



**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Gary R. Mitchell, Secretary

DEC 31 1997

December 24, 1997

City of Wichita  
Dept. of Public Works Stormwater Management  
Eighth Floor, City Hall  
Wichita, KS 67202

Re: Kansas Water Pollution Control  
Permit No. M-AR94-SO01

Dear Permittee:

You have fulfilled all the filing requirements for a Kansas Water Pollution Control Permit and Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES). We are pleased to forward your new permit. While it is permissible to make as many copies as needed for monitoring and reporting purposes, you need to retain the original permit for your files.

We suggest you carefully read the terms and conditions of your permit and understand these terms and conditions are enforceable under both State and Federal law.

If you have any questions concerning this permit, please contact the Permit Clerk at (913) 296-5519.

Sincerely,

Karl Mueldener, P.E.  
Director, Bureau of Water

Enclosure

cc: South Central District  
RG - Permit File

Kansas Permit No.: M-AR94-S001

Federal Permit No.: KS-0091049

KANSAS WATER POLLUTION CONTROL PERMIT AND  
AUTHORIZATION TO DISCHARGE UNDER  
THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251 et seq, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Owner: City of Wichita, Kansas

Owner's Address: Department of Public Works  
Storm Water Management Division  
Eighth Floor, City Hall  
455 North Main Street  
Wichita, Kansas 67202

Facility Location: East-Central Sedgwick County, Kansas

Drainage Basin: Lower Arkansas River

is authorized to discharge, in accordance with the approved City of Wichita, Kansas NPDES Stormwater Management Program, monitoring requirements, and other provisions set forth herein, from all portions of the municipal separate storm sewer system owned or operated by the permittee listed above, to the waters of the United States.

This permit shall become effective January 1, 1998, will supersede all previous permits and/or agreements in effect between the Kansas Department of Health and Environment and the permittee, and will expire December 31, 2002.



Secretary, Kansas Department of Health and Environment

December 24, 1997  
Date

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

- A. Permit Area This permit covers all areas within the corporate boundaries of Wichita. This shall include all areas which are incorporated into the City during the effective term of this permit.
- B. Authorized Discharges This permit authorizes all existing or new storm water point source discharges to waters of the United States from the Municipal Separate Storm Sewer System. This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, or storm water associated with industrial activity provided such discharges are authorized under separate NPDES permits, as required by law.
- C. Limitations on Coverage The following discharges are not authorized or regulated by this permit:
1. Storm water discharges that are mixed with non-storm water, and;
  2. Storm water associated with industrial activity, except where such discharges are:
    - a. in compliance with a separate NPDES permit; or
    - b. identified by and in compliance with Part II.G.3. of this permit.

PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM

The permittee shall implement the Storm Water Management Program (SWMP) as submitted with Part 2 of the NPDES permit application as amended and clarified by the October 17, 1997 and October 31, 1997 letters. The permittee shall comply with the schedules included within the SWMP. The SWMP shall be modified to include the following sections (A through N):

- A. POLLUTION PREVENTION REQUIREMENTS The permittee shall develop and implement the following pollution prevention measures (PPMs):
1. The permittee shall establish and maintain a program to facilitate the proper management of used motor vehicle fluids (including oil and antifreeze) for recycle or reuse. Such program shall be available to all City residents. This program shall be publicized and promoted on a minimum annual basis.

2. The permittee shall establish and maintain a program to facilitate the proper management and disposal of household hazardous waste materials (including paint, pesticides, and other residential hazardous wastes) for recycle, reuse, or safe disposal. Such program shall be available to all City residents. This program shall be publicized and promoted on a minimum annual basis.

These programs may be operated under the present Sedgwick County Household Hazardous Waste Program which both the City and County support.

- B. STRUCTURAL CONTROLS: The permittee shall operate and maintain all seven major storm water detention structural controls over which they have jurisdiction in a manner so as to reduce the discharge of pollutants. Maintenance activities shall equal or exceed the schedule included in the Storm Water Management Program (SWMP) beginning one year after the effective date of this permit.

The SWMP will include a program to develop and implement a program to educate the owners of all major privately owned and maintained storm water detention reservoirs about structural controls which reduce the discharge of pollutants.

- C. AREAS OF COMMERCIAL AND RESIDENTIAL NEW DEVELOPMENT OR REDEVELOPMENT: The permittee shall regulate development or redevelopment within areas under their jurisdiction in compliance with the approved SWMP. The permittee shall provide a master plan for reducing discharge of the principal pollutants of concern (see Part IV.B.) from areas of new development or redevelopment. This master plan shall address the structural and non-structural BMP improvements the permittee shall require in these areas. This master plan shall be submitted with the second annual report required under this permit.

- D. PUBLIC STREETS, ROADS AND HIGHWAYS: The permittee shall operate and maintain public streets, roads, and highways in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.

- E. FLOOD CONTROL PROJECTS: The permittee shall complete a feasibility study to determine the cost and benefits of retrofitting improvements to the existing seven major stormwater detention facilities to reduce the discharge of the principal pollutants of concern. This feasibility study shall be submitted with the third annual report required under this permit.

- F. APPLICATION OF PESTICIDES, AND FERTILIZER: The permittee shall implement controls to reduce pollutants in discharges from municipal separate storm sewers associated with the municipal application of pesticides in compliance with the SWMP. All employees of the permittee who apply pesticides shall have a current certification or be under the direct supervision of an individual which is currently certified as provided by the Kansas Pesticide Law (K.S.A. 2-2438 et.seq.). The permittee shall operate a public environmental information and education program to inform the public about, proper use of pesticides and fertilizers, and proper disposal so these substances and their containers.
- G. ILLICIT DISCHARGES: The permittee shall implement an on-going program to detect and remove illicit discharges into the storm sewer. Alternately the illicit discharger may obtain an NPDES permit and continue discharging to the storm sewer system if the NPDES permit allows such discharge and the City authorizes use of the storm sewers. The following items are required:
1. The permittee shall require the elimination of illicit discharges to the Municipal Separate Storm Sewer System within 21 days of discovery of the responsible party. If elimination of an illicit connection within 21 days is not possible, the municipality shall require an expeditious schedule for removal of the discharge. If such elimination or removal of the discharge is not achieved within 90 days the municipality shall immediately report the following information to KDHE:
    - a. Location of illicit discharge and date the responsible discharger was identified.
    - b. Name of responsible party.
    - c. Narrative report concerning the events which lead to the identification of the illicit discharge and the efforts which have been taken to eliminate the illicit discharge as well as the reason why such elimination was not achieved within the allotted 90 day time period. A schedule for the elimination of the illicit discharge shall also be included or alternately if the municipality has been unable to negotiate an elimination schedule with the responsible party the report shall indicate such. KDHE reserves the right to bring enforcement action against any illicit discharger especially those which do not achieve elimination of the illicit discharge or have obtained an NPDES permit for discharge to the Municipal Separate Storm Sewer System within 90 days after detection.

2. ~~The permittee shall effectively prohibit illicit non-stormwater discharges to the Municipal Separate Storm Sewer System.~~
3. Unless identified by either the permittee or KDHE as a significant source of pollutants to waters of the United States, the following non-storm water discharges need not be prohibited from entering the Municipal Separate Storm Sewer System:
  - a. Water line flushing
  - b. Landscape irrigation
  - c. Diverted stream flow
  - d. Rising groundwaters
  - e. Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers
  - f. Uncontaminated pumped groundwater
  - g. Contaminated groundwater may be pumped into the storm sewers if authorized by KDHE and approved by the City of Wichita
  - h. Discharges from potable water sources
  - i. Foundation drains
  - j. Air conditioning condensate
  - k. Irrigation waters
  - l. Springs
  - m. Water from crawl space pumps
  - n. Footing drains
  - o. Lawn watering
  - p. Individual residential car washing
  - q. Flows from riparian habitats and wetlands
  - r. Dechlorinated swimming pool discharges excluding filter backwash
  - s. Street wash waters (excluding street sweepings)

- t. Discharges or flows from emergency fire fighting activities
  - u. Heat Pump discharge waters (residential only)
4. The permittee shall evaluate the field screening data generated during the Part I application and within the first two years after issuance of this permit identify any illicit dischargers which contributed to the dry weather flow identified in the Municipal Separate Storm Sewer System during Part I field screening activities or subsequent screening. Results of this investigation shall be reported within the second annual report.
  5. The City shall maintain an on-going program for the identification of illicit discharges through field screening. The results of such screening activities and the illicit dischargers which are successfully disconnected from the Municipal Separate Storm Sewer System or acquire NPDES permits shall be reported in the annual reports required under this permit.
  6. The permittee shall prohibit the discharge of all new or used motor vehicle fluids and household chemical wastes into the Municipal Separate Storm Sewer System.
- H. SPILL PREVENTION, CONTAINMENT AND RESPONSE: The permittee shall implement a program to prevent, contain, and respond to spills that may discharge to the Municipal Separate Storm Sewer System. Personnel which respond to spills shall receive training which prioritizes the response to such spills to encourage first recovery and reuse of the material for its intended purpose, second recovery and proper disposal of the material, and third on-site disposal of the material only when necessary to protect public health, safety, and welfare, such on-site disposal may include dilution of the material with wash-down into the Municipal Separate Storm Sewer System if deemed necessary to protect public health, safety, or welfare. Any spills which the City Spill Response Team responds, and are washed into the Municipal Separate Storm Sewer System by the Spill Response Team shall be addressed in the annual report required under this permit. Information provided in the report shall include identification of the material spilled, estimated quantity and any obvious adverse impact on the receiving stream such as fish kill, or other, out of the ordinary, visible conditions.
- I. PUBLIC EDUCATION REGARDING ILLICIT DISCHARGES: The permittee shall implement a public education program which includes the following:

1. A program to promote, publicize, and facilitate public reporting of illicit discharges or improper disposal of materials into the Municipal Separate Storm Sewer System. This shall include a local storm water hot line telephone number for the reporting of illicit or improper discharges.
2. A program to promote, publicize, and facilitate the proper management and disposal of used motor vehicle fluids and household hazardous waste.
3. A program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, and fertilizers by the general public.

A narrative explanation of these programs and their effectiveness shall be included in the annual reports required under this permit.

- J. CROSS-CONNECTION BETWEEN SANITARY SEWERS AND STORM SEWERS PROHIBITED: The permittee shall prohibit the connection directly between sanitary sewers and the Municipal Separate Storm Sewer System for the purpose of normal day-to-day transfer of flows into the storm sewer. Such connections shall be allowed only for the purpose of emergency overflow where necessary to prevent loss of human life, personal injury, severe property damage or where extensive storm damage or run-off would damage any sanitary sewage facilities necessary for normal operation.

If in the course of field screening it is demonstrated that at any location sanitary sewer lines exfiltrate and such exfiltration migrates to the Municipal Separate Storm Sewer System, the municipality shall take immediate steps to correct the sanitary sewer exfiltration problem and eliminate the flow of raw sewage to the Municipal Separate Storm Sewer System.

- K. MONITORING INDUSTRIAL AND HIGH RISK RUN-OFF: The permittee shall monitor runoff from industrial facilities within areas under their jurisdiction in compliance with the SWMP. The permittee shall maintain an inventory of municipal landfills; hazardous waste treatment, disposal, and recovery facilities; and industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and any other industrial facilities that the permittee has determined to be contributing a substantial pollutant load to the Municipal Separate Storm Sewer System. The following activities are required:

1. The facilities listed in the inventory shall be inspected in accordance with the approved SWMP.

2. Storm water discharges shall be sampled from at least 2 of the sites listed in the inventory on an annual basis beginning one year after the effective date of this permit for the following parameters:

- a. Any pollutants limited in an existing NPDES permit for the facility
- b. Oil and grease
- c. Chemical oxygen demand
- d. pH
- e. Biochemical oxygen demand (5 day)
- f. Total suspended solids
- g. Total Phosphorus
- h. Total Kjeldahl nitrogen
- i. Nitrate plus nitrite reported as N

A minimum of a single grab sample shall be obtained within the first 30 minutes of storm water run-off. The storm event should result in 0.1 inch or more rainfall.

3. In conjunction with monitoring, the permittee shall obtain information concerning the discharge or potential discharge of pollutants as required under 40 CFR 122.21(g) (7) (iii) (iv).
4. A summary of the inspection results and information obtained under paragraphs 2. and 3. above shall be reported in the annual report.

L. CONSTRUCTION SITE RUNOFF: The permittee shall implement a program to reduce the discharge of pollutants from construction sites consistent with the approved SWMP. This program shall include the following:

1. Requirements for the use and maintenance of appropriate structural and non-structural best management practices to reduce pollutants discharged to the Municipal Separate Storm Sewer System during the time construction is underway.

2. The permittee shall, prior to one year after the effective date of this permit, initiate an inspection program for enforcing control measures to limit the discharge of pollutants from construction sites, initiate the dissemination of educational material and provide training for construction site operators, and shall develop procedures for site planning which incorporate consideration of potential water quality impacts associated with construction. A summary of these activities shall be included in the annual reports required under this permit.
3. The permittee shall develop a Procedural Manual for inspection and enforcement of installation, operation and maintenance of construction site BMPs. The section of the manual which addresses enforcement shall clearly outline the methods for evaluating whether installation, operation and maintenance of the BMPs is adequate; the method for providing written warnings in the event deficiencies are detected; as well as the procedures for issuing monetary fine or penalty. This manual shall also outline the appeals procedures available to the owner. The procedural manual shall be submitted with the first annual report required under this permit.

M. LEGAL AUTHORITY: The permittee shall insure legal authority exists to control discharges to and from those portions of the Municipal Separate Storm Sewer System over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreement. This authority shall include the following:

1. Control the contribution of pollutants to the Municipal Separate Storm Sewer System by storm water discharges associated with industrial activity from sites of industrial activity.
2. Prohibit illicit discharges to the municipal separate storm sewer.
3. Control the discharge of spills and the dumping or disposal of materials other than storm water into the Municipal Separate Storm Sewer System.
4. Require compliance with conditions in ordinances, permits, contracts or orders.
5. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

N. SWMP RESOURCES: The permittee shall provide adequate finances, staff, equipment, and support capabilities to implement the storm water management program.

O. SWMP REVIEW AND MODIFICATION

1. Program Review: The permittee shall conduct a review of the current SWMP in conjunction with preparation of the fourth annual report required under Part III.A. This review shall include:
  - a. A review of the status of program implementation and compliance (or non-compliance) with all schedules of compliance (Part V) contained in this permit.
  - b. An assessment of the effectiveness of controls established by the SWMP.
  - c. Proposed modifications to the SWMP, along with proposed schedules for implementation.
  - d. A review of monitoring data and any trends in estimated cumulative annual pollutant loadings for the principle pollutants of concern (see Part IV.B.).
2. Program Modification by the Permittee: The Management Program submitted with Part 2 of the City of Wichita, Kansas NPDES Stormwater permit application in addition to and as modified by Part II, Sections A through N of this permit, shall constitute the approved SWMP. The approved SWMP shall not be modified by subtracting or replacing components, controls or requirements without prior approval of KDHE.

Modifications made under this paragraph shall not become enforceable permit conditions until such time as the modifications are formally approved by KDHE. Modifications adding (but not subtracting or replacing) components, controls, or requirements to the approved SWMP may be made by the permittee at any time upon written notification to KDHE. Modification requests and/or notifications shall be signed in accordance with Part VI.H.
3. Modifications Required by the Permitting Authority: The permitting authority (KDHE) may require modification of the SWMP as needed to either:
  - a. Address contributions by the Municipal Separate Storm Sewer System discharges which result in adverse impacts on receiving water quality and violate the Surface Water Quality Standards, or

- b. ~~Include more stringent requirements necessary to~~ comply with new State or Federal statutory or regulatory requirements, or
- c. Include such other conditions deemed necessary by KDHE to comply with the goals and requirements of the Clean Water Act, State Statutes, or State Regulations.

Modifications required by KDHE shall be made in writing, set forth the time schedule for the permittee to develop the modifications, and offer the permittee the opportunity to propose alternative program modifications to meet the objective of the requested modification.

### PART III. REPORTING REQUIREMENTS

ANNUAL REPORT: The permittee shall prepare an annual report to be submitted to KDHE by no later than 90 days after the anniversary of the effective date of this permit January 1, 1998. The report shall include the following separate sections:

- A. The status of implementing the components of the approved SWMP. This shall include all components addressed under Part II, Sections A through N, Stormwater Pollution Prevention and Management Program of this permit and the Management Program detailed in the Part 2 Stormwater NPDES permit application. Additionally any modifications as developed by the permittee and approved by KDHE or as required by KDHE shall also be addressed.
- B. The status of compliance with any schedule of compliance established under this permit.
- C. A summary of all revisions, if any, to the approved SWMP.
- D. A summary of the data, including monitoring data, that is generated within the report period including a narrative description of storm water quality improvements or degradation.
- E. Statement of previous fiscal year expenditures for implementation of the SWMP and the budget for the current fiscal year.
- F. A summary describing the number and nature of enforcement actions, inspections, and public education programs conducted in the report period.

PART IV. MONITORING REQUIREMENTS

- A. Storm Event Monitoring: The permittee shall implement a wet weather monitoring program for the Municipal Separate Storm Sewer System to assess the effectiveness of BMP control measures implemented under the SWMP. The permittee shall continue monitoring two of the representative outfalls used to provide wet weather characterization data for Part II of the permit application and two additional outfalls designated below. The outfalls which must be monitored are Huntington & Armour - B-228A/2959, McLean & Walker - MS-5, Town East & Armour - MS-4, and Broadway & Arkansas River - C-049C/4141.

Monitoring at the four sites shall be conducted for the parameters as listed on the following schedule:

1. B-228A/2959 (Huntington & Armour), MS-4 (Town East & Armour), and MS-5 (McLean & Walker)

SPRING

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab
Pesticides (micrograms/l)	Composite
Common Name	
dicamba	
diuron	
hexachlorobenzene	
picloram	
mcpp	
prometon	
trifluralin	
2,4-D	

SUMMER

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab
Pesticides (micrograms/l)	Composite
Common Name	
carbaryl	
diazinon	
dicamba	
diuron	
hexachlorobenzene	
picloram	
malathion	
mcpp	
prometon	
trichlorfon	
trifluralin	
2,4-D	

AUTUMN

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab

Pesticides (micrograms/l)	Composite
Common Name	
diazinon	
dicamba	
diuron	
hexachlorobenzene	
picloram	
mcpp	
prometon	
trichlorfon	
2,4-D	

## WINTER

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab
Pesticides (micrograms/l)	Composite
Common Name	
diuron	
hexachlorobenzene	
picloram	
mcpp	
prometon	
2,4-D	

NOTE: In addition to the above monitoring requirements, at the MS-4 (Towne East & Armour) and the MS-5 (McLean & Walker) sites the permittee shall also sample flow upstream of the storm water outfall and analyze for the same parameters as included in the above table during at least two runoff events annually. Grab samples will be allowed from the upstream sampling provided it is documented in the report.

2. Outfall C-049C/4141 (Outfall near Broadway at the Arkansas River)

SPRING

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab
Pesticides (micrograms/l)	Composite
Common Name	
dicamba	
diuron	
hexachlorobenzene	
picloram	
mcpp	
prometon	
trifluralin	
2,4-D	

SUMMER

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab
Volatiles (micrograms/l)	Grab
Acid compounds (micrograms/l)	Grab
Base/Neutral compounds (micrograms/l)	Grab

Pesticides (micrograms/l)	Composite
Common Name	
carbaryl	
diazinon	
dicamba	
diuron	
hexachlorobenzene	
picloram	
malathion	
mcpp	
prometon	
trichlorfon	
trifluralin	
2,4-D	

## AUTUMN

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab
Pesticides (micrograms/l)	Composite
Common Name	
diazinon	
dicamba	
diuron	
hexachlorobenzene	
picloram	
mcpp	
prometon	
trichlorfon	
2,4-D	

## WINTER

<u>Parameter</u>	<u>Sample</u>
Total Cyanide (mg/l)	Grab
Oil and Grease (mg/l)	Grab
Fecal Coliform (Col/dl)	Grab
Fecal Strep (Col/dl)	Grab
Total Cadmium (mg/l)	Composite & Grab
Total Copper (mg/l)	Composite & Grab
Total Silver (mg/l)	Composite & Grab
Total Zinc (mg/l)	Composite & Grab
Hardness as CaCO <sub>3</sub> (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab
Volatiles (micrograms/l)	Grab
Acid compounds (micrograms/l)	Grab
Base/Neutral compounds (micrograms/l)	Grab
Pesticides (micrograms/l)	Composite
Common Name	
diuron	
hexachlorobenzene	
picloram	
mcpp	
prometon	
2,4-D	

Grab samples should be obtained and composite sampling should begin within 30 minutes of initiation of discharge. Composite samples should be collected over the first 3 hours of rainfall induced discharge. In the event the outfall discharges during dry weather conditions (e.g. due to groundwater infiltration, cooling water discharges, etc.) the grab samples should be obtained and composite sampling should begin within 30 minutes of increased flow due to the rainfall event. Monitoring of a storm event is not permitted if the previous rainfall event occurred within the previous 72 hours. All analysis for metals shall be conducted by total recoverable technique.

The base/neutral, acid compounds and volatiles are defined, at a minimum, as the following parameters:

BASE/NEUTRAL

Acenaphthene	Diethyl phthalate
Acenaphthylene	Dimethyl phthalate
Anthracene	Di-n-butyl phthalate
Benzidine	2,4-Dinitrotoluene
Benzo(a)anthracene	2,6-Dinitrotoluene
Benzo(a)pyrene	Di-n-octyl phthalate
3,4-benzofluoranthene	1,2-Diphenylhydrazine
Benzo(ghi)perylene	Fluoranthene
Benzo(k)fluoranthene	Fluorene
Bis(2-chloroethoxy)methane	Hexachlorobenzene
Bis(2-chloroethyl)ether	Hexachlorobutadiene
Bis(2-chloroisopropyl)ether	Hexachlorocyclopentadiene
Bis(2-ethylhexyl)phthalate	Hexachloroethane
4-bromophenyl phenyl ether	Indeno(1,2,3-cd)pyrene
Butyl benzyl phthalate	Isophorone
2-chloronaphthalene	Naphthalene
4-chlorophenyl phenyl ether	Nitrobenzene
Chrysene	N-nitrosodimethylamine
Dibenzo(a,h)anthracene	N-nitrosodi-n-propylamine
1,2-dichlorobenzene	N-nitrosodiphenylamine
1,3-dichlorobenzene	Phenanthrene
1,4-dichlorobenzene	pyrene
3,3-dichlorobenzidine	1,2,4-trichlorobenzene

VOLATILES

Acrolein	1,2-dichloropropane
Acrylonitrile	1,2-dichloropropylene
Benzene	Ethylbenzene
Bromoform	Methyl bromide
Carbon Tetrachloride	Methyl chloride
Chlorobenzene	Methylene chloride
Chlorodibromomethane	1,1,2,2-tetrachloroethane
Chloroethane	Tetrachloroethylene
2-chloroethylvinyl ether	Toluene
Chloroform	1,2 trans-dichloroethylene
Dichlorobromomethane	1,1,1-trichloroethane
1,1-dichloroethane	1,1,2-trichloroethane
1,2-dichloroethane	Trichloroethylene
1,1-dichloroethylene	Vinyl chloride

ACID COMPOUNDS

2-chlorophenol	4-nitrophenol
2,4-dichlorophenol	P-chloro-m-cresol
2,4-dimethylphenol	Pentachlorophenol
4,6-dinitro-o-cresol	Phenol
2,4-dinitrophenol	2,4,6-trichlorophenol
2-nitrophenol	

- B. PRINCIPAL POLLUTANTS OF CONCERN The principal pollutants of concern are cyanide, fecal coliform, cadmium, copper, silver, and zinc. These parameters were selected based on review of the data included with the permit application. KDHE requires additional data to evaluate the potential discharges from the MS4 of in-stream violations of the Surface Water Quality Standards. If the permittee elects to do additional monitoring above the requirements in this permit for the principal pollutants of concern, such additional monitoring results shall be submitted to KDHE with the annual report.

C. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. 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 the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Secretary at any time.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements.
  - b. The initials or name(s) of the individual(s) who performed the sampling or measurements.
  - c. The date(s) analyses were performed.
  - d. The time(s) analyses were initiated.

- e. The initials or name(s) of the individual(s) who performed the analyses.
- f. References and written procedures, when available, for the analytical techniques or methods used.
- g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

Part V. SCHEDULE OF COMPLIANCE

None

Part VI. NUMERIC EFFLUENT LIMITATIONS

None

PART VII. STANDARD PERMIT CONDITIONS

- A. DUTY TO COMPLY: The permittee must comply with all conditions of this permit. Any permit non-compliance constitutes a violation of both the CWA and K.S.A. 65-167. Such non-compliance is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS:
  - 1. Criminal
    - a. Negligent Violations - The CWA provides any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
    - b. Knowing Violations - The CWA provides any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318; or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

- c. Knowing Endangerment - The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.
- d. False Statement - The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309(c)(4) of the Clean Water Act).
2. Civil Penalties - The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.
3. Administrative Penalties - The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:
- a. Class I penalty Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.
- b. Class II penalty Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.

4. State of Kansas Statutory Penalties

- a. Kansas statutes provide civil penalties of up to \$10,000 per day for any person who violates; any term or condition of any sewage discharge permit issued pursuant to State regulations; any effluent standard or limitation; any filing requirement for sewage permits or any lawful order or requirement of the Secretary of Health (K.S.A. 65-170d).
- b. Kansas statutes provide criminal penalties of not less than \$2,500 and not more than \$25,000 per day upon conviction for willful or negligent discharge of sewage (including stormwater) into or from the sewer system by the public authorities in charge of the system or by any person, company, corporation, institution, municipality or federal agency, into any of the waters of the State without a permit as required or in violation of any term or condition of a permit issued by the Secretary of Health and Environment. The penalty for discharge of sewage (including stormwater) into any waters of the State without filing a report as required shall be \$1,000 per day (K.S.A. 65-167).
- C. DUTY TO REAPPLY The permittee must apply for a new NPDES Storm Water permit prior to the expiration date for this permit if the population within the City of Wichita is greater than 100,000. The application shall be submitted at least 180 days prior to expiration of this permit.
- D. 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.
- E. DUTY TO MITIGATE The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

- F. DUTY TO PROVIDE INFORMATION The permittee shall furnish to the Secretary, within a time specified by the Secretary, any information which the Secretary may request to determine compliance with this permit. The permittee shall also furnish to the Secretary upon request copies of records required to be kept by this permit.
- G. OTHER INFORMATION When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to KDHE, he or she shall promptly submit such facts or information.
- H. SIGNATORY REQUIREMENTS All Annual reports, requests for revision to the storm water management program, illicit discharge reports, certifications or information submitted to KDHE as required by this permit shall be signed by either a principal executive officer or ranking elected official.
- I. PENALTIES FOR FALSIFICATION OF REPORTS Section 309 (c) (4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.
- J. PENALTIES FOR FALSIFICATION OF MONITORING SYSTEMS The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the CWA.
- K. OIL AND HAZARDOUS SUBSTANCE LIABILITY Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA or Section 106 of CERCLA.

- ~~L. PROPERTY RIGHTS The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.~~
- M. SEVERABILITY The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- N. STATE/ENVIRONMENTAL LAWS
1. Nothing in this permit shall be construed to preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.
  2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- O. 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 and with the requirements of the approved storm water management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- P. MONITORING METHODS Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. All analysis required by this permit shall be conducted by a laboratory certified by KDHE.

- Q. INSPECTION AND ENTRY The permittee shall allow the Secretary or an authorized representative of the Secretary upon the presentation of credentials 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 or equipment (including monitoring and control equipment).
  4. Have access to the MS4 for inspection and sampling.
- R. 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 non-compliance does not stay any permit condition.

#### PART VIII. PERMIT MODIFICATION

- A. MODIFICATION OF THE PERMIT: The permit may be reopened and modified during the life of the permit to address any of the following:
1. Changes in the Surface Water Quality Standards.
  2. Changes in State or Federal statutes or regulations.
  3. Changes in portions of the storm water management program that are considered permit conditions.
  4. Other modifications deemed necessary by the Secretary to meet the requirements of the Clean Water Act.

B. CHANGES IN MONITORING OUTFALLS

This permit is issued on a system-wide basis in accordance with both CWA § 402(p)(3)(i) and K.S.A. 65-165, and authorizes discharges from all portions of the Municipal Separate Storm Sewer System. Since all outfalls are authorized, changes in monitoring outfalls, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

PART IX. DEFINITIONS

"Annual Report" means a document submitted to KDHE by a permittee in compliance with the reporting requirements within a NPDES permit for a municipal separate storm sewer system.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

"Co-permittee" means a permittee to a NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.

"Contaminated Groundwater" means any water below the surface of the earth, except field soil capacity or capillary moisture, which has been polluted by micro-organisms, chemicals, wastes or sewage or the alteration of the physical, chemical, biological, or radiological properties of groundwater which creates or is likely to create a nuisance, or renders or is likely to render the groundwater harmful, detrimental or injurious to public health, safety or welfare, or to the environment or to the beneficial uses of the groundwater.

"Director" means the Director of the Division of Environment, Kansas Department of Health and Environment.

"Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System.

"Flow-weighted composite sample" also referred to as composite sample, means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge. For the purpose of this permit such samples of storm water discharges should be 3 hours duration or the length of the discharge event, whichever is shortest.

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) the following discharges, unless identified by the permittee or KDHE as a significant source of pollutants to waters of the United States, heat pump discharge water, and discharges resulting from fire fighting activities, street wash waters, dechlorinated swimming pool discharges, riparian habitat and wetland discharges, residential car wash waters, lawn watering, footing drains, crawl space pumps, springs, irrigation waters, air conditioning condensate, foundation drains, potable water sources, uncontaminated pumped groundwater, contaminated groundwater pumped into the storm sewers if authorized by KDHE and approved by the City of Wichita, uncontaminated groundwater infiltration, rising groundwater, diverted stream flow, landscape irrigation and water line flushing.

"Industrial Activity" means any anthropogenic conditions directly associated with manufacturing, processing or raw material storage areas at an industrial plant including but not limited to industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); 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 finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

"KDHE" means Kansas Department of Health and Environment.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"Large or Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G 40 CFR Part 122); or
- (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
- (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"MS4" is an acronym for "Municipal Separate Storm Sewer System".

"Municipal Separate Storm Sewer" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a State, City, Town, Borough, County, Parish, District, Association, or other public body (created by or pursuant to State Law) having

jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agricultural cropland or agricultural storm water runoff.

"Principal Pollutants of Concern" are, for the purpose of this permit, substances which have been identified by KDHE for a specific location or community, based on storm water monitoring, which are either documented or suspected as causing violations of Surface Water Quality Standards (K.A.R. 28-16-28b through 28-16-28e) due to high concentrations in storm water.

"Principal Executive Officer or Ranking Elected Official" means either the ranking elected official such as Mayor, Chairman of County Commission, Chairman of Township Board, President of Drainage District or alternately a ranking management employee such as City Manager, General Manager of Drainage District, Director of Public Works or Public Works Storm Water Engineer.

"Report Period" means the period of time addressed by the reports required by NPDES permits for municipal separate storm sewer systems. Annual reports are typically required, the first annual report covers the time period from the effective date of the permit to the first anniversary date of the effective date, the second annual report covers the time period from the first anniversary date of the effective date of the permit to the second anniversary date of the effective date etc.

"Secretary" means the Secretary of the Kansas Department of Health and Environment.

"Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

"Waters of the United States" means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate "wetlands";
- (c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.