



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 22 2019

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Allison Woodall  
President  
Association of Clean Water Administrators (ACWA)  
1634 I Street, NW, Suite #750  
Washington, D.C. 20006

Dear Ms. Woodall:

I am writing in response to your recent letter dated July 2, 2019, requesting an extension of the implementation of Phase 2 of the NPDES Electronic Reporting rule (NPDES eRule). Phase 2 covers NPDES general permits and program reports. The EPA shares your concerns about the need to coordinate updates to EPA's data systems with these reporting requirements. Extending the Phase 2 deadline would give the EPA and states more time to develop Phase 2 electronic reporting tools and systems. Additionally, a NPDES eRule extension would give the EPA and states more time to update and implement data sharing protocols and related applications for Phase 2 data.

We appreciate all the time and effort ACWA and its members have contributed to the development and implementation of the NPDES eRule thus far. We will continue to work closely with you to ensure the NPDES eRule's ultimate goals of burden reduction and resource savings are realized. Therefore, I am pleased to inform you that the EPA plans to initiate a notice and comment rulemaking to extend the Phase 2 deadline and to give states more flexibility in implementing Phase 2 of the NPDES eRule.

The EPA plans to propose changing the deadline for implementation of Phase 2 from December 21, 2020 to December 21, 2023 (see 40 CFR § 127.16 Table 1). The EPA believes this will provide enough time for the EPA and states to build most if not all the necessary electronic reporting tools and systems for Phase 2 implementation.

The EPA also plans to propose a new electronic reporting waiver option for states that need even more time to implement Phase 2 of the NPDES eRule. This waiver would give states the option to request additional time from the EPA to implement electronic reporting for one or more specific Phase 2 general permits or program reports. These state waivers would be sent to the EPA for review and approval. For example, under this option a state could seek approval from the EPA to delay implementation of electronic reporting for a NPDES general permit until some agreed upon time after December 21, 2023. This waiver might be helpful if a state has a general permit that is a lower priority for electronic

reporting (e.g., the general permit provides coverage for 10 or fewer NPDES-regulated entities).

Again, the EPA will continue to work collaboratively with ACWA and all state NPDES programs to ensure implementation of the NPDES electronic reporting. I sent the same response to the other State officials who contacted me. Please contact me or my staff, Mr. Randy Hill, Director of the Enforcement Targeting and Data Division ([hill.randy@epa.gov](mailto:hill.randy@epa.gov)), if you have any questions about this letter or if you have any implementation needs for NPDES electronic reporting.

Thank you very much for all your efforts to implement this important modernization effort for the NPDES program. This switch from paper to electronic reporting is not possible without a strong collaborative working relationship between our organizations.

Sincerely,



Susan Parker Bodine

cc: David Hindin  
Director  
U.S. EPA Office of Compliance

John Dombrowski  
Deputy Director  
U.S. EPA Office of Compliance

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