

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

## **Vermont Department of Environmental Conservation Watershed Management Division 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. 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.

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 for Phase 2 data. This plan omits electronic reporting of Discharge Monitoring Reports (DMRs) required in Phase 1.

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.

By December 21, 2020, states must begin electronically collecting, managing, and sharing the remaining set of NPDES program information. This information includes: general permit reports (e.g. Notice of Intent to be covered (NOI); Notice of Termination (NOT); No Exposure Certification (NOE); Low Erosivity Waiver and Other Waivers from Stormwater Controls (LEW)); Sewage Sludge/Biosolids Annual Program Report (where the state is the authorized NPDES biosolids program); and all other remaining NPDES program reports. These program reports include:

- Sewage Sludge/Biosolids Annual Program Reports [40 CFR 503] (for the 8 states that implement the Federal Biosolids Program)
- Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)]
- Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)]
- Pretreatment Program Reports [40 CFR 403.12(i)]
- Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]
- Sewer Overflow/Bypass Event Reports [40 CFR 122.41(l)(4), (l)(6) and (7), (m)(3)]
- CWA Section 316(b) Annual Reports [40 CFR 125 Subpart J]

## 1. Overview/Executive Summary

Vermont currently has primarily two databases which houses NPDES information. This includes the Wastewater Inventory and Stormwater Databases. The Department of Environmental Conservation (DEC) Watershed Management Division (WSMD) is currently working with a consultant to comply with the requirements under Phase I implementation. This work will be completed in 2017 and lay the foundation for Phase 2 implementation. Working with a consultant and using the Departments nFORM product () the Department is developing online reporting capability for NPDES regulated entities to electronically submit data and reports. Work also involves developing an approach for mapping the NPDES data required under Phase 1 of the eReporting Rule to NPDES data fields and then flow that additional data to ICIS-NPDES through OpenNode2. The Department's goal is to successfully implement electronic reporting for Phase 2 data no later than December 21, 2020.

The Vermont Department of Environmental Conservation (DEC) Watershed currently has two databases which house NPDES data, the Wastewater Inventory (WWI) and Stormwater databases. DEC worked with Windsor Solutions in 2011/2012 to map WWI data to ICIS-NPDES and implement an initial data exchange using OpenNode2. DEC is currently working with Windsor Solutions to incorporate additional NPDES data elements into our existing NPDES flow as required under Phase 1 of the eReporting Rule including an initial exchange of data from our Stormwater database. DEC anticipates contracting with Windsor Solutions to assist with incorporating the remaining data elements to our existing flow as required by Phase 2 of the eReporting Rule. That work is expected to begin in the 2018/2019 timeframe and be completed by December 21, 2020.

DEC is using Windsor Solutions' nFORM system (rebranded as ANROnline) for all of our electronic reporting needs. We are currently working with Windsor Solutions on the development of an eDMR reporting solution within our ANROnline system as required under Phase 1 of the eReporting Rule. That work will be completed in early 2017. The current plan is to meet all of the e-reporting capability requirements under Phase 2 of the eReporting Rule using our ANROnline System. Development of the additional e-reporting capability will be performed primarily by DEC staff with possible assistance from Windsor Solutions where enhancements to ANROnline are required to support the requirements of the new forms. Development of the Phase 2 reporting forms will begin in July 2017 and be completed by December 21, 2020.

The primary contact for this Implementation Plan is Mary L. Borg, Deputy Director Watershed Management Division.

**Mary L. Borg, Deputy Director**  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522  
802-490-6101/ [Mary.Borg@vermont.gov](mailto:Mary.Borg@vermont.gov)  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

## 2. Department NPDES Universe

The number of active authorizations in this section represents a “snapshot” in time. The number changes daily as new authorizations are issued and active authorizations expire or are terminated. Updates to this section will only be provided to EPA when other sections of this Implementation Plan require updates.

Authorization Type	Master General Permit No.	Master General Permit Expires	Number of Permits as of 12/21/2016
Construction Stormwater GP	3-9020	Expired, administratively continued	740, including 69 individual permits. None are in EPA’s ICIS-NPDES database
Multi-Sector Stormwater GP	3-9003	Expired, administratively continued	754 - none are in EPA’s ICIS-NPDES database
Municipal Separate Storm Sewer Systems (MS4 GP)	3-9014	12/2017	15 - none are in EPA’s ICIS-NPDES database
NPDES Direct Discharge Permit			180 report to ICIS
NPDES Pretreatment Permit			42 - none report to ICIS
NPDES General			12 report to ICIS
Pretreatment General			3 - none report to ICIS

### Stormwater NPDES Rollout

Vermont’s existing Multi-Sector General Permit expired in August 2016 and is currently administratively continued. The Program’s transition to eDMR will need to coincide with the re-issuance of the MSGP, hence the schedule for having permittee’s use eDMR is largely informed by the schedule for re-issuing the MSGP and associated authorizations under this permit. Reissuance of the MSGP requires the review and authorization of over 700 projects. This is a substantial technical and administrative effort for the program. Transitioning to a new permit, and the new eDMR requirements, presents significant staff resource challenges for the program. Consequently, NOI and SWPP review, permit authorization issuance, and subscription of permittees to eDMR will be phased in as proposed based on a prioritized review of NOIs and SWPPPs.

The proposed eDMR timeline assumes eDMR functionality developed by time of MSGP issuance.

Item	Target Completion Date
Draft MSGP issued (30-day public comment, hearing, response summary)	2/1/2017
Final MSGP issued (Operators prepare applications)	4/1/2017
NOIs due for all Sectors except “J” and “A” (mining & timber)	6/1/2017

Item	Target Completion Date
NOIs due for Sectors “J” and “A”	9/1/2017
Authorizations issuance (“projects” does not include “no-exposure” certifications; roughly 470 projects anticipated)	<ul style="list-style-type: none"> <li>• 5% projects authorized by 7/1/17</li> <li>• 25% projects authorized by 10/1/17</li> <li>• 65% of projects authorized by 12/1/17</li> <li>• 100% projects resolved (authorized or compliance action underway) 6/1/18</li> </ul>
eDMRs	<ul style="list-style-type: none"> <li>• 5% projects using eDMR for 3<sup>rd</sup> monitoring quarter 2017</li> <li>• 20% projects using eDMR for 4<sup>th</sup> monitoring quarter 2017</li> <li>• 75% using eDMR for 1st monitoring quarter 2018</li> <li>• 100% using eDMR, waived, or under compliance action for 2<sup>nd</sup> monitoring quarter 2018</li> </ul>

In addition to the need to coordinate reauthorizations under the new MSGP with the rollout of MSGP electronic reporting, the Stormwater Program is expected to complete the following work during 2017 as required by EPA in the Lake Champlain Phosphorus TMDL Phase 1 Implementation Plan and by state statute (Act 64):

- Issue new TS4 General Permit (if not final in December 2016)
- Reissue MS4 General Permit
- Address 200 expired permits in stormwater-impaired waters
- Reissue MSGP, including authorization of approximately 800 facilities, including training of 470 facilities in eDMR (no exposure sites don’t use eDMR).
- Reissue Construction General Permit
- Issue new Municipal Roads General Permit
- Issue new 3-acre Impervious Surface General Permit on a statewide basis
- Issue new Stormwater Rule, including provisions for trading and impact fees.

The Program currently has 3,693 active permits. Approximately 3,000 of these are long-term operating permits for impervious surfaces greater than one-acre, which require annual inspection reports, periodic re-certifications, and periodic permit renewal. In FY 2015, the Program issued 599 permits. In FY 2016, it issued 678.

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

The Wastewater Program houses all their working data (across all wastewater programs, not just NPDES) in a database called WasteWaterInventory (WWI) that was developed in-house. Data from the WWI has been flowing required data through a plugin on OpenNode2 that was developed by Windsor Solutions since 2012.

The Stormwater Program (a separate organizational entity within the state) houses all their working data in a database called Stormwater (SW) that was developed in-house. No data from SW is currenting being flowed into ICIS-NPDES.

Vermont DEC has contracted with Windsor Solutions to update the existing plugin to include the expanded data fields required by the e-Reporting rule as well as incorporate the SW data in the flow. This work will continue through mid-2017.

Windsor Solutions is also developing enhancements to the existing forms portal (that uses their nFORM product) and building a form for eDMR submissions by regulated entities.

Both of these tools will be further expanded over the next few years to meet the additional requirements of Phase II.

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

<i>NPDES Data Group</i>	<i>Milestones</i>	<i>Target Date</i>
A. General Permit Reports	Data for this group resides in the WWI. An outstanding task for this flow includes ensuring that all of the Phase II required data elements are added to the existing OpenNode 2 plugin. The agency intends to contract for the further development work required on this plugin. Data collection from regulated entities will be done electronically via ANROnline.	12/21/2020
B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports	Currently VT DEC does not have any CAFO Permits, but may in the future. An outstanding task for this flow includes ensuring that all of the Phase II required data elements are added to the existing OpenNode 2 plugin. The agency intends to contract for the further development work required on this plugin. Data collection from regulated entities will be done electronically via ANROnline.	12/21/2020
C. Municipal Separate Storm Sewer System (MS4) Program Reports	Data from this program resides in our SW data system. An outstanding task for this flow includes ensuring that all of the Phase II required data elements are added to the existing OpenNode 2 plugin. The agency intends to contract for the further development work required on this plugin. Data collection from regulated entities will be done electronically via ANROnline.	12/21/2020
D. Pretreatment Program Reports	DEC is working to adjust the data structure so required data for this group can be captured and	12/21/2020

<i>NPDES Data Group</i>	<i>Milestones</i>	<i>Target Date</i>
	flowed. Completion of these changes is expected by mid-2017 but tools for the collection and flow of the data still need to be built. Data collection from regulated entities will be done electronically via ANROnline. The agency intends to contract for the further development work required on this plugin.	
E. Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs	DEC does not track municipalities without a pretreatment program. There is no data to flow.	<i>Not scheduled</i>
F. Sewer Overflow/Bypass Event Reports	Data from this group is currently being collected electronically and flowed to EPA. An outstanding task for this flow includes ensuring that all of the Phase II required data elements are added to the existing OpenNode 2 plugin. The agency intends to contract for the further development work required on this plugin. Data collection from regulated entities will be done electronically via ANROnline.	<i>12/21/2020</i>
G. CWA section 316(b) Annual Reports	NA for VT DEC	<i>NA</i>
H. Sewage Sludge/Biosolids Annual Program Reports	Data from this group resides in the WWI. An outstanding task for this flow includes ensuring that all of the Phase II required data elements are added to the existing OpenNode 2 plugin. The agency intends to contract for the further development work required on this plugin. Data collection from regulated entities will be done electronically via ANROnline.	<i>12/21/2020</i>

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

Vermont DEC's CROMERR Primacy Application requested approval for electronic reporting for all of DEC's EPA-authorized programs. That request was approved in November 2012 and noticed in the Federal Register on November 16, 2012. The initial approval excluded 40 CFR 123 and 282 programs because we had an existing electronic submittal system in place at the time that was not CROMERR compliant through which we were receiving two reports under those parts. That system was subsequently decommissioned. We were notified by EPA of pending approval of our request for electronic reporting under Parts 123 and 282 on

March 10, 2015 and the approval was noticed in the Federal Register on July 16, 2015. DEC is using Windsor Solutions' nFORM system (rebranded as ANROnline) for all of our electronic reporting needs. DEC plans to meet all of the e-reporting capability requirements under Phase 2 of the eReporting Rule using ANROnline. Development of the additional e-reporting capability for Phase 2 will be performed primarily by DEC staff with possible assistance from Windsor Solutions where enhancements to ANROnline are required to support the requirements of the new forms. ANROnline requires the application to certify authenticity and has the same level of legal defensibility and dependability as information obtained through hard-copy submission. All new reporting and processes created for Phase 2 will also comply with this requirement

## **6. State Statutes, State Regulation, and NPDES Permits Update Estimated Completion Dates**

No state statutes need to be updated. Vermont's NPDES rule is scheduled for updating in 2017-2018 and will be modified to include electronic reporting requirements. Currently, as NPDES permits are issued, they include a provision that permittees shall use electronic reporting when made available by the Department unless a waiver is obtained.

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

DEC WSMD currently does not yet have a waiver approval process and criteria for granting waivers. The Wastewater and Stormwater programs will develop a plan for the waiver approval process and provide instructions to permittees as soon as possible.

## **8. Outreach and Training**

The WSMD has distributed information regarding the NPDES electronic reporting rule permittees, and recently provided information at the November 10, 2016 Green Mountain Water (and wastewater) Environment Fall conference. Outreach and training will continue throughout the implementation of Phase 1 and 2 of the electronic reporting rule. The DEC WSMD will use a variety of tools to educate and train facilities. This includes:

- creating training videos how to use and submit electronic applications
- developing written guidance how to use and submit electronic applications
- updating the DEC WSMD public website with current information
- distributing letters and postcards to
- conducting additional training

### **Wastewater NPDES Rollout Phase I:**

- The Wastewater (WW) Section is informing NPDES facility operators they will need to begin electronic reporting on April 15, 2017.
- The WW Section has worked with the Vermont Rural Water Association to schedule electronic discharge reporting training for permittees. This training will provide an in-depth walk-through of the new electronic reporting tool for NPDES program data. Attendees will receive 3 training contact hours. Classes are 9:00am to 12:00pm at various locations throughout the state.

### **Wastewater NPDES rollout 2017 training schedule**

<b>Date</b>	<b>Location</b>
Wednesday, February 22, 2017	Swanton Municipal Building 120 First Street, Swanton
Thursday, February 23, 2017	Lyndon Public Safety Building 316 Main Street, Lyndonville
Wednesday, March 1, 2017	Montpelier Public Works Garage 783 Dog River Road, Montpelier
Thursday, March 2, 2017	Hartford Municipal Building 171 Bridge Street, White River Junction
Wednesday, March 8, 2017	Bennington Fire Department 130 River Street (3 <sup>rd</sup> Floor), Bennington
Thursday, March 9, 2017	Burlington Main 53 Lavalley Lane, Burlington
Wednesday, March 15, 2017	Rutland Regional Planning Commission 67 Merchants Row, Rutland

### **9. Alternative Options**

The DEC is currently using a COTS system, working with the Agency IT Team and developing processes for the Watershed Management Staff to comply with the rule. We feel our plan is solid and our goal is to succeed with the plan as we proceed through development and implementation.

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

Achieving 100% of facilities reporting electronic poses the greatest obstacle because some facilities may not have the resources to submit electronic applications. In some instances, facilities do not have internet access on site due to Vermont's topography and rural nature. Our goal is to provide statewide training and outreach of our new process to encourage compliance.

### **11. Implementation Plan Reassessment**

The WSMD intends to update the plan as necessary and check-in in annually with EPA regarding our progress Implementing Phase 2.