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United States
Environmental Protection
Agency

Permits Division
Washington, DC 20460

October 1986

Water

EPA

Municipal Permit Quality Review Procedures Guide

Municipal Permit Quality Review

Procedures Guide

October 1986

Permits Division
Office of Water Enforcement and Permits
U.S. Environmental Protection Agency
Washington, D.C. 20460

TABLE OF CONTENTS

		Page
1.	The Permit Quality Review Concept	1
2.	Planning a PQR	3
	2.1 Materials	5
	2.2 Team Composition and Experience	6
	2.3 Logistics	6
3.	Checklist Procedures	7
	3.1 Checklist Areas for Special Interest	8
4.	Summary and Evaluation of Findings	10
	4.1 Presentation of findings	11
5.	Follow-up Activities	12
6.	Office of Water Mid-Year Evaluation	14

Appendices

- Municipal PQR Checklist
- PCS list example
- Pretreatment list example
- Index to NPDES Regulations
- Evaluation Summary form
- Sample PQR report
- Model NPDES permit for minor POTWs
- Sample letter to the State

The Permit Quality Review Concept

The Permit Quality Review (PQR) was developed in 1983 by the EPA Office of Water Permits and Enforcement. The need for a "product quality assurance" program is not unique to the permits program. Everything from computers to cosmetics are routinely checked for consistency or accuracy. In addition to filling a quality assurance need, PQR was designed to provide national information on permit contents and program operations. This information is necessary for responses to Congress, developing budget and resource requests, and to identify areas for guidance or training activities.

The PQR process is an on-site evaluation of permit files and program operations. PQR is a technical and policy information exchange as well as a quality assurance check. By using a consistent format for the review, based on the regulatory requirements, each program can be evaluated in a similar manner. The PQR usually concludes with a discussion between the permit program managers on strengths, concerns and suggestions to improve the program.

The PQR program can benefit both the reviewer and the program under review. No two permit programs are the same. This means that separate States or Regions can approach the same problem and develop different solutions. For example, one State uses on-site inspections to verify or supplement information on the application form. Another State uses DMR information and the completed applications to get the same information. By evaluating the results and not concentrating on the form of the permit program operation,

new or alternative methods to develop permit decisions can be found. The PQR team team should use the visit as an opportunity to evaluate, learn and discuss issues and new ideas.

The Office of Water has developed other quality review programs for pretreatment and specific industrial categories. EPA will continue to use the PQR process and encourages State program offices to implement PQR report recommendations.

Suggestions, additions or comments to improve the PQR program should be addressed to:

Gregory McBrien
Office of Water Enforcement & Permits
Permits Division (EN-336)
Technical Support Branch
U.S. EPA
401 M St., S.W.
Washington, D.C. 20460

Planning a PQR

EPA has conducted municipal PQRs for several years and has developed a standard checklist for permit reviews (Appendix #1). All staff members should become familiar with this checklist (or a similar checklist) before the review visit.

The checklist is a summary of the regulatory requirements and also contains items designed to gather information on other conditions that may be included in NPDES permits at the option of the State (sludge disposal requirements, operator certification, etc.) Items not required in permits are labeled as "Information" in the checklist. Reviewers should refer to Parts 40 CFR 122,125, 133 and 403 if question arise on NPDES permit requirements.

The selection of permits for review is a key activity that will involve some prior planning. Since PQR is intended to be a random check of permit quality, the selection of specific permits for review (based on prior knowledge of permit or facility) is not recommended. Rather a group of recently issued permits, both majors and minors, should be identified by use of PCS (see Appendix #2). In general, permits issued over two years ago should not be selected because they may not represent current procedures.

In addition to majors and minors, a few unique categories of permits should be included in the group of permits identified for review. Pretreatment program cities (municipalities that must implement Federal or State approved pretreatment programs) and cities that have received 301(h) (marine discharge) variances should be included in the review to evaluate permit language

specific to these facilities. The use of whole-effluent biomonitoring or other toxicity related permit limits can also be a factor in selecting permits for review. Another possible factor or permit type is secondary redefinition or "equivalent to secondary" permits for trickling filter or lagoon treatment plants. In summary, the permit review "pool" should contain a good cross-section of permit types, but not be a selection of specific permits for specific facilities.

The number of permits to be reviewed during the review visit is a case-by-case decision. A rough rule-of-thumb is 10% of the permits issued in the last two years, or a minimum of 10 permits. The exact number selected will depend on the number of reviewers available, length of the visit, and the experience of the review team. From past experience a team can complete 2 or 3 permits per day per person. In no case should a PQR visit be less than 2 days on-site, and generally 3 days is the minimum time needed to review a good cross-section of permits and be able to spot any chronic problems.

The team leader or Permit Branch Chief should notify the State in writing after the PQR has been tentatively scheduled with the State staff. At least three weeks notice should be given to the State. This will allow time to locate files and the State permit personnel can plan their schedules to allow time for PQR meetings. The letter to the State (see Appendix #8 for an example) should discuss the purpose of the PQR and identify the group of permits to be evaluated. The need for entrance and exit briefings with program managers should also be clearly stated.

Planning a PQR includes some logistical tasks that should be completed by the team leader. First, extra copies of the checklist should be duplicated for the team members (Copy centers at State offices are often overworked.) The checklists and other materials (regulations, note pads, etc.) can be forwarded to the State (with return mailing bags also enclosed) so that team members are not "overloaded" while traveling. Team members should also be briefed on procedures, meeting schedules, and the need for PQR summaries. Special assignments such as pretreatment language review or bio-monitoring policy review should be made by the team leader before the trip.

Materials for a PQR

The following is a list of suggested materials for the PQR evaluation. As mentioned earlier the bulk of these can be mailed to the State offices prior to the PQR.

- PQR checklists (Appendix #1)
- Evaluation summary forms (Appendix #5)
- Pretreatment program list (Appendix #3)
- Permits list from PCS (Appendix #2)
- Code of Federal Regulations - Parts - 122, 123, 124, 125, 133 & 403.
- Training Manual for NPDES Permit Writers (March 1986) or a Regional permits policy book.
- Calculator, note paper, etc.
- Return envelopes (mailing bags) for mailing PQR materials back to the Regional office.

The pretreatment program list should show which municipalities are required to implement approved pretreatment programs. For these municipal permits, the requirements to implement, enforce and report on the approved program must be included in the permit. For this reason, the review team must know the status of the

pretreatment program. The PCS list shown in Appendix 3 gives details such as program audit and inspection dates. Changes to an approved program may be necessary because an audit or inspection reveals deficiencies. These changes may require permit language modifications. The review team should, therefore, be prepared to evaluate these permit modifications.

Team Composition and Experience

Because the PQR is designed for two-way communication on permits issues all permits employees are encouraged to participate in at least one PQR. The majority of PQR team members should be permit writers (if possible) to facilitate understanding of the PQR process. It is advantageous to have specialists on the team to address pretreatment, biomonitoring and marine discharge permit issues. While the PQR can be used as a training tool for new Regional permit writers, this is not the primary reason for PQR visits. States should have confidence in the PQR team and this dictates the use of experienced personnel.

Logistics

As stated earlier, the PQR team should schedule the evaluation visit to produce a minimum of disruption to normal State program operation. To accomplish this, the number of meetings between team members and State personnel should be minimized. A typical PQR would consist of short entrance and exit meetings with State managers[1] and a daily conference between reviewers and State permit writers to resolve questions on individual permits or State

---

1/ At the entrance meeting the State managers should be asked to appoint a permit coordinator from the staff to act as a liaison with the PQR team.

procedures. Before the conference, the team leader should ask the State coordinator to arrange for specific permit writers or other personnel to attend the conference. This should allow State permit writers to continue their duties with few interruptions.

The PQR team should ask for a conference room or other office space where files can be reviewed. If possible, the team should be kept together during the review to allow discussions between reviewers when questions arise.

Checklist Procedures

A municipal PQR checklist (Appendix #1) should be completed for each permit that is reviewed. The checklist is divided into several sections. The front page of the checklist is a summary sheet which gives basic information on the permit. The next three pages are used to summarize the results from the main portion of the checklist. Although the summary section is in the front, it is actually completed last, after the other checklist questions are answered.

The checklist has several sections which may or may not apply to specific permits. These sections are:

Topic/Section	Checklist	Page(s)
o Water Quality limits	C-3	11 & 12
o Compliance Schedules	E	14
o Pretreatment language	F	15
o Marine Discharge waiver (301(h))	G	16

If a section does not apply to a specific permit being reviewed, the section should be marked "N/A".

The section on water quality-based permit limits (pages 11 and 12) contains questions on wasteload allocation and mixing zones which often cannot be answered by the permits staff. If possible, the water quality modeling group should be consulted to answer these questions.

The boilerplate questions on page 7 need only be completed for one permit which contains the current State boilerplate language. This should save some time during the permit review. The special conditions section on page 8 is designed to give some basic information to EPA on current innovations by the States. Special conditions can be used to address State-specific issues (sludge disposal requirements, operator certification) or national priority items like biomonitoring requirements.

Checklist Areas of Special Interest

Based on dozens of EPA Regional and State PQRs conducted to-date, the following areas of the checklist are highlighted for special attention by review personnel. These areas are:

- Permit Modification - Checklist A-3

  (1) Was the modification properly public noticed (unless a minor mod.) per 122.62 and 124.5?

  (2) Was the modification request by permittee documented in the permit file (including denials of modification requests)?

- Boilerplate - Checklist B-1

  (1) Permit actions (122.41(f)) - "The filing of a request by the permittee for a permit modification, . . . does not stay any permit condition."

  (2) Inspection and entry (122.41(i)) - (inspectors may) "Sample or monitor ... for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location."

(3) Monitoring requirements (122.41(l)(4)) - "If the permittee monitors any pollutant more frequently than required by the permit, ... the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR."

(4) Bypass - (122.41(m)) - Bypass is prohibited unless specific conditions [A, B and C] are satisfied. Unanticipated bypasses must be reported in accordance with 24-hour reporting requirement - 122.41(l)(6).

o Basis for Limitations - Checklist C

(1) Limits for POTWs must be expressed as both average weekly and average monthly valves at a minimum per 122.45(d)(2).

(2) Does the permit allow backsliding from the previous permit?

(3) Does the permit file adequately document the basis of any water quality-based limitations? Are the appropriate State water quality standards referenced in the fact sheet or rationale?

(4) Secondary treatment permits must contain percent removal provisions for BOD and TSS, unless special condition 133.103(d) is satisfied.

o Discharge Sampling - Checklist D-1

(1) Are EPA approved test procedures (40 CFR Part 136) or CWA Section 304(h) referenced in the permit or specified for each parameter?

(2) Do sampling frequencies match the averaging period for the limit (e.g., daily limits for residual chlorine but only once per week sampling indicates inconsistency)?

o Compliance Schedules - Checklist E

(1) Are milestone dates in compliance schedule less than one year apart per 122.47(d)(3)?

(2) If compliance with final limits will not be achieved by July 1, 1988, is the National Municipal Policy being properly applied?

(3) Is a compliance schedule contained in a separate Administrative Order?

o Marine Discharge Applicant - Checklist G

If the applicant has received a final denial or withdrawn its application does the permit contain secondary treatment limits?

Special attention to these checklist areas will result in more comprehensive reviews and can reduce the chances for permit challenges due to "weak" permits or procedural errors. Where additional checklist items are deemed necessary by the Region, they should be added. Regions are encouraged to send the checklist to State personnel to get their comments.

Summary and Evaluation of Findings

After the file reviews, when the team has completed checklists for all permits, the task of summary and evaluation can begin. This phase of the PQR is generally the responsibility of the team leader, in consultation with the other members. To complete the PQR, the team leader should produce a short but complete account of the review findings, before the team leaves.

The "raw material" for the evaluation is the summary section in the cheklist (pages 1-3) and any notes from the review. The format for the PQR summary is shown in Appendix #5.

To produce a summary report the team leader must decide what "Strengths", "Concerns" and "Suggestions" should be raised with the State to highlight areas of permit excellence, weakness or potential improvement. The "nit-picking" of individual permit errors is not the intent, rather a constructive critique of the overall program operation should be the objective.

If something in the permit is wrong, a correction to program procedures, training, etc., must be made. The State should be told what is wrong and where the problem may be coming from, if possible. Unresolved questions, that have not been clarified after discussions with individual (State) permit writers should be included in the summary write-up.

The State should also clearly understand what is good about its permits. Don't overlook the good points, if a State is innovative, the staff and management should be given credit for it!

In general the summary should be written for the staff level permit reviewers. Individual permits should be named as examples where possible. This summary should then be condensed for the exit briefing with the State management. All of the team members should read and comment on the draft summary before it is shown to the State staff.

Presentation of Findings

The presentation to the State is generally conducted in two sections, one for the staff (permit writers) and one for the management. These can be combined if the State wishes.

The staff presentation should contain details from the review to support the summary findings. Specific comments on individual permits can be presented by the team member who reviewed that particular file. Feedback to comments should be encouraged and discussed in the staff meeting, this is intended to be a two-way

communication. After discussion, the State staff should be given details on what will be presented to the State management at the final exit briefing.

The team leader should present the highlights of the PQR findings to management at the exit briefing. The exit briefing is a concise review of the findings, the results of the staff/EPA meeting and any issues for follow-up action. Where the review team and the State disagree on findings, the management should be advised. The exit briefing need not be longer than 30 minutes. A handwritten copy of the summary (Appendix #5) should be left with the management and staff for their records. The State managers should be assured that nothing will appear in the final PQR report that did not appear in the summary.

The approximate timetable for the final PQR report and any follow-up activities (mid-year reviews, etc.) should be discussed with the State management. The need for immediate action by the State to address gross problems, such as lost files or extreme staffing shortages, should also be discussed with the managers.

The managers should also be asked for their comments, issues or questions for EPA response.

Follow-up Activities

The team leader is responsible for follow-up actions to implement the PQR findings. These activities can include:

- Final report preparation and transmittal to the State;
- Answering questions from the State staff on the report;
- Monitoring progress by the State in addressing concerns or problems;

- Briefing Regional managers when problems are not resolved;
- Providing status information from the PQR to Regional managers prior to the Office of Water mid-year evaluation by Headquarters.

In addition, the team leader should fulfill any information requests that were made by the State staff during the PQR.

The final PQR report should be sent to the State within one month of the team visit. [Where EPA Headquarters has assisted the Region on a State PQR, the Region should receive a copy of the Headquarter's file report on the PQR within one month of the team visit.] An example of a final report is contained in Appendix #6 as a guide.

A follow-up item that is many times overlooked is tne need to update the State permit boilerplate (standard conditions). Since outdated boilerplate often indicates outdated legal authorities, legislative or regulatory action by the State might be necessary to resolve deficiencies. If substantial State program changes are needed to correct problems found by the PQR, the Region should contact Headquarters (Permits Division) for assistance.

Headquarters has produced a model NPDES permit for use by Regions and States. This model permit is contained in the Training Manual for NPDES Permit Writers (March 1986) which is available from the Permits Division.

States may wish to use the model permit to update their boilerplate lanaguage. Several other model permits have been

developed by Permits Division or other EPA Regions for specific categories of discharges (minor POTWs, etc.) [See Appendix #7].

Office of Water Mid-Year Evaluation

As with other Regional activities the results of State PQRs will be discussed during the annual Office of Water mid-year program evaluation visit. Specific qualitative and quantitative measures for PQRs have not been included in the FY87 Guide to the Office of Water Accountability System and Mid-Year Evaluations (see cover-next page). However, the qualitative questions contained in the Permits and Enforcement section of Mid-Year Evaluations Guide can be addressed during a State PQR. This will allow the Region to obtain data needed for the mid-year evaluation and will result in a more comprehensive evaluation of State activities. The specific questions that pertain to municipal permits are enclosed in boxes on the following pages.

United States
Environmental Protection
Agency

Office of Water (WH-556)
Washington DC 20460

March 1986

EPA

A Guide to the Office of Water Accountability System and Mid-Year Evaluations

Fiscal Year 1987

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
1. Issue/ Reissue Industrial and Municipal Permits (con't.)	(C) Are industrial/municipal major permit issuance rates in the Region/States expected to be sufficient to assure permits are reissued as they expire? Now? In the future?	(e) Identify, by Region the number of planned revisions of major industrial permits (NPDES States, non-NPDES States).	Yes/No WQ-9	10/15/86	Region/ States
	(D) Do the Region/States review the industrial discharger ratings that determine major/minor status? Is this done on a routine basis? To what extent have the original ratings been reexamined? How current are the ratings now being used?	(f) Track, by Region, progress against targets for the number of planned revisions of major industrial permits (NPDES States, non-NPDES States).	Yes/SPMS WQ-10	Quarterly	Region/ States
		(g) Track, by Region, the number of other major industrial permits modified (NPDES States, non-NPDES States).	No/No	Quarterly	Region/ States
	(E) Are there any new or emerging delays or roadblocks in the Region's/ States' industrial/municipal permitting processes? What are they and what practical steps are needed to expedite permitting?	(h) Identify, by Region the number of planned revisions of major municipal permits (NPDES States, non-NPDES States).	Yes/No WQ-11	10/15/86	Region/ States
		(i) Track, by Region, progress against targets for the number of planned revisions of major municipal permits (NPDES States, non-NPDES States).	Yes/SPMS WQ-12	Quarterly	Region/ States

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
1. Issue/ Reissue Industrial and Municipal Permits (con't.)	(F) Are short-term permits still being issued? Do many permits have reopener clauses for incorporating promulgated effluent guidelines or for addressing new limits resulting from toxicity testing?	(j) Track, by Region, the number of other major municipal permits modified (NPDES States, non-NPDES States).	No/No	Quarterly	Region/ States
	(G) What is the nature of the modifications being made to industrial/municipal major permits? Discuss this workload or the Region/States in relation to permit issuance and other permitting activities. What are the resource implications? How does the Region track permit modifications?	(k) Track progress against targets for the # of permits reissued to significant minor industrial facilities during fiscal year (NPDES States, non-NPDES States).	Yes/SPMS WQ-13	Quarterly	Region/ States
		(l) Track progress against targets for the # of permits reissued to significant minor municipal facilities during fiscal year (NPDES States, non-NPDES States).	Yes/SPMS WQ-13	Quarterly	Region/ States
	(H) Discuss in particular the process and timing for modification of municipal permits to incorporate approved pretreatment program requirements. Have all approved local programs been incorporated in permits, including local limits?	(m) Update if necessary, the strategy for each State for the issuance of permits to minor dischargers (NPDES States, non-NPDES States).	No/OW	7/1/87	Region/ States
		(n) Prepare a list of all approved POTW pretreatment programs for which the permit has <u>not</u> been modified to require implementation (NPDES States, non-NPDES States).	No/No	Provide list start of FY	Region/ States

WATER ENFORCEMENT AND PERMITS

Permits

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
1. Issue/ Reissue Industrial and Municipal Permits (cont'd)	If not, what are the impediments? When will it be done? Are sub sequent local program changes being incorporated? How frequently does this happen? Is there a backlog? What priority is given to assuring municipal permits are modified to reflect current local pretreatment programs?	(o) Track progress against targets for the number of municipal permit modifications to incorporate the pretreatment implementation requirement (NPDES, non-NPDES States).	No/OW	Second/ Fourth Quarters	Region/ States
2. Develop Appropriate and Enforceable Permit Conditions	(A) Discuss Region's/States' implementation of the "Policy for the Development of Water Quality-based Permit Limitations for Toxic Pollutants." Have EPA and the States been working together to implement the policy? What are the principal impediments to implementation of the policy (training, expertise resources, etc.)? What steps have been taken so far? Have procedures been developed? (B) What are the Region/States doing to identify permittees with potential water quality impacts that require toxicity testing or limits? (See Water Quality Standards measures on wasteload allocations.)	(a) Identify municipal and industrial permits reissued or modified that include water quality-based toxics limits or whole effluent toxicity testing (NPDES States, non-NPDES States).	No/No	Second/ Fourth Quarters	Region/ States

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
2. Develop Appropriate and Enforceable Permit Conditions (cont'd)	(C) Are permittees encountering problems identifying sources of toxicity or toxicity reduction control methods? How are permits incorporating testing requirements/limits using whole effluent toxicity and/or pollutant-specific approaches? Discuss Region's/States' experiences, problems. Are §308 letters (or similar State mechanisms) being used in lieu of permit conditions? (D) Discuss any problems encountered by Region/ States with respect to permit monitoring requirements and general conditions, especially in relation to toxic pollutants. (E) Are States/Region encountering any difficulties in applying the guidelines? If so, how are they being resolved? Are the resolutions satisfactory and timely?				

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
2. Develop Appropriate and Enforceable Permit Conditions (cont.)	(F) To what extent are States/ Region developing permit conditions using best professional judgement? Is the technical support for these judgements adequate? Are rationales for BPJ determinations documented in the Fact Sheets or Statements of Basis? If not, what additional support is needed? Are the resolutions satisfactory and timely?				
	(G) Do many of the Region's/ States' industrial permits contain BMP requirements? How are these requirements written into permits? Are site-specific BMPs as well as BMP plans being used? Is the guidance developed by Headquarters adequate or are additional information or workshops needed on BMPs?				
	(H) Are Region's/States' municipal permit conditions consistent with the new secondary treatment definition? Are there any difficulties in applying the new definition? If so, how are they being resolved? Are the resolutions satisfactory and timely? Discuss the nature and extent of the use of "special consideration" provisions of the secondary treatment definition.				

WATER ENFORCEMENT AND PERMITS

Permits

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
2. Develop Appropriate and Enforceable Permit Conditions (cont.)	(I) To what extent do Region's/ States' municipal permits contain monitoring and reporting requirements for toxics in their effluent and/or sludge. (J) Discuss Region's/States' progress in completing municipal permit modifications for §301(h) and pretreatment, and any problems associated with permit monitoring requirements and general conditions.				

WATER ENFORCEMENT AND PERMITS

Permits

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
3. Issue New Source/Major New Discharger Permits	(A) Is Region's/States' approach to new permits consistent with priority to protect water quality? Are there special problems in the new source area? Is there adequate coordination with other media programs where more than one EPA permit is required? Is construction ban being enforced? Have problems arisen in this area? Are NEPA reviews conducted smoothly and in a timely manner where required? What is the current backlog of new source and major new discharge permit applications? How many have been pending for more than 12 months?	(a) Track # of new source/ major new discharge permits issued.	No/No	Quarterly	Region

WATER ENFORCEMENT AND PERMITS

Permits

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
5. Resolve Evidentiary Hearings	(A) What are the Region's/ States'plans for eliminating the present permit appeals backlog? Discuss Water Division/Regional Counsel coordination on resolving backlogged hearings and on addressing new hearing requests. Are any hearing requests related to the redefinition of secondary treatment or §301(h) permits? Are any hearing requests related to biomonitoring or toxicity-based permit conditions? Are any State non-adjudicatory permit appeals included and tracked? (B) What are the Region's/ States' major issues? Has a pattern developed that indicates a need for program changes, including procedures, regulations, policy, guidance, technical assistance, etc?	(a) Identify # of evidentiary hearing (or other State appeal proceeding) requests pending at beginning of FY 87 (NPDES States, non-NPDES States): - Municipal; and - Non-Municipal.	Yes/No WQ-14	10/15/86	PCS
		(b) Track against targets the # of evidentiary hearing requests pending at beginning of FY that were resolved in FY 87 (NPDES States, non-NPDES States): - Municipal; and - Non-Municipal.	Yes/SPMS WQ-15	Quarterly	PCS
		(c) Identify # of evidentiary hearings requested during FY 87 (NPDES States, non-NPDES States): - Municipal; and - Non-Municipal	No/No	Quarterly	PCS

WATER ENFORCEMENT AND PERMITS

Permits

ACTIVITIES	QUALITATIVE MEASURES FOR MID-YEAR	QUANTITATIVE MEASURES	IN SPMS/ COMMITMENT?	REPORTING FREQUENCY	SOURCE OF DATA
6. Review and Approve/Deny Variance Requests	(A) How is the Region's/ States' variance process working? What are the difficulties? What additional support is needed, such as procedural changes, guidance or support from Headquarters? Discuss problems and successes.	(a) Identify # of direct discharger variance requests pending at beginning of FY 87 (NPDES States, non-NPDES States): - FDF - 301(c) - 301(g) - 301(k) - 316(a) - 316(b)	No/No	10/31/86	Region/ States
	(B) Have any States requested Alternative State Requirements (ASRs) under the redefinition of secondary treatment? Discuss the review and approval process and identify any problems or support needs. In States where EPA is the NPDES authority, have any cities asked for ASR limits (i.e. higher effluent numbers than 45 mg/l BOD and suspended solids)? Discuss the Region's response to the municipal inquiry. Was the State informed of the ASR inquiry?	(b) Track against targets the # of direct discharger variance requests pending start FY 87 which are denied and forwarded to Headquarters with a recommendation in FY 87 (NPDES States, non-NPDES States): - FDF - 301(c) - 301(g) - 301(k) - 316(a) - 316(b)	No/OW	Quarterly	Region/ States

APPENDICES

Date _____

Municipal Permit Quality Review Checklist

General Information

Region ____ State _____

NPDES # _____ or Code # _____ (do not indicate discharger name)

Discharger _____

Issuance Date _____

Pretreatment program required? _____ (Checklist F)

New discharger? _____; 301(h) applicant? _____ (Checklist G)

Contractor assistance used to write permit? _____

General Comments & Basis of Permit Selection:

_____

_____

_____

_____

Regional Reviewer - _____

Was permit reviewed previously by the Region in draft form? _____

State Permit staff representative - _____

Permit file complete? _____

Follow-up necessary? _____

Revised 8/86;GMB

Permit Quality Review

REVIEWER SUMMARY

A. Procedural Requirements (Administrative Records, Public Notice, State Certification, Modifications, Enforcement Considerations)

B. Permit Conditions (Boilerplate, Special Conditions)

C. Effluent Limitations (Coverage, Basis, Water Quality)

D. Monitoring (Sampling, Reporting)

E. Compliance (Inclusion of Schedule, Interim and Final Deadlines)

F. Pretreatment Program (Requirements, Information)

G. Marine Discharge Applicant - 301(h)

H. Other (Specify)

CHECKLIST A-1

Procedural Requirements: ADMINISTRATIVE RECORDS

Question

1. List any of the following items that have been omitted inappropriately from the file, or provide explanation.

   a. Permit application and any support data furnished by applicant; ____
   b. Draft permit; ___
   c. Statement of basis or fact sheet; ___
   d. All documents cited in statement of basis or fact sheet; ___
   e. All comments received during public comment; ___
   f. Tape or transcript of any hearings held and any written materials submitted at hearing; ___
   g. Response to significant comments raised during comment period and/or hearing; ___
   h. Final permit; ___
   i. Explanation of changes from draft to final permit. ___
   j. Where appropriate, materials relating to
      - o Consistency determinations under the CZMA ___
      - o Consultation under the Endangered Species Act ___
      - o Determination under Section 403(c) of the CWA ___

CHECKLIST A-2
Procedural Requirements: PUBLIC NOTICE AND COMMENT

Question

1. Was a public notice issued of the preparation of draft permit and providing an opportunity for comment at least 30 days prior to final permit decision?

2. Was a public hearing held?
   (If "no", skip to #4)

3. Was a notice of public hearing issued at least 30 days prior to hearing?

4. Was a summary response to significant comments raised during comment period and/or hearing prepared and issued at time of final permit decision?

CHECKLIST A-3
Procedural Requirements: RECORDS OF MODIFICATION

Question

1. Does the permit documentation indicate that the permit was modified, or revoked and reissued?
   (If "no", skip to Checklist A-4)

2. Was the permit modified pursuant to 40 CFR 122.62(a)?
   If "yes", specify the basis identified in the permit documentation:
   (alterations; new information; new regulations; compliance schedules; variance request; reopener; pretreatment)

3. Did cause exist for modification or revocation and reissuance pursuant to 40 CFR 122.62(b)? Specify cause:

   a. Cause exists for termination, as provided in 40 CFR 122.64 (noncompliance; misrepresentation of or failure to disclose facts; endangerment to human health or environment; change in condition);
   b. Transfer of permit; (122.61)
   c. Other (specify)

4. Does the permit documentation indicate that the procedures of 40 CFR 124.5 for permit modification, revocation and reissuance or termination were followed?

CHECKLIST A-4
ENFORCEMENT INFORMATION

Question

1. Does the permit documentation indicate that any enforcement actions have been taken?
   Briefly describe (nature of action(s), date(s)): _____

   _____

CHECKLIST B-1
Permit Conditions: BOILERPLATE

Question

1. Identify whether the following general conditions have been incorporated into the permit, either directly or by reference to 40 CFR Part 122.41 (or, if permit was issued prior to April 1983, by reference to 40 CFR Parts 122.7 and 122.60). Identify any variation from the regulation language.

122.41-
- (a) Duty to comply; ___
- (b) Duty to reapply; ___
- (c) Duty to halt or reduce activity; ___
- (d) Duty to mitigate; ___
- (e) Proper operation and maintenance; ___
- (f) Permit actions; ___
- (g) Property rights; ___
- (h) Duty to provide information; ___
- (i) Inspection and entry; ___
- (j) Monitoring and records (including the requirement to report more frequent sampling); ___
- (k) Signatory requirement; ___
- (l) Reporting requirements (including compliance schedule, noncompliance, and DMR reporting); ___
- (m) Bypass; ___ and
- (n) Upset. ___

2. If the general conditions are included by reference, is the CFR citation, date and copy of the regulations provided? If "no", specify missing item(s): _____
(Skip to #5)

3. Does the permit require notification to the Director of any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of CWA if it were directly discharging those pollutants? (122.42(b)(1))

4. Does the permit require notification to the Director of any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. (122.42(b)(2))

5. Is the permit effective for a fixed term which does not exceed 5 years from date of issuance? (122.46)

CHECKLIST B-2

Permit Conditions: SPECIAL CONDITIONS if appropriate:

Question

1. Are any special conditions requiring best management practices (BMP's) included in the permit? Identify and specify reason for inclusion.

2. Does the permit include any biological toxicity testing requirements? Briefly describe the requirements and their basis.

3. Are septage haulers or other "mobile source" dischargers addressed in the permit?

4. Were grant conditions included? Were they considered during compliance schedule development if they are related to the grant construction schedule?

5. Are flow limits contained in the permit?

6. Is inflow/infiltration correction addressed?

7. Are sewage sludge requirements (Section 405) included?

CHECKLIST C-1
Effluent Limitations: TRANSLATING THE PERMIT APPLICATION TO PERMIT LIMITATIONS

Introduction: Question #1 applies to all outfalls. For the remaining questions, complete on checklist for each individual outfall selected by the review team for review.

Outfall # _____

Question

1. Have a set of effluent limitations or conditions been included in the permit for every outfall? (See Permit Application)

2. Are there pollutants for which limitations or conditions are not included but which might be appropriate to limit? Identify the pollutants and the reasons for not including limitations.

CHECKLIST C-2
Effluent Limitations: BASIS FOR LIMITATIONS

Introduction: Complete one checklist for each individual outfall selected by the review team for review.

Question

1. Are the pollutant limitations based on any of the following:

   a. Water quality standards?
   b. Secondary treatment requirements?
   c. Modified secondary treatment requirements [301(h), 304(d)(4)]
   d. Other
      (CSO, etc.) _____

2. Were secondary treatment limitations (BOD, S.S.) adjusted because of industrial contributions? Was it appropriate and correctly computed? (Special consideration 133.103(b)).

3. Are limitations for all pollutants in continuous discharges expressed as both average weekly values and average monthly values? (122.45(d)(2)) (If "yes", skip to #5)

4. List those pollutants for which either limit is omitted, where the omission is inappropriate.

5. Are limitations on daily maximum values included in the permit?

6. List any pollutants limited by mass or concentration that should have been limited in the other form and indicate the reason it should have been listed in the other form (i.e., secondary expressed as concentration).

7. Is the frequency of discharge for non-continuous dischargers included in the permit? (122.45(e))

8. Does the permit allow back-sliding from prior permit? Is it justified? (122.44(l))

9. Does the permit include seasonal limits? Are these limitations justified?

CHECKLIST C-3

Effluent Limitations: WATER QUALITY BASED LIMITATIONS

Introduction: This checklist is intended to point review team inquiry toward those questions which can help in determining whether or not the water quality analysis was "reasonable." Review Team should provide a qualitative explanation of the limitation development process on the evaluation form. Complete one checklist for each individual outfall selected by the review team for review. If limits are based on approved State Water Quality standards and if EPA did not participate in the WLA process, some information on modeling may not be available at the Regional Office.

Outfall # _____

Question

1. Is a water quality analysis missing where it seems to be required? Identify outfall(s) and pollutants.

2. Identify type of water quality limitation in permit ("free from", numerical, or both).

3. What is the basis of the water quality based limitations identified in the permit file?

   a. State certification
   b. Water quality modeling, wasteload allocation
   c. Other: _____

4. Which water quality standards are included in the permit in lieu of technology based effluent limitations?

5. Have all applicable water quality standards toward which water quality analysis is directed been clearly identified?

6. Are current water quality conditions clearly identified? If possible, specify basis:

   a. Actual water quality
   b. Estimated water quality

7. Does the permit document that water quality-based limitations are at least as stringent as Federal secondary treatment requirements, modified Federal secondary requirements [304(d)]?

8. Were water quality modeling and a mixing zone used in establishing the limitation?
   (If "no", skip to #21)

9. Is instream pollutant monitoring required by the permit? Are the monitoring points identified?

Inputs to Quantitative Analysis:

10. Has the outfall discharge rate used in analysis been clearly identified? (See Application)

    a. Average discharge rate
    b. Maximum discharge rate
    c. Other: _____

11. Has the stream flow rate used in the analysis been clearly identified? If possible, specify whether:

    a. Low flow rate (years of record)
    b. Average flow rate
    c. Other: _____

12. Was the analysis directed toward water quality within a mixing zone? (If "yes", skip to #14)

13. Was the analysis directed toward water quality beyond the mixing zone (i.e., wasteload allocation modeling) (If "yes", skip to #18)

Quantitative Analysis: Mixing Zone

14. Are the size and configuration of the mixing zone clearly identified? Is is appropriate?

15. Has the water quality model used been clearly identified? Specify: _____

16. Were the impacts of other major dischargers taken into account in the analysis?

17. Does the permit documentation demonstrate that, based on modeling conclusions, applicable water quality standards were met in the mixing zone? (If "yes", skip to #21)

Quantitative Analysis: Wasteload Allocation

18. Has the water quality model used been clearly identified? Specify: _____

19. Were the impacts of other major dischargers taken into account in the analysis?

20. Does the permit documentation indicate the level of discharges and limitations assumed for other major sources?

21. Does the permit documentation demonstrate that, based on modeling conclusions, applicable water quality standards will be met? If not, does the permit documentation explain why the limitation was used in spite of modeling results? Specify: _____

CHECKLIST D-1
Monitoring Requirements: DISCHARGE SAMPLING

Introduction: Complete one checklist for each individual outfall selected by the review team for review.

Outfall # _____

Question:

1. Does the permit require monitoring for every pollutant for which limitations are included in the permit? List any inappropriate omissions. Are there pollutants for which limitations or conditions are not included but which might be appropriate to monitor? Identify the pollutants and the reasons for including monitoring.

2. Does the permit stipulate, either in the general conditions or in the permit limitations, that monitoring for all pollutants with limitations be conducted according to test procedures approved under 40 CFR Part 136? Identify any exceptions.

3. Does the permit require monitoring the volume of effluent discharged from the outfall? If not, is an explanation provided?

4. Are effluent sampling frequencies specified for every pollutant for which monitoring is required? Are these frequencies appropriate to give accurate results? Specify for each pollutant (e.g., daily, weekly, quarterly, etc.): _____

5. Are appropriate sampling procedures (i.e., grab, composite) used?

6. Are monitoring requirements for sewage sludges identified?

CHECKLIST D-2
Monitoring Requirements: DISCHARGE REPORTING

Question

1. Are there any pollutants for which discharge monitoring reports are not required at least once a year? List them.

2. Is reporting on discharge monitoring report (DMR) forms required? (122.41(l)(4))

3. Specify discharge reporting frequency or frequencies required in permit for the outfall under review (e.g., monthly, quarterly, etc.):

_____

CHECKLIST E-1
Compliance Schedules: INCLUSION IN PERMIT

Introduction: Complete one checklist for each individual outfall selected by the review team for review.

Outfall # _____

Question

1. If secondary treatment requirements have not been met, has a 301(i) compliance deadline variance been requested (prior to June 26, 1978)?

2. Does the permit include a compliance schedule(s) for each outfall which is not in compliance with the limitations specified in the permit?

3. Does the permit documentation provide an explanation of why compliance schedules were not included where necessary? Identify if an explanation was not provided.

CHECKLIST E-2
Compliance Schedules: INTERIM AND FINAL REQUIREMENTS (122.47)

Question

1. Are distinct interim requirements (milestones) with specific dates included in compliance schedule(s)?

2. What is the basis for interim limitations? Was actual plant performance reviewed prior to developing interim limitations?

3. Does the compliance schedule provide for compliance by ceasing the regulated activity (e.g., plant abandoned and flows diverted to another facility)? If so, is a certain date identified?

4. Is the time between each interim date in the compliance schedule(s) less than one year? If not, does the permit specify interim dates for submission of reports?

5. Does the compliance schedule provide for final compliance by the appropriate time? (on or before 7-1-88 if Section 301(i) applies)

CHECKLIST F-1
Pretreatment Program: REQUIREMENTS

Question

1. Does the permit language reference the permittee's responsibility for implementation and enforcement of all requirements of 40 CFR Part 403 and Sections 307(b), (c), and 402(b) of the Clean Water Act?

2. Does the permit language reference that implementation and enforcement of the permittee's approved pretreatment program is an enforceable condition of the NPDES permit?

3. Does the permit contain a reopener clause requiring program submission by the deadline specified in 40 CFR 403.8?

4. If the municipality has been granted removal credits authority under 403.7, has the permit been modified to include the reporting requirements under 403.12 (i) and (j) ? (consistent removal)

CHECKLIST F-2
Pretreatment Program: INFORMATION

Question

1. Does the permit language reference that the U.S. EPA or delegated NPDES state may initiate enforcement action directly against an industrial user of the permittee's system for noncompliance with applicable standards and requirements?

2. Does the permit language reference that any changes in the permittee's pretreatment program (especially with regard to legal authority, multijurisdictional agreements or contributions,the POTWs compliance monitoring, enforcement and program funding/resource procedures) must be submitted to the Approval Authority for review and concurrence to ensure the adequacy of such changes in meeting the program requirements?

3. Is there a requirement for at least an annual submission of a pretreatment report to the Approval Authority?

4. Are the requirements for the content of an annual report specified as part of:

   a. the NPDES permit language?
   b. another document which is referenced in the permit language?

CHECKLIST G
Marine Discharge Applicant - 301(h)

Question:

1. Date that the municipality submitted a final application for 301(h) variance (prior to December 29, 1982).

2. Date of final decision:

   Approval _____
   Denial _____
   Withdrawn _____

3. Was the permit modified or reissued to reflect the final 301(h) discharge limits as approved in the final decision document?

4. Are interim limitations and a schedule for compliance included in the permit?

5. Are toxic pollutant monitoring or bioassay requirements included in the permit?

6. Are toxic control program requirements (including a pretreatment program - 40 CFR 403, if appropriate) included in the permit? (122.64)

7. List any other special conditions in the permit.