Kansas Administrative Regulations

Department of Health and Environment

Article 16.—Water Pollution Control—Pretreatment.

28-16-153. Administration.

40 CFR 122.28(b)(1), (2), and (3)(i), (iii), (iv), and (v), as in effect on July 1, 1991, as amended at 57 FR 11412, April 2, 1992 are adopted by reference, with the following modifications or exceptions. (a) The provisions of 40 CFR 122.28(b)(1) shall be modified as follows: "(1) In general. General permits may be issued, modified, revoked and reissued, or terminated in accordance with K.A.R. 28-16-59 through 28-16-62 inclusive, and K.A.R. 28-16-154."

(b) The provisions of 40 CFR 122.28(b)(2)(i) shall be modified as follows: "(i) Except as provided in paragraphs (b)(2)(v) and (b)(2)(vi) of this section, each discharger or treatment works treating domestic sewage seeking coverage under a general permit shall submit to the director a written notice of intent to be covered by the general permit. Any discharger or treatment works treating domestic sewage who fails to submit a notice of intent in accordance with the terms of the permit shall not be authorized to discharge, (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with paragraph (b)(2)(v) of this section, contains a provision that a notice of intent is not required or the director notifies a discharger or treatment works treating domestic sewage that it is covered by a general permit in accordance with paragraph (b)(2)(vi) of this section. A complete and timely notice of intent (NOI) to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of K.A.R. 28-16-59."

(c) The provisions of 40 CFR 122.28(b)(2)(ii) shall be modified as follows: "(ii) The contents of each notice of intent shall be specified in each general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner, the legal name and address of the operator if different from the owner, the facility name and address, the

type of facility, the type of discharge(s), the number of discharge points, the location using the public land survey system of each discharge point, and the receiving stream(s). A general permit for storm water discharge associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on federal lands where an operator cannot be identified may contain alternative notice of intent requirements. Each notice of intent shall be signed in accordance with K.A.R. 28-16-59(e)."

(d) The provisions of 40 CFR 122.28(b)(3)(iii) shall be modified as follows: "(iii) Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under K.A.R. 28-16-59, with reasons supporting the request, to the director no later than 90 days after the publication of the general permit by a state in accordance with applicable state law. Each request shall be processed under applicable state procedures. The request shall be granted by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request."

(Authorized by K.S.A. 65-165; implementing K.S.A. 65-165 and K.S.A. 65-171d; effective Sept. 27, 1993.)

***** Authenticated Kansas Administrative Regulation *****