

**NPDES Electronic Reporting Rule
Phase 2 Implementation Plan**

**For the Florida Department of Environmental Protection (DEP)
December 21, 2016**

Implementation Plan Purpose

On October 22, 2015, the Environmental Protection Agency (EPA) published 40 CFR 127.26(h), the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule. This regulation is an EPA requirement and replaces paper-based reporting with electronic reporting and sharing of Clean Water Act NPDES program information.

The NPDES Electronic Reporting Rule allows states to determine what electronic reporting systems work best for them and whether they would like to be the initial recipient of NPDES compliance monitoring data. Rather, EPA sets performance requirements for states that build their own electronic reporting systems. States have the option of establishing their own system using the criteria established by the EPA or implement, a customized electronic reporting systems developed and maintained by EPA.

A state, tribe, or territory that is designated by EPA as the initial recipient for an NPDES data group must submit an implementation plan (IP) to EPA by December 21, 2016. The IP must provide enough detail (e.g., tasks, milestones, roles and responsibilities, necessary resources) to clearly describe how the program will successfully implement electronic reporting of Phase 2 data. EPA will inform the authorized NPDES program if the implementation plan has enough detail to ensure successful implementation of electronic reporting for Phase 2 data. Completed IPs can be emailed to EPA using the following email address:

NPDESElectronicReporting@epa.gov.

1. Overview/Executive Summary

In this section, give a brief overview of the agency's current data systems and e-reporting capabilities. (Details will be provided elsewhere in this template.) Summarize the key tasks for updating or building the agency's data systems and include estimated timelines. (i.e., Indicate what data you will act as initial recipient, brief description of current or planned eReporting tools, title of executive sponsors and main personnel involved with implementation, current or planned databases and data transfer to EPA capabilities.) This section should provide the primary contact for this IP and the approximate date when the agency expects to successfully implement electronic reporting for Phase 2 data.

The Department's Cross-Media Electronic Reporting Rule (CROMERR) application for its e-Reporting System was approved by EPA effective May 30, 2012 (ref. Federal Register, FR-9665-2). EPA notified the Department of the approval of Florida's application with respect to EPA-authorized programs (ref. Federal Register FRL-9926-09-OEI).

As it relates to programs operating under the requirements of the National Pollutant Discharge Elimination System, NPDES (40 CFR, Part 123), the Department's e-Reporting System is comprised of multiple components, including:

- User Authentication and Authorization;
- Data Intake and Validation;
- Data Repositories; and
- Copy of Record/Enterprise Document Management System.

The Department will be enhancing the CROMERR-compliant e-Reporting System to address the noted data groups according to the timelines specified in Item 4 below.

Implementation is expected to be completed no later than December 2020. It should be noted that this plan is a dynamic document subject to updates, changes, or adjustments. Estimated timelines provided in this plan are subject to EPA’s timeline for adoption of federal forms and EPA’s Integrated Compliance Information System (ICIS) database and developing its reporting systems. The Department will ensure that the data elements included in its systems are consistent and compatible with EPA’s ICIS database and e-reporting systems prior to implementing any changes to the system.

The primary Department contact for this Implementation Plan is Dan Willis, Program Administrator, Data and Information Services, Division of Water Resource Management, Dan.P.Willis@dep.state.fl.us or (850)245-8344.

2. Agency NPDES Universe

This section is a “snapshot” in time and should include a date of when these numbers were calculated. Provide the names of your NPDES individual and master general permits (MGP) and counts of general permit authorizations for each MGP currently under the jurisdiction of your agency. Please also indicate the number of permits that are currently not in EPA’s ICIS-NPDES database. Please mention anticipated large changes in these numbers (new or terminating MGPs). If you wish, electronic reporting counts or percentages may also be included in this section. The following list is for example purposes only and you should group your permits as you wish.

- A. *Number of Active and Administratively Continued Major Individual NPDES Permits:*
- B. *Number of Active and Administratively Continued Minor Individual NPDES Permits:*
- C. *Number of Active and Administratively Continued MS4 Permits:*
- D. *List of Agency General NPDES Permits with number of authorizations for each.*

Tables 1. through 3. summarize Florida’s NPDES universe as of December 1, 2016.

Table 1. Active NPDES Permits

Active NPDES Permits	Number of Permits
Major Individual Wastewater NPDES Permits	174
Minor Individual Wastewater NPDES Permits	269
Major Stormwater NPDES Phase I MS4 Permits	27*

*This number does not include 204 Phase I MS4 co-permittee individual permits. The Department is working with EPA on ways to identify the co-permittees in ICIS.

Table 2. Administratively Continued NPDES Permits

Administratively Continued NPDES Permits	Number of Permits
Major Individual Wastewater NPDES Permits	18
Minor Individual Wastewater NPDES Permits	16
Major Stormwater NPDES Phase I MS4 Permits	7

Table 3. General NPDES Permits

Description of Florida’s General Permits	Master General Permit ID	Number of Facilities with General Permit Coverage
Concrete Batch Plant	FLG110000	400
Dewatering Operations	FLG070000	642

Petroleum Contaminated Sites	FLG910000	329
Pesticide Treatment Area	FLG510000	72
Multi-Sector Stormwater	FLR050000	2645
Stormwater No Exposure Certification	FLRNE0000	1000
Construction Stormwater	FLR100000	14226
Construction Stormwater with Dewatering	FLR200000	2559
Phase II MS4s	FLR040000	147

3. Current and/or Planned NPDES Data Systems and E-reporting Systems

In this section, detail the current NPDES data systems and/or e-reporting tools that your agency currently employs, or your planned e-reporting systems/tools. States that elect to use EPA’s electronic reporting tools can cite that in this section.

The Department is CROMERR compliant. The EPA approved the Department’s application effective May 30, 2012 (ref. Federal Register, FR-9665-2). As it relates to programs operating under the requirements of the NPDES (40 CFR, Part 123), EPA notified the Department of its determination to approve the application with respect to NPDES effective July 16, 2015 (ref. Federal Register FRL-9926-09-OEI).

The Department’s e-Reporting System is composed of multiple components, including:

- User Authentication and Authorization;
- Data Intake and Validation;
- Data Repositories; and
- Copy of Record/Enterprise Document Management System.

The Department currently plans to use EPA NeT for Significant Industrial User (SIU) Compliance Reports in municipalities without approved pretreatment programs. The EPA NeT will be used for the submittal of Group 7 and 8 data elements and reports. Data elements that can be electronically reported to the Department will be done using the existing e-Reporting System.

The Department will be required to update several of its databases as well as enhance its existing e-Reporting System as discussed in Item 4 below. The updates will provide the capability for NPDES facilities to submit Phase 2 data elements and for the Department to receive the Phase 2 data elements. Updates and enhancements to the e-Reporting System are dependent on EPA’s timeline for developing its e-reporting systems and the technical specifications for each of the Phase 2 data elements (e.g., format, length, etc.). Consistency and compatibility are necessary to ensure data can be properly transferred from the Department’s database to EPA’s ICIS database. The schedules provided in this implementation plan are based on the Department’s understanding of EPA’s timeline for updating EPA’s ICIS database and developing its reporting systems.

4. Key Tasks for Updating Agency Data Systems and Data Transmission Systems for Phase 2 Data Groups

In this section, if you have a current system, describe key tasks for updating the agency NPDES data systems to manage and share the data in each of the Phase 2 Data Groups with EPA’s ICIS–NPDES (e.g., adding new data elements to state NPDES data systems, updating the state’s electronic data transmission capabilities, including incorporating new data schemas and Environmental Information Exchange Network node plug-ins). If you do not have a current system, describe your development and/or purchasing process and timelines. If multiple

state agencies administer these programs, this can be a combined plan or each agency may submit a plan. Please indicate if you plan to use the EPA NeT system for any of these items. Timelines will then be as NeT becomes available. For either scenario, describe the roles and responsibilities for agency staff, contractors (if needed), and EPA (if needed). Include estimated completion timelines for each of the key tasks for each data group in this section. Clearly state if data system updates will cover more than one data group (data group subsections may be combined as needed). Indicate if your plan is to direct enter data into ICIS rather than electronically flow data. As an example, data groups have been listed below. Your agency may have different names for these groups. These are for example purposes only. The following table summarizes the major milestones for each NPDES Data Group.

The Department plans to use its Office of Technology and Information Services (OTIS) to update the e-Reporting System. Department databases will also need to be updated to include some or all Group 1 and 2 data elements. After the databases are updated and the e-Reporting System enhancements are complete, the Department will begin transferring data electronically to ICIS.

A. General Permit Reports - Including NOIs, NOTs, NOEs, and LEWs; see 40 CFR 122.26(b)(15), 122.28, and 124.5

Agency/Contractor/EPA Roles and Responsibilities:

The Department plans to update its current e-Reporting System for Florida Stormwater Municipal Separate Storm Sewer System General Permits. The update will allow municipalities to submit the Notice of Intent and Appendix A of the Stormwater Phase II Permit directly to the Department.

The Department will be enhancing its existing e-Reporting System to allow wastewater facilities that are covered by or requesting coverage under a general permit to submit applicable Group 2 data elements directly to the Department.

Task Completion Timeline:

1. Update Department rules to require NPDES wastewater facilities and stormwater municipal facilities covered by general permits to submit Group 1 and 2 data elements electronically to the Department – December 2019
2. Update the Department's e-Reporting System for wastewater facilities and stormwater municipal facilities covered by general permits – June 2020
3. Begin uploading data groups to ICIS – December 2020

B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports - See 40 CFR 122.42(e)(4)

Agency/Contractor/EPA Roles and Responsibilities:

The Department plans to enhance its existing e-Reporting System to allow Florida CAFOs to submit Group 5 data elements directly to the Department. Department databases will also need to be updated to include all Group 5 data elements. The Department will begin transferring data electronically to ICIS once the database is updated and the e-Reporting System enhancements are complete.

Task Completion Timeline:

1. Update Department rules to require CAFOs to submit Group 5 data elements on specific, Department adopted form(s) – December 2019
2. Update the Department's e-Reporting System for Florida CAFO annual reports – June 2020
3. Begin uploading CAFO annual program reports data elements to ICIS – December 2020

C. Municipal Separate Storm Sewer System (MS4) Program Reports - See 40 CFR 122.34(g)(3) and 122.42(c)

Agency/Contractor/EPA Roles and Responsibilities:

The Department plans to enhance its existing e-Reporting System to allow Florida Stormwater Municipal Separate Storm Sewer System facilities to submit Group 6 data elements directly to the Department. Department databases will also need to be enhanced to include all Group 6 data elements. The Department will begin transferring data electronically to ICIS once the database is updated and the e-Reporting System enhancements are complete.

Task Completion Timeline:

1. Update Department rules to require NPDES Stormwater municipal facilities to report Group 6 data elements electronically – December 2019
2. Update the Department's e-Reporting System for Group 6 data elements – June 2020
3. Begin uploading data groups to ICIS – December 2020

D. Pretreatment Program Reports - See 40 CFR 403.12(i)

Agency/Contractor/EPA Roles and Responsibilities:

The Department plans to enhance its existing e-Reporting System to allow Florida wastewater facilities to submit Group 7 data elements directly to the Department for pretreatment program reports. The system will include other data elements associated with the pretreatment program that are currently required to be reported by Florida regulations.

Department databases will also need to be updated to include some or all Group 7 data elements. The Department will begin transferring data electronically to ICIS once the database is updated and the e-Reporting System enhancements are complete.

Task Completion Timeline:

1. Update Department rules to require facilities to report specific pretreatment annual report data elements on specific forms and reports – December 2019
2. Update the Department's e-Reporting System for pretreatment annual reports – June 2020
3. Begin uploading Group 7 data elements to ICIS – December 2020

E. Significant Industrial User (SIU) Compliance Reports in Municipalities Without Approved Pretreatment Programs - See 40 CFR 403.12(e) and (h)

Agency/Contractor/EPA Roles and Responsibilities:

As discussed in Item 3 above, the Department currently plans to use EPA NeT for SIU Compliance Reports in municipalities without approved pretreatment programs. The Department has only issued two SIU permits since receiving delegation in 1995; therefore, the Department does not intend to enhance its existing e-Reporting System for SIU compliance reports in municipalities without approved pretreatment programs.

The Department will periodically reevaluate implementation of the state's pretreatment program to determine whether a dedicated e-reporting system for SIU reports in municipalities without an approved pretreatment program is necessary. The Department will also ensure that future permits issued to SIUs in

municipalities without an approved pretreatment program require the use of the existing e-Reporting System.

Task Completion Timeline:

1. Notify EPA that EPA will be the initial recipient of data elements that are required to be electronically submitted by SIUs in municipalities without approved pretreatment programs, if the Department determines that EPA will be the initial recipient – December 2017
2. SIUs in municipalities without an approved pretreatment program begin submitting compliance reports – when EPA NeT becomes available

F. Sewer Overflow/Bypass Event Reports - See 40 CFR 122.41(l)(4), (l)(6) and (7), and (m)(3)

Agency/Contractor/EPA Roles and Responsibilities:

The Department plans to enhance its existing e-Reporting System to allow Florida wastewater facilities to submit Group 9 data elements directly to the Department for sewer overflow and bypass events. The system will include other data elements associated with sewer overflow and bypass events that are currently required to be reported.

As the Department develops the sanitary sewer overflow/bypass event e-Reporting System enhancements, the Department may also need to update its databases to include some or all Group 9 data elements. After the databases are updated and the e-Reporting System enhancements are complete, the Department will begin transferring data electronically to ICIS.

Task Completion Timeline:

1. Update Department rules to require NPDES facilities report specific state sanitary sewer overflow/bypass data elements on specific forms and reports – December 2019
2. Update the Department's e-Reporting System for state sanitary sewer overflow/bypass events – June 2020
3. Begin uploading Group 9 data elements to ICIS – December 2020

G. CWA section 316(b) Annual Reports - See 40 CFR 125, subpart J

Agency/Contractor/EPA Roles and Responsibilities:

The Department plans to enhance its existing e-Reporting System to allow for the submittal of Group 10 data elements by affected facilities to the Department for CWA section 316(b) annual reports. Department databases will also need to be updated to include all Group 10 data elements. After the databases are updated and the e-Reporting System enhancements are complete, the Department will begin transferring data electronically to ICIS.

Task Completion Timeline:

1. Update Department rules to require submittal of Group 10 data elements – December 2019
2. Update the Department's e-Reporting System for CWA section 316(b) annual reports – June 2020
3. Begin uploading CWA section 316(b) annual program reports data elements to ICIS – December 2020

H. Sewage Sludge/Biosolids Annual Program Reports - Complete this subsection only if the agency is the authorized NPDES program for biosolids; see 40 CFR 503

The Department is not the authorized NPDES program for biosolids.

I. Group 1 Data Elements Not Included in Reports Listed in Items 4.A. through H.

Department databases will need to be updated to include certain Group 1 data elements not included in the reports listed in Items 4.A. through H. These data elements include: collection systems, pretreatment programs, and basic POTW information on the NPDES permit application. The needed updates to the Department’s databases are dependent on EPA’s timeline for updating EPA’s ICIS database. The Department will begin transferring data electronically to ICIS once the database is updated and the e-Reporting System enhancements are complete.

Task Completion Timeline:

1. Update Department rules and forms to include certain Group 1 data elements not included in the reports listed in Items 4.A. through H. – December 2019
2. Begin uploading Group 1 data elements to ICIS – December 2020

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

In this section, describe Cross-Media Electronic Reporting Rule (CROMERR) compliance status for the agency’s e-reporting systems (e.g., anticipated application dates, approval dates or anticipated approval dates) for each Phase 2 NPDES data group. Clearly state if CROMERR approval dates will cover more than one data group (data group subsections may be combined as needed or there can be one date that applies to all categories). States that elect to use EPA’s electronic reporting tools can cite that in this section as these CROMERR approvals can be expedited.

The Department will be enhancing its existing, CROMERR-compliant e-Reporting System to address the noted data groups according to the timelines specified in Item 4 above.

6. State Statutes, State Regulation/Administrative Rule, and NPDES Permit Update Estimated Completion Dates

Provide scheduled estimated end dates for updating state statutes, regulations, and NPDES permits. Note if these have already been completed or are not necessary. Discuss the status of required regulatory issues.

The Department is not aware of any Florida statutes that will need to be revised to implement Phase 2 of the NPDES Electronic Reporting Rule. To implement Phase 1 and in planning for Phase 2, the Department has already adopted relevant portions of the NPDES Electronic Reporting Rule to require state-permitted NPDES facilities with individual wastewater permits to comply with the NPDES Electronic Reporting Rule. These portions were adopted by reference into Rule 62-620.100, Florida Administrative Code (FAC), on August 16, 2016.

In order to complete implementation of Phase 2, additional rules and forms will need to be revised to require that specific data elements be reported on specific forms and reports. Table 4 identifies Department rules and forms that will need to be revised, the purpose of the revisions, and estimated completion dates.

Table 4. Schedule of Regulatory Revisions Needed to Implement Phase 2 of NPDES Electronic Reporting Rule

Rule/Form Number	Purpose of Revision	Estimated Completion Date
Rule 62-620.610(20), FAC	Require sewer overflow and bypass events to be reported through the Department’s NPDES e-Reporting System for Group 9 data elements. (Such events are currently reported to the Department via other means).	December 2019

Rule 62-620.910, FAC	<ul style="list-style-type: none"> Revise Form 62-620.910(2) to add Group 1 data elements associated with collection systems, pretreatment programs, and basic POTW information that are required to be reported electronically. Develop and adopt a form to add Group 5 data elements to the CAFO annual report. Update application forms including Group 10 data elements for the CWA section 316(b) annual report. 	December 2019*
Rule 62-621.300, FAC	Add Group 2 data elements and require electronic submittal of NPDES general permit reports through the Department's e-Reporting System.	December 2019
Rule 62-624.600, FAC	Require Phase I Municipal Separate Storm Sewer Systems Annual Reports to be reported through the Department's e-Reporting System.	December 2019
Rule 62-625.600, FAC	Require annual pretreatment reports to be submitted through the Department's e-Reporting System for Group 7 data elements.	December 2019

* The Department is aware that EPA is in the process of revising its application forms; therefore, the Department is waiting for these revisions before adopting rule and forms revisions identified in Table 4.

7. Temporary and Permanent Waiver Approval Process (127.24c)

In this section, describe the agency's temporary and/or permanent waiver approval processes and criteria for granting waivers. Please include any current practices as well as future processes. If a waiver is granted, it is the responsibility of the regulatory agency to insure all Appendix A data received in paper format is shared with EPA in electronic format.

The Department has developed a waiver request template that a permittee may use to request a temporary or permanent waiver from the Phase 1 electronic DMR submittal requirements of the e-reporting rule. In 2020, the waiver request template will be available for the permittee to request a waiver from the Phase 2 requirements of the rule.

The Department has also developed a waiver review checklist for staff to use while reviewing waiver requests. The checklist ensures that a waiver is processed properly and verifies that the request includes the elements required under 40 CFR 127.15. Electronic submittal requirements will be temporarily waived for the period of time necessary to allow a permittee to be able to begin electronic submittal, generally the period of time requested by a permittee, up to 5 years. The Department will continue to work collaboratively with permittees to ensure a smooth transition to electronic reporting.

Department staff will permanently waive electronic submittal requirements for a permittee that indicates in a waiver request that it is owned or operated by members of a religious community that chooses not to use certain technologies (e.g., computers, electricity). A permittee that obtains a permanent waiver from the Phase 1 electronic DMR submittal requirement will not need to re-apply for a waiver from the Phase 2 requirements. The Department will periodically confirm with a permittee the criteria under 40 CFR 127.15(c)(1) is still met and the permanent waiver is still applicable.

The Department has developed a spreadsheet to track waiver related information, including the waiver related data elements the Department shares under the NPDES Electronic Reporting Rule (i.e., electronic reporting waiver type and electronic reporting waiver expiration date). The tracking spreadsheet will also be used while the Department's Wastewater Facility Regulation (WAFR) database is updated to include e-reporting waiver information (this project is currently in the analysis and development stage). The spreadsheet records the date the request was received and the date the facility was notified regarding its waiver request.

This will ensure compliance with the requirement under 40 CFR 124(a) that a waiver request be acted upon within 120 days.

The Department intends to periodically review and reevaluate its process for approving temporary and permanent electronic reporting waivers every five years.

8. Outreach and Training

In this section, summarize the outreach and training necessary to alert and educate NPDES regulated entities on how to utilize the agency's planned electronic reporting systems. Please include past, present and future information.

The Department intends to use many of the same techniques in educating Department staff, permittees, and other stakeholders on the Phase 2 requirements of the NPDES Electronic Reporting Rule as the Department employed for the Phase 1 requirements. Key outreach and training tasks for Phase 2 will include:

- Training Department permitting and compliance staff on the Phase 2 implementation schedule and the use of the e-Reporting System as the enhancements are completed;
- Posting information on electronic reporting requirements on the Department's websites and the Business Portal;
- Informing permittees when rules and forms are updated;
- Sending outreach letters to permittees informing them of upcoming Phase 2 reporting requirements and their associated deadlines;
- Making presentations and holding workshops on Phase 2 requirements for permittees on the Phase 2 implementation schedule and the use of the Department's e-Reporting System as the enhancements are completed; and
- Involving key organizations (e.g., Florida Rural Water Association, Florida Stormwater Association, Florida Industrial Pretreatment Association, etc.) to assist in disseminating information on Phase 2 requirements.

9. Alternative Options

In this section, summarize alternative options for converting to electronic reporting (e.g., utilization of EPA services and systems like NetDMR, NeT, or buying a Commercial Off-The-Shelf (COTS) system.) (This is a "Plan B" in case there are issues with implementing your "Plan A".)

The Department plans to enhance its existing e-Reporting System. If resource issues are encountered, the Department will research options to meet the rule. Those may include the utilization of EPA services and systems or the purchase of off the shelf software solutions.

10. Obstacles to Rule Implementation

In this section, describe any potential obstacles to e-reporting your agency anticipates, and discuss plans for overcoming these obstacles

As discussed above, needed rulemaking to update application forms is dependent on EPA's timeline for completing adoption of EPA's forms. Also, needed updates to the Department's databases and e-Reporting System are dependent on EPA's timeline for updating EPA's ICIS database and developing its reporting systems. Before making changes to the Department's databases and e-Reporting System, the Department needs to ensure that the data elements included in its systems are consistent and compatible with EPA's ICIS database and e-reporting systems. Schedules for implementation are dependent on the Department's understanding of EPA's timeline for updating EPA's ICIS database and developing its reporting systems. The Department needs EPA's ICIS database in place and all elements of EPA's e-reporting systems clearly identified to fully implement Phase 2. The Department anticipates tasks needed to implement Phase 2 of the NPDES Electronic Reporting Rule can be completed by the December 21, 2020 deadline.

11. Implementation Plan Reassessment

In this section, identify the circumstances when the agency will contact EPA regarding a possible reassessment of this Implementation Plan. This cooperative discussion between EPA and the agency is intended to help evaluate all options for ensuring that the agency will be able to continue working towards complying with the E-Reporting Rule.

The Department intends to periodically review its plan for complying with the Phase 2 requirements of the NPDES Electronic Reporting Rule and reassess whether we are meeting our milestones in developing our e-Reporting System. The Department will contact EPA regarding a possible reassessment of the Department's Phase 2 implementation plan if:

- The Department experiences major delays in developing its e-Reporting system, modifying its databases, or with other aspects of its plan to comply with the NPDES Electronic Reporting Rule;
- EPA experiences major delays in developing its forms updates and e-reporting tools or providing the Department with technical specifications for data elements included in Appendix A to 40 CFR part 127; or
- Unforeseen questions arise about implementation of Phase 2 e-reporting requirements.