State Visit Packet

This packet contains pieces of the permit quality review standard operating procedures that are most useful to the EPA staff conducting the state visit portion of the PQR. It is intended as a resource that can accompany staff on the state visit. This packet contains:

1. PQR Quick Guide
2. Opening interview tips
3. PQR Interview Questions (Part 1 and 2)
4. Tips for conducting a file review
5. Preparing for and conducting the close-out interview

In addition to these materials, the following are suggested items to compile for the state visit:

1. Copies of completed checklists for all core review permits
2. The state's answers to Part 1 of the interview questions
3. 40 CFR 100-135 (and/or other relevant parts)
4. Clean Water Act
5. The state's water quality standards
6. Any state implementation procedures available

PQR Quick Guide

This Quick Guide identifies the steps in the NPDES Permit Quality Review (PQR) process in the manner in which they are most commonly performed. The details and flexibilities within the PQR process are outlined in the PQR Standard Operating Procedures (SOP). Please refer to the full SOP document for details on performing the PQR steps.

☐ Planning
- Prior to conducting any portions of the review, meet internally to walk through process and planned timing with all personnel involved in the review process in the region (and HQ, if applicable)
- Select Regional Topic Areas for the state (2-4 topics should be selected)
- Select permits for review
- Send kickoff letter to the state (or equivalent communication such as formal meeting, or conference call; sample letter is included in material)
- Send state advance questions (Interview questions part I) and ask for response to be provided with enough time to review prior to the state visit
- Coordinate with state (and HQ and/or regional enforcement, if applicable) to plan timing of state visit
- **Send to EPA headquarters**:
    - ☐ List of Regional Topic Areas
    - ☐ List of permits for review
    - ☐ Dates of planned visit

☐ Review permits and fact sheets prior to state visit
- Review permits, fact sheets, and any other available background materials using the checklists
- Conduct National Topic Area reviews using materials for each topic
- Conduct Regional Topic Area reviews

☐ State visit
- Conduct initial interview
- Review files for Core Review permits in order to complete remainder of checklist questions; may review files for National or Regional Topic Area permits if desired.
- Conduct exit interview (NOTE: following table of contents from the report template is a good guide when conducting the exit interview and writing the exit interview summary)
- **Send to EPA headquarters**:
    - ☐ Summary of exit interview

☐ Report
- **NOTE**: In early rounds of PQR reports, EPA headquarters has heavy involvement in report review to ensure report development is fairly consistent across EPA regions and meets PQR process expectations. EPA headquarters anticipates reducing review steps once the PQR process is more established in the regions.

- Establish a report development timeline to ensure sufficient time for development and review steps. Inform any reviewers (including EPA HQ) of anticipated review dates to ensure expedient reviews.
- Draft report using template
    - ☐ **Send EPA headquarters** the draft (then wait for HQ comments and incorporate prior to sending to state)
- EPA headquarters reviews draft and provides comments to region
- Incorporate comments from EPA headquarters
- Provide draft to state for correction of factual inaccuracies
- Address state comments to produce draft final report
    - ☐ **Send EPA headquarters** the draft final report for last look before finalization
- Make any last corrections based on final HQ review to produce final report and provide final report to state
    - ☐ **Send EPA headquarters** the final report for posting on website

Opening Interview Tips

The PQR state visit generally begins with a discussion with state permitting staff and management. Typically, two or three senior permit writers and permitting management are present; TMDL and water quality modeling staff are sometimes present as well. It is important to include state permit writing staff in the interview and not restrict the interview to management-level participation. The purpose of the opening interview is to discuss the background information provided by the state and to walk through their permit development process.

The questions to ask during the interview should follow a general progression, covering topics as broad as the permitting universe and as narrow as the requirements for sufficiently sensitive analytical methods for certain parameters. EPA's list of questions provides a general guide, but the interviewer should acknowledge the interview will address tangential topics not listed explicitly in the interview questions, based on answers given to the questions presented in the list.

While many regional staff are very familiar with state programs, it is important to closely follow the interview questions to the greatest extent possible. Many assumptions are often made about various aspects of the permit development process; however, asking the state to walk through their process can only help the interviewer gain an even better understanding of current practices in the program.

To gain a clearer understanding of the health of the state's NPDES program, detailed and focused questions should be asked as necessary, based on the flow and direction of the interview. Because each permitting program has unique issues, the interviewer may ask questions more specific than those included in EPA's *PQR Interview Questions*. EPA personnel conducting the interview at the state visit should take careful notes for use in preparation of the PQR report.

Once the interview is complete, regional staff participating in the PQR should have a better understanding of the state's permit development process, as well as any external challenges the state may face in implementing their NPDES program.

PQR Interview Questions (Part 1)

State ____________________

Date received by EPA ____________

PQR Pre-State Visit Questions

These questions are to gather information to understand the scope, organizational structure, and function so the state's permitting program. This information will be included in the PQR report only as necessary to provide background and context.

Please feel free to provide additional documentation or attach additional pages as necessary.

1. State's NPDES permit universe? ____________________
   a. POTWs
      i. Major ____________
      ii. Non-major ____________
      iii. CSO ____________
   b. Non-municipal
      i. Major ____________
      ii. Non-major ____________
      iii. CAFO ____________
      iv. What are the significant industries in the State?
      ____
   c. Stormwater (number of permittees)
      i. Municipal ____________
      ii. Industrial ____________
      iii. Construction ____________
   d. Non-stormwater general permits (number of permittees)
      ____
   e. Data accurate as of (date) ____________
2. Number of general permits? ____________________
   a. What are the categories?
      ____
   b. How are NOIs tracked? ____________________
3. How many State permits are backlogged? Percent of universe?
   a. Major permits ____________________
   b. Non-major permits ____________________
4. State NPDES permitting authority structure:
   a. What is the location of the main office? ____________________
   b. What are the responsibilities of the main office?
      ____
   c. How many regional or field offices are there? Locations?
      ____

d. What are the responsibilities of the regional or field offices?

e. Are any categories of NPDES permits administered by other agencies within the state? Please specify.

5. State NPDES permit development:

a. How many NPDES permit writers does the state have?

b. How are permit writers trained (internal mentoring, EPA Permit Writers' course, etc.)?

c. How many water quality modelers does the state have?

d. How many TMDL staff does the state have?

e. Describe other staff that supports NPDES permitting.

6. How are permit writing responsibilities assigned?

7. What type of data systems are used to support NPDES permit development and implementation?

a. Does the state have in-house data management systems? Please describe.

b. Does the state use PCS and/or ICIS?

8. What types of permitting tools and systems does the state use?

a. Does the state use NPDES permit templates? Fact sheet templates? Describe.

b. Does the state use a database or information system to generate draft permits? Describe.

c. Does the state use spreadsheets to calculate reasonable potential? Describe.

d. Does the state use models to calculate mixing zones? Describe.

e. Does the state have written procedures or guidance for developing NPDES permits? Describe.

9. Does the state have a QA/QC process for permit development? Describe.

a. Is there a peer QA/QC process? Describe.

b. Is there management QA/QC of the permit? Describe.

c. Are checklists used in the QA/QC process? Describe.

d. Do all permits undergo the same QA/QC process? If not, describe differences.

10. How and where are NPDES permit files maintained for the following (paper & electronic):

a. Permit development documentation.

b. Correspondence.

c. Monitoring and reporting.

d. Compliance records.

e. Other.

11. If there any areas/concerns the state would like to discuss, please provide description.

PQR Interview Questions (Part 2)

Use these questions to help guide the discussion of State permitting policies and procedures. The responses provided during this portion of the PQR will be used along with the PQR permit review findings to guide the subsequent file reviews (i.e., do the permits and files reflect the process described by the State).

Begin interview with discussion of answers provided in Pre-State Visit Question set.

1. NPDES Permit Application Process:
   a. Please walk through the State NPDES permit application process.
   Follow up questions, if necessary:
   b. Does the State send out a reminder regarding permit renewals? Describe.
   c. Does the State use EPA or State permit application forms? Are there significant differences between the State and EPA forms?
      i. If State form is used, when was it last updated?
   d. Are permit application forms reviewed for completeness? If so, by whom?
   e. How are permit applications processed and assigned?

2. Permit Development Process:
   a. Please describe the draft permit development process.

3. Follow up questions, if necessary:
   a. Who develops the draft permit?
   b. Who provides key information that supports permit development and what type of information is provided? Key information includes WQBELs, TMDLs, and WQ modeling.
   c. What is the timeline for draft permit development?

4. Technology-Based Effluent Limits (TBELs):
   a. Describe how TBELs are developed.

5. Follow up questions, if necessary:
   a. Describe any specific tools used in the development of TBELs.
   b. How are TBELs based on BPJ developed?

6. Water Quality-Based Effluent Limits (WQBELs):
   a. Describe how water quality-based effluent limits (WQBELs?) are developed.

7. Follow up questions, if necessary:
   a. What data are considered?
      i. Are ambient data used?
      ii. If yes, what is the source of the data?
      iii. What are the rules for use?
      iv. What is the default for background?
      v. Does use of ambient data differ for RP and limit development (if yes, how)?
      vi. How are Pollutants of Concerns (POCs) identified?

   b. How is reasonable potential determined?
   c. How are limits developed?
      i. How does the State implement its dilution/mixing policy?
      ii. Is complete mixing assumed?
      iii. Does the policy impose mixing zone size constraints?
      iv. How is the use of mixing zones documented?
   d. Describe any specific tools (e.g., spreadsheets, models) used in the development of WQBELs.
   e. Describe how the development of WQBELs is documented.

8. Monitoring Requirements:
   a. Describe how monitoring requirements are developed.

9. Follow up questions, if necessary:
   a. What is the basis for monitoring frequency?
   b. What tools or resources are used to develop monitoring requirements?

10. Reporting Requirements:
    a. Describe how reporting requirements are developed.

11. Narrative Conditions:
    a. What types of narrative conditions are included in NPDES permits?
    b. Special conditions
    c. Pretreatment
    d. Biosolids

12. Standard Conditions:
    a. Is boilerplate language used for standard conditions?
    b. Source
    c. Last update

13. Fact Sheets:
    a. Does the State draft fact sheets (or Statement of Basis) for all NPDES permits?
    b. When is the fact sheet drafted?
    c. Is a template used to draft fact sheets? Boilerplate?

14. 401 Certifications, if Applicable:
    a. Does the State complete 401 certifications for NPDES permits?
    b. Who performs the 401 certification process?
    c. When
    d. How

15. Administrative Process:
    a. Describe the administrative process for permit publication.

16. Follow up questions, if necessary:
    a. Public notice
    b. Comment

   c. Comment response
   d. Hearings

17. Objections and Appeals:
    a. How objections and appeals handled?
    b. How often are there objections?
    c. How are objections resolved?
    d. How often are there permit appeals?
    e. Who hears appeals?

18. Administrative Records:
    a. What is the content and location of the final administrative records?

19. Antidegradation:
    a. Does the State have formal antidegradation implementation procedures?
    b. When is antidegradation considered?
    c. How is the antidegradation process documented in the fact sheet or permit record?

20. Anti-backsliding:
    a. When are anti-backsliding requirements triggered?
    b. How is consideration of anti-backsliding documented in the fact sheet or record?

21. Pre and Post-TMDLs:
    a. How are impaired receiving waters (pre-TMDL) addressed during permit development?
    b. How are impaired receiving waters (post-TMDL) addressed during permit development?
    c. How does the State track TMDL implementation in permits?

22. Sufficiently Sensitive Methods:
    a. Do State requirements specify the use of the appropriately sensitive analytical methods?
    b. For application data?
    c. For monitoring?

23. Pathogens:
    a. Does the State use E. coli (freshwater) and/or enterococcus (marine waters) as pathogen water quality criteria?

24. Other State specific areas of interest:
    a. Any priorities the State would like to discuss?
    b. Current permitting initiatives?
    c. Other concerns the State would like to discuss?
    d. Is there anything the State would like to see from EPA Regions or Headquarters? Policies/rules? Assistance in specific areas?

Tips for Conducting a File Review

Remember that you likely have a maximum of 2-3 hours to complete and document each file review. Budget your time appropriately and try not to get bogged down in too many details.

As you review the file, periodically scan through the permit review checklist to reinforce what questions and issues are unclear, and which elements to focus on during the review.

Prior to starting the file review, make sure to clarify with state staff where all relevant information is located. This should generally be covered during the interview process. Specifically, make sure to determine the following:

- What data and information is in hard copy and what data and information is electronic?
- How are files organized? (e.g., permit, correspondence, administrative record)
- Have they provided the full permitting record?
- If something seems to be missing, ask early. Take care not to assume information is lacking, only to find out too late that it's in a different file.

Once you've gathered the complete file, take 5-10 minutes to quickly leaf through it front to back and see what you have. Get the big picture first, and take care not to get bogged down in the details too quickly. Try to find and flag:

- Previous permit and fact sheet
- Most recent permit application
- Current permit and fact sheet
- RP and limit calculations (if not in fact sheet)
- Administrative record information (e.g., public notice, response to comments)

If anything is missing, make a note and follow up with state staff.

After identifying the key components of the record, try to follow the chronology of the permit application and development. The permit review checklists should lead you through this process.

- Review the permit application to confirm it was submitted on time, and contained all required data and information. Note any correspondence that may have affected the application process.
- Review the fact sheet to see if it describes the permit development process.
- Review any comments and response to comments to see how these may have influenced the permitting decisions.
- Review the final permit to ensure that it is consistent with the fact sheet and response to comments.

- Check the administrative elements to ensure that the permit was properly noticed and that all comments were appropriately addressed.

Depending on where and how the RP and limit calculations are located (e.g., in the fact sheet, supplemental spreadsheets, WQ memos or reports), try to work through the logic of the limit calculation process. The fundamental question to answer is: "Can I recreate the limits in the final permit based on the information provided in the record?" The permit review checklists should lead you through this process. Some specific things to assess include:

- How did the state decide what pollutants to evaluate?
- Does the record explain how TBELs were developed (e.g., ELG applicability, production data used, BPJ applicability)
- What data was used for the RP calculations?
- How was ambient or background data incorporated?
- What dilution or mixing assumptions were used?
- Do the calculations or spreadsheets follow accepted EPA or state WQS implementations procedures?
- Are final limits established for all pollutants where RP was determined?
- Are final limits consistent with values calculated in the supporting documents?
- Is the state's process transparent and reproducible?

Throughout the review process, use the permit review checklist to make notes and flag issues or concerns identified during the review. Don't forget to note where the state has done a particularly good job addressing a particular issue.

Preparing for and conducting the close-out interview

At the conclusion of the site visit, the EPA and contractor participants should gather their notes and convene a brief meeting to discuss the preliminary findings of the PQR. This meeting typically takes about 30-45 minutes. The output from this meeting should be a list of fairly "high level" bullets summarizing the key findings of the PQR that will be verbally communicated to the state representatives during the exit interview.

The PQR Team should then select the individual that will lead the exit interview, and clarify how other team members should participate during the exit interview discussion. The PQR team then reconvenes with the state representatives and conducts the exit interview. The exit interview typically takes 30 minutes to 1 hour.

Tips for the exit interview:

- Thank the state for taking the time to meet with the PQR team and for providing all of the files and information. Tailor as necessary to the support provided.
- Discuss the timing of the written PQR report, and when and how the findings will be transmitted to the state.
- Discuss whether and how the state will be provided the opportunity to review and provide comments on the draft PQR report.
- Provide the "high level" findings to the state representatives
    - Caveat the discussion by indicating that the findings presented during the exit interview are "preliminary" and that the final written report may differ based upon subsequent review of the detailed notes and file reviews.
    - The level of detail provided in the exit interview may vary widely depending on the nature and sensitivity of the findings. For example, if there are issues where the PQR team determines that Regional or HQ management should be consulted prior to issuing a finding, then these issues would generally not be discussed in detail during the exit interview.
    - Findings should be general in nature, but the PQR lead and team members may wish to provide examples observed during file reviews or staff interviews.
    - Generally begin the findings by highlighting positive aspects of the state's program (e.g., robust technical analyses, high quality permits or fact sheets. good documentation, well organized files, dedicated staff, QA/QC processes, training, electronic tools and templates, etc.)
    - Relate the significant deficiencies noted during the PQR, providing as much detail as the team determines appropriate. During this process, try to be constructive and perhaps chart a preliminary path forward to resolve issues acknowledged by the state representatives.
- At the conclusion of the discussion of findings, ask the state representatives if they have any additional questions or comments.

- Provide contact information so that the state can follow up if they think of additional questions.
- Confirm the process and schedule to obtain any additional information or records that the PQR team and state identify during the discussion.

- Thank everyone again for their time and effort in supporting the PQR.