

Pretreatment Streamlining Rule TPDES Modifications Checklist

CA Name _____ Date _____

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 Control Authority (CA). Therefore, to the extent that existing CA 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.

Legal Authority Checklist	Federal/ State Regulation Cite or Guidance	EPA Model SUO Section	CA's SUO Section, Page No.	Comments
A. General Provisions		Section 1		
1. Purpose and Policy	§403.1	§ 1.1		
2. Enable POTW to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. 1251 <i>et. seq.</i>) and the General Pretreatment Regulations (40 CFR Part 403)	§403.1	§ 1.1		
3. Objectives	§403.2	§ 1.1		
a. prevent interference with operation of POTW	§403.2(a)	§ 1.1 A		
b. prevent pass through of pollutants	§403.2(b)	§ 1.1 B		
c. ensure quality of sludge to allow its use and disposal in compliance with statues and regulations	§403.2(a)	§ 1.1 F		
d. protect general public and POTW personnel	§403.5(b)(7)	§ 1.1 C		
e. improve opportunity to recycle and reclaim wastewater and sludge	§403.2(c)	§ 1.1 D		
f. provide for equitable distribution of the cost of operation, maintenance, and improvement of POTW	Clean Water Act Section 217 and 218 (Optional)	§ 1.1 E		

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g. enable POTW to comply with NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws	§403.2	§ 1.1 F		
B. Definitions [40 CFR §§403.3 & 403.8(f)(2)]				
1. Act, Clean Water Act	§403.3(b)	§ 1.4 A		
2. Approval Authority	§403.3(c)	§ 1.4 B		
3. Authorized or Duly Authorized Representative of the User	§403.12(l)	§ 1.4 C		
4. Best Management Practices (BMPs)	§403.3(e)	§ 1.4 E		
5. Biochemical Oxygen Demand (BOD)	Page G-2, <i>U.S. EPA NPDES Permit Writers' Manual</i> , Dec 1996	§ 1.4 D		
6. Categorical Pretreatment Standard	§403.6	§ 1.4 F		
7. City (or individuals representing the City)	§122.2	§ 1.4 H		
8. Composite sample	Part 403, App. E			
9. Control Authority	§403.3(f)	§ 1.4 J		
10. Daily Maximum Limit	§122.2	§ 1.4 L		
11. U.S. Environmental Protection Agency (EPA)	§401.11(c)	§ 1.4 M		
12. Grab sample	Part 403, App. E	§ 1.4 L		
13. National Pretreatment Standard, Pretreatment Standard, or Standard	§§403.3(l), 403.6, 403.8(f)(1)(ii), & 402.12(b)	§ 1.4 BB		
14. Indirect Discharge or Discharge	§403.3(i)	§ 1.4 M		
15. Industrial User or User (IU)	§403.3(j)	§ 1.4 LL		
16. Instantaneous Maximum Limit	Appendix C, <i>IU Permitting Guidance Manual</i> , Sept 1989	§ 1.4 N		
17. Interference	§403.3(k)	§ 1.4 O		
18. Monthly Average Limit	§122.2	§ 1.4 S		
19. New Source	§403.3(m)	§ 1.4 T		

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20. Noncontact cooling water	§401.11(n)	§ 1.4 U		
21. Pass Through	§403.3(p)	§ 1.4 V		
22. Person	§122.2	§ 1.4 W		
23. pH	Page G-8, <i>U.S. EPA NPDES Permit Writers' Manual</i> , Dec 1996	§ 1.4 X		
24. Pollutant	§122.2	§ 1.4 Y		
25. Pretreatment	§403.3(s)	§ 1.4 Z		
26. Pretreatment Requirements	§403.3(t)	§ 1.4 AA		
27. Process wastewater	§401.11(q)			
28. Publicly Owned Treatment Works (POTW)	§403.3(q)	§ 1.4 DD		
29. Significant Industrial User (SIU) <i>[NOTE: Section 1.4 GG(3) of the EPA Model Pretreatment [Sewer Use] Ordinance (SUO) has an optional streamlining provision for Non-Significant Categorical Industrial User (NSCIU) classification.]</i>	§403.3(v)	§ 1.4 GG		
30. Significant Noncompliance (SNC)	§403.8(f)(2)(viii)	§ 9 (A-H)		
31. Slug Discharge or Slug Load	§403.8(f)(2)(vi)	§ 1.4 HH		
32. Standard Industrial Classification (SIC) Code	Appendix C, <i>IU Permitting Guidance Manual</i> , Sept 1989			
33. Storm water	§122.26(b)(13)	§ 1.4 II		
34. Total suspended solids (TSS)	Page G-12, <i>U.S. EPA NPDES Permit Writers' Manual</i> , Dec 1996	§ 1.4 KK.		
35. Shall is mandatory; may is permissive	Optional	Optional		
36. Other definitions based on terms used in the Model SUO	Optional	§ 1.4		
37. Abbreviations	Optional	§ 1.3		

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C. Pretreatment Standards				
1. General Prohibitions	§403.5	§ 2.1 A		
a. Interference	§403.5(a)	§ 2.1 A		
b. Pass Through	§403.5(a)	§ 2.1 A		
2. Specific Prohibitions	§403.5(b)	§ 2.1 B		
a. Fire/Explosion Hazard (60° C or 140° F flashpoint)	§403.5(b)(1)	§ 2.1 B(1)		
b. pH/Corrosion	§403.5(b)(2)	§ 2.1 B(2)		
c. Solid or Viscous/ Obstruction	§403.5(b)(3)	§ 2.1 B(3)		
d. Flow Rate/ Concentration (BOD, etc.)	§403.5(b)(4)	§ 2.1 B(4)		
e. Heat; exceeds 40° C (104°F) at the POTW	§403.5(b)(5)	§ 2.1 B(5)		
f. Petroleum/ Nonbiodegradable Cutting/ Mineral Oils	§403.5(b)(6)	§ 2.1 B(6)		
g. Toxic Gases/ Vapor/ Fumes	§403.5(b)(7)	§ 2.1 B(7)		
h. Trucked/ Hauled Waste	§403.5(b)(8)	§ 2.1 B(8)		
3. National Categorical Standards	§403.6	§ 2.2		
4. Local Limits - Develop and Enforce as Pretreatment Standards <i>[NOTE: CAs may develop 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. Right of Revision	§§403.18(a) & (d)	§ 2.5		
6. Prohibition Against Dilution as Treatment	§403.6(d)	§ 2.6		

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<p>7. Best Management Practices</p> <p><i>[Note: Required streamlining provision for categorical industrial users (CIUs) with BMP requirements as part of the categorical standards. However, if BMPs are being applied to other CIUs or noncategorical SIUs or IUs without categorical BMP requirements, then this provision would be optional and is only required if the CA has incorporated the required use of BMPs into its SUO.]</i></p>	§403.5(c)(4)	§ 2.4 C		
<p>D. Control Discharges to POTW</p>				
<p>1. Deny/Condition New or Increased Contributions</p>	§403.8(f)(1)(i)	§§ 4.8 & 5.2		
<p>2. Pretreatment Facilities – Pretreatment of wastewater as necessary to comply with the CA's SUO and require compliance with applicable Pretreatment Standards and Requirements by IUs</p>	§403.8(f)(1)(ii)	§ 3.1		
<p>3. Individual and General Control Mechanisms (e.g., permit) to ensure compliance – that all SIUs shall obtain a control mechanism</p> <p><i>[NOTE: General Permits are optional streamlining provisions. Required only if the CA has incorporated the use of General Permits into its SUO]</i></p>	§403.8(f)(1)(iii)	§ 4.2 & §4.6 for General Permits]		
<p>4. Wastewater discharge permitting for:</p>	§403.8(f)(1)(iii)	§ 4.2		
<p>a. existing connections</p>	§403.8(f)(1)(iii)	§ 4.3		
<p>b. new connections</p>	§403.8(f)(1)(iii)	§ 4.4		
<p>c. extra-jurisdictional users</p>	§403.8(f)(1) & §403.8(f)(1)(iii)	§ 5.8 C(3)		

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5. Permit Application/ Duty to Reapply	§403.8(f)(1)(vi)(B) & 403.8(c); §§123.25(a)(12)&122.41(b)	§§ 4.5 A, 5.3, & 5.7		
6. Permit Application Signatory and Certification Statement	§403.6(a)(2)(ii)	§§ 4.7 & 6.14 A		
7. Wastewater Discharge Permit contents	§403.8(f)(1)(iii)(B)	§5.2		
a. Statement of Duration	§403.8(f)(1)(iii)(B)(1)	§§ 5.1 & 5.2 A(1)		
b. Statement of Non-transferability	§403.8(f)(1)(iii)(B)(2)	§5.2 A(2)		
c. Best Management Practices <i>[Note: Required streamlining provision for CIUs with BMP requirements as part of the Categorical Standards and for any BMP pretreatment standards or requirements incorporated into the CA's SUO.]</i>	§403.8(f)(1)(iii)(B)(3)	§§ 2.4 C & 5.2 A(3)		
d. Effluent Limits	§403.8(f)(1)(iii)(B)(3)	§ 5.2 A(3)		
e. Self-monitoring & Sampling Requirements <i>[NOTE: Required streamlining provision. Where the CA has authorized alternate sampling (grab vs. composite; or time-proportional vs. flow-proportional composite sampling). Alternate sampling protocols are required to be specified in the IU permit.]</i>	§403.8(f)(1)(iii)(B)(4) & FR/Vol.70, No. 198/pg 60158	§ 5.2 A(4)		
f. Reporting & Notification Requirements	§403.8(f)(1)(iii)(B)(4)	§ 5.2 A(4)		
g. Recordkeeping Requirements	§403.8(f)(1)(iii)(B)(4)	§5.2 A(4)		
h. Identification of pollutants to be monitored	§403.8(f)(1)(iii)(B)(4)	§5.2 A(4)		

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<p>i. The process for seeking a waiver for pollutants not present or expected to be present</p> <p><i>[NOTE: Optional streamlining provision. Required only if the CA has incorporated §6.4B of the Model SUO.]</i></p> <p><i>[Note: Similar protocols for sampling waivers for local limits for non-categorical SIUs.]</i></p>	<p>§§403.8(f)(1)(iii) (B)(4) & 403.12(e)(2)</p>	<p>§§5.2 A(5) & 6.4 B</p>		
<p>j. Specific waived pollutant identified in the individual control mechanism and resume monitoring if waived pollutant is found to be present</p> <p><i>[NOTE: Optional streamlining provision. Required for individual permits only if the CA has incorporated §6.4B of the Model SUO.]</i></p> <p><i>[Note: Similar protocols for sampling waivers for local limits for non-categorical SIUs.]</i></p>	<p>§§403.8(f)(1)(iii) (B)(4) & 403.12(e)(2)(vi)</p>	<p>§§ 5.2 A(8), 6.4 B(6), & 6.4 B(8)</p>		
<p>k. Sampling location, sampling frequency, and sample type</p>	<p>§403.8(f)(1)(iii) (B)(4)</p>	<p>§5.2 A(4)</p>		
<p>l. Statement of applicable civil and criminal penalties</p>	<p>§§403.8(f)(1)(iii) (B)(5) & 403.8(f)(5)</p>	<p>§ 5.2 A(6)</p>		
<p>m. Slug discharge control requirements (if necessary)</p> <p><i>[NOTE: Required streamlining provision. Where the CA has determined that slug controls are necessary, the CA's SUO must provide authority for the CA to include such requirements in IU permits.]</i></p>	<p>§403.8(f)(1)(iii) (B)(6)</p>	<p>§ 5.2 A(7)</p>		

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n. Duty to Reapply Requirements	§403.8(f)(1)(vi)(B) & 403.8(c); §§123.25(a)(12)&122.41(b)	§§ 5.3 & 5.7		
o. Permit Modification <i>[Note: Optional permit provision, however the CA is authorized once incorporated into the CA's SUO.]</i>	§403.8(f)(1)(vi)(B)	§ 5.4		
p. Permit Revocation/ Termination <i>[Note: Optional permit provision, however the CA is authorized once incorporated into the CA's SUO.]</i>	§§403.8(f)(1)(vi) (B) & 403.8(f)(5)	§§ 5.6 & 10.8		
q. Proper Operation and Maintenance <i>[Note: Optional permit provision, however the CA is authorized to require these elements once incorporated into the CA's SUO.]</i>	§403.8(f)(1)(vi)(B)	§ 3.1 & 6.4 E		
r. Develop compliance schedule for installation of pretreatment <i>[Note: Optional permit provision, however the CA is authorized to require these elements.]</i>	§§403.8(f)(1)(iv) (A), 403.12(b)(7), & 403.12(c)	§ 6.1 B(4)		
s. Duty to Halt/ Prevent any Discharge	§§403.8(f)(1)(vi) (B) & 403.8(f)(5)	§ 10.7		
t. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision, however the CA is authorized to require these elements once incorporated into the CA's SUO.]</i>	Optional §403.8(f)(2)(vi)(B)	Optional – may add to § 6.11		
E. Required Reports [§403.12]				
1. Baseline monitoring report (BMR)	§§403.12(b) & 403.12(g)	§ 6.1		

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a. Identifying Information	§403.12(b)(1)	§§ 6.1 B(1) & 4.5 A(1)a		
b. Other environmental permits held	§403.12(b)(2)	§§ 6.1 B(1) & 4.5 A(2)		
c. Description of operations	§403.12(b)(3)	§§ 6.1 B(1) & 4.5 A(3)a		
d. Flow measurements	§§403.12(b)(4) & 403.12(g)	§§ 6.1 B(2) & 4.5 A(6)		
e. Measurement of pollutants	§§403.12(b)(5) & 403.12(g)	§§ 6.1 B(2) & 4.5 A(7)		
f. Certification of compliance with pretreatment standards	§403.12(b)(6)	§ 6.1 B(3)		
g. Submit compliance schedule progress reports to assess and assure compliance	§§403.8(f)(1)(iv) (B) & 403.12(c)(3)	§§ 6.2 & 10.4		
h. Submit documentation to demonstrate compliance with a BMP where a required BMP or pollution prevention alternative is part of the categorical standard <i>[Note: Required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards]</i>	§§403.12(b)(5)(ii), 403.12(d) & 403.12(e)	§§ 6.1 B(1), 6.3 & 6.4 A		
2. 90-Day Report on compliance with categorical Pretreatment Standard deadline (same elements as BMR reports)	§§403.12(d), 403.12(b)(4)–(6), & 403.12(g)	§ 6.3		

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<p>a. Submit documentation to demonstrate compliance with a BMP where a required BMP or pollution prevention alternative is part of the categorical standard</p> <p><i>[Note: Required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards]</i></p>	§§403.12(d) & 403.12(b)(5)(ii)	§ 6.4 A		
<p>3. Periodic reports on continued compliance, including due dates and requirements for sampling to be performed during reporting period</p>	§§403.12(e), 403.12(g), & 403.12(h)	§ 6.4		
<p>a. From CIUs, including submit documentation to demonstrate compliance with a BMP where a required BMP or pollution prevention alternative is part of the categorical standard</p> <p><i>[Note: Required streamlining provision for CIUs with BMP requirements as part of the Categorical Standards]</i></p>	§§403.12(e) & 403.12(b)(4)	§§ 6.4 A-G		
<p>b. From non-categorical SIUs</p> <p><i>[Note: Similar protocols for sampling waivers for local limits and required BMPs for non-categorical SIUs]</i></p>	§403.12(h)	§§ 6.4 A, D, E, F, & G		
<p>4. Notice of potential problems to be reported immediately (including slug discharges)</p>	§403.12(f)	§ 6.6		

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5. Notification of changes affecting potential for a slug discharge [NOTE: Required streamlining provision.]	§403.8(f)(2)(vi)	§§ 6.5 & 6.6		
6. If violation occurs, requirement for the IU to notify within 24 hours and repeat sampling within 30 days. Similar requirement for the CA sampling in lieu of the IU [NOTE: Required streamlining provision.]	§403.12(g)(2)	§ 6.8		
7. Requirement to conduct representative sampling (applies to all required reports)	§403.12(g)(3)	§§ 6.1, 6.3, & 6.4 E		
8. Notification of changed discharge	§403.12(j)	§ 6.5		
9. Notification of discharge of hazardous waste	§403.12(p)	§ 6.9		
F. Other Reporting Requirements				
1. Data accuracy certification & authorized signatory	§§403.6(a)(2)(ii) & 403.12(l)	§§ 6.4 D & 6.14		
2. Recordkeeping requirement (3 years or longer)	§§403.12(o) & 403.8(f)(2)(vi)	§ 6.13		
a. Including documentation associated with required BMPs [NOTE: Required streamlining provision.]	§§403.12(b), (d) & (e)(1), 403.12 (h), & 403.12(o)	§ 6.13		
3. Submission of all monitoring data [NOTE: Required streamlining provision.]	§403.12(g)(6)	§ 6.4 F		

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4. Annual certification by NSCIUs <i>[Note: Optional provision. Required only if the CA has incorporated §1.4GG(3) of the Model SUO.]</i>	§§403.3(v)(2)(ii) & 403.12(q)	§§ 1.4 GG (3) (b), 4.7 C, & 6.14 B		
5. Certification of pollutant not present <i>[NOTE: Optional provision. Required only if the CA has incorporated §6.4 B of the Model SUO]</i>	§403.12(e)(2)(v)	§ 6.14 C		
6. Notification in the event that a waived pollutant is found to be present or is expected to be present <i>[NOTE: Optional provision. Required only if the CA has incorporated §6.4 B of the Model SUO]</i>	§403.12(e)(2)(vi)	§ 6.4 B(8)		
G. Sampling and Test Procedures [40 CFR Part 136 & §403.12(g)]				
1. Analytical procedures (40 CFR Part 136) <i>[NOTE: Required streamlining provisions]</i>	§§403.12(b)(5) (v), 403.12(d)-(e), & 403.12(g)	§ 6.10		
2. Sample collection procedures <i>[NOTE: Required streamlining provisions]</i>	§§403.12(g)(1), (3), (4) & (5)	§ 6.11		
3. Non-detectable results may only be used to demonstrate that a pollutant is not present if the EPA [most sensitive] analytical method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis	§§403.12(e)(2) (iii) & 403.12(g)(3)	§ 6.4 B(5)		

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<i>[NOTE: Required streamlining provision.]</i>				
H. Inspection, Compliance Monitoring, and Standard Operating Procedures [§§403.8(f) & 403.12]				
1. Right to enter all parts of the facility at reasonable times	§§403.8(f)(1)(v), 403.8(f)(1)(vi)(B), 403.8(f)(2)(v), & 403.8(f)(2)(vii)	§ 7.1		
2. Right to inspect for compliance at least once per year	§403.8(f)(1)(v), 403.8(f)(1)(vi)(B), 403.8(f)(2)(v) & 403.8(f)(2)(vii)	§ 7.1		
3. Right to take independent samples	§§403.8(f)(1)(v), 403.8(f)(1)(vi)(B), 403.8(f)(2)(v), & 403.8(f)(2)(vii)	§ 7.1		
4. Right to require installation of monitoring equipment	§§403.8(f)(1)(v), 403.8(f)(1)(vi)(B), 403.8(f)(2)(v), &403.8(f)(2)(vii)	§ 7.1		
5. Right to inspect and copy records	§§403.8(f)(1)(v), 403.8(f)(1)(vi)(B), 403.8(f)(2) (vii) & 403.12(o)(2)	§ 7.1		
6. Search warrants	§§403.8(f)(1)(vi)(B) & 403.8(f)(5)	§ 7.2		
7. The CA is required to keep records of the activities associated with slug control evaluation and results are required to be available to the Approval Authority upon request	§403.8(f)(2)(vi)	The required provision may be added to § 3.3		
<i>[NOTE: Required streamlining provision.]</i>				

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I. Enforcement - Remedies for Noncompliance				
1. Legal authority to enforce Enforcement Response Plan (ERP)	§403.8(f)(5)	§§ 10, 11 & 12		
2. Non-emergency response/Reporting violations	§§403.8(f)(5) & 403.8(f)(2)(viii)(F)	§ 12		
3. Injunctive relief	§§403.8(f)(1)(vi) (A) & (B)	§ 11.1		
4. Authority to seek or assess Civil/Criminal penalties in at least \$1,000/day/violation	§403.8(f)(1)(vi)(A)	§§ 11.2 & 11.3		
5. Emergency suspensions	§403.8(f)(5)	§ 10.7		
6. Authority and procedures to immediately halt or prevent any discharge that presents or may present an endangerment	§403.8(f)(1)(vi)(B)	§ 10.7		
7. Termination of discharge	§403.8(f)(5)	§ 10.8		
8. Authority to issue Notice of Violations (NOVs)	§403.8(f)(5)	§ 10.1		
9. Authority to issue Administrative Orders (AOs)	§403.8(f)(5)	§ 10		
a. Consent Orders	§403.8(f)(5)	§ 10.2		
b. Compliance Orders	§403.8(f)(5)	§§ 10.4, 6.1 (B)4, & 6.2		
c. Cease and Desist Orders	§403.8(f)(5)	§ 10.5		
10. Authority to issue Compliance Schedules	§403.8(f)(1)(iv)	§§ 5.2 B(2) & 10.4		
11. Authority to issue Administrative Fines/Penalties	§403.8(f)(1)(vi)(B)	§ 10.6		
12. Authority to enforce against fraud or false statements, representation, or certification	§403.12(n)	§§ 5.6 D, 9 G, & 11.3 C		
13. Any other supplemental enforcement actions as noted in the CA's ERP, <i>i.e.</i> show cause hearings	§403.8(f)(1)(vi)	§ 10.3		

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14. Permit Appeals Procedures	§403.6(a)(5), Otherwise optional	§ 5.3 B - Optional		
15. Penalty or Enforcement Appeals Procedures	§403.5(2)	§ 13.2 (only) –“Upset” affirmative defenses are not authorized in Texas		
16. Bypass Provisions and Notification	§403.17	§ 13.3		
17. Act of God Affirmative Defense	Texas Water Code §7.251	The TCEQ recommends incorporating the language into § 13		
J. Public Participation				
1. Publish list of IUs in SNC <i>[NOTE: Definition change is a required streamlining revision.]</i>	§403.8(f)(2)(viii)	§ 9		
2. Confidentiality / Access to data	§§403.8(f)(1) (vii) & 403.14	§ 8		
a. Government	§§403.14(a) & (c)	§ 8		
b. Public	§403.14(b)	§ 8		
K. Additional Optional Provisions				
1. Net/Gross adjustments <i>[streamlining provision]</i>	§403.15	§ 2.2 D		
2. Equivalent mass limits for concentration limits <i>[streamlining provision]</i>	§403.6(c)	§ 2.2 E		
3. Equivalent concentration limits for mass limits <i>[streamlining provision]</i>	§403.6(c)	§ 2.2 F		
4. Waive monitoring for pollutant not present or expected to the present <i>[streamlining provision]</i>	§403.12(e)(2)	§ 6.4B		

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5. Reduce CIU periodic compliance reporting (Middle Tier CIUs) <i>[streamlining provision]</i>	§403.12(e)(3)	§ 6.4C		
6. Other special agreement or waivers (excluding waiver of National Categorical Pretreatment Standards and Requirements), <i>i.e.</i> local limits	§§403.8(f)(1)(A)(2) & 403.12(e)(2) describe the process that may be used for non—categorical SIUs sampling waivers	Optional		
7. Hauled Waste Reporting/ Requirements/Procedures	§403.5(b)(8)	§ 3.4		
8. Grease Interceptor Reporting/ Requirements	Optional	§ 3.2 C		
L. Interjurisdictional Pretreatment Agreement				
1. The CA shall have the legal authority and responsibility through any interjurisdictional pretreatment agreement to perform the technical and administrative activities necessary for implementation of a pretreatment program	§403.8(f)(1)	§ 5.8		

Document(s) submitted for review:

Name of Reviewers
