



What does the Kentucky General Permit for Stormwater Discharges Associated with Industrial Activity Mean for Industry?

By Patricia A. Mason, P.E.

Stormwater pollution has been named a national enforcement issue for EPA, and permit requirements nationwide are becoming more rigorous. Pursuant to its authority in Kentucky Revised Statutes (KRS) 224, Division of Water (DOW) reissued a general permit for coverage of stormwater discharges associated with industrial activity effective June 1, 2013. Stormwater associated with industrial activities is defined in the Code of Federal Regulations at [40 CFR 122.26\(b\)\(14\)](#). A copy of the permit can be accessed from the DOW website at:

<http://water.ky.gov/permitting/General%20Permit%20Fact%20Sheets/S%20Final%20General%20Permit%20RTC%20KYR00%20Other%20Facilities.pdf>. The permit covers stormwater exposed to industrial activities and limited named non-process wastewaters. The previous permit expired in 2007. Since that time, some companies had been forced into individual KPDES permits to obtain coverage for stormwater. The significance of the newly issued general permit depends upon your company's situation. For all Kentucky parties subject to stormwater permitting, this permit serves as an example of the progression of stormwater permitting trends. Regulated companies should be prepared for changes at permit renewal whether under an individual permit or general permit.

FOR THOSE WITH AN INDIVIDUAL KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) PERMIT: If you have process wastewater released directly to waters of the Commonwealth, then you are not eligible for coverage under the general permit. Continue to follow the provisions of your existing permit and keep up with appropriate best management practices (BMPs). Facilities subject to promulgated national effluent guidelines specific to stormwater discharges are excluded under the general permit, but may be granted extended coverage if you previously had coverage and there is not a more specific general permit available for use. If you have only stormwater or if all of your process wastewater is discharged to a sanitary sewer, then you may be able to gain coverage under the general permit. For specific requirements, check the specific permit conditions or contact DOW. General permits typically have a lower compliance cost than individual permits and can be processed by DOW faster. To convert your permit type, submit the eNOI and indicate that no general permit was available during your company's initial permit application.

FOR EXISTING PERMITTEES WHO HAVE BEEN OPERATING UNDER THE EXPIRED GENERAL PERMIT: You should have received a notice indicating that action is required to maintain coverage. An eNOI submittal is required no later than August 29, 2013. Failure to submit the eNOI will result in termination of coverage. There are changes to the permit with which you need to become familiar. You will most likely need to update your stormwater BMP Plan or Stormwater Pollution Prevention Plan (SWPPP). Your facility must comply with new requirements by December 1, 2013.

The primary differences between the previous KYR00 and the current KYR00 are:

- Requirement to use the eNOI. For more information about the eNOI visit: https://dep.gateway.ky.gov/eForms/Default.aspx?FormID=30&S_ID=735a0f59-92fc-457e-a85a-944f04c5a6a0.
- Requirement for facilities to submit their monitoring results.
- Requirements for a daily precipitation log.

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- Requirement to submit data via [NetDMR](#). Submit electronic reports of DMR data on or before July 28th and January 28th of each year. Begin reporting within 1 year after the effective date, June 1, 2013, or your date of coverage, whichever is later.
- Changes in Exclusions.
- Expansion of Non-numeric Requirements (BMPs).
- Anti-degradation Requirements.

FOR FACILITIES WHO HAVE PREVIOUSLY SUBMITTED A NO-DISCHARGE CERTIFICATION: The new permit states: "Operators seeking this conditional exclusion are required to submit an electronic "No Exposure Certification" using the eNoExposure form on KDEP's forms library site at : <http://dep.ky.gov/formslibrary/Pages/default.aspx>. This certification is time limited and must be resubmitted upon each reissuance of the KYR00 Other Facilities Stormwater General Permit in order to continue the exclusion for the next permit term." The eNoExposure form was not available onsite as of June 17, 2013, but is anticipated by the end of June. The submittal deadline is August 29, 2013.

FACILITIES WITH NO PRIOR COVERAGE: New facilities are required to submit an eNOI a minimum of 15 days prior to commencement of discharge. Additionally, the SWPPP must be fully implemented prior to commencement of discharge.

If you have not recently reviewed your stormwater permitting status and requirements, I urge you to do so. Additionally, if you need permitting assistance, please contact me at Smith Management Group at PattyM@SmithManage.com or (502) 587-6482 x211.



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