# State MS4 Permit Quality Review Checklist

## I. Permit Review Information

1. NPDES Permit number: 
2. Permit Name:  
3. State:  
4. State contact/permit writer:  
   Email:  
   Phone:  
5. Permitting Agency:  
6. Permit Reviewer:  
   Email:  
   Phone:  
   Date Reviewed:  

Comments:  

(Additional space on page 13)

## II. Basic Permit and MS4 Information

### II.A Basic Permit Information

1. Does the permit contain appropriate issuance, effective and expiration dates and authorized signatures?  
   - Yes  
   - No  
   - NA
   a. What is the permit issuance date?  
   b. What is the permit effective date?  
   c. What is the permit expiration date?  

2. Is this permit a(n):  
   - State-wide general permit?  
   - Other general permit?  
   - Individual permit?  
   - Other:  

3. This permit covers (check all that apply):  
   - Traditional MS4s  
   - Non-traditional MS4s  
   - Departments of Transportation  
   - Federal facilities  

4. Recommendations
### II.B Eligibility and Authorization

1. How does this permit authorize non-stormwater discharges identified as significant contributors of pollutants to the MS4?
   - a. It neglects to address this situation
   - b. It does not; must get individual permit coverage
   - c. Requires relevant controls
   - d. Considers them illicit discharges to be addressed under those provisions
   - e. Other: 

2. For a given permittee, this permit covers discharges in/to:
   - a. the automatically designated urbanized area
   - b. any incorporated MS4 that is at least partially within the urbanized area
   - c. MS4s outside of urbanized areas with a population greater than 10,000
   - d. certain watershed boundaries
   - e. Other: 

3. Does the permit use Residual Designation Authority to designate additional sources?  
   - Yes  
   - No  
   If so, describe: 

4. Does the permit include any provisions related to listed endangered and threatened species or critical habitat?  
   - Yes  
   - No  
   If so, what?

5. Does the permit include any provisions related to properties listed on the National Register of Historic Places?  
   - Yes  
   - No  
   If so, what?

6. For general permits only: Following submittal of the NOI, when does authorization to discharge occur?
   - a. Immediately, or upon receipt of NOI by permitting authority
   - b. Within ______ days
   - c. When notified by permitting authority (automatic)
   - d. When notified by permitting authority following review of:
   - e. Other: 

7. Does the general permit provide for public notice/availability of NOIs?  
   - Yes  
   - No 

8. Does the general permit provide for a public hearing, if requested?  
   - Yes  
   - No 

9. Does the general permit specify when authorization occurs?  
   - Yes  
   - No 

10. Describe any other specific provisions.

11. Recommendations:

Comments:
### II.C. Water Quality and Technology Provisions

1. Must the SWMP reduce pollutant discharges to the MEP?  
   And to protect water quality?  
   - Yes  
   - No

2. Does the permit define, explain or provide examples of ‘maximum extent practicable’?  
   - Yes  
   - No

3. What specifically does the permit say/require with respect to water quality standards? Describe:  

4. What specifically does the permit say/require with respect to antidegradation? Describe:  

5. Does the permit require any identification of receiving water bodies or water quality status (e.g., designated uses)?  
   - Yes  
   - No

6. Does the permit require that the SWMP identify all water bodies that are impaired and that have TMDLs?  
   - Yes  
   - No

7. Does the permit require the identification of priority pollutants of concern in their discharge?  
   - Yes  
   - No

8. What specifically does the permit say/require for discharges to pre-TMDL impaired waters?  

9. What specifically does the permit say/require for discharges to waters with TMDLs/WLAs and/or WQBELs?  

10. Does the permit make provisions for incorporating requirements for TMDL development or an impaired water body listed during the permit term?  
   - Yes  
   - No

11. Describe any numeric effluent limits in the permit  

12. Describe any other specific provisions.  

13. Recommendations:  

   Comments:  

   *(Additional space on page 13)*

### III. Stormwater Management Program Components

#### III.A. Program Management

1. SWMP Plan: does the permit require:  
   a. development?  
   - Yes  
   - No  
   b. implementation?  
   - Yes  
   - No  
   c. enforcement of?  
   - Yes  
   - No
2. Does the permit specify a time limit for SWMP implementation of 5 years or less? □ Yes □ No

3. Does the permit require the development of specific measurable goals for BMPs? □ Yes □ No

   [Note: could be in NOI]

4. Does the permit require submittal of the SWMP to the permitting authority for review? □ Yes □ No

5. Does the permit allow relationships for sharing or relying on another entity to meet permit requirements?
   If so, do they have to be formalized? □ Yes □ No
   How?

6. Does the permit require that the SWMP identify roles, responsibilities, lines of authority and communication? □ Yes □ No

7. Does the permit require that the SWMP (or other implementation document) provide an implementation schedule, and goals or performance standards? □ Yes □ No

8. What are the conditions and/or frequencies for SWMP update or revision?

9. Describe any other specific provisions.

10. Recommendations:

    Comments:

   (Additional space on page 13)

### III.B. Public Education and Participation

**CFR Citation: 122.34(b)(1) & 122.34(b)(2)**

1. Is the public education requirement largely identical to the rule requirement, or is it more prescriptive? □ Identical to rule □ Prescriptive

2. What specific audiences, sources or pollutants must be targeted, and/or is the permittee required to develop this as part of the SWMP?

3. Does the permit require compliance with state and local public notice requirements? □ Yes □ No

4. Does the permit require educational materials to be tailored to particular:
   a. Activities or behaviors? □ Yes □ No
   b. Audiences? □ Yes □ No

5. Does the permit require specific targeting of:
   a. Commercial? □ Yes □ No
   b. Industrial? □ Yes □ No
   c. Residential? □ Yes □ No

6. Does the permit require that the permittee inform the public about how to get involved in the stormwater management program? □ Yes □ No

7. Does the permit require an evaluation of education, outreach, and participation measures? □ Yes □ No
   If yes, how?
8. Describe any other specific provisions.


9. Recommendations:

Comments:

(Additional space on page 13)

**III.C. Illicit Discharge Detection and Elimination**

**CFR Citation: 122.34(b)(3)**

1. Is the illicit discharge requirement largely identical to the rule requirement, or is it more prescriptive?
   - Identical to rule
   - Prescriptive

2. Does the permit require the following related to illicit discharge detection and elimination:
   a. development of a program?
   - Yes
   - No
   b. implementation of a program?
   - Yes
   - No
   c. require enforcement of a program?
   - Yes
   - No
   d. a written plan to address non-stormwater discharges including illegal dumping?
   - Yes
   - No
   e. the following non-stormwater discharges or flows to be addressed if identified as significant contributors of pollutants to your MS4:
      - water line flushing
      - Yes
      - No
      - landscape irrigation
      - Yes
      - No
      - diverted stream flows
      - Yes
      - No
      - rising ground waters
      - Yes
      - No
      - uncontaminated ground water infiltration
      - Yes
      - No
      - uncontaminated pumped ground water
      - Yes
      - No
      - discharges from potable water sources
      - Yes
      - No
      - foundation drains
      - Yes
      - No
      - air conditioning condensation
      - Yes
      - No
      - irrigation water
      - Yes
      - No
      - springs
      - Yes
      - No
      - water from crawl space pumps
      - Yes
      - No
      - footing drains
      - Yes
      - No
      - lawn watering
      - Yes
      - No
      - individual residential car washing
      - Yes
      - No
      - flows from riparian habitats and wetlands
      - Yes
      - No
      - dechlorinated swimming pool discharges
      - Yes
      - No
      - street wash water
      - Yes
      - No

3. Does the permit require that a storm sewer system map be developed and maintained?
   - Yes
   - No
   To include:
   a. location of outfalls?
   - Yes
   - No
   b. names and locations of all WUS/WS associated with outfalls?
   - Yes
   - No
   c. system inlets/catch basins?
   - Yes
   - No
   d. MS4 network?
   - Yes
   - No
   e. other?  ______________________________
4. Does the permit require effective prohibition, through ordinance or other regulatory mechanism, of non-stormwater discharges to storm sewer systems? □ Yes □ No

5. Does the permit require the implementation of effective enforcement procedures and actions? □ Yes □ No

6. Does the permit require educational information/outreach on the hazards associated with illicit discharge and improper disposal of waste be provided to:
   a. public employees? □ Yes □ No
   b. commercial/industrial groups? □ Yes □ No
   c. other? Describe: ________________

7. Does the permit require non-stormwater discharges or flows to be addressed? □ Yes □ No

8. Does the plan require prioritization, for detection activities, of areas which have a high likelihood of having illicit discharges? □ Yes □ No

9. Is the plan required to include procedures for:
   a. tracking sources? □ Yes □ No
   b. removing sources? □ Yes □ No
   c. dry weather visual screenings? □ Yes □ No
   d. field tests of selected pollutants? □ Yes □ No

10. What are the follow-up requirements when illicit discharges are found/suspected?

11. Does the permit require that the program promote, publicize and facilitate the reporting of illicit discharges? □ Yes □ No

12. Does the permit require an assessment of the program? □ Yes □ No

13. Does the permit require tracking and reporting of illicit discharges? □ Yes □ No

14. Does the permit require training of municipal staff on identifying/reporting illicit discharges? □ Yes □ No

15. Describe any other specific provisions.

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III.D. Construction

CFR Citation: 122.34(b)(4)

1. Is the construction requirement largely identical to the rule requirement, or is it more prescriptive? □ Identical to rule □ Prescriptive

2. Does the permit require the following to reduce pollutants in runoff from construction activities resulting in land disturbance:
   a. development? □ Yes □ No
   b. implementation? □ Yes □ No
   c. enforcement of? □ Yes □ No

3. Does the permit require ordinance or other regulatory mechanism to require erosion and sediment controls? □ Yes □ No

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4. Threshold for construction site requirements: _____ acres or _____ sq. ft. 
Other: 

5. Does the permit require the development of sanctions or enforcement policies to ensure compliance? 

6. Does the permit require construction site operators to implement appropriate erosion and sediment controls? 

7. Does the permit require construction operators to control construction wastes? 

8. Does the permit require procedures for site plan reviews that incorporate water quality considerations? 
   That includes review of sediment and erosion plans? 

9. Does the permit require procedures for receiving and considering information from the public? 

10. Does the permit require development of procedures for site inspections? 
   a. for establishing a frequency of inspections? 
   b. for developing priorities for inspections? 
   c. for follow-up from inspections? 

11. Is there a frequency specified for construction site inspections in the permit? 
   Describe: 

12. Does the permit require procedures for enforcement? 

13. Does the permit require training for construction inspectors? 

14. Does the permit require training for construction site operators? 

15. Describe any other specific provisions. 

16. Recommendations: 

Comments: 

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III.E. Post-Construction BMPs 

CFR Citation: 122.34(b)(5) 

1. Is the post-construction requirement largely identical to the rule requirement, or is it more prescriptive? 
   Identical to rule  Prescriptive 

2. Does the permit require the following for a post-construction program to address stormwater runoff from new and redevelopment to prevent and minimize impacts: 
   a. development? 
   b. implementation? 
   c. enforcement of? 

3. Require ordinance or other regulatory mechanism? 
   Yes  No 

4. Require that pre-development runoff conditions be maintained? 
   Yes  No 
   If so, how? 

5. Require watershed, regional or inter-jurisdictional planning? 
   Yes  No 
   Describe: 

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6. Require assessment of existing ordinances, policies, programs and studies that address water quality?  
   □ Yes □ No
   
   If so, to what extent?  

7. Require or recommend:
   a. directing growth to identified areas?  
      □ Yes □ No
   b. protecting sensitive areas?  
      □ Yes □ No
   c. maintaining or increasing open space?  
      □ Yes □ No
   d. providing buffers?  
      □ Yes □ No

8. Are there provisions with respect to site design criteria that require/encourage low impact/conservation development?  
   □ Yes □ No

9. Are there provisions for community planning that require/encourage smart growth, (i.e., infill, redevelopment, parking/transportation)?  
   □ Yes □ No

10. Does the permit include:
    a. a specific performance standard to control post-construction stormwater discharges?  
       □ Yes □ No
       Specify where the standard is articulated and what the standard is.

    b. a site-size threshold for post-construction requirements?  
       □ Yes □ No
    c. alternative mechanisms if the standard can’t be achieved including:
       ▪ Off-site mitigation options?  
          □ Yes □ No
       ▪ Payment-in-lieu options?  
          □ Yes □ No
       ▪ Other?  
          □ Yes □ No
    d. credits for green infrastructure in terms of reducing the volume of stormwater, etc.?  
       □ Yes □ No

11. Are specific BMPs required?  
    □ Yes □ No

12. Are retrofits required?  
    □ Yes □ No
    If so, what/criteria?  

13. Are site plan/site design reviews required?  
    □ Yes □ No

14. Are inspections of BMPs required to ensure:
    a. they’re installed according to designs?  
       □ Yes □ No
    b. operation and maintenance activities happen to ensure BMPs function as designed in the long-term?  
       □ Yes □ No

15. Does the permit require an inventory/tracking of existing and new BMPs, to include:
    a. BMP/site plan reviews?  
       □ Yes □ No
    b. BMP installation & location?  
       □ Yes □ No
    c. BMP owner/operator?  
       □ Yes □ No
    d. BMP ‘as built’ inspections?  
       □ Yes □ No
    e. BMP long-term/ongoing inspections?  
       □ Yes □ No
    f. maintenance requirements?  
       □ Yes □ No
    g. maintenance schedules?  
       □ Yes □ No
    h. maintenance activities?  
       □ Yes □ No

16. Does the permit require long-term operation and maintenance of BMPs?  
    □ Yes □ No

17. Does the permit require evaluation of BMPs, e.g., effectiveness, performance, long-term function?  
    □ Yes □ No
    If so, what?
18. Does the permit require penalty provisions for non-compliance? □ Yes □ No
19. Is training required for municipal staff on post-construction requirements? □ Yes □ No
20. Does the permit require education programs for developers? □ Yes □ No
21. Describe any other specific provisions.

22. Recommendations:

Comments:

(Additional space on page 13)

### III.F. MS4 Maintenance/Municipal Operations

#### CFR Citation: 122.34(b)(6)

1. Is the MS4 maintenance requirement largely identical to the rule requirements, or is it more prescriptive? □ Identical to rule □ Prescriptive

2. Does the permit require an operation and maintenance program to prevent and reduce pollutant runoff from municipal operations:
   a. development? □ Yes □ No
   b. implementation? □ Yes □ No

3. Does permit require an inventory of municipal facilities? □ Yes □ No

4. Require stormwater discharges from the following areas be controlled:
   a. park operations? □ Yes □ No
   b. open space? □ Yes □ No
   c. turf management? □ Yes □ No
   d. fleet maintenance? □ Yes □ No
   e. building maintenance? □ Yes □ No
   f. stormwater system maintenance? □ Yes □ No
   g. new construction and land disturbance? □ Yes □ No
   h. road salt/sand storage and use? □ Yes □ No
   i. other: □ Yes □ No

5. Require training component for employees? □ Yes □ No

Does it include:
   a. park operations? □ Yes □ No
   b. open space? □ Yes □ No
   c. turf management? □ Yes □ No
   d. fleet operation and maintenance? □ Yes □ No
   e. building maintenance? □ Yes □ No
   f. stormwater system maintenance? □ Yes □ No
   g. new construction and land disturbance? □ Yes □ No
   h. road salt/sand storage & use? □ Yes □ No
   i. fertilizers? □ Yes □ No
   j. herbicides? □ Yes □ No
   k. pesticides? □ Yes □ No
   l. other? □ Yes □ No
6. Are municipal facilities required to develop a stormwater plan or SWPPP? □ Yes □ No

7. Does permit require:
   a. catch basin cleaning? □ Yes □ No
   b. street sweeping? □ Yes □ No
   c. maintenance of municipally-owned structural controls? □ Yes □ No

8. Does permit require assessment of flood control practices to improve water quality? □ Yes □ No

9. Does the permit require any source control activities, such as:
   a. alternatives to salts? □ Yes □ No
   b. fertilizers? □ Yes □ No
   c. herbicides? □ Yes □ No
   d. pesticides? □ Yes □ No
   e. other? □ Yes □ No

10. Describe any other specific provisions.

11. Recommendations:

Comments:

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III.G. Industrial/Commercial Stormwater CFR Citation: 122.26(d)(2)(i) and (iv)

Note: Only required for Phase I MS4s

1. Does the permit specifically address industrial or commercial sources? □ Yes □ No

2. Does the permit require an ordinance or other regulatory mechanism to address industrial/commercial sources? □ Yes □ No

3. Does the permit require an inventory of industrial/commercial sources in the permit area? □ Yes □ No

4. What types of industrial/commercial sources are addressed in the permit?
   a. Automotive repair/fueling □ Yes □ No
   b. Vehicle washing/power washing □ Yes □ No
   c. Restaurants □ Yes □ No
   d. Landscaping □ Yes □ No
   e. Other. Describe: □ Yes □ No

5. Does the permit require industrial/commercial sources to:
   a. Comply with specific standards/BMPs? □ Yes □ No
   b. Develop a plan to control stormwater discharges? □ Yes □ No

6. Does the permit require inspections of industrial/commercial sources? If yes, frequency: □ Yes □ No

7. Does the permit require training for industrial inspectors? □ Yes □ No

8. Describe any other specific provisions.

9. Recommendations:
IV. Monitoring, Reporting and Other Permit Issues

IV.A Evaluation and Tracking

1. Does the permit require evaluation of:
   a. overall program compliance? □ Yes □ No
   b. progress towards meeting measurable goals? □ Yes □ No

2. Does the permit require evaluation of specific minimum measures?
   □ Yes □ No

3. Does the permit require tracking of:
   a. evaluation information/data? □ Yes □ No
   b. progress towards measurable goals? □ Yes □ No

4. Does the permit have any specific tracking requirements not covered here or elsewhere?
   □ Yes □ No

5. Describe any other specific provisions.

6. Recommendations:

Comments:

(Additional space on page 13)

IV.B Monitoring

1. Does the permit include any monitoring requirements?
   □ Yes □ No

2. What type of monitoring does the permit require?
   a. Chemical □ Yes □ No
   b. Physical □ Yes □ No
   c. Biological □ Yes □ No
   d. In-stream/receiving water monitoring □ Yes □ No
   e. Effluent/outfall monitoring □ Yes □ No
   f. BMP performance monitoring □ Yes □ No

3. Does the permit require monitoring for TMDLs or to assess impaired waters?
   □ Yes □ No

4. Does the permit require tracking of environmental indicators?
   □ Yes □ No

5. Describe any other specific provisions.
6. **Recommendations:**

**Comments:**

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### IV.C. Record-Keeping, Reporting and Standard Permit Conditions

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<tbody>
<tr>
<td>1.</td>
<td>Does the permit require that records be kept for at least 3 years?</td>
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<tr>
<td>2.</td>
<td>Does the permit require the submittal of any relevant records/information requested by the permitting authority?</td>
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<td>3.</td>
<td>Does the permit require that records and stormwater management plans be available to the public?</td>
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<td>4.</td>
<td>Does the permit require annual reports? If not, what are reporting frequency requirements?</td>
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<tr>
<td>5.</td>
<td>Are annual (or other) reports required to include:</td>
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<tr>
<td>a.</td>
<td>status of compliance with permit conditions?</td>
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<td>b.</td>
<td>assessment of BMPs?</td>
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<td>c.</td>
<td>progress towards measurable goals?</td>
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<td>d.</td>
<td>results of information collected and analyzed?</td>
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<td>e.</td>
<td>activities for next reporting cycle?</td>
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<td>f.</td>
<td>changes in BMPs?</td>
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<td>g.</td>
<td>changes in measurable goals?</td>
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<td>h.</td>
<td>other changes to the stormwater management plan?</td>
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<tr>
<td>i.</td>
<td>notice that another government entity is fulfilling a permit obligation?</td>
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<td>j.</td>
<td>other?</td>
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<td>6.</td>
<td>Generally speaking, are the relevant standard permit conditions of 40 CFR §122.4 –122.49 included in the permit?</td>
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<td>7.</td>
<td>Describe any other specific provisions.</td>
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<td>8.</td>
<td><strong>Recommendations:</strong></td>
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**Comments:**

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Additional comments: