

NPDES Electronic Reporting Rule Phase 2 Implementation Plan

For Mississippi Department of Environmental Quality December 21, 2016

1. Overview/Executive Summary

All Mississippi permits with DMR requirements are currently in ICIS-NPDES. EPA's NetDMR system is being used by MDEQ for compliance with Phase 1 of the NPDES Electronic Reporting Rule (E-rule.) Multiple training opportunities were offered by the Mississippi Department of Environmental Quality (MDEQ) in 2015-2016 to comply with the Phase 1 implementation date, resulting in 44% of the permittees being registered for NetDMR. To comply with Phase 2 of the rule, Mississippi intends to use EPA's systems, as those become available.

2. Agency NPDES Universe

The numbers presented below are current as of December 15, 2016.

- A. Number of Active and Administratively Continued Major Individual NPDES Permits:
90 permits, all currently in ICIS-NPDES; 78% signed up for electronic DMR submittal via NetDMR.
- B. Number of Active and Administratively Continued Minor Individual NPDES Permits:
1300 permits, all currently in ICIS-NPDES; 40% signed up for electronic DMR submittal via NetDMR.
- C. Number of Active and Administratively Continued MS4 Permits:
35 permits, none currently in ICIS-NPDES.
- D. Number of Active and Administratively Continued Significant Industrial Users (SIU):
239 permits all currently in ICIS-NPDES, 66 % signed up for electronic DMR submittal via NetDMR.
- E. List of Agency General NPDES Permits with number of authorizations for each:

Baseline Industrial Stormwater (MSR00xxxx)- 1050 coverages, none currently in ICIS-NPDES.

Large Construction Stormwater (MSR10xxxx)-1689 coverages, none currently in ICIS-NPDES. Master general permit currently under reissuance.

Ready Mix Concrete (MSG11xxxx) – 169 coverages, all currently in ICIS-NPDES; 57% signed up for electronic DMR submittal via NetDMR.

Underground Storage Tank (UST) Remediation (MSG12xxxx)- 80 coverages, all currently in ICIS-NPDES; 55% signed up for electronic DMR submittal via NetDMR.

Hydrostatic Test (MSG13xxxx)– 54 individual coverages, all currently in ICIS-NPDES; 28% signed up for electronic DMR submittal via NetDMR.

Wet Deck (MSG17xxxx) – 79 coverages, all currently in ICIS-NPDES; 32% signed up for electronic DMR submittal via NetDMR.

Drinking Water (MSG18xxxx)- 8 coverages, all currently in ICIS-NPDES; only one (1) permittee currently signed up for electronic DMR submittal via NetDMR.

Poultry AFO (MSG22xxxx)- 47 coverages, all currently in ICIS-NPDES. No permits with DMR requirements.

Mining (MSR32xxxx) – 991 coverages, 55 currently in ICIS-NPDES, 24% of those permits in ICIS-NPDES are currently signed up for electronic DMR submittal via NetDMR.

Hot Mix Asphalt (MSR70xxxx) – 73 total, 6 individual coverages currently in ICIS-NPDES, only one (1) permit currently in ICIS-NPDES has DMR requirements.

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

Mississippi intends to continue using ICIS-NPDES database for all permits with DMR requirements and begin adding all other permits into the system. Mississippi has adopted the use of the national instance of NetDMR for compliance with Phase 1 of the E-rule. The use of NetDMR in Mississippi began in September 2015. To comply with Phase 2 of the rule, Mississippi intends to use EPA's electronic reporting tools as they are developed and become available.

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

Mississippi is part of a multi-state Exchange Network grant. The grant funds a collaboration among five (5) states to find common ways to update their current system (TEMPO) to accommodate some of the Phase 2 RIDE elements. This collaboration will not include all RIDE elements. Only those elements requested by all five (5) states will be included in the update. This grant does not fund the development of a flow from the TEMPO system into the ICIS-NPDES system. Therefore, Mississippi will continue to manually enter required data into ICIS-NPDES and use ICIS-NPDES as the primary database for all data groups until other options become feasible.

Currently, Mississippi has no plans to develop a flow from our internal database (TEMPO) to ICIS-NPDES. The state is looking into feasible solutions.

- A. General Permit Reports - Including NOIs, NOTs, NOEs, and LEWs; see 40 CFR 122.26(b)(15), 122.28, and 124.5
Mississippi intends to use NeT as the primary tool to receive this particular data family. We will look into ways to download the data back into an internal system in the future.
- B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports - See 40 CFR 122.42(e)(4)
Mississippi intends to use tools EPA develops for this data family as they become available.
- C. Municipal Separate Storm Sewer System (MS4) Program Reports - See 40 CFR 122.34(g)(3) and 122.42(c)
Mississippi intends to use tools EPA develops for this data family as they become available.
- D. Pretreatment Program Reports - See 40 CFR 403.12(i)
Mississippi intends to use tools EPA develops for this data family as they become available.
- E. Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs - See 40 CFR 403.12(e) and (h)
Not applicable
- F. Sewer Overflow/Bypass Event Reports - See 40 CFR 122.41(l)(4), (l)(6) and (7), and (m)(3)

Mississippi intends to use tools EPA develops for this data family as they become available.

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

Mississippi intends to use tools EPA develops for this data family as they become available.

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
Not applicable.

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

Mississippi Cross-Media Electronic Reporting Rule (CROMERR) application has been approved to include the use of NetDMR. We will be submitting an amended application to include the use of EPA's NeT tools for the following data groups: General Permit Reports, Concentrated Animal Feeding Operation (CAFO) Annual Program Reports, Municipal Separate Storm Sewer System (MS4) Program Reports, Pretreatment Program Reports, Sewer Overflow/Bypass Event Reports, CWA section 316(b) Annual Reports

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

Mississippi began incorporating language regarding the E-rule requirements into all new permit issuances, reissuances, and modifications in December 2015. The E-rule is adopted by reference into Mississippi regulations. It will be explicitly added to the regulations in the future, as those are modified to incorporate other changes.

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

Mississippi only intends to grant those waivers addressed in the E-rule.

8. Outreach and Training

Mississippi conducted extensive training for 15 months on the use of NetDMR as the tool for compliance with Phase 1 of the E-rule, prior to December 2016. A training video has also been made available to permittees who were unable to attend a live training.

As EPA's tools for Phase 2 become available, Mississippi anticipates conducting the same type of effort and outreach for the regulated community.

9. Alternative Options

Not applicable.

10. Obstacles to Rule Implementation

One of the obstacles Mississippi faces is the accessibility of high speed internet in some of the most rural areas. Notifications of the upcoming deadline to begin electronic submittal of DMRs were sent to all permittees, along with their pre-printed DMRs in the hopes this would encourage people to attend training and register in the system.

However, even after conducting extensive outreach and offering numerous training classes, the percent of permittees currently registered in NetDMR is 44% of those who have DMR requirements. The percent of registered users does not directly correlate to the number of people who attended the numerous training opportunities offered prior to the deadline.

Mississippi anticipates there will be many permittees who sign up for NetDMR in early 2017. We will send notice of violations to those submitting paper DMRs after the Phase 1 deadline of December 21, 2016.

If EPA does not develop electronic tools for the Phase 2 requirements, it would create a financial obstacle as MDEQ has limited resources to develop the needed software.

11. Implementation Plan Reassessment

Mississippi will contact EPA if there are any substantive changes to this plan.