



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

OFFICE OF ENFORCEMENT
AND COMPLIANCE ASSURANCE

December 6, 2021

MEMORANDUM

SUBJECT: U.S. EPA Approval of Oregon as Initial Recipient for NPDES Electronic Reporting

FROM: John Dombrowski, Director
Office of Compliance
Office of Enforcement and Compliance Assurance

JOHN DOMBROWSKI

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Date: 2021.12.06 13:29:29 -05'00'

TO: Justin Green, Water Quality Administrator
Oregon Department of Environmental Quality

ISSUE

This memorandum notifies you of your new status as “Initial Recipient” in accordance with NPDES Electronic Reporting rule implementation.

BACKGROUND

The United States Environmental Protection Agency (hereinafter EPA or Agency) published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (“NPDES eRule”) on October 22, 2015. This rule requires EPA and states to modernize Clean Water Act (CWA) reporting. Implementation of this rule is designed to save the NPDES authorized programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of NPDES program data between states and EPA, enhance public transparency, improve environmental decision-making, and protect human health and the environment.

EPA requires each authorized NPDES program to decide whether or not they would like to use EPA’s electronic reporting tools or to build their own electronic reporting tools. Authorized states can make this decision or defer this decision to EPA. The governmental entity, either the state or EPA, that makes this decision is the “initial recipient.” An authorized NPDES program must notify EPA if it wishes EPA to be the initial recipient for a particular set of data (also known as “NPDES data group”). Oregon Department of Environmental Quality initially elected for EPA to be the initial recipient for all NPDES data groups covered under the NPDES eRule.¹

¹ Oregon DEQ Letter to EPA, 2016. “Opt-Out Notice Designating EPA as ‘Initial Recipient’ for One or More NPDES Data Groups,” Signed by Joni Hammond, Acting Director, Oregon DEQ, April 11, 2016.

The NPDES eRule allows an authorized NPDES program to seek EPA approval to change the initial recipient status for one or all of the NPDES data groups from EPA to the authorized NPDES program. To make this switch, the authorized NPDES program must send a request to EPA. This request must identify the specific NPDES data groups for which the authorized NPDES program would like to be the initial recipient of electronic NPDES information, a description of how its data system will be compliant with the NPDES eRule and the Cross-Media Electronic Reporting Rule (CROMERR) (40 C.F.R. Part 3), and the date or dates when the authorized NPDES program will be ready to start receiving this information. Oregon sent EPA such a request on September 23, 2020.

Oregon DEQ noted in this letter that it will be using an Environmental Data Management System, produced by enfoTech, Inc., and that this system will be CROMERR compliant. Oregon DEQ also noted that this new system will be implemented in stages, beginning in early 2021, and will eventually be used for electronic receipt of all Oregon NPDES required reporting.

This memorandum notifies you that EPA has completed its review and has approved your new status as “Initial Recipient.” This approval covers all NPDES data groups except for “No. 4 - Sewage Sludge/Biosolids Annual Program Reports” (*see* Table 1, Appendix A to 40 C.F.R. Part 127). Oregon cannot be the initial recipient for this data group as EPA is the authorized NPDES program for the Federal biosolids program (40 C.F.R. Part 503).² The start date for this new status is the date of this memorandum. Additionally, the NPDES eRule directs EPA to publish its approval of this request in the Federal Register and on its website (40 C.F.R. § 127.27(e)). EPA plans to publish this Federal Register notice within a few months.

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

² *See* EPA website: <https://www.epa.gov/npdes/npdes-state-program-authority>