

DRAFT

Region [XX] NPDES Permit Quality Review

[Insert State]

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I. PQR BACKGROUND

National Pollutant Discharge Elimination System (NPDES) Permit Quality Reviews (PQRs) are an evaluation of a select set of NPDES permits to determine whether permits are developed in a manner consistent with applicable requirements established in the Clean Water Act (CWA) and NPDES regulations. Through this review mechanism, EPA promotes national consistency, and identifies successes in implementation of the NPDES program and identifies opportunities for improvement in the development of NPDES permits.

EPA's review team, consisting of *[insert number of EPA Regional staff]* conducted a review of the *[State]* NPDES permitting program which included an on-site visit to the *[State Environmental Department]* in *[City]* on *[Date]*.

The *[State]* PQR consisted of two components: permit reviews and special focus area reviews. The permit reviews focused on core permit quality and included a review of the permit application, permit, fact sheet, and any correspondence, reports or documents that provide the basis for the development of the permit conditions.

The core permit review involved the evaluation of selected permits and supporting materials using basic NPDES program criteria. Reviewers completed the core review by examining selected permits and supporting documentation, assessing these materials using standard PQR tools, and talking with permit writers regarding the permit development process. The core review focused on the Central Tenets of the NPDES Permitting program to evaluate the *[State]* NPDES program. In addition, discussions between EPA and state staff addressed a range of topics including program status, the permitting process, responsibilities, organization, and staffing. Core topic area permit reviews are conducted to evaluate similar issues or types of permits in all states. The national topics reviewed in the *[State]* NPDES program were: nutrients, pesticide general permit, pretreatment, and stormwater.

Regional topic area reviews target regionally-specific permit types or particular aspects of permits. The regional topic areas selected by EPA Region *[Insert Region number]* included: *[Insert regional topics reviewed]*. These reviews provide important information to *[State]*, EPA Region *[Insert Region number]*, EPA HQs and the public on specific program areas.

A total of *[Insert total number of permits reviewed]* permits were reviewed as part of the PQR. *[Insert total number of core review permits]* permits were reviewed for the core review - of these, *[Insert number of regional topic review permits]* permits were also reviewed for regional topic areas. Permits were selected based on issue date and the review categories that they fulfilled.

II. STATE PROGRAM BACKGROUND

A. Program Structure

[Describe the state NPDES program structure. Information should include: A description of the permitting authority (general structure, responsibilities, locations, and staffing levels); a description of data systems used to support permitting; a discussion of permit and fact sheet tools and templates; a description of the permit QA/QC process; and an indication of how permit files are managed. This information can be found in the responses to the PQR interview questions (i.e., written responses and notes from the interview).]

B. Universe and Permit Issuance

[Describe the NPDES permit universe in the state. Information should include: a description of the NPDES permitting universe (major and minor permits by POTW and non-POTW categories; general permits and permittees); a discussion of backlog rates. This information can be found in the responses to the PQR interview questions. The Region also may have some of these data as a matter of course.]

[Describe the permit development and issuance process. Permit process information should include: A discussion of permit application forms and the application process; a discussion of the permit development process (steps, responsibilities, data and tools used, documentation); a discussion of TBEL development; a discussion of WQBEL development; an indication of when and how mixing zones were used; a description of the state antidegradation requirements and process; a description of how monitoring and reporting requirements were developed; a discussion of narrative conditions and boilerplate/standard conditions; a description of when and how fact sheets were developed; a description of 401 certification; and a discussion of the notice and comment process, as well the hearing and appeals process. This information can be found in the responses to the PQR interview questions. Relevant state policy and guidance also may be useful.]

C. State-Specific Challenges

[Describe requirements, processes, and resource or other challenges that affect permitting but were not evident from reviewing permits. This information can be found in the responses to the PQR interview questions.]

D. Current State Initiatives

[Describe state initiatives that will improve permitting. This information can be found in the responses to the PQR interview questions (i.e., written responses and notes from the interview).]

III. CORE REVIEW FINDINGS

[Note: Core review findings below should be presented using a consistent format of concise paragraphs to describe 1) Program Strengths; 2) Critical Findings such as core review findings that are inconsistent with regulatory requirements; 3) Recommended Actions (i.e., core review findings that are inconsistent with existing policy or guidance); and 4) Suggested Practices such as best practices that may help improve the program].

A. Basic Facility Information and Permit Application

1. Facility Information

Basic facility information is necessary to properly establish permit conditions. For example, information regarding facility type, location, processes and other factors is required by NPDES permit application regulations (40 CFR 122.21). This information is essential for developing technically sound, complete, clear and enforceable permits. Similarly, fact sheets must include a description of the type of facility or activity subject to a draft permit.

[Describe findings regarding the extent to which general facility information is discussed in the permit and fact sheet. Aspects to consider should include: a clear description of the facility in the fact sheet; a description of processes or services conducted by the facility (including if the facility is an existing or new source); identification of outfalls and description of waste streams associated with each permitted outfall; and, location information relative to receiving waters. This information is addressed in Sections I and II of the NPDES PQR Checklist.]

2. Permit Application Requirements

Federal regulations at 40 CFR 122.21 and 122.22 specify application requirements for permittees seeking NPDES permits. Although federal forms are available, authorized states are also permitted to use their own forms provided they include all information required by the federal regulations. This portion of the review assesses whether appropriate, complete, and timely application information was received by the state and used in permit development.

[Describe findings regarding the permit applications reviewed. Aspects to consider may include: availability of the application in the record, whether the state uses EPA application forms or state forms, timeliness of application submittal (e.g., complete applications must be submitted 180 days prior to discharge or expiration), completeness of application, and adequacy and quality of data submitted. This information is based on the permit application(s) in the permit file, some responses to the PQR interview questions, and is also addressed in Section III of the NPDES PQR Checklist.]

B. Technology-based Effluent Limitations

NPDES regulations at 40 CFR 125.3(a) require that permitting authorities develop technology-based requirements where applicable. Permits, fact sheets and other supporting

documentation for POTWs and non-POTWs were reviewed to assess whether technology based effluent limitations (TBELs) represent the minimum level of control that must be imposed in a permit.

1. TBELs for POTWs

POTWs must meet secondary or equivalent to secondary standards (including limits for BOD, TSS, pH, and percent pollutant removal), and must contain numeric limits for all of these parameters (or authorized alternatives) in accordance with the secondary treatment regulations at 40 CFR Part 133. A total of *[Insert number]* POTW permits were reviewed as part of the PQR.

[Discuss findings regarding application of technology-based standards for POTWs. Topics may include: description of facility and treatment processes; identification of applicable standards (secondary or equivalent to secondary); application of alternate effluent limitations (adjusted standards and alternative state requirements); accommodating multiple types of treatment systems at a single facility in developing effluent limitations; establishing effluent limitations in appropriate units and forms (i.e., concentration or mass; average weekly and average monthly). This information can be found in the responses to the PQR interview questions and in Section IV.B of the NPDES PQR Checklist.]

2. TBELs for Non-POTW Dischargers

Permits issued to non-POTWs must require compliance with a level of treatment performance equivalent to Best Available Technology Economically Achievable (BAT) or Best Conventional Pollutant Control Technology (BCT) for existing sources, and consistent with New Source Performance Standards (NSPS) for new sources. Where federal effluent limitations guidelines (ELGs) have been developed for a category of dischargers, the TBELs in a permit must be based on the application of these guidelines. If ELGs are not available, a permit must include requirements at least as stringent as BAT/BCT developed on a case-by-case using best professional judgment (BPJ) in accordance with the criteria outlined at 40 CFR 125.3(d).

[Discuss findings regarding application of effluent limitation guidelines and standards to non-POTW facilities. Topics may include: 1) facility description, including a discussion of proper categorization based on processes and whether the facility is an existing or a new source); 2) expected wastestreams and pollutants in the discharge; 3) description of treatment processes and identification of applicable standards; 4) extent of discussion of implementing technology-based standards and resulting effluent limitations development; 5) case-by-case considerations; 6) application of alternate effluent limitations; 7) effluent limitations in appropriate units and forms (i.e., concentration or mass); and, 8) calculation of effluent limitations based on effluent limitations guidelines. This information can be found in the responses to the PQR interview questions and in Section IV.B of the NPDES PQR Checklist.]

C. Water Quality-Based Effluent Limitations

The NPDES regulations at 40 CFR 122.44(d) require permits to include any requirements in addition to or more stringent than technology-based requirements where necessary to achieve state water quality standards, including narrative criteria for water quality. To establish such “water quality-based effluent limits” (WQBEL), the permitting authority must evaluate the proposed discharge and determine whether technology-based requirements are sufficiently stringent, and whether any pollutants or pollutant parameters could cause or contribute to an excursion above any applicable water quality standard.

The PQR for [identify state permitting authority] assessed the processes employed by permit writers and water quality modelers to implement these requirements. Specifically, the PQR reviewed permits, fact sheets, and other documents in the administrative record to evaluate how permit writers and water quality modelers:

- determined the appropriate water quality standards applicable to receiving waters,
- evaluated and characterized the effluent and receiving water including identifying pollutants of concern,
- determined critical conditions,
- incorporated information on ambient pollutant concentrations,
- assessed any dilution considerations,
- determined whether limits were necessary for pollutants of concern and, where necessary,
- calculated such limits or other permit conditions.

For impaired waters, the PQR also assessed whether and how permit writers consulted and developed limits consistent with the assumptions of applicable EPA-approved total maximum daily loads (TMDLs).

[Discuss findings regarding documentation of water quality-based effluent limitation development. Topics may include: 1) identification of receiving stream; 2) applicable water quality standard; 3) impairment status; 4) applicable TMDLs; 5) identification of pollutants of concern; 6) quality of discussion of water quality assessment (reasonable potential analysis); 7) subsequent development of water quality-based effluent limitations; and, 8) discussion of antidegradation and anti-backsliding requirements. This information is based on certain responses to the PQR interview questions, and is also addressed in Section IV.C of the NPDES PQR Checklist.]

D. Monitoring and Reporting

NPDES regulations at 40 CFR 122.41(j) require permittees to periodically evaluate compliance with the effluent limitations established in their permits and provide the results to the permitting authority. Monitoring and reporting conditions require the permittee to conduct routine or episodic self-monitoring of permitted discharges and where applicable, internal

processes, and report the analytical results to the permitting authority with information necessary to evaluate discharge characteristics and compliance status.

Specifically, 40 CFR 122.44(i) requires NPDES permits to establish, at minimum, annual monitoring for all limited parameters sufficient to assure compliance with permit limitations, including specific requirements for the types of information to be provided and the methods for the collection and analysis of such samples. In addition, 40 CFR 122.48 requires that permits specify the type, intervals, and frequency of monitoring sufficient to yield data which are representative of the monitored activity. The regulations at 40 CFR 122.44(i) also require reporting of monitoring results with a frequency dependent on the nature and effect of the discharge.

[Discuss findings regarding monitoring and reporting requirements. Topics may include: consistency of monitoring requirements, frequency, and location (e.g., influent monitoring of TSS to determine compliance with technology-based standard requiring a minimum percent removal requirements for TSS); appropriate monitoring frequency based on type of discharge and corresponding limit basis (i.e., number of monthly samples used in calculating average monthly effluent limitations); specifying sampling and analytical methods consistent with Part 136; inclusion of WET monitoring; minimum reporting requirements; and recordkeeping requirements. This information is based on certain responses to the PQR interview questions, and is also addressed in Section V of the NPDES PQR Checklist.]

E. Standard and Special Conditions

Federal regulations at 40 CFR 122.41 require that all NPDES permits, including NPDES general permits, contain an enumerated list of “standard” permit conditions. Further, the regulations at 40 CFR 122.42 require that NPDES permits for certain categories of dischargers must contain additional standard conditions. Permitting authorities must include these conditions in NPDES permits and may not alter or omit any standard condition, unless such alteration or omission results in a requirement more stringent than required by the federal regulations.

In addition to standard permit conditions, permits may also contain additional requirements that are unique to a particular permittee or discharger. These case-specific requirements are generally referred to as “special conditions.” Special conditions might include requirements such as: additional monitoring or special studies such as pollutant management plan or a mercury minimization plan; best management practices [see 40 CFR 122.44(k)], or permit compliance schedules [see 40 CFR 122.47]. Where a permit contains special conditions, such conditions must be consistent with applicable regulations.

[Discuss findings regarding special conditions and standard conditions. Topics may include: explanation of relevance and purpose of special conditions; identification of measurable milestones if compliance schedules are established; explanation of special studies or additional monitoring requirements; and for POTWs, pretreatment, biosolids, CSO, and /or SSO requirements. Further, the discussion should address if all standard conditions are established in the permit. Topics may include: completeness of standard conditions; stringency compared to

federal requirements; additional standard conditions based on facility category. This information is based on certain responses to the PQR interview questions, and is also addressed in Sections VI and VIII of the NPDES PQR Checklist.]

F. Administrative Process

The administrative process includes documenting the basis of all permit decisions (40 CFR 124.5 and 40 CFR 124.6); coordinating EPA and state review of the draft (or proposed) permit (40 CFR 123.44); providing public notice (40 CFR 124.10); conducting hearings if appropriate (40 CFR 124.11 and 40 CFR 124.12); responding to public comments (40 CFR 124.17); and, modifying a permit (if necessary) after issuance (40 CFR 124.5). EPA discussed each element of the administrative process with [State], and reviewed materials from the administrative process as they related to the core permit review.

[Discuss findings regarding documentation of the permit administration process. Topics may include the quality of the permit record with respect to demonstration that public notice procedures were implemented accordingly; organization of comments received; response to comment document; revisions to permit limits or requirements; the process by which the draft permit was reviewed by EPA or a state; discussion of permit modifications, rationale, and documentation of modifications. This information is based on certain responses to the PQR interview questions, and is also addressed in Section VII of the NPDES PQR Checklist.]

G. Administrative Record

The administrative record is the foundation that supports the NPDES permit. If EPA issues the permit, 40 CFR 124.9 identifies the required content of the administrative record for a draft permit and 40 CFR 124.18 identifies the requirements for a final permit. Authorized state programs should have equivalent documentation. The record should contain the necessary documentation to justify permit conditions. At a minimum, the administrative record for a permit should contain the permit application and supporting data; draft permit; fact sheet or statement of basis; all items cited in the statement of basis or fact sheet including calculations used to derive the permit limitations; meeting reports; correspondence between the applicant and regulatory personnel; all other items supporting the file; final response to comments; and, for new sources where EPA issues the permit, any environmental assessment, environmental impact statement, or finding of no significant impact.

Current regulations require that fact sheets include information regarding the type of facility or activity permitted, the type and quantity of pollutants discharged, the technical, statutory, and regulatory basis for permit conditions, the basis and calculations for effluent limits and conditions, the reasons for application of certain specific limits, rationales for variances or alternatives, contact information, and procedures for issuing the final permit. Generally, the administrative record includes the permit application, the draft permit, any fact sheet or statement of basis, documents cited in the fact sheet or statement of basis, and other documents contained in the supporting file for the permit.

[Discuss findings regarding documentation of permit development and quality of fact sheets. Topics may include: required elements of fact sheets; extent of discussion of technology-based standards and effluent limitations development; quality of discussion of water quality assessment (identification of pollutants of concern, reasonable potential analysis, and subsequent development of water quality-based effluent limitations); ability to understand implementation procedures for effluent limitation development; administrative requirements; and, the organization and overall completeness of the permit record. This information is based on certain responses to the PQR interview questions, and is also addressed in Sections IV.B and IV.C of the NPDES PQR Checklist.]

1. Documentation of Effluent Limitations

Permit records for POTWs and industrial facilities should contain comprehensive documentation of the development of all effluent limitations. Technology-based effluent limits should include assessment of applicable standards, data used in developing effluent limitations, and actual calculations used to develop effluent limitations. The procedures implemented for determining the need for water quality-based effluent limitations as well as the procedures explaining the basis for establishing, or for not establishing, water quality-based effluent limitations should be clear and straight forward. The permit writer should adequately document changes from the previous permit, ensure draft and final limitations match (unless the basis for a change is documented), and include all supporting documentation in the permit file.

[Discuss findings regarding application of effluent limitation guidelines and standards to non-POTW facilities. Topics may include: 1) facility description, including discussion of proper categorization based on processes and whether the facility is existing or a new source); 2) expected wastestreams and pollutants in the discharge; 3) description of treatment processes and identification of applicable standards; 4) extent of discussion of implementing technology-based standards and resulting effluent limitations development; 5) case-by-case considerations; 6) application of alternate effluent limitations; 7) effluent limitations in appropriate units and forms (i.e., concentration or mass); and, 8) calculation of effluent limitations based on effluent limitations guidelines. This information can be found in the responses to the PQR interview questions and in Section IV.B of the NPDES PQR Checklist.]

[Discuss findings regarding documentation of water quality-based effluent limitation development. Topics may include: 1) identification of receiving stream; 2) applicable water quality standard; 3) impairment status; 4) applicable TMDLs; 5) identification of pollutants of concern; 6) quality of discussion of water quality assessment (reasonable potential analysis); 7) subsequent development of water quality-based effluent limitations; and, 8) discussion of antidegradation and anti-backsliding requirements. This information is based on certain responses to the PQR interview questions, and is also addressed in Section IV.C of the NPDES PQR Checklist.]

H. National Topic Areas

National topic areas are aspects of the NPDES permit program that warrant review based on the specific requirements applicable to the selected topic areas. These topic areas have been determined to be important on a national scale. National topic areas are reviewed for all state PQRs. The national topics areas are: nutrients, pesticides, pretreatment and stormwater.

[Note: National topic area and regional topic area review findings below should, to the extent practical, be presented using a consistent format of concise paragraphs to describe 1) Background; 2) Program Strengths; and 3) Critical Findings (i.e., national and regional review findings that are inconsistent with regulatory requirements)]

1. Nutrients

For more than a decade, both nitrogen and phosphorus pollution has consistently ranked as one of the top causes of degradation of surface waters in the U.S. Since 1998, EPA has worked at reducing the levels and impacts of nutrient pollution. A key part in this effort has been the support EPA has provided to States to encourage the development, adoption and implementation of numeric nutrient criteria as part of their water quality standards (see the EPA's *National Strategy for the Development of Regional Nutrient Criteria*). In a 2011 memo to the EPA regions titled *Working in Partnerships with States to Address Nitrogen and Phosphorus Pollution through use of a Framework for State Nutrient Reductions*, the Agency announced a framework for managing nitrogen and phosphorus pollution that, in part, relies on the use of NPDES permits to reduce nutrient loading in targeted or priority watersheds. To assess how nutrients are addressed in the SPDES permitting program in [state] and implementation of this framework.

To assess how nutrients are addressed in the [State] NPDES program, EPA Region [Insert Region number] reviewed [Insert the number of permits reviewed] permits as well as [Insert any other documents reviewed as part of the nutrient permitting review].

[Discuss findings regarding nutrients. Topics may include: whether the state has numeric criteria or a state policy for nutrients; whether state NPDES permits implemented the criteria or policy, with a particular focus on permits for municipal and industrial wastewater treatment facilities that contribute significant nitrogen and phosphorus loadings, CAFOs, and urban stormwater sources that discharge into nitrogen and phosphorus-impaired waters, or are themselves significant sources of nitrogen or phosphorus; the sufficiency of documentation; implementation of other recommended elements of a state framework for managing nitrogen and phosphorus. This information is based on certain responses to the PQR interview questions, and is also addressed in the Nutrients PQR Checklist.]

Please present findings in the following format: 1) Background; 2) Program Strengths; and 3) Critical Findings (i.e., national topic review findings that are inconsistent with regulatory requirements)]

2. Pesticides

On October 31, 2011, the EPA issued a final NPDES *Pesticide General Permit (PGP) for Discharges from the Application of Pesticides*. This action was in response to a 2009 decision by the U.S. Sixth Circuit Court of Appeals (National Cotton Council of America v. EPA, 553 F.3d 927 (6th Circuit 2009)) in which the court vacated EPA's 2006 Final Rule on Aquatic Pesticides (71 Fed. Reg. 68483, November 27, 2006) and found that point source discharges of biological pesticides and chemical pesticides that leave a residue, into waters of the U.S. were pollutants under the CWA. The federal PGP applies where the EPA is the permitting authority. Approximately 40 authorized state NPDES authorities have issued state pesticide general permits as of November 2011.

Background

On January 7, 2009, the Sixth Circuit vacated the EPA's 2006 NPDES Pesticides Rule under a plain language reading of the CWA. National Cotton Council of America v. EPA, 553 F.3d 927 (6th Circuit 2009). The Court held that the CWA unambiguously includes "biological pesticides" and "chemical pesticides" with residuals within its definition of "pollutant." In response to this decision, on April 9, 2009, EPA requested a two-year stay of the mandate to provide the Agency time to develop general permits, to assist NPDES-authorized states to develop their NPDES permits, and to provide outreach and education to the regulated community. On June 8, 2009, the Sixth Circuit granted EPA the two-year stay of the mandate. On March 28, 2011, the U.S. Court of Appeals for the Sixth Circuit granted EPA's request for an extension to allow more time for pesticide operators to obtain permits for pesticide discharges into U.S. waters. The court's decision extended the deadline for when permits would be required from April 9, 2011 to October 31, 2011.

As a result of the Court's decision to vacate the 2006 NPDES Pesticides Rule, NPDES permits are required for discharges of biological pesticides and of chemical pesticides that leave a residue, to waters of the United States. EPA proposed a draft pesticide general permit on June 4, 2010 to cover certain discharges resulting from pesticide applications. EPA Regional offices and state NPDES authorities may issue additional general permits or individual permits if needed.

[Include specific information on issuance of the state PGP, including permit name, issuance date and permit term, and where eligibility criteria are contained]

For this PQR, *[Insert Region number]* reviewed *[Insert state]* pesticide general permit (*[Insert title, number]*) with a focus on verifying its consistency with NPDES program requirements.

[Discuss findings regarding the state's pesticide general permit. Topics may include: status of state pesticide permit(s); the scope of pesticide permitting in the state; whether the state has one or more general permits for the discharge of pesticide; and, what type of management, monitoring, and reporting requirements are specified in the general permit.]

Please present findings in the following format: 1) Background; 2) Program Strengths; and 3) Critical Findings (i.e., national topic review findings that are inconsistent with regulatory requirements)]

3. Pretreatment

The general pretreatment regulations (40 CFR 403) establish responsibilities of federal, state, and local government, industry and the public to implement pretreatment standards to control pollutants from industrial users which may cause pass through or interfere with POTW treatment processes or which may contaminate sewage sludge.

Background

The goal of this pretreatment program review was to assess the status of the pretreatment program in [state], as well as assess specific language in POTW NPDES permits. With respect to NPDES permits, focus was placed on the following regulatory requirements for pretreatment activities and pretreatment programs:

- 40 CFR 122.42(b) (POTW requirements to notify Director of new pollutants or change in discharge);
- 40 CFR 122.44(j) (Pretreatment Programs for POTWs);
- 40 CFR 403.8 (Pretreatment Program Requirements: Development and Implementation by POTW);
- 40 CFR 403.9 (POTW Pretreatment Program and/or Authorization to revise Pretreatment Standards: Submission for Approval);
- 40 CFR 403.12(i) (Annual POTW Reports); and
- 40 CFR 403.18 (Modification of POTW Pretreatment Program).

The PQR also summarizes the following: program oversight, which includes the number of audits and inspections conducted; number of significant industrial users (SIUs) in approved pretreatment programs; number of categorical industrial users (CIUs) discharging to municipalities that do not have approved pretreatment programs; and the status of implementation of changes to the general pretreatment regulations at 40 CFR part 403 adopted on October 14, 2005 (known as the streamlining rule).

[Discuss findings regarding Pretreatment. Topics may include: POTW program oversight (audits and PCIs); CIUs where EPA or state has oversight; streamlining; NPDES permit quality review.

Please present findings in the following format: 1) Background; 2) Program Strengths; and 3) Critical Findings (i.e., national topic review findings that are inconsistent with regulatory requirements)]

4. Stormwater

The NPDES program requires stormwater discharges from certain municipal separate storm sewer systems (MS4s), industrial activities, and construction sites to be permitted. Generally, EPA and NPDES-authorized states issue individual permits for medium and large MS4s and general permits for smaller MS4s, industrial activities, and construction activities. *[Include any other authorizations, if appropriate.]*

Background

The *[Insert state]* stormwater permits at the time of the *[Insert state]* PQR was as follows:

[Insert a summary of state stormwater permits, including the number and form of Phase I MS4, Phase II MS4, Industrial and Construction stormwater permits].

For *[Insert state]*, *[Insert Region]* selected *[Specify number]* NPDES stormwater permits to review. These permits include:

[List stormwater permits that were reviewed].

Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP#####)

[Discuss findings regarding MS4 permits. Please present findings in the following format:

- 1) Background (including permit issuance date, and any other relevant background information;*
- 2) Program Strengths;*
- 3) Critical Findings (i.e., national review findings that are inconsistent with regulatory requirements)]*

Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP####)

[Discuss findings regarding MSGP permits. Please present findings in the following format:

- 1) Background (including permit issuance date, and any other relevant background information;*
- 2) Program Strengths;*
- 3) Critical Findings (i.e., national review findings that are inconsistent with regulatory requirements)]*

General Permit for Stormwater Discharges from Construction Activity (GP####)

[Discuss findings regarding CGP permits. Please present findings in the following format:

- 1) Background (including permit issuance date, and any other relevant background information;*
- 2) Program Strengths;*
- and 3) Critical Findings (i.e., national review findings that are inconsistent with regulatory requirements)]*

IV. REGIONAL TOPIC AREA FINDINGS

A. *[Insert Regional Topic Area]*

Section *[Insert statutory or regulatory authority]* requires *[Describe applicable program area requirements]*. *[Describe why these requirements are important for the protection of water quality]*. The focus of the *[Insert regional topic area]* review is to verify that permits and fact

sheets *[Describe how permits and fact sheet fulfill the regional topic area requirements]*.
[Describe how many permits were reviewed].

[Discuss findings regarding the special focus area (i.e., the extent to which the permits and fact sheets reviewed fulfill the requirements of this regional topic area. Please present findings in the following format: 1) Background; 2) Program Strengths; 3) Critical Findings (i.e., regional topic review findings that are inconsistent with regulatory requirements)]

B. [Insert Regional Topic Area]

Section *[Insert statutory or regulatory authority]* requires *[Describe applicable program area requirements]*. *[Describe why these requirements are important for the protection of water quality]*. The focus of the *[Insert regional topic area]* review is to verify that permits and fact sheets *[Describe how permits and fact sheet fulfill the regional topic area requirements]*.
[Describe how many permits were reviewed].

[Discuss findings regarding the regional topic area (i.e., the extent to which the permits and fact sheets reviewed fulfill the requirements of this regional topic area. Please present findings in the following format: 1) Background; 2) Program Strengths; and 3) Critical Findings (i.e., regional topic review findings that are inconsistent with regulatory requirements)]

C. [Insert Regional Topic Area]

Section *[Insert statutory or regulatory authority]* requires *[Describe applicable program area requirements]*. *[Describe why these requirements are important for the protection of water quality]*. The focus of the *[Insert regional topic area]* review is to verify that permits and fact sheets *[Describe how permits and fact sheet fulfill the regional topic area requirements]*.
[Describe how many permits were reviewed].

[Discuss findings regarding the regional topic area (i.e., the extent to which the permits and fact sheets reviewed fulfill the requirements of this regional topic area. Please present findings in the following format: 1) Background; 2) Program Strengths; and 3) Critical Findings (i.e., regional topic review findings that are inconsistent with regulatory requirements)]

D. [Insert Regional Topic Area]

Section *[Insert statutory or regulatory authority]* requires *[Describe applicable program area requirements]*. *[Describe why these requirements are important for the protection of water quality]*. The focus of the *[Insert regional topic area]* review is to verify that permits and fact sheets *[Describe how permits and fact sheet fulfill the regional topic area requirements]*.
[Describe how many permits were reviewed].

[Discuss findings regarding the regional topic area (i.e., the extent to which the permits and fact sheets reviewed fulfill the requirements of this regional topic area. Please present findings in the

following format: 1) Background; 2) Program Strengths; and 3) Critical Findings (i.e., regional topic review findings that are inconsistent with regulatory requirements)]

V. ACTION ITEMS

This section provides a summary of the main findings of the review and provides proposed action items to improve *[Insert state]* NPDES permit programs. This list of proposed action items will serve as the basis for ongoing discussions between *[Insert Region]* and *[Insert state]* as well as between *[Insert Region]* and EPA HQ. These discussions should focus on eliminating program deficiencies to improve performance by enabling good quality, defensible permits issued in a timely fashion.

The proposed action items are divided into three categories to identify the priority that should be placed on each Item and facilitate discussions between Regions and states.

- **Critical Findings** (Category One) - Most Significant: Proposed action items will address a current deficiency or noncompliance with respect to a federal regulation.
- **Recommended Actions** (Category Two) - Recommended: Proposed action items will address a current deficiency with respect to EPA guidance or policy.
- **Suggested Practices** (Category Three) - Suggested: Proposed action items are listed as recommendations to increase the effectiveness of the state's or Region's NPDES permit program.

The critical findings and recommended actions proposed should be used to augment the existing list of "follow up actions" currently established as an indicator performance measure and tracked under EPA's Strategic Plan Water Quality Goals or may serve as a roadmap for modifications to the Region's program management.

A. Basic Facility Information and Permit Application

[Insert a brief overview of findings]. Proposed action items to help *[Insert state]* strengthen its NPDES permit program include the following:

[Insert action items and category].

B. Technology-based Effluent Limitations

[Insert a brief overview of findings]. Proposed action items to help *[Insert state]* strengthen its NPDES permit program include the following:

[Insert action items and category].

C. Water Quality-Based Effluent Limitations

[Insert a brief overview of findings]. Proposed action items to help [Insert state] strengthen its NPDES permit program include the following:

[Insert action items and category].

D. Monitoring and Reporting

[Insert a brief overview of findings]. Proposed action items to help [Insert state] strengthen its NPDES permit program include the following:

[Insert action items and category].

E. Standard and Special Conditions

[Insert a brief overview of findings]. Proposed action items to help [Insert state] strengthen its NPDES permit program include the following:

[Insert action items and category].

F. Administrative Process (including public notice)

[Insert a brief overview of findings]. Proposed action items to help [Insert state] strengthen its NPDES permit program include the following:

[Insert action items and category].

G. Documentation (including fact sheet)

[Insert a brief overview of findings]. Proposed action items to help [Insert state] strengthen its NPDES permit program include the following:

[Insert action items and category].

H. National Topic Areas

Proposed actions items for core topic areas are provided below.

1. Nutrients

[Insert a brief overview of findings]. Proposed action items to help [Insert state] strengthen its NPDES permit program include the following:

[Insert action items and category].

2. *Pesticides*

[*Insert a brief overview of findings*]. Proposed action items to help [*Insert state*] strengthen its NPDES permit program include the following:

[*Insert action items and category*].

3. *Pretreatment*

[*Insert a brief overview of findings*]. Proposed action items to help [*Insert state*] strengthen its NPDES permit program include the following:

[*Insert action items and category*].

4. *Stormwater*

[*Insert a brief overview of findings*]. Proposed action items to help [*Insert state*] strengthen its NPDES permit program include the following:

[*Insert action items and category*].

I. **Regional Topic Areas**

Proposed action items for special focus areas are provided below.

1. [*Insert Regional Topic Area*]

[*Insert a brief overview of findings*]. Proposed action items to help [*Insert state*] strengthen its NPDES permit program include the following:

[*Insert action items and category*].

2. [*Insert Regional Topic Area*]

[*Insert a brief overview of findings*]. Proposed action items to help [*Insert state*] strengthen its NPDES permit program include the following:

[*Insert action items and category*].

3. [*Insert Regional Topic Area*]

[*Insert a brief overview of findings*]. Proposed action items to help [*Insert state*] strengthen its NPDES permit program include the following:

[*Insert action items and category*].

4. [*Insert Regional Topic Area*]

[*Insert a brief overview of findings*]. Proposed action items to help [*Insert state*] strengthen its NPDES permit program include the following:

[Insert action items and category].

DRAFT