



OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: NPDES Electronic Reporting Phase 2 Alternative Compliance Deadline for U.S. EPA and Authorized States under 40 CFR § 127.24(f)

FROM: Jacqueline Robles Werner, Director
Office of Compliance

JACQUELINE WERNER
Digitally signed by JACQUELINE WERNER
Date: 2025.11.09 22:12:04 -05'00'

TO: EPA Regional Enforcement and Compliance Assurance Division Directors
EPA Regional and State Water Data Stewards

ISSUE

This memorandum notifies you of our approval to extend the regulatory deadline for Phase 2 implementation of the National Pollutant Discharge Elimination System Electronic Reporting Rule ("NPDES eRule"). The NPDES eRule Phase 2 alternative compliance deadline for implementing electronic reporting with U.S. EPA ("EPA") electronic reporting tools is **December 21, 2028**. EPA will post this notice and the new regulatory deadline on its website, www.epa.gov/compliance/approved-alternate-phase-2-compliance-deadlines, in accordance with the NPDES Electronic Reporting rule [see 40 CFR § 127.24(f)].

BACKGROUND

The U.S. EPA published the NPDES Electronic Reporting Rule ("NPDES eRule") on October 22, 2015. This rule requires EPA and states to modernize Clean Water Act (CWA) reporting. Implementation of this rule is designed to save the NPDES authorized state programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of NPDES program data between states and EPA, enhance public transparency, improve environmental decision-making, and protect human health and the environment.

The NPDES eRule includes two compliance deadlines. The Phase 1 compliance deadline (December 21, 2016) requires EPA Regions and authorized states to electronically collect Discharge Monitoring Reports (DMRs) from NPDES permittees and to share these DMR data as well as other permit, inspection, and enforcement data with EPA. All other NPDES data (a.k.a. "Phase 2 data") are covered by the Phase 2 compliance deadline (December 21, 2025).¹

¹ See "Overview of the Minimum Set of NPDES Program Data" and "NPDES eRule State Data Sharing Prioritization" to identify the compliance deadline for each data element. Available at: <https://www.epa.gov/compliance/npdes-ereporting-information-and-resources-authorized-programs>.

EPA requires each authorized state NPDES program to decide whether they will use EPA's electronic reporting tools or build their own electronic reporting tools. Authorized states can make this decision or defer this decision to EPA. Twenty authorized state NPDES programs have elected to use EPA's electronic reporting tools for one or more of their NPDES general permits and program reports.² The list of EPA and authorized state NPDES general permits and program reports that will use EPA's electronic reporting tools are provided in the NPDES eRule Phase 2 Implementation Dashboard.³

The NPDES eRule allows EPA to establish an alternative compliance deadline up to three years beyond the currently applicable date, but in no event beyond December 21, 2028 (see 40 CFR § 127.24(f)). This memorandum provides notice that EPA is providing more time to implement electronic reporting for the NPDES general permits and program reports that will use EPA's electronic reporting tools. This extension does not cover NPDES general permits and program reports that are already using EPA's electronic reporting tools.⁴ This extension also does not cover NPDES program data that are collected by individual NPDES permit applications or are generated by the EPA Regions and authorized states (e.g., data related to core NPDES permitting, compliance, and enforcement).⁵ This additional time allows EPA and authorized states to allocate their resources in a manner that will help ease implementation. This alternative compliance deadline balances the need for more time to implement Phase 2 against the goals of the NPDES eRule (see 40 CFR § 127.1).

Finally, I want to thank all EPA Regions and authorized state NPDES programs for their help in implementing this complex project. This effort involves almost all of the NPDES program and approximately 420,000 permittees across the Nation. EPA could not implement this rulemaking without the dedication and professionalism of staff across the EPA Regions and authorized states.

Thank you for your help in implementing NPDES electronic reporting. If you have questions with this memorandum or with NPDES eRule implementation, please contact the NPDES eRule Team Lead, Carey Johnston, johnston.carey@epa.gov.

² The authorized states that elected to use EPA's electronic reporting tools for Phase 2 data are listed at: <https://www.epa.gov/compliance/npdes-erule-memorandum-understanding-mou>

³ The NPDES general permits and program reports that will use EPA's electronic reporting tools are provided in this dashboard, where the "NeT Permit Indicator" and "NeT Program Report Indicator" are set to "Yes." This dashboard is available at: https://edap.epa.gov/public/extensions/eRule_Phase2/eRule_Phase2.html.

⁴ The NPDES general permits and program reports not covered by this extension are provided in the NPDES eRule Phase 2 Implementation Dashboard, where the "Application Deployment Status" is set to "Yes."

⁵ See Tables 1 and 2 in Appendix A, 40 CFR part 127, where "NPDES data group" is "1 - Core NPDES Permitting, Compliance, and Enforcement Data [40 CFR parts 122, 123, 403, 503]."