




**IMPLEMENTATION TECHNICAL PAPER No. 8**

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

**FROM:** Randolph L. Hill, Director  
Enforcement Targeting and Data Division  
US EPA/OECA 

**DATE:** **JUN 20 2018**

**SUBJECT:** Implementation Technical Paper No. 8: Data requirements for NPDES Electronic Reporting Rule CWA Section 316 Data Elements

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The National Pollutant Discharge Elimination System (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 eighth of these technical implementation papers and this particular draft paper addresses information specific to Clean Water Act (CWA) Section 316.

This paper was developed based on recommendations from the EPA-state CWA Section 316 Technical Workgroup. This workgroup usually met bi-weekly from November 2017 to February 2018 and included a total of 50 subject matter experts from EPA Headquarters, three EPA Regions, 21 states, as well as representatives from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), Department of Natural Resources, and the U.S. Department of the Interior, Fish and Wildlife Service. 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

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

IPT monthly meetings, ICIS-NPDES user monthly meetings), the ECHO “NPDES eRule Readiness and Data Completeness Dashboard,” as well as through e-mail news alerts.<sup>2</sup>

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 part 127). In particular, this technical paper provides more detail on electronic formatting and submission of data elements required to be submitted through CWA Section 316(b) reports and permit applications and Notices of Intent (NOI). Upon full implementation of the final rule, authorized NPDES programs, EPA, and the public will be able to better identify and evaluate the measures taken to protect public health and the environment for this sector.

EPA will use this technical paper 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. Authorized NPDES programs can request training or data entry help from EPA by sending an email to: NPDESeReporting@epa.gov.

**DISCLAIMER:** *This implementation technical paper provides data entry guidance for CWA Section 316 data elements. 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>2</sup> See: <https://www.epa.gov/compliance/npdes-ereporting-help>

## **Implementation Technical Paper No. 8**

### **Data Entry Guidance for NPDES Electronic Reporting CWA Section 316 Data Elements**

#### **1. Overview of CWA Section 316 Data Elements**

This technical 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 part 127). In particular, this technical paper provides more detail for data elements specific to Clean Water Act (CWA) Section 316 that are already required to be submitted under NPDES regulations. These data elements are part of the following NPDES Data Groups:

- Core NPDES Permitting, Compliance, and Enforcement Data;
- General Permit Report: Notices of Intent to discharge (NOIs) [40 CFR 122.28]; and
- CWA Section 316(b) Reports [40 CFR part 125, subpart J].

These data are gathered as part of the NPDES program. In particular, these data are collected during the following activities:

- NPDES permit application/NOI and permit writing process (individually permitted facilities and general permit covered facilities);
- Authorized NPDES program compliance monitoring activities (e.g., inspections); and
- CWA Section 316(b) report submissions (self-reported monitoring information).

Upon full implementation of the final rule, authorized NPDES programs, EPA, and the public will be able to integrate data relating to CWA Section 316 at a national level and thereby better identify and evaluate the measures taken to protect public health and the environment for this sector. EPA will also work with all interested states on how to search, sort, and display these data in EPA's public access website (e.g., Enforcement and Compliance History Online (ECHO) - <https://echo.epa.gov/>).

#### Thermal Discharges – CWA 316(a)

The CWA identifies "heat" as a pollutant. See 33 U.S.C. §1362(6). Section 316(a) of the CWA applies to point sources with thermal discharges. See 33 U.S.C. §1326. This provision of the CWA authorizes the NPDES permitting authority to impose alternative effluent limitations for the control of the thermal component of a discharge in lieu of the effluent limits that would otherwise be required under CWA §301 ("Effluent Limitations") or §306 ("National Standards of Performance"). Regulations implementing section 316(a) are codified at 40 CFR part 125, subpart H.

A variance allows facilities to discharge cooling water at an alternative, less stringent thermal effluent limit that is still protective of aquatic life. To obtain a CWA §316(a) thermal variance, the operator of a facility must demonstrate to the permitting authority that an alternative thermal discharge limit will be protective of the balanced, indigenous population of shellfish, fish, and wildlife. This alternative effluent limit, or variance, is only in effect for the duration of the permit<sup>3</sup>.

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<sup>3</sup> See: <https://www.epa.gov/sites/production/files/2015-09/documents/20130523-13-p-0264.pdf>

## Cooling Water Intake Structures – CWA 316(b)

Cooling water intake structures may cause adverse environmental effects by pulling large numbers of fish, shellfish, and other aquatic organisms as well as their eggs into a power plant's or factory's cooling system. Organisms may be killed or injured by heat, physical stress, or by chemicals used to clean the cooling system. Larger organisms may be killed or injured when they are trapped against screens at the front of an intake structure. CWA Section 316(b) requires EPA to issue regulations on the design and operation of intake structures, in order to minimize adverse impacts. EPA has issued a series of regulations that govern cooling water intake structures, which apply to many industrial sectors including electric generating plants, pulp and paper mills, and chemical manufacturing plants.<sup>4</sup>

### **2. CWA Section 316 Information Submitted with NPDES Permit Application or Notice of Intent**

Under the CWA, 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.

The 2015 NPDES Electronic Reporting rule (“final rule”) identified the CWA Section 316 data elements that must be collected by authorized NPDES programs and electronically shared with EPA (see 40 CFR 127.23). The NPDES permit and NOI data elements are listed below and in Attachments 1 and 2. EPA worked collaboratively with members of the EPA-state CWA 316 technical workgroup to develop data entry screen mock-ups for these data elements. See Attachment 3.

#### Cooling Water Intake Information

- 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

#### Thermal Variance Information

- Thermal Variance Request Type
- Public Notice of Section 316(a) Requests
- Thermal Variance Granted Date

The authorized NPDES program (under 40 CFR part 122) is responsible for collecting these data as part of its implementation and oversight activities. The authorized NPDES programs will collect these data from individual permit applications (often through paper forms). General permit covered facilities will

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<sup>4</sup> See: <https://www.epa.gov/cooling-water-intakes>

electronically submit these data on their NOIs. The data entry screen mock-ups in Attachment 3 also identify the questions that are only to be answered by the authorized NPDES programs and the data elements that are to be submitted by facilities.

Authorized NPDES programs that generate or collect these data are required to share these data with EPA in a timely, accurate, complete, and consistent format (see Subpart C to 40 CFR part 127). Authorized NPDES programs will directly share these data elements with EPA's national NPDES data system (ICIS-NPDES) or through other electronic data transfers.<sup>5</sup>

### **3. Data Elements Specific to CWA Section 316(b) Reports**

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. NPDES-permittees must electronically submit these CWA Section 316(b) reports starting no later than 21 December 2020 (see Table 1 to 40 CFR 127.16).

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. In particular, 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. A detailed description of these data elements is provided in Attachment 4. EPA collaboratively worked with members of the EPA-state CWA 316 technical workgroup to develop data entry screen mock-ups for these data elements. See Attachment 5. The use of standardization helps ensure uniformity and consistency of all NPDES permits issued by EPA and authorized NPDES programs. Below is the list of data elements that members of the technical workgroup used to create the data entry screen mock-ups.

- CWA Section 316(b) Biological Monitoring - Species Name (Program Report)
- CWA Section 316(b) Biological Monitoring - Species Number (Program Report)
- CWA Section 316(b) Biological Monitoring - Threatened or Endangered Status (Program Report)
- CWA Section 316(b) Biological Monitoring - Species Impinged and Entrained (Program Report)
- CWA Section 316(b) Biological Monitoring - Applicable Measures to Protect Designated Critical Habitat (Program Report)

Additionally, authorized NPDES programs that collect these data are required to share these data with EPA in a timely, accurate, complete, and consistent format (see Subpart C to 40 CFR part 127). Submittal of the reports is only necessary in cases where the Director decides that additional monitoring requirements are needed. Authorized NPDES programs will directly share these data elements with EPA's national NPDES data system (ICIS-NPDES) or through other electronic data transfers.

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<sup>5</sup> Note: Some authorized NPDES programs use EPA's national NPDES data system (ICIS-NPDES) as their NPDES data system.

#### 4. Implementation of CWA 316 Data Elements

EPA will update its electronic reporting tools and its national NPDES data system (ICIS-NPDES) as well as the related schemas to incorporate these new data elements. EPA will conduct user testing with the EPA-state CWA 316 technical workgroup and any other interested EPA Regional or state staff prior to deployment. EPA will send notice to authorized NPDES programs when they can start sharing these data with EPA. All data elements included in this paper are part of Phase 2 implementation of the final rule. The start date for electronically reporting these data is 21 December 2020. In particular, EPA will conduct the following tasks:

- EPA will likely create one or two new permit components in its national NPDES data system (ICIS-NPDES) to group CWA 316(a) or CWA 316(b) permit application/NOI data.
- EPA will incorporate these new data elements into its electronic reporting tools so that facilities can electronically submit a CWA Section 316(b) Report and a NOI.
- EPA will provide an easy method to identify noncompliance with CWA 316(a) or CWA 316(b) requirements.
- EPA will provide an easy method to identify if authorized NPDES programs have taken one or more enforcement actions against permittees for violation one or more of their CWA 316 related requirements.
- EPA will create mechanisms (e.g., EDT, web screens) for authorized NPDES programs to share these data with EPA in a timely fashion.<sup>6</sup>
- EPA will provide the necessary training to support the use of its electronic reporting tools and data sharing between authorized NPDES programs and EPA.

EPA will ensure that the data elements in this paper will be linkable to compliance monitoring activities (e.g., inspections) and enforcement actions. This will help distinguish between resolved and unresolved violations found through authorized NPDES programs compliance monitoring activities (e.g., inspections) or compliance monitoring reports from permittees (e.g., DMRs, program reports). These linkages will also identify if the authorized NPDES program has taken an enforcement action for any given violation.

Finally, authorized NPDES programs should now be sharing the “NPDES Data Group Number” data element with EPA. This Phase 1 data element allows EPA and states to identify the reports and notices that regulated entities must submit. Specifically, authorized NPDES programs should share identified CWA Section 316(b) Reports filers in EPA’s national NPDES data system (ICIS-NPDES): “NPDES Data Group Number = G10 (CWA Section 316(b) Annual Reports).” EPA previously requested that authorized NPDES programs update these data by 1 September 2017.<sup>7</sup>

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<sup>6</sup> The final rule allows authorized NPDES programs to be the initial recipient of NPDES program data, which includes CWA 316(a) or CWA 316(b) data elements, and then share these data with EPA. These electronic data transfers must be timely, accurate, complete, and consistent. See 40 CFR 127.23.

<sup>7</sup> U.S. EPA, 2017. “Implementation Technical Paper No. 3: Implementation Technical Paper No. 3: Data Elements for Tracking Electronic Reporting Progress and Other Phase 1 Data Elements,” John Dombrowski, Director, Enforcement Targeting and Data Division, Office of Compliance, to EPA Regional and Authorized State NPDES Permit and Enforcement Coordinators and State Information Technology Staff.

**Attachment 1: Data Elements for Cooling Water Intake Permit Applications and NOIs (Appendix A to 40 CFR part 127)**

<b>Cooling Water Intake Information on NPDES Permit Application or Notice of Intent</b>			
<b>Data Name</b>	<b>Data Description</b>	<b>CWA, Regulatory (40 CFR), or Other Citation</b>	<b>NPDES Data Group Number (see Table 1)</b>
Cooling Water Intake Applicable Subpart	The unique code/description that identifies the regulatory subpart the facility is subject to [ <i>e.g.</i> , 1 = New Facility under 40 CFR part 125, subpart I, 2 = New Offshore Oil and Gas Facility under 40 CFR part 125, subpart N, 3 = Existing Facility under 40 CFR part 125, subpart J, 4 = BPJ Facility under 40 CFR 125.80(c), 40 CFR 125.90(b), 40 CFR 125.130(c), or 40 CFR 401.14].	122.21(r), 122.28(b)(2)(ii), subparts I, J, and N of 125, 401.14, and CWA Section 316(b)	1,2
Design Intake Flow for Cooling Water Intake Structure(s)	Design Intake Flow (DIF) means the value, in units of million gallons per day (MGD), assigned to each cooling water intake structure design that corresponds to the maximum instantaneous rate of flow of water the cooling water intake system is capable of withdrawing from a source waterbody. The facility's DIF may be adjusted to reflect permanent changes to the maximum flow capability of the cooling water intake system to withdraw cooling water, including pumps permanently removed from service, flow limit devices, and physical limitations of the piping. DIF does not include values associated with emergency and fire suppression capacity or redundant pumps ( <i>i.e.</i> , back-up pumps). For new facilities this is the design maximum flow capacity of the cooling water intake structure. See 40 CFR 125.83 and 125.92. This data element will be reported for each cooling water intake structure, which will have a "Permitted Feature ID." Specific monitoring protocols and frequency of monitoring will be determined by the Director.	122.21(r), 122.28(b)(2)(ii), 125.80, 125.86, 125.90, 125.92, 125.95, 125.131, 125.136, 401.14, and CWA Section 316(b)	1,2
Actual Intake Flow for Cooling Water Intake Structure(s)	Actual Intake Flow (AIF) means the value, in units of MGD, of the actual intake flow for each cooling water intake structure at the facility, as opposed to the DIF, which is based on maximum design flow intake. For existing facility, AIF means the average flow rate of water withdrawn on an annual basis by each cooling water intake structure over the past three years. After October 14, 2019, AIF means the average flow rate of water withdrawn on an annual basis by each cooling water intake structure over the previous five years. Actual intake flow is measured at a location within the cooling water intake structure that the Director deems appropriate. The calculation of actual intake flow includes days of zero flow. AIF does not include flows associated with emergency and fire suppression capacity. See 40 CFR 125.92. This data element will be reported for each cooling water intake structure, which will have a "Permitted Feature ID." Specific monitoring protocols and frequency of monitoring will be determined by the Director.	122.21(r), 122.28(b)(2)(ii), 125.86, 125.92(a), 125.95, 125.136, 401.14, and CWA Section 316(b)	1,2

Location Type for Cooling Water Intake Structure	The unique code/description that identifies the location and description for each cooling water intake structure [e.g., 1 = shoreline intake description (flushed, recessed), 2 = intake canal, 3 = embayment, bank, or cove, 4 = submerged offshore intake, 5 = near-shore submerged intake, 6 = shoreline submerged intake, 7 = Offshore Velocity Cap (800-foot minimum distance from shoreline), 8 = other]. Each cooling water intake structure will have its own "Permitted Feature ID."	122.21(r), 122.28(b)(2)(ii), 125.86, 125.95, 125.136, 401.14 and CWA Section 316(b)	1,2
Actual Through-Screen Velocity	This is the actual through-screen velocity (in feet/second) of the water intake through the screen for each cooling water intake structure at an existing facility. This is the measured average intake velocity as water passes through the structural components of a screen measured perpendicular to the screen mesh during normal operations. See 40 CFR 125.94. This data element will be reported for each cooling water intake structure, which will have a "Permitted Feature ID." Specific monitoring protocols and frequency of monitoring will be determined by the Director.	122.21(r), 122.28(b)(2), 125.86, 125.94, 125.95, 125.136, 401.14 and CWA Section 316(b)	1,2
Source Water for Cooling Purposes	The unique code/description that describes the one or more source water for cooling purpose for each cooling water intake structure [e.g., 1 = Ocean, 2 = Estuary, 3 = Great Lake, 4 = Fresh River, 5 = Lake/Reservoir, 6 = contract or arrangement with an independent supplier (or multiple suppliers)]. Each cooling water intake structure will have its own "Permitted Feature ID."	122.21(r), 122.28(b)(2)(ii), 125.86, 125.95, 125.136, 401.14 and CWA Section 316(b)	1,2
Cooling Water Intake Structure Chosen Compliance Method	The unique code/description to indicate the one or more compliance methods selected for each cooling water intake structure based on EPA's CWA Section 316(b) regulations or based on BPJ. For new facilities for example, Track I, Track II, alternative requirements, etc. For existing facilities, which of the 40 CFR 125.94(c) compliance options were chosen and reported as part of 40 CFR 122.21(r)(6), whether the facility has chosen to comply on an intake basis or facility wide, or whether alternative requirements were requested. Facilities have the option to comply on a facility wide or on an intake basis. Each cooling water intake structure will have its own "Permitted Feature ID."	122.21(r)(6), 122.28(b)(2)(ii), 125.84, 125.85, 125.94, 125.134, 125.135, 401.14 and CWA Section 316(b)	1,2
Source Water Baseline Biological Characterization Data: Threatened or Endangered Status	For new and existing facilities, a unique code/description that identifies whether there are Federally-listed threatened or endangered species (or relevant taxa) that might be susceptible to impingement and entrainment at the facility's cooling water intake structures. This unique code/description will also identify whether designated critical habitat is in the vicinity of facility's cooling water intake structure.	122.21(r)(4), 122.28(b)(2), 125.86, 125.95, 125.136, 401.14 and CWA Section 316(b)	1,2



**Attachment 2:** Data Elements for CWA Section 316(a) Thermal Variance Information on NPDES Permit Applications or Notices of Intent  
(Appendix A to 40 CFR part 127)

<b>CWA Section 316(a) Thermal Variance Information on NPDES Permit Application or Notice of Intent</b>			
<b>Data Name</b>	<b>Data Description</b>	<b>CWA, Regulatory (40 CFR), or Other Citation</b>	<b>NPDES Data Group Number (see Table 1)</b>
Thermal Variance Request Type	The unique code/description that describes the thermal variance request submitted by the discharger ( <i>e.g.</i> , 1 = new request, 2 = renewal request).	125, subpart H and CWA Section 316(a)	1
Public Notice of Section 316(a) Requests	This is the unique code that describes whether the NPDES permitting authority included the information required under 40 CFR 124.57(a) in the public notice regarding the CWA Section 316(a) request.	124.57, 125, subpart H and CWA Section 316(a)	1
Thermal Variance Granted Date	This is the most recent date when the NPDES permitting authority granted or renewed a CWA Section 316(a) variance for the controlling NPDES permit. The date must be provided in YYYY-MM-DD format where YYYY is the year, MM is the month, and DD is the day.	122.28(b)(2)(ii), subpart H of 125 and CWA Section 316(a)	1

### **Attachment 3: Mock-up for Section 316 Permit Application or NOI Data**

<Note: EPA’s electronic version of this data entry form will collect these data but may have different formats and styles. States that are building enhancements to their state NPDES data systems should use this mock-up as a guide.>

#### **Overview**

The following are data entry screen mock-ups for individual permit application and NOIs. The authorized NPDES program will collect these data from individual permit applications. General permit covered facilities (GPCF) will electronically submit these data on their NOIs; however authorized NPDES program (40 CFR part 122) will make final determinations and share information related to these NOIs and subsequent determinations with EPA. For example, authorized NPDES programs will make the final determination on the cooling water intake applicable subpart and compliance method for a given GPCF. Authorized NPDES programs that generate or collect these data are required to share these data with EPA in a timely, accurate, complete, and consistent format (see Subpart C to 40 CFR part 127). Authorized NPDES programs will directly share these data elements with EPA’s national NPDES data system (ICIS-NPDES) or through other electronic data transfers.

#### **Thermal Variance Information - CWA 316(a)**

This information is generated by authorized NPDES program and reported at the conclusion of the permit application process. The authorized NPDES program will provide this data (by NPDES ID) to EPA’s national NPDES data system (ICIS-NPDES) after it has completed the review process for each thermal variance request for each permit.

**1. Please identify the type of thermal variance request (select one):**


- New (Approved by authorized NPDES program)       Renewal (Approved by authorized NPDES program)
- Variance Requested by Permittee (but request was withdrawn by permittee)
- Variance Requested by Permittee (but request was not approved by authorized NPDES program)

**2. Please indicate if the authorized NPDES program completed the public notice requirements for thermal variance request prior to issuing the NPDES permit (see 40 CFR 124.57) (select one):**

- Yes       No

<Note: The permitting authority publishes public notices of draft permits so that the public has an opportunity to review and comment on a draft permit and permit conditions. According to 40 CFR §124.10(d), the public notice must contain basic information about the permitted facility, contact information, and public hearing notification (if applicable). If a facility’s draft permit contains a §316(a) thermal variance, the public notice must contain specific requirements as identified in 40 CFR §124.57.>

**3. Please provide the date when the thermal variance was granted, withdrawn, or not approved by the authorized NPDES program (select one)**

12-02-2012 

<Note: Most thermal variances are granted on the same date as the permit effective date.>

**Cooling Water Intake Information – CWA 316(b)**

This information is generated by authorized NPDES program and reported at the conclusion of the permit application process. The authorized NPDES program will provide this data (by NPDES ID) to EPA’s national NPDES data system (ICIS-NPDES) after it has completed the review process for each permitted cooling water intake structure.

Permitted Feature ID (Intake ID)	Design Intake Flow for Cooling Water Intake Structure [million gallons per day (MGD)]	Actual Intake Flow for Cooling Water Intake Structure [million gallons per day (MGD)]	Actual Through-Screen Velocity [feet per second (fps)]	Location Type	Source Water for Cooling Purposes	Are there any federally listed threatened or endangered species or designated critical habitat in the vicinity of facility? (Yes/No)	Cooling Water Intake Applicable Subpart
001							
002							
.							
.							
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<Note: The “Location Type” will have the following options (only one option per permitted feature): (1) Shoreline intake description (flushed, recessed); (2) Intake canal; (3) Embayment, bank, or cove; (4) Submerged offshore intake (not velocity cap); (5) Near-shore submerged intake; (6) Shoreline submerged intake; (7) Offshore Velocity Cap (800-foot minimum distance from shoreline); or (8) Other Location Type. User must provide additional text in a free text box when the user selects “Other.”>

<Note: The “Source Water for Cooling Purposes” will have the following options (only one option per permitted feature): (1) Ocean; (2) Estuary; (3) River; (4) Lake/Reservoir (Not Great Lake); (5) Great Lake; (6) Contract or arrangement with an independent supplier (or multiple suppliers); or (7) Other Source Water Type. User must provide additional text in a free text box when the user selects “Other.”>

<Note: The “Cooling Water Intake Applicable Subpart” will have the following options (only one option per permitted feature): (1) New Facility under 40 CFR part 125, subpart I; (2) New Offshore Oil and Gas Facility under 40 CFR part 125, subpart N; (3) Existing Facility under 40 CFR part 125, subpart J; (4) New BPJ Facility; (5) Existing BPJ Facility; or (6) Existing Offshore Oil and Gas BPJ Facility. The answer to this question determines the options available for the “316(b) Compliance Method” – see below.>

**316(b) Compliance Method (only one or two columns will apply for each permitted feature)**

Permitted Feature ID (Intake ID)	New Facility under 40 CFR part 125, subpart I	New Offshore Oil and Gas Facility under 40 CFR part 125, subpart N	Existing Facility under 40 CFR part 125, subpart J		New BPJ Facility		Existing BPJ Facility		Existing Offshore Oil and Gas BPJ Facility	
	Impingement and Entrainment	Impingement and Entrainment	Impingement	Entrainment	Impingement	Entrainment	Impingement	Entrainment	Impingement	Entrainment
001										
002										
Etc.										

<Note: The answer to the “Cooling Water Intake Applicable Subpart” – see previous table - will determine the one or two columns that the user must answer in order to identify the 316(b) compliance method (per permitted featured). For example, if a user selects “New Facility under 40 CFR part 125, subpart I” for Permitted Feature 001 then the user will only need to complete one column for the 316(b) compliance method for Permitted Feature 001. Likewise, if a user selects “Existing Facility under 40 CFR part 125, subpart J” for Permitted Feature 001 then the user will need to complete two columns for the 316(b) compliance method for Permitted Feature 001 (i.e., one column for impingement and another column for entrainment). The following are the options for 316(b) compliance method for each permitted feature:

- New Facility under 40 CFR part 125, subpart I (one column): (1) Track 1 >=10 MGD; (2) Track 1 >2 MGD and < 10 MGD; (3) Track 2; or (4) Alternative Requirements.

- New Offshore Oil and Gas Facility under 40 CFR part 125, subpart N (one column): (1) Track I- New Fixed Facility w/ Sea Chest; (2) Track I- New Fixed Facility w/o Sea Chest; (3) Track I- New Non-Fixed Facility; (4) Track II – New Fixed Facility; (5) BPJ; or (6) Alternative Requirements.
- Existing Facility under 40 CFR part 125, subpart J (two columns):
  - (Impingement Column): (1) Closed Cycle Recirculating System; (2) 0.5 ft/s Design Intake Velocity; (3) 0.5 ft/s Actual Intake Velocity; (4) Existing Offshore Velocity Cap; (5) Modified Traveling Screens; (6) System of Technologies; (7) Impingement Mortality Standard; (8) De minimis; (9) Low Capacity Utilization; (10) New Unit; or (11) Alternative Requirements.
  - (Entrainment column): (1) Closed Cycle Recirculating System; (2) Fine Mesh Screens; (3) Variable Speed Drives/Multiple Drives; (4) Water Reuse/Reduction; (5) Intake Location; (6) New Units – Closed Cycle Recirculating System; (7) New Units – Equivalent to Closed Cycle Recirculating System; or (8) Alternative Requirements.
- New BPJ Facility (two columns):
  - (Impingement Column): (1) Closed Cycle Recirculating System; (2) 0.5 ft/s Design Intake Velocity; (3) 0.5 ft/s Actual Intake Velocity; (4) Existing Offshore Velocity Cap; (5) Modified Traveling Screens; (6) Alternative Requirements.
  - (Entrainment column): (1) Closed Cycle Recirculating System; (2) Fine Mesh Screens; (3) Variable Speed Drives/Multiple Drives; (4) Water Reuse/Reduction; (5) Intake Location; (6) Alternative Requirements
- Existing BPJ Facility (two columns):
  - (Impingement Column): (1) Closed Cycle Recirculating System; (2) 0.5 ft/s Design Intake Velocity; (3) 0.5 ft/s Actual Intake Velocity; (4) Existing Offshore Velocity Cap; (5) Modified Traveling Screens; (6) Alternative Requirements.
  - (Entrainment column): (1) Closed Cycle Recirculating System; (2) Fine Mesh Screens; (3) Variable Speed Drives/Multiple Drives; (4) Water Reuse/Reduction; (5) Intake Location; (6) Alternative Requirements.
- Existing Offshore Oil and Gas BPJ Facility (two columns):
  - (Impingement Column): (1) Closed Cycle Recirculating System; (2) 0.5 ft/s Design Intake Velocity; (3) 0.5 ft/s Actual Intake Velocity; (4) Existing Offshore Velocity Cap; (5) Modified Traveling Screens; (6) Alternative Requirements.
  - (Entrainment column): (1) Closed Cycle Recirculating System; (2) Fine Mesh Screens; (3) Variable Speed Drives/Multiple Drives; (4) Water Reuse/Reduction; (5) Intake Location; (6) Alternative Requirements.

User must provide additional text in a free text box when the user selects “Alternative Requirements.”>

**Attachment 4: 316(b) Monitoring Data Elements (Appendix A to 40 CFR part 127)**

<b>Monitoring Activity Information (Data Elements Specific to CWA Section 316(b) Reports)</b>			
{Note: Where the Director requires additional measures to protect Federally-listed threatened or endangered species or critical habitat pursuant to 40 CFR 125.94(g), the Director shall require reporting associated with those measures [see 40 CFR 125.97(g)]. The following data elements correspond to this reporting requirement. These data elements are only required for facilities that are required to report on their additional measures to protect Federally-listed threatened or endangered species or critical habitat}.			
<b>Data Name</b>	<b>Data Description</b>	<b>CWA, Regulatory (40 CFR), or Other Citation</b>	<b>NPDES Data Group Number (see Table 1)</b>
CWA Section 316(b) Biological Monitoring - Species Name (Program Report)	For existing facilities, a listing of each Federally-listed threatened or endangered species (or relevant taxa) for all life stages that might be susceptible to impingement and entrainment at the facility's cooling water intake structure(s). Specific monitoring protocols and frequency of monitoring will be determined by the Director.	125.96, 125.97(g), 125.98, 125.138(b), 401.14 and CWA Section 316(b)	10
CWA Section 316(b) Biological Monitoring - Species Number (Program Report)	For existing facilities, the number of each Federally-listed threatened or endangered species (or relevant taxa) that might be susceptible to impingement and entrainment at the facility's cooling water intake structure(s). Specific monitoring protocols and frequency of monitoring will be determined by the Director.	125.96, 125.97(g), 125.98, 125.138(b), 401.14 and CWA Section 316(b)	10
CWA Section 316(b) Biological Monitoring - Threatened or Endangered Status (Program Report)	For existing facilities, a unique code/description that identifies for each Federally-listed threatened or endangered species (or relevant taxa) whether the species is threatened, endangered, or is an otherwise protected species that might be susceptible to impingement and entrainment at the facility's cooling water intake structure(s). Specific monitoring protocols and frequency of monitoring will be determined by the Director.	125.96, 125.97(g), 125.98, 125.138(b), 401.14 and CWA Section 316(b)	10
CWA Section 316(b) Biological Monitoring - Species Impinged and Entrained (Program Report)	For existing facilities, the number of each Federally-listed threatened or endangered species (or relevant taxa) impinged and entrained per year by the facility's cooling water intake structure(s). Specific monitoring protocols and frequency of monitoring will be determined by the Director.	125.96, 125.97(g), 125.98, 125.138(b), 401.14 and CWA Section 316(b)	10
CWA Section 316(b) Biological Monitoring - Applicable Measures to Protect Designated Critical Habitat (Program Report)	For existing facilities, a text summary of the measures taken by the permittee to protect designated critical habitat in the vicinity of impingement and entrainment at the facility's cooling water intake structure(s).	125.96, 125.97(g), 125.98, 125.138(b), 401.14 and CWA Section 316(b)	10

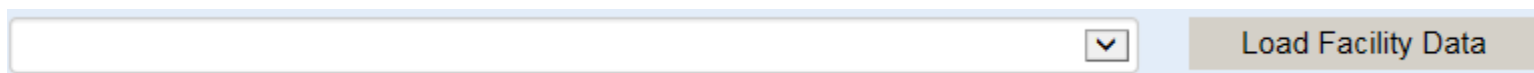
## Attachment 5: Mock-up of CWA Section 316(b) Report

<Note: EPA’s electronic version of this data entry form will collect these data but may have different formats and styles. States that are building their own electronic reporting tools should use this mock-up as a guide.>

**INSTRUCTIONS:** Please check with your permit and NPDES permitting authority to see if your facility must comply with additional measures to protect Federally-listed threatened or endangered species or designated critical habitat. If your facility is subject to these additional measures, then you will use this form to submit monitoring data associated with those additional measures. Please note that your state and/or EPA may contact you after you submit this report for more information regarding your facility.

### Identification of Permitted Facility and Reporting Period

Please select the NPDES ID number below for this permittee:



The image shows a horizontal form element. On the left is a wide text input field with a light blue border. To its right is a small square button with a downward-pointing chevron icon. Further right is a grey rectangular button with the text "Load Facility Data" in white.

<Note: The user selects the NPDES ID from a picklist, which is pre-populated as they enter username and password into EPA’s CDX. Once the user selects a NPDES ID and clicks on the “Load Facility Data” button, the user will be provided with the NPDES ID, facility name, and address.>

[NPDES ID]

[Facility Name]

[Facility Street Address, City, State, Zip]

Please select the start and end date for this reporting period.

**Reporting Period Start Date \***

**Reporting Period End Date \***

The program report form will also automatically generate the following Appendix A data, which are used to properly manage these submissions. This means that these data do not need to be entered by the filer.

- NPDES Data Group Number (Program Report) [which is equal to “G10” for this report.]
- Electronic Submission Type (Compliance Monitoring Activity)

- Program Report Event ID

The following Appendix A data element will be generated by the EPA or state NPDES system that receives these submissions:

- Program Report Received Date.

**<Note:** The permitting authority should identify the due date for these program reports in EPA’s national NPDES data system (ICIS-NPDES) by using the “Narrative Conditions and Permit Schedules Information” data elements found in Appendix A, 40 CFR 127. These data elements identify this program report (“Permit Schedule Event Code” data element must have value of “C316B – CWA 316(b) Annual Report”) and the due date for each report (“Required Report Received Date”). EPA plans to link the “Required Report Received Date” data element with the above “Program Report Received Date” data element to determine compliance with the permit reporting requirement. EPA’s national NPDES data system (ICIS-NPDES) will automatically generate a “Schedule Violation” if the permittee submits the report late.>



**Monitoring Results Related to Additional Measures for the Protection of Federal Threatened or Endangered Species**

**INSTRUCTIONS:** As previously noted, you must answer the following questions if your permitting authority requires you to report on the additional measures you are taking to protect Federally-listed threatened or endangered species or critical habitat. If you are not required to submit this information you do not need to complete this report.

**Are you reporting monitoring results related to the additional measures you are taking to protect Federally-listed threatened or endangered species or critical habitat?**

Yes  No

<**Note:** If “Yes” – the user will be given the next question. If “No” – the user will be given the following message with no further questions and no ability to sign or submit the form: “Thank you for your time. You do not need to submit this report.”>

**Please use the checkboxes below to identify the type of monitoring data you are reporting on this form as required by your permitting authority. Check all that apply.**

- Reporting one or more takings of a Federal threatened or endangered species
- Description of critical habitat protections
- Monitoring results other than take and critical habitat protections

<**Note:** The user will be given the following sections that correspond to the one or more checkboxes selected above.>

## Take Reporting

**INSTRUCTIONS:** Permitting authorities have discretion to require additional measures to protect listed species or designated critical habitat. If required by your permitting authority, please use the section below to describe take or combination of take at your facility. The “Take ID” will be system generated and will uniquely identify each reported take of a Federal threatened or endangered species. Please note that the term “Death” includes latent mortality.

### Take ID: 001

Species Name (in Latin):	[Pick list]
Species Common Name:	[Free text field] (optional)
Federal Status:	[Pick list – “Threatened” or “Endangered”]
Lifestage:	[Pick list – “Egg,” “Larvae,” “Juvenile,” “Adult,” or “Unknown”]
Method of Take:	[Pick list – “Impingement,” “Entrainment,” “Other”]
Type of Take:	[Pick list – “Death,” “Injury,” “Other”]
Number of Organisms Affected:	[Whole Number]
Date of Take:	[MM/DD/YYYY] (optional)

<**Note:** Users must provide additional text in a free text box when they select “Other” in “Method of Take.” Likewise, users must provide additional text in a separate free text box when the user selects “Other” in “Type of Take.”>

Add Another Take

<**Note:** The form will create a new “Take ID” when the user selects the “Add Another Take” button. The user can delete a “Take ID” if they have two or more takings of a Federal threatened or endangered species. These “Take IDs” are meant to distinguish one take combination [Species Name (in Latin)-Federal Status-Lifestage-Method of Take-Type of Take] from another take combination. These “Take IDs” are not used to correlate takes across NPDES permits or from one year to another.>

<**Note:** EPA is coordinating with U.S. Fish and Wildlife Service (FWS) to standardize the data entry for “Species Name (in Latin)” and “Federal Status.” The Federal government keeps a listing of each species and their status. The current version is here (<https://ecos.fws.gov/ecp/species-query>). EPA may be able to integrate the FWS data into this form to ease data entry burden on users and to improve data accuracy.>

**Description of Critical Habitat Protections**

**INSTRUCTIONS:** Permitting authorities have discretion to require additional measures to protect listed species or designated critical habitat. If required by your permitting authority, please use the box below to describe the measures you have taken to protect this designated critical habitat in the vicinity the facility’s one or more cooling water intake structures.

<**Note:** This free text box captures information for the following Appendix A data element: “CWA Section 316(b) Biological Monitoring - Applicable Measures to Protect Designated Critical Habitat (Program Report).”>

**Other Monitoring Results**

**INSTRUCTIONS:** Permitting authorities have discretion to require additional measures to protect listed species or designated critical habitat. If required by your permitting authority, please use the box below to describe monitoring results or other measures you have taken to protect Federal threatened or endangered species (not elsewhere provided on this report form).