

## Questions: EPA NPDES eRule Phase 2 Implementation Overview Webinar

March 26, 2019

State/Province	Organization	EPA Region	Primary Job Focus	Webinar Question	Webinar Response
Alabama	Alabama Dept of Environmental Management	4	Information Technology	Re:slide 30 What is the rationale for asking EDT states to do what you couldn't (meet the 2020 deadline), and then turn around and ask them to do it again when you get around to doing it "right"?	<p>EPA believes there are significant benefits to implementing NPDES electronic reporting, particularly cost savings to the regulated community, states, and EPA. EPA wants both states and EPA to implement as much of Phase 2 as feasible.</p> <p>EPA will work with states to create a data sharing protocol that is efficient and minimizes impacts to EDT states. EPA will be working with the NPDES IPT on a refined approach that allows EDT partners to continue submitting to the ICIS-NPDES dataflow. Where possible, the intent will be to support backwards compatibility to schema version 5.9. This proposed approach would allow states to continue sharing NPDES oversight data with the current schema (Version 5.9) or forthcoming versions of the schema (Version 6.x) if the state would like to share Phase 2 data.</p>
Alabama	Alabama DEM	4	Data Management	Slide 11 Question: What about the Appendix A data elements that are collected from individual permit applications that are not in ICIS-NPDES (e.g. POTW treatment info, MS4 Phase I application data elements, cooling water intake structure application data elements, etc.)? When is the work going to be done on those to put them in ICIS-NPDES or the next system? Are they considered Phase 2 data?	<p>These data elements are considered Phase 2 data. States that are flowing data via EDT will work on that prior to December 2020. We will discuss in greater detail further in the webinar. EPA worked with states to develop reference values and business rules for these data elements in the technical papers. EPA will provide more information on these data elements as it builds out new forms in NeT.</p> <p>The xml schema will be updated to support the additional phase 2 data elements.</p>
Alabama	Alabama DEM	4	Data Management	Slide 15 Comment Only: While the technical papers are a helpful reference, they do NOT address all Appendix A data elements, nor do they give an EDT state the certainty needed to change their systems. The technical papers are the equivalent of a plan, and when it comes time to put that plan into production in a data system, there may be changes or additions needed. States don't want to retrace their steps in implementing the Appendix A data elements.	<p>EPA recognizes that the technical papers are not specific enough to develop an electronic reporting tool or data sharing protocol. EPA will generate new Phase 2 data sharing requirements for these data through the XML schema that will be developed in collaboration with states. The new Phase 2 schema will help states build their own electronic reporting tools (for the states that elected to build their own tools).</p>
Alabama	Alabama Dept of Environmental Management	4	Information Technology	Why is EPA spending time building an "interim" system instead of just building it into ICIS from the start? This causes everyone to have to do double the work.	<p>The current ICIS system is unable to support the necessary requirements in a cost effective manner.</p>
Alabama	Alabama Dept of Environmental Management	4	Information Technology	After this call, will you post all of the questions asked via chat, including those that were not chosen to be answered on this call?	<p>Yes.</p>

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Alabama	Alabama DEM	4	Data Management	<p>Slide 30 Comment Only: EPA surely cannot believe it is an appropriate approach to have EDT states use their resources to develop and implement a flow to send data to the equivalent of a black hole for the data elements don't exist in ICIS-NPDES. EPA is asking states to waste valuable resources when the data will probably not even be used by EPA or be viewable to the public or even the states themselves. What about the same data from non-EDT states? Are they off the hook?</p> <p>This approach will expend (and waste) more state and EPA resources than the logical option of opening the rule to extend the deadline. If EPA pursues this approach, you are turning a legitimate electronic reporting effort into a boondoggle. The only logical solution is to open the rule and extend the deadline. Won't EPA have to open the rule anyway to modify Appendix A for the MS4 Phase II remand rule data elements?</p> <p>Also, how does this approach not violate the assertions EPA made to obtain OMB approval for the data elements affected</p>	<p>EPA believes there are significant benefits to implementing NPDES electronic reporting, particularly cost savings to the regulated community, states, and EPA. EPA wants both states and EPA to implement as much of Phase 2 as feasible.</p> <p>The proposed option has ICIS-NPDES2 as an initial repository for Phase 2 data. EPA will coordinate with states to ensure that states have an easy method of sharing Phase 2 data with this system as well as to ensure that all data were accurately received. EPA will work with states to also make these data available the public.</p> <p>EPA does not have current plans to extend the Phase 2 deadline. EPA estimates that most general permit and program reports will have an electronic reporting tool in NeT. EPA is working to have the data sharing protocol for Phase 2 data available one year before the Phase 2 deadline.</p> <p>EPA is working with OW/OWM on the changes to the MS4 data elements. These changes are detailed in Technical Paper No. 9.</p>
Alabama	Alabama DEM	4	Data Management	<p>Slide 42 Comment: 40 CFR §127.15(b)(1) clearly states that "Authorized NPDES programs cannot grant a temporary waiver to an NPDES-regulated entity without first receiving a temporary waiver request from the NPDES regulated entity." EPA's contention that states can grant temporary waivers to its regulated facilities due to the delay in development of eReporting tools does not mention that the regulations require that the facilities first submit a request that contains the information required in 40 CFR §125.17(b)(2). As presented, isn't EPA endorsing that states contravene federal regulations if EPA is saying states can grant a wholesale temporary waiver for specific reports.</p> <p>The only logical solution is to open the rule and extend the deadline. Won't EPA have to open the rule anyway to modify Appendix A for the MS4 Phase II remand rule data elements?</p>	<p>EPA continues to look for flexibility in how states can implement the temporary waiver provision of the NPDES Electronic Reporting rule.</p> <p>Facilities seeking coverage under a general permit can submit a request for a temporary waiver. EPA can provide assistance to states to help issue these temporary waivers. Moreover, EPA's review of all general permits issued after publication of the NPDES electronic reporting rule (22 October 2015) has only identified a few general permits that specifically reference the NPDES electronic reporting rule and the start date of December 2020.</p> <p>EPA does not have current plans to extend the Phase 2 deadline. EPA estimates that most general permit and program reports will have an electronic reporting tool in NeT and that EPA's new data sharing protocol for Phase 2 data will be available one year before the Phase 2 deadline.</p> <p>EPA is working with OW/OWM on the changes to the MS4 data elements. These changes are detailed in Technical Paper No. 9.</p>
Alabama	Alabama DEM	4	Data Management	So it is optional for EDT states to do the interim data flow?	EPA will work with states in a collaborative fashion so that states can share Phase 2 data in a timely fashion. EPA plans to issue a new schema for Phase 2 data by December 2019. The target start date for sharing Phase 2 data is December 2020.
Alaska	ADEC	10	Compliance & Enforcement data, Permitting deliverables	Is he referring to SEV's regarding new violation codes?	The EPA-state technical workgroups recommended revisions to the current list of NPDES violation codes in ICIS-NPDES. In particular, each sector-specific technical workgroup revised the manually created violation codes (also known as "single event violations" or "SEVs").
Alaska	Alaska DEC/DOW Compliance Data Group	10	Program Coordinator, Data Steward, Compliance and Enforcement Data, E-Reporting (E-Rule) implementation	Does NeT work with all types of permits? Or only certain (i.e. stormwater).	EPA's NPDES eReporting Tool (or "NeT") is focused on NPDES permits and program reports. EPA and states will collaborate to ensure that each form and workflow is specific to the needs of each state.

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Alaska	ADEC	10	Compliance & Enforcement data, Permitting deliverables	We just got done working with Windsor on a gap analysis and on several occasions they said that if a document is sent in via PDF through an email then we have fulfilled the phase 2 requirements. Is that correct?	EPA continues to look for flexibility in how states can implement the temporary waiver provision of the NPDES Electronic Reporting rule.  Please note that CROMERR compliant electronic reporting tools may allow users to included or attach a PDF document.
Alaska	ADEC	10	Compliance & Enforcement data, Permitting deliverables	Do you intend to keep this a high topic of discussion at the Exchange Network conference this year?	We will engage with EN Conference to ensure it maintains relevance.
Arkansas	ADEQ	6	Enforcement	How many States are going to use NeT?	EPA's current estimate is that there are 13 states that will be using NeT for general permits and two additional states that will use NeT for program reports.
California	EPA Region 9	9	Enforcement	What is ICIS NPDES 2? Is it a new database?	ICIS-NPDES2 is the placeholder name EPA gave to the proposed dataflow approach. From feedback received on the webinar and NPDES EDT IPT, EPA is reassessing the proposed option.
Connecticut	CTDEEP	1	Regulatory, including permitting and enforcement.	Why EPA opted for creating NeT as a separate toll as supposed to revamping or updating ICIS to enable Phase 2 data to be entered?	EPA's national NPDES data system (ICIS-NPDES) was not designed to be an industry facing application. NeT is an industry facing application and therefore has different security requirements. In what was mentioned earlier, with re-architecture, that effort would unify the user experience and result with appropriate user access.
Delaware	DNREC	3	Compliance and Enforcement, Data	On slide 16, you talked about revised sector specific violation codes - are all sectors getting revised violation codes? Or can you name any sectors specifically?	The EPA-state technical workgroups recommended revisions to the current list of NPDES violation codes in ICIS-NPDES. In particular, each sector-specific technical workgroup revised the manually created violation codes (also known as "single event violations" or "SEVs"). These sector specific codes are detailed in the EPA-state technical papers: <a href="https://www.epa.gov/compliance/data-entry-guidance-and-technical-papers">https://www.epa.gov/compliance/data-entry-guidance-and-technical-papers</a>
Florida	Florida Department of Environmental Protection	4	Compliance and enforcement at wastewater facilities	Will data flowed to ICIS-NPDES2 be available/queryable through ICIS BI? We need to be able to verify data we upload.	EPA will work with states to create a data sharing protocol that is efficient and minimizes impacts to EDT states. Under this new approach states will be able to review and confirm that their Phase 2 data were correctly captured by NPDES-ICIS2.
Florida	ACWA	4	Advocacy	Thank you for the update! At the end of the webinar can you send me the total number of participants?	EPA will send the participant list to ACWA to help promote collaboration with states.
Florida	Florida Department of Environmental Protection	4	permitting, database, training	In regard to 316(b)- how in depth of information will states be required to submit to EPA?	The EPA-state Technical Paper No. 8 provides an overview. You can see the interconnection between the permit application and annual report data. This paper also describes some of the expected business rules.
Florida	ACWA	4	Advocacy	Does EPA feel confident in the total amount of resources needed to complete all the state NeT/NeTDMR work?	EPA estimates that it has sufficient resources to accomplish a majority of our objectives prior to the December 2020 deadline.
Florida	ACWA	4	Advocacy	For the end of the webinar - just a comment: Thank you Randy for you and all of your staff providing states a status update on where things are with Phase II implementation and ICIS 2.0. This update was important, helpful, and timely. Updates like this show a continued investment in working closely with states, help the water program staff stay current on the issues you all are dealing with, and hopefully reduce the number of surprises. We also greatly appreciate EPA's continued support in helping states move towards greater electronic reporting and data exchange.	EPA appreciates the help and coordinating efforts by ACWA.
Georgia	DNR-EPD	4	Information Technology	If this dataflow will not be ready until the end of this year, how long will the state have to develop our node?	EPA will work with states in a collaborative fashion so that states can share Phase 2 data in a timely fashion. EPA plans to issue a new schema for Phase 2 data by December 2019. The target start date for sharing Phase 2 data is December 2020.
Georgia	EPA	4	Enforcement	This is a R4 specific question and does not need to be answered for the general office. How many states in R4, if any, plan to use this tool? Who are they?	EPA's current estimate is that only Mississippi and North Carolina have elected to use NeT.

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Hawaii	Hawaii State Department of Health	9	Enforcement/Compliance, Data Management	Will there be a timeline extension for compliance with Phase 2 of the NPDES reporting rule?	EPA does not have current plans to extend the Phase 2 deadline. EPA estimates that most general permit and program reports will have an electronic reporting tool in NeT and that EPA's new data sharing protocol for Phase 2 data will be available one year before the Phase 2 deadline.
Hawaii	Hawaii State Department of Health	9	Enforcement/Compliance, Data Management	Will the new fields required by the e-Rule, but not currently supported in the ICIS schema v5.9, be added to a new version of the existing ICIS schema?	EPA's new data sharing protocol for Phase 2 data will be available one year before the Phase 2 deadline. EPA will be working with the EDT IPT to update the current ICIS schema.
Hawaii	Hawaii State Department of Health	9	Enforcement/Compliance, Data Management	Regarding a new version of the existing ICIS schema, when will this schema be made available for review? And when will a new version of the ICIS batch user guide be made available explaining the business rule for the new fields?	EPA's new data sharing protocol for Phase 2 data will be available one year before the Phase 2 deadline. EPA will work with the EDT IPT to develop the new schema and documentation.
Hawaii	Hawaii State Department of Health	9	Enforcement/Compliance, Data Management	For the data going into ICIS-NPDES 2 I have a couple of questions: 1) will EPA be providing training on the new system, 2) when will the new system be available for testing or training purposes, 3) will the new system eventually replace ICIS, or will it be alongside ICIS (if alongside, will anything in the existing EDT or the existing data need to change as a result of this new system?) 4) will there be an import process to bring over existing information into the new system? 5) when will the new system be in production?	EPA will work with state agencies on the necessary support on how to use the interim solution. Please see the following answers: (1) Yes, EPA will provide documentation and user guides for the new functionality; (2) The capability will be made available in phased releases; EPA will be working with the EN NPDES EDT IPT to create a schedule; (3) The interim solution will be made available alongside ICIS-NPDES; (4) EPA is investigating options to minimize this impact; and (5) EPA is developing this schedule and will be released soon.
Indiana	Indiana Department of Environmental Management	5	Information Technology	What are the assumptions made from the Rhode Island collaboration?	EPA affirmed from the RI DEM industrial stormwater general permit development that regular coordination is a key factor to ensure a successful deployment. EPA and RI DEM discussed all aspects of the general permit and processing. As an outcome of the RIDEM effort, EPA is working on creating a Permit Onboarding Package (POP) to help set expectations.
Maryland	Maryland Department of the Environment	3	Permitting	Question from Maryland. How long has your first trial with Rhode Island taken? Is it to the stage we can see a demonstration?	EPA estimates that it took nine months of collaboration with RI DEM. This effort exposed several types of discussions that states should expect to be engaged on; level of commitment needed from state; and sample outcome. EPA expects that it will take less time to develop future electronic tools as it is implementing more efficient processes with each new electronic tool deployment.
Massachusetts	EPA R1	1	Enforcement	Can EPA discuss how it will approach/consider requests from states to "customize" NeT programs for their use?	EPA will work in a collaborative fashion to develop the web application for submitting permit and program report forms and related workflows to meet as many of the state needs as possible. EPA will work with states on a case by case basis. EPA will need to balance each state need with the overall NeT backlog of development. The discussion with the state is an important part of the process.
Massachusetts	US EPA R1	1	enforcement	Do you envision a similar MOU process for EPA regions with non-delegated states?	EPA HQ would like to use slightly more informal means to document roles and responsibilities for development, maintenance, and change management with EPA Regional staff.
New Jersey	New Jersey Department of Environmental Protection	2	Permitting, Information Technology	You had indicated that EPA anticipates that the flows to legacy and NPDES2 will be in parallel. You had also indicated that all of the Phase 2 data will be sent to the ICISNPDES2 repository and the Phase I data will continue to be submitted to legacy. Since the information that will be submitted as part of Phase II will be linked to the information in Phase I, how will the Phase 2 data be correctly associated with Phase 1 repository data? Will some/all of the data in the Phase 1 repository have to be submitted in duplicate into the Phase 2?	EPA will work with states to create a data sharing protocol that is efficient and minimizes impacts to EDT states. EPA will be working with the NPDES IPT on a refined approach that allows EDT partners to continue submitting to the ICIS-NPDES dataflow. Where possible, the intent will be to support backwards compatibility to schema version 5.9. This proposed approach would allow states to continue sharing NPDES oversight data with the current schema (Version 5.9) or forthcoming versions of the schema (Version 6.x) if the state would like to share Phase 2 data.
New York	NYSDEC	2	NPDES permitting	How soon can EDT states expect to get the information that will allow them to develop their tools and processes to transfer collected data to EPA?	EPA will work with states in a collaborative fashion so that states can share Phase 2 data in a timely fashion. EPA plans to issue a new schema for Phase 2 data by December 2019. The target start date for sharing Phase 2 data is December 2020.

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New York	NYSDEC	2	NPDES permitting	Back to an earlier comment, if the EDT states don't know the schema, it is hard to develop solutions	EPA will work with states to create a data sharing protocol that is efficient and minimizes impacts to EDT states. Under this new approach states will be able to review and confirm that their Phase 2 data were correctly captured by NPDES-ICIS2.
New York	NYSDEC	2	NPDES permitting	Can a temporary waiver be granted by an EDT state for a general permit where the reporting tool is not ready by the Phase2 deadline?	The NPDES electronic reporting rule (NPDES eRule) allows states to grant temporary waivers. The NPDES eRule does not require any pre-conditions for approval of these temporary waivers.
Oregon	Oregon Department of Environmental Quality	10	Information Technology	What is the benefit of separating Phase 1 and 2 schemas over just incorporating phase 1 in to phase 2?	EPA will work with states to create a data sharing protocol that is efficient and minimizes impacts to EDT states. EPA will be working with the NPDES IPT on a refined approach that allows EDT partners to continue submitting to the ICIS-NPDES dataflow. Where possible, the intent will be to support backwards compatibility to schema version 5.9. This proposed approach would allow states to continue sharing NPDES oversight data with the current schema (Version 5.9) or forthcoming versions of the schema (Version 6.x) if the state would like to share Phase 2 data.
Oregon	Oregon DEQ	10	NPDES compliance/EPA Region 10 liaison; key staffer for EPA eRule workgroups for phase 1 including phase 2 plan for OR.	Will data in ICIS-NPDES2 be available via ECHO/ECHO Gov?	We are currently evaluating the best approach to make data available to ECHO and ECHO Gov in the interim period of ICIS re-architecture.
Oregon	Windsor Solutions	N/A	Systems Analyst	Will Phase 2 EDT be integrating to the same back end database at EPA or will the data be routed to a separate reporting system?	EPA will work with states to create a data sharing protocol that is efficient and minimizes impacts to EDT states. Under this new approach states will be able to review and confirm that their Phase 2 data were correctly captured by NPDES-ICIS2. EPA will work with states to help meet their reporting needs. This may include use of new reporting tools.
Pennsylvania	US EPA Region III	3	NPDES Enforcement	When will funds be available to states for Open Node 2 plug in development? Is that different than exchange network grant requests?	States that would like support with OpenNode to fix or improve their data sharing with EPA's national NPDES data system (ICIS-NPDES) should contact Joe Carioti (lead) or Eric French (backup). EPA also notes that EPA will provide updates to the Open Node 2 as it creates the new schema for Phase 2 data.
Pennsylvania	US EPA Region III	3	NPDES Enforcement	Who is the lead for developing MOU? EPA HQ or EPA Regions?	EPA HQ maintains the MOU template. Each state will have a change to review and edit the MOU as necessary.
Rhode Island	RIDEM	1	Data Steward	RI is on the line and willing to provide a demo or contact information for questions	EPA thanks RI DEM for their offer of help to answer questions during the webinar. EPA also thanks RI DEM for supporting the development of an electronic reporting tool using EPA's software for the RI industrial stormwater general permit.
Texas	State Agency	6	IT, permitting and enforcement	Funding comment was for Open Node 2. NEIEN grants are due 4/8/19 for FY20. Any other funding mechanism available for states who are not on Open Node 2?	States that would like support with OpenNode to fix or improve their data sharing with EPA's national NPDES data system (ICIS-NPDES) should contact Joe Carioti (lead) or Eric French (backup). EPA also notes that EPA will provide updates to the Open Node 2 as it creates the new schema for Phase 2 data.
Texas	State Agency	6	IT, permitting and enforcement	Will the MOU cover all the program reports the state intends to use the NetTool for or will a MOU be needed for each?	The MOU will be tailored for the specific State/EPA working partnership. It could cover all the products that will be developed, or it could be product specific.
Texas	State Agency	6	IT, permitting and enforcement	Some states have requested an extension to the Dec 2020 deadline. Does EPA plan to extend this deadline?	EPA does not have current plans to extend the Phase 2 deadline. EPA estimates that most general permit and program reports will have an electronic reporting tool in NeT and that EPA's new data sharing protocol for Phase 2 data will be available one year before the Phase 2 deadline.
Texas	State Agency	6	IT, permitting and enforcement	EDT states are dependent upon EPA to even start our projects. With procurement processes, etc. the clock is ticking. When can EDT states expect a finalized schema for ICIS-NPDES 2?	EPA's new data sharing protocol for Phase 2 data will be available one year before the Phase 2 deadline.

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Texas	State Agency	6	IT, permitting and enforcement	How many states will be in "development" at the same time for the NET tools?	EPA plans to have multiple teams working on the development. The development process is set up to address permits by category where we think there are similarities so we can achieve efficiencies. We also think services and reusable parts will help to be more efficient. A key factor in a successful deployment is the availability of the states.