

Kansas Permit No.: I-NE07-P002

Federal Permit No.: KS-0079057

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: Wolf Creek Nuclear Operating Corporation\*

Owner's Address: P.O. Box 411  
Burlington, Kansas 66839

\*Refer to Supplemental Condition No. 14.

Facility Name: Wolf Creek Generating Station

Facility Location: 1550 Oxen Lane, N.E.  
Burlington, Kansas 66839

Receiving Stream & Basin: Neosho River via Wolf Creek via Wolf  
Creek Cooling Impoundment  
Neosho River Basin

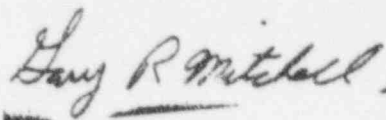
is authorized to discharge from the waste treatment facility described herein, in accordance with effluent limitations and monitoring requirements as set forth herein.

This permit shall become effective October 1, 1997, will supersede all previous permits and/or agreements in effect between the Kansas Department of Health and Environment and the permittee, and will expire February 1, 1999.

FACILITY DESCRIPTION:

The station consists of a pressurized nuclear reactor steam supply system and a turbine - generator used for generation, transmission and distribution of electrical power. The nuclear steam supply system is comprised of a reactor vessel and four primary coolant loops, each with a reactor coolant pump and steam generator. The net turbine generator output is a nominal 1,175 MWe. Wastewater discharges consist of an oil water separator, circulating water, radwaste system, neutralization system, settling ponds, service and essential service water discharge via the essential service water discharge and a cooling impoundment discharge. In addition, there is a two-cell domestic wastewater stabilization lagoon (which replaces the mechanical wastewater treatment plant at the station) and a three-cell domestic wastewater stabilization lagoon at the Eisenhower Learning Center which do not discharge to surface waters.

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Secretary, Kansas Department of Health and Environment

September 19, 1997  
Date

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The effluent limitations shall become effective on the dates specified herein. 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, written notification is still required.

<u>Effective Date</u>	<u>EFFLUENT LIMITATIONS</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>Final Limitations Upon Issuance</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
<u>Outfall Number and Effluent Parameter(s)</u>			

**002 - Discharge of Settling Basin into Wolf Creek Cooling Impoundment**

Monitoring of the discharge through Outfall 002 will not be required unless there is a significant change in the quality or quantity of the subject discharge. The Water Quality Criteria for Interstate and Intrastate Waters of Kansas as formulated by the Kansas Department of Health and Environment (KDHE), Regulation 26-16-28 (b-f), will be applicable to this discharge:

1. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.
2. The discharge shall be essentially free of visible oil or grease and in no circumstances result in deterioration of the receiving water's quality.
3. Control of excessive suspended solids shall be undertaken as necessary to prevent receiving water deterioration.
4. There shall be no sludge banks or deposition of solids downstream from the outfall.
5. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Any violation of the above referenced Water Quality Criteria shall be reported immediately to KDHE, Bureau of Water, in Topeka, Kansas.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Effective Date	<u>EFFLUENT LIMITATIONS</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>Final</u> <u>Limitations</u> <u>Upon</u> <u>Issuance</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
Outfall Number and Effluent Parameters(s)			
<u>002(a) - Oil Water Separator Discharge over Weir into Culvert</u>			
Flow - MGD	N/A	Weekly	Weir
Total Suspended Solids		Weekly	grab
Daily Average-mg/l	30		
Daily Maximum-mg/l	100		
Oil and Grease		Weekly	grab
Daily Average-mg/l	10		
Daily Maximum-mg/l	15		
Chemical Oxygen Demand		Weekly	grab
Daily Maximum-mg/l	Monitor Only		
pH - Standard Units	6.0-9.0	Weekly	grab

Note 1 - All radioactive components of this discharge are regulated solely by the U.S. Nuclear Regulatory Commission (NRC) under the requirements of the Atomic Energy Act and not by either the Environmental Protection Agency (EPA) under the Clean Water Act or the Kansas Department of Health and Environment under Kansas water pollution control regulations and statutes.

003 - Circulating Water System Discharge into Wolf Creek Cooling Impoundment

Flow - MGD	N/A	Daily	Estimate
Total Residual Oxidant		Daily When	grab
Daily Maximum-mg/l	.2**	Brominating/ Chlorinating	
pH - Standard Units	6.0-9.0	Twice Weekly	grab

\*\*Total Residual Oxidant (TRO) shall be monitored in the Service Water System (SWS) when the Circulating Water System (CWS) is not in service. During this operational mode the sampling location for TRO shall be moved upstream of the Radwaste System discharge confluence.

Supplemental Conditions 4(a), 4(b)(1) and 5 are applicable to the CWS discharge alone and only to the CWS when combined with the SWS. Supplemental Conditions 4(a) and 4(b)(1) do not apply to the SWS discharge regardless of the operating mode of the cooling systems; however, Supplemental Condition 5 is still applicable. All requested information is to be reported in the discharge monitoring reports (DMR).

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

<u>Effective Date</u> <u>Outfall Number and</u> <u>Effluent Parameters(s)</u>	<u>EFFLUENT LIMITATIONS</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>Final</u> <u>Limitations</u> <u>Upon</u> <u>Issuance</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
<u>003(a) - Radwaste System Discharge into Circulating Water System Discharge</u>			
Flow - MGD	N/A	Twice Weekly	Estimate
Total Suspended Solids		Twice Weekly	grab
Daily Average-mg/l	30		
Daily Maximum-mg/l	100		
Oil and Grease		Twice Weekly	grab
Daily Average-mg/l	10		
Daily Maximum-mg/l	15		

Note 1 - Also applies to this outfall.

003(b) - Wastewater Treatment Facility Discharge into Circulating Water System Discharge

Flow - MGD	N/A	Weekly	Estimate
Total Suspended Solids		Weekly	grab
Daily Average-mg/l	30		
Daily Maximum-mg/l	100		
Oil and Grease		Weekly	grab
Daily Average-mg/l	10		
Daily Maximum-mg/l	15		
Sulfates		Weekly	grab
Daily Maximum-mg/l	Monitor Only		
Monoethanolamine		Weekly	grab
Daily Maximum-mg/l	Monitor Only		
pH - Standard Units	6.0-9.0	Weekly	grab

Note 1 - Also applies to this outfall.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

<u>Effective Date</u> <u>Outfall Number and</u> <u>Effluent Parameters(s)</u>	<u>EFFLUENT LIMITATIONS</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>Final</u> <u>Limitations</u> <u>Upon</u> <u>Issuance</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
<u>004 - Cooling Impoundment Discharge to Wolf Creek</u>			
Flow - MGD	N/A	The first day of each discharge and each week thereafter.	Estimate
Sulfates		The first day of each discharge and each week thereafter.	grab
Daily Average-mg/l	260		
Daily Maximum-mg/l	390		
Chlorides		The first day of each discharge and each week thereafter.	grab
Daily Average-mg/l	260		
Daily Maximum-mg/l	390		
pH - Standard Units	6.0-9.0	The first day of each discharge and each week thereafter.	grab
Note 1 - Also applies to this outfall.			
<u>005 - Settling Pond Discharge to Wolf Creek Cooling Impoundment</u>			
Flow - MGD	N/A	Weekly	Estimate
Total Suspended Solids		Weekly	grab
Daily Average-mg/l	30		
Daily Maximum-mg/l	100		
Oil and Grease		Weekly	grab
Daily Average-mg/l	10		
Daily Maximum-mg/l	15		
Sulfates		Weekly	grab
Daily Maximum-mg/l	Monitor Only		
Ethanolamine		Weekly	grab
Daily Maximum-mg/l	Monitor Only		
Ammonia		Weekly	grab
Daily Maximum-mg/l	Monitor Only		



A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

<u>Effective Date</u> <u>Outfall Number and</u> <u>Effluent Parameters(s)</u>	<u>EFFLUENT LIMITATIONS</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>Final</u> <u>Limitations</u> <u>Upon</u> <u>Issuance</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>

005 - Settling Pond Discharge to Wolf Creek Cooling Impoundment (continued)

Nitrate + Nitrite Daily Maximum-mg/l	Monitor Only	Weekly	grab
pH - Standard Units	6.0-9.0	Weekly	grab

Note 1 - Also applies to this outfall.

006 - Service and Essential Service Water System Discharge through Essential Service Water System Piping into the Ultimate Heat Sink

Flow - MGD	N/A	The first day Estimate of discharge and twice weekly thereafter.	
Total Residual Oxidant Daily Maximum-mg/l	1.0	The first day of discharge and twice weekly thereafter.	grab
pH - Standard Units	6.0-9.0	The first day of discharge and twice weekly thereafter.	grab

The sampling location for 006 shall be at the discharge side of the heat exchanger downstream of all chemical additions but prior to mixing with ultimate heat sink waters.

B. STANDARD CONDITIONS

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated November 3, 1986.

C. SCHEDULE OF COMPLIANCE

None

D. SUPPLEMENTAL CONDITIONS

1. There shall be no discharge of polychlorinated biphenyl compounds.

D. SUPPLEMENTAL CONDITIONS (continued)

2. All samples and flow measurements required for permit monitoring shall be taken on the same day except for miscellaneous discharges related to stormwater runoff, oil storage area runoff, etc.
3. Miscellaneous discharges related to runoff are regulated by Water Quality Criteria. Runoff contained in the oil storage dike area(s) shall be visually inspected to determine if removal of oil and grease is necessary prior to discharge.
4. (a) Neither free available oxidant nor total residual oxidant may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual oxidant at any one time unless the utility can demonstrate to the State that the units in a particular location cannot operate at or below this level of oxidant application.  
  
(b)(1) Any plant with a total rated electric generation capacity of 25 or more megawatts is subject to the following stipulation. Total residual oxidant may not be discharged from any single generating unit for more than two hours per day unless the discharger demonstrates to the State that discharge for more than two hours is required for macroinvertebrate control. Simultaneous multi-unit oxidant application is permitted. Multi-unit oxidant application must be designated in the monitoring reports.  
  
(b)(2) Any plant with a total rated electric generation capacity of less than 25 megawatts is subject to the following stipulation. Neither free available oxidant nor total residual oxidant may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual oxidant at any one time unless the utility can demonstrate to the State that the units in a particular location cannot operate at or below this level of oxidant application.
5. The permittee shall submit, as a part of the discharge monitoring report (DMR), an oxidant application schedule indicating the time and duration of applications for each unit. The amount of oxidant applied shall also be reported in the DMR's.
6. This permit shall be modified, or alternatively, revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301 (b)(2), (C), and (D), 304 (b)(2), and 307 (a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
  - a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit, or
  - b. Controls any pollutant not limited in the permit.The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.
7. In the event the Environmental Protection Agency amends or promulgates the BPT, BAT and/or BCT effluent guideline limitations for a specific Point Source Category or any of the subcategories covering your industry, this permit will be revoked and reissued to incorporate the new limitation(s).

D. SUPPLEMENTAL CONDITIONS (continued)

8. There shall be no discharge from the Wolf Creek Station and the Eisenhower Learning Center waste stabilization lagoon systems. Only domestic waste shall be discharged to these lagoon systems. A three-foot minimum freeboard shall be maintained at all times in the Station lagoon cells and a two-foot minimum freeboard must be maintained at all times in the Eisenhower Learning Center lagoon cells.
9. The Department is to be notified at least 90 days prior to the Wolf Creek Cooling Impoundment being opened for public access.
10. A report addressing the disposal of metal cleaning wastes is to be submitted to the Bureau of Water Protection for approval at least 10 days or as soon as reasonably practicable before implementing each chemical cleaning activity. Approval from the Department is required before chemical cleaning can be initiated. Metal cleaning wastes are defined to be wastes derived from chemical cleaning of any metal process equipment, including boiler fireside cleaning and air preheater cleaning.

11. Changes in Discharges of Toxic Substances

The permittee shall notify the Department as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) One hundred micrograms per liter (100  $\mu\text{g/l}$ );
    - (2) Two hundred micrograms per liter (200  $\mu\text{g/l}$ ) for acrolein and acrylonitrile; five hundred micrograms per liter (500  $\mu\text{g/l}$ ) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application.
  - b. That any activity has occurred or will occur which result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) Five hundred micrograms per liter (500  $\mu\text{g/l}$ );
    - (2) One milligram per liter (1 mg/l) for antimony;
    - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
12. Prior to discharge through Outfall 003(b), permittee shall complete the US EPA Form 2c permit application for this outfall and supplement the information previously submitted. This outfall shall be sampled and analyzed for all required Form 2c parameters when the waste stream is representative of operational mode. Results shall be submitted to KDHE.



D. SUPPLEMENTAL CONDITIONS (continued)

13. Kansas Surface Water Quality Standards will be enforced in the Wolf Creek at the point of discharge from the Wolf Creek Impoundment to Wolf Creek. Discharges to waters of the State shall be guided by both the primary and secondary drinking water regulations promulgated pursuant to The Safe Drinking Water Act and current state surface water quality standards, K.A.R. 28-16-28b et. seq.
14. Wolf Creek Nuclear Operation Corporation (WCNOC), a Delaware corporation, is the agent for Kansas Gas and Electric Co., Kansas City Power and Light Co. and Kansas Electric Power Cooperative, Inc. The referenced companies shall, in accordance with their Wolf Creek Generating Station Operating Agreement (dated April 15, 1986), be severally liable (in proportion with their ownership shares of the plant) for compliance with the terms and conditions stated in the permit and applicable laws.
15. During the period in which waste streams containing monoethanolamine are directed to the settling pond associated with Outfall 005, permittee shall obtain on a monthly basis representative samples from the influent to the pond and the pond and analyze each of the samples for monoethanolamine, ammonia, and nitrate + nitrite. Permittee shall report these results on its monthly DMRs.
16. After one year from issuance of this permit, permittee shall no longer direct any waste streams containing monoethanolamine to the settling pond associated with Outfall 005 except under emergency conditions. For each such emergency discharge, permittee shall notify KDHE in writing of the date of discharge, the quantity of wastewater, and the mass loading and concentration of monoethanolamine discharged to the pond.
17. Permittee shall undertake at least twice-monthly inspections of Outfall 002 to ensure compliance with the general Water Quality Criteria described on Page 2 of this permit.
18. When the flow through Outfall 006 consists solely of service water from the Service Water System diverted to the Essential Service Water System (other than flows recirculated directly from the Wolf Creek Cooling Impoundment), a sample collected from the Service Water System shall be considered representative of Outfall 006 for purposes of monitoring required by this permit.
19. The permittee is allowed to discharge uncontaminated water to any outfall. This uncontaminated water could consist of lake water or groundwater which can enter the power block by either groundwater intrusion or from the partial draining of a lake cooling water system during outage work. The permittee shall maintain a record of the source of the uncontaminated water, duration of discharge, and outfall to which it is discharged. Records of these discharges shall be submitted with the discharge monitoring reports due the 28th of the month following the discharge.

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

1. Representative Sampling:

- A. Samples and measurements taken as required herein shall be representative of the nature and volume of the monitored discharge. All samples shall be taken at the location designated in this permit, and unless specified, at the outfall(s) before the effluent joins or is diluted by any other water or substance.
- B. Monitoring results shall be recorded and reported on forms acceptable to the Division and postmarked no later than the 28th day of the month following the completed reporting period. Signed and certified copies of these, prepared in accordance with KAR 28-16-59 and all other reports required herein, shall be submitted to:

Kansas Department of Health & Environment  
Bureau of Water-Technical Services Section  
Forbes Field - Building 283  
Topeka, KS 66620-0001

2. Schedule of Compliance: No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit to the above address, 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.

3. Definitions:

- A. The "daily average" discharge means either the total discharge by weight during a calendar month divided by the number of days in the month that the facility was operating or the average concentration for the month. The daily average discharge shall be determined by the summation of all measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made, or by the summation of all concentrations determined during the calendar month divided by the number of samples collected and analyzed.
- B. The "daily maximum" discharge means the total discharge by weight or average concentration during a 24 hour period.
- C. The "monthly average", other than for fecal coliform bacteria, is the arithmetic mean of the value of effluent samples collected in a period of 30 consecutive days. The monthly average for fecal coliform bacteria is the geometric mean of the value of the effluent samples collected in a period of 30 consecutive days.
- D. The "weekly average", other than for fecal coliform bacteria, is the arithmetic mean of the value of effluent samples collected in a period of 7 consecutive days. The weekly average for fecal coliform bacteria is the geometric mean of the value of effluent samples collected in a period of 7 consecutive days.
- E. A "grab sample" is an individual sample collected in less than 15 minutes.

- F. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the discharge flow, the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
- G. The "act" means the Clean Water Act, 30 USC Section 1251 et seq.
- H. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
- I. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- J. "Bypass" means any diversion of waste streams from any portion of a treatment facility or collection system.
4. Test Procedure. All analysis required by this permit shall conform to the requirements of 33 USC Section 1314(h), and shall be conducted in a laboratory certified by this Department. For each measurement or sample, the permittee shall record the exact place, date, and time of sampling; the date of the analyses, the analytical techniques or methods used, and the individual(s) who performed the 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. Records Retention: All records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of 3 years, or longer if requested by the Division.
6. Change in Discharge: All discharges authorized herein shall be consistent with the terms and conditions of this permit. 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, productions or flow increases, or process 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.
7. Noncompliance Notifications: If for any reason, the permittee does not comply with, or will be unable to comply with any daily maximum or weekly average effluent limitations specified in this permit, the permittee shall provide the Department with the following information in writing within five days of becoming aware of such condition:
- A. A description of the discharge and cause of noncompliance, and
- B. the period of noncompliance including exact dates and times or if not corrected, the anticipated time the noncompliance is expected to continue and steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

The above information shall be provided with the submittal of the regular Discharge Monitoring Report form for violations of daily average or monthly average effluent limitations.

15. 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 f. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this 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.
16. Toxic Pollutants: Notwithstanding paragraph 15 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.
17. Civil and Criminal Liability: Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance as provided for in KSA 65-170d, KSA 65-167, and 33 USC Section 1319.
18. 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. The 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.
19. Industrial Users: The 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.
20. 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.
21. Operator Certification: The permittee shall 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.
22. 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.
23. 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.
24. 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.



8. **Facilities Operation:** The permittee shall at all times maintain in good working order and efficiently and effectively operate all treatment, collection, control systems or facilities, to achieve compliance with the terms of this permit. Such proper operation and maintenance procedures shall also include adequate laboratory controls and appropriate quality assurance procedures. Maintenance of treatment facilities which results in degradation of effluent quality, even though not causing violations of effluent limitations shall be scheduled during noncritical water quality periods and shall be carried out in a manner approved in advance by the Division. The permittee shall take all necessary steps to minimize or prevent any adverse impact to waters of the State resulting from noncompliance with any effluent limitations 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 conditions, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.
9. **Immediate Reporting Required:** Any diversion from, or bypass of facilities necessary to maintain compliance with the permit is prohibited, except: where no feasible alternatives to the bypass exist and 1) where necessary to prevent loss of human life, personal injury or severe property damage; or 2) where excessive stormwater inflow or infiltration would damage any facilities necessary to comply with this permit or 3) where the permittee notifies the Director seven days in advance of an anticipated bypass. The Director or Director's designee may approve a bypass, after considering its adverse effects, if any of the three conditions listed above are met. The permittee shall immediately notify the Division by telephone ((913) 296-5517 or the appropriate KDHE District Office) of each bypass and shall confirm the telephone notification with a letter explaining what caused this spill or bypass and what actions have been taken to prevent recurrence. Written notification shall be provided to the Director within five days of the permittee becoming aware of the bypass. The Director or Director's designee may waive the written report on a case-by-case basis.
10. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner acceptable to the Division.
11. **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.
12. **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 monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.
13. **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. The 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.
14. **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.