DATE: _____

MUNICIPALITY : _____

LEGAL AUTHORITY CHECKLIST

This checklist sets out the minimum requirements necessary for a POTW to comply with the federal pretreatment regulations (40 CFR §403). The pretreatment ordinance reviewed must be no less stringent than the listed provisions. The checklist also includes several optional provisions (H(1-3)). The optional provisions need not be included in the ordinance, but if they are, they must be no less stringent than the regulatory provision. The basic definitions should be provided in order that the remainder of the ordinance will make sense, even though they are not required by 40 CFR §403. The requirements which a POTW must meet are set out in 40 CFR 403.8(f). This checklist incorporates other sections which are necessary to comply with 403.8(f). All cites in brackets, [], refer to Title 40.

In addition, each section of the checklist references the June 1992 MODEL PRETREATMENT ORDINANCE (MODEL). The MODEL was developed by EPA as a guide for POTW's in developing their pretreatment programs. The references to the MODEL are included to provide the reviewer/municipality with an example of an adequate provision which meets or exceeds the federal regulations. Be advised that this MODEL is the "Cadillac" version. A pretreatment ordinance does not have to conform to the MODEL.

NONE = No Revision Necessary   **REC** = Recommended   **REQ** = Required

	REVISION NONE REC REQ			ORDIN. SECTION
A. Definitions [403.3 (unless otherwise noted)]				
(1) Industrial User or User MODEL §1.4(GG)				
(2) Interference, MODEL §1.4(L)				
(3) New Source, MODEL §1.4(N)				
(4) Pass Through, MODEL §1.4(P)				
(5) Pretreatment Requirement MODEL §1.4(U)				

	REVISION NONE REC REQ			ORDIN. SECTION
(6) Pretreatment Standard MODEL §1.4(V)				
(7) Significant Industrial User MODEL §1.4(AA)				
(8) Significant Noncompliance [403.8(f)(2)(vii)], MODEL §9				
(9) Slug Load or Slug [403.8(f)(2)(v)&403.12(f)] MODEL §1.4(BB)				
(10) Other Needed Definitions				
B. Prohibited Discharges				
(1) General Prohibitions [403.5(a)] MODEL §2.1(A)				
(a) Interference				
(b) Pass Through				
(2) Specific Prohibitions [403.5(b)]				
(a) Fire/Explosive Hazard MODEL §2.1(B)(1)				
(b) pH/Corrosion MODEL §2.1(B)(2)				
(c) Solid or Viscous/Obstruction MODEL §2.1(B)(3)				
(d) Flow Rate/Concentration MODEL §2.1(B)(4)				
(e) Heat, MODEL §2.1(B)(5)				
(f) Petroleum/Nonbiodegradable Cutting/Mineral Oils MODEL §2.1(B)(6)				
(g) Toxic Gases/Vapors/Fumes MODEL §2.1(B)(7)				
(h) Trucked/Hauled Wastes MODEL §2.1(B)(8)				

	REVISION **NONE REC REQ**			**ORDIN. SECTION**
(3) Enforceable Local Limits [403.8(f)(4) & 403.5(c)&(d)] MODEL §2.4				
(4) National Categorical Standards [403.8(f)(1)(ii) & 403.6] MODEL §2.2				
(5) Prohibition Against Dilution as Treatment [403.6(d)], MODEL §2.6				
C. Control Discharges to POTW System				
(1) Deny/Condition New or Increased Contributions [403.8(f)(1)(i)] MODEL §§4.7, 5.2				
(2) Individual Control Mechanisms to Ensure Compliance [403.8(f)(1)(iii)], MODEL §§4,5				
(a) Statement of Duration				
(b) Statement of Nontransferabil.				
(c) Effluent Limits				
(d) Self-Monitoring & Reports				
(e) Applicable Civil & Criminal Penalties				
(3) Require Development of Slug/Spill Plan [403.8(f)(2)(v)], MODEL §3.3				
(4) Develop Compliance Schedule for Installation of Technology [403.8(f)(1)(iv)] MODEL §§5.2(B)(2), 10.4				
D. Require Sampling and Reporting				
(1) Use of EPA Approved Procedures [40 CFR 136], MODEL §6.10				

	REVISION **NONE REC REQ**			**ORDIN. SECTION**
(2) Requirement to Conduct Representative Sampling [403.12(g)(3)], MODEL §6.4(b)				
(3) Reporting Requirements				
(a) Baseline Monitoring Report and/or Permit Application [403.12(b)], MODEL §§4.5,6.1				
(i) Identifying Information				
(ii) Permits				
(iii) Description of Oper.'s				
(iv) Flow Measurement				
(v) Msrmnt. of Pollutants				
(vi) Certification				
(vii) Compliance Schedule				
(b) Compliance Schedule Monitoring Report [403.12(c)], MODEL §6.2				
(c) Report on Compliance with Categorical Deadline [403.12(d)], MODEL §6.3				
(i) Appropriate O&M/ Pretreatment Certificat.				
(d) Periodic Compliance Report MODEL §6.4				
(i) From Categorical Users [403.12(e)]				
(ii) From Significant Noncat. Users [403.12(h)]				

	REVISION **NONE REC REQ**			**ORDIN. SECTION**
(e) Notice of Potential Problems [403.12(f)], MODEL §6.6				

(f) Notice of Violation/
       Resampling Requirement
       [403.12(g)(2)], MODEL §6.8				

(g) Notice of Changed Discharge [403.12(j)], MODEL §6.5				

(h) Notification of Discharge of
       Hazardous Wastes [403.12(p)]
       MODEL §6.9				

(i) Submission of All Monitoring Data [403.12(g)(5)] MODEL §6.4(c)				

(j) Data Accuracy Certification/
       Authorized Signatory
       [403.6(a)(2)(ii) &
403.12(l)] MODEL §4.6				

(k) Record Keeping Requirement [403.12(o)], MODEL §6.13				
E. Inspection and Monitoring Procedures [403.8(f)(1)(v)] MODEL §7.1				
(1) Right to Enter at Reasonable Times				
(2) Right to Inspect Generally for Compliance				
(3) Right to Take Independent Samples				
(4) Right to Require Installation of Monitoring Equipment				
(5) Right to Inspect and Copy Records				

	REVISION NONE REC REQ			ORDIN. SECTION
F. Remedies for Noncompliance (Enforcement) [403.8(f)(1)(vi)]				
(1) Nonemergency Response				
(a) Injunctive Relief,MODEL §11.1				
(b) Civil/Criminal Penalties MODEL §§11.2, 11.3				
(i) Use of Act 9				
(ii) Penalty Appeals				
(c) Administrative Penalties MODEL §10.6				
(2) Emergency Response - Immediately Halt Actual/Threatened Discharge MODEL §§10.7, 10.8				
G. Public Participation				
(1) Publish List of Industrial Users in Significant Noncompliance [403.8(f)(2)(vii)], MODEL §9				
(2) Access to Data [403.8(f)(1)(vii) & 403.14], MODEL §8				
(a) Government				
(b) Public				
H. Optional Provisions:				
(1) Net/Gross Calculation [403.15] MODEL §2.2(D)				
(2) Upset [403.16], MODEL §13.1				
(3) Bypass [403.17], MODEL §13.3				
(4) Special Agreements/Variances				
(a) Prohibit Changes to Federal Standards and Requirements				
(b) Establish Cap Based on MAIL				

	REVISION NONE REC REQ			ORDIN. SECTION
(c) Granted in Writing				