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March 27, 2023

Matt Lyons
Kansas Castings
508 Industrial Drive
Belle Plaine, Kansas 67013
Email: matt@kansascastings.com

RE: Environmental Compliance Audit Report

Dear Mr. Lyons:

Enclosed please find the Environmental Compliance Audit Report for the Kansas Castings facility conducted on March 14th, 2023, by Curtis Leiker, Senior Project Manager, and Sam Applegate, Project Manager, of iSi Environmental (iSi).

Please review the enclosed materials. If you have any questions or comments, please do not hesitate to call me at (316) 264-7050 or email me at cleiker@iSienvironmental.com.

Sincerely,

A handwritten signature in blue ink that reads "Curtis J. Leiker". The signature is fluid and cursive, with "Curtis" on the first line and "J. Leiker" on the second line.

Curtis J. Leiker, CSP
Senior Project Manager
iSi Environmental

Enclosure: Environmental Compliance Audit Report

cc: Gavin Smith, Kansas Castings (Email)

iSi Project File No. 2303002

Environmental Compliance Audit

March 2023

for

**Kansas Castings
508 Industrial Drive
Belle Plaine, Kansas 67013**

March 27, 2023



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prepared by

A handwritten signature in blue ink that reads "Curtis J. Leiker". The signature is fluid and cursive, with "Curtis" on top, "J." in the middle, and "Leiker" on the bottom.

Curtis J. Leiker, CSP
Senior Project Manager
iSi Environmental

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1.0 INTRODUCTION

iSi Environmental (iSi) was contracted to conduct a third-party environmental compliance audit of the Kansas Castings facility located in Belle Plaine, Kansas. The Kansas Castings facility is a non-union facility comprised of two main production buildings and has approximately 45 employees with employees working two 10-hour shifts during winter schedule and two 8-hour shifts during summer schedule. The facility is located at 508 Industrial Drive in Belle Plaine, Kansas. It is a gray, white, and ductile iron foundry making castings for a variety of industries including oil and gas, agriculture, and lawn service. Construction and operation of the facility began in 1972.

2.0 AUDIT APPROACH

To conduct the environmental compliance audit, iSi reviewed available data and documentation, met and interviewed key members of the Kansas Castings facility staff, inspected the operations at the time of the visit, evaluated the applicability of the operations with existing regulatory requirements, and prepared a report of findings and recommendations.

The audit was conducted on March 14, 2023, by Curtis Leiker, Senior Project Manager, and Sam Applegate, Project Manager, with iSi Environmental. Matt Lyons, Brenda Hager, Office Manager, and Gavin Smith, Plant Supervisor, acted as liaisons for Kansas Castings facility, conducting the plant tour and facilitating any requests for information.

3.0 AUDIT RESULTS

Upon completion of the audit, iSi prepared this document as a summary of findings. This section contains an overall assessment of environmental status under the following categories:

- Air Emissions
- Wastewater
- Solid and Hazardous Waste
- Spill Prevention Control and Countermeasures
- Storage Tanks
- Emergency Planning and Community Right-to-Know
- Department of Transportation

Appendix A contains a compliance matrix of all compliance deficiencies or regulatory questions based on observations made during the audit and information provided. The fields identified in the matrix include:

- Item Number – Sequential number assigned by iSi.
- Location – The area in the facility where the compliance deficiency was observed. Every effort possible was made to list the correct location.
- Condition – Description of the specific compliance deficiency observed.
- Regulatory Standard – The regulatory standard applicable to the noncompliance.

- Corrective Action To Be Taken – Suggestions from iSi have been included to correct the noncompliance; however, these may be modified based on the needs of Kansas Castings.
- Corrective Action Due Date – iSi is proposing that deadlines be set by Kansas Castings for completing the items listed.
- Responsible Person – iSi is proposing that each compliance deficiency be assigned an individual responsible for completing the recommended corrective action.
- Date Corrected – The date that the item correction is completed.
- Corrective Action Taken – The actual work performed to correct the violation or deficiency. This can serve as a record and reference for future violations or deficiencies of a similar nature.

3.1 Air Emissions

The Kansas Department of Health and Environment (KDHE) administers several programs regarding air emissions:

- Construction Permits for New or Modified Sources
- Emissions Inventory Reporting
- Operating Permits for Existing Facilities
- Major Source Permits
- Area MACT Compliance

In general, KDHE requires new and modified sources of air pollution to be permitted. A construction permit must be obtained before the modification of an existing source or installation of a new source begins. Once construction is complete, a source must apply for an operating permit.

Additionally, facilities are required to determine if they are a Minor, Synthetic Minor, or Major source for air emissions. Facilities which have the potential-to-emit greater than 100 tons of volatile organic compounds (VOCs), 25 tons of total hazardous air pollutants (HAP), or 10 tons of a single HAP per year are considered a Major source. Major sources must obtain a Title V operating permit and comply with permit emission limits, monitoring, and recordkeeping requirements, as well as applicable Maximum Achievable Control Technology (MACT) standards.

At the time of the audit, Kansas Castings is using an active Class II operating air permit with an effective date of October 12, 1998 for the facility audited. Since then, Plant #2 was construction in 2001, thereby effectively doubling the production capacity of the facility. No construction permit was submitted at that time, nor was the operating air permit updated to reflect the additional emission sources and production capacity. Additionally in 2008 a new MACT standard, Subpart ZZZZZ (5Z), came out requiring initial notification as being subject to MACT 5Z for Iron and Steel Foundry Area Sources, initial notification of compliance with Pollution Prevention Management Practices under the standard, and semiannual compliance notifications regarding continued compliance with the standard. The facility has not completed the initial notification and compliance status notification to EPA and KDHE. It is recommended that the company:

1. Update a complete potential-to-emit (PTE) evaluation for the facility to include all emission units,
2. Submit a construction permit application,
3. Submit an application to update the operating air permit, and
4. Submit initial notification and compliance status for the 5Z MACT standard.

As for greenhouse gas (GHG) reporting requirements, Kansas Castings does not fall under any of the source categories subject to the mandatory GHG reporting. However, the facility must determine if the facility emits 25,000 metric tons or more of carbon dioxide equivalents (CO₂e) from stationary combustion in any calendar year starting in 2010. If the maximum-rated heat-input capacity for all stationary fuel combustion equipment combined is less than 30 million British thermal units (MMBtu) per hour, then the facility is presumed to emit less than 25,000 metric tons of CO₂e, and therefore does not have to calculate or report emissions.

3.2 Wastewater

3.2.1 Point Source Discharges into Surface Waters

KDHE requires a facility to submit a permit application requesting a permit prior to discharging pollutants from a point source into the waters of the United States. The definition of “pollutant” includes domestic and industrial waste.

Currently, Kansas Castings has two non-discharging lagoons onsite. The first one was likely installed at the time of initial construction in 1972 and the second one was installed during construction of Plant 2 in 2001.

The State of Kansas implemented overall water pollution control permitting in 1974 with K.A.R. 28-16-59. KDHE adopted updated regulations for municipal, commercial, and industrial wastewater lagoons with an effective date of May 20th, 2005. Current lagoon regulations in Kansas require a permit to construct, operate, or maintain a wastewater lagoon.

The lagoons are grandfathered in with the implementation of the lagoons regulations from 2005 so no changes are required unless (1) the KDHE Secretary determines that environmental or public health threats result from the operation of the lagoon, or data exists showing the actual or potential soil or water pollution or (2) the modification, replacement, or expansion of a commercial wastewater lagoon results in the lagoon being dewatered.

Regardless of timeframe or purpose, all wastewater lagoons should be under a permit from either the KDHE or the County. Each lagoon is reviewed individually through KDHE based on several factors and thus requirements for lagoons can vary. At the time of the audit, it was unknown if the lagoons were permitted.

3.2.2 Point Source Discharges into Public Owned Treatment Works (POTW)

Cities typically require notification prior to discharges from a facility to the POTW. At the time of the audit, there were no discharges to a POTW as all wastewater is discharged to the two non-discharging lagoons.

3.2.3 Stormwater Discharges

Stormwater from industrial facilities is regulated and the discharging facilities are required to obtain a permit from their state. Kansas Castings is subject to stormwater regulations. The facility operates under Standard Industrial Classification (SIC) code 3321 which is Gray and Ductile Iron Foundries.

SIC code 3321 is considered heavy manufacturing and is regulated. Areas that are under this SIC code are required to obtain a stormwater permit and implement a Stormwater Pollution Prevention Plan (SWPPP) if there is exposure or to obtain a no-exposure certificate stating they do not have exposure. In either instance, action is required to notify KDHE.

3.3 Solid and Hazardous Waste

The solid/hazardous waste regulations under the federal Resource Conservation and Recovery Act (RCRA) are administered by the State through the Kansas Department of Health and Environment (KDHE). RCRA regulates the waste from the point of generation to disposal. Under RCRA, a facility is required to determine if solid wastes (which include semi-solid and liquid wastes) are generated and determine if those solid wastes are, in fact, hazardous. This process is defined in detail by 40 CFR 261.2 *Definition of Solid Waste*, 40 CFR 261.4 *Definition of Hazardous Waste*, and 40 CFR 260 Appendix I *Overview of Subtitle C Regulations*. The hazardous waste definition is divided into two categories – listed and characteristic. A listed waste is a waste that the U. S. Environmental Protection Agency (EPA) has identified from a specific type of operation or process. A characteristic waste is one that, based on analytical testing, has been determined to have hazardous properties (i.e., corrosive, ignitable, reactive, or toxic). Once a waste is determined to be hazardous, it must be managed according to 40 CFR 262 and applicable RCRA regulations. The generation rate determines the degree of regulatory requirements that a Generator must adhere to.

The facility is currently not a generator of hazardous waste and thus registration is not required through the EPA. If the facility were to become a generator hazardous waste, it could do so as a Conditionally Exempt Small Quantity Generator (CESQG) and generates less than 55 pounds per month of hazardous wastes without registration through the EPA. However, the facility would then need to comply with several hazardous waste management provisions at that point.

3.4 Spill Prevention, Control and Countermeasure (SPCC)

Kansas Castings stores oil in excess of 1,320 gallons in above ground storage containers, thus requiring an SPCC plan. The largest container is a 500-gallon diesel above ground storage tank (AST). There are several 275-gallon totes of oil products, several 55-gallon drums of oil products, machine reservoirs, and transformers containing oil that put the facility over the 1,320-gallon

threshold. Since the facility's total storage is less than 10,000 gallons, the SPCC plan will be considered a Tier I Qualified Plan and thus does not require review and signature from a Professional Engineer (P.E.).

3.5 Storage Tanks

Aboveground storage tanks (ASTs) and underground storage tanks (USTs) in Kansas are regulated by KDHE. ASTs and USTs are not at the Kansas Castings property since the largest tank onsite is a 500-gallon diesel tank. State of Kansas regulations require ASTs to be registered and permitted with volumes starting at 660 gallons of petroleum fuel products, flammable or combustible liquids, liquid hazardous substances, and used oil.

3.6 Emergency Planning and Community Right-to-Know

The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III, is an amendment to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). The purpose of EPCRA is to provide structure to emergency planning for chemical handling within the United States and to make information on potential hazards available to the public. Title III is the section of the Act that sets forth these requirements. This section is divided into the following four major components:

- Emergency Planning (Sections 302 and 303)
- Emergency Release Notification (Section 304)
- Hazardous Chemical Inventory (Sections 311 and 312)
- Toxic Chemical Release Inventory (Section 313)

(Refer to SARA of 1986 and 40 CFR 370)

Chemical lists and thresholds trigger reporting and notification requirements for most of these requirements. Currently, Kansas Castings is submitting Tier II information for hazardous substances including molding sand and ferrous scrap metal. During the audit, it was found additional hazardous substances should be added to the inventory that exceed 10,000 pounds onsite which are discuss in Appendix A.

Currently, Kansas Castings is submitting for Toxic Release Inventory (TRI) for processing chromium since 2019. iSi recommends keeping processing threshold calculations with the report for validating reporting is done correctly and also for record in case of inspection by KDHE or EPA.

3.7 Department of Transportation

The transportation of hazardous waste and hazardous materials is regulated under the Department of Transportation (DOT). Per DOT, a facility is required to properly close and label containers, provide proper placards for the transport vehicle, and manifest all shipments of hazardous waste.

Kansas Castings is not currently offering hazardous waste in commerce.

4.0 OVERALL CONCLUSIONS AND RECOMMENDATIONS

Kansas Castings should carefully review this report. Following the review, iSi can discuss the results with Kansas Castings as needed. iSi is also available to assist in reaching compliance with all audit findings.

DISCLAIMER

Except for the areas specifically addressed within the contained report, iSi offers no opinion. Further, this opinion is based upon the statements and representations of many individuals. iSi offers no opinion as to the correctness of these statements and representations and disclaims any liability therefore. The purpose of this report is to provide the client with an evaluation of the environmental condition on the dates of inspection, and it is limited to information available at that time.

APPENDICES

APPENDIX A: Environmental Compliance Audit Matrix

APPENDIX B: Environmental Compliance Audit Photos

APPENDIX C: Industrial Stormwater Permitting Applicability

APPENDIX D: Universal Waste Technical Guidance

APPENDIX A: Environmental Compliance Audit Matrix

Environmental Compliance Audit Matrix

Kansas Castings – Belle Plaine, Kansas

March 14, 2023

| ITEM NO. | LOCATION | CONDITION | REGULATORY STANDARD | CORRECTIVE ACTION TO BE TAKEN | CORRECTIVE ACTION DUE DATE | RESPONSIBLE PERSON | DATE CORRECTED | CORRECTIVE ACTION TAKEN |
|--------------------|----------|--|--|--|----------------------------|--------------------|----------------|-------------------------|
| Air Quality | | | | | | | | |
| 1 | Facility | The facility is under the authority of an air emission source Class II operating permit since 1998; however, additional emission sources have been added to the facility since then with no construction approval from the KDHE. | K.A.R. 28-19-300 K.A.R. 28-19-500 Air Emission Source Class II Operating Permit 1910020, Revision 10-12-1998, Section "Modification" | Complete an updated potential-to-emit (PTE) calculation for the facility to include all emission sources, submit a construction permit application for the new sources, and then submit an application to update the operating air permit. | | | | |
| 2 | Facility | The facility is an iron and steel foundry area source, but has not completed an initial notification and notification of compliance status to EPA and KDHE when the MACT ZZZZZ (5Z) standard took effect on January 2, 2008. | 40 CFR 63.10890(b) 40 CFR 63.10890(c) | Submit an initial notification and notification of compliance status to EPA and KDHE for the MACT 5Z standard. | | | | |
| 3 | Facility | Greenhouse gas (GHG) applicability determination was not on file. | Recommendation 40 CFR 98 | iSi recommends conducting GHG calculations in order to determine the actual CO2e emissions from combustion equipment. The threshold limit is 25,000 metric tons of CO2e per year. The facility is assumed to be below the threshold if the maximum-rated heat-input capacity for all stationary fuel combustion equipment combined is less than 30 million British thermal units (MMBtu) per hour. | | | | |
| Wastewater | | | | | | | | |
| 4 | Facility | At the time of the audit it was unknown if the two non-discharging lagoons were under permit by either the County or the KDHE. | K.A.R. 28-16-160 through 174 | Ensure both lagoons are under permit. If unable to determine, contact both Sumner County and the KDHE to verify the lagoons have permits. If either lagoon does not have a permit, submit an application to the KDHE for operation of the wastewater lagoon. | | | | |

| ITEM NO. | LOCATION | CONDITION | REGULATORY STANDARD | CORRECTIVE ACTION TO BE TAKEN | CORRECTIVE ACTION DUE DATE | RESPONSIBLE PERSON | DATE CORRECTED | CORRECTIVE ACTION TAKEN |
|---|----------|---|--|--|----------------------------|--------------------|----------------|-------------------------|
| Stormwater | | | | | | | | |
| 5 | Facility | The facility operates under Standard Industrial Classification (SIC) 3321. SIC code 3321 is considered heavy manufacturing and discharge of industrial stormwater is regulated. The facility does not maintain a permit or stormwater pollution prevention plan (SWPPP). Current exposures on the property include storage of scrap metal, obsolete equipment, diesel and used oil ASTs, and process material (See Photos 1, 2, 3, 4, and 5). | 40 CFR 122.21 40 CFR 122.26 State of Kansas General Permit No. S-ISWA-2111-1 | <p>Due to current exposures, the facility needs to obtain a stormwater permit through the KDHE by submitting a Notice of Intent (NOI) and develop a stormwater pollution prevent plan (SWPPP).</p> <p>The other option is to eliminate all sources of stormwater exposure and submit a No Exposure Certification Form (NOEC) to the KDHE on an annual basis.</p> <p>See Appendix C.</p> | | | | |
| Spill Prevention, Control and Countermeasure | | | | | | | | |
| 6 | Facility | The facility has diesel and used oil ASTs (See Photos 4 and 5), several totes of oil products (See Photo 6), several 55-gallon drums of oil products, machine reservoirs (See Photo 7), and transformers containing oil in the facility that puts the facility over the limit of 1,320 gallons above ground oil storage capacity requiring an SPCC plan. | 40 CFR 112.1(b) 40 CFR 112.3 | Complete a full inventory of oil containers that are 55-gallons and larger that are maintained on the property to calculate a total volume of oil storage. The total container capacity must be used, just not amount of liquid in the containers. Develop an SPCC Plan for the facility that meets all the requirements contained within 40 CFR 112. | | | | |
| Solid and Hazardous Waste | | | | | | | | |
| 7 | Facility | The facility is currently disposing of metal halide and fluorescent lamps through landfill disposal. Both items are considered universal waste and may not be sent to landfill. | 40 CFR 273.11 | Find a recycler of universal waste and begin disposing of properly. Universal wastes can be stored for a year and are not required to be shipped with a manifest or by a hazardous waste transporter. Universal wastes do not need to be counted toward a generator's category (i.e. very small quantity generator, small quantity generator, or large quantity generator). The universal waste regulations do require that the materials be managed in a way that prevents releases to the environment and also include a labeling requirement for storage of universal wastes. See Appendix D. | | | | |

| ITEM NO. | LOCATION | CONDITION | REGULATORY STANDARD | CORRECTIVE ACTION TO BE TAKEN | CORRECTIVE ACTION DUE DATE | RESPONSIBLE PERSON | DATE CORRECTED | CORRECTIVE ACTION TAKEN |
|---|----------|---|-------------------------------|---|----------------------------|--------------------|----------------|-------------------------|
| 8 | Facility | While the facility is not generating hazardous waste, it is generating universal waste that still requires initial employee training for those who handle universal waste materials. | 40 CFR 273.16 | A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility. Only initial training is required. | | | | |
| Emergency Planning and Community Right-To-Know (EPCRA) | | | | | | | | |
| 9 | Facility | While the facility is submitting a Tier II report for molding sand and ferrous scrap metal, there are other materials stored onsite that are most likely exceeding 10,000 pounds including Milco 1, Carbolon MA, Rapidur, and Premix (See Photos 8, 9, 10, and 11). | 40 CFR 370.10 K.A.R. 28-65 | <p>Do an inventory on all materials that require a SDS based on OSHA's definition and add these additional materials onto the Tier II report.</p> <p>Facilities storing any EHS that meets or exceeds the threshold planning quantity (TPQ) or 500 pounds, whichever is less, at any one time, or any hazardous chemical for which OSHA requires a SDS that meets or exceeds 10,000 pounds at any one time shall submit an inventory form (Tier II) to the KDHE, the LEPC, and the fire department with jurisdiction over the facility by March 1 of each year.</p> | | | | |
| 10 | Facility | Toxic Release Inventory (TRI) processing threshold determination calculations were not available with the annual reports. | Recommendation 40 CFR 372 | <p>It is best practice to fully document an annual evaluation to validate all applicable substances meeting threshold levels are being reported accurately.</p> <p>Records should be maintained at the facility and be readily available for purposes of inspection by the KDHE or the EPA.</p> | | | | |

APPENDIX B: Environmental Compliance Audit Photos



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11

APPENDIX C: Industrial Stormwater Permitting Applicability

Part 1. WHAT THIS GENERAL NPDES PERMIT COVERS

1.1 Permit Area and Discharges Covered

This general NPDES permit authorizes both new and existing point source discharges of stormwater runoff associated with industrial activity to waters of the State of Kansas. Certain non-stormwater discharges are also included in this authorization. Discharge is authorized, provided:

The discharge point is located in the state of Kansas and is not on Indian Lands (see endnote 2, Permit pg 17); and

The industrial activity, for which authorization is sought under this general permit, is described or included in 40 CFR 122.26(b) (14) (i) through (ix) or (xi) of the definition of stormwater associated with industrial activity, or

When KDHE makes a determination that the stormwater discharge has the potential for being a significant contributor of pollutants.

If you are a new discharger or an existing unpermitted discharger, in regard to antidegradation, you are eligible for authorization under this general permit to discharge to a Tier 1, 2, or 2½ Water only if your discharge has appropriate controls that are not expected to significantly lower the water quality of the applicable water. In the absence of information demonstrating otherwise, KDHE expects that development of an appropriate SWP2 Plan and compliance with the stormwater control requirements of this permit will result in discharges that will not lower the water quality of the receiving water.

Stormwater Associated with Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant, as further defined as "Stormwater Runoff from Industrial Activity" in Appendix I of this permit. "Storm Water Discharges Associated with Industrial Activity", defined in federal regulations 40 CFR 122.26(b)(14)(i)-(xi), determines which industrial facilities are potentially subject to the stormwater program requirements. The definition uses either Standard Industrial Classification (SIC) codes or narrative descriptions to characterize the activities. The definition's 11 categories [(i) - (xi)] are listed below. Please note that the EPA stormwater regulations contain special

conditions and exceptions which may make a facility not subject to the program, and therefore not required to request coverage under this general permit, even though the facility's activity matches one of the SIC codes. In the case of construction activities, a separate permitting program has been established.

Category (i) - Facilities subject to new source performance standards or toxic pollutant effluent standards under 40 CFR Subchapter N.

Some facilities in these below listed subcategories (Parts) do not have applicable limits or standards. See 40 CFR Subchapter N for an up-to-date listing of categories and to verify applicability. See Appendix 1, Definitions and Acronyms, for additional coverage clarification.

A listing of the Subchapter N categories is provided below:

40 CFR Subchapter N

- Part 405 Dairy products processing
- Part 406 Grain mills
- Part 407 Canned & preserved fruits & vegetable processing
- Part 408 Canned & preserved seafood processing
- Part 409 Sugar Processing
- Part 410 Textile mills
- Part 411 Cement manufacturing*
- Part 413 Electroplating
- Part 414 Organic Chemicals plastics and synthetic fibers
- Part 415 Inorganic chemical manufacturing
- Part 417 Soap and detergent manufacturing
- Part 418 Fertilizer manufacturing*
- Part 419 Petroleum refining*
- Part 420 Iron and steel manufacturing
- Part 421 Nonferrous metal manufacturing
- Part 422 Phosphate manufacturing*
- Part 423 Steam electric power generating*
- Part 424 Ferroalloy manufacturing
- Part 425 Leather tanning and finishing
- Part 426 Glass manufacturing
- Part 427 Asbestos manufacturing
- Part 428 Rubber manufacturing
- Part 429 Timber products processing
- Part 430 Pulp, paper, and paperboard
- Part 432 Meat and poultry products
- Part 433 Metal finishing
- Part 434 Coal mining*
- Part 435 Oil and gas extraction
- Part 436 Mineral mining & processing*
- Part 437 Centralized waste treatment
- Part 438 Metal products and machinery
- Part 439 Pharmaceutical manufacturing
- Part 440 Ore mining & dressing*
- Part 441 Dental Office

Part 442 Transportation equipment cleaning*
Part 443 Paving and roofing materials*
Part 444 Waste combustors
Part 445 Landfills
Part 446 Paint formulating
Part 447 Ink formulating
Part 449 Airport Deicing*
Part 450 Construction and development
Part 454 Gum and wood chemicals manufacturing
Part 455 Pesticide Chemicals
Part 457 Explosives manufacturing
Part 458 Carbon Black manufacturing
Part 459 Photographic
Part 460 Hospital
Part 461 Battery manufacturing
Part 463 Plastics molding and forming
Part 464 Metal molding and casting
Part 465 Coil coating
Part 466 Porcelain enameling
Part 467 Aluminum forming
Part 468 Copper forming
Part 469 Electrical & electronic component
Part 471 Nonferrous metal forming & metal powder

* Consult the listed federal CFR Part for subcategories of these industries which have specific stormwater related effluent limits. Such subcategories are NOT eligible for coverage under this permit and must obtain individual permit coverage unless there is no direct wastewater treatment discharge or indirect wastewater pretreatment discharge.

Category (ii) – Facilities classified by the following SIC codes:

SIC Code 24 lumber and wood products (except 2434 wood kitchen cabinets, see (xi))
SIC Code 26 paper & allied products (except 265 paperboard containers, 267 converted paper, see (xi))
SIC Code 28 chemicals & allied products (except 283 drugs, see (xi))
SIC Code 29 petroleum & coal products
SIC Code 311 leather tanning & finishing
SIC Code 32 stone, clay & glass production (except SIC Code 323 products of purchased glass, see (xi))
SIC Code 33 primary metal industry
SIC Code 3441 fabricated structural metal
SIC Code 373 ship and boat building and repair.

Category (iii) Mineral Industry

Facilities classified as SIC codes 10-14 including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment

operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/ operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).

SIC Code 10 metal mining (metallic mineral/ores)
SIC Code 12 coal mining
SIC Code 13 oil and gas extraction
SIC Code 14 non-metallic minerals except fuels

A facility with an existing or new discharge composed entirely of stormwater from oil or gas exploration, production, processing, or treatment operations or transmission facility is not required to submit a request for authorization under this general permit unless the facility:

Has a discharge of stormwater composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying collection runoff and which are contaminated by contact with, or come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products on the site of such operations; or

Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or

Causes or contributes to a violation of a water quality standard.

Category (iv) Hazardous Waste

Hazardous waste treatment, storage, or disposal facilities including those that are operating under interim status or a permit under Subtitle C of RCRA.

Category (v) Landfills

Landfills, land application sites, and open dumps that receive or have received any industrial waste (waste that is received from any of the

facilities described under categories (i) - (xi)) including those that are subject to regulations under Subtitle D of RCRA.

Category (vi) Recycling/Reclamation

Recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and SIC 5093 (scrap and waste materials).

Category (vii) Steam Electric Plants

Steam electric power generating facilities, including coal handling sites.

Category (viii) Transportation

Transportation facilities classified by the SIC codes listed below which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) are associated with industrial activity, and need permit coverage.

SIC Code 40 railroad transportation
SIC Code 41 local and interurban passenger transit
SIC Code 42 trucking & warehousing (except 4221-25, see Category xi)
SIC Code 43 US postal service
SIC Code 44 water transportation
SIC Code 45 transportation by air
SIC Code 5171 petroleum bulk stations and terminals.

Category (ix) Treatment Works

Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with an average design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused, and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

Category (x) Construction

Construction activity is not covered under this

permit. The construction "operator" of both large and small construction activities must request coverage under an individual permit or the General Stormwater Permit for Construction Activity requirements.

Category (xi) Light industry

Facilities classified by the following SIC codes:

SIC Code 20 food and kindred product
SIC Code 21 tobacco products
SIC Code 22 textile mill products
SIC Code 23 apparel and other textile product
SIC Code 2434 wood kitchen cabinets
SIC Code 25 furniture and fixtures
SIC Code 265 paperboard containers and boxes
SIC Code 267 miscellaneous converted paper products
SIC Code 27 printing and publishing
SIC Code 283 drugs
SIC Code 285 paints and allied products
SIC Code 30 rubber and miscellaneous plastic
SIC Code 31 leather and products (except 311)
SIC Code 323 products of purchased glass
SIC Code 34 fabricated metal products (except 3441)
SIC Code 35 industrial machinery and equipment
SIC Code 36 electronic and other electric equipment
SIC Code 37 transportation equipment (except 373)
SIC Code 38 instruments and related products
SIC Code 39 miscellaneous manufacturing
SIC Code 4221 farm product storage
SIC Code 4222 refrigerated storage
SIC Code 4225 general warehouse and storage.

1.2 Common Non-stormwater Discharges Authorized Under this General NPDES Permit

The following common non-stormwater discharges are authorized by this general permit provided the facility has stormwater discharges subject to the requirements of this general permit and only if the permittee evaluates and implements, where practical, Best Management Practices (BMPs) to minimize pollutants in these discharges in the facility site specific Stormwater Pollution Prevention (SWP2) plan required by Part 2 of this general permit:

- a. Potable water sources including flushing of water hydrants and potable water lines;
- b. Air conditioner and compressor condensate;
- c. Foundation and footing drains if overlaying soils and nearby groundwater are uncontaminated and other sources of uncontaminated dewatering discharges;

- d. Rinsing of buildings and streets or pavement where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) with potable water that does not use solvents, cleansers, detergents, or other additives;
- e. Uncontaminated irrigation water used to establish or maintain vegetation;
- f. Incidental cooling tower mist, provided minimization of toxicity of water treatment chemicals is implemented as a Best Management Practice (BMP);
- g. Stormwater discharges commingled with other discharges authorized by an NPDES permit or exempt from having an NPDES permit, provided the operator complies with the permitting, monitoring and pollution prevention requirements of the discharge; and
- h. Potable waters used without solvents, cleansers, detergents, or other additives as a BMP for external vehicle washing or for dust control.

1.3 No Exposure Certification

If a facility is covered under the definition of stormwater discharge associated with industrial activity but has taken steps to ensure that a condition of "no exposure" exists at the industrial facility, National Pollution Discharge Elimination System (NPDES) permit coverage is not required. While NPDES permit coverage may not be required, the facility must still secure a "No Exposure Certification" authorization and provide KDHE with annual recertification on a Kansas Department of Health and Environment No Exposure Certification (NOEC) form. No exposure means all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to precipitation, snowmelt, surface runoff or drainage (see Appendix 2, NOEC instructions for a discussion of materials and activities not required to be protected for this exclusion). To qualify, the facility must submit a "No Exposure Certification Form" (Appendix 2, NOEC). The exclusion becomes effective when KDHE issues a written authorization of the No Exposure Certification.

1.4 Discharges Not Covered by this Permit

This general permit does not authorize any other wastewater treatment system or the discharge of sewage, pollutants or wastewater to waters of the State, including such sewage, pollutants or

wastewater as:

- a. Stormwater runoff associated with construction activities;
- b. Hazardous substances or oil from an on-site spill or improper handling and disposal practices;
- c. Stormwater discharges subject to an existing Kansas individual permit or general NPDES permit that is in effect for any other permitted point source discharge at the site;
- d. Stormwater discharges associated with industrial activity from inactive facilities located on Federal lands where a facility operator cannot be identified;
- e. Stormwater discharges that are subject to effluent guidelines, except discharges expressly identified and authorized in this permit;
- f. Stormwater discharges which cause or contribute to a violation of the Kansas Surface Water Quality Standards;
- g. Stormwater discharges that adversely affect a threatened or endangered species as listed in K.A.R. 115-15-1 et seq.;
- h. Process, domestic, or cooling waste-waters subject to an existing effluent guideline or required to obtain an NPDES permit for the wastewater discharge; and
- i. Discharges from exposed storage piles of salt used for deicing or other commercial or industrial purposes [storage piles of salt/sand mixtures must be enclosed or covered except when adding or removing materials from the pile].
- j. Stormwater discharges into a combined sewer collection system.

This general NPDES permit does not relieve the permit holder of the obligation to obtain other approvals, permits, licenses, or documents of sanction that may be required by other federal, state, or local government agencies.

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

the stormwater runoff and to minimize off-site migration of sediments and contaminants.

The issuance of an authorization to discharge under this general NPDES permit allows a facility owner or operator, after implementation of the facility stormwater pollution prevention plan, to commence industrial activities that will produce or potentially produce a discharge of stormwater into waters of the State of Kansas.

Other agencies should be contacted to determine the need for additional permits, authorizations, or requirements, if any. The persons requesting coverage under this general permit shall contact the local **municipal separate storm sewer system agency (MS4)**. Other agencies the person requesting coverage under this general permit may also need to contact and consult with include the United States Army Corps of Engineers; Kansas Department of Agriculture, Division of Water Resources; the United States Fish and Wildlife Service; and any other local governmental or regulatory agencies which are not listed herein that may have jurisdiction.

Authorization to Discharge under this general permit does not constitute approval of a project under the provisions of the Environmental Coordination Act, K.S.A. 82a-326.

This general permit does not authorize discharges of stormwater runoff associated with industrial activity which may adversely affect threatened or endangered species as listed in K.A.R. 115-15-1 et seq.; or industrial activities which may affect any identified historical or archeological sites listed or eligible for listing on the National Register of Historic Places. Applicants for coverage under this general NPDES permit which have the potential to impact threatened or endangered species or historical sites can obtain information regarding regulatory requirements or special conditions which may be applicable to the activities covered by this permit from the Kansas Department of Wildlife and Parks or the Kansas State Historical Society respectively.

This permit does not authorize new discharges to an "impaired water" (as defined in Appendix 1) unless the applicant can:

- a. prevent or minimize exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent onsite exposure with your SWP2 Plan; or
- b. document that the pollutant(s) for which the

waterbody is impaired is not associated with the industrial activities present at the site/facility, and retain documentation of this finding with the industrial SWP2 Plan; or

c. in advance of submitting your NOI, provide to KDHE data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with the industrial SWP2 Plan. The applicant must provide data and other technical information to KDHE sufficient to demonstrate:

1. For discharges to waters without a KDHE established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or
2. For discharges to waters with a KDHE established TMDL, that there are sufficient remaining wasteload allocations in a KDHE established TMDL or the TMDL addresses the type of discharge being proposed.

The discharge is eligible for coverage under this general permit if KDHE provides an affirmative determination that the discharge will not contribute to the existing impairment, in which case the determination must be maintained at the industrial site/facility with the SWP2 Plan. KDHE will provide notification that additional limits or controls that are necessary for the discharge to comply with water quality standards or that are necessary to be consistent with wasteload allocations for an established TMDL, or if coverage under an individual NPDES permit is necessary.

This general permit does not authorize new discharges to waters designated as Tier 3 Waters (ONRWs) for antidegradation purposes. If you are a new discharger and discharge or propose to discharge to a Tier 3 Water, you are not eligible for coverage under this general permit. (See Definition of Tier 3 Water in Appendix 1) As of the date of this permit, Tier 3 Waters [Outstanding National Resource Waters (ONRWs)] consist of:

Quivira Big Salt Marsh in Stafford County
Quivira Little Salt Marsh in Stafford County
Cheyenne Bottoms in Barton County
Flint Hills National Wildlife Refuge Coffey Co.
Kirwin Lake in Phillips County
Kirwin National Wildlife Refuge in Phillips County

Cimarron National Grasslands in Morton and Stevens Counties

An up-to-date listing of Tier 3 Waters (ONRWs) can be found in the Kansas Surface Water Register.

1.5 Obtaining Authorization - Notice of Intent

Submission of a Notice of Intent (NOI) form (Appendix 2) for stormwater runoff from industrial activity is a *request* for authorization for coverage under this general NPDES permit. **Completion of the NOI does not provide automatic coverage under the general permit.** Coverage under the general permit begins when KDHE authorizes the NOI.

Facilities that have submitted an NOI prior to the effective date of this permit are considered to have satisfied the administrative requirements for filing for an NPDES permit for stormwater runoff associated with industrial activity. However, the submission of a permit fee and an updated NOI form are required for coverage under this permit.

Please note that EPA is not the NPDES permitting authority in Kansas. A group application previously submitted to EPA is no longer valid for Kansas facilities. Former participants in group applications are now required to submit an NOI and permit fee for coverage under this permit.

The permittee is authorized to discharge stormwater under this general permit when KDHE authorizes the NOI. A signed and dated copy of the NOI indicating the authorization of the discharge in conformance with the general permit will be provided to the permittee.

A copy of the NOI and the KDHE Authorization to Discharge for the specific facility location shall be readily available for inspection at the facility by KDHE, EPA, or MS4 representatives.

For new facilities requiring authorization to discharge stormwater runoff, the person requesting authorization under this general permit must submit an NOI via KEIMS at least 60 days prior to commencement of the covered Industrial Activities.

Copies of the NOI and other relevant forms, notifications, reference material and the general NPDES permit requirements are available from the KDHE Stormwater Website at: www.kdheks.gov/stormwater (see endnote 3, page 17)

A hard copy of the NOI, the general permit, the general permit information packet, or other reference material may also be obtained by sending a written request to KDHE at:

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

Information can also be requested by e-mailing:
Stormwater@kdheks.gov

For additional information, contact KDHE at (785) 296-4347.

A complete request for authorization under the general permit must be submitted via KEIMS or it will not be processed. To be considered complete an NOI must provide or address all requested information, bear an original authorized signature, and must be accompanied by the annual permit fee as required by K.A.R. 28-16- 56c and 28-16-56d. The current annual permit fee for this general permit is \$60.00. Make the check payable to "KDHE – Water Pollution Control Permit". An invoice for the annual permit fee will be sent to the designated contact person until such time as the permittee submits and KDHE authorizes a Notice of Termination (NOT).

Updated and corrected forms must be submitted via KEIMS.

1.6 Additional Required Notifications

Facilities that discharge stormwater to a Municipal Separate Storm Sewer System (MS4) need to submit a copy of the authorized NOI and any supporting documentation required by the MS4 operator to obtain any permits or approvals which may be required under the local stormwater management program. A list of urbanized and non-urbanized MS4 operators which have, or which may have, a Stormwater Management Program is available on the [KDHE Stormwater Website](http://www.kdheks.gov/muni/ms4.htm):

<http://www.kdheks.gov/muni/ms4.htm>

on the "municipal stormwater program" link, or is available upon request to KDHE Bureau of Water Industrial Programs Unit.

Coverage under, and the requirements of this NPDES general permit are transferable but transfer is not automatic and must be authorized by KDHE. See Section 3.9 for permit transfers.

1.7 Continuing Coverage - Annual Permit Fee and Renewal Requirements

The permit holder shall pay an annual permit fee as specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE – Water Pollution Control Permit". An invoice for the annual permit fee will be sent to the designated contact person as long as stormwater discharges from the facility continue to meet the definition of stormwater discharges associated with industrial activity.

Continued coverage by this permit is required until such time as a request for a transfer of ownership or request for termination is authorized by KDHE.

An annual invoice for the annual fee will be sent to the designated contact listed in the NOI. Payment of the annual permit fee is required to maintain continued coverage under this NPDES general permit until such time as a request for a transfer of ownership or until a Notice of Termination (NOT) is accepted by KDHE or the permit is revoked/terminated.

Facilities which have received authorization under this General Permit that are placed on Inactive Status will no longer have permit coverage under this General Permit. KDHE will place previously permitted facilities on Inactive Status for failure to pay the annual permit fee if payment is not received within 3 months of the date of the invoice.

This general permit will expire October 31, 2026. Should KDHE fail to issue a new general permit with an effective date on or before the expiration date of this permit, the conditions of this NPDES general permit continue in force until the effective date of a new NPDES general permit.

A permittee who has a valid authorization to discharge stormwater runoff from industrial activity under the conditions of this NPDES general permit will continue to be covered until the effective date of a successor general permit and shall continue to comply with the conditions of this general permit until the effective date of the successor general permit. Upon the effective date of the successor NPDES general permit, the permittee shall comply with the terms and conditions of the successor general permit or obtain coverage for industrial stormwater discharges under alternative provisions of this permit.

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

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

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

1.8 Terminating Coverage - Notice of Termination

The permittee may submit a Notice of Termination (NOT) (Appendix 2) to terminate coverage under this general permit.

For inactive or closed facilities, the permittee must maintain coverage under this or successor permits until the elimination of all stormwater discharges associated with industrial activity are achieved, including the removal of all significant materials, site cleanup and closure has removed potential pollutants which can be subject to exposure to precipitation or stormwater runoff, or a no exposure authorization can be obtained.

For facilities authorized for coverage under this general permit and qualifying for termination of coverage under the No Exposure Certification, a NOT must be submitted in conjunction with the "No Exposure Certification Form" (Appendix 2).

Coverage under this NPDES general permit automatically terminates for facilities obtaining coverage for stormwater discharge associated with industrial activity under another general or individual NPDES permit issuance.

APPENDIX D: Universal Waste Technical Guidance



Requirements for Handlers of Universal Waste

Technical Guidance Document HW-2001-G1

This technical guidance document describes some of the basic requirements for handlers of universal waste, including notification. The more general requirements for notification of hazardous waste activities are contained in K.A.R. 28-31-4, and are not covered in this technical guidance document. 40 CFR Part 273, Standards for Universal Waste Management, is adopted in Kansas by KAR 28-31-273.

Universal Waste

Certain widely-generated hazardous wastes have been designated as universal waste. This designation allows universal waste handlers to manage universal waste under the streamlined requirements of 40 CFR 273 instead of the more stringent RCRA Subtitle C requirements for hazardous waste. Universal waste includes:

- Hazardous waste batteries;
- Certain hazardous waste pesticides;
- Mercury-containing equipment; and
- Hazardous waste lamps.

Handlers of Universal Waste

There are several categories of universal waste handlers. A generator of universal waste is a universal waste handler. The owner or operator of a facility that receives universal waste from other handlers and accumulates the universal waste before sending it to another universal waste handler or to a destination facility or to a foreign destination is also a universal waste handler.

Two classes of universal waste handlers are identified in the regulations:

- A Small Quantity Handler of Universal Waste (SQH UW) is a handler who accumulates less than 5,000 kilograms (11,000 pounds) of universal waste at any time.
- A Large Quantity Handler of Universal Waste (LQH UW) is a handler who accumulates 5,000 kilograms or more of universal waste at any one time.

Requirements for SQH UWs

SQH UWs must manage universal waste in an environmentally responsible manner as described in 40 CFR 273, Subpart B, but are not required to obtain an EPA ID number or to notify the Kansas Department of Health and Environment (KDHE) concerning universal waste activities.

Requirements for LQH UWs

Management of Universal Waste

LQH UWs are prohibited from:

- 1) Disposing of universal waste as regular trash; and
- 2) Diluting or treating universal waste, unless:
 - a) The handler is managing specific wastes (see 40 CFR 273.33); or
 - b) There is an emergency situation.

Notification Requirements

Each LQH UW must submit written notification of universal waste generation/management to the KDHE Bureau of Waste Management (BWM), before meeting or exceeding the 5,000 kilogram (11,000 pounds) storage limit. There are two exceptions to this requirement:

- 1) If the LQH UW has already notified BWM concerning hazardous waste management activities and has received an EPA identification number, there is no requirement to notify BWM again for universal waste.
- 2) An LQH UW who manages recalled universal waste pesticides as described in 40 CFR 273.3(a)(1) and who has met the

requirements of 40 CFR 165 is not required to notify for those recalled pesticides.

The notification form can be downloaded from the BWM website at:

www.kdheks.gov/waste/forms_hazwaste.html.

The form name is “GEN500-Notification of Regulated (Hazardous Waste) Activity Form.” A copy can also be obtained by writing to the address contained in the heading of this document, or by calling the telephone number listed below.

For additional information regarding proper management of solid or hazardous waste, you may contact the Bureau of Waste Management at (785) 296-1600 or the address at the top of this document, or visit the Bureau’s website at <http://www.kdheks.gov/waste/>.