



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Water Quality

401 East State Street

Mail Code 401-02B - 3<sup>rd</sup> Floor E. - PO Box 420

Trenton, NJ 08625-0420

Tel #: (609) 292-4396

Fax #: (609) 984-7938

[www.state.nj.us/dep/dwq](http://www.state.nj.us/dep/dwq)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

April 19, 2016

John Dombrowski, Director  
Enforcement Targeting and Data Division  
Office of Compliance  
Mail Code 2222A  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Re: Opt-Out Notice Designating EPA as the 'Initial Recipient' for NPDES Data Group No. 5

Dear Mr. Dombrowski:

The U.S. Environmental Protection Agency (EPA) recently promulgated a final rule requiring regulated entities and state and federal regulators to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) permit program instead of filing written paper reports.<sup>1</sup>

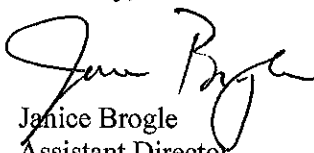
Under the final rule, NPDES-regulated entities are required to submit NPDES program data to the designated Initial Recipient, as defined in 40 CFR 127.2(b). For this rule, the term "Initial Recipient" means the governmental entity, either the state or EPA, who first receives the NPDES program data listed in Appendix A to 40 CFR part 127. The Initial Recipient designation is made separately for each state and by each NPDES Data Group, which is defined in 40 CFR 127.2(c). Identification of the Initial Recipient for each NPDES Data Group is included as a new NPDES permit standard condition [see 40 CFR 122.41(l)(9)].

This rule requires each authorized NPDES program to decide the NPDES Data Groups for which it wishes to be the Initial Recipient of electronic NPDES information from NPDES-regulated entities. The final rule uses an 'opt-out' approach such that the authorized NPDES program must provide notice to EPA if it wishes for EPA to be the initial recipient for one or more of their NPDES Data Groups. These 'opt-out' notices are to be sent to EPA no later than April 19, 2016.

<sup>1</sup> U.S. EPA, 2015. "National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule," 80 FR 64064 (22 October 2015).

New Jersey is designating EPA as the Initial Recipient for NPDES data group No.5, Concentrated Animal Feeding Operation Annual Program Reports.

Sincerely,



Janice Brogle  
Assistant Director

Water Pollution Management Element

cc: Michele Putnam, Director, Division of Water Quality  
Marcedius Jameson, Director, Division of Water & Land Use Enforcement  
Brian McLendon, Chief, Bureau of Pretreatment and Residuals  
James Murphy, Chief, Bureau of Nonpoint Pollution Control  
Terry Beym, Permit Administration Section