

One-Time Discharge (OTD) Program

At the national level, 40 CFR 122.1 *Purpose and scope. (b) Scope of the NPDES permit requirement.* (1) specifies “The NPDES [National Pollution Discharge Elimination System] program requires permits for the discharge of ‘pollutants’ from any ‘point source’ into ‘waters of the United States’.” In Kentucky, the Kentucky Pollution Discharge Elimination System (KPDES) permit takes the place of the federal NPDES permit for discharges of pollutants from point sources into waters of the Commonwealth. 401 KAR 5:055 *Scope and applicability of the KPDES Program. Section 2. Applicability of the KPDES Requirements.* (1) specifies “A KPDES permit shall be required to discharge pollutants from a point source into waters of the Commonwealth.”

The Division of Water (DOW) recognizes that there are situations for which the process of applying for and receiving a KPDES permit to authorize a one-time or temporary discharge (hereinafter a “one-time discharge” or “OTD”) of pollutants to the waters of the Commonwealth would place a burden on both the applicant as well as the DOW that is not justified due to the insignificance of the environmental impact. Therefore, the DOW has developed a One-Time Discharge program to provide authorization, without the issuance of a KPDES permit, for certain OTDs, using the agency’s enforcement discretion authority. Examples of OTDs potentially covered by this One-Time Discharge program include maintenance or repair of systems, hydrostatic tests of pipelines or of field-built, above-ground tanks, farm pond drainage, construction excavation de-watering, oil and gas pit close out, and fire system testing.

Inherent in any authorization of a discharge is that the water quality standards and criteria established in 401 KAR 10:031 are met and there is no adverse impact to the environment. In granting authorization for an OTD, the DOW agrees not to take enforcement action for the non-permitted discharge, provided that the conditions of this authorization are met. If these conditions are not met, then the DOW may initiate an enforcement action. **However, it is important to note that this conditional authorization is not a KPDES permit and may not provide the requester with a shield against a citizen suit or an enforcement action by U. S. Environmental Protection Agency.**

Although conditions of an OTD authorization are tailored to the specific discharge, typical conditions include:

1. The discharge to waters of the Commonwealth shall not produce floating solids, visible foam, or a visible sheen on the surface of the receiving water.
2. The discharge shall not result in objectionable color, odor, taste, or turbidity in the receiving waters.
3. The discharge shall not result in a violation within the receiving water of any water quality standard or criterion established in 401 KAR 10:031, nor result in an adverse impact to the environment.
4. The pH of the discharge shall not be less than 6.0 nor more than 9.0 and shall not fluctuate more than 1.0 pH unit over a period of 24 hours.
5. There shall be no chlorine (field analysis) in the discharge water.
6. The discharge shall not cause any erosion of the ground surface.

7. The DOW's Regional Office shall be notified at least two days prior to the commencement of this project and at the conclusion of this project.
8. Monitoring shall comply with the requirements of 40 CFR Part 136 and shall be performed for each parameter identified in Condition 12 at the beginning, middle, and end of the discharge.
9. Monitoring results shall be submitted to the DOW's Regional Office within ten days of receiving the results from the laboratory.
10. If, during the discharge, it is determined that a provision of Condition 1 through Condition 6, Condition 8, or Condition 11 through Condition 13 is not being met, the discharge shall immediately stop and the DOW regional office notified. The discharge shall not recommence until an amended request for authorization for a One-Time Discharge, adequately addressing the non-complying provision, is submitted to and approved by the OTD program.
11. All conditions and procedures are implemented as described in [the Request for Off-Permit Authorization](#).
12. Monitoring shall be performed for the specified pollutants.
13. If the discharge is to a Municipal Separate Storm Sewer System (MS4), prior to discharge, the operator of the MS4 shall be notified and any information required by that MS4 shall be provided.

The [Request for Off-Permit Authorization](#) can be accessed by [clicking here](#).

Questions should be directed to the Surface Water Permit Branch Support, by telephone at (502) 564-3410 or by e-mail at SWPBSupport@ky.gov.

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