KPDES

STORM WATER GENERAL PERMIT

PERMIT NO.: KYR10

GENERAL KPDES PERMIT FOR STORM WATER POINT SOURCE DISCHARGES

CONSTRUCTION ACTIVITIES

In compliance with the provisions of the Kentucky Revised Statutes Chapter 224 and pursuant to 401 KAR 5:055, Section 5, the following discharges are authorized:

All new and existing storm water discharges associated with construction activity that are required to have a permit pursuant to 401 KAR 5:055, Section 1 and KRS 224.16-050.

Specifically excluded from authorization under this permit are operations that:

1. Are subject to an existing individual KPDES permit or application,

2. Are subject to a promulgated storm water effluent guideline or standard,

3. The Director has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard or to the impairment of a 303(d) listed water, or

4. Are into a surface water that has been classified as an Exceptional or Outstanding or National Resource Water.

The receiving water for any discharge authorized by this permit is located within the political boundaries of the Commonwealth of Kentucky. Such authorization is in accordance with the effluent limitations and other conditions set forth in PARTS I, II, III, and IV hereof. This permit consists of this cover sheet, PART I 1 page, PART II 1 page, PART III 1 page, and PART IV 4 pages.

This permit shall become effective on October 1, 2002.

This permit and the authorization to discharge shall expire at midnight, September 30, 2007.

9/13/02
Date Signed

Jeffrey W. Pratt, Director
Division of Water

Robert W. Logan
Commissioner

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, Frankfort Office Park, 14 Reilly Road
Frankfort, Kentucky 40601
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A. Effluent Limitations and Monitoring Requirements

No monitoring is required.

B. Schedule of Compliance

The permittee shall achieve compliance with all requirements upon notification of coverage under this general permit.

STANDARD CONDITIONS FOR KPDES PERMIT

The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this permit.

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

PART III

OTHER REQUIREMENTS

A. Retention of Records:

The permittee shall keep the Best Management Practices (BMP) plan developed in accordance with PART IV of this permit one (1) year after coverage under this permit ends. This period may be extended by request of the Director at any time.

B. Reopener Clause:

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:080 and KRS 224 if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or

2. Controls any pollutant not limited in this permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

C. Other Discharges:

All discharges covered by this permit shall be composed entirely of storm water except for discharges from fire fighting activities, fire hydrant flushing, potable water sources, waterline flushing, irrigation or lawn watering, detergent free building or pavement washing where spills or leaks of toxic materials have not occurred or have been completely removed, air conditioning condensation, natural springs, and uncontaminated ground water sources.

This permit can only authorize storm water discharges from construction activity that are mixed with storm water discharges from other industrial activity, including dedicated asphalt and concrete plants, if the other industrial activity discharge is in compliance with a different KPDES permit.

D. Releases in Excess of Reportable Quantities:

The presence of hazardous substances or oil in the storm water discharge shall be minimized in accordance with the BMP plan. Coverage under this permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302.

PART IV

BEST MANAGEMENT PRACTICES

A storm water Best Management Practices (BMP) plan shall be developed in accordance with good engineering practices for each site covered by this permit. The BMP plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the site. The BMP plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges and to assure compliance with the terms and conditions of this permit. Facilities must implement the BMP plan required by this PART as a condition of this permit.

The BMP plan shall:

1. Be completed before submittal of the NOI for coverage under this permit.

2. Be implemented beginning with the initiation of construction activities.

Signature and Plan Review:

The BMP plan shall be signed in accordance with PART II and shall be kept onsite.

The permittee shall make the BMP plan available upon request to the Director, to a state or local agency approving sediment, erosion, grading or storm water management plans, or in the case of a storm water discharge to a MS4 with a KPDES permit, to the operator of the system.

After a review, the permittee may be notified that the BMP plan does not meet the minimum requirements of this PART. In that case, the permittee shall modify the BMP plan within seven (7) days of notification and shall submit a written certification that the requested changes have been made.

BMP plans required by this permit are considered reports that shall be made available to the public, upon written request by the public, in accordance with Section 308(b) of the Clean Water Act (CWA). However, the permittee may claim any portion of the BMP plan as confidential, in accordance with 40 CFR Part 2.

Plan Modification:

The permittee shall modify the BMP plan when there is a change in design, construction, operation, or maintenance of the site which has a significant effect on the potential for the discharge of pollutants to waters of the Commonwealth and shall implement the changes within seven (7) days.

Modification for Ineffectiveness:

The permittee shall amend the BMP plan if it proves to be ineffective in controlling the discharge of pollutants to waters of the Commonwealth and shall implement the changes within seven (7) days.

Minimum Requirements:

The BMP plan shall include, as a minimum, Items A through H.

A. Site Description:

The BMP plan shall include a clear description of the nature of the construction activity, the order of major soil disturbing activities, estimates of the total project area and the total disturbed area, the post construction runoff coefficient, any existing data describing soil condition or discharge quality, receiving water name, and a site map. The site map shall indicate drainage patterns and show approximate slopes after grading, areas of disturbance, the location of control measures, surface waters or wetlands, and storm water discharge locations.

B. Sediment and Erosion Control Measures:

The BMP plan shall include a clear description of what sediment and erosion control measures will be used and when they will be implemented. (For example, perimeter controls for one (1) portion of the site will be installed after the necessary clearing and grubbing, but before clearing and grubbing the remaining portions of the site. Perimeter controls will be actively maintained until upward portions of the site are stabilized). The following control measures shall be used as a minimum.

1. Soil Stabilization Practices - Existing vegetation shall be preserved where possible. All disturbed areas of the site shall be stabilized. Stabilization shall begin within 14 days on areas of the site where construction activities have permanently or temporarily (for 21 days or more) ceased. When snow cover causes delays, stabilization shall begin as soon as possible.

   Stabilization practices include seeding, mulching, placing sod, planting trees or shrubs, and using geotextile fabrics and other appropriate measures.

2. Perimeter Structural Practices - Silt fences or other equivalent structural practices shall be used on all side and down slope borders of the site. Alternatively, a sediment basin shall be used that provides 3,600 cubic feet of storage capacity per disturbed acre drained. For common drainage locations that serve more than ten (10) disturbed acres at one time, a sediment basin must be used if possible.

   Structural practices include protecting drain inlets and outlets and using silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, reinforced soil retaining systems, gabions, sediment basins and other appropriate measures. The installation of these devices may be subject to Section 404 of the CWA.

3. Storm Water Management Devices - Management devices shall be installed during construction to control the pollutants in storm water discharges that will occur after construction has been completed. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow so that the original physical and biological characteristics and functions of the receiving waters, such as the hydroperiod and hydrodynamics, are maintained and protected. When considering storm water management devices, the goal should be 80% removal of Total Suspended Solids that exceed predevelopment levels. If this goal is not met, the permittee shall provide justification for refusing each device based on site conditions.

Management devices include velocity dissipation devices, storm water retention and detention basins, wet ponds, vegetated swales and natural depressions used for flow reduction, runoff infiltration devices, sequential systems that combine several devices and other appropriate measures. The installation of these devices may be subject to Section 404 of the CWA.

The permittee is not responsible for the maintenance of these devices once discharges associated with construction activity have been eliminated.

C. Other Control Measures:

No solid materials, including building materials, shall be discharged to waters of the Commonwealth, except as authorized by a Section 404 permit.

Off-site vehicle sediment tracking and dust generation shall be minimized.

Waste disposal methods and sanitary sewer or septic systems shall comply with applicable state or local regulations.

D. Other State or Local Plans:

The BMP plan shall include any requirements specified in sediment and erosion control plans, storm water management plans or permits that have been approved by other state or local officials. Upon submittal of the NOI, other requirements for surface water protection are incorporated by reference into and are enforceable under this permit (even if they are not specifically included in the BMP plan required by this permit). This provision does not apply to master or comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit issued for the construction site by state or local officials.

E. Maintenance:

The BMP plan shall include a clear description of the maintenance procedures necessary to keep the control measures in good and effective operating condition.

F. Inspections:

Qualified personnel shall inspect all storm water control measures, discharge locations, vehicle exits, disturbed areas of the construction site and material storage areas at least once every seven (7) days (and within 24 hours of the end of a storm that is 0.5 inches or greater) and areas that have been temporarily or finally stabilized at least once a month. Revisions to the BMP plan based on the results of the inspection shall be implemented within seven (7) days.

Control measures shall be inspected to ensure correct operation. Accessible discharge locations shall be inspected to ensure that velocity dissipation devices are effective in preventing significant impacts to receiving waters. Vehicle exits shall be inspected for evidence of, or the potential for, off-site sediment tracking. Disturbed areas and material storage areas that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.

A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the date of the inspection, major observations relating to the implementation of the BMP plan, and any corrective actions taken shall be made and kept as part of the BMP plan for at least three (3) years after the date of inspection, or until one (1) year after coverage under this permit ends. The report shall be signed in accordance with Part II of this permit.

G. Non-Storm Water Discharges:

The BMP plan shall identify and ensure the implementation of appropriate pollution prevention measures for any non-storm water component of a discharge as listed in PART III C, except for flows from fire fighting activities.

H. Contractors and Subcontractors:

The BMP plan shall clearly state the contractor or subcontractors that will implement each control measure identified in the BMP plan. All contractors and subcontractors identified in the BMP plan must sign a copy of the certification statement below in accordance with PART II of this permit before conducting any professional service at the site:

> "I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature, the name, address, and telephone number of the contracted firm, the address, or other identifying description of the site and the date the certification is made. All certification statements must be included in the BMP plan.

JAMES E. BICKFORD
SECRETARY

PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

FACT SHEET

GENERAL KPDES PERMIT FOR STORM WATER POINT SOURCE DISCHARGES

CONSTRUCTION ACTIVITIES

KPDES No.: KYR10
Date: July 22, 2002

1. COVERAGE UNDER THIS GENERAL PERMIT

Area of Coverage:

This permit covers all areas of the Commonwealth of Kentucky.

Discharges Eligible for Coverage:

This permit covers all new and existing storm water discharges associated with construction activity. Only construction activities that disturb five (5) acres or more are required to have coverage under this permit. Beginning in March 2003, construction activities that disturb one (1) acre or more are also required to have coverage under this permit.

Limitations on Coverage:

This permit does not authorize discharges that:

1. Are subject to an existing individual KPDES permit or application,

2. Are subject to a promulgated storm water effluent guideline or standard,

3. The Director has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard or to the impairment of a 303(d) listed water, or

4. Are into a surface water that has been classified as an Exceptional or Outstanding or National Resource Water.

2. REQUIREMENTS FOR GENERAL PERMIT COVERAGE

Notice of Intent:

A signed copy of a Notice of Intent (NOI) form must be submitted to the following address 48 hours before construction activity begins:

Kentucky Division of Water
KPDES Branch
Inventory and Data Management Section
14 Reilly Road
Frankfort, Kentucky 40601

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Unless notified by the Director to the contrary, owners or operators who submit the above notification are authorized to discharge storm water associated with construction activity under the terms and conditions of this permit. Discharge may begin 48 hours after the NOI is postmarked, even if the permittee has not yet received a copy of the general permit from the Division of Water.

Notice of Termination:

When all storm water discharges associated with construction activity are eliminated and the site has been finally stabilized, the owner or operator must submit a signed copy of a Notice of Termination (NOT) form in order to end coverage under this general permit and nullify its requirements. NOTs are to be sent to the above address.

Change of Ownership:

When the owner or operator of a site covered by this permit changes, the new owner or operator must submit a notice 48 hours before the change in order to transfer coverage under this general permit. Change of ownership notices are to be sent to the above address.

3. ADDITIONAL INFORMATION

Municipal Notification:

Sites which discharge storm water associated with construction activity to a municipal separate storm sewer system (MS4) shall submit a signed copy of the NOI to the operator of the MS4 48 hours before construction activity begins.

Other Storm Water Discharges:

Storm water discharges authorized by this permit may be combined with other sources of storm water that are not associated with construction activity if the resulting discharge is in compliance with this permit.

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

No monitoring is required.

5. JUSTIFICATION OF PERMIT CONDITIONS

The following regulations are pursuant to KRS 224.10-100, 224.70-100, and 224.70-110.

Best Management Practices:

This requirement is consistent with 401 KAR 5:065, Section 2(10).

Antidegradation:

The conditions of 401 KAR 5:029, Section 1(1) will be satisfied by coverage under this permit. A review under Section 1(2), (3), and (4) will not be applicable.

6. COMPLIANCE SCHEDULE

The permittee shall achieve compliance with all requirements upon notification of coverage under this general permit.

7. PERMIT DURATION

This permit is valid for five (5) years. Upon issuance of a new general permit, the permittee will have coverage automatically renewed. A new NOI or other notification is not necessary.

8. PERMIT INFORMATION

The application, draft permit, fact sheet, public notice, comments received, and additional information is available from the Division of Water at 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

9. REFERENCES AND CITED DOCUMENTS

All material and documents referenced or cited in this fact sheet are part of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

10. CONTACT

Additional information concerning this permit may be obtained from Ronnie Thompson at the address noted in Item 8 or at (502) 564-2225, extension 423.

11. PUBLIC NOTICE INFORMATION

Please refer to the attached Final Permit Decision Cover Letter or Public Notice for details regarding the procedures for a final permit decision, deadline for comments, and other information required by 401 KAR 5:075, Sections 12 and 4(2)(e).