



# EPA NPDES eRule Implementation: Roadmap for Updating the ICIS Data Submission Service for Phase 2 Data



**CWA-NPDES**  
electronic reporting

Updated: 3 January 2024 (Rev. 1)

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

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## 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](#)). 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 This final rule also eliminated some duplicative or outdated reporting requirements.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 update the [ICIS Data Submission](#) service to incorporate Phase 2 data elements of the NPDES eRule. This document provides the current strategy for updating this service so that authorized states can share Phase 2 data with EPA in advance of the 21 December 2025 deadline.

## 2.0 UPDATING ICIS DATA SUBMISSION SERVICE FOR PHASE 2 DATA

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 that elect to build their own electronic reporting tools must share the “minimum set of NPDES data” with EPA.

EPA supports this regulatory data sharing requirement by maintaining and supporting the [ICIS Data Submission](#) service, which is hosted on the Exchange Network (EN). This service allows authorized states to electronically send NPDES program data to EPA in batch submissions using eXtensible Markup Language (XML) technology. EPA takes these XML data files and routes them to its Integrated Compliance Information System – National Pollutant Discharge Elimination System (ICIS–NPDES) and other related systems. In order to use the ICIS Data Submission service, authorized states must compose their transactions into well-formed XML files, package them into zip files, and then electronically submit them using their “Node” on the Exchange Network or by manually uploading them using a form on the [Exchange Network Service Center website](#). These data are grouped together in “payloads” to help facilitate the data transfer.

EPA has worked with EPA Regions and states in a collaborative manner since publication of the 2015 NPDES eRule. In particular, EPA worked with states over a two-year process to develop implementation guidance called “Technical Papers.”<sup>1</sup> 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 updates to the ICIS Data Submission service.

Table 1 provides the current plan and status for the inclusion of Phase 2 data elements into the ICIS Data Submission service. The ICIS Data Submission service incorporates all of the Phase 1 data elements and EPA is currently working with states to update this service for Phase 2 data elements. States should contact us ([NPDESeReporting@epa.gov](mailto:NPDESeReporting@epa.gov)) if they would like to participate in this effort. EPA will update the order in the following table in consultation with states during workgroup meetings. It is also important to note that EPA will route Phase 2 data to either ICIS-NPDES or the OECA Data Store. With one exception, EPA will route “New Payloads” to the OECA Data Store and “Existing Payloads” to ICIS-NPDES (see table below). EPA will update the two existing biosolids payloads and switch their destination from ICIS-NPDES to the OECA Data Store. Both “New” and “Existing” payloads will be maintained on the [ICIS Data Submission](#) service.

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<sup>1</sup> See: <https://www.epa.gov/compliance/data-entry-guidance-and-technical-papers>

**Table 1:** Roadmap for Updating ICIS Data Submission Service for Phase 2 Data

NPDES Program Data	New Payloads	Existing Payloads	Schema Version Number (Status)
Sewer Overflow Event Report and POTW Permit Data	<ul style="list-style-type: none"> <li>SewerOverflowBypassEventReportSubmission</li> <li>CollectionSystemPermitSubmission</li> <li>CSOLongTermControlPlanSubmission</li> <li>POTWTreatmentTechnologyPermitSubmission</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	5.11 (Draft)
<b>Industrial and Construction Stormwater Permit Data</b>	<ul style="list-style-type: none"> <li>None</li> </ul>	Add “Residual Designation Determination Code” to: <ul style="list-style-type: none"> <li>BasicPermitSubmission, GeneralPermitSubmission, and MasterGeneralPermitSubmission</li> </ul> Update construction and industrial stormwater data on the following permit component payloads: <ul style="list-style-type: none"> <li>SWConstructionPermitSubmission</li> <li>SWIndustrialPermitSubmission</li> </ul>	5.12 (Pending)
<b>Biosolids Annual Report and Permit Data</b>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>BiosolidsAnnualProgramReportSubmission</li> <li>BiosolidsPermitSubmission</li> </ul>	Pending
<b>MS4 Annual Report and Permit Data</b>	<ul style="list-style-type: none"> <li>SWMS4AnnualProgramReportSubmission</li> <li>SWMS4PermitSubmission</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	Pending
<b>Pretreatment Program Report and SIU/CIU Permit Data and Reports</b>	<ul style="list-style-type: none"> <li>PretreatmentProgramReportSubmission</li> <li>SIUCIUPermitSubmission</li> <li>SIUCIUComplianceMonitoringReportSubmission</li> </ul>	Update pretreatment data on the following payload: <ul style="list-style-type: none"> <li>PretreatmentPermitSubmission</li> </ul>	Pending
<b>CAFO Annual Report and Permit Data</b>	<ul style="list-style-type: none"> <li>CAFOAnnualProgramReportSubmission</li> </ul>	Update CAFO permit component data on the following payload: <ul style="list-style-type: none"> <li>CAFOPermitSubmission</li> </ul> Update CAFO inspection data on the following payloads: <ul style="list-style-type: none"> <li>ComplianceMonitoringSubmission</li> <li>FederalComplianceMonitoringSubmission</li> </ul>	Pending
<b>CWA 316(b) and Variance Permit Data</b>	<ul style="list-style-type: none"> <li>CWA316bProgramReportSubmission</li> <li>NPDESVarianceSubmission</li> </ul>	Update CWA 316(b) data on the following payload: <ul style="list-style-type: none"> <li>PermittedFeatureSubmission</li> </ul>	Pending

## 3.0 PHASE 2 NPDES PROGRAM DATA

EPA is implementing the requirements of the rule in two phases. The compliance deadlines for sharing these data are as follows:

- **Phase 1 – Starting No Later Than December 21, 2016:**
  - Permittees must electronically submit their Discharge Monitoring Reports (DMRs).
  - Facilities regulated by EPA must electronically submit their biosolids annual report.
  - Authorized NPDES programs must electronically share with EPA the DMR data they receive from permittees and the NPDES permitting, compliance, and enforcement data they generate themselves.
- **Phase 2 – Starting No Later Than December 21, 2025:**
  - Permittees must electronically submit general permit notices and program reports (see the detailed list below).
  - Authorized NPDES programs must electronically share with EPA the general permit notices and program reports they receive from permittees as well as any related NPDES permitting, compliance, and enforcement data they generate themselves.

EPA has developed a spreadsheet to identify the phase and due date for each data element. This spreadsheet is available on the NPDES eRule website: <https://www.epa.gov/compliance/npdes-ereporting>.

EPA has updated the [ICIS Data Submission](#) service to accommodate all the Phase 1 data elements. EPA is now working with states to update this service to include Phase 2 data elements. The following provides an overview of these Phase 2 data and EPA’s roadmap for onboarding these data into the ICIS Data Submission service.

### 3.1 Sewer Overflow Event Report and POTW Permit Data

The NPDES eRule standardized reporting requirements for sewer overflow noncompliance reporting and bypass reporting as well as other POTW related data. These data are described in [Technical Paper No. 2](#) as well as in the [“Example XML Instance Document.”](#) The program report documents sewer overflow and bypass event reports. This 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 drafted four new payloads to collect Phase 2 data related to these sewer spills and other POTW related data.

- SewerOverflowBypassEventReportSubmission
- CollectionSystemPermitSubmission
- CSOLongTermControlPlanSubmission
- POTWTreatmentTechnologyPermitSubmission

These four new payloads will be routed to the OECA Data Store using the ICIS Data Submission service (v5.11) as part of Phase 2 implementation.

### 3.2 Industrial and Construction Stormwater Permit Data

NPDES Phase 2 implementation covers about a dozen data elements that are specific to industrial and construction stormwater permits. These data are described in [Technical Paper No. 9](#) and will be sent to ICIS.

#### Residual Designation Determination Code

Authorized states and EPA Regions may specifically designate stormwater discharges as requiring an NPDES permit under section 402(p)(2)(E) and (6) and 40 CFR 122.26 (a)(9)(i)(C) and (D). Authorized states and EPA Regions may use this “[residual designation](#)” authority to require NPDES permits for stormwater discharges or category of discharges on a case-by-case basis. This information is generated by authorized NPDES program and reported after the permit application process is complete. The authorized NPDES program (not the permit applicant) will provide this data (by NPDES ID) to EPA using the ICIS Data Submission service. This data element will only be used for the permits that are issued under the residual designation authority.

EPA will add this data element, “Residual Designation Determination Code,” to the BasicPermitSubmission, GeneralPermitSubmission, and MasterGeneralPermit payloads in the ICIS Data Submission service (v5.12) as part of Phase 2 implementation.

#### Construction Stormwater

The NPDES stormwater program requires permits for discharges from construction activities that disturb one or more acres, and discharges from smaller sites that are part of a larger common plan of development or sale. Most construction site operators submit a Notice of Intent (NOI) to obtain coverage under an NPDES general permit. The following four data elements apply to all NPDES-permitted construction sites. These data elements are described in [Technical Paper No. 9](#) and states will send these data to ICIS using the ICIS Data Submission service (v5.12) as part of Phase 2 implementation.

- Estimated Construction Project Start Date
- Estimated Construction Project End Date
- Total Activity Area (Construction)
- Low Erosivity Waiver Approval Date

The NPDES eRule requires states to share the following Appendix A data with EPA for individual permitted construction sites (i.e., Permit Type = NPD). States have the option to share these data with EPA for construction sites covered by general permits (i.e., Permit Type = GPC). These data elements are described in [Technical Paper No. 9](#) and states will send these data to ICIS using the ICIS Data Submission service (v5.12) as part of Phase 2 implementation.

- Total Area of the Site
- Post-Construction Total Impervious Area
- Soil and Fill Material Description
- Runoff Coefficient of the Site (Post-Construction)
- Proposed Stormwater Best Management Practices for Construction Activities
- Post-Construction Stormwater Best Management Practices for Construction Activities

EPA will verify or add these data elements to the SWConstructionPermitSubmission payload in the ICIS Data Submission service (v5.12) as part of Phase 2 implementation.

### Industrial Stormwater

The NPDES stormwater program requires permits for discharges from industrial activities. Most industrial site operators submit a Notice of Intent (NOI) to obtain coverage under an NPDES general permit. The following data element applies to all NPDES-permitted industrial stormwater permittees. This data element is described in [Technical Paper No. 9](#) and states will send these data to ICIS using the ICIS Data Submission service (v5.12).

- No Exposure Authorization Date

The NPDES eRule requires states to share the following Appendix A data with EPA for individual permitted construction sites (i.e., Permit Type = NPD). States have the option to share these data with EPA for construction sites covered by general permits (i.e., Permit Type = GPC). These data elements are described in [Technical Paper No. 9](#) and states will send these data to ICIS using the ICIS Data Submission service (v5.12).

- Total Surface Area Drained (Industrial)
- Total Impervious Surface Area (Industrial)
- Proposed Stormwater Best Management Practices (Industrial)

EPA will verify or add these data elements to the SWIndustrialPermitSubmission payload in the ICIS Data Submission service (v5.12) as part of Phase 2 implementation.

### 3.3 [Biosolids Annual Report and Permit Data](#)

The NPDES eRule standardized reporting requirements for biosolids annual program report and permit data. These data are described in [Technical Paper No. 5](#) as well as in the “[Example XML Instance Document](#).” The program report documents how the POTW managed its sewage sludge in the preceding year and is required for larger facilities (e.g., POTWs that service more than 10,000 people). The biosolids permit data sharing requirements apply to all POTWs. EPA plans to revise the following two payloads to collect Phase 2 data related to these biosolids data.

- BiosolidsAnnualProgramReportSubmission
- BiosolidsPermitSubmission

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).<sup>2</sup> EPA administers the Federal biosolids program for the remainder of 41 states and all territories and tribal lands. Four of these states (Arizona, South Dakota, Texas, and Utah) have elected to use NeT for their program report, which means that they do not need to send the biosolids program report to EPA using the ICIS Data Submission service. As part of NPDES eRule Phase 2 implementation EPA will also facilitate

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<sup>2</sup> See: <https://www.epa.gov/npdes/npdes-state-program-information>.

electronic data transfers for the remaining states that plan on building their own electronic reporting tool for this program report (Idaho, Michigan, Ohio, Oklahoma, and Wisconsin).

These two payloads listed above will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

### 3.4 MS4 Annual Report and Permit Data

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. These data are described in [Technical Paper No. 9](#)

The program report requires filers to document their activities to control urban stormwater and to report any noncompliance. Consequently, the MS4 program report application will need to work with permit application data to identify permit requirements. EPA plans to create the following two payloads to collect Phase 2 data related to these MS4 data.

- SWMS4AnnualProgramReportSubmission
- SWMS4PermitSubmission

These two new payloads will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

### 3.5 Pretreatment Program Report and SIU/CIU Permit Data and Reports

The national pretreatment program is a component of the NPDES program. It is a cooperative effort of federal, state, and local environmental regulatory agencies established to protect water quality. Similar to how EPA authorizes the NPDES permit program to state, tribal, and territorial governments to perform permitting, administrative, and enforcement tasks for discharges to surface waters (NPDES program), the EPA and authorized NPDES state pretreatment programs approve local governments to perform permitting, administrative, and enforcement tasks for industrial discharges into POTWs.

Currently there are 37 states that authorize to administer the Federal pretreatment program (40 CFR part 403). EPA administers the Federal pretreatment program for the remainder of 13 states and all territories and tribal lands. This program has two program reports and two sets of permit data [one for the local approved pretreatment program and another for the Significant Industrial User (SIU) or Categorical Industrial User (CIU)]. These data are described in [Technical Paper No. 7](#).

#### POTW Program Permit Data

EPA regulations require authorized states to collect data that describe local pretreatment program data and to share these data with EPA. The following Appendix A data elements that apply to local pretreatment programs will be updated or added to the existing pretreatment permit component payload: PretreatmentPermitSubmission.

- Pretreatment Program Required Indicator
- Pretreatment Program Approval or Modification Date
- Pretreatment Program Modification Type



- Receiving RCRA Waste
- Receiving Remediation Waste
- Control Authority Identifier

This revised payload will be routed to ICIS-NPDES using the ICIS Data Submission service as part of Phase 2 implementation.

#### POTW Program Annual Report

In accordance with 40 CFR 403.12(i), POTWs with an approved pretreatment program are required to submit annual reports to the Approval Authority documenting program status and activities performed during the previous year. At a minimum, the reports must contain the following information:

- A list of all the POTW's Significant Industrial Users and Categorical Industrial Users, including names, addresses, pretreatment standards applicable to each user, a brief explanation of deletions, and a list of additions (with the aforementioned information) keyed to a previously submitted list. The list must also identify IUs that are designated as Middle-Tier Categorical Industrial User (MTCIU) and must identify which IUs are Non-Significant Categorical Industrial User (NSCIU).
- A summary of the status of IU compliance during the reporting period.
- A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period.
- A summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority.
- Any other relevant information requested by the Approval Authority.

Consequently, this annual report will need to work with permit application data to identify the inventory of SIUs and CIUS as well as permit requirements. EPA plans to create the following new payload to collect Phase 2 data related to this program report: PretreatmentProgramReportSubmission. This new payload will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

#### SIU-CIU Permit Data

SIU-CIU data are provided with the NPDES permit applications and NOIs from POTWs. See 40 CFR 122.21(j) and 122.28. For example, EPA has developed NPDES Form 2A to collect these data for individual permit applications. These data necessary to describe and inventory all SIUs and CIUs that discharge to a POTW. These data are also needed to for local approved pretreatment programs when they prepare their annual report. These data are also used to track the semi-annual reporting from the SIU-CIUs where EPA or the state is the Control Authority.

EPA plans to create the following new payload to collect Phase 2 data related to this program report: SIUCIUPermitSubmission. This new payload will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

#### SIU-CIU Semi-Annual Report

SIUs and CIUs 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)].

EPA plans to create the following new payload to collect Phase 2 data related to this program report: SIUCIUComplianceMonitoringReportSubmission. This new payload will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

### 3.6 CAFO Annual Report and Permit Data

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.<sup>3</sup> 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. These CAFO data are described in [Technical Paper No. 6](#).

#### CAFO Permit Data

CAFOs that apply for an individual NPDES permit will use EPA's NPDES Form 2B or a similar state form. CAFOs that seek NPDES permit coverage under a NPDES general permit will submit similar information on a Notice of Intent (NOI) form. The NPDES eRule identified the CAFO data elements to be submitted electronically as well as data sharing requirements for authorized NPDES programs (see 40 CFR 127.23).

EPA plans to update the following existing payload to collect Phase 2 data related to these permit data: CAFOPermitSubmission. This payload will be routed to ICIS-NPDES using the ICIS Data Submission service as part of Phase 2 implementation.

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<sup>3</sup> See: <https://www.epa.gov/npdes/npdes-afos-policy-documents-0>

### CAFO Annual Report

The program report requires filers to document their activities to control discharges and manage their manure, litter, and process wastewater. Consequently, the 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.

EPA plans to create the following new payload to collect Phase 2 data related to this program report: CAFOAnnualProgramReportSubmission. This new payload will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

### CAFO Inspection Data

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. EPA will add these data elements to the ComplianceMonitoringSubmission and FederalComplianceMonitoringSubmission payloads. These revised payloads will be routed to ICIS-NPDES using the ICIS Data Submission service as part of Phase 2 implementation.

### 3.7 CWA 316(b) and Variance Permit Data

The NPDES eRule identified data elements related to CWA Section 316 permit data and program report data as well as NPDES variance requests. These data must be collected by authorized NPDES programs and electronically shared with EPA (40 CFR 127.23).

#### CWA 316(b) Permit Data

The following Cooling Water Intake Information describes the cooling water intake structure (a.k.a. “permitted feature”) and is submitted by the permittee on their NPDES permit application. These data are described in [Technical Paper No. 8](#).

- Cooling Water Intake Applicable Subpart
- Design Intake Flow for Cooling Water Intake Structure(s)
- Actual Intake Flow for Cooling Water Intake Structure(s)
- Location Type for Cooling Water Intake Structure
- Actual Through-Screen Velocity
- Source Water for Cooling Purposes
- Cooling Water Intake Structure Chosen Compliance Method
- Source Water Baseline Biological Characterization Data: Threatened or Endangered Status

EPA plans to update the following existing payload to collect Phase 2 data related to these permit data: PermittedFeatureSubmission. This payload will be routed to ICIS-NPDES using the ICIS Data Submission service as part of Phase 2 implementation.

#### CWA 316(b) Program Report

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. These data are described in [Technical Paper No. 8](#).

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 plans to create the following new payload to collect Phase 2 data related to this program report: CWA316bProgramReportSubmission. This new payload will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

## NPDES Variance Requests

EPA added data related to NPDES variance requests when it finalized the Phase 2 Extension rulemaking. These variances relate to the following provisions in the CWA:

- Fundamentally different factors (FDFs) (CWA section 301(n))
- Non-conventional pollutants (CWA section 301(c) and (g))
- Water quality related effluent limitations (CWA Section 302(b)(2))
- Thermal discharges (CWA Section 316(a))
- Discharges to marine waters (CWA Section 301(h))

EPA added NPDES variance request data to Appendix A as these data would allow EPA and states to better track variance requests and related statuses for the NPDES program. The following are the NPDES variance request data:

- Variance Type
- Variance Request Version
- Variance Status
- Variance Submission Date
- Variance Action Date
- Public Notice of Section 316(a) Requests

EPA plans to create the following new payload to collect Phase 2 data related to this program report: NPDESVarianceSubmission. This new payload will be routed to the OECA Data Store using the ICIS Data Submission service as part of Phase 2 implementation.

## 4.0 SCHEDULE FOR UPDATING ICIS DATA SUBMISSION SERVICE

EPA has updated the [ICIS Data Submission](#) service to accommodate all the Phase 1 data elements. EPA is now working with states to update this service to include Phase 2 data elements. EPA plans to finish these updates to the ICIS Data Submission by the end of December 2024. This will allow states to update their data sharing protocols in time for the Phase 2 compliance deadline (December 21, 2025). Below is the current schedule and status for each set of Phase 2 NPDES program data. EPA will update the order in the following table in consultation with states during workgroup meetings.

NPDES Program Data	Notes	Schema Version Number (Status)
<b>Sewer Overflow Event Report and POTW Permit Data</b>	EPA developed the four new payloads in consultation with states from January to November 2023. EPA provided states with draft schema files and related documentation in late November 2023. Comments are due to EPA by January 31, 2024.	5.11 (Draft)
<b>Industrial and Construction Stormwater Permit Data</b>	EPA provided states with draft schema files and related documentation in January 2024. Comments are due to EPA by February 29, 2024.	5.12 (Pending)
<b>Biosolids Annual Report and Permit Data</b>	Draft schema files and related documentation are pending. This will likely require a two-month review.	Pending
<b>MS4 Annual Report and Permit Data</b>	Draft schema files and related documentation are pending. This will likely require a two-month review.	Pending
<b>Pretreatment Program Report and SIU/CIU Permit Data and Reports</b>	Draft schema files and related documentation are pending. This will likely require a two-month review.	Pending
<b>CAFO Annual Report and Permit Data</b>	Draft schema files and related documentation are pending. This will likely require a two-month review.	Pending
<b>CWA 316(b) and Variance Permit Data</b>	Draft schema files and related documentation are pending. This will likely require a two-month review.	Pending

## 5.0 OUTREACH AND COORDINATION

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
<b>NPDES eRule Regional WG</b>	EPA HQ and EPA Regional Staff	January 2016	Ongoing (Monthly Meetings)
<b>NPDES NNCR WG</b>	EPA HQ, EPA Reg. Staff, State Staff	May 2016	Ongoing (Bi-weekly Meetings)
<b>EPA-state General Permit and Program Report WG</b>	EPA HQ, EPA Regional Staff, State Staff	May 2017	Ongoing (Monthly Meetings)
<b>EPA-state non-NeT WG</b>	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](#) 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](mailto:johnston.carey@epa.gov)) if you would like to participate in any of these workgroups.