

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:	)	
	)	Docket No. CWA-07-2015-0073
CITY OF RUSSELL, KANSAS	)	
	)	FINDINGS OF VIOLATION AND
Respondent	)	ORDER FOR COMPLIANCE
	)	ON CONSENT
Proceedings under Section 309(g)	)	
of the Clean Water Act,	)	
33 U.S.C. § 1319(g)	)	
_____	)	

**Preliminary Statement**

1. This Administrative Order for Compliance on Consent (Order on Consent) is issued by the U.S. Environmental Protection Agency (EPA) pursuant to the authority vested in the Administrator of the EPA by Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)(3), as amended. This Authority has been delegated by the Administrator of the EPA to the Regional Administrator, EPA Region 7 and further delegated to the Director of Region 7's Water, Wetlands and Pesticides Division.

2. Respondent is the City of Russell, Kansas (City or Respondent), a municipality chartered under the laws of the state of Kansas (Kansas). Respondent is the owner and/or operator of a publicly owned treatment works (POTW), as defined by 40 C.F.R. § 403.3(q), located in Russell, Russell County, Kansas.

3. The EPA, together with the Respondent (hereafter collectively referred to as the "Parties") enter into this Section 309(a)(3) Order for the purpose of carrying out the goals of the CWA, 33 U.S.C. § 1251 *et seq.*, to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

4. It is the Parties' intent through entering into this Order to address alleged noncompliance by the Respondent in violation of its National Pollutant Discharge Elimination System (NPDES) permit. As set forth in this Order on Consent, the Parties have amicably reached agreement regarding the timeframes for the Respondent to attain compliance with the CWA and its NPDES permit.

5. By entering into this Order on Consent, Respondent (1) consents to and agrees not to contest the EPA's authority or jurisdiction to issue and enforce this Section 309(a) Order on Consent, (2) agrees to undertake all actions required by the terms and conditions of this Order on Consent, and (3) consents to be bound by the requirements set forth herein. Respondent also waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order on Consent, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

6. Respondent neither admits nor denies the factual allegations or legal conclusions asserted by the EPA set forth in this Order on Consent.

### **Statutory and Regulatory Framework**

7. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of "pollutants" from a "point source" into a "navigable water" of the United States, as these terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362, except in compliance with, *inter alia*, Section 402 of the CWA, 33 U.S.C. § 1342.

8. Section 402 of the CWA provides that pollutants may be discharged only in accordance with the terms of a NPDES permit issued pursuant to that Section. To implement Section 402 of the CWA, EPA promulgated regulations thereunder, including 40 CFR Part 122. Under 40 C.F.R. Part 122.1, a NPDES permit is required for the discharge of pollutants from any point source into waters of the United States.

9. The Kansas Department of Health and Environment (KDHE) is the state agency with the authority to administer the federal NPDES program in Kansas pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the implementing regulations, and a Memorandum of Agreement. The EPA maintains concurrent enforcement authority with authorized state programs for violations of the CWA.

10. Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), authorizes the EPA to issue administrative orders to require persons to take those actions necessary to comply with the requirements of the CWA.

### **EPA's General Allegations**

11. The City of Russell is a "person" for the purposes of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

12. As defined by 40 C.F.R. § 403.3(q), a POTW includes, but is not limited to, devices and systems for storage and treatment of municipal sewage and sewers, pipes, and other conveyances of water.

13. The City owns and operates a POTW that receives and treats wastewater from various domestic, commercial, and industrial processes. The POTW includes the following

treatment systems in order of hydraulic flow: 2 mechanical bar screens, 2 grit removal units, a Parshal flume, and influent lift station, 4-cell lagoon system with 4 solar-powered aerators on cell 1 with 1 aerator and a 3 level discharge structure at cell 5, chlorine injector equipment, and cascade aeration of effluent at outfall 001A1.

14. The City's POTW discharges into an unnamed tributary to Fossil Creek, which flows approximately 6 miles into the Smokey Hill River.

15. Fossil Creek and Smokey Hill River are each "navigable waters" and "waters of the United States" as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362 (7), and its implementing regulation at 40 C.F.R. § 122.2.

16. The effluent from the City's POTW is a "pollutant" as defined by Section 502(6) of the Act, 33 U.S.C. § 502(6).

17. Respondent's POTW is a "point source" that "discharges pollutants" into "navigable waters" of the United States, as those terms are defined by Section 502 of the CWA, 33 U.S.C., § 1362.

18. The City's discharge of pollutants from its POTW requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

19. The KDHE issued NPDES Permit No. M-SH31-002 (KS0091367) to the City for discharges from its POTW on May 20, 2009, with an expiration date of May 31, 2014 (hereafter "2009 Permit"). The NPDES Permit was reissued on June 1, 2014, with an expiration date of May 31, 2019 (hereafter "Current Permit").

20. The City's 2009 Permit and Current Permit authorize Respondent to discharge pollutants only from specified point sources.

21. The City's 2009 Permit and Current Permit set effluent limitations and monitoring requirements at Outfall 001A1 for pollutants, including but not limited to, Five-day Biological Oxygen Demand (BOD<sub>5</sub>), and Total Suspended Solids (TSS), and requires monitoring for these parameters as well as others at least once per month for BOD<sub>5</sub> and once per month for TSS. The permit also sets limitations for effluent flow and requires daily monitoring.

22. The City's 2009 Permit and Current Permit set effluent limitations and monitoring requirements at Monitoring Location 002A1 (identified as monitoring location 003A1 in the 2009 Permit and hereafter referred to only as (002A1) for pollutants Chlorine Residual and E. coli-Colonies and requires monitoring for these parameters at least once per week for Chlorine Residual and once per month for E. coli-Colonies.

23. On January 13-15, 2015, the EPA performed an inspection of the Respondent's POTW under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a). At the conclusion of the inspection, the City was issued a Notice of Potential Violation (NOPV)

indicating that the inspection found that the City had violated provisions of the NPDES permit. A copy of the inspection report was sent to the KDHE and the City on or about May 11, 2015.

24. During the EPA Inspection, the inspector collected wastewater samples from the POTW, reviewed the City's records related to the NPDES permit, interviewed City personnel, and observed the POTW and the receiving stream to which it discharges.

25. By letter dated January 23, 2015, the City provided additional information to the EPA inspector regarding the matters identified in the NOPV. The City's letter indicated that the causes of some of the violations had been identified and that the City was in the process of correcting these and other noted violations.

### **EPA's Allegations of Violation**

#### **Effluent Limit Violations**

26. The facts stated in Paragraphs 11-25 above are herein incorporated.

27. Based on observations documented during the EPA inspection, review of information provided by the City in response to EPA's NOPV, and review of other information reported by the City pursuant to the terms of its Permit, EPA finds that the City violated the effluent limitations set forth in its 2009 Permit and Current Permit for BOD<sub>5</sub> and TSS on the following occasions.

<b><u>Date</u></b>	<b><u>Parameter</u></b>	<b><u>Outfall</u></b>	<b><u>Permit Limit</u></b>	<b><u>Monitored Value (mg/L)</u></b>	<b><u>Monitored Percent Exceedance</u></b>
October 2011	TSS	001A1	80	85	6.25%
October 2012	TSS	001A1	80	108	35.00%
November 2012	TSS	001A1	80	113	41.25%
December 2012	TSS	001A1	80	103	28.75%
January 2013	TSS	001A1	80	85	6.25%
April 2013	BOD <sub>5</sub>	001A1	30	32.7	9%
May 2013	BOD <sub>5</sub>	001A1	30	57.7	92.33%
November 2013	BOD <sub>5</sub>	001A1	30	43.5	45.0%
November 2013	TSS	001A1	80	82.5	3.13%
December 2013	BOD <sub>5</sub>	001A1	30	30.45	1.5%
July 2014	TSS	001A1	80	91.5	14.5%
September 2014	BOD <sub>5</sub>	001A1	30	31.3	4.33%
May 2015	BOD <sub>5</sub>	001A1	30	43.8	46%
June 2015	BOD <sub>5</sub>	001A1	30	33.9	13%
July 2015	BOD <sub>5</sub>	001A1	30	30.4	1%

28. The EPA inspector identified the noncompliance seen in the facility's Discharge Monitoring Reports (DMR). The EPA inspector issued an NOPV for the violations of the effluent limits.

29. EPA finds that each of Respondent's violations, as described above, are violations of the terms and conditions of its NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. §1342, and implementing regulations and as such, is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

### **Compliance Schedule Violations**

30. The Schedule of Compliance stipulated within the Current Permit issued to the City of Russell requires the City to install an effluent flow meter within 2 months after the effective date of the permit, May 13, 2014. The installation of the flow meter should have occurred on or about July 13, 2014.

31. At the time of the January 13-15, 2015, EPA Inspection, the EPA inspector noted that the City had not installed the flow meter as required and issued the facility an NOPV for the violation.

32. Respondent's violations of the terms and conditions of its NPDES permit, as described above, are violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and implementing regulations.

33. On August 17, 2015, EPA met with the Respondent. The Respondent submitted information to EPA identifying that the effluent meter was installed on March 25, 2015.

### **Influent Sampling Violations**

34. The Standard Condition 1.A. of the 2009 Permit and Current Permit require the Respondent to submit influent flow samples that are "representative of quality and quantity of the monitored discharge."

35. At the time of the January 13-15, 2015, EPA Inspection, the EPA inspector noted that the City of Russell's influent flow and concentration data is not representative of the quality and quantity of the monitored discharge. The influent flow to the POTW is measured at two locations: the POTW headworks and the wheat gluten plant. The flow at the wheat gluten plant is measured by White Energy, L.L.C. and reported to the City. The City then adds the White Energy data to the influent data obtained from the POTW headworks.

36. The City has not inspected, reviewed or verified the monitoring procedures, sampling equipment used by or the reported data from White Energy.

37. The City does not accurately measure the wastewater stream from White Energy because the City does not properly flow-weight the data received from White Energy before adding it to the influent data from the POTW headworks.

38. The City has not verified the ratio of the BOD collected at the POTW headworks to the Carbonaceous Oxygen Demand reported by White Energy when combining the data.

39. The failure to undertake these actions may result in flow samples and reported data that are not representative of the quality and quantity of the monitored discharge.

40. The EPA inspector issued an NOPV for the violation at the conclusion of the EPA field inspection on January 15, 2015.

41. Respondent's violations of the terms and conditions of its NPDES permit, as described above, are violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and implementing regulations.

42. On August 17, 2015, EPA met with the Respondent. The Respondent submitted information detailing the steps taken to address the violation. The Respondent did not submit information identifying the results of sampling the Respondent has completed.

#### **Influent Flow Meter Operation and Maintenance Violations**

43. The Standard Condition 6, Facility Operation, of the 2009 Permit and Current Permit require the Respondent to operate and maintain their facility so that "all facilities and systems of treatment and control ... achieve compliance with the requirements of this permit and Kansas and federal law."

44. At the time of the January 13-15, 2015, EPA Inspection, the EPA inspector noted that the facility does not maintain or calibrate their influent flow monitor for the lagoon.

45. The EPA inspector issued an NOPV for the violation at the conclusion of the EPA field inspection on January 15, 2015.

46. Respondent's violations of the terms and conditions of its NPDES permit, as described above, are violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and implementing regulations.

47. On August 17, 2015, EPA met with the Respondent. The Respondent submitted information to EPA identifying that the influent meter is operable. However, the meter has not yet been calibrated.

#### **Monitoring Violations**

48. The City's NPDES permit authorizes the City to discharge from the wastewater treatment facility in accordance with the effluent limitations and monitoring requirements set

forth in the permit. The City's NPDES permit contains monitoring requirements for monitoring location 002A1.

49. At the time of the January 13-15, 2015, EPA Inspection, the EPA inspector noted that the facility did not perform the required monitoring at location 002A1 for the months of March, November, and December 2012.

50. The EPA inspector issued an NOPV for the violation at the conclusion of the EPA field inspection on January 15, 2015.

51. Respondent's violations of the terms and conditions of its NPDES permit, as described above, are violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and implementing regulations.

#### **Failure to Report**

52. The Standard Condition 4, Test Procedures, of the City 2009 Permit and Current Permit requires the Respondent to sample discharges from monitoring location 001A1.

53. At the time of the January 13-15, 2015, EPA Inspection, the EPA inspector noted that the facility performed additional sample analysis yet did not report the sample results. The initial submission of these DMRs, the facility reported to KDHE that it was in compliance with the permit effluent limits. In the instances of January 2013, December 2013, and July 2014, the unreported sample resulted in the facility being out of compliance.

54. The EPA inspector issued an NOPV for the violation at the conclusion of the EPA field inspection on January 15, 2015.

55. Respondent's violations of the terms and conditions of its NPDES permit, as described above, are violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and implementing regulations.

#### **Reasonable Time to Achieve Compliance**

56. Pursuant to Section 309(a)(5)(A) of the CWA, 33 U.S.C. § 1319(a)(5)(A), and having taken into account the seriousness of the alleged violations, the EPA finds that thirty (30) calendar days is a reasonable time for Respondent to complete the work necessary to evaluate and assess the effluent violations and comply with the applicable terms and conditions of its Permit.

#### **Order for Compliance**

57. Although the Respondent has started the process of addressing the violations identified in the foregoing Findings of Violation, the Respondent has not yet demonstrated that the facility is in compliance with the Clean Water Act.



58. Therefore, based on the foregoing Allegations of Violation, and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), Respondent is hereby ORDERED AS FOLLOWS:

59. Within thirty (30) calendar days of receipt of this Order, Respondent shall provide the EPA with a written Compliance Report (Report), for review, describing in detail how Respondent will achieve compliance with all permit requirements as described in the violations noted herein and come into compliance with 40 C.F.R. Part 403. At a minimum, the Report shall include:

- a) A description of any process changes Respondent proposes to undertake at the facility to ensure that the effluent discharges from outfall 001A1 and monitoring location 002A1 will be in compliance;
- b) A description of wastewater treatment modifications Respondent proposes to undertake at the facility;
- c) A schedule for implementation of the proposed action(s); and
- d) Submission of cost information relating to any proposed action.

60. Within thirty (30) calendar days of receipt of this Order, Respondent shall provide the EPA a Sampling Plan (Plan) which must describe in detail how the City of Russell will meet the requirements detailed in Attachment.

61. The City shall at all times comply with requirements established by the state of Kansas regarding the repair, construction, and operation of facilities associated with the City's POTW, including, but not limited to, any requirements for work to be performed by certified or licensed professional engineers, submission and approval of plans and specifications, and construction and operation permitting. In developing plans and schedules required by this Order, the City shall allocate adequate time and resources to comply with applicable state requirements.

#### **Submissions**

62. *Reporting to EPA and KDHE:* In addition to the submittals required by Paragraphs 59 and 60 above, the City shall submit to EPA, with a copy to KDHE, quarterly reports describing the actions the City has taken to comply with the terms of this Order. These quarterly reports are due January 15, April 15, July 15, and October 15 until termination of this Order pursuant to Paragraph 74 below. The first report shall be submitted by April 15, 2016. The City's quarterly reports shall include, at a minimum:

- a) A listing of Permit violations, if any, that occurred during the reporting period and a description of actions taken by the City to mitigate and minimize or prevent future recurrences of such violations;



- b) A detailed update on the progress of the work required by this Order, including a description of activities completed and milestones met during the reporting period, a description of actions scheduled for the next reporting period, and a statement regarding any challenges encountered and/or expected with respect to completion of the work required by this Order; and
- c) A copy of that reporting period's signed Discharge Monitoring Reports. The City shall submit DMRs to KDHE as required by its NPDES permit.

63. All submissions by Respondent to EPA pursuant to the requirements of this Order shall contain the following certification signed by an authorized official, as described at 40 C.F.R. § 122.22:

*I certify that the City of Russell has complied with all the applicable requirements of the Order for Compliance on Consent. I also 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.*

64. All documents required to be submitted to EPA by this Order, shall be submitted by mail to:

Seth Draper, or his successor  
Compliance Officer  
Water, Wetlands and Pesticides Division  
U.S. Environmental Protection Agency - Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

65. A copy of documents required to be submitted to KDHE by this Order, shall be submitted by mail to:

Shelly Shores-Miller  
Kansas Department of Health and Environment – Bureau of Water  
1000 SW Jackson Street, Suite 420  
Topeka, Kansas 66612-1367

### **General Provisions**

66. Failure to comply with the terms of the Section 309(a)(3) Compliance Order may result in liability for statutory civil penalties under Section 309(d) of the Act, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Should EPA commence an action seeking penalties for violations of this Compliance Order, a United States District Court may impose civil penalties if the court determines that you have violated the Act and failed to comply with the terms of the Order.

### **Reservation of Rights**

67. This Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 *et seq.*, all of which remain in full force and effect. EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d) or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order. EPA reserves the right to enforce the terms of this Order by initiating a judicial or administrative action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

68. With respect to matters not addressed in this Order, EPA reserves the right to take any enforcement action pursuant to the CWA, or any other available legal authority, including without limitation, the right to seek injunctive relief, monetary penalties and/or other legal remedies allowed by law.

69. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

### **Access and Requests for Information**

70. Nothing in this Order shall limit EPA's right to obtain access to, and/or to inspect Respondent's facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318, and/or any other authority.

### **Severability**

71. If any provision or authority of this Order, or the application of this Order to Respondent, is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

### **Modification**

72. Upon written request by Respondent, at EPA's sole discretion, extensions of the compliance schedule/deadlines required by this Order may be granted by EPA upon written

notice to Respondent, without further formal amendment to the Order. All other modifications to this Order may only be made by mutual agreement of the Parties, pursuant to a written amendment signed by each Party.

#### **Effective Date**

73. This Order shall be effective upon the date of signature by EPA. All time periods herein shall be calculated therefrom unless otherwise provided in this Order.

#### **Termination**

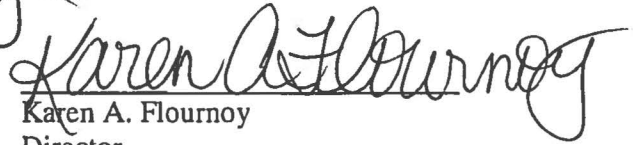
74. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of EPA.

#### **Signatories**

75. The undersigned for each party has the authority to bind each respective Party to the terms and conditions of this Order. The Order may be signed in part and counterpart by each Party.

**For the Complainant, U.S. Environmental Protection Agency - Region 7:**

Issued this 7<sup>th</sup> day of July, 2016.

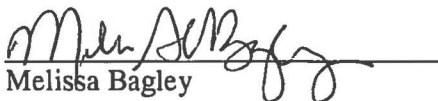


Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

U.S. Environmental Protection Agency – Region 7



Melissa Bagley

Associate Regional Counsel

U.S. Environmental Protection Agency

Region 7

**For the Respondent, City of Russell, Kansas:**

5-17-16  
Date

  
Signature

RAYMOND C. MADER  
Name

MAYOR  
Title

**CERTIFICATE OF SERVICE**

I hereby certify that on the date noted below, I hand-delivered the Findings of Violation with the Regional Docket Clerk of the U.S. Environmental Protection Agency - Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

I further certify that on the date noted below I sent by certified mail, return receipt requested, a true and correct copy of the signed original Findings of Violation and Order for Compliance to:

The Honorable Raymond (Curt) Mader  
Mayor of Russell  
133 West 8<sup>th</sup> Street  
Russell, Kansas 67665-0112

I further certify that on the date noted below I sent by first class mail a true and correct copy of the signed original Findings of Violation and Order for Compliance to:

Shelly Shores-Miller  
KDHE – Bureau of Water  
1000 SW Jackson Street, Suite 420  
Topeka, Kansas 66612-1367  
Phone: (785) 296-2856  
FAX: (785) 296-0086  
[sshoresm@kdheks.gov](mailto:sshoresm@kdheks.gov)

7-11-2016  
Date

  
Signature

### **Attachment #1**

- a) The Plan shall be conducted for the next 180 days or longer if deemed necessary by EPA. The completed sampling shall be postmarked to EPA and KDHE on the 28<sup>th</sup> day of each month;
- b) Respondent shall continue submitting monthly sampling reports to the EPA and KDHE until otherwise notified by the EPA.;
- c) The Plan must be submitted to the EPA and KDHE, for the EPA's review, reporting the representative sampling of Respondent's influent to the POTW received at 001AG. The Plan shall describe the protocol used to accurately sample for influent BOD and the POTW's primary cell DO concentrations. Compliance monitoring for the EPA Order must be completed in the first two weeks of the monitoring month. The Order monitoring must be completed using a 24-hour composite sampling for compliance with the EPA Order. The KDHE compliance monitoring must be completed during the last two weeks of the monitoring month. This compliance monitoring must be completed as specified within the KDHE permit;
- d) The Plan must describe the methods used by the City of Russell to determine influent and effluent flow volume. The Plan must describe the location of the flow measurement device, the calibration techniques used, recording methods, and any other pertinent information;
- e) The Plan must identify all industrial sources, including but not limited to White Energy, L.L.C., and Land O'Lakes, Inc., discharging to the POTW. The City of Russell must sample and analyze the discharges emanating from each industrial source. The sampling parameters for these facilities should at least be sampled for BOD (5-day), TSS, DO, pH, Oil and Grease, flow, and any other parameters, such as color or odor of wastewater, which could be present in their wastewater discharges to the City of Russell WWTP;
- f) The City must sample the effluent from the POTW if the POTW is discharging for the Parameters as specified in KDHE permit KS-0091367. Sampling will occur at the outfall 001A1 and outfall 002A1. Compliance monitoring for the EPA Order must be completed in the first two weeks of the monitoring month. The EPA Order monitoring must be completed using a 24-hour composite sampling for compliance with the EPA Order. The KDHE compliance monitoring must be completed during the last two weeks of the monitoring month. This compliance monitoring must be completed as specified within the KDHE permit;;
- g) The Plan shall specify individuals who will be handling samples and what training these individuals have received, to ensure that proper sampling and preservation techniques are used. If a certified lab is used for sample analysis, the name, address, an example chain of custody sheet, and any other pertinent information



must be included in the Sampling Plan. The Sampling Plan must specify the location of sampling, consistent with the sampling location requirement of City of Russell's KDHE permit; and,

- h) The Plan must ensure that sampling will be conducted in accordance with 40 CFR part 136. All composite samples will need to be collected, stored at or below 6°C. All samples must describe details regarding the sampling location, aliquot frequency, sample type, flow measurement method, analysis method, sample numbering scheme, proper preservation techniques, and proper collection bottles which are required for all samples. Samples must not be frozen during either collection or shipment.