



Stormwater permits: Questions and answers

Why do I need an industrial stormwater permit?

The stormwater permitting program was set up to address EPA concerns about plant-site stormwater runoff that was picking up pollutants and flushing them off site.

Under the Clean Water Act of 1972, which is the reauthorization of the federal Water Pollution Control Act, Congress created a permitting program. This program states that other than uncontaminated stormwater runoff, pollutants may be discharged into U.S. waters only in a manner authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The permit is issued in Kansas by the Kansas Department of Health and Environment (KDHE). In 1987, Congress mandated deadlines under which stormwater permitting programs would be established.

The industrial stormwater program, in its simplest form, only addresses activities related to manufacturing and production. Commercial and retail sales do not fall under it.

The program does not address stormwater runoff from industrial-owned areas which are not a part of manufacturing and support areas. You may have a manufacturing facility located on 40 acres, with 38 acres of grassland and woodland. The 38 acres are not considered to be a part of the industrial site and therefore would not need to be addressed by the industrial stormwater permitting program. The two acres of manufacturing areas must be addressed.

How do I determine whether I need an industrial stormwater permit?

Current regulations, in their simplest form, cover 550 specific production activities. Numerous categories are tied to standard industrial classification (SIC) codes. It is difficult to pinpoint what is and isn't covered.

Before calling KDHE, figure out your SIC code and check the list of regulated industrial activities and facilities on KDHE's stormwater Web site at <http://www.kdhe.state.ks.us/stormwater/#indust>. Under the heading "Industrial Stormwater Program," select the link "List of Industrial Activities Phase I (.pdf)." If your industry is covered by multiple SIC codes, use the code that generates the most revenue in your company; that is your primary SIC code number. After you determine your SIC code, KDHE can tell you where you fit into the regulatory scheme.

The stormwater permitting program typically addresses plant yards; loading and unloading areas; shipping and handling areas; production areas; access roads; rail lines; storage areas for maintenance and material handling equipment; shops in which equipment and transportation vehicles are maintained at a facility; storage areas for raw products, intermediate materials, and final products; and waste-handling disposal storage areas.

Regardless of whether your operation falls under an EPA-regulated category, any operation in which stormwater runoff could carry contaminants causing water quality concerns may be required by KDHE to correct the violation, obtain an industrial stormwater discharge permit, or both.

How do I get an industrial stormwater permit?

Currently, all regulated industrial activities and facilities referenced on KDHE's stormwater Web site need to submit a Notice of Intent (NOI) form to KDHE for industrial stormwater runoff. The application form you need to file is a modified EPA Notice of Intent (NOI) form 3510-6 (8/92), which is available on the KDHE stormwater Web site at <http://www.kdhe.state.ks.us/stormwater/#indust>. Under the heading "Industrial Stormwater Program," select the link "Notice of Intent – Industrial Activities (.pdf)."

If you run a processing or manufacturing operation and need additional help or have more questions, contact Eric Staab, KDHE, at 785-296-4347 or Joe Mester, KDHE, at 785-296-6804. They can help you understand SIC codes and stormwater requirements.

Under federal guidelines relating to stormwater runoff, once I file an NOI to operate under the general permit, I am regarded as having a permit. Does the Kansas program operate in the same way, or will KDHE actually issue a permit?

Technically, in Kansas, businesses must be issued a permit. KDHE has not yet issued an industrial stormwater general permit authorizing discharges of stormwater runoff from industrial activity. Therefore, at this time, if you have submitted an NOI, your facility is in compliance. Even though the filing deadline for existing facilities has passed, KDHE encourages you to file an NOI. As soon as you file, you are considered to be in the system (waiting on

KDHE to issue the permit). If you are unsure if you have submitted an NOI, or if contacts or addresses have changed, KDHE encourages you to submit another. There is no filing fee at this time.

KDHE is developing a general permit for industrial activities, and there are thousands of applications already on file. Another general permit has been adopted for construction stormwater discharges.

Should I then follow general requirements and federal regulations relating to storm-water runoff for a general permit holder, or should I wait until I receive a permit?

To prevent stormwater pollution, KDHE encourages you to begin evaluating where stormwater may become contaminated and begin implementing ways to either mitigate or remove the sources which could contaminate it. If you want to begin developing a stormwater pollution prevention plan (SWPPP) at the site (this will be a permit requirement), KDHE can provide guidance.

A highly recommended document for businesses to use in preparing a SWPPP is the EPA guidance document, *Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices*, document # EPA 833-R-92-002 October 1992. It's available free on the Web at <http://www.epa.gov/npdes/pubs/owm0236a.pdf>.

Another useful Web site, which offers a sample auto salvage yard SWPPP, is at <http://www.epa.gov/reg3wapd/stormwater/autosalvage.htm>. Under the heading, "Sample Storm Water Pollution Prevention Plan (SWPPP)," select the link, "Storm Water Plan (.txt)," or "Storm Water Plan (.pdf)."

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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, or visit our Web site at <http://www.sbeap.org>. Kansas State University is an EE0/AA provider.



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