


#### IMPLEMENTATION TECHNICAL PAPER NO. 4

**TO:** EPA Regional and Authorized State NPDES Permit and Enforcement Coordinators and State Information Technology Staff

**FROM:** Randolph L. Hill, Director  
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**DATE:** 2 April 2018

**SUBJECT:** Implementation Technical Paper No. 4: Data Sharing Guidance for NPDES Permit Coverage Status and Permit Date Data Elements

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The NPDES Electronic Reporting Rule (“final rule”) requires the electronic reporting and sharing of NPDES program data. As part of EPA’s collaboration with the states to move forward with converting the NPDES program from paper to electronic reporting, EPA is developing a series of implementation technical papers to help EPA Regions and state NPDES programs make a smooth transition. This is the fourth of these implementation technical papers and this paper provides data entry guidance to EPA Regions and states regarding how EPA and states can track the status of permit coverage from permit issuance to expiration.

The first version of this draft paper was reviewed by the ICIS-NPDES Electronic Data Transfer Integrated Project Team (IPT), which is organized by the Environmental Information Exchange Network. EPA distributed the second version of this paper to EPA Regional and state NPDES permitting and enforcement coordinators as well as state information technology staff (the IPT and ICIS-NPDES users). EPA thanks the commenters for their time and efforts to review this paper and provide feedback. This version incorporates these comments. EPA will publish this paper on its website to assist authorized NPDES programs with implementation of the final rule.<sup>1</sup> EPA also plans to provide updates on the progress states are making in sharing these data through regularly scheduled meetings (e.g., ICIS-NPDES IPT monthly meetings, ICIS-NPDES user monthly meetings), the EPA Enforcement and Compliance History Online (ECHO) “NPDES eRule Readiness and Data Completeness Dashboard,” as well as through e-mail news alerts.<sup>2,3</sup>

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<sup>1</sup> See: <https://www.epa.gov/compliance/npdes-ereporting>

<sup>2</sup> See: <https://www.epa.gov/compliance/npdes-ereporting-help>

<sup>3</sup> See: <https://echo.epa.gov/trends/npdes-erule-dashboard-public>

Among other things, the final rule lists the information (“data elements”) to be provided, groups this information by types of reports and identifies the regulatory citations requiring the information. EPA has taken a number of steps to assist the states and regulated community in moving forward with submission of this information. This includes development of electronic reporting forms and outreach efforts to test these forms for ease of submission and accessibility. This paper represents another step in EPA’s effort to aid the electronic reporting effort.

This paper supports implementation of the final rule by providing further information for the data elements identified in the final rule (Appendix A to 40 CFR 127). In particular, this paper provides data sharing guidance for the “Permit Status” data element and seven other NPDES permit application and Notices of Intent to discharge (NOI) data elements. These data elements are gathered as part of the NPDES permitting process, which includes individual permits and general permit covered facilities (GPCFs). EPA’s national NPDES data system uses these data elements to identify whether the permit coverage is currently effective, administratively continued, expired, or in another status. These data elements also indicate when the permit coverage became effective, when the permit was modified or terminated (if applicable), and when permit coverage expired or will expire. This paper documents how EPA’s national NPDES data system (ICIS-NPDES) currently processes these data to make permit coverage status determinations. The paper also provides recommended changes to EPA’s national NPDES data system (ICIS-NPDES) to improve the accuracy of these determinations.

EPA is using this paper to provide guidance to authorized NPDES programs regarding how they create and share these Appendix A data with EPA’s national NPDES data system (ICIS-NPDES) in a timely fashion (i.e., within 40 days of a completed action). See 40 CFR 127.23. EPA’s national NPDES data system (ICIS-NPDES) uses seven data elements to systematically populate the “Permit Status” data element, which tracks current permit coverage status. Additional “Permit Status” data element values can also be manually entered into ICIS-NPDES. Use of this guidance will help improve the utility of these data. For example, improving these data will help provide greater nationally-consistent transparency on identifying NPDES-regulated entities that have active NPDES permit coverage. Under the approach outlined in this paper, only the NPDES-regulated entities with a permit coverage status of “Effective” or “Administratively Continued” will be considered to have active NPDES permit coverage. All other permit coverage statuses will be considered to be inactive.

EPA solicited comment from EPA Regions and states on the use of an optional data element, “NOI Submission Period (Continuation of Permit Coverage),” as it will allow EPA or state NPDES data systems to properly identify whether GPCFs have NPDES permit coverage that is “Administratively Continued” versus “Expired.” EPA received comments supportive of this approach and did not receive any adverse comments from reviewers on the proposed use of this optional data element. This optional data element would allow authorized NPDES programs to identify the date when a GPCF must submit a notice of intent (NOI) to continue its NPDES permit coverage. This date is calculated as the sum of the newly issued general permit’s “Permit Effective Date” and the “NOI Submission Period (Continuation of Permit Coverage).” As noted in this paper, this forthcoming data element is not in Appendix A to 40 CFR 127 and authorized NPDES programs have the option to share these data with EPA.

In order to re-emphasize the understanding that only NPDES-regulated entities with active NPDES permit coverage should be filing compliance monitoring reports (e.g., DMRs), EPA plans to modify its national NPDES data system (ICIS-NPDES) so that compliance monitoring submissions (e.g., DMRs) will

not be accepted by ICIS-NPDES for any NPDES-regulated entity when the permit coverage status for the entity is “Expired” and the current date is one year past the “Permit Expiration Date.” This will allow authorized NPDES programs to collect compliance monitoring reports (e.g., DMRs) that are submitted after the expiration date (in accordance with the filing schedule set by the authorized NPDES program) and to then share these compliance monitoring reports with ICIS-NPDES. This one-year time period provides EPA and states with ample time to make any necessary data corrections to clearly identify permits that are actually “Expired” (i.e., permits that will not be newly issued). To provide some flexibility, EPA will also modify its national NPDES data system (ICIS-NPDES) so that authorized NPDES programs can flag permittees where the above business rule will not be applied. This may be necessary to address unforeseen or unusual circumstances. This will be done on a case-by-case basis as needed by the authorized NPDES program.

EPA plans to update the recently published “NPDES eRule Readiness and Data Completeness Dashboard,” which is currently on ECHO and ECHO Gov, to effectively communicate the grouping of permits by permit coverage status and the success of data sharing between EPA and state NPDES data systems. In particular, EPA will update this dashboard to show the number and percent of NPDES-regulated entities covered by NPDES permits that are considered active or “backlogged.”<sup>4</sup> EPA will also use this dashboard to show data completeness for the permit application data, which are listed below in Table 1. These enhancements to the dashboard will allow EPA and states to evaluate the effectiveness of their data sharing efforts as well as provide an easy way to identify data gaps.

EPA plans to use this paper as one of many resources to develop electronic reporting tools and to update NPDES data sharing protocols and schemas, EPA’s national NPDES data system (ICIS-NPDES), and the forthcoming NPDES Noncompliance Report (NNCR). EPA will work collaboratively with authorized NPDES programs on the recommended actions in this paper and the deployment schedule. Authorized NPDES programs can request data entry help from EPA by sending an email to: NPDESeReporting@epa.gov.

**DISCLAIMER:** *This implementation technical paper provides data entry guidance for permit application data. While this document cites statutes and regulations that contain legally binding requirements, it does not itself impose legally binding requirements on EPA, states, tribes, other regulatory authorities, or the regulated community and its content might not apply to a particular situation based upon the circumstances. EPA, state, tribal, and other decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from those provided in this document as appropriate and consistent with statutory and regulatory requirements. This document does not confer legal rights or impose legal obligations upon any member of the public. This document does not constitute a regulation, nor does it change or substitute for any CWA provision or EPA regulations. EPA could update this document as new information becomes available.*

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<sup>4</sup> Read more about EPA’s efforts to reduce the number of backlogged NPDES permits at: <https://www.epa.gov/npdes/npdes-program-management-and-oversight#backlog>

## Implementation Technical Paper No. 4

### Data Sharing Guidance for NPDES Permit Coverage Status and Permit Date Data Elements

#### 1. Overview of NPDES Permit Process

Under the Clean Water Act, EPA and states, territories, or tribes with authorized NPDES programs issue NPDES permits with terms no longer than five years. See 33 U.S.C. §1342(b)(1)(B). Authorized NPDES programs may have different schedules for permit applications, but their schedules may be no less stringent than the federal deadlines. [Note: This paper uses the term “authorized NPDES program” to mean states, tribes, and territories that EPA has authorized to administer the NPDES program as well as EPA (when there is no authorized state, tribe, or territory).]

##### Individual NPDES Permits

For individual permits, the regulations at 40 CFR 122.21(c) and (d) specify the time to apply for NPDES permits. Unless permission for a later date has been granted by the Director, anyone proposing a new discharge must apply to the NPDES permitting authority no later than 180 days before the expected commencement of the discharge if applying for an individual permit. Similarly, any person with a currently effective individual permit must submit an application to the NPDES permitting authority at least 180 days before the expiration of its existing individual permit unless permission for a later date has been granted in accordance with 40 CFR 122.21(d). The State Director or the Regional Administrator may allow an individual application to be submitted at dates later than those specified in the regulations, but not later than the expiration date of the existing permit. A permittee wishing to continue permitted activities after the permit expiration date must reapply for and obtain a new permit [see 40 CFR 122.41(b)].<sup>5</sup>

In accordance with 40 CFR 122.6, the conditions of an expired individual NPDES permit remain in effect until the new individual permit is issued, as long as the discharger submitted a complete individual permit application in accordance with the timeframes prescribed in the regulations (or in accordance with state law, in the case of state-administered NPDES programs). If the NPDES permitting authority receives a complete and timely individual permit application, but does not re-issue the individual permit prior to the existing individual permit expiration date, the existing individual NPDES permit is considered to be “Administratively Continued.” For individual NPDES permits, if the NPDES permitting authority does not receive a timely and complete individual permit application, the individual permit is considered to be “Expired.” If a NPDES-regulated entity continues to discharge after permit expiration and the operator did not submit a complete permit renewal application in a timely manner, “the facility may be considered to be discharging without a permit from the time the permit expired until the effective date of the new permit.”<sup>6,7</sup>

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<sup>5</sup> EPA is using the term “new permit” to mean each re-issuance of a NPDES permit for a new permit term, which is usually set for 5 years. EPA and states use a unique identifier, NPDES ID, to identify a NPDES-regulated entity. It is common practice for EPA and states to keep the NPDES ID constant for a NPDES-regulated entity. This practice allows the same NPDES ID to be used for a NPDES-regulated entity across multiple NPDES permit re-issuances. This paper does not change how authorized NPDES programs assign NPDES IDs to permits.

<sup>6</sup> EPA also notes that after a mining company has met all of their reclamation requirements, the Surface Mining Control and Reclamation Act regulatory authority can release the applicable reclamation bond and the authorized NPDES program can terminate NPDES permit coverage for a mining site even for some sites that continue to

## NPDES General Permits

A NPDES permitting authority develops and issues a general permit to cover multiple NPDES-regulated entities in a specific category of discharges or of sludge use or disposal practices. General permits can be a cost-effective option for agencies because of the large number of NPDES-regulated entities that can be covered under a single permit.<sup>8</sup> EPA's national NPDES data system (ICIS-NPDES) uses the term "master general permit" to refer to a general permit.

For new dischargers, the deadline to notify the NPDES permitting authority of their intent to discharge with coverage under a general permit is specified in the general permit. It is important to note that general permits must have a permit coverage status of "Effective" to allow NPDES permit coverage for new dischargers (i.e., new dischargers cannot seek NPDES permit coverage under a general permit that is "Administratively Continued" or "Expired").

A newly issued general permit must also specify a number of days after the newly issued general permit's effective date that operators covered under the previous general permit are given to submit notices of intent (NOIs) for coverage under the newly issued general permit. See 40 CFR 122.28(b)(2)(iii). The "Expiration Date" for a GPCF is the same as the general permit, unless otherwise specified. There are approximately 780 general permits nationwide.

The following are three possible scenarios when the authorized NPDES program re-issues a general permit before the expiration date of the preceding general permit. These scenarios apply to NPDES-regulated entities that are transitioning from the prior general permit to the newly issued general permit.

- If a NPDES-regulated entity properly submits a complete NOI by the due date set in the newly issued general permit and the authorized NPDES program approves coverage under the newly issued general permit, the entity's NPDES permit coverage under this newly issued general permit is "Effective."
- If a NPDES-regulated entity properly submits a complete NOI by the due date set in the newly issued general permit but the authorized NPDES program has not taken final action (e.g., a hold is placed on the NOI for review), the entity's NPDES permit coverage under the prior general permit is "Administratively Continued."
- If a NPDES-regulated entity fails to properly submit a complete NOI by the due date set in the newly issued general permit, the entity's NPDES permit coverage is "Expired." As noted above for individual permits, if an entity continues to discharge after its NPDES permit coverage expires, the entity may be considered to be discharging without a permit.

As noted above, all NPDES-regulated entities that wish to continue their NPDES coverage under a newly issued general permit will need to properly submit a complete NOI by the due date set in the newly issued general permit. Accordingly, a NPDES-regulated entity may need to make NOI submissions that

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discharge. Prior to reclamation bond release and NPDES permit termination, the mining company must ensure that the mining site remains in compliance with all applicable reclamation requirements (including any effluent limits without treatment).

<sup>7</sup> U.S. EPA, 2010. "NPDES Permit Writers' Manual," EPA-833-K-10-001, Page 4-3.

<sup>8</sup> *Ibid.*, 43, Page 3-1.

are less than five years apart. For example, an entity that submits an NOI in the fourth year of a general permit may subsequently need to submit another NOI by the due date in the newly issued general permit (i.e., the two NOI submissions are less than five years apart).

When the authorized NPDES program does not newly issue a general permit before the expiration date of the preceding general permit, unless otherwise specified, the general permit and the coverage for the GPCF are both considered to be "Administratively Continued." Permits that are "Administratively Continued" are fully effective and enforceable. When the state has not issued a new general permit, the GPCF is still controlled by the "Administratively Continued" general permit. Therefore, states can elect for the GPCF to wait until the state newly issues the general permit before filing a new NOI.

### Permit Modification and Termination

In most cases, a permit will not need to be modified or terminated during the term of the permit. However, under certain circumstances, it might be necessary to modify or terminate a permit before its expiration date. Terminations are used to retract a permittee's privileges to discharge during the permit term. If a facility with a terminated permit wishes to obtain permit coverage, it would have to submit an application and apply for a new permit. A NPDES permit termination could be triggered in several ways. Such circumstances, described in 40 CFR 122.64(a), include the following:

- Noncompliance by the permittee with any condition of the permit.
- Misrepresentation or omission of relevant facts by the permittee.
- Determination that the permitted activity endangers human health or the environment, and can be regulated to acceptable levels only by permit modification or termination.
- A change in any condition that requires either a temporary or permanent reduction or elimination of a discharge (e.g., plant closure).

EPA notes that there are some differences between how permit termination is managed for individual permitted entities and GPCFs. For example, EPA's general permit regulations, 40 CFR 122.28(b)(3), state that EPA and states, "may require any discharger authorized by a general permit to apply for and obtain an individual NPDES permit." When an individual NPDES permit is issued to an owner or operator otherwise subject to a general NPDES permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit. See 40 CFR 122.28(b)(3)(iv).

Permittees that wish to terminate their coverage under a general permit must submit a Notice of Termination (NOT) to their permitting authority. The final rule sets a deadline of 21 December 2020 for GPCFs to start electronically submitting their NOTs. See 40 CFR 122.64(c). Prior to this date, and independent of the final rule, the permittee may be required to report electronically if specified by a particular permit or if required to do so by state law.

In accordance with the final rule, authorized NPDES programs use the "Permit Status" data element to identify "Terminated" permits (including terminated permit coverage for GPCFs). The following is a summary of how ICIS-NPDES manages these different permit coverage status types. ICIS-NPDES sets the "Permit Status" data element to "Terminated" when the current date is past the "Permit Termination Date." EPA has configured ICIS-NPDES so that no compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES for monitoring periods that come after a permit's termination date. Additionally, EPA configured ICIS-NPDES so that the "Permit Compliance Tracking Status" data element is turned to "Off"

for permits with this status. EPA recommends that state NPDES data systems adopt similar rules to ensure consistent data quality.

### Tracking Permit Coverage Status

EPA and states use the “Permit Status” data element to identify the permit coverage status for each NPDES-regulated entity. This data element is critical in identifying NPDES-regulated entities with active NPDES permit coverage. This data element is used in many EPA analyses (e.g., State Review Framework, Permit Backlog Reduction and Priority Permits Initiative) and data access tools (e.g., ECHO). For example, EPA tracks the number and percent of NPDES-regulated entities covered by NPDES permits that are considered to be “current” or “backlogged.”<sup>9</sup> In order to promote program integrity, EPA sets goals for authorized NPDES programs regarding the percentage of permits that are “Administratively Continued.” All major NPDES-regulated entities and non-stormwater nonmajor and GPCFs (excluding EPA’s Vessel General Permit and Pesticide General Permit) are included in these goals.

In particular, the “Permit Status” data element is critical in separating NPDES IDs into two separate and distinct categories:

- (1) NPDES IDs that correspond to active NPDES permit coverage (i.e., “Permit Status” data element is set to “Effective” or “Administratively Continued”); and
- (2) NPDES IDs that correspond to inactive NPDES permit coverage (i.e., “Permit Status” data element is set to “Expired,” “Pending,” “Retired,” “Terminated,” “Denied,” “Not Needed,” or “Judicially Voided”).

Use of the guidance in this technical paper will help improve the utility of this data element. For example, implementation of the guidance in this technical paper will provide for greater nationally-consistent transparency on identifying NPDES-regulated entities that are permitted to discharge. Additionally, this paper also documents forthcoming changes to EPA’s national NPDES data system (ICIS-NPDES), which currently allows permittees to electronically submit compliance monitoring reports (e.g., DMRs) for an indefinite period of time when their “Permit Status” data element is set to “Expired” in ICIS-NPDES.<sup>10</sup>

In order to re-emphasize the understanding that entities with inactive NPDES permit coverage should generally not be filing compliance monitoring reports (e.g., DMRs), EPA plans to modify ICIS-NPDES so that compliance monitoring submissions (e.g., DMRs) will not be accepted by ICIS-NPDES for any NPDES ID when the permit coverage status for the NPDES ID is “Expired” and the current date is one year past the “Permit Expiration Date.” This will allow authorized NPDES programs to collect compliance monitoring reports (e.g., DMRs) that are submitted after the expiration date (in accordance with the filing schedule set by the authorized NPDES program) and to then share these compliance monitoring

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<sup>9</sup> See: <https://www.epa.gov/npdes/npdes-program-management-and-oversight>. Permits administratively continued beyond their expiration date for 180 days or more and NPDES-regulated entities awaiting their first NPDES permits for longer than 365 days after submitting an application are considered part of the NPDES permit backlog.

<sup>10</sup> For example, EPA notes that ICIS-NPDES is configured to automatically detect DMR non-receipt based on the expected schedule of DMR submission. The schedule for DMR submissions is set by the authorized NPDES program. Permittees must submit DMRs in accordance with the corresponding DMR schedule to avoid ICIS-NPDES identifying DMR non-receipt violations.

reports with ICIS-NPDES. This one-year time period provides EPA and states with ample time to make any necessary data corrections to clearly identify permits that are actually “Expired” (i.e., permits that will not be newly issued). Additionally, this one-year time period also provides EPA and states with the time necessary to identify entities that are discharging without a permit (but continuing to file DMRs). It is important for authorized NPDES programs to clearly identify in the permit when compliance monitoring reports are due and to configure ICIS-NPDES (either directly or through appropriate data sharing) so that it matches these filing due dates. This is important as ICIS-NPDES uses these filing due dates to automatically identify non-receipt violations.<sup>11</sup>

To provide some flexibility, EPA will also modify ICIS-NPDES so that authorized NPDES programs can flag NPDES IDs where the above business rule will not be applied. This may be necessary to address unforeseen or unusual circumstances. This will be done on a case-by-case basis as needed by the authorized NPDES program. Accordingly, EPA will configure ICIS-NPDES so that it can accept compliance monitoring reports from entities with the permit coverage status of “Expired” for as long as the authorized NPDES program has identified these entities for exclusion from the above business rule by NPDES ID. EPA recommends that authorized NPDES programs resolve any outstanding issues so that the permit coverage status for entities filing compliance monitoring reports (e.g., DMRs) can be resolved to “Effective” or “Administratively Continued.” EPA will provide advance notice and regular updates to authorized NPDES programs on the schedule for implementing the changes outlined in this paper.

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<sup>11</sup> For example, the following paper describes how ICIS-NPDES identifies and tracks DMR non-receipt violations. U.S. EPA, 2016. “Implementation Technical Paper No. 1: Public Access to Non-major DMR Data and Compliance Status, December 22.



## 2. Data Elements Specific to NPDES Permit Coverage Status and Permit Related Dates

The final rule includes seven data elements that track important permit-related dates (see Table 1). These seven data elements are included in the minimum set of NPDES data that must be electronically shared with EPA (see Appendix A to 40 CFR 127). See 40 CFR 127.23. EPA's national NPDES data system (ICIS-NPDES) currently uses these date data elements to automatically update the "Permit Status" data element.

**Table 1:** Data Elements for Permit-Related Dates (Appendix A to 40 CFR 127)

Data Element Name	Data Description
Permit Application/ NOI Received Date	This is the date on which the application for an individual NPDES permit was received or a Notice of Intent (NOI) for coverage under a master general permit was received. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day. This data element can be system generated when the NPDES permit application or NOI is electronically received by the NPDES program.
Complete Permit Application/ NOI Received Date	This is the date on which the complete application for an individual NPDES permit was received or a complete Notice of Intent (NOI) for coverage under a master general permit was received. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day. This data element can be system generated when the NPDES permit application or NOI is electronically received by the NPDES program.
Permit Issue Date	This is the date the permit was issued. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.
Permit Effective Date	This is the date on which the permit is effective. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.
Permit Expiration Date	This is the date the permit will expire. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.
Permit Termination Date	This is the date the permit was terminated. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.
Permit Modification /Amendment Date	This is the date on which the permit was modified or amended. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.

EPA solicited comment from authorized NPDES programs on the following data sharing guidance to improve the accuracy of the "Permit Status" data element. EPA incorporated these comments into this technical guidance. Use of this data sharing guidance will enable authorized NPDES programs and EPA to consistently and correctly identify permit coverages that are truly "Administratively Continued" versus those that are actually "Expired" (i.e., the permittee did not apply for continued permit coverage). Tables 2 and 3 outline the data sharing guidance for individually permitted NPDES-regulated entities and GPCFs, respectively.

The "Permit Application/ NOI Received Date" data element is the initial receipt of the individual NPDES permit application or the NOI from the GPCF. It is not unusual for the authorized NPDES program to

require additional information (e.g., documentation for clarification, backup, or validation of any models used in the permit application). Oftentimes there is some back-and-forth during the permit application process between the authorized NPDES program and the permit application; however, the “Permit Application/ NOI Received Date” data element only needs to be entered once. Subsequent receipt of information related to an application may be received without these dates being shared with ICIS-NPDES.

The “Complete Permit Application/NOI Received Date” data element is also entered once the authorized NPDES program determines the permit application to be complete.

With respect to GPCFs, as previously noted, EPA’s NPDES regulations require the permit writer to “specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit.” See 40 CFR 122.28(b)(2)(iii). As discussed in Table 3, EPA will enhance ICIS-NPDES to provide authorized NPDES programs the option to identify the date when GPCFs with coverage under the previous permit must submit a notice of intent (NOI) under the reissued permit to continue their NPDES permit coverage. If no information is provided by the authorized NPDES program for a particular general permit, ICIS-NPDES will calculate the NOI submission due date as 90 days after the newly issued general permit’s effective date.

**Table 2:** Data Sharing Guidance for NPDES Permit Coverage Status and Permit Date Data Elements (Individual NPDES Permits)

In order to properly make a distinction between individual permits that are “Administratively Continued” versus those that are “Expired,” the final rule requires authorized NPDES programs to share “Permit Application/NOI Received Date” and the “Complete Permit Application/NOI Received Date” data with ICIS-NPDES in a timely fashion (i.e., within 40 days of completed action). See 40 CFR 127.23. These data elements are included in the minimum set of NPDES data that must be electronically shared with EPA (see Appendix A to 40 CFR 127). Historically, the poor data completeness for these two data fields has prevented EPA from being able to consistently and correctly identify permits that are truly “Administratively Continued” versus those that are actually “Expired” (i.e., permits that will not be re-issued).

In order to implement this guidance, EPA will make changes in ICIS-NPDES and related data sharing schemas with respect to the “Administratively Continued” and “Expired” permit coverage status descriptions. The following table describes these changes. EPA also plans to allow authorized NPDES programs to manually override the system-generated permit coverage status in ICIS-NPDES. This will be done on a case-by-case basis as needed by the authorized NPDES program. At the suggestion authorized NPDES programs, EPA will also add a new permit coverage status, “Judicially Voided,” as an option for the “Permit Status” data element in ICIS-NPDES.

<b>“Permit Status” Data Element Options</b>	<b>Description</b>	<b>ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)</b>
Effective	This permit coverage status means a permit and its conditions and requirements are currently in effect and enforceable. For permits with this status, the current date is equal to the permit effective date, between the permit effective date and expiration date, or equal to the expiration date (i.e., the “Permit Effective Date” is before or equal to the current date and the current date is before or equal to the “Permit Expiration Date”). Compliance monitoring data (e.g., DMRs) are expected and accepted by ICIS-NPDES when a permit coverage status is “Effective.”	Yes

<b>“Permit Status” Data Element Options</b>	<b>Description</b>	<b>ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)</b>
Administratively Continued	<p>This permit coverage status means a permit has passed its expiration date; however, the conditions of the permit continue in force because the permittee has submitted a complete and timely permit application but the permitting authority has not yet issued a new permit. Permits with this status remain fully enforceable. Compliance monitoring data (e.g., DMRs) are still expected and accepted by ICIS-NPDES when the permit coverage status is “Administratively Continued.”</p> <p>For permits with this status in ICIS-NPDES, the current date is past the permit expiration date and the permitting authority has entered either the permit application received date or the complete permit application received date into ICIS-NPDES for the forthcoming NPDES permit that has yet to be issued. ICIS-NPDES is currently configured to ensure that only the permit application data for the forthcoming NPDES permit are to be used in determining the permit coverage status (not any previous permit application data). EPA will retain this business rule.</p> <p>Additionally, ICIS-NPDES automatically puts permits into the “Administratively Continued” status for 90 days after the expiration date has passed, even if no new permit application information has been entered by the authorized NPDES program. EPA plans to retain this business rule as the 90-day period will provide authorized NPDES programs with sufficient time to share new permit application received date and complete permit application received date data with ICIS-NPDES. Authorized NPDES programs are required to share these data with EPA in a timely fashion (i.e. within 40 days of the completed activity).</p> <p>EPA acknowledges that authorized NPDES programs will sometimes have difficulties in sharing permit application information with ICIS-NPDES. Accordingly, EPA will continue to configure ICIS-NPDES so that it automatically puts permits into the “Administratively Continued” status if the authorized NPDES program shares either the “Permit Application/NOI Received Date” or the “Complete Permit Application/NOI Received Date” data with ICIS-NPDES, regardless of the date of this data sharing. This provides authorized NPDES programs more time, beyond the default 90-day period, to share permit application information. In particular, this provides authorized NPDES programs an indefinite period of time to share permit application information so that ICIS-NPDES can correctly identify the permit coverage status as “Administratively Continued,” even if ICIS-NPDES previously identified the permit coverage status as “Expired.” This configuration will continue to help improve data quality for the “Permit Status” data element.</p> <p>See the description of the status of “Expired” to see the business rules for permits that are truly expired (i.e., the permittee did not submit an application to continue permit coverage).</p>	Yes

<b>“Permit Status” Data Element Options</b>	<b>Description</b>	<b>ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)</b>
<p>Expired</p>	<p>This permit coverage status means a permit has expired and the operator has not submitted a complete and timely permit application (i.e., any discharge from the operator is no longer covered by a NPDES permit). ICIS-NPDES uses the absence of <u>new</u> permit application date information to identify these expired permits. In particular, ICIS-NPDES does not use “Permit Application/NOI Received Date” or “Complete Permit Application/NOI Received Date” dates for determining permit coverage status when one or both predate the permit effective date (Permit Version = 0). Currently, compliance monitoring data (e.g., DMRs) are still expected and accepted by ICIS-NPDES when a permit coverage status is “Expired.”</p> <p>As previously noted, ICIS-NPDES currently puts permit coverage into an “Administratively Continued” status for 90 days after the permit expiration date and then changes the coverage status to “Expired” if there are no <u>new</u> permit application date data for a forthcoming permit. EPA plans to retain this business rule as the 90-day period will provide authorized NPDES programs with sufficient time to share permit application date information for forthcoming permits with ICIS-NPDES. Under the data sharing requirements in the final rule, authorized NPDES programs must share the permit application information with ICIS-NPDES in a timely fashion (i.e., within 40 days of receipt of the NPDES permit application or determination that a permit application is complete). See 40 CFR 127.23.</p> <p>EPA’s previous guidance notes that authorized NPDES programs have the option to inactivate limit sets for NPDES-regulated entities with “Expired” permit coverage status (see the note at end of this table). In particular, authorized NPDES programs will configure ICIS-NPDES to not expect any DMRs from entities that are no longer discharging.</p> <p>Finally, under this data sharing guidance, EPA plans to modify ICIS-NPDES so that compliance monitoring submissions (e.g., DMRs) will <u>not</u> be accepted by ICIS-NPDES when the permit coverage status is “Expired” and the current date is one year past the “Permit Expiration Date.” This one-year time period will allow authorized NPDES programs to collect compliance monitoring reports (e.g., DMRs) that are submitted after the expiration date and to then share these data with ICIS-NPDES. This one-year time period provides EPA and states with ample time to make any necessary data corrections to clearly identify individual permits that are actually “Expired” (i.e., permits that will not be newly issued) as well as identify operators that are discharging without a permit (but continuing to file DMRs). EPA will also configure ICIS-NPDES so that authorized NPDES programs can flag permittees where this business rule will not be applied. This will be done on a case-by-case basis as needed by the authorized NPDES program.</p> <p>Use of this forthcoming business rule and data sharing guidance will enable authorized NPDES program and EPA to consistently and correctly identify permits that are truly “Administratively Continued” versus those that are actually “Expired” (i.e., permits that will not be newly issued).</p>	<p>Yes (but only for one year past the “Permit Expiration Date,” unless otherwise allowed by the authorized NPDES program)</p>

<b>“Permit Status” Data Element Options</b>	<b>Description</b>	<b>ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)</b>
Pending	This permit coverage status means a permit has not yet been issued or is not yet effective. For example, a permit with a “Permit Effective Date” that is in the future (i.e., the current date is less than the “Permit Effective Date” data element) or with only application received and basic information entered would fall into this category. No compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES when a permit coverage status is “Pending.” It is important to note that an operator seeking NPDES permit coverage for the first time does not have NPDES permit coverage until the “Permit Effective Date.” Additionally, a NPDES-regulated entity with an existing “Effective” or “Administratively Continued” NPDES permit may also have a “pending” record in ICIS when the permit is being reissued. It is important to note that these NPDES-regulated entities will need to continue to submit compliance data under the existing permit until the newly issued permit is effective.	No
Retired	This permit coverage status is kept in ICIS-NPDES for historical tracking purposes. Permit coverage is only considered “Retired” when it is ended prior to or on its “Permit Expiration Date” and replaced with a newly issued permit. Other permits that are replaced with newly issued permits after the “Permit Expiration Date” are saved in ICIS-NPDES as “Expired.” Additionally, ICIS-NPDES is configured to set the “Permit Compliance Tracking Status” data element to “Off” for permits with this status. It is important to note that the status is not use to track permit modifications. It is important to note that ICIS-NPDES uses other data elements to track permit modifications.	No
Terminated	This permit coverage status means the authorized NPDES program has terminated a permit. ICIS-NPDES will set the permit coverage status to “Terminated” when the current date is past the “Permit Termination Date.” EPA has configured ICIS-NPDES so that no compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES for monitoring periods that come after a permit’s termination date. Additionally, ICIS-NPDES is configured to set the “Permit Compliance Tracking Status” data element to “Off” for permits with this status. Currently, ICIS-NPDES does not accept future termination dates (i.e., “Permit Termination Date must be less than or equal to the current date.”). ICIS-NPDES does not allow the NPDES ID to be re-used when the NPDES ID is associated with a “Terminated” permit coverage status.	No
Denied	This permit coverage means the authorized NPDES program received a permit application from a facility and then subsequently denied issuance of the permit. No compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES when a permit coverage status is “Denied.”	No
Not Needed	This permit coverage status means the authorized NPDES program has determined that NPDES permit coverage is not needed. No compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES when a permit coverage status is “Not Needed.” A permit coverage status of “Not Needed” can only be used for permits that never had issuance information entered.	No

"Permit Status" Data Element Options	Description	ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)
Judicially Voided	<p>Based on comments from reviewers, EPA plans to add this permit coverage status to ICIS-NPDES.</p> <p>This permit coverage status means a permit and its issued conditions were struck down (voided) by a judicial ruling and that the Court ordered the authorized NPDES program to cancel coverage under the voided permit. A "Judicially Voided" permit would be similar to a Terminated permit.</p> <p>EPA will configure ICIS-NPDES so that compliance monitoring data (e.g., DMRs) are not accepted by ICIS-NPDES for monitoring periods that come after a permit's "Judicially Voided" date. ICIS-NPDES will be configured to set the "Permit Compliance Tracking Status" data element to "Off" for permits with this status.</p> <p>ICIS-NPDES will prompt the user to "reissue" the previously issued permit, setting its status to "Effective" (when the current date is equal to the permit effective date, between the permit effective date and expiration date, or equal to the expiration date) or "Administratively Continued" (when the current date is past the permit expiration date). The authorized NPDES program must use the dates from the previously issued permit in making the determination between "Effective" and "Administratively Continued." As previously discussed, the authorized NPDES program must re-issue permits with the status of "Administratively Continued" in a timely fashion for periods no longer than five years (in accordance with EPA regulations and the Clean Water Act [see 33 U.S.C. §1342(b)(1)(B)]).</p>	No

**Note:** For more information on when it is appropriate to inactive limit sets, see "U.S. EPA, 2016. NPDES Electronic Reporting Implementation Guidance for Tracking Compliance and Major Designations, Memorandum from David Hindin, Director, U.S. EPA Office of Compliance, to EPA Regional and Authorized State Water Division Directors, December 28."

**Table 3: Data Sharing Guidance for NPDES Permit Coverage Status and Permit Date Data Elements (General Permit Covered Facilities)**

The “Permit Status” data element value for a GPCF is generally inherited from the MGP. The data sharing guidance below will allow ICIS-NPDES and state data systems to adjust the “Permit Status” data element value for a specific GPCF based on NOI information from the GPCF.

The final rule requires authorized NPDES programs to share “Permit Application/NOI Received Date” and the “Complete Permit Application/NOI Received Date” data with ICIS-NPDES in a timely fashion (i.e., within 40 days of completed action). See 40 CFR 127.23. These data elements are included in the minimum set of NPDES data that must be electronically shared with EPA (see Appendix A to 40 CFR 127).

EPA solicited comment on the use of an optional data element that will allow authorized NPDES programs and EPA to consistently and correctly identify coverages for GPCFs that are truly “Administratively Continued” versus those that are actually “Expired” (i.e., the operator has not sought coverage under the newly issued general permit). EPA did not receive any adverse comments on the use of this optional data element. This optional data element, “NOI Submission Period (Continuation of Permit Coverage),” is used for MGPs. Under this data sharing guidance, authorized NPDES programs have the option to provide ICIS-NPDES with the “NOI Submission Period (Continuation of Permit Coverage)” for each MGP. Authorized NPDES programs will provide this value (number of days) to ICIS-NPDES when it develops the new master general permit. This will allow EPA and states to correctly identify the NOI submission due date for each newly issued master general permit. This optional data element is not included in Appendix A.

**NOI Submission Period (Continuation of Permit Coverage):** The number of days after the newly issued master general permit’s effective date that permittees covered under the previous master general permit are given to submit notices of intent (NOIs) for coverage under the newly issued master general permit. If no value is provided by the authorized NPDES program, ICIS-NPDES will use a default value of “90 days” for this data element. This NOI due date is the sum of the “Permit Effective Date” of the newly issued master general permit and this value. Additionally, this optional data element is independent of any time gap between the “Permit Expiration Date” of the previous master general permit and the “Permit Effective Date” of the newly issued master general permit. This will allow the GPCF to retain the same NPDES ID for the re-issued permit.

EPA selected “90 days” as a default value for this data element as it is a reasonable estimate of the maximum length of time that an authorized NPDES program will allow for GPCFs to submit NOIs. In order to implement this guidance, EPA will make changes in ICIS-NPDES and related data sharing schemas with respect to the “Administratively Continued” and “Expired” permit coverage status descriptions. The following table describes each of the “Permit Status” data element for MGPs and GPCFs that are discussed in this paper. EPA plans to modify ICIS-NPDES to allow authorized NPDES programs to manually override the system-generated permit coverage status in ICIS-NPDES for all GPCFs under a MGP or only select GPCFs under a MGP. This will be done on a case-by-case basis as needed by the authorized NPDES program. At the suggestion authorized NPDES programs, EPA will also add a new permit coverage status, “Judicially Voided,” as an option for the “Permit Status” data element in ICIS-NPDES.



"Permit Status" Data Element Options	Description	ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)
Effective	<p>This permit coverage status means a MGP and its conditions and requirements are currently in effect and enforceable. This status also means that all conditions and requirements of the permit coverage for the associated GPCFs are also currently in effect and enforceable.</p> <ul style="list-style-type: none"> <li>For MGPs with this status, the current date is equal to the MGP effective date, between MGP effective date and the MGP expiration date, or equal to the MGP expiration date. (i.e., the MGP "Permit Effective Date" is equal to or before the current date and the current date is equal to or before the MGP "Permit Expiration Date").</li> <li>For GPCFs with this status, the current date is equal to the GPCF permit effective date, between GPCF permit effective date and the GPCF permit expiration date, or equal to the GPCF permit expiration date (i.e., the GPCF "Permit Effective Date" is equal to or before the current date and the current date is equal to or before the GPCF "Permit Expiration Date"). Compliance monitoring data (e.g., DMRs), if applicable, for GPCFs are expected and accepted by ICIS-NPDES when the GPCF permit coverage status is "Effective."</li> </ul>	Yes

"Permit Status" Data Element Options	Description	ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)
Administratively Continued	<p>This permit coverage status means the current date is later than the MGP "Permit Expiration Date." In this scenario, ICIS-NPDES automatically changes the "Permit Status" data element value from "Effective" to "Administratively Continued" for both the MGP itself and all of the associated GPCFs that were effective at the time of the MGP expiration (e.g., not for GPCFs with the status of terminated or not needed).<sup>12</sup> This permit coverage status means a permit has passed its expiration date; however, the conditions of the permit continue in force because the new (subsequent) permit is not yet effective. Permits with this status remain fully enforceable.</p> <p>The "Permit Status" data element value for the MGP and all of the associated GPCFs will remain as "Administratively Continued" until the authorized NPDES program newly issues the master general permit. The permit coverage status for a GPCF will also remain as "Administratively Continued" during the initial time period that the authorized NPDES program gives operators to submit a new NOI to continue permit coverage under a newly issued MGP. Finally, the permit coverage status for a GPCF will also remain as "Administratively Continued" when the authorized NPDES program has received but not yet taken final action on a complete and timely NOI submission (e.g., the authorized NPDES program places a hold on the NOI during its review period).</p> <p>Compliance monitoring data (e.g., DMRs), if applicable, for GPCFs are expected and accepted by ICIS-NPDES when the GPCF permit coverage status is "Administratively Continued." ICIS-NPDES is currently configured to ensure that only <u>new</u> permit application data for the forthcoming NPDES permit are to be used in determining the permit coverage status (not any previous permit application data). See the description of the status of "Expired" below to see the business rules for permit coverages that are truly expired (i.e., the operator did not submit an NOI for continued permit coverage).</p>	Yes

<sup>12</sup> The permit coverage status of "Not Needed" includes the case when a construction or industrial stormwater operator has an approved LEW or NOE. ICIS-NPDES identifies these entities with the permit coverage status of "Not Needed." Newly issued construction stormwater master general permits and industrial stormwater master general permits may require operators with a previously approved LEW or NOE to re-submit a new LEW or NOE.

<p><b>“Permit Status” Data Element Options</b></p>	<p><b>Description</b></p>	<p><b>ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)</b></p>
<p>Expired</p>	<p>This permit coverage status means the permit coverage has expired as the operator has not submitted a complete and timely NOI for continued permit coverage. This means that any discharge from the operator is no longer covered by a NPDES permit. When the authorized NPDES program newly issues a MGP, ICIS-NPDES changes the “Permit Status” data element value of the previous MGP to “Expired.” EPA plans to modify ICIS-NPDES to handle the GPCF “Permit Status” data element value as follows:</p> <ul style="list-style-type: none"> <li>▪ GPCFs that wish to continue their NPDES permit coverage under a newly issued MGP must submit a complete NOI by the due date set by the authorized NPDES program (e.g., date set in the newly issued MGP). As noted above, during this initial time period the permit coverage status for the GPCF will remain as “Administratively Continued.” Under this data sharing guidance, EPA will create and use the following MGP data element to identify this due date: “NOI Submission Period (Continuation of Permit Coverage).” This data element is not in Appendix A and is optional for authorized NPDES programs to share with EPA. Authorized NPDES programs can provide this value (number of days) to ICIS-NPDES when it develops the new master general permit. This will allow EPA and states to correctly identify the NOI submission due date for each newly issued master general permit. If no value is provided by the authorized NPDES program, ICIS-NPDES will use a default value of “90 days” for this data element.</li> <li>▪ If a GPCF fails to submit a complete NOI 150 days <u>after</u> the due date set by the newly issued MGP, then ICIS-NPDES changes the “Permit Status” data element value for the GPCF from “Administratively Continued” to “Expired.” The 150-day period, which is the sum of the 90-day and 40-days grace periods, will provide authorized NPDES programs with sufficient time to share permit application received date and complete permit application received date data with ICIS-NPDES. Under the data sharing requirements in the final rule, authorized NPDES programs must share the permit application information with ICIS-NPDES in a timely fashion (i.e., within 40 days of receipt from a NPDES permittee). The authorized NPDES program can also manually change the MGP or GPCF “Permit Status” data element value to “Expired.”</li> <li>▪ If a GPCF submits a complete NOI by the due date set in the newly issued MGP and the authorized NPDES program approves this NOI, then ICIS-NPDES changes the “Permit Status” data element value for the GPCF to “Effective.”</li> <li>▪ If a GPCF submits a complete NOI by the due date set in the newly issued MGP and the authorized NPDES program has not taken final action to approve this NOI, then the “Permit Status” data element value for the GPCF will remain as “Administratively Continued.”</li> <li>▪ Authorized NPDES programs should configure ICIS-NPDES to not expect any DMRs from entities that are no longer discharging.</li> </ul> <p>Finally, under this data sharing guidance, EPA plans to modify ICIS-NPDES so that compliance monitoring submissions (e.g., DMRs) will not be accepted by ICIS-NPDES when the permit coverage status is “Expired” and the current date is one year past the “Permit Expiration Date.” This one-year time period will allow authorized NPDES programs to collect compliance monitoring reports (e.g., DMRs) that are submitted after the expiration date and to then share these data with ICIS-NPDES. This one-year time period will provide EPA and states with ample time to make any necessary data corrections to clearly identify MGP and GPCF that are actually “Expired” (i.e., permits that will not be newly issued). EPA plans to modify ICIS-NPDES so that authorized NPDES programs can flag master general permits or specific permittees where this business rule will not be applied. This will be done on a case-by-case basis as needed by the authorized NPDES program.</p>	<p>Yes (but only for one year past the “Permit Expiration Date,” unless otherwise allowed by the authorized NPDES program”)</p>

"Permit Status" Data Element Options	Description	ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)
Terminated	<p>This permit coverage means a MGP or GPCF has been terminated by the authorized NPDES program or a GPCF that has submitted a Notice of Termination (NOT). ICIS-NPDES will set the permit coverage status to "Terminated" when the current date is past the "Permit Termination Date." The GPCF "Permit Termination Date" is inherited from the MGP (if such a date exists), but may also be separately set when a NOT has been submitted. Authorized NPDES programs can also manually enter the GPCF "Permit Termination Date" when the GPCF coverage is terminated by the permitting authority before the MGP is terminated. Under Phase 2 of the final rule, GPCFs are required to electronically submit NOTs if required to submit NOTs by the MGP. These NOTs will electronically provide the "Permit Termination Date." Note that some MGPs do not require an NOT be submitted when changing ownership, though the coverage under the previous owner is automatically terminated when coverage under the new owner becomes effective. No compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES when a permit coverage status is "Terminated." Additionally, ICIS-NPDES is configured to set the "Permit Compliance Tracking Status" data element to "Off" for permits with this status. ICIS-NPDES does not allow the NPDES ID to be re-used when the NPDES ID is associated with a "Terminated" permit coverage status.</p>	No
Denied	<p>This permit coverage means the authorized NPDES program received an NOI from a facility and then subsequently denied issuance of the permit. No compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES when a permit coverage status is "Denied."</p>	No
Not Needed	<p>This permit coverage status means the authorized NPDES program has determined that NPDES permit coverage is not needed. This might be the case when the authorized NPDES program determines that NPDES permit coverage is not needed for an operator that submitted a NOI or when an operator has submitted a form indicating exclusion from permit coverage, such as a No Exposure Certification under an industrial stormwater general permit (NOE) or a Low Erosivity Waiver under a construction stormwater general permit (LEW). No compliance monitoring data (e.g., DMRs) are accepted by ICIS-NPDES when a permit coverage status is "Not Needed."</p>	No

"Permit Status" Data Element Options	Description	ICIS-NPDES Configured to Accept Compliance Monitoring Reports (e.g., DMRs) After Planned Changes (Yes/No)
Judicially Voided	<p>Based on comments from reviewers, EPA plans to add this permit coverage status to ICIS-NPDES.</p> <p>This permit coverage status means a permit and its issued conditions were struck down (voided) by a judicial ruling and that the Court ordered the authorized NPDES program to cancel coverage under the voided permit. A "Judicially Voided" permit would be similar to a Terminated permit.</p> <p>EPA will configure ICIS-NPDES so that compliance monitoring data (e.g., DMRs) are not accepted by ICIS-NPDES for monitoring periods that come after a permit's "Judicially Voided" date. ICIS-NPDES will be configured to set the "Permit Compliance Tracking Status" data element to "Off" for permits with this status.</p> <p>ICIS-NPDES will prompt the user to "reissue" the previously issued permit, setting its status to "Effective" (when the current date is equal to the permit effective date, between the permit effective date and expiration date, or equal to the expiration date) or "Administratively Continued" (when the current date is past the permit expiration date). The authorized NPDES program must use the dates from the previously issued permit in making the determination between "Effective" and "Administratively Continued." As previously discussed, the authorized NPDES program must re-issue permits with the status of "Administratively Continued" in a timely fashion for periods no longer than five years (in accordance with EPA regulations and the Clean Water Act [see 33 U.S.C. §1342(b)(1)(B)]).</p>	No