Kansas Administrative Regulations

Department of Health and Environment

Article 16.—Water Pollution Control—Pretreatment.

28-16-95. Variances from categorical pretreatment standards for fundamentally different factors.

40 CFR § 403.13, as in effect on July 1, 1986, is adopted by reference, except that: (a) in lieu of § 403.13(b), the following shall apply: "(b) A fundamentally different factors variance may be requested under this section by any interested person believing that factors relating to an industrial user are fundamentally different from the factors considered during development of a categorical pretreatment standard applicable to that user and that the existence of those factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard. Such a variance request may be initiated by the secretary. A fundamentally different factors variance is not available for any toxic pollutant controlled in a categorical pretreatment standard; and"

(b) in lieu of § 403.13(c)(1)(ii), the following shall apply: "(ii) Factors relating to the discharge controlled by the categorical pretreatment standard are fundamentally different from the factors considered in establishing the standards; and."

(Authorized by and implementing K.S.A. 65-171d; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987.)

***** Authenticated Kansas Administrative Regulation *****