

United States Environmental Protection Agency

State Municipal Separate Storm Sewer System (MS4) Permit Quality Review (PQR) Checklist Companion

This guidance was developed by staff in the U.S. Environmental Protection Agency's (EPA's) Office of Wastewater Management and addresses development of pesticide 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.

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Introduction

This document serves as a companion to the State MS4 Permit Quality Review (MS4 PQR) Checklist and details each of the sections and questions in the checklist. The MS4 PQR Checklist verifies that the information expected in an NPDES MS4 permit is included in the permit package (permit, fact sheet, and supporting attachments). The MS4 PQR checklist was developed using the MS4 Permit Improvement Guide and requirements in EPA's stormwater regulations.

To complete this MS4 PQR checklist, a permit reviewer will need 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 document).

Users completing the MS4 PQR checklist should read and refer to the *MS4 Permit Improvement Guide*, April 2010 (http://www.epa.gov/npdes/pubs/ms4permit_improvement_guide.pdf) which provides examples of permit language to help strengthen MS4 permits.

I. Permit Review Information

This section of the checklist includes general information about the permit and dates associated with the MS4 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, please make note of this number as well.

2. Permit Name

Enter the full name of the permit (e.g., Los Angeles Phase I MS4). The name of the permit is found on the cover page and is not to be confused with the name of the *permittee*. 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/permit writer

The state contact/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 responsible for the permit and his/her contact information.

5. Permitting Agency

Enter the name of the agency that issued the NPDES permit.

6. Permit Reviewer

Reviews of draft permits entail reviewing the draft permit, fact sheet and supplemental attachments when submitted by the state for EPA review prior to issuing the permit. Enter the name of the reviewer performing the desktop review of materials associated with the permit, and their contact information.

II. Basic Permit and MS4 Information

II.A Basic Permit Information

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 at §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 is 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 is the permit effective date?

The permit effective date is the date that the permit becomes effective. 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 is 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).

2. Is this permit a(n):

Enter the permit type: a state-wide general permit, a general permit other than state-wide, an individual permit (could have multiple co-permittees), or another type of permit. In many cases, Phase I MS4s are issued individual permits while smaller Phase II MS4s are covered under a general permit.

a) State-wide general permit?***b) Other general permit?******c) Individual permit?******d) Other?*****3. This permit covers (check all that apply):**

Indicate the type of MS4s that are covered by the permit – traditional MS4s (generally, cities, counties and similar governmental entities), non-traditional MS4s (for example, schools, water districts), Departments of Transportation (for example a state DOT, or a local DOT that is specifically named as a permittee), or federal facilities (Department of Defense facilities, Veterans Affairs facilities, Post Office, etc.). Only include MS4 types which the MS4 permit covers as permittees. This information is often found in a “permit eligibility” section.

a) Traditional MS4s***b) Non-traditional MS4s******c) Departments of Transportation******d) Federal facilities*****4. Recommendations**

Enter any recommendations or additional comments regarding the permit’s basic information in the space provided. Additional space is provided on page 13 of the checklist.

II.B Eligibility and Authorization**1. How does this permit authorize non-stormwater discharges identified as significant contributors of pollutants to the MS4?**

Identify how the permit authorizes non-stormwater discharges identified as significant contributors of pollutants. Most MS4 permits have a list of allowable non-stormwater discharges (such as water line flushing or landscape irrigation), however, 40 CFR 122.34(b)(3)(iii) says the MS4 needs to address certain categories of non-stormwater discharges “only if you identify them as significant contributors of pollutants to your small MS4.”

a) It neglects to address this situation***b) It does not; must get individual permit coverage******c) Requires relevant controls******d) Considers them illicit discharges to be addressed under those provisions******e) Other:***

2. For a given permittee, this permit covers discharges in/to:

Identify the permit coverage area. “Automatically designated urban area” refers to the Census-defined urbanized areas. Some permits designate the entire incorporated MS4 if only a portion of the MS4 is within the urbanized area. Other permits designate MS4s outside of urbanized areas that have a population greater than 10,000 people. If the permit covers watersheds or entire jurisdictions, then select those items. It is possible to have more than one coverage selected.

- a) *the automatically designated urbanized area*
- b) *any incorporated MS4 that is at least partially within the urbanized area*
- c) *MS4s outside of urbanized areas with a population greater than 10,000*
- d) *certain watershed boundaries*
- e) *Other:*

3. Does the permit use Residual Designation Authority to designate additional sources?

Enter “Y” or “N” to indicate whether the permit uses residual designation authority to designate additional sources, then describe those sources in the checklist.

4. Does the permit include any provisions related to listed endangered and threatened species or critical habitat?

Enter “Y” or “N” to indicate whether the MS4 permit includes provisions related to listed endangered and threatened species in the eligibility criteria. If the permit does include provisions then list them in the space provided.

5. Does the permit include any provisions related to properties listed on the National Register of Historic Places?

Enter “Y” or “N” to indicate whether the MS4 permit includes provisions related to historic properties in the eligibility criteria. If the permit does include provisions then list them in the space provided.

6. For general permits only: Following submittal of the NOI, when does authorization to discharge occur?

For general permits only, identify when authorization to discharge begins. If you select the second choice, enter the number of days in the space provided on the checklist.

- a) *Immediately, or upon receipt of NOI by permitting authority*
- b) *Within a certain number of days*
- c) *When notified by permitting authority (automatic)*
- d) *When notified by permitting authority following review of:*
- e) *Other:*

7. Does the general permit provide for public notice/availability of NOIs?

Enter “Y” or “N” to indicate whether the general permit includes a process to public notice the NOIs submitted by MS4s. EPA’s memo dated April 16, 2004 includes guidance for public noticing NOIs as well as SWMPs (to view see <http://www.epa.gov/npdes/pubs/hanlonphase2apr14signed.pdf>).

8. Does the general permit provide for a public hearing, if requested?

Enter “Y” or “N” to indicate whether the permit specifically addresses the option for a public hearing if requested. EPA’s memo dated April 16, 2004 includes guidance for providing opportunities for public hearings (to view see <http://www.epa.gov/npdes/pubs/hanlonphase2apr14signed.pdf>).

9. Does the general permit specify when authorization occurs?

Enter “Y” or “N” to indicate whether the permit specifies when the permittee is authorized to discharge (for example, within 60 days after submitting an NOI which is publicly noticed).

10. Describe any other specific provisions.

Describe any other specific provisions related to eligibility and authorization in the MS4 permit that are not addressed by the questions in this section.

11. Recommendations

Enter any recommendations or additional comments regarding the permit’s eligibility and authorization in the space provided. Additional space is provided on page 13 of the checklist.

II.C Water Quality and Technology Provisions**1. Must the SWMP reduce pollutant discharges to the MEP?**

Enter “Y” or “N” to indicate whether the permit expressly state that the permittee must reduce pollutants to meet the MEP standard per 40 CFR 122.34 and protect water quality of receiving waters.

2. Does the permit define, explain or provide examples of ‘maximum extent practicable’?

Enter “Y” or “N” to indicate whether the permit specifically defines MEP or contains provisions that define MEP. The Phase II Regulations do not provide a precise definition of MEP to allow maximum flexibility in MS4 permitting. The MEP definition, if provided, may consider such factors as conditions of receiving waters, specific local concerns, and other aspects included in a comprehensive watershed plan. Other factors may include MS4 size, climate, implementation schedules, current ability to finance the program, beneficial uses of receiving water, hydrology, geology, and capacity to perform operation and maintenance.

The Phase II Regulations presume that permit writers may evaluate small MS4 operator’s proposed storm water management controls to determine whether reduction of pollutants to the MEP can be achieved with the identified BMPs and that the application of the MEP standard will be an iterative process.

3. What specifically does the permit say/require with respect to water quality standards?

Describe any specific language the permit includes regarding water quality standards. For example, the permit might reference specific state codes or just include a general reference to applicable water quality standards.

4. What specifically does the permit say/require with respect to antidegradation?

Describe the specific language which addresses antidegradation requirements. Discharges of stormwater must comply with applicable antidegradation policies and implementation methods to maintain and protect water quality. 40 CFR 131.12 Section 122.34(a) emphasizes this point by specifically noting that a storm water management program designed to reduce the discharge of pollutants from the storm sewer system “to the maximum extent practicable” is also designed to protect water quality.

5. Does the permit require any identification of receiving water bodies or water quality status?

Enter "Y" or "N" to indicate if the permit requires that the permittee identify receiving waters and/or the water quality status of those waters in the SWMP.

6. Does the permit require that the SWMP identify all water bodies that are impaired and that have TMDLs?

Enter "Y" or "N" to indicate if the permit requires that the MS4 conduct the necessary research to determine which, if any, waterbodies within the regulated MS4 have been identified as impaired. This information is found on the state's 303(d) list, which must be submitted to EPA every two years.

7. Does the permit require the identification of priority pollutants of concern in their discharge?

Enter "Y" or "N" to indicate if the permit requires that the permittee identify priority pollutants of concern in their discharge. The permit should require permittees to tailor their SWMPs to specifically address pollutants of concern for the watersheds included within the regulated MS4. Pollutants of concern may be defined as those for which the waterbodies are considered impaired and/or those for which total maximum daily loads (TMDLs) have been developed.

Further, MS4s can also define pollutants of concern based upon available monitoring data (either discharge monitoring or ambient) or based upon those typically generated by predominant sources within the MS4. For example, if a particular watershed has a high number of retail gasoline outlets, the MS4 may decide that oil and grease is a pollutant of concern for that watershed and develop BMPs within the SWMP to address it.

8. What specifically does the permit say/require for discharges to pre-TMDL impaired waters?

Determine if the permit requires any specific planning or stormwater management for portions of the MS4 which discharge to receiving waters that have been assessed as impaired but do not yet have a developed and/or approved TMDL.

9. What specifically does the permit say/require for discharges to waters with TMDLs/WLAs and/or WQBELs?

Indicate if the permit requires any specific planning or stormwater management for portions of the MS4 which discharge to receiving waters for which a TMDL/WLA has been developed and approved.

10. Does the permit make provisions for incorporating requirements for TMDL development or an impaired water body listed during the permit term?

Enter "Y" or "N" to indicate if the permit makes provisions for incorporating requirements for TMDL development or an impaired waterbody listed during the permit review.

11. Describe any numeric effluent limits in the permit.

Describe if the permit establishes end-of-pipe effluent limits for any pollutants for discharges from the MS4.

12. Describe any other specific provisions.

Describe any other provisions which deal with water quality or technology-based requirements in the permit.

13. Recommendations:

Enter any recommendations or additional comments regarding the permit's water quality and technology provisions in the space provided. Additional space is provided on page 13 of the checklist.

III. Stormwater Management Program Components

III.A Program Management

1. SWMP Plan: does the permit require:

Enter "Y" or "N" to indicate if the permit expressly states that the permittee must develop, implement and enforce the SWMP.

- a) *development?*
- b) *implementation?*
- c) *enforcement of?*

2. Does the permit specify a time limit for SWMP implementation of 5 years or less?

Enter "Y" or "N" to indicate if the permit states that the SWMP must be implemented within the permit term (i.e. 5 years or less). Per Phase II regulations, full implementation of an appropriate SWMP must occur as expeditiously as possible, but not later than five years.

3. Does the permit require the development of specific measurable goals for BMPs?

[Note: could be in NOI]

Enter "Y" or "N" to indicate if the permit requires that the permittee develop measurable goals for each BMP. Consider if the permit provides adequate guidance to ensure that the goals developed are somehow quantifiable (i.e. measurable) and can be used to measure effectiveness over time. Phase II regulations require a permittee to either develop measurable goals that serve as BMP design objectives or goals that quantify the progress of implementation of the actions or performance of the permittee's BMPs. At a minimum, the required measurable goals should describe specific actions taken by the permittee to implement each BMP and the frequency and the dates for such actions.

4. Does the permit require submittal of the SWMP to the permitting authority for review?

Enter "Y" or "N" to indicate if the permit requires the permittee to submit the SWMP document to the permitting authority for review. Per the Phase II regulation guidance, upon receipt of the SWMP document from a small MS4 operator, the NPDES permitting authority will have the opportunity to review to verify that the identified BMPs and measurable goals are consistent with the requirement to reduce pollutants under the MEP standard, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. If necessary, the NPDES permitting authority may ask the permittee to revise their mix of BMPs, for example, to better reflect the MEP pollution reduction requirement.

5. Does the permit allow relationships for sharing or relying on another entity to meet permit requirements?

Enter "Y" or "N" to indicate if the permit authorizes the permittee to allow another entity to implement one or more minimum measures. If so, describe how. Per 40 CFR 122.35, an operator of a regulated small MS4 may satisfy the requirement to implement one or more of the six minimum measures in § 122.34(b) by having a third party implement the measure(s). The means by which the operators of various MS4s share

responsibility may affect who is ultimately responsible for performance of the minimum measure and who files the periodic reports describing the minimum measure implementation.

If the permit covering the discharge from a regulated small MS4 identifies the operator as the entity responsible for a particular minimum control measure, then the operator-permittee remains responsible for the implementation of that measure even if another entity agreed to implement the control measure. Another party may satisfy the permittee's responsibility by implementing the minimum control measure in a manner at least as stringent or prescriptive as the corresponding NPDES permit requirement. However, if the third party fails to do so, the permittee remains responsible for its performance. The permittee should consider entering into an agreement with the third party that acknowledges the responsibility to implement the minimum measure.

If, on the other hand, the regulated small MS4's permit recognizes that NPDES permittee other than the permittee is responsible for a particular minimum control measure, then the permittee is relieved from the responsibility for implementing that measure. The permittee is also relieved from the responsibility for implementing a measure that the operator's permit indicates will be performed by the NPDES permitting authority. The MS4 permittee would remain responsible for implementing the remaining minimum measures.

6. Does the permit require that the SWMP identify roles, responsibilities, lines of authority and communication?

Enter "Y" or "N" to indicate if the permittee is required to specify which departments and/or entities are responsible for certain portions of SWMP development, implementation and enforcement. For example, this could be a list of applicable departments, staff titles or actual employee names to make responsibilities clear for all involved in meeting the requirements of the stormwater permit.

7. Does the permit require that the SWMP (or other implementation document) provide an implementation schedule, and goals or performance standards?

Enter "Y" or "N" to indicate if the permittee is required to submit a development and implementation schedule for the SWMP and all applicable BMPs and measurable goals. A specific schedule is important, especially for BMPs with measurable goals that include development and/or implementation deadlines to quantify progress.

8. What are the conditions and/or frequencies for SWMP update or revision?

Identify if the permit requires that the SWMP be amended based upon evaluation and assessment of effectiveness. The Phase II regulations require that annual reports must include the status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving your identified measurable goals for each of the minimum control measures and any changes in any identified best management practices or measurable goals for any of the minimum control measures.

9. Describe any other specific provisions.

Describe any other specific provisions related to SWMP development in the MS4 permit that are not addressed by the questions in this section.

10. Recommendations:

Enter any recommendations or additional comments regarding the permit's program management in the space provided. Additional space is provided on page 13 of the checklist.

III.B Public Education and Participation

1. Is the public education requirement largely identical to the rule requirement, or is it more prescriptive?

If the MS4 permit language for public education/participation is largely identical to the language below, then indicate that permit is “identical to rule”. If the MS4 permit language is more specific and detailed then indicate that the requirement is “prescriptive”.

The Phase II regulation for the public education minimum measure states (40 CFR 122.34(b)(1)):

You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

The Phase II regulation for the public involvement/participation minimum measure states (40 CFR 122.34(b)(2)):

You must, at a minimum, comply with State, Tribal and local public notice requirements when implementing a public involvement/participation program.

2. What specific audiences, sources or pollutants must be targeted, and/or is the permittee required to develop this as part of the SWMP?

Describe the specific audiences, sources or pollutants that must be targeted by the public education program. For example, if the MS4 permit included a requirement to educate school children, then they would be a target audience. Some MS4 permits will allow these target audiences, sources and pollutants to be identified in the SWMP developed by each MS4.

3. Does the permit require compliance with state and local public notice requirements?

Enter “Y” or “N” to indicate whether the permit requires compliance with state and local public notice requirements. This is the main requirement for the Phase II public involvement minimum measure.

4. Does the permit require educational materials to be tailored to particular:

Enter “Y” or “N” to indicate whether the MS4 permit requires that educational materials be tailored to specific activities or audiences. For example, the Phase II regulation suggested that educational materials be tailored to address minority or disadvantaged communities.

a) Activities or behaviors?

b) Audiences?

5. Does the permit require specific targeting of:

Enter “Y” or “N” to indicate whether the MS4 permit includes requirements to educate the target audiences of commercial, industrial or residential audiences.

a) commercial?

b) industrial?

c) residential?

6. Does the permit require that the permittee inform the public about how to get involved in the stormwater management program?

Enter “Y” or “N” to indicate whether the permit requires the permittee to inform the public about how to get involved in the stormwater management program.

7. Does the permit require an evaluation of education, outreach, and participation measures?

Enter “Y” or “N” to indicate and describe any evaluation requirements for the public education or public participation program. A common evaluation requirement for education is to have the permittee conduct a survey of public awareness and/or behaviors toward stormwater.

8. Describe any other specific provisions.

Describe any other specific provisions related to public education/participation in the MS4 permit that are not addressed by the questions in this section.

9. Recommendations:

Enter any recommendations or additional comments regarding the permit’s public education and participation in the space provided. Additional space is provided on page 13 of the checklist.

III.C Illicit Discharge Detection and Elimination

1. Is the illicit discharge requirement largely identical to the rule requirement, or is it more prescriptive?

If the MS4 permit language for illicit discharge detection and elimination is largely identical to the language below, then indicate that the permit is “identical to rule”. If the MS4 permit language is more specific and detailed then indicate that the requirement is “prescriptive”.

The Phase II regulation for the illicit discharge detection and elimination minimum measure is (40 CFR 122.34(b)(3)) states:

(i) You must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at § 122.26(b)(2)) into your small MS4.

(ii) You must:

(A) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;

(B) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;

(C) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system; and

(D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

(iii) You need address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters,

uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from firefighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

2. Does the permit require the following related to illicit discharge detection and elimination:

Enter "Y" or "N" to identify if the permit specifies that the permittee must develop, implement and enforce an illicit discharge detection and elimination program per the regulations. Consider if the permit specifically lists the commonly allowable non-stormwater flows that must be addressed if they are determined to be a source of pollutants.

- a) development of a program?**
- b) implementation of a program?**
- c) require enforcement of a program?**
- d) a written plan to address non-stormwater discharges including illegal dumping?**
- e) the following non-stormwater discharges or flows to be addressed if identified as significant contributors of pollutants to your MS4:**
 - water line flushing
 - landscape irrigation
 - diverted stream flows
 - rising ground waters
 - uncontaminated ground water infiltration
 - uncontaminated pumped ground water
 - discharges from potable water sources
 - foundation drains
 - air conditioning condensation
 - irrigation water
 - springs
 - water from crawl space pumps
 - footing drains
 - lawn watering
 - individual residential car washing
 - flows from riparian habitats and wetlands
 - dechlorinated swimming pool discharges
 - street wash water

3. Does the permit require that a storm sewer system map be developed and maintained?

To include:

Enter "Y" or "N" to indicate if the permit specifies that the permittee must develop a storm sewer map to include the specific components contained in the regulations.

- a) *location of outfalls?*
- b) *names and locations of all WUS/WS associated with outfalls?*
- c) *system inlets/catch basins?*
- d) *MS4 network?*
- e) *other?*

4. Does the permit require effective prohibition, through ordinance or other regulatory mechanism, of non-stormwater discharges to storm sewer systems?

Enter "Y" or "N" to identify if the permit requires the permittee to develop an ordinance, or the equivalent regulatory mechanism, in order to enforce the elimination of illicit discharges. The regulations expressly state that illicit discharges must be prohibited in this manner.

5. Does the permit require the implementation of effective enforcement procedures and actions?

Enter "Y" or "N" to indicate if the permit states that appropriate enforcement actions are required to eliminate illicit discharges.

6. Does the permit require educational information/outreach on the hazards associated with illicit discharge and improper disposal of waste be provided to:

Enter "Y" or "N" to indicate if the permit requires that any of the following specific groups are educated regarding illicit discharges: the general public, public employees, and business groups. These groups are specified to be targeted in the Phase II regulations. Does the permit specify any other groups be educated? The Phase II regulation guidance suggests that illicit discharge education actions may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials.

- a) *public employees?*
- b) *commercial/industrial groups?*
- c) *other? Describe:*

7. Does the permit require non-stormwater discharges or flows to be addressed?

Enter "Y" or "N" to identify if the permit specifies that unauthorized non-stormwater flows be addressed by the illicit discharge detection and elimination program.

8. Does the plan require prioritization, for detection activities, of areas which have a high likelihood of having illicit discharges?

Enter "Y" or "N" to indicate if the permit states that the permittee must consider various characteristics of an area which may make it more likely to have illicit discharges such as: age of infrastructure, land use types, history of dumping, spills, etc. In the Phase II regulation guidance, EPA recommends that the plan to detect and address illicit discharges include procedures for locating priority areas likely to have illicit discharges. EPA

recommends visually screening outfalls during dry weather and conducting field tests of selected pollutants as part of the procedures for locating priority areas.

9. Is the plan required to include procedures for:

In the Phase II regulation guidance, EPA recommends that the plan to detect and address illicit discharges include the following four components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and procedures for program evaluation and assessment. Enter “Y” or “N” to indicate if the permit requires the four components below.

- a) tracking sources?*
- b) removing sources?*
- c) dry weather visual screenings?*
- d) field tests of selected pollutants?*

10. What are the follow-up requirements when illicit discharges are found/suspected?

Describe the requirements included in the permit which detail how an illicit discharge investigation would occur.

11. Does the permit require that the program promote, publicize and facilitate the reporting of illicit discharges?

Enter “Y” or “N” to indicate if the permit requires the permittee to have some method for encouraging the public to report illicit discharges and facilitate the intake of those reports.

12. Does the permit require an assessment of the program?

Enter “Y” or “N” to identify if the permit requires the permittee to assess the illicit discharge detection and elimination program/plan effectiveness and progress towards meeting measurable goals.

13. Does the permit require tracking and reporting of illicit discharges?

Enter “Y” or “N” to indicate if the permit requires the tracking and reporting of illicit discharges detected and the result of elimination efforts. For example, a database which assigns a case number to each detected/reported illicit discharge with tracks progress towards eliminating the discharge and closing the case.

14. Does the permit require training of municipal staff on identifying/reporting illicit discharges?

Enter “Y” or “N” to identify if the permit requires that permittee staff be trained in how to identify and report suspected illicit discharges. This could include requirements to train field staff and/or all MS4 staff to ensure that the maximum number of “eyes and ears” are in the community.

15. Describe any other specific provisions.

Enter “Y” or “N” to indicate if the permit contains any other provisions which address illicit discharge detection and elimination activities.

16. Recommendations:

Enter any recommendations or additional comments regarding the permit's illicit discharge detection and elimination requirements in the space provided. Additional space is provided on page 13 of the checklist.

III.D Construction

1. Is the construction requirement largely identical to the rule requirement, or is it more prescriptive?

If the MS4 permit language for construction is largely identical to the language below, then indicate that the permit is "identical to rule". If the MS4 permit language is more specific and detailed then indicate that the requirement is "prescriptive".

The Phase II regulation for the construction minimum measure (40 CFR 122.34(b)(4)) states:

- (i) *You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.*
- (ii) *Your program must include the development and implementation of, at a minimum:*
 - (A) *An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;*
 - (B) *Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;*
 - (C) *Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;*
 - (D) *Procedures for site plan review which incorporate consideration of potential water quality impacts;*
 - (E) *Procedures for receipt and consideration of information submitted by the public, and*
 - (F) *Procedures for site inspection and enforcement of control measures.*

2. Does the permit require the following to reduce pollutants in runoff from construction activities resulting in land disturbance:

Enter "Y" or "N" to indicate if the permit specifies the permittee to develop, implement and enforce a program to control stormwater discharges from construction activities.

- a) *development?*
- b) *implementation?*
- c) *enforcement of?*

3. Does the permit require ordinance or other regulatory mechanism to require erosion and sediment controls?

Enter “Y” or “N” to indicate if the permit requires the permittee to develop an ordinance or equivalent regulatory mechanism to require implementation of erosion control BMPs on construction sites. For example, the permit could require a DOT develop contractual language which would requires contractors to implement necessary BMPs.

4. Threshold for construction site requirements

Please describe the construction project threshold requirements for triggering MS4 construction requirements. If the threshold is based on something other than a disturbed area (such as a cubic volume), then describe that threshold in the “other” comment.

5. Does the permit require the development of sanctions or enforcement policies to ensure compliance?

Enter “Y” or “N” to indicate if the permit requires the permittee to develop/implement enforcement sanctions or enforcement policies such as nonmonetary penalties, fines, bonding requirements and/or permit denials for non-compliance.

6. Does the permit require construction site operators to implement appropriate erosion and sediment controls?

Enter “Y” or “N” to indicate if the permit specifies that BMPs must be implemented on all construction projects which meet the required threshold.

7. Does the permit require construction operators to control construction wastes?

Enter “Y” or “N” to indicate if the permit requires that construction wastes be managed in a manner to prevent water quality impacts. For example, proper disposal of concrete wash out waste and trash.

8. Does the permit require procedures for site plan reviews that incorporate water quality considerations?

Enter “Y” or “N” to indicate if the permit requires that development site plans include water quality considerations and that erosion and sediment control plans be specifically required and reviewed by the permittee.

9. Does the permit require procedures for receiving and considering information from the public?

Enter “Y” or “N” to indicate if the permit requires that the permittee identify a way to receive complaints or other reports regarding erosion and sediment control at active construction projects. For example, a hotline or a reporting mechanism on a website could be required.

10. Does the permit require development of procedures for site inspections?

Enter “Y” or “N” to indicate if the permit requires that the MS4 conduct site inspections at active construction projects. Indicate if the permit specifies that the permittee develops a procedure for determining the frequency of inspections, i.e. 1/month or within 48 hours of a certain sized rain event. Identify if the permit requires the permittee to prioritize projects and use this prioritization to develop inspection schedules/frequencies, e.g. based upon the size, location, etc. of the project. The Phase II regulatory guidance recommends that a MS4 identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water

quality. Indicate if the permit specifically requires that the permittee develop procedures to follow up inspection findings.

- a) *for establishing a frequency of inspections?*
- b) *for developing priorities for inspections?*
- c) *for follow-up from inspections?*

11. Is there a frequency specified for construction site inspections in the permit?

Enter “Y” or “N” to indicate if the permit includes a required inspection frequency and describe.

12. Does the permit require procedures for enforcement?

Enter “Y” or “N” to identify if the permit requires that the permittees to develop enforcement procedures to ensure compliance with erosion and sediment control requirements on construction projects.

13. Does the permit require training for construction inspectors?

Enter “Y” or “N” to indicate if the permit requires that the permittee conduct inspector training.

14. Does the permit require training for construction site operators?

Enter “Y” or “N” to indicate if the permit requires that the permittee conduct operator training.

15. Describe any other specific provisions.

Describe if the permit contains other provisions which address stormwater runoff from construction activity.

16. Recommendations:

Enter any recommendations or additional comments regarding the permit’s construction requirements in the space provided. Additional space is provided on page 13 of the checklist.

III.E Post-Construction BMPs

1. Is the post-construction requirement largely identical to the rule requirement, or is it more prescriptive?

If the MS4 permit language for post-construction is largely identical to the language below, then indicate that the permit is “identical to rule”. If the MS4 permit language is more specific and detailed then indicate that the requirement is “prescriptive”.

The Phase II regulation for the post-construction minimum measure (40 CFR 122.34(b)(5)) states:

- (i) *You must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.*
- (ii) *You must:*
 - (A) *Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;*
 - (B) *Use an ordinance or other regulatory mechanism to address post construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and*

(C) Ensure adequate long-term operation and maintenance of BMPs.

2. Does the permit require the following for a post-construction program to address stormwater runoff from new and redevelopment to prevent and minimize impacts:

Enter "Y" or "N" to indicate if the permit specifies that the permittee develop, implement and enforce a program to control post-construction discharges from new and redevelopment projects.

- a) development?*
- b) implementation?*
- c) enforcement of?*

3. Require ordinance or other regulatory mechanism?

Enter "Y" or "N" to identify if the permit requires that the permittee develop an ordinance to require compliance with post-construction requirements.

4. Require that pre-development runoff conditions be maintained?

Enter "Y" or "N" to indicate if the permit requires that post-development runoff conditions match pre-development conditions. If so, how is this required? EPA recommends MS4 programs attempt to maintain pre-development conditions.

5. Require watershed, regional or inter-jurisdictional planning?

Enter "Y" or "N" to indicate if the permit requires that the permittee participate in watershed or regional planning activities. EPA recommends that when choosing appropriate post-construction BMPs, the permittee participate in locally-based watershed planning efforts which attempt to involve a diverse group of stakeholders including interested citizens.

6. Require assessment of existing ordinances, policies, programs and studies that address water quality?

Enter "Y" or "N" to indicate if the permit requires that the permittee assess existing ordinances which address stormwater runoff quality to see which encourage and/or prevent post-construction stormwater management activities. In addition to assessing these existing documents and programs, EPA recommends that permittees provide opportunities to the public to participate in the development of their programs.

7. Require or recommend:

Enter "Y" or "N" to specify if the permit requires or recommends that any particular site development techniques be utilized on new or redevelopments within the MS4 which would protect buffers or sensitive areas.

- a) directing growth to identified areas?*
- b) protecting sensitive areas?*
- c) maintaining or increasing open space?*
- d) providing buffers?*

8. Are there provisions with respect to site design criteria that require/encourage low impact/conservation development?

Enter “Y” or “N” to indicate if the permit requires or recommend that the permittee implement low impact development or conservation development practices, e.g. practices which minimize impervious surfaces, and minimize disturbance of soils and vegetation.

9. Are there provisions for community planning that require/encourage smart growth (i.e., infill, redevelopment, parking/transportation)?

Enter “Y” or “N” to indicate if the permit encourages or requires that the permittee implement policies or ordinances that encourage infill development in higher density urban areas, and areas with existing infrastructure (i.e. smart growth).

10. Does the permit include:

Enter “Y” or “N” to indicate if the permit specifies that the permittee must implement a post-construction standard(s) for water quality and/or water quantity. For example, the standards include retention, detention, infiltration, or other mechanisms for minimizing the impacts of post-construction stormwater runoff. If so, please describe the standards. Also indicate if there is a specific project size threshold which triggers the application of the standard(s). The threshold could be a function of total project size, impervious area, etc. If a standard is specified, indicate if the permit allows the MS4 to utilize other mechanisms to elicit stormwater mitigation such as off-site BMPs or payment into a fund in lieu of implementing practices on the ground.

- a) a specific performance standard to control post-construction stormwater discharges? Specify where the standard is articulated and what the standard is.*
- b) a site-size threshold for post-construction requirements?*
- c) alternative mechanisms if the standard can't be achieved including:*
 - Off-site mitigation options?
 - Payment-in-lieu options?
 - Other?
- d) credits for green infrastructure in terms of reducing the volume of stormwater, etc.?*

11. Are specific BMPs required?

Enter “Y” or “N” to indicate if the permit describes specific post-construction BMPs that must be implemented, such as retention BMPs.

12. Are retrofits required?

Enter “Y” or “N” to indicate if the permit includes requirements to install retrofits in areas of existing development to address stormwater problems. If so, describe the retrofit requirement.

13. Are site plan/site design reviews required?

Enter “Y” or “N” to indicate if the permit requires the review of site plans for post-construction controls.

14. Are inspections of BMPs required to ensure:

Enter “Y” or “N” to indicate if post-construction BMPs are required to be inspected to ensure they're installed corrected after construction and if they're operating and maintained so they function as designed.

- a) *they're installed according to designs?*
- b) *operation and maintenance activities happen to ensure BMPs function as designed in the long-term?*

15. Does the permit require an inventory/tracking of existing and new BMPs, to include:

Enter "Y" or "N" to indicate whether the permit includes a requirement to inventory/track BMPs to identify location, owner/operator, design specifications, inspection results, and maintenance requirements, schedules and activities.

- a) *BMP/site plan reviews?*
- b) *BMP installation & location?*
- c) *BMP owner/operator?*
- d) *BMP 'as built' inspections?*
- e) *BMP long-term/ongoing inspections?*
- f) *maintenance requirements?*
- g) *maintenance schedules?*
- h) *maintenance activities?*

16. Does the permit require long-term operation and maintenance of BMPs?

Enter "Y" or "N" to indicate whether the permit requires a program to ensure long-term operation and maintenance of post-construction BMPs.

17. Does the permit require evaluation of BMPs, e.g., effectiveness, performance, long-term function?

Enter "Y" or "N" to indicate whether the permit requires the evaluation of post-construction BMPs to ensure their effectiveness and long-term performance.

18. Does the permit require penalty provisions for non-compliance?

Enter "Y" or "N" to indicate whether the permit requires the MS4 to have penalty provisions for non-compliance of post-construction requirements.

19. Is training required for municipal staff on post-construction requirements?

Enter "Y" or "N" to indicate whether the permit requires that municipal staff are trained on the post-construction requirements. Training should be provided to both plan review and inspection staff.

20. Does the permit require education programs for developers?

Enter "Y" or "N" to indicate whether the permit requires the MS4 to provide education to developers.

21. Describe any other specific provisions.

Describe any additional permit provisions which address stormwater runoff from post-construction activity.

22. Recommendations:

Enter any recommendations or additional comments regarding the permit's post-construction BMP requirements in the space provided. Additional space is provided on page 13 of the checklist.

III.F MS4 Maintenance/Municipal Operations

1. Is the MS4 maintenance requirement largely identical to the rule requirements, or is it more prescriptive?

If the MS4 permit language for good housekeeping is largely identical to the language below, then indicate that the permit is “identical to rule”. If the MS4 permit language is more specific and detailed then indicate that the requirement is “prescriptive”.

The Phase II regulation for the good housekeeping/municipal maintenance minimum measure (40 CFR 122.34(b)(6)) states:

- (i) You must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.*
- (ii) Guidance: EPA recommends that, at a minimum, you consider the following in developing your program: maintenance activities, maintenance schedules, and long-term inspection procedures for structural and nonstructural storm water controls to reduce floatables and other pollutants discharged from your separate storm sewers; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance should be an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.*

2. Does the permit require an operation and maintenance program to prevent and reduce pollutant runoff from municipal operations:

Enter “Y” or “N” to indicate whether the permit requires the development and implementation of an operation and maintenance program for municipal operations.

- a) development?*
- b) implementation?*

3. Does permit require an inventory of municipal facilities?

Enter “Y” or “N” to indicate if the permit requires the permittee to develop an inventory of municipal facilities.

4. Require stormwater discharges from the following areas be controlled:

Enter “Y” or “N” to indicate the types of maintenance facilities/activities that are addressed in the permit.

- a) park operations?*

- b) open space?*
- c) turf management?*
- d) fleet maintenance?*
- e) building maintenance?*
- f) stormwater system maintenance?*
- g) new construction and land disturbance?*
- h) road salt/sand storage and use?*
- i) other:*

5. Require training component for employees?

Enter "Y" or "N" to indicate whether employee training is specifically addressed in the permit. If it is, then indicate whether the permit specifies the training topics that must be included, such as BMPs for turf management, stormwater sewer system maintenance, or fertilizers.

- a) park operations?*
- b) open space?*
- c) turf management?*
- d) fleet operation and maintenance?*
- e) building maintenance?*
- f) stormwater system maintenance?*
- g) new construction and land disturbance?*
- h) road salt/sand storage & use?*
- i) fertilizers?*
- j) herbicides?*
- k) pesticides?*
- l) other?*

6. Are municipal facilities required to develop a stormwater plan or SWPPP?

Enter "Y" or "N" to indicate whether municipal facilities are required in the MS4 permit to develop a stormwater plan or SWPPP. Note that a SWPPP is not required unless the facility is also covered by an industrial stormwater permit, but some MS4 permits have required municipal facilities to have a plan to address stormwater runoff, which can include a SWPPP.

7. Does permit require:

Enter "Y" or "N" to indicate whether the MS4 permit requires catch basin cleaning, street sweeping, or maintenance of structural controls and at what frequency are they required to be maintained.

- a) catch basin cleaning?*
- b) street sweeping?*
- c) maintenance of municipally-owned structural controls?*

8. Does permit require assessment of flood control practices to improve water quality?

Enter "Y" or "N" to indicate whether the permit requires an assessment of flood control practices to improve water quality.

9. Does the permit require any source control activities, such as:

Enter "Y" or "N" to indicate whether the permit requires stormwater controls for certain source control activities, such as alternative to salts, fertilizer/herbicide/pesticide application programs, or other source control programs.

a) alternatives to salts?

b) fertilizers?

c) herbicides?

d) pesticides?

e) other?

10. Describe any other specific provisions.

Describe any additional permit provisions which address stormwater runoff from municipal maintenance.

11. Recommendations:

Enter any recommendations or additional comments regarding the permit's MS4 maintenance/municipal operations requirements in the space provided. Additional space is provided on page 13 of the checklist.

III.G Industrial/Commercial Stormwater

Phase I MS4 permittees are required to develop and implement an inspection and oversight program to monitor and control pollutants in stormwater discharges to the MS4 from industrial facilities. Regulations addressing industrial stormwater management in Phase I MS4 permits is found at 40 CFR 122.26(d)(2)(i)(B, C, E, and F) and 40 CFR 122.26(d)(2)(iv). Requirements to regulate the stormwater discharges from commercial facilities are found at 40 CFR 122.26(d)(2)(iv)(A).

1. Does the permit specifically address industrial or commercial sources?

Enter "Y" or "N" to indicate whether the permit addresses industrial or commercial sources with specific requirements.

2. Does the permit require an ordinance or other regulatory mechanism to address industrial/commercial sources?

Enter "Y" or "N" to indicate if the permit requires that language be included in an ordinance which allows the permittee to proactively regulate industrial and/or commercial sources. For example, indicate if the permit requires that the permittee have the authority to require industrial/commercial sources to implement BMPs to reduce the discharge of contaminated stormwater.

3. Does the permit require an inventory of industrial/commercial sources in the permit area?

Enter "Y" or "N" to indicate if the permit requires that the permittee generate a list of industrial/commercial facilities that may be sources of contaminated stormwater and/or illicit discharges. The list could be used to conduct inspections, disseminate educational materials, etc.

4. What types of industrial/commercial sources are addressed in the permit?

Enter "Y" or "N" to indicate if the permit does require proactive regulation of industrial/commercial facilities, indicate if it specifies which types.

- a) *Automotive repair/fueling*
- b) *Vehicle washing/power washing*
- c) *Restaurants*
- d) *Landscaping*
- e) *Other*

5. Does the permit require industrial/commercial sources to:

Enter "Y" or "N" to indicate if the permit requires the permittee to require industrial/commercial sources to implement BMPs and/or develop a facility pollution prevention plan of some sort. The permit might specify exactly what types of BMPs specific facilities should be required to implement or it might include a general requirement to implement BMPs to minimize pollutant sources.

- a) *Comply with specific standards/BMPs?*
- b) *Develop a plan to control stormwater discharges?*

6. Does the permit require inspections of industrial/commercial sources?

Enter "Y" or "N" to indicate if the permit requires the permittee to conduct regular inspections at industrial/commercial facilities. These inspections would be in addition to any inspections conducted in response to complaints or reports of illicit discharges. If yes, then enter the frequency.

7. Does the permit require training for industrial inspectors?

Enter "Y" or "N" to indicate if the permit requires inspections, indicate if the permit requires that inspectors be trained. The requirement might specify a certain frequency/type of training or it may require that the inspectors be qualified.

8. Describe any other specific provisions.

Indicate if the permit contains other provisions which address industrial/commercial sources.

9. Recommendations:

Enter any recommendations or additional comments regarding the permit's industrial/commercial source requirements in the space provided. Additional space is provided on page 13 of the checklist.

IV. Monitoring, Reporting and Other Permit Issues**IV.A Evaluation and Tracking****1. Does the permit require evaluation of:**

- a) *overall program compliance?*
- b) *progress towards meeting measurable goals?*

Enter "Y" or "N" to indicate if the permit requires the evaluation of program compliance and progress. According to the Stormwater Phase II Rule, small MS4 owners/operators must reduce pollutants in

stormwater to the maximum extent practicable (MEP) to protect water quality. The regulations specify that compliance with the MEP requirement can be attained by developing a stormwater management plan that addresses the six minimum control measures described in the stormwater regulations. The regulations also require that measurable goals be used to track and document program effectiveness at reducing pollutants to the MEP. The regulation guidance describes that:

“the operator must submit either measurable goals that serve as BMP design objectives or goals that quantify the progress of implementation of the actions or performance of the permittee’s BMPs. At a minimum, the required measurable goals should describe specific actions taken by the permittee to implement each BMP and the frequency and the dates for such actions. Although the operator may choose to do so, it is not required to submit goals that measure whether a BMP or combination of BMPs is effective in achieving a specific result in terms of storm water discharge quality.”

2. Does the permit require evaluation of specific minimum measures?

Enter “Y” or “N” to indicate if the permit requires the permittee to determine overall SWMP compliance and/or progress towards meeting established measurable goals. If the permit requires either of these evaluation measures, describe how. Also, indicate if the permit requires that the permittee consider and report on progress for each individual measurable goal. In addition, identify if the permit requires the permittee to generally describe compliance with each minimum measure.

3. Does the permit require tracking of:

Enter “Y” or “N” to indicate if the permit requires the permittee to track progress towards meeting measurable goals and/or other data. The tracking required might be electronic or non-electronic.

- a) evaluation information/data?*
- b) progress towards measurable goals?*

4. Does the permit have any specific tracking requirements not covered here or elsewhere?

Enter “Y” or “N” to indicate if the permit contains any other provisions which require tracking. If so, indicate what other tracking requirements the permit includes.

5. Describe any other specific provisions.

Describe any other permit provisions which address evaluation and tracking.

6. Recommendations:

Enter any recommendations or additional comments regarding the permit’s evaluating and tracking requirements in the space provided. Additional space is provided on page 13 of the checklist.

IV.B Monitoring

1. Does the permit include any monitoring requirements?

Enter “Y” or “N” to indicate if the permit includes any monitoring requirements. The Phase II regulations do not require monitoring, however, BMP, in-stream and effluent characterization monitoring can be helpful when evaluating a SWMP. Phase I MS4 permits do include specific monitoring requirements.

2. What type of monitoring does the permit require?

Enter "Y" or "N" to indicate the type of monitoring that the permit require, including chemical/physical/biological and in-stream, outfall, or BMP performance monitoring. More than one type of monitoring can be included in the permit.

- a) Chemical*
- b) Physical*
- c) Biological*
- d) In-stream/receiving water monitoring*
- e) Effluent/outfall monitoring*
- f) BMP performance monitoring*

3. Does the permit require monitoring for TMDLs or to assess impaired waters?

Enter "Y" or "N" to indicate if the permit requires monitoring in order to comply with a TMDL or listed impaired water.

4. Does the permit require tracking of environmental indicators?

Enter "Y" or "N" to indicate if the permit requires tracking of other types of environmental indicators such as overall riparian health, degree of imperviousness in the watershed, etc.. Include specific environmental indicators in the comments field.

5. Describe any other specific provisions.

Describe any additional permit monitoring provisions.

6. Recommendations:

Enter any recommendations or additional comments regarding the permit's monitoring requirements in the space provided. Additional space is provided on page 13 of the checklist.

IV.C Record-Keeping, Reporting and Standard Permit Conditions**1. Does the permit require that records be kept for at least 3 years?**

Enter "Y" or "N" to indicate if the permit requires that records are to be kept for at least 3 years. NPDES regulations require that all permit documentation be kept for a minimum of 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 if the permit expressly states that all records can be requested by the permitting authority for review at any time.

3. Does the permit require that records and stormwater management plans be available to the public?

Enter "Y" or "N" to indicate if the permit specifies that all records are also to be made available to the public, including all monitoring data.

4. Does the permit require annual reports?

Enter “Y” or “N” to indicate if the permit requires, per the Phase II regulations, that the permittee submits annual reports. Indicate if it specifies which years these reports are required. The Phase II regulations require that permittees submit annual reports to the NPDES permitting authority for the first permit term but for subsequent permit terms, reports must be submitted only in years 2 and 4 unless the NPDES permitting authority requires more frequent reports.

5. Are annual (or other) reports required to include:

Enter “Y” or “N” to indicate if the permit specifies specific elements that must be included in the annual report submitted to the permitting authority. The items listed are required to be included in the annual reports by the Phase II MS4 regulations.

- a) status of compliance with permit conditions?*
- b) assessment of BMPs?*
- c) progress towards measurable goals?*
- d) results of information collected and analyzed?*
- e) activities for next reporting cycle?*
- f) changes in BMPs?*
- g) changes in measurable goals?*
- h) other changes to the stormwater management plan?*
- i) notice that another government entity is fulfilling a permit obligation?*
- j) other?*

6. Generally speaking, are the relevant standard permit conditions of 40 CFR §122.4 – 122.49 included in the permit?

Enter “Y” or “N” to indicate if the permit requires these standard permit conditions to be met. Standard permit conditions for all NPDES permits are outlined at 40 CFR §122.4 –122.49.

7. Describe any other specific provisions.

Describe any additional permit requirements related to other record-keeping, reporting or standard permit conditions.

8. Recommendations:

Enter any recommendations or additional comments regarding the permit’s record-keeping, reporting and standard permit conditions requirements in the space provided. Additional space is provided on page 13 of the checklist.