

Kansas Permit No.: M-KDOT-SU01

Federal Permit No.: KSR410051

KANSAS WATER POLLUTION CONTROL  
TRANSPORTATION SEPARATE STORM SEWER SYSTEM (TS4) 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",

Permittee: Kansas Department of Transportation

Permittee's Address: 700 Harrison, 7<sup>th</sup> Floor  
Topeka, KS 66603

is hereby authorized to discharge stormwater from the Transportation Separate Storm Sewer System (TS4) as described herein in accordance with the limitations, conditions and requirements set forth in this permit.

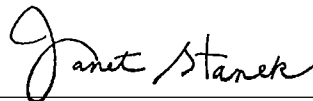
This permit supersedes the previously issued MS4 KDOT permits: M-KS27-SU01, M-KS31-SU02, M-KS38-SU01, M-MO05-SU01, M-KS72-SU02, and M-AR94-SU02.

This permit is effective February 1, 2024 and expires December 31, 2028.

PERMIT AREA AND AUTHORIZED DISCHARGES

This permit is issued to authorize stormwater discharge from the Kansas Department of Transportation's (KDOT) permit area. The permit area is defined as KDOT owned and operated property including roadway right-of-way, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations which are located in Urban Areas of 50,000 or more as defined by the most current U.S. Decennial Census. The permit area for this permit cycle is the Urban Areas of Kansas City, Lawrence, Manhattan, Topeka, St. Joseph, MO, and Wichita. Property that is owned by KDOT but operated by other MS4 permittees, as described in independent resolutions or agreements/contracts, is not subject to the requirements of this permit.

This permit authorizes the discharge of all existing or new stormwater point source discharges from the Transportation Separate Storm Sewer System (TS4) located within the Permit Area. New stormwater discharges are those which are created and/or incorporated into the permittee's TS4 during the term of this permit.



Secretary, Kansas Department of Health and Environment

January 25, 2024  
Date

**PART I. STORMWATER MANAGEMENT PROGRAM (SMP) DOCUMENT REQUIREMENTS**

**A. Current Stormwater Management Program**

The permittee shall continue to implement and enforce the current Stormwater Management Program (SMP), as documented in the SMP document, until an updated SMP is implemented.

Any updated SMP shall be designed to:

1. Reduce the discharge of pollutants from the Transportation Separate Storm Sewer System (TS4) to the Maximum Extent Practicable (MEP).
2. Continue to implement the six minimum control measures as listed in PART I Section C.
3. Satisfy the requirements of this permit, the Clean Water Act and Kansas surface water quality statutes and regulations.

Implementation of Best Management Practices (BMPs) consistent with the provisions of the SMP document and this permit constitutes compliance with the standard of reducing pollutants to the Maximum Extent Practicable.

**B. Updated Stormwater Management Program document**

The SMP shall be updated and submitted to KDHE between January 1 and February 28 of 2025. Some specific requirements for updating the SMP document are addressed in PART II. "Total Maximum Daily Load (TMDL) Regulated Pollutants." To comply with new EPA regulations [National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System General Permit Remand Rule (Remand Rule)], as finalized and effective January 9, 2017, this permit must include requirements in clear, specific, and measurable terms. The Remand Rule was published on December 9, 2016 in the Federal Register, Vol. 81, No. 237 beginning on page 89320.

This rule clarifies that terms and conditions must be expressed in terms which are "clear, specific, and measurable." The permit requirements must be enforceable and must provide a set of performance expectations and schedules readily understood by the permittee, the public, and the permitting authority alike. To provide as much flexibility to the permittee in implementing their stormwater management program in compliance with this permit and the Remand Rule, KDHE has elected to establish a point system and a list of various BMPs, tasks, or other conditions with associated point values to be tallied and demonstrate compliance with the total point requirement for each of the Six Minimum Control Measures.

Modification of the SMP is permitted as the need arises. Modifications can be accomplished with any of the following methods:

1. Normally the SMP document is updated near the end of the calendar year and submitted to KDHE for review along with the annual report which is due after the first of the calendar year but before the 28<sup>th</sup> of February. In this case the permittee can begin implementation of the new SMP as soon as they have submitted the SMP to KDHE. The permittee shall continue to implement the most recently submitted SMP until an updated SMP, which complies with this permit, is submitted to KDHE. The updated SMP as submitted must be accepted by KDHE. If KDHE finds the SMP is not acceptable, requirements for modification and resubmittal will be addressed to the permittee.

B. Updated Stormwater Management Program document (continued)

2. If it becomes necessary to modify the SMP at some time other than when the annual report is submitted to KDHE, the permittee may make the modifications to the SMP document and submit the SMP document to KDHE for acceptance. KDHE may provide full acceptance of the modified SMP, or may provide conditional acceptance, may require revision of the modified SMP document and resubmission for subsequent review or may elect to not accept the modified SMP.
3. KDHE may require the permittee modify the SMP at any time, requirements for modification and resubmittal will be addressed to the permittee.

C. Six Minimum Control Measures

The Permittee is responsible for implementing a stormwater management program to comply with the requirements of 40 CFR 122.34, including implementation of the six minimum control measures, as described in the body of this permit. In addition to the program requirements, the Permittee is responsible for implementing adequate BMPs, listed in Appendices A through G, to claim at least the required number of points in each calendar year. Claiming points alone does not satisfy the requirements of this permit if the program does not comply with the requirements of 40 CFR 122.34.

For all six minimum control measures, documentation of compliance with each measure's goal and implementation schedule must be maintained on file by the permittee. Permittee is responsible for implementing an adequate program to comply with the requirements of this permit and be able to claim the associated required BMP points. Extent of point compliance, i.e., equaling or exceeding the required annual point total or failure to reach the required annual point total, must be reported in the Annual Report.

For any of the six minimum control measures, the permittee may suggest additional BMPs for all minimum control measures that are not included in any of the BMPs listed in the tables. The permittee must propose the point value associated with the additional BMP and describe how the additional BMP meets the intent of this permit. KDHE may choose to accept, accept with modifications, or deny the additional BMP. It is recommended that the permittee gain approval from KDHE to use any additional BMPs prior the annual reporting period so that permittee is not reliant on additional BMPs for points that may be denied.

Additional helpful guidance and/or resources in implementing the six minimum control measures can be found at the following link:

<https://www.kdhe.ks.gov/DocumentCenter/View/28893/MS4-NPDES-Permit-Helpful-Guidance-andor-Resources-PDF>

Document titled "MS4 NPDES Permit Helpful Guidance and/or Resources"

The six minimum control measures and requirements are as follows:

1. Public Education and Outreach

The permittee shall implement an education program that focuses on stormwater topics relevant to transportation and steps that the KDOT Community and the general public can take to reduce pollutants in stormwater runoff. The KDOT Community is comprised of KDOT staff and external partners including contractors and consultants. The general public is comprised of users of KDOT's facilities or services that are not defined as members of the KDOT Community.

1. Public Education and Outreach (continued)

The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 7 points total per calendar year. Appendix A lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year. The permittee may request that KDHE accept additional BMPs of the permittee's creation that meets the intent of this minimum control measure for a reasonable number of points, as described under Part C.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed number of points. If any measurable goals are met through the Adopt-A-Highway program, points can be claimed.

2. Public Involvement/Participation

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

The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 6 points total per calendar year. Appendix B lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year. The permittee may request that KDHE accept additional BMPs of the permittee's creation that meets the intent of this minimum control measure for a reasonable number of points, as described under Part C.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed number of points. If any measurable goals are met through the Adopt-A-Highway program, points can be claimed.

3. Illicit Discharge Detection and Elimination

The permittee shall:

- a. Continue to implement and enforce a program to detect and eliminate illicit discharges into the TS4.
- b. Maintain a storm sewer system map of the permittee's TS4, showing the location of all outfalls and the names and location of all streams or lakes receiving discharges from those outfalls. A copy of the map shall be submitted to KDHE with the annual report if requested by KDHE.
- c. Maintain, implement, and enforce an ordinance, a resolution, or other enforceable requirement, if the permittee has the authority to do so, to prohibit non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions. A copy of the ordinance, resolution, or requirement shall be submitted to KDHE with the annual report if requested by KDHE.
- d. Inform the KDOT community of hazards associated with illegal discharges and improper disposal of waste.

3. Illicit Discharge Detection and Elimination (continued)

e. Develop and implement a plan to detect/inspect for 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, several types of non-stormwater flow are not normally prohibited from entering the Transportation Separate Storm Sewer System:

Discharges which are not necessarily prohibited include:

Water line flushing	Footing drains
Diverted stream flows	Lawn watering
Rising ground waters	Individual residential car washing
Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers	Occasional not-for-profit car wash activities
Uncontaminated pumped groundwater	Flows from riparian habitats and wetlands
Contaminated groundwater if authorized by KDHE and approved by the department	Dechlorinated swimming pool discharges excluding filter backwash
Discharges from potable water sources	Street wash water (excluding street sweepings which have been removed from the street)
Foundation drains	Discharges or flows from firefighting activities
Air condition condensation	Heat pump discharge waters (residential only)
Springs	Treated wastewater meeting requirements of an NPDES permit
Irrigation waters	Sump pump drains
Water from crawl space pumps	Other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or nuisance

The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 7 points total per calendar year. Appendix C lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year. The permittee may request that KDHE accept additional BMPs of the permittee's creation that meets the intent of this minimum control measure for a reasonable number of points, as described under Part C.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed number of points.

4. Construction Site Stormwater Runoff Control

The permittee shall continue to maintain a program to reduce pollutants in any stormwater runoff to the TS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Projects disturbing less than one acre must be included in the program if that activity is a part of a larger construction plan that will disturb one acre or more within the permit area. The program must include, at a minimum, all the following:

- a. Maintain, implement, and enforce a resolution, contract, or other enforceable requirement, to require erosion and sediment controls. An updated copy of erosion and sediment controls required by KDOT, currently included as Section 901 of KDOT's Special Specifications, shall be submitted to KDHE with the annual report, if changes are made.
- b. Implement and maintain requirements for construction site operators to implement appropriate erosion and sediment control best management practices.
- c. Maintain requirements for construction site 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.
- d. Maintain procedures for construction plan review which incorporate consideration of potential water quality impacts.
- e. Maintain procedures for receipt and consideration of information submitted by the public.
- f. Maintain procedures for site inspection and corrective actions.

The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 6 points total per calendar year. Appendix D lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year. The permittee may request that KDHE accept additional BMPs of the permittee's creation that meets the intent of this minimum control measure for a reasonable number of points, as described under Part C.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed number of points.

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

The permittee shall continue to maintain a program to address post-construction stormwater runoff from department projects in the permit area that disturb an area greater than or equal to one acre. Projects disturbing less than one acre must be included in the program if the project is a part of a plan that will disturb one acre or more within the permit area. The program must include, at a minimum, all the following:

- a. Implement and maintain a requirement for BMPs to prevent or minimize adverse water quality impacts.
- b. Implement and maintain strategies which include a combination of structural and/or non-structural BMPs appropriate for the department.

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

- c. Implement and maintain guidance to address post-construction runoff from department projects
- d. Provide adequate long-term operation and maintenance of structural BMPs.

The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 7 points total per calendar year. Appendix E lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year. The permittee may request that KDHE accept additional BMPs of the permittee's creation that meets the intent of this minimum control measure for a reasonable number of points, as described under part C.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed number of points.

6. Pollution Prevention/Good Housekeeping for Operations & Maintenance

The permittee shall continue to implement an operation and maintenance program that includes KDOT community training to prevent and reduce stormwater pollution from department operational activities in open space maintenance, fleet and building maintenance, new construction and land disturbances, stormwater system maintenance, maintenance yards, and storage yards in the permit area.

The implementation of BMPs for this minimum control measure must result in accumulation of a minimum of 6 points total on per calendar year. Appendix F lists various BMPs, measurable goals, and the required timing-period or implementation-schedule to qualify for the points in the year. The permittee may request that KDHE accept additional BMPs of the permittee's creation that meets the intent of this minimum control measure for a reasonable number of points, as described under Part C.

In cases where the permittee is already implementing a BMP which qualifies for points, they may continue implementation of the BMP and earn the listed number of points.

**PART II. TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS**

The permittee is required to implement Best Management Practices (BMPs) that will attenuate the discharge of TMDL regulated pollutants from the TS4 to Waters of the State to the Maximum Extent Practicable. The effort to reduce the discharge of TMDL regulated pollutants is anticipated to be an iterative process. The permittee shall determine the effectiveness of BMPs and make updates to the SMP when necessary. This permit does not require the permittee to conduct surface water monitoring and report the results to KDHE through the DMR process, however, the permittee may conduct surface water monitoring at their own discretion to evaluate the effectiveness of BMPs.

- A. Total Maximum Daily Loads, TMDLs, are established for waters found on the CWA Section 303d list of impaired waters. The purpose of the TMDL is to define the necessary and allowable pollutant load that may enter those impaired waters, so those waters attain a condition that fully supports all their designated uses. The TMDL then allocates portions of that allowable load among the likely point and non-point sources discharging the pollutant into the water or its watershed. Implementation of the TMDL by the NPDES and 319 programs brings about reductions in current loading from those sources through numeric goals or narrative actions to the allowable level allocated to each source.

The permittee shall implement BMPs to reduce to the Maximum Extent Practicable the discharge of the following TMDL regulated pollutants from the TS4 area to the watershed of impaired streams and/or lakes. A list of impaired surface waters can be found on the KDHE website under Watershed Planning, Monitoring, & Assessment. KDHE reserves the right to re-open this permit to impose Waste Load Allocations pursuant to Kansas law after such criteria or a TMDL limiting pollutants is adopted in the Kansas Surface Water Quality Standards.

TMDL Regulated Pollutants		
Bacteria	Nutrients	Sediment

**B. Recordkeeping Requirements**

The permittee shall keep a record of the following items but is not required to report this information in the SMP or annual report.

1. Develop and maintain an inspection/maintenance plan and schedule for each newly constructed BMP, as appropriate.
2. Maintain a schedule for constructing and/or implementing BMPs in the upcoming year to reduce the discharge of TMDL regulated pollutants when applicable.
3. Develop and maintain maps which illustrate the Permit Area and boundaries of the contributing drainage basins to TMDL listed impaired streams or lakes.
  - a. Include outfalls of the storm sewer collection system within the Permit Area where the TS4 drains to TMDL listed impaired streams or lakes.
  - b. Include the location of any constructed structural BMPs located in the contributing drainage basin of the TMDL listed impaired streams or lakes.

**C. Stormwater Management Plan (SMP) Requirements**

**1. Best Management Practices (BMPs)**

- a. In the SMP, include a plan to implement BMPs to address TMDL regulated pollutants. BMPs may be non-structural or structural measures. BMPs included in the Minimum Control Measure Appendices of this permit may be included in the permittee's plan to reduce TMDL regulated pollutants.



1. Best Management Practices (BMPs) (continued)

- b. Include a description of non-structural practices being implemented, including the six minimum control measures and/or other source control measures.
- c. Identify the design factors associated with the structural BMPs.

2. Assessment of Effectiveness

As with the implementation of all stormwater BMPs in the permittee's SMP, BMPs implemented must be evaluated for pollutant reduction effectiveness.

- a. Include information on the reported effectiveness of reducing TMDL regulated pollutants for each chosen BMP based on regionally appropriate data or performance analyses.
- b. Include a plan and schedule to evaluate the effectiveness of the BMPs to reduce the discharge of TMDL regulated pollutants. These results shall be summarized and reported in the Annual Report as required in Part IV. REPORTING.

C. Alternative Stormwater Offsite Pollution Reduction Program

As appropriate, when waters of the state are affected by TMDL regulated pollutants from both the Permit Area and surrounding non-jurisdictional lands, the permittees may incorporate and implement plans through their SMP for an offsite pollution reduction program to install Best Management Practices (BMPs) in alternative locations, including outside the Permit Area, within the watershed shared by urban entities or urban and non-urban entities. Any alternative stormwater offsite pollution reduction program should be developed with watershed interests, such as other communities, Watershed Restoration and Protection Strategy (WRAPS) groups and Conservation Districts lying outside the Permit Area for the joint purpose of reducing pollutant loads generated from urban and non-urban lands within the shared watershed. Candidate offsite locations and practices will be consistent with implementing existing watershed plans that identify specific urban and non-urban (such as agricultural) BMP types and locations to achieve TMDLs reductions.

The Alternative Stormwater Offsite Pollution Reduction Program shall be subject to KDHE approval and approved by KDHE prior to incorporation into the permittee's SMP.

**PART III. PERMIT COMPLIANCE ACTIVITIES AND SCHEDULES**

The permittee shall adhere to the following requirements:

- A. Continue to implement and report a stormwater management program to comply with the requirements of 40 CFR 122.34, including the implementation of the six minimum control measure requirements.
- B. The required submittal of the updated Stormwater Management Program document shall be submitted by February 28, 2025.
- C. Continue to implement and report on activities chosen for each of the six minimum elements and TMDL in 2024 and subsequent years.
- D. Tally and report the points generated by activities implementing the six minimum elements as part of the Annual Report submitted to KDHE.
- E. Updates to the SMP document should be included as part of the Annual Report submitted to KDHE by February 28 of each year covered by the term of this permit.

PART IV. REPORTING

The permittee shall submit a calendar year annual report to KDHE by February 28 of each year. The annual report shall be submitted to KDHE in the form specified by KDHE. Normally an annual report template (Basic Report) is posted on the KDHE website in the last three months of each year. The report template can be downloaded and completed. The completed annual report along with attachments or other documents which need to be submitted in association with the annual report shall all be submitted in the format specified by KDHE and using a procedure outlined in the Basic Report. The annual report shall cover the activities during the previous calendar year and must include:

- A. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, results of information collected and analyzed (for example test results, surveys, or public comments/input, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable, and the measurable goals (with an indication of the progress toward meeting the goals) for each of the six minimum control measures.
- B. Provide a summary of the stormwater activities that were scheduled to be undertaken during the previous calendar year and the status of these activities.
- C. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year.
- D. Provide a description of significant changes in any of the implemented BMPs.
- E. Provide copies of any requirements or regulations which were updated in the last year and are associated with the SMP.
- F. Provide a list of other parties (such as municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.
- G. For Best Management Practices (BMPs), which are directed at reducing the discharge of TMDL regulated pollutants, provide an update on the evaluated effectiveness.
- H. EPA's National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule ("NPDES eRule") requires regulated entities to report data electronically. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule. Unless a waiver has been approved by KDHE, permittees are required to submit information electronically. The electronic reporting system is called the **Kansas Environmental Information Management System (KEIMS)** and can be accessed at <https://keims.kdhe.ks.gov>. Upon KDHE request, associated lab reports can also be submitted in KEIMS.

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**APPENDIX A:**  
**Public Education and Outreach (P Ed & O) BMP Table**

**APPENDIX A: Public Education and Outreach (P Ed & O) BMP Table**

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp P Ed &amp; O - 01</b></p> <p>Maintain a stormwater webpage for the permittee.</p>	<p>Maintain the webpage with up to date information with all links effective and valid information. Check all links and update website at a minimum annually.</p>	<p>The webpage must be available throughout the year once it is posted and initially made available. In the initial year posted it must be available for a minimum of 3 months to qualify for the points. In subsequent calendar years the points may be claimed if the webpage has been maintained throughout the twelve months.</p>	<p>2 points may be claimed for each year the webpage is maintained and available.</p>
<p><b>Lbmp P Ed &amp; O - 02</b></p> <p>Distribute educational materials addressing various pertinent stormwater public education topics.</p>	<p>Track any physical materials printed for distribution. This should include the topic, number of copies printed, and distribution method.</p> <p>Track any digital educational materials distributed. This should include topic, number of people reached in distribution, and distribution method (i.e. email, inclusion in KDOT newsletter, website post, or social media post).</p>	<p>Materials are to be distributed in at least two separate batches, ideally in separate seasons (either winter, spring, summer or fall).</p>	<p>2 points may be claimed in a year in which materials are distributed.</p>
<p><b>Lbmp P Ed &amp; O - 03</b></p> <p>Provide training to the KDOT community covering various stormwater topics.</p>	<p>Track training including topic and number of courses offered per year.</p>	<p>Training for staff should be available throughout the year in which points are claimed.</p>	<p>2 points may be claimed in years when KDOT offers required training for staff and contractors.</p>

**APPENDIX A: Public Education and Outreach (P Ed & O) BMP Table**

<p><b>Lbmp P Ed &amp; O - 04</b></p> <p>Post the department's TS4 permit and SMP document on the department's webpage.</p>	<p>The two documents must be posted for at least six months of the year to claim one point.</p>	<p>Months for which the posting occurs must be within the year for which points are claimed. No "carryover" of months from one year to the next.</p>	<p>1 point may be claimed for posting each year (minimum of at least six months).</p>
<p><b>Lbmp P Ed &amp; O - 05</b></p> <ol style="list-style-type: none"> <li>1. Operate an information booth at a large public event, (such as a sports event, fair, or music festival) where at least an estimated 1,000 or more individuals attend.</li> <li>2. Alternately, operate an information booth at multiple public events, (such as a sports event, fair, or music festival) where a cumulative estimated total of 3,000 or more individuals attend.</li> <li>3. And finally, a single point can be claimed for operating an information both at a public event where at least an estimated 200 or more individuals attend.</li> </ol>	<p>Provide information about stormwater topics of current interest.</p>	<p>All events shall have the booth staffed by the permittee for at least 50% of the days the event occurs.</p>	<p>2 points may be claimed each year this BMP is implemented in compliance with the specified requirements for alternative 1. (1,000 or more attendees) or alternative 2. (3,000 attendees).</p> <p>Finally, 1 point may be claimed each year this BMP is implemented in compliance with the specified requirements for alternative 3 (200 attendees).</p>
<p><b>Lbmp P Ed &amp; O - 06</b></p> <p>Create informative signage or an infographic to display on digital or physical signage at KDOT owned facilities to disseminate information</p>	<p>Post digital or physical signage in at least one location.</p>	<p>The signage shall address stormwater topics of concern.</p>	<p>1 point may be claimed in any year digital or physical signage is posted.</p>

**APPENDIX A: Public Education and Outreach (P Ed & O) BMP Table**

<p>on stormwater related topics with the intended audience being the KDOT Community.</p>			
<p><b>Lbmp P Ed &amp; O - 07</b></p> <p>Create informative signage or an infographic to display on digital or physical signage within the permit area to disseminate information on stormwater related topics with the intended audience being the general public.</p>	<p>Post digital or physical signage in at least one location.</p>	<p>The signage shall address stormwater topics of concern.</p>	<p>1 point may be claimed in any year digital or physical signage is posted.</p>
<p><b>Lbmp P Ed &amp; O - 08</b></p> <p>Operate an adopt a highway program to utilize public volunteers to clean road right-of-way.</p>	<p>The volunteers shall clean at least a two-mile segment of road either within the permit area or adjacent to the permit area.</p>	<p>The road right-of-way shall be cleaned at least once per year. Points may be claimed for any year in which cleaning has occurred.</p>	<p>2 points may be claimed in any year an adopt a highway program is implemented.</p> <p>An additional 2 points may be claimed in any year the number of volunteers participating in the program exceeds the previous year, for a total of 4 points.</p>
<p><b>Lbmp P Ed &amp; O - 09</b></p> <p>Develop or participate in ongoing public awareness campaigns on pertinent stormwater public education topics through the department's website, social media and/or other social media outlets.</p>	<p>Publish or share content on the department's online platform(s) at least three times per year. Record post topic, the number of impressions, and engagement for each post. Include link to permittee's stormwater education website.</p>	<p>The required number of posts must be made within the year for which points are claimed.</p>	<p>3 points can be claimed in a year which the required number of posts have been made.</p>

**APPENDIX B:**  
**Public Involvement/Participation (P I/P) BMP Table**

**APPENDIX B: Public Involvement/Participation (P I/P) BMP Table**

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp P I/P - 01</b></p> <p>Post the Stormwater Management Program on the department's website and allow for public comments regarding the SMP.</p>	<p>Track the number of comments received annually. Retain copies of any public comments received.</p>	<p>The comment mechanism must be available to the public for at least six months in the year to claim the points.</p>	<p>2 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P I/P - 02</b></p> <p>Provide a stormwater hotline, either telephone or web based, for public reporting of stormwater issues.</p>	<p>Track how many reports are received annually. Respond to any reports within 10 business days.</p>	<p>The hotline/ reporting system must be available to the public for at least six months in the year to claim the points.</p>	<p>2 points may be claimed for each year the hotline / reporting system is maintained and available.</p>
<p><b>Lbmp P I/P - 03</b></p> <p>At project meetings, incorporate TS4 permit related discussion into the overall presentation about the project.</p>	<p>Track the date presented and approximate number of attendees.</p>	<p>Points may be claimed each year in which TS4 topics are presented at a meeting.</p>	<p>1 point may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P I/P - 04</b></p> <p>Provide opportunities for the general public or the KDOT Community to engage in cleanup activities and improve water quality in the permit area.</p>	<p>Provide opportunities in the permit area. These opportunities can be any of the following: Environmental restoration events, litter cleanups, stream cleanups, tree plantings, or stream monitoring.</p>	<p>At least two events in compliance with the stated goals must be conducted within the year for which points are claimed.</p>	<p>3 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>
<p><b>Lbmp P I/P - 05</b></p> <p>Hire an intern (either paid or unpaid) high school or college age to work on stormwater related tasks.</p>	<p>Intern(s) must receive the same stormwater related training a new full-time employee would receive, within the first six months of the full-time employee's employment, during their internship.</p>	<p>The internship must last at least 8 weeks in the year when points are claimed.</p>	<p>2 points may be claimed each year this BMP goal is achieved per intern.</p>



**APPENDIX B: Public Involvement/Participation (P I/P) BMP Table**

<p>Lbmp P I/P - 06</p> <p>Make updated online storm sewer map accessible to the public.</p>	<p>Map shall cover the entire TS4 within the permit area, showing the location of all outfalls and the names and location of all streams or lakes receiving discharges from those outfalls.</p>	<p>For each year in which the map is posted online and made available to the public, points may be claimed. In the first year the map is posted it must be posted for at least six months for points to be claimed.</p>	<p>3 points may be claimed for every year the map is made available to the public.</p>
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**APPENDIX C:**  
**Illicit Discharge Detection and Elimination (I D D & E) BMP Table**

**APPENDIX C: Illicit Discharge Detection and Elimination (I D D & E) BMP Table**

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp I D D &amp; E - 01</b></p> <p>Develop a spill response plan for facility management and, if appropriate, coordinate emergency response with other agencies or organizations.</p>	<p>The plan shall include, at a minimum, explanation of appropriate spill response activities for spills associated with at grade or above ground storage tanks, and vehicle fluids from mechanical equipment such as construction equipment, cars, or trucks. The written plan shall be maintained on file.</p>	<p>The plan may be implemented in any year and points claimed for the initial implementation or for each year the plan remains effective.</p>	<p>3 points may be claimed for each successive year the plan remains effective.</p>
<p><b>Lbmp I D D &amp; E - 02</b></p> <p>Implement a program to continually inspect the stormwater system, assessing condition and identifying unknown connections.</p>	<p>Document the location of stormwater system inspected. Use a standard form or method for documenting the inspection.</p>	<p>Inspections must occur at a regular interval, as defined by the permittee. Inspection interval shall be defined in the annual report.</p>	<p>3 points may be claimed for each successive year of the program.</p>
<p><b>Lbmp I D D &amp; E - 03</b></p> <p>Reduce the risk of illicit connections between sanitary sewer and storm sewer by requiring department review and approval of construction plans for any construction within the permit area.</p>	<p>Track the number of plans reviewed or permits issued in the calendar year.</p>	<p>Points are available any year in which the review and permitting system is in effect.</p>	<p>2 points may be claimed for any year in which this BMP was implemented in compliance with the requirements.</p>
<p><b>Lbmp I D D &amp; E - 04</b></p> <p>Train the KDOT community to recognize illicit discharge activities and communicate observations to appropriate department staff.</p>	<p>Provide training or distribute training materials to participants at least once annually.</p>	<p>At least one such training activity or distribution of training materials must be provided to the group in the year for which points are claimed.</p>	<p>2 points may be claimed each year this BMP is implemented in compliance with the specified requirements.</p>

**APPENDIX D:**  
**Construction Site Stormwater Runoff Controls (C S S R C) BMP Table**

**APPENDIX D: Construction Site Stormwater Runoff Controls (C S S R C) BMP Table**

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp C S S R C - 01</b></p> <p>Implement a requirement for a Erosion and Sediment Control(ESC) Plan for department projects disturbing equal to or greater than 1 acre.</p>	<p>Require an ESC Plan for all department projects disturbing equal to or greater than 1 acre.</p>	<p>Points may be claimed for each year ESC Plans are required.</p>	<p>2 points may be claimed each year in which ESC Plans are required.</p>
<p><b>Lbmp C S S R C - 02</b></p> <p>Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites which will be disturbed and are either equal to or greater than 1 acre.</p>	<p>Require implementation of BMPs in compliance with the design manual on all department projects disturbing equal to or greater than 1 acre.</p>	<p>Points may be claimed for each year which the manual is in effect .</p>	<p>2 points may be claimed for each year the manual remain in effect.</p>
<p><b>Lbmp C S S R C - 03</b></p> <p>Provide access to at least one training class for the KDOT community which provides training on requirements for Stormwater Pollution Prevention Plans (SWPPP) and implementation of appropriate BMPs.</p>	<p>This training class must address all local requirements for SWPPPs, requirements for implementation of BMPs and address the requirements for permits.</p>	<p>Points may be claimed for each year in which a training class is held.</p>	<p>5 points may be claimed each year when a training class is held.</p>
<p><b>Lbmp C S S R C 04</b></p> <p>Develop a review process which considers potential water quality impacts which may occur during construction.</p>	<p>Review process must have written guidance for the reviewer. Approval to start construction may not be provided until the plan has successfully passed the review process either based on the initial plan submittal or has been modified to comply with requirements identified during the review process.</p>	<p>Points may be claimed in the year the review process is initially developed and implemented. Also points may be claimed in each subsequent year the review process continues to be implemented.</p>	<p>2 points may be claimed each year the review process continues to be implemented.</p>

**APPENDIX D: Construction Site Stormwater Runoff Controls (C S S R C) BMP Table**

<p><b>Lbmp C S S R C - 05</b></p> <p>Require the KDOT community to control construction sites . At a minimum, control shall be imposed to prevent entry into the TS4 for the following wastes:</p> <ul style="list-style-type: none"> <li>➤ discarded building materials</li> <li>➤ concrete</li> <li>➤ Truck washout</li> <li>➤ chemicals,</li> <li>➤ litter, and</li> <li>➤ sanitary waste</li> </ul>	<p>Require construction site waste to be controlled for all department projects disturbing equal to or greater than 1 acre.</p>	<p>Points may be claimed each year construction site waste control requirements remain in effect.</p>	<p>2 points may be claimed each year construction site waste control requirements remain in effect.</p>
<p><b>Lbmp C S S R C - 06</b></p> <p>Develop written procedures for inspection of construction sites.</p>	<p>The procedures must address the administrative aspects associated with required inspections of construction sites, the issuance of inspection reports, notices of violations, and enforcement actions.</p>	<p>Points may be claimed each year the inspection procedures remain in effect.</p>	<p>2 points may be claimed each year the written procedures remain in effect.</p>
<p><b>Lbmp C S S R C - 07</b></p> <p>Maintain a tracking system to track inspections and related tasks.</p>	<p>The tracking system must document the date of inspection and any inspection findings, including corrective actions.</p>	<p>A point can be claimed each year the tracking system is utilized.</p>	<p>1 point may be claimed each year the tracking system is utilized.</p>

**APPENDIX E:**  
**Post-Construction Stormwater Management in New Development  
and Redevelopment Projects (P-C S M) BMP Table**

**APPENDIX E: Post-Construction Stormwater Management in New Development  
and Redevelopment Projects (P-C S M) BMP Table**

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp P-C S M - 01</b></p> <p>Develop and implement a custom design manual or equivalent for Post-Construction Stormwater Management which specifies various non-structural and structural BMPs which may be feasible for department projects within the permit area that create or add 1 acre or greater of new impervious surface area.</p>	<p>The design manual shall impose requirements to capture, at least, the first 0.5 inches of precipitation and utilize methods to prevent discharge off-site, including but not limited to:</p> <ul style="list-style-type: none"> <li>• retain on-site</li> <li>• infiltrate</li> <li>• evaporate</li> <li>• transpire or</li> <li>• beneficially reuse</li> </ul>	<p>Development of the design manual can occur in any year. Initial implementation can allow points to be claimed in that year and continued implementation can allow points to be claimed in subsequent years.</p>	<p>4 points may be claimed in the year of initial implementation of the design manual and in each successive year of implementation.</p>
<p><b>Lbmp P-C S M - 02</b></p> <p>Develop a list of post-construction structural or non-structural BMPs which may be incorporated in department projects within the permit area that create or add 1 acre or greater of new impervious surface area on department owned property.</p>	<p>Develop and implement the list to claim points.</p>	<p>Points may be claimed each year that the list is implemented.</p>	<p>3 points may be claimed each year the list is maintained and implemented.</p>
<p><b>Lbmp P-C S M - 03</b></p> <p>Develop and implement a program and/or process to track long-term operation of department owned and operated post-construction structural stormwater BMP facilities. The program shall address function of the structural BMP facility through inspection and maintenance activities.</p>	<p>The program and/or process shall be detailed in a written document and made available to all pertinent maintenance staff.</p>	<p>Points can be claimed each year the program and/or process is implemented.</p>	<p>2 points may be claimed each year the program and/or process is utilized.</p>



**APPENDIX F:**  
**Pollution Prevention/Good Housekeeping for Operations & Maintenance (P P/G H) BMP Table**

**APPENDIX F: Pollution Prevention/Good Housekeeping for Operations & Maintenance (P P/G H) BMP Table**

BMP Summary	Measurable Goal	Implementation Time Schedule etc.	Points
<p><b>Lbmp P P/G H - 01</b></p> <p>Implement waste disposal procedures to prevent stormwater pollution from outdoor storage areas.</p>	<p>Waste disposal procedures shall be readily accessible to department staff. Procedures should apply in outdoor storage areas within the permit area. The department shall provide training on these waste disposal procedures.</p>	<p>Disposal procedures shall be available for staff use all days of the year in which points are claimed. Training shall be available annually.</p>	<p>2 points may be claimed each year the procedures continue to be implemented.</p>
<p><b>Lbmp P P/G H - 02</b></p> <p>Develop procedures for department staff or third-party contractors which apply pesticides. The procedures shall require the manager of the crew spraying to have a commercial applicator certification from the Kansas Department of Agriculture if required by that Department.</p>	<p>Require staff/third-party which apply pesticides to use such pesticides in compliance with the procedures. The procedures must require use of pesticides in compliance with the label instructions.</p>	<p>The procedures must be implemented in the year which points are claimed.</p>	<p>2 points may be claimed each year the procedures continue to be implemented.</p>
<p><b>Lbmp P P/G H - 03</b></p> <p>Implement procedures for department vehicle or other mechanical equipment washing so that it is conducted in a manner to dispose wash water in the sanitary sewer or otherwise receives proper treatment prior to discharge to receiving waters.</p>	<p>Maintain proper wash facilities for department staff to wash vehicles and/or equipment or implement procedures for department staff to take vehicles and/or equipment to commercial wash facilities, either of which disposes the wash water to the sanitary sewer, or otherwise receives proper treatment prior to discharge to the environment, and not discharged untreated to the TS4 or directly to receiving waters.</p>	<p>The procedures must be implemented in the year which points are claimed.</p>	<p>2 points may be claimed each year the procedures continue to be implemented.</p>

**APPENDIX F: Pollution Prevention/Good Housekeeping for Operations & Maintenance (P P/G H) BMP Table**

<p><b>Lbmp P P/G H - 04</b></p> <p>Implement procedures for street sweeping in the permit area.</p>	<p>A log shall be maintained listing the street segments which are swept, dates of sweeping, and where the street sweepings are disposed or where the material was sent to be recycled and/or reused.</p>	<p>Points may be claimed each year in which street sweeping is conducted on at least 10% of the roadways within the permit area.</p>	<p>3 points may be claimed each year streets are swept.</p>
<p><b>Lbmp P P/G H - 05</b></p> <p>Develop an employee training program to educate department staff on what actions they can take in the workplace to minimize stormwater pollution.</p>	<p>Provide guidance documents in the form of either fact sheets, flyers or e-mails to staff to coach them in appropriate actions they can take while working to minimize stormwater pollution.</p> <p>Alternately, provide in-person training or videos and document attendance or completion. Retain copies of the guidance documents and/or attendance log. A log of when the guidance was distributed, or training was provided to staff should be maintained. Provide appropriate guidance and/or training to staff a minimum of annually.</p>	<p>For each year in which staff receive guidance documents or in-person training or video training, points may be claimed for the year.</p>	<p>2 points may be claimed each year when guidance documents or training (in-person or video) are provided .</p>
<p><b>Lbmp P P/G H - 06</b></p> <p>Identify permittee owned right-of-way, facilities, open space and buildings that can be retrofitted for stormwater BMPs.</p>	<p>Retrofit projects can include: green infrastructure, catchment improvements, Pollutant of Concern targeted BMPs, and native plant restoration projects.</p>	<p>The site(s) must be retrofitted with stormwater BMPs as listed in the measurable goals. Points can be awarded in the first year the BMPs are installed and begin operation and points may be claimed for each year the retrofitted BMPs</p>	<p>3 points may be claimed in the first year for each site retrofitted (up to two sites/points maximum, 2 points may be claimed for each year at least two sites continue to operate all of the</p>

**APPENDIX F: Pollution Prevention/Good Housekeeping for Operations & Maintenance (P P/G H) BMP Table**

		continue to be operated.	retrofitted BMPs which were installed.
<p><b>Lbmp P P/G H - 07</b></p> <p>Install and operate a constructed wetland.</p>	<p>The wetland shall be designed so that it appropriately takes into account the amount of drainage area coming to the site.</p>	<p>Points may be claimed in the year the wetland is constructed and in subsequent years the wetland remains in operation.</p>	<p>2 points may be claimed for the year in which the wetland is constructed and for each subsequent year the wetland remains in operation.</p>
<p><b>Lbmp P P/G H - 08</b></p> <p>Define procedures to protect outdoor storage areas used for salt or other de-icing chemicals. Procedures can address both temporary and permanent protection from the elements, with a focus on preventing and/or managing stormwater runoff from areas used for storage.</p>	<p>Procedures shall be readily accessible to department staff. Procedures should apply to salt or other de-icing chemical storage in outdoor storage areas within the permit area. The department shall provide training on these procedures.</p>	<p>Points may be claimed in the initial year of implementation and in subsequent years the procedures and training remain in operation.</p>	<p>3 points may be claimed each year the procedures and training remain available.</p>
<p><b>Lbmp P P/G H - 09</b></p> <p>Implement good housekeeping and material management procedures and BMPs for the storage of materials in outdoor storage areas that pose a potential to pollute stormwater at maintenance yards.</p>	<p>Staff shall be trained on the procedures on an annual basis.</p>	<p>Points maybe claimed each year the procedures are implemented.</p>	<p>2 points may be claimed for each year the procedures are implemented.</p>
<p><b>Lbmp P P/G H - 10</b></p> <p>Enact procedures for the use of drip pans under leaky or leak-prone vehicles and equipment awaiting maintenance.</p>	<p>Procedures shall be readily accessible to department staff and/or signs shall be posted in maintenance or fleet facilities reminding staff to use drip pans.</p>	<p>Points may be claimed each year the requirement is implemented.</p>	<p>3 points may be claimed each year the requirement is implemented.</p>

STANDARD CONDITIONS FOR  
KANSAS WATER POLLUTION CONTROL AND  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MS4 PERMITS

1. Representative Sampling and Monitoring Report Submittals:
  - A. Samples and measurements taken as required herein shall be representative of the quality of the monitored water. Test results shall be recorded for the day the samples were taken. All samples shall normally be taken at the locations designated by the permittee in the Stormwater Management Plan according to the requirements of this permit. In the event samples must be obtained from a location different than that designated in the Stormwater Management Plan the annual report shall indicate the change of location and provide the justification therefore.
  - B. EPA's *National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule* ("NPDES eRule") requires regulated entities to report data electronically. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule. Unless a waiver has been approved by KDHE, permittees are required to submit information electronically. The electronic reporting system is called the **Kansas Environmental Information Management System (KEIMS)** and can be accessed at <https://keims.kdhe.ks.gov> Monitoring results shall be submitted no later than the 28th day of the month following the completed reporting period. If granted a waiver, signed and certified copies of data, information and reports, required herein, prepared in accordance with KAR 28-16-59, may be e-mailed as scanned attachments to [kdhe.bowkeims@ks.gov](mailto:kdhe.bowkeims@ks.gov), faxed to 785.559.4257, or sent by U.S. mail to:

Kansas Department of Health & Environment  
Bureau of Water-Technical Services Unit  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612-1367
2. Definitions:
  - A. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
  - B. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
  - C. "Severe property damage" means substantial physical damage to property, damage to the treatment/control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a diversion.
3. 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.
4. Test Procedures: All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.
5. 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.
6. Proper Operations 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 requirements of this permit and Kansas and Federal law.

7. **Incident Reporting:** The permittee shall report any unanticipated significant incidents which would be expected to result in non-compliance with the permit requirements within 24 hours from the time the permittee became aware of the incident. A written submission shall be provided within 5 days of the time the permittee became aware of the incident. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

For an anticipated incident or any planned changes or activities in the permitted control/treatment facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

8. **Removed Substances:** Solids, sludges, debris, or other pollutants removed in the course of control/treatment of stormwater shall be utilized or disposed of in a manner acceptable to the Division.
9. **Right of Entry:** The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where a stormwater discharge or source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any stormwater discharges from or influents into the stormwater control/treatment facilities.
10. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
11. **Records Retention:** Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division.
12. **Availability of Records:** Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Treated and raw stormwater data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.
13. **Permit Modifications and Terminations:** As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. 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 or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
14. **Administrative, Civil and Criminal Liability:** The permittee shall comply with all requirements of this permit. Nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.
15. **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 to under 33 USC Section 1321 or KSA 65-164 et seq. A permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its storm sewer system or stormwater control/treatment facilities.
16. **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 or any invasion of personal rights nor any infringements of or violation of federal, state or local laws or regulations.
17. **Severability:** The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.

18. **Removal from Service:** The permittee shall inform the Division at least three months before any control/treatment unit, or any other part of the control/treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
19. **Duty to Reapply:** A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.