

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

## **For Wyoming Department of Environmental Quality Water Quality Division**

**December 14, 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**

The WDEQ/WQD operates and maintains a comprehensive "WYPDES" database for the management of all NPDES program data including permitting information, compliance and enforcement and inspection data. Associated with the data is an eDMR application which provides the ability for NPDES permittees to electronically submit DMRs directly into the WYPDES database. The eDMR application has been approved as "CROMERR" compliant. The agency is a mostly "full batch" state using "open node 2" to electronically upload all facility, DMR, and compliance data to ICIS on a nightly basis. Several data elements (SEVs, SSOs) are not currently stored in the WYPDES database and are manually entered into ICIS as required. The WQD has also developed several forms for the electronic submittal of NOI information into the WYPDES database using Windsor's nFORM. The implementation of nFORM is still a work in progress and has seen very limited use.

The successful implementation of "Phase 2" data will require modifications to the WYPDES database and all of the above-mentioned applications. Additional fields will have to be incorporated into WYPDES to accommodate the new data requirements under the "Electronic Reporting Rule" along with corresponding modifications to eDMR, nFORM and the batch extract to allow for the electronic collection of data and subsequent upload to ICIS. A 2016 Exchange Network Grant has been awarded to WDEQ for the purpose of accomplishing these modifications.

The primary contact for Phase 2 implementation is Bill DiRienzo, WYPDES Program Manager, bill.dirienzo@wyo.gov and the primary contact for the administration of the Exchange Network Grant is Steve Girt, DEQ IT Manager, steve.girt@wyo.gov. The Agency does not expect to fully implement Phase 2 until 2020.

## 2. Agency NPDES Universe

Wyoming Pollutant Discharge Elimination System Universe					
Name	Permit Issue Date	Permit Expiration Date	Permit Number	Number of Permits or Authorizations	Number of Continued Permits
Individual Permits					
Major Permits	N/A	N/A	N/A	24	0
Minor Permits	N/A	N/A	N/A	746	5
General Permits					
General Permit for Temporary Discharges Involving Construction Activities	11/1/2012	8/31/2017	WYG74	44	0
General Permit for Temporary Discharges Involving Ground Water Well Pump Testing and Development	11/1/2012	8/31/2017	WYG72	11	0
General Permit for Temporary Discharges Involving Groundwater Remediation	11/1/2012	8/31/2017	WYG94	13	0
Wetland General Permit	9/20/2011	4/30/2016	WYGWET	0	Permit Continued
General Permit for Major Pesticide Discharges	2/1/2016	12/31/2020	WYG48	49	0
General Permit for Minor Pesticide Discharges	2/1/2016	12/31/2020	N/A	NOI Not Required to Be Submitted	0
Storm Water Large Construction General Permit	4/22/2016	2/1/2020	WYR10	487	0
Storm Water Small Construction General Permit	7/8/2013	3/15/2016	WYR10-A	NOI Not Required to Be Submitted	Permit Continued
General Industrial Storm Water Permit	10/19/2012	8/31/2017	WYR0	467	0
Storm Water Mineral Mining and Associated Activities	4/5/2012	3/31/2017	WYG32	518	0
Municipal Separate Storm Water Sewer General Permit	12/1/2008	9/30/2013	WYR04	0	Permit Continued

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

Wyoming DEQ currently employs eDMR for electronic discharge monitoring reports and Windsor’s suite of applications, nCore, for its online permitting and inspections within Water Quality. All data is held within the WYPDES database for general use.

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

<i>NPDES Data Group</i>	<i>Milestones</i>	<i>Target Date</i>

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

Currently we have NOI forms for all general permits. However, to be compliant with phase 2, additional electronic forms within nForm will need to be developed. Additional fields must be added to the WYPDES database along with associated modifications to the batch extract for electronic submittal to ICIS.

Agency/Contractor/EPA Roles and Responsibilities:  
Task Completion Timeline: Not been determined

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

Need more detailed information from EPA to identify, the data elements that needs to be collected, need to build the fields within the database and screens, modify extract to export the data to ICIS.

Agency/Contractor/EPA Roles and Responsibilities: Windsor has been contracted to perform the work on the WYPDES, and nFORM systems.  
Task Completion Timeline: Not been determined

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

Need more detail more information from EPA to identify, the data elements that needs to be collected, need to build the fields within the database and screens, modify extract to export the data to ICIS. Modify our extract to include automatic reporting of MS4 data.

Agency/Contractor/EPA Roles and Responsibilities:  
Task Completion Timeline: Not been determined

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

Not applicable, Wyoming does not have primacy for pretreatment.  
Agency/Contractor/EPA Roles and Responsibilities: NA  
Task Completion Timeline: NA

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

Not applicable, EPA is primary.

Agency/Contractor/EPA Roles and Responsibilities: NA  
Task Completion Timeline: NA

F. Sewer Overflow/Bypass Event Reports - See 40 CFR 122.41(l)(4), (l)(6) and (7), and (m)(3)  
Currently both SEV and SSO data is manually entered into ICIS. Additional fields must be added to the WYPDES database along with associated modifications to the batch extract for electronic submittal to ICIS.

Agency/Contractor/EPA Roles and Responsibilities:  
Task Completion Timeline:

G. CWA section 316(b) Annual Reports - See 40 CFR 125, subpart J  
Need more detail more information from EPA to identify, the data elements that needs to be collected, need to build the fields within the database and screens, modify extract to export the data to ICIS.

Agency/Contractor/EPA Roles and Responsibilities:  
Task Completion Timeline:

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, EPA is primary

Agency/Contractor/EPA Roles and Responsibilities: NA  
Task Completion Timeline: NA

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

Wyoming DEQ applied for the Cross Media Electronic Reporting Regulation, CROMERR in 2009. We had applied for ENVITE to be our agency wide system authentication, authorization and e-signing program. DEQ was granted this for all programs within the agency on October 12, 2012.

- A. General Permit Reports  
CROMERR Approval Date: October 12, 2012
- B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports  
CROMERR Approval Date: October 12, 2012
- C. Municipal Separate Storm Sewer System (MS4) Program Reports  
CROMERR Approval Date: October 12, 2012
- D. Pretreatment Program Reports  
CROMERR Approval Date: NA
- E. Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs  
CROMERR Approval Date: NA
- F. Sewer Overflow/Bypass Event Reports  
CROMERR Approval Date: October 12, 2012
- G. CWA section 316(b) Annual Reports  
CROMERR Approval Date: NA
- H. Sewage Sludge/Biosolids Annual Program Reports  
CROMERR Approval Date: NA

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

At present, electronic reporting is not required under the Wyoming regulations governing the NPDES permitting program nor do we believe that it is advisable to initiate rulemaking at this time to make electronic reporting mandatory.

Wyoming is a “full batch” state that electronically uploads permit, facility, DMR and compliance data for all individual permits and general permit authorizations daily since March, 2013. The “full batch” application continues to be a work in progress. The intent is that ICIS data would mirror the Wyoming database (WYPDES database) for all required data fields. This has not yet been completely accomplished and end-of-year ICIS data runs performed by EPA often show a divergence of data between the two systems. This is a complex problem that needs to be investigated, understood and solved and is the first priority for Wyoming’s ICIS reporting responsibilities.

The state has implemented an EDMR system for a number of years which has been used extensively by industry for DMR reporting and rarely by POTWs. Because Wyoming’s NPDES program is dominated by oil & gas produced water discharges, approximately 80% of all permits reported electronically accounting for nearly 90% of all outfalls in the state. However, because of a sharp decline in coal bed methane production over the past few years, the electronic reporting percentages have fallen off somewhat but a solid majority still uses the system. Wyoming’s current focus is to increase electronic DMR reporting voluntarily by providing outreach and training to municipalities rather than adopting mandatory regulations. Because all of Wyoming’s data is reported to ICIS electronically for all discharges in a real-time daily basis, adopting mandatory regulations will have zero effect on the amount or quality of data submitted to EPA’s ICIS system. The percentage of dischargers who report to Wyoming on paper or electronically is completely transparent to EPA or to the achievement of the intents and purposes of the “Electronic Reporting Rule”. Therefore, we do not anticipate expending state resources or eroding trust and good will with the regulated public by engaging in a rulemaking that will make no essential difference.

Wyoming has also within the past year implemented “Nform”, a web-based application for submitting general permit NOIs electronically to the state’s WYPDES database. At present this system has seen virtually no use and there is a greater need for further development, training and outreach prior to contemplating a regulation making its use mandatory. We are appreciative of EPA’s electronic reporting implementation design that allows 5 years for the development of electronic reporting of non-DMR elements and do not believe it is necessary to adopt regulations or modify permits that mandate use within that development phase. Wyoming may consider mandatory requirements after a working system has demonstrated a successful track record.

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

As indicated in item (6.) above, electronic DMR submissions are not required under the Wyoming Regulations and we do not foresee adopting mandatory regulations in the near future. Therefore, there is no requirement to “waive”. Though the state will continue to work with permittees to encourage use of the state’s EDMR system, those that choose to submit reports on paper will not be penalized. EPA will continue to receive all DMR and compliance data for major and minor discharges electronically on a daily, real-time basis.

The state will continue development of the “Nform” application to accept electronic submission of NOI data and other non-DMR reports over the 4-year, Phase 2 implementation period. This development period will also include modification to the state’s WYPDES database and ICIS batch upload application to handle the new data elements envisioned under the Electronic Reporting Rule.

At the end of the development period and after successful demonstration of a working system, Wyoming may consider accepting only electronic submissions of non-DMR reports and would address waivers at that point.

## **8. Outreach and Training**

The Wyoming Department of Environmental Quality WYPDES compliance program has been working diligently to alert, spread awareness, and educate WYPDES permittees about the new Electronic Discharge Monitoring Reporting Database (eDMR). Version 3.0 of the eDMR system was completed and

put into production in the fall of 2015. It was developed to make the database more user friendly by expanding the range of internet browsers in which the system is compatible with, along with adding a few other features to make data input more convenient for users.

Since its installment, the WDEQ has sent out various emails alerting eDMR users about the upgraded system. In addition, the compliance team attended and provided training on how to sign up and use eDMR 3.0 at the Wyoming Association of Rural Water System's (WARWS) Spring 2016 Conference and will most likely again be attending and providing training during the WARWS's Fall 2016 conference and other future conferences.

In addition to providing training at the conferences, the compliance team also plans to provide training throughout the state in the summer and fall of 2016. The trainings will educate permittees on how to correctly sign up, access, and enter data using the new eDMR 3.0 database. The team plans to target regions that are dense with municipalities and industries that still report by paper. Generally, they find that small towns and small companies are the ones who need the most assistance with using the electronic reporting systems. Individual, on-site training may also be provided for facilities and companies having extra difficulty understanding the electronic reporting system. NPDES inspectors will also be thoroughly trained on how to use the eDMR system, so that they can be able to provide in person assistance as needed during routine inspections.

The program plans to announce these summer and fall trainings around the state in a letterhead mail out to all the current permittees who are still reporting using paper DMRs. This mail out will also serve as a notification to the permittees about EPA's new electronic reporting rule and will provide them all the links and other information they may need for assistance with setting up and using eDMR 3.0. The walkthrough guides and 'how to' power points provided at the training sessions will all be made available online for the public to access and links to these will be provided in the letter. There has also been discussion of starting an email listserv that users can sign up for to stay updated with any changes or upgrades to the eDMR system.

Phase 1 of EPA's electronic reporting rule requires that all majors be reporting electronically by December 21, 2016. To make sure that all majors in the WYPDES program comply with this requirement by this date, the team plans to provide extra outreach to the major permittees who are still reporting on paper. This will entail increased correspondence by phone, email, and in person with these major permittees within the upcoming months.

In addition to the various trainings and outreach, the compliance team, as always, is and will be available to answer any questions or provide users assistance over the phone or by email. Their contact information is provided on the website, at trainings, and will be provided on the letterhead mail out.

## **9. Alternative Options**

We are not planning an alternate option.

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

Permit fees are required to be attached to applications and NOIs prior to processing. WDEQ does not currently have the ability to accept electronic payment of fees. Because the permit fee structure and how the funds can be used are directed by statute, legislative action may be required to resolve this problem. Until the Department can get approval to collect fees electronically, requiring electronic submission of NOIs will be moot.

## **11. Implementation Plan Reassessment**

NA