

# NPDES Electronic Reporting Rule Phase 2 Implementation Plan

## For Arkansas Department of Environmental Quality In EPA Region 6 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

*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.*

The Arkansas Department of Environmental Quality (ADEQ) normally receives General Permit and Program Report paper forms filled out and submitted through mail, courier, or in person. The ADEQ ePortal system is an online service that allows members of the public to electronically submit permit applications and other reports to ADEQ, but it is not required in NPDES permits issued by the state. ADEQ plans to require the use of ADEQ ePortal to submit General Permit Forms and Program Report Forms electronically. Data from paper forms are routed and reviewed internally, and emailed to the Integrated Compliance Information System (ICIS) staff at ADEQ. The applicable data is entered by the ICIS staff into EPA's ICIS-NPDES database through direct online data entry.

Discharge Monitoring Reports (DMRs) are submitted to ADEQ in paper form or via EPA's NetDMR database. Paper DMR forms are entered into the ADEQ NPDES DMR application and flowed through EPA's Central Data

Exchange (CDX) to EPA’s ICIS-NPDES database. Currently, nearly eighty percent (80%) of the Arkansas NPDES permittees required to submit DMRs are approved to use NetDMR and ADEQ expects this figure to reach eighty-five percent (85%) by December 21, 2016.. ADEQ plans to require the use of NetDMR for DMR submission as soon as the language is approved and incorporated into the permits issued by the state.

Using the 24-Hour Online Overflow Reporting Forms the ADEQ allows the permittee the flexibility to submit prompt, electronic notifications of Sanitary Sewer Overflows, Upsets, Bypasses, and Unpermitted Discharges. The overflow data is stored in the SSO Data Manager. Alternatively, the overflow forms may be downloaded, filled out, submitted by telephone, mail or email, and entered manually into the SSO Data Manager. Currently, the data is not transmitted to EPA’s ICIS-NPDES database. This tool may be incorporated into the ADEQ ePortal system, and flowed to EPA’s ICIS-NPDES database via CDX node.

David Ramsey ( (501) 682-0640 / Ramsey@adeq.state.ar.us ) will be the primary contact for the Implementation Plan. Staff from the Permits Branch, Enforcement Branch, and Information Technology Services will share the responsibilities for Web/App Fillable Form (Template), Required Data Element Verification, Workflow (receipt, review, approval, notification) verification, Transmission of data to EPA, and Training/Outreach connected with the ADEQ ePortal system. The schedule should roughly coincide with EPA Form/XML Schema development.

**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.*

- A. Number of Active and Administratively Continued Major Individual NPDES Permits: 112
  - B. Number of Active and Administratively Continued Minor Individual NPDES Permits: 669
  - C. Number of Active and Administratively Continued MS4 Permits: 1 (Large MS4)
  - D. List of Agency General NPDES Permits with number of authorizations for each: 3247
- Currently, only GPCFs that have been inspected or have been issued a formal enforcement action are being entered into EPA’s ICIS-NPDES database for the Hydrostatic Testing and Storm Water Associated with Construction Activity general permits. Also, the Storm Water Associated with Construction Activity general permit has recently been reissued, and it has not been determined how many have not submitted a renewal Notice of Intent (NOI) (but plan to) and which have allowed their coverage to expire without renewal (in lieu of submitting a Notice of Termination (NOT)). We plan to enter the renewed GPCFs as resources allow when this issue is resolved. The general permit does not require the permittees to submit reports to ADEQ unless required by the Director.

NPDES ID (MGP)	Master General Permit (11/09/2016)	GPCFs in ICIS-NPDES
ARG160000	Class I, III, and IV Landfills	33
ARG250000	Non-contact Cooling Water, Cooling Tower Blowdown, and Boiler Blowdown	10
ARG500000	Aggregate Facilities	42
ARG550000	Individual Treatment Facilities limited to Sanitary Waste	207
ARG590000	Concentrated Animal Feeding Operations (CAFOs)	1
ARG640000	Water Treatment Plant Wastewater Discharges	126
ARG670000	Hydrostatic Testing	14
		<b>31 total</b>

ARG750000	Car and/or Truck Wash Facilities Engaged in Exterior Washing Only	9	
ARG790000	Groundwater/Surface Water Clean-up	8	
ARG870000	Pesticide Discharges	57	
Total Non-Stormwater GPCFs		507	
ARR000000	Storm Water Associated With Industrial Activity	2014	
ARR040000	Small Municipal Separate Storm Sewer Systems (MS4s)	58	
ARR150000	Storm Water Associated With Construction Activity	668	1127 ~ total
Total Stormwater GPCFs		2740	

Total GPCFs 3247

Class I, III, and IV Landfills	33
Non-contact Cooling Water, Cooling Tower Blowdown, and Boiler Blowdown	10
Aggregate Facilities	42
Individual Treatment Facilities limited to Sanitary Waste	207
Concentrated Animal Feeding Operations (CAFOs)	1
Water Treatment Plant Wastewater Discharges	126
Hydrostatic Testing	14
Car and/or Truck Wash Facilities Engaged in Exterior Washing Only	9
Groundwater/Surface Water Clean-up	8
Pesticide Discharges	57
Total Non-Stormwater GPCFs 507	
Storm Water Associated With Industrial Activity	2014
Small Municipal Separate Storm Sewer Systems (MS4s)	58
Storm Water Associated With Construction Activity	668
Total Stormwater GPCFs 2740	

### **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.*

Currently, most reports required by the NPDES program other than DMRs are collected via paper forms (many forms may be downloaded from ADEQ's web site). Permittees fill out and submit the paper forms through mail, courier, in person, or e-mail attachment. The forms are scanned into ADEQ's Zylab record-keeping system, and manually entered into local databases. Once the forms are reviewed by the appropriate staff and are deemed complete, they are routed by e-mail to the ICIS staff for direct entry into EPA's ICIS-NPDES database.

EPA's NetDMR database is used by ADEQ to collect and submit DMRs for approximately seventy-three percent (73%) of Arkansas' NPDES permittees electronically. ADEQ's NPDES DMR application is used to manually enter DMR data from paper forms and to transmit the data to the ICIS-NPDES database through the CDX.

The ADEQ ePortal system is an online service that allows members of the public to electronically submit permit applications, registration forms, reports, and other forms to the ADEQ in a secure online environment. After a form is submitted, this system allows its progress to be tracked. Currently, NPDES Permit Applications, NOI's and No Exposure Certifications (NOE's) are available through the ADEQ ePortal system. Permittees may use ADEQ ePortal to submit their general permit reports, but electronic reporting if these records are not required in the NPDES permits issued by the state at this time. ADEQ ePortal allows for easy creation of additional NPDES Web-form templates. Templates for all applicable Data Groups will be developed in a timeframe corresponding to EPA's development of reports for each Data Group for the ICIS-NPDES database.

ADEQ ePortal only collects forms submitted by permittees at this time. It does not transmit data to EPA's ICIS-NPDES database. ADEQ plans to develop data transmission systems (in-house or through a contractor) for each Data Group (other than DMRs).

Using the 24-Hour Online Overflow Reporting Forms the ADEQ allows the permittee the flexibility to submit prompt, electronic notifications of Sanitary Sewer Overflows, Upsets, Bypasses, and Unpermitted Discharges. The overflow data is stored in the SSO Data Manager. Alternatively, the overflow forms may be downloaded, filled out, submitted by telephone, mail or email, and entered manually into the SSO Data Manager. Currently, the data is not transmitted to EPA's ICIS-NPDES database. This tool may be incorporated into the ADEQ ePortal system, and flowed to EPA's ICIS-NPDES database via CDX node.

ACTION is ADEQ's in-house software used by enforcement staff and the legal team to track formal enforcement actions including alleged violations, penalties, timelines and remedial action. All information input into ACTION is already uploaded to ICIS-NPDES by the enforcement analyst assigned to the case.

Permit Data System (PDS) is a bespoke system, coded in-house, used by the Permits Branch to electronically store details from permit applications. As such, the system contains all relevant information from EPA Form 1 such as facility physical and mailing addresses, the discharger's receiving stream, relevant SIC codes, contact details, invoicing details, etc. This system links to ADEQ's databases of inspections and invoices and can be used to view and print both. If a facility has been the subject of formal enforcement in the past, those documents can also be viewed.

### **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.

<b>NPDES Data Group</b>	<b>Milestones</b>	<b>Target Date</b>
General Permit Reports		
Notice of Intent (NOI)	Web/App Fillable Form (Template)	March 2017
NOI	Required Data Element Verification	June 2017
NOI	Workflow (receipt, review, approval, notification) verification	June 2017
NOI	Transmission of data to EPA	In-House: Dec 2017
		Contractor:
Notice of Intent (NOT)	Web/App Fillable Form (Template)	June 2017
NOT	Required Data Element Verification	June 2017
NOT	Workflow (receipt, review, approval, notification) verification	June 2017
NOT	Transmission of data to EPA	In-House: Dec 2017
		Contractor:
No Exposure Certification (NOE)	Web/App Fillable Form (Template)	June 2017
NOE	Required Data Element Verification	June 2017
NOE	Workflow (receipt, review, approval, notification) verification	June 2017
NOE	Transmission of data to EPA	In-House: Dec 2017
		Contractor:
Low Erosivity Waiver (LEW)	Web/App Fillable Form (Template)	December 21, 2016
LEW	Required Data Element Verification	December 31, 2016
LEW	Workflow (receipt, review, approval, notification) verification	November 2016 – June 2017
LEW	Transmission of data to EPA	In-House: Dec 2017
		Contractor:
NOI, NOT, NOE, LEW	Training and Outreach	July 2017
Concentrated Animal Feeding Operation (CAFO) Annual Program Report	Web/App Fillable Form (Template)	September 2017 – March 2018
CAFO	Required Data Element Verification	September 2017 – March 2018
CAFO	Workflow (receipt, review, approval, notification) verification	September 2017 – March 2018
CAFO	Transmission of data to EPA	In-House: TDB
		Contractor: TBD
CAFO	Training and Outreach	April 2018
Municipal Separate Storm Sewer System (MS4) Program Reports	Web/App Fillable Form (Template)	2018 - 2019
MS4	Required Data Element Verification	2018 - 2019
MS4	Workflow (receipt, review, approval, notification) verification	2018 - 2019
MS4	Transmission of data to EPA	In-House: TDB

		Contractor: TBD
MS4	Training and Outreach	2018 - 2019
Pretreatment Program Reports	Web/App Fillable Form (Template)	September 2017 – March 2018
Pretreatment	Required Data Element Verification	September 2017 – March 2018
Pretreatment	Workflow (receipt, review, approval, notification) verification	September 2017 – March 2018
Pretreatment	Transmission of data to EPA	In-House: TDB
		Contractor: TBD
Pretreatment	Training and Outreach	September 2017 – March 2018
Significant Industrial User (SIU) Compliance Reports in Municipalities Without Approved Pretreatment Programs	Web/App Fillable Form (Template)	September 2017 – March 2018
SIU	Required Data Element Verification	September 2017 – March 2018
SIU	Workflow (receipt, review, approval, notification) verification	September 2017 – March 2018
SIU	Transmission of data to EPA	In-House:
		Contractor:
SIU	Training and Outreach	September 2017 – March 2018
Sewer Overflow/Bypass Event Reports (SSO)	Web/App Fillable Form (Template)	June 2017 – August 2017
SSO	Required Data Element Verification	June 2017 – August 2017
SSO	Workflow (receipt, review, approval, notification) verification	June 2017 – August 2017
SSO	Transmission of data to EPA	In-House: TDB
		Contractor: TBD
SSO	Training and Outreach	June 2017 – August 2017
CWA section 316(b) Annual Reports	Web/App Fillable Form (Template)	March 2018 – September 2018
316(b)	Required Data Element Verification	October 2018
316(b)	Workflow (receipt, review, approval, notification) verification	March 2018 – September 2018
316(b)	Transmission of data to EPA	In-House: TDB
		Contractor: TBD
316(b)	Training and Outreach	March 2018 – September 2018
<i>NPDES Data Group</i>	<i>Milestones</i>	<i>Target Date</i>
General Permit Reports		
Notice of Intent (NOI)	Web/App Fillable Form (Template)	March 2017
NOI	Required Data Element Verification	November 2016
NOI	Workflow (receipt, review, approval, notification) verification	November 2016 – June 2017
NOI	Transmission of data to EPA	In-House: Dec 2017
		Contractor:
Notice of Intent (NOT)	Web/App Fillable Form (Template)	December 2016
NOT	Required Data Element Verification	December 2016

NOT	Workflow (receipt, review, approval, notification) verification	November 2016 – June 2017
NOT	Transmission of data to EPA	In-House: Dec 2017
No Exposure Certification (NOE)	Web/App Fillable Form (Template)	December 21, 2016
NOE	Required Data Element Verification	December 31, 2016
NOE	Workflow (receipt, review, approval, notification) verification	November 2016 – June 2017
NOE	Transmission of data to EPA	In-House: Dec 2017
		Contractor:
Low Erosivity Waiver (LEW)	Web/App Fillable Form (Template)	December 21, 2016
LEW	Required Data Element Verification	December 31, 2016
LEW	Workflow (receipt, review, approval, notification) verification	November 2016 – June 2017
LEW	Transmission of data to EPA	In-House: Dec 2017
		Contractor:
NOI, NOT, NOE, LEW	Training and Outreach	July 2017
Concentrated Animal Feeding Operation (CAFO) Annual Program Report	Web/App Fillable Form (Template)	September 2017 – March 2018
CAFO	Required Data Element Verification	September 2017 – March 2018
CAFO	Workflow (receipt, review, approval, notification) verification	September 2017 – March 2018
CAFO	Transmission of data to EPA	In-House: TDB
		Contractor: TBD
CAFO	Training and Outreach	April 2018
Municipal Separate Storm Sewer System (MS4) Program Reports	Web/App Fillable Form (Template)	2018 - 2019
MS4	Required Data Element Verification	2018 - 2019
MS4	Workflow (receipt, review, approval, notification) verification	2018 - 2019
MS4	Transmission of data to EPA	In-House: TDB
		Contractor: TBD
MS4	Training and Outreach	2018 - 2019
Pretreatment Program Reports	Web/App Fillable Form (Template)	September 2017 – March 2018
Pretreatment	Required Data Element Verification	September 2017 – March 2018
Pretreatment	Workflow (receipt, review, approval, notification) verification	September 2017 – March 2018
Pretreatment	Transmission of data to EPA	In-House: TDB
		Contractor: TBD
Pretreatment	Training and Outreach	September 2017 – March 2018
Significant Industrial User (SIU) Compliance Reports in Municipalities Without Approved Pretreatment Programs	Web/App Fillable Form (Template)	September 2017 – March 2018
SIU	Required Data Element Verification	September 2017 – March 2018
SIU	Workflow (receipt, review, approval, notification) verification	September 2017 – March 2018
SIU	Transmission of data to EPA	In-House:
		Contractor:
SIU	Training and Outreach	September 2017 – March

		2018
Sewer Overflow/Bypass Event Reports (SSO)	Web/App Fillable Form (Template)	June 2017 – August 2017
SSO	Required Data Element Verification	June 2017 – August 2017
SSO	Workflow (receipt, review, approval, notification) verification	June 2017 – August 2017
SSO	Transmission of data to EPA	In-House: TDB Contractor: TBD
SSO	Training and Outreach	June 2017 – August 2017
CWA section 316(b) Annual Reports	Web/App Fillable Form (Template)	March 2018 – September 2018
316(b)	Required Data Element Verification	October 2018
316(b)	Workflow (receipt, review, approval, notification) verification	March 2018 – September 2018
316(b)	Transmission of data to EPA	In-House: TDB Contractor: TBD
316(b)	Training and Outreach	March 2018 – September 2018

Agency/Contractor/EPA Roles and Responsibilities:  
For all Data Groups

Overall State Contact:	David Ramsey
Web/App Fillable Form:	Jessica Temple Carrie McWilliams
Required Data Element Verification:	Jessica Temple Carrie McWilliams David Ramsey
Workflow:	Jessica Temple Carrie McWilliams Richard Healey Patrick Stair
Transmission of data to EPA:	Patrick Stair Letty Hardee Aaron Perry Contractor
ICIS-NPDES Update/XML Schema	Carey Johnston, EPA
Training and Outreach	Jessica Temple Carrie McWilliams Richard Healey

**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: See "For all Data Groups" above.  
Task Completion Timeline: June 30, 2017

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

Agency/Contractor/EPA Roles and Responsibilities: See "For all Data Groups" above.  
Task Completion Timeline: TBD. Estimate 6 month following EPA Form/XML Schema development.

**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: See “For all Data Groups” above.  
Task Completion Timeline: TBD. Estimate 6 month following EPA Form/XML Schema development.

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

Agency/Contractor/EPA Roles and Responsibilities: See “For all Data Groups” above.  
Task Completion Timeline: TBD. Estimate 6 month following Form/XML Schema development.

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: See “For all Data Groups” above.  
Task Completion Timeline: TBD. Estimate 6 month following EPA Form/XML Schema development.

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: See “For all Data Groups” above.  
Task Completion Timeline: TBD. Estimate 6 month following EPA Form/XML Schema development.

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

Agency/Contractor/EPA Roles and Responsibilities: See “For all Data Groups” above.  
Task Completion Timeline: TBD. Estimate 6 month following EPA Form/XML Schema development.

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: ADEQ has not been delegated authorization to implement 40 CFR 503, therefore will not be receiving Sewage Sludge/Biosolids Annual Program Reports  
Task Completion Timeline: N/A.

**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.*

CROMERR approval to allow electronic reporting under 40 CFR parts 51, 70–71, 122, 144, 146, 262, 264–265, 270–271, and 279 was published in the Federal Register on Friday, August 8, 2014:

Part 52—Approval and Promulgation of Implementation Plans;

Part 70—State Operating Permit Programs;

Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System;

Part 147—State Underground Injection Control Programs; and

Part 272—Approved State Hazardous Waste Management Programs

A. General Permit Reports

CROMERR Approval Date: August 8, 2014

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

CROMERR Approval Date: August 8, 2014

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

CROMERR Approval Date: August 8, 2014

D. Pretreatment Program Reports

CROMERR Approval Date: August 8, 2014

Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs

CROMERR Approval Date: August 8, 2014

E. Sewer Overflow/Bypass Event Reports

CROMERR Approval Date: August 8, 2014

F. CWA section 316(b) Annual Reports

CROMERR Approval Date: August 8, 2014 (No report form. While 316(b) was not specifically addressed in the CROMERR request, ADEQ does not need to make any changes to our ePortal CROMERR application. A change is only required if we are proposing a new system or if a new report would change the functionality of the current system.

G. Sewage Sludge/Biosolids Annual Program Reports

CROMERR Approval Date: ADEQ has not been delegated authorization to implement 40 CFR 503, therefore will not be receiving Sewage Sludge/Biosolids Annual Program Reports

**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.*

ADEQ has updated and added Amendments to Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation 6 (Regulations for the State Administration of the NPDES, as revised) in this regard have been drafted and are currently in the public notice process. Hearings on amendments were held on Sept. 30, 2016 and Oct 4, 2016. Once comments have been addressed, the proposed amended Regulation 6 will need to be approved by the Arkansas legislature and then the APC&EC before becoming effective. Once effective, the NetDMR reporting requirements will incorporate into all NPDES permits through a minor modification.

**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.*

The waiver approval process consists of a four layer review of the waiver application against ADEQ's criteria, NetDMR coordinator; their supervisor; the Enforcement Branch Manager and the Office of Water Quality Associate Director. Upon receipt of an application, the NetDMR Coordinator will issue a letter to the applicant stating that it has been received and is under review. The application will then be reviewed, a recommendation to approve/deny made and a concurrence memo routed through the remaining members of

the chain. The final decision rests with the Associate Director, who may overturn the recommendation of any or all of the three preceding members of the review chain if he/she finds it justified.

The criteria for a waiver can be summarized as follows: religious exemption; no access to broadband internet; significant burden to obtain or use equipment for electronic reporting. See Appendix [insert appendix number here]

## **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.*

Beginning February 2016, ADEQ implemented NetDMR training sessions on a weekly basis to train the NPDES regulated entities. The training sessions consisted of an overview of the NetDMR system, creating an account, requesting access, entering DMR data, and electronically signing and submitting DMRs. As of November 2016, ADEQ has conducted 100 training sessions with 837 individuals trained on the NetDMR tool. Nearly eighty percent (80%) of the regulated entities are currently utilizing NetDMR, ADEQ anticipates this figure to reach eighty-five percent (85%) by December 21, 2016. The majority of the training has been held at the North Little Rock headquarters; however, ADEQ has contacted colleges and conferences to hold trainings in each region of the state for the convenience of the regulated community.

ADEQ mailed notifications, made phone calls to all of the NPDES regulated entities, and used press releases, informational sheets, postcards, and email blasts on a regular basis informing the entities of the Electronic Reporting Rule's requirements and NetDMR. After December 21, 2016, ADEQ will not conduct weekly trainings; however, training sessions will be offered twice a month for new regulated entities and existing entities that have new personnel who may need training on the NetDMR tool. Regarding the CDX migration of current NetDMR users, ADEQ will offer increased trainings, if needed, to assist the regulated entities with the set-up of CDX accounts.

Internally, the ADEQ Office of Water Quality staff, Enforcement and Compliance branches, were trained on the set up of a Permittee account. Each staff member was instructed on the set up of an Internal NetDMR account, how to search CORs, and how to request access on partial view to trouble shoot unsubmitted DMRs. The ADEQ Internal User Guide was created to keep on file for all current and future staff.

The following training materials were created to guide regulated entities on how to set up a NetDMR account, request access, and give an overview of entering data and signing and submitting DMRs.

- ADEQ NetDMR Permittee User Guide
- ADEQ NetDMR Setup and Data Entry Tutorial PowerPoint Presentation
- Addendum to the NetDMR User Guide for CDX Set Up (will be created in December 2016)

Future trainings, on the Electronic Reporting Phase 2, using the ePortal system for permit applications and other reports will be structured similar to the NetDMR training and outreach to the entities and ADEQ staff. User guides, PowerPoint presentations, press releases, informational sheets, etc. will be developed in 2017.

Current training materials are attached as appendix [insert appendix number here]

## **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”.)*

ADEQ plans on using the ADEQ ePortal system to collect General Permit Forms and Program Reports. ADEQ will use NetDMR for DMRs. The Data Transmission to EPA will need to be developed either using IT staff within ADEQ or using a contractor. A cost analysis will be performed to determine the final path ADEQ will take. In lieu of the collection via ADEQ ePortal, EPA’s NeT would be the next likely candidate for electronic reporting. The major drawbacks to using NeT include not having the web form document available for storage in an ADEQ database; not having control over the workflow of the forms submitted; having three different sites for permittees to visit to report their NPDES data; and additional outreach and training projects for a large number of permittees.

#### **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:*

- ADEQ is very concerned regarding the effect NetDMR-CDX Integration will have on achieving the ninety percent (90%) NetDMR user goal by June 2017;
- Significant rural population underserved by broadband internet;
- Staff operating small municipal systems and non-municipal facilities have been observed to have lower than optimal experience using computer systems and higher than average resistance to adoption of the technology. This results in significant over-the-phone re-training and troubleshooting needed each month as DMRs become due; and,
- ARG550000 master general permit for small in-home treatment systems have seen poor uptake of training opportunities and this is expected to translate into poor electronic reporting rates.

ADEQ anticipates that continued outreach efforts will be required throughout 2017 combined with formal enforcement proceedings for those permittees which continue to resist the transition. Exact criteria for the initiation of formal enforcement have yet to be determined.

#### **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.*

If ADEQ’s executive management decides that the goals are not being met by implementation of this plan and that internal refocus is not appropriate then ADEQ will reach out to the EPA to discuss reassessment options. This implementation plan is intended to be a living document and may be amended or edited as needed.