

Division of Environment  
Curtis State Office Building  
1000 SW Jackson St., Suite 400  
Topeka, KS 66612-1367



Phone: 785-296-1535  
Fax: 785-559-4264  
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

March 18, 2019

Leavenworth, City of  
Michael McDonald  
100 N. 5th Street  
Leavenworth, KS 66048

RE: Kansas Public Notice No. KS-Q-18- 67  
Kansas Water Pollution Control  
Permit No. M-MO12-SN01  
Leavenworth Stormwater

Dear Permittee:

The enclosed public notice and draft permit pertain to the referenced pending Kansas Water Pollution Control Permit and Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES).

Regulations require this department to issue a public notice to inform interested persons of the agency's intent to issue a Kansas/Federal Water Pollution Control Permit. The notice allows a 30-day period for comment by the applicant or other interested parties. If response to the notice indicates significant interest, a public hearing may be held. Please post the draft permit and the public notice in a conspicuous public place in your place of business (if a private business) or other public building (if a governmental entity) until the Comments Due Date identified in the public notice.

Also, please note that if the permit requires routine monitoring and reporting, the table under section A will contain a new term called "EDMR code". This term stands for Electronic Discharge Monitoring Report and is an addition to the permits to allow all permittees, in the future, to report the discharge monitoring report data electronically instead of on paper.

Any comments you have regarding the proposed permit should be sent to this office. If you have any questions, please contact me at (785) 296-2856.

Sincerely,

Shelly Shores-Miller  
Permits & Compliance

NE - District  
RW- Permit File

State of Kansas  
Department of Health and Environment

Public Notice Concerning Kansas / Federal  
Water Pollution Control Permits and Applications

State of Kansas  
Department of Health and Environment  
Division of Environment-Bureau of Water  
1000 SW Jackson St., Suite 420  
Topeka, Kansas 66612-1367

Telephone: (785) 296-6432 - Ag Permits  
(785) 296-5517 - All Others

Public Notice No. KS-AG-19-071/081  
Public Notice No. KS-Q-19-057/076  
Public Notice No. KS-PT-19-001

Beginning Date: March 21, 2019  
Comments Due: April 20, 2019

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the State by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

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**Public Notice No. KS-AG-19-071/081**

**Pending Permits for Confined Feeding Facilities**

<u>Name and Address of Applicant</u>	<u>Legal Description</u>	<u>Receiving Water</u>
Steven J. Eichman Rock Creek Finishing Farms, LLC 13075 Brush Creek Rd. Westmoreland, KS 66549	SE/4 of Section 28 T08S, R09W Pottawatomie County	Kansas River Basin

Kansas Permit No.: A-KSPT-H001

Federal Permit No.: KS0091260

An update to the Nutrient Management Plan (NMP) was received for this existing facility currently permitted for 4,980 head (1,992 animal units) of swine weighing greater than 55 pounds. The facility's NMP was updated to include a change in the application rate limitation for Field N2 NW 33 from 1.5 x crop P removal application rate limitation to Agronomic N application rate limitation. There are no changes to the permit or in the permitted number of animal units. Only the updated portions of the

Nutrient Management Plan are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Dwight Busenitz	SE/4 of Section 10	Walnut River Basin
South Springs, LLC	T25S, R03W	
13340 NW 40 <sup>th</sup> Rd.	Butler County	
Benton, KS 67017		

Kansas Permit No.: A-WABU-H002                      Federal Permit No.: KS0090611

An update to the Nutrient Management Plan (NMP) was received for this existing facility currently permitted for 8,520 head (3,408 animal units) of swine weighing greater than 55 pounds and 2,800 head (288 animal units) of swine weighing 55 pounds or less. The facility's NMP was updated to include a change in the application rate limitation for fields Stephens West and Wilson South from 1.5 x crop P removal application rate limitation to Agronomic N application rate limitation. There are no changes to the permit or in the permitted number of animal units. Only the updated portions of the Nutrient Management Plan are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Chris & Carol Schuetze	NE/4 of Section 26	Upper Arkansas
CJ Land & Cattle Company	T26S, R27W	River Basin
Far West Starter Yard North	Gray County	
18825 24 Road		
Cimarron, KS 67835		

Kansas Permit No.: A-UAGY-B005

This is a new permit for a new facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds. Controls consist of two sediment basins which collect runoff prior to application on the buffer area.

Cody Schneider	SE/4 of Section 13	Saline River Basin
C & A Enterprises	T14S, R04W	

2548 S Lightville Rd.  
Salina, KS 67401

Saline County

Kansas Permit No.: A-SASA-B002

This is a renewal permit for an existing facility for 598 head (299 animal units) of cattle weighing 700 pounds or less. There has been no change in animal units from the last permit.

Cimarron Crossing Feeders, LLC	All of Section 4	Upper Arkansas
Cimarron Crossing Feeders, LLC	T26S, R28W	River Basin
P.O. Box 349	NE/4 of Section 9	
Cimarron, KS 67835	T26S, R28W	
	S/2 of Section 33	
	T25S, R28W	

Kansas Permit No.: A-UAGY-C001

Federal Permit No.: KS0037541

This is a renewal permit for an existing facility for 22,500 head (22,500 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Janice Kramer	SW/4 of Section 22	Kansas River Basin
Janice Kramer	T04S, R13E	
930 P Road	Nemaha County	
Goff, KS 66428		

Kansas Permit No.: A-KSNM-S022

This is a renewal permit for an existing facility for 592 head (236.8 animal units) of swine more than 55 pounds, 90 head (90 animal units) of cattle more than 700 pounds, and 90 head (45 animal units) of cattle 700 pounds or less, for a total of 371.8 animal units. There has been no change in animal units from the last permit.

Leon Albert  
Albert Dairy  
14601 W. Central  
Wichita, KS 67235

NW/4 of Section 23  
T27S, R02W  
Sedgwick County

Arkansas River  
Basin

Kansas Permit No.: A-ARSG-M003

This is a renewal permit for an existing facility for 85 head (119 animal units) of mature dairy cattle and 27 head (13.5 animal units) of cattle weighing less than 700 pounds, for a total of 132.5 animal units. There has been no change in animal units from the last permit.

Kim L. Goracke  
Kim L. Goracke  
1555 Hwy 4  
Hope, KS 67451

NW/4 of Section 14  
T16S, R03E  
Dickinson County

Smoky Hill  
River Basin

Kansas Permit No.: A-SHDK-B024

This is a renewal permit for an existing facility for 800 head (400 animal units) of cattle weighing 700 pounds or less. There has been no change in animal units from the last permit.

Kelly & Kristopher Bogart  
Kelly & Kristopher Bogart  
853 1300 Ave  
Abilene, KS 67410

SE/4 of Section 32  
T14S, R02E  
Dickinson County

Smoky Hill  
River Basin

Kansas Permit No.: A-SHDK-B033

This is a renewal permit for an existing facility 600 head (600 animal units) of cattle weighing greater than 700 pounds, and 398 head (199 animal units) of cattle weighing less than 700 pounds, for a total of 799 animal units. There has been no change in animal units from the last permit.

Daniel W & Marlene A Rempe	NW/4 of Section 30	Missouri River
Rempe – Pork Palace	T04S, R13E	Basin
850 State Hwy 63	Nemaha County	
Corning, KS 66417		

Kansas Permit No.: A-MONM-S074

This is a renewal permit for an existing facility for 2,499 head (999.6 animal units) of swine weighing more than 55 pounds. There has been no change in animal units from the last permit.

Jason Timmerman	S/2 of Section 33	Upper Republican
Fisher Cattle Company	T03S, R36W	River Basin
1762 US 83	Rawlins County	
Colby, KS 67701		

Kansas Permit No.: A-URRA-C001      Federal Permit No.: KS0087726

This is a renewal permit for an existing facility for 7,500 head (7,500 animal units) of cattle weighing more than 700 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

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Public Notice No.: KS-Q-19-057/076

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria.

<u>NAME AND ADDRESS OF APPLICANT</u>	<u>DRAINAGE BASIN</u>	<u>TYPE OF DISCHARGE</u>
Arkansas City, City of 118 West Central Arkansas City, KS 67005	Lower Arkansas River	Stormwater Point Source

Kansas Permit No. M-AR06-SN01      Federal Permit No. KSR440001

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Coffeyville, City of  
PO Box 1629  
Coffeyville, KS 67337

Verdigris River

Stormwater Point  
Source

Kansas Permit No. M-VE09-SN01

Federal Permit No. KSR440002

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Dodge City, City of  
PO Box 880  
Dodge City, KS 67801

Upper Arkansas River

Stormwater Point  
Source

Kansas Permit No. M-UA11-SN01

Federal Permit No. KSR440003

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an

identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

El Dorado, City of  
220 East 1st  
El Dorado, KS 67042

Walnut River

Stormwater Point  
Source

Kansas Permit No. M-WA09-SN01

Federal Permit No. KSR440004

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Emporia, City of  
522 Mechanic Street  
Emporia, KS 66801

Neosho River

Stormwater Point  
Source

Kansas Permit No. M-NE24-SN01

Federal Permit No. KSR440005

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Garden City, City of

Upper Arkansas River

Stormwater Point



PO Box 998  
Garden City, KS 67846

Source

Kansas Permit No. M-UA14-SN01

Federal Permit No. KSR440006

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Great Bend, City of  
PO Box 1168  
Great Bend, KS 67530

Upper Arkansas River

Stormwater Point  
Source

Kansas Permit No. M-UA16-SN01

Federal Permit No. KSR440007

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Hays, City of  
PO Box 490  
Hays, KS 67601

Smoky Hill River

Stormwater Point  
Source

Kansas Permit No. M-SH16-SN01

Federal Permit No. KSR440008

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge

of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Hutchinson, City of  
1500 South Plum Street  
Hutchinson, KS 67501

Lower Arkansas River

Stormwater Point  
Source

Kansas Permit No. M-AR49-SN01

Federal Permit No. KSR440009

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Junction City, City of  
PO Box 287  
Junction City, KS 67441

Kansas River

Stormwater Point  
Source

Kansas Permit No. M-LR15-SN01

Federal Permit No. KSR440010

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed

permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Leavenworth, City of  
100 N 5<sup>th</sup> Street  
Leavenworth, KS 66048

Missouri River

Stormwater Point  
Source

Kansas Permit No. M-MO12-SN01

Federal Permit No. KSR440011

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Manhattan, City of  
1101 Poyntz Avenue  
Manhattan, KS 66502

Kansas River

Stormwater Point  
Source

Kansas Permit No. M-KS38-SN01

Federal Permit No. KSR440012

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

McPherson, City of  
PO Box 1008  
McPherson, KS 67406

Little Arkansas River

Stormwater Point  
Source

**Kansas Permit No. M-LA11-SN01**

**Federal Permit No. KSR440013**

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

**Newton, City of  
PO Box 426  
Newton, KS 67114**

**Lower Arkansas River**

**Stormwater Point  
Source**

**Kansas Permit No. M-LA13-SN01**

**Federal Permit No. KSR440014**

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

**Ottawa, City of  
PO Box 60  
Ottawa, KS 66067**

**Marais des Cygnes River**

**Stormwater Point  
Source**

**Kansas Permit No. M-MC31-SN01**

**Federal Permit No. KSR440015**

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management

Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If a there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Parsons, City of  
PO Box 1037  
Parsons, KS 67357

Neosho River

Stormwater Point  
Source

Kansas Permit No. M-NE55-SN01

Federal Permit No. KSR440016

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If a there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Pittsburg, City of  
PO Box 688  
Pittsburg, KS 66762

Neosho River

Stormwater Point  
Source

Kansas Permit No. M-NE57-SN01

Federal Permit No. KSR440017

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If a there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Salina, City of  
PO Box 736  
Salina, KS 67402

Smoky Hill River

Stormwater Point  
Source

Kansas Permit No. M-SH33-SN01

Federal Permit No. KSR440018

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Valley Center, City of  
PO Box 188  
Valley Center, KS 67147

Lower Arkansas River

Stormwater Point  
Source

Kansas Permit No. M-LA16-SU01

Federal Permit No. KSR440037

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

Winfield, City of  
200 East Ninth Avenue  
Winfield, KS 67156

Walnut River

Stormwater Point  
Source

Kansas Permit No. M-WA17-SN01

Federal Permit No. KSR440019

The proposed action is to issue a new individual NPDES Municipal Separate Storm Sewer System (MS4) permit from an existing MS4 general permit. The proposed MS4 permit requires the permittee to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Kansas surface water quality statutes and regulations. The proposed permit requires the permittee to update the Stormwater Management Program document, implement six minimum control measures and implement best management practices to reduce identified total maximum daily load (TMDL) regulated pollutants. If there is an identified TMDL regulated pollutant, surface water monitoring is required on the impaired water body to evaluate performance of the best management practices. Monitoring of industrial stormwater discharges and oversight of construction activities within the MS4 may be required if it is applicable. The proposed permit requires the submittal of an annual report that addresses all compliance requirements for the previous year.

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**Public Notice No. KS-PT-19-001**

The requirements of the draft permits public noticed below are pursuant to the Kansas Administrative Regulations 28-16-82 through 28-16-98, and U.S. Environmental Protection Agency Pretreatment Regulation 40 CFR 403.

<u>NAME AND ADDRESS OF APPLICANT</u>	<u>RECEIVING FACILITY</u>	<u>TYPE OF DISCHARGE</u>
ICI Manufacturing 834 NE Madison Avenue Topeka, KS 66608	Auburn WWTP	Process Wastewater

Kansas Permit No. P-KS03-0001

Federal Permit No. KSP000115

The proposed action is to issue a new pretreatment permit for a new facility. This facility prepares various types of steel parts for paint, using a phosphating chemical. Steel parts are processed in a wash bay. The proposed permit contains limits for pH, total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, and cyanide.

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 Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision-making process. Comments or objections should be submitted to the attention of Livestock Waste Management Section for agricultural related draft documents or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

All comments regarding the draft documents or application notices received on or before April 20, 2019, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-19-071/081, KS-Q-19-057/076, KS-PT-19-001) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/ application. If response to any draft document / application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents / application and the supporting information including any comments received are on

file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.

**Lee A. Norman, M.D.**  
**Acting Secretary**  
**Kansas Department of Health and Environment**



DRAFT

Kansas Permit No.: M-MO12-SN01

Federal Permit No.: KSR440011

KANSAS WATER POLLUTION CONTROL  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (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",

Permittee: Leavenworth, City of

Permittee's Address: 100 N. 5th St.  
Leavenworth, KS 66048

Drainage Basin: Missouri River

County: Leavenworth

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 permit.

This permit is effective XXXXXXXXXXXX, supersedes the previously issued MS4 general permit M-MO12-SN01 and expires XXXXXXXXXXXX.

PERMIT AREA AND AUTHORIZED DISCHARGES

This permit covers all areas within the permittee's MS4 jurisdiction (the Permit Area). The Permit Area may change based upon areas incorporated into or removed from the permittee's jurisdictional area during the term of this permit.

This permit authorizes the discharge of all existing or new stormwater point source discharges from the Municipal Separate Storm Sewer System (MS4) located within the Permit Area. New stormwater discharges are those which are created and/or incorporated into the permittee's MS4 during the term of this permit.

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Secretary, Kansas Department of Health and Environment

XXXXXXXXXXXX  
Date

**PART I. STORMWATER MANAGEMENT PROGRAM (SMP) DOCUMENT REQUIREMENTS****A. Current Stormwater Management Program**

The permittee shall continue to implement and enforce the current Stormwater Management Program (SMP), as documented in the SMP document, until an updated SMP is implemented.

Any updated SMP shall be designed to:

1. Reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the Maximum Extent Practicable (MEP),
2. Continue to implement the six minimum control measures as listed in PART I Section C,
3. Satisfy the requirements of this permit, the Clean Water Act and Kansas surface water quality statutes and regulations.

Implementation of Best Management Practices (BMPs) consistent with the provisions of the SMP document and this permit constitutes compliance with the standard of reducing pollutants to the Maximum Extent Practicable.

**B. Updated Stormwater Management Program document**

The SMP shall be updated and submitted to KDHE between January 1 and February 28 of 2021 (submitted with the Annual Report and the updated SMP must be effective in 2021). As this permit imposes additional requirements for implementation of BMPs and/or surface water monitoring [see PART II. Total Maximum Daily Load (TMDL) Best Management Practices and Surface Water Monitoring] beyond what the previous permit imposed, the current SMP shall be modified with the SMP document updated to include the additional requirements imposed by this permit. Some specific requirements for updating the SMP document are addressed in PART I Section D. "Total Maximum Daily Load (TMDL) Regulated Pollutants." Additionally, to comply with new EPA regulations [National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System General Permit Remand Rule (Remand Rule)], as finalized and effective January 9, 2017, this permit must include requirements in clear, specific, and measurable terms. Tables of BMPs are listed along with point values, and the permittee must implement sufficient listed BMPs to achieve minimum point requirements for each year beginning in 2021. The Remand Rule was published on December 9, 2016 in the Federal Register, Vol. 81, No. 237 beginning on page 89320.

This rule clarifies that terms and conditions must be expressed in terms which are "clear, specific, and measurable." The permit requirements must be enforceable and must provide a set of performance expectations and schedules readily understood by the permittee, the public, and the permitting authority alike. To provide as much flexibility to the permittee in implementing their stormwater management program in compliance with this permit and the Remand Rule, KDHE has elected to establish a point system and a list of various BMPs, tasks, or other conditions with associated point values to be tallied and demonstrate compliance with the total point requirement for each of the Six Minimum Control Measures and TMDL BMPs when required.

Modification of the SMP is permitted as the need arises. Modifications can be accomplished with any of the following methods:

1. Normally the SMP document is updated near the end of the calendar year and submitted to KDHE for review along with the annual report which is due after the first of the calendar year but before the 28<sup>th</sup> of February. In this case the permittee can begin implementation of the new SMP as soon as they have submitted the SMP to KDHE. The permittee is required to implement the SMP, which was most recently submitted to KDHE along with the annual report, throughout the entire year and may continue to implement the updated SMP until subsequently modified. The updated SMP as submitted must be approved by KDHE. If KDHE finds the SMP is not approvable, requirements for modification and resubmittal will be addressed to the permittee.
2. If it becomes necessary to modify the SMP at some time other than when the annual report is submitted to KDHE, the permittee may make the modifications to the SMP document and submit the SMP document to KDHE for approval. The permittee shall not begin implementation of the modified SMP until after KDHE has provided approval. KDHE may provide full approval of the modified SMP, or may provide conditional approval, may require revision of the modified SMP document and resubmission for subsequent review or may elect to not approve the modified SMP.
3. KDHE may require the permittee modify the SMP at any time, requirements for modification and resubmittal will be addressed to the permittee

#### C. Six Minimum Control Measures

The Permittee shall continue to review, update and implement BMPs with measurable goals for each of the six minimum control measures. The six minimum control measures and requirements are as follows:

##### 1. Public Education and Outreach

The permittee shall continue to 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.

- a. The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 4 points total on an annual basis for each calendar year 2021 and 2022. The point total requirement increases to 7 points for each calendar year beginning in 2023. The following table lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed points as allowed for the first year of implementation under this permit as well as subsequent years.

Multiple BMPs involve holding public hearings or public forums; a single public hearing or forum can be held which addresses multiple topics and points claimed for all of the multiple BMPs implemented.

In addition to implementing a Public Education and Outreach program as required above, the permittee must implement sufficient listed BMPs in the table below to qualify for the required number of points.

EMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp P Ed &amp; O - 01</b></p> <p>Maintain a stormwater webpage for the permittee.</p>	<p>Maintain the webpage with up to date information with all links effective and valid information. Check all links and update website as necessary on a minimum monthly basis. Document monthly checks in log book and indicate changes with logged summaries.</p>	<p>The webpage must be available throughout the year once it is posted and initially made available. In the initial year posted it must be available for a minimum of 3 months to qualify for the points. In subsequent calendar years the points may be claimed if the webpage has been maintained throughout the twelve months.</p>	<p>3 points may be claimed in the first year implemented, and 2 points may be claimed for each successive year the webpage is maintained available.</p>
<p><b>Lbmp P Ed &amp; O - 02</b></p> <p>Distribute flyers addressing various pertinent stormwater public education topics.</p>	<p>Number of flyers distributed in a year shall equal or exceed the most recent U.S. Census Bureau decennial housing units value for the permit area. The applicable U.S. Census housing units value shall be documented, and the number of flyers distributed shall also be documented. This information and copies of the flyers shall be retained on file.</p>	<p>The fliers are to be distributed in at least two separate batches, ideally in separate seasons (either winter, spring, summer or fall). However, the required number of flyers must be distributed in a single calendar year and the points may be claimed for that year.</p>	<p>2 points may be claimed in a year in which the required number of flyers are distributed.</p>
<p><b>Lbmp P Ed &amp; O - 03</b></p> <p>Provide either training or educational materials to permittee identified businesses at high risk of contributing to stormwater pollution. Such businesses can include food service, auto service, disaster response and janitorial services. The training or educational materials</p>	<p>Training or educational materials must be provided, within the year, to at least five separate businesses if the population of the municipality is greater than 10,000, or three businesses if the population of the municipality is</p>	<p>The required amount of training or distribution of educational materials must occur within the year for which points are claimed.</p>	<p>2 points may be claimed in any year in which the required amount of training or distribution of educational material occurs.</p>

<p>shall address best management practices they can employ to minimize or avoid adverse stormwater impacts due to their operations.</p>	<p>between 3,000 and 9,999, or two businesses if the population of the municipality is less than 3,000.</p>		
<p><b>Lbmp P Ed &amp; O - 04</b></p> <p>Apply notification, placard or stencil, on stormwater inlets to provide a message similar to "No Dumping - Drains to River"</p>	<p>Apply this notification on at least 30% of all known stormwater inlets in the MS4.</p>	<p>The required number of placards or stencils must be placed within the year for which points are claimed. Alternately, points may be claimed in any year when 50% of all known stormwater inlets in the MS4 bear the placard or stencil.</p>	<p>2 points may be claimed in years when the required number of inlets (30%) receive placards or stencils or in subsequent years when 50% of all known stormwater inlets in the MS4 bear the placard or stencil.</p>
<p><b>Lbmp P Ed &amp; O - 05</b></p> <p>Post the municipalities MS4 permit and SMP document on either the stormwater web page or the municipal webpage.</p>	<p>The two documents must be posted for at least six months of the year to claim one point.</p>	<p>Months for which the posting occurs must be within the year for which points are claimed. No "carryover" of months from one year to the next.</p>	<p>1 point may be claimed for posting each year (minimum of at least six months).</p>
<p><b>Lbmp P Ed &amp; O - 06</b></p> <p>Provide either a stormwater telephone hotline or web based or text message method for public reporting of illicit discharges.</p>	<p>Respond to all reported complaints within 10 days and, if found valid, resolve or establish a schedule for resolution within 20 days. Actual resolution may take more than 20 days, but the schedule for resolution must be finalized and the efforts to implement resolution must begin within 20 days following receipt of complaint. Document complaints and response/resolution process for all</p>	<p>The hotline/reporting system must be available to the public for at least six months in the year to claim the points.</p>	<p>2 points may be claimed for each year the hotline / reporting system is maintained and available. An additional point may be claimed for each illicit discharge resolved in the year.</p>

	<p>complaints received in the year.</p> <p>Resolution of an illicit discharge can include, but is not limited to;  elimination of the discharge; on-site treatment to allow discharge to the MS4 (normally requires an NPDES permit);  redirecting the discharge to a location that the discharge is not considered illicit, i.e., sanitary sewer or to holding tanks to allow the waste to be hauled off for appropriate treatment, reuse/recycle or disposal.</p>		
<p><b>Lbmp P Ed &amp; O - 07</b></p> <p>Send educational material annually to at least four groups, including each of the following types:  Residents,  Businesses/Institutions,  Commercial entities/Developers, and  Industrial facilities.</p>	<p>Identify and educate at least 4 groups/entities from the listed types annually developing topics that are group specific and address activities and or pollutants of concern.</p>	<p>All the requirements for sending educational material to the various groups must occur in a single year to qualify for the points in that year.</p>	<p>3 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P Ed &amp; O - 08</b></p> <p>Provide stormwater education for a class of students within K-12 within the permittee's jurisdiction.</p>	<p>Provide or fund a speaker which attends the selected grade level for at least 10% of schools in the permittee's jurisdiction within the year.</p>	<p>All the required number of classes for the selected grade level must be educated by the speaker(s) in a single year to qualify for the points in that year.</p>	<p>3 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P Ed &amp; O - 09</b></p> <p>Operate an information booth at a large public event, (such as a sports event, fair, or music festival) where at least</p>	<p>Provide information about stormwater topics of current interest.</p>	<p>At least one event shall have the booth staffed by the permittee for at least 50% of the</p>	<p>2 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>

an estimated 3,000 or more individuals attend.		days the event occurs.	
<p><b>Lbmp P Ed &amp; O - 10</b></p> <p>Provide either training or educational materials to lawn/turf care service entities addressing best management practices they can employ to minimize or avoid adverse stormwater impacts due to their operations.</p>	<p>Training or educational materials must be provided, within the year, to at least five lawn/turf care service entities or at least 20% of the lawn care service entities located in the municipality whichever is least.</p>	<p>The required amount of training or distribution of educational materials must occur within the year for which points are claimed.</p>	<p>2 points may be claimed in any year in which the required amount of training or distribution of educational material occurs.</p>
<p><b>Lbmp P Ed &amp; O - 11</b></p> <p>Adopt a public education program to reduce littering.</p>	<p>Install and/or maintain signs to discourage littering. Signs are to be located in areas where littering has been a problem.</p>	<p>Credit can be claimed for any year in which signs are installed and in place for greater than six months or in cases where signs have previously been installed in any year where the signs remain posted for the full year.</p>	<p>1 point may be claimed for the year when signs are posted for six months or more, or 1 point may be claimed in subsequent years where the signs remain posted throughout the year.</p>
<p><b>Lbmp P Ed &amp; O - 12</b></p> <p>Create a stormwater information brochure to provide to the public at public meetings and/or hearings</p>	<p>Have multiple copies of the brochure available during at least 10 meetings or hearings open to the public during the year. Provide the brochures to the public at no charge.</p>	<p>The brochures shall address stormwater topics of concern.</p>	<p>1 point may be claimed in any year the brochures are made available to the public at meetings and/or hearings as required.</p>
<p><b>Lbmp P Ed &amp; O - 13</b></p> <p>Operate an adopt a highway program to utilize public volunteers to clean road right-of-ways.</p>	<p>The volunteers shall clean at least a two-mile segment of road either within the permit area or adjacent to the permit area.</p>	<p>The road right-of-way shall be cleaned at least once per year. Points may be claimed for any year in which cleaning has occurred.</p>	<p>1 point may be claimed in any year the road is cleaned.</p>

<p><b>Lbmp P Ed &amp; O - 14</b></p> <p>Hold a media campaign addressing various pertinent stormwater public education topics.</p>	<p>Estimated media exposure during prime-time broadcasting for the duration of the campaign shall be 10 times the most recent U.S. Census Bureau decennial population value for the permit area. The date, time, and estimated media exposure for each spot broadcast shall be documented and kept on file along with the applicable U.S. Census population value.</p>	<p>The media campaign shall be run within the year for which points are claimed. A new media campaign shall be run for each year points are claimed.</p>	<p>2 points may be claimed in a year in which the media campaign meeting the minimum exposure rate is conducted.</p>
<p><b>Lbmp P Ed &amp; O - 14</b></p> <p>Develop or participate in an ongoing social media program on pertinent stormwater public education topics.</p>	<p>Publish or share social media content on municipality's social media accounts at least six times per year. Record post topic (for example; sweeping fertilizer off hard surfaces to protect water quality), the number of impressions and engagement for each post. Include link to municipalities' stormwater education website.</p>	<p>The required number of social media posts must occur within the year for which points are claimed.</p>	<p>2 points can be claimed in a year which the required number of content is shared.</p>

b. Documentation of compliance with the goal and implementation time - schedule must be maintained on file to claim the associated points. Permittee is responsible for implementing adequate BMPs to comply with the Public Education and Outreach requirements of this permit and be able to claim at least the required number of points in the calendar years as specified above. Extent of compliance, i.e., equal or exceed the required annual point total or failure to reach the required annual point total, must be reported in the Annual Report.

c. The permittee is not limited to implementation of the BMPs listed in the above table. Several other BMPs may be implemented, however, only implementation of the BMPs listed in the table may be documented and counted toward the required annual point total.



**2. Public Involvement/Participation**

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

- a. The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 3 points total on an annual basis for each calendar year 2021 and 2022. The point total requirement increases to 6 points for each calendar year beginning in 2023. The following table lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed points as allowed for the first year of implementation under this permit as well as subsequent years.

Multiple BMPs involve holding public hearings or public forums; a single public hearing or public forums can be held which addresses multiple topics and points claimed for all of the multiple BMPs implemented.

In addition to implementing a Public Involvement/Participation program as required above, the permittee must implement sufficient listed BMPs in the table below to qualify for the required number of points.

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<b>Lbmp P I/P - 01</b>  Hold a public hearing or public forum to notify the public about stormwater program activities and to solicit public comments regarding stormwater issues.	Provide public notice of the hearing/forum, invite local news media, either newspaper, radio or TV, and document the hearing with attendance sign-in sheet and minutes of the hearing which include public comments and responses.	Retain copies of the notices to public, invitations to attend, attendance sign-in sheets, and minutes. Points may be claimed in year which hearing is held.	2 points may be claimed each year this BMP is implemented in compliance with the specified requirements.
<b>Lbmp P I/P - .02</b>  Establish a citizens advisory committee.	Host the citizens advisory committee meetings twice yearly and receive comments and guidance from the committee regarding the SMP. Retain on file copies of the attendance list and minutes of the meetings.	The citizens advisory committee must hold at least two meetings in the year which points are claimed.	3 points may be claimed each year this BMP is implemented in compliance with the specified requirements.

<p><b>Lbmp P I/P - 03</b></p> <p>Hold park or stream bank clean-up events for public volunteers to aid municipal staff in removing trash, debris, or pollutant sources from the selected clean-up area.</p>	<p>Clean an area which must be equal to or greater than one acre or alternately at least 200 yards of streambank.</p>	<p>At least one such clean-up activity must occur in the year for which points are claimed.</p>	<p>3 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P I/P - 04</b></p> <p>Train either citizen watch groups, homeowner associations (HOAs), or public service groups to recognize illicit discharge activities and communicate observations to appropriate municipal staff.</p>	<p>Provide training or distribute training materials to the group participants at least once annually.</p>	<p>At least one such training activity or distribution of training materials must be provided to the group in the year for which points are claimed.</p>	<p>2 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P I/P - 05</b></p> <p>Provide at least two events for residents to engage in cleanup activities and improve water quality in the municipality.</p>	<p>Provide at least two events in streams, streamside parks, areas adjacent to public waterways, and/or other green infrastructure/water resources. These events can be any of the following: Environmental restoration events, stream cleanups, tree plantings, or stream monitoring.</p>	<p>At least two events in compliance with the stated goals must be conducted within the year for which points are claimed.</p>	<p>3 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P I/P - 06</b></p> <p>Establish a program to encourage residents to install stormwater treatment best management practices on their property.</p>	<p>Encouragement can include funding, grants, and other financial incentives, trainings and or giveaways. Stormwater treatment BMPs can include: rain barrels, rain gardens, native plantings, native trees, cisterns and vegetated swales.</p>	<p>One or more of the listed methods of encouragement must be implemented in the year for which points are claimed.</p>	<p>2 points may be claimed each year this BMP is implemented in compliance with the specified requirements, with the addition of 1 additional point (for a total of 3 points in the year) each</p>

	Record participation numbers annually.		year that participation increases 10% from the previous year.
<p><b>Lbmp P I/P - 07</b></p> <p>Enact either an ordinance, a resolution, or other enforceable requirement that requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited at parks or rest areas owned by the permittee.</p>	<p>The ordinance or resolution or other enforceable measure shall be enacted, and signs posted informing the public of their obligation at the park.</p>	<p>In the year the Measurable Goal requirement is implemented the point may be claimed and for each year thereafter.</p>	<p>1 point may be claimed for the year in which the Measurable Goal requirements are enacted, and 1 points may be claimed for each subsequent year the Measurable Goal requirements remain in effect.</p>
<p><b>Lbmp P I/P - 08</b></p> <p>Provide a monetary donation to a scholarship fund for students pursuing a degree in an environmental program which would qualify them to work in a field which can result in water pollution control.</p>	<p>A \$500 contribution in a year is the minimum acceptable amount to achieve this goal.</p>	<p>The donation must be made in the year the points are claimed.</p>	<p>2 points may be claimed each year this BMP goal is achieved.</p>
<p><b>Lbmp P I/P - 09</b></p> <p>Distribute stormwater educational materials to the public within this permit area.</p> <p>Alternately, the permittee may provide stormwater educational materials, e.g. brochures, flyers, or pamphlets. These materials may address various stormwater topics. For this alternative these materials may be provided to other nearby municipalities for distribution to</p>	<p>The educational materials, for each topic, which are distributed or supplied must have a value of at least \$50. Topics may be anything related to stormwater including but not limited to clean-up guidance following flooding, discouraging littering, explaining and discouraging illicit discharges to the storm sewers, guidance on constructed BMPs for home owners (rain gardens, rain barrels,</p>	<p>For educational materials distributed or provided to nearby municipalities each year points may be claimed when materials are provided with equal or greater value as required for each separate topic.</p>	<p>1 point may be claimed per topic addressed in compliance with the requirements, up to a total of 5 points/topics.</p>

<p>the public. The nearby municipalities must be within 30 miles from this permit area.</p>	<p>etc.) guidance on area household hazardous waste receiving centers, and guidance on area recycling programs.</p>		
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- b. Documentation of compliance with the goal and implementation time - schedule must be maintained on file to claim the associated points. Permittee is responsible for implementing adequate BMPs to comply with the Public Involvement/Participation requirements of this permit and be able to claim at least the required number of points in the calendar years as specified above. Extent of compliance, i.e., equal or exceed the required annual point total or failure to reach the required annual point total, must be reported in the Annual Report.
- c. The permittee is not limited to implementation of the BMPs listed in the above table. Several other BMPs may be implemented, however, only implementation of the BMPs listed in the table may be documented and counted toward the required annual point total.

3. Illicit Discharge Detection and Elimination

The permittee shall:

- a. Continue to implement and enforce a program to detect and eliminate illicit discharges into the MS4.
- b. Maintain 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 receiving discharges from those outfalls. A copy of the map shall be submitted to KDHE with the annual report if requested by KDHE. This map may be submitted as a PDF file(s) on a compact disk (CD) or a digital versatile disk (DVD).
- c. Implement and enforce an ordinance, a resolution, or other enforceable requirement, if the permittee has the authority to do so, to prohibit non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions. A copy of the ordinance or resolution shall be submitted to KDHE with the annual report if requested by KDHE.
- d. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- e. Develop and implement a plan to detect/inspect for and address prohibited non-stormwater discharges, including illegal dumping, to the storm sewer system. The plan must include efforts to identify and evaluate dry weather MS4 discharges to detect and eliminate any associated illicit discharge. Unless identified by either the permittee or KDHE as a significant source of pollutants to waters of the state, several types of non-stormwater flow are not normally prohibited from entering the Municipal Separate Storm Sewer System:

Discharges which are not necessarily prohibited include:

- I. Water line flushing
- II. Diverted stream flows
- III. Rising ground waters
- 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 condensation
- X. Irrigation waters
- XI. Springs
- XII. Water from crawl space pumps
- XIII. Footing drains
- XIV. Lawn watering
- XV. Individual residential car washing
- XVI. Occasional not-for-profit car wash activities
- XVII. Flows from riparian habitats and wetlands
- XVIII. Dechlorinated swimming pool discharges excluding filter backwash
- XIX. Street wash water (excluding street sweepings which have been removed from the street)
- XX. Discharges or flows from firefighting activities
- XXI. Heat pump discharge waters (residential only)
- XXII. Treated wastewater meeting requirements of an NPDES permit
- XXIII. Sump pump drains
- XXIV. Other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

f. The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 5 points total on an annual basis for calendar years 2021 and 2022. The point total requirement increases to 7 points for calendar year 2023. The following table lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed points as allowed for the first year of implementation under this permit as well as subsequent years.

Multiple BMPs involve holding public hearings or public forums; a single public hearing or public forums can be held which addresses multiple topics and points claimed for all of the multiple BMPs implemented.

In addition to implementing an Illicit Discharge Detection and Elimination program as required above, the permittee must implement sufficient listed BMPs in the table below to qualify for the required number of points.

BMP Summary	Measurable Goal	Implementation Time Schedule	Points
<p><b>Lbmp I D D &amp; E - 01</b></p> <p>Hold a public hearing or public forum to educate the public about illicit discharges and alternate acceptable methods of disposal or reuse of substances and/or materials.</p>	<p>Provide public notice of the hearing/forum, invite local news media (either newspaper, radio or TV), and document the hearing with attendance sign-in sheet and minutes of the hearing which include questions/comments from the attendees and answers/comments from the permittee staff.</p>	<p>Retain copies of the notices to public, invitations to attend, attendance sign-in sheets, and minutes. Hearing must be held in year for which points are claimed.</p>	<p>2 points may be claimed for any year a hearing/forum is held.</p>
<p><b>Lbmp I D D &amp; E - 02</b></p> <p>Implement a program to abandon residential or commercial facilities with failed or failing on-site wastewater treatment systems such as septic tank - lateral systems or lagoon systems and connect the residential or commercial facility to the municipal wastewater collection system for treatment</p>	<p>Redirect the wastewater generated by the facility to the municipal wastewater treatment collection system for proper treatment and disposal.</p>	<p>For each failed or failing on-site system which is abandoned, and the wastewater is redirected to the municipal wastewater treatment system, the permittee may claim points in the year the system is initially connected into the municipal</p>	<p>3 points for each abandoned system in the year it is abandoned.</p>

<p>of wastewater at the municipal wastewater treatment plant.</p>		<p>wastewater treatment system.</p>	
<p><b>Lbmp I D D &amp; E - 03</b></p> <p>Develop a spill response plan and, if appropriate, coordinate emergency response with other agencies or organizations.</p>	<p>The plan shall include, at a minimum, explanation of appropriate spill response activities for spills associated with vehicle accidents, at grade or above ground storage tanks, and vehicle fluids from mechanical equipment such as construction equipment, cars, or trucks. The written plan shall be maintained on file.</p>	<p>The plan may be implemented in any year and points claimed for the initial implementation or for each year the plan remains effective.</p>	<p>3 points may be claimed in the year initially implemented, and 2 points may be claimed for each successive year the plan remains effective.</p>
<p><b>Lbmp I D D &amp; E - 04</b></p> <p>Implement a program to evaluate MS4 outfalls to identify illicit discharges. Inspect at least 5% of the known MS4 outfalls during a calendar year and evaluate the ones which have dry weather discharges. Evaluate the water quality of the dry weather discharges to recognize non-stormwater contributions and trace the source of any illicit discharge.</p>	<p>When at least 5% of the known MS4 outfalls are inspected and for which at least one outfall was identified as discharging (entirely or partially) flow from an illicit discharge, the allotted points may be claimed in the year when the illicit discharge is eliminated. Document the MS4 outfalls inspected, the outfalls with dry weather discharges and the MS4 outfalls associated with illicit discharges.</p>	<p>The evaluation of a group of at least 5% of the known MS4 outfalls may be completed all in one year or may occur in up to two consecutive years and a point can be claimed. The larger number of points may be claimed only for the year in which the illicit discharge(s), associated with this group of evaluated outfalls is/are eliminated.</p>	<p>1 point may be claimed in the year when a total of at least 5% of the known MS4 outfalls are finally inspected, and 2 additional points may be claimed in which the illicit discharge(s), associated with this group of evaluated outfalls is/are eliminated.</p>
<p><b>Lbmp I D D &amp; E - 05</b></p> <p>Distribute a letter (or flier) and/or e-mail along with a press release from a municipal official with the intent of reaching every resident and business in the MS4 permit area. The distributed</p>	<p>The letter (or flier) and/or e-mail along with the press release shall highlight the requirements for proper disposal of wastes and disposal methods. Copies of these documents shall be retained on file</p>	<p>The distribution of these various documents, letter (or flier) and/or e-mail along with the press release, shall all occur in the same month. Permittee may claim these points in the</p>	<p>2 points</p>

<p>documents shall provide information on how to avoid illicit discharges to the MS4, i.e., proper disposal methods for common substances or materials often discharged illicitly. Provide a link to the municipal website where applicable ordinances, resolutions, or other enforceable requirements and disposal guidance are posted.</p>	<p>along with the distribution/ mailing lists to document distribution to the target area (minimum MS4 permit area) to avoid illicit discharges to the MS4. Provide a link to the municipal website where applicable ordinances, resolutions, or other enforceable requirements and disposal guidance are posted.</p>	<p>year these documents are distributed.</p>	
<p><b>Lbmp I D D &amp; E - 06</b></p> <p>Inspect, by televising pipelines or direct visualization of open channel drainage, 5% of the MS4 system within the permit area all conducted within a 12-month period to aid in identifying illicit discharges as well as evaluate the condition of the storm sewer lines/drainage channels-ditches. If in a year 30% of the MS4 system is inspected a higher point value may be claimed.</p>	<p>Generate a summary report of the inspection including the number of linear feet televised, number of linear feet visually inspected, condition comments, illicit discharges identified and the results of efforts to eliminate illicit discharges, e.g., discharge line disconnected and redirected to the sanitary sewer or discharge practice terminated.</p>	<p>The inspection process can occur in a single calendar year or may be conducted over a period extending from one year into the succeeding year. Points may be claimed in the year when the televised and/or visual inspection of this portion of the MS4 system (either 5% or 30%) is completed.</p>	<p>3 points may be claimed for inspection of 5% of the MS4 system, alternately if 30% of the MS4 system is inspected 5 points may be claimed.</p>
<p><b>Lbmp I D D &amp; E - 07</b></p> <p>Implement a Household Hazardous Waste Collection Program (HHWCP) or document others have implemented such a program to provide such service to all property owners or residents located within the permit area.</p>	<p>Document the residents and property owners within the MS4 permit area were able to dispose of such wastes at the HHWCP during a calendar year. Retain this documentation on file.</p>	<p>The property owners or residents located within the permit area must be able to dispose of waste accepted by the HHWCP throughout a calendar year. Points may be claimed for any such year.</p>	<p>3 points may be claimed for any year in which this BMP was implemented in compliance with the requirements.</p>



<p><b>Lbmp I D D &amp; E - 08</b></p> <p>Implement a program to increase the reliability of sanitary sewer pump stations above the minimum standard design requirements.</p>	<p>A pump station shall be upgraded to include the following:</p> <ul style="list-style-type: none"><li>➤ A dedicated on-site standby generator shall be installed (with automatic transfer switch) for use when main line power fails.</li><li>➤ A dialer system, or telemetry system, or connection to a SCADA system shall be installed to provide real time or nearly real time notification of failures at the pump station which can potentially lead to sanitary sewer overflow.</li><li>➤ The permittee shall purchase and maintain for immediate operation a trailer mounted motor driven sewage pump for use when the pump station fails to operate. The motor driven pump shall be sized to pump at a rate at least equal to the firm pumping capacity of any sanitary sewer pump station the permittee claims points</li></ul>	<p>In the year all improvements, as listed under measurable goals, are installed and ready for operation the points may be initially claimed and in subsequent years these improvements remain operational points may be claimed.</p>	<p>5 points may be claimed (for each pump station upgraded in compliance with this BMP) in the first year the improvements, as listed under measurable goals, are installed and ready for operation, 4 points may be claimed for (for each pump station upgraded in compliance with this BMP) each successive year the improvements, as listed under measurable goals, remain operational.</p>
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	<p>for under this BMP.</p> <p>The pump station shall be modified to facilitate the connection of the trailer mounted pump discharge to the force main and convenient installation of the suction line from the trailer mounted pump into the wet well.</p>		
<p><b>Lbmp I D D &amp; E - 09</b></p> <p>Provide a contribution to area recycle programs or programs designed to properly dispose of waste or materials which have previously been discarded to or adjacent to either the MS4, streams, or lakes within or adjacent to the permittee's permit area. The area program must be within 30 miles from this permit area.</p>	<p>The contributions may be made to programs which take tires, automotive fluids, batteries, or other wastes for which there is any documentation such wastes have been discarded as addressed under the BMP summary. The contributions must total a minimum of \$500 in the year points are claimed. The contributions can be monetary or can be in the form of goods and/or services with an agreed specified value. Contributions may be made to area household hazardous waste programs, private recycle/reuse facilities or civic/volunteer organizations assisting in recycle.</p>	<p>The total value of donation in a minimum amount of \$500 must be made in the year points are claimed.</p>	<p>2 points may be claimed each year this BMP goal is achieved.</p>

- g. Documentation of compliance with the goal and implementation time - schedule must be maintained on file to claim the associated points. Permittee is responsible for implementing adequate BMPs to comply with the Illicit Discharge Detection and Elimination requirements of this permit and be able to claim at least the required number of points in the calendar years as specified above. Extent of compliance, i.e., equal or exceed the required annual point total or failure to reach the required annual point total, must be reported in the Annual Report.

- h. The permittee is not limited to implementation of the BMPs listed in the above table. Several other BMPs may be implemented, however, only implementation of the BMPs listed in the table may be documented and counted toward the required annual point total.

4. Construction Site Stormwater Runoff Control

The permittee shall continue to maintain 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 pollutant discharge associated with stormwater 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, at a minimum, all the following:

- a. Maintain and enforce an ordinance, a resolution, or other enforceable requirement, if the permittee has the authority to do so, to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law. A copy of the ordinance or resolution shall be submitted to KDHE with the annual report if requested by KDHE.
- b. Maintain requirements for construction site owners or operators to implement appropriate erosion and sediment control best management practices.
- c. Maintain 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.
- d. Maintain procedures for site plan review which incorporate consideration of potential water quality impacts.
- e. Maintain procedures for receipt and consideration of information submitted by the public.
- f. Maintain procedures for site inspection and enforcement of control measures.
- g. The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 4 points total on an annual basis for each calendar year 2021 and 2022. The point total requirement increases to 6 points for each calendar year beginning in 2023. The following table lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed points as allowed for the first year of implementation under this permit as well as subsequent years.

Multiple BMPs involve holding public hearings; a single public hearing can be held which addresses multiple topics and points claimed for all of the multiple BMPs implemented.

In addition to implementing a Construction Site Stormwater Runoff Control program as required above, the permittee must implement sufficient listed BMPs in the table below to qualify for the required number of points.

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp C S S R C - 01</b></p> <p>Implement a requirement for a Soil Erosion and Sediment Control (SESC) Plan for any land Disturbance sites which are either equal to or greater than 1 acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.</p>	<p>Enact a regulatory ordinance, or other enforceable measure that requires an SESC Plan for all developments disturbing sites which are either equal to or greater than 1 acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.</p>	<p>Points may be claimed in the year the ordinance/enforceable requirement first becomes effective, and for each full calendar year thereafter for which the ordinance/enforceable requirement remains effective.</p>	<p>3 points may be claimed in the year the ordinance initially becomes effective, and 2 points may be claimed for each successive year thereafter for which the ordinance remains effective.</p>
<p><b>Lbmp C S S R C - 02</b></p> <p>Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites which will be disturbed and are either equal to or greater than 1 acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.</p>	<p>Require implementation of BMPs in compliance with the design manual on all sites which meet the disturbed area standard as specified in the BMP Summary.</p>	<p>Points may be claimed for the year which the manual is initially adopted and implemented, and a reduced number of points may be claimed for subsequent years in which the manual remains implemented.</p>	<p>3 points may be claimed in the year the manual is initially implemented, and 2 points may be claimed for each successive year the manual remains effective.</p>
<p><b>Lbmp C S S R C - 03</b></p> <p>Provide at least one training class for contractors, developers or others involved with land disturbance projects which provides training on requirements for a Stormwater Pollution Prevention Plan (SWP2 Plan) and implementation of appropriate BMPs.</p>	<p>This training class must address all local requirements for a SWP2 Plan, requirements for implementation of BMPs and address the requirements for permits.</p>	<p>Points may be claimed for the year in which the training class is held.</p>	<p>3 points</p>

<p><b>Lbmp C S S R C - 04</b></p> <p>Develop a site plan review process which considers potential water quality impacts which may occur during construction as well as post construction impacts.</p>	<p>Review process must have written guidance for the reviewer. Issuance of a building permit or approval to start construction may not be provided until the site plan has successfully passed the review process either based on the initial site plan submittal or has been modified to comply with requirements identified during the review process. Measures must be included to enforce the installation of water quality BMPs included in the site plan.</p>	<p>Points may be claimed in the year the review process is initially developed and implemented. Also points may be claimed in each subsequent year the review process continues to be implemented.</p>	<p>3 points may be claimed in the year the review process is initially developed and implemented, 2 points may be claimed for each successive year the review process continues to be implemented.</p>
<p><b>Lbmp C S S R C - 05</b></p> <p>Establish effective requirements for construction sites to control wastes. Develop through ordinance or other enforceable means requirements for construction site Operators or owners to control wastes. At a minimum control shall be imposed to prevent entry into the MS4 for the following wastes:</p> <ul style="list-style-type: none"> <li>&gt; discarded building materials</li> <li>&gt; concrete</li> <li>&gt; Truck washout</li> <li>&gt; chemicals,</li> <li>&gt; litter, and</li> <li>&gt; sanitary waste</li> </ul>	<p>Enact ordinance or other effective means to achieve control of wastes at construction sites.</p>	<p>Points may be claimed in the year of enactment. Also points may be claimed in each subsequent year the method of effective control of construction site waste remains in effect.</p>	<p>3 points may be claimed in the year of enactment, 2 points may be claimed for each successive year the method of effective control of construction site waste remains in effect.</p>
<p><b>Lbmp C S S R C - 06</b></p> <p>Develop written procedures for inspection of construction sites. Develop a Stormwater</p>	<p>The procedures document must address the administrative aspects associated with required</p>	<p>Development of the written procedures and the Inspection Guide can occur in any year. Initial</p>	<p>3 points may be claimed in the year of initial development, 2 points may be claimed for each</p>

<p>Construction Site Inspection Guide for use by municipal inspectors.</p>	<p>inspections of construction sites, the issuance of inspection reports, notices of violations, and enforcement actions. The Inspection Guide must provide inspectors guidance on how to conduct a construction site stormwater inspection, the required procedures, and guidance on acceptable conditions of various BMPs employed on such sites, enforcement actions and/or reference of cases for enforcement by other municipal staff, guidance on photo log of the inspection and inspection checklists for use by the inspector.</p>	<p>implementation can allow points to be claimed in that year and continued implementation can allow points to be claimed in subsequent years.</p>	<p>successive year the written procedures and inspection guide continue to be utilized.</p>
<p><b>lbmp C S S R C - 07</b></p> <p>Acquire or develop a software tracking system to track inspections and related tasks.</p>	<p>The tracking system must allow for scheduling inspections and follow-up activities such as re-inspections, mailing notices or reports, etc.</p>	<p>A point can be claimed in the initial year the software tracking system is implemented and each year thereafter it is utilized.</p>	<p>1 point may be claimed for any year the software is initially utilized, and 1 point may be claimed for each successive year the software is utilized.</p>

h. Documentation of compliance with the goal and implementation time - schedule must be maintained on file to claim the associated points. Permittee is responsible for implementing adequate BMPs to comply with the Construction Site Stormwater Runoff Control requirements of this permit and be able to claim at least the required number of points in the calendar years as specified above. Extent of compliance, i.e., equal or exceed the required annual point total or failure to reach the required annual point total, must be reported in the Annual Report.

i. The permittee is not limited to implementation of the BMPs listed in the above table. Several other BMPs may be implemented, however, only implementation of the BMPs listed in the table may be documented and counted toward the required annual point total.

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

The permittee shall continue to maintain 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, at a minimum, all the following:

- a. Maintain a requirement for BMPs to prevent or minimize adverse water quality impacts.
- b. Maintain strategies which include a combination of structural and/or non-structural BMPs appropriate for the municipality.
- c. Maintain and enforce an ordinance or resolution, if the permittee has the authority to do so, to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law.
- d. Ensure adequate long-term operation and maintenance of structural BMPs.
- e. The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 5 points total on an annual basis for each calendar year 2021 and 2022. The point total requirement increases to 7 points for each calendar year beginning in 2023. The following table lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed points as allowed for the first year of implementation under this permit as well as subsequent years.

Multiple BMPs involve holding public hearings; a single public hearing can be held which addresses multiple topics and points claimed for all of the multiple BMPs implemented.

In addition to implementing a Post-Construction Stormwater Management in New Development and Redevelopment Projects program as required above, the permittee must implement sufficient listed BMPs in the table below to qualify for the required number of points.

EMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp P-C S M - 01</b></p> <p>Develop and adopt a design manual for Post-Construction Stormwater Management which specifies various structural BMPs which are required for new development and re-development construction sites</p>	<p>The design manual shall impose requirements to achieve at least one of the following standards:</p> <ul style="list-style-type: none"> <li>➤ Capture, at least, the first 0.5 inches of precipitation on</li> </ul>	<p>Development of the design manual can occur in any year. Initial implementation can allow points to be claimed in that year and continued implementation can allow points to be</p>	<p>4 points may be claimed in the year of initial implementation</p> <p>3 points may be claimed for each successive year compliance with the</p>

<p>which are greater than 1 acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.</p>	<p>the development/re-development site and utilize methods to prevent discharge off-site, including but not limited to:</p> <ul style="list-style-type: none"> <li>• retain on-site</li> <li>• infiltrate</li> <li>• evaporate</li> <li>• transpire or</li> <li>• beneficially reuse</li> </ul> <p>➤ Through implementation of appropriate BMP(s) reduce the peak stormwater flow rate to a value equal to or less than the rate which would be experienced on the site prior to the development/re-development project based upon modeling a standard storm event, e.g. 1.0 inch - 6-hour event assuming saturated soil conditions.</p> <p>➤ Other sizing or detention standards generally accepted by design engineers as adequate for the permittee's local.</p> <p>Measures must be included to enforce the installation of the various structural BMPs required by the manual.</p>	<p>claimed in subsequent years.</p>	<p>design manual is required.</p>
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<p><b>Lbmp P-C S M - 02</b></p> <p>Develop a list of post-construction structural or non-structural BMPs which are required to be incorporated in any development/re-development project. The list must include guidance regarding the BMPs which must be incorporated in various projects as determined appropriate by the permittee. The list is to be provided to entities involved with the design of projects prior to site plan review by the permittee.</p>	<p>Development and implementation of the list and guidance is necessary to claim points in the first year. The list of required BMPs must be enforceable through ordinance or other means.</p>	<p>Development of the list and guidance can occur in any year. Initial implementation can allow points to be claimed in that year and continued implementation can allow points to be claimed in subsequent years.</p>	<p>3 points may be claimed in the year of initial implementation</p> <p>2 points may be claimed for each successive year the list is maintained and implemented.</p>
<p><b>Lbmp P-C S M - 03</b></p> <p>Develop and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned or operated post-construction structural stormwater BMP facilities. The program shall address several different types of these BMP systems. The systems, which are addressed, shall include any type of post-construction structural BMP system, contained in the MS4. These shall include, if so present, at a minimum the following:</p> <ul style="list-style-type: none"> <li>➤ detention ponds</li> <li>➤ retention ponds</li> <li>➤ grass swales</li> <li>➤ pervious paving systems</li> <li>➤ wetlands</li> <li>➤ vegetative filter strips</li> <li>➤ manufactured stormwater</li> </ul>	<p>The program shall be detailed in a written document and made available to all pertinent maintenance staff.</p>	<p>Development of the program can occur in any year. Initial implementation can allow points to be claimed in that year and continued implementation can allow points to be claimed in subsequent years.</p>	<p>3 points may be claimed in the year of initial implementation</p> <p>2 points may be claimed for each successive year the program is maintained and utilized.</p>

<p>treatment devices (swirl separators, screens, etc.)                  &gt; drop inlet-catch basin</p>			
<p>Lbmp P-C S M - 04</p> <p>Develop a master plan or comprehensive development plan which establishes zoning and development standards with establishment of both structural and non-structural BMPs intended to avoid or minimize adverse water quality impacts post-construction.</p>	<p>Runoff problems can be addressed efficiently with sound planning procedures. This master or comprehensive development plan must include, if not already implemented, a zoning ordinance, a stream buffer ordinance, site plan development requirements which include minimizing the increase of impervious surfaces and maximization/preservation of open space. The plan must also impose requirements for new development or re-development projects to utilize stormwater retention or detention BMPs and vegetative BMPs (such as grassy swales, filter strips, artificial wetlands, and rain gardens).</p>	<p>After <u>all</u> aspects are implemented including final implementation of the master or comprehensive development plan, along with enactment of the required ordinances points for implementation of this BMP can initially be claimed.</p>	<p>5 points may be claimed in the year all aspects are initially implemented, 2 points may be claimed for each successive year all aspects continue to be implemented.</p>
<p>Lbmp P-C S M - 05</p> <p>Develop and implement a program for inspection of permittee owned structural BMPs which includes implementation of needed maintenance to ensure long-term operation of the BMPs</p>	<p>The program shall require inspection of at least 10% of the structural BMPs on an annual basis.</p> <p>Identified maintenance activities shall be completed:</p> <ol style="list-style-type: none"> <li>1. in the same year of inspection or</li> <li>2. completed as dictated by the permittee's maintenance/O&amp;M plan</li> </ol>	<p>The program shall be developed and implemented within a single year.</p>	<p>3 points may be claimed in the year the program is initially developed and implemented, 2 points may be claimed for each successive year the program continues to be implemented.</p>

	3. or a written plan for completion of the necessary maintenance shall be completed in the same year of inspection with the objective for completion of the maintenance activity within 18 months.		
Lbmp P-C S M - 06	<p>The program shall require inspection of at least 10% of the known privately owned structural BMPs on an annual basis.</p> <p>Identified maintenance activities shall be completed in the same year of inspection or a written plan for completion of the necessary maintenance shall be completed in the same year of inspection with the objective for completion of the maintenance activity within 18 months.</p>	The program shall be developed and implemented within a single year.	3 points may be claimed in the year the program is initially developed and implemented, 2 points may be claimed for each successive year the program continues to be implemented.

- f. Documentation of compliance with the goal and implementation time - schedule must be maintained on file to claim the associated points. Permittee is responsible for implementing adequate BMPs to comply with the Post-Construction Stormwater management in New Development and Redevelopment Projects requirements of this permit and be able to claim at least the required number of points in the calendar years as specified above. Extent of compliance, i.e., equal or exceed the required annual point total or failure to reach the required annual point total, must be reported in the Annual Report.
- g. The permittee is not limited to implementation of the BMPs listed in the above table. Several other BMPs may be implemented, however, only implementation of the BMPs listed in the table may be documented and counted toward the required annual point total.

**6. Pollution Prevention/Good Housekeeping for Municipal Operations**

The permittee shall continue to 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.

- a. The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 4 points total on an annual basis for each calendar year 2021 and 2022. The point total requirement increases to 6 points for each calendar year beginning in 2023. The following table lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed points as allowed for the first year of implementation under this permit as well as subsequent years.

Multiple BMPs involve holding public hearings; a single public hearing can be held which addresses multiple topics and points claimed for all of the multiple BMPs implemented.

In addition to implementing a Pollution Prevention/Good Housekeeping for Municipal Operations program as required above, the permittee must implement sufficient listed BMPs in the table below to qualify for the required number of points.

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>1bmp P P/G H - 01</b></p> <p>Install a screening device or method at a single municipal storm sewer outfall or on the storm sewer line immediately upstream of the outfall to reduce the discharge of floatables or other objects to receiving waters.</p>	<p>The screening device or method is required to remove objects that exceed at least 1½ inches in size. The device or method must be capable of continuous operation during stormwater discharges.</p> <p>An emergency bypass or overflow line can be included to avoid surcharging/flooding in the event the screening device or method fails to operate properly at any time.</p> <p>A log of the material captured and prevented from discharge to the</p>	<p>Volume or weight of the material shall be documented for either each discharge event or on a quarterly basis.</p>	<p>3 points may be claimed in the year the screening device or method is initially implemented, 2 points may be claimed for each successive year the screening device or method continues to be implemented.</p>

	receiving water shall be maintained.		
<b>Lbmp P P/G H - 02</b>			3 points may be claimed in the year recycle containers are made available for municipal staff use and the recycle program is initially implemented, 2 points may be claimed for each successive year the recycle program continues to be implemented.
Implement a recycle and proper waste disposal program for municipal staff to reduce potential for litter, to recycle waste oil, batteries, glass containers, plastic containers, and paper products.	A log of the materials directed to recycle shall be maintained. Entries in the log shall record either weight or volume of recycle materials removed from the containers and transported to the recycle facility as well as the date of transport.	Recycle containers shall be available for staff use all days of the year in which points are claimed.	
<b>Lbmp P P/G H - 03</b>			2 points may be claimed in the year the guidance document is finalized and implemented, 1 point may be claimed for each successive year the guidance document continues to be implemented.
Develop a guidance document for municipal staff which apply pesticides. The guidance shall require any municipal staff, who apply restricted use pesticides, to have a commercial applicator certification from the Kansas Department of Agriculture if required by that Department.	Require staff which apply pesticides to use such pesticides in compliance with the guidance document. The guidance document must require use of pesticides in compliance with the label instructions.	The guidance document must be finalized and implemented in the year which points are initially claimed.	
<b>Lbmp P P/G H - 04</b>			2 points may be claimed in the year the guidance document is finalized and implemented, 1 point may be claimed for each successive year the guidance document continues to be implemented.
Implement a program, with guidance to municipal staff, to ensure any municipal vehicle or other mechanical equipment washing is conducted in a manner which ensures the wash water is disposed of in the sanitary sewer or otherwise receives proper treatment prior to discharge to the environment.	Maintain proper wash facilities for municipal staff to wash vehicles and/or equipment or implement a program which includes guidance to municipal staff to take vehicles and/or equipment to commercial wash facilities, either of which ensures the wash water is conveyed to the sanitary sewer, or	The guidance document must be finalized and implemented in the year which points are initially claimed.	

	otherwise receives proper treatment prior to discharge to the environment, and not discharged untreated to the MS4 or directly to the environment.		
<b>Lbmp P P/G H - 05</b>			
Implement a program for street sweeping in which the street sweepings are collected and disposed of properly or recycled/reused if possible.	All paved streets which can be swept shall be listed in the schedule for street sweeping. A log shall be maintained listing the street segments which are swept and, dates of sweeping and where the street sweepings are disposed or where the material was sent to be recycled and or reused.	At least 10% of the streets which are listed in the street sweeping schedule must be swept at least once in a year to claim points for the year.  In years when street sweeping equipment is purchased for use by the permittee additional points may be claimed.	3 points may be claimed in the year at least 10% of the listed streets are swept and street sweeping equipment is purchased, 2 points may be claimed for each year at least 10% of the listed streets are swept.
<b>Lbmp P P/G H - 06</b>			
Develop an employee training program to ensure permittee's staff understand what actions they can take in the workplace to minimize stormwater pollution.	Provide guidance documents in the form of fact sheets, flyers or e-mails to staff to coach them in appropriate actions they can take while working to minimize stormwater pollution. Retain copies of these guidance documents and a log of when the guidance was distributed to staff with an indication of which staff received the various documents. Provide appropriate guidance documents to staff a minimum of twice per year.	For each year in which staff receive guidance documents on two separate dates points may be claimed for the year.	In years when guidance documents are provided on two separate dates 1 point may be claimed.
<b>Lbmp P P/G H - 07</b>			
Implement a program to inspect stormwater inlets to identify illicit discharges and clean drop inlets of accumulated debris.	Inspect at least 10% of all inlets annually. For any inlets which have evidence of dumped paint, oil or other substances which are considered illicit	For each year in which staff inspect at least 10% of all stormwater inlets points may be claimed.	In years when staff inspect at least 10 % of all stormwater inlets and remove accumulated debris 2 points may be claimed.

	<p>discharges follow up with efforts to educate individuals near the impacted inlet about illicit discharges.</p> <p>For inlets which have any accumulation of debris, remove the debris for proper disposal.</p>		
<p><b>Libmp P P/G H - 08</b></p> <p>Develop, implement and keep updated an online storm sewer map accessible to the public.</p>	<p>Map shall cover the entire MS4 within the permit area and include all the MS4 lines both pipe and open drainage (i.e. ditches) and shall also illustrate all impaired waterways (i.e. 303(d) listed and TMDL listed streams/rivers) with an indication of the listed impairment.</p>	<p>For each year in which the map is posted online points may be claimed. In the first year the map is posted it must be posted for at least six months for points to be claimed.</p>	<p>3 points may be claimed in the first year, 2 points may be claimed for each year thereafter for which the map remains posted.</p>
<p><b>Libmp P P/G H - 09</b></p> <p>Identify permittee owned facilities, open space and buildings that can be retrofitted for stormwater BMPs.</p>	<p>Retrofit projects can include: green infrastructure, catchment improvements, Pollutant of Concern targeted BMPs, and native plant restoration projects.</p>	<p>The site(s) must be retrofitted with stormwater BMPs as listed in the measurable goals. Points can be awarded in the first year the BMPs are installed and begin operation and points may be claimed for each year the retrofitted BMPs continue to be operated.</p>	<p>1 point may be claimed in the first year for each site retrofitted (up to two sites/points maximum, 2 points may be claimed for each year at least two sites continue to operate all of the retrofitted BMPs which were installed.</p>
<p><b>Libmp P P/G H - 10</b></p> <p>Install and operate a constructed wetland at a municipal facility such as at a parking lot, shop, maintenance facility, rest area or any other industrial/commercial type facility, e.g.</p>	<p>The wetland shall include a water surface area of at least 1/4 acre or equivalent submerged surface area for submerged wetlands.</p>	<p>Points may be claimed in the year the wetland is constructed and in subsequent years the wetland remains in operation.</p>	<p>2 points may be claimed for the year in which the wetland is constructed, 1 point may be claimed for each subsequent year the wetland</p>

recycling facility, transfer station, kennel, or airport.			remains in operation.
Lbmp P P/G H - 11  Install a canopy or other covered area for load-out of salt or other de-icing chemicals where such de-icing materials are stored either within the permit area or a storage facility located within 30 miles of this permit area.	The canopy or covered area shall be large enough to allow normal load-out and cleanup of spilled de-icing materials, without mixing with precipitation and resulting in contaminated runoff from the site, during and immediately following load out operations	Points may be claimed in the initial year of construction and in subsequent years the canopy/covered area remains in operation.	3 points may be claimed for the year in which the canopy/covered area is constructed, 2 points may be claimed for each subsequent year the canopy/covered area remains in operation.

- b. Documentation of compliance with the goal and implementation time - schedule must be maintained on file to claim the associated points. Permittee is responsible for implementing adequate BMPs to comply with the Pollution Prevention/Good Housekeeping for Municipal Operations requirements of this permit and be able to claim at least the required number of points in the calendar years as specified above. Extent of compliance, i.e., equal or exceed the required annual point total or failure to reach the required annual point total, must be reported in the Annual Report.
- c. The permittee is not limited to implementation of the BMPs listed in the above table. Several other BMPs may be implemented, however, only implementation of the BMPs listed in the table may be documented and counted toward the required annual point total.

Guidance useful in implementing the six minimum control measures can be obtained from the Online Water Library (OWL) of the Center for Watershed Protection. A list of url links to helpful guidance documents, including OWL, can be found on the KDHE Municipal Stormwater Program website at the following url:

[http://www.kdheks.gov/muni/download/MS4 NPDES Permit helpful guidance.pdf](http://www.kdheks.gov/muni/download/MS4_NPDES_Permit_helpful_guidance.pdf)

Document titled "MS4 NPDES Permit Helpful Guidance and/or Resources"

**D. Total Maximum Daily Load (TMDL) Regulated Pollutants**

This PART I - Section D requirement is not applicable to this permit. No action is required at this time for Total Maximum Daily Load (TMDL) Regulated Pollutants as there are no identified TMDL impacted streams within or adjacent to the municipality which justify implementing actions under this section.



**PART II. TOTAL MAXIMUM DAILY LOAD (TMDL) BEST MANAGEMENT PRACTICES AND SURFACE WATER MONITORING**

This Part II requirement is not applicable to this permit. No action is required at this time for Total Maximum Daily Load (TMDL) Best Management Practices and Surface Water Monitoring as there are no identified TMDLs impacting streams within or adjacent to the municipality.

**PART III. MONITORING INDUSTRIAL STORMWATER DISCHARGES:**

This PART III requirement is not applicable to Phase II permittees. No action is required at this time for Monitoring Industrial Stormwater Discharges.

**PART IV. PERMIT COMPLIANCE ACTIVITIES AND SCHEDULES**

**A. Year 2019:**

The required update to the stormwater management program (SMP) document, as required in PART I B. Updated Stormwater Management Program document, should be considered in 2019 and planning initiated for allocating time and effort to complete this task to update the SMP document prior to the submission deadline in 2021.

The Annual Report for calendar year 2018 must be submitted to KDHE between January 1 and February 28, 2019.

**B. Year 2020:**

Any remaining tasks necessary to complete the update of the SMP should be completed in 2020.

The Annual Report for calendar year 2019 must be submitted to KDHE between January 1 and February 28, 2020.

**C. Year 2021:**

The updated SMP document must be submitted to KDHE with the 2020 Annual Report between January 1 and February 28, 2021.

The permittee must implement sufficient listed BMPs to achieve minimum point requirements for each year beginning in 2021.

The Annual Report for calendar year 2020 must be submitted to KDHE between January 1 and February 28, 2021.

**D. Year 2022:**

The permittee must implement sufficient listed BMPs to achieve minimum point requirements for each year.

The Annual Report for calendar year 2021 must be submitted to KDHE between January 1 and February 28, 2022.

**E. Year 2023**

The permittee must implement sufficient listed BMPs to achieve minimum point requirements for each year. The point total requirements increase this year.

By February 28, 2023, provide a report (in PDF format) on effectiveness of source controls and structural BMPs to attenuate pollutant discharge and achieve the measurable goals. This report must be submitted to KDHE along with the Annual Report for 2022.

The Annual Report for calendar year 2022 must be submitted to KDHE between January 1 and February 28, 2023.

**F. Year 2024**

The permittee must implement sufficient listed BMPs to achieve minimum point requirements for each year.

The Annual Report for calendar year 2023 must be submitted to KDHE between January 1 and February 28, 2024.

**PART V. REPORTING**

The permittee shall submit a calendar year annual report to KDHE by February 28 of each year. The annual report shall be submitted to KDHE in the form specified by KDHE. Normally an annual report template (Basic Report) is posted on the KDHE website in the last three months of each year. The report template can be downloaded and completed. The completed annual report along with attachments or other documents which need to be submitted in association with the annual report shall all be submitted in PDF file formats to KDHE on a standard compact disk (CD) or digital versatile disk (DVD). The initial report under this permit is due February 28, 2020 for calendar year 2019. Once KDHE has implemented the KEIMS web-based system, all documents submitted will be required to be uploaded through the KEIMS program. KDHE will provide notification to the permittee when reporting via the KEIMS system is required. The annual report shall cover the activities during the previous calendar year and must include:

- A. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable, and the measurable goals (with an indication of the progress toward meeting the goals) for each of the six minimum control measures.
- B. Provide results of information collected and analyzed, (for example test results, surveys, or public comments/input) during the annual reporting period. This may include monitoring data used to assess the success of best management practices with respect to reduction in pollutant discharge. Include an interpretation of the information which addresses success or failure of the portion of the program for which the information applies.
- C. Provide a summary of the stormwater activities that were scheduled to be undertaken during the previous calendar year and the status of these activities.
- D. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year (including an implementation schedule).
- E. Provide a map showing changes in the permittee's Permit Area if the Permit Area has changed within the year.
- F. Provide a description of significant changes in any of the BMPs.

- G. Provide copies of any ordinances or resolutions which were updated in the last year and are associated with the SMP.
- H. Provide a list of other parties (such as other municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.

**STANDARD CONDITIONS FOR  
KANSAS WATER POLLUTION CONTROL AND  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MS4 PERMITS**

**1. Representative Sampling and Monitoring Report Submittals:**

- A. Samples and measurements taken as required herein shall be representative of the quality of the monitored water. Test results shall be recorded for the day the samples were taken. All samples shall normally be taken at the locations designated by the permittee in the Stormwater Management Plan according to the requirements of this permit. In the event samples must be obtained from a location different than that designated in the Stormwater Management Plan the annual report shall indicate the change of location and provide the justification therefore.
- B. Monitoring results shall be recorded and reported on forms acceptable to the Division and provided in the annual report. Signed and certified copies of the annual report prepared in accordance with KAR 28-16-59, and all other reports required herein, shall be sent by U.S. mail to:

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

**2. Definitions:**

- A. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
- B. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
- C. "Severe property damage" means substantial physical damage to property, damage to the treatment/control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a diversion.

**3. 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.

**4. Test Procedures:** All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.

**5. 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.

**6. Proper Operations 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.

7. **Incident Reporting:** The permittee shall report any unanticipated significant incidents which would be expected to result in non-compliance with the permit requirements within 24 hours from the time the permittee became aware of the incident. A written submission shall be provided within 5 days of the time the permittee became aware of the incident. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

For an anticipated incident or any planned changes or activities in the permitted control/treatment facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

8. **Removed Substances:** Solids, sludges, debris, or other pollutants removed in the course of control/treatment of stormwater shall be utilized or 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 permittee's premises where a stormwater discharge or 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 facilities, monitoring equipment or monitoring method required in this permit, and to sample any stormwater discharges from or influents into the stormwater control/treatment facilities.
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 succeeding owner shall secure a new permit. This 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. **Records Retention:** Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division.
12. **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. Treated and raw stormwater 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.
13. **Permit Modifications and Terminations:** As provided by KAR 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 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 to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
14. **Administrative, Civil and Criminal Liability:** The permittee shall comply with all requirements of this permit. Nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.
15. **Oil and Hazardous Substance Liability:** Nothing in this 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 to under 33 USC Section 1321 or KSA 65-164 et seq. A permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its storm sewer system or stormwater control/treatment facilities.

16. **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.
17. **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.
18. **Removal from Service:** The permittee shall inform the Division at least three months before any control/treatment unit, or any other part of the control/treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
19. **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.