

EXECUTIVE SUMMARY

Purpose of this General NPDES Permit

The purpose of this general permit is to implement the Federal Water Pollution Control statutes and regulations; to permit discharges of stormwater runoff from construction sites subject to National Pollutant Discharge Elimination System (NPDES) permit requirements; and to protect the waters of the State from sediment and other contaminants.

What is Covered

This permit covers the discharge of stormwater runoff from construction activities that may disturb a cumulative total area equal to or greater than one (1.0) acre or from construction activity that is part of a larger common plan of development or sale that may disturb a cumulative total area equal to or greater than one (1.0) acre. Owners or operators of construction activities which discharge stormwater runoff and which may disturb an area equal to or greater than one (1.0) acre or are part of a larger common plan of development must receive authorization to discharge stormwater runoff from construction activities under this NPDES general permit.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre) and which are not part of a larger common plan of development or sale must have authorization to discharge stormwater runoff from construction activities under this NPDES general permit when KDHE believes the water quality impact warrants consideration.

Subdivision developments are considered to be a larger common plan of development or sale regardless of the size, ownership, or number of lots or parcels within the development. Each subdivision requires a permit to discharge stormwater if construction activities during the life of the development may disturb a cumulative total area equal to or greater than one (1.0) acre. New owners of lots or parcels that are less than 1 acre in size and are within an authorized larger common plan of development must either complete a KDHE Individual Lot Certification (ILC) or have similar wording included in the lot purchase contract. The ILC is an agreement between the new owner of the lot or parcel and the permittee to implement the SWP2 Plan and the conditions of the NPDES general permit cooperatively. For lots or parcels that are equal to or greater than one (1.0) acre in size, the new owner must request separate Authorization for coverage under the construction stormwater general permit unless the lots or parcels are for construction of residential homes, in which case the ILC procedure may be utilized.

How to Obtain a Permit

A request for Authorization for coverage under the construction stormwater general permit is made by fully completing and submitting a construction stormwater "Notice of Intent" (NOI) form, the \$60 permit fee, and all needed supporting documents. The NOI form is a request for coverage under the requirements and conditions of the Kansas "Stormwater Runoff from Construction Activities General Permit". The form and the instructions for completing the form are available upon written request from the Kansas Department of Health and Environment or may be downloaded from the [KDHE Stormwater Website \(www.kdheks.gov/stormwater\)](http://www.kdheks.gov/stormwater). The NOI needs to be sent to KDHE at least 60 days before starting construction. KDHE will make every effort to either authorize the construction activities within 60 days or provide comments on application or Stormwater Pollution Prevention Plan deficiencies. Construction site soil disturbing activities may commence only when the owner or operator receives an Authorization for the construction activity from KDHE Bureau of Water.

Authorization for the construction activity will be indicated on the NOI form. Upon authorization of the construction activity and associated stormwater discharges a Kansas permit number and a Federal permit number will be assigned to the construction project and indicated on the NOI form. A signed and dated copy of the Authorization will be provided to the owner or operator.

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What the Permit Costs

The permit fee is established by regulation (K.A.R. 28-16-56 et seq. as amended). At the time this information packet was developed, the permit fee for this general permit for stormwater runoff from construction activities was \$60 per year.

What the Permit Requires

The primary requirement of the general permit is for the permittee to develop and implement a Stormwater Pollution Prevention (SWP2) Plan. The SWP2 Plan must contain certain items that are specified in the general permit including the "Best Management Practices" that will be utilized to control erosion and sediment discharges and reduce the potential for contamination of the stormwater runoff associated with construction activities.

When the soil disturbing activities are completed and final stabilization of the site is achieved, the permittee must notify KDHE to terminate the authorization to discharge. To maintain Authorization to discharge stormwater runoff from construction activities the permittee will need to pay an annual permit fee, as specified in K.A.R. 28-16-56 et seq., until final site stabilization is obtained and Authorization is terminated.

The permittee is required to comply with all of the applicable provisions, requirements, conditions, and limits listed in the general permit. This summary is provided for information only and does not describe all of the applicable requirements in the general permit.

Availability of Forms and Information

Copies of all forms, references, and the NPDES general permit can be downloaded from the [KDHE Stormwater Website](http://www.kdheks.gov/stormwater) at <http://www.kdheks.gov/stormwater>.

Copies of all forms, references and the NPDES general permit requirements may also be obtained by writing to:

Kansas Department of Health and Environment
Bureau of Water - Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 – 1367

or by e-mail to:

kdhe.stormwater@ks.gov