

United States Environmental Protection Agency

State Multi-Sector General Permit (MSGP) Quality Review Checklist Companion

This guidance was developed by staff within the U.S. Environmental Protection Agency's (EPA's) Office of Wastewater Management and addresses development of state multi-sector general permits. State general permit development is governed by existing requirements of the Clean Water Act (CWA), EPA's NPDES implementing regulations and state regulations. CWA provisions and regulations contain legally binding requirements. This document does not substitute for those provisions or regulations. Recommendations in this guidance are not binding; the permitting authority may consider other approaches consistent with the CWA, EPA, or state regulations. When EPA makes a permitting decision, it will make each decision on a case-by-case basis and will be guided by the applicable requirements of the CWA and implementing regulations, taking into account comments and information presented at that time by interested persons regarding the appropriateness of applying these recommendations to the situation. This guidance incorporates, and does not modify, existing policy and guidance on developing NPDES permits. EPA may change this guidance in the future.

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Introduction

This document serves as a companion to the *Multi-Sector General Permit (MSGP) Quality Review Checklist* and provides details for each of the sections and questions in the checklist. The checklist verifies that the information expected in an NPDES permit is included in the permit package (permit, fact sheet, and supporting attachments). The checklist was developed using the Central Tenets (<http://www.epa.gov/npdes/pubs/tenets.pdf>), and discussions between U.S. Environmental Protection Agency (EPA) headquarters and regions. Additional guidance for general permit development is provided in EPA's 2010 *NPDES Permit Writers' Manual* (PWM) (<http://epa.gov/npdes/pwmanual/>).

The information requested for the checklist will be based on the review of a complete permit record that includes the final or draft permit, the fact sheet or statement of basis (*fact sheet* in this document includes both types of documents), and supplemental attachments such as notices of intent, discharge monitoring reports, stormwater pollution prevention plans and correspondence between the permitting authority and the facility operator. Regulatory citations are to Title 40 of the *Code of Federal Regulations* (40 CFR) unless otherwise noted.

I. Permit Review Information

This section of the checklist includes general information about the permit and dates associated with the permit quality review.

1. NPDES Permit number

Enter the NPDES permit number. This number is usually found near the top of the cover page and consists of a two-letter state abbreviation followed by 7 digits. The state might also have a separate numbering system; if so, make note of this number as well.

2. Permit Name

Enter the full name of the general permit. The name of the permit is found on the cover page.

3. State

Enter the name of state issuing the permit.

4. State contact or permit writer

The state contact or permit writer is the person responsible for the permit and could be interviewed during the state visit or if there are any permit-specific questions.

Enter the name of the contact at the permitting agency/authority responsible for the permit and their phone number and email address.

5. Permitting Authority

Enter the name of the permitting authority/agency responsible for issuing and administering the permit.

6. Permit Reviewer

If reviewing the final general permit for the PQR, enter the name, email address and phone number of the reviewer who performed the general permit review.

II. Basic Permit Information

II.A Basic Permit Information

1. Does the permit contain appropriate issuance, effective and expiration dates and authorized signatures?

The regulations at §122.46 require permit duration to be for a fixed term not to exceed five years and at §122.22 provides the signatories to permit applications and reports. In some cases, for example, when a permitting authority is implementing a watershed approach, the permit term might be less than five years or if the permitting authority has administratively extended the general permit the permit term may be more than five years.

An authorized signatory for a corporation is defined in §122.22(a)(1) as a responsible corporate officer, such as a president, secretary, treasurer, or vice president of a corporation. For a municipality, state, federal, or other public entity, an authorized signatory is defined in §122.22(a)(3) as either a principal executive officer or ranking elected official.

Fill out the dates below and verify that the authorized signature complies with §122.22. Enter “Y” or “N” to indicate whether the permit contains appropriate dates and authorized signatures.

a) What is the permit issuance date?

The permit issuance date is the date that the permit was signed and issued by the permitting authority. The permit issuance date is often found with the signature.

Enter the date that the permit was issued. If the permit is unsigned or does not list an issuance date and an effective date is listed, enter “NA.”

b) What is the permit effective date?

The permit effective date is the date that the permit becomes effective. Permitting authorities might choose the beginning of the following month or a future date to permit multiple facilities at the same time.

Enter the date that the permit becomes effective. If the permit does not list a separate effective date and uses the issuance date as the effective date, enter "NA."

c) What is the permit expiration date?

The permit expiration date must be five years or less from the permit effective date. In cases where a date is not specified, the reviewer should restate exactly what is in the permit.

Enter the expiration date of the permit if specified, or restate the language from the permit (e.g., this permit expires five years from the date of issuance).

2. Does the permit specify all the areas where the state is the permitting authority (e.g., everywhere but Indian lands and federal facilities)?

Enter "Y" or "N" to indicate whether the permit specifies all the areas where the state is the permitting authority. The permitted area is the place that the permittee is authorized to discharge from and some general permits may be statewide or only cover specific area (e.g. certain watershed).

3. Does the state have more than one general permit covering industrial activity?

Federal regulations provide some flexibility to states for operating their NPDES programs and most industrial stormwater discharges are covered under general permits, as opposed to individual permits. Although, some states may exclude specific industrial activities under their multi-sector general permit and would require coverage under a separate general permit or individual permit for some facilities based on site-specific or industry-specific concerns.

The reviewer should determine if the eligibility and authorization provisions contained in the permit exclude specific stormwater discharges associated with industrial activities.

Enter "Y" or "N" to indicate whether the state has one permit covering all industrial activities. If "Y" the reviewer should identify the industrial activities that are excluded from coverage for the permit.

4. What sector(s) or stormwater-specific ELGs/NSPS does the permit cover?

The reviewer should determine which categories of industrial facilities are covered under the general permit and check all that apply:

a) Does the permit cover the same SIC codes and sectors listed in EPA's MSGP?

Depending on the reviewer's response to question 2 above, the permit may be available for stormwater discharges from the sectors of industrial activity (Sector A – Sector AC), as well as any discharge not covered under the sectors (Sector AD) that has been identified by the Director as appropriate for coverage. The sector descriptions must be based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes consistent with the definition of stormwater discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix, xi).

Appendix D of EPA's MSGP lists the specific sector, SIC Codes, and Industrial Activity Codes.

Enter "Y" or "N" to indicate whether the permit covers the sectors listed in the EPA MSGP.

b) Identify the stormwater-specific ELGs/NSPS covered under the permit

NPDES permits issued for industrial stormwater discharges are required under Section 402(a)(1) of the CWA to include conditions for meeting technology-based effluent limitations guidelines established under Section 301 and, where applicable, any new source performance standard established under Section 306. Once an effluent limitations guideline or new source performance standard is promulgated in accordance with these sections, NPDES permits are required to incorporate limits based on such limitations and standards. See 40 CFR 122.44(a)(1).

EPA has promulgated effluent limitation guidelines (ELGs) and new source performance standards (NSPS) for some industries which include storm water requirements. The following industrial categories have storm water requirements and may or may not be covered by the permit:

Table 1. Applicable Effluent Limitations Guidelines

Regulated Activity	40 CFR Part/Subpart
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C
Runoff from hazardous waste landfills	Part 445, Subpart A
Runoff from non-hazardous waste landfills	Part 445, Subpart B
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A
Runoff from coal storage piles at steam electric generating facilities	Part 423
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D
Runoff from asphalt emulsion facilities	Part 443, Subpart A
Runoff from deicing operations at primary airports	Part 449

The reviewer should enter “Y” or “N” to indicate if the permit provides coverage for regulated activities with applicable ELGs.

5. Recommendations

Enter any recommendations or additional comments regarding the permit’s basic information in the space provided. Additional space is provided on page 9 of the checklist.

II.B Eligibility, Authorization and Application Requirements

1. Does the permit contain eligibility requirements relating to:

To be eligible for permit coverage, operators of industrial facilities must meet specific eligibility criteria to discharge stormwater associated with industrial activity. If the operator does not meet the eligibility requirements, discharges of stormwater associated with industrial activity that require permit coverage will be in violation of the CWA, unless the operator has obtained coverage under another permit.

The reviewer should determine which eligibility criteria are specified in the permit and enter “Y” or “N” if the permit contains each of the provisions, as well as identification of other provisions not listed below.

a) Stormwater discharges associated with industrial activity

This provision lists the type of stormwater discharges eligible for coverage under the permit. Dischargers will use this section to determine which stormwater discharges from their site can be covered under the permit.

Enter “Y” or “N” to indicate whether the permit specifies which stormwater discharges are eligible for coverage under the permit.

b) Endangered species criteria (optional state requirement)

Enter “Y” or “N” whether the permit includes provisions related to listed endangered and threatened species in the eligibility criteria. Note: Procedures covering the federal Endangered Species Act (ESA) are not applicable to state administered NPDES programs and may not be included in the permit, although some states may include specific eligibility criteria related to endangered and threatened species and critical habitat.

Enter “NA” if this component is not applicable to the state permit.

c) Protection of historic properties criteria (optional state requirement)

Enter “Y” or “N” whether the permit includes provisions related to historic properties preservation in the eligibility criteria. Note: Procedures covering the National Historic Places Act are not applicable to state administered NPDES programs and may not be included in the permit, although some states may include specific eligibility criteria related to historic properties preservation.

Enter “NA” if this component is not applicable to the state permit.

d) New discharges into impaired waters

Enter “Y” or “N” whether the permit includes provisions for new discharges to water quality impaired waters.

e) High quality/outstanding national resource/Tier 3 waters or other special areas.

Enter “Y” or “N” whether the permit includes provisions related to high quality, outstanding national resource, Tier 3 waters or other special areas.

f) Other

Describe any other specific provisions related to eligibility permit that are not addressed by the questions in this section.

2. Does the permit specify the non-stormwater discharges that are allowed?

The permit should identify the types of allowable non-stormwater discharges that are eligible for coverage under the permit. Specifically, EPA’s MSGP lists the following types of non-stormwater discharges:

- Discharges from fire-fighting activities;
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

- Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- Routine external building washdown that does not use detergents;
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains).

The reviewer should review the list of non-allowable discharges and indicate either “Y” or “N” if this provision is specified in the permit.

3. Does the permit state that co-located industrial activities are also subject to the appropriate permit requirements?

Enter “Y” or “N” if the permit includes requirements that co-located industrial activities are eligible for coverage under the permit in addition to the primary industrial activity. EPA’s MSGP defines co-located activities as “Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix D.”

4. Does the permit discuss NOI submittal instructions and deadlines?

In accordance, with §122.28(b)(2)(ii) and (iii) the contents of the NOI and deadlines for submission shall be specified in the permit. Additionally, the permit should specify the minimum information that should be included in the NOI; how to submit the NOI to the permitting authority (i.e., paper or electronically); deadlines for submitting the NOI to be covered and the dates that the facility is authorized to discharge. At a minimum the following information should be included in the NOI:

- Legal name and address of the owner or operator;
- Name and address of the facility;
- Type of facility or discharges; and
- Receiving stream(s).

Additionally, the associated NOI form may also contain submittal instructions and deadlines and should be reviewed along with the permit.

Enter “Y” or “N” to indicate whether the general permit specifies NOI submittal instructions and deadlines for submittal of the NOI.

5. Does the permit include information about denial of coverage?

The permit should describe the procedures that operators must follow if they are denied coverage under the general permit. The permit provisions should include procedures for operators that were denied coverage following the submittal of an NOI, and the procedures for operators that were denied coverage after being previously approved for coverage under this or another MSGP. In both cases, operators must apply for and/or obtain coverage under an individual permit or alternate general permit.

Enter “Y” or “N” to indicate whether the general permit specifies procedures for denial of coverage.

6. Does the permit provide for public access of NOI information?

Identify whether the general permit includes a process for public access of the NOI information submitted by industrial facilities. The permit may establish a public notice process to be used as a vehicle for informing all interested parties and members of the general public of the intent to discharge under the general permit. Some states may include provisions within the permit or instructions on the NOI form about the process of public notice or to request a public hearing, while other states may contain public notice requirements in their state NPDES regulations.

Enter "Y" to indicate if the general permit specifies the process for public notice. If an "N" response is entered the reviewer should follow-up with the permitting authority to identify if this public notice process is required or contained in the state NPDES regulations.

7. Does the permit provide for a conditional exclusion for no exposure (optional)?

This provision allows operators who become eligible for a no exposure exclusion from permitting under §122.26(g) to file a No Exposure Certification to the permitting authority. For background, under the conditional no exposure exclusion, operators of industrial facilities have the opportunity to certify to a condition of "no exposure" if their industrial materials and operations are not exposed to stormwater. As long as the condition of "no exposure" exists at a certified facility, the operator is excluded from NPDES industrial stormwater permit requirements provided that the operator notifies the permitting authority at least every five years consistent with §122.26(g) requirements.

Enter "Y" or "N" to indicate whether the permit provides for conditional exclusion for no exposure.

8. Does the permit explain how to terminate coverage?

The permit should describe the procedures for terminating coverage under the permit. Most general permits require operators to meet specific requirements before submitting a Notice of Termination to end permit coverage.

Enter "Y" or "N" to indicate whether the permit specifies procedures for terminating permit coverage.

9. Does the permit provide the option for operators to apply for coverage under an alternative permit such as an individual permit or another general permit?

The operator may request to be excluded from such coverage by applying for an individual permit. In this case, the operator must submit an individual permit application in accordance with §122.28(b)(3)(iii), along with a statement of reasons supporting the request, to the permitting authority. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if the reasons are adequate to support the request. Under this scenario, if an individual permit is issued, or authorization to discharge under an alternative general permit is granted, coverage under this permit is automatically terminated under §122.28(b)(3)(iv) on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

Enter "Y" or "N" to indicate whether the general permit provides the option to apply for coverage under an alternative permit such as an individual permit or another general permit.

10. Does the permit discuss revoking of discharge authorization?

Enter "Y" or "N" to indicate whether the general permit provides the permitting authority the ability to revoke coverage under the general permit. Note: this requirement may be contained in the state's standard

conditions as the procedure to modify or revoke this permit for any reason is referenced from §122.62, §122.63, and §124.5.

11. Describe any other specific provisions.

The reviewer should identify any specific eligibility, authorization and application provisions that are not described in this section and provide a description of these provisions that are included in the permit.

12. Recommendations

Enter any recommendations or additional comments regarding the permit's eligibility, authorization and application requirements in the space provided. Additional space is provided on page 9 of the checklist.

III. Effluent Limitations Applicable to All Discharges

III.A Technology-based Effluent Limitations (TBELs)

1. Does the permit contain a separate section identifying TBELs (numeric and non-numeric)?

EPA's MSGP was reorganized to more clearly distinguish the effluent limitations (or effluent limits) from the documentation requirements relating to the SWPPP. Effluent limits are narrative and quantitative control requirements to which all operators are subject, while the SWPPP is a document that must be prepared by facility operators to describe the site and the pollutants potentially discharged in stormwater and to document the control measures selected, designed, installed, and implemented to meet the effluent limit. In prior permits, many of the effluent limits and SWPPP requirements were combined in one section although the limits and SWPPP requirements were intended to be two distinct sets of permit conditions.

Enter "Y" or "N" whether the permit delineates between effluent limits and SWPPP requirements.

2. Does the permit require that all operators select, design, install, and implement control measures to meet non-numeric TBELs?

Enter "Y" or "N" to indicate whether the permit establishes requirements for selecting, designing and implementing control measure practices to meet the technology-based effluent limitations in this permit.

If yes, does the permit specify the following controls must be implemented at all sites:

The following section describes the categories of discharge requirements (non-numeric effluent limits) required by EPA's MSGP. The wording of these requirements may be unique to the EPA permit, but State permits must include requirements that are similar to EPA's MSGP. These limits constitute the permit's technology-based limits, expressed narratively per §122.44(k), and are developed using best professional judgment (BPJ).

The reviewer should identify the specific controls required and check all that apply.

a) Minimize Exposure

Indicate if the permit requires operators to minimize exposure to stormwater to the extent technologically available and economically practicable and achievable.

b) Good Housekeeping

Indicate whether the permit requires the operator to implement good housekeeping controls.

c) Industrial Equipment Maintenance

Indicate whether the permit established specific controls for industrial equipment maintenance.

d) Spill Prevention and Response

Indicate whether the permit requires operators to minimize the potential for leaks, spills and other releases, which are major sources of stormwater pollution, to be exposed to stormwater.

e) Erosion and Sediment Controls

Indicate whether the permit requires operators to select, design, install and implement controls to address the on-site exposed areas prone to soil erosion.

f) Management of Runoff

Indicate whether the permit requires operators to divert, infiltrate, reuse, contain or otherwise reduce stormwater runoff to minimize pollutants in the discharge.

g) Salt Storage Management

Indicate whether the permit requires operators to implement appropriate measures to minimize exposure of piles of salt or piles containing salt.

h) Employee Training

Indicate whether the permit requires operators to train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit.

i) Eliminate Non-Stormwater Discharges

Indicate whether the permit requires operators to eliminate non-stormwater discharges that are not authorized by the permit.

j) Waste Management

Indicate whether the permit requires operators to implement controls to ensure waste, garbage and floatable debris is not discharged to receiving waters.

k) Reduction of Dust and Vehicle Tracking

Indicate whether the permit requires operators to minimize generation of dust and off-site tracking of raw, final or waste materials.

3. Does the permit specify a frequency for maintenance of control measures?

Enter "Y" or "N" to indicate whether the permit establishes requirements to regularly inspect, test, maintain and repair or replace all industrial equipment and systems to prevent releases of pollutants to stormwater.

4. Does the permit specify sector-specific non-numeric TBELs?

Enter "Y" or "N" to indicate whether the permit establishes sector-specific requirements that are in addition to any requirements specified elsewhere in the permit. For example, EPA's MSGP specifies effluent limitations that must be met by all operators, as well as, sector-specific requirements that apply to areas of the facility where those sector-specific activities occur.

5. Does the permit include numeric TBELs (e.g. ELGs) for specific sectors?

Enter "Y" or "N" to indicate whether the permit establishes numeric TBELs for specific sectors based on national effluent limitation guidelines for certain industry-specific discharges. See Section III.A(2)(b) for additional information on effluent limitations guidelines contained in the permit.

6. Are the permit requirements clear and do they specify what must be done:

a) For effluent limits?

For items 2(a)-(k) above, enter "Y" or "N" to indicate whether the permit clearly defines what permittees must do to be in compliance with the effluent limits contained in the permit. Some state permits may provide flexibility to permittees in how they meet these requirements.

b) For sector-specific requirements?

Enter "Y" or "N" to indicate whether the permit clearly defines the sector-specific requirements that permittees must meet.

7. Do permit requirements specify a schedule for completing them?

Enter "Y" or "N" to indicate whether the permit includes a schedule for implementing one or more control measures to meet the effluent limits in the permit. Note: some control measures may not have a schedule for completion as they are ongoing controls that will be implemented throughout the permit term.

8. Describe any other specific provisions.

Describe any other provisions related to numeric and non-numeric technology-based requirements that are not addressed by the questions in this section.

9. Recommendations

Enter any recommendations or additional comments regarding the permit's TBEL requirements in the space provided. Additional space is provided on page 9 of the checklist.

III.B Water Quality-based Effluent Limitations (WQBELs)

1. Does the permit require that operators comply with applicable water quality standards?

In accordance with §122.44(d)(1), the permit must require discharges of stormwater to be controlled as necessary to meet applicable water standards, including meeting any specific water quality-based conditions or limits required by the state.

Enter "Y" or "N" if the permit requires industrial facilities to comply with applicable water quality standards.

If yes, does the permit specify the following:

a) Compliance with approved or established TMDLs for discharges into impaired waters

The permit should require compliance with applicable requirements in a TMDL and clarify how the operator will know when such requirements apply. This provision should implement the requirements of §122.44(d)(1)(vii)(B), which requires that water quality-based effluent limits "are consistent with the assumptions and requirements of any available wasteload allocation for the discharge"

Enter "Y" or "N" to indicate whether the permit specifies how compliance will be determined for facilities that discharge into impaired waters with an approved or established TMDL.

b) Additional controls and/or monitoring requirements for discharges into impaired waters without an approved or established TMDL

The permit should clarify that operators with discharges to impaired waters without an EPA approved or established TMDL are expected to meet water quality standards if they comply with the other WQBELs in the permit.

Enter "Y" or "N" to indicate whether the permit requires additional controls and/or monitoring requirements for discharges into impaired waters without an established or approved TMDL.

c) Additional controls and/or monitoring requirements for new discharges into impaired waters

Indicate whether the permit specifies any additional controls and/or monitoring requirements for new discharges into impaired waters. The permit provisions should implement the requirements of §122.44(d)(1)(vii)(B), which requires that water quality based effluent limits in permits be "... consistent with the assumptions and requirements of any available wasteload allocation for the discharge ..." and of §122.4(i), which creates conditions for the issuance of permits for new sources.

2. Does the permit specify how compliance with applicable water quality standards will be determined?

Enter "Y" or "N" to indicate whether permit specifies how compliance with applicable water quality standards will be determined. For example, EPA's MSGP expects that compliance with the other conditions in the MSGP (e.g., the technology-based limits, corrective actions, etc.) will result in discharges that are controlled as necessary to meet applicable water quality standards.

If yes, specify:

The reviewer should describe how compliance with applicable water quality standards will be determined from the permit requirements

3. Does the permit specify antidegradation requirements for new or increased discharges into Tier 2 or Tier 2.5 waters?

The permit should implement provisions for applicable antidegradation requirements. State water quality standards are required to contain an antidegradation policy pursuant to §131.12. In addition, each State is required to identify implementation methods that, at a minimum, provide a level of protection that is consistent with the Federal antidegradation provisions.

Enter "Y" or "N" to indicate whether permit specifies antidegradation requirements.

4. Does the permit specify that the facility must comply with any measures or prerequisite actions related to endangered species and historic properties eligibility for coverage?

If applicable, enter "Y" or "N" to indicate whether permit requires operators to meet conditions or prerequisites considered necessary to satisfy eligibility requirements related to obtaining coverage under this permit for any endangered species or historic properties provisions.

Enter "NA" if this component is not applicable to the state permit.

5. Describe any other specific provisions.

Describe any other provisions related to water quality-based effluent limitations that are not addressed by the questions in this section.

6. Recommendations

Enter any recommendations or additional comments regarding the permit's WQBEL requirements in the space provided. Additional space is provided on page 9 of the checklist.

IV. Inspections and Corrective Actions

IV.A Inspections

1. Does the permit require that the operator conduct regular and thorough facility inspections?

The permit should contain provisions that require operators to conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in the permit.

Enter "Y" or "N" to indicate if the permit requires operators to conduct routine facility inspections.

2. Does the permit specify the qualifications the inspector must have?

The permit may specify minimum qualifications or certifications that the inspector conducting the inspection must have. Some states may require inspectors to be a professional engineer or be a Certified Professional in Stormwater Quality (CPSWQ). Additionally, EPA's MSGP specifies that qualified personnel must conduct the quarterly inspection with at least one member of the stormwater team participating. EPA defines qualified personnel as:

"...those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures."

Enter "Y" or "N" to indicate whether the permit requires qualifications for the inspector.

If yes, describe the qualifications and or knowledge the permit requires.

The reviewer should describe the qualifications of the inspector, if applicable.

3. Does the permit specify the frequency that regular and thorough facility inspections must be conducted?

In addition to requiring routine facility inspections, the permit should also specify the frequency for which these inspections should be conducted. The minimum frequency typically ranges from once per month to once per quarter; however the permit may require operators to conduct inspections more frequently than the minimum requirement.

EPA's MSGP requires routine facility inspections to be conducted quarterly and at least once each calendar year the inspection must be conducted during a period when a stormwater discharge is occurring.

The reviewer should also check any sector-specific requirements as some industrial sectors may have more specific routine inspections requirements.

Enter "Y" or "N" to indicate if the permit specifies the frequency for conducting inspections.

If yes, describe the frequencies required.

The reviewer should describe the frequencies required by the permit and determine if the requirements are as stringent as EPA's MSGP.

4. Does the permit require that a regular and thorough facility inspection report be completed?

Typically, most state general permits require operators to complete an inspection report as part of the inspection process and certify the inspection report in accordance with §122.22. Enter “Y” or “N” if the permit requires completion of a routine facility inspection report.

If yes, describe any items that the report must include:

Some common elements that may be included in the inspection report are included below; however, states may specify additional documentation.

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges and/or pollutants from the site;
- Any evidence of, or the potential for, pollutants entering the drainage system;
- Observations regarding the physical condition of and around all outfalls including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water.
- Any control measures needing maintenance, repairs, or replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with the permit requirements.

5. Does the permit require a visual assessment of stormwater discharges?

The permit should contain provisions requiring operators to conduct visual assessments of their stormwater discharges; however, some states may combine the visual assessment with the routine facility inspections. Visual assessments provide operators with immediate information indicating the presence of pollutants and their sources.

Most industrial stormwater permits do not require visual assessment samples to be collected consistent with 40 CFR Part 136 procedures (the Clean Water Act guidelines for establishing test procedures for the analysis of pollutants); however, visual assessment samples should be collected in such a manner that the samples are representative of the stormwater discharge.

EPA’s MSGP requires quarterly visual assessments where “grab samples of stormwater discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. No analytical tests are required to be performed on these samples. The grab samples must be taken within the first 30 minutes or as soon as practicable after the occurrence of an actual discharge from the site (including documentation of why sampling was not practicable within the first 30 minutes).” Specifically, in areas subject to snow, the MSGP also requires that at least one of the quarterly samples be collected from snowmelt.

The reviewer should review both the inspection and monitoring sections of the permit as these requirements could be contained in one of these sections depending on how the state organized their permit. Enter “Y” or “N” to indicate whether the permit requires visual assessments.

If yes, describe the frequencies required.

If the permit includes provisions for visual assessments, the reviewer should describe the frequencies required by the permit and determine if the requirements are as stringent as EPA's MSGP.

6. Does the permit include exceptions to the visual assessment requirement?

The permit may establish exceptions to the visual assessment requirement for certain types of sites and under certain conditions. Exceptions to these requirements may include circumstances during which conducting visual assessments may not be infeasible, namely during adverse (e.g., dangerous) weather conditions, or in parts of the country subject to climates with irregular stormwater runoff or to large amounts of snowfall. Additionally, the permit may provide exceptions for inactive and unstaffed sites where exposure of industrial activities and materials to stormwater is eliminated or facilities two or more essentially identical outfalls may also elect to conduct a visual assessment at just one of these outfalls.

Enter "Y" or "N" to indicate if the permit allows exceptions to the requirement to conduct visual assessments.

If yes, how frequently?

The reviewer should describe any exceptions to the requirements to conduct visual assessments in the permit.

7. Does the permit indicate that the permitting authority has the right to inspect the facility?

In accordance with §122.41(i), the operator must upon presentation of valid credentials by the Director or his or her representative, allow entry into the premises where the regulated activity or records are present. The Director must have access to and be able to make copies of any required records; inspect facilities, practices operations, and equipment; and sample or monitor at reasonable times. The permit should provide this standard condition expressly or by reference. States might have a separate attachment to the permit with standard conditions or include this standard condition in a separate section with the other standard conditions from §122.41.

Enter "Y" or "N" to indicate whether the permit provide the permitting authority the right to inspect the facility.

8. Describe any other specific provisions.

Describe any other provisions related to inspections that are not addressed by the questions in this section.

9. Recommendations

Enter any recommendations or additional comments regarding the permit's inspection requirements in the space provided. Additional space is provided on page 9 of the checklist.

IV.B Corrective Actions**1. Are specific corrective actions required by the permit?**

Enter "Y" or "N" to indicate whether the permit specifies corrective actions or follow-up actions to address deficiencies found through inspections, monitoring, or unauthorized releases. EPA's MSGP clarifies that to address deficiencies the operator must "review and revise the selection, design, installation, and implementation of [the operator's] control measures to ensure that the condition is eliminated and will not be repeated in the future."

Additionally, if the permit requires corrective actions the reviewer should also identify if the permit specifies the following:

a) *Triggers requiring corrective action*

Indicate whether the permit specifies conditions (triggers) that, should occur, requires the need for corrective action.

b) *Schedules for correction*

Indicate whether the permit stipulates time limits for implementing corrective actions.

c) *Documentation of corrective actions*

Indicate whether the permit requires operators to document basic information describing the event triggering the corrective action and the operators' response to that event.

d) *What constitutes a permit violation*

Indicate if the permit identifies what constitutes a permit violation (e.g., exceedance of a numeric effluent limit. EPA clarified in the MSGP that not all conditions triggering corrective action are permit violations (e.g., a benchmark exceedance). However, failure to conduct (and document) corrective action review and revise control measures as necessary in such cases does constitute a permit violation.

2. Describe any other specific provisions

Describe any other provisions related to corrective action requirements that are not addressed by the questions in this section.

3. Recommendations

Enter any recommendations or additional comments regarding the permit's corrective action requirements in the space provided. Additional space is provided on page 9 of the checklist.

V. Stormwater Pollution Prevention Plan (SWPPP)

This section of the checklist outlines the SWPPP elements and requirements that should be address to prevent the contamination of stormwater runoff leaving the industrial facility.

A SWPPP is a written document that identifies the industrial activities conducted at the site, including any structural control practices, which the industrial facility operator will implement to prevent pollutants from making their way into stormwater runoff. The SWPPP also must include descriptions of other relevant information, such as the physical features of the facility, and procedures for spill prevention, conducting inspections, and training of employees.

V.A General Requirements and SWPPP Contents

1. Is a SWPPP required by the permit?

Most permits require that applicants develop their SWPPP before obtaining NPDES permit coverage for industrial stormwater discharges. However, in some instances, the permit may provide additional time to complete or update a SWPPP after permit coverage is obtained.

Enter "Y" or "N" to indicate whether the permit requires an operator to develop a SWPPP.

If yes, does the SWPPP have to be developed prior to NOI submittal?

Enter "Y" or "N" to indicate if the permit requires that the SWPPP be developed prior to submission of the NOI.

2. Does the permit include a standard(s) for the development of the SWPPP?

Enter "Y" or "N" if the permit contains specific requirements for who must develop the permit.

a) For the SWPPP developer (e.g. training/certifications, experience, etc.)?**b) For the SWPPP (e.g. good engineering and to industry standards)?****3. Does the permit require certain items be included in the SWPPP?**

Enter "Y" or "N" to indicate whether the permit requires the SWPPP contents to

If so, does the permit require any of the following items (check all that apply):

Generally, operators must document the following: (1) the establishment of a stormwater pollution prevention team; (2) a description of the site; (3) summary of potential pollutant sources; (4) description of control measures; and (5) monitoring and inspection procedures (including schedules).

a) Identification of a Stormwater team

Indicate if the permit requires the identification of a stormwater pollution prevention team.

b) Site description

Indicate if the permit requires a detailed site description and site maps.

c) Pollutant generating activities and pollutants

Indicate if the permit requires a list/description of the industrial activities at the facility, including any co-located industrial activities that may be exposed to stormwater and documentation of the associated pollutants or pollutant constituents (e.g., biochemical oxygen demand, suspended solids).

d) Description of stormwater controls measures to be used at the facility

Indicate if the permit requires a description of the control measures implemented at the site to meet the applicable technology-based or water quality-based effluent limits.

e) Description of pollution prevention procedures

Indicate if the permit requires a description of the pollution prevention procedures developed for the facility.

f) Description of inspection, maintenance and corrective action procedures

Indicate if the permit requires a description of the maintenance program, including how the following will be addressed: regular inspections, testing, maintenance, repair of all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases, and back-up practices in place should a runoff event occur while a control measure is off-line.

g) ESA documentation (if applicable)

If applicable, the permit may require documentation regarding listed species to be included in the facility's SWPPP.

Enter "NA" if this component is not applicable to the state permit.

h) Historic properties documentation (if applicable)

If applicable, the permit may require documentation regarding historic properties to be included in the facility's SWPPP.

Enter "NA" if this component is not applicable to the state permit.

i) NEPA requirements (if applicable)

If applicable, the permit may require NEPA documentation, including (1) determination of "no significant impact" under the National Environmental Policy Act (NEPA), or (2) completed Environmental Impact Statement in accordance with an environmental review pursuant to 40 CFR 6.102(a)(6).

Enter "NA" if this component is not applicable to the state permit.

j) Training records

Indicate if the permit requires the operator to maintain all training records with the SWPPP.

k) Certification

Indicate if the permit requires the operator to sign and date the SWPPP consistent with the standard NPDES permit conditions in §122.22. If so, does the permit require specific minimum certification requirements (e.g. authorized representative)?

4. Does the permit specify that the SWPPP must be available at the facility at all times?

Enter "Y" or "N" to indicate whether the permit requires the SWPPP be available at the facility at all times.

5. Is the SWPPP or certain SWPPP information accessible to the public?

Enter "Y" or "N" to indicate whether the permit requires the SWPPP or certain SWPPP information be accessible to the public.

6. Describe any other specific provisions.

Describe any other provisions related to SWPPP that are not addressed by the questions in this section.

7. Recommendations

Enter any recommendations or additional comments regarding the permit's general SWPPP requirements in the space provided. Additional space is provided on page 9 of the checklist.

V.B SWPPP Modifications**1. Does the permit specify when and how a SWPPP must be modified?**

Enter "Y" or "N" to indicate whether the permit specifies provisions for when and how the SWPPP must be modified.

If yes, describe when a modification is required:

The reviewer should identify and describe the specific requirements for SWPPP modification

2. Does the permit include deadlines for required modifications?

Enter "Y" or "N" to indicate whether the permit includes specific deadlines for the SWPPP modification to be made.

3. Describe any other specific provisions.

Describe any other provisions related to SWPPP modification that are not addressed by the questions in this section.

4. Recommendations

Enter any recommendations or additional comments regarding the permit's SWPPP modification requirements in the space provided. Additional space is provided on page 9 of the checklist.

VI. Monitoring Procedures & Requirements

VI.A Monitoring Procedures

1. Does the permit waive monitoring requirements at 'substantially identical outfalls'?

The general permit may include provisions that waive monitoring requirements at substantially identical outfalls. Some industrial stormwater permits, including EPA's MSGP, allow operators to monitor the discharge at just one representative outfall and apply the results to the other substantially identical outfalls. EPA defines "substantially identical" in the MSGP as follows:

"... two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas" See Part 6.1.1 of the 2008 MSGP.

The flexibility provided to operators to sample at just one location, which is considered representative of all substantially identical outfalls, is an exception to the rule where samples must be taken from all outfalls at a facility. Note that this exception does not apply to compliance monitoring (effluent limitation guideline monitoring), which must be conducted at each outfall to which the effluent guideline applies.

Enter "Y" or "N" to indicate whether the permit provides provisions that allow the operator to monitor one of these outfalls and report quantitative data also apply to the other substantially identical outfalls.

2. Does the permit specify what a measurable storm event is?

The permit may define what a measurable storm event is for the area covered by the general permit. The measurable storm event may vary from state to state based on numerous factors include actual size and duration of the storm event. EPA defines "measurable storm event" in the MSGP as follows:

"...storm event that results in an actual discharge from the site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days)."

The reviewer should enter "Y" or "N" to indicate that the permit defines "measurable storm event" and if "Y" describe how a measurable storm event is defined or identified.

3. Does the permit specify the following:

a) Monitoring frequency

The permit should establish monitoring frequencies sufficient to characterize the effluent quality and to detect events of noncompliance. The decisions for setting monitoring frequency should be described in the fact sheet. Additionally, some states have their own monitoring guidelines for an appropriate monitoring frequency which may be more stringent than EPA's MSGP. Common monitoring frequencies are continuous,

daily, five times a week, three times a week, weekly, monthly, quarterly, semiannually, semiannually (specified seasons), and annually. The permit should specify the sampling frequency for each parameter to determine compliance with effluent limits. Regulations at §122.44(i) require operators to monitor for pollutants and report data at least once per year.

Specifically, EPA's MSGP requires quarterly (based on 4 quarters in the calendar year) benchmark monitoring and annual ELG and impaired waters monitoring.

Enter "Y" or "N" to indicate whether frequency for each parameter is identified.

b) Sample type

The permit must specify the monitoring type (sample collection method) for all parameters required to be monitored in the permit on the basis of the characteristics of each specific discharge [§122.48(b)]. Certain sample collection and storage requirements are identified as part of the analytical methods specified in Part 136. The most frequently used sampling method for stormwater is a grab sample; however, the permit may specify another sampling collection method.

Enter "Y" or "N" to indicate whether the permit specifies the sample collection method.

c) Sample location(s)

The permit should specify the appropriate sampling location to ensure compliance with the permit limitations and provide the necessary data to determine the effects of an effluent on the receiving water. The NPDES regulations do not prescribe exact sampling locations; rather, the permit writer is responsible for determining the most appropriate monitoring location(s) and indicating the location(s) in the permit. Effluent monitoring must be included for each outfall to determine compliance with effluent limitations, unless the operator qualifies for the substantially identical outfalls exemption. The permit should specify a monitoring location to obtain representative samples at each point of discharge. Ultimately, the operator is responsible for providing a safe and accessible sampling point that is representative of the discharge [§122.41(j)(1)].

d) Adverse weather conditions sampling procedures

The permit may allow operators to postpone sampling under adverse conditions immediately hazardous to the life and health of the monitoring staff, such as lightning, flash flooding, and high winds. These procedures should not exempt the operator from having to conduct monitoring, but offer the operator flexibility to collect samples during the next qualifying storm event to ensure safety for the monitoring staff.

Enter "Y" or "N" to indicate whether the permit includes sampling procedures for adverse weather conditions.

e) Monitoring period

The permit may establish specific monitoring periods (e.g., quarters based on calendar year) for which the permittee must perform monitoring. For example, EPA's MSGP defines four quarters (e.g. 1st quarter – January 1 – March 31) that monitoring must be completed.

VI.B Monitoring Requirements

1. Does the permit require the following types of monitoring (check all that apply):

a) Quarterly Benchmark monitoring

The permit should require stormwater samples to be collected from a site's discharge points (or outfalls) for laboratory analysis and the results compared with benchmark pollutant concentrations as an indicator of the performance of stormwater control measures. This type of monitoring differs from "compliance monitoring" (see below) in that exceedances of the indicator or benchmark levels are not considered violations, but rather "red flags" that could point to a problem at the site with exposed pollutant sources or control measures that are not working correctly.

For instance, the 2008 MSGP includes "benchmarks" that are based to a large degree on EPA's aquatic life criteria. Where the average of samples taken over four consecutive quarters exceed the applicable benchmark concentration of a particular pollutant, the operator is required to investigate whether the higher pollutant levels can be attributed to some pollutant source or faulty control measure(s), and to address such problems through corrective action and possibly further monitoring.

The benchmark monitoring requirements may differ based on the sector or subsector under which a particular industrial facility falls. Note that not all sectors are subject to this type of monitoring

Enter "Y" or "N" to indicate whether the permit includes requirements for benchmark monitoring.

Additionally, if the permit requires benchmark monitoring the reviewer should also identify the frequency of benchmark monitoring; evaluate each pollutant parameter for benchmark concentrations and determine if the permit requires specific laboratory quantification levels for monitoring results.

i. Benchmark concentrations

A benchmark pollutant concentration is a level above which a stormwater discharge could adversely affect receiving water quality (and control measures must be evaluated) and, if below, the facility is not expected to have an impact on receiving water quality

Enter "Y" or "N" to indicate whether the permit benchmark concentrations for each pollutant parameter subject to this type of monitoring.

ii. Laboratory quantitation levels

When available, operators must use test procedures specified in Part 136 [§§122.41(j)(4) and 122.44(i)(1)(iv)]. The permit must specify the analytical methods to be used for monitoring. The analytical methods in Part 136 are established for conventional, toxic (priority), and some nonconventional pollutants. Without analytical methods for a parameter, the permit should specify the analytical method to be used. There are also procedures to apply for approval of alternative test methods in accordance with §136.4.

The permit should require all samples be analyzed consistent with Part 136 analytical methods and using test procedures with quantitation limits at or below values that parameters required to be sampled.

Enter "Y" or "N" to indicate whether the permit specifies use of Part 136 methods or alternative methods for all parameters limited in the permit.

b) Annual ELG monitoring

Where a facility is subject to one of the Federal effluent limitation guidelines (ELGs) addressing limits on stormwater runoff, sampling is required to determine compliance with those limits. Typically, permits require corrective action and further monitoring when an effluent limitation is exceeded. The table below identifies the industrial activities that are subject to effluent limitation guideline monitoring requirements and the associated sampling parameters. Effluent limitation guideline samples must be taken once per year.

Regulated Activity	Sector	Effluent Limit Parameters
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	A	debris, pH
Runoff from phosphate fertilizer manufacturing facilities	C	total P, fluoride
Runoff from asphalt paving and roofing emulsion facilities	D	total suspended solids (TSS), oil and grease, pH
Runoff from material storage piles at cement manufacturing facilities	E	TSS, pH
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	J	TSS, pH
Runoff from hazardous waste landfills	K	biochemical oxygen demand (BOD ₅), TSS, ammonia, alpha terpineol, benzoic acid, p-cresol, phenol, total recoverable zinc, pH, aniline, naphthalene, pyridine, total recoverable chromium
Runoff from non-hazardous waste landfills	L	biochemical oxygen demand (BOD ₅), TSS, ammonia, alpha terpineol, benzoic acid, p-cresol, phenol, total recoverable zinc, pH
Discharges from coal storage piles	O	TSS, pH

Enter "Y" or "N" to indicate whether the permit specifies compliance monitoring for regulated activities subject to ELG monitoring.

c) Impaired waters monitoring

Enter "Y" or "N" to indicate whether the permit has special monitoring requirements for facilities that discharge pollutants of concern into impaired waters.

d) Additional monitoring

In addition, to the above types of monitoring, the permit may also require additional monitoring. The reviewer should describe any additional monitoring requirements in this section.

2. Describe any other specific provisions.

Describe any other provisions related to monitoring that are not addressed by the questions in this section.

3. Recommendations

Enter any recommendations or additional comments regarding the permit's monitoring requirements in the space provided. Additional space is provided on page 9 of the checklist.

VII. Record-Keeping, Reporting and Standard Permit Conditions

1. Can monitoring data be submitted electronically to the permitting authority?

The permit may require all industrial operators to submit all NOIs, NOTs, NOEs, annual reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically but still provide the option to operators to submit paper copies.

Enter “Y” or “N” to indicate whether the permit allows monitoring data to be submitted electronically to the permitting authority.

2. Is an annual report required by the permit?

The permit should require the submission of an annual report. The purpose of the annual report is to gather information from operators to identify potential water quality concerns and to assess compliance with permit provisions.

Enter “Y” or “N” to indicate whether the permit requires the submission of an annual report to the permitting authority.

3. Does the operator have to report all numeric effluent limitation exceedances?

Enter “Y” or “N” to indicate whether the permit requires facilities to submit a numeric effluent limitation exceedance report for exceedances of an ELG.

4. Does the permit require that the operator report noncompliance (by phone and writing) and reportable hazardous materials spills to the MS4 into which the facility discharges?

The permit should prohibit operators from discharging toxic or hazardous substances from a spill or other release. Furthermore, where a leak, spill, or other release contains a toxic or hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 during a 24-hour period, the operator is subject to federal reporting requirements of 40 CFR Part 110, Part 117, and Part 302 relating to spills or other releases of oils or hazardous substances. Permittees must also, within 7 calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

Enter “Y” or “N” to indicate whether the permit contains reporting requirements for non-compliance or reportable hazardous spills.

5. Does the permit require that records be kept for at least 3 years?

The regulations at §122.41(j) specify the permit to include requirements to retain records for at least 3 years, subject to extension by the State Director.

Enter “Y” or “N” to indicate whether the permit contains requirements to retain records for at least three years.

6. Does the permit require the submittal of any relevant records/information requested by the permitting authority?

Enter “Y” or “N” to indicate whether the permit contains specific requirements for the submittal of any relevant records/information that is requested by the permitting authority. Note that standard condition § 122.41(h) is a duty to provide information.

7. Does the permit require that records and SWPPPs be available to the public?

Enter “Y” or “N” to indicate whether the permit contains provisions that require records and SWPPP be available to the public. Note: EPA’s MSGP contains provisions where portions of the SWPPP may be provided to a member of the public upon request.

8. Generally speaking, are the relevant NPDES standard permit conditions of 40 CFR §122.41 -122.49 included in the permit?

Standard conditions may be incorporated into a permit either expressly (verbatim from the regulations) or by reference to the regulations. EPA prefers that the standard conditions are attached expressly because operators might not have easy access to the regulations. Many states have developed an attachment for NPDES permits that includes the federal standard conditions. In some permits, standard conditions are included as a separate section in the permit or might be woven throughout the permit.

The reviewer should compare the language in §122.41 (<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>) to the standard conditions and verify that the language in the permit is the same as in the regulations. All the conditions must be listed with verbiage from §122.41. The list of standard conditions is provided below so reviewers can check off the standard conditions as they are identified in the permit.

List of Standard Conditions

- 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
 - o Planned change
 - o Anticipated noncompliance
 - o Transfers
 - o Monitoring reports
 - o Compliance schedules
 - o 24-hour reporting

- Other noncompliance
- Other information
- Bypass
- Upset

Enter "Y" or "N" to indicate whether the standard conditions are included in the permit.

9. Describe any other specific provisions.

Describe any other provisions related to reporting, recordkeeping, and standard conditions that are not addressed by the questions in this section.

10. Recommendations

Enter any recommendations or additional comments regarding the permit's record-keeping, reporting and standard permit conditions requirements in the space provided. Additional space is provided on page 9 of the checklist.

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