

# NPDES Electronic Reporting Rule Phase 2 Implementation Plan

## For North Carolina Division of Water Resources and North Carolina Division of Energy, Mineral and Land 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](mailto:NPDESElectronicReporting@epa.gov).

### 1. Overview/Executive Summary

The state does not currently have any electronic reporting tools in place for the Phase 2 NPDES data groups. An analysis is being performed to determine whether or not the state should develop a new application using the shared CROMERR services or buy a Commercial Off-the-Shelf (COTS) system or use EPA's system NeT. At this time, the approximate date when the state expects to successfully implement electronic reporting for the Phase 2 NPDES data is unknown. The state, will, however, strive to be ready by the December 21, 2020, implementation date.

The state will be the initial recipient for the following NPDES data groups:

- a. General Permit Reports for NOIs, NOTs and NECs
- b. Pretreatment Program Reports
- c. Sewer Overflow/Bypass Event Reports

The primary contact for this implementation plan is Jeff Poupart, Section Chief of the Water Quality Permitting Section of the Division of Water Resources within the Department of Environmental Quality (NC DEQ).

### 2. Agency NPDES Universe

This section is a "snapshot" in time, as of October 21, 2016, of the NPDES individual and master general permits (MGP) issued by DWR and DEMLR. The lists below indicate the universe of permits or authorizations for each permit type or MGP. With the exception of the Stormwater NCG010000 and NCGNE0000 authorizations, all NPDES permits are in EPA's ICIS-NPDES database.

Individual NPDES Permits

Agency	NPDES Program	Permit Type	Permit Universe
DWR	Wastewater	Major	214
DWR	Wastewater	Minor	935
DEMLR	Stormwater	MS4, Ph. 1	7
DEMLR	Stormwater	MS4, Ph. 2	102
DEMLR	Stormwater	Industrial	164

General NPDES Permits

Agency	NPDES Program	Master General Permit	Universe of Authorizations (COCs)
DWR	Wastewater	NCG500000	164
DWR	Wastewater	NCG510000	83
DWR	Wastewater	NCG520000	50
DWR	Wastewater	NCG530000	78
DWR	Wastewater	NCG550000	1,332
DWR	Wastewater	NCG560000	52
DWR	Wastewater	NCG590000	12
DEMLR	Stormwater	NCG010000	11,882
DEMLR	Stormwater	NCG020000	428
DEMLR	Stormwater	NCG030000	304
DEMLR	Stormwater	NCG050000	191
DEMLR	Stormwater	NCG060000	177
DEMLR	Stormwater	NCG070000	126
DEMLR	Stormwater	NCG080000	421
DEMLR	Stormwater	NCG090000	16
DEMLR	Stormwater	NCG100000	151
DEMLR	Stormwater	NCG110000	131
DEMLR	Stormwater	NCG120000	64
DEMLR	Stormwater	NCG130000	52
DEMLR	Stormwater	NCG140000	293
DEMLR	Stormwater	NCG150000	65
DEMLR	Stormwater	NCG160000	143
DEMLR	Stormwater	NCG170000	109
DEMLR	Stormwater	NCG180000	62
DEMLR	Stormwater	NCG190000	62
DEMLR	Stormwater	NCG200000	92
DEMLR	Stormwater	NCG210000	203
DEMLR	Stormwater	NCG240000	15
DEMLR	Stormwater	NCGNE0000	830
DEMLR	CAFO	NCA200000	9
DWR	CAFO	NCA300000	3
DWR	CAFO	NCA400000	2

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

DEQ currently does not have any E-reporting tools in place for Phase 2 data groups. An analysis is being performed to determine the following: Should DEQ develop a new application utilizing the shared CROMERR services, should a Commercial Off-the-Shelf (COTS) system be purchased or should EPA NeT be implemented.

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

Currently, DEQ does not have any electronic reporting tools in place for the Phase 2 NPDES data groups. The tables below describe work needed to meet the Phase 2 implementation requirements. At this time, the specific electronic reporting system that the state will implement has not yet been determined. As a result, the tasks and timeframes are unknown at this time. In the March 16, 2016, Initial Recipient Opt-Out Memo, the state requested that EPA be the initial recipient for the following NPDES data groups: General Permit Reports for Low Erosivity Waivers and Other Waivers from Stormwater Controls; CAFO Annual Program Reports; MS4 Program Reports; and CWA Section 316(b) Annual Reports. As a result, this implementation plan only addresses the NPDES data groups indicated below.

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

**Note:**

1. This data is currently captured in the state’s data system BIMS.
2. There is fee data associated to this that currently needs to stay in BIMS or the Fees / Billing process may need to be revisited.

Items	Description	Owner	Target Date
Determine NCG01	Currently, construction storm water general permits are not numbered and tracked. It will need to be determined how this will be handled. Business processes will need to be addressed. If possible this should be determined by the start of the project due to the fact this can impact the volume of new permits being issued.	Agency Staff (Business)	
Assign project manger	Project manager assigned to the General Permit Reports (NOIs and NOTs) data group.	Agency Staff (Business)	
Review options & decide on a solution	Detailed analysis of COTS products. Detailed analysis of creating a system using shared CROMERR services. Analysis of how to get this data into BIMS (if COTS solution is selected).	Agency Staff (Business and IT)	
BID process	If it is decided that an off -the-shelf solution should be used, then need to insert BID development and timeline.	Agency Staff (Business and IT)	TBD
Develop detailed business requirements	Clearly define how NC DEQ business translates to needed data for ICIS (Needed for COTS or in-house solution)	Agency Staff (Business and IT)	TBD
Development of in-house data collection from applicant	If it is decided that an in-house solution will be developed, then details will need to be placed here.	Agency Staff (IT)	TBD
UAT testing of NOI solution	Testing of COTS or in-house data solution	Agency Staff (Business)	TBD
Development of ETLs for ICIS loads	(Assumption that NPDES-ICIS java plugins will still be updated) DIT – DEQ support staff to update data pulls for ICIS loads.	Agency Staff (IT)	TBD

Items	Description	Owner	Target Date
UAT testing of ICIS uploads	Verify uploads are correct and data translation is correct.	Agency Staff (Business)	TBD
Production implementation	Move product (COTS or in House) to production.	TBD – Depends on solution	TBD

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

**Note:**

1. This data is currently NOT captured in BIMS; it is captured in FileMaker Pro.
2. This data is currently keyed in by staff into the FileMaker Pro.

Items	Description	Owner	Target Date
Assign Project Manager	Project manager assigned to Pretreatment Program Reports data group.	Agency Staff (Business)	
Review Options & Decide on a solution	Detailed analysis of COTS products. Detailed analysis of creating a system using shared CROMERR services. Detailed analysis to determine if data need to go into BIMS or can the ETLs be updated pulling from a different database.	Agency Staff (Business and IT)	
BID process	If it is decided that an off-the-shelf solution should be used, then need to insert BID development and timeline.	Agency Staff (Business and IT)	TBD
Develop Detailed business requirements	Clearly define how NC DEQ business translates to needed data for ICIS. (Needed for COTS or in-house solution)	Agency Staff (Business and IT)	TBD
Development of In-house of Data collection from applicant	If it is decided that an in-house solution will be developed, then details will need to be placed here.	Agency Staff (IT)	TBD
UAT Testing of NOI solution	Testing of COTS or in-house data solution.	Agency Staff (Business)	TBD
Development of ETLs for ICIS loads	(Assumption that NPDES -ICIS java plugins will still be updated) DIT – DEQ support staff to update data pulls for ICIS loads.	Agency Staff (IT)	TBD
UAT testing of ICIS uploads	Verify uploads are correct and data translation is correct.	Agency Staff (Business)	TBD
Production implementation	Move product (COTS or in-house) to production.	TBD – Depends on solution	TBD

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

**Note:**

1. This data is data captured in BIMS electronically, but is **not** CROMERR compliant. The entire process will need to be revamped because currently there is one sign-on per permittee.
2. Currently this data is already captured in BIMS

Items	Description	Owner	Target Date
Determine Business Process for SSOS	NC DEQ – DWR tracks SSO differently from the way EPA track them. Business staff need to determine how to track moving forward.	Agency Staff (Business)	

Items	Description	Owner	Target Date
Assign Project Manger	Project manager assigned to the SSO Overflow / Bypass Event Reports data group.	Agency Staff (Business)	
Review Options & Decide on a solution	Detailed analysis of COTS products. Detailed analysis of creating a system using shared CROMERR services. Analysis of how to get this data into BIMS (if COTS solution is selected).	Agency Staff (Business and IT)	
BID process	If it is decided that an off-the-shelf solution should be used, then need to insert BID development and timeline.	Agency Staff (Business and IT)	TBD
Develop Detailed business requirements	Clearly define how NC DEQ business translates to needed data for ICIS (Needed for COTS or in-house solution).	Agency Staff (Business and IT)	TBD
Development of In-house of Data collection from applicant	If decided an in-house solution will be developed, then details will need to be placed here.	Agency Staff (IT)	TBD
UAT Testing of NOI solution	Testing of COTS or in-house data solution.	Agency Staff (Business)	TBD
Development of ETLs for ICIS loads	(Assumption that NPDES -ICIS java plugins will still be updated) DIT – DEQ support staff to update data pulls for ICIS loads.	Agency Staff (IT)	TBD
UAT testing of ICIS uploads	Verify uploads are correct and data translation is correct.	Agency Staff (Business)	TBD
Production implementation	Move product (COTS or in-house) to production.	TBD – Depends on solution	TBD

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

At this time, the state cannot provide this requested information. The state has not yet determined the electronic reporting system(s) the state will use for the Phase 2 NPDES data groups. As a result, CROMERR approval dates are not yet known.

### A. General Permit Reports

CROMERR Approval Date: Unknown

### B. Pretreatment Program Reports

CROMERR Approval Date: Unknown

### C. Sewer Overflow/Bypass Event Reports

CROMERR Approval Date: Unknown

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

### DEMLR

NC DEQ's Rules incorporate the federal NPDES regulations in 40 CFR 122.21, 122.26, and 122.28 through 122.37 by reference (15A NCAC 02H .0126). To implement the Electronic Reporting Rule, no changes to State Statutes, State Regulation or Administrative Code need to be made.

Currently NC DEQ's Program does not require a Notice of Intent (NOI) application for the NPDES Stormwater General Permit NCG010000 for Construction Activities. The state's application for an Erosion and Sedimentation Control (E&SC) Plan approval takes the place of the NPDES Stormwater NOI, and coverage under the General Permit is issued automatically upon approval of the project's E&SC Plan by either our agency or a delegated local government entity. **The Stormwater Construction General Permit is scheduled for renewal in July 2018.** In preparation, DEQ will evaluate whether new requirements can be incorporated to facilitate electronic reporting. DEQ does have a database for tracking E&SC

Plan approvals and is working towards the ability to upload information into ICIS. See also the discussion on NCG01 in item 10.

For the other 21 NPDES Stormwater General Permits in the program, including No Exposure Certifications (“NCGNE’s”), DEMLR’s Stormwater Program will implement the same option for electronic Notice of Intent (NOI) applications as the Division of Water Resources’ NPDES Wastewater Permitting Program. The agency anticipates using a modified version of EPA’s NeT tool to accomplish this capability, unless DEQ identifies another option. **The timeline for this will coincide with the DWR NPDES Wastewater Program...**

Currently the agency does not require a formal application process for Notices of Termination. State Rule 15A NCAC 02H .0112 (b)(5) authorizes the Director to rescind the permit upon request by the permittee. While the DEMLR Stormwater Program does provide a Rescission Request form on our website, NC’s Program also accepts a request in writing (e.g., letter) from the permittee to complete the rescission action. DEQ will have to modify this protocol in order to facilitate a Permittee’s ability to request NOT electronically. Again, DEMLR’s Stormwater Program will implement the same option for electronic NOT applications as the Division of Water Resources’ NPDES Wastewater Permitting Program. The agency anticipates using a modified version of EPA’s NeT tool to accomplish this capability, unless DEQ identifies another option. **The timeline for this will coincide with the DWR NPDES Wastewater Program...**

North Carolina will not be the initial recipient for **MS4 Permit Annual Reports**, included in Phase II of the E-Reporting Rule. NC DEQ will rely on EPA as the initial recipient and EPA’s e-reporting tools or ICIS extraction reports to obtain reports as necessary. NC’s Stormwater Program is working with local government associations on a sustainability initiative that will include on-line reporting tools. As this process evolves, DEQ will evaluate its role in the MS4 Annual Report electronic reporting process. (DEQ’s Stormwater Program has provided a draft of this approach to the MS4 Permitting Program to EPA Region 4.)

#### DWR

North Carolina is in the process of updating all its rules and regulations. State regulations related to the pretreatment program will have to be updated and can be done with the current rules revision underway. Because of the lengthy process of this endeavor, it is unknown when the final rules and regulations will be approved.

The state has begun inserting the electronic reporting requirements into NPDES permits. The state anticipates that all NPDES permits will have the e-reporting requirements as part of the permit requirements on or before the Phase 2 implementation date.

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

To be considered for a temporary waiver from electronic reporting, permittees must complete and submit the Temporary Electronic Reporting Waiver application to the appropriate state Division. A permittee may be granted a temporary waiver from the NPDES electronic reporting requirements if the reporting facility:

- Is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband internet access in the most recent National Broadband Map (<http://www.broadbandmap.gov/>) from the Federal Communications Commission (FCC); or
- Demonstrates that such electronic reporting of the monitoring data and reports would pose an unreasonable burden or expense to the NPDES-permitted facility.

Approved waivers from electronic reporting are temporary and will include an expiration date. The permittee may re-apply for a new waiver if the conditions above are met. Re-application should be submitted to the appropriate Division no later than sixty (60) days prior to the electronic reporting waiver’s expiration. Approved electronic reporting waivers are not transferrable.

Electronic reporting waivers are waivers from electronic reporting only. An NPDES-regulated permittee receiving an electronic reporting waiver will be required to provide the required monitoring data on paper forms or formats approved by the Division Director. Failure to report will be an enforceable violation of the NPDES permit.

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.

## 8. Outreach and Training

### DEMLR - Stormwater

DEQ's Stormwater Program is looking at the possibility of using e-mail communication, workshops, webinars, and coordinating with industry groups for outreach and training opportunities to familiarize permittees with available electronic reporting systems.

### DWR – Pretreatment

Pretreatment annual report training is presented every year in January and February. This training will be revised to include electronic reporting. Additional opportunities for training to the regulated community are at the Pretreatment Annual Conference (every year in September or October) and at the NC-PC membership meetings which are held quarterly.

Training for collection systems is typically presented at the annual operators' school on rules and regulations, which can be used to train on the Sewer Overflow/Bypass Event Report electronic reporting. Other training opportunities are available through the NC Rural Water Association.

### DWR – CAFO

The CAFO program will prepare a brochure and post on their website. Training and presentations will also be provided.

To alert and educate the NPDES regulated entities on how to use the agency's planned electronic reporting system, the state will send out informational brochures to permittees, update the agency's website, and/or conduct training as needed. Until the electronic reporting system has been determined, the specifics of the future outreach and training efforts are unknown.

## 9. Alternative Options

If the state is unable to obtain and implement a commercial off-the-shelf system or is unable to use EPA's NeT, then the state's alternative option is to request that EPA be the initial recipient for all Phase 2 NPDES reports.

## 10. Obstacles to Rule Implementation

### DWR

Because the state has not yet determined the electronic reporting tool it will use for the Phase 2 data groups, potential obstacles to rule implementation is not known.

### DEMLR

For regulated construction activities, complying with the requirements of the NPDES Electronic Reporting Rule will require a fundamental change in the way North Carolina currently administers its Program. Currently NC DEQ's Program does not require a Notice of Intent (NOI) application for the NPDES Stormwater General Permit NCG010000 for Construction Activities. Coverage under the General Permit is issued automatically upon approval of the project's Erosion and Sedimentation Control (E&SC) Plan by either our agency or a delegated local government entity. DEQ is evaluating potential changes to this arrangement but wants to underscore this fundamental programmatic challenge. DEQ strongly feels it needs to maintain a structure that avoids requiring two applications for the same activity and hopes to accomplish E-Reporting Rule goals through an alternative option—for example, by having permittees register project details on-line once E&SC Plan approval and concomitant NCG01 permit coverage are achieved.

Also, DEQ occasionally has situations when a business closes and vacates an industrial site, and coverage under a general permit lapses. In cases where we cannot contact the owner, operator, or facility contact, the Department can rescind the permit if field staff verify that industrial activity and material exposure are no longer present or pose a risk to water quality. This action avoids indefinite accumulation of overdue annual fees. This situation means some permittees will never electronically request a Notice of Termination (NOT) when needed.

It is notable the NC DEQ is facing significant resource restrictions at this time. Our Program is severely limited not just with IT staff support but also permit writers to accomplish our primary mandate of issuing and renewing NPDES permits. It is apparent that our staff will have to divert substantial time and efforts away from permitting duties in order to devote necessary focus on meeting E-Reporting Rule initiatives and Outreach/Training needs.

## **11. Implementation Plan Reassessment**

If the state is unable to implement a Commercial Off-the-Shelf system or is unable to use EPA's NeT, then the state will revisit this Implementation Plan. In addition, as the state works through its implementation process, where changes arise or needs change, staff will contact EPA as necessary.