

# United States Environmental Protection Agency

## National Pollutant Discharge Elimination System (NPDES) Permit Quality Review (PQR) Checklist Companion for Review of Pretreatment Program Requirements

This guidance was developed by staff in the U.S. Environmental Protection Agency's (EPA's) Office of Wastewater Management and addresses development of wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES). NPDES permit development is governed by existing requirements of the Clean Water Act (CWA) and the EPA NPDES implementing regulations. CWA provisions and regulations contain legally binding requirements. This document does not substitute for those provisions or regulations. Recommendations in this guidance are not binding; the permitting authority may consider other approaches consistent with the CWA and EPA regulations. When EPA makes a permitting decision, it will make each decision on a case-by-case basis and will be guided by the applicable requirements of the CWA and implementing regulations, taking into account comments and information presented at that time by interested persons regarding the appropriateness of applying these recommendations to the situation. This guidance incorporates, and does not modify, existing EPA policy and guidance on developing NPDES permits. EPA may change this guidance in the future.

Water Permits Division  
Office of Wastewater Management  
4203M  
Washington, DC 20460  
[www.epa.gov/npdes](http://www.epa.gov/npdes)

## Contents

Introduction .....	3
Program Status Determination .....	5
Background Information .....	5
I. Program and Compliance Information – Approved and Not Approved States (Scenarios A and C).....	6
II. Program and Compliance Information – 40 CFR 403.10(e) States (Scenario B) .....	10
III. Review POTW NPDES Permits and Fact Sheets.....	12
III.A. For all POTWs (with and without Pretreatment Programs – All Scenarios) .....	13
III.B. For POTWs with Pretreatment Programs (Scenarios A and C) .....	16
III.C. For POTWs without Pretreatment Programs (Scenarios A and C).....	19
IV. Industrial User Permit Reviews .....	19
V. Summarize Findings.....	24
Appendix A. Summary of POTW NPDES Permits Reviewed for the PQR.....	28
Appendix B. Summary Table for Category 1 POTW NPDES Permit Pretreatment Requirements.....	29
Appendix C. Summary Table for Category 2 and 3 POTW NPDES Permit Pretreatment Requirements ....	30
Appendix D. Summary of Industrial User Permits Reviewed for the PQR.....	31

## Introduction

This document serves as a companion to the National Pollutant Discharge Elimination System (NPDES) Pretreatment Program Permit Quality Review (PQR) Checklist and details each of the sections and questions in the checklist. The PQR Checklist helps you, the PQR analyst or reviewer, verify that the Pretreatment Program information expected in an NPDES permit is included in the permit package (permit, fact sheet, and supporting attachments). The Pretreatment Program PQR checklist was developed using the Central Tenets of the NPDES Permitting Program (<http://www.epa.gov/npdes/pubs/tenets.pdf>), and discussions between U. S. Environmental Protection Agency (EPA) headquarters and regional offices.

The information requested for the checklist will be based on review of a complete permit record that includes the final or draft permit and the fact sheet or statement of basis (*fact sheet* in this document includes both types of documents), and Pretreatment Program database analyses and Internet searches. The checklist and this companion instruction manual will help you conduct the Pretreatment Program PQR. The information collected via the checklist will be used to develop a narrative description of the status of State and EPA Region Pretreatment Programs. Section V of these instructions presents an outline for the narrative PQR report. The document titled *Region [XX] NPDES Permit Quality Review [Insert State] [draft]* provides a template for the text of the PQR report, describes what information is required to be summarized, and what sections in the checklist provide the information.

The goal of the Pretreatment Program PQR is to assess the status of the Pretreatment Program in each State to ensure that the program is implemented in a manner that complies with the federal regulatory requirements. Adherence to policy and procedural requirements are also reviewed with respect to promoting national consistency.

Because the Pretreatment Program is a comprehensive program that includes permitting, oversight, and enforcement activities, the Pretreatment Program PQR starts with a review of NPDES permits for publicly owned treatment works (POTWs)—both POTWs that have Approved Pretreatment Programs and those POTWs that do not have Pretreatment Programs. The permits of POTWs without Approved Pretreatment Programs are reviewed to ensure that they contain appropriate language such as requirements for POTWs to report any new introduction or change of quality or quantity of pollutants discharged to the POTW and a reopener clause to require a Pretreatment Program, if deemed necessary. Also, when industrial user permits are issued by the State or Region, the permits are reviewed to determine whether they comply with federal pretreatment standards.

The Pretreatment Program PQR then assesses legal authority, implementation procedures, and oversight methods, as the Pretreatment Program extends beyond just the NPDES Permit conditions. EPA, States, and POTWs play a variety of roles when implementing the Pretreatment Program. In contrast to the NPDES Program where EPA typically approves a State NPDES Program, and then the State issues NPDES Permits, the most common scenario is where EPA approves a State Pretreatment Program, the State approves a municipal program, and the municipality then issues *pretreatment* permits to indirect dischargers to the POTW. However, in most States, a variety of oversight scenarios exist.

Currently, 36 States have Approved State NPDES and Approved State Pretreatment Programs. However, only 31 of those 36 States implement the Pretreatment Program in the common scenario described above. Of the 36 States, 5 implement the Pretreatment Program by skipping the municipal program scenario and instead directly issue permits to the industrial users at the State level; these are referred to as *40 CFR 403.10(e) States* because Title 40 of the *Code of Federal Regulations* (CFR) section 403.10(e) is where the legal authority to implement a program in this manner is established.

Ten States share responsibility of the NPDES and Pretreatment Program, i.e., with the State NPDES Program issuing the NPDES Permit to the POTW and the EPA Region Office overseeing other aspects of the Pretreatment Program.

Four States have neither State NPDES Program nor State Pretreatment Program authority, and the EPA regional office is the Approval Authority for both the NPDES and Pretreatment Program implementation.

In addition, the Pretreatment Program Authority—either the EPA or a State—is expected to conduct direct oversight for those industrial users that discharge to a POTW that is not approved to implement the Pretreatment Program. Therefore, the PQR results must be presented in different scenarios or perspectives. The Action Items must be presented to the Approval Authority for the entity (State) under review or to the Region if the State does not have an approved Pretreatment Program.

The PQR must also summarize Pretreatment Program statistics within each State: numbers of approved POTW Pretreatment Programs; the numbers of Significant Industrial Users (SIUs) and Categorical Industrial Users (CIUs) in approved POTW Pretreatment Programs and outside approved POTW Pretreatment Programs. Oversight statistics are also compiled on the frequency of Pretreatment Compliance Audits (PCAs) and Pretreatment Compliance Inspections (PCIs) conducted and the status of regulation updates (i.e., streamlining rule implementation). Comparison of these statistics obtained by contacting the Regional or State Pretreatment Coordinator with data obtained for the same elements housed in EPA databases is also performed to assess data entry and QA/QC, data needs and tools.

With respect to NPDES permit review, focus is placed on the following regulatory requirements for pretreatment and related activities and Pretreatment Program conditions in both POTWs with approved POTW Pretreatment Programs (all requirements below apply) and POTWs without approved programs (first and second requirement below apply):

- 40 CFR 122.42(b)—Conditions for all POTWs to notify the Director of new pollutants or change in discharge
- 40 CFR 122.44(j)—Conditions to conduct and submit Pretreatment Program elements for POTWs
- 40 CFR Part 403—Conditions on various Pretreatment Program Requirements that are required through the General and Specific Pretreatment Program regulations
- 40 CFR 403.12(i)—Conditions for submittal of Annual POTW Reports

Consequently, for States and Regions that are Control Authorities of industrial users discharging to POTWs without approved programs, information on the method and status of State or EPA oversight (or both) is collected, as is review of EPA- and State-issued industrial user control mechanisms. Requirements for industrial user permits are outlined at

- 40 CFR 403.8(f)(1)—Requirements for conditions for individual and general control mechanisms for industrial users.

These instructions are intended to explain each checklist question, how to evaluate and determine the correct response for each question, and how to condense the findings into a concise list of action items. The checklist has two introductory sections that assist you in determining which sections of the checklist to fill out and where to obtain data for the checklist.

## Program Status Determination

To fill out the correct sections of the PQR Checklist, you must determine the program status for the State under review. The checklist specifies which sections apply to each scenario. The choices for Program Status Determination listed in the checklist are described below:

- The State is approved to administer the Pretreatment Program and delegates program administration responsibility to the POTWs. (Scenario A)

Check this box, if applicable, and fill out the specified sections of the checklist. Determine whether the State is delegated as the Approval Authority for the Pretreatment Program. This information can be obtained from the Regional Pretreatment Coordinator and at <http://cfpub.epa.gov/npdes/statestats.cfm?view=specific>. The State is the Approval Authority because it has both NPDES and Pretreatment Program authorization. The State, in turn, approves municipalities to implement Pretreatment Programs at the local level, with oversight conditions included in the POTW's NPDES Permit. This is the most common scenario.

This scenario also includes the situation in which SIUs discharge to POTWs without approved Pretreatment Programs that should be issued either control mechanisms or administrative orders by the State or Region. Complete sections I, III, IV (when applicable) and V of the checklist.

- 40 CFR 403.10(e) States where the State is approved to administer the Pretreatment Program and implements the Pretreatment Program directly. (Scenario B)

Check this box, if applicable, and fill out the specified sections of the checklist. This scenario applies to 40 CFR 403.10(e) States: Alabama, Mississippi, Nebraska, Connecticut, and Vermont. The 40 CFR 403.10(e) States assume responsibility for implementing a POTW's Pretreatment Program. These States are referred to as *403.10(e) States* because of the citation of the regulation with the associated requirements. The 40 CFR 403.10(e) States are those that implement the program by directly issuing industrial user permits to industrial users rather than requiring the receiving POTW to develop an approved Pretreatment Program. Complete sections II, III.A, IV, and V of the checklist.

- The State is not approved to administer the Pretreatment Program. (Scenario C)

Check this box, if applicable, and fill out the specified sections of the checklist. This scenario applies when EPA is the Approval Authority for the Pretreatment Program because the State may or may not have NPDES Program authorization. EPA may directly approve a municipal Pretreatment Program and include oversight conditions in the POTW's NPDES Permit (or in an Order). The POTWs then issue industrial user permits, and the POTWs report directly to EPA. Also, in instances when industries open or move or are discovered in municipalities that have not yet developed a local Pretreatment Program, EPA provides direct oversight of those industrial users until the municipal program is approved and the implementation conditions are incorporated into the POTW's NPDES permit.

This scenario also includes the situation in which SIUs discharge to POTWs without approved Pretreatment Programs that should be issued either control mechanisms or administrative orders by the State or Region. Complete sections I (item numbers 1-10), III, IV (when applicable), and V of the checklist.

## Background Information

Programmatic data must be obtained from either the Permit Compliance System (PCS) or Integrated Compliance Information System (ICIS). PCS is the older database still being used by some States, but many States are using the updated database ICIS. You can determine which database the State under review is using by checking with the Regional Pretreatment Coordinator or accessing the databases directly. EPA's

guidance manuals titled *Integrated Compliance Information System – National Pollutant Discharge Elimination System Pretreatment Data Entry Instructions* and *Permit Compliance System Pretreatment Data Entry Instructions* are available to assist in data retrievals (available fall of 2012).

### 1. Is the State reporting to ICIS??

Check the appropriate box to indicate whether the State is reporting Pretreatment Program data to ICIS. If no data entry is taking place, check the *Not Entered* box. Note: Some States submit data to a local (State) database, which is then batch uploaded to ICIS; this scenario would be considered as submitting data to the respective system.

#### a) If not, does the Region enter this data?

Check Yes or No to indicate whether the Region enters the data.

### 2. Do you have a copy of the approved State program for this review?

Check Yes or No to indicate whether a copy of the approved State program has been obtained for this review. For more information on required legal authorities (or procedures, etc.) for Approved Pretreatment Program States, refer to 40 CFR 403.10(f)(1)-(3).

### 3. Do you have a copy of the approved State MOA for this review?

Check Yes or No to indicate whether a copy of the State Memorandum of Agreement has been obtained for this review. For more information on required legal authorities (or procedures, etc.) for Approved Pretreatment Program States, refer to 40 CFR 403.10(f)(1)-(3).

## I. Program and Compliance Information – Approved and Not Approved States (Scenarios A and C)

This section of the checklist includes general programmatic and compliance information about the State under review. This section is to be filled out for States that fit in Scenario A and Scenario C. Complete this for each State. This information is obtained by querying ICIS or the Regional Pretreatment Coordinator. Sometimes the data are available from both sources. Include data from each source and document the source of data. Compare the numbers provided by the different sources and comment on any discrepancies you find with the data when you develop the actual report entitled *Region [XX] NPDES Permit Quality Review [Insert State]* (referred to in these instructions as PQR report). Section V of this checklist provides a space to write comments that will be included in the PQR Report.

The information obtained to fill out this section of the checklist will be summarized in narrative form in the Program and Compliance Information section of the PQR Report. The Program and Compliance Information section will provide summary information about numbers of approved Pretreatment Programs, numbers of SIUs, etc., and will also reveal whether there are any issues to be noted as Action Items such as correcting data entry inconsistencies, percentages of current permits, whether inspections and audits are being conducted at required at POTWs at required frequencies, whether Compliance Monitoring Strategy (CMS) goals are being met, and whether streamlining rule requirements have been addressed. A description of how to develop the narrative summary of the findings for the PQR Report is provided in Section V below.

### 1. Number of Approved POTW Pretreatment Programs

Enter the number of approved POTW Pretreatment Programs in the State under review and document the source of the data. The data are available from ICIS and the Regional Pretreatment Coordinator. Compare the

numbers obtained from ICIS with numbers provided by the Regional Pretreatment Coordinator and comment on the discrepancies in the PQR report.

**a) *Number of Approved POTW Pretreatment Programs with capacity greater than 5 mgd [40 CFR 403.10(f)(2)(i)-(iii)]***

Enter the number of Approved Pretreatment Programs for which the POTWs have a capacity greater than 5 million gallons per day as required at 40 CFR 403.10(f)(2)(i)-(iii), which references 40 CFR 403.8(a) that requires POTWs with flows greater than 5 mgd to develop Pretreatment Programs.

**2. Number of SIUs in POTWs with approved programs**

Enter the number of SIUs in the State that discharge to approved POTW Pretreatment Programs in the State. The data are available from ICIS and the Regional Pretreatment Coordinator. Compare the numbers obtained from ICIS with numbers provided by the Regional Pretreatment Coordinator and comment on the discrepancies in the PQR report.

**3. Number of SIUs in POTWs without an Approved POTW Pretreatment Program**

Enter the total of number of SIUs (categorical and noncategorical) in the State that are discharging to POTWs that do not have an approved Pretreatment Program. The data are available from the Regional Pretreatment Coordinator and should be obtained from POTW NPDES application information and responses to standard POTW NPDES permit conditions of 40 CFR 122.42(b) and 122.44(j)(1). If the State has SIUs discharging to POTWs that do not have Approved Pretreatment Programs, the State or the Region should be issuing control mechanisms (permits or administrative orders) directly to the SIUs. If this is occurring, you must review three to four SIU permits and must fill out Section IV of the checklist.

**4. Number (and percentage) of noncategorical SIUs with expired permits in Approved POTW Pretreatment Programs**

Enter the number of SIUs in the State that discharge to Approved Pretreatment Programs and that have expired permits. The data are available from ICIS and the Regional Pretreatment Coordinator. To determine the percentage of SIUs that do not have current permits, compare this number to the total number of SIUs per POTW Pretreatment Program (i.e., the number from item 2 above).

**5. Number of CIUs in Approved POTW Pretreatment Programs**

Enter the number of CIUs in the State that are discharging to POTWs with Approved Pretreatment Programs. The data are available from ICIS and the Regional Pretreatment Coordinator.

**6. Number (and percentage) of CIUs with expired permits in Approved POTW Pretreatment Programs**

Enter the number of CIUs in the State that discharge to POTWs with Approved Pretreatment Programs that have expired permits. The data are available from ICIS and the Regional Pretreatment Coordinator. To determine the percentage of CIUs that do not have current permits, compare the number of CIUs without permits to the total number of CIUs per POTW Pretreatment Programs (i.e., the number from item 5 above). A comment section is available for any background information on this topic.

**7. Number of CIUs in POTWs without an Approved POTW Pretreatment Program**

Enter the number of CIUs in the State that are discharging to POTWs without Approved Pretreatment Programs. The data are available from Regional Pretreatment Coordinator and should be obtained from POTW NPDES application information and responses to standard POTW NPDES permit conditions of 40 CFR

122.42(b) and 122.44(j)(1) and Baseline Monitoring Reports. If the State has SIUs discharging to POTWs that do not have Approved Pretreatment Programs, the State or the Region should be issuing control mechanisms (permits or administrative orders) directly to the SIUs. If that is occurring, you must review three to four CIU permits and must fill out Section IV of the checklist.

**8. Number of PCIs conducted in the last full year [40 CFR 403.10(f)1(iii)]**

Using data from ICIS, enter the number of PCIs conducted at POTWs with Approved Pretreatment Programs in each State during the most recent year for which data are complete (i.e., all results for the year have been put into ICIS).

**9. Number of PCAs conducted in the last full year [40 CFR 403.10(f)1(iii)]**

Using data from ICIS, enter the number of PCAs conducted at POTWs with Approved Pretreatment Programs in each State during the most recent year for which data are complete (i.e., all results for the year have been put into ICIS).

**10. Number and percentage of SIUs inspected in the last full year (when States or EPA are the Control Authority)**

Using data from ICIS, enter the number and percentage of SIUs that were inspected during the most recent year for which data are complete (i.e., all results for the year have been put into ICIS).

**11. Were compliance monitoring strategy (CMS) goals of 2 PCIs and 1 PCA per five-year NPDES permit cycle reached by the State and/or Region (Approval Authority) for POTWs with an approved pretreatment program?**

Check Yes or No to indicate whether the Approval Authority for POTWs with an Approved Pretreatment Program met the CMS goal at all the POTWs. N/A (not applicable) applies when the State has been exempted from meeting the CMS goals as explained under *b.* below. Compile data from ICIS by POTW of the number of PCIs and PCAs conducted for the past five years to determine whether CMS goals were reached in the State under review. Typically, for purposes of the PQR, each NPDES Permit time frame is not accounted for in CMS goal determination. Only a five-year timespan is checked; typically for the most recent five years, complete data are available in ICIS. If you have CMS goal data for each POTW's NPDES Permit time frame, you should use that data instead. Using the data from ICIS, count the number of times the Control Authority has conducted at least two PCIs and one PCA within a five-year time frame at POTWs with approved Pretreatment Programs. [CMS goals: one PCA and two PCIs are conducted per five-year NPDES permit term. PCAs are more involved than PCIs, so if more than one PCA is conducted in a five-year span, you may count it in lieu of a PCI.]

**a) Percentage of POTWs for which the Approval Authority has met the CMS goal for this State**

Calculate a percentage for reaching the CMS using total number of POTWs for which the goal has been met, divided by total number of POTWs in each State. Enter the percentage of POTWs in the State for which at least two PCIs and one PCA were conducted per five-year NPDES permit term.

**b) Comments**

Provide comments if necessary. If a Memorandum of Understanding (MOU) or Performance Partnership Agreement (PPA) with the Region has temporarily allowed the State to reduce the frequency of PCIs and PCAs, please describe the MOU/PPA, new frequency, reasons, and when the State will return to meeting CMS goals.

**12. When was the last audit of the State program conducted?**

Enter the date when the EPA Region last conducted an audit of the State's Pretreatment Program. This information can be obtained from the Regional Pretreatment Coordinator. This is not applicable for States that do not have an authorized Pretreatment Program.

**13. Has the State updated its State Pretreatment Regulations to come into compliance with federal regulations to date, including revisions that went into effect November 14, 2005 (the "streamlining rule" [SR])?**

Check Yes or No to indicate whether the State has revised its legal authority to come into compliance with current General Pretreatment Regulations, including the streamlining rule. If you checked Yes, specify the date when this occurred. This information can be obtained from the Regional Pretreatment Coordinator. This is not applicable for States that do not have an authorized Pretreatment Program.

**a) If so, has the State adopted all mandated streamlining rule provisions?**

States are mandated to adopt 13 streamlining rule provisions, as identified in Fact Sheet 2.0.

[http://www.epa.gov/npdes/pubs/pretreatment\\_streamlining\\_required\\_changes.pdf](http://www.epa.gov/npdes/pubs/pretreatment_streamlining_required_changes.pdf)

Indicate whether the State has adopted all 13 mandated provisions; if it has adopted them, include the date of adoption. This information can be obtained from the Regional Pretreatment Coordinator. This is not applicable for States that do not have an authorized Pretreatment Program.

**b) If so, has the State adopted any of the following optional provisions?**

States may optionally adopt several provisions under the streamlining rule as listed in the checklist. Check those optional provisions that the State has adopted. This information can be obtained from the Regional Pretreatment Coordinator. This is not applicable for States that do not have an authorized Pretreatment Program. The State will likely have adopted the optional provisions at the same time as the required provisions. Specify the date when this occurred.

**c) Is the Attorney General statement included [40 CFR 403.10(g)(1)]?**

Check Yes or No to indicate whether the Attorney General statement is included according to 40 CFR 403.10(g)(1).

**14. Describe how the State is ensuring that POTWs update their local regulations to comply with the required streamlining revisions?**

In the comment field, describe how the State is overseeing whether POTWs have updated their local regulations per the streamlining rule requirements. For example, does the State have a tracking database of when each POTW adopts required and optional streamlining rule provisions? How is this information relayed to the State when the POTWs adopt the provisions? Describe how this information is being verified (PCAs, PCIs, or other). This is not applicable for States that do not have an authorized Pretreatment Program.

**15. Are discharge monitoring reports and required reports received and reviewed by State or EPA where State or EPA is the Approval Authority?**

Check Yes or No to indicate whether DMRs and other required reports are received and reviewed by the State or EPA when the State or EPA are the Approval Authorities.

### **16. Is comprehensive compliance evaluation performed during the receipt of discharge monitoring reports?**

Check Yes or No to indicate whether a comprehensive compliance evaluation is performed by the Approval Authority when the DMRs are received.

## **II. Program and Compliance Information – 40 CFR 403.10(e) States (Scenario B)**

This section applies to 40 CFR 403.10(e) States that implement the Pretreatment Program and issue industrial user permits directly to industrial users (Scenario B). Complete this for each State. The individual receiving POTW is not directly involved in the Pretreatment Program. This information is obtained by querying ICIS or the Regional Pretreatment Coordinator or both. Sometimes data is available from both sources. Include data from each source and document the source of data. Compare the numbers obtained or provided by the different sources and comment on any discrepancies in the PQR report.

The information obtained to fill out this section of the checklist will also be summarized in narrative form in the Program and Compliance Information section of the PQR Report. The information from this section of the checklist will address Program and Compliance Information pertinent to 40 CFR 403.10(e) States. A description of how to develop the narrative summary of the findings for the PQR Report is provided in Section V below.

### **1. Number of SIUs**

Enter the number of SIUs in the 40 CFR 403.10(e) State. The data are available from ICIS or the Regional Pretreatment Coordinator (or both).

#### **a) Number of CIUs**

Enter the number of CIUs in the 40 CFR 403.10(e) State. The data are available from ICIS or the Regional Pretreatment Coordinator (or both).

### **2. Number of SIUs that have been inspected in the last full year**

Enter the number of SIUs that have been inspected during the most recent full calendar year for which data are complete (i.e., all results for the year have been put into ICIS). The data are available from ICIS or the Regional Pretreatment Coordinator (or both).

#### **a) In accordance with 40 CFR 403.8(f)(2)(v), were 100 percent of the SIUs inspected in the last full year?**

Determine the percentage of SIUs that were inspected using data from Numbers 1 and 2 above. Check Yes or No to indicate whether the State conducted inspections at all the SIUs (100 percent).

### **3. Number of SIUs for which monitoring events were conducted in the last full year**

Enter the number of SIUs at which the State conducted monitoring (sampling) events during the most recent full calendar year for which data are complete (i.e., all results for the year have been put into ICIS). The data are available from ICIS or the Regional Pretreatment Coordinator (or both).

***a) In accordance with 40 CFR 403.8(f)(2)(v), were 100 percent of the SIUs monitored in the last full year?***

Determine the percentage of SIUs that were monitored (sampled) using data from Numbers 1 and 3 above. Check Yes or No to indicate whether the State conducted compliance monitoring at all the SIUs (100 percent).

**4. Number of SIUs with expired permits**

Enter the number of SIUs in the State that have an expired permit. The data might be available from the State. Or you might need to review all SIU permits to determine expiration dates.

***a) Discuss expired permits/backlog percentage***

Comment on the number of expired permits that are in the State, and the percentage that are expired. Explain the circumstances that might be causing a backlog in reissuing permits.

**5. Number of permits never issued to SIUs that require permits.**

Indicate the number of permits that were never issued to SIUs that should have been issued permits.

**6. Did the State submit an annual pretreatment report for the last full year?**

Check Yes or No whether the State submitted an annual pretreatment report to the Approval Authority for the most recent full calendar year. This data should have been submitted to the Regional Pretreatment Coordinator.

***a) If so, does the report include the content required in 40 CFR 403.12(i)?***

Check Yes or No if the annual report submitted by the State contains all the required information in 40 CFR 403.12(i).

**7. Did the State identify SIUs in SNC as defined by 40 CFR 403.8(f)(2)(viii) in the last full year?**

Check Yes or No whether the State had identified any SIUs in significant noncompliance in the last full year. The data are available from ICIS or the State.

**8. Did the State publish all SIUs in SNC in the newspaper in accordance with 40 CFR 403.10(f)(2)(i)?**

Check Yes or No to indicate whether the State published **all** SIUs in significant noncompliance in the last year. The data are available from ICIS or the State. The regulations at 40 CFR 403.10(f)(2)(i) state "In the absence of a POTW Pretreatment Program, the State shall have procedures to carry out the activities set forth in 403.8(f)(2)."

***a) Comment***

If the State did not publish **all** SNC notices, enter comments regarding how many SNC publications there might have been and for how many SIUs. The data are available from the State or the Regional Pretreatment Coordinator

**9. When was the last audit of the State program conducted?**

Enter the date when the EPA Region last conducted an audit of the State's Pretreatment Program. This information can be obtained from the Regional Pretreatment Coordinator.

**10. Has the State updated its State Pretreatment Regulations to come into compliance with federal regulations to date, including revisions that went into effect November 14, 2005 (i.e., the SR)**

Check Yes or No as to whether the State has revised its legal authority to adopt the streamlining rule and include the date when this occurred. This information can be obtained from the Regional Pretreatment Coordinator.

***a) If so, has the State adopted all mandated streamlining rule provisions?***

States are mandated to adopt 13 streamlining rule provisions, as identified in Fact Sheet 2.0 ([http://www.epa.gov/npdes/pubs/pretreatment\\_streamlining\\_required\\_changes.pdf](http://www.epa.gov/npdes/pubs/pretreatment_streamlining_required_changes.pdf)).

Indicate whether the State has adopted all 13 mandated provisions; if it has adopted them, include the date of adoption. This information can be obtained from the Regional Pretreatment Coordinator.

***b) If so, has the State adopted any of the following optional provisions?***

States may optionally adopt several provisions under the streamlining rule as listed in the checklist. Check those optional provisions that the State has adopted. This information can be obtained from the Regional Pretreatment Coordinator. The State will likely have adopted the optional provisions at the same time. Specify the date when this occurred.

**11. Describe how the State is ensuring that POTWs update their local regulations to comply with the required streamlining revisions?**

In the comment field describe how the State is overseeing whether POTWs have updated their local regulations per the streamlining rule requirements. For example, does the State have a tracking database of when each POTW adopts required and optional streamlining rule provisions? How is this information relayed to the State when the POTWs adopt the provisions? Describe how this information is being verified (PCAs, PCIs, or other)?

### **III. Review POTW NPDES Permits and Fact Sheets**

Obtain three to four NPDES permits and fact sheets for POTWs for each State. Include permits for POTWs with and without approved Pretreatment Programs of varying sizes (in million gallons per day [mgd]). It is advisable to summarize permit data in the table in Appendix A of these instructions. Summarize the following information to ensure that all types of permits are represented.

- Permit number
- POTW name
- Permit expiration date
- Whether a Pretreatment Program is required, or not, or unknown (because not enough information is provided in the permit or the fact sheet)
- Flow
- Fact sheet (denote Y/N whether a fact sheet exists)

Review each POTW NPDES permit and its accompanying fact sheet (if available) using the appropriate section of the checklist.

Section III.A applies to all POTW NPDES Permits, regardless of whether the POTW is required to have a Pretreatment Program (Scenarios A, B, and C, as described in the Introduction). Section III.B applies to

POTWs that are required to have Pretreatment Programs (may apply to Scenarios A or C). Section III.C applies to POTWs that are not required to have Pretreatment Programs (may apply to Scenarios A or C).

Under both Scenario A and C, there will be cases where either the State (Scenario A) or the Region (Scenario C) will be overseeing POTWs that have approved Pretreatment Programs and POTWs that do not have approved Pretreatment Programs. You should assess whether the NPDES Permits have the appropriate requirements for approved programs and for POTWs that do not have approved Pretreatment Programs.

Appendix B has a table that you can use to summarize whether the POTW NPDES permits contain required information for purposes of reviewing trends in permit compliance. These required elements are classified as Category 1 Findings in the PQR. Non-required elements of a permit are classified as Category 2 and 3 Findings in the PQR. Category 2 Findings consist of deficiencies or noncompliance with guidance or policy, and Category 3 Findings are deficiencies with best management practices. Category 2 and 3 Findings include the following items from the checklist: III.A.4 (for POTWs that do not have approved programs, this is required for POTWs that do have approved programs), III.A.5, III.B.1, and III.C.2. Appendix B has a table that you can use to summarize whether the permits reviewed contain the Category 2 and 3 components.

From the checklist and the summary tables found in Appendix B you will summarize the findings of the NPDES permit and fact sheet reviews under Findings in the PQR Report. Items in the checklist that are marked “no” indicate permit deficiencies. These deficiencies will be described in narrative form along with what requirement is not being met (the requirement citation is provided in the checklist). Recommendations for improving permits and fact sheets may also arise as you review them (e.g., Category 2 and 3 issues, as well as issues such as inconsistent permit formats within the same State). Keep track of these suggestions in Section V of the checklist. All Findings will then be summarized as Action Items. These Action Items will describe what the Region and the States must do to meet requirements and recommendations for improvement. A description of how to develop the narrative summary of the Findings and Action Items for the PQR Report is provided in Section V below.

### **III.A. For all POTWs (with and without Pretreatment Programs – All Scenarios)**

Fill out this section for each POTW NPDES Permit reviewed. This section is applicable to all POTW NPDES permits, regardless of whether the POTW is required to have a Pretreatment Program.

#### **1. Does the permit contain the notification requirements for 40 CFR 122.42(b)(1) for any new introduction of pollutants to the POTW?**

Check Yes or No to indicate whether the permit contains the notification requirements for 40 CFR 122.42(b)(1) for any new introduction of pollutants to the POTW. The federal regulations at 40 CFR 122.42(b)(1) state:

All POTWs must provide adequate notice to the Director of the following: 1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants.

##### ***a) If so, does it designate who must be notified?***

If the permit contains the requirement at 40 CFR 122.42(b)(1) check Yes or No as to whether it designates who (the State or EPA) must be notified.

**b) Who?**

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified. Provide the exact name of the entity as specified in the permit.

**2. Does the permit contain the notification requirements for 40 CFR 122.42(b)(2) for any substantial change in volume or character of pollutants?**

Check Yes or No to indicate whether the permit contains the notification requirements for 40 CFR 122.42(b)(2) for any substantial change in pollutants to the POTW. The federal regulations at 40 CFR 122.42(b)(2) state:

All POTWs must provide adequate notice to the Director of the following: 2) Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

**a) If so, does it designate who must be notified?**

If the permit contains the requirement at 40 CFR 122.42(b)(2) check Yes or No as to whether it designates who (the State or EPA) must be notified.

**b) Who?**

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified. Provide the exact name of the entity as specified in the permit.

**3. Does the NPDES Permit contain the notification requirements for 40 CFR 122.42(b)(3) quantity and quality of effluent to POTW and anticipated impact of the change in effluent to POTW?**

Check Yes or No to indicate whether the permit contains the requirement at 40 CFR 122.42(b)(3) which states:

All POTWs must provide adequate notice to the Director of the following: (3) For purposes of this paragraph, adequate notice must include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

**a) If so, does it designate who must be notified?**

If the permit contains the requirement at 40 CFR 122.42(b)(3) check Yes or No as to whether it designates who (the State or EPA) must be notified.

**b) Who?**

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified. Provide the exact name of the entity as specified in the permit.

**4. Does the NPDES Permit contain requirements at 40 CFR 122.44(j)(1) to identify SIUs (i.e., industrial waste survey)?**

Check Yes or No to indicate whether the permit contains the requirements at 40 CFR 122.44(j)(1) to identify SIUs. The regulations at 40 CFR 122.44(j)(1) require POTWs to

(1) Identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR Part 403.

***a) If so, does it designate who must be notified?***

If the permit contains the requirement at 40 CFR 122.44(j)(1) check Yes or No as to whether it designates who (the State or EPA) must be notified.

***b) Who?***

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified. Provide the exact name of the entity as specified in the permit.

**5. Does the permit have an accompanying fact sheet?**

Check Yes or No to indicate whether a fact sheet has been developed for the permit. Sometimes the fact sheet is called Rationale or Statement of Basis. If the answer is No, questions 5.a through 5.e do not apply; please leave them blank in the checklist. If a fact sheet has been developed, answer questions 5.a through 5.e.

***a) If so, does the fact sheet designate whether a Pretreatment Program is required or not?***

Check Yes or No to indicate whether the fact sheet specifies whether or not a Pretreatment Program is required. Even if a Pretreatment Program is not required, the fact sheet could mention specifically that it is not required; in such a case, you would check Yes.

***b) If so, does the fact sheet describe why a Pretreatment Program is required?***

Check Yes or No to indicate whether the fact sheet notes the reason why a Pretreatment Program is required. The fact sheet might say that a Pretreatment Program is required because of SIUs, or high flows, or previous issues at the plant. If no Pretreatment Program is required, check N/A.

***c) If so, does the fact sheet describe when the Pretreatment Program was approved (dates) and any subsequent modifications to the program?***

Check Yes or No to indicate whether approval and modification dates are noted in the fact sheet. If no Pretreatment Program is required, check N/A.

***d) If so, does the fact sheet describe types of industrial users?***

Check Yes or No to indicate whether the fact sheet notes the types of industrial users, or numbers or industrial users, or even lists the specific industrial users. If no Pretreatment Program is required, check N/A.

***e) If so, does the fact sheet evaluate pollutants from these industry sectors for reasonable potential analysis for water quality-based limits?***

Check Yes or No to indicate whether the fact sheet evaluates pollutants from these industry sectors for reasonable potential analysis for water quality-based limits. It is important to link the industries to the pollutants that they are discharging in developing appropriate effluent limitations in the NPDES permit. If no Pretreatment Program is required, check N/A.

**6. Does the NPDES Permit contain requirements at 40 CFR 122.44(j)(2)(ii) to provide a technical evaluation of the need to reevaluate local limits following permit issuance or reissuance?**

Check Yes or No to indicate whether the permit contains the requirements at 40 CFR 122.44(j)(2)(ii) to reevaluate local limits. The regulation at 40 CFR 122.44(j)(2)(ii) requires POTWs with Pretreatment Programs to:

(ii) Provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following permit issuance or reissuance.

**a) If so, does it designate who must be notified?**

If the permit contains the requirement at 40 CFR 122.44(j)(2)(ii), check Yes or No as to whether it designates who (the State or EPA) must be notified.

**b) Who?**

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified.

**c) If so, does it specify a date or a time frame for submission?**

Check Yes or No to indicate whether the permit designates a date for submission of the local limits reevaluation report.

**d) If so, what date or frequency of submittal is required?**

Note the date or the time frame that is specified in the permit for submitting the local limits evaluation report.

### III.B. For POTWs with Pretreatment Programs (Scenarios A and C)

Fill out this section for each POTW NPDES Permit reviewed for POTWs that are already required to have a Pretreatment Program.

**1. Does the POTW NPDES Permit identify that the POTW has an approved Pretreatment Program?**

Check Yes or No to indicate whether the permit explicitly states that the POTW has an approved Pretreatment Program or has been required to develop a program (which has not yet been approved).

**a) Does the fact sheet identify that the POTW has an approved Pretreatment Program?**

Check Yes or No to indicate if the fact sheet explicitly states that the POTW has an approved Pretreatment Program or has been required to develop a program (which has not yet been approved). If no fact sheet exists, check N/A.

**2. Does the NPDES Permit incorporate 40 CFR Part 403 by reference?**

Check Yes or No to indicate whether the permit States that the permittee must meet requirements at 40 CFR Part 403. This is not required; however, if 40 CFR Part 403 is incorporated by reference, the permit thereby meets most Pretreatment Program requirements.

If not, does the NPDES Permit contain the following POTW pretreatment requirements?

***a) Identify and locate all possible industrial users [40 CFR 403.8(f)(2)(i)]***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW identify and locate all possible industrial users that might be subject to the POTW Pretreatment Program. The permit must also require that any compilation, index or inventory of industrial users be made available to the Regional Administrator or Director upon request.

***b) Identify character and volume of pollutants from industrial users [40 CFR 403.8(f)(2)(ii)]***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW identify the character and volume of pollutants contributed to the POTW by the industrial users identified at 40 CFR 403.8(f)(2)(i). The permit must also require that the information be made available to the Regional Administrator or Director upon request.

***c) Notify industrial users of applicable pretreatment standards and requirements [40 CFR 403.8(f)(2)(iii)]***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW notify industrial users of applicable pretreatment standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act.

***d) Receive and analyze reports from industrial users [40 CFR 403.8(f)(2)(iv)]***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements at 40 CFR 403.12.

***e) Randomly sample and inspect industrial users at least once a year [40 CFR 403.8(f)(2)(v)].***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW randomly sample and analyze the effluent from industrial users and conduct surveillance activities to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with Pretreatment Standards. The POTW must inspect and sample the effluent from each SIU at least once a year except as otherwise specified at 40 CFR 403.8(f)(2)(v)(A)-(C).

***f) Evaluate each significant industrial user for the need for a slug discharge control plan [40 CFR 403.8(f)(2)(vi)]***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW evaluate whether each SIU needs a plan or other action to control slug discharges. For industrial users identified as significant before November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional SIUs must be evaluated within one year of being designated an SIU. A slug discharge is any discharge of a non-routine, episodic nature, including an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities must be available to the Approval Authority upon request. SIUs are required to notify the

POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan must contain, at a minimum, the elements at 40 CFR 403.8(f)(2)(vi)(A)-(D).

***g) Investigate instances of noncompliance by industrial users with pretreatment standards and requirements [40 CFR 403.8(f)(2)(vii)]***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under 40 CFR 403.12, or indicated by analysis, inspection, and surveillance activities.

***h) Annual publication of significant noncompliance notices [40 CFR 403.8(f)(2)(viii)]***

Check Yes or No to indicate whether the permit contains this requirement. If the permit does not incorporate federal pretreatment regulations at 40 CFR Part 403 by reference, the permit must contain the requirement that the POTW comply with the public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards. These procedures must include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements.

**3. Does the NPDES Permit identify contents and a submittal date (at least annually) for an annual pretreatment report [40 CFR 403.12(i)]?**

Check Yes or No to indicate whether the permit contains the requirements at 40 CFR 403.12(i) that POTWs with approved Pretreatment Programs must provide to the Approval Authority an annual pretreatment report.

***a) If so, does it designate who must be notified?***

If the permit contains the requirement at 40 CFR 403.12(i) check Yes or No as to whether it designates who (the State or EPA) must be notified.

***b) Who?***

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified.

***c) If so, does it specify a date for submission?***

Check Yes or No to indicate whether the permit designates a date for submission of the annual report.

***d) If so, what date or frequency of submittal is required?***

Note the date or the time frame that is specified in the permit for submitting the annual report.

**4. Does the NPDES Permit require notification if the POTW modifies its Pretreatment Program as required at 40 CFR 403.18?**

Check Yes or No to indicate whether the permit contains the requirements at 40 CFR 403.18 that POTWs with approved Pretreatment Programs must provide notice to the Approval Authority of modifications to their Pretreatment Programs.

**a) *If so, does it designate who must be notified?***

If the permit contains the requirement at 40 CFR 403.18 check Yes or No as to whether it designates who (the State or EPA) must be notified.

**b) *Who?***

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified.

### **III.C. For POTWs without Pretreatment Programs (Scenarios A and C)**

Fill out this section for each POTW NPDES Permit reviewed for POTWs that are not required to have a Pretreatment Program.

**1. Does the NPDES Permit contain requirements at 40 CFR 122.44(j)(2)(i) to develop and submit a local program?**

Check Yes or No to indicate whether the permit for POTW that has recently been required to develop a Pretreatment Program contains the requirements to develop a Pretreatment Program. The regulation at 40 CFR 122.44(j)(2)(i) requires POTWs without Pretreatment Programs who have been required to develop programs to

Submit a local program when required by and in accordance with 40 CFR Part 403 to assure compliance with pretreatment standards to the extent applicable under section 307(b). The local program must be incorporated into the permit as described in 40 CFR Part 403. The program must require all indirect dischargers to the POTW to comply with the reporting requirements of 40 CFR Part 403.

**a) *If so, does it designate who must be notified?***

If the permit contains the requirement at 40 CFR 122.44(j)(2)(i) check Yes or No as to whether it designates who (the State or EPA) must be notified.

**b) *Who?***

If so, in the space provided, name the entity (the State or EPA) the permit designates to be notified.

**2. Does the NPDES Permit contain a reopener clause that the permit can be reopened to require development of a local Pretreatment Program if determined necessary?**

Check Yes or No to indicate whether the permit contains a reopener clause that specifically states that the permit can be reopened to require a Pretreatment Program. This is different from the standard NPDES reopener clause, it specifically refers to Pretreatment Program requirements.

## **IV. Industrial User Permit Reviews**

Industrial user permits will be reviewed for scenarios when the State or EPA issues industrial user permits directly to the industrial users. This occurs when the State or EPA is tasked with overseeing SIUs that discharge to POTWs without approved Pretreatment Programs. Nearly all States have some SIUs in this situation. Industrial user permits are also issued by 40 CFR 403.12(e) states.

Obtain three to four industrial user permits and fact sheets for industrial users where the State or EPA is the Control Authority. It is advisable to make a table as shown in Appendix D with the following information to summarize and track the permits collected:

- Industrial user name
- Permit expiration date
- Flow
- Fact sheet (does it exist?)

Industrial user permits are required at 40 CR 403.8(f)(1)(iii) to contain the following permit components. Check to see if the permits contain the components. Check Yes or No to indicate whether the permit includes the requirement.

From the checklist and the summary tables found in Appendix B you will summarize the findings of the industrial user permit and fact sheet reviews under Findings in the PQR Report. Items in the checklist that are marked “no” indicate permit deficiencies. These deficiencies will be described in narrative form along with what requirement is not being met (40 CFR sections are cited in the checklist).

Recommendations for improving permits and fact sheets may also arise as you review them. Fact sheets are not required to be developed to accompany industrial user permits, however, they are very useful for summarizing pertinent data. Review the fact sheets and document any recommendations for improvement, or any discrepancies between the fact sheet and the permit. Keep track of these suggestions in Section V of the checklist. A description of how to develop the narrative summary of the findings for the PQR Report is provided in Section V below.

#### **1. Statement of duration [40 CFR 403.8(f)(1)(iii)(B)(1)]**

Check Yes or No to indicate whether the permit has a statement of duration. The permit duration cannot exceed five years as required at 40 CFR 403.8(f)(1)(iii)(B)(1). Note, for example, that May 15, 2010, to May 15, 2015, is five years and one day and is, therefore, noncompliant. Industrial user permits can be any duration less than five years.

#### **2. Statement of nontransferability [40 CFR 403.8(f)(1)(iii)(B)(2)]**

Check Yes or No to indicate whether the permit has a statement that it is nontransferable without prior notice given by the industrial user as required at 40 CFR 403.8(f)(1)(iii)(B)(2).

#### **3. All general and specific prohibitions included [40 CFR 403.5]**

Check Yes or No to indicate whether the permit contains the general and specific prohibited discharge at 40 CFR 403.5.

#### **4. Dilution prohibition [40 CFR 403.6(d)]**

Check Yes or No to indicate whether the permit has a statement that prohibits dilution as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement as required at 40 CFR 403.6(d)].

#### **5. Applicable effluent limits correctly applied to wastestreams required to be regulated (local limits, categorical standards, best management practices) [40 CFR 403.8(f)(1)(iii)(B)(3)]**

Check Yes or No to indicate whether the permit contains all applicable effluent limits as required at 40 CFR 403.8(f)(1)(iii)(B)(3). CIUs are required to comply with all categorical limits. Are all categorical limits listed in the permit? Are all applicable local limits listed (e.g., daily maximum, instantaneous maximums, monthly averages)? Compare the local limits in the permit to the POTW’s approved list of local limits (found in the

SUO or local limits resolution) to ensure that they are consistent. The regulation at 40 CFR 403.5(c)(4) stipulates that a POTW may develop BMPs to implement specific limits required by 40 CFR 403.5(c)(1) and (2).

**6. Identification of pollutants to be monitored [40 CFR 403.8(f)(1)(iii)(B)(4)]**

Check Yes or No to indicate that the industrial user permit identifies all pollutants required to be monitored as required at 40 CFR 403.8(f)(1)(iii)(B)(4). The permit must identify all applicable pollutants that are required to be monitored including categorical standards and local limits.

**7. Is use of Part 136 methods required [40 CFR 403.12(g)(3)]**

Check Yes or No to indicate whether the permit has a statement that all sampling analyses must be performed in accordance with procedures established approved methods at 40 CFR Part 136 as required at 40 CFR 403.12(g)(3).

**8. Does the permit grant a waiver for pollutants not present? [40 CFR 403.8(f)(1)(iii)(B)(4)]**

Check Yes or No to indicate whether the permit indicates that the receiving POTW (or State or EPA as Control Authority) reduced any of the industrial user's monitoring requirements for regulated pollutants to less than twice in accordance with a waiver for pollutants not present or expected to be not present. If the industrial user's monitoring requirements for pollutants not present or expected to be not present were reduced to less than twice per year, requirements outlined in 40 CFR 403.8(f)(1)(iii)(B)(4) must be included in the permit.

**a) If so, does the POTW have the authority to grant the waiver?**

Check Yes or No to indicate whether the POTW (or State or EPA as Control Authority) has adopted this provision in its legal authority before implementation.

**b) If so, did the POTW document its process for granting the waiver?**

Check Yes or No to indicate whether the permit contains a description of the process as required at 40 CFR 403.8(f)(1)(iii)(B)(4).

**9. Sampling frequency [40 CFR 403.8(f)(1)(iii)(B)(4)]**

Check Yes or No to indicate whether the industrial user permit denotes the required monitoring frequency (daily, weekly, monthly, and such) for each pollutant as required at 40 CR 403.8(f)(1)(iii)(B)(4), but no less than twice per year for limited pollutants.

**10. Sampling locations/discharge points [40 CFR 403.8(f)(1)(iii)(B)(4)]**

Check Yes or No to indicate whether the permit provides a detailed narrative description or a map (or both) of the sampling location(s) as required at 40 CFR 403.8(f)(1)(iii)(B)(4). Compliance of categorical limits is based on sampling at the end of the process and local limits are assessed at the end of the pipe. The end-of-process sampling point refers to the discharges from regulated processes, and end-of-pipe refers to the discharge point where the discharge enters the public sewer system.

**11. Sample types (grab or composite) [40 CFR 403.8(f)(1)(iii)(B)(4) and 40 CFR 403.12(g)(3)]**

Check Yes or No to indicate whether the permit specifies what type of samples are to be collected for each pollutant (grab or composite) as required at 40 CFR 403.8(f)(1)(iii)(B)(4) and 40 CFR 403.12(g)(3).

**12. Representative sampling [40 CFR 403.12(g)(3)]**

Check Yes or No to indicate whether the permit has a statement that samples must be representative of conditions occurring during the reporting period as required at 40 CFR 403.12(g)(3). A representative sample is a sample from a wastestream that is as nearly identical in composition to that in the larger volume of wastewater being discharged and is typical of the discharge from the facility on a normal operating day.

**13. Recordkeeping of Sampling and analysis requirements [40 CFR Part 136 and 40 CFR 403.12(o)(1) and 40 CFR 403.12(g)(3)]****a) Sample date**

Check Yes or No to indicate whether the permit requires that the sample date must be documented.

**b) Sample time**

Check Yes or No to indicate whether the permit requires that the sample time must be documented.

**c) Name of samplers**

Check Yes or No to indicate whether the permit requires that the name(s) of sampling staff must be documented.

**d) Sample preservation**

Check Yes or No to indicate whether the permit requires that the sample preservation method must be documented.

**e) Analysis dates**

Check Yes or No to indicate whether the permit requires that analysis dates must be documented.

**f) Name(s) of analyst(s)**

Check Yes or No to indicate whether the permit requires that the name(s) of sample analysts must be documented.

**g) Analytical methods**

Check Yes or No to indicate whether the permit requires that the analytical methods used must be documented.

**14. Signatory requirement [40 CFR 403.12(m)]**

Check Yes or No to indicate whether the permit requires that all reports submitted by industrial users must be signed as required at 40 CFR 403.12(m).

**15. Certification statement [40 CFR 403.6(a)(2)(ii) and 40 CFR 403.12(l) ]**

Check Yes or No to indicate whether the permit requires that all reports submitted by industrial users must include the certification statement at 40 CFR 403.6(a)(2)(ii) as required at 40 CFR 403.12(l).

**16. Reporting requirements to report sampling results twice per year [40 CFR 403.12(e)&(h)]**

Check Yes or No to indicate whether the permit includes reporting requirements [when periodic reports on compliance are due, as required at 40 CFR 403.8(f)(1)(iii)(B)(4) and 40 CFR 403.12(e)&(h)]. Reporting frequency must be no less than twice per year.

**17. Requirements to report all monitoring results [40 CFR 403.12(g)(6)]**

Check Yes or No to indicate whether the permit requires that all certification statements and monitoring results must be included in the reports if additional monitoring is conducted as required at and 40 CFR 403.12(g)(6).

**18. Record-keeping requirements [40 CFR 403.12(o)(2)]**

Check Yes or No to indicate whether the permit contains the statement at 40 CFR 403.12(o)(2) that records are to be maintained for a minimum of three years.

**19. Statement of applicable civil and criminal penalties [40 CFR 403.8(f)(1)(iii)(B)(5)]**

Check Yes or No to indicate whether the permit contains a statement of applicable civil and criminal penalties 40 CFR 403.8(f)(1)(iii)(B)(5).

**20. Compliance schedules [40 CFR 403.8(f)(1)(iv)]**

Check Yes or No to indicate whether the permit contains a compliance schedule for addressing installation of treatment as required at 40 CFR 403.8(f)(1)(iv). Compliance schedules should not be used in permits to address noncompliance issues at the facility; they should be in separate enforcement orders. Not all industrial user permits have or should have compliance schedules. If a compliance schedule is not required, mark as N/A.

**21. Slug discharge control plan, if determined by the POTW to be necessary [40 CR 403.8(f)(1)(iii)(B)(6)]**

Check Yes or No to indicate whether the permit requires a slug discharge control plan, if the receiving POTW (or State or EPA as Control Authority) has decided to require one 40 CR 403.8(f)(1)(iii)(B)(6). Note that spill prevention plans are not necessarily the same as slug control discharge plans. If the POTW has not required a slug discharge control plan, check N/A.

**22. Notice of slug loading [40 CFR 403.8(f)(1)(iii)(B)(6) and 40 CFR 403.12(f)]**

Check Yes or No to indicate whether the permit requires notification requirements including notices of slug discharges as required at 40 CFR 403.8(f)(1)(iii)(B)(6) and 40 CFR 403.12(f). A slug discharge is any discharge of a non-routine, episodic nature, including an accidental spill or a non-customary batch discharge that has a reasonable potential to cause Interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

**23. Notification of facility change affecting slug discharge potential [40 CFR 403.8(f)(2)(vi)]**

Check Yes or No to indicate whether the permit requires notification requirements that industrial users must notify the POTW immediately of all any changes at its facility affecting potential for a slug discharge as required at 40 CFR 403.8(f)(2)(vi)].

**24. Hazardous waste notification [40 CFR 403.12(p)(1)]?**

Check Yes or No to indicate whether the permit requires the industrial user to notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any hazardous waste discharge to the POTW as required at 40 CFR 403.12(p)(1).

### 25. Notification of spills, bypasses, upsets, etc. [40 CFR 403.8(f)(1)(iii)(B)(4) and 40 CFR 403.17]

Check Yes or No to indicate whether the permit requires the industrial user to report spills, bypasses, upsets, and such, as required at 40 CFR 403.8(f)(1)(iii)(B)(4) and 40 CFR 403.17. Often this statement will be included with requirements for notification of slug loadings.

### 26. Notification of significant change in discharge [40 CFR 403.12(j)]

Check Yes or No to indicate whether the permit requires the industrial user to notify the Control Authority when there are significant changes in discharge as required at 40 CFR 403.12(j).

### 27. 24-hour notification of violation/resample requirement [40 CFR 403.12(g)(2)]

Check Yes or No to indicate whether the permit requires the industrial user to notify the Control Authority within 24 hours of noticing a violation and resample and submit the resampling results within 30 days after the first notice of violation as required at 40 CFR 403.12(g)(2). Note that the industrial user is not required to resample, if the Control Authority has performed sampling within that 30-day window or if the industrial user is already required to perform monthly sampling of the noncompliant pollutant.

### 28. Right of entry authorization [40 CFR 403.8(f)(1)(vi)(B)]

Check Yes or No to indicate whether the permit provides the POTW the authority to enter the facility to perform regulatory duties as stipulated at 40 CFR 403.8(f)(1)(vi)(B).

## V. Summarize Findings

Summarize the findings and action items as described in the guidance document titled *NPDES Permit Quality Review (PQR) Standard Operating Procedures* and use the draft PQR template entitled *Region [XX] NPDES Permit Quality Review [Insert State]*. This checklist will help point out deficiencies and inconsistencies that you will summarize in the PQR report.

The PQR Report should be organized as follows, which also describes the content for each section and which sections of the checklist apply.

#### **Kudos**

Describe positive attributes found, for example, which States have initiated special programs voluntarily (e.g., dental mercury) and which States have high PCI/PCA statistics, have met CMS goals, which States' permit contain all required components, etc. Kudos can be in bullet form.

#### **Program and Compliance Information**

From the information in Checklist items I and II summarize the data in narrative form under the following headings:

*State Programs.* Discuss which States in the Region have approved State Pretreatment Programs, which do not have approved State programs, whether there are any 40 CFR 403.10(e) States, when the State Pretreatment Program was last audited by the Region. Also note what database the State enters Pretreatment Program information (ICIS or PCS, or neither) and discuss any data entry/availability issues.

**Example.** Three of the six Region A states have approved state pretreatment programs. States X, Y, Z do not have approved state pretreatment programs, and Region A oversees their pretreatment programs and issues the NPDES permits. In 2006, State X was planning to seek authorization for a state pretreatment program, however, it has not proceeded on this effort. None of the Region A

states are classified as 40 CFR 403.10(e) states. The last audits of the approved state programs conducted by EPA Region A are as follows: State W was audited by EPA in 2009, State U in 2007, and State V was last audited in 2005. States X, Y, Z are reporting via the Integrated Compliance Information System (ICIS), while States U, V and W have not migrated to ICIS and are still reporting via the Permit Compliance System (PCS).

*POTW Programs, Control Mechanisms, POTW Flows.* For all States in a Region, discuss numbers of approved Pretreatment Programs, numbers of SIUs and CIUs, and numbers of CIUs with expired permits. If the number of CIUs with expired permits is high (above X percent) this should be noted as a deficiency in the Findings section and as an Action Item to be corrected. Also discuss numbers of CIUs in non-approved programs. Collection of POTW flow information assists you with ensuring that you have a representative selection of POTWs to review – from small to large. The table in Appendix A may be useful for summarizing basic data about the POTWs reviewed. The table in Appendix D may be useful for summarizing basic data about the industrial user permits reviewed.

**Example.** According to data retrieved from ICIS and PCS, there are 25 approved pretreatment programs in State U, 6 in State V, 5 in State W, 7 in State X, 17 in State Y, 5 in State Z. State U has 137 SIUs in approved POTW programs, State V has 29, State W has 29, State X has 64, State Y has 152, and State Z has 29 SIUs. When using ICIS and PCS data to compare the number of SIUs across Region A with the number of POTWs that have unexpired control mechanisms, 99 percent of the total SIUs have unexpired control mechanisms. The discharge flows for the 26 POTWs reviewed range from 0.012 million gallons per day (mgd) to 220 mgd. According to 2006 Governmental Performance Results Act (GPRA) data, the number of CIUs in non-pretreatment POTWs that have control mechanisms in place are as follows: 10 in State U (all have control mechanisms), one in State V (which has a control mechanism), 9 in State W (none have control mechanisms), 20 in State X (all but one have control mechanisms), zero in State Y, 2 in State Z (neither have control mechanisms).

*Numbers of Inspections and Audits.* For each State discuss numbers and percentages of POTWs that were inspected and/or audited. If numbers of inspections and audits are low (below X percent) this should be noted as a deficiency in the Findings section and as an Action Item to be corrected.

**Example.** In State U (ICIS data), 5 audits and 2 inspections were conducted by Region A (20 percent of all programs were audited, 8 percent were inspected). In State V (ICIS data) in 2009, one audit and 2 inspections were conducted by Region A (16 percent 33 percent of programs audited/inspected). In 2009, State W (PCS data) conducted zero audits and inspections (PCS data also showed no audits or inspections conducted since at least 2005). From ICIS data for 2009, State X conducted 2 audits and 3 inspections (29 and 43 percent). Also from ICIS, State Y conducted 6 audits and 2 inspections in 2009 (35 and 12 percent).

*CMS Goals.* Discuss whether each State met the CMS goal. The calculation for CMS goals is explained in the National Pollutant Discharge Elimination System (NPDES) Permit Quality Review (PQR) Checklist Companion for Review of Pretreatment Program Requirements. States that do not meet the 100 percent CMS goals are deficient in this area and this deficiency should be noted deficiency in the Findings section and as an Action Item to be corrected.

**Example.** ICIS and PCS data were used to determine whether POTWs are meeting Compliance Monitoring Strategy (CMS) goals. CMS goals are that one PCA and two PCIs are conducted per 5-year NPDES permit term. This PQR does not look at each POTW's NPDES permit term, but it looks at compliance for the period of 2005 through 2009. For State U Region A met the CMS goal of at least

one audit and two inspections within 5 years at 28 percent of the State's POTWs with approved programs (i.e., 7 POTWs out of 25). Region A did not meet the CMS goal for any of State V's POTWs. State W did not meet the CMS goal at any of its POTWs. State X met the CMS goal at 100 percent of its POTWs. State Y met the goal at 70 percent of its POTWs. Region A did not meet the goal in State Z at any of the POTWs.

*Streamlining Rule Update.* Briefly discuss whether the States have updated State Pretreatment Regulations to come into compliance with Streamlining Rule requirements (which went into effect November 14, 2005), whether the State *adopted* all mandated streamlining rule provisions, what optional provisions were adopted and how the state ensures that POTWs update local regulations to comply with required streamlining rule revisions. If a State has not adopted all mandated streamlining rule provisions, this is a deficiency and should be noted in the Findings section and as an Action Item to be corrected.

**Example.** Of the three states with state pretreatment program authorization State U has updated its State Pretreatment Regulations to come into compliance with federal revisions that went into effect November 14, 2005. States V and W have not made progress towards this effort. During pretreatment compliance inspections and audits the Region A pretreatment coordinator has been telling POTWs directly to update local ordinances to incorporate streamlining rule provisions.

*40 CFR 403.10(e) State Specific Information.* For these States discuss whether the State submitted an annual pretreatment report, and whether it identified and published SIUs in SNC. If not note this as a deficiency in the Findings section and as an Action Item to be corrected.

*Special Programs.* Summarize findings in narrative form – describe which states have which type of programs. This information will be collected for Section V of the checklist. An example of a narrative write-up for Special Programs is as follows:

**Example.** A Web site search was conducted to determine whether the Region Y states have adopted/implemented *Special Programs* such as mercury; dental amalgam; pharmaceutical take-back; fats, oil, and grease; or removal credits. Most have implemented some type of mercury reduction or information dissemination programs. State A was the only state that appeared to have a dental amalgam program. State A's website had a Dental Amalgam Fact Sheet, Photographic, X-ray, and Dental Waste Fact Sheet, and discussed a mail-back program for mercury waste). State B and State C have pharmaceutical take-back programs, State D has pharmaceutical waste guidance, and State E has efforts underway to create a take-back program. States B and C have developed guidance for controlling fats, oil, and grease (FOG) from restaurants. State C and D state websites had some information about FOG programs run at the county level. According to state Web sites, none of the Region Y states show that they have adopted the removal credits provision of the streamlining rule.

## Findings

In this section, by State, in narrative form, summarize deficiencies found during review of Program and Compliance Issues (Section I and II of the checklist) and findings of deficiencies noted during NPDES permit and fact sheet reviews as well as review of industrial user permits and fact sheets (Sections III and IV of the checklist). Items in the checklist that are marked "no" indicate permit deficiencies. The tables in Appendix B and C in the Instructions manual can be used to summarize findings for all permits and fact sheets reviewed. It may be easier to write the narrative using the table summaries which will also depict categories for types of Action Items (see below).

**PQR Action Items**

In this section Findings are converted to Action Items. Describe what the Region and the States must do to meet requirements and recommendations for improvement. Action Items are to be categorized as follows and can be listed as bulleted items:

- Category 1 – Most Significant: Proposed Action Items will address a current deficiency or noncompliance with a federal regulation.
- Category 2 – Recommended: proposed Action items will address a current deficiency with EPA guidance or policy.
- Category 3 – Suggested: Proposed Action Items are listed as recommendations to increase the effectiveness of the State's or Region's NPDES permit program.

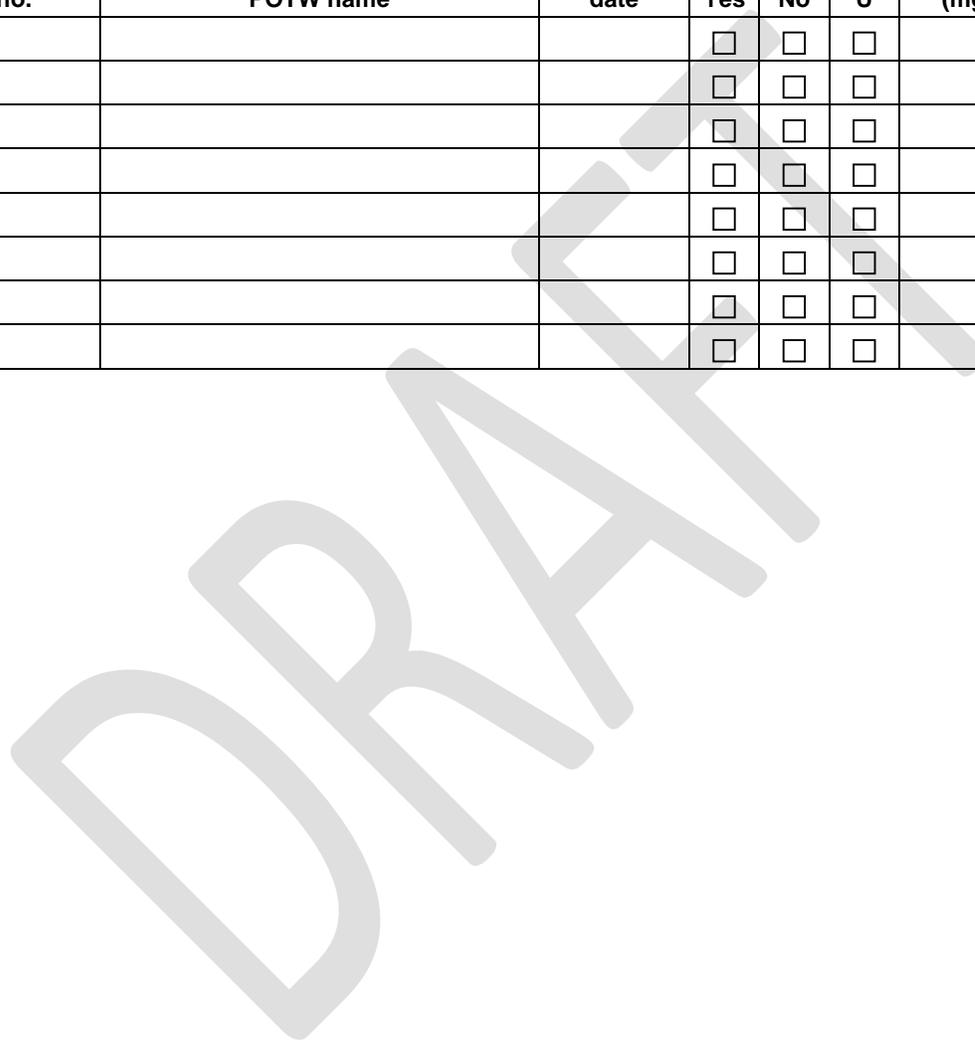
DRAFT

**Appendix A.**

**Summary of POTW NPDES Permits Reviewed for the PQR**

Collect NPDES POTW permits for review and consolidate summary information in the format below. This is helpful to ensure that different types of POTWs are represented according to size and whether they have an approved Pretreatment Program.

Permit no.	POTW name	Permit expiration date	Pretreatment Program req'd			Flow (mgd)	Fact sheet?
			Yes	No	U		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		







### Appendix D. Summary of Industrial User Permits Reviewed for the PQR

Collect industrial user permits for review and consolidate summary information in the format below.

Industrial user name	Permit expiration date	Flow (mgd)	Fact sheet?

DRAFT