for Ready-Mixed Concrete Plants, Concrete Products Plants, and their Associated Facilities have been addressed. The final KWPC and NPDES Stormwater Runoff from Industrial Activity general permit to replace the current general permit will now be issued.