



State of New Jersey

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
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SHAWN M. LATOURETTE
Commissioner

April 1, 2025

Delivered via email to: wallace.jane@epa.gov

Jane Wallace, Director
Enforcement Targeting and Data Division
Office of Compliance
Mail Code 2222A
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Opt-Out Notice Designating EPA as the 'Initial Recipient' for NJPDES Data Group No. 10

Dear Ms. Wallace:

On October 15, 2015, the U.S. Environmental Protection Agency (EPA) promulgated the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule ("eRule")¹. This rule modernized Clean Water Act (CWA) reporting for municipalities, industries, and other facilities by requiring the conversion of paper-based NPDES reporting requirements to electronic-based reporting. On November 2, 2020, EPA published the NPDES eRule Phase 2 Extension rule² which provided states and EPA additional time to implement electronic reporting for certain Clean Water Act discharge permitting requirements and extended the compliance deadline for implementation of Phase 2 of the eRule by five years, from December 21, 2020 to December 21, 2025.

Under the eRule, NPDES-regulated entities are required to submit NPDES program data to the designated initial recipient, as defined in 40 CFR 127.2(b). For this rule, the term "initial recipient" means the entity (either EPA or the state, tribe, or territory authorized by EPA to implement the NPDES program) who first receives the electronic NPDES information listed in Appendix A of 40 CFR part 127 from NPDES-regulated facilities. The initial recipient designation is made separately for each state and by each NPDES Data Group, which is defined in 40 CFR 127.2(c). Consistent with the provisions of 40 CFR 127.27(a), in a letter dated April 19, 2016, the New Jersey Department of Environmental Protection (NJDEP) provided notification to USEPA indicating that USEPA should be the initial recipient for NPDES data group No. 5, Concentrated Animal Feeding Operation (CAFO) Annual Program Reports.

¹ U.S. EPA, 2015. "National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule," 80 FR 64064 (22 October 2015).

² U.S. EPA, 2020. "NPDES Electronic Reporting Rule – Phase 2 Extension" 85 FR 69189 (2 November 2020).

The provisions of 40 CFR 127.27(f) allow for authorized NPDES programs that initially elect to be the initial recipient for a NPDES data group to, at a later date, request that EPA become the initial recipient for that data group. As such, consistent with this provision, NJDEP is requesting that USEPA also become the initial recipient for NPDES data group No. 10, CWA section 316(b) Annual Reports.

Questions or comments regarding this correspondence should be addressed to Jason Lonardo via email at Jason.Lonardo@dep.nj.gov or phone at (609) 984-4428.

Sincerely,

A handwritten signature in blue ink that reads "Susan Rosenwinkel". The signature is written in a cursive, flowing style.

Susan Rosenwinkel
Director
Division of Water Quality

cc: Carey Johnston, USEPA Office of Compliance (Johnston.Carey@epa.gov)
Brett Callanan, Chief, Bureau of Surface Water and Pretreatment Permitting
(Brett.Callanan@dep.nj.gov)