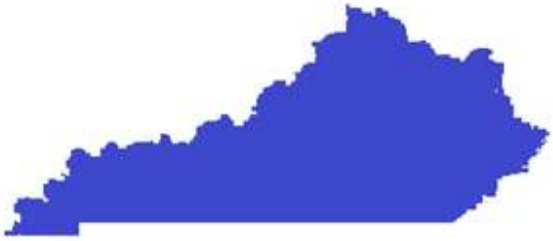
KPDES



KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT

AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT NO.: KYR000000

AGENCY INTEREST NO.: 35050

Pursuant to Authority in KRS 224,

Discharges from stormwater runoff associated with industrial activities, timber products production, non-contact cooling waters, and state, county, and local governmental agency highway maintenance garages

are authorized to discharge from a facility located at

sites within any of the 120 counties of the Commonwealth of Kentucky

to receiving waters comprised of

Those water bodies of the Commonwealth that comprise the Mississippi and Ohio River basins and sub-basins within the political and geographic boundaries of Kentucky

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on August 1, 2023.

This permit minor modification shall become effective on October 27, 2023.

This permit and the authorization to discharge shall expire at midnight, July 31, 2028.

Date Signed: July 31, 2023

Carey Johnson, Director
Division of Water

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS:

SECTION 1

COVERAGE

1. COVERAGE

1.1. Facilities Covered

1) The discharge of stormwater runoff associated with industrial activity;
2) The discharge of stormwater runoff and activities from the manufacture and storage of timber products;
3) The discharge of stormwater runoff and non-contact cooling waters;
4) The discharge of stormwater runoff from state, county, and local governmental agency highway maintenance garages; and
5) A stormwater discharge not identified under Section 1.9, as determined by the Kentucky Division of Water (DOW), that contributes to a violation of a water quality standard or is a significant contributor of pollutants to surface waters of the Commonwealth.

1.2. Stormwater Only Category

This permit is available for any facility that would be required to have a KPDES permit due to the discharge of stormwater runoff associated with industrial activity provided the facility meets the eligibility requirements.

1.3. No Exposure Certifications Alternative

Operators of industrial facilities have the opportunity to certify a condition of "no exposure" if their industrial materials and operations are not exposed to stormwater (See Section 6 of the permit).

1.4. Timber Products Category

This permit is available for any facility that discharges stormwater runoff, discharges resulting from spray-down or intentional wetting of logs at wet deck storage areas, or combination of these discharges for those facilities identified with a Standard Industrial Classification (SIC) Codes listed below. All other timber-related facilities will remain covered under the Stormwater Only Category.

1) Sawmills (SIC Code 2421); and
2) Logging storage (SIC Code 2411) only if the facility includes wet deck storage areas.

1.5. Non-Contact Cooling Waters Category

This permit is available for any facility with discharges from stormwater runoff along with non-contact cooling waters. Non-contact cooling water is water used to reduce temperature that does not come into contact with a raw material, intermediate product, waste product other than heat, finished product, or any process chemicals.

1.6. Highway Maintenance Garages Category

This permit is available for any state, county, or local governmental agency highway maintenance garages, including those of the Kentucky Transportation Cabinet (KYTC), that are responsible for the maintenance and repair of the roadways within their jurisdiction. Such activities include but are not limited to paving, pothole repair, roadway stabilization, removal of dead animals and debris, mowing, herbicide applications, snow removal, etc. To accomplish these tasks, the responsible agencies establish maintenance garages that serve as fleeting, repair, servicing operations, and vehicle and equipment cleaning. These garages may also provide open and sheltered storage areas for fuels, fluids, lubricants, construction materials, salts, brines, debris, waste oils, fluids and lubricants, herbicides, etc.

1.7. Summary of Exclusions

Facilities meeting any of the following criteria are not eligible for coverage under this general permit:

1) Those facilities that discharge to a receiving water body that has been categorized as an "Impaired Water" for a pollutant or pollutants of concern that may be associated with such activities unless measures or controls are established in this permit;
2) Those facilities that discharge pollutants of concern to waters for which there is an EPA-approved total maximum daily load (TMDL);
3) Those facilities that have obtained or are required to obtain an individual KPDES permit for discharge of non-stormwater wastewaters;
4) Those discharges that are subject to a promulgated national effluent guideline specific to stormwater discharges except as allowed under the Timber Products Category;
5) Those timber processing facilities with stormwater discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection;
6) Those facilities that are privately-owned and operated maintenance garages;
7) Any facility whose primary function is vehicle or equipment cleaning; and
8) Those discharges that DOW has determined are more appropriately addressed by an individual KPDES permit or alternate KPDES general permit.

1.8. Authorized Non-Stormwater Discharges

The following non-stormwater discharges are authorized by this permit. All other non-stormwater discharges to waters of the Commonwealth shall be eliminated by the operator or the operator shall obtain an individual KPDES permit or appropriate alternate KPDES general permit:

1) Discharges from emergency/unplanned fire-fighting activities;
   BMPs to address PFAS-containing firefighting foams for stormwater permits: Pursuant to 122.44(k)(2), where appropriate, EPA recommends that NPDES stormwater permits include BMPs to address Aqueous Film Forming Foam (AFFF) used for firefighting, such as the following:
   a) Prohibiting the use of AFFFs other than for actual firefighting.
   b) Eliminating PFOS and PFOA -containing AFFFs.
   c) Requiring immediate clean-up in all situations where AFFFs have been used, including diversions and other measures that prevent discharges via storm sewer systems.
2) Fire hydrant flushings;
3) Potable water, including water line flushings;
4) Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from outside storage of refrigerated gases or liquids;
5) Irrigation drainage;
6) Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
7) Pavement washwaters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the washwaters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags), and the permittee has implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement);
8) Routine external building wash-down/power washwater that does not use detergents or hazardous cleaning products;
9) Uncontaminated ground water or spring water;

10) Foundation or footing drains where flows are not contaminated with process materials;
11) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from cooling tower (e.g., “piped” cooling tower blowdown; drains); and
12) Water used to wash vehicles and equipment, provided that the soaps, solvents, or detergents are used according to the manufactures specifications.

1.9. Stormwater Discharges Associated with Industrial Activity

Stormwater discharges associated with industrial activity is defined as the discharge from any conveyance that is used for collecting and conveying stormwater and that 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 NPDES program under 40 CFR 122. For the categories of industries identified in this section, 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 waste waters; 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 final 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 section, significant materials include, but are 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 section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

For the purposes of this section, 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 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 areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, state, or municipally owned or operated that meet the description of the facilities. The following categories of facilities are considered to be engaging in “industrial activity”:

i. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi));
ii. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31l, 32 (except 323), 33, 344l, 373;
iii. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) 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 SMCRA authority has been released, or except for 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 stormwater 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, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

iv. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;

v. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

vi. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

vii. Steam electric power generating facilities, including coal handling sites;

viii. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221–25), 43, 44, 45, and 5171 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 paragraphs (i)–(vii) or (ix)–(xi) of this section are associated with industrial activity;

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 part 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 CWA;

x. Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more;

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.

SECTION 2

EFFLUENT LIMITATIONS
AND
MONITORING REQUIREMENTS

2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

This section of the permit establishes the effluent limitations and monitoring requirements for all outfalls listed on each issued KYR00 Coverage Letter that apply to all point source discharges as listed in Section 1.

2.1. Stormwater Only Category

The following effluent limitations and monitoring requirements apply to discharges of only stormwater runoff associated with industrial activity and authorized non-stormwater discharges.

TABLE 1.

Effluent Characteristics	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS	
	Loadings (lb/day)		Concentrations					
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum	Frequency[2]	Sample Type
Flow	Report	Report	MGD	N/A	N/A	N/A	2/Year	Calculated
pH	N/A	N/A	SU	6.0	N/A	9.0	2/Year	Grab
Total Suspended Solids	N/A	N/A	mg/L	N/A	Report	100[1]	2/Year	Grab
Oil & Grease	N/A	N/A	mg/L	N/A	Report	15	2/Year	Grab
Chemical Oxygen Demand	N/A	N/A	mg/L	N/A	Report	Report	2/Year	Grab
Surfactants[3]	N/A	N/A	mg/L	N/A	Report	Report	2/Year	Grab

[1] 100 mg/l is not an effluent limit, but a trigger. Should the daily maximum of Total Suspended Solids (TSS) exceed 100 mg/l for two (2) consecutive reporting periods, see *BMP Evaluation Trigger for TSS* Section of this permit for additional requirements.

[2] Discharge Monitoring Report (DMR) data shall be submitted by July 28th and by January 28th.

[3] If washwaters containing detergents are not used or are transported to a POTW, use NODI Code 9 for reporting.

N/A means Not Applicable.

2.2. Timber Products Category

The following effluent limitations and monitoring requirements apply to facilities that process and/or store timber products that receive discharge from stormwater runoff and spray-down or intentional wetting of the logs if no chemical additives are used in the spray-down water or applied to the logs during storage.

TABLE 2.

Effluent Characteristics	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS	
	Loadings (lb/day)		Concentrations					
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow	Report	Report	MGD	N/A	N/A	N/A	1/Quarter	Calculated
pH	N/A	N/A	SU	6.0	N/A	9.0	1/Quarter	Grab
Total Suspended Solids	N/A	N/A	mg/L	N/A	Report	100[1]	1/Quarter	Grab
Oil & Grease	N/A	N/A	mg/L	N/A	Report	15	1/Quarter	Grab
Chemical Oxygen Demand	N/A	N/A	mg/L	N/A	Report	Report	2/Year	Grab
Hardness (as $CaCO_3$)[2]	N/A	N/A	mg/L	N/A	Report	Report	1/Quarter	Grab
Total Recoverable Zinc[2]	N/A	N/A	mg/L	N/A	Report	0.12	1/Quarter	Grab

[1]100 mg/l is not an effluent limit, but a trigger. Should the daily maximum of Total Suspended Solids (TSS) exceed 100 mg/l for two (2) consecutive reporting periods, see *BMP Evaluation Trigger for TSS* Section of this permit for additional requirements.

[2]Use NODI Code 9 for reporting if no sawmill is on site.

2.3. Non-Contact Cooling Waters Category

The following effluent limitations and monitoring requirements apply to the discharges receiving stormwater runoff and non-contact cooling waters.

TABLE 3.

Effluent Characteristics	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS	
	Loadings (lb/day)		Concentrations					
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow	Report	Report	MGD	N/A	N/A	N/A	1/Quarter	Calculated
pH	N/A	N/A	SU	6.0	N/A	9.0	1/Quarter	Grab
Total Suspended Solids	N/A	N/A	mg/L	N/A	Report	100[1]	1/Quarter	Grab
Oil & Grease	N/A	N/A	mg/L	N/A	10	15	1/Quarter	Grab
Chemical Oxygen Demand	N/A	N/A	mg/L	N/A	Report	Report	2/Year	Grab
Temperature[2]	N/A	N/A	˚F	N/A	Report	89	1/Quarter	Grab
Total Residual Chlorine[3]	N/A	N/A	mg/L	N/A	Report	0.019	1/Quarter	Grab

[1]100 mg/l is not an effluent limit, but a trigger. Should the daily maximum of Total Suspended Solids (TSS) exceed 100 mg/l for two (2) consecutive reporting periods, see *BMP Evaluation Trigger for TSS* Section of this permit for additional requirements.

[2] Use NODI Code 9 if discharge contains stormwater only with no non-contact cooing waters.

[3]Use NODI Code 9 for reporting if municipal water is not used.

2.4. Highway Maintenance Garages

The following effluent limitations and monitoring requirements apply to the discharges from Highway Maintenance Garage facilities.

TABLE 4.

Effluent Characteristics	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS	
	Loadings (lb/day)		Concentrations					
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow	Report	Report	MGD	N/A	N/A	N/A	1/Quarter	Calculated
pH	N/A	N/A	SU	6.0	N/A	9.0	1/Quarter	Grab
Total Suspended Solids	N/A	N/A	mg/L	N/A	Report	100[1]	1/Quarter	Grab
Oil & Grease	N/A	N/A	mg/L	N/A	10	15	1/Quarter	Grab
Chemical Oxygen Demand	N/A	N/A	mg/L	N/A	Report	Report	2/Year	Grab
Chlorides[2]	N/A	N/A	mg/L	N/A	N/A	1200	1/Quarter	Grab
Surfactants[3]	N/A	N/A	mg/L	N/A	Report	Report	1/Quarter	Grab

[1] 100 mg/l is not an effluent limit, but a trigger. Should the daily maximum of Total Suspended Solids (TSS) exceed 100 mg/l for two (2) consecutive reporting periods, see *BMP Evaluation Trigger for TSS* Section of this permit for additional requirements.

[2] Year-round sampling is required if bulk road salt is stored or handled at the facility during any portion of the year. Use NODI Code 9 for reporting if not required.

[3] If washwaters containing detergents are not used or are transported to a POTW, use NODI Code 9 for reporting.

2.5. Standard Effluent Requirements

The discharges to surface waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

2.6. Number of Required Samples

A minimum of one (1) grab sample per physical/chemical-specific parameter shall be collected during a period of discharge resulting from a precipitation event at the frequency identified in the industry specific Effluent Tables. Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in the Coverage Letter. Each sample shall be representative of the volume and nature of the monitored discharge and shall be taken at the nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls or facilities.

2.7. Sample Collection

Samples and measurements taken in accordance with the tables above, shall be collected during periods of stormwater discharge. The permittee may establish a sampling schedule provided the minimum number of samples specified are obtained. In the event the minimum number of samples cannot be obtained, the permittee shall provide the necessary documentation as specified in the *No Data Reporting* Section below. Samples are to be collected from the compliance point only.

Samples are to be collected during a storm event that results in an actual discharge ("measurable storm event") that follows a previous storm event by at least 72 hours (three days). In the case of snowmelt, you must conduct monitoring at a time when a measurable discharge occurs.

Samples must be collected within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within this first 30 minutes, you must collect the sample as soon as possible after the first 30 minutes and keep documentation in the SWPPP itself explaining why it was not possible to take samples within the first 30 minutes.

2.8. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit, shall be sufficiently sensitive to measure pollutant levels using the Minimum Reporting Level (MRL) that is at or below the required effluent limit. In the instance where an Environmental Protection Agency (EPA)-approved method does not exist that has a MRL at or below the established effluent limitation, the permittee shall use the EPA-approved method with a demonstrated MRL that is nearest to the established effluent limit. It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

MRL is defined as the lowest concentration of an analyte (permit parameter) that can be reliably quantified that is greater than the method detection limit (MDL), of sufficient accuracy and precision to meet the intended purpose, and meeting acceptable quality control criteria for the analyte at this concentration. This defined concentration can be no lower than the concentration of the lowest calibration standard for that analyte or, in non-calibrated methods, the limitations defined by the equipment and volumes utilized.

Sufficiently Sensitive Method is defined by EPA in the Federal Register notice as:

1) The method minimum level (Kentucky defined as minimum reporting level – MRL) is at or below the level of the applicable water quality criterion or permit limitation for the measured pollutant or pollutant parameter;
2) In the case of permit applications, the method minimum level (MRL) is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
3) The method has the lowest minimum level (MRL) of the EPA-approved analytical methods.

2.9. Certified Laboratory Requirements

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by EEC certified general wastewater laboratories and EEC certified field-only laboratories. A list of certified laboratories can be obtained by emailing the DOW Laboratory Certification Section at: DOWLabCertification@ky.gov

2.10. Submission of Discharge Monitoring Reports (DMRs)

Monitoring results obtained during each monitoring period must be reported. The completed DMR for each monitoring period must be submitted to the DOW approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the KDOW's website at: https://eec.ky.gov/Environmental-Protection/Water/SubmitReport/Pages/NetDMR.aspx
or contact the DMR Coordinator at (502) 564-3410.

2.11. No Data Reporting

If the permittee is unable to collect one or more of the required number of samples specified in Section 2 of this permit, the permittee shall report the appropriate No Data Indicator (NODI) Code for each uncollected sample on the appropriate DMR for that outfall. When using a NODI Code for reporting, document in the Comments section of the DMR, the justification with any additional documentation as requested to support the use of the NODI Code. The use of a NODI Code is conditionally approved until such time as the Cabinet determines the submitted documentation for the use of that NODI Code is inadequate.

NODI Codes are used in EPA's Integrated Compliance Information System (ICIS) to report a No Data on a DMR. The following table lists the NODI Codes that DOW has determined to be appropriate for industrial related DMRs.

TABLE 5.

NODI Code	Definition
2	Operation Shutdown – Outfall Removed
9	Conditional Monitoring – Not Required This Period
B	Below Detection Limit for Total Residual Chlorine only
C	No Discharge
E	Analysis Not Conducted/No Sample
F	Insufficient Flow for Sampling
I	Land Applied
T	Environmental Conditions - Monitoring Not Possible

The circumstances under which each code is used and the required documentation are as follows:

NODI Code 2

This code is to be used when the operation has been shutdown as a result of enforcement action and the permittee is denied access to the site, or when the outfall has been physically removed from the site. Additional documentation to be available upon request, shall include the notice issued by the enforcing agency denying access. The permittee shall note in the "Comments" field on the DMR, the date the outfall was removed.

NODI Code 9

The code is to be used when monitoring is not required as described in Section 2 of this permit.

NODI Code B

This code is to be used when the Minimum Detection Limit cannot be achieved for only the parameter, Total Residual Chlorine.

NODI Code C

This code is to be used when there are no discharges during the monitoring period. Additional documentation to be available upon request includes daily precipitation information indicating that no precipitation event occurred during the monitoring period.

NODI Code E

This code is to be used when no sample has been taken, or no analysis was conducted.

NODI Code F

This code is to be used when the permitted feature had a discharge during the monitoring period but a sample was not taken because the flow was insufficient to meet sample requirements (e.g., volume) for the analytical method.

NODI Code I

This code is to be used when no discharge occurred during a monitoring period due to the land application of the effluent to the surface. Additional documentation to be available upon request includes: (1) description of application area; (2) daily application rates; (3) daily precipitation volumes; and (4) the source of the precipitation data.

NODI Code T

This code is to be used when an outfall is inaccessible due to extreme environmental conditions and monitoring was not possible this period. Additional documentation to be available upon request includes: (1) a description of the weather conditions; (2) dated photographs of the conditions; and (3) duration of the conditions preventing access. The permittee shall note in the “Comments” field on the DMR, the weather event that occurred and the dates associated with the event:.

SECTION 3

NON-NUMERIC EFFLUENT REQUIREMENTS

3. NON-NUMERIC REQUIREMENTS

This section of the permit establishes the non-numeric requirements that are applicable to exposed areas for all facilities authorized to discharge by this permit. The non-numeric requirements should minimize the discharge of pollutants resulting from precipitation events. EPA's 2021 Multi-Sector General Permit (MSGP) defines the term minimize as "to reduce and/or eliminate to the extent achievable using control measures, including Best Management Practices (BMPs) that are technologically available and economically practicable and achievable in light of best industry practice". These requirements become effective on the effective date of coverage as identified on the Coverage Letter for new facilities. Those facilities that received authorization prior to the effective date of this permit, shall within 180 days of the date of this permit, update their existing Stormwater Pollution Prevention Plan (SWPPP) to reflect any modifications required by this section.

3.1. Control Measures

The operator shall select, design, install, and implement control measures and BMPs that consider the following:

1) Prevention of stormwater contact with materials that may contaminate the stormwater;
2) Use of control measures in combination;
3) Assess pollutant types and quantity and their potential impact on water quality;
4) Minimizing impervious surfaces;
5) Optimizing onsite infiltration of runoff;
6) Use of vegetated swales and natural depressions to attenuate flows;
7) Conservation and/or restoration of riparian buffers; and
8) Use of treatment interceptors

The candidate control measures and BMPs shall be in accordance with good engineering practices and manufacturers' specifications. The operator shall provide justification and documentation of rationale for any deviation from the manufacturers' specification in the SWPPP.

3.2. Minimize Exposure

The operator shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff. In minimizing exposure, the operator should consider the following:

1) Locating industrial materials and activities inside or protecting them with storm resistant coverings;
2) The use of specific control measures to prevent runoff of contaminated flows and divert run-on away from these areas (e.g. curbing, berms, and grading);
3) Locating raw materials, intermediate products, final products, wastes, etc. in areas where leaks or spills are contained;
4) Maintaining and storing equipment and vehicles indoors when feasible, otherwise drain fluids and use drip pans and absorbents;
5) Conducting activities such that leaks or spills do not enter the stormwater drainage system;
6) Promptly containing and cleaning up leaks and spills using dry methods;
7) The strategic location of spill/overflow protection equipment for immediate accessibility;
8) Conducting equipment and vehicle cleaning operations such that overspray is captured and runoff or run-on are prevented (e.g. indoors, under cover or in bermed areas);
9) Minimizing impervious areas to prevent excessive runoff;

10) All washwater should drain to a proper collection system if available. This permit does not authorize discharges from tank cleaning operations. These wastewaters must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable laws; and
11) Implementing other adequately protective alternate practices.

3.3. Good Housekeeping

The operator shall keep all exposed areas clean and well maintained, free of waste, garbage, and floatable debris, and shall minimize the generation of dust and off-site tracking of raw, final, or waste materials.

3.4. Maintenance

The operator shall regularly inspect, test, maintain, and repair all equipment and systems to minimize the potential for leaks, spills, and other releases of pollutants. All control measures, structural and non-structural, shall be diligently maintained in effective operating condition. Any defective control measure shall be repaired or replaced as expeditiously as practicable.

3.5. Spill Prevention and Response Procedures

The operator shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills. At a minimum, the operator shall implement the following:

1) Procedures for plainly labeling containers (e.g., “Used Oil”, “Spent Solvents”, “Fertilizers and Pesticides” etc.) to encourage proper handling and facilitate rapid response if spills or leaks occur;
2) Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
3) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your Stormwater Pollution Prevention Team; and
4) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies, and contact information shall be kept in locations that are readily accessible and available.

3.6. Management of Runoff and Run-on

The operator shall reduce stormwater runoff and run-on to minimize the discharge of pollutants. Structural and non-structural control measures such as velocity dissipaters, diversion, infiltration, reuse, and/or containment shall be used to reduce the discharge of pollutants. Salt stockpiles shall be enclosed or covered and appropriate measures to minimize exposure during transfer shall be implemented.

3.7. Employee Training

The operator shall train all employees who work in areas where industrial materials or activities are exposed to stormwater, including all members of your Stormwater Pollution Prevention Team, inspectors, maintenance personnel, etc. Training shall address the specific control measures used to achieve the effluent requirements, monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit.

3.8. New or Expanded Discharges

The operator shall implement control measures and BMPs to meet enhanced non-numeric effluent limitations for these discharges. See the *Stormwater Pollution Prevention Plan* Section of this permit for examples of acceptable control measures and BMPs.

SECTION 4

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

4. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) or BEST MANAGEMENT PRACTICES PLAN (BMPP)

Stormwater Pollution Prevention Plan (SWPPP) or Best Management Practices Plan (BMPP) terms are sometimes used interchangeably, but both require the development and implementation of best management practice (BMP) measures. The details as to what is required to be in a SWPPP or BMPP are contained in this Section. The purpose of the SWPPP or BMPP is to reduce the amount of pollutants that would otherwise be carried off the property by stormwater and enter waters of the Commonwealth, endangering health and the environment. The goal is to segregate stormwater from materials and equipment that could otherwise result in pollutants being carried away with the stormwater.

The operator of a facility authorized to discharge stormwater runoff by this general permit shall develop and implement a SWPPP for the control and management of stormwater runoff from exposed areas associated with industrial activity. The SWPPP shall document the operator's selection, design, installation, and maintenance of control measures and BMPs that will be used to meet the effluent requirements of Section 2 of this permit. In addition, the operator shall document in the SWPPP the type and frequency of inspections and monitoring, and recordkeeping and reporting procedures. The SWPPP shall include at a minimum, the following sections:

1) Stormwater Pollution Prevention Team;
2) Site description;
3) Summary of potential pollutant sources;
4) Description of control measures;
5) Schedules and procedures;
6) Additional documentation requirements; and
7) Signature requirements.

Where the SWPPP refers to procedures in other facility documents, such as a Spill Prevention Control and Countermeasure (SPCC) Plan, Groundwater Protection Plan (GPP), etc., copies of the relevant portions of those documents must be kept with the SWPPP.

Further SWPPP and BMPP guidance can be found on at the bottom of the Wastewater Discharge Permits page at: https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Pages/default.aspx

4.1. Stormwater Pollution Prevention Team

The SWPPP shall identify the staff members (by name or title) that comprise the facility's Stormwater Pollution Prevention Team as well as their individual responsibilities. The Stormwater Pollution Prevention Team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as conducting inspections, maintaining control measures, and taking corrective actions where required. Each member of the Stormwater Pollution Prevention Team must have ready access to either an electronic or paper copy of this permit and the SWPPP. Members of the Stormwater Pollution Prevention Team must be knowledgeable and skilled in assessing conditions at the facility that could impact stormwater quality and assessing the effectiveness of controls measures, and other site management practices chosen to control the quality of the stormwater discharge.

4.2. Site Description

In this section of the SWPPP, the operator shall provide a detailed description of activities undertaken at the facility, a general location map with enough detail to identify the location of the facility and all receiving waters, and a detailed site map that contains the following information:

1) The size of the property in acres;
2) The location and extent of significant structures and impervious surfaces;

3) Directions of stormwater flow (use arrows);
4) Locations of all existing structural control measures;
5) Locations of all receiving waters including wetlands and riparian zones in the immediate vicinity of your facility;
6) Locations of karst features such as sinkholes, springs, etc.;
7) Locations of all stormwater conveyances including ditches, pipes, and swales;
8) Locations of potential pollutant sources including equipment storage areas, material storage areas (both raw and final products), fuels, fertilizers, herbicides, etc.;
9) Locations where significant spills or leaks have occurred within the 3 most recent consecutive years;
10) Locations of all stormwater monitoring points (outfalls);
11) Municipal separate storm sewer systems (MS4) and where your stormwater discharges to the MS4;
12) Locations and descriptions of all non-stormwater discharges;
13) Locations of the following activities where such activities are exposed to precipitation:
    a) fueling stations;
    b) vehicle and equipment maintenance and/or cleaning areas;
    c) loading/unloading areas;
    d) locations used for the treatment, storage, or disposal of wastes;
    e) liquid storage tanks;
    f) processing and storage areas;
    g) 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;
    h) transfer areas for substances in bulk; and
    i) machinery; and
14) Locations and sources of run-on to your site from adjacent property (that may contain significant quantities of pollutants).

4.3. Summary of Potential Pollutant Sources

The operator shall describe areas at the facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the summary must include:

1) A list of the industrial activities exposed to stormwater (e.g., material storage, equipment fueling, maintenance, and cleaning, cutting steel beams);
2) A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the preparation date or last date of amendment of the SWPPP;
3) A description of where potential spills and leaks could occur that may possibly contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. The operator shall document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater

conveyance in the 3 years prior to the preparation date or last date of amendment of the SWPPP; and

4) A description of the operator's evaluation of the facility for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Such documentation of your evaluation must include:
    a) The date of the evaluation;
    b) A description of the evaluation criteria used;
    c) A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
    d) The different types of non-stormwater discharges and source locations;
    e) The actions taken, such as a list of control measures used to eliminate unauthorized discharges, if any were identified; and
    f) The location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

4.4. Description of Control Measures

The operator shall document the location and type of control measures installed and implemented at the site. This documentation must describe how the control measures at the site address both the pollutant sources identified in the *Summary of Potential Pollutant Sources* Section and any stormwater run-on that commingles with any discharges covered under this permit.

4.5. Schedules and Procedures

The SWPPP shall include:

1) A schedule or procedure for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
2) Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
3) Procedures for preventing and responding to spills and leaks; and
4) A schedule for all necessary employee training.

4.6. Additional Documentation Requirements

The following documents shall be retained as addendums to the SWPPP to form a complete and up-to-date record and demonstration of full compliance with the conditions of this permit:

1) A copy of the NOI-KYR00 submitted to DOW along with any correspondence specific to coverage under this permit;
2) A copy of the coverage letter issued by DOW;
3) A copy of this permit (electronic or paper);
4) The daily precipitation log;
5) A summarization of all stormwater discharge sampling data collected at your facility during the previous permit term;
6) Incident Reports - These reports shall provide descriptions and dates of significant spills, leaks, or other releases that resulted in discharges of pollutants to surface waters of the Commonwealth, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases;
7) Employee Training Records – Including dates, names of employees, and subject matter;

8) Control Measure Maintenance and Repairs Logs – Including date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules;
9) Inspection reports required in accordance with the *Inspections* Section below; and
10) Corrective Reports - Descriptions of any corrective actions taken at the site, including the triggering event and dates when problems were discovered and modifications implemented.

4.7. Signature Requirements

The SWPPP shall be signed and certified in accordance with the *Signatory Requirement* Section of this permit.

4.8. Required Modifications

The SWPPP shall be modified whenever necessary to address any corrective action taken and within the specified deadlines as required in the *Corrective Actions* Section of this permit, along with the signatory requirements found in the *Signatory Requirement* Section below.

4.9. SWPPP Availability

The member of the Stormwater Pollution Prevention Team who has the day-to-day operational control over the plan's implementation, shall retain a copy of the most recent up-to-date SWPPP at a location that permits immediate access by any member of the Stormwater Pollution Prevention Team. The SWPPP and all required supportive documentation (see the *Additional Documentation Requirements* Section above) shall be made immediately available upon request to DOW or its authorized representative, EPA and other federal agencies or their authorized representatives, local government, or MS4 operator for review and copying during an on-site inspection.

4.10. Inspections

The Stormwater Pollution Prevention Team shall conduct regularly scheduled inspections of the facility to visually determine the effectiveness of the control measures and BMPs, to identify maintenance and repair needs, and to identify any potential or actual permit violations. The operator shall include in the SWPPP a schedule for conducting inspections sufficient to ensure compliance with the requirements of this permit, but not less than quarterly. In addition to the regularly scheduled inspections, the Stormwater Pollution Prevention Team shall conduct an annual site assessment and inspections in response to storm events in excess of a 2-year, 24-hour event to verify the stability of the installed control measures and BMPs.

The Stormwater Pollution Prevention Team shall prepare for each inspection conducted by the team or a member of the team, a report that documents the following information:

1) The inspection date and time;
2) The type of inspection (i.e. scheduled or in response to a precipitation event in excess of a 2-year, 24-hour event);
3) The name(s) and signature(s) of the inspector(s);
4) Weather information and a description of any discharges occurring at the time of the inspection;
5) Any previously unidentified discharges of pollutants from the site;
6) Any control measures needing maintenance or repairs;
7) Any failed control measures that need replacement;
8) Any additional control measures needed to comply with the permit requirements; and
9) Any other corrective action required as a result of the inspection.

The inspection reports shall be maintained as an amendment to the SWPPP and made available in accordance with the *SWPPP Availability* Section of this permit.

4.11. Corrective Actions

The operator shall review and revise as necessary the selection, design, installation, and implementation of the control measures and BMPs as a result of any of the following events:

1) An unauthorized discharge or release of pollutants from the facility;
2) As a result of an inspection or evaluation by the Stormwater Pollution Prevention Team, or any federal, state, or local authority or their representative who determines that the control measures and/or BMPs are not being properly operated or maintained or are not achieving compliance with the conditions of this permit;
3) Changes at the facility which significantly alter the nature of pollutants discharged in stormwater or significantly increases the quantity of pollutants discharged;
4) Two (2) consecutive exceedances of the daily maximum TSS trigger of 100 mg/l. See the *Additional BMP Conditions for Total Suspended Solids (TSS)* Section below for additional details; or
5) Discharge of stormwater associated with construction activity.

As soon as practicable after the discovery of any of the preceding conditions, the Stormwater Pollution Prevention Team shall document in an initial Corrective Action Report the following: (1) identification of the condition triggering the need for corrective action review, (2) description of the problem identified, and (3) date the problem was identified. This report does not relieve the operator of the responsibility to report a spill or effluent violations as required by the *Reporting Requirements* Section of this permit.

As soon as practicable after the discovery of any of the preceding conditions, the Stormwater Pollution Prevention Team shall document in a comprehensive Correct Action Report the following: (1) a summary of corrective actions taken or to be taken, (2) date corrective actions were or are to be initiated, (3) date corrective actions were completed or expected to be completed, (4) summary of any necessary SWPPP modifications, and (5) date SWPPP modifications are to be completed.

4.12. Additional BMP Conditions for Total Suspended Solids (TSS)

The DOW has determined that control of TSS is not feasible through the application of a numeric limit. Therefore, the permittee is required to prepare and implement a BMP plan to identify measures it will take to prevent discharge of pollutants. The effectiveness of the BMPs will be determined by annual assessments of TSS levels. If these assessments indicate that the pollutant levels are not controlled, then the permittee shall evaluate the BMPs employed and determine if modifications to the BMP plan and selected BMPs are required.

4.13. BMP Evaluation Trigger for TSS

The daily maximum discharge concentrations for TSS of 100 mg/l is a trigger that once exceeded for two (2) consecutive reporting periods, requires the permittee to initiate an evaluation of currently employed BMPs. Modifications to the plan as a result of ineffectiveness or planned changes to the facility, shall be implemented as soon as possible.

4.14. Stormwater Associated with Construction Activity

Coverage under this General Permit includes runoff from construction activities for expansion or modification of the facility that includes clearing, grading, and excavating that result in land disturbance with the condition that the permittee is to evaluate the BMP and SWPP Plans prior to discharge of stormwater related to the construction activity. Necessary modifications to the plan and implementation shall occur prior to commencement of construction.

SECTION 5

OTHER CONDITIONS

5. OTHER CONDITIONS

5.1. New or Expanded Discharges

New or expanded discharges are those discharges that result in new pollutant loadings or expanded existing pollutant loadings to surface waters of the Commonwealth. The operator shall implement control measures and BMPs to meet enhanced non-numeric effluent limitations for these discharges. The operator shall document in the SWPPP, the selected enhanced control measures and BMPs, and justification of their use. Enhanced control measures and BMPs shall be sufficient to protect surface waters of the Commonwealth for their designated uses. Examples of acceptable control measures and BMPs include, but are not limited to, the following:

1) Selection, design, installation, implementation, and maintenance of control measures and BMPs to effectively control storm events up to and including a 2-year, 24-hour event.
2) Maintain a 25-foot natural vegetative buffer between the edge of the receiving water and any structure or activity that results in new or expanded discharges.
3) Maintain a 50-foot natural vegetative buffer between the edge of the receiving water and any structure or activity that results in new or expanded discharges for receiving waters designated as a Coldwater Aquatic Habitat or Outstanding State Resource Water, categorized as an Outstanding National Resource Water or Exceptional Water, or has been listed in the most recently approved Integrated Water Quality 305(b) Report to Congress as an Impaired Water for which an approved TMDL has not been developed for pollutants of concern that may be discharged from the facility.
4) Removal of wastes, garbage, or floatable debris from exposed areas on a routine basis unless the operator places such materials in containers that are protected by a storm resistant covering or within secondary containment structures.
5) Inspections of all equipment and systems for leaks, spills, other releases of pollutants and structural control measures for capacity and integrity. Repairs or replacement of any faulty equipment or systems, the removal of sediment, cleaning, or performance of repairs of structural control measures shall be affected within 24 hours of discovery of the condition unless the operator can demonstrate there are extenuating circumstances.
6) Minimization of the potential for leaks, spills, and other releases. Where possible, the operator should determine the level of risk of leaks, spills, and other releases for all primary and ancillary activities at a facility and develop procedures and preventative measures that result in the greatest reduction or elimination of the risk.
7) Utilize storm resistant covers to reduce areas of exposure (e.g. enclosing storage areas, transfer points, etc.).
8) Implementation of other adequately protective alternate practices.

5.2. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

5.3. Other Permits

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.

5.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those required by the *New or Expanded Discharges* Section of this permit.

5.5. Additional Conditions Applicable to Existing Manufacturing, Commercial, Mining and Silviculture Discharges

The permittee shall notify the Director as soon as they know or have reason to believe that toxic pollutants not limited in the permit have been or shall be discharged in excess of the highest of the following notification levels:

POLLUTANT	ROUTINE/FREQUENT BASIS	NON-ROUTINE/INFREQUENT BASIS
Any Toxic Pollutant	100 µg/l or level established by the Director	500 µg/l or level established by the Director
Acrolein	200 µg/l	500 µg/l or level established by the Director
Acrylonitrile	200 µg/l	500 µg/l or level established by the Director
2,4-dinitrophenol	500 µg/l	500 µg/l or level established by the Director
2-methyl-4,6-dinitrophenol	500 µg/l	500 µg/l or level established by the Director
Antimony	1 mg/l	1 mg/l
Pollutant reported in permit application	Five (5) times the maximum concentration value	Ten (10) times the maximum concentration value

5.6. Administrative Continuation

In the event this general permit expires prior to reissuance by DOW, the conditions and requirements of this version of KYR00 shall continue in effect until DOW reissues the permit. However, new or expanded coverages cannot be authorized until the general permit is reissued. Facilities that obtain individual permits during such periods may apply for coverage under the general permit by filing an electronic Notice of Intent (eNOI)-KYR00.

5.7. Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. As a member of ORSANCO, DOW is including language in KPDES permits authorizing discharges to the Ohio River to abide by the permanent marker requirements of Part V, Section A 3 of ORSANCO's Pollution Control Standards.

For all other receiving waters, the permittee shall place and maintain a permanent marker at each of the monitoring locations to better document and clarify these locations.

Each marker shall include:

1) The KPDES permit number; and
2) The KPDES Outfall No. as identified on the issued coverage letter.

5.8. Discharge and Monitoring Point Accessibility

As stated in *Inspection and Entry* Section of this permit, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel, all monitoring and discharge points required by this permit shall be readily and safely accessible.

5.9. Reopener Clause

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

1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2) Controls any pollutant not limited in the permit.

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

SECTION 6

eNOI REQUIREMENTS
AND
CONDITIONAL EXCLUSION FOR NO EXPOSURE

6. eNOI REQUIREMENTS AND CONDITIONAL EXCLUSION FOR NO EXPOSURE

6.1. Electronic Notice of Intent (eNOI)

Operators seeking to obtain a new coverage, to modify an existing coverage, or to renew an existing coverage shall use DOW's electronic web based eNOI-KYR00, available on KDOW's site at: https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Pages/default.aspx

DOW shall not process any NOI that is incomplete, inaccurate, or in an incorrect format.

6.1.1. eNOI Contents

The electronic form eNOI-KYR00 is comprised of the following: (1) Purpose of the NOI; (2) Facility Operator Information; (3) Facility/Site Location Information; (4) Facility/Site Activity Information; (5) Outfall Information; (6) Discharge Monitoring Reports (DMRs); (7) NOI Preparer Information; (8) Attachments; and (9) Certification.

6.1.1. eNOI Submission Deadlines

Operators seeking initial coverage for a new facility shall electronically submit the eNOI-KYR00 a minimum of 15 days prior to commencement of discharge. For these actions, indicate "New Coverage" under the Purpose of NOI section of the eNOI.

Operators seeking initial coverage for an existing facility that has commenced discharge shall electronically submit the eNOI-KYR00 within 15 days after the effective date of KYR00. For these actions, indicate "New Coverage" under the Purpose of NOI section of the eNOI.

Operators seeking modification of an existing coverage to address facility modifications shall electronically submit an updated eNOI-KYR00 a minimum of 15 days prior to the modification of the facility. For these actions, indicate "Expansion of Existing Coverage" under the Purpose of NOI section of the eNOI.

For existing coverage under this general permit granted prior to May 31, 2023, the operator shall electronically submit an updated eNOI-KYR00 within 90 days of the effective date of this general permit to renew the coverage. For these actions, indicate "Renewal of Coverage" under the Purpose of NOI section of the eNOI. Failure to submit the updated eNOI-KYR00 within the specified timeframe shall result in the termination of coverage and possible referral.

6.2. Continuation of Expiring Permit

This permit shall be continued in effect and enforceable after the expiration date of the permit, provided the permittee submits a timely and complete eNOI in accordance with 401 KAR 5:060, Section 2(4).

6.3. Electronic Conditional Exclusion for No Exposure

Operators seeking this conditional exclusion as an alternative to permit coverage are required to submit an electronic "No Exposure Certification" using the eNE form on KDOW's site at:
https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Pages/default.aspx

This certification must be resubmitted upon each reissuance of the KYR00 to continue the exclusion for the next permit term.

SECTION 7

STANDARD CONDITIONS

7. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

7.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the Cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

7.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain authorization as required by the new permit once the Kentucky Division of Water issues it. Permittees that are eligible and choose to be covered by a new general permit must submit a NOI by the date specified in that permit.

7.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

7.5. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

7.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

7.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

7.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

7.10. Monitoring and Records

1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

3) Records of monitoring information shall include:

   a) The date, exact place, and time of sampling or measurements;
   b) The individual(s) who performed the sampling or measurements;
   c) The date(s) analyses were performed;
   d) The individual(s) who performed the analyses;
   e) The analytical techniques or methods used; and
   f) The results of such analyses.

4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].

5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than $25,000, or by imprisonment for not less than one (1) year and not more than five (5) years, or by both fine and imprisonment for each separate violation.. Each day upon which a violation occurs shall constitute a separate violation.

7.11. Signatory Requirement

1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars ($25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

7.12. Reporting Requirements

7.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)];

2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)]; or

3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

7.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

7.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

7.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

7.12.6. Twenty-four-Hour Reporting

1) The permittee shall report any noncompliance which may endanger health or the environment to the DOW Regional Office. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph:

   a) Any unanticipated bypass which exceeds any effluent limitation in the permit [40 CFR 122.41 (g)].
   b) Any upset which exceeds any effluent limitation in the permit.
   c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

3) The Director may waive the written report on a case-by-case basis under 40 CFR 122.41 (l), if the oral report has been received within twenty-four (24) hours.

4) Notifying the Regional Field Office:

   a) Reporting shall be as required in paragraphs 1 through 3 of this subsection except if a spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance occurs that may present an imminent or substantial danger to the environment or the public health or welfare. The permittee shall immediately notify their local Regional Field Office as follows; Bowling Green (270) 746-7475; Columbia (270) 384-4734; Florence (859) 525-4923; Frankfort (502) 564-3358; Hazard (606) 435-6022; London (606) 330-2080; Louisville (502) 429-7122; Madisonville (270) 824-7529; Morehead (606) 783-8655; and Paducah (270) 898-8468.

   b) If a report required by this subsection is made during other than normal business hours, it shall be made through the **twenty-four (24) hour environmental emergency telephone number at (800) 928-2380.**

   c) The reporting requirements of this subsection does not relieve the permittee of reporting required under other laws, regulations, programs, or emergency response plans.

7.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sub-Sections 1, 4, 5 and 6 of this Section, at the time monitoring reports are submitted. The reports shall contain the information listed in Sub-Section 6 above.

7.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

7.13. Bypass

7.13.1. Definitions

1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

7.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of the following 2 Sub-Sections.

7.13.3. Notice

1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in the *Twenty-four Hour Reporting* Section above.

7.13.4. Prohibition of Bypass

1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c) The permittee submitted notices as required under the *Notice* Section above.

2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above under this Section.

7.14. Upset

7.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

7.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the *Conditions Necessary for a Demonstration of Upset* Section below are met. No determination made during administrative review of claims that

noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

7.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1) An upset occurred and that the permittee can identify the cause(s) of the upset;
2) The permitted facility was at the time being properly operated;
3) The permittee submitted notice of the upset as required in the *Twenty-four Hour Reporting* Section above; and
4) The permittee complied with any remedial measures required under the *Duty to Mitigate* Section above.

7.14.4. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.