



Industrial Stormwater Permit Overview

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Current KDHE – NPDES Industrial Stormwater Permit

- Coverage applies to various manufacturing, transportation, warehousing, mining, and scrap/salvage facilities; some public works facilities; and other sites with a significant pollution potential, unless otherwise excluded
- Owners or operators of unpermitted facilities subject to regulation of stormwater runoff from industrial activity as defined in 40 CFR 122.26(b)(14) or are otherwise designated by KDHE must file the Notice of Intent (NOI) form and \$60.00 fee to apply for and obtain coverage under the industrial stormwater general permit S-ISWA-2111-1
- Apply in the Kansas Environmental Information Management System (KEIMS)
- KDHE's current Industrial Stormwater General Permit is effective November 1, 2021 through October 31, 2026

Industrial Stormwater

- There are eleven broad categories of industry that are regulated, covering most industries and many municipal operations, as defined at 40 CFR 122.26(b)(14)
- Coverage is generally determined either by SIC Code (Standard Industrial Classification) or by narrative criteria describing activities at the site
- A “No Exposure” certification is available to all industrial categories
- The principle requirement of the permit is development of a Stormwater Pollution Prevention Plan (SWP2 Plan) and implementation of site Best Management Practices (BMPs)

Industrial Stormwater

- KDHE has authorized about 800 Active Industrial NOI's
- About 350 industrial discharge permits require SWP2 Plans
- About 185 Sites under the Ready-Mix general permit require SWP2 Plans
- About 300 No Exposure Certifications have been accepted
- A total of about 1,600 facilities meeting stormwater permit requirements
- Original estimates were that up to 10,000 Kansas facilities may be regulated
- Numerous additional facilities originally applied for coverage (historic NOI's and group applicants) that were never permitted. They do not have stormwater discharge authorization and need to submit an NOI

Short Guide to Successful Compliance

- Submit NOI and obtain General Permit coverage
- Read and understand the General Permit
- Develop a Good SWP2 Plan for your site
- Perform and document the required inspections
- Perform and document the required evaluations
- Keep the Plan Up-to-date
- Respond to Annual Permit Fee and Billing Questions

Stormwater Pollution Prevention (SWP2 Plan) Development - Minimum requirements

- Pollution Prevention Team
- Description of Potential Pollutant Sources
- Measures and Controls
- Comprehensive Site Compliance Evaluation
- Monitoring and Record Keeping Requirements
- SWP2 Plan Update and Modification

Important Items found in the Stormwater Pollution Prevention Plan (SWP2 Plan)

- A signed copy of the NOI
- A Site Map showing drainage features and an inventory of industrial activities, materials and equipment [have MSDS's available]
- BMP identification
- Visual observation records (site and outfalls)
- Annual Comprehensive Site Evaluation Record
- SWP2 Plan Certification/Updates
- Record/schedule of planned improvements
- Records of stormwater test results

Your SWP2 Plan inspections and record keeping need to include:

- Quarterly visual inspections of industrial activities and an annual visual observation of the outfalls
- Annual comprehensive site evaluation
- A training program and records of training
- Records as part of the SWP2 Plan (Appendix)
 - A signed NOI
 - Inspection records and comprehensive annual review
 - SWP2 Plan revision record,
 - Stormwater testing records
 - A schedule for implementing new BMP's

Construction/Landfill Operation Stormwater BMPs and SWP2 Plan Amendments

- A separate construction stormwater permit is required:
 - For new construction, until perimeter controls are stabilized
 - Construction outside the permitted footprint of the landfill
 - Includes requirements for Kansas State Historical Preservation Office, Kansas Department of Wildlife, Parks and Tourism, Critical Water Bodies
- The industrial stormwater permit provides coverage for:
 - Standard activities, processes and material areas normally covered, and
 - Phased construction within an existing permitted landfill footprint
 - Berming, diversions and capping within the existing permitted landfill footprint
 - Associated access roads and stormwater controls including sediment basins
- Provided appropriate amendments to the SWP2 Plan are made and BMPS are implemented for the planned construction – amendments need to be consistent with the construction stormwater general permit

Will the KDHE/EPA/Local MS4 inspect your facility?

- EPA is performing random, unannounced inspections
- KDHE – BOW inspects facilities that have an individual permit, and responds to complaints
- Local governments will respond to complaints, and may have upcoming requirements for inspections and monitoring in their MS4 general permits

EPA Inspections/Enforcement Actions

- A County Transfer Station and C & D Landfill
 - \$25,000 Fine
- Columbia Missouri Landfill and Yard Waste Composting Facility
 - \$55,000 Fine and \$475,000 Supplemental Environmental Project
- National Freight System Facility
 - \$535,000 Fine and Consent Decree to implement injunctive relief
 - The main issues at the County Transfer Station and C & D Landfill
 - Administrative Issues
 - Not knowing what the permit required
 - Not knowing the difference between BWM requirements and the NPDES requirements until after the inspection
 - Failure to conduct and document required inspections
 - Failure to conduct staff training
 - Failure to conduct the annual comprehensive site evaluation

Has the Annual Comprehensive Site Evaluation been performed?

2.4.4. Comprehensive Site Compliance Evaluation

- Shall be conducted at least once a year
- Visual inspection of areas with stormwater
- Discharge associated with industrial activity
- Visual examination of stormwater quality
- Records of all stormwater monitoring data
- Evaluation of measures implemented to reduce pollutants
- Determination of whether additional measures are needed
- Actions taken or a schedule of BMPs to be implemented
- Written evaluation report
- If the comprehensive site evaluation does not identify any non-compliance, the report shall include a statement that the facility is in compliance with the SWP2 Plan and the conditions of this permit

KDHE Industrial Stormwater Permit

Forms and Guidance Available on the KDHE website
kdhe.ks.gov/756/ | (Forms/applications will all be in KEIMS soon)

- Industrial Stormwater General Permit Effective November 1, 2021
- Industrial Stormwater Notice of Intent Form (NOI) and Instructions
- Industrial Stormwater No Exposure Certification form (NOEC) and Instructions
- Industrial Stormwater Notice of Termination form (NOT)
- Industrial Stormwater Notice of Transfer of Ownership form (NOTO)
- Industrial Stormwater SWP2 Plan Completion Certification form (SWP2 Plan CCF)
- KDHE BWM website – NPDES Industrial Stormwater Permittee Responsibilities Guidance

kdhe.ks.gov/756/

Industrial Programs Section Stormwater Program

There are three types of stormwater Permits: Construction, Industrial and Municipal Separate Storm Sewer System/MS4.

The Stormwater Program at KDHE is administered jointly by the Industrial and Municipal Programs Sections within the Bureau of Water. The Industrial Programs Section issues permits for stormwater discharges associated with construction and industrial activities and the Municipal Programs Section issues permits for the MS4 systems.

Construction

Industrial

Municipal / MS4

Industrial Stormwater

The public notice period for renewal of the Kansas General Permit for Stormwater Runoff Associated with Industrial Activities has ended.

The new Kansas General Permit for Stormwater Runoff Associated with Industrial Activity is effective from November 1, 2021 through October 31, 2026. The re-issued permit and forms contain new and additional requirements.

A copy of the new Industrial Stormwater General Permit is available through the following link:

- [Industrial Stormwater General Permit S-ISWA-2111-1 \(PDF\)](#) (Effective November 1, 2021)

Questions? Contact: Eric Staab | 785-296-4347 | Eric.Staab@ks.gov