

CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: _____
 DATE OF REVIEW: _____

Note: Several changes to the National Pretreatment Regulations made as a result of the Streamlining Rule are more stringent than the previous Federal requirements and therefore are considered required modifications for the POTW. Therefore, to the extent that existing POTW legal authorities are inconsistent with these required changes, they must be revised. Where local authorities are already consistent with these required provisions, further changes are not necessary.

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
A. Definitions [403.3 & 403.8(f)(2)]							
1. Act, Clean Water Act	403.3(b)	§ 1.4 A					
2. Authorized or Duly Authorized Representative of the User	403.12(l)	§ 1.4 C					
3. Best Management Practices or BMPs	403.3(e)	§ 1.4 E					
4. Categorical Pretreatment Standard or Categorical Standard		§ 1.4 F					
5. Indirect Discharge or Discharge	403.3(i)	§ 1.4 M					
6. Industrial User (or equivalent)	403.3(j)	§ 1.4 LL					
7. Interference	403.3(k)	§ 1.4 O					
8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	§ 1.4 BB					
9. New Source	403.3(m)	§ 1.4 T					
10. Pass Through	403.3(p)	§ 1.4 V					
11. Pretreatment Requirement	403.3(t)	§ 1.4 AA					
12. Publicly Owned Treatment Works or POTW	403.3(q)	§ 1.4 DD					
13. Significant Industrial User <i>[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]</i>	403.3(v)	§ 1.4 GG					
14. Significant Noncompliance	403.8(f)(2)(vii)	§ 9 (A-H)					

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15. Slug Load or Slug Discharge	403.8(f)(2)(vi)	§ 1.4 HH					
16. Other definitions based on terms used in the POTW Ordinance							
B. National Pretreatment Standards – Prohibited Discharges							
1. General Prohibitions							
a. Interference	403.5(a)	§ 2.1A					
b. Pass Through	403.5(a)	§ 2.1A					
2. Specific Prohibitions [403.5(b)]							
a. Fire/Explosion Hazard (60° C or 140° F flashpoint)	403.5(b)(1)	§ 2.1B(1)					
b. pH/Corrosion	403.5(b)(2)	§ 2.1B(2)					
c. Solid or Viscous/Obstruction	403.5(b)(3)	§ 2.1B(3)					
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	§ 2.1B(4)					
e. Heat; exceeds 40° C (104°F)	403.5(b)(5)	§ 2.1B(5)					
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	§ 2.1B(6)					
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	§ 2.1B(7)					
h. Trucked/Hauled Waste	403.5(b)(8)	§ 2.1B(8)					

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			NONE	REQ	REC		
3. National Categorical Standards	403.8(f)(1)(ii)	§ 2.2					
4. Local Limits Development <i>[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]</i>	403.5(c) & (d)	§ 2.4					
5. Prohibition Against Dilution as Treatment	403.6(d)	§ 2.6					
6. Best Management Practices Development <i>[NOTE: Optional streamlining provision.]</i>	403.5(c)(4)	§ 2.4C					
C. Control Discharges to POTW System							
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2					
2. Individual Control Mechanism (e.g., permit) to ensure compliance - <i>Permit Content</i>	403.8(f)(1)(iii)	§ 4.2					
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)					
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§5.2A(2)					
c. Effluent Limits	403.8(f)(1)(B)(3)	§ 5.2A(3)					

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d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C).]</i>	403.8(f)(1)(B) (3)	§ 5.2A(3)					
e. Self-Monitoring Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)					
f. Reporting & Notification Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)					
g. Recordkeeping Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)					
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>	403.8(f)(1)(B) (4) & 403.12(e) (2)	§ 5.2A(5)					
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B) (5)	§ 5.2A(7)					
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]</i>	403.8(f)(1)(B) (6)	§ 5.2A(8)					

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k. Specific waived pollutant <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>	403.8(f)(1)(B) (4)	§ 5.2A(9)					
l. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>		§§ 5.3 & 5.7					
m. Permit Modification <i>[Note: Optional permit provision]</i>		§ 5.4					
n. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>		§§ 5.6 & 10.8					
o. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>		§ 3.1					
p. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>		§ 10.7					
q. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>							
3. General Control Mechanism to ensure compliance <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]</i> - Permit Content	403.8(f)(1)(iii) (A)	§ 4.2 & 4.6					
a. Statement of Duration	403.8(f)(1)(B) (1)	§§ 5.1 & 5.2A(1)					
b. Statement of Nontransferability	403.8(f)(1)(B) (2)	§ 5.2A(2)					

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c. Effluent Limits	403.8(f)(1)(B) (3)	§ 5.2A(3)					
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4C).]</i>	403.8(f)(1)(B) (3)	§ 5.2A(3)					
e. Self-Monitoring Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)					
f. Reporting & Notification Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)					
g. Recordkeeping Requirements	403.8(f)(1)(B) (4)	§ 5.2A(4)					
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]</i>	403.8(f)(1)(B) (4) & 403.12(e) (2)	§ 5.2A(5)					
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B) (5)	§ 5.2A(7)					

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]</i>	403.8(f)(1)(B)(6)	§ 5.2A(8)					
k. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>		§§ 5.3 & 5.7					
l. Permit Modification <i>[Note: Optional permit provision]</i>		§ 5.4					
m. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>		§§ 5.6 & 10.8					
n. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>		§ 3.1					
o. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>		§ 10.7					
p. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>							
D. Required Reports							
1. Develop compliance schedule for installation of technology	403.8(f)(1)(iv)	§§ 5.2b(2) & 10.4					

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			NONE	REQ	REC		
2. Reporting Requirements [403.12] <i>Types of Reports</i>							
a. Baseline monitoring report	403.12(b)	§ 6.1					
(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a					
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)					
(iii) Description of operations	403.12(b)(3)	§§ 6.1B(1) & 4.5A(3)a					
(iv) Flow measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)					
(v) Measurement of pollutants	403.12(b)(5)	§ 6.1B(2)					
(vi) Certification	403.12(b)(6)	§ 6.1B(3)					
(vii) Compliance schedule	403.12(b)(7)	§ 6.1B(4)					
b. Compliance schedule progress report	403.12(c)	§ 6.2					
c. Report on compliance with categorical Pretreatment Standard deadline	403.12(d)	§ 6.3					
d. Periodic reports on continued compliance							
- From categorical users	403.12(e)	§ 6.4A					
- From significant non-categorical users	403.12(h)	§ 6.4A					
e. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)	§ 6.6					

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f. Notification of changes affecting potential for a slug discharge <i>[NOTE: Required streamlining revision]</i>	403.8(f)(2)(vi)	§ § 6.5 & 6.6					
g. Notice of violation/sampling requirement <i>[NOTE: Required streamlining revision.]</i>	403.12(g)(2)	§ 6.8					
h. Requirement to conduct representative sampling	403.12(g)(3)	§ 6.4E					
i. Notification of changed discharge	403.12(j)	§ 6.5					
j. Notification of discharge of hazardous waste	403.12(p)	§ 6.9					
<i>Other Reporting Requirements</i>							
k. Data accuracy certification & authorized signatory	403.6(a)(2)(ii) & 403.12(l)	§§ 6.4D & 6.14					
l. Recordkeeping Requirement (3 years or longer)	403.12(o)	§ 6.13					
- Including documentation associated with Best Management Practices <i>[NOTE: Required streamlining provision.]</i>	403.12(o)	§ 6.13					
m. Submission of all monitoring data <i>[NOTE: Required streamlining revision]</i>	403.12(g)(6)	§ 6.4F					
n. Annual certification by Non-significant categorical Industrial Users <i>[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]</i>	403.3(v)(2)	§§ 4.7C & 6.14B					

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
o. Certification of pollutant not present <i>[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]</i>	403.12(e)(2)(v)	§ 6.14C					
E. Test Procedures [40 CFR Part 136 & 403.12(g)]							
1. Analytical procedures (40 CFR Part 136) <i>[NOTE: Required streamlining provisions]</i>	403.12(g)	§ 6.10					
2. Sample collection procedures <i>[NOTE: Required streamlining provisions]</i>	403.12(g)(3) & (4)	§ 6.11					
F. Inspection and Monitoring Procedures [403.8(f)]							
1. Right to enter all parts of the facility at reasonable times	403.8(f)(1)(v)	§ 7.1					
2. Right to inspect generally for compliance	403.8(f)(1)(v)	§ 7.1					
3. Right to take independent samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)	§ 7.1					
4. Right to require installation of monitoring Equipment	403.8(f)(1)(iv)	§ 7.1					
5. Right to inspect and copy records	403.12(o)(2)	§ 7.1					
G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]							
1. Non-emergency response							
a. Injunctive relief	403.8(f)(1)(vi)	§ 11.1					
b. Civil/Criminal penalties	403.8(f)(1)(vi)	§§ 11.2 & 11.3					

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			NONE	REQ	REC		
2. Emergency response							
a. Immediately halt actual/threatened discharged	403.8(f)(1)(vi) (B)	§ 10.7					
3. Legal authority to enforce Enforcement Response Plan	403.8(f)(1)(vi)	§ 11.4					
H. Public Participation							
1. Publish list of Industrial Users in Significant Noncompliance [NOTE: Required streamlining revision]	403.8(f)(2)(viii)	§ 9					
2. Access to data [403.8(f)(1)(vii) & 403.14]							
a. Government	403.14(a) & (c)	§ 8					
b. Public	403.14(b)	§ 8					
I. Optional Provisions							
1. Net/Gross adjustments [streamlining provision]	403.15	§ 2.2 D					
2. Equivalent mass limits for concentration Limits [streamlining provision]	403.6(c)	§ 2.2 E					
3. Equivalent concentration limits for mass limits [streamlining provision]	403.6(c)	§ 2.2 F					
4. Upset Notification	403.16	§ 13.1					
5. Waive monitoring for pollutant not present or expected to the present [streamlining provision]	403.12(e)(2)	§ 6.4B					
6. Reduce periodic compliance reporting [streamlining provision]	403.12(e)(3)	§ 6.4C					
7. Other special agreement or waivers (excluding waiver of National Categorical Pretreatment Standards and Requirements)							

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			NONE	REQ	REC		
8. Hauled Waste Reporting/Requirements		§ 3.4					
9. Grease Interceptor Reporting/Requirements		§ 3.2 C					
10. Authority to issue Notice of Violations (NOVs)		§ 10.1					
11. Authority to issue Administrative Orders (AOs)							
12. Authority to issue Administrative Penalties		§ 10.6					
13. Authority to enforce again falsification or tempering							
14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan							
15. Permit Appeals Procedures							
16. Penalty or Enforcement Appeals Procedures							
17. Bypass Notification	403.17	§ 13.3					

Document(s) submitted for review:

Name of Reviewers
