

NPDES Electronic Reporting Rule Phase II Implementation Plan

For Maine Department of Environmental Protection
December 20, 2016

ME R1 V1 IP

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 II 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 II 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 II data. Completed IPs can be emailed to EPA at: NPDESReporting@epa.gov.

1. Overview/Executive Summary

The Maine Department of Environmental Protection (Me DEP) houses most of our environmental data for our stormwater and wastewater programs in a multi-media system called the Environmental Facilities Information System (EFIS). We have historically housed our license coding, schedule compliance information, and enforcement data in this system and twice a week are shipping data to the US EPA Integrated Compliance Information System (ICIS). Me DEP has had its own web based system to collect environmental monitoring data from the MEPDES license holders, which was known as the electronic discharge monitoring reporting system (eDMR), and that data was shipped to the Me DEP

EFIS database and subsequently shipped to the US EPA ICIS database. However, since our eDMR system was not CROMERR, and we had to comply with the electronic reporting rule (e rule) by the deadline of December 16, 2016 for DMR submittals, Me DEP has transitioned from using our eDMR system to using the US EPA's NetDMR system. All of our customers have been transitioned to this system for submitting their monitoring information to the US EPA. Subsequently, Me DEP had a need to obtain this monitoring data and have a copy of it reside in our own EFIS database for operational purposes, so Me DEP has utilized the US EPA's VES capabilities to flow this monitoring data from the ICIS database to the EFIS database.

For phase II compliance, it is the intention of the Me DEP to utilize the tools that the US EPA builds into the Net system that will enable our various MEPDES license holders to comply with the reporting requirements of phase II of the e rule by submitting the necessary reports and information directly to the US EPA. It is the intent of the Me DEP to explore expanding the use of the US EPA's VES capabilities to be able to move copies of this phase II reporting data from the ICIS database to the EFIS database. Our general intention for our implementation strategy for all sectors will be to closely observe the development of these reporting tools, and once they are developed, schedule an opportunity for the Me DEP staff to be trained in the use of the tools. We will then develop an implementation plan for the individual sectors that have commitments under the phase II requirements, and then fully implement the tools for use. These implementation plans may include a pilot plan depending on the number of entities that need to use the tool and the complexity of the operation of the reporting tool itself. Me DEP utilized the pilot concept when implementing phase I of the e rule, and that worked very well for the Me DEP staff as well as all of our license holders.

In general, the single contact person for the overall compliance of all programs that are included under phase II of the e rule related to any of the following programs; stormwater, wastewater, combined sewer overflow, pretreatment program, and concentrated animal feeding operations, will be the Director of the Division of Water Quality Management, Brian Kavanah. The contact persons responsible for implementing the requirements of the e rule to the sectors will be as follows;

- MS4 and Industrial Stormwater Programs – David Ladd: David.Ladd@maine.gov
- Combined Sewer Overflow Program – John True: John.N.TRUE@maine.gov
- Pretreatment Program – Sterling Pierce: [Sterling.Pierce@maine.gov](mailto: Sterling.Pierce@maine.gov)
- Concentrated Animal Feeding Operation (MEPDES licensed)- Sterling Pierce: [Sterling.Pierce@maine.gov](mailto: Sterling.Pierce@maine.gov)

At this time it is not possible for Me DEP to estimate the approximate date when the agency expects to successfully implement electronic reporting for phase II data, because we have not seen the reporting tools that EPA is intending to develop for each sector, and we have not been trained on the use of these tools to evaluate what it will take to train and implement the use of these tools with our license holders.

2. Agency NPDES Universe (as of 12/20/16)

The following is the list of Maine's MEPDES permits. No significant changes are anticipated.

- A. Me DEP currently has 75 active and administratively continued Major individual MEPDES permits.
- B. Me DEP currently has 320 active and administratively continued minor individual MEPDES permits.
- C. Me DEP currently has 40 active and administratively continued MS4 permits.
 - 30 are small municipal MS4 facilities
 - 8 are state/federal facilities
 - 2 are transportation facilities
- D. Me DEP has issued and administers the following 12 MEPDES general permits.
 - ❖ Antifouling paint contaminated vessel wash water general permit MEG170000
4 facilities have been licensed under this general permit
 - ❖ Aquatic herbicide discharges approved under general permit MEG150000
1 facility have been licensed under this general permit
 - ❖ Aquatic pesticide for control of mosquito discharges approved under general permit MEG140000
2 facilities have been licensed under this general permit
 - ❖ Atlantic Salmon Aquaculture Facilities approved under general permit MEG130000
13 facilities have been licensed under this general permit
 - ❖ Pesticide Discharges approved under general permit MEG230000
2 facilities have been licensed under this general permit
 - ❖ Piscicides application for the control of invasive fish general permit MEG180000
2 facilities have been licensed under this general permit
 - ❖ Discharges of waste snow to surface waters approved under general permit MEG210000
3 facilities have been licensed under this general permit
 - ❖ Stormwater - Multi-Sector General Permit – Stormwater Discharge Associated With Industrial Activity approved under general permit MER050000
Approximately 630 facilities will be licensed under this recently renewed general permit

- ❖ Stormwater – Small Municipal. General Permit for the Discharge of Stormwater From Small Municipal Separate Storm Sewer Systems approved under general permit MER041000
30 facilities have been licensed under this general permit
- ❖ Stormwater – General Permit for the Discharge of Stormwater From Maine Department of Transportation and Maine Turnpike Authority Municipal Separate Storm Sewer System Facilities approved under general permit MER043000
2 facilities have been licensed under this general permit
- ❖ Stormwater – General Permit for the Discharge of Stormwater From State or Federally Owned Municipal Separate Storm Sewer System Facilities approved under general permit MER042000
8 facilities have been licensed under this general permit
- ❖ Stormwater – General Permit – Post Construction Discharge of Stormwater in the Long Creek Watershed approved under general permit MEG190000
Approximately 100 facilities have been licensed under this general permit

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

It is the intention of the Me DEP to continue using the US EPA's NetDMR tool for reporting DMR information and to use the US EPA's developed NeT reporting tools for any other requirements cited in the phase II portion of the electronic reporting rule.

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

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: Maine will be using whatever tool the US EPA develops in NeT for General Permit Reports including NOIs, NOTs, NOEs, and LEWs to use for submitting the necessary information as described in phase II of the electronic reporting rule.

Task Completion Timeline: Once the US EPA has developed the necessary tool in NeT, then Maine DEP staff will seek training on these tools. Once that is completed, we will pilot the tool with a particular facility that we believe is poised for success, and then we will fully implement with the remainder of the licensed facilities.

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

Agency/Contractor/EPA Roles and Responsibilities: Maine will be using whatever tool the US EPA develops in NeT for CAFO's to use for submitting the necessary information as described in phase II of the electronic reporting rule.

Task Completion Timeline: Once the US EPA has developed the necessary tool in NeT, then Maine DEP staff will seek training on these tools. Once that is completed, we will pilot the tool with a particular facility that we believe is poised for success, and then we will fully implement with the remainder of the licensed CAFO's.

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: Maine will be using whatever tool the US EPA develops in NeT for the MS4 program to use for submitting the necessary information as described in phase II of the electronic reporting rule.

Task Completion Timeline: Once the US EPA has developed the necessary tool in NeT, then Maine DEP staff will seek training on these tools. Once that is completed, we will pilot the tool with a particular facility that we believe is poised for success, and then we will fully implement with the remainder of the licensed facilities.

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

Agency/Contractor/EPA Roles and Responsibilities: Maine will be using whatever tool the US EPA develops in NeT for the pretreatment programs to use for submitting the necessary information as described in phase II of the electronic reporting rule.

Task Completion Timeline: Once the US EPA has developed the necessary tool in NeT, then Maine DEP staff will seek training on these tools. Once that is completed, we will pilot the tool with a particular facility that we believe is poised for success, and then we will fully implement with the remainder of the facilities that have been delegated authority to implement a pretreatment program.

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: Maine will be using whatever tool the US EPA develops in NeT for the significant industrial users to use for submitting the necessary information as described in phase II of the electronic reporting rule.

Task Completion Timeline: Once the US EPA has developed the necessary tool in NeT, then Maine DEP staff will seek training on these tools. Once that is completed, we will pilot the tool with a particular facility that we believe is poised for success, and then we will fully

implement with the remainder of the facilities that have been delegated authority to implement a pretreatment program.

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: Maine will be using whatever tool the US EPA develops in NeT for use for Sewer Overflow/Bypass Event Reports for submitting the necessary information as described in phase II of the electronic reporting rule.

Task Completion Timeline: Once the US EPA has developed the necessary tool in NeT, then Maine DEP staff will seek training on these tools. Once that is completed, we will pilot the tool with a particular facility that we believe is poised for success, and then we will fully implement with the remainder of the facilities that may need to submit Sewer Overflow/Bypass Event Reports.

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

Agency/Contractor/EPA Roles and Responsibilities: MeDEP is not authorized to implement the 316(b) program. Should MeDEP become authorized prior to the phase II deadline Maine will be using whatever tool the US EPA develops in NeT for use for 316(b) Reports for submitting the necessary information as described in phase II of the electronic reporting rule.

Task Completion Timeline: MeDEP is not authorized to implement the 316(b) program. Should MeDEP become authorized prior to the phase II deadline, once the US EPA has developed the necessary tool in NeT, then Maine DEP staff will seek training on these tools. Once that is completed, we will pilot the tool with a particular facility that we believe is poised for success, and then we will fully implement with the remainder of the facilities that may need to submit 316(b) Reports.

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

Maine is not authorized for the NPDES biosolids program.

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

It is the intent of the Maine Department of Environmental Protection to only use tools developed by the US EPA to comply with the requirements of the Cross-Media Electronic Reporting Rule (CROMERR). Therefore, we do not have any information concerning implementation dates to share concerning any of our programs to be implemented.

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. CWA section 316(b) Annual Reports
CROMERR Approval Date:
- H. Sewage Sludge/Biosolids Annual Program Reports
CROMERR Approval Date:

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

The Maine Department of Environmental Protection does not anticipate having to make any changes to state statutes, regulations, or rules in order to enforce any of the requirements of phase II of the electronic reporting rule.

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

The Maine Department of Environmental Protection will evaluate each of the facilities/licensees that are required to submit information electronically in compliance with the requirements of phase II of the electronic reporting rule. If we encounter a circumstance with any of these entities that will not enable them to comply with the requirements of the rule without undue hardship, then and only then will we entertain a request for a temporary or permanent waiver. Depending on the demonstration of evidence to support such a request, Maine DEP will then act upon the waiver request.

8. Outreach and Training

The Maine Department of Environmental Protection utilized a pilot training system when implementing the requirements of phase I of the electronic reporting rule, which was to transition our license holders from using the Maine DEP's eDMR system to utilizing the US EPA's NetDMR system. This pilot system gave the Me DEP staff a chance to determine if our training techniques and delivery systems were going to work effectively in educating our license holders about the new NetDMR system and also effective in demonstrating the use of the new system. We found this to be a very effective tool for our staff and may well use it for certain sectors of license holders that are subject to the requirements of phase II of the e rule. When Me DEP staff was implementing the switch from the use of eDMR to

NetDMR systems, we also utilized a one on one technique with some facilities when training and instructing about the use of the new system.

Looking ahead to phase II implementation, we will again be using the one on one technique with some of our license holders based on a number of factors. We will take into account important criteria like; location, experience with computer and web based systems, and complexity of the NET tool that has been developed by the US EPA. This outreach and training will be done by various compliance inspection staff from the Division of Water Quality Management, which may well impact their ability to meet regularly expected inspection and complaint investigation targets as established in our CMS plans for the next four years.

9. Alternative Options

The Maine Department of Environmental Protection is intending to utilize the tools that the US EPA develops for use in Net for the various licensees that have to submit data and or reports in compliance with phase II of the electronic reporting rule. We do not anticipate having to utilize any alternatives to achieve compliance with the rule at this time.

10. Obstacles to Rule Implementation

For the pretreatment program facilities and the significant industrial users (SIU's), the Maine DEP does not expect to encounter any problems with available internet service at these locations nor do we expect to encounter any problems with the staff at these facilities not being able to be properly trained to be able to utilize the NeT tool developed by the US EPA. These facilities currently employ a number of different electronic systems to manage the operations of the facilities in many different ways.

The large and medium sized licensed CAFO's may provide the Maine DEP staff with some challenges in the technical training of staff to be able to utilize the NeT tool that will be provided by the US EPA. We have been working with the facilities over the past few years, in conjunction with the Maine Department of Agriculture, Forestry, and Conservation, and have encountered some difficulties with their ability to be able to interpret and subsequently record and report the necessary information to the regulatory agencies. We feel that we can work through these issues.

We may also encounter some challenges with certain facilities under the Stormwater Multisector General Permit. We will work with these facilities through various education and outreach tools and direct assistance through the facility inspector.

11. Implementation Plan Reassessment

The Maine Department of Environmental Protection anticipates that the implementation of the requirements of phase II of the e rule will be an on-going process. We will continuously

be evaluating the tools provided by the US EPA for use in the NET system, and reassessing our techniques for training license holders and the associated schedules for implementation based on staff and facility availability. When we were doing the implementation of the phase I portion of the rule, we were constantly faced with weather issues on training days, training room availability, license holder cancelations based on sickness or emergencies, availability of staff trainers, and the reality of how many training sessions can you schedule each week.

One of the most significant issues is that EPA has required that all of these facilities be transitioned to electronic reporting and the entire burden of training the facility staff, monitoring the implementation of the reporting requirement, and the continuous support to maintain this effort with technical assistance and additional training comes with no additional money or positions. This puts the Me DEP staff in the unenviable position of having to let other required work and activities fall by the wayside due to the lack of resources and associated time constraints. This is probably the most significant hurdle for the regulatory staff. As for the time savings and efficiencies created by electric reporting, it remains to be seen what the benefits / efficiencies gained from this e rule are exactly.