

STORMWATER CONTROL MEASURE REQUIREMENTS

FREQUENTLY ASKED QUESTIONS

What are stormwater control measures?

Stormwater control measures (SCMs) are techniques used for post-construction stormwater management to reduce the volume of stormwater runoff from impervious areas. They are designed for infiltration, retention, detention, and/or filtration of frequent rainfall runoff volumes. SCMs may also be known as post-construction best management practices or BMPs, permanent stormwater BMPs, stormwater treatment facilities or green infrastructure. SCMs incidentally improve water quality by filtering out pollutants from stormwater before the runoff enters our rivers, creeks, and streams.

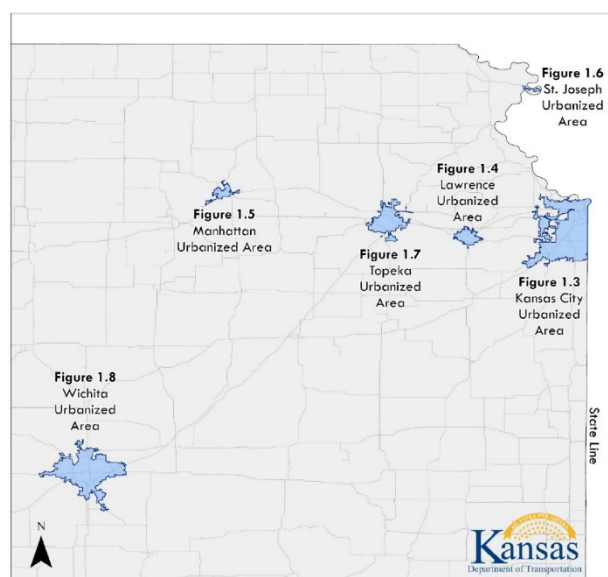
Why are stormwater control measures required?

The Environmental Protection Agency (EPA) requires public entities, including KDOT, to develop, implement, and maintain stormwater management programs. This requirement is enforced by issuing Municipal Separate Storm Sewer System (MS4) permits. The Kansas Department of Health and Environment (KDHE) is the permitting agency for all permittees in the state. They enforce this requirement and regulate permittees on behalf of the EPA. KDOT's Municipal Separate Storm Sewer (MS4) permit coverage area includes urban areas with a population of 50,000 people or more. Currently, this includes the metro areas of Kansas City, St. Joseph, Wichita, Manhattan, Lawrence, and Topeka.

The MS4 permit requires KDOT to develop and adopt a custom design manual that requires **the capture of at least the first 0.5 inches of precipitation** on the site and utilize methods to **prevent discharge off-site**, including but not limited to retain on-site, infiltrate, evaporate, transpire, or beneficially reuse (Lbmp P-C S M - 01). KDOT's Stormwater Control Measures Manual was written to meet requirement Lbmp P-C S M - 01. This manual became effective January 1, 2022 and must be used on applicable projects (see next question for applicability).

Where are stormwater control measures needed?

SCMs must be considered for **any** project within KDOT-owned right-of-way that disturbs one acre or greater of land during construction and is located within the MS4 coverage areas. The MS4 coverage areas were delineated by using the urbanized areas boundaries as defined in the 2010 U.S. Decennial Census. The map to the right is an excerpt from the Stormwater Control Measures Manual and delineates where SCMs must be considered. For exact extents within each MS4 coverage area, reference the figure numbers indicated in the map in the Stormwater Control Measures Manual.



Does long-term maintenance responsibility impact compliance with the Stormwater Control Measures Manual?

No. Any SCMs built on KDOT-owned right-of-way is subject to compliance with the Stormwater Control Measures Manual and the MS4 permit. The MS4 permit requires ongoing maintenance and inspection of constructed SCMs per Lbmp P-C S M - 03 and Lbmp P-C S M – 05, respectively. When maintenance responsibilities are turned over to a local jurisdiction, the jurisdiction must track inspection and maintenance activities and submit documentation to KDOT to verify that each has been performed.

What if it's not feasible to implement SCMs in a project?

The MS4 permit requires applicable projects to capture the first 0.5 inches of rain from 100% of the impervious area. If project or site conditions do not allow for 100% capture, a thorough due diligence analysis must be completed and documented explaining the challenges to implementing SCMs in the project and the reasons they are insurmountable. This due diligence analysis must be reviewed and approved by the MS4 Stormwater Program Manager for any portion of the project where stormwater runoff from impervious surfaces is not being captured by an SCM. This is for documentation purposes in the event that KDHE or the EPA were to audit KDOT's MS4 permit and find KDOT not in compliance due to SCMs not being implemented for any particular project.

Note that long-term maintenance is a key factor when considering appropriate SCMs for a project. KDOT's MS4 permit requires inspection and documentation of SCM maintenance. The need for long-term maintenance is not considered a justifiable reason to exclude SCMs from a project.

What are the penalties for not implementing SCMs in a project?

If the Stormwater Control Measures Manual is not used on applicable projects, or due diligence is not documented to demonstrate the effort to include SCMs in applicable projects, then KDOT is not complying with the MS4 permit. If KDHE or the EPA were to determine that KDOT is not in compliance, either through an audit or by reviewing KDOT's annual report, then KDOT may be subject to monetary fines and/or penalty for violating the Clean Water Act.

Resources

For any questions regarding SCM implementation, please contact:

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