NPDES Electronic Reporting Rule
Phase 2 Implementation Plan

Pennsylvania Department of Environmental Protection (PADEP)
December 19, 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

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.

PADEP's enterprise data system is eFACTS. eFACTS is the database where agency-wide permit applications, facilities, inspections and enforcement records are stored. PADEP uses an application named, "Water Management System" (WMS) to record effluent limitations in NPDES permits and to generate NPDES permit documents. NPDES-permitted facilities use PADEP's electronic Discharge Monitoring Report (eDMR) system to record self-monitoring results. These systems house PADEP's Phase 1 data. These data are extracted and transmitted to ICIS-NPDES on a monthly basis or more frequently. The main PADEP contacts for Phase 1 data are:

- Bureau of Information Technology, Application Support Help Desk – 717-705-3768
- Bureau of Information Technology, Network Node Team – 717-772-1697
- Bureau of Clean Water, Division of Operations – 717-787-6744
- Bureau of Clean Water, Division of NPDES Permitting – 717-787-5017

The Bureau of Clean Water divisions identified above will be the primary contacts for Phase 2 data.

PADEP's general plans for Phase 2 data are as follows:

- General permit reports: PADEP is working with the Pennsylvania State University (Penn State) through a master agreement to develop and implement an electronic NPDES annual reporting service. This service would allow for the submission of both annual general permit reports and annual program reports. The first program report being developed as the prototype for this service is the MS4 annual report. It is anticipated that the MS4 annual report system will be ready by the effective date of PADEP's PAG-13 General Permit (i.e., March 2018).

    NOTE – PADEP's NPDES general permits are structured such that the submission of annual reports constitutes the NOI. There are generally no 5-year renewal NOIs once a facility is covered. A formal NOI is generally necessary only when new general permit coverage is sought. PADEP would like to utilize EPA's NeT tool for new NOIs, if EPA's tool can be customized for PADEP's NOIs.

- Notice of Termination (NOT): DEP will utilize either the service developed by Penn State or EPA's NeT tool for NOTs.

- No Exposure Certification (NOE): DEP will utilize either the service developed by Penn State or EPA's NeT tool for NOEs.

- Low Erosivity Waiver and Other Waivers from Stormwater Controls (LEW)): DEP will utilize either the service developed by Penn State or EPA's NeT tool for stormwater waivers.

- Sewage Sludge/Biosolids Annual Program Reports [40 CFR 503]: PADEP is not authorized to implement the 503 biosolids program. PADEP has its own state program (Chapter 271) with its own annual reporting program. PADEP may use Penn State's service for biosolids annual reports in the future.

- Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)]: PADEP will utilize Penn State's service for CAFO annual reports, by 2020.

- Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)]: PADEP will utilize Penn State's service for MS4 annual reports, by 2018.

- Pretreatment Program Reports [40 CFR 403.12(i)]: PADEP is not delegated to implement the federal pretreatment program.

- Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]: PADEP is not delegated to implement the federal pretreatment program.

- Sewer Overflow/Bypass Event Reports [40 CFR 122.41(l)(4), (l)(6) and (7), (m)(3)]: PADEP currently collects information on sewer overflows through its eDMR system. PADEP will evaluate whether its eDMR system will capture all necessary data or whether customized reporting tools through Penn State's service will be utilized.

- CWA Section 316(b) Annual Reports [40 CFR 125 Subpart J]: PADEP will utilize Penn State's service for 316(b) annual reports, by 2020.

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:*
    B. *Number of Active and Administratively Continued Minor Individual NPDES Permits:*
    C. *Number of Active and Administratively Continued MS4 Permits:*
    D. *List of Agency General NPDES Permits with number of authorizations for each:*

PADEP's current universe of "active" facilities with NPDES permits (not including mining and construction stormwater) is as follows:

The universe of applicable facilities that must use eDMR for reporting – a total of 5,303 facilities – includes:

Individual industrial waste NPDES permits – 911 (102 Majors)
Individual sewage NPDES permits (not small flow sewage facilities) – 2,056 (311 Majors)
Individual industrial stormwater NPDES permits – 318
PAG-03 General Permit (industrial stormwater) – 1,951
PAG-05 General Permit (groundwater cleanup systems) – 66
PAG-11 General Permit (aquaculture) – 1

At this time approximately 50% of these facilities are using eDMR. PADEP has a significant backlog of eDMR registration requests to process.

The universe of applicable facilities that either do not have traditional DMR submissions (i.e., have only annual reports) or, in the case of PAG-10, have only occasional / infrequent discharges (e.g., once per year or less) – a total of 5,074 facilities – includes:

Individual small flow sewage NPDES permits – 609
Individual municipal stormwater (MS4) NPDES permits – 189 (includes 18 waivers)
Individual CAFO NPDES permits – 98
Individual pesticides NPDES permits – 14
PAG-04 General Permit (small flow sewage facilities) – 2,479
PAG-06 General Permit (CSOs from combined systems without treatment plants) – 28
PAG-10 General Permit (hydrostatic testing) – 84
PAG-12 General Permit (CAFOs) – 301
PAG-13 General Permit (MS4s) – 763 (includes 127 waivers)
PAG-15 General Permit (pesticides) – 11
No Exposure Certifications (industrial stormwater) – 498

Total = 10,377 (all of these facilities with the exception of No Exposure Certifications are currently in ICIS).

PADEP's current universe of "active" mining sites with NPDES permits is as follows:

Mining Individual NPDES Permit – 1,595
GP-104 General NPDES Permit for Stormwater Discharges Associated with Mining Activities – 424

Total = 2,019

All of these mining permittees will be expected to use the eDMR system. Currently none of these facilities are in ICIS, and none are using eDMR.

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.

Please see response to No. 1, above.

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.

It is anticipated that Penn State will develop the data flow processes to transmit relevant program report data to ICIS-NPDES. It is not anticipated at this time that significant work will be necessary to adapt PADEP's data systems (eFACTS and WMS) for Phase 2 data.

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: Penn State will develop annual reports for PADEP's general permits. PADEP may decide to use EPA's NeT for new NOIs, NOTs, NOEs and LEWs, and would like to work with EPA HQ to develop prototypes if possible.
Task Completion Timeline: Unknown but prior to 12-21-2020.

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

Agency/Contractor/EPA Roles and Responsibilities: Penn State to develop and configure data flow to ICIS.
Task Completion Timeline: 12-21-2020

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: Penn State to develop and configure data flow to ICIS.
Task Completion Timeline: March 2018 or when MS4 program report schema become available.

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

Agency/Contractor/EPA Roles and Responsibilities: EPA is responsible for pretreatment in PA.
Task Completion Timeline: Uknown.

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: EPA is responsible for significant industrial user compliance reports in PA.
Task Completion Timeline: Unknown.

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: Enhancements to PADEP's eDMR system or new report developed by Penn State.
Task Completion Timeline: 12-21-2020

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

Agency/Contractor/EPA Roles and Responsibilities: Penn State to develop and configure data flow to ICIS.
Task Completion Timeline: 12-21-2020

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: EPA is responsible for 503 biosolids program in PA.
Task Completion Timeline: Uknown.

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.

If EPA's NeT will be used for Pennsylvania's NOIs, NOTs, NOEs and LEWs, PADEP assumes that an expedited CROMERR approval will apply. Otherwise, for these data elements, and for all other program reports described below, PADEP will apply for CROMERR approval for all services developed and hosted by Penn State prior to launching the services for public use.

A. General Permit Reports
CROMERR Approval Date:
B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports
CROMERR Approval Date:
C. Municipal Separate Storm Sewer System (MS4) Program Reports
CROMERR Approval Date:
D. Pretreatment Program Reports
CROMERR Approval Date:
E. Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs
CROMERR Approval Date:
F. Sewer Overflow/Bypass Event Reports

CROMERR Approval Date:
G. <u>CWA section 316(b) Annual Reports</u>
CROMERR Approval Date:
H. <u>Sewage Sludge/Biosolids Annual Program Reports</u>
CROMERR Approval Date:

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.

No changes in Pennsylvania statutes or regulations are deemed necessary for implementation of the eReporting Rule.

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.

At this time PADEP does not plan to issue permanent waivers for Discharge Monitoring Reports. PADEP may authorize temporary waivers to facilities with adequate justification, but is not planning to develop formal waiver forms. If a 5-year temporary waiver is authorized, PADEP will ensure that the process follows 40 CFR Part 127 requirements.

PADEP will consider the possibility of allowing permanent waivers for certain program reports in the future. For example, Pennsylvania has a large population of Amish farmers, and some of these operate CAFOs.

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.

PADEP has issued notification letters to all NPDES-permitted facilities that are not presently using its eDMR system, but will be required to do so. The letters request the submission of eDMR registration paperwork by December 2016. Failure to submit this paperwork may result in enforcement by PADEP. PADEP had previously issued similar notification to significant Chesapeake Bay dischargers. For program reports, PADEP will plan to issue similar notification letters well in advance of the 2020 reporting deadline, and conduct other outreach through PADEP-developed newsletters and websites.

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".)

PADEP is relying on Penn State to development the majority of electronic services needed to implement Phase 2. In the event that this development does not occur, PADEP will need to rely on NeT.

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

The primary obstacle for implementation is ensuring that sufficient development resources exist to complete numerous projects by 2020. There are inherent risks that those resources will not be sufficient or available to complete all of these projects.

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.

   PADEP would like to pursue certain data groups through NeT if those data can be automatically transmitted back to PADEP after user entry. PADEP volunteered for piloting its NOI for industrial stormwater and some preliminary work between PADEP and EPA HQ was initiated in 2015. PADEP could use EPA's assistance in implementing Phase 2, and is eager to participate in any development effort.