

KPDES



**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM**

FACT SHEET

MULTI-SECTOR GENERAL PERMIT

KPDES No.: KYR000000

AI No.: 35050

Date: October 26, 2023

Public Notice Information

Public Notice Start Date: June 30, 2023

Comment Due Date: July 30, 2023

General information concerning the public notice process may be obtained on the Division of Water's Public Notice Webpage at the following address:

<https://eec.ky.gov/Environmental-Protection/Water/Pages/Water-Public-Notices-and-Hearings.aspx>

Public Notice Comments

Comments must be received by the Division of Water no later than 4:30 PM on the closing date of the comment period. Comments may be submitted by e-mail at: DOWPublicNotice@ky.gov or written comments may be submitted to the Division of Water at 300 Sower Blvd, Frankfort, Kentucky 40601.

Reference Documents

A copy of this proposed fact sheet, proposed permit, the application, other supporting material and the current status of the application may be obtained from the Department for Environmental Protection's Pending Approvals Search Webpage:

<https://dep.gateway.ky.gov/eSearch/Approvals/Pending>

Open Records

Copies of publicly-available documents supporting this fact sheet and proposed permit may also be obtained from the Department for Environmental Protection Central Office. Information regarding these materials may be obtained from the Open Records Coordinator at (502) 782-6849 or by e-mail at EEC.KORA@ky.gov.

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SECTION 1

FACILITIES COVERED

1. FACILITIES COVERED

The creation of this Multi-Sector General Permit (MSGP) is to incorporate those facilities previously covered under the General Permit for Stormwater Discharges Associated with Industrial Activity (KYR00) along with 3 additional sectors of industrial activity.

1.1. Facilities Covered

Pursuant to 401 KAR 5:060, Section 8 [40 CFR 122.26] the following point source discharges are subject to the KPDES permit program:

- 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 Highway Maintenance Garages (previously covered under the General KPDES Permit for Stormwater Point Sources from Highway Maintenance and Equipment Facilities (KYG50)); and
- 5) A stormwater discharge not identified under Section 1.9 of the Permit, 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 (Previously covered under the KYR00)

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 (Previously covered under the KYG50)

This permit is available for any state, county, and 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.

Vehicle and equipment cleaning is a minor but necessary activity at these facilities and the runoff should be addressed with the establishment of site-specific Best Management Practices (BMPs) to reduce or eliminate the discharge of pollutants related to these activities. These wastewaters can be addressed by discharge to a Publicly Owned Treatment Works (POTW) sanitary sewer, a commercial vehicle wash establishment, or in small towns or rural areas, may have neither option and must dispose of these washwaters on-site through on-site treatment, or transport off-site. On-site treatment typically consists of oil & water separators, sedimentation, and biological degradation. These facilities have occasional and seasonal needs to clean vehicles for removal of residual salt to reduce equipment corrosion. They may also have occasional need to clean empty herbicide spray equipment at season's end. In circumstances where this cleaning water cannot be reasonably collected, the facility may find that it is necessary to land apply this wastewater while observing BMPs such as discharging at points distant from any stormwater conveyance.

There will be no direct discharge of wastewaters from these facilities to surface waters. Site-specific BMPs ensure that the disposal is, among other things, consistent with the product's maximum application rate and that through land application and biodegradation any such pollutants are diluted, degraded, or prevented from having the reasonable potential to cause or contribute to a violation of a water quality standard.

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 manufacturers specifications.

1.9. Location

Within the 120 counties of the Commonwealth of Kentucky.

1.10. Treatment Provided

The treatment provided is specific to the facility and is dependent upon the volume of runoff and sources of potential contamination.

1.11. Permitting Action

This is a reissuance of a general KPDES permit to address discharges from stormwater runoff associated with industrial activities and incorporates discharges from timber products facilities, non-contact cooling waters, and highway maintenance garages.

1.12. Significant Changes from Prior Permit

The significant changes for this permit include: the creation of a Multi-Sector General Permit (MSGP) incorporating those facilities previously covered under the General Permit for Stormwater Discharges Associated with Industrial Activity (KYR00); timber product facilities; facilities discharging stormwater and non-contact cooling waters; and highway maintenance garages previously covered under the General KPDES Permit for Stormwater Point Sources from Highway Maintenance and Equipment Facilities (KYG50). The permit adds the monitoring of Chemical Oxygen Demand to all facilities.

This Minor Modification under the Timber Products Category includes the removal of Fabricated wood containers (SIC Code 2449) and Logging storage (SIC Code 2411) except those that use wet deck storage areas, and clarifies that all other Timber Product SIC Codes are included under the Stormwater Only Category. The modifications also replaces the Monthly Average Limit with Report only for Oil & Grease in Table 2.

SECTION 2

RECEIVING WATER INFORMATION

2. RECEIVING / INTAKE WATERS

2.1. Receiving Waters

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.

2.2. Stream Segment Use Classifications

Includes all water bodies that have been designated by DOW singularly or in combination as: Warmwater Aquatic Habitat, Coldwater Aquatic Habitat, Primary Contact Recreation, Secondary Contact Recreation, Outstanding State Resource Water, and/or Domestic Water Supply.

2.3. Stream Segment Antidegradation Categorization

Included are those water bodies which have been categorized as High Quality Waters, Impaired Waters, Exceptional Waters, or Outstanding National Resource Waters.

2.4. Stream Low Flow Condition

The 7-day, 10-year low flow conditions of the receiving streams can range from zero (0) cubic feet per second (cfs) to 111,000 cfs for the Mississippi River.

SECTION 3

EFFLUENT LIMITATIONS

AND

MONITORING REQUIREMENTS

3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The effluent limitations and monitoring requirements in this Section are divided into the following categories: Table 1 for Stormwater only; Table 2 for Timber products; Table 3 for Non-contact cooling waters; and Table 4 for Highway Maintenance garages. The authorized KPDES Outfalls are identified on each issued KYR00 Coverage Letter.

3.1. Stormwater Only

The following effluent limitations and monitoring requirements apply to the discharges from the KPDES Outfalls identified on the KYR00 Coverage Letter as receiving only stormwater runoff associated with industrial activity.

TABLE 1.								
EFFLUENT LIMITATIONS							MONITORING REQUIREMENTS	
Effluent Characteristics	Loadings (lb/day)		Concentrations				Frequency ²	Sample Type
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum		
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

¹100 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 the 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.

3.2. Timber Products

The following effluent limitations and monitoring requirements apply to those discharges from the KPDES Outfalls identified on the KYR00 Coverage Letter as receiving stormwater runoff from a facility that is engaged in the processing and/or storage of timber products.

TABLE 2.								
EFFLUENT LIMITATIONS							MONITORING REQUIREMENTS	
Effluent Characteristics	Loadings (lb/day)		Concentrations				Frequency	Sample Type
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum		
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

¹100 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 the permit for additional requirements.

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

3.3. Non-contact cooling waters

The following effluent limitations and monitoring requirements apply to the discharges from the KPDES Outfalls identified on the KYR00 Coverage Letter as receiving stormwater runoff and non-contact cooling waters.

TABLE 3.								
EFFLUENT LIMITATIONS							MONITORING REQUIREMENTS	
Effluent Characteristics	Loadings (lb/day)		Concentrations				Frequency	Sample Type
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum		
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

¹100 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 the permit for additional requirements.

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

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

3.4. Highway Maintenance Garages

The following effluent limitations and monitoring requirements apply to the discharges from the KPDES Outfalls identified on the KYR00 Coverage Letter as receiving discharges from Maintenance Garages.

TABLE 4.								
EFFLUENT LIMITATIONS							MONITORING REQUIREMENTS	
Effluent Characteristics	LOADINGS (lb/day)		Concentrations				Frequency	Sample Type
	Monthly Average	Daily Maximum	Units	Minimum	Monthly Average	Daily Maximum		
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

¹100 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 the 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.

SECTION 4

JUSTIFICATION OF EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. JUSTIFICATION OF EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

DOW has determined that it is not feasible to develop a comprehensive, standardized, technology-based effluent limitations (TBELs) and water quality-based effluent limitations (WQBELs) for all potential pollutants that may be discharged by facilities eligible for coverage under KYR00. This determination is based on the extreme variability in a number of factors related to: (1) eligible facilities, (2) potential pollutants, and (3) stormwater runoff. Although the eligibility requirements of the new KYR00 exclude a number of facilities from coverage, the number of eligible facilities is still quite large.

4.1. Pertinent Factors

The effluent limitations for this category of outfalls were developed in accordance with DOW's General Procedures for Limitations Development located on DOW's webpage at:

<https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Pages/default.aspx>

4.1.1. Technology-Based Effluent Limitations

Technology-based effluent limitations and standards, based on federally promulgated standards, a case-by-case basis, or a combination of the two, shall be included in all KPDES permits, where applicable.

4.1.2. Non-Numeric Effluent Requirements

Discharges associated with construction activities covered by this permit are subject to the requirements of the Construction and Development Effluent Guidelines at 40 CFR 450.

Pursuant to 401 KAR 5:065, Section 2(4) [40 CFR 122.44(k)], BMPs may be used to control or abate the discharge of pollutants when numeric effluent limitations are infeasible. The responsibility to evaluate individual sites and take steps necessary to minimize the potential for contamination of stormwater runoff and the discharge of pollutants is that of the operator. Implementation of this requirement is accomplished through the SWPPP. Use of erosion prevention measures, sediment controls measures, and other site management practices selected in light of best industry practice, are equivalent to the best available control technology economically achievable (BAT), best conventional control technology (BCT), and best practicable control technology (BPT) limits for discharges from the type of construction activities covered under this permit. Through compliance with these non-numeric requirements, DOW expects that the discharge of pollutants will be reduced and/or eliminated. Furthermore, once installed and implemented, the permittee is obligated to maintain control measures and to correct deficiencies where regular inspection determines that deficiencies exist.

4.1.3. Water-Quality-Based Effluent Limitations and Monitoring

The following table lists those water quality-based pollutants and/or pollutant characteristics of concern that DOW has determined exhibit reasonable potential to exceed a water quality criterion and the basis of DOW's determination. These determinations are consistent with the DOW's reasonable potential analysis (RPA) procedures outlined in *Permitting Procedures For Determining "Reasonable Potential"* Kentucky Division of Water May 1, 2000. This table may also include pollutants for which DOW has found the existence of reasonable potential to be indeterminate or for which DOW needs additional study.

TABLE 5.	
Pollutant or Pollutant Characteristic	Basis
Chlorides	Those facilities with routine handling and storage of deicing salts
Chlorine	Those facilities that use municipal water for cooling
Surfactants	Those facilities that discharge surfactants in washwaters
Temperature	Those facilities that discharge non-contact cooling waters
Total Recoverable Zinc	Those facilities associated with sawmills, which have a Technology-Based Effluent Limit Guideline (ELG)

4.2. Justification of Requirements

Chapters 5 and 10 of Title 401 of the Kentucky Administrative Regulations (KARs), cited in the following, have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

At a minimum, all permits shall contain technology-based effluent limitations (TBELs) [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(a)]. When necessary to achieve water quality standards, all permits shall contain water quality-based effluent limitations (WQBELs) [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(d)]. Any WQBELs included in this permit are based upon the Kentucky Water Quality Standards (KYWQS) [401 KAR 10:031].

4.2.1. Flow

The monitoring requirements for this parameter are consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(i)(1)(ii)] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

4.2.2. pH

The effluent limitations for this parameter are consistent with [401 KAR 10:031, Section 4(1)(b) and Section 7] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

4.2.3. Total Suspended Solids (TSS)

The monitoring requirements for this parameter are consistent with the requirements of [401 KAR 5:065, Section 2(4) - 40 CFR 122.44] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

The daily maximum concentration of 100 mg/l trigger for this parameter is consistent with the requirements of [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(k)(4)]. In lieu of numeric limitations for TSS, the Division has determined that, when appropriately employed, enhanced BMPs are reasonably necessary to control or abate the discharge of this pollutant.

4.2.4. Oil & Grease

The effluent limitations for this parameter is consistent with the requirements of [40 CFR 125.3(c)(2) - 401 KAR 5:080, Section 2(3)] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

Flotation or gravity separation of lighter petroleum based products from water is a common and cost effective method for the removal of oil & grease. It has been the experience of the Division that this treatment method can achieve oil & grease concentrations of 10 mg/l as a monthly average and 15 mg/l as a daily maximum.

4.2.5. Chemical Oxygen Demand

Based on EPA's 2021 MSGP as a model, DOW agrees that this is an appropriate indicator and is requiring the monitoring of Chemical Oxygen Demand as an indicator parameter for stormwater discharges. The monitoring requirement for this parameter is consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(i)(1)(i)] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

4.2.6. Hardness

The monitoring requirements for this parameters are consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(i)(1)(i)] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

4.2.7. Total Recoverable Zinc, Temperature, and Total Residual Chlorine

The effluent limitations for these parameters are consistent with KYWQS [401 KAR 10:031, Section 6] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

4.2.8. Chlorides

The effluent limits for this parameter are consistent with [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(d)(1) and 122.44(i)(1)] and KYWQS [401 KAR 10:031, Section 6] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48]. DOW has concluded that reasonable potential to exceed a water-quality based criterion exists only at those facilities that actually handle or store salt in bulk on site. Conditional monitoring based upon a reasonable potential analysis is consistent with [401 KAR 5:065, Section 2 (4) - 40 CFR 122.44 (d)(1)(i)].

4.2.9. Surfactants

The monitoring requirements for this parameter are consistent with [401 KAR 5:065, Section 2(4) - 40 CFR 122.44(i)(1)(iii)] and requirements for recording and reporting of monitoring results [401 KAR 5:050, Section 4 - 40 CFR 122.48].

This permit proposes the monitoring of surfactants as an indicator parameter of BMPs. The DOW intends for this parameter to be one indicator of whether the BMPs related to minimization of equipment or vehicle washing with detergents have reduced the point source discharge of pollutants related to washing to the greatest extent practicable. The reported results for this monitoring may be used in future reasonable potential analyses.

4.3. New or Expanded Discharges

The summary of *Facilities Covered* and *Summary of Exclusions* in Section 1 explains in detail the eligibility requirements for facilities seeking coverage under this general permit. By setting strict eligibility requirements, DOW limits the industrial materials and operations that can receive coverage and therefore the potential impact to surface waters of the Commonwealth. Along with these restrictions, non-numeric requirements, the creation and implementation of the facility's SWPPP, implementation of control measures and BMPs, DOW has determined that for new or expanded discharges to High Quality Waters, there will be no significant degradation in the receiving waters due to the permitted activity.

It is the DOW's conclusion that the antidegradation requirements have been satisfied by this permitting action. This is consistent with the requirements of [401 KAR 10:029 Section 1, 401 KAR 10:030 Section 1, and 401 KAR 10:031 Section 4].

SECTION 5

OTHER CONDITIONS

5. OTHER CONDITIONS

5.1. Schedule of Compliance

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

5.2. Antidegradation

The conditions of 401 KAR 10:029, Section 1 have been satisfied. This permitting action is a reissuance of a KPDES general permit for stormwater discharges from industrial activities, along with discharges from timber products production, non-contact cooling waters, and highway maintenance garages that are not addressed by an individual KPDES permit, or alternate KPDES general permit.

5.3. SWPPP and BMPP

The SWPPP is the mechanism whereby the operator documents the specific control measures that will be used to meet the non-numeric limits discussed in Section 3 of the permit and to document compliance with other permit requirements such as inspections, monitoring, recordkeeping and reporting. It is similar to a BMP Plan in form and function and must be reviewed periodically and modified to ensure its effectiveness. Because of this similarity, the requirement to develop, implement, and maintain an up-to-date SWPPP and BMPP, along with their components, is authorized pursuant to 401 KAR 5:065, Section 2(4) [40 CFR 122.44(k)]. Permits are to include BMPs to control or abate the discharge of pollutants when:

- 1) Authorized under section 304(e) of the CWA for the control of toxic pollutants and hazardous substances from ancillary industrial activities;
- 2) Authorized under Section 402(p) of the CWA for the control of stormwater discharges;
- 3) Numeric effluent limitations are infeasible; or
- 4) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

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

In lieu of numeric limitations for TSS, the Division has determined that, when appropriately employed, enhanced BMP are reasonable and necessary to control or abate the discharge of this pollutant.

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 assessments of TSS levels. If these assessments indicate that the pollutant levels are not adequately controlled, then the permittee shall evaluate the BMPs employed and determine if modifications to the BMP Plan and selected BMPs are required.

5.4.1. BMP Evaluation Trigger for TSS

The daily maximum discharge concentrations for TSS of 100 mg/l is not a limit but a trigger that once exceeded for two (2) consecutive monitoring periods, requires the permittee to initiate an evaluation of currently employed BMPs. Modifications to the plan as a result of ineffectiveness or plan changes to the facility, shall be implemented as soon as possible.

5.5. 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 this condition, the permittee is to evaluate the BMPP and the SWPPP prior to discharge of stormwater related to the construction activity. This permit therefore provides for coverage of stormwater discharges associated with construction activities regulated under 401 KAR 5:060, Section 8 [40 CFR 122.26] and 401 KAR 5:065, Section 2(4) [40 CFR 122.44 (k) and (s)]. Having appropriate BMPs and a SWPPP under this permit precludes the permittee from obtaining a separate KPDES permit for stormwater associated with construction activity.

5.6. Inspections

A necessary component of any SWPPP to ensure its effectiveness is the inspections conducted by the operator. Periodic routine inspections, inspections after significant precipitation events, and an annual site assessment as part of the SWPPP review are essential in achieving and maintaining compliance with the conditions of the permit. These inspections alert the operator to actual and potential deficiencies in the SWPPP, control measures, and BMPs that have or may result in substandard discharges thus initiating appropriate actions by the operator. As a necessary component of the SWPPP, the requirement to conduct such inspections are authorized by 401 KAR 5:065, Section 2(4) [40 CFR 122.44(k)].

5.7. Corrective Actions

This section of the permit requires the permittee to evaluate, revise, and implement as necessary, the control measures and BMPs in response to: unpermitted discharges, inspections, or changes at the facility. These actions are to be documented by the facility's Stormwater Pollution Prevention Team in a Corrective Action Report. These requirements are consistent with 401 KAR 5:065, Section 2(4) [40 CFR 122.44(k)] and are necessary to ensure effective stormwater controls are implemented at all times.

5.8. Electronic Notice of Intent

The electronic NOI-KYR00 (eNOI) will provide the necessary information to enable DOW to better determine the eligibility and the applicable requirements of a facility seeking coverage under this general permit. Should DOW receive an eNOI-KYR00 from which, upon review, DOW determines that a potential for degradation or permanent lowering of water quality could result, DOW may request additional information, which may include discharge samples. DOW will base its determination on a number of factors including but not limited to the amount of disturbance within the watershed, the proximity to drinking water sources, waters not categorized as "High Quality", size and duration of the project, etc. If, based upon review of the additional information, DOW determines that additional controls and requirements beyond those in the KYR00 general permit are needed to meet water quality standards, the applicant shall be required to obtain an individual permit.

Facilities which have applied for an individual KPDES stormwater discharge permit (IP) before the effective date of this permit, may be eligible for coverage under this permit, assuming they are not otherwise excluded under the specific industrial category of Exclusions.

5.9. Conditional Exclusion for No Exposure

Facilities that do not have any industrial materials or operations exposed to stormwater may be excluded from the KPDES industrial stormwater requirements of 401 KAR 5:060, Section 8 [40 CFR 122.26(g)]. Operators seeking this conditional exclusion are required to submit an electronic "No Exposure Certification" using the eForm found at:

<https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Pages/default.aspx>

This certification is time-limited and must be resubmitted upon each reissuance of the KYR00 to continue the exclusion for the next permit term.

5.10. 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.