

DRAFT NPDES Permit Review Checklist

I. Draft Permit or Pre-State Visit Review Information	
1. Name of facility: _____	
2. NPDES Permit number of facility: _____	
3. Type of Facility? (check one per row)	4. State contact/permit writer: _____
<input type="checkbox"/> New	<input type="checkbox"/> Existing
<input type="checkbox"/> Major*	<input type="checkbox"/> Non-major*
Email: _____	
* indicate any concerns in the comment field regarding this designation.	
<input type="checkbox"/> POTW	<input type="checkbox"/> Non-POTW
Phone: _____	
5. Draft Permit Reviewer: _____	6. Desktop Permit Reviewer: _____
Email: _____	Date Reviewed: _____
Phone: _____	7. State Visit Reviewer: _____
Date Reviewed: _____	Date Reviewed: _____
Comments: _____	

(Additional space on page 8)	

II. Basic Permit and Facility Information	
II.A Basic Permit Information	
1. Does the permit contain appropriate issuance, effective, and expiration dates and authorized signatures?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a. What was the permit issuance date? _____	<input type="checkbox"/> NA
b. What was the permit effective date? _____	<input type="checkbox"/> NA
c. What was the permit expiration date? _____	
d. Was the permit effective 5 years or less?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Did the permit contain specific authorization-to-discharge information (from where, to where, by whom)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments: _____	

(Additional space on page 8)	
II.B Basic Facility and Receiving Water Information	
1. Did the record or permit describe the physical location of the facility (e.g., address, lat/long)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Did the record include a description of the type of activities and wastewater treatment process at the facility?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Were all outfalls that the record indicated were present at the facility identified and authorized in the permit (including stormwater and/or combined sewer overflow outfalls, if appropriate)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a. Did the permit identify the physical location of outfalls?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Did the record clearly identify the name of the receiving water(s) (e.g. stream segment, location in receiving water)?	<input type="checkbox"/> Yes <input type="checkbox"/> No

5. Did the record clearly identify the location within the receiving water(s) where the discharge(s) occur? Yes No

Comments:

(Additional space on page 8)

III. Permit Application

1. Was the current, appropriate application submitted? Yes No
2. Was the complete permit application submitted at least 180 days prior to permit expiration? Yes No
- a. Date complete application submitted? _____
- b. Date of previous permit expiration? _____
3. Was the permit application complete (including all attachments, diagrams, etc.) and signed? Yes No
4. Did the permit application provide all required analytical data? Yes No
- a. New Dischargers: (Form 2A or 2D Requirements) NA Yes No
- b. Existing Dischargers:
- POTW: Have 3 pollutant scans been performed within the existing permit term? NA Yes No
- Did the permit application provide the results of at least 4 quarterly WET tests/4 years of annual data? NA Yes No
- Non-POTW: Based on the industrial category, have the correct Form 2C analytical requirements been met? NA Yes No
5. For effluent data provided in the permit application, were analytical detection levels sufficiently sensitive to assess compliance with applicable water quality standards? Yes No

Comments:

(Additional space on page 8)

IV. Effluent Limitations

IV.A General Elements

1. Did the fact sheet describe the basis (technology or water quality) for each of the final effluent limits? Yes No
- a. Did the record indicate that a comparison of technology and water quality-based limits was performed, and the most stringent limit selected? Yes No
2. Were all limits at least as stringent as those in the previous permit? NA Yes No
- a. If no, specify: _____
- b. If no, did the record discuss whether "anti-backsliding" provisions were met? NA Yes No
- Specify: _____
3. Did permit limits restrict pollutant loadings to levels at or below those in the previous permit? Yes No
- a. If no, did the record indicate that an "antidegradation" review was performed in accordance with the state's approved antidegradation policy? NA Yes No
- Specify: _____

4. Did the state grant this facility a water quality standards variance? Yes No
 a. If yes, did the state follow all the required procedures for granting the variance? Yes No
5. Did the permit require a compliance schedule? Yes No
 a. If yes, what was the final compliance date? _____
 b. If yes, was the schedule consistent with 40 CFR 122.47 & EPA's May 2007¹ memo? NA Yes No

Comments:

 (Additional space on page 8)

IV.B Technology-Based Effluent Limits

POTWs: (For non-POTWs skip to question 6)

1. Did the permit contain numeric limits for ALL of the following: BOD₅ (or an alternative; e.g., CBOD₅, COD, TOC), TSS, and pH? Yes No
2. Were technology-based permit limits expressed in appropriate units of measure (i.e., concentration, mass, SU)? Yes No
3. Were permit limits for BOD₅ and TSS expressed in terms of both 30-day (monthly) average and 7-day (weekly) average limits? Yes No
4. Were concentration limitations in the permit at least as stringent as the secondary treatment requirements (30 mg/l BOD₅ and TSS for a 30-day (monthly) average and 45 mg/l BOD₅ and TSS for a 7-day (weekly) average)? Yes No
 a. If no, did the record provide a detailed justification (e.g., waste stabilization pond, trickling filter, etc.) for the alternate limitations? NA Yes No
 Specify: _____
5. Were 85 percent removal requirements for BOD₅ (or BOD₅ alternative) and TSS included? Yes No
 a. If no, did the record indicate the application of more stringent requirements than 85% removal (such as WQBELs] or other requirements)? Or an alternative consistent with 40 CFR 133.103 (e.g. waste stabilization pond, trickling filter, etc.) had been approved? NA Yes No
 Specify: _____

Comments:

 (Additional space on page 8)

Non-POTWs: (For POTWs skip to Section IV.C)

6. Was the facility subject to a national effluent limitations guideline (ELG)? Yes No
 a. If yes, what categories and subcategories applied? _____
 i. new source existing source?
 ii. Did the record explain how the categorization and performance levels (BPT, BCT, BAT, NSPS) were determined? NA Yes No
 iii. Did the record adequately document the calculations used to develop ELG-based effluent limits? NA Yes No

¹ Memorandum from Jim Hanlon, Director, Office of Wastewater Management to Alexis Strauss, Director, Water Division EPA Region IX regarding *Compliance Schedules for Water Quality-Based Effluent Limitations in NPDES Permits*.
<http://water.epa.gov/lawsregs/guidance/wetlands/upload/signed-hanlon-memo.pdf>

iv. Were final limits as stringent as required by applicable effluent limitations guidelines? NA Yes No
 If no, list parameters: _____
 Specify the basis in the record: _____

b. If the facility was not subject to an ELG (or if the facility included processes or waste streams that were not subject to ELG), did the permit include technology-based limitations based on best professional judgment (BPJ) for all conventional, nonconventional, and toxic pollutants in the discharge? NA Yes No
 If yes, specify which were based on BPJ: _____
 List limits that were not based on BPJ: _____

c. For limits developed based on BPJ, did the record indicate that the limits were developed considering all of the criteria established at 40 CFR 125.3(d)? NA Yes No

d. For limits developed based on BPJ, did the record adequately document the calculations used to develop BPJ technology-based effluent limits? NA Yes No

7. Were technology-based permit limits expressed in appropriate units of measure (i.e., concentration, mass, SU)? NA Yes No

8. Were all technology-based limits expressed in terms of both maximum daily and monthly average limits? NA Yes No

9. For all limits that were based on production or flow, did the record indicate that the calculations were based on a "reasonable measure of actual production" for the facility (not design)? NA Yes No

10. If the permit contained "tiered" limits that reflected projected increases in production or flow, did the permit require the facility to notify the permitting authority when alternate levels of production or flow were attained? NA Yes No

Comments: _____

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IV.C Water Quality-Based Effluent Limits

1. Did the record describe how "pollutants of concern" were selected for the limit development process? Yes No

2. Did the record describe the designated uses of the receiving water(s) to which the facility discharges (e.g., contact recreation, aquatic life use)? Yes No

3. Did the fact sheet contain a description of the 303(d) status of the receiving water(s)? Yes No
 a. If yes, was the receiving water(s) impaired for any uses? NA Yes No
 b. If yes, list impairments: _____

4. If the receiving water was impaired (i.e., on 303(d) list), did the facility discharge pollutants that cause or contribute to the impairment? NA Yes No

5. Had a TMDL been completed for the pollutant(s) causing the impairment(s)? NA Yes No
 a. If yes, did the fact sheet indicate that the TMDL was implemented in the permit? Yes No

6. If a TMDL had been completed for the receiving water, did the facility discharge pollutants that caused or contributed to the impairment? NA Yes No
 a. If yes, did the permit include WQBELs that were consistent with the assumptions and requirements of the WLA portion of the TMDL(s)? NA Yes No

- 7. Had the state made a finding that the discharge did or did not have a reasonable potential to cause, or contribute to an excursion above the applicable numeric water quality criterion for each pollutant of concern at each outfall? Yes No

- 8. Did the record include reasonable potential analysis documentation (e.g. summary tables, spreadsheets)? Yes No
 - a. If no, list all parameters of concern for which RP was not identified in record.

- 9. Did the record indicate that background data for the receiving water was used in limit development calculations? Yes No
 - a. If yes, for which parameters? _____
 - b. If no, what was the default used in calculations?

- 10. Where dilution or a mixing zone was provided, did the record describe how the dilution allowance was determined? NA Yes No

- 11. Where dilution or a mixing zone was provided, did the analysis account for contributions from other sources (e.g., ambient or background concentration)? NA Yes No

- 12. Based on analyses conducted, did the permit contain numeric effluent limits for all pollutants that had a reasonable potential to cause or contribute to an excursion of applicable WQ standards? NA Yes No
 - a. If no, identify all pollutants for which there was RP but no final limit:

- 13. For all final WQBELs, did the permit contain both long-term (e.g., average monthly) and short-term (e.g., maximum daily, instantaneous) effluent limits? NA Yes No

- 14. Were all WQBELs expressed in appropriate units of measure (i.e., concentration, mass, SU)? NA Yes No

- 15. Did the record include limit development calculations for each pollutant limited in the permit? Yes No
 - a. If no, which pollutants did not have documentation of calculations?

 - b. Were all final WQBELs in the permit consistent with the justification and documentation provided in the record? NA Yes No

- 16. Did the record indicate the state considered its applicable narrative water quality criteria in developing water quality-based permit conditions? Yes No

- 17. Was RP found for WET? NA Yes No
 - a. If yes, where RP was determined, were WQBELs included in the permit? Yes No

Comments:

(Additional space on page 8)

V. Monitoring and Reporting Requirements	
1. Did the permit require at least annual monitoring for all limited parameters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Were monitoring location(s) and frequency(s) identified?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Were the type, frequency, and location of monitoring adequate to assess compliance with each effluent limitation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Did the permit require testing for Whole Effluent Toxicity?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a. Type of testing: <input type="checkbox"/> Acute <input type="checkbox"/> Chronic	
5. Did the permit require use of a sufficiently sensitive 40 CFR Part 136 method capable of quantifying the pollutant at a concentration equal to or less than the limit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. POTWs:	
a. Did the permit require influent monitoring for BOD ₅ (or alternative) and TSS?	<input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No
b. Did the permit require monitoring for CSO/SSOs or blending?	<input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, specify _____	
7. Non-POTWs: For monitoring of ELG-based limits, if the monitoring frequency was less frequent than annual, did the record indicate that the facility applied for and was granted a monitoring waiver?	<input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No
a. If yes, did the permit specifically incorporate this waiver?	<input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No
Comments: _____	
_____ <i>(Additional space on page 8)</i>	

VI. Standard Conditions																							
1. Did the permit contain all 40 CFR 122.41 standard conditions?	<input type="checkbox"/> Yes <input type="checkbox"/> No																						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> (a) Duty to comply</td> <td style="width: 50%; padding: 5px;">(l) Reporting requirements</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (b) Duty to reapply</td> <td style="padding: 5px;"><input type="checkbox"/> (1) Planned change</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (c) Need to halt or reduce activity not a defense</td> <td style="padding: 5px;"><input type="checkbox"/> (2) Anticipated noncompliance</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (d) Duty to mitigate</td> <td style="padding: 5px;"><input type="checkbox"/> (3) Transfers</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (e) Proper operation & maintenance</td> <td style="padding: 5px;"><input type="checkbox"/> (4) Monitoring reports</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (f) Permit actions</td> <td style="padding: 5px;"><input type="checkbox"/> (5) Compliance schedules</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (g) Property rights</td> <td style="padding: 5px;"><input type="checkbox"/> (6) Twenty-four hour reporting</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (h) Duty to provide information</td> <td style="padding: 5px;"><input type="checkbox"/> (7) Other non-compliance</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (i) Inspections and entry</td> <td style="padding: 5px;"><input type="checkbox"/> (8) Other information</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (j) Monitoring and records</td> <td style="padding: 5px;"><input type="checkbox"/> (m) Bypass</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> (k) Signatory requirement</td> <td style="padding: 5px;"><input type="checkbox"/> (n) Upset</td> </tr> </table>	<input type="checkbox"/> (a) Duty to comply	(l) Reporting requirements	<input type="checkbox"/> (b) Duty to reapply	<input type="checkbox"/> (1) Planned change	<input type="checkbox"/> (c) Need to halt or reduce activity not a defense	<input type="checkbox"/> (2) Anticipated noncompliance	<input type="checkbox"/> (d) Duty to mitigate	<input type="checkbox"/> (3) Transfers	<input type="checkbox"/> (e) Proper operation & maintenance	<input type="checkbox"/> (4) Monitoring reports	<input type="checkbox"/> (f) Permit actions	<input type="checkbox"/> (5) Compliance schedules	<input type="checkbox"/> (g) Property rights	<input type="checkbox"/> (6) Twenty-four hour reporting	<input type="checkbox"/> (h) Duty to provide information	<input type="checkbox"/> (7) Other non-compliance	<input type="checkbox"/> (i) Inspections and entry	<input type="checkbox"/> (8) Other information	<input type="checkbox"/> (j) Monitoring and records	<input type="checkbox"/> (m) Bypass	<input type="checkbox"/> (k) Signatory requirement	<input type="checkbox"/> (n) Upset	
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<input type="checkbox"/> (k) Signatory requirement	<input type="checkbox"/> (n) Upset																						
2. Was the language of all § 122.41 standard conditions at least as stringent as the federal regulations?	<input type="checkbox"/> Yes <input type="checkbox"/> No																						
a. If no, specify: _____																							

3. Did the permit or fact sheet indicate that certain bypasses would be "approved" (i.e., No enforcement will be taken when system specific conditions i.e., wet weather flows exceed specified levels, are met)? ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a. If yes, did the record for the permit provide an adequate demonstration that there were "no feasible alternatives" to the bypass under the conditions when bypass is approved?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. POTWs: Did the permit contain the additional standard condition for POTWs regarding notification of new introduction of pollutants and new industrial users?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Non-POTWs: Did the permit contain the additional standard condition for non-municipals regarding notification levels?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:		
_____ (Additional space on page 8)		

VII. Administrative Record		
VII.A Technical Requirements		
1. If the draft permit was reviewed, was the file copy of the permit the same as the draft version?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
a. Did the file indicate that the permit was revised between the draft and final permit?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. If yes, specify: _____		
2. Subsequent to issuance, had the permit been modified?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a. If yes, was the modification processed in accordance with §§122.62 & 122.63?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Did the file include supporting documentation referenced in the fact sheet that was used to develop permit limits and conditions?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:		
_____ (Additional space on page 8)		
VII.B Public Notice		
1. Did the record include documentation of public notice in accordance with §124.10?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Did the public notice include content requirements at 124.10(d)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a. Where a 316(a) variance was requested, did the public notice include contents required at 124.57?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Did the record include all comments received, if any?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Did the record include a written response to all significant comments?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. If a public hearing was requested, was one held?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. If a public hearing was held, was the recording or transcript part of the administrative record?	<input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:		
_____ (Additional space on page 8)		

² One example of a less stringent permit provision would be if the permit provides "Bypass is prohibited unless [listed criteria are met]" rather than "Bypass is prohibited, and the Director may take enforcement action against a permittee unless [listed criteria are met]". Another example would be, if the criteria for limiting enforcement are less stringent than that used in the bypass regulation (No feasible alternatives, etc.)

