

NPDES Electronic Reporting Rule Phase 2 Implementation Plan

For USVI Department of Planning and Natural Resources 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.

1. Overview/Executive Summary

At present, USVI Department of Planning and Natural Resources (DPNR) is the delegated authority in the USVI to implement the NPDES Program, and it does so through its own Territorial Pollutant Discharge Elimination System (TPDES) Program. Through this program, DPNR collects Discharge Monitoring Reports (DMRs) via physical submittal of a hard copy. DPNR does not accept electronic copies of DMRs, unless they are in support of the physical versions. DPNR is not currently set up to collect, organize or store e-reported data. However, the USVI has adopted the Uniform Electronic Transactions Act (UETA) as part of VI Code, specifically Title 11, Chapter 1 (can be found here: <http://www.lexisnexis.com/hottopics/vicode/>). Using this as legal sufficiency, DPNR shall begin receiving electronic records as soon as CROMERR approval is received.

To meet the requirements of the NPDES Electronic Reporting Rule, DPNR will employ the use of EPA's NetDMR software and storage capabilities to collect programmatic data and organize it for use in meeting the TPDES Program Workplan commitments. DPNR shall maintain regulatory authority over this data and the USVI DPNR-DEP instance, and verify data is being submitted as required. Currently, a test instance is being used to verify Permittees can register and begin submitting data as required by their issued TPDES permits. Mr. Benjamin Keularts, Environmental Program Manager, shall have primary regulatory authority, and support roles shall be filled by TPDES Compliance Inspectors Wayne Donadelle and Courtney Dickenson, as well as TPDES Permit Writer Akil Jacobs. Additional support shall be provided by Database Manager Hector Squiabro.

TPDES Permittees will be expected to use the NetDMR database as a registered user in order to directly submit DMR data to the EPA database. As noted above, Mr. Benjamin Keularts will act as primary contact for this

Implementation Plan, and ensure all goals are met in a timely fashion. DPNR expects to successfully implement electronic reporting for Phase 1 data by March 31, 2017 and Phase 2 data by December 21, 2020.

2. Agency TPDES Universe

At the time of submittal of this report, USVI DPNR has TPDES Permits issued that are individual issuances, coverages under TPDES General Permit VIGSA0000 (VI CGP), coverages under TPDES General Permit VIRO50000 (VI MSGP), coverages under TPDES General Permit VIGWA0000, and coverages under TPDES General Permit VIPGP0000 (VI PGP). The following is a list of all currently active TPDES Permits or permit coverages in the Territory:

A. Active and Administratively Continued Major Individual TPDES Permits:

DPNR currently has 8 major TPDES Permits in the Territory.

NPDES ID	Permit Name
VI0000019	HOVENSA L.L.C.
VI0000051	WATER & POWER AUTHORITY (STX)
VI0050024	St. Croix Renaissance Group
VI0039829	BCM/CHI FRENCHMAN'S REEF, INC.
VI0020036	Anguilla POTW
VI0039829	BCM/CHI FRENCHMAN'S REEF, INC.
VI0000060	V. I. WATER & POWER AUTHORITY (STT)
VI0020044	Red Point POTW

B. Number of Active and Administratively Continued Minor Individual NPDES Permits:

DPNR currently has 78 minor TPDES Permits in the Territory, 18 in the St. Croix District and 60 in the St. Thomas/St. John District.

NPDES ID	Permit Name
VI0000305	Buccaneer Resort
VI0003042	Krystal Springs, LLC
VI0020052	Cruzan VIRIL Ltd.
VI0040231	GRAPETREE SHORES INC. (RESORT)
VI0040240	CARAMBOLA BEACH AND SPA
VI0040878	THE REEF ASSOCIATES
VI0040886	#9 SHOY BEACH

VI0040916	CANDLE REEF II ASSOCIATION
VI0050032	Coakley Bay Condominiums
VI0050199	Chenay Bay Beach Resort
VI0050202	St. Croix Financial Center, Inc.
VI0050229	Gentle Winds Condominium Association
VI0050237	The Waves (at Cane Bay)
VI0050245	Carden Beach
VI0050288	Southgate Courtyard Villas
VI0050326	Grapetree Bay Hotel
VI0050334	Carambola Utilities Services, Inc. (CUSI)
VI0050377	Tibbar Energy USVI, LLC
VI0000215	Magens Bay Authority
VI0000716	SVB 155 Spring, LLC d/b/a Independent Boat Yard
VI0001215	Water Bay Village Condominiums
VI0002003	MANGROVE LAGOON
VI0011615	Sapphire Beach Resort Marina Condominium Owners Association
VI0020010	Chevron Puerto Rico, LLC
VI0020133	Vessup Bay POTW
VI0031114	Virgin Islands Housing Authority
VI0039811	Brassview POTW
VI0039837	CANEEL BAY-ST JOHN
VI0039853	COWPET BAY WEST CONDOMINIUMS
VI0039870	AMERICAN YACHT HARBOR ASSOC
VI0039900	COWPET BAY EAST CONDOMINIUMS
VI0039934	SAPPHIRE BAY CONDOMINIUMS WEST
VI0039977	Bordeaux POTW
VI0039993	TRANS-CARIBBEAN DAIRY CORP.
VI0040029	SAPPHIRE VILLAGE CONDOMINIUM

VI0040134	WATERGATE VILLAS EAST ASSOCIATION
VI0040151	The Westin Resort
VI0040193	POINT PLEASANT RESORT
VI0040207	H & V Heavy Equipment
VI0040215	CABRITA POINT DEVELOPMENT INC.
VI0040266	George Simmonds POTW
VI0040282	VIRGIN WATERS INC
VI0040291	Coral World VI Inc.
VI0040312	BAYSIDE RESORT INC, D/B/A SAPP
VI0040321	ELYSIAN BEACH RESORT
VI0040398	SECRET HARBOR BEACH OWNERS ASS
VI0040401	COMPASS POINT MARINA INC.
VI0040444	DOROTHEA BEACH CONDOMINIUMS
VI0040452	V.I. WAPA ST. JOHN
VI0040461	SUGAR BAY CLUB AND RESORT
VI0040479	Ritz Carlton Hotel
VI0040495	BLUEBEARDS BEACH CLUB and VILLAS
VI0040517	ANCHORAGE CONDOMINIUMS
VI0040525	LITTLE ST. JAMES ISLAND
VI0040584	Essence Properties, LLC
VI0040606	Water Point Estates
VI0040614	MAHOGANY RUN
VI0040703	Total Petroleum Service Station
VI0040711	MICHAEL WEINMAN
VI0040738	Lakes Water Service
VI0040746	MARKET SQUARE EAST
VI0040762	THE VIRGIN ISLANDS NATIONAL
VI0040801	Hull Bay Hideaway

VI0040835	New Cruz Bay
VI0072015	The Lau Family Trust
VI0080004	Secret Harbour House III
VI0080012	Bolongo Beach Resort
VI0080021	Dvergsten Company, Inc., commonly know as LIMA
VI0080047	Lovenlund Affordable Housing
VI0080055	Calabash Boom Housing
VI0080063	Raphune Vistas
VI0080071	Cory Newblom
VI0080080	Tutu Park, Ltd
VI0080098	Joseph John Markus Trust
VI0080110	Wintberg Village Apartments
VI0080128	Donald Sussman
VI0082415	Margaritaville Vacation Club by Wyndham, Inc.
VI0090613	Frenchman's Cove Condominium Owner's Association, Inc.

C. Number of Active VI CGP Permit Coverages:

DPNR currently has 49 Active VI CGP Permit Coverages in the Territory.

NPDES ID	Permit Name
VIGSA0013	Golden Gaming Resorts
VIGSA0016	Wharton-Smith, Inc.
VIGSA0017	Montpellier Small Farms Subdivision
VIGSA0018	Balbo Construction, Inc.
VIGSA0026	Oceanside Villages
VIGSA0035	GEC, LLC
VIGSA0049	UVI Research & Technology Park
VIGSA0052	Royal Palms Professional Office Building

VIGSA0057	Iglesia Pentacostal Church Project
VIGSA0059	Louis E. Brown I Ltd.
VIGSA0063	Virgin Islands National Guard
VIGSA0069	26 Rattan Subdivision
VIGSA0071	St. Croix VIWMA Transfer Station
VIGSA0077	Crosier Mt. Welcome Project
VIGSA0079	St. Croix Cinemas
VIGSA0081	LEB Phase II
VIGSA0083	Anna's Hope Apartments
VIGSA0084	Botany Bay Hilltop Subdivision
VIGSA0086	Randolph E. Harley Power Plant LPG Conversion Project
VIGSA0088	USVI Solar I Project
VIGSA0090	ST. THOMAS SENIOR AFFORDABLE HOUSING DEVELOPMENT (SUGAR ESTATE)
VIGSA0091	First Assembly of God Project
VIGSA0092	The Preserve at Botanay Bay
VIGSA0093	RICHMOND POWER PLANT LPG CONVERSION PROJECT
VIGSA0094	Hotel Company Fire Station
VIGSA0095	HERA Apron Rehabilitation Project
VIGSA0096	Metro Motors
VIGSA0097	UVI Solar Array Project
VIGSA0098	UVI Solar Array Project - St. Thomas
VIGSA0099	Head Start Center Project at the Claude O. Markoe School
VIGSA0100	Parcel 45
VIGSA0101	Cruzan Rum LPG Storage Facility Project
VIGSA0102	UVI Medical School Classroom Building
VIGSA0104	Dry Marina, LLC
VIGSA0106	Magen's Junction Apartments
VIGSA0107	Former St. Croix Alumina Facility Access Road Project

VIGSA0108	Agape Seventh Day Adventist Church
VIGSA0110	Food City Supermarket
VIGSA0111	Toshiba Solar Farm Project
VIGSA0112	US Citizenship & Immigration Services Building Project
VIGSA0113	Tibbar Energy Silage Biogas Facility Project
VIGSA0115	Sugar Mills Villas Project
VIGSA0125	Ralph de Chabert Demolition Project
VIGSA0127	UVI Simulation Center
VIGSA0129	STX Solar LLC Project
VIGSA0131	Aircraft Rescue and Fire Fighting Facility Project
VIGSA0133	Contentment Mini Mart
VIGSA0137	STX Solar II, LLC Project
VIGSA0141	Orange Grove Subdivision Project - Phase 2

D. Number of Active VI MSGP Permit Coverages:

DPNR currently has 9 Active VI MSGP Permit Coverages in the Territory.

NPDES ID	Permit Name
VIR050001	Aggregate Quarry
VIR050003	Diageo Distillery
VIR050005	Diageo Barrel Warehouse
VIR050007	Tibbar BIOMASS Plant
VIR050009	VIAPCO
VIR050011	VITOL
VIR050013	Spartan
VIR050015	Heavy Materials
VIR050017	VI Paving

E. Number of Active VIGWA0000 Permit Coverages:

DPNR currently has 2 Active VIGWA0000 Permit Coverages in the Territory.

NPDES ID	Permit Name
VIGWA0001	WHITECLIFFS
VIGWA0003	Mr. Duane Bobeck

F. Number of Active VI PGP Permit Coverages:

DPNR currently has 1 Active VI PGP Permit Coverages in the Territory.

NPDES ID	Permit Name
VIPGP0001	VECTOR DISEASE INTERNATIONAL

***DPNR does not anticipate major additions or subtractions from these lists in the next few years, nor removal or additions of any MGPs.**

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

As noted above, at present, DPNR collects Discharge Monitoring Reports (DMRs) via physical submittal of a hard copy (either via USPS or hand delivery). DPNR does not accept electronic copies of DMRs, unless they are in support of the physical versions. DPNR is not currently set up to collect, organize or store e-reported data. However, the USVI has adopted the Uniform Electronic Transactions Act (UETA) as part of VI Code, specifically Title 11, Chapter 1 (can be found here: <http://www.lexisnexis.com/hottopics/vicode/>). Using this as legal sufficiency, DPNR shall begin receiving electronic records as soon as CROMERR approval is received.

DPNR plans to use EPA's NetDMR electronic tools to collect and store electronic data for use in meeting workplan goals. DPNR has set up a test instance on EPA's NetDMR system, and has begun registering Permittees as users, to familiarize them with the reporting tools and to begin submitting data (as a practice exercise only).

Once CROMERR approval is granted, DPNR plans to activate a USVI DPNR-DEP instance in the production system and have all Permittees noted in the previous section actively submitting all required DMR data through the NetDMR tool by March 31, 2017.

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

DPNR, as noted above, plans to use the EPA NeT system for all the noted items below. DPNR shall retain full regulatory authority over the data being submitted, however. The following Key tasks are outlined in more details, as follows:

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

Agency/Contractor/EPA Roles and Responsibilities: DPNR shall, through the TPDES program, review submitted NOI, NOT, NOE and other forms through the NeT system, and issue responses per TPDES regulation and program requirements. Applicants and Permittee shall submit forms as necessary through the NeT system. All existing and new permits issued shall have appropriate language added to this effect.

Task Completion Timeline: December 21, 2020.

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

Agency/Contractor/EPA Roles and Responsibilities: N/A

Task Completion Timeline: N/A

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

Agency/Contractor/EPA Roles and Responsibilities: N/A

Task Completion Timeline: N/A

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

Agency/Contractor/EPA Roles and Responsibilities: N/A

Task Completion Timeline: N/A

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

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

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

Agency/Contractor/EPA Roles and Responsibilities: As the NeT system allows, DPNR shall have Permittees submit Sewer Overflow and Bypass Event Reports electronically, and DPNR shall review and enforce as necessary. All existing and new permits issued shall have appropriate language added to this effect.

Task Completion Timeline: December 21, 2020.

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

Agency/Contractor/EPA Roles and Responsibilities: As the NeT system allows, DPNR shall have Permittees submit CWA section 316(b) Annual Reports electronically, and DPNR shall review and enforce as necessary. All existing and new permits issued shall have appropriate language added to this effect.

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

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

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

DPNR anticipates developing and finalizing a Phase 2 Cross-Media Electronic Reporting Rule (CROMERR) application for approval by EPA in January of 2020. Approval by the EPA is expected by December 21, 2020.

A. General Permit Reports

CROMERR Approval Date: Tentatively December 21, 2020.

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: N/A

D. Pretreatment Program Reports

CROMERR Approval Date: N/A

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: N/A

G. CWA section 316(b) Annual Reports

CROMERR Approval Date: Tentatively December 21, 2020.

H. Sewage Sludge/Biosolids Annual Program Reports

CROMERR Approval Date: Tentatively December 21, 2020.

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

Tasks	Target Completion Date	Completion Date
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Create test instance for USVI DPNR-DEP on EPA NetDMR System, and notify Permittees that they must register as a user on test instance.	11/30/2016	11/22/2016
Ensure all Permittees have registered accounts	12/30/2016	On schedule
Receive CROMERR approval from EPA	03/31/2017	On schedule
Create production instance, ensure all Permittees are submitting data through production NetDMR instance.	03/31/2017	On schedule
TPDES Regulation Revisions to be made for E-Reporting	07/31/2017	On schedule
Set up USVI DPNR on NeT system, ensure DPNR has legal sufficiency for Phase 2 requirements	03/31/2020	On schedule
Ensure all USVI Permittees are submitting required documents and data on EPA NeT system.	07/31/2020	On schedule
Update all Individual & Master General Permits to include e-reporting language	12/21/2020	On schedule

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

DPNR currently does not have existing language in program regulations detailing e-reporting waivers. DPNR intends to include this language upon CROMERR approval, and until such time will use 40 CFR 127.24c as regulation allowing us to provide waivers as needed.

DPNR will ensure in the cases where waivers are approved that electronic copies are shared with EPA.

8. Outreach and Training

In November of 2016, DPNR informed all TPDES Permittees in the USVI Territory of the Rule and the E-reporting requirements. Instructional videos as well as website resource links were sent out, and follow up with Permittees via phone and email is done as needed. A follow up email will be sent with additional information when the production instance for NetDMR is up for the USVI, and further informational videos will be sent out in anticipation of Phase 2 requirements and the NeT system.

9. Alternative Options

The primary plan, as noted above is to use EPA’s NetDMR and NeT system for e-reporting. An alternate plan would be to implement our own system, however, it is economically infeasible at this time, and is projected to be infeasible through 2020.

10. Obstacles to Rule Implementation

The following are obstacles that have the most potential to manifest as well as affect the Rule implementation, along with potential solutions and workarounds:

Obstacle	Solution
AG office is delayed in approval of legal sufficiency, or rejects determination of legal sufficiency	Revise VI Code or regulation to meet AG office requirements and work with them to ensure speedy review.
CROMERR application is not approved	Revise application as needed to meet EPA requirements for final approval.
TPDES Permittees are not registered on NetDMR or NeT systems	Apply enforcement action against facility to ensure they submit electronically (barring any waiver granted).
TPDES Permittees have major difficulties with NetDMR or NeT systems	Schedule a workshop/training to work out issues with submitting documents via these systems.

11. Implementation Plan Reassessment

DPNR will need to contact EPA again should it expect to either miss the deadline to submit the CROMERR application, or if DPNR expects to miss the deadline for CROMERR approval (and then set up of production instance on NetDMR).

If the production instance cannot be created by March 31, 2017, alternate steps will need to be taken to ensure all Permittees will be able to register on the NetDMR system.