NPDES Permit Quality Review (PQR)

Assessment Packet

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U.S. Environmental Protection Agency
Office of Water – Office of Wastewater Management
Water Permits Division
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DISCLAIMER

Please note that the checklists and other assessment tools provided in this NPDES Permit Quality Review Assessment Packet address development of wastewater 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 United States Environmental Protection Agency (EPA) NPDES implementing regulations. CWA provisions and regulations contain legally binding requirements. This document does not substitute for those provisions or regulations.

Assessment criteria presented in this document are not binding; the permitting authority may consider other approaches consistent with the CWA and EPA regulations. When EPA assesses permit quality, it will make each assessment on a case-by-case basis and will be guided by the applicable requirements of the CWA and implementing regulations, taking into account information related to the particular situation. This document incorporates, and does not modify, existing EPA policy and guidance regarding the development of NPDES permits. EPA may change this assessment packet in the future.

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1.0 Overview

On a rotating basis, the Office of Wastewater Management, Water Permits Division (WPD) at EPA Headquarters reviews Regional NPDES programs. During these reviews, WPD staff review topics related to NPDES program implementation including permit backlog, Priority Permits, Action Items, and withdrawal petitions. A large component of each review is the Permit Quality Review which assesses whether a State adequately implements the requirements of the NPDES Program as reflected in the permit and other supporting documents (e.g., fact sheet, calculations).

Through this review mechanism, EPA Headquarters (HQ) promotes national consistency, identifies successes in implementation of the base NPDES program, and identifies opportunities for improvement in the development of NPDES permits. The findings of the review may be used by EPA Headquarters to identify areas for training or guidance, and by the Region to help identify or assist States in determining any needed action items to improve their NPDES programs.

This NPDES Permit Quality Review Assessment Packet provides an overview of the PQR process and the type of information that EPA Headquarters assesses during its permit reviews. Included are the “central tenets of the NPDES program,” review checklists and questions for the core review and all the topic specific reviews, and a generic PQR site visit outline.

The goal of the checklists is to assess and document whether the permit and administrative record provide a complete, comprehensive, and transparent record of permit development. As such, the checklist responses are not intended to judge the "correctness" or "incorrectness" of permit limits and conditions. Rather, the checklists are intended to guide a comprehensive evaluation of the NPDES permit development process by a knowledgeable EPA or State NPDES permit reviewer.

2.0 Central Tenets of the National Pollutant Discharge Elimination System (NPDES) Permitting Program

I. Permit Administration	
CWA/NPDES Requirements	**Conditions Subject to Disapproval**
The Clean Water Act (CWA) and NPDES regulations require that no point source may discharge pollutants to Waters of United States without explicit authorization provided by an NPDES permit. Complete applications must be submitted at least 180 days prior to discharge or expiration. Additionally, NPDES permit terms may not exceed 5 years. NPDES permits must clearly state the permit term and may not be modified to extend the permit term beyond 5 years. The NPDES regulations also require "fact sheets" for all major facilities, general permits, and other permits that may be subject to widespread public interest or raise major issues. Fact sheets MUST contain all of the elements prescribed at 40CFR124.8 AND 40CFR124.56.	– Any facility that fails to submit a complete permit application at least 180 days prior to discharge or expiration – Any permit that does not clearly identify the permitted facility and describe the authorized discharge location(s) – Any permit with term > 5 years – Any permit modification that extends the permit term beyond 5 years – Any permit (for a major facility, general permit, et al.) that is not accompanied by a fact sheet developed in accordance with the requirements of 40CFR124.8 and 40CFR124.56.

II. Technology-Based Effluent Limits

Municipal Dischargers - Publicly Owned Treatment Works (POTWs)

CWA/NPDES Requirements	Conditions Subject to Disapproval
CWA requires POTWs to meet secondary or equivalent to secondary standards (including limits for BOD, TSS, pH, and percent removal). Permits issued to POTWs, therefore, MUST contain limits for ALL of these parameters (or authorized alternatives) in accordance with the Secondary Treatment Regulations at 40 CFR Part 133.	– Any permit that does not contain specific numerical limits for BOD (or authorized alternative; e.g., CBOD), TSS, pH, and percent removal. – Any permit that contains limits less stringent than those prescribed by the Secondary Treatment Regulation at 40 CFR Part 133, unless authorized by the exceptions noted in this regulation. – Any permit that applies these exceptions must clearly document the basis. – Any permit that contains a compliance schedule that extends a statutory deadline for meeting secondary treatment requirements.

Non-Municipal Dischargers

CWA/NPDES Requirements	– Conditions Subject to Disapproval
The CWA requires permits issued to non-municipal dischargers to require compliance with a level of treatment performance equivalent to "Best Available Technology Economically Achievable (BAT)" or "Best Conventional Pollutant Control Technology (BCT) by July 1, 1989, for existing sources, and consistent with "New Source Performance Standards (NSPS)" for new sources. Where effluent limitations guidelines (ELG) have been developed for a category of dischargers, the technology-based effluent limits MUST be based on the application of these guidelines. In addition, if pollutants are discharged at treatable levels, and ELGs are not available, or for pollutants that were not considered during the development of an applicable ELG, the permit must include requirements at least as stringent as BAT/BCT. The performance level equivalent to BAT/BCT MUST be developed on a case-by-case basis using the permit writer's best professional judgment in accordance with the criteria outlined at 40CFR125.3 (d).	– Any permit that does not include a specific numerical limit (or other requirement) for any pollutant parameter that is part of an ELG applicable to a discharger. – Any permit that misapplies or miscalculates an applicable limit required by an ELG (*e.g., improper categorization, improper new source/existing source determination, inappropriate production or flow data used to calculate limits, failure to adjust limits to account for unregulated waste streams such as non-contact cooling water or storm water*). – Any permit that does not contain a limit at least as stringent as required by 40CFR125.3(c)(2) where effluent limitations guidelines are inapplicable (*e.g., where a pollutant is discharged at treatable levels, but there is no applicable ELG, or the applicable ELG did not consider the pollutant of concern*). – Any permit that contains a compliance schedule that extends a statutory deadline for meeting a technology-based effluent limit.

III. Water Quality-Based Effluent Limits

CWA/NPDES Requirements	Conditions Subject to Disapproval
CWA requires every State to develop water quality standards to protect receiving water, including designated uses, water quality criteria, and an anti-degradation policy. The NPDES regulations at 40 CFR 122.44(d), require that limits MUST be included in permits where pollutants will cause, have reasonable potential to cause, or contribute to an exceedance of the State's water quality standards. States will likely have unique implementation policies for determining the need for and calculating water quality-based effluent limits; however, there are certain tenets that may not be waived by these State procedures. These include: - Where valid, reliable, and representative effluent data or in-stream background data are available they MUST be used in applicable reasonable potential and limits derivation calculations. Data may not be arbitrarily discarded or ignored. - Where calculations indicate reasonable potential, a specific numeric limit MUST be included in the permit. Additional "studies" or data collection efforts may not be substituted for enforceable permit limits where "reasonable potential" has been determined. - Where the preponderance of evidence clearly indicates the potential to cause or contribute to an exceedance of State water quality standards (even though data may be sparse or absent), a limit MUST be included in the permit (e.g., a new POTW plans to chlorinate its effluent and in-stream chlorine toxicity is anticipated). - Where a technology-based is limit is required (due to an ELG or BPJ) AND the limit is not protective of water quality standards, a WQBEL MUST be developed and included in the permit regardless of whether data indicate reasonable potential (i.e., a technology-based limit cannot authorize a discharge that would result in a violation of water quality standards). - Where the permit authorizes the discharge of a pollutant that results in a new or increased load to the receiving water, the State must ensure that the new or increased load complies with the anti-degradation provisions of the State's water quality standards. - The final calculated limit placed in the permit MUST be protective of water quality standards, and MAY NOT be adjusted to account for "treatability" or analytical method detection levels.	– Any permit where the State fails to use all valid, reliable, and representative effluent or in-stream background data in reasonable potential and limits calculations. – Any permit where the State fails to include a final enforceable limit in a permit where the discharge of a pollutant will cause, have reasonable potential to cause, or contribute to an exceedance of a State water quality standard. – Any permit that fails to incorporate WLAs from an approved TMDL, or that contains a limit that is not consistent with the WLA prescribed in an approved TMDL – Any permit that contains technology-based limits that are not protective of water quality standards – Any permit that modifies a properly developed WQBEL to account for the ability of treatment to achieve the WQBEL or the availability of an analytical procedure to measure the presence of the pollutant – Any permit that authorizes new or increased loading of a pollutant that is not in compliance with the State's anti-degradation policy – Any permit that contains a limit less stringent than a limit in the previous permit, unless specifically authorized under the anti-backsliding provisions of the CWA – Any permit that allows a variance of a State water quality standard, unless the variance has been approved by the EPA Region. – Any permit that allows a new or increased loading of a pollutant to a receiving water that has not been evaluated for and shown to be in compliance with the anti-degradation provisions of the State's water quality standards regulations. – Any permit that includes a compliance schedule for meeting a WQBEL, unless the State standards specifically allow for compliance schedules, and the standard was established or modified after July 1, 1977.

IV. Monitoring and Reporting Conditions	
CWA/NPDES Requirements	**Conditions Subject to Disapproval**
The CWA and NPDES regulations require permitted facilities to monitor the quality of their discharge and report data to the permitting authority. Each State will have unique policies and procedures to establish appropriate frequencies, procedures, and locations for monitoring; however, there are certain tenets that may not be waived by these procedures.	– Any permit that does not require at least annual monitoring for all pollutants limited in the NPDES permit, unless the permittee has applied for and been granted a specific monitoring waiver by the permitting authority, and this specific waiver is included as a condition of the permit. – Any permit that does not require monitoring to be performed at the location where limits are calculated and applied (i.e., the monitoring location cannot be at a location that includes flows that were not accounted for in limits development; e.g., cooling water, storm water). – Any permit that does not require that the results of all monitoring of permitted discharges conducted using approved methods, be submitted to the permitting authority.

V. Special Conditions

Municipal Dischargers - Publicly Owned Treatment Works (POTWs)

CWA/NPDES Requirements	Conditions Subject to Disapproval
In general, special conditions will be established based on the unique characteristics of the permitted facility. The appropriateness of these conditions, therefore, must be assessed on a case-by-case basis. However, there are certain elements of special conditions that may be the basis of an objection.	– Pretreatment: Any permit for a POTW required to implement a pretreatment program that does not contain specific pretreatment conditions. [State/Regional-specific language] – Municipal Sewage Sludge/Biosolids: Any permit that does not contain conditions addressing the facility's use/disposal of biosolids consistent with Federal requirements. [State/Regional-specific language] – Combined Sewer Overflows (CSO): Any permit for a facility authorized to discharge from CSOs, that does not comply with the State's CSO control policy and, at a minimum contain requirements for: o Requiring compliance with all of the "Nine Minimum Controls" o Requiring development and implementation of a "Long Term Control Plan" – Sanitary Sewer Overflows (SSO): Any permit that authorizes the discharge of untreated effluent from SSOs under any circumstances.

V. Special Conditions

Municipal and Non-Municipal Dischargers

CWA/NPDES Requirements	Conditions Subject to Disapproval
In general, special conditions will be established based on the unique characteristics of the permitted facility. The appropriateness of these conditions, therefore, must be assessed on a case-by-case basis. However, there are certain elements of special conditions that may be the basis of an objection.	– Any permit that contains a compliance schedule that extends a CWA deadline or otherwise modifies or postpones CWA or NPDES requirements unless specifically provided for in the statute or regulations. – Any permit that uses special studies or management plans to replace or modify limits or conditions that are required by the CWA or NPDES regulations, unless specifically provided for in the CWA or NPDES regulations (*e.g., permit requires a monitoring program in lieu of establishing a permit limit where available data indicate reasonable potential*).

VI. Standard Conditions

CWA/NPDES Requirements	Conditions Subject to Disapproval
The NPDES regulations at 40 CFR 122.41 and 122.42 require that certain "standard conditions" be placed in all NPDES permits. The regulations allow States to omit or modify these standard conditions ONLY where the omission or modification results in more stringent requirements. For example, the standard condition that allows "bypass" under certain circumstances or the standard condition that allows "upset" to be used as an affirmative defense, may be omitted because the result of the omission is a more stringent permit requirement.	– Any permit that does not contain ALL of the standard conditions of 40 CFR 122.41 (unless the omission results in a more stringent condition). – Any permit that modifies the language of the standard conditions (unless the modification results in language that is more stringent than the 122.41 requirement). – Any permit for an existing non-municipal discharger that does not include the notification requirement of 40 CFR 122.42(a) – Any permit for a POTW that does not include the notification requirement of 40 CFR 122.42(b) – Any permit for a Municipal Separate Storm Sewer System (MS4) that does not include the annual reporting requirement of 40 CFR 122.42(c)

3.0 PQR Checklists and Questions

EPA Headquarters has developed the following checklists for use in conducting reviews of NPDES permits issued by EPA regions and NPDES states. The intent of these checklists is to evaluate whether the terms and conditions of the NPDES permit meet the requirements of the Federal regulations, and to ensure that the permit development process was both comprehensive and transparent.

The responses to individual questions on the checklists are not intended to "grade" the permit, and a "yes" or "no" answer does not necessarily mean that the condition is correct or incorrect. Rather, the checklist is simply a guide for the permit reviewer to help ensure a thorough review of the permit.

This section of the *NPDES Permit Quality Review (PQR) Assessment Packet* provides "Core Permit Review Checklists" (Section 3.1), and "Topic Specific Checklists" (Section 3.2). These groupings are not intended to relate any specific importance to one or the other category, but simply represent the approach used by EPA Headquarters in conducting PQR reviews. In this approach, EPA selects several municipal and non-municipal permits for a state, and evaluates these permits for all of the "Core" elements using the checklists in Section 3.1. For the "Topic Specific" evaluation, EPA screens the state permits and selects only permits known to contain the permit conditions related to the specific topic that is being evaluated.

3.1 Core Permit Review Checklists

The "Core Permit Review Checklists" include the "POTW Permit Checklist" (Section 3.1.1), the "Industrial Permit Checklist" (Section 3.1.2), the "Mixing Zones Checklist" (Section 3.1.3), the "Priority Permits Checklist" (Section 3.1.4), and the "Antidegradation Checklist" (Section 3.1.5). Descriptions and EPA contacts for these checklists are provided in the sections below.

The POTW and Industrial permit checklists are intended to guide comprehensive reviews of these types of permits, while the other checklists assess permit components that or procedures that are common among various types of individual permits. These particular checklists were first developed by EPA in 1999 for use in a national PQR evaluation, and have evolved over the past 10 years based on input from EPA Regions and states. For additional information regarding the POTW and Industrial checklists, please contact David Hair in EPA's Water Permits Division at 202-564-2287.

3.1.1 POTW Permit Checklist

Pre-Site Visit Review Information

		Response	Comment
1.	NPDES Permit number of facility:		
2.	Name of facility:		
3.	Permit Reviewer (Last Name):		
4.	Date of pre-site visit review (MM/DD/YYYY):		
5.	Is the draft permit complete? (Y/N)		
6.	Is the fact sheet complete? (Y/N)		

Site Visit Review Information

		Response	Comment
7.	Date of site visit review (MM/DD/YYYY)		
8.	Is the file copy of permit the same as the pre-site visit review version? (Y/N)		
9.	Is the file copy of the fact sheet the same as the pre-site visit review version? (Y/N)		
10.	Does the file (administrative record) contain appropriate supporting information (e.g., permit application, permit rationale, limit calculations)? (Y/N)		
11.	Is a complete copy of the permit application (including all attachments, diagrams, etc.) available in the file?		
11a.	If yes, was the complete permit application submitted in a timely manner (i.e., 180 days prior to discharge or permit expiration)? [122.21(c)]		
11b.	If yes, does the permit application provide all required analytical data (including at least 3 pollutant scans for major POTWs)? [122.21(j)(4)(iv) and (vi)]		
11c.	If yes, does the permit application provide the results of at least 4 quarterly WET tests? [122.21(j)(5)(ii) and (iv)]		
12.	For effluent data provided in the permit application, were analytical detection levels sufficiently precise to assess compliance with applicable water quality standards?		
13.	Does the file indicate that the permit writer obtained and reviewed DMR/compliance data? (Y/N)		
14.	Does the file indicate that the permit writer obtained and reviewed water quality data (e.g., pollutant concentrations, stream flows) for the receiving water (Y/N/NA)		

Facility Information

		Response	Comment
15.	Does the record or permit describe the physical location of the facility (e.g., address, lat/long)? (Y/N)		
16.	Does the record or permit provide the name of the receiving water body(s) to which the facility discharges? (Y/N)		
17.	Does the permit identify all outfalls at the POTW treatment facility and all combined sewer overflow outfalls in the collection system and provide appropriate limitations for each identified outfall? (Y/N)		
18.	Does the record or permit contain a description of the wastewater treatment process? (Y/N)		

Permit Cover Page/Administration

		Response	Comment
19.	Does the permit term exceed 5 years? (Y/N) [122.46]		
20.	Does the permit contain specific authorization-to-discharge information (from where to where, by whom)? (Y/N)		
21.	Does the permit contain appropriate issuance, effective, and expiration dates and authorized signatures? (Y/N) [122.46]		

Effluent Limits

General Elements

		Response	Comment
22.	Does the record describe the basis (technology or water quality) for each of the final effluent limits? (Y/N) [122.8 and 122.56]		
23.	Does the record indicate that any limits are less stringent than those in the previous NPDES permit? (Y/N)		
23a.	If yes, does the record discuss whether "anti-backsliding" provisions were met? (Y/N) [CWA 402(o) and 303(d)(4)]		

Technology-Based Effluent Limits (POTWs)

	[see: 40 CFR Part 133]	Response	Comment
24.	Does the permit contain numeric limits for ALL of the following: BOD (or an alternative; e.g., CBOD, COD, TOC), TSS, pH, and percent removal? (Y/N)		
25.	Are percent removal requirements for BOD (or BOD alternative) and TSS included, and are they consistent with secondary treatment requirements (generally 85%; or modified in accordance with 40 CFR Part 133 allowances)? (Y/N)		
26.	Are technology-based permit limits expressed in appropriate units of measure (i.e., concentration, mass, SU)? (Y/N)		
27.	Are permit limits for BOD and TSS expressed in terms of both 30-day (monthly) average and 7-day (weekly) average limits? (Y/N)		
28.	Are any concentration limitations in the permit less stringent than the secondary treatment requirements (30 mg/l BOD5 and TSS for a 30-day (monthly) average and 45 mg/l BOD5 and TSS for a 7-day (weekly) average)? (Y/N)		
28a.	If yes, does the record provide a justification (e.g., waste stabilization pond, trickling filter, etc.) for the alternate limitations? (Y/N/NA)		
29.	Does the permit contain any technology-based limits for parameters other than those required by secondary treatment (e.g., chlorine, ammonia, nutrients)? (Y/N)		

Water Quality-Based Effluent Limits

	[see 40 CFR 122.44(d)]	Response	Comment
30.	Does the record clearly identify the name of the receiving water(s) and the location within the receiving water(s) where the discharge(s) occur? (Y/N)		
31.	Does the record describe (list) the designated uses of the receiving water(s) to which the facility discharges (e.g., contact recreation, aquatic life use)? (Y/N)		
32.	Does the record describe the characteristics of the receiving water(s) (e.g., background pollutant concentrations) in the vicinity of the discharge(s)? (Y/N)		
33.	Does the record indicate that the receiving water(s) is/are impaired for any uses (i.e., that the receiving water(s) is/are listed on the State's 303(d) list)? (Y/N)		
33a.	If yes, does the record indicate that a TMDL has been COMPLETED for the pollutant(s) causing the impairment(s)? (Y/N/NA)		

33b.	If yes, does the record indicate that WQBELs based on applicable WLAs from the completed TMDL(s) were included in the permit? (Y/N/NA)		
34.	Does the record document that a **water quality impact assessment** (i.e., RP/WQBEL calculations or other WQ model) was performed for this discharger? (Y/N) **NOTE: IF "NO"** – Skip to question #**44**		
35.	Does the record show that a WQ impact assessment was performed for all relevant outfalls at this facility? (Y/N)		
36.	Does the record show that the WQ impact assessment was performed in accordance with the State/Region implementation procedures? (Y/N/NA)		
37.	Does the record describe how "pollutants of concern" were selected for the WQ impact assessment? (Y/N)		
38.	Does the record indicate that any pollutants were missing from the WQ impact assessment (e.g., detected in the effluent or otherwise regulated by TBELs, but no WQ impact assessment performed)? (Y/N)		
39.	Did the WQ impact assessment (i.e., calculations/WQ model) provide an allowance for dilution? (Y/N)		
39a.	If yes, does the record describe how the dilution allowance was determined (e.g., complete/incomplete mixing, critical flow assumptions, mixing zone size)? (Y/N)		
39b.	If yes, did the WQ impact assessment account for contributions from other sources (e.g., ambient/background concentrations)? (Y/N/NA)		
40.	Based on the WQ impact assessment, does the permit contain numeric effluent limits for all pollutants that have a reasonable potential to cause or contribute to an excursion of applicable WQ standards? (Y/N/NA)		
41.	Does the record provide WQBEL calculations for all pollutants that were found to have "reasonable potential"? (Y/N/NA)		
41a.	If yes, are the calculation procedures consistent with the State's implementation procedures? (Y/N/NA)		
42.	Are all final WQBELs in the permit consistent with the justification and/or documentation provided in the record? (Y/N/NA)		
43.	For all final WQBELs, are both long-term (e.g., average monthly) and short-term (e.g., maximum daily, instantaneous) effluent limits established? (Y/N/NA)		
44.	Does the record indicate that the permit will allow new or increased loadings to the receiving water? (Y/N)		
44a.	If yes, does the record indicate that an "anti-degradation" review was performed in accordance with the State's approved anti-degradation policy? (Y/N/NA)		

Monitoring and Reporting Requirements

		Response	Comment
45.	Does the permit require monitoring sufficient to yield data that are representative of the monitored activity, and at least annual monitoring for all limited parameters? (Y/N) [122.44(i) and 122.48]		
46.	Does the record describe the rationale for monitoring location(s) and frequency(s)? (Y/N) [122.48]		
47.	Does the permit require influent monitoring for BOD (or alternative) and TSS? (Y/N) [122.44(i)(1)]		
48.	Does the permit require testing for Whole Effluent Toxicity? (Y/N)		

Special Conditions

		Response	Comment
49.	Does the permit include appropriate pretreatment program requirements? (Y/N/NA)		
50.	Does the permit include appropriate biosolids use/disposal requirements? (Y/N/NA)		
51.	If the permit contains compliance schedule(s), are they consistent with statutory and regulatory deadlines and requirements? (Y/N/NA) [122.47]		
52.	Are other special conditions (e.g., ambient sampling, mixing studies, TIE/TRE, BMPs, special studies) consistent with CWA and NPDES regulations? (Y/N/NA)		
53.	Does the permit allow discharges from Combined Sewer Overflows (CSOs)? (Y/N)		
53a.	If yes, does the permit require implementation of the "Nine Minimum Controls"? (Y/N/NA)		
53b.	If yes, does the permit require development and implementation of a "long-term control plan"? (Y/N/NA)		
53c.	If yes, does the permit require monitoring and reporting for CSO events? (Y/N)		
54.	Does the permit either authorize sanitary sewer overflow (SSO) discharges from the collection system or apply a bypass-like provision to excuse SSO discharges under certain conditions? (Y/N)		

Standard Conditions

		Response	Comment
55.	Does the permit contain all 40 CFR 122.41 standard conditions? (Y/N)		

List of Standard Conditions – 40 CFR 122.41

- Duty to comply
- Duty to reapply
- Need to halt or reduce activity not a defense
- Duty to mitigate
- Proper O & M
- Permit actions
- Property rights
- Duty to provide information
- Inspections and entry
- Monitoring and records
- Signatory requirement
- Reporting requirements
  - Planned change
  - Anticipated noncompliance
  - Transfers
  - Monitoring reports
  - Compliance schedules
  - 24 hour reporting
  - Other non-compliance
- Bypass
- Upset

56	Has the Permitting Agency (or permit writer) revised or edited the language of any of the 122.41 standard conditions to make them less stringent?		
57.	Does the permit contain the additional standard condition for POTWs regarding notification of new introduction of pollutants and new industrial users [40 CFR 122.42(b)]? (Y/N)		
58.	Is the bypass standard condition at least as stringent as the bypass regulation at 40 CFR 122.41(m)(4)(i)? (Y/N)		
59.	Does the permit or fact sheet indicate that certain bypasses will be 'approved' (i.e., no enforcement will be taken) when system specific conditions (i.e., wet weather flows exceed specified levels) are met?[1] (Y/N)		
59a.	If yes, does the record for the permit provide an adequate demonstration that there are "no feasible alternatives" to the bypass under the conditions when bypass is approved? (Y/N)		

[1] One example of a less stringent permit provision would be if the permit provides "Bypass is prohibited unless [listed criteria are met]" rather than "Bypass is prohibited, and the Director may take enforcement action against a permittee unless [listed criteria are met]". Another example would be, if the criteria for limiting enforcement are less stringent than that used in the bypass regulation (no feasible alternatives, etc.)

3.1.2 Industrial Permit Checklist

Pre-Site Visit Review Information

		Response	Comment
1.	NPDES Permit number of facility:		
2.	Name of facility:		
3.	Permit Reviewer (Last Name):		
4.	Date of pre-site visit review (MM/DD/YYYY):		
5.	Is the draft permit complete? (Y/N)		
6.	Is the fact sheet complete? (Y/N)		

Site Visit Review Information

		Response	Comment
7.	Date of site visit review (MM/DD/YYYY)		
8.	Is the file copy of permit the same as the pre-site visit review version? (Y/N)		
9.	Is the file copy of the fact sheet the same as the pre-site visit review version? (Y/N)		
10.	Does the file (or administrative record) contain appropriate supporting information (e.g., permit application, permit rationale, limit calculations)? (Y/N)		
11.	Is a complete copy of the permit application (including all attachments, diagrams, etc.) available in the file?		
11a.	If yes, was the complete permit application submitted in a timely manner (i.e., 180 days prior to discharge or permit expiration)? [122.21(c)]		
11b.	If yes, did the applicant provide all of the appropriate analytical data, including metals, cyanide, total phenols, and required GC/MS fractions? [122.21(g)(7)]		
12.	For effluent data provided in the permit application, were analytical detection levels sufficiently precise to assess compliance with applicable water quality standards?		
13.	Does the file indicate that the permit writer obtained and reviewed DMR/compliance data? (Y/N)		
14.	Does the file indicate that the permit writer obtained and reviewed water quality data (e.g., pollutant concentrations, stream flows) for the receiving water (Y/N/NA)		

Facility Information

		Response	Comment
15.	Does the record or permit describe the physical location of the facility (e.g., address, lat/long)? (Y/N)		
16.	Does the record or permit provide the name of the receiving water body(s) to which the facility discharges? (Y/N)		
17.	Are all outfalls from the facility properly identified and authorized in the permit? (Y/N)		
18.	Does the record or permit contain a description of the wastewater treatment process? (Y/N)		

Permit Cover Page/Administration

		Response	Comment
19.	Does the permit term exceed 5 years? (Y/N)		
20.	Does the permit contain specific authorization-to-discharge information (from where to where, by whom)? (Y/N)		
21.	Does the permit contain appropriate issuance, effective, and expiration dates and authorized signatures? (Y/N)		

Effluent Limits

General Elements

		Response	Comment
22.	Does the record describe the basis (technology or water quality) for each of the final effluent limits? (Y/N)		
23.	Does the record indicate that any limits are less stringent than those in the previous NPDES permit? (Y/N)		
23a.	If yes, does the record discuss whether "anti-backsliding" provisions were met? (Y/N)		

Technology-Based Effluent Limits (Effluent Guidelines and BPJ)

		Response	Comment
24.	Is the facility subject to a national effluent limitations guideline (ELG)? (Y/N)		
24a.	If yes, does the record adequately document the categorization process, including an evaluation of whether the facility is a new source or an existing source? (Y/N/NA)		
25.	For all limits that are based on production or flow, does the record indicate that the calculations are based on a "reasonable measure of ACTUAL production" for the facility (not design)? (Y/N/NA)		
26.	Does the permit contain "tiered" limits that reflect projected increases in production or flow? (Y/N)		
26a.	If yes, does the permit require the facility to notify the permitting authority when alternate levels of production or flow are attained? (Y/N/NA)		
27.	Does the record indicate that any limits were developed based on Best Professional Judgment (BPJ)? (Y/N/NA)		
27a.	If yes, does the record indicate that the limits were developed considering all of the criteria established at 40 CFR 125.3(d)?		
28.	Does the record adequately document the calculations used to develop both ELG and/or BPJ technology-based effluent limits? (Y/N)		
28.	Are technology-based permit limits expressed in appropriate units of measure (i.e., concentration, mass, SU)? (Y/N)		
30.	Are all technology-based limits expressed in terms of both maximum daily and monthly average limits? (Y/N)		
31.	Are any final limits less stringent than required by applicable effluent limitations guidelines or BPJ? (Y/N)		

Water Quality-Based Effluent Limits

		Response	Comment
32.	Does the record clearly identify the name of the receiving water(s) and the location within the receiving water(s) where the discharge(s) occur? (Y/N)		
33.	Does the record describe (list) the designated uses of the receiving water(s) to which the facility discharges (e.g., contact recreation, aquatic life use)? (Y/N)		
34.	Does the record describe the characteristics of the receiving water(s) (e.g., background pollutant concentrations) in the vicinity of the discharge(s)? (Y/N)		
35.	Does the record indicate that the receiving water(s) is/are impaired for any uses (i.e., that the receiving water(s) is/are listed on the State's 303(d) list)? (Y/N)		
35a.	If yes, does the record indicate that a TMDL has been COMPLETED for the pollutant(s) causing the impairment(s)? (Y/N/NA)		
35b.	If yes, does the record indicate that WQBELs based on applicable WLAs from the completed TMDL(s) were included in the permit? (Y/N/NA)		
36.	Does the record document that a **water quality impact assessment** (i.e., RP/WQBEL calculations or other WQ model) was performed for this discharger? (Y/N) **NOTE: IF "NO"** – Skip to question #**44**		
37.	Does the record show that a WQ impact assessment was performed for all relevant outfalls at this facility? (Y/N)		
38.	Does the record show that the WQ impact assessment was performed in accordance with the State/Region implementation procedures? (Y/N/NA)		
39.	Does the record describe how "pollutants of concern" were selected for the WQ impact assessment? (Y/N)		
40.	Does the record indicate that any pollutants were missing from the WQ impact assessment (e.g., detected in the effluent or otherwise regulated by TBELs, but no WQ impact assessment performed)? (Y/N)		
41.	Did the WQ impact assessment (i.e., calculations/WQ model) provide an allowance for dilution? (Y/N)		
41a.	If yes, does the record describe how the dilution allowance was determined (e.g., complete/incomplete mixing, critical flow assumptions, mixing zone size)? (Y/N)		
41b.	If yes, did the WQ impact assessment account for contributions from other sources (e.g., ambient/background concentrations)? (Y/N/NA)		
42.	Based on the WQ impact assessment, does the permit contain numeric effluent limits for all pollutants that have a reasonable potential to cause or contribute to an excursion of applicable WQ standards? (Y/N/NA)		
43.	Does the record provide WQBEL calculations for all pollutants that were found to have "reasonable potential"? (Y/N/NA)		
43a.	If yes, are the calculation procedures consistent with the State's implementation procedures? (Y/N/NA)		
44.	Are all final WQBELs in the permit consistent with the justification and/or documentation provided in the record? (Y/N/NA)		
45.	For all final WQBELs, are both long-term (e.g., average monthly) and short-term (e.g., maximum daily, instantaneous) effluent limits established? (Y/N/NA)		
46.	Does the record indicate that the permit will allow new or increased loadings to the receiving water? (Y/N)		
46a.	If yes, does the record indicate that an "anti-degradation" review was performed in accordance with the State's approved anti-degradation policy? (Y/N/NA)		

Monitoring and Reporting Requirements

		Response	Comment
47.	Does the permit require at least annual monitoring for all limited parameters? (Y/N)		
47a.	If no, does the record indicate that the facility applied for and was granted a monitoring waiver, AND, does the permit specifically incorporate this waiver? (Y/N)		
48.	Does the record describe the rationale for monitoring location(s) and frequency(s)? (Y/N)		
49.	Does the permit require testing for Whole Effluent Toxicity? (Y/N)		

Special Conditions

		Response	Comment
50.	Does the permit require development and implementation of a Best Management Practices (BMP) plan or site specific BMPs? (Y/N)		
50a.	If yes, does the permit adequately incorporate and require compliance with the BMPs? (Y/N/NA)		
51.	If the permit contains compliance schedule(s), are they consistent with statutory and regulatory deadlines and requirements? (Y/N/NA)		
52.	Are other special conditions (e.g., ambient sampling, mixing studies, TIE/TRE, BMPs, special studies) consistent with CWA and NPDES regulations? (Y/N/NA)		

Standard Conditions

		Response	Comment
53.	Does the permit contain all 40 CFR 122.41 standard conditions? (Y/N)		

List of Standard Conditions – 40 CFR 122.41

- Duty to comply
- Duty to reapply
- Need to halt or reduce activity not a defense
- Duty to mitigate
- Proper O & M
- Permit actions
- Property rights
- Duty to provide information
- Inspections and entry
- Monitoring and records
- Signatory requirement
- Reporting requirements
  - Planned change
  - Anticipated noncompliance
  - Transfers
  - Monitoring reports
  - Compliance schedules
  - 24 hour reporting
  - Other non-compliance
- Bypass
- Upset

54.	Does the permit contain the additional standard condition for non-municipals regarding notification levels [40 CFR 122.42(a)]? (Y/N)		

3.1.3 Mixing Zones Checklist

The NPDES regulations at 40 CFR 122.44(d) allow permitting authorities to consider dilution and mixing of the effluent and receiving water in accordance with State water quality standards and accompanying implementation policies and procedures. This section of the "Core" checklists is intended to assess whether the permit writer adequately justified and documented any dilution or mixing considerations when assessing "reasonable potential" and in the calculation of water quality-based effluent limits. The reviewer should be familiar with the specific dilution and mixing allowances provided by the state's WQ standards, and with the state's implementation policies and procedures. [EPA Contact: David Hair, 202-564-2287]

		Response	Comment
1.	Can you determine the size, location, and placement of the mixing zones from the fact sheet and permit?		
2.	What is the magnitude difference between the applicable chemical criteria and permit limit for WQBELs?		
3.	What is the state's applicable mixing zone policy?		
4.	Has the permit writer has assumed complete and total mixing at the point of discharge, thereby granting the full dilution. In those circumstances, is there a documented basis for such a conclusion? Is such a thing explicitly allowed under the state's WQS/permitting implementation regulations?		
5.	Where mixing zones have been granted, has there been any other consideration of other discharges in the vicinity of the permittee's discharge?		
6.	As a basic question, if a mixing zone has been allowed, is there any description of the basis for the mixing zone granted? If it is just based on the defaults contained in the state's WQS is that apparent from the fact sheet?		

3.1.4 Priority Permits Checklist

Priority permits are those permits selected by State and EPA Regional permitting authorities for expedited development and issuance. This effort is intended to identify and focus State and Regional permit issuance efforts on those permits that are of particular environmental or programmatic significance. The review should be familiar with the State or Region's Priority Permit selection process, and any policies or procedures used by the State or Region to expedite the permit development and/or issuance process for these permits. [EPA Contact: Sarita Hoyt, 202-564-1471]

		Response	Comment
1.	Loadings reductions: Did the re-issuance result in loadings reductions. This might be the most difficult because of the need to match data from permit cycle to permit cycle.		
2.	Permit limits reductions: Do the re-issued permits have more stringent limits?		
3.	Increased control: Are there more parameters regulated in the re-issued permits?		
4a.	Standards/Rules/Policies: Were new/revised standards incorporated into the re-issued permits?		
4b.	New/revised ELGs incorporated into the re-issued permits?		
4c.	New/revised rules/policies (e.g., CAFO, CSO, Environment Justice, 316(b)) incorporated into the re-issued permits?		
5a.	Watershed Protection: Were TMDLs implemented in the reissued permits?		
5b.	Were limits/requirements incorporated to protect endangered/threatened species?		
5c.	Were limits/requirements incorporated to protect drinking water resources?		

3.1.5 Antidegradation Checklist

The water quality standards regulations at 40 CFR 131.12, require states to develop and adopt a statewide antidegradation policy consistent with the provisions established in the Federal regulations. States must also identify the methods for implementing the policy. The questions in this checklist are intended to determine whether the state has developed an antidegradation policy and implementing procedures, and whether it follows the policy and procedures in permit development. The reviewer should be familiar with the State's antidegradation policies and procedures.

[EPA Contact: Michelle Schutz, 202-564-7374].

		Response	Comment
1.	Has the State adopted an antidegradation policy that includes the minimum requirements of 40 CFR 131.12? It may be in the form of "policy," or it may be included in the State water quality statute or regulations, or 40 CFR 131.12 may be incorporated by reference into the State statute or regulations.	Q yes Q no	
2.	Is antidegradation addressed, when permits are issued?	Q yes Q no	
2a.	For a new discharger?	Q yes Q no	
2b.	For an existing discharger proposing to increase the volume of its discharge?	Q yes Q no	
2c.	What circumstances?		
3.	Has the permitting authority adopted methods to implement its antidegradation policy? For example: Are there procedures in place for classifying water quality as Tier 1, Tier 2, etc? What constitutes degradation of a receiving water? Is guidance in place regarding what actions trigger the need for an antidegradation review? When is some degradation allowed in Tier 2 waters? Tier 3 waters? (When its antidegradation policy was modified in 1983, EPA described limited exceptions to the prohibition against degradation of Tier 3 waters – for limited activities that result in temporary and short term changes in water quality.)	Q yes Q no	

3.2 Topic Specific Checklists and Questions

3.2.1 Mercury Permit Checklist

Over the past several years, EPA has approved additional analytical test methods for mercury that provide much lower levels of detection and quantification. On August 23, 2007, EPA HQ published a memo from James A. Hanlon, Director of the Office of Wastewater Management to the EPA Regional Water Division Directors (http://www.epa.gov/npdes/pubs/mercurymemo_analyticalmethods.pdf) outlining expectations for the use of the new test methods in NPDES permits and permit applications. These checklist questions evaluate whether permits that contain effluent limits for mercury incorporated test methods consistent with the goals of the 2007 policy. Permit reviewers should be familiar with the goals established in the policy. [EPA Contact: Nizanna Bathersfield, 202-564-2258].

		Response	Comment
1.	Does the permit or fact sheet list the regulation and/or a Method of testing (Method 245 or 1631)?		
2.	Does the permit have a limit?		
3.	Is the limit, if any, consistent with the method listed?		
4.	If the answer is no for any of the above questions, is there any explanation or narrative justification for it?		

3.2.2 TMDL Permit Checklist

NPDES permits are required to contain limits that are consistent with WLAs established in approved TMDLs. These checklist questions are intended to determine that states have procedures to ensure that permit writers are made aware of TMDLs that might affect the permits that they are drafting, and that TMDL wasteload allocations are implemented through the NPDES permits as appropriate. [EPA Contact: Sara Hilbrich, 202-564-0441]

		Response	Comment
1.	What is the State's policy with regard to incorporating relevant TMDLs into NPDES permits? (This is usually addressed during the site visit).		
2.	Is a final TMDL in place that regulates a pollutant discharged by the facility at or around the point of discharge?		
3.	Does the permit (issued after the TMDL was finalized) incorporate the WLA from the TMDL? Does the fact sheet discuss how the permit implements or is consistent with the State's TMDL policy?		

3.2.3 Impaired Water Bodies Permit Checklist

This checklist assesses the Region or State's procedures for determining appropriate permit limits for discharges to impaired waters prior to establishing a TMDL. EPA has not established a national policy; thus, these checklist questions are intended to inform EPA on current practice. [EPA Contact: Sara Hilbrich, 202-564-0441]

		Response	Comment
1.	What is the State's policy with regard to addressing impaired waters in NPDES permits? (This is usually addressed during the site visit).		
2.	Does the facility discharge a pollutant of concern to a water body segment listed on the State's 303(d) list for that pollutant?		
3.	Do the permit conditions reflect consideration of the impairment? Does the fact sheet discuss how the impairment is addressed in the permit?		

3.2.4 E. coli Permit Checklist

EPA established ambient water quality criteria recommendations for *E. coli* and *Enterococci* in 1986. Some States adopted these criteria into their water quality standards while others deferred pending EPA development of approved wastewater analytical test methods which were approved in 2007. In addition, the Beach Act of 2000 required States to adopt pathogen criteria necessary to protect recreational beaches by 2004. These checklist questions assess whether the State has adopted criteria for *E. coli* and/or *Enterococcus*, and if so, whether NPDES permits properly assess the need for and calculate limits for these parameters. [EPA Contact: Laura Phillips, 202-564-0741]

		Response	Comment
1.	Does the State have water quality standards for *E. coli or Enterococci*? Is the State subject to 40 CFR 131.41 (Bacteriological criteria for those states not complying with CWA section 303(i) (1) (A)).		
2.	Are the State pathogen water quality standards as stringent as those specified by EPA?		
3.	Do State NPDES permits that include pathogen limits reflect State water quality standards?		
4.	Does the permit contain what the designated use listed in the permit for the receiving water and what is it (e.g., primary contact recreation, drinking water, non-contact, etc.)?		
5.	Are the permit limits fecal coliform or *E. Coli* and are they end of pipe (EOP)? (see OST Memorandum, November 12, 2008, E. King).		

3.2.5 Whole Effluent Toxicity (WET) Permit Checklists

EPA has established aquatic life protection (ALP) criteria for whole effluent toxicity (WET). Most EPA Regions and/or States have adopted narrative WET WQS of *"no toxics in toxic amounts"* or something similar and then either implement the narrative or have a State numeric interpretation of their narrative WET WQS for NPDES permits. EPA has established WET test methods promulgated in 40 CFR Part 136 which were ratified in 2002 and must be referenced in NPDES permits [40 CFR Part 136.3] either as part of the "general permit conditions section" or by a specific reference to the most current EPA promulgated WET test method (presently 2002). In addition, EPA R9 developed west coast WET test methods to be implemented as part of their Regional NPDES WET guidance for west coast permits (and is mentioned in the 2002 WET test methods preamble). Under EPA NPDES regulations [40 CFR Part 122.44(d)(1)], EPA Regions and their NPDES States must do a WET reasonable potential (RP) assessment which is representative of the discharged effluent and if RP is demonstrated WET limits must be included in the permit that are protective of the State's WET WQS. The only NPDES WET limit exception is if the State has a narrative WET WQS and the cause of the toxicity is identified and through a chemical-specific limit can be eliminated or reduced such that the cause of the toxicity no longer exceeds the State's WQS [40 CFR Part 122.44(d)(1)(v)] and is documented in the permit fact sheet or statement of basis. If there is a numeric State WET WQS this exception does not apply and a WET limit must be put in the permit if RP exists. [EPA Contact: Laura Phillips, 202-564-0741]

3.2.5.1 East Coast WET Permit Checklist

WET Water Quality Standards (Aquatic Life Protection criteria)

		Response	Comment
1.	***What is status of State WET WQS (water quality criteria and implementation procedures)?***		
2.	Does State have a general narrative criterion for toxicity (e.g., "no toxics in toxic amounts")?	Q yes Q no	
3.	Does State have a specific criterion for acute toxicity?	Q yes Q no	
3a.	If "yes", then how is it expressed (e.g., narrative or numerical)?		
4.	Does State have a specific criterion for chronic toxicity?	Q yes Q no	
4a.	If "yes", then how is it expressed?		
5.	Does permit fact sheet correctly and adequately describe the State WET criteria and implementation procedures from which permit requirements are derived?	Q yes Q no	
6.	Do permit requirements ensure that State WET WQS will not be exceeded?	Q yes Q no	
7.	Are permit requirements correctly and appropriately developed from State WET WQS?	Q yes Q no	

WET Methods

		Response	Comment
8.	***Are current WET test methods (40 CFR Part 136) and supporting implementation specified in the permit?***		
9.	***EPA WET test methods:*** Are most recent EPA WET test methods manuals referenced in the permit (general permit conditions section or specifically referenced)? ***- Freshwater and marine acute manual*** - EPA 821/R-02/012 (October 2002) ***- Freshwater chronic manual*** - EPA/821/R-02/013 (October 2002) ***- East Coast marine and estuarine chronic manual*** - EPA/821/R-02/014 (October 2002)	Q yes Q no	
10.	***Alternative WET methods:*** Does permit allow changes to EPA's WET test methods that have not been sent to EPA for review and approval?	Q yes Q no Q N/A	
11a.	***Test Species:*** Does permit require appropriate WET test species for type of discharge and receiving water body?	Q yes Q no	
11b.	Does permit require two-species screening for acute toxicity testing?	Q yes Q no Q N/A	
11c.	Does permit require three-species screening for chronic toxicity? ***-Freshwater discharges to freshwater - acute*** *Ceriodaphnia dubia* *Pimephales promelas* *Daphnia magna* ***- Freshwater discharges to saltwater - acute*** *Menidia beryllina* (East Coast manual) ***- Freshwater discharges to saltwater - chronic*** *Menidia beryllina* (East Coast manual)	Q yes Q no Q N/A	
12.	***Effluent Sample Type:*** Does permit specify sample type (e.g., composite or grab sample)?	Q yes Q no	
13.	***WET Test Duration:*** Does permit specify WET test duration (e.g., 24, 48, 72, 96 hours) consistent with method and, if applicable, State WQS?	Q yes Q no	
14.	***Test Type:*** Does permit specify static or renewal test?	Q yes Q no	
15.	***Reference Toxicant:*** Does permit specify reference toxicant testing consistent with WET test method requirements?	Q yes Q no	
16.	***Dilution Series:*** Does permit specify an effluent dilution series based on the discharge-specific in-stream waste concentration?	Q yes Q no	
17.	***Valid WET Test Result:*** Following test review (including test acceptability criteria), if a WET test is determined to be invalid, does the permit require a new WET test and submittal of all WET test data?	Q yes Q no	

WET Test Data Interpretation and Decisions/Rationale

		Response	Comment
18.	***Dose-Response Curve:*** Are results from multi-concentration tests evaluated by whom? For concentration-response relationship?	Q yes Q no Q N/A	
19.	***Percent Minimum Significant Difference (PMSD):*** If permit specifies a sub lethal hypothesis testing endpoint, does permit require a review of within test variability for acceptability using variability criteria, in accordance with method instructions?	Q yes Q no Q N/A	
20a.	***Exposure Assumptions:*** If mixing zones/dilution factors are provided in a permit; does the fact sheet adequately describe and justify exposure assumptions?	Q yes Q no Q N/A	
20b.	Are the exposure assumptions valid?	Q yes Q no Q N/A	
21.	***Flow Considerations:*** If mixing zones/dilution factors are provided in a permit, are WET limits/monitoring triggers based on the appropriate facility design flow and the low flow critical condition specified in the WQS?	Q yes Q no Q N/A	

Permit Conditions

		Response	Comment
22a.	***Reasonable Potential:*** Does permit fact sheet adequately document the "reasonable potential" decision for acute toxicity?	Q yes Q no	
22b.	Does the fact sheet adequately document the "reasonable potential" decision for chronic toxicity?	Q yes Q no	
23a.	***Exceedance of WET limit or monitoring trigger:*** If a WET limit or monitoring trigger is exceeded, does the permit require: Only accelerated monitoring?	Q yes Q no	
23b.	Require only a toxicity reduction evaluation/toxicity identification evaluation (TRE/TIE)?	Q yes Q no	
23c.	Accelerated WET test monitoring and, ultimately, a TRE/TIE?	Q yes Q no	
23d.	A permit reopener condition allowing permit modification to include WET limits or additional permit conditions?	Q yes Q no	
23e.	Is the frequency of accelerated monitoring appropriate for the type of facility/discharge?	Q yes Q no	
24.	***Exceedance of WET Limit:*** For permits containing a WET limit, when accelerated testing is triggered by conditions of the permit, are exceedances of the WET limit which result from the additional WET tests considered a permit violation?	Q yes Q no Q N/A	
25.	***TRE/TIE Requirements -*** If the permit contains a TRE/TIE condition, does the permit specify what the permittee must do (e.g., initial TRE/TIE work plan submittal, detailed TRE/TIE work plan submittal, TRE/TIE duration, reporting requirements, etc.)?	Q yes Q no Q N/A	

3.2.5.2 West Coast WET Permit Checklist

WET Water Quality Standards (Aquatic Life Protection Criteria)

		Response	Comment
1.	***What is status of State WET WQS (water quality criteria and implementation procedures)?***		
2.	Does State have a general narrative criterion for toxicity (e.g., "no toxics in toxic amounts")?	Q yes Q no	
3.	Does State have a specific criterion for acute toxicity?	Q yes Q no	
3a.	If "yes", then how is it expressed (e.g., narrative or numerical)?		
4.	Does State have a specific criterion for chronic toxicity?	Q yes Q no	
4a.	If "yes", then how is it expressed?		
5.	Does permit fact sheet correctly and adequately describe the State WET criteria and implementation procedures from which permit requirements are derived?	Q yes Q no	
6.	Do permit requirements ensure that State WET WQS will not be exceeded?	Q yes Q no	
7.	Are permit requirements correctly and appropriately developed from State WET WQS?	Q yes Q no	

WET Methods

		Response	Comment
8.	***Are current WET test methods (40 CFR Part 136) and supporting implementation specified in the permit?***		
9.	***EPA WET test methods:*** Are most recent EPA WET test methods manuals referenced in the permit (general permit conditions section or specifically referenced)? ***- Freshwater and marine acute manual*** - EPA 821/R-02/012 (October 2002) ***- Freshwater chronic manual*** - EPA/821/R-02/013 (October 2002) ***- East Coast marine and estuarine chronic manual*** - EPA/821/R-02/014 (October 2002) ***- Alternative chronic toxicity guidance*** - provided under 40 CFR 122.21(j) (5) (viii) for California, Hawaii, Pacific Territories; includes ***West Coast marine and estuarine chronic manual*** - EPA/600/R-95/136 (August 1995)	Q yes Q no	
10.	***Alternative WET methods:*** Does permit allow changes to EPA's WET test methods that have not been sent to EPA for review and approval?	Q yes Q no Q N/A	
11a.	***Test Species:*** Does permit require appropriate WET test species for type of discharge and receiving water body?	Q yes Q no	
11b.	Does permit require two-species screening for acute toxicity testing?	Q yes Q no Q N/A	
11c.	Does permit require three-species screening for chronic toxicity? ***-Freshwater discharges to freshwater - acute*** *Ceriodaphnia dubia* *Pimephales promelas* *Daphnia magna* ***- Freshwater discharges to freshwater - chronic*** *Ceriodaphnia dubia* *Pimephales promelas* *Selenastrum capricornutum* ***- Freshwater discharges to saltwater - acute*** *Holmesimysis costata* (West Coast manual) *Atherinops affinis* (West Coast manual) *Menidia beryllina* (East Coast manual) ***- Freshwater discharges to saltwater – chronic*** Invertebrate sp. (West Coast manual) *Atherinops affinis* (West Coast manual) *Macrocystis pyrifera* (West Coast manual) *Menidia beryllina* (East Coast manual)	Q yes Q no Q N/A	
12.	***Effluent Sample Type:*** Does permit specify sample type (e.g., composite or grab sample)?	Q yes Q no	
13.	***WET Test Duration:*** Does permit specify WET test duration (e.g., 24, 48, 72, 96 hours) consistent with method and, if applicable, State WQS?	Q yes Q no	

14.	***Test Type:*** Does permit specify static or renewal test?	Q yes Q no	
15.	***Reference Toxicant:*** Does permit specify reference toxicant testing consistent with WET test method requirements?	Q yes Q no	
16.	***Dilution Series:*** Does permit specify an effluent dilution series based on the discharge-specific in-stream waste concentration?	Q yes Q no	
17.	***Valid WET Test Result:*** Following test review (including test acceptability criteria), if a WET test is determined to be invalid, does the permit require a new WET test and submittal of all WET test data?	Q yes Q no	

WET Test Data Interpretation and Decisions/Rationale

		Response	Comment
18.	***Dose-Response Curve:*** Are results from multi-concentration tests evaluated BY WHOM??? For concentration-response relationship?	Q yes Q no Q N/A	
19.	***Percent Minimum Significant Difference (PMSD):*** If permit specifies a sub lethal hypothesis testing endpoint, does permit require a review of within test variability for acceptability using variability criteria, in accordance with method instructions?	Q yes Q no Q N/A	
20a.	***Exposure Assumptions:*** If mixing zones/dilution factors are provided in a permit; does the fact sheet adequately describe and justify exposure assumptions?	Q yes Q no Q N/A	
20b.	Are the exposure assumptions valid?	Q yes Q no Q N/A	
21.	***Flow Considerations:*** If mixing zones/dilution factors are provided in a permit, are WET limits/monitoring triggers based on the appropriate facility design flow and the low flow critical condition specified in the WQS?	Q yes Q no Q N/A	

Permit Conditions

		Response	Comment
22a.	***Reasonable Potential:*** Does permit fact sheet adequately document the "reasonable potential" decision for acute toxicity?	Q yes Q no	
22b.	Does the fact sheet adequately document the "reasonable potential" decision for chronic toxicity?	Q yes Q no	
23a.	***Exceedance of WET limit or monitoring trigger:*** If a WET limit or monitoring trigger is exceeded, does the permit require: Only accelerated monitoring?	Q yes Q no	
23b.	Require only a toxicity reduction evaluation/toxicity identification evaluation (TRE/TIE)?	Q yes Q no	
23c.	Accelerated WET monitoring and, ultimately, a TRE/TIE?	Q yes Q no	
23d.	A permit reopener condition allowing permit modification to include WET limits or additional permit conditions?	Q yes Q no	
23e.	Is the frequency of accelerated monitoring appropriate for the type of facility/discharge?	Q yes Q no	
24.	***Exceedance of WET Limit:*** For permits containing a WET limit, when accelerated testing is triggered by conditions of the permit, are exceedances of the WET limit which result from the additional WET tests considered a permit violation?	Q yes Q no Q N/A	
25.	***TRE/TIE Requirements -*** If the permit contains a TRE/TIE condition, does the permit specify what the permittee must do (e.g., initial TRE/TIE work plan submittal, detailed TRE/TIE work plan submittal, TRE/TIE duration, reporting requirements, etc.)?	Q yes Q no Q N/A	

3.2.6 316(a) and 316(b) Permit Checklists

The following checklists aid in evaluating the appropriateness of permit conditions that implement the requirements of CWA sections 316(a) and 316(b). CWA section 316(a) addresses thermal variances from effluent limitations and section 316(b) addresses impacts from cooling water intake structures (CWISs). CWA section 316(a) provides for variances from thermal effluent limitations in NPDES permits. CWA section 316(b) requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. The reviewer should be familiar with the applicable regulations and terminology.

[EPA Contact; Jamie Hurley, 202-564-1709]

Section 316(a)

	[see: 40 CFR Part 125 Subpart H and 122.21(m)(6)]	**Response**	**Comment**
1.	Does the facility discharge a thermal (heated) effluent? If no, skip to Section 316(b) questions.	Q yes Q no Q N/A	
2.	Does the current permit contain a thermal limit based on a 316(a) variance?.	Q yes Q no Q N/A	
3.	Has the permittee submitted a section 316(a) variance request or requested the renewal of a 316(a) variance with the permit application?	Q yes Q no Q N/A	
4.	Was the 316(a) variance approved?	Q yes Q no Q N/A	
5.	Has the 316(a) variance been evaluated for accuracy and relevancy in the last 5 years?	Q yes Q no Q N/A	
6.	What is the pipe discharge designator code number?		
7.	What is the permit limit at the point of compliance? Possible thermal parameters include: -Water temperature, degrees centigrade -Water temperature, degrees Fahrenheit -Thermal discharge, million BTUs per hour -Temperature difference between the discharge and upstream, degrees centigrade -Temperature difference between the discharge and upstream, degrees Fahrenheit		
8.	What is the minimum temperature limit?		
9.	What is the average temperature limit?		
10.	What is the maximum temperature limit?		
11.	In what months do the limits apply?		
12.	What is the receiving water name?		
13.	What is the State water quality class for the receiving water?		
14.	What is the WQS maximum temperature increase?		
15.	What is the WQS maximum temperature?		
16.	Are the 316(a) studies part of the permit record?		

Section 316(b)

		Response	**Comment**
1.	Does the facility use a cooling water intake structure (CWIS) to withdraw or use water from a water of the United States for cooling purposes? If no, end of review.	Q yes Q no Q N/A	
2.	Does the facility use at least 25% of the water for cooling purposes (measured on an average monthly basis or average annual basis)? If no, skip to question 7.	Q yes Q no Q N/A	
3.	Did the facility commence construction after January 17, 2002, AND is it considered a "new source" or "new discharger" as defined in 40 CFR 122.2 and 122.29(b)(1), (2), and (4), AND is a greenfield or stand-alone facility? If no, skip to question 5.	Q yes Q no Q N/A	
4.	Does the facility use a CWIS(s) with a design intake flow greater than 2 million gallons per day? If yes, skip to Phase I worksheet.	Q yes Q no Q N/A	
5.	Is the facility an offshore oil and gas extraction facility AND regulated under 40 CFR	Q yes Q no Q N/A	

		Response	Comment
	435.10 or 435.40 (Offshore or Coastal Subcategories of the Oil and Gas Extraction Point Source Category Effluent Guidelines)? If no, skip to question 7.		
6.	Did the offshore oil and gas extraction facility commence construction after July 17, 2006; does it meet the definition of "new facility" at 40 CFR 125.83, and have a CWIS with a design intake flow of at least 2 MGD? If yes, skip to Phase III worksheet.	Q yes Q no Q N/A	
7.	Is the current permit issued using best professional judgment (BPJ) for minimizing the adverse effects of cooling water intake structures on aquatic resources? If yes, skip to BPJ Facility worksheet.	Q yes Q no Q N/A	

Section 316(b) Phase I Worksheet

	[see: 40 CFR Part 125 Subpart I]	Response	Comment
1.	Does the permit contain requirements for the cooling water intake structure?	Q yes Q no Q N/A	
2.	Has the facility submitted the following: 40 CFR 122.21(r)(2) – Source water physical data; 40 CFR 122.21(r)(3) – Cooling water intake structure data; and 40 CFR 122.21(r) (4) – Source water baseline biological characterization data.	Q yes Q no Q N/A	
3.	Is the Phase I facility following Track I compliance alternative for facilities with design intake flow ≥10MGD (40 CFR 125.84(a))? If no, skip to question 4.	Q yes Q no Q N/A	
3a.	Has the Phase I facility submitted the required application materials? -Statement that it intends to comply with Track I -Flow reduction information -Velocity information -Source waterbody flow information -Design and Construction Technology Plan (if required)	Q yes Q no Q N/A	
3b.	Does the permit contain a flow reduction standard? 40 CFR 125.84(b) (1) – flow attained by a closed-cycle recirculating system.	Q yes Q no Q N/A	
3c.	Does the permit contain velocity standard? 40 CFR 125.84(b)(2) – maximum through screen design intake velocity of 0.5 ft/sec.	Q yes Q no Q N/A	
3d.	Does the permit contain proportional flow standard? 40 CFR 125.84(b)(3) – If the facility is withdrawing from a/an: • Freshwater river or stream, the total DIF < 5% of the source water annual mean flow; • Lake or reservoir, the total DIF must not disrupt the natural thermal stratification or turnover pattern (except in cases where it is beneficial); or • Estuary or tidal river, the total DIF over one tidal cycle of ebb and flow must be no greater than 1% of the volume of the water column within the area centered about the opening of the intake with a diameter defined by the distance of one tidal excursion at the mean low water level.	Q yes Q no Q N/A	
3e.	Does the permit contain design and construction technologies or operational measures for minimizing impingement mortality? 40 CFR 125.84(b) (4) - Applicable if i) there are threatened or endangered species present; ii) there are migratory, sport, or commercial species present; or iii) the Director determines that the intake contributes an unacceptable stress.	Q yes Q no Q N/A	
3f.	Does the permit contain design and construction technologies or operational measures for minimizing entrainment? 40 CFR 125.84(b)(5) Applicable if i) there are threatened or endangered species present; or ii) are or would be undesirable cumulative stressors.	Q yes Q no Q N/A	
3g.	Skip to question 6.		
4.	Is the Phase I facility following Track I compliance alternative for facilities with design intake flow >2MGD and <10MGD (40 CFR 125.84(c))? If no, skip to question 5.	Q yes Q no Q N/A	
4a.	Has the Phase I facility submitted the required application materials? -Statement that it intends to comply with Track I -Velocity information -Source waterbody flow information -Design and Construction Technology Plan (if required)	Q yes Q no Q N/A	
4b.	Does the permit contain a velocity standard? 40 CFR 125.84(c)(1) – maximum through screen design intake velocity of 0.5 ft/sec	Q yes Q no Q N/A	

4c.	Does the permit contain a proportional flow standard? 40 CFR 125.84(c)(2) – If the facility is withdrawing from a/an: • Freshwater river or stream, the total DIF < 5% of the source water annual mean flow; • Lake or reservoir, the total DIF must not disrupt the natural thermal stratification or turnover pattern (except in cases where it is beneficial); or • Estuary or tidal river, the total DIF over one tidal cycle of ebb and flow must be no greater than 1% of the volume of the water column within the area centered about the opening of the intake with a diameter defined by the distance of one tidal excursion at the mean low water level.	Q yes Q no Q N/A	
4d.	Does the permit contain design and construction technologies or operational measures for minimizing impingement mortality? 40 CFR 125.84(c)(3) - Applicable if i) there are threatened or endangered species present; ii) there are migratory, sport, or commercial species present; or iii) the Director determines that the intake contributes an unacceptable stress.	Q yes Q no Q N/A	
4e.	Does the permit contain design & construction technologies or operational measures for minimizing entrainment? 40 CFR 125.84(c)(4)	Q yes Q no Q N/A	
4f.	Skip to question 8.		
5.	Is the Phase I facility following Track II compliance alternative (125.84(d))? If no, go back to question 3.	Q yes Q no Q N/A	
5a.	Has the Phase I facility submitted the required application materials? -Statement that it intends to comply with Track II -Source waterbody flow information -Track II Comprehensive Demonstration Study • Proposal for information collection • Source water biological study • Evaluation of potential CWIS effects • Verification Monitoring Plan		
5b.	Does the permit require reductions in impingement mortality and entrainment to a level commensurate with Track I? 40 CFR 125.84(d)(1) – technology will reduce level of adverse environmental impact to a level comparable to Track I flow reduction and velocity standards.		
5c.	Does the permit contain proportional flow standard? 40 CFR 125.84(d)(2) – If the facility is withdrawing from • Freshwater river or stream, the total DIF < 5% of the source water annual mean flow; • Lake or reservoir, the total DIF must not disrupt the natural thermal stratification or turnover pattern (except in cases where it is beneficial); or • Estuary or tidal river, the total DIF over one tidal cycle of ebb and flow must be no greater than 1% of the volume of the water column within the area centered about the opening of the intake with a diameter defined by the distance of one tidal excursion at the mean low water level.		
5d.	Does the permit contain restoration measures (remanded by the court in 2004)?		
6.	Does the permit contain monitoring conditions? 40 CFR 125.87 -Biological monitoring; -Velocity monitoring; -Visual or remote inspections.		
7.	Does the permit contain recordkeeping and reporting conditions? 40 CFR 125.88 • Keep records of all the data used to complete the permit application and demonstrate compliance with the requirements • A yearly status report		
8.	Did the facility request alternative requirements? 40 CFR 125.85		

Section 316(b) BPJ Worksheet

	[see: 40 CFR Parts 125.90(b) and 401.14]	Response	Comment
1.	Does the permit include requirements for the cooling water intake structure (CWIS) that ensure that the CWIS location, design, capacity and construction reflect the best technology available to minimize AEI?	Q yes Q no Q N/A	
1a.	If yes, are these requirements based on a BPJ determination of Best Technology Available (BTA)?	Q yes Q no Q N/A	
1a.i.	If yes, does the fact sheet explain the basis for these requirements (e.g., the availability, i.e., technical feasibility and economic achievability, of technologies, and relative technology efficacy in minimizing adverse impacts)?	Q yes Q no Q N/A	
1a.ii.	If no, does the fact sheet explain why the original (i.e., prior permit) determination/basis continues to be appropriate?	Q yes Q no Q N/A	
2.	Does the permit include data collection requirements (including monitoring and a schedule for data collection)?	Q yes Q no Q N/A	
3.	Does the permit include an implementation schedule?	Q yes Q no Q N/A	
4.	Is the facility required to reduce impingement mortality?	Q yes Q no Q N/A	
5.	Is the facility required to reduce entrainment?	Q yes Q no Q N/A	
6.	Does the permit contain conditions/requirements from the suspended Phase II rule?	Q yes Q no Q N/A	
7a.	If yes, does the fact sheet explain why these requirements are appropriate under a BPJ approach?	Q yes Q no Q N/A	
8b.	Were any data/studies submitted under the suspended Phase II rule?	Q yes Q no Q N/A	
9.	Does the permit require any recordkeeping/reporting for CWIS issues?	Q yes Q no Q N/A	
10.	Does the facility have a closed cycle recirculating system?	Q yes Q no Q N/A	
11.	Does the fact sheet characterize any adverse environmental impact (AEI) posed by the CWIS(s) at the facility?	Q yes Q no Q N/A	
12.	Does the fact sheet describe data collection efforts to date and provide an evaluation of data?	Q yes Q no Q N/A	
13.	Does the fact sheet discuss control technologies that could reduce adverse impacts from CWIS(s)?	Q yes Q no Q N/A	

Section 316(b) Phase III Worksheet

	[see: 40 CFR Part 125 Subpart N]	Response	Comment
1.	Is the Phase III facility a fixed facility? If no, skip to question 3.	Q yes Q no Q N/A	
2.	Which compliance alternative is the Phase III facility following: Track I or Track II (40 CFR 125.134)? (indicate in comments)	Q yes Q no Q N/A	
3.	Is the Phase III facility a fixed facility with a seachest? If no, skip to question 5.	Q yes Q no Q N/A	
4.	Which compliance alternative is the Phase III facility following: Track I or Track II (40 CFR 125.134)? (indicate in comments)	Q yes Q no Q N/A	
5.	Is the Phase III facility not a fixed facility (e.g., a mobile facility?	Q yes Q no Q N/A	
6.	Does the permit contain all of the minimum requirements for a Phase III facility? (See Phase III checklist - to be prepared).	Q yes Q no Q N/A	

3.2.7 Combined Sewer Overflow and Sanitary Sewer Overflow Permit Questions

3.2.7.1 SSO Permit Checklist

The EPA fact sheet "NPDES Permit Requirements for Municipal Sanitary Sewer Collection Systems and SSOs" establishes EPA's expectations for permit requirements under existing NPDES regulations. This fact sheet provides that NPDES authorities should improve implementation of NPDES permit requirements for SSOs and sanitary sewer collection systems. The fact sheet indicates that when permits for POTW discharges are reissued the NPDES authority should clarify how key standard permit conditions apply to SSOs and sanitary sewer collection systems. In addition, the fact sheet discusses appropriate permit coverage for municipal sanitary sewer collection systems. The attached checklist evaluates whether the objectives of the fact sheet have been met. For additional information regarding the SSO checklist, please contact Kevin Weiss in EPA's Water Permit Division at 202-564-0742.

		Response	Comment
1.	NPDES permit explicitly requires reporting of SSO discharges, or do permits rely on noncompliance reporting language to require SSO reporting?	Q yes Q no	
2.	NPDES permit explicitly requires reporting of SSOs that do not discharge to waters of the United States?	Q yes Q no	
3.	NPDES permit requires notification of drinking water facilities where a SSO may potentially impact source waters?	Q yes Q no	
4.	Does the State notify drinking water facilities of SSOs?	Q yes Q no	
5.	Has the State issued NPDES permits to municipal satellite collection systems?	Q yes Q no	
6.	Do municipal satellite collection systems that are not permittees have to report SSOs to the State under State law?	Q yes Q no	

3.2.7.2 CSO Permit Questions and Checklist

The Wet Weather Water Quality Act of 2000 required that NPDES permits issued to Combined Sewer systems comply with EPA's 1994 CSO Control Policy. The 1994 CSO Control Policy calls for most communities with CSOs to develop and implement long term control plans (LTCPs) as part of their permit requirements. The PQR review for communities that are required to develop LTCPs should involve the LTCP and the respective permit.

Some communities, including CSO communities that will eliminate CSO discharges by separating their sewers or that implement certain CSO control measures identified in the CSO Policy may not be required to develop a LTCP under the Policy. The PQR review for communities that are not required to develop a LTCP should focus on the respective permit to ensure that CSO control measures conform to the CSO Control Policy.

The attached LTCP Checklist can be used for reviewing LTCPs. Note that the CSO Control Policy provides that, at the discretion of the NPDES Authority, jurisdictions with populations under 75,000 may not need to complete each of the formal steps in a LTCP. Where the NPDES authority has made adjustments to the requirements for a

LTCP for a small community, the use of the attached checklist should be adjusted accordingly.

Questions 53a – 53c of the POTW Checklist (Section 3.1.1) address permit requirements for POTWs served by combined sewers.

[EPA Contact; Mohammed Billah, 202-564-2228]

System characterization: Compilation and analysis of existing data on CSS and receiving water(s)

		Response	Comment
1.	**Major Question**: Has the permittee collected and presented existing information and data on the CSS and receiving waters in a format that is understandable and consistent with the CSO Control Policy and guidance?	Q yes Q no Q N/A	
2.	Are the LTCP and all other pertinent reports and studies available to the reviewer?	Q yes Q no Q N/A	
3.	Is the owner/operator of the CSS identified?	Q yes Q no Q N/A	
4.	Is the owner/operator of the POTW identified?	Q yes Q no Q N/A	
5.	Is there a general description of the CSS that includes the area (acres) and an estimate of the population served?	Q yes Q no Q N/A	
6.	Is the location provided for the major interceptors and each CSO outfall (latitude/longitude or street address) and identified on a map?	Q yes Q no Q N/A	
7.	Are the identified CSO outfalls consistent with the existing permit?	Q yes Q no Q N/A	
8.	Are the principal hydraulic control structures identified (interceptors; regulators; pump stations; storage and controls facilities; POTW)?	Q yes Q no Q N/A	
9.	Is POTW capacity (primary and secondary; average and peak hydraulic) specified?	Q yes Q no Q N/A	
10.	Are dry weather sanitary flow (base) estimates or patterns presented?	Q yes Q no Q N/A	
11.	Are existing flow metering or SCADA records described?	Q yes Q no Q N/A	
12.	Are chronic problem areas or bottlenecks within the CSS described?	Q yes Q no Q N/A	
13.	Did the permittee identify significant industrial users within the CSS service area?	Q yes Q no Q N/A	
14.	Are CSO-impacted waters identified, including waters where CSOs are contributing to a 303(d) or 305(b) listing, beach closure, fish kills, etc ?	Q yes Q no Q N/A	
15.	Is the available information on stream flow or tidal conditions, water quality and sediment in the receiving water(s) summarized and presented?	Q yes Q no Q N/A	
16.	Are the pollutants of concern identified for each receiving water?	Q yes Q no Q N/A	
17.	Are the current water quality standards and existing and designated uses of each receiving water identified?	Q yes Q no Q N/A	
18.	Is there information on whether the designated uses are currently being met or not?	Q yes Q no Q N/A	
19.	If a TMDL has been developed, does the permittee consider the TMDL in the LTCP?	Q yes Q no Q N/A	
20.	Is the process for identifying sensitive areas adequately documented and are CSO outfalls located in sensitive areas identified?	Q yes Q no Q N/A	
21.	Are long-term rainfall records and annual average conditions identified and evaluated?	Q yes Q no Q N/A	

System Characterization: Collection system and receiving water monitoring

		Response	Comment
22.	**Major Question:** Is the monitoring program sufficient to document the frequency and magnitude of CSO events and associated impacts and to inform the evaluation and selection of CSO controls?	Q yes Q no Q N/A	
23.	Are sufficient data available for an adequate range of storms to characterize the hydraulic response of the CSS, including frequency, volume and flow rate, and pollutant loads from CSOs at major or representative outfalls?	Q yes Q no Q N/A	
24.	Does the LTCP present estimated concentrations of the pollutants discharged and document the source of the estimate (sampling data, literature values, CSO studies)?	Q yes Q no Q N/A	
25.	Was rainfall data collected within the CSS during the flow monitoring periods?	Q yes Q no Q N/A	
26.	Is there information on the impact of CSO pollutant loadings on the receiving waters for the water quality parameters of concern? *(Typically bacteria, dissolved oxygen, BOD, and TSS)*	Q yes Q no Q N/A	
27.	Is the monitoring sufficient to document pre-control baseline conditions?	Q yes Q no Q N/A	

System characterization: Collection system and receiving water modeling

		Response	Comment
28.	**Major Question:** Did the permittee use a calibrated and verified model of the collection system and/or receiving water, as appropriate, that is able to support the evaluation and selection of CSO controls given the complexity of the CSS?	Q yes Q no Q N/A	
29.	Has a model (e.g. spreadsheet, SWMM, HydroWorks, etc.) been developed to assess the response of the CSS to different rainfall conditions with respect to CSO volume, frequency and peak overflow rate?	Q yes Q no Q N/A	
30.	Are sufficient flow and effluent concentration data available to calibrate the model?	Q yes Q no Q N/A	
31.	Has the model been documented, calibrated and verified over a range of rainfall events?	Q yes Q no Q N/A	
32.	Has a model been developed to assess the response of receiving waters to CSO loads?	Q yes Q no Q N/A	
33.	Has the model been documented, calibrated and verified to demonstrate that it generally represents the major processes affecting water quality?	Q yes Q no Q N/A	

Development and evaluation of CSO control alternatives

		Response	Comment
34.	**Major Question**: Has the permittee evaluated a sufficient number of CSO control alternatives to select a CSO control plan to meet water quality standards and protect designated uses?	Q yes Q no Q N/A	
35.	Has the permittee organized the evaluation of controls in a framework that is understandable?	Q yes Q no Q N/A	
36.	Has the permittee identified whether the presumption approach, the demonstration approach or some combination of the two is being used?	Q yes Q no Q N/A	
37.	Has the permittee considered an appropriate range of control technology within the general categories of source controls, collection system controls, storage technologies and treatment technologies?	Q yes Q no Q N/A	
38.	Has the permittee evaluated the full range of levels of control? *(A full range should include zero overflow events per year, and averages of 1 to 3, 4 to 7, and 8 to 12 overflow events per year)*	Q yes Q no Q N/A	
39.	Does the LTCP describe the process by which the CSO control and alternatives combinations were developed?	Q yes Q no Q N/A	
40.	Have the NMC been integrated into the permittee's description of the selected CSO controls?	Q yes Q no Q N/A	
41.	Has a cost/performance (knee of the curve) analysis been developed for the control alternatives considered?	Q yes Q no Q N/A	
42.	Has LTCP development been coordinated with watershed or TMDL efforts?	Q yes Q no Q N/A	

43.	Is adequate information (e.g. financial capability indicators, residential indicators) provided to assess the permittee's financial capability consistent with EPA's guidance "CSO Guidance for Financial Capability Assessment and Schedule Development"?	Q yes Q no Q N/A	

Public Participation

		Response	Comment
44.	**Major Question**: Was the permittee's process to inform the public about the alternatives for CSO control and engage them in the decision process adequate?	Q yes Q no Q N/A	
45.	Did the public participation process actively involve rate payers, industrial users of the CSS, persons near impacted waters, and persons who use the impacted waters?	Q yes Q no Q N/A	
46.	Does LTCP include a record of the public participation events?	Q yes Q no Q N/A	
47.	Does the LTCP document decisions or changes made in response to public comments?	Q yes Q no Q N/A	

Selection of controls and implementation

		Response	Comment
48.	**Major Question**: Does the LTCP document a reasonable process for evaluating a range of controls and selecting a suite of CSO controls sufficient to meet water quality standards and designated and existing uses?	Q yes Q no Q N/A	
49.	Does the LTCP adequately document the controls selected for implementation, including detailed descriptions, preliminary engineering analysis, and cost estimates?	Q yes Q no Q N/A	
50.	Does the LTCP describe a reasonable process for selecting the recommended CSO controls (including the approach used to screen and narrow the alternatives and describe the screening criteria)?	Q yes Q no Q N/A	
51.	Will the selected CSO controls provide the treatment of floatables and settleable solids equivalent to that achieved by primary clarification?		
53.	Does the LTCP demonstrate whether or not disinfection of effluent will be necessary based on applicable water quality standards?	Q yes Q no Q N/A	
54.	Does the LTCP recommend a financing approach demonstrating how the permittee will finance the alternative selected; identifying a specific capital and annual cost funding approach?	Q yes Q no Q N/A	
55.	Did the permittee evaluate potential rate increases, grant and loan availability and other sources of financing?	Q yes Q no Q N/A	
56.	If sensitive areas are present and impacted by CSOs, has the permittee given the control of CSO discharges to sensitive areas a high priority (e.g., elimination, receive treatment if elimination not physically possible or economically achievable)?	Q yes Q no Q N/A	
57.	Does the LTCP document how the current operational plan for the CSS will be developed/revised to include the operational and maintenance needs of the controls selected for implementation?	Q yes Q no Q N/A	
58.	Does the LTCP describe how and when post-construction monitoring will be conducted and how the results will be reported?	Q yes Q no Q N/A	
59.	Does the post-construction compliance monitoring program include adequate spatial and temporal coverage during wet weather conditions to assess the effectiveness of CSO controls and improvement from pre-control baseline conditions associated with LTCP implementation?	Q yes Q no Q N/A	

3.2.8 Stormwater Permit Checklists

The federal NPDES stormwater permitting program regulates point source discharges of stormwater from municipal separate storm sewer systems (MS4), and from 11 categories of industrial activities, one of which is construction. The permitting program was implemented in two phases, which means that the regulations do differ somewhat for small and large construction activities, and small and medium/large MS4s. All of these checklists are based on federal regulations, and some state permitting programs go beyond the federal requirements including provisions based on state statutes and rules. When these checklists indicate that certain elements may be missing or inadequate, permit reviewers must carefully evaluate the intent of the federal requirements to achieve water quality outcomes, and determine if other provisions may be equally effective, or perhaps even better.

3.2.8.1 State Small MS4 Permit Checklist

The following checklist has been specifically developed for small MS4 permits (Phase II). It may also be used to evaluate permits for medium and large MS4s, but please note that it does not include questions for industrial/commercial requirements, and that the monitoring/evaluation provisions of this checklist may also be inadequate. This checklist addresses the regulatory obligations from the Phase II rule, but does not make a distinction between the presence/absence of a requirement, and the quality of the requirement. For additional information on high quality municipal stormwater program requirements see the MS4 Program Evaluation Guidance at: http://cfpub.epa.gov/npdes/docs.cfm?program_id=6&view=allprog&sort=name#ms4_guidance. The program evaluation guidance does include Phase I MS4 elements

[EPA Contact; Jennifer Molloy, 202-564-1939]

General

		Response	Comment
1.	Type of permit: □ state-wide general permit □ other general permit: □ individual permit □ something else:		
2.	This permit covers: □ traditional MS4s □ non-traditional MS4s □ DOT □Federal Facilities		
3.	If a general permit, does the state have more than one general permit in effect?	↑Yes ↑No	
3a.	If yes, explain.		

Eligibility and Authorization

		Response	Comment
4.	Are there any special/non-standard eligibility criteria or requirements? If so, what?	↑Yes ↑No	
5.	How does this permit authorize non-stormwater discharges identified as substantial contributors of pollutants? ↑ It neglects to address this situation ↑ It does not; must get individual permit coverage ↑ Requires relevant controls		

	↑ Considers them illicit discharges to be addressed under those provisions ↑ Other:		
6.	For a given permittee, this permit covers discharges in/to: ↑ the automatically designated urban area ↑ additional designated areas ↑ certain watershed boundaries ↑ the MS4's entire jurisdiction, including areas outside the UA ↑ Other:		
7.	Does the permit include any provisions related to listed endangered and threatened species or critical habitat? If so, what?	↑Yes ↑No	
8.	Does the permit include any provisions related to properties listed on the National Register of Historic Places? If so, what?	↑Yes ↑No	
9.	Following submittal of the NOI, when does authorization to discharge occur? ↑ Immediately, or upon receipt of NOI by permitting authority ↑ Within _____ days ↑ When notified by permitting authority (automatic) ↑ When notified by permitting authority 7.following review of: ↑ Other:		
10.	Other specific provisions?		
10a.	Strengths of these provisions:		
10b.	Weaknesses of these provisions:		
10c.	Recommendations:		

Water Quality Provisions

		Response	Comment
11.	Must the SWMP reduce pollutant discharges to the MEP? and to protect water quality?	↑Yes ↑No ↑Yes ↑No	
12.	Does the permit define, explain or provide examples of 'maximum extent practicable'?	↑Yes ↑No	
13.	What specifically does the permit say/require with respect to water quality standards?	↑Yes ↑No	
14.	What specifically does the permit say/require with respect to anti-degradation?	↑Yes ↑No	
15.	Does the permit require any assessment of water bodies or water quality status?	↑Yes ↑No	
16.	Does the permit require the identification of priority pollutants of concern?	↑Yes ↑No	
17.	Does the permit require that the SWMP identify all water bodies that are impaired and that have TMDLs?	↑Yes ↑No	
18.	What specifically does the permit say/require for discharges to pre-TMDL impaired waters?	↑Yes ↑No	
19.	What specifically does the permit say/require for discharges to waters with TMDLs and/or WLAs?	↑Yes ↑No	
20.	What is the approach to incorporating watershed-specific requirements, such as WQBELs and TMDL/WLA related limits?	↑Yes ↑No	
21.	Does the permit make provisions for incorporating requirements for a TMDL developed or an impaired water body listed during the permit term?	↑Yes ↑No	
22.	Are effluent limits given to any discharges?	↑Yes ↑No	
23.	Other specific provisions?		
23a.	Strengths of these provisions:		
23b.	Weaknesses of these provisions:		
23c.	Recommendations:		

Program Management

		Response	Comment
24a.	SWMP: Does the permit require development?	↑Yes ↑No	
24b.	Implementation?	↑Yes ↑No	
24c.	Enforcement of?	↑Yes ↑No	
25.	Does the permit specify a time limit for SWMP implementation of 5 years or less?	↑Yes ↑No	
26a.	Does the permit require the development of measurable goals? [Note: could be in NOI]	↑Yes ↑No	
26b.	Is the permit requirement designed to ensure that the permittee develop meaningful (and measurable) measurable goals?	↑Yes ↑No	
27.	Does the permit require that relationships for sharing or relying on another entity to meet permit requirements be formalized? How?	↑Yes ↑No	
28.	Does the permit require that the SWMP identify roles, responsibilities, lines of authority and communication?	↑Yes ↑No	
29.	Does the permit require that the SWMP (or other implementation document) provide an implementation schedule, and goals or performance standards?	↑Yes ↑No	
30.	Does the permit include any requirements for intergovernmental relationships?	↑Yes ↑No	
31.	What are the conditions and/or frequencies for SWMP update or revision?		
32.	Other specific provisions?		
32a.	Strengths of these provisions:		
32b.	Weaknesses of these provisions:		
32c.	Recommendations:		

Public Education & Participation **122.34(b)(1) and (2)**

		Response	Comment
33.	Is the public education requirement the rule boilerplate, or is it more extensive?	↑General ↑Extensive	
34.	What specific audiences, sources or pollutants must be targeted, and/or is the permittee required to develop this as part of the SWMP?		
35.	Does the permit require compliance with state and local public notice requirements?	↑Yes ↑No	
36.	Does the permit require the customization of materials and programs and their delivery and distribution for target audiences?	↑Yes ↑No	
37.	Does the permit require that educational efforts be targeted to activities or behaviors that directly affect water quality?	↑Yes ↑No	
38a.	Does the permit require specific targeting of: Commercial?	↑Yes ↑No	
38b.	Industrial?	↑Yes ↑No	
38c.	Institutional?	↑Yes ↑No	
39.	Does the permit require that the permittee inform the public about how to get involved in the stormwater management program?	↑Yes ↑No	
40.	Does the permit require an evaluation of education, outreach, and participation measures?	↑Yes ↑No	
41.	Other specific provisions?		
41a.	Strengths of these provisions:		
41b.	Weaknesses of these provisions:		
41c.	Recommendations:		

Illicit Discharge Detection & Elimination **122.34(b)(3)**

		Response	Comment
42a.	Program to detect and eliminate illicit discharges: Does the permit require development?	↑Yes ↑No	
42b.	Implementation?	↑Yes ↑No	
42c.	Enforcement of?	↑Yes ↑No	
43.	Does the permit require that a storm sewer system map be developed and maintained?	↑Yes ↑No	
43a.	To include: Location of outfalls?	↑Yes ↑No	
43b.	Names and locations of all WUS/WS associated with outfalls?	↑Yes ↑No	
43c.	System inlets/catch basins?	↑Yes ↑No	
43d.	MS4 network?	↑Yes ↑No	
44.	Does the permit require effective prohibition, through ordinance or other regulatory mechanism, of non-stormwater discharges to storm sewer systems?	↑Yes ↑No	
45.	Does the permit require the implementation of effective enforcement procedures and actions?	↑Yes ↑No	
46.	Does the permit require the development of a plan to detect and address non-stormwater discharges including illegal dumping?	↑Yes ↑No	
47a.	Does the permit require information on the hazards associated with illicit discharge and improper disposal of waste be provided to: Public employees?	↑Yes ↑No	
47b.	Commercial/industrial groups?	↑Yes ↑No	
47c.	Other?	↑Yes ↑No	
48.	Does the permit require the address of non-stormwater discharges or flows?	↑Yes ↑No	
49.	Is the plan required to prioritize areas based on the likelihood of having illicit discharges?	↑Yes ↑No	

50a.	Is the plan required to include procedures for: Tracking sources?	↑Yes ↑No	
50b.	Removing sources?	↑Yes ↑No	
50c.	Dry weather visual screenings?	↑Yes ↑No	
50d.	Field tests of selected pollutants?	↑Yes ↑No	
51.	What are the follow-up requirements when illicit discharges are found/suspected?	↑Yes ↑No	
52.	Does the permit require that the program promote, publicize and facilitate the reporting of illicit discharges?	↑Yes ↑No	
53.	Does the permit have any requirements related to outreach/education of illicit discharges?	↑Yes ↑No	
54.	Does the permit require an assessment of the program?	↑Yes ↑No	
55.	Does the permit require tracking and reporting of illicit discharges?	↑Yes ↑No	
56.	Other specific provisions?	↑Yes ↑No	
56a.	Strengths of these provisions:		
56b.	Weaknesses of these provisions:		
56c.	Recommendations:		

Construction **122.34(b)(4)**

		Response	Comment
57a.	Program to reduce pollutants in runoff from construction activities resulting in land disturbance (> acre & CP): Does the permit require development?	↑Yes ↑No	
57b.	Implementation?	↑Yes ↑No	
57c.	Enforcement of?	↑Yes ↑No	
58.	Does the permit require ordinance or other regulatory mechanism to require erosion and sediment controls?	↑Yes ↑No	
59.	Does the permit require the development of sanctions to ensure compliance?	↑Yes ↑No	
60.	Does the permit require construction site operators to implement appropriate erosion and sediment controls?	↑Yes ↑No	
61.	Does the permit require construction operators to control construction wastes?	↑Yes ↑No	
62.	Does the permit require that construction operators develop SWPPPs?	↑Yes ↑No	
63.	Does the permit require procedures for site plan reviews that incorporate water quality considerations?	↑Yes ↑No	
63a.	That include review of sediment and erosion plans?	↑Yes ↑No	
64.	Does the permit require procedures for receiving and considering information from the public?	↑Yes ↑No	
65.	Does the permit require development of procedures for site inspections?	↑Yes ↑No	
65a.	For frequency of inspections?	↑Yes ↑No	
65b.	For developing priorities for inspections?	↑Yes ↑No	
65c.	For follow-up from inspections?	↑Yes ↑No	
66.	Does the permit require procedures for enforcement?	↑Yes ↑No	
67.	Does the permit require training for construction inspectors?	↑Yes ↑No	
68.	Does the permit require training for construction site operators?	↑Yes ↑No	
69a.	Does the permit require procedures for tracking: Construction sites?	↑Yes ↑No	
69b.	Construction plan reviews?	↑Yes ↑No	
69c.	Construction inspections?	↑Yes ↑No	
69d.	Compliance and enforcement actions?	↑Yes ↑No	
70.	Does the permit include provisions for other entities to implement certain provisions of the program? If so, what?	↑Yes ↑No	
71.	Does the permit designate any qualifying local programs? If so, who?	↑Yes ↑No	
72.	Does the permit require an evaluation of the construction program?	↑Yes ↑No	
73.	Other specific provisions?	↑Yes ↑No	
73a.	Strengths of these provisions:		
73b.	Weaknesses of these provisions:		
73c.	Recommendations:		

Post-Construction BMPs **122.34(b)(5)**

		Response	Comment
74a.	Program to address stormwater runoff from new and redevelopment (> acre & CP) to prevent & minimize impacts: does the permit require: Development?	↑Yes ↑No	
74b.	Implementation?	↑Yes ↑No	
74c.	Enforcement of?	↑Yes ↑No	
75.	Require implementation of strategies that include a combination of controls?	↑Yes ↑No	
76.	Require ordinance or other regulatory mechanism?	↑Yes ↑No	
77.	Require that pre-development runoff conditions be maintained? If so, how?	↑Yes ↑No	
78.	Require watershed, regional or inter-jurisdictional planning? If so, how?	↑Yes ↑No	
79.	Require assessment of existing ordinances, policies, programs and studies that address water quality? If so, to what extent?	↑Yes ↑No	
80a.	Require or recommend: Directing growth to identified areas?	↑Yes ↑No	
80b.	Protecting sensitive areas?	↑Yes ↑No	
80c.	Maintaining or increasing open space?	↑Yes ↑No	
80d.	Providing buffers?	↑Yes ↑No	
80e.	If 'yes' to any of these, are they substantive requirements?	↑Yes ↑No	
81.	Percent impervious requirement? If so, how?	↑Yes ↑No	
82.	Are there provisions with respect to site design criteria that require/encourage low impact/conservation development?	↑Yes ↑No	
83.	Are there provisions for community planning that require/encourage smart growth, i.e., infill, redevelopment, parking/transportation?	↑Yes ↑No	
84.	Does the permit require education programs for developers?	↑Yes ↑No	
85.	Are specific BMPs required?	↑Yes ↑No	
86.	Are retrofits required? If so, what/criteria?	↑Yes ↑No	
87.	Are site plan/site design reviews required?	↑Yes ↑No	
88.	Are construction or post-construction inspections of BMPs required to ensure that they are installed according to designs?	↑Yes ↑No	
89.	Are long-term/regular inspections required?	↑Yes ↑No	
90a.	Does the permit require an inventory/tracking of existing and new BMPs, to include: BMP/site plan reviews?	↑Yes ↑No	
90b.	BMP installation & location?	↑Yes ↑No	
90c.	BMP ownership/operatorship?	↑Yes ↑No	
90d.	BMP 'as built' inspections?	↑Yes ↑No	
90e.	BMP long-term/ongoing inspections?	↑Yes ↑No	
91.	Does the permit require long-term operation and maintenance of BMPs?	↑Yes ↑No	
92a.	Does the permit require tracking of BMP: Maintenance requirements?	↑Yes ↑No	
92b.	Maintenance schedules?	↑Yes ↑No	
92c.	Maintenance activities?	↑Yes ↑No	
93.	Does the permit require evaluation of BMPs, e.g., effectiveness, performance, long-term function? If so, what?	↑Yes ↑No	
94.	Does the permit require penalty provisions for non-compliance?	↑Yes ↑No	
95.	Does the permit require evaluation of the post-construction program? If so, how?	↑Yes ↑No	
96.	Other specific provisions?	↑Yes ↑No	
96a.	Strengths of these provisions:		
96b.	Weaknesses of these provisions:		
96c.	Recommendations:		

MS4 Maintenance/Municipal Operations **122.34(b) (6)**

		Response	Comment
97a.	Operation & maintenance program to prevent and reduce pollutant runoff from municipal operations: does the permit require development?	↑Yes ↑No	
97b.	Implementation?	↑Yes ↑No	
98a.	Require components: Park operations?	↑Yes ↑No	
98b.	Open space?	↑Yes ↑No	
98c.	Turf management?	↑Yes ↑No	
98d.	Fleet maintenance?	↑Yes ↑No	
98e.	Building maintenance?	↑Yes ↑No	
98f.	Stormwater system maintenance?	↑Yes ↑No	
98g.	New construction & land disturbance?	↑Yes ↑No	
98h.	Road salt/sand storage & use?	↑Yes ↑No	
98i.	Other:	↑Yes ↑No	
99.	Require training component for employees?	↑Yes ↑No	
99a.	Include: Park operations?	↑Yes ↑No	
99b.	Open space?	↑Yes ↑No	
99c.	Turf management?	↑Yes ↑No	
99d.	Fleet maintenance?	↑Yes ↑No	
99e.	Building maintenance?	↑Yes ↑No	
99f.	Stormwater system maintenance?	↑Yes ↑No	
99g.	New construction & land disturbance?	↑Yes ↑No	
99h.	Road salt/sand storage & use?	↑Yes ↑No	
99i.	Other:	↑Yes ↑No	
100.	Other specific provisions?	↑Yes ↑No	
100a.	Strengths of these provisions:		
100b.	Weaknesses of these provisions:		
100c.	Recommendations:		

Evaluation and Tracking

		Response	Comment
101.	Does the permit include any monitoring requirements? If so, describe.	↑Yes ↑No	
102.	Does the permit require tracking of evaluation information/data?	↑Yes ↑No	
103.	Does the permit require an evaluation of progress towards meeting measurable goals?	↑Yes ↑No	
104.	Does the permit require tracking of progress towards measurable goals?	↑Yes ↑No	
106	Other specific provisions?	↑Yes ↑No	
106a.	Strengths of these provisions:		
106b.	Weaknesses of these provisions:		
106c.	Recommendations:		

Record-Keeping, Reporting & Standard Permit Conditions

		Response	Comment
107.	Does the permit require the submittal of any relevant records/information requested by the permitting authority?	↑Yes ↑No	
108.	Does the permit require that records and stormwater management plans be available to the public?	↑Yes ↑No	
109.	Does the permit require annual reports? If not, what are reporting frequency requirements?	↑Yes ↑No	
110a.	Are annual (or other) reports required to include: Status of compliance with permit conditions?	↑Yes ↑No	
110b.	Assessment of BMPs?	↑Yes ↑No	
110c.	Progress towards measurable goals?	↑Yes ↑No	
110d.	Results of information collected and analyzed?	↑Yes ↑No	
110e.	Activities for next reporting cycle?	↑Yes ↑No	

110f.	Changes in BMPs?	↑Yes ↑No	
110g.	Changes in measurable goals?	↑Yes ↑No	
110h.	Other changes to the stormwater management plan?	↑Yes ↑No	
110i.	Notice that another government entity is fulfilling a permit obligation?	↑Yes ↑No	
110j.	Other?	↑Yes ↑No	
111.	Generally speaking, are the relevant standard permit conditions of 40 CFR §122.4 – 122.49 included in the permit?	↑Yes ↑No	
112.	Other specific provisions?	↑Yes ↑No	
112a.	Strengths of these provisions:		
112b.	Weaknesses of these provisions:		
112c.	Recommendations:		

3.2.8.2 Construction General Permit Checklist

The construction GP checklist is suitable for both large (Phase I) construction activities disturbing 5 or more acres, and for small (Phase II) construction activities disturbing between 1 and 5 acres.

[EPA Contact; Greg Schaner, 202.564.0721]

		Response	Comment
1.	**Cover page / preface**		
	Area eligible for coverage	↑Yes ↑No	
	Eligible discharges	↑Yes ↑No	
	Effective date	↑Yes ↑No	
	Expiration date	↑Yes ↑No	
	CWA/state authority	↑Yes ↑No	
	Signature/date	↑Yes ↑No	
2.	**Table of contents**	↑Yes ↑No	
3.	**Coverage**		
3a.	**Eligibility**		
	Applicable to large & small projects (1 acre and above)	↑Yes ↑No	
	Applicable to common plan of development	↑Yes ↑No	
	Available for designated smaller projects	↑Yes ↑No	
	Waters of US / State	↑Yes ↑No	
	Allowable stormwater discharges	↑Yes ↑No	
	Allowable non-stormwater discharges	↑Yes ↑No	
	Construction support activities	↑Yes ↑No	
3b.	**Limitations on coverage**		
	Cause or contribute to WQ standard violation	↑Yes ↑No	
	Waters with TMDL for pollutants of concern	↑Yes ↑No	
	Pre-TMDL impaired waters for pollutants of concern	↑Yes ↑No	
	Anti-degradation considerations	↑Yes ↑No	
	Authority to require an alternative permits	↑Yes ↑No	
	Endangered Species/Critical Habitat Protection	↑Yes ↑No	
	Historic Properties Preservation Protection	↑Yes ↑No	
3c.	**Waiver notification**	↑Yes ↑No	
4.	**Permit Compliance/Noncompliance**		
	Failure to correct is a separate violation	↑Yes ↑No	

5.	**Authorization to Discharge**		
	NOI submission date (new and existing)	↑Yes ↑No	
	NOI submission procedures (electronic preferably)	↑Yes ↑No	
	Late submissions	↑Yes ↑No	
	NOI Contents		
	- General information, including lat/long	↑Yes ↑No	
	- Receiving waters, TMDLS, impairments, tiers, etc.	↑Yes ↑No	
	- SWPPP Prepared Acknowledgment	↑Yes ↑No	
	- SWPPP submitted	↑Yes ↑No	
	- Site size, disturbed and total	↑Yes ↑No	
	- Project start/end dates	↑Yes ↑No	
	- Signature and certification	↑Yes ↑No	
	- Endangered species and critical habitat	↑Yes ↑No	
	- Historic properties	↑Yes ↑No	
	Authorization date	↑Yes ↑No	
	Permitting authority review	↑Yes ↑No	
	Continuation of expired permit	↑Yes ↑No	
	Identification of operator(s) required to submit NOIs	↑Yes ↑No	
	Clarification of requirements for multiple operators	↑Yes ↑No	
	Permit transfers w/ procedures	↑Yes ↑No	
	Grounds for revoking/denying coverage	↑Yes ↑No	
6.	**Effluent Limits**		
	Controls appropriately selected, designed, installed, operated, and maintained	↑Yes ↑No	
	BMP performance goals/standards clearly identified	↑Yes ↑No	
	Address technology-based requirements		
	- BAT, BCT, BPT	↑Yes ↑No	
	- Design criteria / storm size	↑Yes ↑No	
	Address water-quality-based requirements		
	- Compliance with water quality standards	↑Yes ↑No	
	- Procedures if water quality violation detected	↑Yes ↑No	
	- Requirements to address TMDLs	↑Yes ↑No	
	- Requirements to address impaired waters	↑Yes ↑No	
	- Requirements to address anti-degradation	↑Yes ↑No	
	- Procedures if water quality exceedances identified	↑Yes ↑No	
	Requires control of any covered non-stormwater discharges	↑Yes ↑No	
	Requires protection of endangered species, critical habitat, historic properties	↑Yes ↑No	
	Requires low impact design or similar practices	↑Yes ↑No	
	Compliance with any applicable post-construction control requirements	↑Yes ↑No	
	Employee Training Requirements	↑Yes ↑No	
6a.	**Sediment Controls**		
	Designed to remove soil type expected to be present on the site	↑Yes ↑No	
	Account for rainfall, topography, soil type, climate and vegetation/cover	↑Yes ↑No	
	Install prior to commencement of construction activity	↑Yes ↑No	
	Establish and maintain perimeter controls	↑Yes ↑No	
	Perimeter controls discharged to vegetative areas/functioning stream buffers	↑Yes ↑No	
	Minimize slope lengths	↑Yes ↑No	
	Establish, use, and maintain construction site entrances/exits	↑Yes ↑No	
	Control off-site sediment tracking and perform sediment cleanup	↑Yes ↑No	
	Control discharges to storm drain inlets	↑Yes ↑No	
	Control construction dewatering	↑Yes ↑No	
	Control soil stockpiles	↑Yes ↑No	
	Sediment basins/traps		
	- Site characteristics requiring a sediment basin/trap	↑Yes ↑No	
	- Sediment basin design requirements	↑Yes ↑No	
	- Sediment basin operation requirements	↑Yes ↑No	
	- Sediment basin maintenance requirements	↑Yes ↑No	
	- Approved alternatives where sediment basin not possible	↑Yes ↑No	
	- Adequate outlet controls included for sediment basins and traps	↑Yes ↑No	

6b.	**Erosion Controls**		
	Account for rainfall, topography, soil type, climate, and vegetation/cover	↑Yes ↑No	
	Stabilize disturbed soils immediately (temporary and permanent)	↑Yes ↑No	
	Control stormwater peak flows, volume and velocity on and off site	↑Yes ↑No	
	Minimize the amount of soil disturbed	↑Yes ↑No	
	Preserve topsoil and natural vegetation	↑Yes ↑No	
	Address soil compaction	↑Yes ↑No	
	Maintain buffers around surface waters	↑Yes ↑No	
	Minimize the construction of stream crossings	↑Yes ↑No	
	Sequence/phase construction activities	↑Yes ↑No	
	Minimize disturbance of steep slopes and implement slope controls	↑Yes ↑No	
	Establish temporary and permanent vegetation	↑Yes ↑No	
	Divert stormwater to prevent run-on to disturbed areas	↑Yes ↑No	
6c.	**Other Waste Management Controls**		
	Construction wastes, trash, and sanitary waste areas	↑Yes ↑No	
	Washout of concrete, stucco, paint, and similar materials	↑Yes ↑No	
	Vehicle and equipment operation and maintenance	↑Yes ↑No	
	Noxious weed management	↑Yes ↑No	
6d.	**Numeric Effluent Limitations or Benchmarks**		
	Numeric effluent limits/benchmarks identified	↑Yes ↑No	
	Threshold for applicability of limits/benchmarks	↑Yes ↑No	
	Monitoring requirements		
	- Compliance point defined	↑Yes ↑No	
	- Frequency	↑Yes ↑No	
	- Parameters	↑Yes ↑No	
	- Approved sampling and analysis procedures	↑Yes ↑No	
	- Operator response to monitoring results identified	↑Yes ↑No	
	- Exceptions to monitoring	↑Yes ↑No	
	Documentation		
	- Date and time of sampling	↑Yes ↑No	
	- Location	↑Yes ↑No	
	- Date of analysis	↑Yes ↑No	
	- Person performing sampling and analysis	↑Yes ↑No	
	- Analytical methods used	↑Yes ↑No	
	- Results of analyses	↑Yes ↑No	
	Follow-up actions to monitoring results		
	- For effluent limits	↑Yes ↑No	
	- For other circumstances	↑Yes ↑No	
7.	**Inspections**		
	Scope of inspections	↑Yes ↑No	
	Inspection frequency identified	↑Yes ↑No	
	Waivers for inclement weather and other reasons	↑Yes ↑No	
	Qualifications of inspection personnel	↑Yes ↑No	
	Reductions in inspection requirements for finally stabilized areas	↑Yes ↑No	
	Allowances for inspection of linear projects	↑Yes ↑No	
	Inspection documentation requirements		
	- Date	↑Yes ↑No	
	- Inspector	↑Yes ↑No	
	- Weather at time of inspection	↑Yes ↑No	
	- BMPs needing maintenance, repair, or replacement	↑Yes ↑No	
	- Incidents of non-compliance observed	↑Yes ↑No	
	- Corrective actions needed	↑Yes ↑No	
	- Signature requirements for reports	↑Yes ↑No	
8.	**Corrective Action**		
	Conditions Requiring Review and Revision to Eliminate Problem	↑Yes ↑No	
	Conditions Requiring Review to Determine if Modifications Are Necessary	↑Yes ↑No	
	Corrective Action Deadlines	↑Yes ↑No	
	Corrective Action Reporting	↑Yes ↑No	
	Effect of Corrective Action	↑Yes ↑No	

9.	**Stormwater Pollution Prevention Plan (SWPPP)**		
9a.	**SWPPP Contents**		
	Operator(s) identified and coordination with each other	↑Yes ↑No	
	Pollution prevention team identified	↑Yes ↑No	
	Nature of activities described	↑Yes ↑No	
	Potential pollutant sources identified	↑Yes ↑No	
	Support activities identified	↑Yes ↑No	
	General location map	↑Yes ↑No	
	Site map	↑Yes ↑No	
	Scheduled timing of site activities	↑Yes ↑No	
	Erosion and sediment control BMP locations/descriptions	↑Yes ↑No	
	General sequence of construction activities with applicable BMPs for each step	↑Yes ↑No	
	Construction/Waste Materials and controls	↑Yes ↑No	
	Non-stormwater discharges and controls	↑Yes ↑No	
	Dewatering discharges and controls	↑Yes ↑No	
	Post-construction requirements	↑Yes ↑No	
	Documentation of any ESA/NHPA actions taken	↑Yes ↑No	
	Additional water quality considerations addressed	↑Yes ↑No	
	Copy of permit requirements	↑Yes ↑No	
	Spill control and response procedures	↑Yes ↑No	
9b.	**SWPPP Maintenance**		
	Requirement and timeframe to update plan		
	- For changes in operation, construction	↑Yes ↑No	
	- For inadequate water quality protection	↑Yes ↑No	
	- When permitting authority mandates such	↑Yes ↑No	
	Signed and certified	↑Yes ↑No	
	Making plan available	↑Yes ↑No	
	Signage for the public	↑Yes ↑No	
	Responsibilities for different types of operators	↑Yes ↑No	
9c.	**Reporting and Recordkeeping**		
	Documentation of incidents (spill, etc.)	↑Yes ↑No	
	Reports submitted to permitting authority		
	- For monitoring results	↑Yes ↑No	
	- For numeric effluent limitation violations	↑Yes ↑No	
	- For TMDL / other limit exceedance	↑Yes ↑No	
	- For spills and other releases, including reportable quantities (RQs)	↑Yes ↑No	
	- For inspection findings	↑Yes ↑No	
	- For corrective actions	↑Yes ↑No	
	Date & signature of reports	↑Yes ↑No	
	Retention of records	↑Yes ↑No	
	Availability of records	↑Yes ↑No	
10.	**Notice of Termination (NOT)**		
	Allowable conditions for termination	↑Yes ↑No	
	Timing of submission	↑Yes ↑No	
	Contents of submission	↑Yes ↑No	
	Signature and certification of NOT	↑Yes ↑No	
11.	**Definitions**		
	Best Management Practices	↑Yes ↑No	
	Commencement of Construction Activities	↑Yes ↑No	
	Construction Dewatering	↑Yes ↑No	
	Final Stabilization	↑Yes ↑No	
	Operator	↑Yes ↑No	
12.	**Standard Conditions**		
	Duty to Comply	↑Yes ↑No	
	Duty to Reapply	↑Yes ↑No	
	Need to Halt or Reduce Activity Not a Defense	↑Yes ↑No	
	Duty to Mitigate	↑Yes ↑No	
	Proper Operation and Maintenance	↑Yes ↑No	
	Permit Actions	↑Yes ↑No	
	Severability	↑Yes ↑No	
	Property Rights	↑Yes ↑No	
	Duty to Provide Information	↑Yes ↑No	

	Inspection and Entry Monitoring and Records Signatory Requirements Enforcement *Reporting Requirements* - Planned Changes - Anticipated Noncompliance - Transfers - Monitoring Reports - Compliance Schedules - 24-hr Reporting - Other Noncompliance - Other Information Bypass Upset *Reopener clause* - Conditions/Circumstances for modification/revocation - Procedures for Modification or Revocation - Water Quality Protection - Timing of Permit Modification	↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No	
13.	**Qualifying Local Programs** Clear identification programs qualified, including applicable local requirements Identification of permit sections included in qualification Requirement for formal permit modification to add/subtract programs	 ↑Yes ↑No ↑Yes ↑No ↑Yes ↑No	

3.2.8.3 Industrial Stormwater General Permit Checklist

The industrial stormwater GP checklist covers 10 of the 11 categories of industrial activity (for construction, see 3.2.8.2). This permit is based, to a certain extent, on the EPA model for industrial stormwater permitting, the multi-sector general permit (MSGP). State permits may differ. For example, section 6b of this checklist addresses benchmarks and monitoring, though there is no federal requirement to include numeric benchmarks, or monitoring for pollutants not required by an effluent limitation guideline (ELG) in an industrial stormwater permit. The Phase I rule, on which the industrial program is based, includes only permit application requirements, not actual permit requirements.

[EPA Contact: Bryan Rittenhouse, 202.564.0577]

		Response	Comment
1.	**Cover page / preface**		
	Area eligible for coverage	↑Yes ↑No	
	Eligible discharges	↑Yes ↑No	
	Effective date	↑Yes ↑No	
	Expiration date	↑Yes ↑No	
	CWA/state authority	↑Yes ↑No	
	Signature/date	↑Yes ↑No	
2.	**Table of contents**	↑Yes ↑No	
3.	**Coverage**		
3a.	**Eligibility**		
	Applicable to all discharges associated with industrial activity (SICs/activities)	↑Yes ↑No	
	Additional designation eligible for coverage.	↑Yes ↑No	
	Discharges subject to effluent limitations guidelines	↑Yes ↑No	
	Discharges from co-located activities	↑Yes ↑No	
	New source performance standards eligibility criteria addressed	↑Yes ↑No	
	Waters of US / State	↑Yes ↑No	
	Allowable stormwater discharges	↑Yes ↑No	
	Allowable non-stormwater discharges/eliminate any ineligible discharges	↑Yes ↑No	
3b.	**Limitations on coverage**		
	Reasonable potential to cause or contribute to WQ standard violation	↑Yes ↑No	
	Waters with TMDL for pollutants of concern	↑Yes ↑No	
	Pre-TMDL impaired waters for pollutants of concern	↑Yes ↑No	
	Anti-degradation considerations	↑Yes ↑No	
	Authority to require an alternative permits	↑Yes ↑No	
	Endangered Species/Critical Habitat Protection	↑Yes ↑No	
	Historic Properties Preservation Protection	↑Yes ↑No	
	Oil/hazardous substances from spills	↑Yes ↑No	
	Coverage under an alternative permit	↑Yes ↑No	
3c.	**Waiver notification**	↑Yes ↑No	
4.	**Permit Compliance/Noncompliance**		
	Clarification that failure to take corrective action is a separate violation	↑Yes ↑No	
5.	**Authorization to Discharge**		
	NOI submission date (new and existing)	↑Yes ↑No	
	NOI submission procedures (electronic preferably)	↑Yes ↑No	
	Late submissions	↑Yes ↑No	
	NOI Contents		
	- General information, including lat/long	↑Yes ↑No	
	- Receiving waters, TMDLS, impairments, tiers, etc.	↑Yes ↑No	
	- Industrial sector/SIC code	↑Yes ↑No	
	- SWPPP Prepared Acknowledgment	↑Yes ↑No	
	- SWPPP submitted	↑Yes ↑No	
	- Site size, disturbed and total	↑Yes ↑No	
	- Project start/end dates	↑Yes ↑No	
	- Signature and certification	↑Yes ↑No	

		Response	Comment
	- Endangered species and critical habitat	↑Yes ↑No	
	- Historic properties	↑Yes ↑No	
	Authorization date	↑Yes ↑No	
	Permitting authority review	↑Yes ↑No	
	Continuation of expired permit	↑Yes ↑No	
	Identification of operator(s) required to submit NOIs	↑Yes ↑No	
	Clarification of requirements for multiple operators	↑Yes ↑No	
	Requirement to notify MS4	↑Yes ↑No	
	Permit transfers w/ procedures	↑Yes ↑No	
	Grounds for revoking/denying coverage	↑Yes ↑No	
6.	**Effluent Limits**		
6a.	**Narrative Effluent Limitations**		
	Controls appropriately selected, designed, installed, operated, and maintained	↑Yes ↑No	
	BMP performance goals/standards clearly identified	↑Yes ↑No	
	Address technology-based requirements		
	- BAT, BCT, BPT	↑Yes ↑No	
	- Design criteria / storm size	↑Yes ↑No	
	Address water-quality-based requirements		
	- Compliance with water quality standards	↑Yes ↑No	
	- Procedures if water quality violation detected	↑Yes ↑No	
	- Requirements to address TMDLs	↑Yes ↑No	
	- Requirements to address impaired waters	↑Yes ↑No	
	- Requirements to address anti-degradation	↑Yes ↑No	
	- Procedures if water quality exceedances identified	↑Yes ↑No	
	Control Measures		
	- Minimize Exposure	↑Yes ↑No	
	- Good Housekeeping	↑Yes ↑No	
	- Preventive maintenance of industrial equipment	↑Yes ↑No	
	- Spill prevention and response procedures	↑Yes ↑No	
	- Erosion and sediment controls	↑Yes ↑No	
	- Management of runoff	↑Yes ↑No	
	- Management of run-on	↑Yes ↑No	
	- Salt storage pile management	↑Yes ↑No	
	- Non-stormwater controls	↑Yes ↑No	
	- Employee Training Requirements	↑Yes ↑No	
	- Waste, garbage and floatable debris	↑Yes ↑No	
	- Dust generation and vehicle tracking of industrial materials	↑Yes ↑No	
	- Maintenance of control measures	↑Yes ↑No	
	- Sector-specific control measures	↑Yes ↑No	
	- Removal of accumulated sediment in basins and perimeter controls	↑Yes ↑No	
	- Protection of endangered species, critical habitat, historic properties	↑Yes ↑No	
	- Compliance with any applicable post-construction control requirements	↑Yes ↑No	
6b.	**Numeric Effluent Limitations/Benchmarks and Monitoring**		
	Numeric effluent limits/benchmarks identified	↑Yes ↑No	
	Threshold for applicability of limits/benchmarks	↑Yes ↑No	
	Types of monitoring		
	- ELG	↑Yes ↑No	
	- Benchmark	↑Yes ↑No	
	- Impaired water	↑Yes ↑No	
	- Other	↑Yes ↑No	
	Monitoring requirements		
	- Compliance point defined	↑Yes ↑No	
	- Frequency (and when to sample – e.g., storm size, time since last event, etc)	↑Yes ↑No	
	- Parameters	↑Yes ↑No	
	- Approved sampling and analysis procedures	↑Yes ↑No	
	- Operator response to monitoring results identified	↑Yes ↑No	
	- Substantially identical outfall allowance included	↑Yes ↑No	
	- Exceptions to monitoring	↑Yes ↑No	
	Documentation		
	- Date and time of sampling	↑Yes ↑No	
	- Location	↑Yes ↑No	
	- Date of analysis	↑Yes ↑No	
	- Person performing sampling and analysis	↑Yes ↑No	

		Response	Comment
	- Analytical methods used	↑Yes ↑No	
	- Results of analyses	↑Yes ↑No	
	Follow-up actions to monitoring results		
	- For effluent limits	↑Yes ↑No	
	- For other circumstances	↑Yes ↑No	
7.	**Inspections**		
	Scope of inspections (episodic, routine, comprehensive, visual)	↑Yes ↑No	
	Inspection frequency identified (episodic, routine, comprehensive, visual)	↑Yes ↑No	
	Waivers for inclement weather and other reasons	↑Yes ↑No	
	Qualifications of inspection personnel	↑Yes ↑No	
	Inspection documentation requirements (episodic, routine, comprehensive, visual)		
	- Date	↑Yes ↑No	
	- Inspector	↑Yes ↑No	
	- Weather at time of inspection	↑Yes ↑No	
	- BMPs needing maintenance, repair, or replacement	↑Yes ↑No	
	- Incidents of non-compliance observed	↑Yes ↑No	
	- Corrective actions needed	↑Yes ↑No	
	- Signature requirements for reports	↑Yes ↑No	
8.	**Corrective Action**		
	Conditions Requiring Review and Revision to Eliminate Problem	↑Yes ↑No	
	Conditions Requiring Review to Determine if Modifications Are Necessary	↑Yes ↑No	
	Corrective Action Deadlines	↑Yes ↑No	
	Corrective Action Reporting	↑Yes ↑No	
	Effect of Corrective Action	↑Yes ↑No	
9.	**Stormwater Pollution Prevention Plan (SWPPP)**		
9a.	**SWPPP Contents**		
	Operator(s) identified and coordination with each other	↑Yes ↑No	
	Pollution prevention team identified	↑Yes ↑No	
	Nature of activities and materials used described	↑Yes ↑No	
	Potential pollutants and pollutant sources identified	↑Yes ↑No	
	Sector-specific requirements included	↑Yes ↑No	
	General location map	↑Yes ↑No	
	Site map	↑Yes ↑No	
	Non-stormwater discharges	↑Yes ↑No	
	Control measures	↑Yes ↑No	
	Employee training procedures	↑Yes ↑No	
	Documentation of any ESA/NHPA actions taken	↑Yes ↑No	
	Additional water quality considerations addressed	↑Yes ↑No	
	Copy of permit requirements	↑Yes ↑No	
	Spill control and response procedures	↑Yes ↑No	
	Public Availability	↑Yes ↑No	
	Signature and certification	↑Yes ↑No	
9b.	**SWPPP Maintenance**		
	Requirement and timeframe to update plan		
	- for changes in operation, construction	↑Yes ↑No	
	- for inadequate water quality protection	↑Yes ↑No	
	- when permitting authority mandates such	↑Yes ↑No	
	Signed and certified	↑Yes ↑No	
	Making plan available	↑Yes ↑No	
	Signage for the public	↑Yes ↑No	
	Responsibilities for different types of operators	↑Yes ↑No	
9c.	**Reporting and Recordkeeping**		
	Documentation of incidents (spill, etc.)	↑Yes ↑No	
	Reports submitted to permitting authority		
	- For monitoring results	↑Yes ↑No	
	- For numeric effluent limitation violations	↑Yes ↑No	
	- For TMDL / other limit exceedance	↑Yes ↑No	
	- For spills and other releases, including reportable quantity releases	↑Yes ↑No	
	- For inspection findings	↑Yes ↑No	
	- For corrective actions	↑Yes ↑No	
	Date & signature of reports	↑Yes ↑No	
	Retention of records	↑Yes ↑No	
	Availability of records	↑Yes ↑No	

10.	**Notice of Termination (NOT)**		
	Allowable conditions for termination	↑Yes ↑No	
	Timing of submission	↑Yes ↑No	
	Contents of submission	↑Yes ↑No	
	Signature and certification of NOT	↑Yes ↑No	
11.	**Definitions**		
	Best Management Practices	↑Yes ↑No	
	Co-located industrial activities	↑Yes ↑No	
	Operator	↑Yes ↑No	
	Primary industrial activity	↑Yes ↑No	
	Significant materials	↑Yes ↑No	
	Stormwater discharges associated with industrial activity	↑Yes ↑No	
12.	**Standard Conditions**		
	Duty to Comply	↑Yes ↑No	
	Duty to Reapply	↑Yes ↑No	
	Need to Halt or Reduce Activity Not a Defense	↑Yes ↑No	
	Duty to Mitigate	↑Yes ↑No	
	Proper Operation and Maintenance	↑Yes ↑No	
	Permit Actions	↑Yes ↑No	
	Severability	↑Yes ↑No	
	Property Rights	↑Yes ↑No	
	Duty to Provide Information	↑Yes ↑No	
	Inspection and Entry	↑Yes ↑No	
	Monitoring and Records	↑Yes ↑No	
	Signatory Requirements	↑Yes ↑No	
	Enforcement	↑Yes ↑No	
	Reporting Requirements		
	- Planned Changes	↑Yes ↑No	
	- Anticipated Noncompliance	↑Yes ↑No	
	- Transfers	↑Yes ↑No	
	- Monitoring Reports	↑Yes ↑No	
	- Compliance Schedules	↑Yes ↑No	
	- 24-hr Reporting	↑Yes ↑No	
	- Other Noncompliance	↑Yes ↑No	
	- Other Information	↑Yes ↑No	
	Bypass	↑Yes ↑No	
	Upset	↑Yes ↑No	
	Reopener clause		
	- Conditions/Circumstances for modification/revocation	↑Yes ↑No	
	- Procedures for Modification or Revocation	↑Yes ↑No	
	- Water Quality Protection	↑Yes ↑No	
	- Timing of Permit Modification	↑Yes ↑No	

3.2.9 Concentrated Animal Feeding Operations (CAFO) Permit Checklist

The CAFO NPDES Permit checklist assesses a state issued NPDES permit for CAFOs to determine if all of the minimum requirements for CAFOs found at 40 CFR122 have been included in the permit.
[EPA Contact; Gregory Beatty, 202-564-0724]

NPDES CAFO Permit Requirement Summary

		Response	Comment
1a.	Definitions: AFO 122.23(b)(1)		
1b.	CAFO 122.23(b)(2)		
1c.	Large CAFO 122.23(b)(4)		
1d.	Medium CAFO 122.23(b)(6)		
1e.	Manure 122.23(b)(5)		
1f.	Process Wastewater 122.23(b)(7)		
1g.	Production Area 122.23(b)(8)		
2.	Designation: 122.23 (c)		
3.	Duty to Apply: 122.21(a)(1) and 122.23(d)		
4.	Permit Application/NOI Information Requirements: 122.28		
5.	Duty to Maintain Permit Coverage: 122.23(h)		
6.	Annual Report: 122.42(e)(4)		
7.	Nutrient Management Plan: 122.42(e)(1)		
7a.	Which approach is used to calculate land application rates?		
8.	Ensure Adequate Storage Capacity: 122.42(e)(1)		
9.	Ensure Proper Management of Mortalities: 122.42(e)(1)		
10.	Diversion of Clean Water: 122.42(e)(1)		
11.	Prevention of Direct Contact of Animals with Waters of the United States: 122.42(e)(1)		
12.	Chemical Handling: 122.42(e)(1)		
13.	Conservation Practices to Control Nutrient Loss: 122.42(e)(1)		
14.	Protocols for Manure and Soil Testing: 122.42(e)(1)		
15.	Protocols for the Land Application of Manure and Process Wastewater: 122.42(e)(1)		
16.	Record keeping: 122.42 (e)(1)		
17.	NMP Review: If NMPs are submitted, describe state/public review provisions (per *Waterkeeper* decision)		
18.	NMP Terms: If NMPs are submitted, which NMP elements are incorporated as permit terms and how are they incorporated? (per *Waterkeeper* decision)		
19.	Manure Transfer Records for Large CAFO: 122.42(e)(3)		
20.	No discharge certification requirements		

3.2.10 Pretreatment Checklists

The pretreatment checklist assesses the status of an authorized state pretreatment program, and the implementation of the pretreatment program by the state or EPA Region. [EPA Contact: Jan Pickrel 202-564-7904]

Summary

		Response	Comment
1.	States with Approved State Pretreatment Programs		
2.	States w/o Approved State Pretreatment Programs (i.e., EPA is Control and Approval Authority)		
3.	Audit/PCI Coverage of Approved POTW Programs (average across Region, minimum of 1 audit, or 20% Programs audited annually, and 2 PCIs per 5-year permit term) Ref. Attachment 1, page 1-5 of http://www.epa.gov/compliance/resources/policies/monitoring/cwa/npdescms.pdf		
4.	Last audit(s) of Approved State Program(s)		

State

		Response	Comment
5.	Approved State Program?	↑Yes ↑No	
6.	Number of Approved POTW Programs: from PER or PCS/ICIS		
7.	Audit/PCI Coverage of Approved POTW Programs (average across state, minimum of 1 audit, or 20% Programs audited annually, and 2 PCIs per 5-year permit term): from PER or PCS/ICIS		
8.	Number of SIUs in Approved POTW Programs: from PCS/ICIS		
9.	Number of SIUs in Approved POTW Programs with unexpired control mechanisms: GPRA 21a or from PCS/ICIS		
10.	Number of CIUs in Unapproved Program POTWs (State or EPA is Control Authority)		
11.	Number of CIUs in Unapproved Program POTWs "controlled" or tracked: GPRA 21b or from PCS/ICIS. Is there a structured procedure to address these?		

Streamlining Status

		Response	Comment
12.	Status of State Streamlining regulation revision		
13.	Status of Approved POTW Program Streamlining legal authority revisions		

Focus on §403.10(e) States Oversight

		Response	Comment
14.	Last audit of Approved State Program		
15.	Status of Local Limits development		

Special Programs

		Response	Comment
16.	Mercury NPDES Program		
17.	Dental Amalgam Program		
18.	Pharmaceutical Take-back Program		
19.	Oil & Grease (FOG) / Restaurant Program		
20.	Removal Credits		

4.0 On-site Visit Outline

Staff Attending:

Proposed Schedule (based on state workday):

Day 1:

8:00 am - 8:30 am	Introductions and Schedule Review
8:30 am - 10:00 am	Preliminary Interview (Permitting process and workflow)
10:00 am - 11:30 am	File Review
11:30 am - 12:30 pm	Lunch
12:30 pm - 4:00 pm	File Review (continued)

Day 2:

8:00 am - 9:00 am	Follow-up questions (technical follow-up based on file reviews)
9:00 am - 11:00 am	File review wrap up (verifying findings; copying materials)
11:00 am - 11:30 am	Closing meeting

Logistics:

A meeting room or workspace where the PQR Team can review files and complete checklists would be great. If the State can have the requested files already available in the room, which would greatly streamline the effort.

The initial interview on the first day will be more process oriented. There is no formal list of questions, but our plan is to discuss the permitting workflow from the application receipt and review, through the drafting process and policy, and the administrative procedure steps. Pretty high level stuff.

The "core" file review is conducted using a standard checklist which we'd be happy to provide. We also have some particular subject areas that we are highlighting to answer some very specific questions. The subject specific questions are more "yes/no" kinds of things; I don't think we have these written down. Other than a little bit of logistical support (finding copies of missing things, etc), we have been conducting the file reviews without State folks present.

Following the initial file review, we would like to meet with senior technical permitting staff to ask follow-up questions regarding how permit limits and conditions were developed. The focus will likely be water quality and technology limit development.