

STATEMENT OF BASIS

DATE: January 3, 2017
FACILITY: Hydrostatic General Permit
KANSAS GENERAL PERMIT NO.: G-HydroT-0117-1
FEDERAL PERMIT NO.: KSG670000
LOCATION: State of Kansas

PROPOSED: The proposed action consists of reissuance of the Kansas Hydrotest General Permit for the discharge of Hydrostatic Test Water From New Pipelines And Storage Tanks, and/or Existing Pipelines & Storage Tanks Exposed To Crude Oil and Refined Petroleum Products Or Natural/Liquified Petroleum Gases or Other Chemicals

EXISTING PERMIT: The existing permit was issued effective March 1, 2012 and included general water quality based and Best Professional Judgement limits for oil and grease, total suspended solids, pH, chemical oxygen demand, benzene and naphthalene as appropriate for the test conditions. Monitoring was required for daily flow.

RECEIVING STREAM: The permit allows discharge of hydrostatic test water meeting the requirements in the permit to all surface waters of the State except Outstanding National Resource Waters.

PROPOSED LIMITS: The limitations in the draft permit are the same as in the current permit. However, the draft permit also includes an expansion of the use of this general permit for hydrotesting pipelines and storage tanks for "Other Chemicals as described in the permit application". The permit limits on the "Other Chemicals" will be based upon the Kansas Water Quality Standards and Federal requirements. To date, the only other chemical hydrotest requested has been for an ammonia fertilizer line.

Use of water treatment additives: Applicants are required to indicate on the Notice of Intent (NOI) the additives to be used during the hydrotest. Facilities using additives (other than chlorine) in toxic amounts in the hydrotest water are not eligible for this general permit. Other than the occasional use of water soluble dyes (which are water based and have little toxicity) and the use of chlorinated potable water, most permittees do not use water treatment additives in the hydrostatic test water.

Flow: An estimate of the average volume of water to be used is required in the application. The estimated average flow is calculated based upon the total amount of water contained in the pipe/tank to be hydrotested divided by the discharge time. The permittee is required to control the discharge flow rate to reduce erosion.

Oil and Grease: The oil and grease daily maximum limit is 10 mg/l. The limit of 10 mg/l has been demonstrated through experience by KDHE to be best control technology currently available (BCT). Oil and grease may be associated with these discharges as a result of the pipe manufacturing process or corrosion inhibitors (for new pipe) or hydrocarbon products remaining after the pipe is cleaned (for used pipe or storage tanks).

Total Suspended Solids (TSS): The TSS daily maximum effluent limit is 100 mg/l and is based on best professional judgement (BPJ) indicating that the average background level of suspended solids in Kansas streams is about 100 mg/l. Discharges of wastewater with TSS levels of 100 mg/l or less are considered not to impact the receiving stream.

Total Residual Chlorine (TRC): The TRC requirement (if chlorinated water is used) is a narrative-based requirement using KDHE's best professional judgement. Previously, KDHE has seen numerous and persistent instances of "false positive readings". The false positive readings were noted when many permittees, using untreated ground water from irrigation wells for the hydrotest water, found significantly above-limit total residual chlorine concentrations in the unchlorinated hydrotest wastewater. After reviewing the procedures, KDHE determined that the problem was that the small quantities of suspended solids from rust and debris in the new pipe and/or suspended solids in the well water interfered with the TRC test (a visual test method) needed for the low TRC limits required by the permit. Furthermore, a review of the results of discharging the hydrotest water during the last permit cycle has not shown a single case of any aquatic life or habitat damage whether chlorinated or unchlorinated water was used. Therefore, KDHE has determined that the permit will be more protective of the environment by placing a requirement that the test water not be discharged with TRC in toxic concentrations to any receiving stream. This changes the burden of compliance on the permittee from an unreliable test method to a performance standard. Experience with this change over the last permit cycle indicates permittees are choosing to use unchlorinated water or use sites and procedures to reduce the discharge of chlorinated wastewater to surface waters of the state.

pH: The pH is limited to the range of 6.0 to 9.0 standard units. This is consistent with the Kansas and EPA technology based pH range for discharges of wastewater.

Chemical Oxygen Demand (COD): The Kansas Surface Water Quality Standards do not contain a water quality standard for chemical oxygen demand. COD is a quick measure of the amount of oxygen demand in the discharged wastewater and provides a rough indication of possible biochemical oxygen demand on the receiving stream. The limit is set at 150 mg/l using best professional judgement which indicates values less than this will not cause receiving stream degradation as a result of oxygen demand.

Benzene: Benzene is a common component of crude oil and petroleum products and is a carcinogen. The benzene limit is based upon the Kansas Surface Water Quality Standards for food procurement (40 ug/l) which is the most stringent standard of the available designations.

Naphthalene: Naphthalene is a common component of crude oil and petroleum products. The limit of 620 ug/l is based upon the Kansas Surface Water Quality Standards for aquatic life.

STORM WATER CONTROL REQUIREMENTS

Storm water control information is required in the Notice of Intent (permit application) and is required by the permit. The permit requires the use of Best Management Practices such as the selection of discharge sites on farm ground and away from stream banks, the use of filtering devices and energy dissipation methods to reduce erosion and solids deposition in the receiving stream.

Prepared By: Ed Dillingham Date: January 3, 2017

NOTICE OF INTENT (NOI)

For Hydrostatic Test Discharges From New Pipeline And Storage Tanks, and/or Existing Pipelines and Storage Tanks Exposed to Crude and Refined Petroleum Products or Natural/Liquified Petroleum Gases or Other Chemicals

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under a Kansas Water Pollution Control general permit issued for hydrostatic test discharges as described above in the State of Kansas. Completion of this NOI does not provide automatic coverage under the general permit. The Department will issued a signed and dated general permit to the permittee. The general permit so issued covers only the project described in this NOI. **Please Print or Type.**

I. PERMITTEE & PROJECT/FACILITY LOCATION INFORMATION

A. Permittee's Name: _____

B. Permittee's Address: _____

City: _____ State: _____ Zip: _____

C. Name of Project/Facility: _____

Nearest City to Start of Project: _____ State: _____

D. Contact Person: _____ Phone#: _____

E Mail Address: _____ Fax #: _____

E. Permit Mailing Address – Leave blank if same as Permittee's Name/Address

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

F. HYDROTEST ACTIVITY (CHECK ALL THAT APPLY)

PIPELINE

STORAGE TANKS

____ New
____ Existing LP Gas/Natural Gas
____ Existing Petroleum Products / Crude Oil
____ Other Chemicals
Describe: _____

____ New
____ Existing LP Gas/ Natural Gas
____ Existing Petroleum Products / Crude Oil
____ Existing Other Chemicals
Describe: _____

G. Legal Description or Latitude/Longitude (in degrees plus 5 decimals) and Receiving Stream for Each Discharge Location:

Legal: _____ ¼ Section _____ Township _____ S Range _____ E/W County _____

Latitude: _____ Longitude: _____

Receiving Stream: _____

Legal: _____ ¼ Section _____ Township _____ S Range _____ E/W County _____

Latitude: _____ Longitude: _____

Receiving Stream: _____

Legal: _____ ¼ Section _____ Township _____ S Range _____ E/W County _____

Latitude: _____ Longitude: _____

Receiving Stream: _____

If there are more than three discharge points, use an extra sheet of paper to provide the remaining locations

H. Provide here or in a cover letter to this application, a brief description of the project. (Length and diameter of pipe or capacity of tank to be tested, total amount of hydrotest water to be used, indicate if the entire project will be hydrotested at one time or in segments. If in segments, indicate if the test water will be re-used for testing other segments or discharged after each segment is tested and any other information which may be pertinent to the discharge.)

II DISCHARGE INFORMATION

A What is the source of water to be used for this hydrotest? _____

Is the quality equal to or better than the receiving water quality?
YES _____ NO _____ Unknown _____

Have you enclosed an analysis report to confirm supply water quality? YES _____ NO _____

If the hydrotest supply water is of unknown quality or of lesser quality than the receiving stream, you may be required to apply for an individual permit or provide an analysis of the water supply source. Please contact KDHE before conducting such an analysis.

Has the source water (stream, river, pond or lake) been designated for the presence of zebra mussels?
YES _____ NO _____

Has the receiving stream been designated for the presence of zebra mussels?
YES _____ NO _____

To hinder the spread of zebra mussels in Kansas waters, source water containing zebra mussels will not be allowed to be discharged to non-zebra mussel containing waterways.

Call the Kansas Department of Wildlife, Parks & Tourism (KDWP&T) at (620) 672-5911 for assistance in this determination. KDHE, with input from KDWP&T, will determine if this project/land application site can be covered under this general permit. If coverage can not be granted under this general permit, an individual permit will be required. Also, see question F below.

B Will any water treatment additives be used in the test water? YES _____ NO _____
If yes, you may be required to apply for an individual NPDES permit. Please contact KDHE for further information.

C. Briefly describe here or in the cover letter to this application the treatment and/or the best management practices you propose to implement to comply with applicable permit limitations and prevent any oil sheen, control soil erosion, reduce discharge water turbidity, and to reduce total residual chlorine toxicity (if chlorine is present in the source water). **CHECK ALL THAT APPLY.**

- Plastic Sheet or Other Ground Protection
- Hay / Straw Bale Structure
- Energy Dissipation Sock
- Sodium Bisulfite for Total Residual Chlorine Control
- Discharge will be on Pasture Ground or Farm Ground not in close proximity to a receiving stream
- Other - Describe _____
- _____
- _____
- _____
- _____
- _____

D. Are any discharge points located on Indian Lands? If yes, provide details in a cover letter. YES NO

E. Are there any intakes for public drinking water supplies located within 1/2 mile down stream of the discharge points? If yes, provide details in a cover letter. YES NO

F. Are any threatened or endangered species, species in need of conservation, or their critical or crucial habitats known to be present near the discharge site(s)? YES NO

Call the Kansas Department of Wildlife, Parks & Tourism (KDWP&T) at (620) 672-5911 for assistance in this determination. If yes, KDHE, with input from KDWP, will determine if this project/land application site can be covered under this general permit. If coverage can not be granted under this general permit, an individual permit will be required.

G. Anticipated Start Date of Project: _____

H. Anticipated Start Date of Discharge: _____

I. Estimated Duration of Discharge in Hours: _____

III. **MAPS**

Attach appropriate map(s). One broad overview map should show the project start point and end point indicating the nearest cities. Additional more detailed maps should show each discharge point, nearest named stream and anticipated path of discharge to stream.

IV. **ANNUAL FEE**

Submit a check for the first year of the annual fee (\$60.00). Make the check payable to KDHE-Water Pollution Control Permit.

V. **COORDINATION WITH OTHER STATE AND LOCAL AGENCIES**

The applicant is responsible for compliance with the requirements of the Kansas Nongame and Endangered Species Conservation Act relating to the protection of threatened or endangered species, species in need of conservation, or their critical or crucial habitats under K.A.R. 115-15-1 and K.S.A. 32-957 to 963, 32-1009 to 1012 and 32-1033; sites listed or eligible for listing on the National Register of Historic Places which are likely to be adversely affected; water appropriation from Kansas Department of Agriculture – Division of Water Resources; and any other appropriate and applicable federal, state and local government laws.

VI. CERTIFICATION

I certify that I have read and understand the requirements and conditions of the NPDES general permit application for the hydrostatic test discharges described herein (available on the KDHE web page at www.kdheks.gov/water/tech.html or via hard copy by contacting KDHE at 785.296.5506 or by FAX at 785.296.0086). I understand that continued coverage under the NPDES general permit for these discharges is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit.

I certify under penalty of law that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on the 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 fines and imprisonment for knowing violations. Furthermore, I certify that I am authorized to sign this application for the applicant named herein.

Signature: _____

Date: _____

Name: _____

Title: _____

(Please Print)

VIII. SEND COMPLETED FORM AND ANNUAL FEE TO:

KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT
BUREAU OF WATER – TECHNICAL SERVICES
1000 SW JACKSON ST., SUITE 420
TOPEKA, KS 66612-1367

Kansas Water Pollution Control General Permit & Authorization to Discharge
Hydrostatic Test Water From New Pipelines And Storage Tanks, and/or Existing
Pipelines & Storage Tanks Exposed To Crude Oil and Refined Petroleum Products Or
Natural/Liquified Petroleum Gases or Other Chemicals

UNDER THE KANSAS WATER POLLUTION CONTROL PROGRAM AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. (the "ACT"), the Kansas Water Pollution Control Statutes Annotated 65-164 and 65-165, and rules and regulations adopted thereunder,

Permittee's Name: _____

Permittee's Address: _____

Contact Person: _____ Telephone: _____ Fax: _____

Project/Facility Name: _____

Project/Facility Address: _____

Discharge Location: _____

Receiving Stream: _____

Basin: _____

is authorized to discharge hydrostatic test water from the project named herein to surface waters of the State described above in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit is effective as of the date of issuance and expires upon the Kansas Department of Health and Environment's acceptance of the Request for Termination or January 31, 2022 whichever is first.

PROJECT /FACILITY DESCRIPTION:

(KDHE to Complete)

The Permittee shall notify the KDHE district office in _____, KS at telephone number _____ at least 48 hours prior to the start of the expected discharge to allow the district an opportunity to observe/sample the discharge water.

Secretary - Kansas Department of Health and Environment

Date of Issuance

REQUEST FOR TERMINATION

of the Permit for the Discharge of Hydrostatic Test Water From the Project Described Herein

Permittee's Name: _____

Permittee's Address: _____

Contact Person: _____ Telephone: _____ Fax: _____

Project/Facility Name: _____

Project/Facility Address: _____

Discharge Location: _____

Receiving Stream: _____

Basin: _____

To relinquish authorization to discharge under this permit, permittee must sign and submit the following certification.

I certify under penalty of law that all discharges authorized by this permit have ceased. I understand that by submitting this Request for Termination, the permittee is no longer authorized to discharge under this Kansas general NPDES permit. I also understand that submittal of this Request for Termination does not release the permittee from liability for any violations of this general NPDES permit, K.S.A. 65-164 and 65-165, Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.), or the Federal Water Pollution Control Act, as amended, 33 U.S.C. '1251 et seq. which occurred during the effective period of the permit specified herein.

I hereby certify:

_____ The discharged test water met all the permit requirements.

_____ The discharged test water did not meet all the permit requirements and an explanation is provided with this submittal.

This Request for Termination is being submitted because:

- The hydrotest for which this permit was issued has been completed. Monitoring tests results are enclosed or were previously submitted.
- The hydrotest for which this permit was issued is completed. Monitoring of the discharge was not required because no test water left the discharge site, the test water was sent to a KDHE-permitted treatment center or KDHE indicated on the permit that no testing was required.
- The project was terminated prior to the hydrostatic test and the permit is no longer needed.

Person Authorized to Sign this Request for Termination:

Print Name: _____ Date: _____

Title: _____ Phone Number: _____

Signature: _____

RETURN REQUEST FOR TERMINATION AND A COPY OF THE LABORATORY'S MONITORING TEST RESULTS, IF REQUIRED, TO:

U.S. Mail: Kansas Department of Health and Environment
 Bureau of Water - Technical Services Section
 1000 SW Jackson St. - Suite 420
 Topeka, KS 66612 – 1367

FAX: 785.296.0086

Scan &E-Mail: dmr4kdhe@ks.gov

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the date of issuance of this permit and lasting through the expiration or termination date of this permit, the permittee is authorized to discharge from the activities as specified in this permit. Such discharge(s) shall be controlled, limited and monitored as specified below. A copy of the laboratory’s test result report(s) shall be submitted within 30 days of the discharge.

Effective Date Activity and Effluent Parameters	<u>EFFLUENT LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Units	Upon Issuance Daily Maximum	Measurement Frequency	Sample Type
<u>I MONITORING REQUIRED FOR HYDROSTATIC TEST DISCHARGES FROM NEW PIPELINES AND NEW STORAGE TANKS</u>				
Flow	GPD	Monitor	Daily	Estimate
Oil and Grease (O&G)	mg/l	15	Footnote (1)	Grab
Total Suspended Solids (TSS)	mg/l	100	(1) and (3)	Grab
Total Residual Chlorine (TRC)	See Supplemental Condition 1.d.		(1)	Grab
pH	SU	Within the Range of 6.0 to 9.0	(1)	Grab
<u>II MONITORING REQUIRED FOR HYDROSTATIC TEST DISCHARGES FROM EXISTING PIPELINES AND STORAGE TANKS EXPOSED TO CRUDE OIL AND REFINED PETROLEUM PRODUCTS</u>				
Flow	GPD	Monitor	Daily	Estimate
Oil and Grease (O&G)	mg/l	15	Footnote (2)	Grab
Total Suspended Solids (TSS)	mg/l	100	(2) and (3)	Grab
Total Residual Chlorine (TRC)	See Supplemental Condition 1.d.		(2)	Grab
pH	SU	Within the Range of 6.0 to 9.0	(2)	Grab
Chemical Oxygen Demand (COD)	mg/l	150	(2)	Grab
Benzene	µg/l	40	(2)	Grab
Naphthalene	µg/l	620	(2)	Grab
<u>III MONITORING REQUIRED FOR HYDROSTATIC TEST DISCHARGES FROM EXISTING PIPELINES AND STORAGE TANKS EXPOSED TO NATURAL AND/OR LIQUIFIED PETROLEUM GASES</u>				
Flow	GPD	Monitor	Daily	Estimate
Oil and Grease (O&G)	mg/l	15	Footnote (2)	Grab
Total Suspended Solids (TSS)	mg/l	100	(2) and (3)	Grab
Total Residual Chlorine (TRC)	See Supplemental Condition 1.d.		(2)	Grab
pH	SU	Within the Range of 6.0 to 9.0	(2)	Grab
Chemical Oxygen Demand (COD)	mg/l	150	(2)	Grab
Benzene	µg/l	40	(2)	Grab
<u>IV MONITORING REQUIRED FOR HYDROSTATIC TEST DISCHARGES FROM EXISTING PIPELINES AND STORAGE TANKS EXPOSED TO OTHER CHEMICALS</u>				
Flow	GPD	Monitor	Daily	Estimate
Oil and Grease (O&G)	mg/l	15	Footnote (2)	Grab
Total Suspended Solids (TSS)	mg/l	100	(2) and (3)	Grab
Total Residual Chlorine (TRC)	See Supplemental Condition 1.d.		(2)	Grab
pH	SU	Within the Range of 6.0 to 9.0	(2)	Grab
Chemical Oxygen Demand (COD)	mg/l	150	(2)	Grab
Other parameters as identified in the application with limits based upon Kansas and Federal criteria as appropriate.				

Footnotes:

- (1) For new pipe or storage tanks, one representative sample of the hydrostatic test water shall be collected during the discharge and analyzed. If the discharge exceeds 48 hours in duration, another sample shall be collected and analyzed unless otherwise specified in the project/facility description.

- (2) For used pipe or storage tanks exposed to crude oil, natural gas, LPG, refined products or other chemicals, at least two representative samples of the hydrostatic test water shall be analyzed. A representative sample of the hydrostatic test water shall be collected and analyzed prior to the discharge and another during the discharge. The analytical results of the water sample taken in the pipeline or tank shall be submitted to the KDHE for review and approval prior to discharge only if the analytical report indicates noncompliance with the permit limits. If the discharge exceeds one day (24 hours in duration), another sample day shall be collected each day during the discharge and analyzed unless otherwise specified in the project/facility description.
- (3) The permittee may use the Net TSS limits if the water source is river water and the discharge is to the same river.

B. SUPPLEMENTAL CONDITIONS

1. The following requirements are applicable to the discharge of hydrostatic test water from all activities:
 - a. This permit does not cover the pipe or tank cleaning process or disposal of wastes from the cleaning process.
 - b. The source water used for the hydrostatic test shall be of the same or better quality than the receiving stream to which it is to be discharged.
 - c. The permittee shall take measures to reduce the iron content of the discharge so no discoloration and/or iron deposition occurs on adjacent landowners' property and/or within the receiving stream.
 - d. If chlorinated water (e.g. potable tap water) is used for the hydrostatic test, the test water shall not be discharged with Total Residual Chlorine (TRC) in toxic concentrations to any receiving stream.
 - e. All discharges shall be conducted in a manner to prevent erosion of soil or other materials into surface waters.
 - f. All discharges shall be filtered or otherwise treated to remove suspended solids, turbidity and color to a level consistent with the receiving waters.
 - g. The discharge shall have no visible oil sheen, floating solids or visible foam in other than trace amounts.
2. Changes in Discharges of Toxic Substances: The permittee shall notify the Director as soon as it knows or has reason to believe that any activity has occurred or will occur which results in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of these notification levels: (1) Five hundred micrograms per liter (500 µg/l) or (2) One milligram per liter (1 mg/l) for antimony.
3. In the event the Environmental Protection Agency amends or promulgates BPT, BAT, and/or BCT effluent guideline limitations for a specific Point Source Category or any of the subcategories covering this industry or the permitted activities, this permit will be revoked and reissued to incorporate the new limitation(s).
4. There shall be no discharge of Polychlorinated Biphenyls (PCBs).
5. Issuance of this permit does not relieve the permittee of any responsibility to satisfy any requirements the Kansas Department of Agriculture - Division of Water Resources, Kansas Department of Wildlife, Parks and Tourism, Kansas Historical Society, Kansas Department of Transportation or any local, city, county, state or federal government agency may have regarding the proposed project.
6. This permit can be maintained only by timely payment of the annual permit renewal fee as provided in the permit fee schedules in K.A.R. 28-16-56.
7. KDHE recognizes that unintended discharges from a pipe/tank failure may occur at any location on the pipeline route or tank. If this occurs, permittee shall immediately (within 24 hours of discovery) notify KDHE at 785.296.5517 or after regular office hours at the KDHE Environment Hot-Line 785.296.1679 providing the permittee's name, project name, location of the release, pipe or tank's previous use, estimate of the amount of water discharged and name of the receiving stream, if the discharge reached surface waters of the state.

C. STANDARD CONDITIONS

1. Representative Sampling:

- a. Samples and measurements taken as required herein shall be representative of the nature and volume of the monitored discharge. All samples shall be taken at the location designated in this permit, and unless otherwise specified, before the discharge joins or is diluted by any other water or substance.
- b. No later than 30 days after the discharge is complete, the permittee shall submit a copy of the laboratory test report(s), Request for Termination, and an explanation if permit limits were exceeded to:

Kansas Department of Health & Environment
Bureau of Water-Technical Services Section
1000 SW Jackson Street, Suite 420
Topeka, KS 66612-1367
FAX: 785.296.0086
Scan & E-mail: cseeds@ks.gov

2. Definitions:

- A. A "daily maximum" means the discharge by volume or the maximum concentration during a 24 hour period.
 - B. A "grab sample" is an individual sample collected in less than 15 minutes.
 - C. The "act" means the Clean Water Act, 30 USC Section 1251 et seq.
 - D. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
3. Test Procedures: All analyses required by this permit shall conform to the requirements of 33 USC Section 1314(h) and shall be conducted in a laboratory certified by this Department for the required parameters. For each measurement or sample, the permittee shall record the exact place, date, and time of sampling; the date of the analysis, the analytical techniques or methods used, and the individual(s) who performed the sampling, and analysis, and the results. If the permittee monitors any parameter at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included with the laboratory test report(s) required in 1.b. above. Such increased frequencies shall also be indicated.
 4. Records Retention: All records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of 3 years, or longer if requested by the Division.
 5. Change in Discharge: All discharges authorized herein shall be consistent with the terms and conditions of this permit. 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.
 6. Minimization of Impact: The permittee shall take all necessary steps to minimize or prevent any adverse impact to waters of the State resulting from noncompliance with any requirement of 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 conditions, the permittee shall halt or reduce those activities under its control.
 7. Immediate Reporting Required: The permittee shall immediately [within 24 hours] notify the Division by telephone [785.296.5517, the appropriate KDHE District Office, or the 24-hr Emergency hot line at 785.296.1679] of each significant spill and shall confirm the telephone notification with a letter explaining what caused the spill and what actions have been taken to prevent recurrence. Written notification shall be provided to the Director within five days of the permittee becoming aware of the spill.

C. STANDARD CONDITIONS (Continued)

8. Removed Substances: Solid wastes, sludges, or other pollutants removed in the course of activities conducted under this permit shall be disposed of in a manner acceptable to the Division.
9. Right of Entry: The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency, upon the presentation of credentials, to enter upon the project location where a discharge source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in association with the permitted activity.
10. Transfer of Ownership: The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
11. Availability of Records: 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 available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.
12. Permit Modifications and Terminations: As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended, revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. 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 by this permit.
13. Toxic Pollutants: Notwithstanding paragraph 12 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.
14. Civil and Criminal Liability: Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance as provided for in KSA 65-164 et seq., KSA 65-170d, KSA 65-167, and 33 USC Section 1319 and 33 USC Section 1321.
15. Property Rights: The issuance of this 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 or any invasion of personal rights nor any infringements of or violation of federal, state or local laws or regulations.
16. 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.
17. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.