

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES)

GENERAL INSTRUCTIONS

INTRODUCTION

The Kentucky Pollutant Discharge Elimination System (KPDES) regulations require a permit for the discharge of pollutants from any point source into waters of the commonwealth. The requirements for the KPDES program are contained in 401 Kentucky Administrative Regulations (KAR) 10:001, 10:026, 10:029 through 10:031 and 5:005 through 5:080, 5:300, 5:310 and KRS 224.70-120. The regulations were promulgated pursuant to, and in accordance with, Kentucky Revised Statutes (KRS) Chapters 13A and 224 and the Federal Water Pollution Control Act. Copies of the KPDES regulations are available upon request from the Division of Water.

Listed below are examples of specific categories of operations that require KPDES permits:

1. Municipal Wastewater Dischargers
2. Manufacturing Establishments and Mining Operations
3. Commercial Establishments
4. Concentrated Animal Feeding Operations
5. Concentrated Aquatic Animal Production Facilities
6. Discharges into Aquacultural Projects
7. Discharges from Separate Storm Sewers
8. Silvicultural Point Sources

THE KPDES PERMIT APPLICATION

Any person who is required to have a KPDES permit must complete, sign, and submit an application to the Division of Water. An application for a new discharge must be received by the division at least one hundred and eighty (180) days before the proposed discharge is due to commence. Likewise, an application to reissue an expiring permit must be received one hundred and eighty (180) days before the expiration date.

The KPDES permit application is comprised of two distinct forms. All applicants must complete Form 1. This is a general form that requests information regarding facility location, owner/operator addresses, existing environmental permits, etc.

In addition to Form 1, an applicant must fill out a specialized form that relates directly to the type of operation. Listed below are the four specialized forms that cover the four basic categories of discharge operations.

- FORM A -- Municipal Wastewater Discharges
- FORM B -- Animal Waste Management
- FORM C -- Manufacturing Establishments and Mining Operations
- SHORT FORM C -- Services, Wholesale and Retail Trade, and All Other Establishments
- FORM F -- Storm Water Associated with Industrial Activity

It is important to fill out application forms completely and accurately. The Division of Water cannot begin the application review process without a completed application. Applicants should keep records of all data used to complete permit applications and any submitted supplemental information, for a period of at least three years from

the date the application is signed.

CONFIRMATION OF A COMPLETE APPLICATION

An application submitted for a KPDES new source or a KPDES new discharger will be reviewed for completeness by the Division of Water within thirty days of receipt. Likewise, an application submitted for an existing source will be reviewed for completeness within thirty days of receipt.

The division upon completing the review, will notify the applicant in writing if the application can be considered administratively complete. If the application is determined incomplete, a list of missing informational topics will be provided to the applicant. In the case of an existing source application, a date for submitting the necessary information will be established.

Upon receiving the requested additional information, the division will notify the applicant if the application can be considered administratively complete. If an applicant fails or refuses to correct deficiencies in an application, the permit can be denied and appropriate enforcement actions can be taken under KRS Chapter 224.

The applicant should be aware that he/she may be requested to provide additional information to allow the cabinet to make its decision regarding the application after receiving notification that the application is complete. Requests for such additional material will not render an application incomplete.

PERMIT FEES

Every applicant who is issued a KPDES permit, with the exception of applicants for publicly owned wastewater treatment plants, is assessed a permit fee according to the type of operation. The following is a list of the eight base fee categories, their definitions, and their associated fee dollar amounts:

FEE CATEGORY

BASE PERMIT FEE

1. Major Industry \$7,000.00

Industries that generate and discharge process-related wastewater while engaged in commercial activities including but not limited to, resource recovery, manufacturing, products distribution, and wholesale and retail trade. These industries have a design flow rate of greater than or equal to 50,000 gallons per day of process wastewater containing conventional, nonconventional, or thermal pollutants.

2. Minor Industry \$4,500.00

Industries that generate and discharge process-related wastewater while engaged in commercial activities including but not limited to, resource recovery, manufacturing, products distribution, and wholesale and retail trade. These industries have a design flow rate of less than 50,000 gallons per day of process wastewater containing conventional, nonconventional, or thermal pollutants.

3. Non-Process Industry \$2,200.00

Industries that generate and discharge only non-process wastewater while engaged in commercial activities including resource recovery, manufacturing, products distribution, and wholesale and retail

trade. These industries discharge non-process wastewater (e.g. non-contact cooling or storm water runoff) or wastewater that neither contains nor is likely to contain toxic pollutants in concentrations equal to or greater than the ninety-six hour lethal concentration for fifty percent mortality (96 hr. LC50) for a representative indigenous aquatic organism.

4. Large Non-Publicly Owned Treatment Works \$3,700.00

Facilities which have a design flow rate of greater than or equal to 50,000 gallons per day of wastewater containing only conventional pollutants, and are not a publicly owned treatment works.

5. Intermediate Non-Publicly Owned Treatment Works \$3,200.00

Facilities which have a design flow rate of greater than or equal to 10,000 gallons per day and less than fifty thousand gallons per day of wastewater containing only conventional pollutants, and are not a publicly owned treatment works.

6. Small Non-Publicly Owned Treatment Works..... \$2,200.00

Facilities which have a design flow rate of less than 10,000 gallons per day of wastewater containing only conventional pollutants, and are not a publicly owned treatment works.

7. Agricultural Operation \$1,200.00

Operations that use confined feeding in livestock or livestock by-product production with manure handling facilities that qualify as concentrated animal feeding operations.

8. Surface Mining Operation..... \$3,300.00

Facilities required to have a permit under **405 KAR Chapters 7-26.**

9.* 501(c)(3) Facilities..... \$ 100.00

* Note: 501(c)(3) Exemption.

Legislation enacted by the 1990 General Assembly reflected some changes in KRS 224.16-050 relating to permit fees. Nonprofit organizations which have been qualified under Section 501(c)(3) of the Internal Revenue Code and which operate their own treatment facilities which are designed for capacities less than 10,000 gallons per day shall be charged a fee no greater than \$50.00 by the cabinet to process a construction permit nor a fee greater than \$20.00 per year for an operating permit for one (1) facility. A copy of the 501(c)(3) exemption letter must be submitted with your application to qualify for this exemption.

APPLICATION FEES

Twenty percent (20%) of the appropriate permit base fee shown in the fee schedule must be submitted with the KPDES permit application. This twenty percent is considered an application filing fee and is applied toward the total base fee at the time of permit issuance. The balance must be paid before the permit is issued. The application fee is not refundable if the permit application is withdrawn or if the permit is denied. **Your check must be made payable to Kentucky State Treasurer.**

CONSTRUCTION FEES

Applicants requiring construction permits must submit the fee noted below with their permit application. Should the cabinet deny the construction permit, the fee for the construction permit will be refunded. The construction permit fee and the KPDES discharge permit application filing fee must be submitted with the KPDES permit application. The remainder of the KPDES discharge permit fee must be paid prior to permit issuance.

EXAMPLE: The total fee for a new small non-publicly owned treatment works is \$1,450 (\$450 for the construction permit and \$1,000 for the discharge permit). The amount to be submitted with the KPDES application is \$650. The remaining \$800 is due prior to permit issuance.

1. Large Facility \$1,800.00

Facilities with design flow greater than or equal to 50,000 gallons per day.

2. Intermediate Facility \$ 900.00

Facilities with design flow greater than or equal to 10,000 gallons per day and less than fifty thousand gallons per day.

3. Small Facility..... \$ 450.00

Facilities with design flow less than 10,000 gallons per day.

4.* 501(c)(3) Facilities..... \$ 50.00

* A copy of 501(c)(3) exemption must be submitted with your application.

CONCLUSION

Detailed instructions are provided with each application form. These instructions explain select questions from the form and must be read and referred to as the application is being completed. If more space is needed to complete a question, the applicant must submit a separate sheet entitled "Additional Information."

If specific questions arise concerning any aspect of the application, feel free to call the Division of Water at (502) 564-3410.

KPDES PERMIT APPLICATION GLOSSARY

Bypass -- an arrangement of pipes, conduits, gates and valves whereby all or a portion of the flow is diverted and results in a discharge (generally an intentional act at the plant).

Certified Operator -- possesses a current operator certification issued by the Division of Water based on experience, education, and examination.

Combined Sanitary and Storm Collection System -- a system of pipes which carries a mixture of stormwater runoff, surface water runoff and other wastewater such as domestic or industrial wastewater.

Composite Sample -- (a) Not less than four (4) effluent portions collected at regular intervals over a period of eight (8) hours and combined in proportion to flow; or (b) Not less than four (4) combined equal volume effluent portions collected over a period of eight (8) hours at intervals proportional to flow; or (c) Not less than twelve (12) effluent portions collected at regular intervals over a period of twenty-four (24) hours which are composited in proportion to flow, or (d) an effluent portion collected continuously over a period of twenty-four (24) hours at a rate proportional to flow; or (e) an effluent portion consisting of a minimum of four (4) combined equal volume grab samples taken approximately two (2) hours apart.

Concentrated Animal Feeding Operation -- an animal feeding operation which meets the criteria in 401 KAR 5:060, Section 11 or that which the cabinet designates under Section 5(3).

Concentrated Aquatic Animal Production -- a hatchery, fish farm, or other facility which meets the criteria in 401 KAR 5:060, Section 12 or that which the director designates under Section 6(3).

Continuous Discharge -- a discharge which occurs without interruption throughout the operating hours of the facility.

Grab Sample -- a single instantaneous portion of the effluent.

Intermittent Discharge -- a discharge which occurs and ceases at regular or irregular intervals either during or outside of the operating hours of the facility.

Overflow -- an overflow occurs when the volume of water exceeds the capacity of a transport system, causing the extra water to be spilled or forced out of the system into a waterway (generally an unintentional act in the collection system).

Proposed Facility -- a facility not now in operation or not now considered a concentrated operation.

Publicly Owned Treatment Works (POTW) -- facilities which are owned by the Commonwealth or a municipality, discharge only conventional pollutants, and which are eligible for funding under the U.S. EPA's 205(g) construction grants program.

Schematic of Water Flow -- a line drawing of wastewater flow through the facility producing discharges. Average flow rates for various wastewaters (if possible) and specific treatment processes are to be indicated.

Separate Sanitary Collection System -- a system of pipes that carries: (1) Domestic wastewater with storm and surface water excluded; (2) Wastewater discharged from sanitary conveniences of dwellings (including hotels),

office buildings, industrial parks, or institutions; (3) The water supply of a community after it has been used and discharged.

Separate Storm Collection System -- a system of pipes that carries only runoff caused by precipitation.

TCDD Standard for Quantification -- a precise measurement of 2,3,7,8-tetrachlorodibenzo-p-dioxin for comparison to the EPA standard.

Upset -- an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.