LEGAL AUTHORITY REVIEW CHECKLIST

NAME OF POTW: City of Eureka, CA
DATE OF REVIEW: 2018

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	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	✓			50.002	
2. Authorized or Duly Authorized Representative of the User	403.12(l)	§ 1.4 C	✓			50.002	
3. Best Management Practices or BMPs	403.3(e)	§ 1.4 E	✓			50.002	
4. Categorical Pretreatment Standard or Categorical Standard		§ 1.4 F	✓			50.002	
5. Indirect Discharge or Discharge	403.3(i)	§ 1.4 M	✓			50.002	
6. Industrial User (or equivalent)	403.3(j)	§ 1.4 LL	✓			50.002	
7. Interference	403.3(k)	§ 1.4 O	✓			50.002	
8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	§ 1.4 BB	✓			50.002	
9. New Source	403.3(m)	§ 1.4 T				50.002	
10. Pass Through	403.3(p)	§ 1.4 V	✓			50.002	
11. Pretreatment Requirement	403.3(t)	§ 1.4 AA	✓			50.002	
12. Publicly Owned Treatment Works or POTW	403.3(q)	§ 1.4 DD	✓			50.002	
13. Significant Industrial User *[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]*	403.3(v)	§ 1.4 GG	✓			50.002	
14. Significant Noncompliance	403.8(f)(2)(vii)	§ 9 (A-H)	✓			50.002	
15. Slug Load or Slug Discharge	403.8(f)(2)(vi)	§ 1.4 HH	✓			50.002	
16. Other definitions based on terms used in the POTW Ordinance							Not Reviewed (N/R).

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B. National Pretreatment Standards – Prohibited Discharges							
1. General Prohibitions							
a. Interference	403.5(a)	§ 2.1A	✓			50.020(B)	
b. Pass Through	403.5(a)	§ 2.1A	✓			50.020(B)	
2. Specific Prohibitions [403.5(b)]							
a. Fire/Explosion Hazard (60° C or 140° F flashpoint)	403.5(b)(1)	§ 2.1B(1)	✓			50.020(B)(1)	
b. pH/Corrosion	403.5(b)(2)	§ 2.1B(2)	✓			50.020(B)(2)	
c. Solid or Viscous/Obstruction	403.5(b)(3)	§ 2.1B(3)	✓			50.020(B)(3)	
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	§ 2.1B(4)	✓			50.020(B)(4)	
e. Heat; exceeds 40° C (104°F)	403.5(b)(5)	§ 2.1B(5)	✓			50.020(B)(5)	
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	§ 2.1B(6)	✓			50.020(B)(6)	
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	§ 2.1B(7)	✓			50.020(B)(7)	
h. Trucked/Hauled Waste	403.5(b)(8)	§ 2.1B(8)	✓			50.020(B)(8)	
3. National Categorical Standards	403.8(f)(1)(ii)	§ 2.2	✓			50.021	Section 50.021 states, "The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated."
4. Local Limits Development ***[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.]***	403.5(c) & (d)	§ 2.4	✓			50.022	Local limits provided directly in SUO.
5. Prohibition Against Dilution as Treatment	403.6(d)	§ 2.6	✓			50.025	

6. Best Management Practices Development *[NOTE: Optional streamlining provision.]*	403.5(c)(4)	§ 2.4C	✓			50.022(D)	

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C. Control Discharges to POTW System							
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2	✓			50.051, 50.053, 50.055	
2. Permit Application/Reapplication Requirements *[Note: Optional permit provision]*		§§ 5.3 & 5.7					N/R.
3. Permit Modification *[Note: Optional permit provision]*		§ 5.4					N/R.
4. Permit Revocation/Termination *[Note: Optional permit provision]*		§§ 5.6 & 10.8					N/R.
5. Proper Operation and Maintenance *[Note: Optional permit provision]*		§ 3.1					N/R.
6. Duty of Halt/Reduce *[Note: Optional permit provision]*							N/R.
7. Individual Control Mechanism (e.g., permit) to ensure compliance	403.8(f)(1)(iii)	§ 4.2	✓			50.051 and 50.055	
a. Statement of Duration		§§ 5.1 & 5.2A(1)	✓			50.055(A)(1)	
b. Statement of Non-transferability		§5.2A(2)	✓			50.055(A)(2)	
c. Effluent Limits		§ 5.2A(3)	✓			50.055(A)(3)	
d. Best Management Practices *[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 non-categorical 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).]*		§ 5.2A(3)	✓			50.055(A)(3)	

e. Self-Monitoring Requirements		§ 5.2A(4)	✓			50.055(A)(4)	
f. Reporting & Notification Requirements		§ 5.2A(4)	✓			50.055(A)(4)	
g. Recordkeeping Requirements		§ 5.2A(4)	✓			50.055(A)(4)	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]***		§ 5.2A(5)					Not Applicable (N/A). The POTW has not incorporated this optional provision.
i. Statement of Applicable Civil and Criminal Penalties		§ 5.2A(7)	✓			50.055(A)(5)	
j. Slug Discharge Requirements (if necessary) ***[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.]***		§ 5.2A(8)	✓			50.055(A)(6)	

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k. Specific waived pollutant ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]***		§ 5.2A(9)					N/A. The POTW has not incorporated this optional provision.
8. General Control Mechanism to ensure compliance ***[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]***	403.8(f)(1)(iii)(A)	§ 4.2 & 4.6					N/A. The POTW has not incorporated the use of general permits into the SUO, nor has it issued general permits.
a. Statement of Duration		§§ 5.1 & 5.2A(1)					N/A.
b. Statement of Non-transferability		§ 5.2A(2)					N/A.
c. Effluent Limits		§ 5.2A(3)					N/A.
d. Best Management Practices		§ 5.2A(3)					N/A.

[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 non-categorical 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).]							
e. Self-Monitoring Requirements		§ 5.2A(4)					N/A.
f. Reporting & Notification Requirements		§ 5.2A(4)					N/A.
g. Recordkeeping Requirements		§ 5.2A(4)					N/A.
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present ***[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]***		§ 5.2A(5)					N/A.

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i. Statement of Applicable Civil and Criminal Penalties		§ 5.2A(7)					N/A.
j. Slug Discharge Requirements (if necessary) ***[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.]***		§ 5.2A(8)					N/A.
D. Required Reports							
1. Develop compliance schedule for installation of technology	403.8(f)(1)(iv)	§§ 5.2b(2) & 10.4	✓			50.055(B)(3) and 50.123 (D)	
2. Reporting Requirements [403.12] *Types of Reports*							
a. Baseline monitoring report	403.12(b)	§ 6.1	✓			50.070	

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(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a	✓			50.070(B)(1)	
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)	✓			50.070(B)(2)	Sec. 50.070(B)(2) requires "environmental control wastewater discharge permits" rather than "environmental control permits"
(iii) Description of operations	403.12(b)(3)	§§ 6.1B(1) & 4.5A(3)a	✓			50.070(B)(3)	
(iv) Flow measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)	✓			50.070(B)(4)	
(v) Measurement of pollutants	403.12(b)(5)	§ 6.1B(2)	✓			50.070(B)(5)	
(vi) Certification	403.12(b)(6)	§ 6.1B(3)	✓			50.070(B)(6)	
(vii) Compliance schedule	403.12(b)(7)	§ 6.1B(4)	✓			50.070(B)(7)	

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b. Compliance schedule progress report	403.12(c)	§ 6.2	✓			50.071	
c. Report on compliance with categorical Pretreatment Standard deadline	403.12(d)	§ 6.3	✓			50.072	
d. Periodic reports on continued compliance							
- From categorical users	403.12(e)	§ 6.4A	✓			50.073	Sec. 50.073 applies to both CIUs and non-categorical SIUs. While it does not cite 403.12(e) or 403.12(h) verbatim, it appears to require the

							minimum information required by those paragraphs.
- From significant non-categorical users	403.12(h)	§ 6.4A	✓			50.073	See comment directly above.
e. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)	§ 6.6	✓			50.075(A)	
f. Notification of changes affecting potential for a slug discharge ***[NOTE: Required streamlining revision]***	403.8(f)(2)(vi)	§ § 6.5 & 6.6	✓			50.075(E)	
g. Notice of violation/sampling requirement ***[NOTE: Required streamlining revision.]***	403.12(g)(2)	§ 6.8	✓			50.077	
h. Requirement to conduct representative sampling	403.12(g)(3)	§ 6.4E	✓			50.073(B) and 50.080	
i. Notification of changed discharge	403.12(j)	§ 6.5		✓		50.074	The definition of significant change does not include decreases in flow or changes in the character of known pollutants.
j. Notification of discharge of hazardous waste	403.12(p)	§ 6.9	✓			50.078	

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Other Reporting Requirements							
k. Data accuracy certification & authorized signatory	403.6(a)(2)(ii) & 403.12(l)	§§ 6.4D & 6.14	✓			50.052(B)	
l. Recordkeeping Requirement (3 years or longer)	403.12(o)	§ 6.13	✓			50.081	
- Including documentation associated	403.12(o)	§ 6.13	✓			50.081	

with Best Management Practices *[NOTE: Required only if the POTW has incorporated the use of BMPs]*							
m. Submission of all monitoring data *[NOTE: Required streamlining revision]*	403.12(g)(6)	§ 6.4F	✓			50.073(C)	
n. Annual certification by Non-significant categorical Industrial Users *[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]*	403.3(v)(2)	§§ 4.7C & 6.14B					N/A. This optional streamlining provision has not been incorporated into the SUO, nor has the POTW permitted nondomestic dischargers as NSCIUs.
o. Certification of pollutant not present *[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]*	403.12(e)(2)(v)	§ 6.14C					N/A.
p. Bypass Notification	403.17	§ 13.3	✓			50.127(B)	
E. Test Procedures [40 CFR Part 136 & 403.12(g)]							
1. Analytical procedures (40 CFR Part 136) *[NOTE: Required streamlining provisions]*	403.12(g)	§ 6.10	✓			50.079	
2. Sample collection procedures *[NOTE: Required streamlining provisions]*	403.12(g)(3) & (4)	§ 6.11	✓			50.080	

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F. Inspection and Monitoring Procedures [403.8(f)]							
1. Right to enter all parts of the facility at reasonable times		§ 7.1	✓			50.121(A)	
2. Right to inspect generally for compliance		§ 7.1	✓			50.121(A)	
3. Right to take independent samples		§ 7.1	✓			50.121(A)(2)	
4. Right to require installation of monitoring equipment		§ 7.1	✓			50.121(A)(3)	

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5. Right to inspect and copy records	403.12(o)(2)	§ 7.1	✓			50.121(A)	
G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]							
1. Non-emergency response							
a. Injunctive relief		§ 11.1	✓			50.124(A)	
b. Civil/Criminal penalties		§§ 11.2 & 11.3		✓		50.124(B) and 50.999	Sec. 50.999(A) states fines will not be more than $500 per violation. Sec. 50.999(B) states penalties will be at least $500 per violation. Sec. 50.999(C) states fines will not be more than $500 per violation.
2. Emergency response							
a. Immediately halt actual/threatened discharged		§ 10.7	✓			50.123(E)	
3. Enforcement Response Plan incorporated into the legal authority			✓			50.126	
H. Public Participation							
1. Publish list of Industrial Users in Significant Noncompliance *[NOTE: Required streamlining revision]*	403.8(f)(2)(viii)	§ 9	✓			50.122	
2. Access to data [403.8(f)(1)(vii) & 403.14]							
a. Government		§ 8	✓			50.005	
b. Public		§ 8	✓			50.005	

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I. Optional Provisions							
1. Net/Gross adjustments	403.15	§ 2.2 D					N/R.

2. Equivalent mass limits for concentration limits		§ 2.2 E					N/R.
3. Equivalent concentration limits for mass limits		§ 2.2 F					N/R.
4. Upset Notification	403.16	§ 13.1	✓			50.127	
5. Waive monitoring for pollutant not present or expected to the present	403.12(e)(2)	§ 6.4B					N/R.
6. Reduce periodic compliance reporting	403.12(e)(3)	§ 6.4C					N/R.
7. Other special agreement or waivers (excluding wavier of National Categorical Pretreatment Standards and Requirements)							N/R.
8. Hauled Waste Reporting/Requirements							N/R.
9. Grease Interceptor Reporting/Requirements							N/R.
10. Authority to issue Notice of Violations (NOVs)							N/R.
11. Authority to issue Administrative Orders (AOs)							N/R.
12. Authority to issue Administrative Penalties							N/R.
13. Authority to enforce again falsification or tempering							N/R.
14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan							N/R.
15. Permit Appeals Procedures							N/R.
16. Penalty or Enforcement Appeals Procedures							N/R.

Document(s) submitted for review:
City of Eureka Municipal Code, Title 5, Chapter 50: Sewers