

**INSTRUCTIONS FOR THE PRETREATMENT STREAMLINING RULE  
TPDES IMPLEMENTATION FOR REQUIRED ELEMENTS CHECKLISTS  
FOR NONSUBSTANTIAL MODIFICATION SUBMITTALS**

- 1) Please submit the Required Modifications Checklist with additional checklists, as applicable, with the nonsubstantial modification package.
- 2) In all checklists, please use the following acronyms to describe your revisions in the “Comments” column in all tables, as applicable. For example, describe revisions to the enforcement response plan such as, “ERP, Section III.(A)(1), page 10.”

ORD =	Ordinance or legal authority	IUREP =	Industrial user (IU) reporting requirements
ERP =	Enforcement response plan	IUPERM =	IU permit
ERG =	Enforcement response guide	SM =	IU self-monitoring protocols
SOP =	Standard operating procedures	INSP =	Inspection form/procedures
CM =	Publicly owned treatment works (POTW) compliance monitoring protocols	IUCOM =	Compliance evaluation of the IUs

- 3) If any portion of the submittal is considered to be a substantial modification under 40 Code of Federal Regulations (CFR) §403.18, then the substantial modification may not be implemented until the Texas Commission on Environmental Quality’s (TCEQ) approval and incorporation into the Texas Pollutant Discharge Elimination System (TPDES) permit.
- 4) The TCEQ will determine if your modifications submitted to incorporate the Pretreatment Streamlining Rule are non-substantial, according to 40 CFR §403.18(b)(1), and if any revisions are required.
  - All of the changes related to the Pretreatment Streamlining Rule may be treated as non-substantial, if the changes to a POTW's legal authority to incorporate the changes *directly reflect* the federal requirements. The current regulations provide that modifications that relax a POTW's legal authorities are substantial modifications "except for modifications that directly reflect a revision to [40 CFR] Part 403 or to 40 CFR Chapter I, subchapter N, and are reported pursuant to paragraph (d) of this section." 40 CFR §403.18(b)(1).
  - The EPA further excludes from the definition of 'substantial modification' those changes in POTW legal authority that result in less prescriptive programs, but which *directly reflect a revision* to the federal pretreatment regulations (*i.e.*, the federal regulations are “streamlined”). 40 CFR §403.18(b)(1).
  - Such modifications would have already undergone *public notice* and comment when promulgated by EPA. As long as the POTW's local ordinance is revised to directly reflect the federal requirements, further public notice would be unnecessary. *Federal Register / Vol. 62 / July 17, 1997 / pages 38406, 38409.*
- 5) Incorporate the final Pretreatment Streamlining Rule modifications into your approved pretreatment program and submit the package according to TCEQ instructions provided for your individual pretreatment program.