

Stormwater Runoff from Construction Activities General Permit

Definitions and Acronyms

These definitions pertain to the Kansas Water Pollution Control General Permit and Authorization to Discharge STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES under the National Pollutant Discharge Elimination System. Persons subject to the NPDES general permit for Stormwater Runoff From Construction Activities should make themselves familiar with this list of definitions.

"Antidegradation" means the regulatory actions and measures taken to prevent or minimize the lowering of water quality in surface waters of the state, including those streams, lakes, and wetlands in which existing water quality exceeds the level required for maintenance and protection of existing uses.

"Authorization" means written authorization from KDHE to discharge stormwater runoff from construction activities. Upon acceptance and approval of the Construction Stormwater Notice of Intent (NOI) and required supporting documentation, KDHE will indicate the authorization and date on the front page of the NOI form by the Secretary of KDHE's signature on the form, and assign State and Federal Authorization numbers. Upon receipt of this Authorization, the permittee is authorized to discharge stormwater runoff from construction activities from the construction site identified in the NOI and supporting documents.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Borrow Sites" means areas where materials are excavated for use as fill.

"Buffer" means for the purposes of this permit, an area of natural vegetation surrounding streams, rivers, lakes, wetlands, or other waters of the U.S. within which construction activities are restricted.

"Bypass" means any diversion of contaminated stormwater runoff away from BMPs.

"Combined Sewer System" means sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe.

"Commencing Construction" means starting to remove vegetation or disturb the soil located at the site.

"Construction Activity" means any construction practices or work including, but not limited to, clearing, grubbing, grading, and excavation which disturbs one (1.0) acre or more; or which is part of a larger common plan of development or sale which disturbs a cumulative total area of one (1.0) acre or more during the life of the project.

"Construction and Development Effluent Guidelines" as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines (ELG's) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" means the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

"Construction Support Activities" means the various construction-related activities that occur alongside the construction activity, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Contaminated Groundwater" means groundwater where an actual or potential environmental or public health threat may be deemed to exist as a result of physical, chemical, biological, or radiological substances, or a combination of these substances, has been released into subsurface waters of the state and results in a concentration or amount of a substance in excess of the numerical criteria designated for aquatic life protection, agricultural use, or public

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health protection as provided in the Kansas Surface Water Quality Standards: Table of Numeric Criteria or have groundwater concentration levels exceeding the most current version of the KDHE "Risk-based Standards for Kansas (RSK)" manual, Tier 2 for Residential Scenarios - Soil to Groundwater Pathways, or if above RSK levels, the concentrations are not significantly different than area natural background concentrations (RSK Tier 1 evaluation). The manual can be downloaded from the following webpage: www.kdheks.gov/remedial/rsk_manual_page.htm.

"Contaminated Soil" are soils that have soil concentration levels exceeding the lowest concentration of those included in the most current version of the KDHE "Risk-based Standards for Kansas (RSK)" manual, Tier 2 for Residential Scenarios or if above the RSK levels, the concentrations are not significantly different than area natural background concentrations (RSK Tier 1 evaluation). The manual can be downloaded from the following webpage: www.kdheks.gov/remedial/rsk_manual_page.htm.

"Control Measure" refers to any stormwater control, BMP, or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Critical Water Quality Management Area" means a watershed, or a portion of a watershed, in which application of minimum state or national wastewater and water quality management practices and procedures cannot be reasonable expected to result in attainment of water quality goals, attainment of water quality standards, protection of resources of the state, prevention of excessive sediment deposition in stream beds, lakes or reservoirs, or prevention of destruction of fishery habitat; or an area in which additional treatment and control of pollutants can result in additional cost effective benefits.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

"Defined Drainage" means any water course which has a well-defined bed and banks and a drainage area above the point in question exceeding 160 acres or a greater acreage designated by the Chief Engineer, Kansas Department of Agriculture. The stream need not flow continuously and may flow only briefly after a rain in the watershed.

"Department" means the Kansas Department of Health and Environment.

"Dewatering" means the act of draining or pumping accumulated stormwater and/or groundwater from excavations, building foundations, vaults, trenches, etc.

"Director" means the Director of the Division of Environment, of the Kansas Department of Health and Environment.

"Discharge Monitoring Requirement" means a requirement to observe or evaluate a discharge and note the conditions observed.

"Discharge of Stormwater Associated with Construction Activity" as used in this permit, a discharge of pollutants in stormwater from areas where land-disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

"Discharge Point" means for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the construction site.

"Drainage Courses or Drainage Swales" means an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"Duly Authorized Representative" means somebody who speaks, acts or votes on behalf of others. For the purposes of this stormwater general permit, the duly authorized representative either 1) has operational control over

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the facility; or 2) has the day-to-day operational control of those activities at the facility necessary to ensure compliance.

"Effluent Limitation" means any restriction established by the Director on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources.

"Effluent Limitations Guideline" (ELG) - defined in 40 CFR § 122.2 as a regulation published by the EPA Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

"Entrance and Exit Points" means any points of entry to and exit from the construction site to be used by vehicles and equipment during construction activities.

"EPA" means the U.S. Environmental Protection Agency.

"Exceptional State Waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in K.A.R. 28-16-28b, and are afforded the level of water quality protection under the anti-degradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Final Stabilization" means all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the cover which is typical for undisturbed areas, unpaved areas, or areas not covered by permanent structures, in the geographic location of the construction site, has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Certain exceptions to this exists for final stabilization of individual lots or completion of construction activities within a larger common plan of development.

"Hazardous Substance" means elements and compounds designated as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4.

"ILC" means the Individual Lot Certification which is to be completed by the permittee and the purchaser of an individual lot or parcel of the overall tract subject to the general NPDES permit for Stormwater Runoff from Construction Activity.

"Impaired Water" "Water Quality Limited Segment" means a surface water that has been identified by KDHE pursuant to Section 303(d) of the Clean Water Act as not meeting applicable Kansas Surface Water Quality Standards. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. (Note: To view the Section 303(d) list and TMDLs go to <http://www.kdheks.gov/tmdl/index.htm>)

"Indian Country Land" means (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of the State; and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights of way running through the same.

"Infeasible" means not technologically possible, or not economically practicable and achievable in light of best industry practices.

"Install" or "Installation" means when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

"KDHE" means the Kansas Department of Health and Environment.

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"Material Handling and Staging Area" means a temporary area on the construction site used for receiving, processing, storing materials to prevent the material from being spilled or coming into contact with runoff.

"Material Washout Area" means a temporary containment area used for the washing of applicators and containers of paint, concrete, and other materials.

"Minimize" means to reduce and/or eliminate to the extent achievable using stormwater controls (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

"Municipal Separate Storm Sewer System (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a state, city, town, borough, county, parish, district association, or other public body which is designed or used for collecting or conveying stormwater.

"National Pollutant Discharge Elimination System" means the national system for the issuance of permits under 42 U.S.C. Section 1342 and includes any state or interstate program which has been approved by the administrator, in whole or in part, pursuant to 42 U.S.C. Section 1342.

"NOI" means the Notice of Intent form which is to be used to apply for authorization to discharge under this general permit [A copy of the NOI form is provided as part of the general permit.].

"Non-Stormwater Discharges" means discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, noncontact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

"NOT" means the Notice of Termination form which is to be completed by the permittee once the project is completed and the site is stabilized. [A copy of the NOT form is provided as part of the general permit.]

"NOTO" means the Notice of Transfer of Ownership form which is to be completed by the permittee and the new site owner or operator when sale of the entire permitted tract occurs. [A copy of the NOTO form is provided as part of the general permit.]

"Oil and Gas Exemption" means changes to the Federal Clean Water Act (CWA) which exempt oil and gas exploration, production, processing, or treatment operations, and transmission facilities from National Pollutant Discharge Elimination System (NPDES) stormwater permitting requirements associated with stormwater runoff from construction activities. (see 40 CFR 122.26 (c) (1) (iii) for exclusions to the CWA exemption.)

"Operational" for the purpose of this permit, stormwater controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Outfall" see "Discharge Point".

"Outstanding National Resource Water" (ONRW) means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the Kansas Surface Water Register and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Owner", "Owner or operator", or "owner/operator" means the party or parties that either individually or taken together who are the responsible party liable under the Clean Water Act and meet the following criteria: they have operational control over the site specifications; and, they have the day-to-day operational control of those activities at the site necessary to ensure compliance. For a typical commercial construction site, KDHE herein defines the owner or general contractor to be the "owner or operator". For a typical residential development (subdivision), KDHE herein defines the owner or an authorized representative to be the "owner or operator". Each owner or

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operator who individually does not engage in construction activity of greater than one (1.0) acre must apply when the construction activity is part of a larger common plan of development.

"Permit" means an authorization, license, or equivalent control document issued by the Director to implement the requirements of K.A.R. 28-16-57. Permit includes a 'general permit' (K.A.R. 28-16-150). Permit does not include any document which has not yet been subject to final agency action, such as a "draft permit" or "proposed permit."

"Permittee" means the individual, company, corporation, institution, municipality, township, county, federal agency, owner, operator, or legally constituted sewer district which is authorized by a Kansas Water Pollution Control permit to discharge to the waters of the State and which has operational control of the permitted discharge by specifying activities at the site.

"Point Source" means any discernible, confined, and discrete conveyance, including, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft from which pollutants are or may be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agriculture stormwater discharges or return flows from irrigated agricultural land.

"Rainfall Erosivity Waiver" means a waiver of the applicable requirements of the general NPDES permit for Stormwater Runoff from Construction Activities. Owners or operators of construction activities between one and five acres which are eligible for coverage under the general NPDES permit for Stormwater Runoff from Construction Activities may receive a waiver from KDHE provided the value of the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation) is less than five (5) during the period of construction activity.

"Run-on" means sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Sediment Basin Design Criteria" are requirements for sedimentation structures to be designed to provide a detention volume at least 3,600 cubic feet of storage per acre of total area draining into the sediment basin. KDHE may approve alternate storage volumes if a significant portion of undisturbed area drains to the sediment basin or for areas in Western Kansas where the 2 year, 30 minute rain event is less than 1.3 inches. Runoff calculations based on a detention volume from a 2 year, 30 minute rainfall event with a minimum runoff coefficient of 0.77 for disturbed acreage and appropriate runoff coefficients for undisturbed acreage must be provided to document and justify the revised storage volume requirement.

Sediment basins must be designed to provide the required storage volume below the elevation of the overflow weir, spillway or riser top that allows mass volume of discharge. Designs shall include outlet structures that withdraw water from the surface, unless infeasible.

"Severe Property Damage" means substantial physical damage to property or substantial and permanent loss of natural resources which would be reasonably expected to occur in the absence of a bypass.

"Significant Materials" includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant Pollution Potential" means the discharge or potential discharge of one or more pollutants that does or has the potential to degrade water quality, violate a water quality standard, or impair a designated use of a classified water. KDHE, in making a determination as to whether a discharge has a significant pollution potential will consider the size and location of the discharge, the quantity and nature of the discharge, and other relevant factors. Examples of a significant pollution potential would include, but not be limited to, contaminated soils or groundwater within the construction site, uncovered salt or salt/sand storage piles; spilled or leaking toxic or hazardous waste; spilled or leaking fuel, oils, grease, solvents; etc.

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"Soil Exposed" means for the purposes of this permit, soils that have been disturbed due to the commencement of construction activities.

"Special Aquatic Life Use waters" means surface waters which contain combinations of habitat types and indigenous biota not found commonly in the state, or surface waters which contain representative populations of threatened or endangered species.

"Stabilization" means the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slope" means any slope occurring on the construction site that is 2.5 horizontal to 1 vertical or greater (approximately 40 percent).

"Storm Sewer" means a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

"Stormwater" means stormwater runoff induced by atmospheric precipitation, including snow melt runoff, and surface runoff and drainage.

"Stormwater Control" See "Control Measure"

"Stormwater Pollution Prevention Plan (SWP2 Plan)" means a site-specific, written document and construction plans that: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

"Stormwater Runoff from Construction Activities" means stormwater runoff from areas where construction activities are located. Construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one (1.0) acre of total land area. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1.0) acre. Construction activities do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. (See 40 CFR 122.26(b)(14 -15) for further clarification.)

"Stormwater Runoff from Industrial Activities" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the Kansas Water Pollution Control program.

For the categories of industries identified in this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials; and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on the plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded area is not mixed with stormwater drained from the above described areas.

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Industrial facilities (including industrial facilities which are Federally, State or municipally owned or operated and meet the description of the facilities listed in this paragraph (i)-(xi) of this definition) include those facilities designated under 40 CFR 122.26(a)(1)(v).

The following categories of facilities are considered to be engaging in industrial activity for the purpose of this general permit/definition:

Category (i) - Facilities subject to storm water effluent limitations guideline, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N. Limits and/or standards for this category are subject to change and new limits and standards may be adopted. To verify applicability, see 40 CFR subchapter N.

Stormwater Effluent Guidelines

For a discharge to be covered under stormwater effluent guidelines, the facility must have a stormwater discharge subject to stormwater effluent guidelines. At the time of permit issuance, facilities that have stormwater effluent limitations guidelines for at least one of their subcategories include the following:

40 CFR Subchapter N

Part 411 Cement manufacturing
Part 412 Concentrated Animal Feeding Operations (CAFOs)
Part 418 Fertilizer manufacturing
Part 419 Petroleum refining
Part 420 Iron & steel manufacturing
Part 422 Phosphate manufacturing
Part 423 Steam electric power generating
Part 434 Coal mining
Part 436 Mineral mining & processing
Part 440 Ore mining & dressing
Part 442 Transportation equipment cleaning
Part 443 Paving and roofing materials
Part 445 Landfills

A facility that falls into one of these Parts should examine the effluent guideline to determine if it is categorized in one of the subcategories that have stormwater effluent guidelines. If a facility is classified in one of those subcategories, that facility is subject to the standards listed in the CFR for that category, and as such is required to submit an NOI for any stormwater discharge subject to the stormwater effluent guideline.

Toxic Pollutant Effluent Standards

Facilities subject to toxic pollutant effluent standards refers to the standards established pursuant to CWA section 307(a)(2) and codified at 40 CFR Part 129. Part 129 applies only to manufacturers of six pesticide products which are defined as toxic pollutants. Please note that the phrase “facilities subject to toxic pollutant effluent standards” does not refer to those industries subject to effluent limitation guidelines for toxics under 40 CFR sub-chapter N.

Manufacturers of the following pesticides are subject to regulation under these provisions:

(a) Aldrin/Dieldrin, (b) DDT, (c) Endrin, (d) Toxaphen (e) Benzidine, and (f) Polychlorinated Biphenyls (PCBs):

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(a) Aldrin/Dieldrin---Aldrin means the compound aldrin as identified by the chemical name, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4-endo-5,8-exo-dimethanonaphthalene; ""Dieldrin"" means the compound the dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-exo-dimethanonaphthalene.

(b) DDT---DDT means the compounds DDT, DDD, and DDE as identified by the chemical names:(DDT)-1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and some o,p '-isomers; (DDD) or (TDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethane and some o,p '-isomers; (DDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene.

(c) Endrin---Endrin means the compound endrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-endodimethanonaphthalene.

(d) Toxaphene---Toxaphene means a material consisting of technical grade chlorinated camphene having the approximate formula of C₁₀ H₁₀ Cl₈ and normally containing 67--69 percent chlorine by weight.

(e) Benzidine---Benzidine means the compound benzidine and its salts as identified by the chemical name 4,4 '-diaminobiphenyl.

(f) Polychlorinated Biphenyls (PCBs) polychlorinated biphenyls (PCBs) means a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

New Source Performance Standards (NSPS)

For a stormwater discharge associated with industrial activity to be covered under NSPS, the facility must have an activity subject to the NSPS. The new source varies based on the publication date of a particular effluent guideline. Most effluent guidelines listed in 40 CFR Subchapter N contain NSPS.

The following categories of 40 CFR Subchapter N do not have new source performance standards. All other categories have at least one subcategory with new source performance standards.

Part 454 Gum and wood chemicals manufacturing
Part 459 Photographic
Part 460 Hospital

Category (ii) - Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

Category (iii) - Facilities classified as SIC codes 10-14 including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCR authority has been released, or areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/ operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction,

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beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).

A facility with an existing or new discharge composed entirely of stormwater from oil or gas exploration, production, processing, or treatment operations or transmission facility is not required to submit a request for authorization under this general permit unless the facility:

(A) Has a discharge of stormwater composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying collection runoff and which are contaminated by contact with, or come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products on the site of such operations; or

(B) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or

(C) Causes or contributes to a violation of a water quality standard.

Category (iv) - Hazardous Waste Hazardous waste treatment, storage, or disposal facilities including those that are operating under interim status or a permit under Subtitle C of RCRA.

Category (v) - Landfills, land application sites, and open dumps that receive or have received any industrial waste (waste that is received from any of the facilities described under categories (i) - (xi)) including those that are subject to regulations under Subtitle D of RCRA.

Category (vi) - Recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and SIC 5093 (scrap and waste materials).

Category (vii) - Steam electric power generating facilities, including coal handling sites.

Category (viii) - Transportation facilities classified by the SIC codes 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 listed below which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) of this definition are associated with industrial activity, and need permit coverage. Based on a potential for being a significant contributor of pollutants, KDHE has determined Aerial Spray Operations at Airports are subject to coverage for stormwater runoff associated with industrial activity.

Category (ix) - Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

Category (x) - Construction activity is not covered under this definition. The construction "operator" of both large and small construction activities must apply for coverage under an individual permit or the General Stormwater Permit for Construction Activity requirements.

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Category (xi) - Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.

"Surface water" means all of the following:

- (1) streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps and cavern streams, and any alluvial aquifers associated with these surface waters;
- (2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes and ponds; and
- (3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "corps of engineers wetlands delineation manual," as published in January 1987, which is hereby adopted by reference.

"Surface Waters of the State" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

"Temporary Stabilization" means a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Tier 1 Water" means, in regard to antidegradation, a level of protection that provides a "floor" which protects water quality and existing designated uses. Water quality must be preserved to protect and maintain those existing uses. Activities that would lower water quality below levels necessary to maintain existing designated uses are prohibited.

"Tier 2 Water" means, in regard to antidegradation, high quality waters where water quality exceeds the criteria associated with the assigned designated uses. Limited water quality degradation is allowed in high quality water where the degradation is necessary to accommodate important social or economic development, but only if designated uses are still maintained and the highest statutory and regulatory requirements for all point sources of pollution and all cost effective and reasonable best management practices for nonpoint sources of pollution are achieved.

"Tier 2½ Water" means in regard to antidegradation, means a water classified as an Exceptional State Water (see definition of "Exceptional State Waters" in Appendix 1).

"Tier 3 Water" means, in regard to antidegradation, any waters designated as an Outstanding National Resource Water (ONRW) (see definition of Outstanding National Resource Water in Appendix 1).

"Total Maximum Daily Load (TMDL)" is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations. (Note: To view TMDLs go to <http://www.kdheks.gov/tmdl/index.htm>.)

"Uncontaminated Groundwater" means water removed from excavation or pumped from an aquifer for dewatering purposes. The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the discharge. Suspended solids and turbidity are not sources of contamination for the purposes of this definition but the excavation dewatering discharge must be treated as necessary to remove suspended solids and turbidity to prevent any violation of water quality standards.

Stormwater Runoff from Construction Activities General Permit
Definitions and Acronyms

"Urbanized Area" means a land area comprising one or more places; central place(s); and the adjacent densely settled surrounding area; or urban fringe; that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

List of Acronyms

BMPS - Best Management Practices
C & D - Construction & Development
CERCLA - Comprehensive Environmental Response, Compensation and Liability Act
CFR - Code of Federal Regulations
CGP - Construction General Permit
CWA - Clean Water Act
CWQMA - Critical Water Quality Management Area
EPA - U.S. Environmental Protection Agency
ESW - Exceptional State Water
ILC - Individual Lot Certification
K.A.R. - Kansas Administrative Regulations
KDHE - Kansas Department of Health and Environment
KDWPT - Kansas Department of Wildlife, Parks and Tourism
K.S.A. - Kansas Statutes Annotated
KSHPO - Kansas State Historic Preservation Office
KSHS - Kansas Historical Society
MS4 - Municipal Separate Storm Sewer System
NOI - Notice of Intent
NOT - Notice of Termination
NOTO - Notice of Transfer of Ownership
NPDES - National Pollutant Discharge Elimination System
NRDC - Natural Resources Defense Council
NTIS - National Technical Information Service
ONRW - Outstanding National Resource Water
RCRA - Resource Conservation and Recovery Act
SALU - Special Aquatic Life Use
SHPO - State Historic Preservation Officer
SMCRA - Surface Mining Control and Reclamation Act
SPCC - Spill Prevention Control Countermeasures
SWP2 Plan or SWPPP - Stormwater Pollution Prevention Plan
U.A. - Urbanized Areas
U.S.C. - United States Code