



Wastewater Laboratory Certification

Sept. 7, 2013



401 KAR 5:320 establishes the wastewater laboratory certification program, which includes standards for the certification of wastewater laboratories. The purpose of this regulation is the evaluation of wastewater laboratories conducting Kentucky Pollutant Discharge Elimination System (KPDES) compliance sample analyses.

The Kentucky General Assembly adopted KRS 224.10-670 during the 2011 regular session to create a certification program and standards for laboratories conducting analysis of wastewater for KPDES program purposes. The Cabinet subsequently promulgated a regulation (401 KAR 5:320) that establishes the wastewater laboratory certification program, standards for the certification of wastewater labs, and certification fees.

The objective of the wastewater laboratory certification program is to ensure the quality and integrity of KPDES compliance data.

Frequently Asked Questions Wastewater Laboratory Certification

Why did Kentucky's Department for Environmental Protection create the Wastewater Laboratory Certification program?

Based upon laboratory investigations conducted by the Cabinet,

some wastewater monitoring and testing services have inadequate quality control and quality assurance procedures. This has been in part, due to a lack of clear regulatory standards for wastewater laboratories. Partly as a result of these findings, the Kentucky General Assembly adopted legislation during the 2011 regular session to create standards and a certification program for all laboratories conducting wastewater analysis for the KPDES program. The legislation was codified at KRS 224.10-670 and became effective June 8, 2011. This program establishes standards for the certification of wastewater laboratories. The objective of the wastewater laboratory certification program is to ensure the integrity of KPDES compliance data.

Are the requirements of the Wastewater Laboratory Certification program more stringent than the current requirements?

The requirements for the Wastewater Laboratory Certification program are not more stringent; however, the requirements are more specific to resolve any uncertainty and ensure quality control in order to comply with requirements already established in 33 U.S.C. 1342 and 40 CFR 136.

Who needs to be certified?

Any “general” wastewater laboratory or “field-only” wastewater laboratory that performs an analysis, measurement, or laboratory test for activities subject to 33 U.S.C. 1342 will be required to be certified. 33 U.S.C. 1342 is applicable to any facility that performs analysis or generates data that is reported on a KPDES Discharge Monitoring Report (DMR).

Do KPDES pretreatment programs have to utilize a certified lab?

Analyses conducted by KPDES pretreatment programs are not required to be conducted by a lab certified in accordance with 401 KAR 5:320. However, because pretreatment requirements are established by the utility receiving the wastewater discharge, local utilities may choose to require the use of a certified laboratory for analysis of pretreatment samples. Contact your utility pretreatment coordinator for more information regarding local requirements.

What is the difference between a “general” wastewater laboratory and a “field-only” wastewater laboratory?

A “general” wastewater laboratory performs at least one additional analysis type other than what is required in a field analysis. A general wastewater laboratory may also perform field analyses. A “field-only” wastewater laboratory analyzes only the following parameters: dissolved oxygen, residual chlorine, pH, temperature, conductivity and turbidity using field measurement techniques. The analyses may take place outdoors, in an on-site room used as a laboratory, or in an off-site laboratory.

Will there be training provided on how to become certified?

The Division of Water (DOW) will be providing training on what is needed to become certified. DOW has been in communication with Division of Compliance Assistance (DCA) as well as private entities to

discuss opportunities to share information and provide training for the regulated community. For more information on upcoming training, please send an email to dowlabcertification@ky.gov.

Will DOW be providing any “tools” to help with certification?

The DOW has several “tools” currently in place and in development. Current tools include worksheets to calculate Method Detection Limits (MDLs) and Initial Demonstration of Capabilities (IDCs). Tools in development include Quality Assurance Plan (QAP) and Standard Operating Procedures (SOP) templates. These tools can be found at:

<http://water.ky.gov/permitting/Pages/WasteWaterCertification.aspx>

How do I apply for certification?

Apply for certification by completing the KWLCPP FORM APP that is incorporated by reference in 401 KAR 5:320 and submit to DOW. Attach all the information required on the form and submit the required fees. The KWLCPP FORM APP form can be found at:

<http://water.ky.gov/permitting/Pages/WasteWaterCertification.aspx>

How soon can I apply for certification?

DOW will begin accepting applications Sept. 7, 2013.

What is the deadline to become certified?

General wastewater laboratories must be certified by Jan. 1, 2015. Field-only wastewater laboratories must be certified by Jan. 1, 2016. KPDES compliance data submitted after those dates must be performed by a laboratory certified in accordance with 401 KAR 5:320 to be considered valid by DOW.

What is the latest I can apply and be certified before the deadline?

DOW recommends that general wastewater laboratories apply prior to Oct. 1, 2014, and field-only wastewater laboratories apply prior to Oct. 1, 2015, in order to prevent a lapse in analysis capability. Caution: the submittal of the certification application by the recommended dates does not guarantee certification by the established deadlines. Laboratories seeking certification should submit their application package as soon as possible to allow sufficient time to identify and correct deficiencies prior to the respective deadlines for compliance.

How will I know what my certification fee will be?

The application, KWLCPP FORM APP, contains a fee calculation portion. Simply select the administration fee, add all applicable category fees, and subtract the highest applicable administration and category fees discounts to determine the fee. See 401 KAR 5:320 Section 8 for more details.

How do I pay my certification fee?

Fees are paid annually and must be made payable to the Kentucky State Treasurer.

- Checks may be sent to:
Kentucky Division of Water
Attn: Laboratory Certification
200 Fair Oaks Lane, 4th Floor
Frankfort, KY 40601
- When available, electronic payments can be made via the Cabinet's website:

<http://water.ky.gov/permitting/Pages/WasteWaterCertification.aspx>

What is the deadline for renewal of certification?

General wastewater laboratories renew in even years and field-only wastewater laboratories renew in odd years. Deadline for renewal is Nov. 15 during the final year of certification.

Who is exempt from fees?

A municipality that performs only field analyses and limits these field analyses to the municipality's permitted facilities is exempt from the administrative and category fees.

What is the difference in the levels of certification and how do they affect my ability to perform analysis?

- Interim certification is a certification based on a paperwork review by the Cabinet and will be issued for initial certification for the method-analyte pairs for which the laboratory applied. This certification will allow the laboratory to analyze wastewater compliance samples and submit compliance data for all approved method-analyte pairs.
- Full certification will be issued to a laboratory with interim certification that has successfully completed an on-site audit. Full certification will allow the laboratory to analyze compliance samples and submit compliance data for all approved method-analyte pairs.
- Provisional certification is the result of a downgrade of certification due to significant compliance issues. A laboratory with provisional certification status has 30 days to correct significant deficiencies or its certification may be revoked. This provisional certification allows a laboratory to analyze compliance samples and submit compliance data for all approved method-analyte pairs. However, a laboratory with provisional certification must document that it has notified its clients of its provisional certification status.
- Certification Revocation – Certification may be revoked for specific method-analyte pairs because of a failure of the certified laboratory to address significant deficiencies. If the certification has been revoked, the laboratory may not perform analysis for purposes of KPDES compliance for those method-analyte pairs for which the revocation is effective.

What is equivalency certification?

Equivalency certification applies to any laboratory that holds a current certification from a certifying authority whose program is comparable to Kentucky's minimum certification requirements.

Who determines whether another certification program is equivalent to the Kentucky Wastewater Program Certification?

The DOW will determine if another certification program is equivalent based on information submitted at the time of application. If there is insufficient information in the application for DOW to make that determination, additional information may be requested in order to make the final determination.

Does a DMR-QA substitute the proficiency test (PT) study required for certification?

The DMR-QA is an acceptable PT study. Contact your DMR-QA provider and request that Kentucky's laboratory certification program be added as a recipient of the evaluated study results.

What if my laboratory is out of state and does not hold a certification or is otherwise ineligible for equivalency certification?

DOW will provide certification for those laboratories provided they submit the appropriate information; an out-of-state laboratory must bear the cost of any certification audit in accordance with 401 KAR 5:320 Section 10.

How often will on-site audits occur?

Most laboratories will be audited one time every five years. DOW may conduct more frequent audits, if needed, and may extend an audit beyond five years, if appropriate. Field-only laboratories will receive an initial audit for certification. However, subsequent reviews of "field-only" laboratories will be performed during the course of their routine compliance inspections. If the compliance inspector identifies deviations/concerns during the course of the inspection, the inspector may request an audit of the "field-only" laboratory.

What happens when a laboratory is cited for a deviation in an on-site audit?

The laboratory has 30 days, from receipt of notice, to adequately address the deficiency. If the deviation is significant, DOW may choose to downgrade the certification to provisionally certified for that method-analyte pair. If the deviation results in unreliable data, DOW may choose to revoke certification for that method-analyte pair.

How long do I have to keep my records and can they be kept electronically?

Records must be kept for five years or until the next on-site audit, whichever is longer. Records may be kept electronically; however, Kentucky recommends having off-site back up of electronic records.

How will I receive follow-up information pertaining to the wastewater laboratory certification program?

DOW and DCA will be issuing statements on their individual blogs as well as publishing articles in the *Land, Air, and Water*, the magazine published quarterly by the Cabinet. The DEP blog can be found at <http://kydep.wordpress.com/> and the DCA blog at <http://kyocp.wordpress.com/>. To be added to the distribution list, please send an email request to dowlabcertification@ky.gov.

Who do I contact with questions?

Contact:

Frank Hall at 502-564-3410, Ext. 4959 frank.hall@ky.gov

Patrick Garrity at 502-564-3410, Ext. 4968 patrick.garrity@ky.gov; or

email: DOWLabCertification@ky.gov