

Federal Permit No.: KSR041

KANSAS WATER POLLUTION CONTROL GENERAL MS4 PERMIT AND
AUTHORIZATION TO DISCHARGE 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 "Act",

Owner:

Owner's Address:

County:

Drainage Basin:

is hereby authorized to discharge stormwater from the municipal separate
storm sewer system (MS4) as described herein in accordance with the
limitations, conditions and requirements set forth in this general permit.

This general permit is effective October 1, 2004 and expires on September 30,
2009. This general permit supersedes all previous permits, agreements,
decrees, or orders, in effect between the Kansas Department of Health and
Environment (KDHE) and the permittee for the discharge of stormwater from the
separate storm sewer system under the jurisdiction of the municipality as
cited herein.

Secretary, Kansas Department of Health and Environment

Date

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

A. Permit Area and Application of Permit Conditions

1. This permit covers all areas within the permittee's municipality which is also located in the urbanized area as defined by the U.S. Census Bureau. The permit area shall include all areas which are incorporated into the municipality during the effective term of this permit and which are located in the urbanized area.
2. Best management practices shall be implemented as follows:
 - a. the best management practices associated with the six minimum controls must be implemented throughout the municipality, and in addition,
 - b. the best management practices implemented to attenuate the discharge of each total maximum daily load (TMDL) regulated parameter listed in Part III of this permit must be implemented in the portion of the permit area which discharges to the associated stream or lake.

- B. Authorized Discharges This permit authorizes all existing or new stormwater point source discharges to waters of the United States from the Municipal Separate Storm Sewer System (MS4) located within the permit area.

PART II. STORMWATER MANAGEMENT PROGRAM DOCUMENT

A stormwater management program (SMP) document which describes the SMP shall be prepared. The SMP document shall address each of the program areas (six minimum control measures, as discussed in Part IV. A., and any BMPs which will be implemented to attenuate the discharge of TMDL regulated parameters as required within Part III of this permit). The stormwater management program document shall include information as follows:

- A. The best management practices (BMPs) that will be implemented by the permittee or a contract service provider;
- B. the measurable goals for each of the BMPs;
- C. the municipality or municipalities responsible for implementing any of the program areas; and
- D. a map illustrating the permit area, as defined in Part I. A. above.

A copy of the SMP document shall be submitted to KDHE for approval prior to the date established in PART VI Permit Condition Deadlines. The permittee is encouraged to solicit public comment and participation in developing and evaluating the SMP.

The SMP document will be modified if the permittee and/or KDHE determines such modifications are needed to achieve the goals of the program. The SMP shall be evaluated annually and modifications, if necessary, submitted with the annual report required in Part V. B. of this permit.

PART III. TOTAL MAXIMUM DAILY LOAD (TMDL) BEST MANAGEMENT PRACTICES

The permittee shall implement best management practices (BMPs) to attenuate the discharge of the Total Maximum Daily Load (TMDL) regulated parameters to the associated stream and/or lake as listed below:

TMDL Regulated Parameter	Associated Stream or Lake

These BMPs, intended to attenuate the discharge of the TMDL regulated parameters, are to be implemented within the permit area wherever stormwater drains to the associated impaired stream or lake. At a minimum, one BMP shall be implemented for each of the listed TMDL regulated parameters. The BMPs shall be implemented prior to the date established in PART VI Permit Condition Deadlines.

Part IV. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS

The permittee shall develop, implement, and enforce a SMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the stormwater management program and the provisions of this permit constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." The SMP shall include BMPs for the six minimum controls and BMPs for any TMDL regulated parameters listed in Part III. of this permit.

A. The six minimum control measures and the requirements imposed by this permit are listed and explained as follows:

1. Public Education and Outreach

The permittee shall implement a public education program which includes distribution of educational materials to the community or conducting equivalent outreach activities which address the impacts of stormwater discharges on water bodies and the steps the public can take to reduce pollutants in stormwater runoff.

The public education and outreach requirements as addressed above shall be implemented prior to the date established in PART VI. Permit Condition Deadlines.

Part IV. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (Continued)

2. Public Involvement and Participation

The permittee shall implement a public involvement and participation program to solicit public comment and recommendations regarding the BMPs and measurable goals utilized by the permittee to comply with this permit. The permittee shall comply with State and local public notice requirements when implementing a public involvement and participation program.

The public involvement and participation requirements as addressed above shall be implemented prior to the date established in PART VI Permit Condition Deadlines.

3. Illicit Discharge Detection and Elimination

The permittee shall:

- a. develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4;
- b. develop a storm sewer system map of the permittee's MS4, showing the location of all outfalls, either pipes or open channel drainage, showing the names and location of all streams or lakes that receive discharges from those outfalls (a copy of the map shall be submitted to KDHE with the subsequent annual report);
- c. enact ordinances or resolutions to prohibit non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions if the permittee has such authority (a copy of the ordinances or resolutions shall be submitted to KDHE with the subsequent annual report);
- d. inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- e. develop and implement a plan to detect and address prohibited non-stormwater discharges, including illegal dumping, to the storm sewer system. Unless identified by either the permittee or KDHE as a significant source of pollutants to waters of the state the following examples of non-stormwater discharges are not prohibited from entering the Municipal Separate Storm Sewer System:
 - I. Water line flushing;
 - II. diverted stream flow;
 - III. rising groundwaters;

Part IV. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (Continued)

- IV. uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;
- V. uncontaminated pumped groundwater;
- VI. contaminated groundwater if authorized by KDHE and approved by the municipality;
- VII. discharges from potable water sources;
- VIII. foundation drains;
- IX. air conditioning condensate;
- X. irrigation waters;
- XI. springs;
- XII. water from crawl space pumps;
- XIII. footing drains;
- XIV. individual residential car washing;
- XV. flows from riparian habitats and wetlands;
- XVI. dechlorinated swimming pool discharges excluding filter backwash;
- XVII. street wash waters (excluding street sweepings which have been removed from the street);
- XVIII. discharges or flows from emergency fire fighting activities;
- XIX. heat pump discharge waters (residential only);
- XX. treated wastewater meeting requirements of a NPDES permit; and
- XXI. other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

The illicit discharge detection and elimination requirements as addressed above shall be implemented prior to the date established in PART VI Permit Condition Deadlines.

Part IV. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (Continued)

4. Construction Site Stormwater Runoff Control

The permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the development and implementation, at a minimum, of the following:

- a. permittees which have the authority to enact ordinances or resolutions shall enact such ordinances or resolutions to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law; and
- b. requirements for construction site owners or operators to implement appropriate erosion and sediment control best management practices; and
- c. requirements for construction site owners or operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that are likely to cause adverse impacts to water quality; and
- d. procedures for site plan review which incorporate consideration of potential water quality impacts; and
- e. procedures for receipt and consideration of information submitted by the public; and
- f. procedures for site inspection and enforcement of control measures.

The construction site stormwater runoff control requirements as addressed above shall be implemented prior to the date established in PART VI Permit Condition Deadlines.

5. Post-Construction Stormwater Management in New Development and Redevelopment Projects

The permittee shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must include the development and implementation, at a minimum, of the following:

- a. BMPs to prevent or minimize adverse water quality impacts; and

Part IV. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (Continued)

- b. strategies which include a combination of structural and/or non-structural BMPs appropriate for the municipality; and
- c. for permittees which have the authority, ordinances or resolutions to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- d. ensure adequate long-term operation and maintenance of BMPs.

The post-construction stormwater management in new development and redevelopment requirements as addressed above shall be implemented prior to the date established in PART VI Permit Condition Deadlines.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

The permittee shall develop and implement an operation and maintenance program that includes employee training to prevent and reduce stormwater pollution from municipal operations activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

The pollution prevention/good housekeeping for municipal operations requirements as addressed above shall be implemented prior to the date established in PART VI Permit Condition Deadlines.

- B. The permittee shall implement BMPs to attenuate the discharge of TMDL regulated parameters in compliance with Part III. These BMPs shall be implemented prior to the date established in Part VI Permit Condition Deadlines.

PART V. RECORDKEEPING AND REPORTING

A. Records

A copy of the notice of intent (NOI), this NPDES general permit, the current stormwater management program document and all annual reports shall be retained by the permittee at a location accessible to the public and KDHE. The permittee shall retain these records for a period of at least 3 years from the expiration date of this NPDES general permit.

B. Reporting

The permittee shall submit annual reports to the permitting authority, KDHE. The reports must include:

1. the status of compliance with permit conditions, an assessment of the appropriateness of your best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals for each of the minimum control measures as listed in the stormwater management program document;

PART V. RECORDKEEPING AND REPORTING (continued)

2. results of information collected and analyzed, if any, during the reporting period, including stormwater monitoring data used to assess the success of the program at reducing the discharge of pollutants;
3. a summary of the stormwater activities which are scheduled to be undertaken during the next reporting cycle (including an implementation schedule); and
4. a list of other municipalities/contractors, if any, which will be responsible for implementing any of the program areas of the stormwater management program.

The annual report as addressed above shall be submitted to KDHE prior to the date established in PART VI Permit Condition Deadlines.

PART VI. PERMIT COMPLIANCE DEADLINES

- A. A copy of the SMP document shall be submitted to KDHE for approval prior to the date one year after the effective date of this permit (October 1, 2005). See Part II.
- B. For any TMDL regulated parameters listed in Part III. of this permit, the permittee shall begin implementation of BMPs to attenuate the discharge of the regulated parameters to the associated stream and/or lake prior to the date two years after the effective date of this permit (October 1, 2006). See Part III.
- C. The public education and outreach requirements shall be initiated prior to the date one year after the effective date of this permit (October 1, 2005). See Part IV. A. 1.
- D. The public involvement and participation requirements shall be initiated prior to the date one year after the effective date of this permit (October 1, 2005). See Part IV. A. 2.
- E. The illicit discharge detection and elimination requirements shall be initiated prior to the date two years after the effective date of this permit (October 1, 2006). See Part IV. A. 3.
- F. The construction site stormwater runoff control requirements shall be initiated prior to the date three years after the effective date of this permit (October 1, 2007). See Part IV. A. 4.
- G. The post-construction stormwater management in new development and redevelopment requirements shall be initiated prior to the date three years after the effective date of this permit (October 1, 2007). See Part IV. A. 5.

PART VI. PERMIT COMPLIANCE DEADLINES (continued)

- H. The pollution prevention/good housekeeping for municipal operations requirements shall be initiated prior to the date two years after the effective date of this permit (October 1, 2006). See Part IV. A. 6.
- I. The first annual report shall be submitted to KDHE prior to February 1, 2006. Thereafter, annual reports shall be submitted to KDHE prior to February 1 of each year for the previous calendar year. See Part V. B.

PART VII. STANDARD CONDITIONS

A. Duty to Comply

The permittee must comply with all conditions of the permit pursuant to Kansas' statutes, regulations and Federal law.

B. Continuation of the this Permit After the Expiration Date

This permit may continue in force and effect after the expiration date if:

1. The permittee has applied for renewal, at least, 180 days before the existing permit expires and,
2. Through no fault of the permittee, the permitting authority fails to re-issue the permit in a timely manner.

C. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are used to achieve compliance with the conditions of the permit.

D. 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, revoked, or terminated in whole or in part during its term for cause as provided for, 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.

Filing of a request, by the permittee, for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

PART VII. STANDARD CONDITIONS (continued)

E. Severability

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

F. Change in Discharge

All stormwater discharges shall be in compliance with the conditions of the permit. Modification or expansion of the storm sewer system is allowed. All new storm sewer segments and outfalls constructed after the effective date of the permit, which are located within the permit area, are authorized under the permit and must comply with the permit conditions.

G. Removed Substances

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

H. Civil, Criminal, and Administrative Penalties

Kansas law provides for civil and criminal punishment including fines and imprisonment for violations of this permit. Nothing in this permit shall be construed to relieve the permittee from civil, criminal, and/or administrative penalties as provided for in K.S.A. 65-171f, K.S.A. 65-170d, K.S.A. 65-167, 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.

I. 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, nor any invasion of personal rights, nor any infringement or violation of Federal, State or local laws or regulations.

J. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any damage to the environment or hazard to human health from any discharge in violation of this permit.

PART VII. STANDARD CONDITIONS (continued)

K. Availability of Records

Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of the permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

L. Right of Entry

The permittee shall allow authorized representatives of the Kansas Department of Health and Environment or the Environmental Protection Agency, upon the presentation of credentials, to enter upon the permittee's premises where storm sewers regulated under the permit are located, or in which are located any records required by the permit.

M. Bypass

Any diversion or bypass of facilities necessary to maintain compliance with this 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.

N. Proper Operation and Maintenance

The permittee shall at all times properly implement the six minimum requirements and BMPs as required by this permit and/or identified in the permittee's SMP, to achieve compliance with the conditions of this permit. Proper implementation includes effective performance, adequate funding, and adequate operator staffing and training.