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CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
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REGION 2

MEMORANDUM

DATE: February 11, 2022

SUBJECT: Roles and Responsibilities for Region 2's Usage of the NPDES Electronic Reporting Tool ("NeT") for Municipal Separate Storm Sewer System

FROM: Nancy Rodriguez, Chief
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TO: Randolph L. Hill, Director
Enforcement Targeting and Data Division
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This memorandum documents the roles and responsibilities for developing and maintaining the National Pollutant Discharge Elimination System ("NPDES") Electronic Reporting Tool (or "NeT") for Region 2's Municipal Separate Storm Sewer System (MS4) in Puerto Rico. NeT is EPA's tool for electronically collecting NPDES general permit and program report data in support of the NPDES Electronic Reporting Rule (40 C.F.R. Part 127) ("NPDES eRule").

The NPDES eRule requires the electronic reporting and sharing of NPDES program data. Specifically, the rule requires regulated entities to report information electronically, instead of filing written paper notices and reports. These notices and reports include:

- Discharge Monitoring Reports (DMRs), if applicable;
- Notices of Intent (NOI) to discharge in compliance with a general permit; and
- Other specified program and permit reports.

These notices and reports will collect data found in Appendix A of the NPDES eRule, which identifies the minimum set of NPDES data, as well as additional data required by Region 2. Region 2 will work with the Enforcement Targeting and Data Division ("ETDD") to determine the most viable solution (e.g., additional fields on electronic form, PDF attachment, paper form) to collect and record data not included in Appendix A of the NPDES eRule.

This memorandum outlines in Attachment 1 the roles and responsibilities for different aspects of NeT development and maintenance.

Enclosure

cc: Carmen R. Guerrero-Pérez, Director, R2-CEPD
Virginia Wong, Chief, R2-WD-CWRB

ATTACHMENT 1

Region 2 Roles and Responsibilities

Region 2 intends to provide adequate resources and staff to deliver or perform the following for each activity area for MS4s in Puerto Rico listed below.

Permit Review

- Identify data to be included in each electronic submission, dependencies between form questions or sections and the related rules, dependencies between general permit forms and permit requirements (e.g., effluent limits), and schedules or dates for each submission.
- Ensure any new permit has clear, well described reporting requirements.
- Make any minor modifications to already issued permits necessary to adopt the electronic reporting solution.
- Work with ETDD to clearly describe the permit requirements and review process (if any) for permit coverage approval.
- Identify cases where a permit requires non-appendix A data elements for a discussion on the best approach on capturing these data elements.
- Specify any events that may result in a modification of monitoring requirements, particularly, but not limited to, instances where the monitoring requirements should be changed through an NOI or other electronic submission.
- Avoid referencing a specific technology implementation solution or electronic reporting application in permit language.
- Identify where a paper submission should be sent from applicants and NPDES permitted facilities.
- Ensure the general permit specifies clear authority to collect each data element on the NOI or program report.
- Consult with ETDD early in the permit modification or development process if any questions or concerns arise regarding electronic reporting.

NPDES Electronic Reporting Requirements Development

- Participate in teleconferences or meetings with ETDD staff to describe, document, and confirm requirements for general permit forms [e.g., NOIs], and compliance monitoring reports (e.g., DMRs, program reports). This includes any requirements necessary for Region 2's approval or review of these documents (e.g., public notice requirements, approval routing).
- Identify requirements for the electronic reporting of any other information for permittees subject to requirements and conditions of an NPDES individual permits.
- Assist ETDD, as needed, with the development and review of user stories (e.g., emails, telephone calls), which are used by IT developers to implement the requirements.

Electronic Reporting Solution

- Contribute to the development and implementation of a testing protocol for the reporting solution.
- Complete required testing as requested by ETDD, which might include coordinating testers, gathering results, reconciling results, and providing feedback.
- Assist with engaging external users (e.g., industry, states, other agencies), as appropriate, to assist with testing the reporting solution.
- Report all NPDES data that supports electronic reporting (e.g., permitting, compliance monitoring, compliance determinations, and enforcement activities) to EPA's national NPDES data system three months prior to the electronic reporting start dates in Table 1 in 40 C.F.R. 127.16(a) and maintain updates thereafter. Reporting will be timely, accurate, complete, and consistent (see 40 C.F.R. § 127.23).

Customer Support and Training

- With ETDD training and assistance, develop and maintain expertise on using all aspects of the reporting solution.
- Jointly develop with ETDD outreach and training materials that inform regulated entities of their obligation to report electronically, provide information on how to report electronically, and identify outlets for the material.
- Develop documentation, help content, Frequent Asked Questions (“FAQs”), and any additional guidance specific to implementation of the permit or program report as it relates to electronic reporting that can be posted on a public website.
- Provide training using material jointly developed with ETDD to permittees with the goal of minimizing ETDD support.
- Identify regional officials (primary and a backup) who will be providing customer support to resolve any issues that cannot be resolved by the NPDES eReporting Help Desk or ETDD staff and provide their contact information to ETDD.
- Provide timely Tier II customer support, which includes, for example, permit clarification or interpretation, questions about form content, and compliance assistance needed when filling out the form or program report. Requests for Tier II support will be forwarded to Region 2 by the NPDES eReporting Help Desk or ETDD staff using a customer relations management tool.
- Respond to Tier II NPDES eReporting Help Desk customer support requests by either updating the NPDES eReporting Help Desk ticket generated to capture the customers inquiry or responding via e-mail, as appropriate, in a timely manner.
- Review and approve, as appropriate, any requests by applicants and permittees for the necessary roles and permissions to access structures, features, permits and functions in the reporting application in an expedited manner.
- Communicate to ETDD as expeditiously as possible any issues identified with the electronic reporting tool that Region 2 cannot address by documenting the issue via e-mail to the NPDES eReporting Help Desk using NPDESReporting@epa.gov.

Change Management.

- Provide notice to ETDD of any necessary changes to the electronic reporting tool six months prior to expected implementation (e.g., changing requirements during the general permit renewal, changes to program report submission requirements), or, if six months notification is not practicable, as soon as possible.

General

When requested by ETDD, make available to Region 2 staff in the following areas:

- NPDES permit writing,
- Clean Water Act/NPDES enforcement,
- Information technology/data management, and
- Customer relations management.

ETDD Roles and Responsibilities

It is my understanding that ETDD intends to provide adequate resources and competent staff to deliver or perform the following for each activity listed below.

Permit Review

- Advise on electronic reporting matters related to the permit or program report.
- Utilize a liaison between the Region 2 subject matter experts and Information Technology (“IT”) developers.
- Work collaboratively with Region 2 to clarify reporting requirements for permit application and permits.
- Recommend permit minor modifications needed to utilize the national reporting solution. Provide model permit language that can be used to incorporate electronic reporting requirements into general permits. See: <https://www.epa.gov/compliance/npdes-ereporting-information-and-resources-authorized-programs>.

NPDES Electronic Reporting Requirements Development

- Consult with Region 2 to develop permit or program report requirements for electronic reporting to include both data and business requirements.
- Convert permit or program report requirements to user stories for IT development.
- Keep Region 2 apprised of the development progress, including the completion of identified and agreed upon milestones.

Electronic Reporting Solution

- Work with Region 2 to develop a schedule for deployment in line with Region 2's permitting schedule (e.g., to have NeT available prior to the effective date of the general permit) and resource availability.
- Assign appropriate resources to meet the agreed upon deployment schedule. If ETDD will be unable to meet the scheduled deployment date, Region 2 will be notified at least sixty days prior to the scheduled deployment date, or, if sixty days notice is not practicable an alternative schedule will be proposed as soon as practicable. ETDD will work with Region 2 to finalize any alternative deployment schedules.
- Work with Region 2 staff to develop a testing protocol, which will clearly identify any user acceptance criteria, the schedule for testing, how to test, and how to provide feedback to ETDD. At times, testing may occur concurrently with the tool development.
- Inform Region 2 of any contingency plan in place to ensure regular and continuous operation of the electronic reporting solution. The contingency plan will address scenarios that could result in a disruption of operations. It can be expected that the plan will include notification, recovery and reconstitution phases.
- Secure the integrity of the electronic reporting tool through the maintenance of a firewall.
- Ensure access to any Copy of Record ("COR"). According to 40 C.F.R. § 3.3, a COR is a true and correct copy of an electronic document received by an electronic document receiving system, which can be viewed in a human-readable format that clearly and accurately associates all the information provided in the electronic document with descriptions or labeling of the information.

Customer Support and Training

- Train staff from Region 2 to use NeT and the U.S. EPA's Central Data Exchange ("CDX"), to implement the role of the Regulatory Authority in the electronic reporting tool application, and to use the application from the perspective of the regulated entity. ETDD will provide one or more webinar-based training for the authorized NPDES program on their roles. Additional support and training materials will be posted on the *NPDES eReporting Tool (NeT) Help Center* web portal.
- Collaborate on the development of outreach material for regulated entities on their electronic reporting obligation and on how to electronically report.
- Collaborate on the development of training materials for regulated entities, including the format and delivery method. ETDD will support Regional NPDES program on trainings for regulated entities as resources allow.
- Develop and make available documentation on IT and other technical/common system aspects.
- Make available a knowledge-based web portal for posting support materials available to the public, which is currently the *NPDES eReporting Tool (NeT) Help Center*.
- Staff the NPDES eReporting Help Desk Monday through Friday during normal business hours [8:00 a.m. to 5:00 pm (ET)] to provide timely Tier I customer support. Tier I support is generally the initial support level responsible for basic or routine customer issues like, for example, accessing and navigating the NeT application, checking on status of forms, and aiding with the signature process.
- Provide training to Region 2 on updating and managing NPDES eReporting Help Desk tickets.

- Maintain a customer relationship management tool to assist with managing customer support requests and/or inquiries received.
- Direct the NPDES eReporting Help Desk to elevate Tier II customer support requests defined above to the staff identified by Region 2 in accordance with standard operating procedures.
- Make available a user managed subscription service to be used to widely communicate information about the permit application, permit or electronic reporting tool.

Change Management

- Consult with Region 2 on any plans to migrate, reconstitute, or otherwise significantly modify the structure of the information content, or access software for the electronic reporting solution, other than routine refreshing or updating of the resource.
- Maintain a list of desired changes identified by Region 2 and users after the tool is in production.
- Review and prioritize the list of requested changes on an on-going basis, keep Regional NPDES program informed of any changes' status, and implement changes as resources are available.

Data Access

- Make all e-reported data received available to Region 2 in a format defined by the project team that results in data access.

Limitations

- All roles and responsibilities in this memorandum are subject to the availability of appropriated funds and each party's budget priorities. Nothing in this memorandum obligates Region 2 or ETDD to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or other financial obligation.
- This memorandum is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds will be handled in accordance with applicable laws, regulations, and procedures, and will be subject to separate subsidiary agreements that will be affected in writing by representatives of both parties.
- This memorandum expresses the good-faith intentions of both Region 2 and ETDD and is not legally binding, does not create any contractual obligations, and is not enforceable.
- This memorandum does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not named in this memorandum, against Region 2 or ETDD, their officers or employees, or any other person. This memorandum does not apply to any person outside of Region 2 and ETDD.

Modification/Duration/Termination

- This roles and responsibilities outlined in this memorandum may be amended at any time by the mutual written consent of the persons named in this memorandum.
- These roles and responsibilities will be reviewed by EPA Region 2 and ETDD every five (5) years to determine whether they should be revised, renewed, or cancelled.
- The roles and responsibilities in this memorandum may be terminated by either party by notifying the other party in writing 90 days in advance of the termination date.
- In addition, the contents of this memorandum and/or the intent of this agreement may be superseded by other agreements, in which case, Region 2 will notify ETDD that this agreement is nullified and can be terminated.