

Division of Environment  
Curtis State Office Building  
1000 SW Jackson St., Suite 400  
Topeka, KS 66612-1368



Phone: 785-296-1535  
Fax: 785-559-4264  
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

February 23, 2023

Leavenworth, City of  
100 N. 5th Street  
Leavenworth, KS 66048

RE: Kansas Water Pollution Control  
Permit No. M-MO12-IO01  
Leavenworth WWTP

Dear Permittee:

You have fulfilled all the filing requirements for a Kansas Water Pollution Control Permit and Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES). We are pleased to forward your new permit. While it is permissible to make as many copies as needed for monitoring and reporting purposes, you need to retain the original permit for your files.

We suggest you carefully read the terms and conditions of your permit and understand these terms and conditions are enforceable under both State and Federal law.

The KDHE's Bureau of Water has recently implemented a new online permit processing and data management system, Kansas Environmental Information System (KEIMS).

Any additional reports shall be submitted to the Kansas Department of Health and Environment, Bureau of Water-TSS, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

If you have any questions concerning this permit, contact Michael Beezhold at (785) 296-5513.

Sincerely,

A handwritten signature in cursive script that reads "Thomas C. Stiles".

Thomas C Stiles  
Director, Bureau of Water

pc: NE - District  
SS- Permit File

KANSAS WATER POLLUTION CONTROL PERMIT AND  
 AUTHORIZATION TO DISCHARGE UNDER  
 THE NATIONAL POLLUTANT DISCHARGE  
 ELIMINATION SYSTEM

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq; the "Act"),

Owner: Leavenworth, City of

Owner's Address: 100 N. 5<sup>th</sup> Street  
 Leavenworth, Kansas 66048

Facility Name: Leavenworth Wastewater Treatment Plant

Facility Location: 1800 S. 2<sup>nd</sup> Street  
 Leavenworth, Kansas 66048  
 SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub> and NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, Section 1, Township 9S, Range 22E  
 Leavenworth County, Kansas

Site Features:	<u>Feature Name</u>	<u>Latitude</u>	<u>Longitude</u>
	Facility Center	39.29948	-94.90571
	001 - Effluent	39.30030	-94.90539
	002 - Influent	39.29916	-94.90490
	Outfall	39.30059	-94.90208

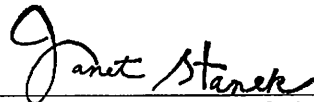
Receiving Stream: Missouri River  
 River Basin: Missouri River Basin

is authorized to discharge from the wastewater treatment facility described herein, in accordance with effluent limits and monitoring requirements as set forth herein.

This permit is effective March 1, 2023, supersedes the previously issued water pollution control permit M-M028-0001 and expires February 29, 2028.

FACILITY DESCRIPTION:

- |  |   |
|--|---|
| 1. Raw sewage pumping station            | 8. Sludge pumping station                   |
| 2. Bar screen                            | 9. Sludge storage tanks (2)                 |
| 3. Aerated grit basin                    | 10. Belt Filter Press for Sludge Dewatering |
| 4. Primary settling basins (4)           | 11. Design P.E. = 55,000                    |
| 5. Trickling filters - plastic media (3) | 12. Design Flow = 6.88 MGD                  |
| 6. Final settling basins (2)             |   |
| 7. UV Disinfection System (3 Banks)      |   |



Secretary, Kansas Department of Health and Environment

February 23, 2023  
 Date

**A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS**

The permittee is only authorized to discharge from outfall 001A as specified in this permit. The effluent limits shall become effective on the effective date of this permit unless otherwise indicated in the table below. Such discharges shall be controlled, limited, and monitored by the permittee as specified. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Monitoring reports shall be submitted on or before the 28th day of the following month. In the event no discharge occurs, report submittal is still required.

Parameters	Final Limits	Measurement Frequency	Sample Type
<b><u>Monitoring Location 002A - Influent to Treatment Plant</u></b>			
Biochemical Oxygen Demand (5-Day) Monthly Average	Monitor	Twice Weekly	24-Hour Composite
Total Suspended Solids-mg/l Monthly Average	Monitor	Twice Weekly	24-Hour Composite
Total Phosphorus (as P)-mg/l Monthly Average	Monitor	Monthly	24-Hour Composite
Total Kjeldahl Nitrogen (as N)-mg/l Monthly Average	Monitor	Monthly	24-Hour Composite
<b><u>Outfall 001A - Effluent after Disinfection</u></b>			
Biochemical Oxygen Demand (5-Day) <sup>1</sup>	See Below Table	Twice Weekly	24-Hour Composite
<b><u>BOD, 5-Day - mg/l</u></b>	<b><u>Jan</u></b>	<b><u>Feb</u></b>	<b><u>Mar</u></b>
	<b><u>Apr</u></b>	<b><u>May</u></b>	<b><u>Jun</u></b>
	<b><u>Jul</u></b>	<b><u>Aug</u></b>	<b><u>Sep</u></b>
	<b><u>Oct</u></b>	<b><u>Nov</u></b>	<b><u>Dec</u></b>
Weekly Avg Max	45	45	45
Monthly Avg	30	30	30
Total Suspended Solids <sup>1</sup>	See Below Table	Twice Weekly	24-Hour Composite
<b><u>TSS - mg/l</u></b>	<b><u>Jan</u></b>	<b><u>Feb</u></b>	<b><u>Mar</u></b>
	<b><u>Apr</u></b>	<b><u>May</u></b>	<b><u>Jun</u></b>
	<b><u>Jul</u></b>	<b><u>Aug</u></b>	<b><u>Sep</u></b>
	<b><u>Oct</u></b>	<b><u>Nov</u></b>	<b><u>Dec</u></b>
Weekly Avg Max	45	45	45
Monthly Avg	30	30	30
Ammonia (as N) - mg/l	See Below Table	Twice Weekly	24-Hour Composite
<b><u>Ammonia - mg/l</u></b>	<b><u>Jan</u></b>	<b><u>Feb</u></b>	<b><u>Mar</u></b>
	<b><u>Apr</u></b>	<b><u>May</u></b>	<b><u>Jun</u></b>
	<b><u>Jul</u></b>	<b><u>Aug</u></b>	<b><u>Sep</u></b>
	<b><u>Oct</u></b>	<b><u>Nov</u></b>	<b><u>Dec</u></b>
Daily Max	42.9	42.9	39.2
Monthly Avg	42.9	42.9	39.2
E.coli-colonies/100 ml	See Below Table	Twice Weekly	Grab
<b><u>E.COLI - #/100ml</u></b>	<b><u>Jan</u></b>	<b><u>Feb</u></b>	<b><u>Mar</u></b>
	<b><u>Apr</u></b>	<b><u>May</u></b>	<b><u>Jun</u></b>
	<b><u>Jul</u></b>	<b><u>Aug</u></b>	<b><u>Sep</u></b>
	<b><u>Oct</u></b>	<b><u>Nov</u></b>	<b><u>Dec</u></b>
Weekly Geometric Avg.	Mon	Mon	4348
Monthly Geometric Avg.	2358	2358	262

\*Mon = Required Monitoring

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS (continued)

Parameters	Final Limits	Measurement Frequency	Sample Type
<b><u>Outfall 001A - Effluent after Disinfection (continued)</u></b>			
pH - Standard Units	6.0 - 9.0	Twice Weekly	Grab
Nitrate (NO <sub>3</sub> ) + Nitrite (NO <sub>2</sub> ) (as N) - mg/l <sup>2</sup> Monthly Avg. Concentration	Monitor	Once Monthly	24-Hour Composite
Total Kjeldahl Nitrogen (TKN) (as N) - mg/l <sup>2</sup>	Monitor	Once Monthly	24-Hour Composite
Total Nitrogen (as N) (TKN + NO <sub>3</sub> + NO <sub>2</sub> ) <sup>2, 3</sup> Monthly Avg. Concentration - mg/l Monthly Avg. Load - lbs/day	Monitor Monitor	Once Monthly	Calculated <sup>4</sup>
Total Nitrogen (as N) <sup>3</sup> Annual Avg. Concentration - mg/l Annual Avg. Load - lbs/day	Monitor Monitor	Once Monthly	Calculated <sup>4</sup>
Total Phosphorus (as P) <sup>3</sup> Monthly Avg. Concentration - mg/l Monthly Avg. Load - lbs/day	Monitor Monitor	Once Monthly	24-Hour Composite Calculated <sup>4</sup>
Total Phosphorus (as P) <sup>3</sup> Annual Avg. Concentration - mg/l Annual Avg. Load - lbs/day	Monitor Monitor	Once Monthly	Calculated <sup>4</sup>
Flow to Receiving Stream - MGD	Monitor	Daily	Meter

**001B - Priority Pollutant Scan**

See Biomonitoring and Priority Pollutants H.2

\*Use Nodi-3 (Special Report Attached) within the Discharge Monitoring Report on the date the lab report is uploaded to KEIMS.

**001W - Acute Whole Effluent Toxicity (WET)**

See Biomonitoring and Priority Pollutants H.1

Median Lethal Concentration (LC50) Daily Minimum - % EFF	≥ 86%	Once a year	24-Hour Composite
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<sup>1</sup> Minimum removal of 85% required for Biochemical Oxygen Demand (5-Day) and Total Suspended Solids.

<sup>2</sup> Permittee shall sample for these tests on the same day. The Minimum Reportable Limit (MRL) for TKN is 1 mg/l and for nitrate + nitrite is 0.1 mg/l. Values less than the MRL shall be reported using the less than sign (<) with the MRL value but for purposes of calculating and reporting the total nitrogen result, less than values shall be defaulted to zero.

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

<sup>3</sup> See C. Special Conditions.

<sup>4</sup> The values for parameters shown as "calculated" will be calculated by the Kansas Environmental Information Management System (KEIMS). The values cannot be entered into KEIMS by the permittee. The monthly averages are required intermediary calculated values used for purposes of calculating the annual averages and are shown for purposes of checking those calculations. The annual average calculations are for a rolling 12-month time period calculated on a monthly basis.

B. STANDARD CONDITIONS

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated December 1, 2021.

C. SPECIAL CONDITIONS - NUTRIENT REMOVAL

Although this wastewater treatment facility is not designed for nutrient removal, the permittee should consider changes in operations and/ or construction improvements to maximize the level of nutrient removal with the intent of achieving the following goals as annual average target effluent levels:

Total Nitrogen (as N) - mg/l	≤ 10.0 as an annual average goal
Total Phosphorus (as P) - mg/l	≤ 1.0 as an annual average goal

These target values are not to be considered as effluent limits for this permit. KDHE reserves the right to re-open this permit to impose limits for nutrients pursuant to Kansas law after such criteria or a TMDL limiting nutrients is adopted in the Kansas Surface Water Quality Standards. The annual average calculations are for a rolling 12-month time period calculated on a monthly basis.

D. SLUDGE DISPOSAL

Sludge disposal shall be in accordance with the 40 CFR Part 503 sludge regulations.

E. SCHEDULE OF COMPLIANCE

None.

F. ADDITIONAL INFORMATION

EPA's National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule ("NPDES eRule") requires regulated entities to report data electronically. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule. Unless a waiver has been approved by KDHE, permittees are required to submit information electronically. The electronic reporting system is called the **Kansas Environmental Information Management System (KEIMS)** and can be accessed at <https://keims.kdhe.ks.gov>. Upon KDHE request, associated lab reports can also be submitted in KEIMS.

H. BIOMONITORING AND PRIORITY POLLUTANTS

## 1. Acute Whole Effluent Toxicity Testing

- a. Acute Whole Effluent Toxicity (WET) testing on a 24-hr composite sample shall be conducted once in calendar year 2023 and annually thereafter. The median lethal concentration, LC50, shall be equal to or greater than 86% effluent. Test results less than 86% are violations of this permit. The test procedures shall use the 48 hour static non-renewal test method in accordance with the EPA document, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, fifth edition, October 2002 using test organisms *Pimephales promelas* (fathead minnow) and any of the following daphnid (water flea) species: *Daphnia pulex*, *Daphnia magna*, or *Ceriodaphnia dubia* within a dilution series containing 0%, 25%, 50%, 75%, 86%, and 100% effluent. KDHE reserves the right to increase or decrease testing frequency based upon compliance history and toxicity testing results.
- b. If the WET test results indicate the LC50 is equal to or greater than 86% effluent, the effluent has passed the toxicity test. Samples results shall be uploaded to the Kansas Environmental Information Management System (KEIMS) at <https://keims.kdhe.ks.gov> within 30 days of receipt of the results.
- c. If the WET test results indicate the LC50 is less than 86% effluent, the effluent has failed the toxicity test and the permittee shall immediately notify KDHE by telephone at (785) 296-5517 and submit to KDHE a copy of the test report within five days of receipt of the information. KDHE reserves the right to require the permittee to take such actions as are reasonable to identify and remedy any identified or predicted toxic conditions in the receiving stream outside of the mixing zone which is caused by the permittee's effluent.
- d. Permittee shall also test a portion of one of same effluent samples used for the WET test for the following parameters (required minimum reportable levels are in parenthesis):

Antimony (10 µg/L)*	Nickel (10 µg/L)*
Arsenic (10 µg/L)*	Selenium (5 µg/L)*
Beryllium (5 µg/L)*	Silver (2 µg/L)*
Cadmium (2 µg/L)*	Thallium (10 µg/L)*
Chromium (10 µg/L)*	Zinc (20 µg/L)*
Copper (10 µg/L)*	Ammonia, mg/l
Lead (5 µg/L)*	Total Hardness as CaCO3 mg/l
Mercury (0.2 µg/L-Cold Vapor Method)	pH
	Electroconductivity (umhos/cm)

\* Parameter shall be tested and reported as total recoverable metals.

The permittee shall coordinate sampling for this test with other requirements of this permit. The permittee shall use a laboratory approved by KDHE for Whole Effluent Toxicity testing.

## 2. Priority Pollutant Scan

Permittee shall conduct a Priority Pollutant Scan on the effluent for the parameters listed in Table I, Priority Pollutant Scan. The Priority Pollutant Scan shall be conducted in calendar years 2023, 2025, and 2027. Samples results shall be uploaded to the Kansas Environmental Information Management System (KEIMS) at <https://keims.kdhe.ks.gov> within 30 days of receipt of the results.

Sample type shall be 24-hour composite except for Volatiles which shall be a grab sample. See Biomonitoring and Priority Pollutants H.1.d for minimum detection limits for certain metals in the Priority Pollutant Scan.

**Table I - Priority Pollutant Scan\***

<u>Metals (µg/l)</u>	<u>Base/Neutral (µg/l)</u>	<u>Acid Compounds (µg/l)</u>
Total Antimony	Acenaphthene	2-chlorophenol
Total Arsenic	Acenaphthylene	2,4-dichlorophenol
Total Beryllium	Anthracene	2,4-dimethylphenol
Total Cadmium	Benzidine	2,4-dinitrophenol
Total Chromium	Benzo(a) anthracene	2-nitrophenol
Total Copper	Benzo(a)pyrene	4-nitrophenol
Total Lead	Benzo(k)fluoranthene	Parachlorometa cresol
Total Mercury	Benzo (ghi) perylene	Pentachlorophenol
Total Nickel	Benzo (b) fluoranthene	Phenol
Total Selenium	Bis(2-chloroethoxy)methane	4,6-dinitro-o-cresol
Total Silver	Bis(2-chloroethyl)ether	2,4,6-trichlorophenol
Total Thallium	Bis(2-ethylhexyl)phthalate	
Total Zinc	Bis(2-chloroisopropyl) ether	<u>Volatiles (µg/l)</u>
	1,2-diphenylhydrazine	Acrolein
<u>Pesticides (µg/l)</u>	Fluoranthene	Acrylonitrile
Aldrin	Fluorene	Benzene
Alpha-BHC**	Nitrobenzene	Bromoform
Beta-BHC**	N-nitrosodimethylamine	Carbon Tetrachloride
Gamma-BHC**	N-nitrosodi-n-propylamine	Chlorobenzene
Delta-BHC**	N-nitrosodiphenylamine	Chlorodibromomethane
Chlordane	Phenanthrene	Chloroethane
4,4-DDT	Pyrene	2-chloroethylvinyl ether
4,4-DDD	1,2,4-trichlorobenzene	Chloroform
4,4-DDE	4-bromophenyl phenyl ether	Dichlorobromomethane
Dieldrin	Butyl benzyl phthalate	1,1-dichloroethane
Alpha-endosulfan	2-chloronaphthalene	1,2-dichloroethane
Beta-endosulfan	4-chlorophenyl phenyl ether	1,1-dichloroethylene
Endosulfan sulfate	Chrysene	1,2-dichloropropane
Endrin	Dibenzo(a,h) anthracene	1,3-dichloropropylene
Endrin aldehyde	1,2-dichlorobenzene	Ethylbenzene
Heptachlor	1,3-dichlorobenzene	Methyl bromide
Heptachlor epoxide	1,4-dichlorobenzene	Methyl chloride
Toxaphene	3,3-dichlorobenzidine	Methylene chloride
	Dimethyl phthalate	1,1,2,2-tetrachloroethane
<u>Polychlorinated Biphenyls (µg/l)</u>	Diethyl phthalate	Tetrachloroethylene
PCB-1242	Di-n-butyl phthalate	Toluene
PCB-1254	2,4-dinitrotoluene	1,2 trans-dichloroethylene
PCB-1221	2,6-dinitrotoluene	1,1,1-trichloroethane
PCB-1232	Di-n-octyl phthalate	1,1,2-trichloroethane
PCB-1248	Hexachlorobenzene	Trichloroethylene
PCB-1260	Hexachlorobutadiene	Vinyl chloride
PCB-1016	Hexachlorocyclopentadiene	
	Hexachloroethane	<u>Miscellaneous</u>
	Indeno (1,2,3-cd) pyrene	Total Cyanide (mg/l)***
	Naphthalene	Asbestos(ent/l)
	Isophorone	2,3,7,8-TCDD (Dioxin) (µg/l)

\* Testing not required for pollutants with a strike-through.

\*\* Scientific name is hexachlorocyclohexane

\*\*\* The total cyanide analysis must include preliminary treatment of the sample to avoid NO<sub>2</sub><sup>-</sup> interference. See Standard Methods for the Examination of Water and Wastewater, 22nd Edition, 4500-CN B. Preliminary Treatment of Samples.

STANDARD CONDITIONS FOR  
KANSAS WATER POLLUTION CONTROL AND  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

1. Representative Sampling and Discharge Monitoring Report Submittals:

- A. Samples and measurements taken as required herein shall be representative of the quality and quantity of the monitored discharge. Test results shall be recorded for the day the samples were taken. If sampling for a parameter was conducted across more than one calendar day, the test results may be recorded for the day sampling was started or ended. All samples shall be taken at the locations designated in this permit, and unless specified, at the outfall/monitoring location(s) before the wastewater joins or is diluted by any other water or substance.
- B. EPA's *National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule* ("NPDES eRule") requires regulated entities to report data electronically. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule. Unless a waiver has been approved by KDHE, permittees are required to submit information electronically. The electronic reporting system is called the **Kansas Environmental Information Management System (KEIMS)** and can be accessed at <https://keims.kdhe.ks.gov>. Monitoring results shall be submitted no later than the 28th day of the month following the completed reporting period. If granted a waiver, signed and certified copies of data, information and reports, required herein, prepared in accordance with KAR 28-16-59, may be e-mailed as scanned attachments to [kdhe.bowkeims@ks.gov](mailto:kdhe.bowkeims@ks.gov), faxed to 785.559.4257, or sent by U.S. mail to:

Kansas Department of Health & Environment  
Bureau of Water-Technical Services Unit  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612-1367

2. Definitions:

- A. Unless otherwise specifically defined in this permit, the following definitions apply:
1. The "Daily Maximum" is the total discharge by weight or average concentration, measurement taken, or value calculated during a 24-hour period. The parameter, pH, is limited as a range between and including the values shown.
  2. The "Weekly Average" is the arithmetic mean of the value of test results from samples collected, measurements taken, or values calculated during four monitoring periods in each month consisting of calendar days 1-7, 8-14, 15-21 and 22 through the end of the month.
  3. The "Monthly Average", other than for E. coli bacteria, is the arithmetic mean of the value of test results from samples collected, measurements taken, or values calculated during a calendar month. The monthly average is determined by the summation of all calculated values or measured test results divided by the number of calculated values or test results reported for that parameter during the calendar month. The monthly average for E. coli bacteria is the geometric average of the value of the test results from samples collected in a calendar month. The geometric average can be calculated by using a scientific calculator to multiply all the E. coli test results together and then taking the nth root of the product where n is the number of test results. Non-detect values shall be reported using the less than symbol (<) and the minimum detection or reportable value. To calculate average values, non-detects shall be defaulted to zero (or one for geometric averages). Greater than values shall be reported using the greater than symbol (>) and the reported value. To calculate average values, the greater than reported value shall be used in the averaging calculation.
- B. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
- C. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health, and Environment, respectively.
- D. "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 an in-plant diversion. Severe property damage does not mean economic loss caused by delays in production.
- E. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.



3. **Schedule of Compliance:** No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit via KEIMS at <https://keims.kdhe.ks.gov> as notified in your KEIMS Dashboard, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.
4. **Test Procedures:** All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.
5. **Change in Discharge:** All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, or production or wastewater treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.
6. **Facilities Operation:** The permittee shall always 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 requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include 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 requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.
7. **Incidents:**

"Collection System Diversion" means the diversion of wastewater from any portion of the collection system.

"In-Plant Diversion" means routing the wastewater around any treatment unit in the treatment facility through which it would normally flow.

"In-Plant Flow Through" means an incident in which the wastewater continues to be routed through the equipment even though full treatment is not being accomplished because of equipment failure for any reason.

"Spill" means any discharge of wastewater, sludge or other materials from the treatment facility other than effluent or as more specifically described by other "Incidents" terms.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance or anticipated noncompliance with permit effluent limits because of factors beyond the reasonable control of the permittee, as described by 40 C.F.R. 122.41(n).
8. **Diversions not Exceeding Limits:** The permittee may allow any diversion to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Such diversions are not subject to the Incident Reporting requirements shown below.
9. **Prohibition of an In-Plant Diversion:** Any in-plant diversion from facilities necessary to maintain compliance with this permit is prohibited, except: (a) where the in-plant diversion was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) where there were no feasible alternatives to the in-plant diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime and (c) the permittee submitted a notice as required in the Incident Reporting paragraph below. The Director may approve an anticipated in-plant diversion, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

10. **Incident Reporting:** The permittee shall report any unanticipated collection system diversion, in-plant diversion, in-plant flow through occurrences, spill, upset, or any violation of a permitted daily maximum limit within 24 hours from the time the permittee became aware of the incident. An Incident Report shall be provided within 5 days of the time the permittee became aware of the incident. The Report 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 recurrence of the noncompliance. An Incident Report may be submitted in KEIMS, see 1B above.

For an anticipated incident or any planned changes or activities in the permitted facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

For other noncompliance, the above information shall be provided with the next Discharge Monitoring Report.

11. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment of water shall be utilized or disposed of in a manner acceptable to the Division.
12. **Power Failures:** The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.
13. **Right of Entry:** The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.
14. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by 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.
15. **Records Retention:** Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division. Biosolids/sludge records and information are required to be kept for a minimum of 5 years, or longer if requested by the Division. Groundwater monitoring data, including background samples results, shall be kept for the life of the facility regardless of ownership.
16. **Availability of Records:** Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.
17. **Permit Modifications and Terminations:** As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. 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.
18. **Toxic Pollutants:** Notwithstanding paragraph 17 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.
19. **Administrative, Civil and Criminal Liability:** The permittee shall comply with all requirements of this permit. Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.

20. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq. A municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its sewer system or wastewater treatment facilities.
21. Industrial Users: A municipal permittee shall require any industrial user of the treatment works to comply with 33 USC Section 1317, 1318 and any industrial user of storm sewers to comply with 33 USC Section 1308.
22. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state, or local laws or regulations.
23. Operator Certification: The permittee shall, if required, ensure the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 et seq.
24. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.
25. Removal from Service: The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
26. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit, see 1B above.
27. Publicly owned treatment works (POTWs): All POTWs shall provide adequate notice to the Director of the following per 40 CFR 122.42(b):
  - A. Any new introduction of pollutants into the POTW from a non-domestic source which would be subject to section 301 or 306 of the CWA ; and
  - B. Any substantial change in the volume or character of pollutants being introduced into a POTW by a non-domestic source.
  - C. For purposes of this paragraph, adequate notice shall mean within 30 days of the POTW being aware of the introduction of pollutants and shall include information on the quality and quantity of influent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
28. POTW regulated pretreatment program requirements: For POTWs with an approved pretreatment program, the POTW shall:
  - A. Identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR part 403.
  - B. Provide to KDHE and EPA a written technical evaluation of the need to develop new local limits or revise existing local limits under 40 CFR 403.5(c)(1).
29. This permit may be reopened and modified if KDHE and/or EPA determines the permittee shall develop and approved pretreatment program that complies with 40 CFR, Part 403.