

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

## **Rhode Island Department of Environmental Management 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 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](mailto:NPDESElectronicReporting@epa.gov).

### **1. Overview/Executive Summary**

RI DEM currently utilizes EPA's ICIS-NPDES data system for tracking permitted features, compliance monitoring, violation determinations, and enforcement. Historically, a data entry person has manually entered effluent data reported on Discharge Monitoring Reports (DMRs); permit content from applications, issued permits and consent agreements; inspections; and enforcement (formal and informal) decisions. On April 16, 2015 RI DEM submitted an Opt-Out Notification for EPA to be the 'initial recipient' of electronic data flow for the following data groups: General Permit Reports, DMRs, CAFOs, MS4 Program Reports, Pretreatment Program Reports, Significant Industrial Users Compliance Reports in Municipalities without Approved Pretreatment Programs, Sewer Overflow/Bypass Event Reports, and CWA Section 316(b) Annual Reports. The RI DEM acknowledges that it will maintain its primary roles and responsibilities for implementing and enforcing the RIPDES program and will also retain its responsibilities for electronic reporting registration and training as well as continuing its data steward duties.

Since March 2014 RI DEM has been implementing EPA's electronic reporting tool NetDMR to receive DMR data from its permittees. A phased approach has been used to notify facilities, provide training, and ensure registration in NetDMR. RI DEM has just completed NetDMR training for all individual RIPDES permittees and is working on ensuring that all of the permittees that have received training sign-up and start using NetDMR to report effluent data. RI DEM anticipates attaining CROMERR approval for all relevant data groups by mid-2017. The RI DEM primary contact for the RI DEM State Implementation Plan (SIP) is listed below:

Aaron Mello at 401-222-4700, extension 7405, or by email [aaron.mello@dem.ri.gov](mailto:aaron.mello@dem.ri.gov);

## 2. R.I. Department of Environmental Management RIPDES Universe

This section is a “snapshot” in time as of Friday, December 16, 2016. The RIPDES Universe counts were taken from a Facility Data Download from ECHO GOV. The below tables provides the names of master general permits (MGP) and counts of general permit authorizations for each MGP, and also the counts of Major/Minor Individual RIPDES permits and approved Pretreatment Programs. The number of various general permits changes periodically (e.g. RGP, CGP) as new authorizations are issued and active authorizations expire or are terminated.

RIPDES Permit Type	Master General Permit No.	Master General Permit Expires	Number of Permits (Universe as of 12/16/16)
Major Individual	N/A	N/A	23
Minor Individual	N/A	N/A	50
Non-Contact Cooling Water GP	RIG250000	9/30/2018	10
Remediation GP	RIG85AAAA – RIG85JJJJ	9/30/2018	10
Pesticide GP	N/A	6/21/2017	Authorizations are not issued thru RIPDES nor tracked in ICIS-NPDES.
Small MS4 Stormwater GP	RIR040000	12/19/2008	41
Multi-Sector Stormwater GP	RIR500000	8/14/2018	186
Construction Stormwater GP	RIR100000	9/25/2018	74
Approved Pretreatment Programs	N/A	N/A	15

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

### A. RIPDES Permitting / Compliance Monitoring / Violation Determination / Enforcement:

- RI DEM currently uses the EPA ICIS-NPDES data system where the following data elements are directly entered by data entry staff:
  - Individual permit facility, discharge, and general application information;
  - Individual permit conditions, such as monitoring requirements and schedules;
  - General permit data elements from NOI, NOT, No Exposure Certification, etc.
  - Compliance monitoring (inspections), violation determinations (SEVs), and enforcement actions and penalties;
  - Monitoring data (being phased out with NetDMR implementation)

**B. Annual / Periodic Reports:**

- RI DEM receives annual and periodic reports via paper submissions. Reports are manually tracked into the ICIS-NPDES data system by data entry staff.

**C. Electronic Reporting Tools:**

- RI DEM is implementing a phased roll-out of EPA's electronic reporting tool NetDMR for RIPDES permittees to submit their DMRs electronically:
  - RI DEM's Instance in NetDMR was created on 3/21/14;
  - As of 12/16/16, there are 37/73 (50.7%) Individual permittees submitting Copy of Records (CORs), with 59/73 (80.8%) registered with a chosen Signatory;
  - In the first half of CY17 RI DEM will continue to work with the remaining 14 individual permittees, who have not yet created a NetDMR account, to ensure that they register in NetDMR and the remaining 36 individual permittees, who have not yet submitted CORs, to ensure that they start submitting DMR data using NetDMR.
  - RI DEM anticipates notifying and training RGP and NCCW GP facilities on NetDMR in February 2017. MSGP permittees that report benchmark monitoring via DMRs will be notified and trained in a 2<sup>nd</sup> phased approach beginning in July 2017. The MSGP phased approach may take 1-1.5 years to complete;
  - RI DEM has been incorporating electronic reporting requirements into Individual RIPDES permits upon each permit's reissuance. This process is ongoing;
  - RI DEM will incorporate electronic reporting language in the MSGP, RGP and NCCW GPs upon their reissuances.
- RI DEM will be utilizing EPA's reporting tool NeT for RIPDES permittees to transmit all required Phase 2 data elements (NOIs, NOTs, Reports, etc.)
  - RI DEM intends to incorporate Phase 2 NPDES E Rule reporting language in all RI DEM GPs upon their reissuance;
  - RI DEM intends to incorporate Pretreatment Program and sewer overflow event reporting requirements into the applicable RIPDES permits as the permits are reissued after EPA develops the specific NeT tools for these data groups;
  - RI DEM anticipates working with EPA staff to provide training of permittees and technical assistance for all NeT tools dependent on the GP reissuance plan;
  - RI DEM must attain CROMERR approval for NeT implementation prior to notification/training.
  - The current RI DEM MGP reissuance plan has the following GP reissuance dates:
    1. PGP and MS4 GP – in FFY17 (10/1/16 - 9/30/17)
    2. NCCW/RGP/MSGP/CGP – in FFY18 (10/1/17 – 9/30/18)

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

As noted in Section 3 of the State Implementation Plan (SIP), RI DEM currently is a direct user of EPA's ICIS-NPDES data system and EPA's NetDMR tool. **All the below data groups applicable to RI DEM will be facilitated by the use of EPA's NeT tool and the specific tools for each group. The use of these NeT tools will be incorporated into RI DEM permits as the permits are reissued after the NeT tools become available.**

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

RI DEM/EPA Roles and Responsibilities: Incorporate electronic reporting requirements into GPs as the MGPs are reissued after EPA makes the NeT tools available, provide training and technical assistance, and ensure necessary data elements are entered into ICIS-NPDES.

Task Completion Timeline: December 21, 2020

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

N/A – There are currently no CAFOs regulated by RI DEM

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

RI DEM/EPA Roles and Responsibilities: Incorporate electronic reporting requirements into GPs as the MGPs are reissued after EPA makes the NeT tools available, provide training and technical assistance, and ensure necessary data elements are entered into ICIS-NPDES.

Task Completion Timeline: December 21, 2020

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

RI DEM/EPA Roles and Responsibilities: Include the Phase 2 E Rule electronic reporting requirements in the RIPDES permits that contain Pretreatment Programs as the permits are reissued after EPA makes the NeT tools available, provide training and technical assistance, and ensure necessary data elements are entered into ICIS-NPDES.

Task Completion Timeline: December 21, 2020

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

N/A – There are currently no SIUs in Municipalities without approved Pretreatment Programs

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

RI DEM/EPA Roles and Responsibilities: Include the sewer overflow/bypass event Phase 2 E Rule electronic reporting requirements in RIPDES permits as the permits are reissued after EPA makes the NeT tools available, provide training and technical assistance, and ensure necessary data elements are entered into ICIS-NPDES.

Task Completion Timeline: December 21, 2020

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

RI DEM/EPA Roles and Responsibilities: Incorporate the CWA Section 316(b) electronic reporting requirements into the applicable RIPDES permits as the permits are reissued after EPA makes the NeT tools available, provide training and technical assistance, and ensure necessary data elements are entered into ICIS-NPDES.

Task Completion Timeline: December 21, 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

N/A – This program is managed by EPA Region 1

**5. CROMERR Compliance Status for Agency Electronic Reporting Systems**

**RI DEM intends to apply for CROMERR approval for all the below applicable data groups for the EPA’s electronic reporting tool NeT in FFY17.** In a January 20, 2016 email from Karen Seeh (CROMERR Program Manager) to RI DEM, it was noted that RI DEM would not have to attain a separate Attorney General certification as part of the NeT CROMERR application and that RI DEM’s NeT system could be approved by EPA within 4-6 weeks of RI DEM applying.

- A. General Permit Reports  
CROMERR Approval Date: FFY17
- B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports  
CROMERR Approval Date: N/A
- C. Municipal Separate Storm Sewer System (MS4) Program Reports  
CROMERR Approval Date: FFY17
- D. Pretreatment Program Reports  
CROMERR Approval Date: FFY17
- E. Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs  
CROMERR Approval Date: N/A
- F. Sewer Overflow/Bypass Event Reports  
CROMERR Approval Date: FFY17
- G. CWA section 316(b) Annual Reports  
CROMERR Approval Date: FFY17
- H. Sewage Sludge/Biosolids Annual Program Reports  
CROMERR Approval Date: N/A

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

Implementation Task	Target Completion Date	Status
Revise State statutes and/or State rules	Not needed	Not Needed
Revise the individual permit reporting language	12/21/2020	In Progress
Revise Master General Permits	As each master general permit is renewed after the appropriate NeT tools are made available by EPA (See Section 2 for expiration dates)	In Progress

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

Temporary and permanent waivers, when approved, apply to all electronic reporting tools (i.e. NetDMR, and electronic reporting systems for periodic reports (NeT) required to be used by the permit.

Permanent waivers would apply if the permittee has a religious objection to electronic reporting. Permanent waivers do not expire.

Temporary waivers would apply if the permittee:

- does not have a computer;
- does not have internet access;
- has limited internet speed; or
- needs additional training on electronic reporting tools.

**RI DEM is not currently providing the option of applying for a temporary or permanent waiver in the electronic reporting language being included in Individual RIPDES permits, nor anticipates including this option in the language to be included in reissuances of its General Permits (MSGP, NCCW, RGP, MS4, and CGP).** RI DEM does not believe there to be any permittees in the State that would be unable to report electronically due to limited access to computers or the internet, or due to their religious beliefs. If a permittee is unable to report electronically due to the reasons mentioned above the RI DEM would develop an appropriate temporary/permanent waiver application and approval process in accordance with the NPDES Electronic Reporting Rule.

## 8. Outreach and Training

The RI DEM has provided five (5) Phases of notification/training to Individual permittees regarding the NPDES electronic reporting rule and Phase 1 reporting requirements to permittees through electronic correspondence and hard copy mail. Following each notification a RI DEM-sponsored NetDMR training session was conducted. The RI DEM provides ongoing technical assistance to entities impacted by the rule through the RI DEM NetDMR Coordinator and Office of Customer Technical Assistance Permit Application Center (PAC). This outreach and assistance will continue throughout the implementation of Phase 2 of the electronic reporting rule. Specifically, the RI DEM will continue to provide assistance via the Coordinator and PAC, distribute information to regulated entities regarding upcoming electronic reporting deadlines via electronic correspondence and reissuances of the GPs, and provide information to attendees at training sessions as they are conducted.

The following outreach events have been conducted as of December 21, 2016.

<b>Outreach Activity</b>	<b>RI DEM Office</b>	<b>Date Outreach Occurred</b>	<b>Comments (attendance #, target audience, etc.)</b>
NetDMR Training Session	Office of Water Resources	April 17, 2015	15 facilities; major municipal
NetDMR Training Session	Office of Water Resources	May 11, 2016	13 facilities; major industrial and minor individual
NetDMR Training Session	Office of Water	August 11, 2016	13 facilities; minor

<b>Outreach Activity</b>	<b>RI DEM Office</b>	<b>Date Outreach Occurred</b>	<b>Comments (attendance #, target audience, etc.)</b>
	Resources		individual
NetDMR Training Session	Office of Water Resources	November 17, 2016	7 facilities; major and minor individual
NetDMR Training Session	Office of Water Resources	November 18, 2016	7 facilities; minor individual

In addition to these efforts, the RI DEM will explore other avenues to educate and train regulated entities on how to utilize the agency's electronic reporting systems. This includes:

- modify existing RI DEM website to provide an overview of electronic reporting, sources of training, and a list of reporting systems that are applicable to each entity type;
- distribute letters to targeted entities,
- develop guidance documents to help entities effectively utilize electronic reporting systems,
- send e-mails to regulated entities to inform them of upcoming deadlines or training opportunities, and
- conduct workshops/in-house training sessions to educate and inform entities of new requirements.

## 9. Alternative Options

- All general permits that are proposed to be added to electronic permitting will be completed once the MGP is reissued after the applicable NeT tools are made available by EPA.
- If ICIS-NPDES permit data flow is delayed, RI DEM will enter data directly into ICIS.

## 10. Obstacles to Rule Implementation

- Staffing: RI DEM may not be able to comply with the electronic reporting percentage goal in the rule based on limited State resources to notify and train regulated entities and pending the filling of a vacant Technical Staff Assistant. RI DEM is currently interviewing to fill the vacant position that was formerly the ICIS-NPDES Data Entry position. The new position will be considered the RIPDES Data Steward moving forward and become more involved with various aspects of implementing EPA's electronic reporting tools (NetDMR and Net) in Rhode Island.
- Additional Data Elements: The addition of new data elements required by the E Rule for all regulated facilities and GPs may require revisions to RI DEM in-house practices of tracking various elements previously not tracked. During development of RI DEM's tools within NeT with EPA's assistance, RI DEM will need to ensure these data elements, schedules in the State's GPs, etc. are coded into ICIS-NPDES.
- Construction Stormwater GP: The Freshwater Wetlands (FWW), Water Quality Certification (WQC), Groundwater Discharge/Underground Injection Control (GWD/UIC), and the Rhode Island Pollutant Discharge Elimination System (RIPDES) Programs all require the use of the RI Stormwater Manual. The current permitting application method does not always require a separate NOI when the other regulatory programs in the Office of Water Resources reviews an application, and issuance of their authorization may approve the RIPDES CGP. The Coordinated Stormwater Program has determined that only one application is required to be submitted to RI DEM, even if a project is subject to the requirements of more than one OWR permitting program. In order to comply with the Phase 2 E Rule requirement the RI DEM is going to have to do the following:

- Determine how the contents of the single application will be able to collect the necessary data elements required by the NPDES E Rule;
- Evaluate the use of COTS systems that can be CROMERR approved for those applicants that require RIPDES CGP authorization as well as authorization from other OWR programs;
- Due to the complex inter-office coordination and to ensure the application process is customer friendly, RI DEM anticipates entering pertinent CGP data elements directly into ICIS-NPDES.

## **11. Implementation Plan Reassessment**

- New legislation which will impact laws or rules for the master general permits or individual permits.
- Current proposed and future EPA rules that will impact the master general permits or individual permits.

If one or more of the conditions mentioned above is not meeting or projected not to meet compliance with the RI DEM/RIPDES Electronic Reporting Phase II Implementation Plan, the agency will (pro) actively engage with both EPA Region 1 and EPA Headquarters.