

# **Stormwater Pollution Prevention Plan**

Robinson Stave Company, Inc.  
1812 Hwy 3434  
East Bernstadt, KY 40729

1 November 2017

---

## SECTION 1: FACILITY DESCRIPTION AND CONTACT INFORMATION.

### 1.1 Facility Information

Robinson Stave Company  
1812 HWY 3434  
East Bernstadt, KY 40729  
Laurel County

AI No.	2591
NPDES No:	KYR003792
Primary Industrial Activity SIC Code:	2421
Latitude:	37.18792
Longitude:	-84.10776

Industrial area exposed to stormwater: 67.0+/- acres

Receiving waters:

- Little Raccoon Creek (east side: Stave Mill, Barrel Shop, etc.)
- Gillis Branch (west side: Cooperage)

The facility does not discharge stormwater to a municipal separate storm sewer system. This facility does not discharge stormwater to any segment of an “impaired water.” This facility does not discharge stormwater to a receiving water designated as a Tier 2, Tier 2.5 or Tier 3.

Stormwater discharges at this facility may be subject to effluent limitation guidelines in 2015 MSGP Table 1-1, including discharges resulting from spray down or intentional wetting of logs at wet deck storage areas. ELGs stipulate that there shall be “no debris discharged and the pH shall be within the range of 6.0 to 9.0.”

SWPPP Primary Contact:

William Larkey  
Robinson Stave Company  
1812 HWY 3434  
East Bernstadt, KY 40729  
Office: 606-843-2740  
Cell: 606-682-7712  
[wlarkey@yahoo.com](mailto:wlarkey@yahoo.com)

SWPPP Secondary Contact:

Paul Rodgers  
Cedar Creek Engineering, Inc.  
325 A Tierney Way  
Winchester, KY  
859-227-7061  
[paul.rodgers@cedarcreekengineering.com](mailto:paul.rodgers@cedarcreekengineering.com)

---

1.3 Stormwater Pollution Prevention Team.

Personnel	Title	Individual Responsibilities
William Larkey	Operations Manager	Overall responsibility for compliance with stormwater management; semi-annual sample collection; DMR submittals
Paul Rodgers	Consultant, PE	Monthly inspections; BMP design improvements; employee training. Compliance management support.

1.4 Facility Description

Robinson Stave Company is a manufacturer of barrels for the bourbon, whiskey, and wine industries. The East Bernstadt facility covers approximately 67 acres in Laurel County, Kentucky, and includes nine principal buildings, including sawmills, cooperages, kilns, boiler houses, and maintenance buildings.

Raw logs are delivered to the site via independent carriers. They are stored on land surrounding the plant, then transferred to one of two stations, at either the Stave Mill or the Saw Mill, where they are debarked and sawn to length. The cut wood then passes through a series of saws at the mills to produce rough staves. Rough staves are also stored outdoors.

Rough staves are dried in indoor kilns and delivered to one of two cooperages, the Barrel Shop, in the older part of the plant, or the Cooperage, a facility scheduled to begin operation in late 2017. In the cooperages, rough staves are planed and trimmed, assembled into barrels, and the barrels charred. The barrels are then shipped to customers.

Figure 1, included in the attachments, depicts the location of the facility. Figure 2 is a site plan showing the facility layout, including topographic lines, and stormwater outfalls.

## SECTION 2: POTENTIAL POLLUTANT SOURCES.

There are two primary sources of stormwater pollution at the facility: sediment and log bark. Sediment (dirt) may contact stormwater when earth is exposed during to construction activities. Log bark has the potential to add solids to stormwater, and to alter its color. Construction activities take place at irregular intervals and at various locations. Stormwater may come into contact with log bark in the storage areas, but the primary area of concern is near the center of the plant, where the logs are debarked.

Secondary sources of stormwater pollution include oil and other materials used for operations and maintenance. These materials are normally stored indoors and do not routinely come in contact with stormwater. However, during delivery and other transfer operations, these materials may be outdoors, and the potential for spillage exists. Vehicle traffic and parking can be the source of minor drips and spills

### 2.1 Potential Pollutants Associated with Industrial Activity.

Industrial Activity	Associated Pollutants
Log storage	TSS (total suspended solids)
Log debarking	TSS
Construction (earthmoving)	TSS
Equipment maintenance	fuel, antifreeze, hydraulic oil, battery acid
Product transfer	fuel, antifreeze, hydraulic oil, battery acid
Vehicle traffic/parking	fuel, antifreeze, hydraulic oil, battery acid
Boiler water treatment	Softening salts, anti-scale

### 2.2 Spills and Leaks.

#### Areas of Site Where Potential Spills/Leaks Could Occur

Location	Discharge Points
Diesel shop	001
Steam plant	001
Sawmills	001, 002
Anywhere on site, principally near garages	001, 002, 003

Description of Past Spills/Leaks

Date	Description	Discharge Points
8/9/17	Sediment from construction area entered stormwater	003
3/2/16	Discolored water due to log bark	001, 002
6/2/15	Discolored water due to log bark	01, 002

2.3 Non-stormwater Discharges Documentation.

Description of this facility's unauthorized non-stormwater discharge evaluation:

Date of evaluation: October 2107  
 Discharge description: water used to wet logs drains to Outfall 001  
 Actions taken: a method to use pond water for log wetting will be evaluated

2.4 Salt Storage.

Salt is not currently stored at the facility.

2.5 Sampling Data Summary.

The table below summarizes laboratory analytical data for stormwater samples collected since 2013.

ID	Date	O&G (mg/L)	pH	TSS (mg/L)
Outfall 001	18-Jul-17	<5.2	7.60	28
Outfall 002	18-Jul-17	<5.2	7.30	24
Outfall 001	31-Jan-17	<5.6	6.90	9
Outfall 002	31-Jan-17	<5.3	7.40	28
Outfall 001	29-Jul-16	<5.9	7.40	49
Outfall 002	29-Jul-16	<5.7	8.10	126
Outfall 001	31-Dec-15	<5.4	6.36	61
Outfall 002	31-Dec-15	<5.3	6.45	170
Outfall 001	10-Mar-15	<5.4	7.47	988
Outfall 002	7-Apr-15	<5.6	7.37	110
Outfall 001	21-Jul-14	<5	7.99	504
Outfall 002	21-Jul-14	<5	8.02	108
Outfall 001	10-Feb-13	<5	7.81	190
Outfall 002	10-Feb-13	<5	7.20	1100

### **SECTION 3: STORMWATER CONTROL MEASURES.**

#### **3.1 Exposure**

Storage and use of potential pollutants will be conducted indoors to the extent practical. Spills of potential pollutants will be cleaned up immediately. Bark chips will be collected routinely transferred to covered storage areas.

#### **3.2 Good Housekeeping and Maintenance**

The site will maintained trash and litter-free, and routine sweeping will be conducted to maintain outdoor areas free from debris. Monthly inspections shall be conducted to identify areas where potential pollutants may come in contact with storm water. Stormwater control devices and flow channels will be inspected to verify they are operational and free from debris. Corrective action will be taken as necessary.

#### **3.3 Spill Prevention and Response.**

Small drips and spills will be cleaned up by on site crews. Two spill kits comprised of booms and granular absorbent material will be maintained: one at the Stave Mill, and one at the Cooperage. Specifications for the spill kits are included in Attachment [n].

In the event of a larger spill, an outside cleanup contractor will be utilized. Contact information for two contractors is given below:

PECCO  
250 Etter Drive  
Nicholasville, KY 40356  
859-887-5508

ECO Tech USA, LLC  
London, KY 40741  
(606) 864-3013  
(800) 890-7888

#### **3.4 Erosion and Sediment Controls**

Erosion will be minimized by the use of silt fencing, rock check dams, sand bags, inlet structure filters, wattles, diversion ditches, straw bales, and other such devices. Exposed soil will be re-seeded as soon as possible following construction or excavation.

Any activity including grading, clearing or excavation which disturbs less than one acre will require approval of an in-house Erosion and Sediment Control Plan. Any such activity disturbing more than 1 acre, will require a KPDES General Permit for Stormwater Discharges Associated with Construction Activities.

### 3.5 Management of Runoff

Runoff will be controlled by the use of vegetated buffer zones along the edges of impervious or semi-pervious areas. Excess runoff will be directed to detention ponds via rock-lined channels.

### 3.6 Dust Generation and Vehicle Tracking of Industrial Materials

Dirt and dust that is created by on-site traffic will be reduced by regular implementation of spray water during dry conditions. Public roadways will swept regularly to mitigate dirt and dust tracked off-site. Stone aggregate will be placed at locations where vehicles transition from unpaved to paved areas at the site.

## **SECTION 4: SCHEDULES AND PROCEDURES**

### **4.1 Inspections**

Stormwater inspections will be conducted on a monthly basis. Inspections will be completed by the Operations Manager or his designate, and will include completion of the Stormwater Inspection Checklist, included in Attachment [n].

### **4.2 Maintenance**

Maintenance of stormwater control structures will be performed on as as-needed basis.

### **4.4 Sediment Control**

Control of sediment resulting from construction activities will be accomplished using BMPs identified in either a) a project-specific SWPPP prepared in conjunction with a KYR10 Stormwater Construction Permit (land disturbance 1 acre or more); or b) BMPs identified on an Erosion Control Plan (<1 acre).

Four stormwater detention ponds will be maintained at the facility for the purpose of sediment control. These are identified on Figure 2 as the North Pond, Floc Pond, Kiln Pond and Cooperage Pond.

Delta-Floc 801 is used as a coagulant/flucculant. It is added at the Floc Pond via peristaltic pump, operated on an as-needed basis. An SDS for Delta-Floc 801 is included in the attachemnts.

### **4.5 Employee Training**

Employees will receive training upon hire and annually thereafter. The training will consist of a review of the items detailed in the brochure, "Information for Employees," included in Attachment [n].

### **4.6 Sampling**

Stormwater samples will be collected twice each year, once in the first six months, and once in the second six months. Detailed sample collection protocols are provided in the "Stormwater Sampling Procedures" guidance included in Attachment [n].



**SECTION 5: SWPPP CERTIFICATION.**

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 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: \_\_\_\_\_ Title: \_\_\_\_\_

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

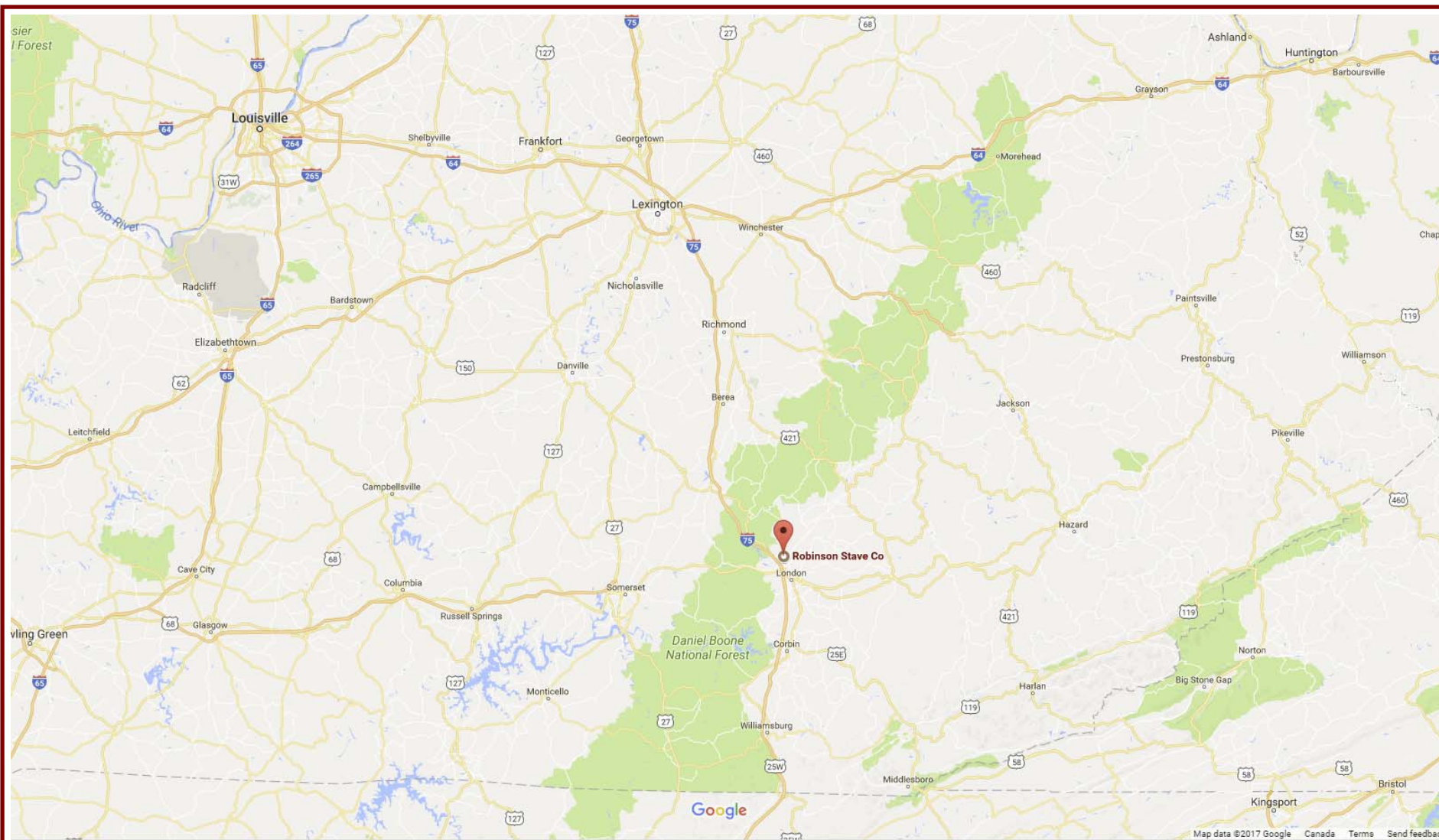
## **SECTION 6: SWPPP MODIFICATIONS.**

This Storm Water Pollution Prevention Plan, dated November 2017, is an update of the SWPPP prepared in March 2016. Significant changes include:

- Stormwater Pollution Prevention Team members
- Addition of Outfall 003; added after plant expansion
- Update of information regarding past spills
- Detailed sampling protocols for semi-annual sampling
- A site inspection checklist
- Information for Employee Training

## ATTACHMENTS

---



**CEDAR CREEK**  
ENGINEERING

Winchester, Kentucky

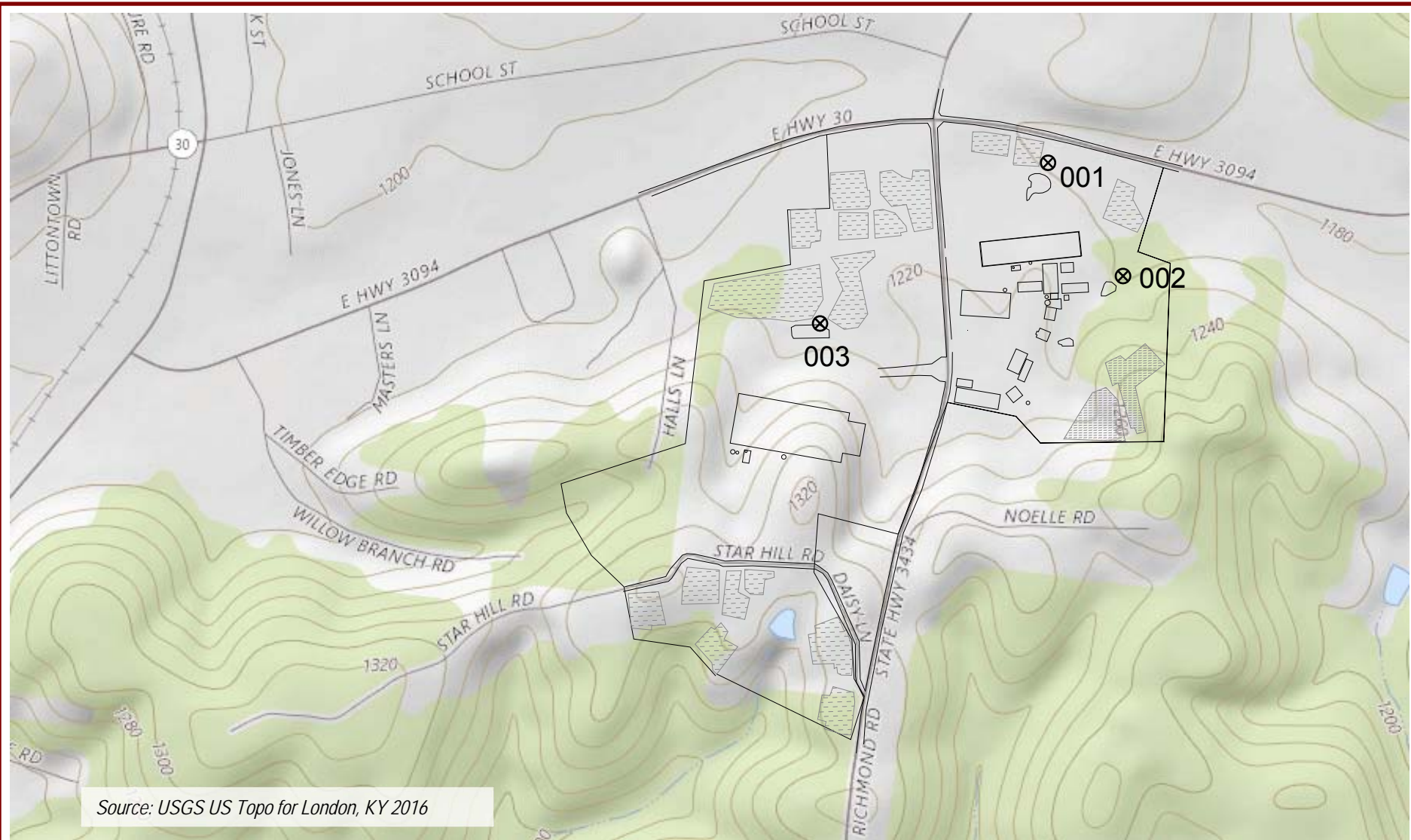
Robinson Stave Company  
1812 HWY 3434  
East Bernstadt, KY 40729  
Al No. 2591

## Location Map

Drawing Date: 17OCT17

Drawn by: PR

Figure 1



Source: USGS US Topo for London, KY 2016



Winchester, Kentucky

Robinson Stave Company  
1812 HWY 3434  
East Bernstadt, KY 40729  
AI No. 2591

## Site Plan Outfall Locations

Drawing Date: 5OCT17

Drawn by: PR

Figure 2





# STORMWATER SAMPLING PROCEDURES

Collect one stormwater sample from each of three outfalls: Outfall 001, 002, and 003 during the first thirty (30) minutes of a discharge resulting from a storm event, or as soon thereafter as practicable. This event should be at least seventy-two (72) hours after any previous storm event. If conditions prevent sampling as described, document those conditions.

Figure 1 depicts the locations of outfalls. Samples (except pH) must be preserved and sent to a Kentucky-certified lab for analysis as follows:

Parameter	Method	Units	Sample Type	Frequency
O&G (Oil and Grease)	1664	mg/L	grab	2X/year
TSS (Total Suspended Solids)	160.2	mg/L	grab	2X/year
pH	150.1	s.u.	grab	2X/year

In addition, the stormwater flow rate must be recorded.

The pH measurement must be taken in the field using a properly calibrated pH meter, by a field laboratory certified by the Kentucky Division of Water. Color comparison analysis for pH is not acceptable.

Allow a minimum of three (3) months between reported sampling events. Run-off events resulting from snow or ice melt should not be sampled.

For each sample taken, record the following information (see Stormwater Sampling Data Form):

- the place, date, and time of the start of the discharge, the duration of the storm event sampled, a measurement of the rainfall in inches, time of sampling, and name of sampler
- the time between the storm event sampled and the end of the previous storm event
- a complete copy of the laboratory report.

Submit sampling results via the USEPA NetDMR system no later than 31 July and 31 January of each year at <https://netdmr.epa.gov>.

All records resulting from the monitoring activities, including all analytical reports and instrument calibration, must be retained for a minimum of three (3) years.

— • —

# STORMWATER SAMPLING DATA FORM

---

Sample Location/ID: \_\_\_\_\_

Sample Date: \_\_\_\_\_ Time: \_\_\_\_\_

Storm Start Date: \_\_\_\_\_ Time: \_\_\_\_\_

Storm End Date: \_\_\_\_\_ Time: \_\_\_\_\_

Total Rainfall for Storm Event: \_\_\_\_\_ inches

Previous Storm Event End Date: \_\_\_\_\_ Time: \_\_\_\_\_

Elapsed Time between Storms: \_\_\_\_\_ hours

Sample pH: \_\_\_\_\_ s.u.

Flow Rate \_\_\_\_\_ MGD

Notes: \_\_\_\_\_

---

Sampler Name: \_\_\_\_\_

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



# EROSION CONTROL PLAN

*Robinson Stave Company*

Project Description (name, location, purpose): \_\_\_\_\_

\_\_\_\_\_

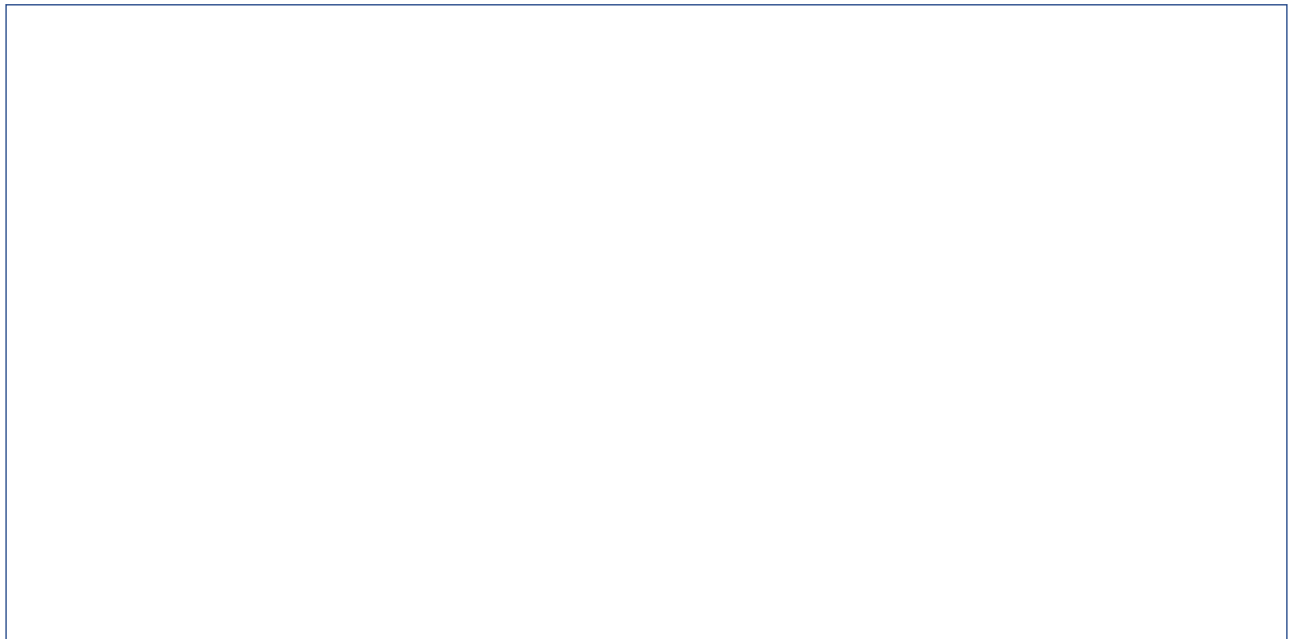
Start Date: \_\_\_\_\_ Estimated End Date: \_\_\_\_\_

Dimensions of Area to be Excavated, Graded, or Cleared: \_\_\_\_\_ ft X \_\_\_\_\_ ft

Methods to be Used to Control Erosion and Sediment (check all that apply):

- ☐ Straw Bales
- ☐ Silt Fence
- ☐ Booms
- ☐ Check Dam
- ☐ Detention Pond
- ☐ Other (describe): \_\_\_\_\_

Provide a sketch in the space below of the work area and erosion control method:



**ALL EXPOSED EARTH MUST BE RE-SEEDED IMMEDIATELY UPON COMPLETION OF YOUR PROJECT!**

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

Printed Name: \_\_\_\_\_

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

**STORMWATER INSPECTION CHECKLIST****Robinson Stave Company**

1812 HWY 3434

East Bernstadt, Kentucky

Inspection Item	Yes/No	Note
Are stormwater discharges observed?		
If there is a stormwater discharge, is there any sheen or other obvious contamination present?		
Is there any fuel, oil or other spills/stains on the parking lot or other outdoor areas that need to be cleaned up?		
Is there any waste, chemicals or other materials stored outdoors that could contact and contaminate stormwater?		
Are any wastes, batteries or drip-prone products stored indoors but not in/on spill containment?		
Are any un-labeled product containers on site?		
Are there any areas where erosion is a problem?		
Are all stormwater drains, ditches or other controls free from debris and in good working order?		
Are spill kits present with proper supplies?		
Are there any non-stormwater discharges or new sources of stormwater impact that were not identified in SWPPP?		
Are there any other suggested preventive or corrective actions as a result of the inspection?		

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

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

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

## Clean Water Commitment

Robinson Stave Company operates the East Bernstadt facility under a storm water permit from the Kentucky Division of Water and an air permit from the Division for Air Quality.

Requirements of those permits are designed to keep sediment, oil and grease, and other pollutants out of natural waterways, and smoke and dust out of the air.

Robinson Stave is committed to a clean environment, and needs your help to comply with requirements of these environmental permits.

## ENVIRONMENTAL MANAGEMENT



1812 HWY 3434  
East Bernstadt, KY 40729

## Information for Employees

Prepared by:



## Air

Dust – Dry weather, combined with dirt, sawdust, and heavy traffic, can lead to large quantities of airborne dust. The air permit requires Robinson to take reasonable precautions to prevent dust from becoming airborne, and prohibits dust to be carried past the property line. In addition, Robinson Stave is required to maintain records of activities undertaken to control dust.

Smoke – Boilers and other processes which burn wood sometimes produce smoke. The air permit prohibits smoke greater than 20% opacity. In the event opacity exceeds 20%, action must be taken to correct the condition, or the process must be discontinued.

Controls – Air pollution control devices such as filters and cyclones must be maintained in good working order, and maintenance records must be kept to demonstrate this.

---

## Storm Water

Wood Bark – When stormwater comes in contact with bark from the white oak tree, the water can become discolored and carry sediment from the bark into streams. Make sure these materials are transferred carefully, and stored properly avoid contact with stormwater. Sweep up before sediment becomes a problem.

Erosion – Erosion not only results in unwanted sediment in streams, but can lead to costly repairs. Don't let erosion go unchecked. Any project involving excavation, grading, or other land disturbance requires measures to reduce impacts to stormwater, such as the use of straw bales, silt fence or detention ponds.

Other Sources – Oils, cleaners, battery acid and other fluids can pollute rivers and streams. Report leaking equipment, and clean up or report spills immediately. Spill kits are located at the Stave Mill and at the Cooperage.

---

## Who to Call

Emergency:

Call 911

### REPORT :

- LEAKS AND SPILLS
- EROSION
- EQUIPMENT MALFUNCTIONS

➤ William Larkey . . . . .606-682-7712

---

EMPLOYEE TRAINING RECORD

I have read and understand Robinson Stave Company's "Stormwater Pollution Prevention -- Information for Employees."

Name (Print)

Signature

Date


# Delta-Floc 801



SDS No. 343

3-Mar-2015

## Safety Data Sheet

### 1. IDENTIFICATION

**Product Identifier****Product Name**

Aluminum Chloride Hydroxide Sulfate Solution, Blend

**Other means of identification**

USALCO SDS # 343

**UN/ID No**

UN1760

**Manufacturer**USALCO, LLC  
2601 Cannery Ave  
Baltimore, MD 21226**Recommended use of the chemical and restrictions on use****Recommended Use**

Water treatment chemical.

**Emergency Telephone Number****Company Phone Number**

410-918-2230

**Emergency Telephone (24 hr)**

800-282-5322

### 2. HAZARDS IDENTIFICATION

**Appearance**Clear, Colorless to amber  
Liquid**Physical State**

Liquid

**Odor**

Negligible

**Classification**

Irritating to eyes

Category 2

Corrosive to metals

Category 1

**Signal Word****Warning****Hazard Statements**

Causes skin and eye irritation

May be corrosive to metals

**Precautionary Statements - Prevention**

Wash face, hands and any exposed skin thoroughly after handling.

Do not eat, drink or smoke when using this product.

Wear protective gloves, and eye protection. Keep only in original container

**Precautionary Statements - Response**

If on skin: Wash with plenty of water. If skin irritation occurs: Get medical attention. Take off contaminated clothing and wash it before reuse. If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do.

Continue rinsing. If eye irritation persists: Get medical attention.

**Precautionary Statements - Storage**

Store in corrosive resistant plastic or FRP container or a container with corrosive resistant inner liner

**Precautionary Statements - Disposal**

Dispose in accordance with all applicable regulations. Subject to disposal regulations: U.S. EPA 40 CFR 262. Hazardous Waste Number(s): May be D002 under §261.22(a)(2) due to the rate of corrosion of metal.

**3. COMPOSITION/INFORMATION ON INGREDIENTS****Synonyms** DeIPAC 2000,2020,2500 Blend

Chemical Name	CAS No	Weight-%
Aluminum Chloride Hydroxide Sulfate, solution	39290-78-3	80-100
Polyquaternary amine	26062-79-3 42751-79-1 7398-69-8	0-20

**4. FIRST-AID MEASURES****First Aid Measures**

<b>General Advice</b>	After first aid, get appropriate in-plant, paramedic, or community medical support.
<b>Eye Contact</b>	If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Immediately call a doctor/physician if irritation continues.
<b>Skin Contact</b>	Flush skin with plenty of soap and water for at least 15 minutes while removing contaminated clothing and shoes. Get medical aid if irritation develops or persists. Wash clothing before reuse.
<b>Inhalation</b>	(mist or spray) Remove from exposure; seek medical treatment if any symptoms occur.
<b>Ingestion</b>	If conscious give large amounts of water. Seek medical attention immediately.

**Most important symptoms and effects**

<b>Symptoms</b>	Causes serious eye damage. May cause skin irritation.
-----------------	---

**Indication of any immediate medical attention and special treatment needed**

<b>Notes to Physician</b>	Treat symptomatically.
---------------------------	------------------------

**5. FIRE-FIGHTING MEASURES**

**Suitable Extinguishing Media** Use extinguishing measures that are appropriate to local circumstances and the surrounding environment.

**Unsuitable Extinguishing Media** None identified.

**Specific Hazards Arising from the Chemical** Negligible fire hazard. Decomposition products may be toxic.

**Hazardous Decomposition Products** Hydrogen chloride. Sulfur dioxide.

**Protective equipment and precautions for firefighters**

As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear. Do not release runoff from fire control methods to sewers or waterways.

**6. ACCIDENTAL RELEASE MEASURES****Personal precautions, protective equipment and emergency procedures**

<b>Personal Precautions</b>	Use personal protective equipment as required.
<b>Environmental Precautions</b>	Do not release into sewers or waterways. See Section 12 for additional Ecological Information.

**Methods and material for containment and cleaning up**

<b>Methods for Containment</b>	Prevent further leakage or spillage if safe to do so.
<b>Methods for Clean-Up</b>	Small Spills: If directed to an industrial sewer, wash down with large volumes of water. Spills can be neutralized and absorbed with soda ash or lime, but neutralization will release carbon dioxide, which can generate a breathing hazard. For large spills, dike far ahead of spill for later disposal. Contain large spills and pump into a suitable tank for disposal. Neutralize with soda ash or lime if necessary. Adequate ventilation is required due to release of Carbon Dioxide.

**7. HANDLING AND STORAGE****Precautions for safe handling**

<b>Advice on Safe Handling</b>	Ensure that all containers are labeled in accordance with OSHA regulations. Treat as a dilute acid. Avoid contact with metal, as product will slowly corrode iron, brass, copper, aluminum and mild steel. Avoid contact with skin and eyes. Use personal protection recommended in Section 8. Wash thoroughly after handling. Do not breathe dust/fume/gas/mist/vapors/spray.
--------------------------------	--

**Conditions for safe storage, including any incompatibilities**

<b>Storage Conditions</b>	Keep containers tightly closed in a dry, cool and well-ventilated place. Keep storage temperature below 30°C/86°F. Store away from incompatible materials. Keep only in original container.
<b>Packaging Materials</b>	Store in rubber-lined, plastic or FRP vessels.
<b>Incompatible Materials</b>	Metals such as aluminum, tin, and zinc. Strong alkalis.

**8. EXPOSURE CONTROLS/PERSONAL PROTECTION**

<b><u>Exposure Guidelines</u></b>	No exposure limits noted for ingredient(s)
-----------------------------------	--

**Appropriate engineering controls**

<b>Engineering Controls</b>	Eyewash stations. Showers.
-----------------------------	----------------------------

**Individual protection measures, such as personal protective equipment**

<b>Eye/Face Protection</b>	Wear appropriate protective eyeglasses or chemical safety goggles as described by OSHA's eye and face protection regulations in 29 CFR 1910.133. Contact lenses are not eye protective devices. Appropriate eye protection must be worn instead of, or in conjunction with, contact lenses.
<b>Skin and Body Protection</b>	Wear appropriate personal protective equipment to prevent repeated or prolonged skin contact.
<b>Respiratory Protection</b>	Seek professional advice prior to respirator selection and use. Select respirator based on its suitability to provide adequate worker protection for given working conditions, level of airborne contamination, and presence of sufficient oxygen. <b>WARNING!:</b> Air-purifying respirators do not protect workers in oxygen-deficient atmospheres.
<b>General Hygiene Considerations</b>	Contaminated Equipment: Separate contaminated work clothes from street clothes. Remove this material from your shoes and clean personal protective equipment. Do not eat, drink, smoke, or apply cosmetics while handling this product. Always observe good personal hygiene measures, such as washing after handling the material and before eating, drinking, and/or smoking. Wash contaminated clothing before reuse.



**9. PHYSICAL AND CHEMICAL PROPERTIES****Information on basic physical and chemical properties**

Appearance	Liquid, clear, colorless to amber
Odor	Negligible
Odor threshold	Not determined
pH	>2-3.5
Relative density; (specific gravity)	>1.2 (1=Water) @ 4° C
Melting point/freezing point	< -17.8° C / <0° F
Initial boiling point and boiling range	> 110° C / >230° F
Decomposition temperature	±120° C / 250° F
Viscosity	5-50 centipoise
Auto-ignition temperature	Not flammable
Evaporation rate;	Similar to water
Flammability (solid, gas)	Not flammable
Flash point	Will not burn
Upper/lower flammability or explosive limits	Will not burn
Partition coefficient: n-octanol/water	Not relevant
Solubility	Soluble in water
Vapor density	Similar to water
Vapor pressure	Similar to water

**10. STABILITY AND REACTIVITY****Reactivity**

Not reactive under normal conditions.

**Chemical Stability**

Stable under recommended storage conditions.

**Possibility of Hazardous Reactions**

Reacts with Zinc and Aluminum to form Hydrogen gas. Contact with strong alkalis (e.g. Ammonia and its solutions, Sodium hydroxide (caustic), Potassium hydroxide, chlorites) may generate heat, splattering or boiling and toxic vapors.

**Hazardous Polymerization**      Hazardous polymerization does not occur.

**Conditions to Avoid**

Contact with incompatible materials.

**Incompatible Materials**

Metals such as aluminum, tin, and zinc. Strong alkalis.

**Hazardous Decomposition Products**

Hydrogen chloride. Sulfur dioxide.

**11. TOXICOLOGICAL INFORMATION****Information on likely routes of exposure****Product Information**

<b>Eye Contact</b>	Causes serious eye irritation.
<b>Skin Contact</b>	Avoid contact with skin.
<b>Inhalation</b>	Avoid breathing vapors or mists.
<b>Ingestion</b>	Do not taste or swallow.

**Component Information**

Chemical Name	Oral LD50	Dermal LD50	Inhalation LC50
Aluminum Chloride Hydroxide Sulfate 39290-78-3	> 5000 mg/kg ( Rat )	-	-

**Information on physical, chemical and toxicological effects**

**Symptoms** Please see section 4 of this SDS for symptoms.

**Delayed and immediate effects as well as chronic effects from short and long-term exposure**

**Carcinogenicity** This product does not contain any carcinogens or potential carcinogens as listed by OSHA, IARC or NTP.

**Numerical measures of toxicity**

Not determined

**12. ECOLOGICAL INFORMATION****Ecotoxicity**

An environmental hazard cannot be excluded in the event of unprofessional handling or disposal.

Chemical Name	Algae/aquatic plants	Fish	Toxicity to microorganisms	Crustacea
Aluminum Chloride Hydroxide Sulfate 39290-78-3		1460 - 1500: 48 h Leuciscus idus melanotus mg/L LC50 static		

**Persistence/Degradability**

Not determined

**Bioaccumulation**

Not determined

**Other Adverse Effects**

Not determined

**13. DISPOSAL CONSIDERATIONS****Waste Treatment Methods**

**Disposal of Wastes** Disposal should be in accordance with applicable regional, national and local laws and regulations. Subject to disposal regulations: U.S. EPA 40 CFR 262. Hazardous Waste Number(s): May be D002 under §261.22(a)(2) due to the rate of corrosion of metal.

**Contaminated Packaging** Disposal should be in accordance with applicable regional, national and local laws and regulations.

**14. TRANSPORT INFORMATION****Note**

Please see current shipping paper for most up to date shipping information, including exemptions and special circumstances.

**DOT**

UN/ID No	UN1760
Proper Shipping Name	Corrosive liquid, n.o.s. (Aluminum chloride hydroxide sulfate)
Hazard Class	8
Packing Group	III

**IATA**

UN/ID No	UN1760
Proper Shipping Name	Corrosive liquid, n.o.s. (Aluminum chloride hydroxide sulfate)
Hazard Class	8
Packing Group	III

**IMDG**

UN/ID No	UN1760
Proper Shipping Name	Corrosive liquid, n.o.s. (Aluminum chloride hydroxide sulfate)
Hazard Class	8
Packing Group	III
Marine Pollutant	This material may meet the definition of a marine pollutant

**15. REGULATORY INFORMATION****International Inventories**

Not determined

**US Federal Regulations****Component Analysis**

None of this products components are listed under SARA Section 302 (40 CFR 355 Appendix A), SARA Section 313 (40 CFR 372.65), or CERCLA (40 CFR 302.4).

**SARA 311/312 Hazard Categories**

Acute Health Hazard	Yes
Chronic Health Hazard	No
Fire Hazard	No
Sudden Release of Pressure Hazard	No
Reactive Hazard	No

**SARA 313**

Not listed

**CWA (Clean Water Act)**

Not listed

**US State Regulations****U.S. State Right-to-Know Regulations**

Not determined

**16. OTHER INFORMATION****NFPA****Health Hazards****Flammability****Instability****Special Hazards**

1

0

0

Not determined

**HMIS****Health Hazards****Flammability****Physical Hazards****Personal Protection**

1

0

0

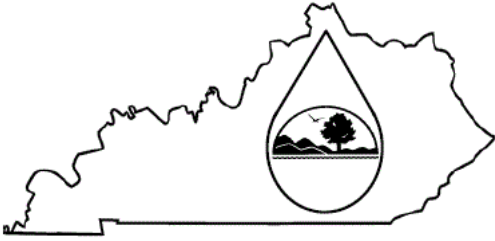
Not determined

Issue Date	01-Feb-2012
Revision Date:	3-Mar-2015
Revision Note	New format

**Disclaimer**

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

**End of Safety Data Sheet**

	<h2 style="margin: 0;">KENTUCKY POLLUTION DISCHARGE</h2> <h3 style="margin: 0;">ELIMINATION SYSTEM (KPDES)</h3> <p style="margin: 0;">Notice of Intent (NOI) for coverage of Storm Water Discharges Associated with Other Facilities Under the KPDES Storm Water General Permit KYR000000</p> <p style="margin: 0;"><a href="#">Click here for eNOI-KYR00 Instructions (Controls/NOIKY00_Instructions.htm)</a></p> <p style="margin: 0; font-size: small;">water.ky.gov (<a href="http://water.ky.gov/">http://water.ky.gov/</a>)</p> <p style="margin: 0; font-size: x-small;">(*) indicates a required field; (âœ“) indicates a field may be required based on user input or is an optionally required field</p>		
Agency Interest ID: <input style="width: 90%;" type="text" value="2591"/>	Permit ID: <input style="width: 90%;" type="text" value="KYR003792"/>		
<b>SECTION I-PURPOSE OF NOI</b>			
This NOI is for:(*) <input style="width: 90%;" type="text" value="Expansion of Existing Coverage"/>			
<b>SECTION II-FACILITY OPERATOR INFORMATION</b>			
First Name:( <input checked="" type="checkbox"/> ) <input style="width: 90%;" type="text" value="William"/>	MI: <input style="width: 30%;" type="text" value="MI"/>	Last Name:( <input checked="" type="checkbox"/> ) <input style="width: 90%;" type="text" value="Larkey"/>	Company Name:( <input checked="" type="checkbox"/> ) <input style="width: 90%;" type="text" value="Robinson Stave Inc"/>
Status:(*) <input style="width: 90%;" type="text" value="Private"/>	Address:(*) <input style="width: 90%;" type="text" value="1812 HWY 3434"/>	City:(*) <input style="width: 90%;" type="text" value="East Bernstadt"/>	State:(*) <input style="width: 90%;" type="text" value="Kentucky"/>
Zip Code:(*) <input style="width: 90%;" type="text" value="40729"/>	E-Mail Address:(*) <input style="width: 90%;" type="text" value="wlarkey@yahoo.com"/>	Business Phone Number:(*) <input style="width: 90%;" type="text" value="606-843-2740"/>	Alternate Phone Number: <input style="width: 90%;" type="text" value="606-682-7712"/>
<b>SECTION III-FACILITY/SITE LOCATION INFORMATION</b>			
Name of Facility:(*) <input style="width: 90%;" type="text" value="Robinson Stave"/>		Physical Address:(*) <input style="width: 90%;" type="text" value="1812 HWY 3434"/>	
City:(*) <input style="width: 90%;" type="text" value="East Bernstadt"/>		State:(*) <input style="width: 90%;" type="text" value="Kentucky"/>	Zip Code:(*) <input style="width: 90%;" type="text" value="40729"/>
County:(*) <input style="width: 90%;" type="text" value="Laurel"/>	Primary Receiving Water:(*) <input style="width: 90%;" type="text" value="Little Raccoon Creek"/>	Latitude (Decimal Degrees, NAD83):(*) <input style="width: 90%;" type="text" value="37.18792"/>	Longitude (Decimal Degrees, NAD83):(*) <input style="width: 90%;" type="text" value="-84.10776"/>
Receiving Stream (click here for list) (Controls/ReceivingStream.htm)			
DMS to DD Converter ( <a href="https://www.fcc.gov/media/radio/dms-decimal">https://www.fcc.gov/media/radio/dms-decimal</a> )			
<b>SECTION IV " FACILITY/SITE ACTIVITY INFORMATION</b>			
SIC:(*) <input style="width: 90%;" type="text" value="2421"/>		# of Outfalls:(*) <input style="width: 90%;" type="text" value="3"/>	
Industrial Activity Conducted:(*) <input style="width: 90%;" type="text" value="Sawmill - Stave Mill and barrel production facility."/>			
Areas Contacted by Storm Water:(*) <input style="width: 90%;" type="text" value="Log yard and storage areas for lumber and stave production and parking areas."/>			
Potential Pollutants:(*) <input style="width: 90%;" type="text" value="Oil, grease, sediment"/>			
<b>SECTION V " OUTFALL INFORMATION</b>			
Identifier:(*) <input style="width: 90%;" type="text" value="001"/>	Latitude (Decimal Degrees, NAD83):(*) <input style="width: 90%;" type="text" value="37.18945"/>	Longitude (Decimal Degrees, NAD83):(*) <input style="width: 90%;" type="text" value="-84.10671"/>	Water Discharged:(*) <input style="width: 90%;" type="text" value="stormwater only"/>

DMS to DD Converter ( <a href="https://www.fcc.gov/media/radio/dms-decimal">https://www.fcc.gov/media/radio/dms-decimal</a> )			
Area Drained: (*) Stave mill and barrel shop area with open gravel areas used to operate equipment.			
Potential Pollutants: (*) oil, grease and sediment			
Provide Name of Receiving Water (click here for a list ( <a href="#">Controls/ReceivingStream.htm</a> )) or Municipal Separate Storm Sewer System (MS4) to which the outfall discharges.			
Name of Receiving Water: (*) Little Raccoon Creek		Name of MS4: (*)	
Identifier: (*) 002	Latitude (Decimal Degrees, NAD83): (*) 37.18867 DMS to DD Converter ( <a href="https://www.fcc.gov/media/radio/dms-decimal">https://www.fcc.gov/media/radio/dms-decimal</a> )	Longitude (Decimal Degrees, NAD83): (*) -84.10533	Water Discharged: (*) stormwater only ▼
Area Drained: (*) Log storage and sawmill area.			
Potential Pollutants: (*) oil, grease and sediment			
Provide Name of Receiving Water (click here for a list ( <a href="#">Controls/ReceivingStream.htm</a> )) or Municipal Separate Storm Sewer System (MS4) to which the outfall discharges.			
Name of Receiving Water: (*) Little Raccoon Creek		Name of MS4: (*)	
Identifier: (*) 003	Latitude (Decimal Degrees, NAD83): (*) 37.18850 DMS to DD Converter ( <a href="https://www.fcc.gov/media/radio/dms-decimal">https://www.fcc.gov/media/radio/dms-decimal</a> )	Longitude (Decimal Degrees, NAD83): (*) -84.10963	Water Discharged: (*) stormwater only ▼
Area Drained: (*) Cooperage and stave storage areas.			
Potential Pollutants: (*) oil, grease and sediment			
Provide Name of Receiving Water (click here for a list ( <a href="#">Controls/ReceivingStream.htm</a> )) or Municipal Separate Storm Sewer System (MS4) to which the outfall discharges.			
Name of Receiving Water: (*) Gillis Branch		Name of MS4: (*)	
SECTION VI " DISCHARGE MONITORING REPORTS (DMRs)			
KPDES permit holders are required to submit DMRs electronically to the Division of Water on a regular schedule (as defined by the KPDES permit). Information in this section serves to specifically identify the name and contact information of the DMR official.			
First Name: (*) William		Middle Initial: MI	Last Name: (*) Larkey
Address: (*) 1812 HWY 3434	City: (*) East Bernstadt	State: (*) Kentucky ▼	Zip Code: (*) 40729
E-Mail Address: (*) wlarkey@yahoo.com	Business Phone Number: (*) 606-843-2740	Alternate Phone Number: 606-682-7712	
SECTION VII " NOI PREPARER INFORMATION			

First Name:(*) Paul		Middle Initial: MI	Last Name:(*) Rodgers					
Address:(*) 325 A Tierney Way		City:(*) Winchester		State:(*) Kentucky ▼				
Zip Code:(*) 40391								
E-Mail Address:(*) paul.rogers@cedarcreekengineering.com		Business Phone Number:(*) 859-227-7061		Alternate Phone Number: ### ### ####				
SECTION VIII " ATTACHMENTS								
Location Map:(*)		<div>Upload file</div> <table><thead><tr><th>Files</th><th></th></tr></thead><tbody><tr><td> Figure 1 - Topo.pdf (312KB)</td><td>Remove</td></tr></tbody></table>			Files		Figure 1 - Topo.pdf (312KB)	Remove
Files								
Figure 1 - Topo.pdf (312KB)	Remove							
Other File(s):		<div>Upload file</div>						
SECTION IX " CERTIFICATION								
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 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.								
Signature:(*) Paul Rodgers		First Name:(*) Paul	Last Name:(*) Rodgers					
Phone Number:(*) 859-227-7061	E-Mail Address:(*) paul.rogers@cedarcreekengineering.com		Date(*) 10/11/2017					
<div>Click to Save Values for Future Retrieval</div> <div>Click to Submit to DEP</div>								

MATTHEW G. BEVIN  
GOVERNOR



CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
**DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

AARON B. KEATLEY  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

October 19, 2017

Robinson Stave Inc.  
1812 Hwy 3434  
East Bernstadt, Kentucky 40729

**Re: KYR00 Coverage Acknowledgment**  
KPDES No.: KYR004272  
Robinson Stave Co  
AI ID: 2591  
Laurel County, Kentucky

Dear Mr. Rodgers:

Effective on the first of the month following the date of this letter, the Kentucky Division of Water (DOW) has determined to grant and/or extend coverage under the "General Permit for Stormwater Discharges Associated with Industrial Activity from Other Facilities" (KYR000000) for the referenced facility. A copy of KYR000000 and its accompanying Fact Sheet are available on the DOW web address:

<http://water.ky.gov/permitting/Documents/GPWeb/KYR00PermitPage.pdf>

Outfall No.	Description	Receiving Stream	Latitude	Longitude
001	Stormwater Only	Little Raccoon Creek	37.189450	-84.106710
002	Stormwater Only	Little Raccoon Creek	37.188670	-84.105330
003	Stormwater Only	Gillis Branch	37.1885	-84.109630

Electronic submission of Discharge Monitoring Reports (DMRs) using NetDMR is required beginning with the effective date of coverage under the KYR000000 general permit. NetDMR instructions are available at:

<http://water.ky.gov/permitting/Pages/netDMRInformation.aspx>. This site has step-by-step instructions for [NetDMR Production](#).

If in the future you wish to amend or renew this KPDES permit coverage, you can recall this action by using the following Transaction ID to generate a template: 0v2t5tbh-7c2u-u7a9-vjbs-zhlnx8sdzsd2. Check the box "I want a NEW eForm with the values from the previously saved/submitted ID." The eForm eNOI-KYGR00 is available at: <https://dep.gateway.ky.gov/eForms/default.aspx?FormID=30>.

Should you have any questions regarding this matter, please contact Surface Water Permits Branch (SWPB) Support at (502) 564-3410 or by e-mail at [SWPBSupport@ky.gov](mailto:SWPBSupport@ky.gov).

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Graves".

Rebecca Graves, Permit Writer  
Surface Water Permits Branch  
Division of Water



Coverage Letter  
KPDES No.: KYR004272  
October 19, 2017  
Page 2  
cc: Tempo

Robert Miller  
Environmental Control Supervisor  
London Regional Office  
875 South Main Street  
London, KY  
606-330-2080



# KPDES



KENTUCKY POLLUTANT  
DISCHARGE ELIMINATION  
SYSTEM

# PERMIT

PERMIT NO.: KYR000000

AI NO.: 35050

**AUTHORIZATION TO DISCHARGE UNDER THE  
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**Pursuant to Authority in KRS 224,**

The discharge of stormwater runoff associated with industrial activities that are not excluded from coverage in accordance with criteria of Section 4.3 and have met the NOI requirements of Section 5 of this permit.

**is authorized from a facilities located**

Within any of the 120 counties of the Commonwealth of Kentucky

**to receiving waters named**

Those water bodies of the Commonwealth that comprise the Mississippi and Ohio River basins and sub-basins within the political and geographic boundaries of Kentucky

**in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.**

This permit shall become effective on June 1, 2013.

This permit and the authorization to discharge shall expire at midnight, May 31, 2018.

May 1, 2013

**Date Signed**

A handwritten signature in black ink, appearing to read "Sandra L. Gruzesky", written over a horizontal line.

**Sandra L. Gruzesky, Director**

**Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

Printed on Recycled Paper

**THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS.**

<b>1.</b>	<b>EFFLUENT MONITORING REQUIREMENTS .....</b>	<b>5</b>
1.1.	Effluent Monitoring Requirements .....	5
1.2.	Standard Effluent Requirements .....	5
<b>2.</b>	<b>NON-NUMERIC REQUIREMENTS .....</b>	<b>7</b>
2.1.	Control Measures .....	7
2.2.	Minimize Exposure.....	7
2.3.	Good Housekeeping.....	8
2.4.	Maintenance.....	8
2.5.	Spill Prevention and Response Procedures .....	8
2.6.	Management of Runoff and Run-on .....	8
2.7.	Employee Training.....	8
<b>3.</b>	<b>STORMWATER POLLUTION PREVENTION PLAN (SWPPP).....</b>	<b>10</b>
3.1.	Stormwater Pollution Prevention Team.....	10
3.2.	Site Description.....	10
3.3.	Summary of Potential Pollutant Sources .....	11
3.4.	Description of Control Measures .....	11
3.5.	Schedules and Procedures.....	12
3.6.	Additional Documentation Requirements.....	12
3.7.	Signature Requirements .....	12
3.8.	Required Modifications .....	12
3.9.	SWPPP Availability.....	12
3.10.	Inspections .....	13
3.11.	Corrective Actions .....	13
<b>4.</b>	<b>ADDITIONAL REQUIREMENTS.....</b>	<b>15</b>
4.1.	Non-Stormwater Discharges .....	15
4.2.	New or Expanded Discharges .....	15
4.3.	Summary of Exclusions .....	17
4.4.	Schedule of Compliance .....	17
4.5.	Other Permits .....	17
4.6.	Sufficiently Sensitive Analytical Methods .....	17
4.7.	Antidegradation .....	17
4.8.	Additional Conditions Applicable to Existing Manufacturing, Commercial, Mining and Silvicultural Discharges .....	17
4.9.	Reporting of Monitoring Results .....	18
4.10.	Reopener Clause .....	18

4.11.	Administrative Continuation.....	18
4.12.	Outfall Signage .....	18
4.13.	Discharge and Monitoring Point Accessibility .....	18
<b>5.</b>	<b>NOI REQUIREMENTS AND CONDITIONAL EXCLUSION FOR NO EXPOSURE .....</b>	<b>20</b>
5.1.	Notice of Intent (NOI) .....	20
5.2.	Conditional Exclusion for No Exposure .....	20
<b>6.</b>	<b>STANDARD CONDITIONS.....</b>	<b>22</b>
6.1.	Duty to Comply .....	22
6.2.	Duty to Reapply .....	22
6.3.	Need to Halt or Reduce Activity Not a Defense .....	22
6.4.	Duty to Mitigate.....	22
6.5.	Proper Operation and Maintenance .....	22
6.6.	Permit Actions .....	22
6.7.	Property Rights .....	22
6.8.	Duty to Provide Information.....	22
6.9.	Inspection and Entry .....	22
6.10.	Monitoring and Records .....	23
6.11.	Signatory Requirement .....	23
6.12.	Reporting Requirements .....	23
6.13.	Bypass .....	25

# **SECTION 1**

## **EFFLUENT MONITORING REQUIREMENTS**

## 1. EFFLUENT MONITORING REQUIREMENTS

### 1.1. Effluent Monitoring Requirements

This section of the permit establishes the effluent monitoring requirements that apply to all point source discharges of stormwater runoff associated with industrial activity and non-stormwater discharges as listed in Section 4.1. These monitoring requirements are presented in the following table and become effective on: (1) the effective date of coverage for facilities newly authorized by this permit and (2) the effective date of this permit for those facilities that received authorization prior to September 30, 2007.

Effluent Monitoring Requirements							
Effluent Characteristic	Units	Minimum	Monthly Average	Daily Maximum	Maximum	Frequency	Sample Type
Flow	MGD	N/A	Report	Report	N/A	2/Year	Instantaneous
TSS	mg/l	N/A	Report	Report	N/A	2/Year	Grab
Oil & Grease	mg/l	N/A	Report	Report	N/A	2/Year	Grab
pH	Standard Units	Report	N/A	N/A	Report	2/Year	Grab
The abbreviation N/A in the preceding table means Not Applicable.							

### 1.2. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

Samples and measurements taken in accordance with the requirements specified in Section 1 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

## **SECTION 2**

### **NON-NUMERIC EFFLUENT REQUIREMENTS**

## **2. NON-NUMERIC REQUIREMENTS**

This section of the permit establishes the non-numeric requirements that are applicable to exposed areas associated with industrial activity for all facilities authorized to discharge by this permit. The non-numeric requirements should “minimize” the discharge of pollutants resulting from precipitation events. EPA’s 2008 Multi-Sector General Permit (MSGP) defines the term “minimize” as “to reduce and/or eliminate to the extent achievable using control measures, including BMPs, that are technologically available and economically practicable and achievable in light of best industry practice.” These requirements become effective on the effective date of coverage for facilities newly authorized by this permit. Those facilities that received authorization prior to the effective date of this permit shall, within 180 days of the date of this permit, update their existing Stormwater Pollution Prevent Plan (SWPPP) to reflect any modifications required by this section.

### **2.1. Control Measures**

The operator shall select, design, install, and implement control measures and best management practices (BMPs) that consider the following:

- 1) Prevention of stormwater contact with materials that may contaminate the stormwater;
- 2) Use of control measures in combination;
- 3) Assess pollutant types and quantity and their potential impact on water quality;
- 4) Minimizing impervious surfaces;
- 5) Optimizing onsite infiltration of runoff;
- 6) Use of vegetated swales and natural depressions to attenuate flows;
- 7) Conservation and/or restoration of riparian buffers; and
- 8) Use of treatment interceptors

The candidate control measures and BMPs shall be in accordance with good engineering practices and manufacturers’ specifications. The operator shall provide justification and documentation of rationale for any deviation from the manufacturers’ specification in the SWPPP.

### **2.2. Minimize Exposure**

The operator shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff. In minimizing exposure, the operator should consider the following:

- 1) Locating industrial materials and activities inside or protecting them with storm resistant coverings;
- 2) The use of specific control measures to prevent runoff of contaminated flows and divert run-on away from these areas (e.g. curbing, berms, and grading);
- 3) Locating raw materials, intermediate products, final products, wastes, etc. in areas where leaks or spills are contained;
- 4) Maintaining and storing equipment and vehicles indoors when feasible otherwise drain fluids and use drip pans and absorbents;
- 5) Conducting activities such that leaks or spills do not enter the stormwater drainage system;
- 6) Promptly containing and cleaning up leaks and spills using dry methods;
- 7) The strategic location of spill/overflow protection equipment for immediate accessibility;
- 8) Conducting equipment and vehicle cleaning operations such that overspray is captured and runoff or run-on are prevented (e.g. indoors, under cover or in bermed areas);
- 9) Minimizing impervious areas to prevent excessive runoff; and
- 10) All washwater should drain to a proper collection system, not the stormwater drainage system. The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law. The discharge of vehicle and equipment washwaters to a water

of the Commonwealth requires the operator to obtain an individual KPDES permit, or appropriate alternate KPDES general permit for the entire facility as stated in the eligibility requirements of this permit;

- 11) Implementing other adequately protective alternate practices.

### **2.3. Good Housekeeping**

The operator shall keep all exposed areas clean and well maintained, free of waste, garbage, and floatable debris and shall minimize the generation of dust and off-site tracking of raw, final, or waste materials.

### **2.4. Maintenance**

The operator shall regularly inspect, test, maintain, and repair all equipment and systems to minimize the potential for leaks, spills, and other releases of pollutants. All control measures, structural and non-structural, shall be diligently maintained in effective operating condition. Any defective control measure shall be repaired or replaced as expeditiously as practicable.

### **2.5. Spill Prevention and Response Procedures**

The operator shall minimize the potential for leaks, spills and other releases and develop plans for effective response to such spills. At a minimum, operator shall implement the following:

- 1) Procedures for plainly labeling containers (e.g., "Used Oil", "Spent Solvents", "Fertilizers and Pesticides" etc.) to encourage proper handling and facilitate rapid response if spills or leaks occur;
- 2) Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- 3) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your Stormwater Pollution Prevention Team; and
- 4) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies, and contact information shall be kept in locations that are readily accessible and available.

### **2.6. Management of Runoff and Run-on**

The operator shall reduce stormwater runoff and run-on to minimize the discharge of pollutants. Structural and non-structural control measures such as velocity dissipaters, diversion, infiltration, reuse, and/or containment shall be used to reduce the discharge of pollutants. Salt stockpiles shall be enclosed or covered and appropriate measures to minimize exposure during transfer shall be implemented.

### **2.7. Employee Training**

The operator shall train all employees who work in areas where industrial materials or activities are exposed to stormwater, including all members of your Stormwater Pollution Prevention Team, inspectors, maintenance personnel, etc. Training shall address the specific control measures used to achieve the effluent requirements, monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit.



**SECTION 3**  
**STORMWATER POLLUTION PREVENTION PLAN**  
**(SWPPP)**

### **3. STORMWATER POLLUTION PREVENTION PLAN (SWPPP).**

The operator of a facility authorized to discharge stormwater runoff by this general permit shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) for the control and management of stormwater runoff from exposed areas associated with industrial activity. The SWPPP shall document the operator's selection, design, installation, and maintenance of control measures and BMPs that will be used to meet the effluent requirements of Section 2 of this permit. In addition the operator shall document in the SWPPP the type and frequency of inspections and monitoring, and recordkeeping and reporting procedures. The SWPPP shall include at a minimum the following sections:

1. Stormwater Pollution Prevention Team;
2. Site description;
3. Summary of potential pollutant sources;
4. Description of control measures;
5. Schedules and procedures;
6. Additional Documentation Requirements; and
7. Signature requirements.

Where the SWPPP refers to procedures in other facility documents, such as a Spill Prevention Control and Countermeasure (SPCC) Plan, Groundwater Protection Plan (GPP), etc., copies of the relevant portions of those documents must be kept with the SWPPP.

#### **3.1. Stormwater Pollution Prevention Team**

The SWPPP shall identify the staff members (by name or title) that comprise the facility's Stormwater Pollution Prevention Team as well as their individual responsibilities. The Stormwater Pollution Prevention Team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as conducting inspections, maintaining control measures, and taking corrective actions where required. Each member of the Stormwater Pollution Prevention Team must have ready access to either an electronic or paper copy of this permit and the SWPPP. Members of the Stormwater Pollution Prevention Team must be knowledgeable and skilled in assessing conditions at the facility that could impact stormwater quality and assessing the effectiveness of controls measures, and other site management practices chosen to control the quality of the stormwater discharge.

#### **3.2. Site Description**

In this section of the SWPPP the operator shall provide a detailed description of activities undertaken at the facility, a general location map with enough detail to identify the location of the facility and all receiving waters, and a detailed site map that contains the following information:

1. The size of the property in acres;
2. The location and extent of significant structures and impervious surfaces;
3. Directions of stormwater flow (use arrows);
4. Locations of all existing structural control measures;
5. Locations of all receiving waters in the immediate vicinity of your facility;
6. Locations of all stormwater conveyances including ditches, pipes, and swales;
7. Locations of potential pollutant sources;
8. Locations where significant spills or leaks have occurred within the 3 most recent consecutive years;
9. Locations of all stormwater monitoring points;
10. Locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 001, No.002, etc);
11. Municipal separate storm sewer systems(MS4), where your stormwater discharges to the MS4;
12. Locations and descriptions of all non-stormwater discharges;
13. Locations and sources of run-on to your site from adjacent property (that may contain significant quantities of pollutants); and

14. Locations of the following activities where such activities are exposed to precipitation:
- fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas;
  - locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing and storage areas;
  - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - transfer areas for substances in bulk; and
  - machinery;

### **3.3. Summary of Potential Pollutant Sources**

The operator shall describe areas at the facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the summary must include:

1. A list of the industrial activities exposed to stormwater (e.g., material storage, equipment fueling, maintenance, and cleaning, cutting steel beams).
2. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the preparation date or last date of amendment of the SWPPP.
3. Description of where potential spills and leaks could occur that may possibly contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. The operator shall document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance in the 3 years prior to the preparation date or last date of amendment of the SWPPP.
4. Description of the operator's evaluation of the facility for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Such documentation of your evaluation must include: (1) the date of the evaluation, (2) a description of the evaluation criteria used; (3) a list of the outfalls or onsite drainage points that were directly observed during the evaluation, (4) the different types of non-stormwater discharges and source locations; and (5) actions taken, such as a list of control measures used to eliminate unauthorized discharges, if any were identified.
5. The location of any storage piles containing salt used for deicing or other commercial or industrial purposes.
6. A summarization of all stormwater discharge sampling data collected at your facility during the previous permit term.

### **3.4. Description of Control Measures**

The operator shall document the location and type of control measures installed and implemented at the site. This documentation must describe how the control measures at the site address both the pollutant

sources identified Section 3.3 and any stormwater run-on that commingles with any discharges covered under this permit.

### **3.5. Schedules and Procedures**

The SWPPP shall include: (1) A schedule or procedure for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers, (2) preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line, (3) procedures for preventing and responding to spills and leaks, and (4) a schedule for all necessary employee training.

### **3.6. Additional Documentation Requirements**

The following documents shall be retained as addendums to the SWPPP to form a complete and up-to-date record and demonstration of full compliance with the conditions of this permit:

1. A copy of the NOI-KYR00 submitted to KDOW along with any correspondence specific to coverage under this permit;
2. A copy of the coverage letter issued by KDOW;
3. A copy of this permit (electronic or paper);
4. The daily precipitation log
5. Incident Reports - These reports shall provide descriptions and dates of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the Commonwealth, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases;
6. Employee Training Records – Including dates, names of employees, and subject matter;
7. Control Measure Maintenance and Repairs Logs – Including date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules;
8. Inspection reports required in accordance with Section 3.10;
9. Corrective Reports - Descriptions of any corrective actions taken at the site, including the triggering event and dates when problems were discovered and modifications implemented;

### **3.7. Signature Requirements**

The SWPPP shall be signed and certified in accordance with the signatory requirements in Section 6.11.

### **3.8. Required Modifications**

The SWPPP shall be modified whenever necessary to address any corrective action taken in accordance with the requirements of Section 3.11. Changes to the SWPPP document must be made in accordance with the corrective action deadlines in Section 3.11, and must be signed and dated in accordance with Section 6.11.

### **3.9. SWPPP Availability**

The member of the Stormwater Pollution Prevention Team who has day-to-day operational control over the plan's implementation shall retain a copy of the most recent up-to-date SWPPP at a location that permits immediate access by any member of the Stormwater Pollution Prevention Team. The SWPPP and all required supportive documentation (See Section 3.6) shall be made immediately available upon request to KDOW or its authorized representative, EPA and other federal agencies or their authorized representatives, local government, or MS4 operator for review and copying during an on-site inspection.

### **3.10. Inspections**

The Stormwater Pollution Prevention Team shall conduct regularly scheduled inspections of the facility to visually determine the effectiveness of the control measures and BMPs, to identify maintenance and repair needs, and to identify any potential or actual permit violations. The operator shall include in the SWPPP a schedule for conducting inspections sufficient to ensure compliance with the requirements of this permit, but not less than quarterly. In addition to the regularly scheduled inspections the Stormwater Pollution Prevention Team shall conduct an annual site assessment and inspections in response to storm events in excess of a 2-year, 24-hour event to verify the stability of the installed control measures and BMPs.

The Stormwater Pollution Prevention Team shall prepare for each inspection conducted by the team or a member of the team a report that documents the following information:

1. The inspection date and time;
2. The type of inspection (i.e. scheduled or in response to a precipitation event in excess of a 2-year, 24-hour event)
3. The name(s) and signature(s) of the inspector(s);
4. Weather information and a description of any discharges occurring at the time of the inspection;
5. Any previously unidentified discharges of pollutants from the site;
6. Any control measures needing maintenance or repairs;
7. Any failed control measures that need replacement;
8. Any additional control measures needed to comply with the permit requirements; and
9. Any other corrective action required as a result of the inspection.

The inspection reports shall be maintained as an amendment to the SWPPP and made available in accordance with the SWPPP availability requirements of Section 3.9.

### **3.11. Corrective Actions**

The operator shall review and revise as necessary the selection, design, installation, and implementation of the control measures and BMPs as a result of the following events:

1. An unauthorized discharge or release of pollutants from the facility;
2. As a result of an inspection or evaluation by the Stormwater Pollution Prevention Team, or any federal, state, or local authority or their representative who determines that the control measures and/or BMPs are not being properly operated or maintained or are not achieving compliance with the conditions of this permit; or
3. Changes at the facility which significantly alter the nature of pollutants discharged in stormwater or significantly increases the quantity of pollutants discharged

As soon as practicable after the discovery of any of the preceding conditions the Stormwater Pollution Prevention Team shall document in an initial Corrective Action Report the following: (1) identification of the condition triggering the need for corrective action review, (2) description of the problem identified, and (3) date the problem was identified. This report does not relieve the operator of the responsibility to report a spill or effluent violations as required by Section 6.12 of this permit.

As soon as practicable after the discovery of any of the preceding conditions the Stormwater Pollution Prevention Team shall document in a comprehensive Correct Action Report the following: (1) a summary of corrective actions taken or to be taken, (2) date corrective actions were or are to be initiated, (3) date corrective actions were completed or expected to be completed, (4) summary of any necessary SWPPP modifications, (5) date SWPPP modifications are to be completed.

## **SECTION 4**

### **ADDITIONAL REQUIREMENTS**

#### **4. ADDITIONAL REQUIREMENTS**

##### **4.1. Non-Stormwater Discharges**

The following non-stormwater discharges are authorized by this permit. All other non-stormwater discharges shall be eliminated by the operator or the operator shall obtain an individual KPDES permit or appropriate alternate KPDES general permit:

- 1) Fire-fighting activities;
- 2) Fire hydrant flushings;
- 3) Potable water, including water line flushings;
- 4) Uncontaminated condensate from air conditioners, coolers, and other compressors and from outside storage of refrigerated gases or liquids;
- 5) Irrigation drainage;
- 6) Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
- 7) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- 8) Routine external building washdown that does not use detergents;
- 9) Uncontaminated ground water or spring water;
- 10) Foundation or footing drains where flows are not contaminated with process materials; and
- 11) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from cooling tower.

##### **4.2. New or Expanded Discharges**

New or expanded discharges are those discharges that result in new pollutant loadings or expanded existing pollutant loadings to waters of the Commonwealth. To satisfy the antidegradation requirements and implementation procedures in 401 KAR 10:029 and 401 KAR 10:030 the operator shall implement control measures and BMPs to meet enhanced non-numeric effluent limitations for these discharges. The operator shall document in the SWPPP the selected enhanced control measures and BMPs and justification of their use. Enhanced control measures and BMPs shall be sufficient to protect surface waters of the commonwealth for their designated uses. Examples of acceptable control measures and BMPs include, but are not limited to, the following:

- 1) Selection, design, installation, implementation, and maintenance of control measures and BMPs to effectively control storm events up to and including a 2-year, 24-hour event.
- 2) Maintain a 25-foot natural vegetative buffer between the edge of the receiving water and any structure or activity that results in new or expanded discharges.
- 3) Maintain a 50-foot natural vegetative buffer between the edge of the receiving water and any structure or activity that results in new or expanded discharges for receiving waters designated as a Coldwater Aquatic Habitat or Outstanding State Resource Water, categorized as an Outstanding National Resource Water or Exceptional Water, or has been listed in the most recently approved Integrated Water Quality 305(b) Report to Congress as an Impaired Water for which an approved TMDL has not been developed for pollutants of concern that may be discharged from the facility.
- 4) Removal of wastes, garbage, or floatable debris from exposed areas on a routine basis unless the operator places such materials in containers that are protected by a storm resistant covering or within secondary containment structures.
- 5) Inspections of all equipment and systems for leaks, spills, other releases of pollutants and structural control measures for capacity and integrity. Repairs or replacement of any faulty equipment or systems, the removal of sediment, cleaning, or performance of repairs of structural control measures shall be affected within 24 hours of discovery of the condition unless the operator can demonstrate there are extenuating circumstances.
- 6) Minimization of the potential for leaks, spills, and other releases. Where possible, the operator should determine the level of risk of leaks, spills, and other releases for all primary and ancillary

activities at a facility and develop procedures and preventative measures that result in the greatest reduction or elimination of the risk.

- 7) Utilize storm resistant covers to reduce areas of exposure (e.g. enclosing storage areas, transfer points, etc.).
- 8) Implementation of other adequately protective alternate practices.



#### 4.3. Summary of Exclusions

Facilities meeting any of the following criteria are not eligible for coverage under KYR00:

- 1) those that have obtained or are required to obtain an individual KPDES permit for discharge of non-stormwater wastewaters;
- 2) those that are subject to a promulgated national effluent guideline specific to stormwater discharges;
- 3) those that propose a new or expanded discharge of pollutants of concern to a water body that is categorized as Impaired for those pollutants of concern and for which an approved TMDL has been developed for those pollutants of concern; or
- 4) those that KDOW has determined are more appropriately addressed by an individual KPDES permit or alternate KPDES general permit.

#### 4.4. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

#### 4.5. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

#### 4.6. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has a MDL at or below the established effluent limitation, the permittee shall: (1) use the method specified in the permit; or (2) the EPA-approved method with a MDL that is nearest to the established effluent limit.

#### 4.7. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those required by Section 4.2 for new or expanded discharges.

#### 4.8. Additional Conditions Applicable to Existing Manufacturing, Commercial, Mining and Silvicultural Discharges

The permittee shall notify the Director as soon as they know or have reason to believe that toxic pollutants not limited in the permit have been or shall be discharged in excess of the highest of the following notification levels:

POLLUTANT	ROUTINE/FREQUENT BASIS	NON-ROUTINE/INFREQUENT BASIS
Any Toxic Pollutant	100 µg/l or level established by the Director	500 µg/l or level established by the Director
Acrolein	200 µg/l	500 µg/l or level established by the Director
Acrylonitrile	200 µg/l	500 µg/l or level established by the Director
2,4-dinitrophenol	500 µg/l	500 µg/l or level established by the Director
2-methyl-4,6-dinitrophenol	500 µg/l	500 µg/l or level established by the Director
Antimony	1 mg/l	1 mg/l

POLLUTANT	ROUTINE/FREQUENT BASIS	NON-ROUTINE/INFREQUENT BASIS
Pollutant reported in permit application	Five (5) times the maximum concentration value	Ten (10) times the maximum concentration value

#### **4.9. Reporting of Monitoring Results**

Within one (1) year of the effective date of this permit or date of coverage, whichever is later, the permittee shall begin reporting monitoring results obtained during each monitoring period using KDOW's designed electronic reporting method. Electronic reporting of DMR data shall be completed by the permittee using a KDOW-approved reporting method. The electronic reporting of DMR data shall be submitted July 28<sup>th</sup> and January 28<sup>th</sup> of each year. The permittee may contact the KDOW Permit Support Section at (502)564-3410 to obtain information about these reporting method(s). Monitoring results obtained by the permittee during the one (1) year interim period allowed for migration to KDOW's electronic reporting method shall be kept on site and provided upon request to any representative of KDOW.

#### **4.10. Reopener Clause**

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by KDOW.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

#### **4.11. Administrative Continuation**

In the event the permit expires prior to reissuance by KDOW the conditions and requirements of this version of KYR00 shall continue in effect until KDOW reissues the permit. However, new or expanded coverages cannot be authorized until the permit is reissued. Facilities that obtain individual permits during such periods may apply for coverage under the general permit by filing an eNOI-KYR00.

#### **4.12. Outfall Signage**

For discharges to the Ohio River the permittee shall comply with the permanent marker requirements of Part V, Section A 3 of ORSANCO's Pollution Control Standards.

For discharges to receiving waters other than the Ohio River the permittee may place and maintain a permanent marker at each of the monitoring locations to better document and clarify these locations.

#### **4.13. Discharge and Monitoring Point Accessibility**

As stated in Section 6.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible.

**SECTION 5**  
**NOI REQUIREMENTS**  
**AND**  
**CONDITIONAL EXCLUSION FOR NO EXPOSURE**

## **5. NOI REQUIREMENTS AND CONDITIONAL EXCLUSION FOR NO EXPOSURE**

### **5.1. Notice of Intent (NOI)**

Operators seeking to obtain a new coverage, to modify an existing coverage, or to renew an existing coverage shall use KDOW's electronic web based eNOI-KYR00, available on KDEP's forms library site at: <http://dep.ky.gov/formslibrary/Pages/default.aspx>. KDOW shall not process any NOI that is incomplete, inaccurate, or in an incorrect format.

#### **5.1.1. NOI Contents**

Electronic form eNOI-KYR00 is comprised of the following sections: (1) Purpose of the NOI, (2) Facility Operator Information, (3) Facility/Site Location Information, (4) Facility/Site Activity Information, (5) Outfall Information, (6), NOI Preparer Information (7) Attachments, and (8) Certification.

Facilities which have applied for individual KPDES stormwater discharge permits (IPs) between 10-1-2007 and the effective date of this permit may be eligible for coverage under this permit, assuming they are not excluded under the Summary of Exclusions. If a facility has received an IP in this interim period the Operator should submit the NOI and indicate that a general permit was not available when operation began. If a facility has applied for an IP but KDOW has not yet issued the IP, the Operator should submit an NOI.

#### **5.1.2. NOI Submission Deadlines**

Operators seeking initial coverage for a new facility shall electronically submit the eNOI-KYR00 a minimum of 15 days prior to commencement of discharge.

Operators seeking initial coverage for an existing facility that has commenced discharge shall electronically submit the eNOI-KYR00 within 15 days after the effective date of KYR00.

Operators seeking modification of an existing coverage to address facility modifications shall electronically submit an updated eNOI-KYR00 a minimum of 15 days prior to the modification of the facility.

For existing coverage granted prior to September 30, 2007 the operator shall electronically submit an updated eNOI-KYR00 within 90 days of the effective date of the permit to renew the coverage. Failure to submit the updated eNOI-KYR00 within the specified timeframe shall result in the termination of coverage.

### **5.2. Conditional Exclusion for No Exposure**

Operators seeking this conditional exclusion are required to submit an electronic "No Exposure Certification" using the eNoExposure form on KDEP's forms library site at: <http://dep.ky.gov/formslibrary/Pages/default.aspx>. This certification is time limited and must be resubmitted upon each reissuance of the KYR00 Other Facilities Stormwater General Permit in order to continue the exclusion for the next permit term.

## **SECTION 6**

### **STANDARD CONDITIONS**

## **6. STANDARD CONDITIONS**

### **6.1. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

### **6.2. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

### **6.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **6.4. Duty to Mitigate**

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

### **6.5. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### **6.6. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

### **6.7. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

### **6.8. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

### **6.9. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

#### **6.10. Monitoring and Records**

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

- (i) The date, location, and time of sampling or measurements;
- (ii) The individual(s) who performed the sampling or measurements;
- (iii) The date(s) analyses were performed;
- (iv) The individual(s) who performed the analyses;
- (v) The analytical techniques or methods used; and
- (vi) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].

(5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

#### **6.11. Signatory Requirement**

(1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

(2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

#### **6.12. Reporting Requirements**

##### **6.12.1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

#### **6.12.2. Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

#### **6.12.3. Transfers**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

#### **6.12.4. Monitoring Reports**

Monitoring results shall be reported at the intervals specified in Section 4.9 of this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

#### **6.12.5. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

#### **6.12.6. Twenty-four-Hour Reporting**

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause, the period of noncompliance (including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

- (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.



(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

#### **6.12.7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Sections 6.12.1, 6.12.4, 6.12.5, and 6.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 6.12.6.

#### **6.12.8. Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

### **6.13. Bypass**

#### **6.13.1. Definitions**

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

#### **6.13.2. Bypass Not Exceeding Limitations**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but it must be for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 6.13.1.

#### **6.13.3. Notice**

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 6.12.6.

#### **6.13.4. Prohibition of Bypass**

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 6.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 6.13.3.

**6.13.5. Upset****6.13.5.1.1.1. Definition**

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

**6.13.6. Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 6.13.7 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

**6.13.7. Conditions Necessary for a Demonstration of Upset**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 6.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 6.4.

**6.13.8. Burden of Proof**

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.



STEVEN L. BESHEAR  
GOVERNOR

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
[www.kentucky.gov](http://www.kentucky.gov)

LEONARD K. PETERS  
SECRETARY

May 1, 2013

Response to Public Comments  
KPDES No.: KYR000000  
(KYR00)  
AI No.: 35050  
All Counties, Kentucky

Dear Commenter:

The comments concerning the above-referenced final permit have been reviewed and responses prepared in accordance with Kentucky Pollutant Discharge Elimination System (KPDES) regulation 401 KAR 5:075, Section 12. The comments have been briefly described below and responses to those comments follow:

**GENERAL COMMENT:**

A number of commenters recommended wording changes for clarification of KYR00 requirements, correction of typographical errors, etc.

**RESPONSE:**

The Division of Water (DOW) reviewed and considered these comments and made those changes DOW deemed appropriate.

**SPECIFIC COMMENTS:**

**COMMENT 1:** Representatives of the wood products industry expressed concern that KYR00 excludes from coverage facilities subject to 40 CFR 429 Timber Products Point Source Category, Subpart I Wet Storage Subcategory. They cite the cost of obtaining an individual KPDES permit as being prohibitive and have indirectly requested the development of an alternate general permit to address these types of facilities.

**RESPONSE 1:** DOW will consider developing a general permit for facilities subject to 40 CFR 429 Subpart I.

**COMMENT 2:** One commenter recommended removal of flow measurement from the permit due to the belief that DOW does not have the authority to limit flow.

**RESPONSE 2:** The fact sheet for KYR00 cites the state and federal regulations that require flow to be included in all KPDES permits.

- COMMENT 3:** A number of commenters recommended that exterior vehicle washwater be added to the list of allowable non-stormwater discharges covered by the permit.
- RESPONSE 3:** The list of allowable non-stormwater discharges in Section 4.1 of KYR00 is consistent with the same list in EPA's Multi-Sector General Permit (MSGP). Vehicle washwater, like equipment washwater, is considered process wastewater due to direct contact with raw materials, intermediate products, finished products, byproducts, or waste product. Therefore the recommendation cannot be incorporated into the permit.
- COMMENT 4:** One commenter questioned the necessity of including a summarization of the stormwater discharge sampling data collected during the prior permit term within the Summary of Potential Pollutant Sources Section of the Stormwater Pollution Prevention Plan (SWPPP).
- RESPONSE 4:** The inclusion of a summary of the stormwater discharge sampling data collected during the previous permit serves to more accurately document the concentration of pollutants and their potential sources at the facility.
- COMMENT 5:** A number of commenters questioned the necessity and the manner in which the daily precipitation log is to be maintained.
- RESPONSE 5:** The purpose of the log is to correlate the occurrence of discharges with precipitation events. The permit requires the permittee to maintain a daily precipitation log; however it does not specify the manner or frequency of preparation of such a log. A definition for the log can be found in the fact sheet.
- COMMENT 6:** Section 4.3 of the final permit lists types of facilities excluded from coverage. Commenter would like item 4 removed or modified to only include objective criteria.
- RESPONSE 6:** 401 KAR 5:055 Section 3(4) allows DOW to determine whether or not a stormwater discharge will require an Individual Permit. The section will not be modified to remove item 4.
- COMMENT 7:** Commenter would like the permit to clearly state that a permittee may be eligible for coverage under the general permit even if they have an individual permit, if they are otherwise qualified.
- RESPONSE 7:** DOW clarified eligibility in the permit and fact sheet.
- COMMENT 8:** Section 4.4 of the permit states that the permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated. Commenters would like a compliance period for facilities who receive coverage by this general permit. One commenter would like 6 months while another would like 1 year.
- RESPONSE 8:** The permit states that facilities which need to make modifications and upgrade their SWPPP have 90 days to submit their Notice of Intent and 6 months to update their SWPPP. Compliance schedules are not available for new facilities as these facilities have ample opportunity to develop adequate control measures prior to commencement of discharge.
- COMMENT 9:** Commenter would like clarification on Section 4.8 of the permit, which addresses additional conditions for Existing Manufacturing, Commercial, Mining and Silvicultural discharges. Another commenter questions whether or not the

conditions in Section 4.8, which come from 40 CFR 122.42, apply to stormwater and requests the entire section be deleted from the permit.

**RESPONSE 9:** DOW considered the comments but believed the section was sufficient as written. 40 CFR 122.42 applies to all NPDES permits within the categories listed in that part. 40 CFR 122.42(a) identifies different types of facilities, not different types of discharges. 40 CFR 122.42(f) is specifically for stormwater, but (f) does not negate (a).

**COMMENT 10:** Section 4.12 of the permit concerns outfall signage. Commenter requests the section be deleted from the permit.

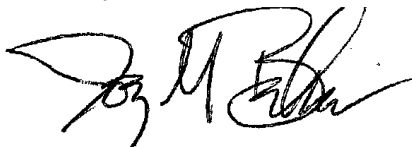
**RESPONSE 10:** The permanent marker requirement can be found in ORSANCO's Pollution Control Standards document in Section V Part A 3. The rest of Section 4.12 of the final permit is a recommendation and not a requirement; therefore, it will remain in the permit. The suggestion is meant to help the permittee. Markers would provide clarification on outfall locations to the permittee, inspectors, and other representatives of the Director.

Any person aggrieved by the issuance of a permit final decision may demand a hearing pursuant to KRS 224.10-420(2) within thirty (30) days from the date of the issuance of this letter. Any demand for a hearing on the permit shall be filed in accordance with the procedures specified in KRS 224.10-420, 224.10-440, 224.10-470, and the regulations promulgated thereto. The request for hearing should be submitted in writing to the Energy and Environment Cabinet, Office of Administrative Hearings, 35-36 Fountain Place, Frankfort, Kentucky 40601 and the Commonwealth of Kentucky, Energy and Environment Cabinet, Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601. For your record keeping purposes, it is recommended that these requests be sent by certified mail. The written request must conform to the appropriate statutes referenced above.

If you have any questions regarding these responses, please contact Cassie Campbell, Surface Water Permits Branch, at (502) 564-3410, extension 4974.

Further information on procedures and legal matters pertaining to the hearing request may be obtained by contacting the Office of Administrative Hearings at (502) 564-7312.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandra L. Gruzesky', with a stylized flourish at the end.

Sandra L. Gruzesky, Director  
Division of Water

