

NPDES Electronic Reporting Rule Phase 2 Implementation Plan

Kentucky Division of Water
December 21, 2016

Implementation Plan Purpose

On October 22, 2015, EPA published the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule. This regulation requires the electronic reporting and sharing of Clean Water Act NPDES program information instead of the current paper-based reporting of this information.

The NPDES Electronic Reporting Rule (eRule) allows states to determine what electronic reporting tools and systems work best for each state and whether the state would like to be the initial recipient of NPDES compliance monitoring data. EPA does not dictate the electronic reporting tools that a state may use. Rather, EPA sets performance requirements for states that wish to build their own electronic reporting tools. States also have the option of using and, if desired, customizing electronic reporting tools 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 to EPA for review to ensure that the authorized NPDES program will meet the Phase 2 electronic reporting deadline. This plan must provide enough details (e.g., tasks, milestones, roles and responsibilities, necessary resources) to clearly describe how the program will successfully implement electronic reporting of Phase 2 data. This plan does not include electronic reporting of Discharge Monitoring Reports (DMRs).

In accordance with the final rule [40 CFR 127.26(h)], authorized NPDES programs must submit an Implementation Plan (IP) to EPA by December 21, 2016, for EPA's review. 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

The Kentucky Division of Water enters and maintains all Kentucky Pollutant Discharge Elimination System (KPDES) permitting data in EPA's *Integrated Compliance Information System* (ICIS). The permitting data entry includes basic facility and permit information, monitoring points, limit sets and monitoring requirements which are required to support eDMR implementation. New permitting actions are updated in ICIS within the first monitoring period of the permit or by the permit modification effective date. The Division of Water has therefore completed the requirement to transmit initial data for Phase I eRule implementation before the deadline of September 21, 2016.

The Division of Water completed implementation of NetDMR for electronic submittal of discharge monitoring report (DMR) data as of January 2016. As of October 1, 2016, 97.8% of KPDES permittees with DMR requirements are either active in NetDMR or are within the due date for the first monitoring period of their new permit. The Division of Water has therefore completed the requirement for permittees to begin submitting DMRs electronically in advance of the December 21, 2016 deadline. The Division of Water is actively working with permittees that are not using NetDMR to bring them into compliance with electronic reporting requirements.

The Division of Water utilizes a custom system called eForms for eNOI, NOT and No Exposure Certification submittals. Currently, six of the seven effective general permits with an NOI requirement are required to

submit eNOIs through the eForms system, and at least one of the three administratively continued general permits with an eNOI requirement will be added to the system commensurate with the permit renewal effective date. The Division of Water is considering waiver of eNOI requirements for one effective general permit and two administratively continued general permits based on technology limitations or low number of coverages for the general permit category.

2. Agency NPDES Universe

As of October 1, 2016, Kentucky administers the following universe of permits:

- A. Number of Active and Administratively Continued Major Individual NPDES Permits
 - a. 62 effective and 73 administratively continued permits.
 - b. 133 of 135 major permits have a DMR requirement
 - c. 133 of 133 major permits requiring DMR submittals are active in NetDMR

- B. Number of Active and Administratively Continued Minor Individual NPDES Permits
 - a. 1300 effective, 92 administratively continued and 22 expired permits
 - b. 1395 of 1416 minor individual permits have a DMR requirement
 - c. 1375 of 1395 minor individual permits requiring DMR submittals were active in NetDMR
 - d. 6 of the 20 permits not yet in NetDMR were within the due date for submittal of the first monitoring period of their permit
 - e. All active permits with monitoring limits have been entered into ICIS
 - f. Basic permit and facility information for all pending permits (new applications under review) have been entered into ICIS

- C. Number of Active and Administratively Continued MS4 Permits:
 - a. 3 effective and 51 expired permits – the small MS4 master general permit renewal for the 51 expired permits is in the final stages of review and approval
 - b. The MS4 general permit does not have a DMR requirement

- D. List of Agency General NPDES Permits with number of authorizations for each:
 - a. KYG040000 Coal Mining Facilities (118 expired coverages, will be replaced with Individual permits or KYGE40000/KYGW40000 coverages, NOIs no longer accepted, no NetDMR requirement)
 - b. KYG050000 Abandoned Mine Lands (PBR type of permit, no NOI or monitoring requirement)
 - c. KYG110000 Concrete and Asphalt Plants (201 effective coverages all with outfalls and limit sets, 2 eNOIs under review, 193 of 201 active in NetDMR)
 - d. KYG120000 Closed Landfills (PBR type of permit, no NOI or monitoring requirement)
 - e. KYG150000 General Aviation Facilities (PBR type of permit with 8 effective coverages to allow completed inspections to flow to ICIS, no NOI or monitoring requirement)
 - f. KYG200000 Small MS4s (51 expired coverages, final stages of renewal, no monitoring requirement, waiver of eRule requirements planned due to small number of permits and continuity of facility information and monitoring points)

- g. KYG400000 Single Family On-Site Wastewater Treatment Systems (921 effective coverages, 5 NOIs under review, no NetDMR requirement, waiver of eRule requirements planned due to lack of broadband access in rural or mountainous areas)
- h. KYG500000 Transportation Garages (130 expired coverages, final stages of renewal, 129 of 130 active in NetDMR)
- i. KYG640000 Drinking Water Plant Backwash (93 expired coverages, final stages of renewal, 93 of 93 active in NetDMR, waiver of eRule requirements planned due to small number of permits and continuity of facility information and monitoring points)
- j. KYG840000 Non-Coal and Mineral Mining Facilities (214 effective coverages, 2 eNOIs under review, 204 with outfalls and limit sets, 197 of 204 active in NetDMR)
- k. KYG990000 Pesticide Application Operations (PBR type of permit, no NOI or monitoring requirement)
- l. KYGE40000 East Kentucky Coal Mining Facilities (952 effective coverages, 55 eNOIs under review, 933 with outfalls and limit sets, 882 of 933 active in NetDMR)
- m. KYGW40000 West Kentucky Coal Mining Facilities (70 effective coverages, 5 eNOIs under review, 69 with outfalls and limit sets, 65 of 69 active in NetDMR)
- n. KYR000000 Industrial Storm Water Facilities (866 effective coverages, 5 eNOIs under review, 864 with outfalls/limit sets, 820 of 864 active in NetDMR)
- o. KYR100000 Construction Activity Storm Water Locations (1859 active coverages, approximately 90 eNOIs processed per month, no monitoring requirement)

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

The Kentucky Division of Water enters and maintains Kentucky Pollutant Discharge Elimination System (KPDES) permitting data in EPA's *Integrated Compliance Information System* (ICIS). This data entry process was completed for individual permits during Kentucky's data migration from PCS to ICIS in 2011, with subsequent new permitting actions manually entered into ICIS commensurate with the permit effective dates. For general permits, all permitting data entry except coal mining monitoring points, limit sets and monitoring requirements were completed during the PCS to ICIS migration in 2011, with new permitting actions sent to ICIS weekly via the state Node and CDX. New permitting actions for coal general permits, including monitoring points, limit sets and monitoring requirements have been sent to ICIS weekly via the state Node and CDX since the effective date of the KYGE40000 and KYGW40000 permits on October 1, 2014.

The permitting data entry and uploads include basic facility and permit information, monitoring points, limit sets and monitoring requirements which are required to support eDMR implementation. The Division of Water therefore completed the requirement to transmit initial data for Phase I eRule implementation before the September 21, 2016 eRule deadline.

The Division of Water selected NetDMR for eDMR submission, and completed implementation of NetDMR for KPDES individual permittees by the April 2015 monitoring period. NetDMR implementation for general permittees was completed by the January 2016 monitoring period. As of October 1, 2016, 3887 of 4022 (96.6%) of KPDES permittees with DMR requirements are active in NetDMR, and more than 239,000 DMRs have been submitted through the Kentucky instance of NetDMR since 2012. New KPDES permittees are required to begin using NetDMR by the due date for the first monitoring period of their permit; as of October 1, 2016, 46 of the 135 permittees that are not yet active in NetDMR are within the due date for their first submittal, leaving only 89 permittees (2.2%) out of compliance. The Division of Water is actively working with permittees that are not using NetDMR to bring them into compliance with electronic reporting requirements. With the current NetDMR status and Division of Water practices for data submittal to ICIS and eDMR requirements for permittees, the Division of Water completed the requirement to convert permittees to eDMR submittal prior to the December 21, 2016 eRule deadline.

The Division of Water utilizes a custom system called eForms for eNOI, NOT and No Exposure Certification submittals. The system is developed and maintained by the Division of Environmental Program Support in cooperation with the Division of Water. The eForms system is not currently CROMERR compliant; however, Single Sign On and identity proofing are in development with scheduled implementation no later than March 2017 and expected CROMERR application submission to EPA for review by June 2017. The eForms system interfaces with the Department of Environmental Protection's imaging, database and document management software, (Tempo360) for storage of eNOI submittals and eNOI data. When review of an eNOI has been completed and approved by program staff, the permitting information (facility, permit, outfall, limit set and monitoring requirements) is sent from eForms/Tempo to ICIS weekly via the state Node and CDX.

Currently, six of the ten active general permits with an NOI requirement are required to submit eNOIs through the eForms system. A seventh permit category (KGY500000) will be added to the eForms system upon renewal of the master general permit. The Division of Water is considering waiver of eNOI requirements for the remaining three general permits based on technology limitations or low number of coverages for the general permit category as follows:

- A. KYG200000 – Small number of coverages for permits that do not undergo substantial changes to outfalls and facilities, with few new permit NOIs received makes creating an eForm not economically practical.
- B. KYG400000 – Large number of coverages for permits that do not undergo substantial changes to outfalls and facilities, with few new permit NOIs received and limited broadband access for these rural users makes requiring eNOIs impracticable.

- C. KYG640000 – Small number of coverages for permits that do not undergo substantial changes to outfalls and facilities, with few new permit NOIs received makes creating an eForm not economically practical.

The Division of Water anticipates creating eForms within our current system for the program reports required by the eRule if standardized National report submittal tools are not developed in EPA's Net Tool. The Division of Water requests that EPA create these report forms in EPA Net to include all Appendix A required data elements, and further requests that EPA provide Kentucky with the opportunity to create Kentucky-specific report forms based on the National Standard form that include additional data elements that are required for state program purposes.

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

NPDES Data Group	Milestones	Target Date
1. Core Permitting Data	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Review of current eForms to ensure all Appendix A items are included Update of current eForms to incorporate all Appendix A items (if required)	3/1/2017 6/1/2017 12/1/2017 12/1/2017 7/1/2018
2. General Permit Reports (NOIs, NOTs, NOEs)	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Creation and Implementation of KYG500000 eForm (dependent on permit effective date) Review of current eForms to ensure all Appendix A items are included Update of current eForms to incorporate all Appendix A items (if required)	3/1/2017 6/1/2017 12/1/2017 4/1/2017 12/1/2017 7/1/2018
3. Discharge Monitoring Reports	Completed using NetDMR Updates of new permits and permit modifications	by effective date
4. Sewage Sludge/Biosolids Reports	Kentucky is not the authorized NPDES program for biosolids	N/A
5. CAFO Annual Report	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Review of data requirements for ICIS Upload of required CAFO information to ICIS Development of CAFO Report eForm Testing of CAFO Report eForm Implementation of CAFO Report eForm	3/1/2017 6/1/2017 12/1/2017 6/1/2019 7/1/2019 8/1/2019 9/1/2019 10/1/2019
6. MS4 Annual Report	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Review of data requirements for ICIS Development of MS4 Report eForm Testing of MS4 Report eForm Implementation of MS4 Report eForm	3/1/2017 6/1/2017 12/1/2017 8/1/2017 9/1/2017 10/1/2017 11/1/2017

7. Pretreatment Program Annual Report	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Review of data requirements for ICIS Development of Pretreatment Program Report eForm Testing of Pretreatment Program Report eForm Implementation of Pretreatment Program Report eForm	3/1/2017 6/1/2017 12/1/2017 4/1/2017 5/1/2017 6/1/2017 7/1/2017
8. SIU Compliance Reports in Municipalities Without Approved Pretreatment Programs	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Review of Clean Water Act and eRule to determine if KY has this delegated responsibility Review of data requirements for ICIS Development of SIU Report eForm Testing of SIU Report eForm Implementation of SIU Report eForm	3/1/2017 6/1/2017 12/1/2017 1/1/2019 2/1/2019, if required 3/1/2019, if required 4/1/2019, if required 5/1/2019, if required
9. Sewer Overflow Event Annual Report	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Regulatory review and update of required reporting methods Review of data requirements for ICIS Development of Sewer Overflow Event Annual Report eForm Testing of Sewer Overflow Event Annual Report eForm Implementation of Sewer Overflow Event Annual Report eForm Development of Sewer Bypass/Overflow Event Report eForm Testing of Sewer Bypass/Overflow Event Report eForm Implementation of Sewer Bypass/Overflow Event Report eForm	3/1/2017 6/1/2017 12/1/2017 1/1/2018 2/1/2018 3/1/2018 4/1/2018 5/1/2018 10/1/2018 11/1/2018 12/1/2018
10. CWA section 316(b) Annual Reports [40 CFR part 125, subpart J]	Identity proofing upgrade for eForms eForms CROMERR application submittal to EPA CROMERR approval for eForms Review of data requirements for ICIS Development of 316(b) Annual Report eForm Testing of 316(b) Annual Report eForm Implementation of 316(b) Annual Report eForm	3/1/2017 6/1/2017 12/1/2017 6/1/2018 7/1/2018 8/1/2018 9/1/2018

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: DEP DEPS – Deployment of Single Sign On
Task Completion Timeline: 1/5/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Development and initial testing of identity proofing
Task Completion Timeline: 2/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of identity proofing module for eForms
Task Completion Timeline: 2/15/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Technical Liaison to DEPS – Development of Identity Proofing training documents and outreach to current eForms users
Task Completion Timeline: 2/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move Identity proofing into a Public facing Test Environment
Task Completion Timeline: 2/15/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move Identity proofing into the Production environment
Task Completion Timeline: 3/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Submit eForms CROMERR application to EPA
Task Completion Timeline: 6/1/2017

Agency/Contractor/EPA Roles and Responsibilities: EPA – eForms CROMERR application approval
Task Completion Timeline: 12/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Appendix A data requirement and creation of KYG50000 eForm wireframe
Task Completion Timeline: 4/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Development of KYG50000 eForm
Task Completion Timeline: 5/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Development of KYG50000 eForm instructions and outreach to permittees
Task Completion Timeline: 5/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of KYG50000 eForm
Task Completion Timeline: 6/1/2017 or later, commensurate with permit effective date

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move KYG50000 eForm into Production Environment
Task Completion Timeline: 7/1/2017 or later, commensurate with permit effective date

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Permit NOI/NOT/NEC eForms to insure all Appendix A elements are incorporated
Task Completion Timeline: 12/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Update of Permit NOI/NOT/NEC eForms to add Appendix A elements as required in Test Environment
Task Completion Timeline: 4/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review and Testing of Updated eForms
Task Completion Timeline: 6/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move updated eForms into Production as required
Task Completion Timeline: 7/1/2018

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

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Appendix A data requirement and creation of eForm wireframe
Task Completion Timeline: 6/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Technical Liaison to DEPS – Identification, preparation and upload of basic facility and KNDOP permit information that will be required for upload of CAFO Annual reports, if required
Task Completion Timeline: 7/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Creation and initial testing of CAFO Report eForm
Task Completion Timeline: 8/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Creation of CAFO Report eForm instructions and outreach to permittees
Task Completion Timeline: 9/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of CAFO Report eForm
Task Completion Timeline: 9/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move CAFO Report eForm into the Production environment
Task Completion Timeline: 10/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Additional outreach to permittees (mail out)
Task Completion Timeline: 10/1/2019

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: DEP DOW Program Staff – Review of Appendix A data requirement and creation of eForm wireframe

Task Completion Timeline: 8/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Creation and initial testing of MS4 Report eForm

Task Completion Timeline: 9/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Creation of MS4 Report eForm instructions and outreach to permittees

Task Completion Timeline: 9/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of MS4 Report eForm

Task Completion Timeline: 10/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move MS4 Report eForm into the Production environment

Task Completion Timeline: 11/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Additional outreach to permittees (mail out)

Task Completion Timeline: 11/1/2017

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

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Appendix A data requirement and creation of eForm wireframe

Task Completion Timeline: 4/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Creation and initial testing of Pretreatment Program Report eForm

Task Completion Timeline: 5/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Creation of Pretreatment Program Report eForm instructions and outreach to permittees

Task Completion Timeline: 5/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of Pretreatment Program Report eForm

Task Completion Timeline: 6/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move Pretreatment Program Report eForm into the Production environment

Task Completion Timeline: 7/1/2017

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Additional outreach to permittees (mail out/email)

Task Completion Timeline: 8/1/2017 and 11/1/2017

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

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff/DEP Legal Staff – Review of Clean Water Act and eRule to determine if the Division of Water has this delegated responsibility
Task Completion Timeline: 1/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Appendix A data requirement and creation of eForm wireframe, if required
Task Completion Timeline: 2/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Creation and initial testing of SIU Compliance Report eForm, if required
Task Completion Timeline: 3/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Creation of SIU Compliance Report eForm instructions and outreach to permittees, if required
Task Completion Timeline: 3/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of SIU Compliance Report eForm, if required
Task Completion Timeline: 4/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move SIU Compliance Report eForm into the Production environment
Task Completion Timeline: 5/1/2019

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Additional outreach to permittees (mail out)
Task Completion Timeline: 6/1/2019

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: DEP DOW Program Staff / DEP Legal / Legislative – Review of eReporting requirements, KRS overflow reporting requirements and update of regulations if required
Task Completion Timeline: 1/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Appendix A data requirement and creation of eForm wireframe for Annual Report
Task Completion Timeline: 2/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Creation and initial testing of Sewer Overflow/Bypass Event Annual Report eForm
Task Completion Timeline: 3/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Creation of Sewer Overflow/Bypass Event Annual Report eForm instructions and outreach to permittees
Task Completion Timeline: 4/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of Sewer Overflow/Bypass Event Annual Report eForm
Task Completion Timeline: 5/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move Sewer Overflow/Bypass Event Annual Report eForm into the Production environment
Task Completion Timeline: 6/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Appendix A data requirement and creation of eForm wireframe for Annual Report
Task Completion Timeline: 8/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Creation and initial testing of Sewer Overflow/Bypass Event Annual Report eForm
Task Completion Timeline: 9/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Creation of Sewer Overflow/Bypass Event Annual Report eForm instructions and outreach to permittees
Task Completion Timeline: 10/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of Sewer Overflow/Bypass Event Annual Report eForm
Task Completion Timeline: 11/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move Sewer Overflow/Bypass Event Annual Report eForm into the Production environment
Task Completion Timeline: 12/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Additional outreach to permittees (mail out/email)
Task Completion Timeline: 5/1/2018, 11/1/2018, annually

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

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Review of Appendix A data requirement and creation of eForm wireframe
Task Completion Timeline: 6/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Creation and initial testing of CWA section 316(b) Annual Report eForm
Task Completion Timeline: 7/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Creation of CWA section 316(b) Annual Report eForm instructions and outreach to permittees
Task Completion Timeline: 7/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program Staff – Testing of CWA section 316(b) Annual Report eForm
Task Completion Timeline: 8/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DEPS – Move CWA section 316(b) Annual Report eForm into the Production environment
Task Completion Timeline: 9/1/2018

Agency/Contractor/EPA Roles and Responsibilities: DEP DOW Program staff – Additional outreach to permittees (mail out/email)

Task Completion Timeline: 9/1/2018, 11/1/2018

- H. Sewage Sludge/Biosolids Annual Program Reports –
Kentucky is not the authorized NPDES program for biosolids

Agency/Contractor/EPA Roles and Responsibilities: N/A, Biosolids program not delegated to Kentucky

Task Completion Timeline: N/A, Biosolids program not delegated to Kentucky

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

- A. General Permit Reports

CROMERR Approval Date: Pending application in June 2017, utilizing EPA shared services, request expedited review and approval by 12/1/2017.

- B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports

CROMERR Approval Date: Pending application in June 2017, utilizing EPA shared services, request expedited review and approval by 12/1/2017.

- C. Municipal Separate Storm Sewer System (MS4) Program Reports

CROMERR Approval Date: Pending application in June 2017, utilizing EPA shared services, request expedited review and approval by 12/1/2017.

- D. Pretreatment Program Reports

CROMERR Approval Date: Pending application in June 2017, utilizing EPA shared services, request expedited review and approval by 12/1/2017.

- E. Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs

CROMERR Approval Date: Pending application in June 2017, utilizing EPA shared services, request expedited review and approval by 12/1/2017.

- F. Sewer Overflow/Bypass Event Reports

CROMERR Approval Date: Pending application in June 2017, utilizing EPA shared services, request expedited review and approval by 12/1/2017.

- G. CWA section 316(b) Annual Reports

CROMERR Approval Date: Pending application in June 2017, utilizing EPA shared services, request expedited review and approval by 12/1/2017.

- H. Sewage Sludge/Biosolids Annual Program Reports

CROMERR Approval Date: N/A, Biosolids program not delegated to Kentucky

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

Kentucky will need to revise 401 KAR 5:015 regarding reporting of Sewer Spills and Bypasses to include an electronic reporting requirement. The Division of Water anticipates completion of regulatory changes by January of 2018.

NPDES permit language has been modified to require eDMR submittal. Appropriate language will need to be added will be included in new permitting actions to incorporate eRule reporting requirements commensurate with the permitting action effective date. If the Division of Water determines that a significant number of permits will not have appropriate language requiring eReporting prior to the planned implementations dates in Section 4 of this document, the Division of Water may elect to issue a blanket permit modification incorporating eRule requirements.

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

The Division of Water will institute a temporary or permanent waiver process which includes a written waiver request form. The waiver request forms received will be reviewed by program personnel on a case-by-case basis to determine acceptability of the waiver request. Valid reasons for granting the waiver request include but are not limited to religious, age-related, broadband accessibility, or other technological reasons. Following review, a written letter will be provided to the person or entity submitting the waiver with the decision, detailing the facility information, the decision and justification for the decision, and the waiver re-submittal requirement date if the granted waiver is temporary, or stating the waiver is permanent.

The Division of Water also anticipates granting a Waiver of electronic NOI requirements to three Master General Permit categories.

- A. KYG200000 – There are currently 51 Small MS4 permit coverages at facilities which do not undergo substantial changes to outfalls and equipment during the renewal cycle. Very few NOIs for new permit coverages are received, which makes creating an eForm economically impractical.
- B. KYG400000 – There are currently 921 On-Site Wastewater Treatment System (Home Unit) coverages at houses which do not undergo substantial changes to outfalls and equipment during the renewal cycle. Very few NOIs for new permit coverages are received, and most of the current coverages and new NOIs are from persons or entities without broadband or computer access. Based on these factors, the technical support cost for those submitting potential eNOIs is anticipated to be prohibitive, and the lack of broadband access in mountainous Kentucky regions makes an eNOI requirement technologically impractical.
- C. KYG640000 – There are currently 93 Drinking Water Plant Filter Backwash coverages at facilities which do not undergo substantial changes to outfalls and equipment during the renewal cycle. Very few NOIs for new permit coverages are received, which makes creating an eForm not economically practical.

8. Outreach and Training

The Division of Water began implementing eDMR submittal using NetDMR in 2013. Permittees received individualized mailings identifying when they were required to begin using NetDMR for DMR submittal. These mailings were included with their paper DMR forms each quarter, beginning 3 quarters prior to the date paper DMRs would no longer be accepted from the facility. Additional mailings were sent for facilities that had not met their NetDMR submittal requirement date.

In addition to bulk mailings, the Division of Water conducted multiple NetDMR training events at locations around the state, created a web page with FAQs and step-by-step instruction documents. The step-by-step documents showed the screens that users would see during the NetDMR account creation and DMR submittal process, and explained what actions were needed on each screen. Division of Water personnel remain available through phone and email to assist permittees with using NetDMR and resolving NetDMR issues.

The Division of Water will contact affected permittees and entities through direct mailing, email or phone at least two months prior to implementation of a new electronic submittal requirement. The form of communication will be dependent upon number of entities to contact and availability of verified email addresses (such as permittee NetDMR contacts). The Division of Water will also develop web pages for each new electronic submittal requirement prior to completing the initial permittee contact. The initial contact and web pages will include web form instructions, web links, requirement dates, and other pertinent information to aid permittees complete the required electronic submittals.

9. Alternative Options

The Division of Water anticipates creating eForms within our current system for the program reports required by the eRule; however, the minimum set of data elements required on these reports is dictated by the eRule Appendix A, and is therefore a National Standard. This provides an excellent opportunity for EPA to utilize shared services and EPA's NeT tool to create standardized national report forms.

If standardized report forms are created in NeT, and Kentucky has the opportunity to work with EPA contractors to add data elements to create a Kentucky specific form (should additional information be desired on the reports to aid with KPDES program management), the Division of Water would utilize NeT for these program reports.

10. Obstacles to Rule Implementation

The main obstacle to eRule implementation for the Division of Water will be the resources necessary to implement the eRule. Regulatory review, form design, creation and testing will require significant program staff time during a period when backlog reduction will remain a priority and a significant increase in the number of individual permit applications is anticipated based on the permit expiration dates of the current permit. The Division of Environmental Program Support also has limited resources for completion of the required programming. To alleviate pressures of personnel resources, the Division of Water has elected to spread out the implementation of the required electronic reports over the Phase II implementation period, while leaving time later in the implementation period to complete projects within the required time frame if delays occur.

The Division of Environmental Program Support requires funding for completion of these projects. The Department of Environmental Protection/Division of Environmental Program Support have received Exchange Network Grants to aid with funding of eForms programming and will apply for additional grants as required to defray the costs of eRule implementation.

For Sewer Bypass/Overflow Event reporting, the Division of Water does anticipate data quality issues with the reporting of overflow events, and permittee compliance with the requirement to report electronically. The Division of Water will need to work with Field Staff and the regulated community to develop a user friendly Bypass/Overflow Event eForm and to conduct both in-house and public training sessions when the eForm is completed.

11. Implementation Plan Reassessment

The Division of Water will monitor the progress made in implementing the eRule according to the schedule listed in Section 4 of this document, and will work with EPA to reassess this implementation plan in the event significant deviations to the schedule or implementation methods be required.

Specific instances requiring reassessment of the implementation plan include but are not limited to:

- Significant delays in the implementation schedule occur
- Significant changes to the method of implementation are required
- Required regulatory changes are delayed.