

KANSAS WATER POLLUTION CONTROL MS4 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., 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 hereby authorized to discharge stormwater from the municipal separate storm sewer system (MS4) as described herein in accordance with the limitations, conditions and requirements set forth in this permit.

This permit is effective October 1, 2007, supercedes the previous issued water pollution control permit M-AR94-SO01 and expires September 30, 2012.



Secretary, Kansas Department of Health and Environment

September 28, 2007
Date

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

A. Permit Area and Application of Permit Conditions

1. This permit covers all areas within the permittee's municipality. The permit area shall include all areas which are incorporated into the municipality during the effective term of this permit.
2. Best management practices shall be implemented as follows:
 - a. the best management practices implemented to attenuate the discharge of each total maximum daily load (TMDL) regulated parameter listed in Part III of this permit must be implemented in the portion of the municipality which discharges to the associated stream or lake,
 - b. the best management practices implemented to attenuate the discharge of the Principal Pollutants of Concern listed in Part IV of this permit and the best management practices associated with the six minimum controls listed in Part V of this permit must be implemented throughout the municipality.

- B. Authorized Discharges This permit authorizes all existing or new stormwater point source discharges to waters of the state from the Municipal Separate Storm Sewer System (MS4) located within the permit area.

PART II. STORMWATER MANAGEMENT PROGRAM DOCUMENT

A stormwater management program (SMP) document which describes the SMP shall be prepared. The SMP document shall address each of the program areas (BMPs which will be implemented to ameliorate the discharge of TMDL regulated pollutants as required within Part III, BMPs which will be implemented to ameliorate the discharge of Principal Pollutants of Concern as required within Part IV, and BMPs which will be implemented in compliance with Part V. of this permit). The SMP document shall also specify the measurable goal of each BMP. The stormwater management program document shall include information as follows:

- A. The best management practices (BMPs) that will be implemented by the permittee,
- B. the measurable goals for each of the BMPs, and
- C. a map illustrating the permit area as defined in Part I. A. above.

A copy of the SMP document shall be submitted to KDHE for approval prior to the date established in PART VIII Permit Condition Deadlines. The permittee is encouraged to solicit public comment and participation in developing and evaluating the SMP.

The SMP document will be modified if the permittee and/or KDHE determines such modifications are needed to achieve the goals of the program. The SMP shall be evaluated annually and modifications, if necessary submitted with the annual report required in Part VII. B. of this permit.

PART III. TOTAL MAXIMUM DAILY LOAD (TMDL) BEST MANAGEMENT PRACTICES

The permittee shall implement best management practices (BMPs) to attenuate the discharge of the Total Maximum Daily Load (TMDL) regulated pollutants to the associated stream and/or lake as listed below:

TMDL Regulated Parameter	Associated Stream or Lake
Total Phosphorus	Little Arkansas River & Cowskin Creek
Total Nitrogen	Little Arkansas River & Cowskin Creek
Biochemical Oxygen Demand Pollutants	Little Arkansas River & Cowskin Creek
Suspended Solids (Sediment)	Little Arkansas River & Cowskin Creek
Bacteria	Little Arkansas River & Cowskin Creek Arkansas River & Whitewater River

These BMPs, intended to attenuate the discharge of the TMDL regulated pollutants, are to be implemented within the permit area wherever stormwater drains to the associated impaired stream or lake. At a minimum, one BMP shall be implemented for each of the listed TMDL regulated pollutants. The BMPs shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

Part IV. PRINCIPAL POLLUTANTS OF CONCERN

The permittee shall implement BMPs to attenuate the discharge of the Principal Pollutants of Concern from the MS4. The Principal Pollutants of Concern are biochemical oxygen demand (5-day), E. coli, total recoverable cadmium, total recoverable copper, and total recoverable zinc. These pollutants are selected based on the occasional high values identified with the stormwater monitoring conducted by the permittee. At a minimum, one BMP shall be implemented for each of the Principal Pollutants of Concern and these BMPs shall generally be implemented throughout the jurisdiction of the permittee. The BMPs shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

Part V. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS

The permittee shall develop, implement, and enforce a SMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the stormwater management program and the provisions of this permit constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." The SMP shall include BMPs for the TMDL regulated pollutants, as listed in Part III; the Principal Pollutants of Concern, as listed in Part IV; and the six minimum controls, as listed here in Part V of this permit.

Part V. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (continued)

- A. The permittee shall implement BMPs to attenuate the discharge of TMDL regulated pollutants in compliance with Part III. These BMPs shall be implemented prior to the date established in Part VIII Permit Condition Deadlines.
- B. The permittee shall implement BMPs to attenuate the discharge of Principal Pollutants of Concern in compliance with Part IV. These BMPs shall be implemented prior to the date established in Part VIII Permit Condition Deadlines.
- C. The six minimum control measures and the requirements imposed by this permit are listed and explained as follows:

1. Public Education and Outreach

The permittee shall implement a public education program which includes distribution of educational materials to the community or conducting equivalent outreach activities which address the impacts of stormwater discharges on water bodies and the steps the public can take to reduce pollutants in stormwater runoff.

The public education and outreach requirements as addressed above shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

2. Public Involvement and Participation

The permittee shall implement a public involvement and participation program to solicit public comment and recommendations regarding the BMPs and measurable goals utilized by the permittee to comply with this permit. The permittee shall comply with State and local public notice requirements when implementing a public involvement and participation program.

The public involvement and participation requirements as addressed above shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

3. Illicit Discharge Detection and Elimination

The permittee shall:

- a. develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4;
- b. develop a storm sewer system map of the permittee's MS4, showing the location of all outfalls, either pipes or open channel drainage, showing the names and location of all streams or lakes that receive discharges from those outfalls (a copy of the map shall be submitted to KDHE with the subsequent annual report);
- c. enact an ordinance to prohibit non-stormwater discharges, other than those discharges listed below in paragraph 3.e. of this part (Part V), into the storm sewer system and implement appropriate enforcement procedures and actions (a copy of the most recently adopted ordinance shall be submitted to KDHE with the subsequent annual report);
- d. inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and

Part V. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (continued)

- e. develop and implement a plan to detect and address prohibited non-stormwater discharges, including illegal dumping, to the storm sewer system. Unless identified by either the permittee or KDHE as a significant source of pollutants to waters of the State, the following examples of non-stormwater discharges are not prohibited from entering the Municipal Separate Storm Sewer System:
- I. water line flushing;
 - II. diverted stream flow;
 - III. rising groundwaters;
 - IV. uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;
 - V. uncontaminated pumped groundwater;
 - VI. contaminated groundwater if authorized by KDHE and approved by the municipality;
 - VII. discharges from potable water sources;
 - VIII. foundation drains;
 - IX. air conditioning condensate;
 - X. irrigation waters;
 - XI. springs;
 - XII. water from crawl space pumps;
 - XIII. footing drains;
 - XIV. individual residential car washing;
 - XV. flows from riparian habitats and wetlands;
 - XVI. dechlorinated swimming pool discharges excluding filter backwash;
 - XVII. street wash waters (excluding street sweepings which have been removed from the street);
 - XVIII. discharges or flows from emergency fire fighting activities;
 - XIX. heat pump discharge waters (residential only);
 - XX. treated wastewater meeting requirements of a NPDES permit; and
 - XXI. other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.

The illicit discharge detection and elimination requirements as addressed above shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

Part V. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (continued)

4. Construction Site Stormwater Runoff Control

The permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the development and implementation, at a minimum, of the following:

- a. enactment of an ordinance to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law; and
- b. requirements for construction site owners or operators to implement appropriate erosion and sediment control best management practices; and
- c. requirements for construction site owners or operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that are likely to cause adverse impacts to water quality; and
- d. procedures for site plan review which incorporate consideration of potential water quality impacts; and
- e. procedures for receipt and consideration of information submitted by the public; and
- f. procedures for site inspection and enforcement of control measures.

The construction site stormwater runoff control requirements as addressed above shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

5. Post-Construction Stormwater Management in New Development and Redevelopment Projects

The permittee shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must include the development and implementation, at a minimum, of the following:

- a. BMPs to prevent or minimize adverse water quality impacts; and
- b. strategies which include a combination of structural and/or non-structural BMPs appropriate for the municipality; and
- c. enact an ordinance to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- d. ensure adequate long-term operation and maintenance of BMPs.

The post-construction stormwater management in new development and redevelopment requirements as addressed above shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

Part V. STORMWATER MANAGEMENT PROGRAM REQUIREMENTS (continued)

6. Pollution Prevention/Good Housekeeping for Municipal Operations

The permittee shall develop and implement an operation and maintenance program that includes employee training to prevent and reduce stormwater pollution from municipal operations activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

The pollution prevention/good housekeeping for municipal operations requirements as addressed above shall be implemented prior to the date established in PART VIII Permit Condition Deadlines.

PART VI. MONITORING REQUIREMENTS

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 SMP. The permittee shall monitor the outfalls at the following monitoring locations:

MONITORING LOCATION NO.	LOCATION NAME	OUTFALL NO.	LAND USE
001S1	Huntington & Armour	B-228A/2959	Residential
002S1	Town East & Armour	C-057B/3159	Heavy Commercial
003S1	McLean & Walker	C-041A/3539	Light Industrial
004S1	Broadway & Arkansas River	C-049C/4141	Mixed
005S1 *	Cowskin Creek & Maple Street	B-284A/2816	Mixed
006S1 *	Cowskin Creek & W. Savannah	D-118A/4015	Residential
007S1 *	Little Arkansas River & Hood Street	B-229A/2036	Mixed
008S1 *	Little Arkansas River & W. Pine Street	B-134B/2736	Mixed
* Monitoring at these four locations is not required in the years 2007 and 2008. The requirement to monitor at these four locations shall become effective January 1, 2009.			

PART VI. MONITORING REQUIREMENTS (continued)

Monitoring at the first four sites (Location Nos. 001S1, 002S1, 003S1, and 004S1) shall be conducted quarterly (spring, summer, autumn and winter) for the following parameters:

<u>Parameter</u>	<u>Sample</u>
Biochemical Oxygen Demand (5-day) (mg/l)	Composite
Oil and Grease (mg/l)	Grab
Fecal Coliform (col/100ml)#	Grab
E. coli (Col/100 ml)#	Grab
Total Recoverable Cadmium (µg/l)	Composite & Grab
Dissolved Cadmium (µg/l)	Composite & Grab
Total Recoverable Copper (µg/l)	Composite & Grab
Dissolved Copper (µg/l)	Composite & Grab
Total Recoverable Zinc (µg/l)	Composite & Grab
Dissolved Zinc (µg/l)	Composite & Grab
Hardness as CaCO ₃ (mg/l)	Composite & Grab
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab

NOTE: In addition to the above monitoring requirements, at location No. 002S1 (Town East & Armour) and location No. 003S1 (McLean & Walker), the permittee shall also sample the receiving stream upstream of the stormwater outfall junction with the receiving stream during at least two runoff events annually. These samples of the receiving stream shall be obtained concurrent with the corresponding Monitoring Location samples, and these samples shall be tested for the Principal Pollutants of Concern as listed in Part IV of this Permit. Grab samples will be allowed from the upstream sampling provided it is documented in the report.

MONITORING LOCATION NO.	STREAM MONITORING LOCATION DESCRIPTION:
002SG	Upstream of junction with ML 002S1
003SG	Upstream of junction with ML 003S1

<u>Parameter</u>	<u>Sample</u>
Biochemical Oxygen Demand (5-day) (mg/l)	Grab
Fecal Coliform (col/100ml)#	Grab
E. coli (Col/100 ml)#	Grab
Total Recoverable Cadmium (µg/l)	Grab
Dissolved Cadmium (µg/l)	Grab
Total Recoverable Copper (µg/l)	Grab
Dissolved Copper (µg/l)	Grab
Total Recoverable Zinc (µg/l)	Grab
Dissolved Zinc (µg/l)	Grab

#By July 1, 2008, permittee shall switch from the fecal coliform to the E. coli test.

PART VI. MONITORING REQUIREMENTS (continued)

Monitoring at the last four sites (Monitoring Location Nos. 005S1, 006S1, 007S1, and 008S1) shall become effective January 1, 2009, and shall be conducted quarterly (spring, summer, autumn and winter) for the following parameters:

<u>Parameter</u>	<u>Sample</u>
Biochemical Oxygen Demand (5-day) (mg/l)	Composite
Fecal Coliform (col/100ml)#	Grab
E. coli (Col/100 ml)#	Grab
Total Recoverable Cadmium (µg/l)	Composite & Grab
Total Recoverable Copper (µg/l)	Composite & Grab
Total Recoverable Zinc (µg/l)	Composite & Grab
Hardness as CaCO ₃ (mg/l)	Composite & Grab
Total Phosphorus (mg/l)	Composite
Total Kjeldahl Nitrogen (mg/l)	Composite
Nitrate (mg/l)	Composite
Total Suspended Solids (mg/l)	Composite & Grab
Total Dissolved Solids (mg/l)	Composite & Grab
Chloride (mg/l)	Composite & Grab

NOTE: In addition to the above monitoring requirements, at location No. 005S1 (Cowskin Creek & Maple Street) and location No. 007S1 (Little Arkansas River & Hood Street), the permittee shall also sample the receiving stream upstream of the stormwater outfall junction with the receiving stream during at least two runoff events annually. These samples of the receiving stream shall be obtained concurrent with the corresponding Monitoring Location samples, and these samples shall be tested for the Principal Pollutants of Concern as listed in Part IV of this Permit. Grab samples will be allowed from the upstream sampling provided it is documented in the report.

MONITORING LOCATION NO.	STREAM MONITORING LOCATION DESCRIPTION:
005SG *	Upstream of junction with ML 005S1
007SG *	Upstream of junction with ML 007S1
* Monitoring at these two locations is not required in the years 2007 and 2008. The requirement to monitor at these two locations shall become effective January 1, 2009.	

<u>Parameter</u>	<u>Sample</u>
Biochemical Oxygen Demand (5-day) (mg/l)	Grab
Fecal Coliform (Col/100ml)#	Grab
E. coli (Col/100 ml)#	Grab
Total Recoverable Cadmium (µg/l)	Grab
Total Recoverable Copper (µg/l)	Grab
Total Recoverable Zinc (µg/l)	Grab

#By July 1, 2008, permittee shall switch from the fecal coliform to the E. coli test.

PART VI. MONITORING REQUIREMENTS (continued)

Grab samples should be obtained and composite sampling should begin within 30 minutes of initiation of discharge. Composite samples should be collected at 30 minute intervals 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.

After January 1, 2011, the permittee may request KDHE revise the test requirements of this permit to eliminate or reduce the total recoverable metals tests or dissolved metals tests requirement based upon the tests being redundant or of limited use.

PART VII. RECORDKEEPING AND REPORTING

A. Records

A copy of this NPDES permit, the current stormwater management program document and all annual reports shall be retained by the permittee at a location accessible to the public and KDHE. The permittee shall retain these records for a period of at least 3 years from the expiration date of this NPDES permit.

B. Reporting

The permittee shall submit annual reports to the permitting authority, KDHE. The reports must include:

1. the status of compliance with permit conditions, an assessment of the appropriateness of the best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals for each of the minimum control measures as listed in the stormwater management program document;
2. results of information collected and analyzed during the reporting period, including stormwater monitoring data used to assess the success of the program at reducing the discharge of pollutants; and
3. a summary of the stormwater activities which are scheduled to be undertaken during the next reporting cycle (including an implementation schedule).

The annual report as addressed above shall be submitted to KDHE prior to the date established in PART VIII Permit Condition Deadlines.

PART VIII. PERMIT COMPLIANCE DEADLINES

- A. A copy of the SMP document shall be submitted to KDHE for approval prior to the date one year after the effective date of this permit (October 1, 2008). See Part II.
- B. For any TMDL regulated pollutants listed in Part III of this permit, the permittee shall begin implementation of BMPs to attenuate the discharge of the regulated pollutants to the associated stream and/or lake prior to the date two years after the effective date of this permit (October 1, 2009). See Part III.
- C. For the Principal Pollutants of Concern listed in Part IV of this permit, the permittee shall begin implementation of BMPs to attenuate the discharge of such pollutants prior to the date two years after the effective date of this permit (October 1, 2009). See Part IV.
- D. The public education and outreach requirements shall be initiated prior to the date one year after the effective date of this permit (October 1, 2008). See Part V. C. 1.
- E. The public involvement and participation requirements shall be initiated prior to the date one year after the effective date of this permit (October 1, 2008). See Part V. C. 2.
- F. The illicit discharge detection and elimination requirements shall be initiated prior to the date two years after the effective date of this permit (October 1, 2009). See Part V. C. 3.
- G. The construction site stormwater runoff control requirements shall be initiated prior to the date one year after the effective date of this permit (October 1, 2008). See Part V. C. 4.
- H. The post-construction stormwater management in new development and redevelopment requirements shall be initiated prior to the date two years after the effective date of this permit (October 1, 2009). See Part V. C. 5.
- I. The pollution prevention/good housekeeping for municipal operations requirements shall be initiated prior to the date two years after the effective date of this permit (October 1, 2009). See Part V. C. 6.
- J. Annual reports shall be submitted to KDHE by April 1 of each year for the previous calendar year. See Part VII. B.

PART IX. STANDARD CONDITIONS

A. Duty to Comply

The permittee must comply with all conditions of the permit pursuant to Kansas statutes, regulations and Federal law.

PART IX. STANDARD CONDITIONS (continued)

B. Continuation of the this Permit After the Expiration Date

This permit may continue in force and effect after the expiration date if:

1. The permittee has applied for renewal at least 180 days before the existing permit expires and,
2. Through no fault of the permittee, the permitting authority fails to re-issue the permit in a timely manner.

C. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are used to achieve compliance with the conditions of the permit.

D. Permit Modifications and Terminations

As provided by K.A.R. 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended, revoked, or terminated in whole or in part during its term for cause as provided for, but not limited to those set forth in K.A.R. 28-16-62 and K.A.R. 28-16-28b through f.

The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. Filing of a request, by the permittee, for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

E. Severability

The provisions of this permit are severable. 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.

F. Change in Discharge

All stormwater discharges shall be in compliance with the conditions of the permit. Modification or expansion of the storm sewer system is allowed. All new storm sewer segments and outfalls constructed after the effective date of the permit, which are located within the permit area, are authorized under the permit and must comply with the permit conditions.

G. Removed Substances

Solids, sludge, sediments, or other pollutants removed in the course of treatment or control of stormwater runoff shall be properly managed in accordance with applicable statutes and regulations to prevent pollution of surface water, groundwater, or soil.

PART IX. STANDARD CONDITIONS (continued)

H. Civil, Criminal, and Administrative Penalties

Kansas law provides for civil and criminal punishment including fines and imprisonment for violations of this permit. Nothing in this permit shall be construed to relieve the permittee from civil, criminal, and/or administrative penalties as provided for in K.S.A. 65-171f, K.S.A. 65-170d, K.S.A. 65-167, and 33 U.S.C. Section 1319 (enforcement). Knowingly making any false statement on any report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 U.S.C. Section 1319 and K.S.A. 65-170c.

I. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, nor any invasion of personal rights, nor any infringement or violation of Federal, State or local laws or regulations.

J. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any damage to the environment or hazard to human health from any discharge in violation of this permit.

K. Availability of Records

Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of the permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

L. Right of Entry

The permittee shall allow authorized representatives of the Kansas Department of Health and Environment or the Environmental Protection Agency, upon the presentation of credentials, to enter upon the permittee's premises where storm sewers regulated under the permit are located, or in which are located any records required by the permit.

M. Bypass

Any diversion or bypass of facilities necessary to maintain compliance with this permit is prohibited except where necessary to prevent loss of human life, personal injury, or severe property damage, and where no feasible alternative to the bypass exists.

N. Proper Operation and Maintenance

The permittee shall at all times properly implement the six minimum requirements and BMPs as required by this permit and/or identified in the permittee's SMP, to achieve compliance with the conditions of this permit. Proper implementation includes effective performance, adequate funding, and adequate operator staffing and training.