

Section	Permit effective April 1, 2010	Section	Permit effective January 1, 2003
Part II	Stormwater Quality Management Program		
	The permittee is required to develop, implement, enforce and update, as needed, a SWQMP which shall include controls intended to reduce the discharge of pollutants from its MS4 conveyances consistent with 40 CFR 122.34. The Stormwater Quality Management Program shall provide controls that shall consist of a combination of best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, and other appropriate provisions designed to limit the discharge of pollutants from the MS4 conveyances which are environmentally beneficial and technically and economically feasible		
II.A.	Legal Authority Requirements		
	The permittee shall establish legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. The legal authority may be a combination of statutes, ordinances, permits, contracts, orders, or inter-jurisdictional agreements between permittee with adequate existing legal authority to accomplish items 1-5 below:		
II.A.1.	Control the contribution of pollutants to the MS4 by stormwater discharges associated with construction activity, and post-construction activity for new development and redevelopment projects		
II.A.2.	Prohibit illicit non-stormwater discharges to the MS4, and implement enforcement procedures and actions		
II.A.3.	Prohibit the discharge of spills and the dumping or disposal of materials (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) other than stormwater into the MS4		
II.A.4.	Enforce compliance with conditions in ordinances, permits, contracts and orders relating to discharge to the MS4s		
II.A.5.	Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer		
II.B.	Stormwater Quality Management Program	I. A	Minimum Controls
	The program shall be formalized in the SWQMP. This written plan details the procedures in which the permittee will implement the required six minimum control measures and is a dynamic document that should be modified to meet the needs of the permittee using the timeframes described on Part II		
II.B.1.	<i>Public Education and Outreach</i>	I.A.1.	<i>Public Education and Outreach on Storm Water Impacts</i>
II.B.1.a.	permittee shall maintain a public education program and conduct public outreach activities in the community that focus on impacts from stormwater discharges to water bodies and the steps that the public can take to reduce pollutants in stormwater runoff		Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
II.B.1.a.	public education program shall be designed to achieve measurable improvements in the target audience's understanding of stormwater pollution and actions of prevention		
II.B.1.a.	permittee is encouraged to utilize the Inter-Local Agreements with KYTC to take advantage of the public outreach program developed by KYTC		
II.B.1.b.	permittee shall utilize as guidance the Stormwater Education Toolkit developed by the Kentucky Transportation Cabinet with support from the Division of Water, EPA's Nonpoint Source Toolbox		
II.B.1.c.	permittee shall prioritize public education and outreach efforts to focus on pollutants impairing or threatening the local waterways		
II.B.1.d.	permittee shall demonstrate that the education and outreach efforts are targeted to the appropriate audiences and balanced between policy-makers, local citizens, and other stakeholders		
II.B.1.e.	permittee shall measure the targeted audience understanding of their impacts on water quality and the adoption of the behavior changes resulting from the permittee's public education and outreach efforts. The resulting measurements shall be used to direct education and outreach resources more effectively		
II.B.1.f.	permittee shall track activities relative to this program element as necessary to document compliance with permit requirements		

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II.B.2.	<i>Public Involvement/Participation</i>	I.A.2.	<i>Public Involvement/Participation</i>
II.B.2.a.	permittee shall implement a public involvement/participation program		At a minimum, comply with State, Tribal, and local public notice requirements when implementing a public involvement/participation program. Activities may include representation on local storm water management work groups, public hearings, education volunteers, assisting with program coordination and monitoring efforts.
II.B.2.a.	permittee shall provide public notice of program participation opportunities by methods designed to reach the intended audience		
II.B.2.b.	permittee shall facilitate opportunities for citizen volunteers who want to participate in the MS4 program		
II.B.2.c.	permittee shall develop and implement a method of advertising the public involvement opportunities listed above in 2b		
II.B.2.c.	Current MS4 programs shall develop and implement the advertising method within sixty (60) days of the effective date of this permit		
II.B.2.c.	permittee may : develop a website that includes information that will inform stakeholders of actions they can adopt that result in behavioral changes that may improve water quality; provide press releases or advertisements of activities to local cable networks, radio stations and/or newspapers; or other alternate methods that provides an effective equivalent communication		
II.B.2.d.	permittee shall track activities relative to this program element as necessary to document compliance with permit requirements		
II.B.3.	<i>Illicit Discharge Detection and Elimination</i>	I.A.3.	<i>Illicit Discharge Detection and Elimination</i>
II.B.3.a.	Current MS4 programs shall implement and enforce this required ordinance or other regulatory mechanism upon issuance of this permit	I.A.3.i	Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at Sec. 122.26(b)(2)) into your SMS4
II.B.3.b.	The permittee shall implement, and enforce a program to prohibit, detect, and address illicit discharges, including illegal dumping to the MS4 system, per applicable state and federal requirements.	I.A.3.iii	To the extent allowable under State, Tribal, or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
II.B.3.b.i.	The program shall include: Procedures for locating priority areas likely to have illicit discharges.		
II.B.3.b.ii.	The program shall include: Field assessment activities, including visual inspection of priority areas identified in i., above, during dry weather and for the purposes of verifying outfall locations, identifying previously unknown outfalls, and detecting illicit discharges		
II.B.3.b.iii.	The program shall include: Procedures to provide for the investigation of any complaints, reports, or monitoring information that indicates a potential illicit discharge, spill, or illegal dumping. The permittee shall immediately investigate problems and violations determined to be emergencies or otherwise judged urgent or severe. Where water quality impairments are deemed severe or urgent, the permittee shall promptly refer the incidents to the Department for Environmental Protection's Environmental Emergency 24-hour hotline at (502) 564-2380 or (800) 928-2380		
II.B.3.b.iv.	The program shall include: Timeframes for the investigation and removal of illicit discharges shall be established and outlined in the permittees' illicit discharge detection and elimination program		
II.B.3.b.v.	The program shall include: Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, collecting and analyzing water samples, and other detailed inspection procedures		
II.B.3.b.vi.	The program shall include: Procedures for removing the source of the discharge; including notification of appropriate authorities, notification of property owners; technical assistance for eliminating the discharge; followup inspections; and enforcement if the discharge is not eliminated. The permittee shall initiate an investigation, where practicable, of a report or discovery of a suspected illicit connection to determine the source of the connection, and the party responsible for the connection. Upon confirmation of the illicit nature of a storm-drain connection, the permittee(s), in coordination with other responsible agencies, shall require the responsible party to remove the illicit connection. The permittee shall verify the correction plan is implemented by the responsible party.	I.A.3.iv	Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system
II.B.3.c.	The permittee shall provide appropriate training for municipal field staff on the identification and reporting of illicit discharges into the MS4		

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II.B.3.d. The permittee shall develop, and maintain a storm-sewer system map, showing the location of all known major outfalls, as defined herein, and the names and location of all waters of the Commonwealth that receive discharges from those outfalls. If this mapping is completed using Geographical Information Systems (GIS) or Computer Aided Drafting (CAD) software, the permittee shall provide to the Division of Water, at a minimum, the MS4 boundary and the mapped infrastructure in either ESRI shape file formats (to include the .shp, .shx, and .dbf files) or georeferenced AutoCAD drawings (.dwg file format).	I.A.3.ii Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
II.B.3.e. The permittee shall provide the location of all known major outfalls. The outfalls shall be identified in the annual report for Year 2 of the permit; with updates describing any additionally identified major outfalls in each subsequent annual report. For the purposes of this permit a "major outfall" is defined as follows:	
II.B.3.e.i. A pipe (or closed conveyance) system with a cross-sectional area equal to or greater than 7.07 square feet (e.g., a single circular pipe system, with an inside diameter of 36 inches or greater); if applicable	
II.B.3.e.ii. A single conveyance other than a pipe, such as an open channel ditch, which is associated with a drainage area of more than 50 acres; if applicable	
II.B.3.f. The permittee shall conduct dry-weather screening of representative outfalls. The recommended level of effort is twenty percent (20%) of the major outfalls per year. All the major outfalls shall be addressed within the permit term. Screening shall include at a minimum, the visual inspection of the discharge for indicators of pollutants. Indicators shall include odor, oil sheens, discoloration, and high degrees of siltation or aquatic plant growth. Where potential excessive pollutants are indicated, the permittee shall develop a plan to determine potential source(s) and eliminate the discharge. The illicit discharge and detection elimination plan may require follow-up field water-quality sampling and/or analysis or laboratory analyses to determine the pollutant source and most effective plan of action	
II.B.3.g. Within twelve months of the effective date of this permit, the permittee shall have a mechanism and protocols in place that provide for the public reporting of spills and other discharges. The permittee shall keep a record of spill reports received and actions taken, and include a general summary in the annual report	
II.B.3.h. In conjunction with the Public Education and Outreach program, the permittee shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste	I.A.3.v Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste
II.B.3.i. If, in the course of illicit discharge detection, it is demonstrated that a sanitary sewer line failure or defect is a source to the MS4, the permittee shall inform the responsible entity and the Division of Water's Regional Office. If the permittee is the responsible entity, the permittee shall proceed to remediate the discharge by following a corrective action plan or a Sanitary Sewer Overflow Plan on a schedule approved by the Division of Water	
II.B.3.j. The permittee shall adopt and implement procedures for Illicit Discharge program evaluation and assessment, including tracking the number and type of spills or illicit discharges identified, inspections made; and any feedback received from public education efforts	
II.B.3.k. The permittee shall track activities relative to this program element as necessary to document compliance with permit requirements and prepare the annual system-wide report pursuant to Part III.A. of the permit	
	I.A.3.vi The following categories of non-storm water discharges or flows (i.e., illicit discharges) need to be addressed only if you identify them as significant contributors of pollutants to your small MS4: waterline flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

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II.B.4.	Construction Site Stormwater Runoff Control	I.A.4.	Construction Site Storm Water Runoff Control
II.B.4.a.	Current MS4 programs shall implement and enforce an ordinance or other regulatory mechanism that addresses stormwater runoff from active construction sites that disturb one acre or more, and active construction sites less than one acre in size that are part of a larger common plan of development or sale, located within the MS4 upon issuance of this permit.	I.A.4.i	Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with Sec. 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.
II.B.4.a.i.	The ordinance or other regulatory mechanism shall include, at a minimum: Requirements for construction site operators to implement appropriate erosion and sediment control best management practices (BMPs) that, at a minimum, shall be as protective as Kentucky's General Permit for Stormwater Construction sites (KYR100000)	I.A.4.ii.B	program must include requirements for construction site operators to implement appropriate erosion and sediment control best management practices
II.B.4.a.ii.	The ordinance or other regulatory mechanism shall include, at a minimum: Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality	I.A.4.ii.C	program must include requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality
II.B.4.a.iii.	The ordinance or other regulatory mechanism shall include, at a minimum: Requirements for demonstration that a notice of intent for coverage under a stormwater construction general permit, an application for a stormwater construction individual permit, or the BMP plan of a KPDES permit has been submitted for those sites one acre and greater		
II.B.4.a.iv.	The ordinance or other regulatory mechanism shall include, at a minimum: Establishment of authority for site-plan review to affirm compliance with local ordinances, which incorporate consideration of potential water-quality impacts		
II.B.4.a.v.	The ordinance or other regulatory mechanism shall include, at a minimum: Establishment of authority for receipt and consideration of information submitted by the public	I.A.4.ii.E	program must include procedures for receipt and consideration of information submitted by the public
II.B.4.a.vi.	The ordinance or other regulatory mechanism shall include, at a minimum: Establishment of authority for site inspections and enforcement of control measures. Factors such as the nature of construction activity, topography, and the characteristics of soils and receiving water quality should be considered in determining the frequency of inspection	I.A.4.ii.A	program must include an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;
II.B.4.a.vii.	The ordinance or other regulatory mechanism shall include, at a minimum: A requirement that discharges from construction sites to high quality waters will protect existing in-stream water uses and the level of water quality necessary to protect existing in-stream water uses consistent with Kentucky Stormwater Construction Permit (KYR100000)		
II.B.4.b.	The permittee shall develop, implement, and enforce a program to reduce pollutants in stormwater runoff from active construction sites.	I.A.4.ii.D	program must include procedures for site plan review which incorporate consideration of potential water quality impacts
II.B.4.b.i.	The program to be implemented shall include, at a minimum: A permitting process with plan review to affirm compliance with local ordinances, inspection, and enforcement capability for all projects subject to this program as described above.		
II.B.4.b.ii.	The program to be implemented shall include, at a minimum: Procedures for periodic inspections of all known permitted construction sites during construction to verify proper installation and maintenance of required erosion and sediment controls. A recommended level of effort for periodic inspections should be all active sites monthly and all new sites within two (2) weeks after initiation of land disturbance. Enforcement shall be conducted as appropriate based on the inspection		
II.B.4.b.iii.	The program to be implemented shall include, at a minimum: Development and implementation of an enforcement strategy that includes escalating enforcement remedies to respond to issues of non-compliance		

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II.B.4.b.iv.	The program to be implemented shall include, at a minimum: A procedure must be developed to inventory projects and prioritize sites for inspection. The inventory should track the results of inspections, enforcement procedures taken, if any. A summary of inspection and enforcement activities that have been conducted shall be included in the annual report	I.A.4.ii.F	program must include procedures for site inspection and enforcement of control measures
II.B.4.b.v.	The program to be implemented shall include, at a minimum: A training program for MS4 staff in the fundamentals of erosion prevention and sediment control and in how to review erosion and sediment control plans or Stormwater Pollution Prevention Plans		
II.B.4.b.vi.	The program to be implemented shall include, at a minimum: Procedures for providing educational and training measures for construction-site operators		
II.B.4.c.	The permittee shall track activities relative to this program element as necessary to document compliance with permit requirements and prepare the annual system-wide report pursuant to Part III.A. of the permit		
II.B.5.	Post-Construction Stormwater Management in New Development and Redevelopment	I.A.5.	Post-Construction Storm Water Management in New Development and Redevelopment
	Post-Construction Stormwater Management refers to the activities that take place after construction occurs, and includes structural and non-structural controls to obtain permanent stormwater management over the life of the property's use. Structural stormwater controls include, but are not limited to, grass swales, filter strips, infiltration basins, detention ponds, stormwater wetlands, natural filtration areas, sand filters and rain gardens. Nonstructural BMPs incorporate site planning and design techniques including, but not limited to, open spaces, vegetated conveyances and buffers, natural infiltration and low impact development. The post-construction BMPs chosen should be appropriate for the local community, shall be designed to minimize water quality impacts, and shall attempt to maintain pre-development runoff conditions. Each new development and redevelopment project should have a stormwater control component	I.A.5.ii	Develop and implement strategies, which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community
II.B.5.a.	Current MS4 programs shall implement and enforce this required ordinance or other regulatory mechanism	I.A.5.iii	Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law
II.B.5.b.	The permittee must implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb at least one acre, and projects less than one acre that are part of a larger common plan of development or sale, located within the MS4. The program shall apply to private and public development, including roads	I.A.5.i	Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts
II.B.5.c.	Current MS4 programs shall , within 12 months of the effective date of this permit, develop and submit to the Division of Water, an on-site stormwater runoff quality treatment standard, to be adopted by ordinance or other regulatory mechanism for all new development and redevelopment projects. The proposed local standard will require, in combination or alone, management measures that are designed, built and maintained to treat, filter, flocculate, infiltrate, screen, evapo-transpire, harvest and reuse stormwater runoff, or otherwise manage the stormwater runoff quality. The permittee shall develop a locally derived water-quality treatment standard that requires new development projects to implement controls to manage runoff through water-quality control structures. The standard shall be based, at a minimum, on an analysis of precipitation records to determine the equivalent surface depth of runoff (e.g. 0.75 inches) produced from an 80th percentile precipitation event		
II.B.5.d.	For those areas of development and re-development that result in a new or expanded discharge from the MS4 to high-quality waters, the ordinance or other regulatory mechanism shall include standards for runoff control that are considered sufficient to protect existing in-stream water uses and the level of water quality necessary to protect the existing uses. The permittee shall periodically review procedures for areas of new development and re-development to ensure that these standards for runoff control are effective. For projects that cannot meet this water-quality treatment standard, the permittee may adopt two alternatives: off-site mitigation and payment-in-lieu		

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II.B.5.d.i. The off-site mitigation option entails infiltration/evapotranspiration/reuse measures that may be implemented at another location in the same sewershed/watershed as the original project, approved by the permittee(s). The permittee shall identify priority areas within the sewershed or watershed in which mitigation projects can be completed	
II.B.5.d.ii. The payment-in-lieu option allows the owner/operator of a construction site that disturbs at least one acre or a project that is less than one acre but is part of larger common plan of development or sale to choose to make a payment to the permittee, in lieu of implementing post-construction BMPs. The permittee will apply these in-lieu funds to a public stormwater project	
II.B.5.d. For either of these options to be available, the permittee must ensure the proper legal authority, create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions	
II.B.5.e. Within twelve (12) months of the effective date of the permit current MS4 programs shall review and evaluate municipal policies related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure, such as green roofs, porous pavements, water harvesting devices, grassed swales instead of curb and gutter, rain barrels and cisterns; downspout disconnection, etc.	
II.B.5.f. The permittee shall develop and implement project review, approval, and enforcement procedures for new development and redevelopment projects that disturb greater than one acre, and projects less than one acre that are part of a larger common plan of development or sale.	
II.B.5.f.i. Further requirements for project review and approval are as follows: Develop procedures for the site-plan review and approval process and a required re-approval process when changes to stormwater management measures are required	
II.B.5.f.ii. Further requirements for project review and approval are as follows: Develop procedures for a post-construction process to demonstrate and document that post-construction stormwater measures have been installed per design specifications, which includes enforceable procedures for bringing noncompliant projects into compliance	
II.B.5.g. The permittee shall require all new development or redevelopment to establish and enter into a long-term maintenance agreement and maintenance plan approved management practices for property owners. Alternatively, the permittee may establish other enforceable mechanisms for requiring long-term maintenance of structural and non-structural BMPs. Such authorities shall allow the MS4, or its designee, to conduct inspections of the management practices and also account for transfer of responsibility in leases and/or deed transfers. The agreement shall also allow the MS4s, or its designee, to perform necessary maintenance or corrective actions neglected by the property owner/operator, and authority to recover costs from the property owner/operator when the owner/operator has not performed the necessary maintenance	
II.B.5.h. In order to verify that all stormwater management practices are operating correctly and are properly maintained, the permittee shall establish and implement procedures for inspection of a representative number of installed Best Management Practices (BMPs) (e.g. the BMPs that were designed, built and maintained to treat, filter, flocculate, infiltrate, screen, evapo-transpire, harvest and reuse stormwater runoff, or otherwise manage the stormwater runoff quality) annually, with the goal of completing an inspection of all BMPs within the MS4 during the permit cycle. Alternatively, the permittee may develop a program for property owner self-inspection documentation with oversight by the permittee(s)	
II.B.5.i. The permittee shall create a program to notify the BMP owner or operator of deficiencies discovered during a maintenance inspection. The permittee must conduct subsequent inspections to ensure completion of required repairs. If repairs are not made, the permittee shall enforce its correction orders and, if need be, perform the necessary work and assess against the owner the costs incurred for repairs.	

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II.B.5.j.	The permittee shall demonstrate compliance with the requirements for post-construction controls by summarizing the following in the annual report. A summary of the number and types of projects that the permittee reviewed for new and redevelopment considerations and the types of BMPs installed including green infrastructure and buffers		
II.B.5.j.i.	A summary of management practice maintenance inspections conducted by the permittee(s), including a summary of the number requiring maintenance or repair, and the number of enforcement actions taken		
II.B.5.j.ii.	A summary of any changes to local ordinances to accommodate green infrastructure alternatives		
II.B.5.j.iii.	MS4 staff must be trained in the fundamentals of long-term stormwater-quality treatment management practices and in how to review such practices on construction plans and how to inspect practices for long-term protection, operation and maintenance	I.A.5.iv	Ensure adequate long-term operation and maintenance of BMPs
II.B.5.k.	The permittee shall track activities relative to this program element as necessary to document compliance with permit requirements and prepare the annual system-wide report pursuant to Part III.A. of the permit.		
II.B.6.	Pollution Prevention/Good Housekeeping for Municipal Operations	I.A.6.	Pollution Prevention/Good Housekeeping for Municipal Operations
II.B.6.a.	The permittee must develop and implement an Operation and Maintenance (O & M) program that includes a training component with the goal of preventing or reducing pollutant runoff from municipal operations		Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.
II.B.6.b.	The O & M program must include employee training to prevent and reduce stormwater pollution resulting from activities such as parks and open space maintenance, fleet and building maintenance, new construction and land disturbances, stormwater system maintenance, and green infrastructure maintenance. The permittee is encouraged to utilize training materials that are available from the EPA, the Division of Water, and other organizations		
II.B.6.c.	The O & M program shall include an inventory of municipal facilities, maintenance activities, maintenance schedules, and ongoing inspection procedures for structural and non-structural BMPs. These BMPs shall be designed to reduce floatables and other pollutants discharged from the separate storm sewers; provide controls for reducing the discharge of pollutants from municipally-owned and operated streets, roads, highways, municipal parking lots, maintenance and storage yards, and fleet and maintenance shops with outdoor storage areas. BMPs are needed to control runoff from salt/sand storage locations and snow disposal areas operated by the permittee(s), as well as waste transfer stations. The O & M program must incorporate procedures for properly disposing of waste (such as dredge spoil, accumulated sediments, floatables, and other debris) removed from the separate storm sewers and areas listed above. The O & M program shall include methods to ensure that new flood-management projects assess the impacts on water quality protection devices or practices		
II.B.6.d.	The permittee shall track activities relative to this program element as necessary to document compliance with permit requirements and prepare the annual system-wide report pursuant to Part III.A. of the permit		
		I.B.	Schedule of Compliance
			The permittee shall have fully developed and implemented the storm water program within the time frame of this permit
II.C.	Stormwater Quality Management Plan and Review Modification		
II.C.1.	The permittee shall annually evaluate the effectiveness of the SWQMP and BMPs implemented to comply with this general permit. The permittee shall modify ineffective BMPs, and modify ineffective schedules of effective BMPs.		
II.C.2.	The permittee may modify the SWQMP during the life of the permit in accordance with the following procedures:		
II.C.2.a.	Modifications that add but neither subtract nor replace, components, controls, or requirements may be made by the permittee at any time. A description of the modification shall be included in the Annual Report		
II.C.2.b.	Modifications that replace an ineffective or infeasible stormwater control, which is specifically identified in the SWQMP along with an alternate stormwater control, may be made by the permittee at any time. A description of the replacement stormwater control shall be included in the following Annual Report along with the following information:		

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II.C.2.b.i. An analysis of why the former stormwater control was ineffective or infeasible (including cost-prohibitive) shall be included in the following Annual Report	
II.C.2.b.ii. Expectations on the effectiveness of the replacement stormwater control shall be included in the following Annual Report	
II.C.2.b.iii. An analysis of why the replacement stormwater control is expected to achieve the goals of the BMP which this control replaced shall be included in the following Annual Report	
II.C.2.c. Modifications to adjust the schedule for maintenance activities or the frequency of inspections identified in the SWQMP may be made by the permittee on an annual basis. The permittee must include in the Annual Report, a description of the adjustment to the schedule along with the following information:	
II.C.2.c.i. The permittee must include in the Annual Report an analysis of why the former schedule was ineffective or infeasible	
II.C.2.c.ii. The permittee must include in the Annual Report expectations on the effectiveness of the replacement schedule	
II.C.2.d. Modifications included in the Annual Report shall be signed by the permittees affected by that modification, and shall include a certification that the permittee was given an opportunity to comment on proposed changes	
II.C.2.e. The permittee shall implement the SWQMP for all new areas added to the MS4 (or for which they become responsible for implementation of stormwater quality controls) as expeditiously as practicable. A description of the implementation schedule shall be provided in the annual report. Implementation of the program in any new area shall consider the plans in the SWQMP of the previous MS4 ownership	
II.C.3. The permittee may proceed with any uncompleted programs from the previous permit cycle to provide the continuation of positive activities towards improvement of water quality. A compliance schedule shall be submitted to the Division of Water for approval that delineates the tasks and the anticipated compliance date	
II.C.4. The content and provisions of the SWQMP, as discussed in Part II, are not considered permit conditions. The SWQMP is an implementation plan to be utilized as a tool by the permittee to facilitate compliance with the six program elements outlined in this permit	
II.D. Total Maximum Daily Loads and Impaired Waters	
II.D.1. Total Maximum Daily Loads (TMDLs) If there is an approved existing TMDL for an impaired waterbody into which the permitted MS4 discharges and for which the MS4 causes or contributes to water quality impairment(s), the Division of Water will review the TMDL and applicable wasteload allocation(s) to determine whether the TMDL allocates pollutant reductions for stormwater discharges. If current discharges from the MS4 are not meeting TMDL allocations, the Division of Water will notify the permittee of that finding and require that the SWQMP identified in Part II of this general permit be modified. This modification will occur in conjunction with the normal SWQMP updating process, in accordance with Part II.C.2.d of this permit relating to Plan Implementations and Modifications. This modification will include any applicable and appropriate BMPs to implement the TMDL within a reasonable timeframe. The TMDL shall be implemented by the MS4 to the Maximum Extent Practicable (MEP). The Division of Water may require the MS4 to obtain an individual MS4 permit in order to meet the requirements of the TMDL	
II.D.2. During the permit term, if there is an approved TMDL established for a pollutant of concern in the permittee's stormwater discharges, the permittee shall identify the impaired stream segment(s) and/or tributaries to those impaired stream segments and the location of all known MS4 major outfalls discharging a pollutant of concern under the TMDL to those segments or occurring within those segments. The permittee shall evaluate the discharge load associated with the identified MS4 major outfalls for the pollutant, including monitoring, reporting and/or otherwise, at issue. Prior to any reopening of this permit under Part III.C., the permittee shall consider and propose to the maximum extent practicable, applicable and appropriate best management practices guided by the wasteload goal of the TMDL, and a schedule of implementation for those Best Management Practices. Nothing herein shall prevent the permittee from pursuing a variance or exceptions based upon a use attainability analysis or the criteria for exceptions set forth in 401 KAR 10:031. Applicable limitations, conditions and requirements contained in the TMDL are also to be addressed in the SWQMP	

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II.D.3.	Monitoring Relative to the TMDL		
	The permittee shall develop and implement an appropriate monitoring program that is designed to evaluate the effectiveness of the BMPs to address the TMDL.		
II.D.3.a.	An effective monitoring program could include: Effluent monitoring at selected outfalls that are representative of particular land uses or geographical areas that contribute to pollutant loading before and after implementation of stormwater control measures		
II.D.3.b.	An effective monitoring program could include: Monitoring of pollutants of concern in receiving waterbodies, both upstream and downstream of MS4 discharges, over an extended period of time		
II.D.3.c.	An effective monitoring program could include: In-stream biological monitoring at appropriate locations to demonstrate the recovery of biological communities after implementation of stormwater control measures		
II.D.3.	The program including monitoring strategies, locations, frequencies, and methods shall be submitted to the Division of Water for approval within 12 months of the approval date of the TMDL. Details of the monitoring plan and monitoring data should be included in the annual report required by the MS4 permit		
II.D.4.	Impaired Water Bodies		
	For impaired waters that lack a TMDL, the permittee shall identify impaired waters into which the MS4 discharges, and evaluate its Best Management Practices to be included in the SWQMP, at a minimum, this information should be updated in the annual report following the finalization of the Kentucky's Section 303(d) list of impaired waters (every two years) with respect to any new or expanded MS4 discharges for pollutants of concern to ensure effectiveness of post construction control requirements to achieve the MEP standard, evaluation may be conducted on a watershed basis		
II.E.	Development of an MS4 Program Monitoring Plan		
II.E.1.	The permittee shall develop an appropriate monitoring program that evaluates the effectiveness of the MS4 program and provides feedback for the permittee to change or improve the stormwater quality management program appropriately. The MS4 program monitoring plan shall be submitted to the Division of Water for approval before the end of the permit period. The MS4 program monitoring plan, as approved by the Division of Water, shall be implemented in the following permit period		
	An effective MS4 program monitoring plan should include one or more of the following options:		
II.E.1.a.	Effluent monitoring of pollutants and conditions of concern at selected outfalls that are representative of particular land uses or geographical areas that contribute to pollutant loading before and after implementation of stormwater control measures		
II.E.1.b.	Monitoring of pollutants and conditions of concern in receiving waterbodies, both upstream and downstream of MS4 discharges, over an extended period of time		
II.E.1.c.	In-stream biological monitoring at appropriate locations to demonstrate the recovery of biological communities after implementation of stormwater control measures		
II.E.1.d.	Monitoring of other parameters or conditions that provides a measure of the effectiveness of the stormwater quality management program		
II.F.	Qualifying Local Programs		
	A Qualifying Local Program (QLP) is an MS4 stormwater management program for stormwater discharges associated with construction activity that has been formally approved by the Division of Water and EPA. If a construction site is within the jurisdiction of the MS4 with QLP designation and has obtained a notice of coverage from a QLP, the operator of the construction activity is authorized to discharge stormwater associated with construction activity under this general permit without seeking a permit from the Division of Water		
II.F.1.	The aspects of a qualifying local program (QLP) must demonstrate: An MS4 which has been through more than two MS4 permit cycles		
II.F.2.	The aspects of a qualifying local program (QLP) must demonstrate: An MS4 with proven enforcement capability		
II.F.3.	The aspects of a qualifying local program (QLP) must demonstrate: An MS4 with an established record keeping and tracking system for issuing coverages, inspections and enforcement activities		

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II.G.	Fiscal Requirements		
	Funding shall be established and maintained to ensure the accomplishment of the activities required by this permit		
Part III.	Reporting	Part III	Other Requirements
III.A.	Reporting Requirements	III. A.	Reporting and Records Retention
III.A.1.	The permittee shall prepare an annual system-wide report to be submitted no later than April 15th of the year following the calendar year covered by the report.		The report must be sent to the Division of Water at the address listed below postmarked no later than the 28th day of the January following the report calendar year.
III.A.1.a.	The annual report shall include at a minimum: An overall evaluation of the stormwater quality management program developments and progress including: major findings such as water-quality improvements or degradation, major accomplishments, overall program strengths/weaknesses; and future direction of the program. The permittee shall state an overall assessment of the effectiveness of the SWQMP taking into account water quality/watershed improvements	III. A.1	The report must include the status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving your identified measurable goals for each of the minimum control measures in terms of reducing the discharge of pollutants from the MS4 to the maximum extent practicable and in terms of protecting water quality
III.A.1.b.	The annual report shall include at a minimum: An explanation of how the permittee evaluated the effectiveness of each of the program elements		
III.A.1.c.	The annual report shall include at a minimum: The status of the implementation and proposed changes to the stormwater quality management program including assessment of controls and specific improvements or degradation to water quality	III. A.3	The report must include a summary of the storm water activities you plan to undertake during the next reporting cycle
		III. A.4	The report must include a change in any identified best management practices or measurable goals for any of the minimum control measures
III.A.1.d.	The annual report shall include at a minimum: A summary of inspections and enforcement actions for regulatory programs		
III.A.1.e.	The annual report shall include at a minimum: The implementation status of the public education programs		
III.A.1.f.	The annual report shall include at a minimum: Any improvements in water quality due to watershed activities	III. A.2	The report must include results of information collected and analyzed, including monitoring data, if any, during the reporting period
		III. A.5	The report must include notice that you are relying on another governmental entity to satisfy some of your permit obligations (if applicable)
III.A.1.g.	The Annual Report shall be submitted to: Kentucky Division of Water Surface Water Permits Branch 200 Fair Oaks Lane, 4th Floor Frankfort, Kentucky 40601	III. A.	Department for Environmental Protection Division of Water KPDES Branch/Municipal Section 14 Reilly Road, Frankfort Office Park Frankfort, Kentucky 40601
III.A.2.	Records accumulated pursuant to this general permit shall be retained for no fewer than three years following the termination of this general permit.	III. A.	Other records shall be retained for at least three (3) years. You must submit your records to the NPDES permitting authority only when specifically asked to do so. You must make your records, including a description of your storm water management program, available to the public at reasonable times during regular business hours

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<p>III.B. Certification</p> <p>All applications or reports submitted to the Division of Water (DOW) shall be signed and certified pursuant to 401 KAR 5:060. Each report shall contain the following completed declaration:</p> <p>"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</p> <p>Executed on the day of __, month, year. (Signature)(Title)"</p>	
<p>III.C. Reopener Clause</p> <p>This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:085, if the effluent standard or limitation so issued or approved:</p> <p>III.C.1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit</p> <p>III.C.2. Controls any pollutant not limited in the permit</p> <p>The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable</p>	<p>II. Reopener Clause</p> <p>This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:080 and KRS 224, if the effluent standard or limitation so issued or approved:</p> <p>II.1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit</p> <p>II.2. Controls any pollutant not limited in the permit</p> <p>II.3. In addition to the minimum control measures based on an approved total maximum daily load (TMDL) or equivalent analysis that determines such limitations are needed to protect water quality</p> <p>The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable</p>
<p>Part IV. Standard Conditions for KPDES Permit</p> <p>The permittee is also advised that applicable KPDES permit conditions in KPDES regulation 401 KAR 5:065, Section 1, will apply to all discharges authorized by this permit.</p> <p>This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.</p>	<p>Part II. Standard Conditions for KPDES Permit</p> <p>This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies.</p> <p>It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.</p>