



Substantial and Non-Substantial Pretreatment Program Modifications

Version 1.03

Aug. 28, 2025



State of Oregon
Department of Environmental Quality

This document was prepared by
Oregon Department of Environmental Quality
Headquarters, WQ Permitting Section
700 NE Multnomah Street, Suite 600
Portland Oregon, 97232
Contact: Nicole Morris
Phone: 971-282-7057
Email: industrial.pretreatment@deq.oregon.gov
www.oregon.gov/deq



Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)
800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

Table of contents

1	Purpose	4
2	Summary	5
3	Definition of Substantial Pretreatment Program Modifications	6
4	Other Definitions.....	7
5	Acronyms used in this directive	8
6	Procedures	9
6.1	Elements of A Delegated Program Modification Package Sent To DEQ	9
6.2	DEQ Approval of Proposed Substantial Modifications	10
6.3	DEQ Procedures for Approving Non-Substantial Program Modifications	10
6.4	Incorporating Program Modifications into the NPDES or WPCF Permit	11
6.5	Submittal of Multiple Modifications Simultaneously	11
7	Record of Revisions	12

1 Purpose

The Oregon Department of Environmental Quality understands that delegated pretreatment programs are dynamic and must have the flexibility to revise their activities and regulatory approaches from time-to-time as circumstances change. The purpose of this document is to instruct Control Authorities, DEQ pretreatment, and DEQ permits personnel on the process for modifying delegated pretreatment programs.

This document is consistent with U.S. EPA's rules on program modifications [see 40 CFR 403.18 promulgated on July 17, 1997 (62 Federal Register 38406).] These federal rules were proposed on July 30, 1996 (61 Federal Register 39804).

Questions about this document, or suggestions for improving or updating it should be referred to DEQ's Pretreatment Coordinator.

2 Summary

Your DEQ Online went live for DEQ Water Quality on April 14, 2025. The transition to electronic reporting necessitated changes to pretreatment program modification submittals. These changes allow modifications to be submitted fully electronically. Through YDO, DEQ, will:

- Review substantial and non-substantial modifications
- Send back documents and include comment on those that require Control Authority input and/or correction
- Provide public notice for substantial modifications, and those modifications DEQ deems public notice is necessary or desired
- DEQ will share public comments with Control Authorities and allow Control Authorities to respond to public notice comments and requests
- Approve substantial and non-substantial modifications and incorporate them into NPDES or WPCF permits

3 Definition of substantial pretreatment program modifications

The following types of program modifications are considered substantial and require public involvement (notice and comment) prior to final approval from DEQ and EPA:

- Revisions that relax existing pretreatment-related legal authorities, except modifications that directly reflect categorical standards that are first relaxed by EPA.
- Revisions that relax local limits, except: a) modifications that reset a local pH limit to no less than 5.0 S.U. or no greater than 12.5 S.U.; Or, b) reallocations of the Maximum Allowable Industrial Loading (MAIL) of a pollutant that do not increase the total industrial loadings for the pollutant which are reported pursuant to Approval Procedures for Non-Substantial modifications (§403.18(d)). The Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users identified by the POTW) may discharge pursuant to limits developed under §403.5(c).
- Revisions that change the type or form of control mechanism used to regulate significant industrial users (e.g., using orders rather than permits, etc.).
- Revisions to delegated pretreatment programs that decrease the frequency of industrial self-monitoring and reporting on a program-wide basis.
- Revisions to delegated programs that decrease the frequency of industrial user inspections or sampling on a program-wide basis.
- Revisions that change the delegated program's confidentiality procedures.
- Revisions that DEQ believes are substantial based on the ability for the modification to have a significant impact on delegated program operations.

All other pretreatment program modifications are considered non-substantial program modifications and do not require public involvement unless DEQ or the delegated program chooses to provide it.

4 Other definitions

Final approval

DEQ has reviewed a non-substantial modification, and no further changes need to be made, or DEQ has reviewed, and public noticed a substantial modification, and no further changes need to be made. Final approval shall also incorporate the modification into the NPDES or WPCF permit per 40 CFR 403.18(e) and OAR 454.020.

Preliminary approval

DEQ has reviewed a substantial modification, and no further changes need to be made before Public Notice. Preliminary approval does not mean that DEQ has approved the substantial modification per 40 CFR 403.18(e).

Section reference

A type of checklist column; a Control Authority must use this with a modification to reference where a requirement has been met.

Supplementary documentation

Documents submitted alongside a non-substantial or substantial modification but not considered part of the Control Authority's Approved Pretreatment Program, such as certain internal SOPs.

5 Acronyms used in this directive

DEQ: Oregon Department of Environmental Quality

NPDES: National Pollutant Discharge Elimination System

WPCF: Water Pollution Control Facility

YDO: Your DEQ Online, DEQ's electronic reporting software

6 Procedures

Substantial program approvals are adopted, reviewed, and approved in a 4-step process. Non-substantial program approvals follow the same process, but without step 3 (public notice).

1. The delegated program must identify the proposed program modification.
2. The complete program modification package must be transmitted to DEQ via YDO.
3. The proposal shall be subjected to public involvement (notice and comment) by DEQ; and,
4. DEQ must provide final approval for the modification including inclusion in the delegated program's NPDES or WPCF permit in accordance with 40 CFR 403.18(c)(2).

DEQ encourages delegated programs to engage with DEQ's State Pretreatment Coordinator as early as possible in the modification process. Delegated programs should apprise the DEQ pretreatment coordinator of their intent to modify their program.

Once a Control Authority submits a completed Program Modification Package to DEQ through YDO, DEQ will review the submitted information. DEQ will then provide feedback on whether the modification is substantial or non-substantial and determine whether the modification can be preliminarily approved (substantial modifications) or is eligible for final approval (non-substantial). Preliminary approval means the proposed modification is approved as a draft and will be moved to the next step: Public Notice. DEQ has 90 calendar days to review substantial modifications, in accordance with 40 CFR 403.18(c)(2).

Once DEQ issues preliminary approval, the substantial modification will be placed on public notice before being considered for final approval. DEQ will post all substantial modifications on public notice through YDO. Comments received from the public notice process will be transmitted via email from YDO to the Control Authority for review, and, if necessary, DEQ may return the modification to the Control Authority ("Send back") for updates after public comment review.

6.1 Elements of a delegated program modification package

Substantial and non-substantial program modifications are submitted to DEQ for approval. These submissions must include the following:

1. A detailed description of the proposed modification and rationale for the change.
2. A Control Authority determination whether the proposed modification is substantial or non-substantial.
3. A copy of the new forms/procedures affected by the modification.
4. Completed checklists, where applicable, with clearly stated Section References showing where the submission meets the requirement. Please visit the pretreatment program webpage to obtain copies [forms and checklist](#).
5. Any additional documentation required by DEQ after DEQ's initial review of the package.
6. When applicable, a brief explanation of how issues discovered through public notice were resolved or avoided in the final proposal.

Submit the modification package through YDO following procedures in the "Pretreatment YDO Guide". The 90-calendar-day clock begins upon receipt by DEQ.

6.2 DEQ approval of proposed substantial modifications

When a proposed program modification is successfully submitted through YDO, the submitter will receive an automated acknowledgement email from YDO. Following the submittal (“Submittal Complete”), DEQ will take action (i.e., approval or denial) on the proposed modification within 90 calendar days from receipt of the modification package (“Send Back” or “Authority Review Complete”). A DEQ request for additional information (“Send back”) or clarification of the proposed modification stops the 90-calendar-day clock until the information or clarification is submitted, at which point the clock resets.

Comments received by DEQ during public notice will be transmitted to the Control Authority via email through YDO, and the submittal may be sent back through YDO’s “Send back” process for revision and re-submittal. Communication with the Control Authority will be maintained and remains very important throughout this process.

After DEQ approves the final modification, DEQ will transmit the proposal to EPA Region 10. EPA will have thirty (30) calendar days to object to DEQ’s proposed approval, in accordance with the requirements of 40 CFR 403.11(d) and the DEQ/EPA Memorandum of Agreement. If EPA files an objection, the objection must be in writing and accompanied with supporting reasons. EPA objections are considered final action on the proposed modification unless DEQ and the delegated program can resolve the EPA concerns and EPA’s objection is withdrawn.

The proposed program modification is effective upon DEQ approval. Notice of that action will be emailed to the delegated program via YDO. If DEQ fails to act within 90 calendar days, the proposed modification may be implemented. In the event DEQ denies approval, the delegated program will be notified, in writing, with the supporting reasons. As with an EPA objection, DEQ’s denial may be withdrawn if DEQ’s concerns are satisfied by the delegated program. An EPA objection may reverse or postpone implementation.

6.3 DEQ procedures for approving non-substantial program modifications

When a proposed program modification is successfully submitted through YDO, the submitter will receive an automated acknowledgement email from YDO. Following the submittal, DEQ will take action (i.e., approval or denial) on the proposed modification within 45 days (“Send Back” or “Authority Review Complete”). A DEQ request for additional information (“Send back”) or clarification of the proposed modification stops the 45 calendar-day clock until the information or clarification is submitted, at which point the clock resets.

During the 45-day review period, DEQ may request revisions or additional information to process a modification request. Alternatively, DEQ may deny the modification request. until additional information is submitted or revisions to the original request are made.

The proposed program modification is effective upon DEQ approval. Notice of that action will be emailed to the delegated program via YDO.

DEQ will act on the modification request as promptly as possible. However, if the DEQ does not:

- Take action within 45 calendar days; or,
- Request additional information or revisions to the proposed modification; or,
- Determine that the proposed change is a substantial program modification.

The delegated program may begin implementing the modification.

6.4 Incorporating program modifications into the NPDES or WPCF permit

All approved program modifications, whether substantial or non-substantial, must ultimately be incorporated into the delegated program via inclusion in the program's NPDES or WPCF permit. Both substantial and non-substantial modifications are considered minor modifications of the permit (note: substantial program modifications are minor permit modifications because the public involvement process has already occurred prior to approval and need not be duplicated in the permit process). The final approval notice from DEQ provided through email is the Control Authority's receipt of incorporation into the permit (both substantial and non-substantial modifications are considered minor modifications of the permit).

If the permit is expired and has been administratively extended by DEQ, DEQ is prohibited from issuing permit modifications. In such circumstances, the incorporation of the program modification into the NPDES or WPCF permit must wait for the permit renewal process. However, the Control Authority, upon receipt of the final approval notice, is still authorized to implement the modification.

All substantial and non-substantial approved program modifications should be tracked by the delegated program in the Annual Pretreatment Report, Form 2 (3.).

6.5 Submittal of multiple modifications simultaneously

Delegated programs are discouraged from sending multiple non-substantial program modifications; rather, the DEQ **strongly** recommends that non-substantial modifications be bundled or combined into a single request. Multiple non-substantial modifications bundled together may constitute a significant modification, likewise, non-substantial modifications submitted with substantial modifications will cause the entire submission to be considered as a substantial modification.

Modifications to documents not considered part of the Control Authority's Approved Pretreatment Program, such as certain internal SOPs, may be submitted alongside non-substantial or substantial modifications. In these cases, those documents will be considered submitted for DEQ's feedback but will not be considered part of the formal review and no required changes will be noted for supplementary documentation. DEQ, at its discretion, may choose not to view these supplemental documents.

7 Record of revisions

Revision	Date	Changes	Editor
Version 1.0	June 20, 2025	New document	Nicole Morris
Version 1.01	June 24, 2025	Manager review changes implemented	Nicole Morris
Version 1.02	Aug. 26, 2025	Accessibility edits	Schick D
Version 1.03	Aug. 28, 2025	Minor wording changes	Nicole Morris