CHAPTER 2

THE SCREENING PROCESS

To rank CSSs using this guidance, the NPDES permitting authority should first identify through the screening process CSSs with the greatest likelihood of causing significant adverse impacts. The screening can be based primarily on information available in documents recently prepared by States under Sections 303(d) and 305(b) of the CWA. Supplemental information can be obtained from sources such as State health departments, the National Oceanic and Atmospheric Administration (NOAA), the United States Geological Survey (USGS), news organizations, permittees, and consultants. (Table A-1 in Appendix A lists the sources of information obtained for 13 CSSs across the United States during a test of this screening and ranking process.) If information necessary for the screening is not available, the screening system should not be used.

2.1 Criterion 1

Does any CSO in the CSS discharge into a receiving water body recently listed in the State's 303(d), 305(b), or other similar reports as not attaining use goals or as having impacts that could be caused by CSOs?

- **Yes - Assume CSOs are a contributing problem and proceed to the ranking criteria, given in Chapter 3.**
- **No - Proceed to Criterion 2 of the screening process.**

Rationale: Under Section 305(b) of the Clean Water Act, each State is required to submit to EPA, on a biennial basis, a report that, among other things, describes the quality of all surface waters within the State and provides recommendations regarding point and nonpoint source control programs and actions to achieve the water quality goals of the Act. Under Section 303(d) and EPA's implementing regulations, 40 CFR §130.7(b), each State is also required to submit to EPA, again on a biennial basis, a list of water quality-limited segments that still require total maximum daily loads (i.e., those waters that do not or are not expected to attain water quality standards after implementation of technology-based or other controls). The

Section 303(d) lists also identify the pollutants of concern and, sometimes, the contributing sources.

For many States, these reports and lists provide information adequate to identify water bodies that do not attain applicable water quality standards, the nature of the impacts, and possibly whether CSOs are a primary or probable source of these impacts. When a water body receiving CSOs is listed as not attaining water quality standards or the goals of the Act because of pollutants or effects typically associated with CSOs (e.g., high bacteria counts), States should assume, absent information to the contrary, that CSOs contribute to the problem. In such cases, the NPDES permitting authority should continue to evaluate the CSS using the ranking process.

Another set of lists developed by the States may also be of some limited use. These lists, which were developed in 1989 or 1990 under CWA Section 304(l), identify waters not attaining water quality standards or the goals of the Act. In addition, for waters impaired by point source discharges of toxics, the lists identified the point sources of those pollutants. The Clean Water Act does not require States to update these lists; nevertheless, they might be useful screening devices in appropriate cases.

2.2 Criterion 2

Does other available information indicate that CSO-related adverse impacts might be occurring and that permitting and a CSO control program might be a high priority?

- **Yes - The NPDES permitting authority should begin discretionary review of other available information to indicate whether the CSS should be included for evaluation using the ranking process. Proceed to the ranking process given in Chapter 3.**
- **No - Infer that significant adverse CSO impacts do not occur and remove the CSS from further consideration for prioritized action.**

Rationale: This screening criterion provides the States and EPA Regions with the flexibility to include in the ranking process those CSSs with CSOs to a receiving water body that is not included in Section 303(d) or 305(b) reports. Under Screening Criterion 2, for example,

the NPDES permitting authority may decide to include in the ranking process those CSSs in which solid and floatable materials are discharged in close proximity to recreational waters or raw sewage is discharged to commercial and recreational fishing areas, even if the water body is not listed in the previously mentioned reports.

Note that removal of a CSS from the screening and ranking process at this stage does not mean that it should be removed permanently from consideration in permitting and enforcement actions. Removal simply means that control of the CSS should not be the primary focus of the NPDES permitting authority. EPA expects that the NPDES permit for such a CSS, when issued, will contain appropriate CSO requirements.

CHAPTER 3

THE RANKING PROCESS

CSSs that are identified in the screening process as most likely to cause significant adverse impacts should be ranked through a seven-criterion process using site-specific information. Information needed for ranking may be available from many sources, including NPDES permits, NPDES permit applications, 305(b) reports, and compliance and enforcement reports. When adequate information cannot be obtained from these sources, new information can be obtained from site visits or from other outside sources (e.g., consultant reports and data from other agencies, such as USGS), as noted in more detail below. Information from outside sources on the CSSs and CSOs under evaluation can be invaluable during the ranking process. The NPDES permitting authority should make every reasonable effort to obtain the information necessary to give each CSS a score under each ranking criterion. If a particular criterion does not apply to a community (e.g., if a community has no dry weather overflows under Criterion 2), it should receive a score of zero.

In ranking individual CSOs, each individual score should be used. In ranking each CSS, the CSSs that receive the highest point totals from the ranking process should be judged as likely to cause the greatest impacts and should, in most cases, be the highest priority for NPDES permitting. Clearly, this represents a simplistic approach to the ranking of CSSs for NPDES permitting. EPA expects that additional analysis may be necessary and that in some cases it may be desirable to compare systems using "second tier" scores to reflect additional impacts.