

Legal Authority Checklist

Name of POTW:

Date:

	<u>Yes</u>	<u>No</u>	<u>Section of POTW's Submission</u>
PART I. Submission Completeness Checklist (Legal Aspects)			
A. 40 CFR 403.9(b) requirements for submission:			
(1) Does the submission contain a statement from the city solicitor, POTW attorney, or other official?	_____	_____	_____
(2) Does the submission contain a copy of every legal authority source cited in the attorney's statement or necessary for program implementation? (e.g., ordinances, contracts, statutes, joint agreements, permits, regulations, etc.)	_____	_____	_____
(3) Does the submission contain endorsements from all local boards/bodies responsible for supervising/funding the pretreatment program?	_____	_____	_____
* (4) If any of the legal authorities cited are vested in a particular official's discretion, is there a statement of endorsement from such official?	_____	_____	_____
B. 40 CFR 403.9(b)(1) requirements for attorney's statement:			
(1) Does the statement identify the provision of legal authority for each requirement under 403.8(f)(2)?	_____	_____	_____
(2) Does the statement identify the manner in which 403.8 program requirements will be implemented?	_____	_____	_____
(3) Does the statement identify how the POTW intends to ensure compliance?	_____	_____	_____
C. If the POTW service area includes more than one agency, jurisdiction, government, or body, does the submission include all ordinances, resolutions, regulations, service agreements and other legal documents relevant to the analysis of multijurisdictional issues? (Use separate Part II forms for each jurisdiction.)	_____	_____	_____

PART II. Legal Adequacy [403.8(f)(1)]

Does the POW have the authority to:

A. Deny or condition new or increased contributions of pollutants? [403.8(f)(1)(i)]	_____	_____	_____
B. Require compliance with applicable pretreatment standards? [403.8(f)(1)(ii)]	_____	_____	_____
(1) General prohibitions: pass-through, interference [403.5(a)]	_____	_____	_____
(2) Specific prohibitions [403.5(b)]:			
• Fire/explosive hazard?	_____	_____	_____
• pH/corrosion?	_____	_____	_____
• Solid or viscous – obstruction/ interference	_____	_____	_____

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	<ul style="list-style-type: none"> • Flow rate or concentration to cause interference • Heat – treatment plant influent 40°C (104°F)? 	_____	_____	_____
	(3) Locally developed limits? [403.5(c) and (d)]	_____	_____	_____
	(4) National categorical standards [403.8(f)(1)(ii)]	_____	_____	_____
C.	Control through permit, contract, etc., to ensure compliance? [403.8(f)(1)(iii)]	_____	_____	_____
D.	Require development of compliance schedules and submission of reports? [403.8(f)(1)(iv)]			
	(1) Development of compliance schedules for installation of technology?	_____	_____	_____
	(2) Submission of notices and self-monitoring reports including 403.12 requirements (baseline report, compliance schedule progress report, report on final compliance with categorical pretreatment standards, periodic reports on continued compliance, notice of slug loading)?	_____	_____	_____
E.	Carry out inspection, surveillance, and monitoring procedures: [403.8(f)(1)(v)]			
	(1) Right to enter premises at any reasonable time?	_____	_____	_____
	(2) Right to inspect generally for compliance?	_____	_____	_____
	(3) Right to sample?	_____	_____	_____
	(4) Right to require installation of monitoring equipment?	_____	_____	_____
	(5) Right to inspect and copy records [403.12(n)]?	_____	_____	_____
F.	Remedies for non-compliance by industrial users? [403.8(f)(1)(vi)]			
	(1) Obtain remedies for noncompliance:			
	<ul style="list-style-type: none"> • Injunctive relief? • Are the civil or criminal penalties sufficient to bring about compliance, or act as a deterrent? 	_____	_____	_____
	(2) Halt immediately and effectively any actual or threatened discharge?	_____	_____	_____
G.	Comply with confidentiality requirements (protection of public access to effluent data)? [403.8(f)(1)(vii)] [403.14]			
H.	Form special agreements (waivers):			
	(1) Does the ordinance contain a special agreement clause?	_____	_____	_____

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(2) If yes, does this special agreement clause specifically exclude the waiver of Federal categorical pretreatment standards?	_____	_____	_____
I. Control extra-jurisdictional agencies, and industries which contribute industrial wastewaters to the POTW?	_____	_____	_____

*Indicates item is recommended, but not mandatory.

I have reviewed this submission in detail and have determined the legal authority to be:

() Adequate

() Inadequate

Date:

Reviewed by: