



# **Phase II stormwater construction permits**

## **Questions and answers**

### **What is the purpose of the stormwater permit for construction activities?**

The purpose of the construction stormwater program is to reduce sediment and other contaminants in the discharge of stormwater from construction activities. In 1987, Congress set a deadline for the U.S. EPA to establish a stormwater permitting program under the Clean Water Act to regulate construction-related pollutants. In Kansas, the Kansas Department of Health and Environment (KDHE) is the EPA-delegated state agency authorized to permit, with conditions, the discharge of stormwater runoff from construction activities as well as other wastewater discharges.

### **How do I determine if I need a stormwater permit for construction activities under the new rule?**

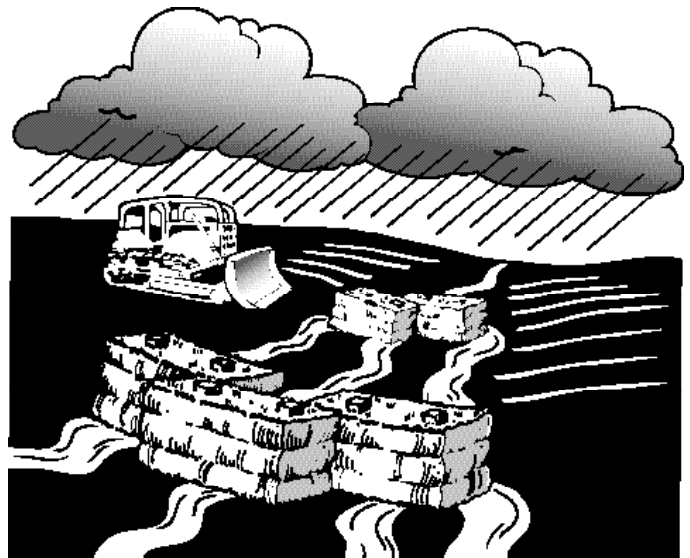
Under the new Phase II rule, which went into effect on March 10, 2003, if you own or operate any project or combination of adjacent projects which will disturb one or more acres, you must apply for authorization to discharge stormwater under the construction general permit S-MCST-0110-1 by submitting a Notice of Intent (NOI) form.

A complete application consists of a Notice of Intent (NOI), a summary of the Stormwater Pollution Prevention Plan (SWP3), an area map, a site plan, and the first annual permit fee. The Kansas Department of Health and Environment (KDHE) prefers that you submit the application during the design phase of the project.

A copy of application instructions can be downloaded from KDHE's Web site at [www.kdhe.state.ks.us/stormwater/resources/noi\\_instructions.pdf](http://www.kdhe.state.ks.us/stormwater/resources/noi_instructions.pdf), and a copy the permit itself can be downloaded at [www.kdhe.state.ks.us/stormwater/resources/cgp\\_revision\\_final.pdf](http://www.kdhe.state.ks.us/stormwater/resources/cgp_revision_final.pdf).

Even if you disturb less than one acre, KDHE may require you to apply for authorization to discharge stormwater if it believes your construction activities could have a significant impact on water quality.

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. Therefore, each subdivision requires a permit to discharge stormwater if large or small construction activities may occur during the life of the development.



Each new owner of a lot or parcel that is part of a larger common plan of development must complete a KDHE Individual Lot Certification (ILC) form, which can be downloaded from KDHE's Web site at [www.kdhe.state.ks.us/stormwater/resources/ilc.pdf](http://www.kdhe.state.ks.us/stormwater/resources/ilc.pdf). The ILC must be signed by both the construction general permit holder and the new lot owner. The new lot owner, either an individual or a corporation, certifies

that a copy of the general permit was received and agrees to allow the original permit owner access to the site to implement erosion and sediment control measures, if KDHE finds water quality violations due to conditions on the lot and the new owner is unable to take action within 30 days. The ILC should be maintained by the construction general permit holder, not submitted to KDHE.

Projects for municipal separate storm sewer systems (MS4s) serving populations of less than 100,000 were previously exempted from construction stormwater requirements. Under the new Phase II rule, operators of all MS4s must apply for authorization to discharge stormwater runoff from construction activities that disturb one or more acres.

### **What will my stormwater permit for construction activities require me to do?**

Your primary requirement will be to develop and implement a stormwater pollution prevention plan (SWP3), or what is sometimes called an erosion and sediment control plan. The SWP3 must contain certain items which are specified in the general permit, including best management practices (BMPs) to be employed or what steps will be taken to control erosion and sedimentation. When you complete your construction activities and the site is stabilized, you must notify KDHE, who will then terminate your authorization to discharge. In addition, you will be required to comply with all applicable requirements listed in the general permit.

### **When must I apply for a stormwater permit for construction activities under the new rule?**

You must apply for the construction stormwater permit by completing a Notice of Intent (NOI) form at least 60 days before starting construction.

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### **How do I obtain a Notice of Intent (NOI) form and apply for the construction stormwater permit?**

You may request an NOI form (and all other notifications, forms, references, or general permit requirements) by writing to KDHE at the following address:

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

Or, you can download an NOI form from the KDHE Stormwater Web site at [www.kdhe.state.ks.us/stormwater/index.html](http://www.kdhe.state.ks.us/stormwater/index.html).

After you fill out the NOI form, mail it to KDHE at the above address. When KDHE authorizes your NOI, a Kansas permit number and a federal permit number will be assigned to your construction project. KDHE will send you a signed and dated copy of the authorized NOI.

### **Is there a permit fee?**

Yes, the fee for this general permit for stormwater runoff from construction activity is \$60 per year.

### **Who should I contact for more information?**

For information on construction and industrial stormwater, contact Alan Brooks, KDHE, at 785-296-5549, or Joe Mester, KDHE, at 785-296-6804. For information on municipal separate storm sewer system (MS4) stormwater, contact Rance Walker, KDHE, at 785-296-5537. You may also contact the Kansas Small Business Environmental Assistance Program (SBEAP) at 800-578-8898 for assistance in your stormwater permitting efforts.

The Small Business Environmental Assistance Program's (SBEAP) mission is to help Kansas small businesses comply with environmental regulations and identify pollution prevention opportunities. SBEAP is funded through a contract with the Kansas Department of Health and Environment. SBEAP services are free and confidential. For more information, call 800-578-8898, send an e-mail to [SBEAP@ksu.edu](mailto:SBEAP@ksu.edu), or visit our Web site at <http://www.sbeap.org>. Kansas State University is an EEO/AA provider.