

PQR Opening Interview Questions

Use these questions to guide the discussion of state permitting policies and procedures. Then, use the responses to guide the subsequent file reviews (i.e., do the permits and files reflect the processes that the state described?).

Begin the entrance interview by discussing the answers the permitting authority provided in the PQR Advance Questionnaire (see PQR SOP Attachment C).

1. **NPDES Permit Application Process:** Please walk through the state NPDES permit application process.

Questions to consider:

- a. Describe state procedures for obtaining **timely permit applications**.
- b. Does the state use EPA or state **permit application forms**?
 - i. If state forms are used, are there significant differences between the state and EPA forms? When did the state last update their forms?
- c. Are permit application forms reviewed for **completeness**? If so, by whom?
- d. How does the permitting authority receive, process, and **assign** applications to staff?

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

Questions to consider:

- a. **Describe the team** that develops the draft permit. What other staff does the permit writer consult with during the permit development process? What role do the WQS, TMDL, and WQ modeling staff play in permit development? How is information shared across units, if these staff are in different units?
- b. What is the **timeline** for draft permit development?

3. **Technology-Based Effluent Limits (TBELs):** How do permit writers develop TBELs?

Questions to consider:

- a. Describe any specific **tools or state policies** used in the development of TBELs.
- b. How are TBELs based on **BPJ** developed? How do you document BPJ?

4. **Water Quality-Based Effluent Limits (WQBELs):** Describe how the permitting authority develops water quality-based effluent limits (WQBELs).

Questions to consider:

- a. How does the permitting authority conduct **reasonable potential analyses (RPA)**?
 - i. Who conducts the RPA?
 - ii. Is there state guidance for conducting RP?
 - iii. How are **Pollutants of Concern (POCs)** identified?
 - iv. For what **parameters** does the permitting authority conduct an RPA?
 - v. How does the state decide what **effluent data** will be used in an RPA? Does the state consider all application and discharge monitoring report (DMR) data?
 - vi. Is there a prerequisite for a **minimum number of data points** before the permitting authority conducts an RPA?

- vii. Are data points ever removed from the analysis?
 - viii. Does the RPA address **effluent variability**?
 - ix. Are the **calculations and results** of the RPA included in the fact sheet? In the administrative record?
 - x. Are the permitting authority's **RPA rationale and determinations** included in the fact sheet or elsewhere in the record?
- b. What **other data** are considered?
 - i. When are **ambient data** used? What is the source of the ambient data?
 - ii. What is the default value for **background concentration**?
 - iii. Is ambient data used for the RPA? Limit calculations? How?
 - c. How are **limits** developed?
 - i. What is the state's **dilution/mixing** policy? How is it implemented?
 - ii. Does the policy impose **mixing zone size** constraints?
 - iii. Is complete **mixing** assumed?
 - iv. How is the use of mixing zones **documented in the fact sheet**? In the administrative record?
 - d. Describe any **specific tools** (e.g., spreadsheets, models) used in the development of WQBELs.
 - e. Describe how permit writers **document** WQBEL calculations in the administrative record.

5. Antidegradation: What are the state's antidegradation implementation procedures?

Questions to consider:

- a. **When** is antidegradation considered?
- b. How is the antidegradation process **documented** in the fact sheet or permit record?

6. Anti-backsliding: When are anti-backsliding requirements triggered?

Questions to consider:

- a. How is consideration of anti-backsliding **documented** in the fact sheet or record?

7. Impaired Waters & TMDLs: How does state address impairments pre/post-TMDL?

Questions to consider:

- a. How do permit writers identify if a receiving water is impaired or has a TMDL?
- b. How are impaired downstream waters considered during permit development?
- c. How are impaired receiving waters (**pre-TMDL**) addressed during permit development?
- d. How are impaired receiving waters (**post-TMDL**) addressed during permit development?
- e. How does the State track **TMDL implementation** in permits?

8. Sufficiently Sensitive Methods: Do state requirements specify the use of the appropriately sensitive analytical methods?

Questions to consider:

- a. For **application data**?
- b. For **monitoring**?

9. Pathogens: What does the state use as pathogen water quality criteria?

- a. **Fecal coliform.** If so, does the state intend to adopt the *2012 Recreational Water Quality Criteria* in the future? Is the state collecting E. coli and enterococcus data from facilities to inform future permitting decisions?
- b. **E. coli** (freshwater)
- c. **enterococcus** (marine waters)

10. Monitoring Requirements: Describe how the state develops monitoring requirements.

Questions to consider:

- a. What **tools** or resources do permit writers use to develop monitoring requirements, including frequency, location, and sample type?

11. Reporting Requirements: What are the typical reporting requirements in a permit? How does the state determine if additional reporting requirements are needed?

12. Narrative Conditions: What types of narrative conditions do permit writers include in NPDES permits?

Questions to consider:

- a. **Special conditions** (e.g., special studies)
- b. **Pretreatment**
- c. **Biosolids**

13. Standard Conditions: Do permit writers use standard conditions boilerplate language? When was it last updated?

14. Fact Sheets:

- a. When do permit writers draft the fact sheets (i.e., before or after the permit has been drafted)?
- b. Does the state draft fact sheets (or statements of basis) for any non-major permits?
- c. Do permit writers use a **template** to draft fact sheets?

15. 401 Certifications, if applicable:

- a. For what categories of EPA-issued NPDES permits or other federally-issued permits, does the state complete **401 certifications**? (e.g., FERC and NRC licenses; Army Corps of Engineers CWA § 404 permits)?
- b. **Who** performs the 401 certification process?

16. Administrative Process:

- a. Describe the administrative process.
 - i. **Public notice**

- ii. Comment
- iii. Comment response
- iv. Hearings

17. Appeals:

- a. How often are permits appealed? Who hears appeals?

18. Administrative Records:

- a. What is the **content and location** of the final administrative records?

19. 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 the EPA Region or Headquarters? Policies/rules? **Assistance** in specific areas?