

3.3 LEGAL CHECKLISTS

Part I. Submission Completeness Checklist (Legal Aspects):

Yes No

1. Is more than one jurisdiction involved?
(If yes, Legal Authorities must be present in each jurisdiction---
use separate Authorities checklist for each.)

2. Is there a letter from the POTW attorney or City Solicitor?
(If authorities are contained in ordinances from several jurisdic-
tions, there may be several letters.)

3. 40 CFR 403.9(b)(1) requirements for attorney's letter:

(i) Does the letter identify the provision of legal authority
for each requirement under 403.8(f)(1)? See Authorities
checklist.

(ii) Does the letter identify the manner in which 403.8 program
requirements will be implemented?

(iii) Does the letter identify how the POTW intends to ensure
compliance?

4. 40 CFR 403.9(b)(2) requirements for submission:

• Does the submission contain a copy of every legal authority source
cited in the attorney's letter or necessary for program implementa-
tion? (e.g., ordinances, contracts, statutes, joint agreements, per-
mits, regulations, etc. See Authorities checklist.)

• Does the submission contain statements from all local boards/bodies
responsible for supervising/funding the pretreatment program?

~~• If any of the legal authorities cited are vested in a particular
official's discretion, is there a statement of endorsement from
such official?~~

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LEGAL AUTHORITIES CHECKLIST
(40 CFR 403.8(f)(1))

A	B	C	D	E
Authority	Addressed in letter (✓)	Citations	Adequate (✓)*	Comments
Municipal Enabling Statute (i) Deny or condition new or increased contribution ...	X	25-33; 34; 44(e)	✓	
(ii) Require compliance with applicable Pretreatment Standards	N	60(a); (b) (j); 63 (a) (1), (a) (c)		
[General Prohibitions - Pass through-Interference 403.5(a)]	X	25-33; 34, 62 (f)		
[Specific Prohibitions 403.5(b):				
(1) Fire/explosion hazard	X	25-33(j), (k)		
(2) pH/corrosion	X	25-33(g), (h), (i)		
(3) Solid or viscous-obstruction/interference	X	25-33(a), (h), (i)		
(4) Flow rate or concentration to cause interference	X	25-33(a) (5)		
(5) Heat - plant influent >40°C (104°F)]	X	25-30 (c), (e); 25-60 (f), (j)		
[Local limits 403.5(c) and (d)]	X	25-60 (e)		
[National Categorical 403.6] -	X			
(iii) Control through <u>permit</u> , contract to enable compliance ... [specify method]	✓	25-39; 44 (c); 62 (b) (1)		
(iv) Require				
(A) development of compliance schedules for installation of technology ... [403.12(b)(7) & (c)]	✓	25-62 (b) (4), (5), (6); (7); 62 (c) (1)		
(B) Submission of notices and self-monitoring reports incl. 403.12 requirements [IU reporting requirements 403.12:				
(b) baseline report	X	25-62 (b) (4)		
(c) (3) compliance schedule progress reports	X	25-62 (b) (5) (j)		
(d) report on compliance w/categorical pretreatment standard deadline	X	25-62 (c)		
(e) periodic reports on continued compliance	X	25-62 (b) (5) (j)		
(f) notice of slug loading] [IU self-monitoring reports required in Categorical Standards 40 CFR Chapter I, sub-Chapter N]	X	25-62 (b) (5) (h) 25-60 (i) (1)		

*Where the attorney's citation was not adequate other appropriate sections of MCSUL's have been cited.

LEGAL AUTHORITIES CHECKLIST
(40 CFR 403.8(f)(1)) (Continued)

A	B	C	D	E
Authority	Addressed in letter (✓)	Citations	Adequate (✓)*	Comments
(v) Carry out inspection, surveillance and monitoring procedures... [right to enter premises] [right to inspect generally for compliance] [right to sample] [right to set up and use monitoring equipment] [right to inspect and copy records kept per 403.12(n)]	✓	25-41; 43; 25-62 (d). <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-top: 10px;"> not ref. by program </div>	✓	
(vi)(A) Obtain remedies for noncompliance [Injunctive relief] [Civil or criminal penalties]	X	25-48 25-62 (b)(5)(p); 25-49 (g) 25-49 (e)	✓	
(B) Authority to immediately and effectively halt or prevent any discharge...	X	25-34 63 (a)(1)(e); 25-64 (u)	✓	
(vii) Comply with confidentiality requirements [403.14]	X	25-62 (g)	✓	

Not required

I have reviewed the Grand Junction pretreatment submission in detail and have determined the submission, in regard to legal authority to be:

() Adequate () Inadequate

Reviewed by: Derrick Holson
(Name)

Date: June 30, 1984