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EPA NPDES eRule Phase 2

Implementation: Roadmap for Deploying Phase 2 NeT Applications

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Available at: https://www.epa.gov/compliance/npdes-ereporting

# **1.0** OVERVIEW

EPA published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (“NPDES eRule”) on 22 October 2015. The 2015 rule requires EPA and states to modernize Clean Water Act (CWA) reporting for municipalities, industries, and other facilities. That rule replaced most paper-based NPDES reporting requirements with electronic reporting. These reports include: (1) Discharge Monitoring Reports (DMRs); (2) general permit reports (e.g., Notices of Intent to discharge in compliance with a general permit); and (3) other specified program reports. The NPDES eRule uses a phased implementation schedule (40 CFR 127.26). Most states and permittees have successfully implemented Phase 1 of the NPDES eRule, which includes electronic submission of DMRs and the Federal Biosolids Annual Report where EPA is the Regulatory Authority. Electronic submission of all other reports and notices are part of Phase 2 implementation.

The NPDES eRule also requires states and other regulatory authorities to electronically share specific data with EPA. See 40 CFR 127.23. The data that these regulatory authorities share with EPA includes permit, compliance monitoring (e.g., inspection), violation determination, and enforcement action data. These electronic data transfers must be "timely, accurate, complete, and consistent." The NPDES eRule requires all authorized NPDES programs to share the "minimum set of NPDES data" with EPA's national NPDES data system. These data are listed in Appendix A, 40 CFR part 127. The proper sharing of these data between EPA and authorized NPDES programs ensure, "that there is consistent and complete reporting nationwide, and expeditious collection and processing of the data, thereby making it more accurate and timely."

EPA extended the deadline for Phase 2 implementation by five years in a final rule published on 2 November 2020 ([85 FR 69189](https://www.federalregister.gov/documents/2020/11/02/2020-21446/npdes-electronic-reporting-rule-phase-2-extension)). This final rule also provides states with additional flexibility to request additional time up to three years if needed, subject to EPA review and approval. This final rule also eliminated some duplicative or outdated reporting requirements. These changes ensure a smoother transition from paper to electronic reporting for the NPDES program. Taken together, these data standardizations and the corresponding electronic reporting requirements are designed to save the NPDES authorized programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals (as permit writers typically review previous noncompliance events during permit renewal), ensure full exchange of NPDES program data between states and EPA to the public, improve environmental decision-making, and protect human health and the environment.

This document provides a high-level overview of EPA’s efforts to implement Phase 2 of the NPDES eRule. In particular, this document focuses on the general permits and program reports that will use EPA’s Phase 2 electronic reporting tool (“NPDES Electronic Reporting Tool” or “NeT”). This document provides the current strategy for EPA’s Phase 2 implementation and the related roadmap and potential timelines.

# 2.0 INVENTORIES OF GENERAL PERMITS AND PROGRAM REPORTS AND INITIAL COLLABORATION

The NPDES eRule allows states to determine what electronic reporting tools and systems work best for them and whether they would like to be the initial recipient of NPDES compliance monitoring data. EPA does not dictate the electronic reporting tools that a state may use. Rather, EPA sets performance requirements for states that wish to build their own electronic reporting tools. States also have the option of using and, if desired, customizing electronic reporting tools developed and maintained by EPA.

The NPDES eRule requires states to submit a plan on how they will implement Phase 2. These plans are posted on the NPDES eRule website [see 40 CFR 127.26(h)].[[1]](#footnote-1) EPA has relied on this information and regular updates from states to create an inventory of general permits and program reports that will be using NeT. The inventory of general permits and program reports that will use NeT is a key element of EPA’s Phase 2 implementation.

This inventory is made available through publication of the “NPDES eRule Phase 2 Implementation Dashboard.”[[2]](#footnote-2) Among other features, this dashboard allows users to filter on permitting authority (EPA or state), the corresponding electronic reporting tool system (i.e., use of NeT is either “Yes” or “No” for each general permit or program report), and whether EPA or the state deployed an electronic reporting tool (i.e., “Yes”, “No”, “Pending”, “Hold”, or “N/A”). EPA regularly updates the data behind this dashboard based on collaboration with states (see Section 5) and through use of an Information Collection Request (ICR) (see OMB No. 2040-0004).[[3]](#footnote-3)



The current estimate is that there are approximately 48,000 filers that will use NeT for 285 general permits. This includes 196 EPA-issued general permits and 89 state issued general permits. It is important to note that EPA has already deployed NeT applications for 170 general permits, which cover approximately 32,000 facilities. Most of the general permit covered facilities are in the stormwater categories [i.e., Construction, Industrial, Urban (MS4)].



The current estimate is that there are approximately 15,800 filers that will use NeT for 155 program reports. This includes 102 EPA-issued program permits and 53 state issued program reports (see screenshot below).



It is important to note that EPA has already deployed NeT applications for 73 program reports, which cover approximately 10,400 filers. Most of the program report filers are POTWs as they are filers of the biosolids annual report, the sewer overflow/bypass event report, and the pretreatment program report. EPA has completed its initial information gathering on all the general permits and program reports that will use NeT.

# 3.0 NeT DEVELOPMENT APPROACH

EPA is using a collaborative process to work with states that have elected to use NeT. This approach requires each permitting authority to initially provide basic information on each general permit and program report that will use NeT. More detailed information is required for permits that are identified for development. This will ensure that NeT meets the needs of the permitting authority. EPA’s approach for NeT development depends on the following key factors:

* Collaboration with EPA Regions and states,
* Increasing efficiency and quality of NeT application requirements gathering and deployments,
* Re-use forms and process flows whenever possible,
* Reuse of code and services, and
* Focusing on general permits and program reports that provide savings and benefits to the EPA Regional and state NPDES programs.

These key factors are described below.

## 3.1 Collaboration with EPA Regions and states

EPA has worked with EPA Regions and states in a collaborative manner since publication of the 2015 NPDES eRule. The EPA-state General Permits and Program Reports Workgroup meets monthly to discuss aspects of Phase 2 implementation (see Section 5). This workgroup helped EPA group general permit into categories, which EPA used for the “NPDES eRule Phase 2 Implementation Dashboard.”

EPA also worked with states over a two-year process to develop implementation guidance called “Technical Papers.”[[4]](#footnote-4) These papers support implementation of the final rule by providing further information for the data elements identified in the final rule (Appendix A to 40 CFR part 127). These papers provide additional guidance for the information submitted during NPDES permit applications [including Notice of Intent to Discharge (NOI) submissions], compliance monitoring data submitted by NPDES-regulated entities, and compliance monitoring data submitted by EPA or states. EPA plans to use these technical papers to develop specific requirements for its NeT development and EPA encourages states that are building their own electronic reporting tools to do likewise. It is important to note that these technical papers do not address state-specific data elements or business rules. EPA may update these technical papers during Phase 2 implementation and will coordinate this development with states.

The NeT development efforts depend on active and on-going engagement with EPA Regional and state staff to identify all the information collection and business requirements that must be supported by NeT as well as issues that might delay or block NeT development. This engagement with states must identify any requirements for public display of submitted data as well as any state requirements for fee collection. This engagement is critical to ensure a successful NeT application deployment.

EPA uses a Memorandum of Understanding (MOU) with each state that has elected to use NeT. This MOU clarifies the roles and responsibilities for both EPA and the authorized NPDES program. This document will be useful to ensure that both EPA and states understanding the scope of work necessary to implement electronic reporting and the timing of this work. The primary focus of the MOU covers the data elements found in the NPDES eRule (see Appendix A, 40 CFR part 127), which identifies the minimum set of NPDES data that authorized NPDES programs must enter or transfer to U.S. EPA’s national NPDES data system, as well as what NPDES-regulated entities must report electronically to the authorized NPDES program. Where the authorized NPDES program chooses to require NPDES regulated entities to submit more data than what is listed in 40 CFR Part 127, Appendix A, both parties to this agreement will work together to determine the most viable solution (e.g., additional fields on electronic form, PDF attachment, paper form) to collect and record those data. EPA’s website provides more information on these MOUs.[[5]](#footnote-5) This MOU also covers long-term maintenance of the electronic reporting tools in NeT and change management.

## 3.2 Increasing efficiency and quality of NeT application requirements gathering and deployments

EPA standardized its process for “on-boarding” general permits and program reports into NeT. This approach is generally performed across all general permits and program reports in a category (e.g., Industrial Stormwater, Construction Stormwater, Aquaculture).

First, there is an initial review of gathered information to identify the EPA Regions and states that will use NeT for their general permits or program reports (see Attachment 1). This includes identifying features using a “MoSCoW” prioritization process. The MoSCoW method is a prioritization technique used in software development to reach a common understanding with stakeholders on the importance they place on the delivery of each requirement. The term MoSCoW itself is an acronym derived from the first letter of each of four prioritization categories: M - Must have, S - Should have, C - Could have, and W - Won't have. EPA relies on states to sort requirements into these categories and help resolve any issues that might delay or block NeT development. This may require states to deploy resources to help resolve these issues (e.g., resolving data sharing issues between a state NPDES data system and EPA’s national NPDES data system). Key findings from the initial information gathering are provided in Attachment 1. EPA uses a standard checklist to identify and summarize the features considered for NeT development:

* Is there an existing NeT application that covers the same general category or regulated activity?
* Identify basic existing functionality needed to satisfy program requirements:
* List and describe any other functionality needed to satisfy program requirements:
* List and describe any other functionality not listed above needed to satisfy program requirements:
* List and describe any other assumptions, questions or roadblocks that need to be resolved prior to development.

The next step creates “epics” and “user stories” for the general permits and program reports. These user stories are used in the “Agile” software development process. Each user story breaks down a large feature or functionality into small, separable tasks. Epics are combinations of user stories. It is common for EPA staff to engage with permitting staff on a regular basis (e.g., weekly) to further refine and revise these “epics” and “user stories” for NeT development. Example tasks that must be completed are provided in Attachment 2. This standardized process is managed by a single EPA “Product Owner” who is responsible for ensuring that NeT application meet the needs of the authorized NPDES program. The EPA Product Owner will also engage with NeT Customer Support staff as needed to make sure these staff are involved early in the requirements gathering and NeT development process. This will help ensure that training and outreach materials are available when NeT applications are deployed.

## 3.3 Re-use forms and process flows whenever possible

EPA is developing NeT applications across different categories (e.g., Industrial Stormwater, Construction Stormwater, Aquaculture). This approach provides the potential for re-using some or all of forms and process flows previously developed. For example, EPA was able to re-use large sections of the NeT-Aquaculture NOI form across all general permits in the Aquaculture category. This approach allowed EPA to save time and resources in developing and deploying NeT applications. This approach works best when EPA Regions and states within a category can agree on the major sections of the different general permit forms (e.g., NOIs) to allow for potential re-use. This approach still allows for EPA to customize questions on the different forms to meet the individual needs of the EPA Region or state. EPA is also relying on open-source software whenever possible to help reduce its long-term operating costs.

## 3.4 Focusing on general permits and program reports that provide savings and benefits to the EPA Regional and state NPDES programs

In general, EPA has focused on the industrial categories that provide savings and benefits to the authorized NPDES programs. For example, EPA has focused on developing NeT applications with large numbers of general permit covered facilities (e.g., Industrial Stormwater, Construction Stormwater, Oil and Gas Extraction). This approach has helped EPA develop NeT applications cover approximately 68% of the general permit covered facilities that will use NeT.

This factor also considers the timing of these electronic submissions. EPA will consider if a general permit generates submissions throughout its term (e.g., on-going NOI submissions, annual program report submissions) when it prioritizes its development resources. This means that a general permit with no program report submissions would have a lower priority for NeT development if most of the general permit covered facilities have already submitted their NOI and the general permit will not be re-issued for several years.

# 4.0 NeT APPLICATION ROADMAP

EPA extended the compliance deadline for Phase 2 implementation of the NPDES eRule from December 21, 2020, to December 21, 2025 (see Table 1 to 40 CFR 127.16). EPA estimates that it now can make these tools available by December 21, 2025. EPA has gathered basic information on all general permits and program reports that will use NeT. EPA expects to meet the new Phase 2 start date as it has already deployed general permit electronic reporting tools for over 32,000 facilities (approximately 68% of the estimated number of facilities that will use NeT). An extension of the Phase 2 start date will also assist states who have experienced similar challenges in developing the information technology infrastructure to implement electronic reporting tools. The following is the current roadmap for deploying Phase 2 NeT applications. This roadmap is dependent on available resources and will change as new information is shared with EPA.

**Round 1 NeT Development**

EPA has prioritized NeT development for these categories: (1) Stormwater – Construction; (2) Stormwater – Industrial; and (3) Oil and Gas Extraction. These general permit categories have the largest number of general permit covered facilities. EPA also included NeT development for the Aquaculture sector in Round 1. This was done in accordance with the recommendation from the EPA-state General Permits and Program Report workgroup. The workgroup selected this category as it had a mix of EPA and state issued general permits and would be a good example of how to fully transition a general permit from paper to electronic submissions. The dashboard shows that there are 121 NPDES IDs for Round 1 NeT development that cover approximately 41,000 general permit covered facilities (GPCFs).



EPA has not yet completed NeT development for all of the general permits in this sector at the request of the EPA Regional or state NPDES programs. The reasons for delay in deployment vary and usually related to issues outside of the tasks necessary for NPDES electronic reporting. For example, the following Idaho aquaculture general permit (IDG130000 – AQUACULTURE FACILITES WITH WLA) requires Idaho to develop a Total Maximum Daily Load (TMDL) plan for these facilities. Development and implementation of the TMDL is necessary before NeT-Aquaculture development can start. EPA will continue to work with EPA Regions and states to coordinate development activities. The MOU helps facilitate this coordination between EPA and the permitting authorities.

**Round 2 NeT Development**

EPA solicited input from the EPA-state General Permits and Program Report Workgroup on selecting the sectors for Round 2 NeT development. The following sectors were recommended by members of this workgroup:

* Pesticide Application (general permit and permit-specific annual report)
* Groundwater Remediation, Dewatering, and Hydrostatic Testing (general permit)
* Stormwater – MS4 (general permit and program report)
* Biosolids annual report (program report) for South Dakota, Texas, and Utah
* Sewer Overflow/Bypass Report (program report)

These categories meet one or more of the following criteria:

* Include EPA general permits and program reports,
* Cover large number of facilities,
* Include program reports,
* Have interested EPA Regional and state partners who are willing to invest time and resources to facilitate requirements gathering and testing, and
* Potential for re-use of existing NeT applications.

EPA also included in Round 2 any necessary re-work for its industrial stormwater application (NeT-MSGP) that results from EPA’s re-issuance of the Multi-Sector General Permit.[[6]](#footnote-6) EPA will continue to work with EPA Regions and states to coordinate development activities for these sectors and update the dashboard as NeT deployments are made.

**Round 3 NeT Development**

EPA solicited input from the EPA-state General Permits and Program Report Workgroup on selecting the sectors for Round 3 NeT development. The following sectors were recommended by members of this workgroup:

* Domestic Wastewater and Drinking Water Treatment (general permit)
* Miscellaneous Discharges (general permit and 316(b) program report)
* Pretreatment program reports (POTW annual report and SIU/CIU semi-annual report)

These categories meet cover most of the remaining general permits and program reports that need to transition to electronic reporting.

**Round 4 NeT Development**

EPA will start work on the remaining category (Concentrated Animal Feeding Operations) after most of the NeT development for general permits and program reports in Rounds 1, 2, and 3 are completed. This category covers electronic reporting for general permits and the CAFO annual report. EPA plans to finish all NeT development prior to the Phase 2 deadline (December 21, 2025).

The following sections provide more detail on each of the general permits and program reports covered by NPDES eRule Phase 2 implementation.

## 4.1 Stormwater - Construction

This sector includes permitted discharges associated with active construction sites. This category has the largest number of GPCFs that will use NeT at approximately 19,000. These construction stormwater operators submit NOIs throughout the permit term. EPA prioritized this category for NeT development because of the large number of GPCFs and the frequency of NOI submissions. Transitioning to electronic reporting for this category has results in immediate and meaningful resource savings.

The EPA Construction General Permit (CGP) is EPA’s NPDES permit for this category where EPA is the NPDES permitting authority. EPA has assigned a unique permit identifier (i.e., “NPDES ID”) for each state or territory covered by the CGP. The dashboard shows that there are 49 NPDES IDs for the CGP that cover approximately 11,000 GPCFs. The CGP authorizes the discharge of stormwater (and certain authorized non-stormwater discharges) from construction sites that disturb one acre or more of land, and from smaller sites that are part of a larger, common plan of development. This permit requires operators of such construction sites to implement stormwater controls and develop a Stormwater Pollution Prevention Plan (SWPPP) to minimize the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff. EPA first deployed a NeT application in 2017 for the 2017 CGP. EPA has also deployed a NeT application for Illinois and Utah. EPA is currently working with the following states to develop a NeT application: Connecticut, Maine, Mississippi, and the U.S. Virgin Islands.

## 4.2 Stormwater - Industrial

This sector includes permitted discharges associated with industrial stormwater. This category has the second largest number of GPCFs that will use NeT at approximately 12,000. These industrial stormwater operators tend to submit NOIs throughout the permit term; however, most operators renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit. EPA prioritized this category for NeT development because of the large number of GPCFs and the frequency of NOI submissions. Some industrial stormwater permits also have permit-specific annual compliance monitoring reports. Transitioning to electronic reporting for this category has results in immediate and meaningful resource savings.

The EPA MSGP is EPA’s NPDES permit for this category where EPA is the NPDES permitting authority. EPA has assigned a unique permit identifier (i.e., “NPDES ID”) for each state or territory covered by the MSGP. The dashboard shows that there are 50 NPDES IDs for the MSGP that cover approximately 2,300 GPCFs. The MSGP authorizes the discharge of industrial stormwater (and certain authorized non-industrial discharges) from industrial sites. Material handling and storage, equipment maintenance and cleaning, and other activities at industrial facilities are often exposed to the weather. Runoff from rainfall or snowmelt that comes in contact with these activities can pick up pollutants, and transport them directly to a nearby river, lake, or coastal water or indirectly via a storm sewer and degrade water quality.

EPA also deployed industrial stormwater applications for the following states: Rhode Island, South Dakota, and Utah. EPA is currently working with the following states to develop a NeT application for state-issued general permits in this sector: Connecticut, Illinois, Maine, Mississippi, and the U.S. Virgin Islands.

## 4.3 Oil and Gas Extraction

This sector includes permitted discharges from the oil and gas extraction industry. This category has the third largest number of GPCFs at approximately 10,500. Most operators renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit. EPA prioritized this category for NeT development because of the large number of GPCFs. Transitioning to electronic reporting for this category has results in immediate and meaningful resource savings.

EPA deployed NeT applications for the two Gulf of Mexico (GOM) oil and gas extraction general permits in this sector (GMG29 and GEG46). The Western GOM oil and gas extraction general permit (GMG29) covers the bulk of facilities in this sector. The remaining general permit in this category (CAG28 – Offshore Southern California) expired in February 2019 and is in the process of being renewed.

## 4.4 Aquaculture

This sector includes permitted discharges from the animal aquaculture category. Animal aquaculture is the culture, or husbandry, of marine or freshwater animals. "Aquatic animals" means all life stages of fish, mollusks, and crustaceans. Aquaculture is undertaken in a variety of ways, including fish hatcheries, raceways, ponds, or recirculating systems, floating or submersible net pens or cages, and bag, rack, or suspended shellfish culture. This category has a relatively small number of GPCFs. Most aquaculture facilities renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit. EPA prioritized this category for NeT development based on recommendations from the EPA-state General Permits and Program Reports workgroup (see Section 5). The workgroup selected this category as it had a mix of EPA and state issued general permits. The workgroup noted that NeT development for this category would “serve as a simple trial and exercise of how to document the business requirements of a permit from scratch.”[[7]](#footnote-7)

EPA deployed NeT applications for EPA Regions 1 and 10, Idaho, and Utah. EPA will work with Idaho and Maine for the remaining state-issued general permits in this category. EPA used the NeT development process to test out the capabilities for re-using some or all the NeT forms and process flows across all general permits in this category. This approach allows for customization for each general permit but with a priority on re-use.

## 4.5 Pesticide Application

This sector includes point source discharges of biological pesticides and chemical pesticides that leave a residue. This category covers approximately 900 GPCFs. These pesticide applicators tend to submit NOIs throughout the permit term; however, some operators renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit. EPA prioritized this category for NeT development because of the number of GPCFs and the frequency of NOI submissions. Some of the general permits in this sector also require annual report submissions.

The EPA Pesticide General Permit (PGP) is EPA’s NPDES permit for this category where EPA is the NPDES permitting authority. EPA has assigned a unique permit identifier (i.e., “NPDES ID”) for each state or territory covered by the PGP. The dashboard shows that there are 41 NPDES IDs for the PGP that cover approximately 150 GPCFs. The permit covers mosquito and other flying insect pest control; weed and algae pest control; animal pest control; and forest canopy pest control. EPA deployed a NeT application for PGP in 2021.

EPA also plans to work with the following states to develop a NeT application for their state-issued general permits in this sector: Connecticut, Idaho, Illinois, Nebraska, Utah, and the U.S. Virgin Islands.

## 4.6 Groundwater Remediation, Dewatering, and Hydrostatic Testing

This sector includes groundwater remediation and construction dewatering activities that require NPDES permit coverage. This sector is represented on the dashboard by the "Groundwater Remediation," "Construction Dewatering," " Hydrostatic Testing," and "Temporary Discharges" categories and includes 23 general permits (11 issued by EPA and 12 state-issued general permits), which cover approximately 840 GPCFs. These operators submit NOIs throughout the permit term. This includes deploying NeT applications for state-issued general permits in the following states: Connecticut, Illinois, Mississippi, Nebraska, Rhode Island, South Dakota, and Utah.

## 4.7 Stormwater - MS4

This sector includes discharges of municipal stormwater. Polluted stormwater runoff is commonly transported through municipal separate storm sewer systems (MS4s), and then often discharged, untreated, into local water bodies. To prevent harmful pollutants from being washed or dumped into MS4s, certain operators are required to obtain NPDES permits and develop stormwater management programs. This category includes 23 general permits and covers approximately 840 GPCFs. These permittees tend to renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit. This category also includes a program report covered by the NPDES eRule (see Table 1 to Appendix A, 40 CFR part 127). The program report serves as a compliance monitoring tool to assess compliance with permit requirements.

EPA has started NeT development for the general permits in this sector. This includes deploying NeT applications for the following states: Connecticut, Delaware, Illinois, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, and Utah. EPA will incorporate the MS4-specific information on the NOI (see Appendix A, 40 CFR part 127).

EPA will also deploy a NeT application for the MS4 Program Reports issued by EPA and states. These program reports cover both individually permitted MS4s and general permit covered MS4s (approximately 2,000 MS4 Program Report filers). EPA’s dashboard shows that the following states and territories will use NeT for their MS4 Program Report:

* EPA-issued program reports: District of Columbia, Guam, Massachusetts, New Hampshire, New Mexico, Northern Marianas Islands, and Puerto Rico.
* State-issued program reports: Connecticut, Delaware, Illinois, Kentucky, Maine, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, and Utah.

The program report requires filers to document their activities to control urban stormwater and to report any noncompliance. Consequently, the NeT MS4 program report application will need to work with permit application data to identify permit requirements. EPA plans to update its systems to incorporate MS4-specific permit application data for individually permitted MS4s. EPA also plans to deploy new violation codes for this sector to leverage the benefits of electronic reporting. These new violation codes will allow the NeT application to automatically identify violations when a filer self-reports non-compliance with their permit requirements. EPA updated its systems in 2021 to incorporate the “Deficiencies Identified Through the MS4 Compliance Monitoring” data element, which identifies each deficiency in the MS4's program to control stormwater pollution for each compliance monitoring activity (e.g., inspections, audits) by the regulatory authority (see Appendix A, 40 CFR part 127).

## 4.8 Domestic Wastewater and Drinking Water Treatment

This sector includes permitted discharges from treatment works treating domestic sewage and drinking water treatment facilities. This sector is represented on the dashboard by the “Domestic Wastewater Treatment Facilities”, “Sewer Overflows”, and “Drinking Water Treatment” categories. These permittees tend to renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit. This category also includes four program reports covered by the NPDES eRule (see Table 1 to Appendix A, 40 CFR part 127):

* Sewage Sludge/Biosolids Annual Program Reports [40 CFR part 503];
* Pretreatment Program Reports [40 CFR 403.12(i)];
* Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]; and
* Sewer Overflow/Bypass Event Reports [40 CFR 122.41(l)(4), (6), (7), and 122.41(m)(3)]

These program reports serve as a compliance monitoring tools to assess compliance with permit requirements and EPA regulations. EPA will also incorporate the following sector-specific information on the NOI (see Appendix A, 40 CFR part 127):

* Sewage Sludge/Biosolids Information
* Publicly owned treatment works (POTW) Information
* Combined Sewer Overflow Information
* Pretreatment Information

This sector-specific information describes the permitted facility and its activities to protect public health and the environment. This information also documents permit requirements. These data are used in conjunction with the four program reports.

EPA will also deploy a NeT application for the four program reports issued by EPA and states. These program reports cover both individually permitted facilities and general permit covered facilities. These program reports are described in more detail below.

### 4.8.1 Sewage Sludge/Biosolids Annual Program Reports [40 CFR part 503]

Currently there are nine states that have authorization to administer the Federal biosolids program (Arizona, Idaho, Michigan, Ohio, Oklahoma, South Dakota, Texas, Utah, and Wisconsin).[[8]](#footnote-8) EPA administers the Federal biosolids program for the remainder of 41 states and all territories and tribal lands. EPA deployed a NeT application for this program report in the 41 states, territories, and tribal lands as part of Phase 1 implementation of the NPDES eRule (see Table 1, 40 CFR 127.16). Three of these states (South Dakota, Texas, and Utah) have elected to use NeT for this program report. Deploying NeT-Biosolids for these three states is part of NPDES eRule Phase 2 implementation. EPA has deployed NeT for these three states. As part of NPDES eRule Phase 2 implementation EPA will also facilitate electronic data transfers for the remaining states that plan on building their own electronic reporting tool for this program report (Arizona, Idaho, Michigan, Ohio, Oklahoma, and Wisconsin).

### 4.8.2 Pretreatment Program Reports [40 CFR 403.12(i)]

Currently there are there are 37 states authorizes to administer the Federal pretreatment program (40 CFR part 403). EPA administers the Federal biosolids program for the remainder of 13 states and all territories and tribal lands. The following states have elected to use NeT for this program report: Maine, Rhode Island, South Dakota, Texas, and Utah. Deploying NeT for these states is part of NPDES eRule Phase 2 implementation. As part of NPDES eRule Phase 2 implementation EPA will also facilitate electronic data transfers for the remaining states that plan on building their own electronic reporting tool for this program report.[[9]](#footnote-9)

EPA reached out its Regions and the states that elected to use NeT to collect basic information on their requirements for this program report. EPA’s dashboard shows that the following states will use NeT for the Pretreatment Program Report:

* EPA-issued program reports: Colorado, Delaware, District of Columbia, Illinois, Indiana, Kansas, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, New York, Pennsylvania, Puerto Rico, and Wyoming.
* State-issued program reports: Maine, Rhode Island, South Dakota, Texas, and Utah.

The program report requires filers to document their activities to industrial wastewater discharges to their facility. Consequently, the NeT Pretreatment Program Report application will need to work with permit application data to identify permit requirements. EPA plans to update its systems to incorporate pretreatment specific permit application data for individually permitted facilities. EPA also plans to deploy new violation codes for this sector to leverage the benefits of electronic reporting. These new violation codes will allow the NeT application to automatically identify violations when a filer self-reports non-compliance with their permit requirements.

### 4.8.3 Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]

Significant Industrial Users and Categorical Industrial Users must submit a report on their compliance status at least semiannually (once every 6 months). For Middle-Tier Categorical Industrial Users, the Control Authority may reduce the requirement to report to no less frequently than once a year, unless required more frequently in the pretreatment standard or by the Approval Authority. A facility determined to be a Non-Significant Categorical Industrial User (NSCIU) must annually submit a certification statement in addition to any other alternative report required by the Control Authority.

These reports are generally filed in June and December; however, the Control Authority may modify the months in which the reports are to be submitted. In addition, these Industrial Users might need to report more frequently as required in the pretreatment standards, by the Control Authority or by the Approval Authority. All results for self-monitoring performed in accordance with 40 CFR Part 136 test methods must be reported to the Control Authority, even if the SIU/CIU is monitoring more frequently than required. The reporting requirements for Categorical Industrial Users and Significant Industrial Users are listed in 40 CFR 403.12(e) and (h), respectively.

These semi-annual compliance reports are similar to the Discharge Monitoring Reports (DMRs) used for NPDES permits but with an important difference. The DMR form collects summary data (e.g., the monthly average is reported but not the daily sampling), while the semi-annual compliance reports collect all the measurements taken in the reporting period. These data are used to determine compliance and to identify Significant Industrial Users or Categorical Industrial Users in significant noncompliance (SNC) [see 40 CFR 403.8(f)(2)(viii)].

The following states have elected to use NeT for this program report: Connecticut, Maine, Mississippi, Nebraska, Texas, and Utah. Deploying NeT for these states is part of NPDES eRule Phase 2 implementation. As part of NPDES eRule Phase 2 implementation EPA will also facilitate electronic data transfers for the remaining states that plan on building their own electronic reporting tool for this program report.

EPA reached out its Regions and the states that elected to use NeT to collect basic information on their requirements for this program report. EPA’s dashboard shows that the following states will use NeT for this program report:

* EPA-issued program reports: Colorado, Delaware, Illinois, Indiana, Kansas, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, New York, Pennsylvania, and Wyoming.
* State-issued program reports: Connecticut, Maine, Mississippi, Nebraska, Texas, and Utah.

The program report requires filers to document their activities to control their industrial wastewater discharges to sewage treatment facilities. Consequently, the NeT program report application will need to work with permit or control mechanism data to identify requirements. EPA plans to update its systems to incorporate permit or control mechanism data for facilities not covered by a general permit. EPA also plans to deploy new violation codes for this sector to leverage the benefits of electronic reporting. These new violation codes will allow the NeT application to automatically identify violations when a filer self-reports non-compliance with their permit or control mechanism requirements.

### 4.8.4 Sewer Overflow/Bypass Event Reports [40 CFR 122.41(l)(4), (6), (7), and 122.41(m)(3)]

The NPDES eRule standardized reporting requirements for sewer overflow noncompliance reporting and bypass reporting. In particular, the final rule modified the “Conditions applicable to all permits” section in EPA’s NPDES regulations (see 40 CFR 122.41). The requirements provided in §122.41 apply to all types and categories of NPDES permits and must be included in all permits (see §123.25 for applicability to state NPDES permits). Part 122.41 includes requirements for noncompliance reporting, bypasses reporting, and DMRs. These noncompliance reporting requirements also apply to all co-permittees (including satellite sewer systems that are co-permittees).

EPA and states will implement electronic reporting for noncompliant sewer overflow reporting and bypass reporting. This reporting will be conducted on the “Sewer Overflow/Bypass Event Report” or on the DMR for some wet-weather CSOs that are not compliant with permit requirements. NPDES permittees must electronically submit this noncompliant sewer overflow reporting and bypass reporting.

EPA reached out its Regions and the following states that elected to use NeT to collect basic information on their requirements for this program report. EPA’s dashboard shows that approximately in the following states and territories will use NeT for this program report:

* EPA-issued program reports: American Samoa, District of Columbia, Guam, Massachusetts, Navajo Nation, New Hampshire, New Mexico, Northern Mariana Islands, Puerto Rico, and Saint Regis Tribe.
* State-issued program reports: Illinois, Kentucky, Louisiana, Maine, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, Utah, and the U.S. Virgin Islands.

The program report documents sewer overflow and bypass event reports. Consequently, the NeT program report application will need to work with permit data to identify facility and sewer collection system information (e.g., combined sewer system outfalls that are permitted features). EPA plans to update its systems to incorporate permit data for facilities not covered by a general permit. EPA also plans to deploy new violation codes for this sector to leverage the benefits of electronic reporting. These new violation codes will allow the NeT application to automatically identify violations when a filer self-reports non-compliance with their permit requirements.

As part of NPDES eRule Phase 2 implementation EPA will also facilitate electronic data transfers for the remaining states that plan on building their own electronic reporting tool for this program report.

### 4.8.5 Inspection Related Information

EPA update its systems in 2017 and 2021 to incorporate the following three inspection related data elements for this category (see Appendix A, 40 CFR part 127):

* Deficiencies Identified Through the Biosolids/Sewage Sludge Compliance Monitoring (2017)
* Deficiencies Identified Through the Pretreatment Compliance Monitoring (2021)
* Deficiencies Identified Through the Sewer Overflow/Bypass Compliance Monitoring (2021)

EPA Regions and authorized states should use these data elements to record deficiencies that were found during a compliance monitoring activity (e.g., inspections, audits).

## 4.9 Miscellaneous Discharges

This sector includes permitted discharges from a variety of different industrial sectors. This sector is represented on the dashboard by the following dashboard categories:

• Electric Generating Facilities,

• Miscellaneous Discharges,

• Minimum Environmental Impact,

• Logging and Lumber,

• Mining and Quarries,

• Non-Contact Cooling Water, and

• Seafood Processing.

These forms and business requirements for these general permits are similar enough such that EPA can reuse significant portions of NeT application for each general permit. This approach also mirrors the approach taken by Connecticut for their “Comprehensive” general permit (CTGXXXXX). These permittees tend to renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit.

This category also includes the CWA section 316(b) Annual Reports submitted under 40 CFR part 125, subpart J. The NPDES permitting authority can require submission of this program report to document issues related to cooling water intake structures and Federally-listed threatened or endangered species. EPA will also incorporate the following sector-specific information on the NOI (see Appendix A, 40 CFR part 127), as appropriate:

* Cooling Water Intake Information
* NPDES Variance Information (Thermal Variance data elements)

This sector-specific information describes the permitted facility and its activities to protect public health and the environment. This information also documents permit requirements. These data are used in conjunction with the program reports.

### 4.9.1 CWA section 316(b) Annual Reports [40 CFR part 125, subpart J]

The authorized NPDES program may establish in the permit additional control measures, monitoring requirements, and reporting requirements that are designed to minimize incidental take, reduce or remove more than minor detrimental effects to Federally-listed species and designated critical habitat, or avoid jeopardizing Federally-listed species or destroying or adversely modifying designated critical habitat (e.g., prey base). Where established in the permit by the authorized NPDES program, the owner or operator must implement any such requirements. The NPDES eRule included these CWA Section 316 monitoring submissions as part of Phase 2 implementation.

The electronic submission of these CWA Section 316(b) reports will help permitting authorities collect and process CWA Section 316(b) information more efficiently, and aid in the evaluation of the compliance status of NPDES-permitted facilities. The final rule standardized reporting requirements for the CWA Section 316(b) reports. These reports help to identify how many animals of each species and life cycle are killed and injured each year by this type of facility.

EPA reached out its Regions and the states that elected to use NeT to collect basic information on their requirements for this program report. EPA’s dashboard shows that approximately 40 facilities with use NeT for this program report in the following states:

* EPA-issued program reports: District of Columbia, Guam, Massachusetts, Navajo Nation, New Hampshire.
* State-issued program reports: Nebraska, Rhode Island, and U.S. Virgin Islands.

As part of NPDES eRule Phase 2 implementation EPA will also facilitate electronic data transfers for the remaining states that plan on building their own electronic reporting tool for this program report.

The program report documents compliance with permit reporting requirements. Consequently, the NeT program report application will need to work with permit data. EPA plans to update its systems to incorporate permit data for facilities not covered by a general permit. EPA also plans to deploy new violation codes to leverage the benefits of electronic reporting. These new violation codes will allow the NeT application to automatically identify violations when a filer self-reports non-compliance with their permit requirements.

## 4.10 Concentrated Animal Feeding Operations (CAFOs)

This sector includes permitted discharges from Concentrated Animal Feeding Operations (CAFOs). The NPDES program regulates the discharge of pollutants from point sources to waters of the United States. CAFOs are point sources, as defined by the CWA [Section 502(14)]. To be considered a CAFO, a facility must first be defined as an AFO, and meet the criteria established in EPA’s CAFO regulation.[[10]](#footnote-10) These permittees tend to renew their NPDES permit coverage by submitting their NOIs when EPA or the state re-issues the general permit. This category also includes a program report covered by the NPDES eRule (see Table 1 to Appendix A, 40 CFR part 127). The program report serves as a compliance monitoring tool to assess compliance with permit requirements.

EPA plans to start NeT development for the general permits in this sector. This includes deploying NeT applications for state-issued general permits in the following states: Illinois, Mississippi, Nebraska, South Dakota, and Utah as well as EPA-issued general permits in Idaho and New Mexico. EPA will incorporate the CAFO-specific information on the NOI (see Appendix A, 40 CFR part 127).

EPA will also deploy a NeT application for the CAFO Annual Report issued by EPA and states. These program reports cover both individually permitted CAFOs and general permit covered CAFOs (approximately 1,500 CAFO Annual Report filers). EPA’s dashboard shows that the following states will use NeT for their CAFO Annual Report:

* EPA-issued program reports: Idaho, New Hampshire, New Mexico.
* State-issued program reports: Connecticut, Illinois, Maine, Mississippi, Nebraska, South Dakota, Texas, and Utah.

The program report requires filers to document their activities to control discharges and manage their manure, litter, and process wastewater. Consequently, the NeT CAFO program report application will need to work with permit application data to identify permit requirements. EPA plans to update its systems to incorporate CAFO-specific permit application data for individually permitted CAFOs. EPA also plans to deploy new violation codes for this sector to leverage the benefits of electronic reporting. These new violation codes will allow the NeT application to automatically identify violations when a filer self-reports non-compliance with their permit requirements.

EPA also plans to update its systems to incorporate the CAFO-inspection related data elements (see Appendix A, 40 CFR 127). These data are generated for each compliance monitoring activity (e.g., inspections, audits) by the regulatory authority and include:

* Animal Types (Inspection)
* Animal Numbers (Inspection)
* Animal Numbers in Open Confinement (Inspection)
* MLPW Containment and Storage Type (Inspection)
* MLPW Containment and Storage Type Within Design Capacity (Inspection)
* AFO/CAFO Unauthorized Discharges (Inspection)
* Permit Requirements Implementation (Inspection)

These data elements document compliance with permit requirements at the time of the EPA or state inspection.

## 4.11 Summary of NeT Development

The following is a summary of the NeT development for the general permits and program reports. EPA estimates that it will develop 13 NeT applications for the 285 EPA and state issued general permits. These NeT applications will provide permit coverage for approximately 48,000 GPCFs. EPA estimates that it will develop 6 NeT applications for the 155 EPA and state issued program reports (one application will include both pretreatment program reports). These NeT applications will allow approximately 16,000 NPDES-regulated entities to file these program reports.

### 4.11.1 Summary of NeT Development for General Permits

EPA estimates that it will develop 10 NeT applications for the 285 EPA and state issued general permits. These NeT applications will provide permit coverage for approximately 48,000 GPCFs. Please see the NPDES eRule Phase 2 Implementation Dashboard for the latest available information.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Category | No. of General Permits Using NeT | EstimatedNumber of General Permit Covered Facilities Using NeT | States with State-Issued General Permits |
| 1 | Stormwater - Construction | 57 | 19,081 | Connecticut, Illinois, Maine, Mississippi, South Dakota, Utah, and the U.S. Virgin Islands |
| 2 | Stormwater - Industrial | 61 | 11,520 | Connecticut, Illinois, Maine, Mississippi, Rhode Island, South Dakota, Utah, and the U.S. Virgin Islands |
| 3 | Oil and Gas Extraction | 3 | 10,544 | None |
| 4 | Aquaculture | 10 | 170 | Idaho, Maine, and Utah |
| 5 | Pesticide Application | 51 | 885 | Connecticut, Idaho, Illinois, Nebraska, Utah, and the U.S. Virgin Islands |
| 6 | Groundwater Remediation, Dewatering, and Hydrostatic Testing | 23 | 847 | Connecticut, Illinois, Mississippi, Nebraska, Rhode Island, South Dakota, and Utah |
| 7 | Stormwater - MS4 | 23 | 1,841 | Connecticut, Delaware, Illinois, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, and Utah |
| 8 | Domestic Wastewater and Drinking Water Treatment | 26 | 1,102 | Illinois, South Dakota, Utah, and U.S. Virgin Islands |
| 9 | Miscellaneous Discharges | 21 | 1,162 | Connecticut, Illinois, Maine, Mississippi, Rhode Island, Utah, and South Dakota |
| 10 | Concentrated Animal Feeding Operations (CAFOs) | 10 | 502 | Illinois, Mississippi, Nebraska, South Dakota, and Utah |
|  | **TOTAL:** | 285 | 47,654 |  |

### 4.11.2 Summary of NeT Development for Program Reports

EPA estimates that it will develop six NeT applications for the 155 EPA and state issued program reports (one application will include both pretreatment program reports). Three of these six NeT applications will be combined with the NeT general permit application (MS4 annual report, 316(b) annual report, and CAFO annual report). These NeT applications will allow approximately 16,000 NPDES-regulated entities to file these program reports. Please see the NPDES eRule Phase 2 Implementation Dashboard for the latest available information.

|  |  |  |  |
| --- | --- | --- | --- |
| Applicable Program Reports [40 CFR 127.2(f)] | No. of Program Reports Using NeT | EstimatedNumber of Program Report Filers Using NeT | States with State-Issued Program Reports |
| Biosolids Annual Program Reports – Phase 1 (EPA only) & Phase 2 (3 states w/ auth. & NeT) | 53 | 4,405 | South Dakota, Texas, and Utah |
| CAFO Annual Program Reports – Phase 2 | 12 | 1,553 | Connecticut, Illinois, Maine, Mississippi, Nebraska, South Dakota, Texas, and Utah |
| MS4 Program Reports – Phase 2 | 19 | 2,040 | Connecticut, Delaware, Illinois, Kentucky, Maine, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, and Utah |
| Pretreatment Program Annual Reports – Phase 2 | 21 | 536 | Maine, Rhode Island, South Dakota, Texas, and Utah |
| Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs – When EPA or State is Control Authority – Phase 2 | 20 | 1,136 | Connecticut, Maine,Mississippi, Nebraska, Texas, and Utah |
| Sewer Overflow/Bypass Event Reports (CSOs, SSOs, Bypass events) – Phase 2 | 20 | 6,042 | Illinois, Kentucky, Louisiana, Maine, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, Utah, and the U.S. Virgin Islands |
| CWA 316(b) Annual Reports (Federally Listed Threatened or Endangered Species) – Phase 2 | 10 | 64 | Nebraska, Rhode Island, and U.S. Virgin Islands |
| TOTAL: | 155 | 15,776 |  |

# 5.0 OUTREACH AND COMMUNICATIONS

EPA relies on on-going and frequent collaboration with authorized NPDES programs. The following provides more information on the various EPA-state workgroups that help with NPDES eRule Phase 2 implementation. These workgroups usually meet on a bi-weekly or monthly schedule.

|  |  |  |  |
| --- | --- | --- | --- |
| Technical Workgroup Name | Members | Start Month | Status |
| NPDES eRule Regional WG | EPA HQ and EPA Regional Staff | January 2016 | Ongoing(Monthly Meetings) |
| NPDES NNCR WG | EPA HQ, EPA Reg. Staff, State Staff | May 2016 | Ongoing(Bi-weekly Meetings) |
| EPA-state General Permit and Program Report WG | EPA HQ, EPA Regional Staff, State Staff | May 2017 | Ongoing(Monthly Meetings) |
| EPA-state non-NeT WG | EPA HQ, EPA Regional Staff, State Staff | January 2023 | Ongoing(Bi-weekly Meetings) |

The EPA-state non-NeT workgroup provides a venue for EPA and states to collaborate on updating the [ICIS Data Submission](https://exchangenetwork.net/data-exchange/icis-data-submission/) service to support Phase 2 data sharing.

EPA will also provide frequent updates using the following workgroups and meetings:

* ICIS user community (monthly calls),
* EPA NPDES Permitting and Enforcement Managers (monthly calls), and
* Various sector specific calls (e.g., EPA Regional and state pretreatment monthly calls).

Please contact Mr. Carey Johnston (johnston.carey@epa.gov) if you would like to participate in any of these workgroups.

# Attachment 1 – Initial Information Gathering

EPA standardized its process for gathering initial information for general permits and program reports that will use EPA’s Phase 2 electronic reporting tool (called “NeT”). This approach was performed across all general permits and program reports in a category (e.g., Industrial Stormwater, Construction Stormwater, Aquaculture).

The lead for this information gathering is the EPA Product Point of Contact (POC). This person works closely with the EPA Regional or state permitting authority to document answers to basic questions about the general permits and program reports. It is common for EPA staff to engage with permitting staff through a one-hour meeting for each general permit or program report. The EPA POC documents the information it collects on its internal development site (i.e., the “NPDES eRule Phase 2 Implementation” Confluence page) and the NPDES eRule Phase 2 Implementation Dashboard.

The following are the standard set of questions that the EPA POC reviews with EPA Regional or state staff for each general permit that will use NeT.

* When does each current general permit expire? What general permits will possibly or likely use NeT? When is the likely date the state will re-issue or modify the general permit and when would the state like to start using NeT?
* What is the estimated number of general permit covered facilities for each master general permit?
* Are there any program-specific data (e.g., CAFO data) for these general permits?
* Are the state-specific data elements (if any) for these general permits?
* Are there any overlaps across the EPA and/or state-issued general permits?
* Are there any special processing requirements (e.g., does a state employee need to take an action to approve an NOI, any special public notification prior to permit issuance)?
* Does the state collect any fees with their general permit submissions?
* Are there any specific considerations for training or outreach (e.g., NOIs may come in a staggered fashion or all at once)?
* Are there any unique roles or permissions related to the permit application and administration of the general permit beyond the standard set (Preparer, Signatory/Operator, Regulatory Authority, Help Desk, Other Government Agency Users)?

The following are the standard set of questions that the EPA POC reviews with EPA Regional or state staff for each program report that will use NeT:

* Please provide the EPA Regional or state contacts for the sector (e.g., MS4 sector, CAFO sector). These are the contacts that can help EPA identify requirements for the program report.
* Please provide a rough estimated number of the program report filers. These are all the NPDES-regulated entities that file a program report.
* If there is a preference, when would the EPA Region or state like to start using NeT for the program report?
* What is your implementation approach for incorporating this electronic reporting requirement into NPDES permits?
* Are there any Region or state-specific data for this report? Specifically, are there any additional data or information that filers must submit that are not already covered by the NPDES eRule (see Appendix A, Tables 1 and 2)? Please see the technical papers (https://www.epa.gov/compliance/data-entry-guidance-and-technical-papers) to see the data that EPA will likely collect in NeT.
* How are these program reports currently processed by the authorized NPDES program (e.g. who reviews them, who gets notified, any public notification requirements)?
* EPA’s standard approach for training Regions, states, and permittees on how to use NeT is the “train-the-trainer” approach (i.e., EPA HQ staff train EPA Regional and state staff who then train permittees). What additional training or support (if any) might be requested of EPA HQ?
* The standard set of roles in NeT are Preparer, Signatory/Operator, Regulatory Authority, Help Desk, and Other Government Agency Users. Are there any other needed roles?

Finally, the EPA NPDES eRule Team leader scheduled separate calls with each of the states that have elected to use NeT. These outreach calls followed up on a recommendation from the March 2019 National NPDES eRule webinar. States recommended that EPA separately reach out to each state that plans on using EPA's NeT. These NeT states have a mix of general permit reports and program reports that will be using NeT. EPA scheduled these calls in May to July 2019 and included the following states that will use NeT: Connecticut, Illinois, Kentucky, Maine, Mississippi, Nebraska, Rhode Island, South Dakota, Texas, Utah, and the U.S. Virgin Islands. EPA also held calls with the following states that initially elected to use NeT but subsequently chose to build their own electronic reporting tools: North Carolina and Oregon. The following is an example meeting agenda for these meetings:

* General overview of EPA’s Phase 2 initial coordination and outreach with states including the use of a Memorandum of Understanding (MOU) between EPA and the EPA Region or state.
* Review and Update of the general permits and program reports in the NPDES eRule Phase 2 Implementation Dashboard.
* Feedback on when the EPA Region or state would like to start using NeT for any of their general permits and program reports.
* Feedback on whether the EPA Region or state had any order preference for their general permits and program reports that will use NeT.
* Identification of the implementation approach each state is using for incorporating this electronic reporting requirement into NPDES permits and state NPDES regulations.
* Identification of any particular state agency responsible for the general permit or program report (e.g., CAFOs).
* Identification on whether the state have a centralized IT department or other state staff that should be included in EPA's outreach and NeT development efforts.
* Identification on whether the state has any needs for their state NPDES data system (if any) to have any interoperability with NeT.

The EPA NPDES eRule Team leader documented this information on EPA’s internal development site (i.e., the “NPDES eRule Phase 2 Implementation” Confluence page). This information gathering provides EPA with a clear picture of the general permits and program reports. EPA used this information to develop this implementation plan.

In particular, EPA identified the following notes from this initial information gathering:

* The information gathering process helped confirm the general permits and program reports that will use NeT.
	+ Some states have elected to build their own electronic reporting tools.
	+ Some general permits will not be re-issued or require NOI submissions.
* Most general permits follow similar steps for processing NPDES permit coverage.
	+ Most involve the EPA Region or state staff manually reviewing the NOI and assessing eligibility for NPDES permit coverage.
	+ EPA Regions and states usually require a manager to approve coverage and issue an authorization letter to the general permit covered facility.
	+ Some permits require public notice of the NOI and/or authorization letters.
* Most EPA Regions and states follow similar steps for processing program reports.
	+ EPA Regions and states review the programs reports and follow-up on noncompliance issues.
	+ EPA Regions and states would like the program reports to automatically identify noncompliance where possible (e.g., biosolids annual report).
* Some states are willing to be early adopters of NeT (e.g., Illinois, Rhode Island, South Dakota, Utah). NeT states that are not able to engage with EPA to document their requirements will impair EPA’s ability to develop applications.
* Some general permits do not require the submission of DMRs. These general permits are relatively easier to implement than general permits with complicated logic for effluent limits.
* Some general permits trigger most of the NOI submissions when the general permit is re-issued (i.e., most coverages are renewal).
	+ Unless there is an associated program report or other programmatic need, these permits would be best suited for NeT development at permit re-issuance.
* Some general permits have NOI, NOT, or program report submissions throughout the permit term (i.e., most coverages are temporary).
	+ There will likely be a benefit to starting NeT development at any time during the permit term.
* Most general permits and program reports do not require unique user roles or training requirements.
* Some states (e.g., Connecticut, Illinois, Kentucky, Maine, Mississippi, and Texas) will require a solution to ensure that data sharing can take place between NeT and the related state NPDES data systems.
* EPA may need to provide additional support to some NeT states to help get them ready for NeT development. For example,
	+ Some NeT states do not share facility or permit data for certain sectors (stormwater, SIU/CIUs) with EPA’s national NPDES data system.
	+ Some NeT states do not share key programmatic data with EPA’s national NPDES data system (e.g., some states do not identify their MS4s with the MS4 permit component in EPA’s national NPDES data system).
	+ Some NeT states have non-traditional methods for creating NPDES IDs (e.g., some states do not re-use NPDES IDs from one general permit issuance to the subsequent re-issuance).

EPA also identified the following recommendations for NeT development:

* Work with states that want to be early adopters and expand to the other states later before the Phase 2 deadlines.
* Work on general permits that will have NeT-users (e.g., NOIs, NOTs, program report submissions) prior to the general permit re-issuance.
* Work on program reports to expand the benefits of electronic reporting and add new oversight and targeting (e.g., Sewer Overflows, MS4s, CAFOs).
	+ Need to examine dependencies between NOIs and program reports.
	+ Need to examine how to handle program specific data from individual permits (e.g., CAFO-specific data submitted on individual permit applications).
* Seek to re-use forms and processes from one issuer to the next as much as possible.
	+ For example, EPA Regional/State general permit and program report processing usually follows the same rules and procedures within each state.
* Requirements gathering for epic and user story creation might be more efficient through in-person approach.
	+ This could be done by sending EPA staff and/or contractors to EPA Regional/state offices.
* NeT on-boarding that involves all issuers in a category might help make the NeT development process more efficient.
* Keep Phase 2 implementation momentum moving forward pending available resources. It may be hard to start up EPA Regional and state staff interest if there is a break in NeT development.
	+ The information gathering process became more efficient as state staff become more familiar with the process.
	+ The NeT on-boarding will likely become similarly more efficient with subsequent deployments.
* Need to continue coordination with EPA Regions and states during NeT development. Will need to resolve potential blockers of NeT development. For example:
	+ Data sharing between state NPDES data system and NeT;
	+ Finish work to create re-usable services for managing state fee payment requirements; and
	+ Reporting needs directly from NeT.

# Attachment 2 – Tasks for Onboarding a General Permit and Program Report

EPA has standardized its process for “on-boarding” general permits and program reports into NeT. This approach is generally performed across all general permits and program reports in a category (e.g., Industrial Stormwater, Construction Stormwater, Aquaculture).

The EPA Product Owner works closely with the EPA Regional or state permitting authority to document the requirements for the NeT application. This includes identifying features using a “MoSCoW” prioritization process. The MoSCoW method is a prioritization technique used in software development to reach a common understanding with stakeholders on the importance they place on the delivery of each requirement. The term MoSCoW itself is an acronym derived from the first letter of each of four prioritization categories: M - Must have, S - Should have, C - Could have, and W - Won't have. It is common for EPA staff to engage with permitting staff on a regular basis (e.g., weekly) to further refine and revise requirements. Example tasks that must be document by the EPA Product Owner are shown below.

* Paper Signature Agreement: The permitting authority must identify how paper signature agreements must be handled when the filer is unable to verify their identity through the electronic process.
* Paper Forms: The permitting authority must identify how paper forms must be handled when the filer is unable to electronically submit their forms (e.g., facility has waiver from electronic reporting).
* Attestation Statements: The permitting authority provide the attestation statements for use in the NeT application.
* Process for Granting Permit Coverage: The permitting authority must identify how the NeT application must route and process NOI forms. The EPA Product Owner must clearly document how the general permit forms are route to initiate or terminate permit coverage. The permitting authority must identify if there are any manual reviews in these processes or if coverage can be automatically granted. Document these requirements can take time as the NeT application must account for multiple scenarios (e.g., New NOI, Renewal NOI, Change NOI, Notice of Termination).
* Screening Questions: The permitting authority must identify the questions that properly screen out NeT users not covered under the general permit.
* Review of Draft Forms (Wireframes): The EPA Product Owner develops draft electronic forms (called ‘wireframes’) based on the requirements provided by the permitting authority. The permitting authority must review these wireframes and provide comments. Review of these wireframes help identify when certain questions are triggered and when certain fields should be uneditable (i.e., locked).
* Data Migration: The permitting authority must identify the data that must be migrated into NeT to facilitate the start of electronic reporting.
* User Permissions: The permitting authority must identify the permissions that NeT users have based on their role (e.g., Preparer, Signatory, Regulatory Authority, Other Government Agency User, Help Desk).
* Data Integration: The permitting authority must identify the data that must be shared with other systems. For example, basic facility and permit data must be share with EPA’s national NPDES data system to facilitate DMR submissions through its electronic reporting tool (called “NetDMR”).
* Permit Specific Reference Tables: The permitting authority must identify the permit specific reference tables. For example, the aquaculture general permits require NOI filers to identify the fish grown at the facility. The NeT-Aquaculture application uses a picklist (based on the reference table) instead of a free text field. This helps standardize reporting and enables easier analysis.
* Catalog of Correspondence: The permitting authority must identify the triggers and recipients of notifications from NeT. For example, the NeT-Aquaculture application notifies users when an aquaculture facility has changed its permit coverage status.
* Testing: The permitting authority must regularly test the application as it is being developed. This provides early feedback to the EPA developers so that they can more efficiently make changes and corrections to the application.
* Data Export and Analysis: The permitting authority must identify how they would like to export data from the NeT application and use the NeT application for their programmatic needs (e.g., identify facilities that did not file an NOI within a prescribed time period).
* Public Access: The permitting authority must identify any public access requirements for the forms and attachments as well as for the data provided on the forms. For example, EPA currently provides access to forms submitted under the CGP and MSGP through EPA’s Permit Lookup tool (<https://permitsearch.epa.gov/epermit-search/ui/search>).
1. See: https://www.epa.gov/compliance/npdes-ereporting-phase-2-implementation-plan [↑](#footnote-ref-1)
2. See: https://edap.epa.gov/public/extensions/eRule\_Phase2/eRule\_Phase2.html [↑](#footnote-ref-2)
3. See: https://www.reginfo.gov/public/do/PRAViewICR?ref\_nbr=202201-2040-004 [↑](#footnote-ref-3)
4. See: https://www.epa.gov/compliance/data-entry-guidance-and-technical-papers [↑](#footnote-ref-4)
5. See: https://www.epa.gov/compliance/npdes-ereporting [↑](#footnote-ref-5)
6. See: https://www.epa.gov/npdes/stormwater-discharges-industrial-activities [↑](#footnote-ref-6)
7. EPA-State General Permits Workgroup, 2017. “General Permit Priority Decision Paper,” Last updated: 09/19/2017. [↑](#footnote-ref-7)
8. See: https://www.epa.gov/npdes/npdes-state-program-information. [↑](#footnote-ref-8)
9. Additionally, three states that plan on using NeT for other reports (Connecticut, Mississippi, Nebraska) are implementing the Federal pretreatment program in a way that obviates the need for a NeT application for this program report. These states do not rely on POTWs to administer the pretreatment program [see 40 CFR 403.10(e)]. [↑](#footnote-ref-9)
10. See: https://www.epa.gov/npdes/npdes-afos-policy-documents-0 [↑](#footnote-ref-10)