

United States Environmental Protection Agency

State Construction General Permit (CGP) Quality Review Checklist Companion

This guidance was developed by staff within the U.S. Environmental Protection Agency's (EPA's) Office of Wastewater Management and addresses development of state construction general permits. State general permit development is governed by existing requirements of the Clean Water Act (CWA), EPA's NPDES implementing regulations and state 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, EPA, or state 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 policy and guidance on developing NPDES permits. EPA may change this guidance in the future.

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Introduction

This document serves as a companion to the State Construction General Permit Quality Review (CGP PQR) Checklist and provides details for each of the sections and questions in the checklist. The CGP PQR Checklist verifies that the information expected in an NPDES permit is included in the permit package (permit, fact sheet, and supporting attachments). The PQR checklist was developed using the Central Tenets <<http://www.epa.gov/npdes/pubs/tenets.pdf>>, and discussions between United States Environmental Protection Agency (EPA) Headquarters and Regions. Additional guidance for NPDES permit development is provided in EPA's 2010 NPDES Permit Writers' Manual (PWM) <<http://epa.gov/npdes/pwmanual/>>.

The information requested for the checklist will be based on the review of a complete permit record that includes the final or draft permit, the fact sheet or statement of basis (*fact sheet* in this document includes both types of documents), and supplemental attachments such as notices of intent, stormwater pollution prevention plans and correspondence between the permitting authority and the facility operator. Regulatory citations are to Title 40 of the *Code of Federal Regulations* (40 CFR) unless otherwise noted.

I. Permit Review Information

This section of the checklist includes general information about the permit and dates associated with the PQR.

1. NPDES Permit number

Enter the EPA NPDES permit number. This number is usually found near the top of the cover page and consists of a two letter state abbreviation followed by 7 digits. The state might also have a separate numbering system; if so, make note of this number as well.

2. Permit name

Enter the full name of the general permit. The name of the permit is found on the cover page. The permit name is the place that the permittee is *authorized to discharge from*.

3. State

Enter the state that the permit is issued in.

4. State contact or permit writer

The state contact or permit writer is the staff person responsible for the permit and may be interviewed during the state visit or if there are any permit-specific questions.

Enter the name of the contact at the permitting authority/agency responsible for the permit and his/her contact information.

5. Permitting Authority

Enter the name of the permitting authority/agency responsible for issuing and administering the permit.

6. Permit Reviewer

The permit reviewer is the staff person responsible for reviewing the draft permit, final permit, fact sheet and supplemental attachments when submitted by the state for EPA review. Enter the name of the reviewer performing the review of materials associated with the permit, and their contact information.

II. Basic Permit Information

This section of the checklist includes the permit issuance information, permit dates, fact sheet information, and the type of permit reviewed.

1. Does the permit contain appropriate issuance, effective and expiration dates and authorized signatures?

The regulations at §122.46 require permit duration to be for a fixed term not to exceed 5 years and §122.22 provides the signatories to permit applications and reports.

An authorized signatory for a corporation is defined in §122.22(a)(1) as a responsible corporate officer, such as a president, secretary, treasurer or vice president of a corporation. For a municipality, state, federal, or other public entity, an authorized signatory is defined in §122.22(a)(3) as either a principal executive officer or ranking elected official.

Fill out the dates below and verify that the authorized signature complies with §122.22. Enter “Y” or “N” to indicate whether the permit contained appropriate dates and authorized signatures.

a) What was the permit issuance date?

The permit issuance date is the date that the permit was signed and issued by the permitting authority. The permit issuance date is often found with the signature.

Enter the date that the permit was issued. If the permit was unsigned or did not list an issuance date and an effective date was listed, enter “NA”.

b) *What was the permit effective date?*

The permit effective date is the date that the permit becomes effective. Permitting authorities might choose the beginning of the following month or a future date to permit multiple facilities at the same time when implementing a watershed approach.

Enter the date that the permit becomes effective. If the permit did not list a separate effective date and used the issuance date as the effective date, enter "NA".

c) *What was the permit expiration date?*

The permit expiration date must be 5 years or less from the permit effective date. In cases where a date is not specified, the reviewer should restate exactly what is in the permit.

Enter the expiration date of the permit if specified, or restate the language from the permit (e.g., this permit expires 5 years from the date of issuance).

d) *Was the permit effective 5 years or less?*

The regulations at §122.46 require permit duration to be for a fixed term not to exceed 5 years. In some cases, for example, when a permitting authority is implementing a watershed approach, the permit term might be less than 5 years.

Enter "Y" or "N" after calculating the duration of the permit.

2. Does the permit have an accompanying fact sheet that is consistent with the requirements in the NPDES regulations at 40 CFR 124.8 and 124.56?

The regulations at §124.8 and §124.56 specify which permits must have a fact sheet and the contents of a fact sheet (e.g., the activity subject to the permit, nature of the discharge, basis for the permit, reasons for any variances, procedures, contact information, etc.). These provisions specify that all NPDES general permits must be accompanied by a fact sheet.

Enter "Y" or "N" to indicate whether a fact sheet has been developed for the permit and the fact sheet meets the applicable criteria in §124.8 and §124.56.

3. Is this permit a:

Check whether the construction permit is a state-wide general permit, other type of general permit (e.g., sector, regional, etc.), or something else. Include a brief description for the latter two categories.

a) *State-wide general permit?***b) *Other general permit? Describe*****c) *Other (please describe)?*****4. Recommendations:**

Provide any recommendations or comments on the basic permit information addressed above.

III. Permit Eligibility and Application Requirements

1. What size project is eligible for coverage under the permit? (check all that apply)

Determine the size of the project that is eligible for coverage under the permit. Most state general permits require projects that disturb one acre or more of land including smaller projects that are part of a common plan of development that will ultimately disturb one or more acres of land to obtain permit coverage, however, some permits may be based on some other size criterion (describe the latter if applicable).

2. What types of discharges are authorized under the permit? (check all that apply)

Check all of the types of discharges that are authorized under the permit (stormwater discharges associated with construction activity, from construction support activities, specific non-stormwater discharges, other). Definitions of terms used in the CGP are included in Appendix A of the general permit.

http://www.epa.gov/npdes/pubs/cgp2012_finalpermit.pdf

3. Are there any types of discharges that are specifically not authorized under the permit? (check all that apply)

Check and describe as needed any discharges that are specifically not authorized under the permit.

4. Does the permit clearly define the person(s) who is required to obtain permit coverage for each construction project?

Enter "Y" or "N" to indicate whether the permit defines the person(s) who must obtain permit coverage and check general contractor, owner, subcontractor, other, as appropriate.

a) If "yes", who is required to obtain permit coverage? (check all that apply)

If "Y" the reviewer should determine who is required to obtain permit coverage and check all that apply.

b) Does the permit specify which person(s) must apply if the project has multiple operators?

Enter "Y" or "N" to indicate whether the permit identifies who must apply for permit coverage if the project has multiple operators. Under the federal CGP where there are multiple operators associated with the same project, all parties meeting the definition of "operator" are required to obtain permit coverage; however, the reviewer should look at the definition of operator under the permit and determine the which party is responsible for obtaining permit coverage and whether permit clearly defines projects with multiple operators.

5. Does the permit require construction operators to submit a Notice of Intent (NOI) form to obtain coverage?

Enter "Y" or "N" to indicate whether construction operators must submit an NOI. Under the federal CGP operators must submit an NOI to obtain permit coverage.

a) If no, please describe how the construction operator obtains coverage under the permit:

For operators that are not required to submit an NOI, describe how they obtain permit coverage. Some states may automatically cover certain projects depending on the size of the project.

b) If yes, is it a paper or electronic NOI form?

The permit may require operators to submit all NOIs electronically but still provide the option to operators to submit paper copies.

Indicate the specific method (Paper or Electronic) for submission of the NOI to the permitting authority.

- i. Is the NOI or other application form required prior to the commencement of construction activities?

Enter "Y" or "N" if the permit requires the applicant to submit the NOI prior to the commencement of construction activities.

- ii. After the NOI or other application form is submitted, when is the construction operator provided permit coverage? (check applicable box)

Check the appropriate box indicating when coverage is effective and the operator is allowed to discharge.

- iii. If applicable, how is the construction operator notified of permit coverage (please describe):

Describe how an operator is notified that permit coverage is effective (e.g., letter, Website).

- iv. Does the permit explain what happens if permit coverage is denied?

The permit should describe the procedures that operators must follow if they are denied coverage under the general permit. The permit provisions should include procedures for operators that were denied coverage following the submittal of an NOI, and the procedures for operators that were denied coverage after being previously approved for coverage under this or another CGP. In both cases, operators must apply for and/or obtain coverage under an individual permit or alternate general permit.

Enter "Y" or "N" to indicate whether the general permit specifies procedures for denial of coverage.

6. Does the permit provide for public notice of NOIs?

Enter "Y" or "N" to indicate whether the permit requires public notice of NOIs.

7. Does the permit require that the NOI be posted onsite in view of the public?

Enter "Y" or "N" to indicate whether the NOI be posted onsite in public view. The federal CGP requires posting of a notice of permit coverage.

8. Does the permit provide the option for small construction sites (1-5 acres) to submit a rainfall erosivity waiver?

Enter "Y" or "N" to indicate whether the permit includes the option for small construction sites to submit a rainfall erosivity waiver. The federal CGP provides a erosivity waiver for small construction sites that waives the need for coverage based on an operator-certified low rainfall erosivity factor (i.e., R in the Universal Soil Loss Equation is less than 5 during construction activity). See Appendix C of the federal CGP.

9. Once construction is completed, is the permittee required to submit a Notice of Termination (NOT) or other type of documentation to terminate permit coverage?

Enter "Y" or "N" to indicate whether the permittee is required to submit a NOT once construction is completed. The federal CGP requires submission of a NOT that includes specified content and meets specified conditions. If yes, indicate what the permittee must do before terminating coverage by checking all that apply.

10. Describe any other specific provisions:

Describe any other provisions related to permit eligibility and application requirements that are not addressed by the questions in this section.

IV. Technology-based Effluent Limitations (TBELs)

IV.A Erosion and Sediment Controls (40 CFR 450.21(a))

1. Indicate if the permit includes the following federally required provisions from 40 CFR 450.21(a) and how the requirement is articulated in the permit.

The non-numeric effluent limits in the C&D rule from 40 CFR 450.21(a) allow flexibility in how the permitting authority implements these requirements in permits. The questions below ask how the permit addresses the individual C&D rule requirements, and whether it uses different language.

a) *Control stormwater volume and velocity within the site to minimize soil erosion (40 CFR 450.21(a)(1))*

Enter “Y” or “N” to indicate whether the permit includes the requirement to “control stormwater volume and velocity within the site to minimize soil erosion (40 CFR 450.21(a)(1)).” If yes, then indicate whether the permit uses the C&D rule language quoted in the previous sentence verbatim, whether it uses different but consistent language, or whether it includes additional requirements or specific BMPs related to controlling stormwater volume and velocity. Note relevant permit sections.

b) *Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion (40 CFR 450.21(a)(2))*

Enter “Y” or “N” to indicate whether the permit includes the requirement to “control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion (40 CFR.21(a)(2)).” If yes, then indicate whether the permit uses the C&D rule language quoted in the previous sentence verbatim, whether it uses different but consistent language, or whether it includes additional requirements or specific BMPs related to minimizing erosion at outlets and channel/streambank erosion. Note relevant permit sections.

c) *Minimize the amount of soil exposed during construction activity (40 CFR 450.21(a)(3))*

Enter “Y” or “N” to indicate whether the permit includes the requirement to “minimize the amount of soil exposed during construction activity (40 CFR 450.21(a)(3)).” If yes, then indicate whether the permit uses the C&D rule language quoted in the previous sentence verbatim, whether it uses different but consistent language, or whether it includes additional requirements or specific BMPs related to minimizing soil exposure. Note relevant permit sections.

d) *Minimize the disturbance of steep slopes (40 CFR 450.21(a)(4))*

Enter “Y” or “N” to indicate whether the permit includes the requirement to “minimize the disturbance of steep slopes (40 CFR 450.21(a)(4)).” If yes, then indicate whether the permit uses the C&D rule language quoted in the previous sentence verbatim, whether it uses different but consistent language, or whether it includes additional requirements or specific BMPs related to minimizing the disturbance of steep slopes. Note relevant permit sections.

e) *Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site (40 CFR 450.21(a)(5))*

Enter “Y” or “N” to indicate whether the permit includes the requirement to “Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address

factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site (40 CFR 450.21(a)(5)).” If yes, then indicate whether the permit uses the C&D rule language quoted in the previous sentence verbatim, whether it uses different but consistent language, or whether it includes additional requirements or specific BMPs related to minimizing sediment discharges. Note relevant permit sections.

f) *Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible (40 CFR 450.21(a)(6))*

Enter “Y” or “N” to indicate whether the permit includes the requirement to “Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible (40 CFR 450.21(a)(6)).” If yes, then indicate whether the permit uses the C&D rule language quoted in the previous sentence verbatim, whether it uses different but consistent language, or whether it includes additional requirements or specific BMPs related to natural buffers. Note relevant permit sections.

g) *Minimize soil compaction and, unless infeasible, preserve topsoil (40 CFR 450.21(a)(7))*

Enter “Y” or “N” to indicate whether the permit includes the requirement to “Minimize soil compaction and, unless infeasible, preserve topsoil (40 CFR 450.21(a)(7)).” If yes, then indicate whether the permit uses the C&D rule language quoted in the previous sentence verbatim, whether it uses different but consistent language, or whether it includes additional requirements or specific BMPs related to minimizing erosion at outlets and channel/streambank erosion. Note relevant permit sections.

2. Does the permit adequately explain how erosion and sediment control BMPs are to be designed, installed, and maintained?

Check the appropriate boxes indicating whether the permit adequately explains how erosion and sediment control BMPs are to be designed, installed, and maintained. Reference the permit section and provide comments if appropriate.

3. Describe any other specific provisions:

Describe any other provisions related to erosion and sediment control technology-based effluent limits that are not addressed by the questions in this section.

4. (If reviewing a draft permit) Comparing the draft permit’s requirements to the expiring permit’s requirements, are any provisions in the draft permit less stringent than the expiring permit’s provisions?

Enter “Y” or “N” to indicate whether the draft permit includes provisions that are less stringent than the expiring permit’s provisions. If yes, describe the less stringent provisions.

5. Recommendations:

Provide any recommendations that will ensure the permit meets applicable requirements and effectively function as a pollutant control mechanism.

IV.B Soil Stabilization, Dewatering, and Surface Outlets

1. Indicate if the permit includes the following federally required provisions from 40 CFR 450.21(b) and how the requirement is articulated in the permit.

a) *Soil stabilization requirements:*

i. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (40 CFR 450.21(b)).

ii. Stabilization must be completed within a period of time determined by the state (40 CFR 450.21(b)).

iii. (If applicable) In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the state (40 CFR 450.21(b)).

For i, ii, and iii, above, enter "Y" or "N" to indicate whether the permit requires compliance with the relevant portion of § 450.21(b). If yes, check whether the permit uses the C&D rule language verbatim, or uses different but consistent language, and specify the permit section. In addition, check whether the permit includes additional requirements or specific BMPs for this effluent limit and reference the specific permit section.

iv. Does the permit specify any criteria for the type of stabilization measures to be implemented?

Enter "Y" or "N" to indicate whether the permit specifies criteria for the types of stabilization that can be used. If yes, describe how the criteria are articulated.

b) *Dewatering control requirements: Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls (40 CFR 450.21(c))*

Enter "Y" or "N" to indicate whether the permit prohibits dewatering discharges unless managed using appropriate controls. If yes, check whether the permit uses the C&D rule language verbatim, or uses different but consistent language, and specify the permit section. In addition, check whether the permit includes additional requirements or specific BMPs for this effluent limit and reference the specific permit section.

c) *Surface outlets: When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible (40 CFR 430.21(f))*

Enter "Y" or "N" to indicate whether the permit provides that discharges from basins and impoundments must withdraw water from the surface unless infeasible. If yes, check whether the permit uses the C&D rule language verbatim, or uses different but consistent language, and specify the permit section. In addition, check whether the permit includes additional requirements or specific BMPs for this effluent limit and reference the specific permit section.

2. Does the permit adequately explain how applicable BMPs are to be designed, installed, and maintained?

Check the appropriate boxes indicating whether the permit adequately explains how erosion and sediment control BMPs are to be designed, installed, and maintained. Reference the permit section and provide comments if appropriate.

3. Describe any other specific provisions:

Describe any other provisions related to erosion and sediment control technology-based effluent limits that are not addressed by the questions in this section.

4. (If reviewing a draft permit) Comparing the draft permit's requirements to the expiring permit's requirements, are any provisions in the draft permit less stringent than the expiring permit's provisions?

Enter "Y" or "N" to indicate whether the draft permit includes provisions that are less stringent than the expiring permit's provisions. If yes, describe the less stringent provisions.

5. Recommendations:

Provide any recommendations that will ensure the permit meets applicable requirements and effectively function as a pollutant control mechanism.

IV.C Pollution Prevention and Prohibited Discharges**1. Indicate if the permit includes the following federally required provisions from 40 CFR 450.21(d) and (e) and how these requirements are articulated in the permit.**

- a) *Design, implement, and maintain pollution prevention measures to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge (40 CFR 450.21(d)(1))*

Enter "Y" or "N" to indicate whether the permit requires compliance with § 450.21(d)(1). If yes, check whether the permit uses the C&D rule language verbatim as above, or uses different but consistent language, and specify the permit section. In addition, check whether the permit includes additional requirements or specific BMPs for this effluent limit and reference the specific permit section.

- b) *Design, implement, and maintain pollution prevention measures to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater (40 CFR 450.21(d)(2))*

Enter "Y" or "N" to indicate whether the permit requires compliance with § 450.21(d)(2). If yes, check whether the permit uses the C&D rule language verbatim as above, or uses different but consistent language, and specify the permit section. In addition, check whether the permit includes additional requirements or specific BMPs for this effluent limit and reference the specific permit section.

- c) *Design, implement, and maintain pollution prevention measures to minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures (40 CFR 450.21(d)(3))*

Enter "Y" or "N" to indicate whether the permit requires compliance with § 450.21(d)(3). If yes, check whether the permit uses the C&D rule language verbatim as above, or uses different but consistent language, and specify the permit section. In addition, check whether the permit includes additional requirements or specific BMPs for this effluent limit and reference the specific permit section.

d) ***Does the permit prohibit the following?***

- i. Wastewater from washout of concrete, unless managed by an appropriate control (40 CFR 450.21(e)(1))
- ii. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials (40 CFR 450.21(e)(2))
- iii. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance (40 CFR 450.21(e)(3))
- iv. Soaps or solvents used in vehicle and equipment washing (40 CFR 450.21(e)(4))

For i, ii, iii, and iv above, enter “Y” or “N” to indicate whether the permit requires compliance with the relevant portion of § 450.21(e). If yes, check whether the permit uses the C&D rule language verbatim, or uses different but consistent language, and specify the permit section. In addition, check whether the permit includes additional requirements or specific BMPs for this effluent limit and reference the specific permit section. Note relevant permit sections.

2. Does the permit adequately explain how applicable BMPs are to be designed, installed, and maintained?

Check the appropriate boxes indicating whether the permit adequately explains how BMPs are to be designed, installed, and maintained. Reference the permit section and provide comments if appropriate.

3. Describe any other specific provisions:

Describe any other provisions related to pollution prevention and prohibited discharges technology-based effluent limits that are not addressed by the questions in this section.

4. (If reviewing a draft permit) Comparing the draft permit’s requirements to the expiring permit’s requirements, are any provisions in the draft permit less stringent than the expiring permit’s provisions?

Enter “Y” or “N” to indicate whether the draft permit includes provisions that are less stringent than the expiring permit’s provisions. If yes, describe the less stringent provisions.

5. Recommendations:

Provide any recommendations that will ensure the permit meets applicable requirements and effectively function as a pollutant control mechanism.

V. Water Quality-Based Effluent Limitations

1. Water Quality Standards: Does the permit require that water quality standards be met?

In accordance with §122.44(d)(1), the permit must require discharges of stormwater to be controlled as necessary to meet applicable water quality standards, including meeting any specific water quality-based conditions or limits required by the state.

Enter “Y” or “N” if the permit requires applicable water quality standards to be met.

2. Discharges to impaired waters: Does the permit include specific requirements for sites that will discharge to impaired waters?

Enter “Y” or “N” if the permit includes specific requirements for sites that will discharge to impaired waters. For example, EPA’s CGP modifies the inspection frequency and deadlines to complete stabilization for

discharges to impaired waters. See Parts 4.1.3 and 2.2.1.3c of the federal CGP for these modified requirements.

a) ***If “yes”, characterize these requirements (check all that apply):***

If yes, the reviewer should characterize the specific requires and check all that apply. Does the permit use language similar to NPDES regulations and specify the permit section. In addition, check whether the permit includes additional BMPs or other practices that must be implemented for discharges to impaired waters. In some instances the permit may also contain numeric effluent limits, or numeric benchmarks/targets and monitoring requirements for specific pollutants. Note relevant permit sections and other requirements that are applicable to this section.

b) ***Does the permit distinguish between requirements for impaired waters for which a TMDL has been completed and those for which a TMDL has not been completed?***

Enter “Y” or “N” to indicate whether the permit distinguishes between requirements for discharges into impaired waters with or without an established or approved TMDL. The permit should require compliance with applicable requirements in a TMDL and clarify how the operator will know when such requirements apply or clarify that operators with discharges to impaired waters without an EPA approved or established TMDL are expected to meet water quality standards if they comply with the other WQBELs in the permit.

3. Antidegradation: Does the permit include antidegradation requirements for discharges to Tier 2 or Tier 3 waters?

The permit should implement provisions for applicable antidegradation requirements. State water quality standards are required to contain an antidegradation policy pursuant to §131.12. In addition, each State is required to identify implementation methods that, at a minimum, provide a level of protection that is consistent with the Federal antidegradation provisions.

Enter “Y” or “N” to indicate whether the permit specifies antidegradation requirements.

4. Describe any other specific provisions:

Describe any other provisions related to water quality-based effluent limits that are not addressed by the questions in this section.

5. (If reviewing a draft permit) Comparing the draft permit’s requirements to the expiring permit’s requirements, are any provisions in the draft permit less stringent than the expiring permit’s provisions?

Enter “Y” or “N” to indicate whether the draft permit includes provisions that are less stringent than the expiring permit’s provisions. If yes, describe the less stringent provisions.

6. Recommendations:

Provide any recommendations that will ensure the permit meets applicable requirements and effectively function as a pollutant control mechanism.

VI. Inspections, Corrective Actions & Training

VI.A Inspections

1. Does the permit require that the operator conduct self-inspections?

The permit should contain provisions that require permittees to conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in the permit.

Enter “Y” or “N” to indicate if the permit requires permittees to conduct routine self-inspections. Does the permit specify the qualifications and/or training the inspector must have?

2. Does the permit specify the qualifications and/or training the inspector must have?

The permit may specify minimum qualifications or certifications that the inspector conducting the inspection must have. Some states may require inspectors to be a professional engineer or be a Certified Professional in Stormwater Quality (CPSWQ). Additionally, EPA’s CGP specifies that inspections must be performed by a staff or member or third party hire but must ensure that the person who conducts the inspection is a “qualified person.” EPA defines qualified personnel as:

“...those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.”

Enter “Y” or “N” to indicate whether the permit requires qualifications for the inspector.

3. Does the permit specify the frequency that self-inspections must be conducted?

In addition to requiring inspections, the permit should also specify the frequency for which these inspections should be conducted. The frequency of inspections may vary from state to state and some states may require permittees to conduct inspections more frequently than the minimum requirement in the federal CGP.

Enter “Y” or “N” to indicate if the permit specifies the frequency for conducting self-inspections.

If yes, describe the frequencies required (e.g., once every 7 days, once every 14 days and within 24 hours of a storm event).

If yes, enter a description of the frequencies required for self-inspections.

4. Does the permit include specific instructions on how to conduct the self-inspection?

Enter “Y” or “N” whether the permit includes specific instructions on how to conduct the self-inspection including which areas of the project should be inspected, specific problems to look for and how those problems should be corrected, procedures for unsafe conditions and any other provisions applicable to the inspections.

Enter “Y” or “N” whether the permit includes specific instructions on how to conduct the self-inspection.

If yes, check the boxes of specific instructions, including:

- What areas of the construction site must be inspected
- Specific types of problems to look for

- How to respond to problems found during inspection
- Instructions for inspections carried out during a storm event
- Other (describe):

5. Does the permit require that an inspection report be completed?

Typically, most state general permits require permittees to complete an inspection report as part of the inspection process and certify the inspection report in accordance with §122.22.

Enter “Y” or “N” if the permit requires completion of a routine facility inspection report.

a) *If yes, what is required to be included in the inspection report (check all that apply):*

Some common elements that may be included in the inspection report are included below; however, states may specify additional documentation.

- Names, titles, contact information of inspector
- A summary of the inspection findings
- Corrective actions required to fix problems found
- Other (please describe):

b) *Does the permit include any of the following additional requirements (check all that apply):*

- Deadline for completing the inspection report (specify deadline):
- Recordkeeping requirements for the inspection report (specify requirement):

6. Does the permit indicate that the permitting authority has the right to inspect the project?

In accordance with §122.41(i), the permittee must upon presentation of valid credentials by the Director or his or her representative, allow entry into the premises where the regulated activity or records are present. The Director must have access to and be able to make copies of any required records; inspect facilities, practices operations, and equipment; and sample or monitor at reasonable times. The permit should provide this standard condition expressly or by reference. States might have a separate attachment to the permit with standard conditions or include this standard condition in a separate section with the other standard conditions from §122.41.

Enter “Y” or “N” to indicate whether the permit provide the permitting authority the right to inspect the facility.

7. Describe any other specific provisions.

Describe any other provisions related to inspections that are not addressed by the questions in this section.

8. (If reviewing a draft permit) Comparing the draft permit's requirements to the expiring permit's requirements, are any provisions in the draft permit less stringent than the expiring permit's provisions?

The federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permit by requiring effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions. Section 7.2 of the 2010 NPDES Permit Writers' Manual provides more information about anti-backsliding.

The reviewer should compare the draft permit requirements with the expiring permit to verify that the proposed permit limits and other requirements are as stringent as the previous permit limits. If any provisions are less stringent, provide recommendations below.

9. Recommendations:

If the reviewer has recommendations for resolving or adding documentation to support inspections, then provide them here.

VI.B Corrective Actions

1. Does the permit include specific requirements for correcting problems found at the project site?

Enter "Y" or "N" to indicate whether the permit specifies corrective actions or follow-up actions to address deficiencies found through inspections, monitoring, or unauthorized releases. EPA's MSGP clarifies that to address deficiencies the permittee must "review and revise the selection, design, installation, and implementation of [the permittee's] control measures to ensure that the condition is eliminated and will not be repeated in the future."

Additionally, if the permit requires corrective actions the reviewer should also identify if the permit specifies the following:

a) If yes, which of the following requirements are included (check all that apply):

If the permit includes specific requirements for correcting problems found at the project site, indicate which are included.

- Deadline for initiating corrective action
- Deadline for completing work on corrective action
- Requirement to complete a report or other documentation

b) Does the permit indicate whether the initial problem found is considered a permit violation?

Enter "Y" or "N" to indicate whether the initial problem is considered a violation.

2. Does the permit clarify whether problems requiring corrective action are considered a permit violation?

Enter "Y" or "N" to indicate whether the problem is considered a violation.

3. Describe any other specific provisions.

Include other provisions for the corrective actions, including any triggers for requiring corrective action, deadlines and schedules, documentation requirements and definitions for what constitutes a permit violation.

4. Recommendations:

Provide recommendations for corrective actions.

VI.C Staff Training**1. Does the permit require any minimum training or certifications required of key personnel?**

Enter "Y" or "N" to indicate whether the permit requires minimum training or certifications for key personnel. If the permit does require minimum training or certifications, please describe these requirements.

2. Describe any other specific provisions.

Include other provisions for staff training.

3. Recommendations:

Provide recommendations for training staff.

VII. Stormwater Pollution Prevention Plan (SWPPP)**VII.A General Requirements & SWPPP Contents**

This section of the checklist outlines the SWPPP elements and requirements that should be address to prevent the contamination of stormwater runoff leaving the industrial facility.

A SWPPP is a written document that identifies the industrial activities conducted at the site, including any structural control practices, which the industrial facility operator will implement to prevent pollutants from making their way into stormwater runoff. The SWPPP also must include descriptions of other relevant information, such as the physical features of the facility, and procedures for spill prevention, conducting inspections, and training of employees.

1. Is a SWPPP required by the permit?

Most permits require that applicants develop their SWPPP before obtaining NPDES permit coverage for industrial stormwater discharges. However, in some instances, the permit may provide additional time to complete or update a SWPPP after permit coverage is obtained.

Enter "Y" or "N" to indicate whether the permit requires an operator to develop a SWPPP.

a) *If yes, does the SWPPP have to be developed prior to NOI submittal?*

Enter "Y" or "N" to indicate the permit requires that the SWPPP be developed prior to submission of the NOI.

b) Which of the following is required to be part of the SWPPP (check all that apply)?

Check the boxes to indicate what parts of the SWPPP are required.

2. Does the permit specify that the SWPPP must be available at the project location at all times?

Enter "Y" or "N" to indicate whether the permit requires the SWPPP be available at the project location at all times.

3. Does the permit specify when and how a SWPPP must be modified?

Enter "Y" or "N" to indicate whether the permit specifies provisions for when and how the SWPPP must be modified.

4. Does the permit include deadlines for required SWPPP modifications?

Enter "Y" or "N" to indicate whether the permit includes specific deadlines for the SWPPP modification to be made.

5. Does the permit specify that the SWPPP must be provided to the permitting authority upon request?

Some states might require that permittees submit the SWPPP to the permitting authority prior to coverage.

Enter "Y" or "N" to indicate that the SWPPP must be provided to the permitting authority upon request.

6. Does the permit include the effluent limits in a separate section from the SWPPP requirements?

EPA's CGP was reorganized to more clearly distinguish the effluent limitations (or effluent limits) from the documentation requirements relating to the SWPPP. Effluent limits are narrative and quantitative control requirements to which all permittees are subject, while the SWPPP is a document that must be prepared by facility operators to describe the site and the pollutants potentially discharged in stormwater and to document the control measures selected, designed, installed, and implemented to meet the effluent limit. In prior permits, many of the effluent limits and SWPPP requirements were combined in one section although the limits and SWPPP requirements were intended to be two distinct sets of permit conditions.

Enter "Y" or "N" whether the permit delineates between effluent limits and SWPPP requirements.

7. Describe any other specific provisions.

The reviewer should identify any specific general requirements that are not described in this section and provide a description of these provisions that are included in the permit.

8. (If reviewing a draft permit) Comparing the draft permit's requirements to the expiring permit's requirements, are any provisions in the draft permit less stringent than the expiring permit's provisions?

The federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permit by requiring effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions.

The reviewer should compare the draft permit requirements with the expiring permit to verify that the proposed permit limits and other requirements are as stringent as the previous permit limits. If any provisions are less stringent, provide recommendations below. Section 7.2 of the 2010 NPDES Permit Writers' Manual provides more information about anti-backsliding.

9. Recommendations:

If the reviewer has recommendations for resolving or adding documentation to support backsliding, then provide them here.

VIII. Record-Keeping and Standard Permit Conditions

1. Does the permit require that records be kept for at least 3 years?

The regulations at §122.41(j) specify the permit to include requirements to retain records for at least 3 years, subject to extension by the State Director.

Enter "Y" or "N" to indicate whether the permit contains requirements to retain records for at least three years.

2. Does the permit require the submittal of any relevant records/information requested by the permitting authority?

Enter "Y" or "N" to indicate whether the permit requires that the permittee submit records and information requested by the permitting authority. Note that standard condition § 122.41(h) is a duty to provide information.

3. Does the permit require that records and SWPPPs be available to the public?

Enter "Y" or "N" to indicate whether records and SWPPPs must be made available to the public. The federal CGP provides that EPA may provide access to portions of a permittee's SWPPP upon request (but not CBI).

4. Are the relevant NPDES standard permit conditions of 40 CFR §122.41 included in the permit?

Standard conditions may be incorporated into a permit either expressly (verbatim from the regulations) or by reference to the regulations. EPA prefers that the standard conditions are attached expressly because operators might not have easy access to the regulations. Many states have developed an attachment for NPDES permits that includes the federal standard conditions. In some permits, standard conditions are included as a separate section in the permit or might be woven throughout the permit.

The reviewer should compare the language in §122.41 (<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>) to the standard conditions and verify that the language in the permit is the same as in the regulations. All the conditions must be listed with verbiage from §122.41. The list of standard conditions is provided below so reviewers can check off the standard conditions as they are identified in the permit.

List of Standard Conditions

- Duty to comply
- Duty to reapply
- Need to halt or reduce activity not a defense

- Duty to mitigate
- Proper O & M
- Permit actions
- Property rights
- Duty to provide information
- Inspections and entry
- Monitoring and records
- Signatory requirement
- Reporting requirements
 - Planned change
 - Anticipated noncompliance
 - Transfers
 - Monitoring reports
 - Compliance schedules
 - 24-hour reporting
 - Other noncompliance
 - Other information
- Bypass
- Upset

Enter “Y” or “N” to indicate whether the standard conditions are included in the permit. The federal CGP includes these conditions in Appendix I. List any standard conditions not included in the permit.

5. Describe any other specific provisions.

Describe any other provisions related to recordkeeping and standard conditions that are not addressed by the questions in this section.

6. Recommendations:

Provide any recommendations that will ensure the permit meets applicable requirements and effectively function as a pollutant control mechanism.