

# Stormwater Pollution Prevention Plan

QuikTrip Store # 386  
City of Wichita, Sedgwick County, Kansas

Date: December 17, 2009

## **HRAOK, INC.**

ENGINEERS • SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS

OKLAHOMA: CA# 3643 • EXP. DATE: 6-30-2011

KANSAS: CN# 1600 • EXP. DATE: 12-31-2010

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1913 WEST TACOMA - SUITE A  
BROKEN ARROW, OKLAHOMA 74012  
WWW.HRAOK.COM

VOICE: (918) 258-3737  
FAX: (918) 258-2554  
INFO@HRAOK.COM

# Storm Water Pollution Plan

## Site Description

### Project Name and Location:

QuikTrip Store #386 will be a commercial development located in Section 21, Township 27 South, Range 1 East Northeast Corner of Douglas Avenue and Washington Avenue

### Owner Name and Address:

QuikTrip Corporation  
4705 S. 129<sup>th</sup> E. Avenue  
Tulsa, OK 74134  
Mr. Jake Sutton, Project Manager

## Project Description

QuikTrip Store #386 is an existing fully developed convenience store commercial development which is currently being fully utilized. The site consists of 1 lot on 1 block with commercial zoning. The site is located in the NE/4 Section 21, Township 27 South, Range 1 East, City of Wichita, Sedgwick County, Kansas (Refer to site location map shown on the erosion control plans included with this report. Parking lot will be concrete with concrete curb and gutter. Appropriate storm sewer will be installed as part of the parking lot construction.

### Soil disturbing activities will include the following:

- Site Vegetation clearing and grubbing including topsoil removal and replacement.
- Stabilized construction entrance installation and periodic maintenance.
- Erosion and sediment controls, which include temporary vegetation practices, storm inlet sediment traps, stone outlet sediment traps, hay bales or silt fences.
- Site grading for parking and building pad construction.
- Trenching for storm sewer, waterline, sanitary sewer, and other public utilities.
- Parking construction including curb and gutter, pavement and storm sewer inlets.
- Preparation of green space areas for final planting and/or seeding.

### Runoff Coefficient:

The coefficient of runoff for the existing site is approximately 0.80 and the final coefficient of runoff for the developed site will be approximately 0.85.

### Existing Site Analysis:

The site generally drains both to the Southeast and the Northwest to existing storm sewer systems adjacent to the site

The total project contains approximately 1.2 +/- acres. The final average slope for the developed area will approximate the existing slopes of approximately 1-5%.

### Sedimentation Basin:

Temporary sedimentation basins will not be provided on this site since site is well less than 10 acres and the site is currently fully developed and being utilized as a commercial/retail site by the owner. Standard erosion control measure will handle the requirements of stormwater pollution prevention as outlined in the document.

### Soils:

HRAOK, Inc. reviewed the "Soil Survey of Sedgwick, Kansas" published by National Resource Conservation Service, on their website <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey> From these maps, it was determined that there are multiple soils classifications that affect the Projects lands. **Urban land - Elandco complex, 0 to 1 percent slopes.** These are very flat, well drained, silt loams.

**Sequence of Major Activities:**

1. Install stabilized construction entrance
2. Install perimeter silt fence as necessary
3. Demolition for existing building north of site, pavement removal and rough grading (this project is currently paved and in use so removal will be in phases not complete site grading)
4. Stockpile topsoil as necessary
5. Install silt fence around topsoil stockpile area as necessary
6. Place temporary cover on all slopes disturbed during construction
7. Continue clearing, grading and cover placement as necessary
8. Install hay bales as ditch checks, where required
9. Stabilize all disturbed earth surfaces that are not paved or building pads with permanent cover
10. Install site utilities
11. Install storm inlet traps at the inlet end of the storm sewer system where construct new building shown on the attached site plan
12. Construct new parking and curb and gutter
13. Install silt fence along street right-of-way as necessary
14. Demolish old facilities and spread topsoil
15. Complete grading and install permanent seeding and planting as indicated by the erosion control plan

**Name of Receiving Waters:**

Wichita Drainage Channel

**Description of Controls**

**Erosion and Sediment Controls  
Stabilization Practices**

**Keeping Plans Current**

As per Part 7 Section 7.1 of the General Permit No. S-MCST-0701-1 Federal Permit No. KSR100000 language (attached) the owner/operator of this project agrees to update this Storm Water Pollution Prevention Plan...to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials for which the permittee receives written notice.

**Short and Long Term Goals**

The short-term goal of the erosion control plan for QuikTrip Store # 386 is to reduce sedimentation runoff from the site by temporary measures such as silt fence, hay bales and sediment traps.

Long term goals for the site consist of constructing a storm sewer system capable of handling 100 year design flows and further developing the area to allow for individual lot maintenance which will enhance the existing area.

**Temporary Cover**

Topsoil stock piles and disturbed portions of the site where construction activity temporarily ceases for at least 21 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area. Some temporary seeding options are defined below. Hydro-mulch may be an acceptable alternative after mix approval by the owner's representative.

Plant Name		P	P	P	D
Annual Rye	40 lb.	0.9 lb.	9/5-11/3- & 2/15-4/1	1/4"	
Elbon Rye	2 Bu	3.0 lb.	8/15-11/30	2"	
Wheat	2 Bu	3.0 Lb.	8/15-11/30	2"	
Oats	3 Bu	2.5 Lb.	8/15-11/30	2"	
Sorghums	60 Lb.	1.4 Lb.	3/1-9/15	2"	
Sweetclover	15 Lb.	0.3 Lb.	9/1-10/15	1/2"	
Sudan Grass	40 Lb.	0.9 Lb.	4/1-9/15	2"	
Millet	40 Lb.	0.9 Lb.	4/1-9/15	1/2"	
Cowpeas	60 Lb.	1.4 Lb.	5/1-6/30	2"	

**Permanent cover:**

Prior to implementation of permanent cover on sediment producing areas the following practices must be implemented to insure successful establishment of vegetative cover.

1. Planting bed shall be loosened evenly to a depth of 2-3 inches and 10-20-10 fertilizer shall be mixed with the loosened rate 10 pounds per 1000 square feet. Soil and fertilizer shall be mixed by disking or other suitable means.
2. Soils known to be highly acidic shall be treated with agricultural lime and placed as recommended by the supplier.
3. Seeds shall be drilled uniformly.
4. Seeding implements shall be used at right angles to the slope to minimize erosion.

**Seeding:**

Broadcast or drill seed uniformly at right angles to the general slope. Cover to recommended depth. Mulch with hay or straw (70-90 Lb. Or two bales per 1000 sq. ft.) if necessary. Apply water daily or as necessary to maintain adequate soil moisture until plants obtain 1/2" growth. Some permanent seeding options are as follow:

Plant Name		P	P	P	D
Bermuda Grass	10 lb.	0.25 lb.	4/1-8/15	1/2"	
Fescue	40 Lb.	0.9 Lb.	9/1-11/1	1/2"	
Perennial Rye	25 Lb.	0.6 Lb.	9/15-12/1 & 3/1-5/1	1/2"	
Lovegrass	40 Lb.	0.9 Lb.	4/1-6/30	1/2"	

**Sodding:**

Protect sod from drying or heating. Place slab sod on a tilled moist soil in rows at right angles to slopes. Place each piece of sod firmly and securely, tamp or roll firmly after placing and maintain optimum moisture for at least two weeks.

**Structural Practices**

**Storm Inlet Sediment Traps, Hay Bales and Silt Fences:**

Traps, Bales and Silt Fences will be placed in appropriate locations as defined by the erosion control plan for the purposes of collecting sediment before the existing site. Once construction activities are nearly complete and the disturbed earth surface stabilized, the silt fences, hay bales, storm inlet sediment traps and collected sediment will be removed from the site and disposed of according to local regulations.

**Storm Water Management Controls**

Storm water drainage will be provided by curb and guttered streets and storm sewer for the developed areas as described earlier this is a fully developed site that is being modified. All disturbed areas will be permanently stabilized with permanent revegetation practices as defined

previously in this report. Storm sewer drainage will connect to existing storm sewers adjacent to the site.

## **Other Controls**

### **Offsite Vehicle Tracking:**

A stabilized construction entrance has been provided to help reduce vehicle tracking of soil from the site to existing streets. The existing paved street adjacent to the site entrance will be swept or washed as necessary to remove any excess mud, dirt or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin as required by local regulation.

### **Waste Disposal:**

All waste materials will be collected and removed by each trade working on the project. The project superintendent will enforce cleanup operations by each trade prior to the final payment. All personnel will be instructed regarding the correct procedure for waste disposal.

### **Hazardous Waste:**

All hazardous waste materials will be disposed of in the manner specified by local or state regulation or by the manufacturer. Site personnel will be instructed on these practices and the project manager assigned by the owner who manages day-to-day site operations, will be responsible for seeing that these practices are followed.

### **Sanitary Waste:**

All sanitary waste will be collected from portable units placed on the site by a sanitary waste management contractor as required by local regulation.

## **Pollution Prevention Measures**

### **Non-Stormwater Discharges:**

The following non-storm water discharges are anticipated during construction:

- a. Water from water line flushings
- b. Pavement wash waters (with no contamination from toxic materials)

Non-storm water discharges will be directed to a storm inlet or drainage ditch.

### **Materials:**

The following materials are expected to be present on-site during construction:

- a. Concrete
- b. Detergents
- c. Fertilizers
- d. Asphalt
- e. Petroleum Based Products
- f. Cleaning Solvents
- g. Wood
- h. Masonry Block

## Spill Prevention

### General Material Management Practices

- a. Store a minimum amount of each material on-site during construction - only enough to meet immediate needs.
- b. Materials will be stored in their original containers with the original manufacturers' labels, in a neat and orderly manner, and either under a roof or in an enclosure.
- c. Materials will not be mixed together unless recommended by the manufacturer.
- d. All containers will be disposed of properly.
- e. Materials will be used only for the purpose intended by the manufacturer and in the manner recommended by the manufacturer.
- f. Hazardous materials will be clearly marked and the manufacturers' safety recommendations will be followed.

### Product Specific Material Management Practices

**Concrete** - All washing and back flushing of concrete mixer trucks will be done in an area established by the project superintendent. The area shall be fully contained by the use of hay bales, silt fence or earth dikes. The debris left from back flushing of concrete mixer trucks shall be loaded in a dump truck and removed from the site and disposed of according to local regulations.

**Fertilizers** - Fertilizers will be applied in the minimum amounts recommended by the manufacturer or as specified in this report, whichever is greater. Once applied, fertilizer will be worked into the soil to limit exposure to stormwater. All fertilizers will be stored in a locked and covered shed and the contents of any partially used bags will be transferred to a seal able plastic bin to avoid spills.

**Petroleum Based Products** - All on-site vehicles and equipment will be monitored for leaks and will receive regular maintenance to help detect and prevent leaks. All petroleum products will be stored in clearly labeled and tightly sealed containers. Asphalt substances applied on-site will be applied according to the manufacturer's recommendations.

### Spill Control Practices

All spills will be cleaned up immediately upon discovery. The spill area will be kept well ventilated and clean-up personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.

The manufacturers' recommended methods of spill cleanup will be available to all personnel at the job site and all personnel will be made aware of the location of this information and the location of the cleanup supplies. The cleanup supplies and equipment will be located on-site in the same area in which materials are stored.

For small spills - cleanup supplies will include as a minimum, but are not limited to, brooms, dustpans, rags, gloves, goggles, sand, sawdust, and plastic and metal trash containers specifically designed for this purpose. Small spills shall be handled by overlaying with sand/kitty litter and sweeping up and disposing of in a proper method. For larger spill - cleanup supplies include as a minimum, but are not limited to approved materials for creating berms and/or dikes to contain the spill, pumping system to remove the material and disposal of in a proper method.

Spills of toxic or hazardous material will be reported to the appropriate State or local government agency regardless of the size of the spill.

Other than a significant emergency event where 911 should be called the First Point of Contact for spills shall be:

**QuikTrip Corporation**  
4705 S. 129<sup>th</sup> E. Avenue  
Tulsa, OK 74134  
918-615-7861 Phone  
918-615-7002 Fax  
Attn: Jake Sutton, Project Manager

In the City of Wichita all emergency contacts go through 911 emergency. In the event of a large hazardous spill after calling 911 and Jake Sutton, the Kansas Division of Emergency Management at 1-785-296-3176, the Kansas State Department of Health and Environment at 1-785-296-1679, and the U.S. EPA National Spill Response Center at 1-800-424-8802 should be called.

All spills will be documented to record a description of the spill, the cause of the spill, and the cleanup measures used. The Superintendent for the General Contractor will designate at least three site personnel to receive spill prevention and cleanup training. The names of these personnel will be posted with the manufacturers' recommended cleanup methods in the material storage area and in the on-site office trailer.

### **Timing of Controls/Measures**

As indicated in the Sequence of Major Activities, silt fences and the stabilized construction entrance will be constructed prior to clearing or grading any portion of the site, during rough grading temporary sedimentation basins will then be constructed. Following the installation of the storm sewer pipe and storm inlet sediment traps will be installed respectively. Areas where construction activity temporarily ceases for more than 21 days will be stabilized with permanent seed and mulch. After the entire site is stabilized, the accumulated sediment will be removed from the trap, permanent erosion control practices will be implemented in those areas.

### **Endangered Species & Historic Preservation**

The QuikTrip Store #386 site is not located within the federally listed sensitive waters and watershed areas. The proposed QuikTrip Store #386 development is not likely to significantly affect endangered or threatened species. No further information is necessary.

### **303d Information**

The Wichita Drainage Channel is not a 303d listed stream therefore no further issues relate to 303d listing. General erosion and sediment control practices such as stabilized construction entrance, hay bale ditch checks and silt fences constructed early in the grading phase will control general runoff from the site. General BMP's have been selected and are adequate for this type of commercial development.

### **Discharge Associated with Industrial Activity**

The construction of the QuikTrip Store # 386 commercial development will not include any discharge associated with industrial activities other than normal construction procedures which will include earthwork, utility construction, concrete structures, asphalt or concrete paving (materials hauled in from an offsite source) and roadway stabilization.

### **Off-site Material, Waste, Borrow and Equipment Storage Areas**

The location of off-site materials, borrow (none planned), waste and equipment storage is not shown. These items are contractor dependent and will be determined by the contractor upon construction of the project. The contractor shall store, dispose of and maintain all off-site material storage areas in compliance with the requirements of general permit and any other local, state and federal regulations, which may apply.

## **State and Local Requirements**

All erosion and sediment control practices and implementation shall conform to City of Wichita and the Kansas Department of Health and Environment general permit standards and specifications for limiting erosion and sedimentation.

## **Maintenance/Inspection Procedures**

The following inspection and maintenance practices will be used to maintain erosion and sediment controls.

- All control measures will be inspected at least once every fourteen days and within 24 hours of any storm event 0.5 inches or greater
- A maintenance inspection report will be made after each site inspection. A copy of the report form to be completed by the inspector is attached.
- All measures will be maintained in good working condition. If repair is necessary, it will be initiated within 24 hours of the report.
- Build-up sediment will be removed from the silt fence when it has reached a height of 6".
- Build-up sediment will be removed from the hay bales when it has reached a height of 6".
- Build-up sediment will be removed from the storm inlet sediment traps when it has reached a height of ½ the height of the structure.
- Build-up sediment will be removed from the storm outlet sediment traps when it has reached a height of ½ the height of the structure or 1 foot, whichever is less.
- Temporary and permanent seeding and planting will be inspected for bare spots, washouts and healthy growth.
- All disturbed areas and any area used for storage of materials shall be inspected.
- The SP-3 report shall be modified after each inspection and maintenance report if changes are necessary as based on the inspection

The project superintendent will be responsible for inspections, maintenance and repair activities, and completion of the inspection and maintenance report.

## **Non-Storm Water Discharges**

It is expected that the following non-storm water discharges will occur from the site during the construction period.

### **Non-Hazardous Waste**

- Water from water trucks for the paving sub grade stabilization process and establishing growth in vegetation
- Pavement wash waters (where no spills or leaks of toxic or hazardous materials have occurred)
- Water from waterline flushings

All non-storm water discharges will be directed to an area where slow velocities and undisturbed vegetation will help purify the water prior to discharge from the site.

### **Hazardous Waste**

- Wash water from concrete mixer trucks

All washing and back flushing of concrete mixer trucks will be done in an area established by the project superintendent. The area shall be fully contained by the use of hay bales, silt fence or earth dikes. The debris left from the back flushing of concrete mixer trucks shall be loaded in a dump truck, removed from the site and disposed of according to local regulations.


## **Pollution Prevention Plan Certification**

### Pollution Prevention Plan Certification

I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: JAKE W. SUTTON

Title: REAL ESTATE PROJECT MANAGER

Signature: 

Date: 12/18/09

**Certification of Compliance by Engineer**

I certify under the penalty of law that this report for storm water pollution prevention was prepared by me or under my direct supervision in accordance. In accordance with the provisions of the City of Wichita and the KDHE General Permit S-MCST-0701-1 for the owner's thereof.

Name: Barrick Rosenbaum, P.E.

State of Kansas No. 20507

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Copy this form for each contractor/subcontractor as necessary)

**Inspection and Maintenance Report Form  
for Construction Entrance and Erosion Controls**

(To be completed once every 14 days and within 24 hours after a 0.5" or greater rainfall)

QuikTrip Store #386 :

Storm Water Pollution Prevention Plan

Inspection Date: \_\_\_\_\_

Inspector: \_\_\_\_\_

Approximate rainfall amount and date if applicable: Amount: \_\_\_\_\_ in. Date: \_\_\_\_\_

Is significant amount of sediment tracked on to the adjacent roadway? \_\_\_\_\_

Is gravel in construction entrance clean or sediment filled? \_\_\_\_\_

Does all traffic use the construction entrance to leave the site? \_\_\_\_\_

Does sediment need to be removed from the silt fences or hay bale check dikes?  
\_\_\_\_\_

Are all disturbed areas stabilized? \_\_\_\_\_

Has any runoff from storage of materials areas occurred which requires cleanup and/or notification of federal/state/local agencies? \_\_\_\_\_

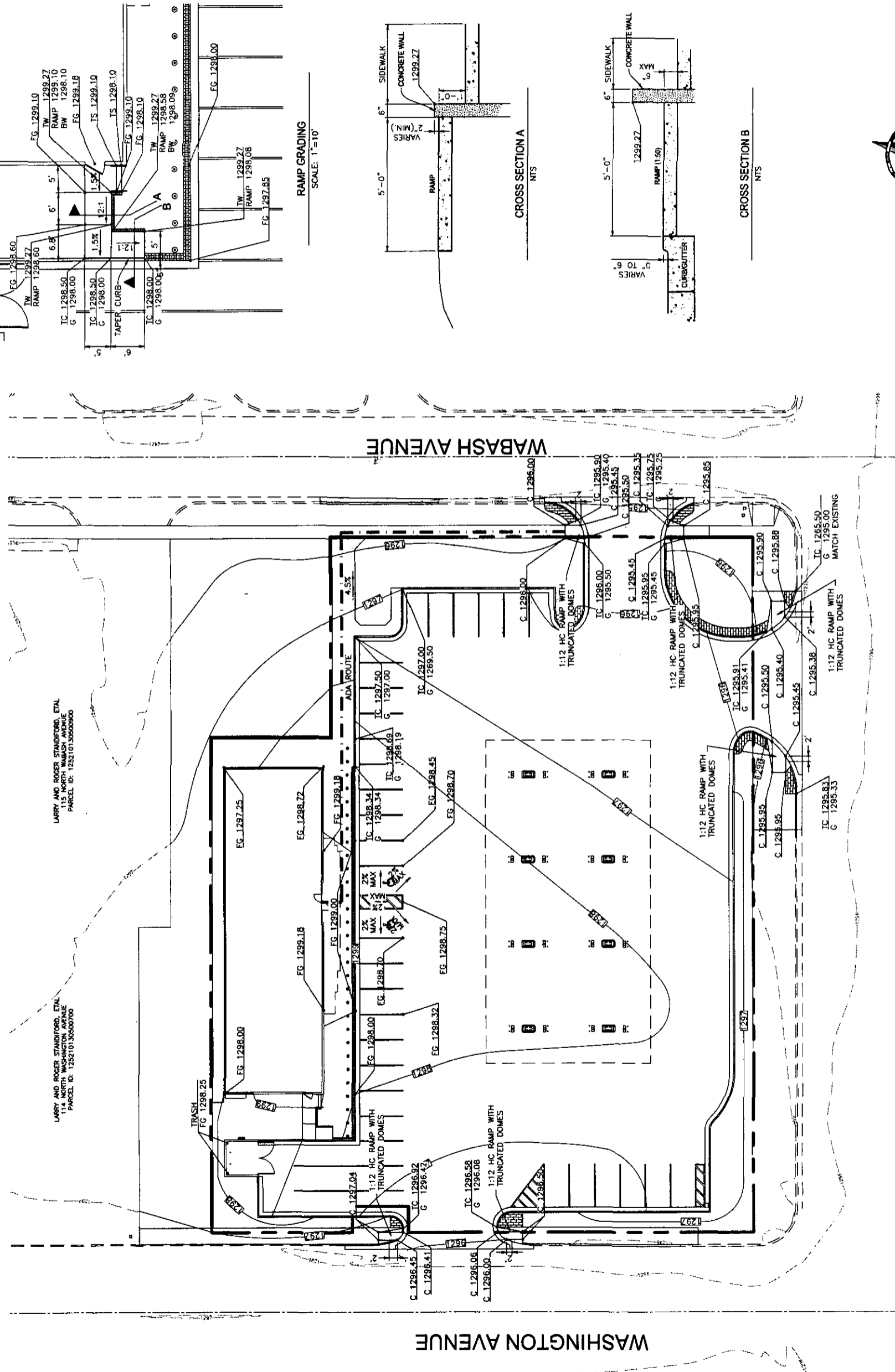
Is a modification of SP-3 necessary based on this review? \_\_\_\_\_ yes/no

Comments and methods to repair/replace:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

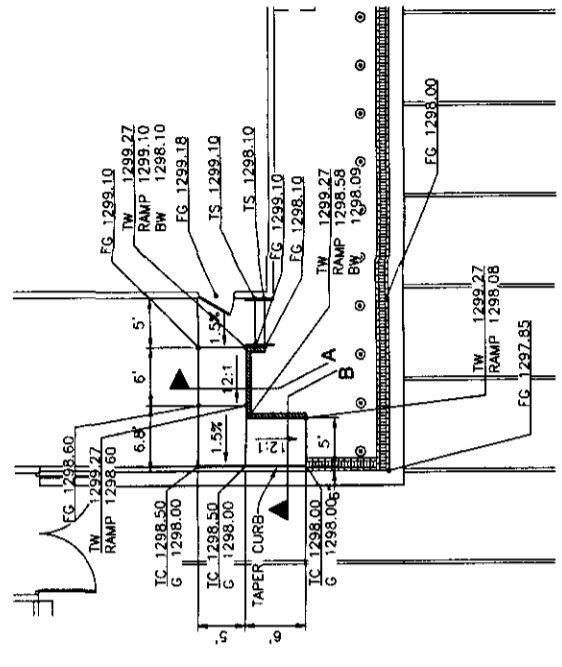
To be performed by: \_\_\_\_\_ Completion date: \_\_\_\_\_



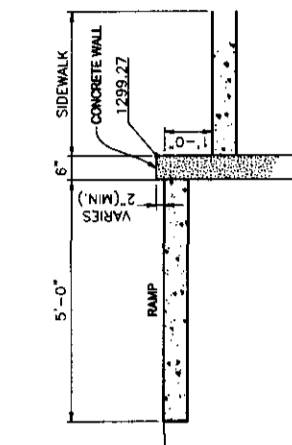


LARRY AND ROGER STANFORD, ETAL  
115 WABASH AVENUE  
PARCEL ID: 1252101305040700

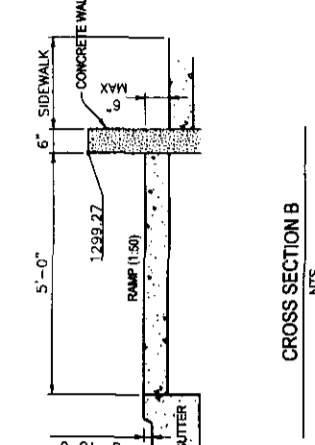
LARRY AND ROGER STANFORD, ETAL  
115 WABASH AVENUE  
PARCEL ID: 1252101305040700



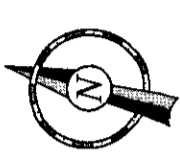
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SCALE: 1"=10'



CROSS SECTION A  
NTS



CROSS SECTION B  
NTS

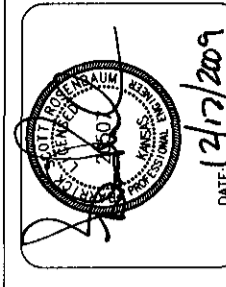


GENERAL NOTES  
1. SEE ADA AND SITE DETAILS SHEETS 13.

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No.	Revision	Date

**HRAOK, INC.**  
ENGINEERS-SURVEYORS-PLANNERS-LANDSCAPE ARCHITECTS  
OKLAHOMA, CH. 3645-EXP. DATE: 6-30-2011  
KANSAS, CH. 1800-EXP. DATE: 12-31-2010  
1913 WEST TACOMA - SUITE A VOICE (918) 258-2797  
BROKEN ARROW, OKLAHOMA 74012 FAX (918) 258-2504  
WWW.HRAOK.COM



DATE: 12/17/2009

ADA GRADING PLAN

DRAWN BY: TSM/BLJ	SHEET	5	21
DESIGNED BY: BLJ			
CHECKED BY: BSR			
ISSUE DATE: 8/3/09	OF		

DOUGLAS AVENUE

WASHINGTON AVENUE

WABASH AVENUE



**QuikTrip.**  
 4705 South 129th East Ave.  
 Tulsa, OK 74134-7008  
 P.O. Box 3475  
 Tulsa, OK 74101-3475  
 (918) 615-7700

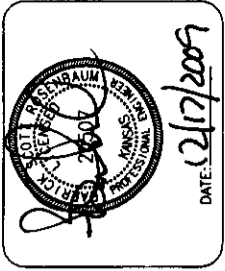
**GENERAL NOTES**

1. GRADING CONTRACTOR SHALL INSTALL SILT FENCE AND OTHER EROSION CONTROL PRODUCTS.
2. PAVING CONTRACTOR SHALL MAINTAIN EROSION CONTROL ITEMS DURING CONSTRUCTION AND REMOVE ALL SILT FENCE UPON COMPLETION OF CONSTRUCTION.
3. SEE EROSION CONTROL DETAILS, SHEET 14.

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No.	Revision	Dots

**HRACK, INC.**  
 ENGINEERS  
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 BROKEN ARROW, OKLAHOMA 74012  
 VOICE: (918) 258-3727  
 FAX: (918) 258-2554  
 WWW.HRACK.COM #E@HRACK.COM



DATE: 12/17/2009

**EROSION CONTROL PLAN**

DRAWN BY: TSM/BLJ  
 DESIGNED BY: BLJ  
 CHECKED BY: BSR  
 ISSUE DATE: 8/3/09

SHEET **6** OF 21

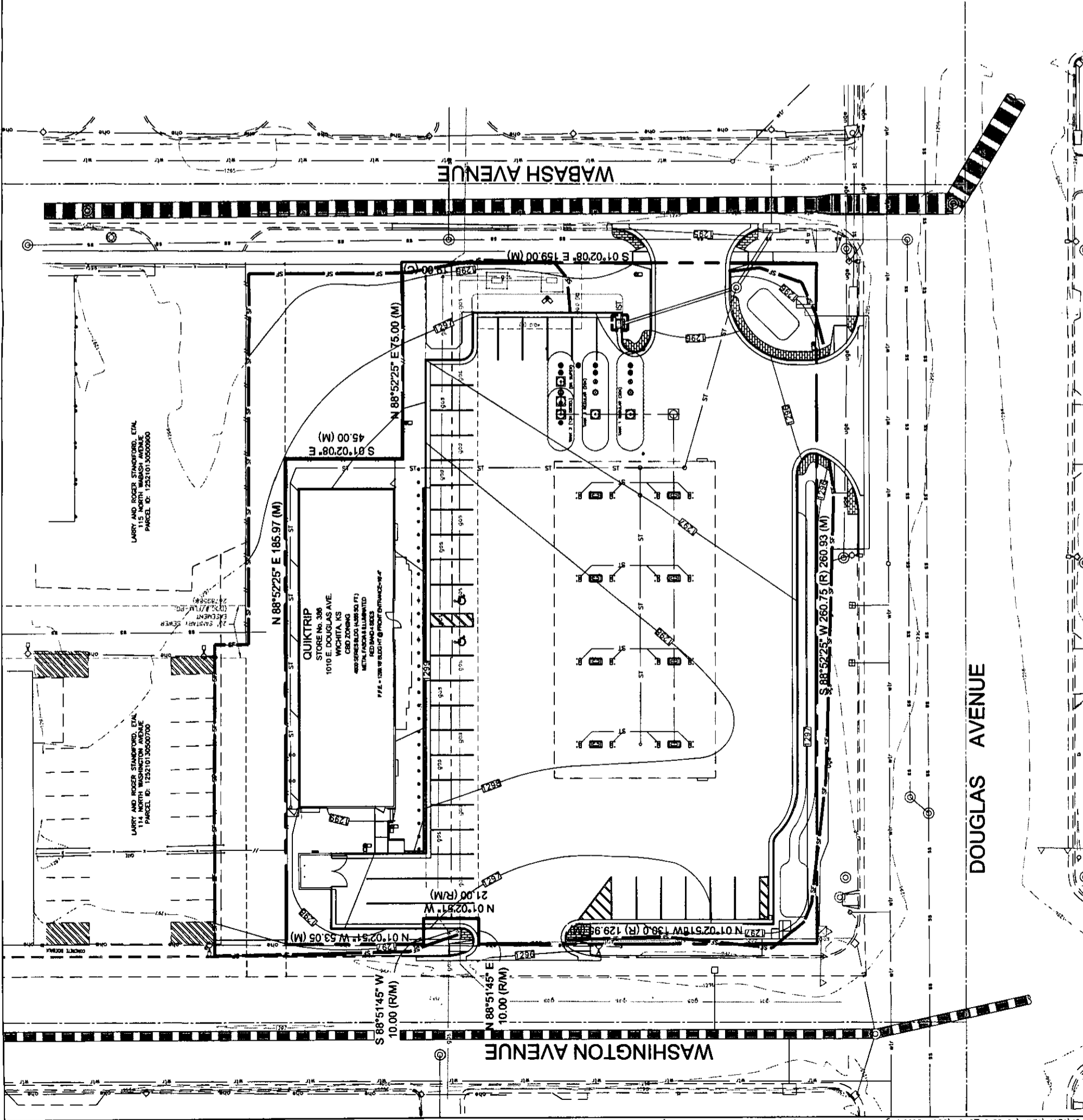
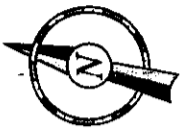
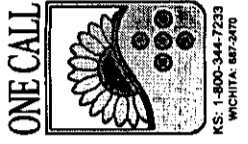
**EROSION CONTROL LEGEND**

IST

SILT PROTECTION

SILT FENCE

STRAW BALE DIKE



LARRY AND ROGER STANFORD, ETAL  
 15 NORTH WABASH AVENUE  
 PARCEL ID: 12521013050090

LARRY AND ROGER STANFORD, ETAL  
 15 NORTH WABASH AVENUE  
 PARCEL ID: 12521013050090



See Attached Sheet for Instructions

NOTICE OF INTENT (NOI)  
For Authorization to Discharge Stormwater Runoff from Construction Activities  
In accordance with the Kansas Water Pollution Control General Permit  
Under the National Pollutant Discharge Elimination System

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE issued successor permits, issued for stormwater runoff from construction activities in the State of Kansas. Becoming a permittee obligates the discharger to comply with the terms and conditions of the general permit. **Completion of this NOI does not provide automatic coverage under the general permit. Coverage is provided and discharge permitted when the Kansas Department of Health and Environment (KDHE) authorizes the discharge of stormwater runoff from the construction activities identified on the NOI and supporting documentation.** A signed and dated copy of the first page of the NOI indicating the Authorization will be provided to the owner or operator, or all three pages for Conditional Authorizations. Upon authorization of the construction activity discharge, a Kansas permit number and a Federal permit number will be assigned to the construction project. A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed (see listing on Page 3 of this NOI). KDHE will notify owners or operators whose Notice of Intent (NOI) and supporting documentation for Authorization of stormwater runoff associated with construction activities are incomplete, deficient, or denied. **Please Print or Type.**

I. OWNER OR OPERATOR ADDRESS & RECORD LOCATION INFORMATION

Owner or Operator's Name: Quik Trip #386 Contact Name: Jake Soltan  
Company Name: Quik Trip Corporation Company Name: Quik Trip  
Owner or Operator's Phone: 918 615 7861 Contact Phone: 918 615 7861  
Mailing Address: 4705 South 129th East Avenue Mailing Address: 4705 South 129th E. Ave  
City: Tulsa State: OK Zip Code: 74134 E-mail Address: jsoltan@quiktrip.net  
Billing Contact Name: Jake Soltan Address where records will be kept (if not on site): will be onsite  
Billing Address (if different): same other  
City: Tulsa State: OK Zip Code: 74134 Records Address: 4705 South 129th East Ave  
City: Tulsa State: OK Zip Code: 74134

II. SITE INFORMATION

A. LOCATION

Project Name: Quik Trip #386  
Street Address: 1010 E Douglas Avenue  
City: Wichita State: KS Zip Code: \_\_\_\_\_

B. LEGAL SITE DESCRIPTION

N/E  
QTR, QTR, QTR, Section  
27 South 1  E;  W;  
Township Range  
County: Sedgewick

For Official Use Only:

Received	Paid	Authorized <input type="checkbox"/> Y; <input type="checkbox"/> N
	Date:	Is Authorization Conditional? <input type="checkbox"/> Y; <input type="checkbox"/> N (if yes see page 3 of NOI for conditions)
	Initials:	Reviewer _____
	Check No:	Date _____
Secretary, Kansas Department of Health and Environment		
KS Permit No. _____	Federal Permit No. _____	

To receive a hard copy of the general permit packet, check yes:  Y;  N

Send completed 3 page NOI form with original signature to:

KDHE Contact Information:

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612-1367

Phone: (785) 296-5545  
E-mail: stormwater@kdhe.state.ks.us

Project Name: Quik trip # 386

Notice of Intent (NOI)

C. EXISTING CONDITIONS/USES

Is any part of the project located on Indian Country land?  Y:  N  
If yes, contact EPA regarding discharging stormwater runoff from industrial activities on Indian Country land.

If stormwater runoff drains to or through a Municipal Separate Storm Sewer System (MS4), MS4 Name: \_\_\_\_\_

Name of the first receiving water: stream: or lake: Wichita Drainage Channel River Basin: Arkansas

Are contaminated soils present on the site or is there groundwater contamination located within the site boundary?  Y:  N  
If yes, on separate paper please explain in detail the locations, contaminants and concentrations.

Are there any contaminated soils that will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? If yes, on separate paper please explain the special erosion and sediment control measures to be utilized.  Y:  N

Are there any surface water intakes for public drinking water supplies located within 1/2 mile of the site discharge points?  Y:  N

Has the Kansas State Historical Society been contacted to determine if there are any known historical or archeological sites present within the site boundary or any historical structures located within 1000 feet of the project site? Please include documentation of project site coordination with KSHS.  Y:  N

Has the Kansas Department of Wildlife and Parks been contacted to determine if any threatened or endangered species habitat is located within the site boundary or in the receiving water body? Please include documentation of coordination with KDWP.  Y:  N

Will the project impact the line or grade of a stream or does it include dredge or fill of a potential jurisdictional water body or wetlands? If yes, please include documentation of project site coordination with the Corps of Engineers.  Y:  N

Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding National Resource Waters located within 1/2 mile of the facility boundary?  Y:  N

D. PROJECT DESCRIPTION

Project Description: RT 386 is a fully open convenience store. Plan proposes to construct new facility behind current one then demolish old store. will remain open during full construction

Does this NOI include all proposed soil-disturbing activities associated with the entire common plan of development?  Y:  N

If no, explain what areas of the site and contact information, if available, that this NOI does not apply to. \_\_\_\_\_

Anticipated project Start Date: 1/15/2010 and Completion Date: 9/15/2010

Estimated total area to be disturbed: 1.2 Acres Total area of the site: 1.2 Acres

Do you plan to disturb ten or more acres that are within a common drainage area?  Y:  N

If yes, will a sedimentation basin be installed in that drainage area? (Attach design calculations for all proposed sediment basins)  Y:  N N/A

If no, on a separate sheet, indicate why the sediment basin is not feasible and explain what similarly effective erosion and sediment control measures will be implemented in lieu of a sedimentation basin.

E. MAPS

Include an area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary. ✓

F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

Provide a site plan showing the existing contour, proposed contour, the erosion control measures and the locations of stormwater management or pollution control features including BMPs. Incorporate details and notes as necessary to describe the erosion control plans and BMPs. ✓

Provide a description of the best management practices which will be utilized to control erosion, sedimentation and other pollutants in stormwater runoff during construction. ✓

Summarize the sequence of major soil disturbing activities and the corresponding erosion control measures or BMPs. ✓

Project Name: QUICKTRIP #386 REBUILD

Notice of Intent (NOI)

Provide the name and License or Certification Number of the engineer, geologist, architect, landscape architect, or certified erosion and sediment control specialist under which the construction stormwater pollution prevention plan has been developed.

Barrick Rosenbaum PE  
Name

20507 KS  
License/Certification Number

Engineer  
Profession or Field (Engineer, Architect, etc.)

**III. ANNUAL FEE**

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An invoice for the annual permit fee will be sent to the contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

**IV. OWNER OR OPERATOR CERTIFICATIONS**

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWP2 Plan) will be or has been developed for the construction site described in this NOI and supporting documentation. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activities is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Jacob W. Sutton  
Signature (owner or operator)

12/11/09  
Date

Jacob W. Sutton  
Name and Official Title (Please Print)

**Conditions of Authorization - For Official Use Only**

When indicated, Conditions of Authorization are as follows.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an original authorized signature
- The annual permit fee for the first year (\$60.)
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- A detailed site plan showing the existing contours, proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Design calculations for any proposed sedimentation basin; and
- Copies or letters or e-mails documenting coordination with appropriate local, state or federal agencies.



## NOTICE OF TERMINATION

### To Relinquish the Authorization to Discharge Stormwater Runoff from Construction Activities at the Construction Site Described Herein

Submission of this Notice of Termination (NOT) constitutes notice that the party identified below relinquishes authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE authorized successor permits, issued for discharge of Stormwater Runoff from Construction for the construction activity at the site named herein. Completion of this NOT does not automatically relieve the former permittee of any civil, criminal and/or administrative penalties.

To be considered acceptable, the NOT must be signed by the current permittee or a duly authorized representative of the current permittee, and must include the permit number assigned to the construction activity. KDHE will notify any permittee whose NOT is incomplete, deficient or denied. **Please Print or Type.**

Name of Project: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State: KS

Kansas Permit No. \_\_\_\_\_ Federal Permit No. \_\_\_\_\_

Company Name: \_\_\_\_\_ Phone: \_\_\_\_\_

This Notice of Termination is being submitted because: (check one)

- The construction project or larger common plan of development is finished and final site stabilization has been completed (pavement, buildings, structures, or perennial vegetation having a density of at least 70% of undisturbed areas at the site cover all areas which have been disturbed - See Part 8 of the general NPDES permit S-MCST-0701-1).
- This project is a house development subdivision project that has had a construction stormwater discharge Authorization for at least 3 years, the vacant lots are all stabilized, and the rate of home construction within the development disturbs less than one (1.0) acre (approximately 5 lots) per year or less than one (1.0) acre of land (approximately 5 lots) remain available for development (see Part 8 of the general NPDES permit S-MCST-0701-1).

I certify under penalty of law that all soil disturbances associated with the construction activity at the construction site named herein meet one of the two criteria indicated above and have therefore attained final stabilization in accordance with Part 8 of the general NPDES permit S-MCST-0701-1. I understand that by submitting this Notice of Termination, I am no longer authorized under the general NPDES permit S-MCST-0701-1 to discharge stormwater associated with construction activity at this construction site. I understand that discharging pollutants in stormwater associated with construction activity to waters of the State is unlawful under K.S.A. 65-164 and 65-165 and the Clean Water Act without authorization by a valid Kansas Water Pollution Control Permit. I understand that by submitting this Notice of Termination, I am not released from liability for any violations of the general NPDES permit S-MCST-0701-1, K.S.A. 65-164 and 65-165, the Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.), or the Clean Water Act. I also hereby certify that I am authorized to sign this Notice of Termination as a representative of the permittee named herein.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Submit the NOT with original signatures to:

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612 - 1367



## CONTRACTOR'S CERTIFICATION FORM

For Discharge of Stormwater Runoff from Construction Activities  
In accordance with the Kansas Water Pollution Control General Permit  
Under the National Pollutant Discharge Elimination System

This form is to be completed by each Contractor responsible for installation, operation, or maintenance of any construction stormwater best management practices (BMPs) necessary to complete the requirements of the Stormwater Pollution Prevention Plan. This completed form must be included in, or kept with, the Stormwater Pollution Prevention Plan for the site identified below.

I certify under penalty of law that I understand the terms and conditions of the Kansas Water Pollution Control general permit that authorizes the stormwater discharges associated with construction activity from the construction site identified below, and the Stormwater Pollution Prevention Plan prepared for the project.

Name of Project: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State: KS

Kansas Water Pollution Control General Permit No. S-MCST-0701-1

Kansas Permit No. \_\_\_\_\_ Federal Permit No. \_\_\_\_\_

### Contractor Information

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

Company Phone Number: \_\_\_\_\_

Project Responsibilities: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contractor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT**

**BUREAU OF WATER**



**KANSAS WATER POLLUTION CONTROL**

**AND**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES**

**GENERAL PERMIT**

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**National Pollutant Discharge Elimination System (NPDES)  
Stormwater Runoff from Construction Activities General Permit**

**Permit No. S-MCST-0701-1  
Federal Permit No. KSR100000**

Appendices

Appendix 1 Definitions & Acronyms

Appendix 2 Forms

- Notice of Intent Form (NOI) for Stormwater Runoff from Construction Activities
- Notice of Intent Instructions for Stormwater Runoff from Construction Activities
- Contractor's Certification Form
- Individual Lot Certification (ILC)
- Notice of Termination form (NOT)
- Notice of Transfer of Ownership form (NOTO)

Please note: **The Department has provided several options for obtaining copies of these forms, but at this time the Department cannot accept electronic submittals (e-mail or fax) of completed forms. Original copies of all forms must be received before permit/exclusion requests can be processed.**

**Upon request, KDHE will provide copies of State published information. EPA and/or NTIS contact information will be provided in response to requests for Federal Publications.**

Kansas Water Pollution Control General Permit  
and Authorization to Discharge

STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES

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 "Clean Water Act"); and the Kansas Surface Water Quality Standards (K.A.R. 28-16-28 et seq.); this general NPDES permit provides the requirements and conditions under which the permittee is authorized to discharge stormwater runoff from construction activities.

Coverage is provided and construction Stormwater discharge is authorized when the Kansas Department of Health and Environment (KDHE) issues an Authorization to discharge stormwater runoff from construction activities until the Authorization is terminated. A signed and dated copy of the Authorization will be provided to the permittee.

Upon Authorization, the Permittee is allowed to discharge stormwater runoff from construction activities described in the Notice of Intent for Stormwater Runoff from Construction Activities and supporting documents in accordance with the requirements and conditions of this General NPDES Permit and the Stormwater Pollution Prevention Plan developed for the identified construction activities.

This general NPDES permit is effective January 2, 2007 through December 31, 2011.

(signed by Secretary Roderick L. Bremby )  
Secretary, Kansas Department of Health and Environment

January 2, 2007  
Date

**AUTHORIZED ACTIVITY DESCRIPTION:**

**Construction Activities**

**Construction activities consist of any activity (e.g. clearing, grubbing, excavating, and grading) which disturb a cumulative total of one (1.0) or more acres or that are part of a larger common plan of development or sale which will disturb a cumulative total of one or more acres.**

**Construction activities which disturb less than one (1.0) acre are considered to be construction activities needing permit coverage when the site is part of a larger common plan of development or sale which will disturb a cumulative total area equal or greater than one (1.0) acre. Construction activities do not include routine maintenance (see endnote 7, page 13).**

Upon issuance of this General Permit, owners or operators who intend to engage in construction activities as indicated above, shall obtain authorization to discharge stormwater runoff under this general NPDES permit prior to commencing construction at the project site. To obtain authorization to discharge stormwater runoff, the owner or operator of a construction site shall submit a Notice of Intent (NOI) for the discharge of stormwater runoff from construction activities at least 60 days prior to removing vegetation or disturbing soil at the site. The NOI form is a request for coverage under the requirements and conditions of this general permit. To obtain authorization, the NOI form and supporting documents shall be submitted in accordance with Part 4 of this general NPDES permit. Upon acceptance of the NOI and supporting documents, KDHE will indicate the authorization for coverage under the general permit on the first page of the NOI form, assign authorization numbers, and indicate the KDHE issuance of the Authorization with the Department Secretary's signature. The owner or operator is then authorized to discharge stormwater runoff from construction activities under the provisions of this general NPDES permit and may commence construction at the construction site described in the NOI and supporting documents in accordance with the terms and conditions expressed in this general NPDES permit and in conformance with the stormwater pollution prevention plan developed for the site.

Rather than submitting an NOI, owners or operators who intend to engage in construction activity that will disturb between one (1) and five (5) acres may request a rainfall erosivity waiver. To receive a waiver, the owner or operator of a construction site shall submit a rainfall erosivity waiver application form at least 60 days prior to removing vegetation or disturbing soil at the site. To be authorized, the small construction activity must have a low predicted rainfall potential that corresponds to a rainfall erosivity factor of less than 5 as calculated by the Revised Universal Soil Loss Equation [RUSLE]. The rainfall erosivity waiver application form is available on the [Kansas Stormwater Website](#) (see endnote 1, page 13). Copies can also be obtained by writing or e-mailing KDHE at the addresses in Part 9.2. Prior to commencing construction, the owner or operator must receive a copy of the authorized rainfall erosivity waiver from KDHE.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre), and which are not part of larger common plan of development or sale, must have authorization to discharge stormwater runoff from construction activities under this general NPDES permit when KDHE notifies the owner or operator that the water quality impact from discharge of stormwater runoff from construction activity warrants consideration because the proposed construction activities constitute a significant pollution potential.

Any owner or operator who is subject to NPDES permit requirements for stormwater runoff from construction activities and who discharges stormwater runoff from construction activities prior to receiving authorization from KDHE is in violation of both State and Federal laws.

## PREFACE

The purpose of this general permit is to implement the Federal Water Pollution Control statutes and regulations; permit discharges of stormwater runoff from construction sites subject to National Pollutant Discharge Elimination System (NPDES) permit requirements; and to protect waters of the State from sediment and other contaminants.

The issuance of an authorization to discharge under this general NPDES permit allows a project owner or operator, after implementation of the project site stormwater pollution protection plan, to commence construction site soil disturbing activities that will produce or potentially produce a discharge of contaminated stormwater into waters of the State of Kansas.

This general permit does not authorize the placement of fill materials in flood plains, the obstruction of stream flow, directing stormwater runoff across private property, increasing stormwater runoff flow, changing the channel of a defined drainage course, etc. This general permit is intended to address only the quality of the stormwater runoff and to minimize off-site migration of sediments and contaminants.

KDHE administers a number of regulatory programs that may preclude the initiation of construction activities until such time as a specific permit is issued or authorization is granted. This permit Authorization solely addresses NPDES stormwater discharge requirements for construction activities. It is the permittees obligation to ensure compliance with all KDHE, State, Federal and local regulatory and permit requirements.

Owners or operators seeking coverage under this general NPDES permit which have the potential to impact threatened or endangered species or historical sites can obtain information regarding regulatory requirements or special conditions which may be applicable to the activities covered by this permit from the Kansas Department of Wildlife and Parks or the Kansas State Historical Society respectively (See NOI instructions for contact information).

Other appropriate agencies should be contacted to determine the need for additional permits, authorizations, or requirements, if any. In particular the applicant should contact the **local separate storm sewer agency (see endnote 2, page 13)**. Other agencies the applicant should contact include the United States Army Corps of Engineers; Kansas Department of Agriculture, Division of Water Resources; and any other local governments or agencies that are not listed herein that may have jurisdiction.

Authorization to Discharge under this general permit does not constitute approval of the project under the provisions of the Environmental Coordination Act,

K.S.A. 82a-326(a)(4) and (b) and does not relieve the permittee of the responsibility to comply with the requirements of other Agencies prior to commencement of construction activities.

## Part 1. WHO MUST OBTAIN AUTHORIZATION TO DISCHARGE

Owners or operators of construction activities which may disturb one or more acres or are part of a larger common plan of development or sale which may disturb a cumulative total of one or more acres must obtain authorization to discharge stormwater runoff from construction activities.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre), and which are not part of larger common plan of development or sale, must have authorization to discharge stormwater runoff from construction activities under this general NPDES permit when KDHE believes the water quality impact warrants consideration or KDHE determines the construction activities constitute a significant pollution potential.

KDHE reserves the right to revoke coverage under this general permit to applicants for stormwater runoff from construction or earth disturbing activities where annual payment for continuing coverage has not been received or reasonable application of best management practices have not been implemented, after requests by KDHE staff.

Municipalities that were formerly exempt from the general NPDES permit requirements for discharging stormwater runoff must have authorization to discharge stormwater runoff from construction activities under this general NPDES permit.

## Part 2. WHAT THIS PERMIT COVERS

This general permit authorizes the discharge of stormwater runoff from construction activities from the date of Authorization of the stormwater discharge until the site is stabilized and the construction stormwater discharge Notice of Termination (NOT) is received by KDHE or the permit is revoked.

This general permit also authorizes the following non-stormwater discharges from construction sites during the life of the project:

1. flushing water hydrants and potable water lines,

2. water used for rinsing streets or structures that does not contain cleansers, detergents, solvents or additives;
3. irrigation to establish vegetation; and
4. discharges of uncontaminated groundwater.

### Part 3. WHAT THIS PERMIT OR THE RAINFALL EROSIONITY WAIVER DOES NOT COVER

This general NPDES permit does not authorize:

1. a discharge of stormwater runoff from construction activities which violates the provisions of this general NPDES permit;
2. construction activities on sites within Kansas which are located on Indian Country lands, (see endnote 3, page 13);
3. construction activities which may discharge stormwater runoff one-half stream mile or less from a Critical Water Quality Management Area; an Exceptional State Water; an Outstanding National Resource Water; or a Special Aquatic Life Use Water unless KDHE specifically grants coverage by this general permit (see endnote 4, page 13);
4. construction activities that may discharge stormwater runoff that violates the Kansas Surface Water Quality Standards;
5. construction activities that may discharge stormwater runoff that violates the applicable requirements of a local stormwater pollution prevention program;
6. construction activities that may adversely affect threatened or endangered species as listed in K.A.R. 115-15-1 et seq. unless the KDWP has been specifically consulted with;
7. construction activities that may affect any identified historical or archeological sites listed or eligible for listing on the National Register of Historic Places unless the KSHS has been specifically consulted with; and
8. projects that are exempt under the Oil & Gas Exemption (see definition). However, if Authorization under the general permit is requested, a permit will be issued and water quality violations will be enforced.

This general NPDES permit does not relieve the permit holder of the obligation to obtain other approvals, permits,

licenses, or documents of sanction that may be required by other federal, state, or local government agencies.

This general permit also does not authorize any other discharge of sewage, pollutants or wastewater to waters of the State including for example:

1. hazardous substances or oil from an on-site spill or improper handling and disposal practices;
2. wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks;
3. wastewater generated from wet air pollution control equipment for asphalt plants, or the containment of scrubber water in lined ponds; or
4. contaminated groundwater.

KDHE reserves the right to deny coverage under this general permit to applicants for stormwater runoff from construction or earth disturbing activities at sites which have contaminated soils which will be disturbed by the construction activity.

### 3.1 Individual Permits Required due to Denial or Non-Compliance

If the NOI for coverage under this general NPDES permit is denied by KDHE, then the applicant is not eligible for coverage under this general permit and shall apply for an individual NPDES permit.

The permittee shall apply for an individual NPDES permit at least 180 days prior to commencing construction. Construction activities shall not commence until the individual NPDES permit is issued.

### Part 4. HOW TO APPLY

The owner or operator of a construction site needing coverage under this general permit shall submit a complete request for Authorization to discharge stormwater runoff from construction activities and receive Authorization from KDHE prior to removing vegetation or disturbing soil at the site. To receive authorization, a complete request shall be submitted in accordance with this part of the general NPDES permit.

A complete request for Authorization to discharge stormwater runoff from construction activities under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an original authorized signature;

- A check for the first year of the annual permit fee made payable to "KDHE". Per K.A.R. 28-16-56 et seq., as amended, the current annual permit fee for this general permit is \$60;
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- A detailed site plan showing the existing contours, proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Design calculations for any proposed sedimentation basin, if applicable; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.

Submittal of a Notice of Intent (NOI) to discharge Stormwater Runoff from Construction Activities and all supporting documentation above does not provide automatic coverage under the general permit. Coverage under this general permit begins when KDHE authorizes the discharge of stormwater runoff from construction activities identified in the NOI and supporting documentation. The NOI and supporting documentation shall be submitted at least 60 days prior to start of construction activities.

Requests for waiving any of the applicable requirements of this general NPDES permit will not be considered.

An NOI form can be downloaded from the [KDHE Stormwater Website](#) (see endnote 1, page 13) or obtained from KDHE at the address given in Part 9 of this general NPDES permit.

The permittee needs to submit a copy of the Authorization indicated on the NOI and all supporting documentation to the operator of the local Municipal Separate Storm Sewer System (MS4) and obtain any permits or approvals that may be required under the local Stormwater Management Program. A list of NPDES permitted MS4 operators which are required to develop a Stormwater Management Program is available on the [KDHE Stormwater Website](#) (endnote 2, page 13) or upon written request to KDHE Bureau of Water Municipal Programs Section.

Upon Authorization of the stormwater runoff from construction activities for the site indicated on the NOI and supporting documents, the owner or operator and, if

appropriate, the company, corporation, partnership, or government entity they represent becomes the permittee under this general permit.

#### Part 5. STARTING CONSTRUCTION ACTIVITY

The owner or operator who has applied for coverage under this general NPDES permit is not authorized to initiate construction activities and therefore discharge stormwater runoff from construction activities described in the NOI until receiving Authorization from KDHE for the discharge.

When the owner or operator receives the Authorization to discharge stormwater from construction activities, the owner or operator may commence construction activities at the site described in the NOI and supporting documentation under the provisions of this general NPDES permit and in accordance with the construction site stormwater pollution prevention plan.

A copy of the NOI indicating the Authorization and the project specific SWPPP including erosion and sediment control plan for the specific project shall be readily available at the construction site.

#### Part 6. CONTINUING COVERAGE - ANNUAL PERMIT FEE AND RENEWAL REQUIREMENTS

The permit holder shall pay an annual permit fee as specified in K.A.R. 28-16-56 et seq. as amended as long as stormwater discharges from the facility continue to meet the definition of stormwater discharges from construction activities. Make the check payable to "KDHE".

An annual bill will be sent to the permittee listed in the NOI requesting the annual permit fee until such time as the permit holder submits a Notice of Termination (NOT) or, upon receipt by KDHE, the current permittee indicated on a notice of transfer of ownership.

Payment of the annual permit fee is required to maintain continued coverage under this permit until such time as a request for a transfer of ownership or until the site is stabilized and a Notice of Termination (NOT) is received by KDHE or the permit is revoked.

This general permit will expire **December 31, 2011**. Should KDHE fail to issue a new general permit with an effective date on or before the expiration date of this permit, the conditions of this general NPDES permit continue in force until the effective date of a new general NPDES permit.

A permittee who has a valid authorization to discharge stormwater runoff from construction activities under the conditions of this general NPDES permit will continue to be covered until the effective date of the new general permit

and shall comply with the conditions of this general permit until the effective date of the successor general permit. Upon the effective date of the successor general NPDES permit, the permittee shall comply with the terms and conditions of the successor general permit or obtain coverage for construction stormwater discharges under alternative provisions of this permit.

A permittee who is authorized by this general NPDES permit does not have to submit a new NOI upon expiration of this general permit unless the information in the current NOI is inaccurate, needs to be updated, or is requested by KDHE.

If the permittee wishes to continue construction activities regulated by this general NPDES permit after the expiration date of this permit, the permittee must continue to pay the annual fee, and continue to comply with the terms and conditions of this general permit until the effective date of the successor general NPDES permit.

On and after the effective date of the successor general NPDES permit, the permit holder must comply with the terms and conditions of the successor permit; and continue paying the annual permit fee; or request an individual NPDES permit. The facility will continue coverage under this general stormwater permit and comply with the provisions of this general permit until the individual NPDES permit is issued.

The permittee is not required to submit a new NOI for continuing coverage under the successor general NPDES permit unless modifications, changes or discoveries are made which may affect coverage under the successor general NPDES permit or the information in the current NOI is inaccurate, needs to be updated, or KDHE requests the submission of a new NOI.

## **Part 7. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS AND GUIDELINES**

Before starting construction the permittee shall develop a Stormwater Pollution Prevention plan (SWP2 plan) which is specific to the construction activities which are to be employed at the site authorized by this general permit to discharge stormwater runoff. The permittee shall fully implement the provisions of the SWP2 plan required under this part as a condition of this general permit throughout the term of the construction project.

The purpose of the SWP2 plan is to ensure the design, implementation, management, and maintenance of "Best Management Practices" (BMPs) in order to minimize erosion; reduce the amount of sediment and other pollutants in stormwater runoff from construction activities; comply with the Kansas Surface Water Quality Standards; and ensure compliance with the terms and conditions of

this general permit.

The permittee shall select, install, utilize, operate, and maintain the BMPs in accordance with the concepts and methods described in Environmental Protection Agency (EPA) document number EPA 832-R-92-005, entitled **Stormwater Management for Construction Activities - Developing Pollution Prevention Plans and Best Management Practices**, published in September, 1992 (see **endnote 5, page 13**). The permittee is not limited to the BMPs provided in the EPA guidance manual. Other pollution or erosion controls must utilize practices with similar effectiveness, and the permittee should develop BMPs with the goal of site specific effectiveness in mind.

### **7.1 General SWP2 Plan Requirements**

Stormwater Pollution Prevention (SWP2) plans shall be developed and prepared under the supervision of an engineer, geologist, architect, landscape architect or a Certified Professional in Erosion and Sediment Control (see **endnote 6, page 13**). The permittee shall amend and update the SWP2 plan as appropriate during the term of the construction activity. Amendments to SWP2 plans shall also be prepared under the supervision of an engineer, geologist, architect, landscape architect or a Certified Professional in Erosion and Sediment Control. Please note: It is unlawful for a person to perform any assignment involving a specific technical profession unless licensed or specifically exempted by the Kansas Board of Technical Professions, and is qualified by education and expertise in that profession to perform such work.

The permittee shall ensure the BMPs are properly installed and maintained at the locations and relative timeframes specified in the SWP2 plan. Margin or border BMPs, such as vegetation strips, to control stormwater runoff where it leaves the site boundary, shall be installed or marked for preservation before general site clearing is started. Stormwater runoff from disturbed areas which leave the site shall pass through an appropriate impediment to sediment movement, such as a sedimentation basin, sediment trap, silt fence, etc., prior to leaving the construction site.

The permittee shall amend the SWP2 plan, at a minimum, whenever:

- there is a change in design, operation, or maintenance of BMPs;
- there is a change in the design of the construction project which could significantly affect the quality of the stormwater runoff or the use of designated BMPs;
- the permittee's inspections indicate deficiencies in

the SWP2 plan or any BMP;

- KDHE notifies the permittee of deficiencies in the SWP2 plan;
- the SWP2 plan is determined to be ineffective in significantly minimizing or controlling erosion and sedimentation (e.g. there is evidence, such as excessive site erosion, excessive sediment leaving the site, or excessive sediment deposits in streams or lakes); or
- KDHE determines violations of Surface Water Quality Standards may occur or have occurred, or
- KDHE determines the activities at the site constitute a significant pollution potential.

The permittee shall provide a copy of the SWP2 plan to KDHE or EPA upon request.

The permittee shall notify each contractor or entity (including utility crews, and city employees or their agents) who will perform work at the site of the existence of the SWP2 plan and what action or precautions shall be taken while on-site to minimize the potential for erosion and the potential for damaging any BMP. The notification shall be in writing. The permittee is ultimately responsible for ensuring compliance with this permit.

The permittee shall provide contractors who are responsible for installation, operation, or maintenance of any BMP a copy of the SWP2 plan. The permittee shall have each such contractor sign a KDHE Contractor Certification form. The permittee shall provide a copy of this form to KDHE; or EPA upon request.

The permittee, an authorized representative, and/or the contractor(s) responsible for installation, operation, and maintenance of the BMPs shall keep a current copy of the SWP2 plan on the project site.

#### 7.2 Contents of SWP2 Plan

**7.2.1 Site Description** - The permittee's SWP2 plan shall include all of the information provided in the NOI. The SWP2 plan shall expand upon the NOI information in order to make the SWP2 plan a working document which contractors and site construction workers can use to guide the installation and maintenance of BMPs.

**7.2.2 Description of Best Management Practices** - The permittee's SWP2 plan shall include a description of the BMPs they will use at the site. The SWP2 plan shall provide the following general information for each BMP

which will be used one or more times at the site:

- a physical description of the BMP;
- the site and physical conditions which must be met for effective use of the BMP;
- the BMP installation / construction procedures, including typical drawings; and
- operation and maintenance procedures for the BMP.

The SWP2 plan shall provide the following information for each specific instance where a BMP is to be installed:

- whether the BMP is temporary or permanent;
- where, in relation to other site features, the BMP is to be located;
- when, in relation to each phase of construction, the BMP will be installed; and
- what site conditions must be met before removal of the BMP, if the BMP is not a permanent BMP.

**7.2.3 Temporary and Permanent Non-Structural BMPs** - Examples of non-structural BMPs which the permittee should consider specifying in the SWP2 plan include: temporary seeding, final seeding, mulching, geotextiles, sod stabilization, protection of existing vegetation for use as buffer strips (especially along drainage courses), protection of trees, preserving existing stream channels as overflow areas when channel shortening is allowed, soil stabilizing emulsions and tackifiers, mulch tackifiers, preservation of mature vegetation, stabilized site entrances/exits, and other appropriate BMPs.

The permittee's SWP2 plan shall require existing vegetation to be preserved where practical, and the time period for soil areas to be without vegetative cover is to be minimized to the extent practical.

Clearing and grubbing within 50 feet of a defined drainage course should be avoided.

Where changes to defined drainage courses are to occur as part of the project, clearing and grubbing within 50 feet of the defined drainage course should be delayed until all materials and equipment necessary to complete the drainage change are on site.

Changes to defined drainage courses shall be completed as quickly as possible once the work has been initiated. The area impacted by the construction of the drainage course change is to be re-vegetated or stabilized to minimize erosion as soon as possible.

Where soil disturbing activities are scheduled to be stopped in an area, the disturbed areas shall be protected from erosion by maintaining the erosion control BMPs, or stabilizing the area with mulch or other similarly effective soil stabilizing BMPs.

#### **7.2.4 Temporary and Permanent Structural BMPs -**

Examples of structural BMPs which the permittee should consider specifying in the SWP2 plan include: diverting flows from undisturbed areas away from disturbed areas, silt (filter fabric or straw bale) fences, earthen diversion dikes, drainage swales, sediment traps, rock check dams, subsurface drains (to gather or transport water for surface discharge elsewhere), pipe slope drains (to carry concentrated flow down a slope face), level spreaders (to distribute concentrated flow into sheet flow), storm drain inlet protection and outlet protection, reinforced soil retaining systems, gabions, temporary or permanent sediment basins, and other appropriate BMPs.

**7.2.5 Sedimentation Basins** - The permittee's SWP2 plan shall require a sedimentation basin, where feasible, for each drainage area with 10 or more acres disturbed at one time.

The sediment basin needs to be designed and maintained to provide at least 3,600 cubic feet of storage per acre drained. Where use of a sediment basin of this size is impractical, the SWP2 plan shall evaluate and specify other similarly effective BMPs to be employed to minimize erosion and control sediment.

The permittee's SWP2 plan shall require that the sediment basin be cleaned to ensure adequate detention is available. No more than 20 percent of the sediment basin capacity shall be taken up with sediment. The basin shall be maintained until final stabilization of the area served by the sediment basin.

The 3,600 cubic feet of storage area per acre drained criteria does not apply to flows from areas where such flows are diverted around both the disturbed area and the sediment basin.

The permittee's SWP2 plan shall require both temporary and permanent sedimentation basins to have a stabilized emergency spillway to minimize the potential for erosion of the emergency spillway or sediment basin embankment.

See the definition of Sediment Basin Design Criteria for additional clarification and alternatives for sizing, volume, and retention and detention requirements.

**7.2.6 Permanent Stormwater Controls** - The permittee's SWP2 plan shall include a description of the measures that will be installed during construction to control pollutants in stormwater runoff that will occur after construction activities

have been completed. These would include drainage channels or systems; outlet control devices, detention basins, oil water separators, catch basins, etc. This general permit does not require the permittee or his contractors to operate or maintain these measures beyond the date of the Notice of Termination unless otherwise notified by KDHE.

**7.2.7 Additional Site Management BMPs** - The permittee's SWP2 plan shall address other BMPs, as required by site activities, to prevent contamination of stormwater runoff. Such BMPs include:

1. solid and hazardous waste management including: providing trash containers and regular site clean up for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers, and cups; and providing containers and proper disposal for waste paints, solvents, and cleaning compounds, etc.;
2. providing portable toilets for proper disposal of sanitary sewage;
3. storing construction materials away from drainage courses and low areas;
4. and installing containment berms and using drip pans at fuel and liquid storage tanks and containers.

**7.2.8 Site Inspections by Permittee** - The permittee shall ensure the construction site is inspected on a regular schedule and within twenty-four hours of the end of a precipitation event which results in precipitation of 0.5 inches or greater. The frequency of regular inspections should be proportional to the amount of construction activity. The permittee should increase the frequency of inspections when construction activity increases. Regularly scheduled inspections shall at a minimum be once per month. For disturbed areas that have not been finally stabilized all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where stormwater runoff leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a report of the inspection and corrected within seven calendar days of the inspection. The permittee shall promptly notify the site contractors responsible for operation and maintenance of BMPs of deficiencies.

A report of each inspection shall be made. The inspection report is to include the following minimum information: inspector's name, date of inspection, observations relative to the effectiveness of the BMPs, actions taken or necessary to correct deficiencies, listing of areas where

construction operations have permanently or temporarily stopped, and observations of stormwater discharge locations with respect to the effectiveness of the upgradient BMPs.

The inspection report shall be signed by the person performing the inspection.

The permittee shall maintain site inspection reports on-site or at the records storage location identified in the NOI. The permittee shall provide a copy of the site inspection reports to KDHE or EPA upon request.

## Part 8. PROJECT COMPLETION

The permittee shall notify KDHE of the project completion by submitting a Notice of Termination (NOT). The permittee shall sign the NOT and mail it to KDHE at the address given in Part 9 of this general permit.

When the soil disturbing activities are complete, and the final stabilization has been achieved, the permittee can terminate coverage under this general permit by submitting the NOT. The project is considered to be stabilized when either perennial vegetation, pavement, buildings, or structures using man-made materials cover all areas which have been disturbed. Vegetation must have a density of at least 70 percent of undisturbed areas at the site.

For subdivision development projects, termination of coverage can be requested after three years, provided the entire subdivision is stabilized and the rate of home construction disturbs less than one (1.0) acre per year (approximately 5 lots) or less than one (1.0) acre of land remains to be developed (approximately 5 lots).

## Part 9. GENERAL REQUIREMENTS OF THIS PERMIT

### 9.1 Records

The permittee shall maintain all records required by this general permit for a period of three (3) years following the date on the NOT. All records shall be kept on-site or in a readily available location identified in the NOI until final stabilization has been completed. After final stabilization has been completed, records may be maintained at the permittee's main office.

Records shall be readily available during normal business hours.

Records which shall be maintained by the permittee include, but are not limited to:

- The NOI indicating the Authorization of the stormwater runoff from the construction activities

by KDHE, and supporting documentation used to apply for authorization under this general permit;

- the SWP2 plan for the construction site named in the Authorization to discharge stormwater runoff, and any amendments to the SWP2;
- all site inspection records;
- all contractor's certifications;
- any clearance letters, from KDWP, KSHS, COE, or any other agency providing clearance ;
- Individual Lot Certification (ILC) forms;
- and a copy of the Notice of Termination submitted to KDHE.

Except for data determined to be confidential under 33 USC Section 1311, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent 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.

### 9.2 Contact Address

Applicants can download copies of all notifications, forms, references, or the general NPDES permit from the KDHE Stormwater Website at:

<http://www.kdheks.gov/stormwater/index.html>

or can be requested by e-mail to KDHE at:

[stormwater@kdhe.state.ks.us](mailto:stormwater@kdhe.state.ks.us)

All notifications, forms, reports, or other correspondence which must be submitted to KDHE as required by this general permit shall be sent to:

Kansas Department of Health and Environment  
Bureau of Water, Industrial Programs Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612 - 1367

### 9.3 Duty to Comply

The permittee shall comply with all conditions of this general permit. Any noncompliance with this general permit constitutes a violation of the CWA, K.S.A. 65-164 and 65-165, and/or K.A.R. 28-16-28 et seq. Noncompliance may result in enforcement action; termination of this authorization; denial of a permittee's application for continuing coverage; or amendment of this authorization.

It shall not be a defense for a permittee in an enforcement

action to contend that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of the general NPDES permit.

After implementation of the stormwater pollution prevention plan, if stormwater discharges adversely affect water quality, or cause violations of any other provision of this general NPDES permit, the permittee shall modify and implement the stormwater pollution prevention plan to address the non-compliance.

Failure to comply with the requirements of the general permit may subject the permittee to enforcement actions including revocation of the authorization to discharge under this general permit, a requirement to discontinue the permitted activity, fines and/or possible imprisonment.

Failure to pay the annual fee will result in revocation of the construction stormwater discharge Authorization.

#### 9.4 Duty to Provide Information and Site Access

The permittee shall furnish to KDHE; the EPA; or any local agency having jurisdiction for any aspect of the project, any information which is requested to determine compliance with this general permit.

When the permittee becomes aware they failed to submit any relevant facts or submitted incorrect information to KDHE, they shall promptly submit such facts or information to KDHE at the address given in Part 9.

The permittee shall allow the Director or an authorized representative of KDHE, the EPA, or, local agency having jurisdiction over the project, upon the presentation of proper credentials and other documents as may be required by law, to:

- enter upon the site where a regulated construction project or activity is located or conducted or where records must be kept under the conditions of this general permit;
- obtain samples of any discharge to waters of the State;
- have access to and copy at reasonable times, any records which must be kept under the conditions of this general permit; and
- inspect any facilities or equipment (including monitoring equipment and BMPs).

#### 9.5 Signatory Requirements

The Notice of Intent (NOI), the Notice of Termination (NOT), and the Notice of Transfer of Ownership (NOTO)

need to be signed by the owner or operator. All forms, reports, or other correspondence which must be submitted to KDHE as required by this general permit shall be signed and certified by the permittee or an authorized representative.

#### 9.6 Chemical and Sewage Spills

In case of a spill emergency call:

U.S. EPA National Response Center:

(24 hours a day) (800) 424-8802

Kansas Division of Emergency Management: (KDEM)

(24 hours a day) (785) 296-3176

KDHE:

(24 hours a day) (785) 296-1679

#### 9.7 Hazardous Substance and Oil Spill Reporting

The permittee or authorized representative is required to notify the U.S. EPA National Response Center (800-424-8802) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as the discharge of any hazardous substance or oil in excess of the reportable quantity has been discovered. A reportable quantity of oil is the quantity which causes a "film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines." Reportable quantities for hazardous substances are listed in the cited CFRs.

The permittee is also required to notify the Local Emergency Planning Agency and the Kansas Division of Emergency Management (KDEM). The Kansas Division of Emergency Management may also be reached 24 hours a day at (785) 296-3176.

#### 9.8 Sewage, Wastes, Materials, and Substances - Spill Reporting

Any discharge or escape of sewage, substances, materials, or wastes, as set forth in K.S.A. 65-171d, which are, or threaten to contaminate or alter any of the properties of the waters of the State or pollute soil in a detrimental, harmful, or injurious manner or create a nuisance, shall immediately be reported to the Kansas Department of Health and Environment. The report shall be made by the permittee, or the owner of the spilled materials, or their respective authorized representative.

In the case of discharges under conditions other than those allowed in a valid NPDES permit, the report shall be made by the permittee or an authorized representative. The report shall be made by telephone to KDHE at 785-296-1679 in accordance with K.A.R. 28-48-1 et seq.

Nothing in this general permit shall be construed to preclude KDHE's institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the CWA (33 U.S.C. Section 1321); the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); K.S.A. 65-161 et seq.; or under state or federal statutes or regulations governing oil or hazardous substances or wastes.

### 9.9 Requiring a Different NPDES Permit

The Director may require the permittee to apply for and obtain an individual permit or different general permit if:

- the permittee is not in compliance with the conditions of this general permit;
- the discharge no longer qualifies for this general permit due to changed site conditions or regulations; or
- information becomes available which indicates water quality standards have been, or may be violated.

The permittee will be notified in writing of the need to apply for an individual permit or a different general permit. When an individual permit or different general permit is issued to the authorized permittee, this general permit is automatically terminated upon the effective date of the individual or different general permit, whichever the case may be.

### 9.10 Transfer of Ownership

**9.10.1 Entire Tract** - Coverage under, and the requirements of this general NPDES permit are transferable but transfer is not automatic and must be authorized by KDHE. The current permittee and the new permittee shall complete a Notice of Transfer of Ownership (NOTO) form, bearing original signatures, to KDHE at the address given in Part 9 of this general permit.

The permittee named on the first page of the authorized NOI shall submit a Notice of Transfer of Ownership (NOTO) bearing original signatures.

Transfers should be requested at least two weeks in advance of transfer of ownership or operational control to ensure KDHE has authorized the transfer and/or provisions need to be addressed by the two parties covering continued responsibility by the original permittee until such time as KDHE formally authorizes the permit transfer.

**9.10.2 Individual Lot or Lots** - The permittee who transfers ownership of a lot or a portion of the overall permitted area and the new owner or operator of the lot or parcel shall complete an Individual Lot Certification (ILC) form for each lot, lots or parcels sold or incorporate into the contract for sale requirements equal to those indicated on the ILC form. The ILC or statements in the contract for sale do not constitute a transfer of the Authorization to discharge. The agreement is between the new owner or operator of the lot or parcel and the permittee to implement the SWP2 plan and the conditions of the general NPDES permit cooperatively.

The owner or operator of the Authorization to discharge shall maintain either the ILC form or a copy of the contract for sale covering the same requirements on site, or in the readily available location identified in Section I of the NOI. The permittee shall provide ILC forms or agreements to KDHE, EPA, or any other government agency upon request.

### Part 10. STANDARD CONDITIONS

In addition to the conditions specified in this general permit, the permittee shall comply with the following Standard Conditions.

#### 10.1 Proper Operation and Maintenance

The permittee shall effectively operate and maintain all pollution control measures and systems necessary to achieve compliance with the terms and conditions of this general permit at all times.

Pollution control systems, erosion control measures or best management practices which require maintenance shall be maintained, repaired or replaced in a timely manner to avoid discharging stormwater runoff laden with pollutants or sediment which adversely impacts water quality.

The permittee shall take all necessary steps to minimize or prevent any adverse impact to waters of the State resulting from noncompliance with any requirements specified in this permit, including any monitoring as necessary to determine the nature and impact of the non-complying discharge. When necessary to maintain compliance with the permit conditions, the permittee shall halt or reduce those activities under its control.

When necessary to achieve compliance with the terms and conditions of this general permit, the permittee shall install, operate and maintain backup systems or auxiliary facilities to supplement the erosion control measures and best management practices proposed in the NOI.

### 10.2 Severability

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

### 10.3 Permit Modifications and Terminations

As provided by K.A.R. 28-16-62, after notice and opportunity for a hearing, this general permit may be modified, suspended, revoked, or terminated in whole or in part during its term for cause as provided for, but not limited to those set forth in K.A.R. 28-16-62 and K.A.R. 28-16-28b through f.

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 general permit.

### 10.4 Change in Discharge

All discharges authorized herein shall be consistent with the requirements and conditions of this permit.

Any modification or change in the project scope which increases the amount of soil disturbed by 10% or which affects a receiving water not listed in the NOI shall be reported to KDHE at least sixty (60) days prior to implementation. Such changes must be approved by KDHE before the modifications to the project can be implemented. The SWP2 plan shall be updated to reflect significant changes to the project in accordance with the applicable requirements of this general permit.

### 10.5 Discovery During Construction

In the event soil contamination or hazardous substances are discovered at the site during construction activities, the permittee shall report the discovery to KDHE verbally within 24 hours, and within 5 business days in writing.

Any discovery during construction activities which affects a threatened or endangered species, or a historical or archeological site, or in the receiving water body, needs to be reported to the KDWP or KSHS. Until site evaluations have been completed and instruction has been provided by the appropriate agencies, construction activities in the affected area needs to cease.

If soil contamination, hazardous substances, threatened or endangered species, or historical or archeological sites are

discovered during construction activities, the SWP2 plan shall be updated to reflect this new information in

accordance with the requirements and conditions of this general permit.

### 10.6 Removed Substances

Solids, sludge, sediment, or other pollutants removed in the course of treatment or control of stormwater runoff shall be properly managed, in accordance with applicable statutes and regulations to prevent pollution of surface water, groundwater, or soil.

### 10.7 Civil, Criminal, and Administrative Penalties

Kansas law provides for civil and criminal punishment including fines and imprisonment for violations of this general permit.

Nothing in this general permit shall be construed to relieve the permittee from civil, criminal, and/or administrative penalties as provided for in K.S.A. 65-171f, K.S.A. 65-170d, K.S.A. 65-167, and 33 U.S.C. Section 1319 (enforcement). Knowingly making any false statement on any report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 U.S.C. Section 1319 and K.S.A. 65-170c.

### 10.8 Property Rights

The issuance of this general 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, nor any invasion of personal rights, nor any infringement or violation of Federal, State or local laws or regulations. This general permit in no way reduces or eliminates the permittee's responsibilities to landowners whose property may be traversed by stormwater runoff from the project site either before, during, or after construction of the planned project. It is the permittee's responsibility to obtain any necessary approvals from any affected property owner.

### 10.9 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit which has a reasonable likelihood of adversely affecting human health or the environment.

### 10.10 Bypass

Any diversion or bypass of facilities necessary to maintain compliance with the general permit is prohibited except where necessary to prevent loss of human life, personal

injury, or severe property damage, and where no feasible alternative to the bypass exists.

Any bypass which occurs during construction activities which may affect a threatened or endangered species, or a historical or archeological site, on site or in the receiving water body, shall be reported to KDHE verbally within 24

hours, and within 5 business days in writing.

If a bypass occurs during construction activities, the SWP2 plan shall be updated to prevent future occurrences in accordance with the requirements and conditions of this general permit.

#### ENDNOTES

1. The general NPDES permit, application forms, guidance material, the rainfall erosivity waiver application, and reference material is available at the KDHE Stormwater Website: [www.kdheks.gov/stormwater/index.html](http://www.kdheks.gov/stormwater/index.html). The website also provides links to EPA guidance documents and the instructions for the rainfall erosivity calculation, Fact Sheet 3.1 - Storm Water Phase II Final Rule Construction Rainfall Erosivity Waiver

Material available on the KDHE Stormwater Website includes; the General NPDES Permit; Notice of Intent; Notice of Termination; Notice of Transfer of Ownership; Contractors Certification form; Individual Lot Certification form; and the Definitions and Acronyms; in Adobe Acrobat Reader format (pdf).

Reference material available on the KDHE Stormwater Website includes Frequently Asked Questions; the Fact Sheet: Erosion Control for Home Builders; the Rainfall Erosivity Waiver Application; a list of Exceptional State Waters, Special Aquatic Life Use Waters and Outstanding National Resource Waters; a list of Public Water Supply Surface Water Intakes and the complete Kansas Surface Water Register; in Adobe Acrobat Reader format (pdf).

A list of MS4 operators who have or may be required to have a local stormwater pollution prevention program is also available on the KDHE Stormwater Website. This list is provided and maintained for information only, and will not necessarily include all MS4 operators with a local program.

2. The owner or operator must determine whether discharging stormwater runoff from construction activities on the site is subject to any local applicable requirements. To determine the local requirements applicable to each construction project, the owner or operator must contact the local Municipal Separate Storm Sewer System (MS4) operator. A list of MS4 operators who have or may be required to have a local stormwater pollution prevention program is available on the KDHE Stormwater Website. This list is provided and maintained for information only, and will not necessarily include all MS4 operators with a local program.

3. If the applicant uncertain if the project is located on Indian Country land, please contact the Bureau of Indian Affairs at (785) 486-2161 or the EPA Region VII Office of Policy and Management, Program Integration Branch at (913) 551-7045. EPA is the permitting authority on Indian Country land. To request authorization to discharge stormwater runoff from construction activities conducted on Indian Country land, the applicant must contact EPA.

4. To determine if your project is located near one of these areas find the stream segment(s) or lake(s) which receive(s) the stormwater runoff on the Kansas Surface Water Register Maps, then check the designated uses of the stream segment(s) or lake(s) in the Kansas Surface Water Register. Applicants can download a copy of the Surface Water Register from the KDHE Stormwater Website. Copies of the Kansas Surface Water Register & Maps can be obtained by writing to KDHE at the address provided in Part 9.2.

5. This document is available through National Technical Information Services (NTIS) at [www.ntis.gov](http://www.ntis.gov). The NTIS publication number is PB92-235951. The NTIS order desk phone number is (800) 553-6847. EPA document 832-R-92-005 may also be downloaded from the EPA Stormwater Program website in Adobe Acrobat Reader format (pdf) at [cfpub1.epa.gov/npdes/home.cfm?program\\_id=6](http://cfpub1.epa.gov/npdes/home.cfm?program_id=6). This document is also available through the EPA Water Resources Center at (202) 260-7786.

6. Certification as a professional in erosion and sediment control is available through Certified Professional in Erosion and Sediment Control Incorporated (CPESC). CPESC can be contacted through the internet at [www.cpesc.net](http://www.cpesc.net), or by calling (828) 756-4484. For more information, contact the International Erosion Control Association at [www.ieca.org](http://www.ieca.org) or by calling 970-879-3010.

7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility that disturbs less than 5 acres is not considered to be construction activity, and therefore is not subject to construction stormwater permitting requirements.

**Barrick Rosenbaum, P.E.**

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**From:** Barrick Rosenbaum, P.E. [brosenbaum@hraok.com]  
**Sent:** Wednesday, December 16, 2009 10:40 AM  
**To:** 'tweston@kshs.org'  
**Subject:** FW: NOI T&E; Project Name - QT 386 in Sedwick County Wichita Kansas  
**Attachments:** 386R Base-Site.pdf; aerial-Site.pdf

Sorry - the intersection was Douglas and Washington (not Wichita).

Thanks,

Barrick Rosenbaum, P.E., CFM  
HRAOK, Inc.  
1913 W. Tacoma Suite A  
Broken Arrow, Oklahoma 74012  
918.258.3737 office  
918.258.2554 fax

*Historical Society*

**From:** Barrick Rosenbaum, P.E. [mailto:brosenbaum@hraok.com]  
**Sent:** Wednesday, December 16, 2009 10:33 AM  
**To:** 'tweston@kshs.org'  
**Subject:** NOI T&E; Project Name - QT 386 in Sedwick County Wichita Kansas

Hey Tim

Thanks for your time on the phone yesterday and direction for assistance with this project. As discussed we need concurrence that there are no endangered or threatened species in the vicinity of the project for our Storm Water Pollution Prevention Plan as per the KDHE permit.

- Project name is Quik Trip 386
- Location is Sedwick County Wichita Kansas - Section 21 Township 27 South Range 1 East (northeast corner intersection of Douglas and Wichita)
- Brief description of project - QT 386 is a retail convenience store currently operating in Wichita. The proposed changes include the demolition of an existing building north of site, construction of new QT 386 facility in its place, then demolition of the current QT facility onsite. The store will not be closed at anytime and paving will not be completely removed, graded, etc. - very piece meal operation to keep the store open therefore no significant issue with erosion of sediments offsite.
- Please see attached drawings for reference and your use.

Thanks,

Barrick Rosenbaum, P.E., CFM  
HRAOK, Inc.  
1913 W. Tacoma Suite A  
Broken Arrow, Oklahoma 74012  
918.258.3737 office  
918.258.2554 fax

**Barrick Rosenbaum, P.E.**

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**From:** Barrick Rosenbaum, P.E. [brosenbaum@hraok.com]  
**Sent:** Friday, December 18, 2009 10:31 AM  
**To:** 'jamesl@wp.state.ks.us'  
**Subject:** QT 386 Washington and Douglas intersection in Wichita, KS - 1010 E. Douglas Avenue  
**Attachments:** 386R Base-Site.pdf; aerial-Site.pdf

Hi James

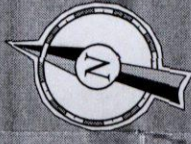
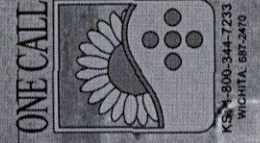
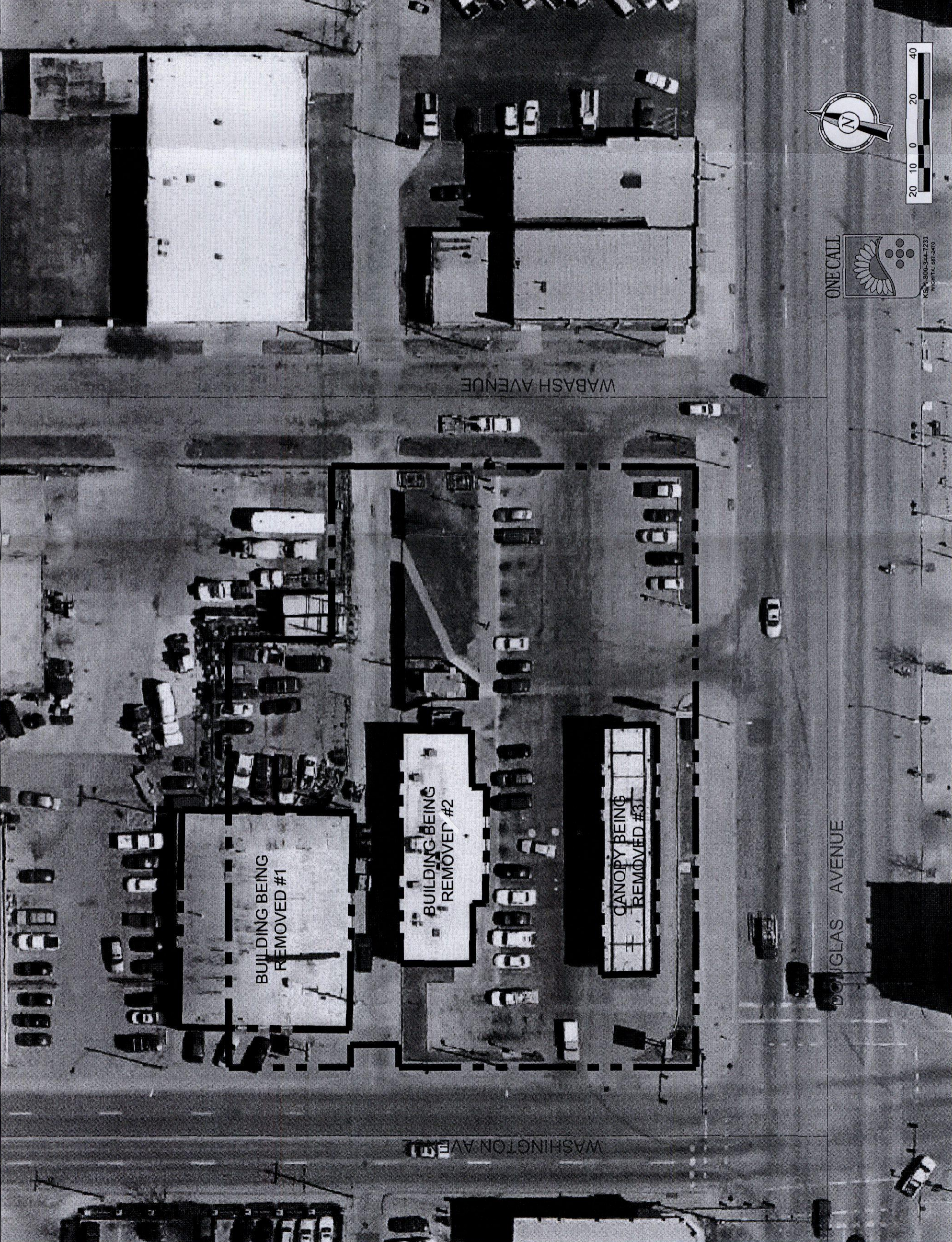
I recently left you a phone message regarding the Quik Trip no. 386 site modification in Wichita. Part of the requirements of the Stormwater Pollution Prevention Plan require that we contact the State Wildlife and Parks department regarding threatened or endangered species in the area. I have talked with Scott Lindeback, Storm Water manager for the City of Wichita and he stated that there would be no impact as the system we discharge into drains to the Wichita Drainage Channel. Please provide a general concurrence with this as soon as you can. In addition please call if you have any questions. I have attached a general site map for your use.

Thanks,

Barrick Rosenbaum, P.E., CFM  
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918.258.2554 fax

*Wildlife  
& Parks*





AERIAL PLAN  
DRAWN BY: TSM/BLJ  
DESIGNED BY: BLJ  
CHECKED BY: BSR  
ISSUE DATE: 8/3/09  
SHEET 1 OF 1

QuikTrip Store No. : 386R

1010 E. DOUGLAS AVE.

WICHITA, KANSAS



**QuikTrip.**  
4705 South 129th East Ave.  
Tulsa, OK 74134-7008  
P.O. Box 3475  
Tulsa, OK 74110-3475  
(918) 615-7766

GENERAL NOTES

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No.	Revision	Date

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