

PQR Questionnaire

Answers to these questions provide information on the state's permitting policies and procedures that will help EPA understand the scope, organizational structure, and function of the state's NPDES permitting program.¹ This information will be included in the PQR report only as necessary to provide background and context.

The state is encouraged to supply written answers to as many questions as possible, especially quantitative questions, in advance of the PQR opening interview during the state visit. Remaining questions can be answered or elaborated upon during the opening interview.

The state may provide additional documentation or attach additional pages as necessary.

Please use an alternate text color for your typed responses.

A. Background information on NPDES authority

1. State NPDES permitting authority structure:
 - a. Describe the organizational structure of the NPDES permitting office(s).

 - b. Are there any regional or field offices? What are their responsibilities?

2. NPDES permitting staff:
 - a. How many NPDES permit writers does the state currently employ (number of permit writers and/or full time equivalent (FTE))?

 - b. Are there any vacant permit writer positions? Any challenges associated with maintaining appropriate staffing levels for the program?

 - c. Does the state use any outside consultants/contractors to support NPDES permitting? Describe.

 - d. Identify what training resources and best practices are available for new or inexperienced permit writers. Identify any internal or external training courses used.

¹ EPA Regions review permits issued by states with NPDES program authorization. EPA Headquarters reviews permits issued by EPA Regions for states without authorization for the NPDES program or particular program components. In the interest of clarity, and because most PQRs are for state-issued permits, this document uses "EPA Region" for the entity conducting the PQR and "state" for the entity being reviewed. Nevertheless, the processes described here apply equally to EPA Headquarters' review of permits issued by EPA Regions.

B. Permit universe

1. Individual NPDES permit universe:

	Effective (i.e., current)	Administratively Continued	Total
POTWs			
Major			
Non-Major			
How many POTWs have approved pretreatment programs?			
Non-POTW			
<i>Industrial</i>			
Major			
Non-Major			
<i>Privately Owned Treatment Works (PrOTWs)*</i>			
Major			
Non-Major			
How many PrOTWs have non-domestic contributors?			
Individual Stormwater (includes individual MS4)			
Total individual universe:			
Data accurate as of (date):			

*Privately owned treatment works means any device or system which is (a) used to treat wastes from any facility whose operator is not the operator of the treatment works and (b) not a "POTW" (40 CFR 122.2).

2. General Permit Universe (stormwater and non-stormwater):

a. General permits administered by the state (add rows as necessary)

Permit Number	Permit Name/Category	Number of Permittees	Administratively Continued (Y/N)
Data accurate as of (date):			

b. How are NOIs tracked?

3. Permit universe backlog:

a. Permit backlog data

	Percent of universe in backlog (i.e., 180 days or more past expiration)*	Data accurate as of (date)
Individual Permits		
General Permit Covered Facilities		

*Based on current data or data as last reported for the OW Bowling Chart Metrics “Percent of existing state-issued NPDES individual permits in backlog” and “Percent of facilities covered by state-issued NPDES general permits in backlog”.

b. Discuss factors that may be contributing to the backlog, whether or not the backlog has been improving, and if the state is implementing any processes to reduce the backlog.

4. Significant industries in the state:

a. Most common industries, or industries contributing significant discharge to waters of the US:

b. Industries that take up significant permitting resources:

5. Public access to permits:

a. Are permits available online to the public (individual and general permits)? If so, please provide the link(s).

C. Development of permit conditions

1. NPDES Permit Application Process:

a. Describe state procedures for obtaining timely permit applications.

b. Does the state use EPA or state permit application forms?

i. If state forms are used:

1. Do they meet all application requirements applicable to state programs (40 CFR 122.21(a)-(b), (c)(2), (e)-(k), (m)-(r))?
 2. Do they require that sampling be conducted according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR Part 136 for the analysis of pollutants?
 3. Do they include any additional requirements? When did the state last update its forms?
- c. How are permit applications reviewed for completeness, and who is involved in the review?
- i. How does the state ensure that application data was analyzed according to sufficiently sensitive test procedures approved under 40 CFR Part 136?
 - ii. What is the average turnaround time for review of applications?
 - iii. How is application status communicated and tracked once review is completed (e.g., application completion letter sent, requests for additional information)?
2. Permit Development Process:
- a. How does the state assign permits to staff (e.g., geographical, by facility type)?
 - b. Describe the team that develops the draft permit. What other staff does the permit writer consult with during the permit development process? What role do the water quality standards (WQS), total maximum daily load (TMDL), water quality modeling, and compliance staff play in permit development? How is information shared across units, if these staff are in different units?
 - c. Describe any templates the state uses for permits and/or fact sheets.
 - i. Are there different templates for municipal and non-municipal facilities?
 - ii. Are there different templates for major and non-major permits?

- d. What is the timeline for draft permit development?
- e. What is the QA/QC process for permit development?
 - i. Are there peer and/or management QA/QC processes?
 - ii. Are checklists used in the QA/QC process?
 - iii. Do all permits undergo the same QA/QC process? If not, describe differences.

3. Technology-Based Effluent Limits (TBELs):

- a. Describe any specific tools or state policies used in developing ELG-based and BPJ-based TBELs.

4. Water Quality-Based Effluent Limits (WQBELs):

- a. How does the state conduct reasonable potential analyses (RPAs)?
 - i. Who conducts the RPA?
 - ii. Is there internal state guidance for conducting an RPA?
 - iii. How are pollutants of concern (POCs) identified?
 - iv. For what parameters does the state conduct an RPA?
 - v. How does the state decide what effluent data will be used in an RPA?
 - vi. Does the state consider all application and DMR data?
 - vii. Is there a prerequisite for a minimum number of data points before the state conducts an RPA?

- viii. Are data points ever removed from the analysis? If so, what is the rationale?
 - ix. Does the RPA address effluent variability?
 - x. How does the state conduct an RPA for new facilities, or facilities with limited or no analytical data?
 - xi. How does the state conduct RPA for whole effluent toxicity (WET)?
 - xii. How does the state conduct RPA for narrative water quality standards?
 - xiii. Does the state have a process for conducting a qualitative RPA when a quantitative RPA may be infeasible?
 - xiv. Are there circumstances when the state does not conduct an RPA? If so, describe.
 - xv. Are the data analyses, calculations, and results of the RPA included in the fact sheet?
- b. What is the state's dilution/mixing policy? How is it implemented?
- i. Does the policy impose mixing zone size constraints?
 - ii. What are the ambient background low flows used in mixing zone and RPA calculations?
 - iii. Is complete mixing assumed?
 - iv. How is the use of mixing zones documented in the fact sheet?

- v. How are downstream waters considered during development of WQBELs? Does the state have a policy for how far downstream to consider protection of water quality standards?
- c. What other considerations apply to WQBEL development?
- i. Describe how ambient/background concentration data for receiving waters are considered for RP and WQBEL calculations.
 - ii. What is the source of the ambient/background concentration data?
 - iii. What is the default value for ambient/background concentration?
- d. Describe any specific tools (e.g., spreadsheets, models) used in developing WQBELs.
- e. Describe how permit writers document WQBEL calculations or decisions in the fact sheet.
5. **Impaired Waters & Total Maximum Daily Loads (TMDLs):**
- a. How do permit writers identify if a receiving water is impaired or has a TMDL?
 - i. How are impaired receiving waters without an approved TMDL addressed during permit development?
 - ii. How are impaired receiving waters with an approved TMDL addressed during permit development?
 - b. Does the state track which permits implement TMDLs, and if so, how?
6. **Antidegradation:**
- a. Please provide link, citation, or reference to the state's antidegradation implementation procedures.
 - i. When were the procedures most recently updated?

- b. Describe how the permit writer considers antidegradation and determines whether it applies to a discharge.
- c. Describe how antidegradation review (if conducted) is documented in the fact sheet.

7. Anti-backsliding:

- a. When a proposed permit limit or condition is less stringent in a reissued permit than the previous permit, how is the backsliding analyzed for consistency with:
 - i. CWA section 402(o) for effluent limits based on a state water quality standard, such as WQBELs?
 - ii. CWA section 402(o) for technology-based effluent limits based on BPJ that are modified based on subsequently promulgated ELG?
 - iii. 40 CFR 122.44(l) for all other effluent limitations, standards, and conditions?
- b. How is consideration of anti-backsliding documented in the fact sheet?

8. Sufficiently Sensitive Methods:

- a. Do state requirements specify the use of the appropriately sensitive analytical methods?
 - i. For application data?
 - ii. For permit monitoring requirements?

9. Monitoring Requirements:

- a. Describe how the state develops monitoring requirements.
- b. What tools or resources do permit writers use to develop monitoring requirements, including sampling frequency, monitoring location, and sample type?

10. Reporting Requirements:

- a. Are there any challenges in the state with implementing e-reporting requirements?
- b. Has the state implemented e-reporting Phase II requirements (e-reporting for all reports by December 21, 2025, regardless of whether a tool for electronic submission is currently available)?

11. Standard Conditions:

- a. Do permit writers use boilerplate language for standard conditions? If so, when was the boilerplate last updated?
 - i. Are different boilerplates used for municipal and non-municipal permits?

12. Additional Monitoring and Special Studies:

- a. Describe any additional monitoring or special studies permit writers may include in NPDES permits.

13. Climate Impacts and Resilience:

- a. Describe any actions or plans underway to address issues associated with climate impacts and resilience in NPDES permits. This may include consideration of:
 - i. Stormwater discharges (e.g., industrial, construction, MS4)²
 - ii. Critical low flow evaluations
 - iii. Precipitation statistics and ambient water temperature data
 - iv. Coastal facilities subject to potential sea level rise

² Examples may include: asset management requirements, infrastructure resilience assessments, water reuse or recycling provisions, hazards and vulnerabilities plan, acres managed numeric limits, stormwater retention programs, green infrastructure (e.g., green roofs, rain gardens, green spaces, retrofitting gray infrastructure, tree canopy initiatives), public education and outreach regarding climate resiliency, precipitation and temperature monitoring.

- b. Describe any permit requirements for discharges associated with water reuse activities.
- c. Describe any policies, guidance, or other factors the state uses, or may be considering, to address climate resiliency in NPDES permits.

14. Environmental Justice (EJ): ³

- a. Does the state use any tools or data layers (e.g., EPA's [EJ Screen and Mapping Tool](#), [CEJST](#), or other tools; data layers such as CDC Places) to identify communities that might be disproportionately affected by a permittee's activities? If so, what tool is the state using?
 - i. Describe how this information is used in the permitting process.
- b. What practices does the state use to engage potentially disproportionately impacted communities on proposed permitting actions? Please provide specific examples where possible and address activities such as:
 - i. Document translation
 - ii. Public information session(s)
 - iii. Readily available/accessible information
 - iv. Translation at public meeting/hearing and/or information session
 - v. Easily accessed time and location for public meeting/hearing
 - vi. Extended comment period
 - vii. Other (briefly describe)

³ EPA defines environmental justice as "Fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies" (<https://www.epa.gov/environmentaljustice>).

- c. Describe any other actions the state may be taking to address EJ in NPDES permits and/or in the process of issuing permits.

15. Per- and Polyfluoroalkyl Substances (PFAS):

- a. Describe any steps the state is currently taking consistent with EPA's December 2022 memo, [Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs](#), in NPDES permitting activities, for:
 - i. Applicable industrial direct dischargers
 - ii. POTWs (including biosolids)
- b. Are there any industries not listed in EPA's memo where the state has found it necessary to regulate PFAS discharges?
- c. At facilities where PFAS is expected or suspected to be present at levels of concern in wastewater and stormwater discharges, does the permit include monitoring requirements for PFAS?
 - i. If the permit including monitoring requirements, what analytical methods do the monitoring requirements specify? (For example: using EPA's analytical methods 1633 and 1621 or other state methods?)
- d. Do NPDES permits contain conditions based on product elimination and substitution when a reasonable alternative to using PFAS is available in the industrial process?
- e. Do stormwater permits require best management practices to address PFAS containing firefighting foams?
- f. Are there enhanced public notification and engagement with downstream communities and public water systems for discharges containing PFAS?
- g. Do NPDES permits require pretreatment programs (if applicable) to include source control and best management practices to protect wastewater treatment plant discharges and biosolid applications?

- h. Describe any other actions the state is taking, or plans to take, to address PFAS through the NPDES program.

16. Other Resources:

- a. Does the state have any other policies, guidance, tools, templates, or systems for use in permit development that have not been previously discussed (e.g., in-house permit and data compliance database)?

D. Administrative processes

1. Administrative Record:

- a. Does the state have any regulations or policies to maintain an administrative record for NPDES permits?

- i. What is the content and location of the final administrative record?

- b. How and where are NPDES permit files maintained? Consider both paper and electronic files.

- i. Permit development documentation.

- ii. Correspondence.

- iii. Monitoring and reporting.

- iv. Compliance records.

- v. Referenced documents (e.g., approved pretreatment programs)

- vi. Other.

2. 401 Certifications (if applicable):

- a. For which categories of EPA-issued NPDES permits does the state complete 401 certifications?

b. Who performs the 401 certification process?

3. Public Participation:

a. Describe the procedures for the following:

- i. Public notice
- ii. Comment
- iii. Comment response
- iv. Hearings

4. Appeals and Modifications:

a. How prevalent are permit appeals?

b. How prevalent are major modifications? Minor modifications?

E. Other state-specific areas of interest

1. Any priorities the state would like to discuss?

2. Current permitting initiatives?

3. Concerns or permitting challenges?

4. Is there anything the state would like to see from the EPA Region or Headquarters? Policies/rules? Assistance in specific areas? Additional training opportunities?