

# NPDES Electronic Reporting Rule Phase 2 Implementation Plan

## For the Colorado Department of Public Health and Environment December, 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.*

Water Quality Control currently uses NetDMR and will continue to do so. The division does not currently have online application capabilities except for the Construction Stormwater general permit (COR030000). For that general permit the division is using a non-CROMERR online form that is then followed up with a mailed in wet signature document. The information from this system is imported to a Sharepoint site. Once a Construction Stormwater permit certification is issued, data for that permit certification is imported from the Sharepoint site to ICIS through the node.

The Sharepoint site manages applications and workflows for all NPDES and non-NPDES permit types. For all permits other than Construction Stormwater, once a permit or certification is issued, the permit information is data entered (direct entry) in ICIS. Compliance monitoring and tracking for all NPDES permits is done in ICIS.

The division has contracted with a company, enfoTech, to build an online portal to receive applications and reports for NPDES and Non-NPDES permits, Air Pollution Control permits and to handle applications and projects for our Grants and Loans Unit in Water Quality. To date, the division is still working with the contractor to improve the User Interface and User Experience. The contract is being managed at the department level. The contact manager for this project is Andrew Putnam, Colorado Department of Public Health and Environment (CDPHE) Environmental Information Manager and the executive Sponsor is Martha Rudolph, CDPHE Environmental Programs Director.

## 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.*

The following numbers are as of December 2016.

- A. Number of Active and Administratively Continued Major Individual NPDES Permits: 125
- B. Number of Active and Administratively Continued Minor Individual NPDES Permits: 348
- C. Number of Active and Administratively Continued MS4 Permits: 120
- D. List of Agency General NPDES Permits with number of authorizations for each:
  - COA932000 - CAFO- 81 (To be replaced by new CAFO MG COA933000)
  - COE000000 - Reuse Treater - 27
  - COG070000 - Construction Dewatering- 520
  - COG130000 - Fish Hatcheries - 13
  - COG315000 - Remediation Activities (Discharge to surface water) - 82
  - COG500000 - Sand and Gravel (Process water and storm water combined) - 181
  - COG588000 - Domestic WWTF (100:1 dilution) - 81
  - COG589000 - Domestic WWTF - 67
  - COG600000 - Minimal Industrial Discharge (MINDI) - 4
  - COG603000 - Subterranean Dewatering - 112
  - COG604000 - Hydrostatic Testing - 24
  - COG605000 - Non-contact Cooling/blowdown - 12
  - COG607000 - Commercial Washing - 102
  - COG641000 - Water Treatment Plants - 89
  - COG840000 - Produced-Water Treatment - 9
  - COG850000 - Coal Mining - 10
  - COG860000 - Pesticides - 72
  - COR030000 - Stormwater Construction - 4,317
  - COR040000 - Stormwater Industrial Metal Mining - 89
  - COR070000 -MS4 Non Standard - 58
  - COR080000 - MS4 Cherry Creek Basin - 8
  - COR090000 - MS4 Standard - 46
  - COR340000 - Sand and Gravel Stormwater only - 446
  - COR900000 - Stormwater Industrial - 941

### **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.*

The division currently uses a NetDMR instance hosted by EPA.

The division flows a limited number of permits to ICIS through the node from our Sharepoint site and direct enters most of our other permits.

The division has contracted with enfoTech to build our web portal to comply with the eReporting Rule. The contract currently provides funding and direction to build the portal for two types of permit applications, which encompasses authorizations for three NPDES general permits including the following: *COR030000 - Stormwater Construction, COG070000 - Construction Dewatering, and COG315000 - Remediation Activities (Discharge to surface water)*. When that is completed, the division will flow data from that system through the node to ICIS.

### **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.*

The division does not have any timelines to report at this writing. The division has contracted with enfoTech for a pilot which will include Groundwater Remediation and Construction Stormwater GPCFs. The original go live date of November 2016 is now pushed out due to the need to improve the enfoTech User Portal. Further, the division does not have additional funding at this time, see section 10.

### **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.*

The current contractor already has CROMERR approval for their system. The division cannot speculate on when we will apply at this time, see section 4.

- A. General Permit Reports  
CROMERR Approval Date: TBD
- B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports  
CROMERR Approval Date: TBD (They will be using the CEOS system)
- C. Municipal Separate Storm Sewer System (MS4) Program Reports  
CROMERR Approval Date: TBD
- D. Pretreatment Program Reports  
CROMERR Approval Date: TBD
- E. Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs  
CROMERR Approval Date: TBD
- F. Sewer Overflow/Bypass Event Reports  
CROMERR Approval Date: TBD
- G. CWA section 316(b) Annual Reports  
CROMERR Approval Date: TBD
- H. Sewage Sludge/Biosolids Annual Program Reports  
CROMERR Approval Date: Not delegated

**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.*

The division is considering making regulatory changes to align state regulations with the need to e-report. However there is no conflict in state regulations or statutes with the e-reporting 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.*

The division intends to require that all waivers must be requested by hard copy application including wet signature. The division plans that all waiver requests must contain the following information: facility name; NPDES permit number (if applicable); facility address, name address and contact information for the owner, operator or duly authorized facility representative; brief written statement regarding the basis for claiming a waiver (permanent or temporary).

The division intends to grant permanent waivers for religious reasons.

The division intends to grant other waivers for the term of the permit for no or limited access to high speed internet; and for NOI's under Master General Permits with fewer than 25 GPCFs.

The division intends to grant or deny waiver requests and notify the requestor within 45 days of receipt. The division intends that it is the duty of the owner, operator or duly authorized representative of the NPDES permittee to re-apply in writing for a new temporary waiver, if required. When an electronic reporting waiver is granted, the permittee must provide to the division all data in paper format and division personnel will enter the data into the EPA database.

The division intends to automatically grant waivers (no signed requested required) for DMRs if the permittee has begun the training process before December 21, 2016 but has not been identity proofed and approved by WQCD staff. The division may also grant episodic waivers to address natural disasters (e.g., floods or wildfires). For these episodic waivers a signed formal request will not be required.

The division also intends to retain the ability to grant waivers for other reasons on a case by case basis upon showing of good cause.

## **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.*

The division has created an eReporting Rule web page; dedicated 1 FTE to NetDMR training; held weekly NetDMR webinar training; sent letters to stakeholders; included outreach documents with permits and DMRs; required use of NetDMR as part of enforcement actions; and attended multiple meetings/conferences of local stakeholder groups to provide information.

## **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".)*

Use the EPA NeT system.

## **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*

**Funding:** The division has identified a limited amount of funding for use before June of 2017. Additionally, the division has identified possible funding for July 2017-June 2020 but legislative approval must be received before we may proceed. The division has submitted for that approval but will not know if we have it until May of 2017.

**Contractor:** The division is working with the contractor to address our issues and requirements and this process is on-going. The state does not have the level of OIT support available to developing our own system in house.

## **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.*

The division intends to update and reassess this plan as we work with the contractor and as funding is or is not found.