

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

**North Dakota Department of Health
NDPDES Permits Program**

**Version 1
December, 2016**



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Implementation Plan Purpose

On October 22, 2015, the Environmental Protection Agency (EPA) published the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (eRule). 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 allows states to determine what electronic reporting tools and systems work best for them and whether they 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 North Dakota Department of Health (department) has developed the Electronic Reporting Information System (ERIS) to handle electronic submittal of reports to the department. ERIS is designed to handle all Environmental Protection Agency's (EPA) delegated authority program areas. Currently, ERIS is capable of handling the following North Dakota Pollution Discharge Elimination System (NDPDES) reports: general discharge monitoring reports (DMRs); EPA DMR's; stormwater DMR's; stormwater annual location reports; stormwater annual inspection reports; stormwater construction notice of intents (NOI's); and stormwater construction notice of terminations (NOT's).

ERIS is planned to be updated to handle all general permit reports (including NOIs), confined animal feeding operation (CAFO) annual reports, municipal separate storm sewer system (MS4) program reports, pretreatment program reports, significant industrial user compliance reports in municipalities without approved pretreatment programs, sewer system overflow/bypass event reports, and CWA section 316(b) annual reports. ERIS may also be updated to handle additional data flows not required by the eRule, as the NDPDES program may see fit. The department anticipates these fields to be available to permittees by December 21, 2020, dependent upon available funding and upload schema/data mapping availability being provided to the department from the EPA in a timely manner.

The key tasks for implementing the eRule are: 1) Identify any missing data flows which need to be added to the NDPDES database; 2) Update the NDPDES database to accept the missing data flows; 3) Update ERIS data fields to incorporate at least the minimum electronic reporting requirements of the eRule; 4) Update the NODE Plug-in to incorporate

any required additional fields; 5) Outreach and Training and; 6) Developing waiver criteria. These tasks are contingent upon available funding (grant awards through the Exchange Network) and the EPA providing the updated schema for the required fields in a timely manner for the NODE Plug-in updates.

Currently, the NPDES program has one data steward/coordinator and one data coordinator in the Chiefs office who manages all databases, IT grants, and IT contractors for the Environmental Health Section. These are the two key personnel in developing and updating the NPDES database, ERIS, and the Node Plug-in to meet the requirements of the eRule. The primary contact for the department for this implementation plan is the NPDES data steward/coordinator.

2. Agency NPDES Universe

The department oversees a total of 3,745 permitted facilities. Of the 3,745 permitted facilities there are: 98 POTW and non-POTW individual permits, nineteen (19) pretreatment permits, and nine (9) master general permits covering 3,042 facilities. Currently, the CAFO/AFO program is regulated under state laws and is not a NPDES program. There are currently seventy-three (73) CAFOs and 513 AFOs permitted through the state program. Below is a breakdown of the number of facilities permitted by the department as of October 25, 2016.

Permit Type	Number of Permits Issued
Major-Individual POTW-Non-POTW Permit	24
Minor-Individual POTW-Non-POTW Permit	74
Pretreatment	19
NDG12-Domestic waste discharges to Class I and IA Streams	60
NDG22-Domestic waste discharges to Class II Streams	30
NDG32-Domestic waste discharges to Class III Streams	197
NDG42-Discharge of domestic waste from package plants	20
NDG52-Discharges from water treatment plants	15
NDG87-Pesticided applications	40
NDR04-Municipal Separate Storm Sewer Systems	18
NDR05-Stormwater Industrial	237
NDR10-Stormwater Construction	2,222
NDR32-Stormwater Mining, Extraction and Paving	203
CAFO-Concentrated Animal Feeding Operations	73
AFO-Animal Feeding Operations	513
Total	3,745

Currently, the major individual permits, minor individual permits, NDG12, NDG22, NDG32, NDG42, and NDG52 permits are being uploaded to ICIS-NPDES. Only DMR data for the major individual permits is being sent to ICIS-NPDES. For the remaining permits which are being sent to ICIS-NPDES, the basic permit information, limit sets, and permit limits are being sent. All remaining permits will be integrated into ICIS-NPDES each quarter, to reduce the number of upload errors when the DMR data is uploaded to ICIS-NPDES.

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

For the current status of the departments NPDES data system, please refer to **Section 1**. **Section 1** outlines the current systems that the department has implemented for handling electronic reporting and data collection.

The department is currently developing the following eReporting tools in accordance with Phase II of the eRule:

1. SSO/Bypass Event Reports;
2. CAFO Annual Report;
3. MS4 Program Annual Report;
4. Pretreatment Annual Report; and
5. Stormwater Hybrid NOI.

The department has a task group made up of program staff from different sub-programs who identify missing data fields in the NDPDES database and develop the data field specifications and mapping. Once the specifications and mapping are complete, a contractor then incorporates the tools into ERIS for testing and production.

Future data fields/groups that will be added once the five (5) items above are completed are:

1. Significant industrial user compliance reports in municipalities without an approved pretreatment program;
2. No exposure certifications;
3. Notice of intents for general permits; and
4. CWA 316(b) annual reports.

To make these updates, the department plans to put together a task group to identify the data fields that will need to be updated in the NDPDES database and develop the specifications. The specifications will then be provided to a contractor who will incorporate the data fields into ERIS.

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

4.1. NDPDES database key tasks

In response to the eRule, the department will need to update and add data fields for some of the data fields outlined in Appendix A. Below is a list of the NPDES program data categories which will need to be added to the NDPDES database or be updated in addition to the data categories identified in **Section 3**.

1. Stormwater no exposure certification;
2. Stormwater construction notice of intent data fields;
3. Stormwater industrial notice of intent data fields;
4. MS4 notice of intent data fields;
5. Update the POTW application information fields once EPA provides the department with the modifications;
6. Update pretreatment application data fields once EPA provides the department with the modifications;
7. CWA 316(b) information provided on applications; and

8. CWA 316(a) information.

The data field updates and additions are expected to be completed by December 21, 2020. This timeframe is contingent upon the EPA providing the data field modifications to the department in a timely manner which provides the department adequate time to perform the updates and additions, and upon funding provided through the Exchange Network Grant program.

4.2. Node plug-in updates

Once the data fields are updated or added to the NDPDES database, the node plug-in schema will also need to be updated to match the schema for ICIS-NPDES. Before the department can update the schema, the EPA will need to provide the updated or new schema to the department. This update is expected to be completed by December 21, 2020. The timeframe is contingent upon the EPA providing the schema/data mapping to the department in a timely manner which provides the department adequate time to perform the updates to the node plug-in schema and upon funding provided through the Exchange Network Grant program.

4.3. Electronic Submissions/ERIS Updating

In order to meet the eRule requirements, the department will also need to update ERIS.

4.3.1. General Permit Reports

The department has ERIS setup to accept stormwater construction (NDR10) NOIs and NOTs. The department plans on expanding ERIS to accept NOIs and NOTs for all of the remaining general permits. These permits are: NDG12, NDG22, NDG32, NDG07, NDG42, NDG52, NDG87, NDR05, and NDR32. Since the schema has already been developed for the NDR10 NOI and NOT, the department plans on utilizing the schema for a baseline, but then make updates for each general permit.

Department staff would identify the application data fields which are required by the general permit and then develop the specifications based on the data fields. A contractor will then update ERIS to incorporate the general permit NOI. Once the updates are made to ERIS, department staff will perform testing. Once the testing phase is complete, the contractor will push the updates to ERIS production for use by permittees.

This update is expected to be completed by December 21, 2020. The timeframe is contingent upon the EPA providing the schema/data mapping to the department in a timely manner which provides the department adequate time to perform the updates to the node plug-in schema and upon funding provided through the Exchange Network Grant program.

4.3.2. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports

Currently the department does not have any CAFO facilities which meet the definition of a CAFO outlined in 40 CFR 122.23. All facilities are currently regulated under the state regulations outlined in North Dakota Administrative Code (NDAC) § 33-16-01 and NDAC § 33-16-03.1. Though the department does not have any CAFOs regulated under NPDES, the department still plans on updating the database, ERIS, and the node plug-in schema to incorporate the

required data fields so that the system will be ready and functional in the event a CAFO meets the requirements of 40 CFR 122.23.

Department staff would identify any additional data fields which are required in Appendix A which are not yet in the NDPDES database. Department staff would then add the additional fields to the NDPDES database. The specifications would be developed based on the data fields. A contractor will update ERIS to incorporate the necessary data fields for the annual report. Once the updates are made to ERIS, department staff will perform testing. Once the testing phase is complete, the contractor will push the updates to ERIS production for use by permittees.

This update is expected to be completed by December 21, 2020. The timeframe is contingent upon the EPA providing the schema/data mapping to the department in a timely manner which provides the department adequate time to perform the updates to the node plug-in schema and upon funding provided through the Exchange Network Grant program.

4.3.3. Municipal Separate Storm Sewer System (MS4) Program Reports

The department is currently working on developing the data fields for the MS4 annual report. Department staff have identified the data fields which will need to be added to the NDPDES database. The department has not updated the NDPDES database to incorporate any additional fields due to not having the unique codes from the EPA for the data fields. The department also needs the schema/mapping from the EPA in order to proceed with updating the NDPDES database, ERIS, and the Node plug-in schema.

Once the unique codes are provided to the department, department staff will update the NDPDES database and develop the specifications to provide to the contractor. The contractor will then incorporate the data fields into ERIS. Once the updates are made to ERIS, department staff will perform testing. Once the testing phase is complete, the contractor will push the updates to ERIS production for use by permittees.

This update is expected to be completed by December 21, 2020. The timeframe is contingent upon the EPA providing the schema/data mapping to the department in a timely manner which provides the department adequate time to perform the updates to the node plug-in schema and upon funding provided through the Exchange Network Grant program.

4.3.4. Pretreatment Program Reports

The department is currently working on developing the data fields for the pretreatment annual report. Department staff have identified the data fields which will need to be added to the NDPDES database. The department has not updated the NDPDES database to incorporate any additional fields due to not having the unique codes from the EPA for the data fields. The department also needs the schema/mapping from the EPA in order to proceed with updating the NDPDES database, ERIS, and the Node plug-in schema.

Once the unique codes are provided to the department, department staff will update the NDPDES database and develop the specifications to provide to the

contractor. The contractor will then incorporate the data fields into ERIS. Once the updates are made to ERIS, department staff will perform testing. Once the testing phase is complete, the contractor will push the updates to ERIS production for use by permittees.

This update is expected to be completed by December 21, 2020. The timeframe is contingent upon the EPA providing the schema/data mapping to the department in a timely manner which provides the department adequate time to perform the updates to the node plug-in schema and upon funding provided through the Exchange Network Grant program.

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

For information about significant industrial user compliance reports in regards to municipalities without approved pretreatment programs, please refer to **Section 4.3.4.**

4.3.6. Sewer Overflow/Bypass Event Reports

The department is currently working on developing the data fields for sewer overflows/bypass event reports. Department staff have identified the data fields which will need to be added to the NDPDES database. The department has updated the NDPDES database to incorporate data fields which were not yet in the NDPDES database. The department has developed the specifications for the sewer overflow/bypass event report.

The specifications will be provided to the contractor. The contractor will then incorporate the data fields into ERIS. Once the updates are made to ERIS, department staff will perform testing. Once the testing phase is complete, the contractor will push the updates to ERIS production for use by permittees.

Once the EPA updates the schema for the sewer overflow/bypass event report, the department will need to revise and update the Node plug-in schema in order to flow the data to ICIS-NPDES.

This update is expected to be completed by December 21, 2020. The timeframe is contingent upon the EPA providing the schema/data mapping to the department in a timely manner which provides the department adequate time to perform the updates to the node plug-in schema and upon funding provided through the Exchange Network Grant program.

4.3.7. CWA section 316(b) Annual Reports

The department has not yet started on developing the necessary data fields for the CWA section 316(b) annual reports. Currently, the facilities which are subject to 316(b) are still conducting their entrainment studies. Facilities are in their second year of conducting entrainment studies.

Department staff would identify the application data fields which are required by the general permit and then develop the specifications based on the data fields. A contractor will then update ERIS to incorporate the general permit NOI. Once the updates are made to ERIS, department staff will perform testing. Once the

testing phase is complete, the contractor will push the updates to ERIS production for use by permittees.

This update is expected to be completed by December 21, 2020. The timeframe is contingent upon the EPA providing the schema/data mapping to the department in a timely manner which provides the department adequate time to perform the updates to the node plug-in schema and upon funding provided through the Exchange Network Grant program.

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

The department's ERIS has been approved by the EPA for air, water, and waste. The electronic reporting information system was approved on September 12, 2014. The approval was for all data groups.

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

6.1. State Statutes, State Regulation/Administrative Rule

The department will not need to update any state statutes or regulations. Currently, the reporting of monitoring results is addressed in NDAC § 33-16-01.23. NDAC § 33-16-01.23 states: "Reports shall be submitted on the proper national pollutant discharge elimination system reporting form which will be supplied to the permittee by the department."

6.2. NPDES Permit Updates

The department plans on updating NPDES permits to require electronic submittal as permits are re-issued. All NPDES permits are expected to be updated to require electronic submittal of required permit data by January 1, 2022, unless they have obtained a temporary waiver from electronic reporting.

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

7.1. Temporary Waivers

The department will be allowing temporary waivers from electronic reporting for permittees. All major facilities, stormwater construction permittees, MS4 permittees, and pretreatment permittees will be required to submit the required reports outlined in the eRule to the department electronically. Temporary waivers will be allowed for the following reasons: 1) no internet access; 2) no computer access; 3) annual Reports (upon approval of the department); 4) employee turnover (3 month periods only); and 5) short duration permits (upon approval of the department) (e.g. Temporary dewatering permits, one-time pesticide application permits, etc.). The department may also issue temporary waivers for special circumstances which a permittee has no control over (e.g. a fiber optical cable which services the facility gets cut). Waivers issued due to special circumstances will have a duration of three (3) months. Below are the permit categories and which permit type may obtain a temporary waiver if the meet one of the criteria outlined above.

Permit Type	Qualify for a Waiver*†
POTW & Non-POTW Permit	
Majors	No Waiver allowed
Minors	Waiver allowed
Stormwater Permit	
Construction	No Waiver allowed
Industrial	Waiver allowed
Mining	Waiver allowed
MS4	No waiver allowed
Temporary Discharge Permit	
	Waiver allowed
Pesticide Permit	
	Waiver allowed
Pretreatment Permit	
	No Waiver allowed
CAFO/AFO Permit	
	Waiver allowed
Water Treatment Plant Permit	
	Waiver allowed
* Special circumstance: Employee turnover and other circumstances which may arise (upon department approval).	
† Special circumstance situations that are granted a waiver will have a duration of three (3) months. The permittee shall have submitted an electronic user agreement to the department prior to the expiration of the three month time frame.	

In order for a facility/permittee to obtain a temporary waiver from electronic reporting, the permittee must complete SFN 60992 Application for Temporary Electronic Reporting Waiver. The permittee must submit a complete application which contains the original signature of the person who has signatory authority. Once received by the department, the application is stamped with the received date. The department will have 120 days to approve or deny the application. Once reviewed, the department will then mail a letter to the applicant either approving or denying the application. Approved waivers will be valid for a period of up to five (5) years. Each permittee which has obtained a waiver must re-apply prior to the expiration of the previous waiver in order to avoid a lapse in being able to submit reports on paper. An approved waiver is not transferrable. The department may not grant waivers without receiving a complete application first.

7.2. Permanent Waivers

Currently, the department does not have any permitted facilities which meet the requirements outlined in 40 CFR 127.15 (religious communities which choose not to use certain modern technologies) for obtaining a permanent waiver. Therefore, the department will not be developing criteria for permittees to obtain a permanent waiver, nor will the department be issuing permanent waivers. If a facility which meets the criteria outlined in 40 CFR 127.15 for a permanent waiver, the department will develop criteria for permanent waivers at that time.

7.3. Episodic Waivers

The department may issue an episodic waiver for prolonged system outages, when ERIS is down or is expected to be down for a period of 96 hours. Examples of when an episodic waiver may be granted due to system outages include but are not limited to: the state server going down, ERIS going down and the state server or ERIS is cyber attacked.

The department may issue an episodic waiver during large scale emergencies involving catastrophic circumstances beyond the control of the permittee/facility. Examples of an episodic waiver may be granted due to large scale emergencies involving catastrophic circumstances include but are not limited to: tornadoes, fire, floods, and other national disasters.

The issuance of episodic waivers will be determined by the department on a case-by-case basis. Permittees/facilities will not have to request an episodic waiver. The department will notify permittees when an episodic waiver is granted. Issued episodic waivers are not to exceed sixty (60) days. When an episodic waiver is granted, permittees must submit hard copies of their reports to the department.

8. Outreach and Training

Purpose: To identify groups of permittees that are affected by the electronic reporting rule and identify ways that the department can inform each group of the rule change and how to utilize the department's ERIS.

In addition to targeted outreach methods outlined below, the department will be available to provide personalized ERIS training upon request from any permittee or group of permittees.

8.1. Stormwater

8.1.1. There are four (4) types of storm water permits that are affected by the e-reporting rule. These are: Construction, Industrial, MS4, and Mining.

8.1.2. There are five (5) ways the department proposes to inform stormwater permittees of the rule changes. These include: public presentations, small group presentations, informational handouts, mailings, and website notifications. See **Figure 1**.

8.1.2.1. Public Presentations: The department proposes to present annually at the North American Sediment Erosion Control Association (NASECA) Conference which takes place in the spring of each year. The conference is moved around the state and reaches an audience consisting of contractors, municipalities, state agencies, and consultants. The department also proposes to present annually at the North Dakota Water Pollution Control Conference (NDWPCC) which takes place in the fall of each year. The conference is moved around the state and reaches an audience consisting of municipalities, consultants and industry individuals.

- 8.1.2.2.** Small Group Presentations: The department proposes on-site training for small groups of permittees that are on the same permit, such as the Mining Stormwater Permit of the MS4 Permit.
- 8.1.2.3.** Informational Handouts: The department performs annual inspection of mining facilities, industrial facilities, MS4 municipalities, and construction sites. The department proposes to prepare an informational pamphlet to hand out during each inspection. The department proposes to prepare an informational handout to distribute to contractors during the annual Home Shows that takes place in the spring of each year.
- 8.1.2.4.** Mailings: The department maintains a list of active permits. The department proposes quarterly mailings to facilities. Mailings will include information on upcoming deadlines and actions that the permittee will need to take. Mailings will only be sent out to facilities that do not have an active ERIS user and have not submitted a waiver form.
- 8.1.2.5.** Website Notifications: The department will maintain and keep up-to-date a website to inform permittees of any upcoming deadlines and additional functions of ERIS.

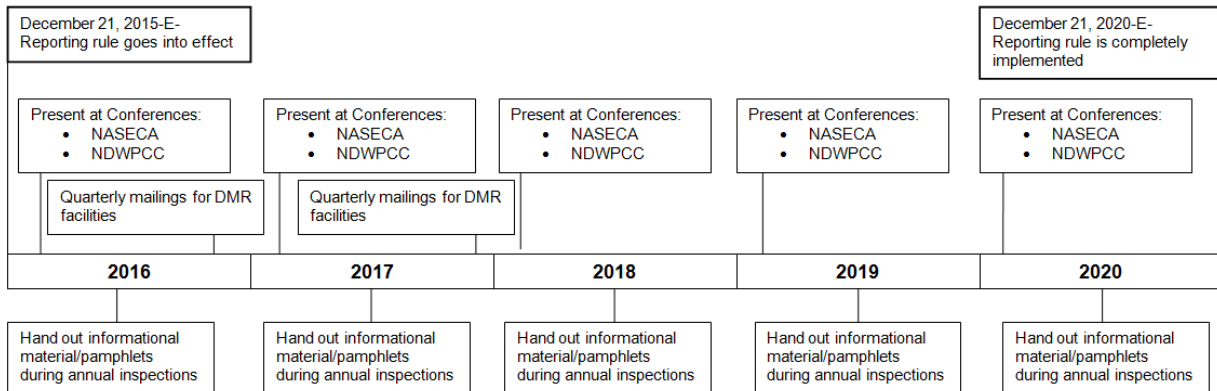


Figure 1: Stormwater Outreach Timeline

8.2. Concentrated Animal Feeding Operations (CAFO)

8.2.1. There are six (6) ways the department proposes to inform CAFO facilities of the rule changes. These include: informational handouts, mailings, industry publications, public presentations, informational booths, and website notifications. See **Figure 2**.

8.2.1.1. Informational Handouts: The department performs annual inspections of CAFO facilities. The department proposes to prepare an informational pamphlet to hand out during each inspection.

8.2.1.2. Mailings: The department maintains a list of CAFO facilities. The department proposes quarterly mailings to the facilities. Mailings will include information on upcoming deadlines and actions that the permittee will need to take. Mailings will only be sent out to facilities that do not have an active ERIS user and have not submitted a waiver form.

8.2.1.3. Industry Publications: The department can reach out to the industry by submitting articles to the following industry publications: North Dakota State University (NDSU) Extension Newsletter which reaches an audience composed of farmers, ranchers, dairy operation owners, hog operation owners, and feedlot owners; Stockmen's publication reaches an audience that is composed of ranchers, feedlot owners, and livestock auction owners; Farm and Ranch Guide reaches a varied and general agricultural audience; and Agweek reaches a varied and general agricultural audience.

8.2.1.4. Public Presentations: The department can reach out to the industry by utilizing public presentations at the following state conventions and meetings (when needed): NDSU Extension Feedlot Workshop, Watershed Coordinators, State Dairy Association, Stockmen's Association, and the State Hog Association. The Watershed Coordinator Convention would reach an audience of federal, state, and county agencies who interact with the affected facilities. The NDSU Extension Feedlot Workshop would reach an audience of past, present, and future feedlot owners. The State Dairy Association Convention would reach an audience comprised of dairy operation owners. The Stockmen's Association Convention would reach an audience comprised of ranchers, feedlot owners, and livestock auction owners. The Stockmen's Association also annually puts on a Feedlot Tour which would reach an audience of past, present, and future feedlot owners. The State Hog Association Convention would reach an audience comprised of hog operation owners.

8.2.1.5. Informational Booths: The department can reach out to the industry by the set up of an information booth at industry shows (when needed). The following venues may be attended: Bismarck Ag International and Valley City Winter Show. These venues reach an audience of farmers, ranchers, and feedlot owners.

8.2.1.6. Website Notifications: The department will maintain and keep up-to-date a website to inform permittees of any upcoming deadlines and additional functions of ERIS.

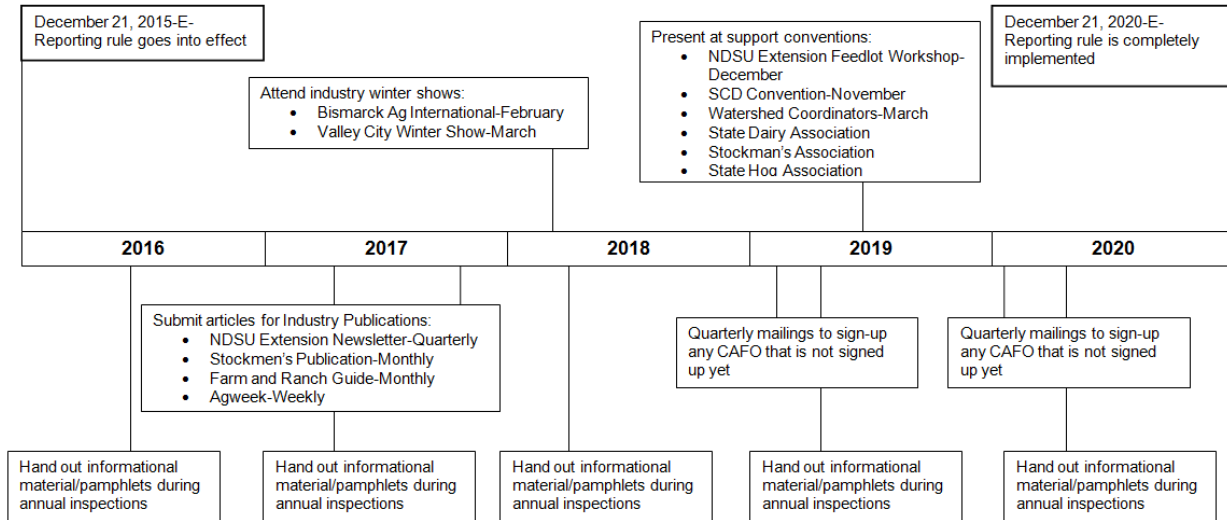


Figure 2: CAFO/AFO Outreach Timeline

8.3. Pretreatment

8.4. There are four (4) ways the department proposes to inform pretreatment facilities of the rule changes. These include: informational handouts, mailings, small group presentations, and website notifications. See **Figure 3**.

8.4.1. Informational Handouts: The department performs inspections of pretreatment facilities with each facility being inspected once every five years. The department proposes to prepare an informational pamphlet to hand out during each inspection.

8.4.2. Mailings: The department maintains a list of all pretreatment facilities. The department proposes quarterly mailings for all pretreatment facilities, which can be reduced to bi-annual mailings if the program determines that to be more efficient to inform the facilities. Mailings will include information on upcoming deadlines and actions that the permittee will need to take. Mailings will only be sent out to facilities that do not have an active ERIS user and have not submitted a waiver form.

8.4.3. Public Presentations: The department proposes to present annually at the North Dakota Water Pollution Control Conference (NDWPCC) which takes place in the fall of each year. The conference is moved around the state and reaches an audience consisting of municipalities, consultants and industry individuals. The department also proposes to present annually during Operator Training which takes place during the spring of each year. Operator training is required for all POTWs that serve a

population of greater than 500 people but does include some POTWs with a population of less than 500 people.

- 8.4.4. Website Notifications: The department will maintain and keep up-to-date a website to inform permittees of any upcoming deadlines and additional functions of ERIS.

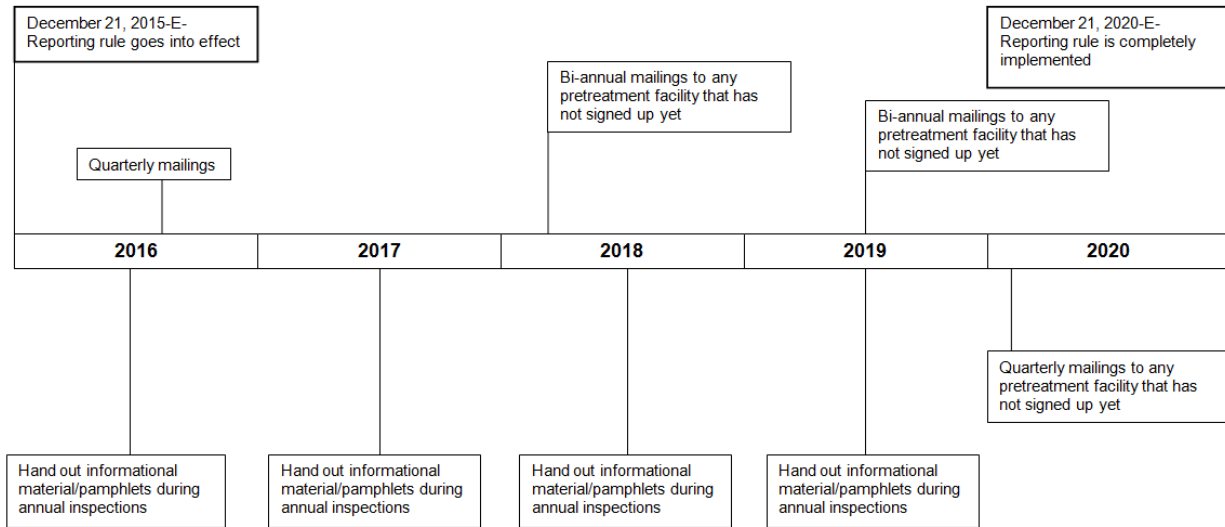


Figure 3: Pretreatment Outreach Timeline

8.5. Publicly Owned Treatment Works (POTWs)

8.6. There are four (4) ways that the department proposes to inform POTW facilities of the rule changes. These include: informational handouts, mailings, public presentations, and website notifications. See **Figure 4**.

- 8.6.1. Informational Handouts: The department performs inspections on all POTW facilities. Some facilities are inspected annually while others are inspected once every five years. The department proposes to prepare an informational pamphlet to hand out during each inspection.
- 8.6.2. Mailings: The department maintains a list of POTW facilities. The department proposes quarterly mailings to the facilities. Mailings will include information on upcoming deadlines and actions that the permittee will need to take. Mailings will only be sent out to facilities that do not have an active ERIS user and have not submitted a waiver form.
- 8.6.3. Public Presentations: The department proposes to present annually at the North Dakota Water Pollution Control Conference (NDWPCC) which takes place in the fall of each year. The conference is moved around the state and reaches an audience

consisting of municipalities, consultants and industry individuals. The department also proposes to present annually during Operator Training which takes place during the spring of each year. Operator training is required for all POTWs that serve a population of greater than 500 people but does include some POTWs with a population of less than 500 people.

8.6.4. Website Notifications: The department will maintain and keep up-to-date, a website to inform permittees of any upcoming deadlines and additional functions of ERIS.

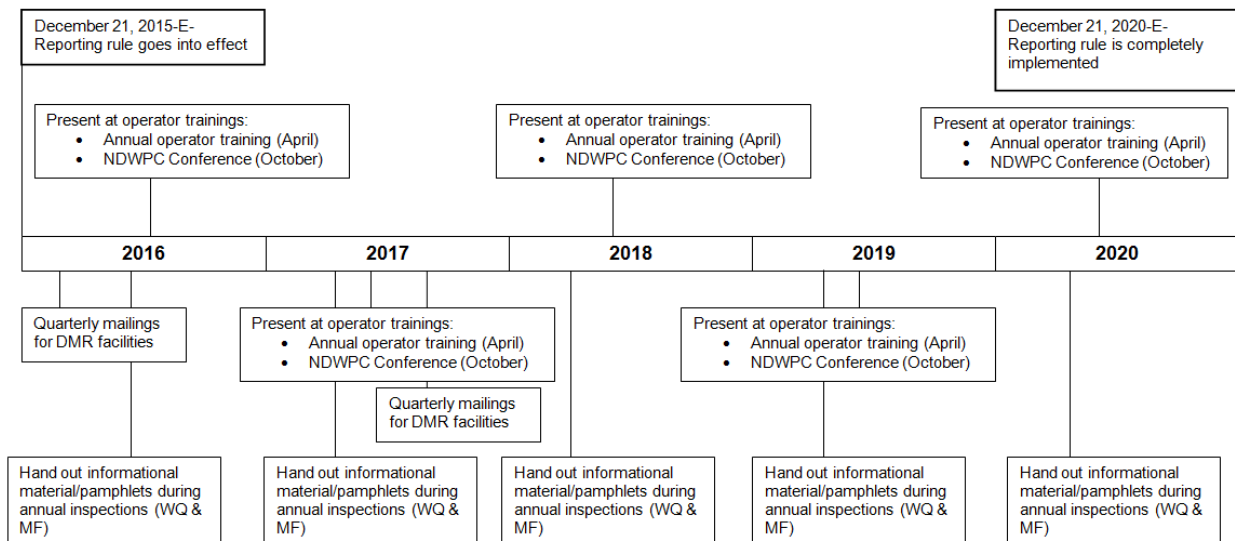


Figure 4: POTW Outreach Timeline

8.7. Water Treatment Plants

8.7.1. There are four (4) ways that the department proposes to inform water treatment plant facilities of the rule changes. These include: informational handouts, mailings, public presentations, and website notifications. See **Figure 5**.

8.7.2. Informational Handouts: The department performs inspections on all water treatment facilities. Some facilities are inspected annually while others are inspected once every three years. The department proposes to prepare an informational pamphlet to hand out during each inspection.

8.7.3. Mailings: The department maintains a list of water treatment facilities. The department proposes quarterly mailings to the facilities. Mailings will include information on upcoming deadlines and actions that the permittee will need to take. Mailings will only be sent out to facilities that do not have an active ERIS user and have not submitted a waiver form.

8.7.4. Public Presentations: The department proposes to present annually at the North Dakota Water Pollution Control Conference (NDWPCC) which takes place in the fall of each year. The conference is moved around the state and reaches an audience consisting of municipalities, consultants and industry individuals. The department also proposes to present annually during annual Operator Training which takes place during the spring of each year. Operator training reaches all public community drinking water systems that serve a population of greater than 25 people. In addition, the department proposes to present at the annual Surface Water Treatment Workshop. This workshop reaches an audience of operators, consultants, engineers, and regulators who work or operate a Surface Water Treatment Plant.

8.7.5. Website Notifications: The department will maintain and keep up-to-date a website to inform permittees of any upcoming deadlines and additional functions of ERIS.

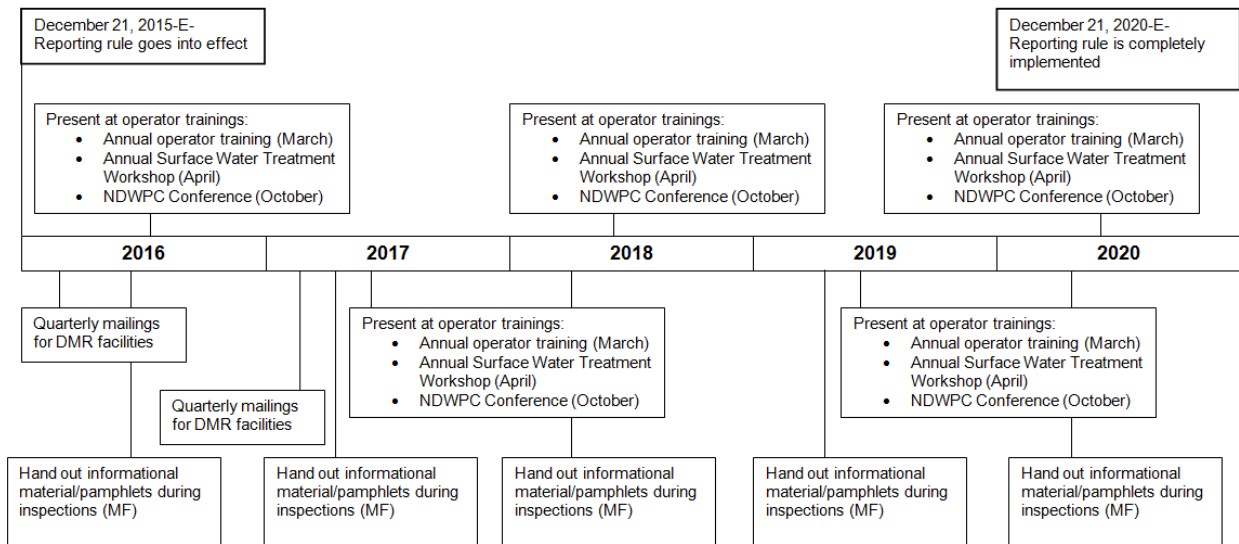


Figure 5: Water Treatment Plant Outreach Timeline

8.8. Industry Specific Facilities

8.8.1. The department permits a number of industry specific facilities such as food processing, ethanol production, metal finishing, etc. facilities. There are three (3) ways that the department proposes to inform industry specific facilities of the rule changes. These include: informational handouts, mailings, and website notifications. See **Figure 6**.

- 8.8.2. Informational Handouts: The department performs inspections on all industry specific facilities on a one to five year basis. The department proposes to prepare an informational pamphlet to hand out during each inspection.
- 8.8.3. Mailings: The department maintains a list of all industry specific facilities. The department proposes bi-annual mailings to the facilities. Mailings will include information on upcoming deadlines and actions that the permittee will need to take. Mailings will only be sent out to facilities that do not have an active ERIS user and have not submitted a waiver form.
- 8.8.4. Website Notifications: The department will maintain and keep up-to-date a website to inform permittees of any upcoming deadlines and additional functions of ERIS.

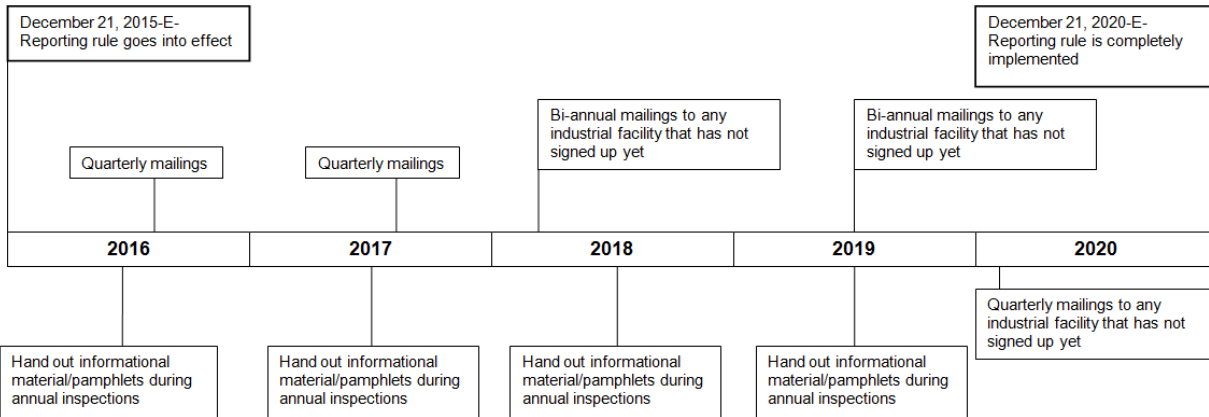


Figure 6: Industry Specific Facilities Outreach Timeline

8.9. Temporary Discharge Facilities

- 8.9.1. The department permits a number of temporary discharge facilities such as pump testing of water wells, remediation activities and pipeline construction and hydrostatic testing. There are four (4) ways the department proposes to inform temporary discharge facilities of the rule changes. These include: informational handouts, mailings, public presentations, and website notifications. See **Figure 7**.
 - 8.9.1.1. Informational Handouts: The department is currently developing a standard operating procedure for the inspection of temporary discharge facilities. The department proposes to prepare an informational pamphlet to hand out during inspections performed by department personnel.
 - 8.9.1.2. Mailings: The department maintains a list of all temporary discharge facilities. The department proposes quarterly mailings to the facilities. Mailings will include information on upcoming deadlines and actions that

the permittee will need to take. Mailings will only be sent out to facilities that do not have an active ERIS user and have not submitted a waiver form.

- 8.9.1.3. Public Presentations:** The department proposes to present annually at the North American Sediment Erosion Control Association (NASECA) Conference which takes place in the spring of each year. The conference is moved around the state and reaches an audience consisting of contractors, municipalities, state agencies, and consultants. The North Dakota Department of Mineral Resources, Division of Oil and Gas is currently undergoing a rule change. New rules will be in effect in October 2016. At that point, the Division of Oil and Gas will be developing training for pipeline operators about the rule changes which the department will participate in.
- 8.9.1.4. Website Notifications:** The department will maintain and keep up-to-date a website to inform permittees of any upcoming deadlines and additional functions of ERIS.

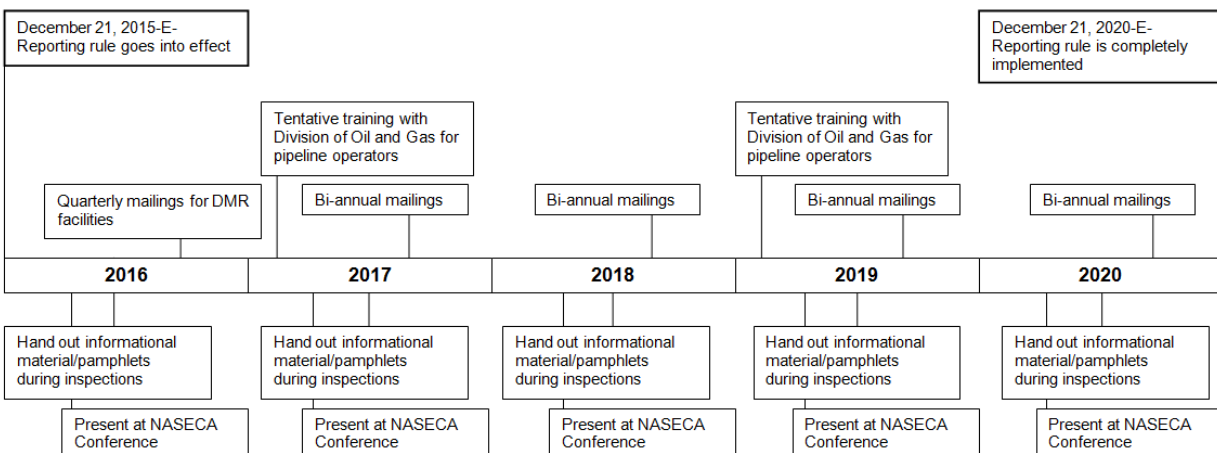


Figure 7: Temporary Discharge Outreach Timeline

9. Alternative Options

The department does not plan on utilizing NetDMR, Net, or purchasing a Commercial Off-The-Shelf (COTS) system. Utilizing NetDMR or Net would require the department to upload and download data from EPA. The department has a philosophy of using its own locally housed database system as the primary repository of information.

In the event that the department cannot meet the timelines in the eRule, the department will continue to develop ERIS to incorporate the required reports. During the interim, the department would continue to receive paper reports, enter them into the NDPDES database, and electronically submit the data to ICIS-NPDES.

10. Obstacles to Rule Implementation

The department has identified the following potential obstacles that could potentially delay the department from meeting the timelines in the eRule:

- Finalized schema and mapping provided to the department in sufficient time;
- Staffing Constraints;
- Budget constraints; and
- Facility/permittee constraints

If the finalized schema and mapping for uploading data from the department to ICIS-NPDES is not provided in a timely manner, the department will continue to work on the dataflow utilizing the most current information provided to the department by the EPA. The department has already experienced obstacles for updating the NDPDES database and ERIS due to the EPA not having ICIS-NPDES and the schema developed for the CAFO annual program reports, the MS4 program reports, and the pretreatment program reports. Work on these three (3) dataflows has ceased due to the department needing the unique codes for the dataflows outlined in the eRule. Once the unique codes are established, the department can then update the NDPDES database and ERIS to incorporate the dataflows. The unique codes are needed prior to the department continuing work because the codes are needed to build the reference tables in the NDPDES database. The delay in the schema and mapping could potentially cause a funding issue with awarded grants through the exchange network.

Currently the department has two (2) staff members which are administrators for the NDPDES database. One (1) is the IT/data coordinator for the entire Environmental Health Section, and the other is within the NDPDES program. The department does not have its own IT division, or staff members whose work duties are strictly IT/database management. Due to other work duties, the staff members will not be able to dedicate 100 percent of their time updating the NDPDES data systems. The updates for NDPDES will be high priority for staff, but may be bumped due to other duties being a higher priority at that time (e.g. permit renewals, inspections, etc.). When the NDPDES program is fully staffed, there are eleven (11) staff members. Currently, the program has ten (10) staff members. Due to budgetary constraints, the department has a hiring freeze in place.

The department is currently working under a grant which expires in September 2017. The grant is for the development of the CAFO annual program report, the MS4 program reports, and the pretreatment program reports. If the schema and data mapping is not provided to the department within a reasonable time (prior to September 2017) the department may risk losing grant money for development of the reports. The department anticipates having to request an extension on the grant. If the grant extension is not granted, the department may need to incorporate some of the updates into other grants, after the grant conditions have been met. This would further delay the department on meeting the timelines of the eRule.

The department has also received partial funding through the Exchange Network to develop notices of intents and update ERIS for the following general permits: minor domestic wastewater treatment, drinking water treatment, temporary dewatering, and pesticide application. The grant included updating the stormwater NOI in ERIS and the NDPDES database to include the additional required data fields outlined in Appendix A of the eRule. Also included in the partially funded grant was updating ERIS to include the additional data

elements required by the eRule and updating the Node plug-in to accommodate the additional data elements. If the department does not continue to obtain grant monies or loses one of the current grants for ERIS updating, the department would need to continue development and updating in house as staff availability and budget allows.

Another obstacle that the department has identified that could potentially delay the department from meeting the timelines in the eRule is that facilities/permittees will also face their own constraints. North Dakota is mainly a rural state and contains many small municipalities (populations less than 500). The small municipalities in North Dakota may not have access to internet service or they may not own a computer. Though these municipalities qualify for a temporary waiver from electronic reporting, they can still be difficult to contact due to limited office hours, and/or employment is on a part time basis. Some permittees may also ignore the letters sent to them informing them that they will be required to submit DMRs and reports electronically and need to sign up for ERIS.

11. Implementation Plan Reassessment

The department will reassess the implementation plan when significant deviations from the plan occur or when deemed necessary by the department.