

# **NPDES Electronic Reporting Rule Phase 2 Implementation Plan For South Dakota Department of Environment and Natural Resources November 30, 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**

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

NetDMR is used to enter DMR data. Currently about 85% of our permittees are submitting DMRs via NetDMR. SDDENR will be using EPA's electronic reporting tools to meet Phase 2 reporting requirements. Currently, we enter data directly into ICIS and download that data to our internal database. We are in the process of developing a new internal database. We intend to enter all data into that database and batch upload the data from this new database to ICIS. This database is expected to be completed by December 21, 2016. SDDENR will be the initial recipient for all data groups. Since we will be using EPA's electronic reporting tools, the final implementation date is highly dependent on when EPA makes these tools available.

## **2. Agency NPDES Universe**

*This section is a "snapshot" in time and should include a date of when these numbers were calculated. Provide the names of your NPDES individual and master general permits (MGP) and counts of general permit authorizations for each MGP currently under the jurisdiction of your agency. Please also indicate the number of permits that are currently not in EPA's ICIS-NPDES database. Please mention anticipated large changes in these*

numbers (new or terminating MGPs). If you wish, electronic reporting counts or percentages may also be included in this section. The following list is for example purposes only and you should group your permits as you wish.

Permit numbers are as of 12/6/16. These numbers do not include CAFO.

- A. Number of Active and Administratively Continued Major Individual NPDES Permits: 27.
- B. Number of Active and Administratively Continued Minor Individual NPDES Permits: 218
- C. Number of Active and Administratively Continued MS4 Permits:
  - a. Individual =1
  - b. General = 15
  - c. We are in the process of adding 4 to the general permit.
- D. Biosolids: 25
- E. Industrial Pretreatment: 14
- F. CAFO: 425 general permit coverage; 3 individual permits
- G. List of Agency General NPDES Permits with number of authorizations for each:
  - a. SDG860000 = 65
  - b. SDG820000 = 112
  - c. SDG920000 = 7
  - d. SDG027359 = 19
  - e. SDPG00000 = 18
  - f. SDR100000 Stormwater Construction = 1387
  - g. SDR000000 Stormwater Industrial = 1006
  - h. SDG070000 Temporary Discharge = 90
  - i. SDG010000 CAFO General = 425
  - j. Multimedia/Mines = 110

SDR000000, SDR100000, SDG070000, SDG010000, and multimedia are not currently in ICIS. We will be batch uploading these.

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

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

NetDMR is used to enter DMR data. Emergency Discharge DMRs/forms will be manually entered into ICIS or in our SW database when it becomes available. It will then be uploaded to ICIS.

NeT tools will be utilized as reports become available for general permit reporting requirements.

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

*In this section, if you have a current system, describe key tasks for updating the agency NPDES data systems to manage and share the data in each of the Phase 2 Data Groups with EPA's ICIS-NPDES (e.g., adding new data elements to state NPDES data systems, updating the state's electronic data transmission capabilities, including incorporating new data schemas and Environmental Information Exchange Network node plug-ins). If you do not have a current system, describe your development and/or purchasing process and timelines. If multiple state agencies administer these programs, this can be a combined plan or each agency may submit a plan. Please indicate if you plan to use the EPA NeT system for any of these items. Timelines will then be as NeT becomes available. For either scenario, describe the roles and responsibilities for agency staff, contractors (if needed), and EPA (if needed). Include estimated completion timelines for each of the key tasks for each data group in this section. Clearly state if data system updates will cover more than one data group (data group subsections may be combined as needed). Indicate if your plan is to direct enter data into ICIS rather than electronically flow data. As an example, data groups have been listed below. Your agency may have different*

names for these groups. These are for example purposes only. The following table summarizes the major milestones for each NPDES Data Group.

NPDES Data Group	Milestones	Target Date

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

SDDENR has applied for an Exchange Network grant that we intend to use for developing the data flows between our new database and the general permit reports created using EPA’s electronic reporting tools. If awarded, this grant will be available in September, 2017.

Task Completion Timeline: 12/21/2020

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

Agency/Contractor/EPA Roles and Responsibilities:

If funding is available, SDDENR plans to work with our SD Bureau of Information technology to develop the tools for inputting and uploading the data required for NPDES CAFO permit annual reports. The EPA has indicated they are working on this and may have a model states can use. Because this tool is not available at this time, this requires us to make some assumptions on its usefulness, etc.

SDDENR’s is in the final stages of reissuing its general CAFO permit. Unless it is appealed to circuit court, we anticipate the permit will be issued by January 31, 2017. Permitted operations have up to four years to apply for coverage under the general permit and can apply for either state permit coverage or NPDES permit coverage. Once all operations have permit coverage under the reissued permit, SDDENR will require those with NPDES permits to provide annual permits electronically.

Task Completion Timeline: 08/31/2021

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

SDDENR participated along with Florida on the development of MS4 NOI and annual report forms using EPA’s electronic reporting tools. These forms can be adapted to our use with very minor modification.

Task Completion Timeline: 12/21/2020

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

SDDENR already has electronic pretreatment program reports in place. These are submitted electronically with a hard copy signature page. We will modify these reports for CROMERR compliance using EPA’s electronic reporting tools when they become available.

Task Completion Timeline: 12/21/2020

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

SDDENR requires these reports to be submitted as DMRs. All but six of our significant industrial users are currently using NetDMR for submitting their DMRs. We are working with those six to sign them up for NetDMR.

Task Completion Timeline: 12/21/2020

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

SDDENR will use EPA's electronic reporting tools, when available, to develop these reports.  
Task Completion Timeline: 12/21/2020

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

SDDENR has no facilities subject to these reporting requirements.  
Task Completion Timeline: N/A

**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**

SDDENR participated in the development of the biosolids annual report form that EPA created using EPA's electronic reporting tools. That form will be adapted to our use with very little modification required.  
Task Completion Timeline: 12/21/2020

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

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

**A. General Permit Reports**

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

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

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

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

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

**D. Pretreatment Program Reports**

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

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

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

**F. Sewer Overflow/Bypass Event Reports**

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

**G. CWA section 316(b) Annual Reports**

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

**H. Sewage Sludge/Biosolids Annual Program Reports**

CROMERR Approval Date: July 2, 2015 using EPA's electronic reporting tools

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

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

SDDENR has determined that changes are not needed to our statutes or regulations. We have been incorporating electronic reporting into NPDES permits for several years.

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

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

1. Permanent waivers:
  - a. SDDENR will allow a Permanent waiver for religious reasons. This is meant for Amish and similar religious sects that do not allow electronics. SDDENR may receive requests for waivers from hutterite colonies with CAFO general permit coverage for religious reasons.
  - b. Storm water and temporary discharge NOIs will use the hybrid method. Permittees that routinely apply for coverage under the storm water and temporary discharge permits will be required to submit the NOIs electronically. One-time users will be allowed to submit the NOI by mail.
2. Temporary waivers: SDDENR will allow a temporary waiver that must be reviewed during each on-site inspection for the following:
  - a. Technology – If the permittee does not have internet access, does not have a computer, or does not have someone that knows how to use a computer. SDDENR may receive requests for waivers for operations with CAFO general permit coverage.
  - b. No Discharge Permits – If a permittee is not required to submit scheduled DMRs. There is an emergency discharge clause in these permits. If a discharge must occur due to an emergency as defined in the permit, they are required to fill out a form on the back of the permit and mail it in. SDDENR will enter these forms via our database which will get batch uploaded to ICIS.

## **8. Outreach and Training**

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

SDDENR will conduct on-site localized trainings to train permittees to use NetDMR and NeT programs. In addition we will list EPA's upcoming trainings. We will also provide information and links to any EPA online modules. SDDENR also will provide support and training as needed via telephone and on-site visits.

Letters and brochure's will be mailed to the appropriate permittees based on their expected needs and will include times, dates and contact information.

SDDENR has provided at least 3 NetDMR training classes per year since June 2011. Permittees are also encouraged to watch EPA's online training modules for NetDMR. We will also include NeT when and as reports and programs become available. SDDENR also provides information via our website and several conferences throughout the year. Training sessions are also available during these conferences.

## **9. Alternative Options**

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

SDDENR will be using NetDMR and EPA's electronic reporting tools. As a backup, in case there are problems with the development of EPA's electronic reporting tools, we are investigating developing our own CROMERR compliant forms.

## **10. Obstacles to Rule Implementation**

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

EPA's has significantly reduced SDDENR's PPA funding over the past several years. If PPA funding is not adequately increased, this could delay e-reporting development and implementation. We hope that EPA will consider this when providing future PPA funding.

## **11. Implementation Plan Reassessment**

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

As obstacles arise, SDDENR will keep EPA informed of the obstacles and our planned resolution of them. If our CAFO general permit is appealed to circuit court that could delay our schedule. We will reassess our progress on implementing electronic reporting every six months until it is fully implemented.