Kansas Administrative Regulations

Department of Health and Environment

Article 16.—Water Pollution Control—Pretreatment.

28-16-94. Reporting requirements for POTW's and industrial users.

(a) 40 CFR § 403.12, as in effect on July 1, 1986, is adopted by reference, except that:

(1) in lieu of § 403.12(b)(5)(vi) the following shall apply: "(vi) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136, as in effect on July 1, 1986. Where 40 CFR part 136 does not contain sampling and analytical techniques for the pollutant in question, or where the secretary determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or other appropriate sampling and analytical procedures approved by the secretary. Alternate sampling and analytical techniques suggested by the POTW or other persons will be considered by the secretary."

(2) in lieu of § 403.12(g) the following shall apply: "(g) Monitoring and analysis to demonstrate continued compliance. The reports required in paragraphs (b)(5), (d), and (e) of this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR part 136, as in effect on July 1, 1986. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the secretary determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or other sampling and analytical procedures approved by the secretary. Alternate sampling and analytical techniques suggested by the POTW or persons will be considered by the secretary."

(3) in lieu of § 403.12(k) the following shall apply: "(k) Penalties for providing false information. Any person who willfully provides false information on any report required by subsections (b), (d), (e), or (h) of 40 CFR § 403.12 shall be subject to the penalties imposed under K.S.A. 65-170c, K.S.A. 65-170d and K.S.A. 1985 Supp. 21-3805, and any amendments thereto."

(b) 40 CFR part 136, as in effect on July 1, 1986, is adopted by reference (see 49 FR 43234, 50 FR 690, and 51 FR 23692).

(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 *****