

NPDES Electronic Reporting Rule Phase 2 Implementation Plan

Texas Commission on Environmental Quality

**Final Release
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 does not include electronic reporting of Discharge Monitoring Reports (DMRs) which was 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.

These IPs can be emailed to EPA using the following email address:
NPDESElectronicReporting@epa.gov.

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.

1. Agency NPDES Universe

The agency NPDES universe represents general permit (GP) authorizations and individual permits that were active as of the date specified in the last column of the table below. 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	Universe as of 6/30/2016
Construction Stormwater GP	TXR150000	3/5/18	20,738 NOI 4 Waivers
Multi-Sector Stormwater GP	TXR050000	8/14/21	9,088 NOI 4,474 NEC
Concrete Batch GP	TXG110000	11/7/21	678
Concentrated Animal Feeding Operation GP (TPDES only)	TXG920000	7/20/19	515
Small (Phase II) Municipal Separate Storm Sewer System GP	TXR040000	12/13/18	509 NOI 75 Waivers
Petro Contaminated Water GP	TXG830000	9/12/18	49
Hydrostatic Test GP	TXG670000	4/5/20	74
Aquaculture GP	TXG130000	4/18/21	38
Pesticide GP	TXG870000	11/2/21	22
Petroleum Bulk Storage GP	TXG340000	10/24/17	13
John Graves Scenic Riverway GP	TXG500000	3/28/19	5
Harris County Onsite GP	TXG530000	1/30/19	0
Private Domestic Wastewater Individual TPDES Permits			619
Public Domestic Wastewater Individual TPDES Permits			1,423
Industrial Individual TPDES Permits			529
CAFO Individual TPDES Permits			43
Construction Individual TPDES Permits			0
Industrial Stormwater Individual TPDES Permits			35
Phase I MS4 Individual TPDES Permits			26
Approved Pretreatment Programs			73
Significant Industrial User (SIU) in Municipalities Without Approved Pretreatment Programs			34

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

A. NPDES Permitting

a. Electronic Permitting:

TCEQ currently uses the State of Texas Environmental Electronic Reporting System (STEERS), which is a Cross-Media Electronic Reporting Rule (CROMERR) compliant online system that allows regulated entities to submit electronic permit applications. STEERS is located on the TCEQ website at: <https://www3.tceq.texas.gov/steers/>. STEERS currently has electronic application modules for the following Master General Permits:

- Construction GP;
- Multi-Sector GP;
- Concrete Batch GP;
- Concentrated Animal Feeding Operation GP (Renewal, Notice of Change, Notice of Termination, and Change in Permittee application types); and
- Pesticide GP.

This electronic system is available for entities to submit Notice of Intent (NOI), Notice of termination (NOT), Notice of Change (NOC), No Exposure Certification (NEC), and Low Erosivity Waiver (LEW) applications, as applicable.

b. Permitting Databases:

TCEQ maintains customer and regulated site data elements in the Central Registry (CR) database. Data elements for Master General Permits and general permit authorizations are maintained in the Authorization and Remediation Tracking System (ARTS) database. Data elements for individual permits are maintained in the Permit and Registration Information System (PARIS) database.

Data elements for Approved Pretreatment Programs are maintained in separate systems such as the PARIS database, ICIS-NPDES, and other adhoc spreadsheets or databases. Data elements for SIUs in Municipalities Without Approved Pretreatment Programs are maintained in adhoc spreadsheets. TCEQ is beginning the process to consolidate the various adhoc spreadsheets and databases for the pretreatment program in a separate PARIS module.

c. State and EPA Permitting Data Exchanges:

TCEQ currently enters permitting data directly into ICIS-NPDES, but is developing an electronic data exchange system that will electronically send permitting data from CR, ARTS, and PARIS databases directly to ICIS-NPDES. This data exchange system is expected to be completed in 2017.

B. Compliance Monitoring and Enforcement

a. Compliance Monitoring and Enforcement Database:

TCEQ maintains the following information in Consolidated Compliance and Enforcement Data System (CCEDS):

- Complaints
- Violations

- Investigations
- Enforcement Actions and Penalties

Certain compliance data elements for Phase I MS4 entities are maintained in ICIS-NPDES and adhoc spreadsheets. Certain compliance data elements for Phase II MS4 entities are maintained in adhoc spreadsheets. Certain compliance data elements for Approved Pretreatment Programs are maintained in separate systems such as ICIS-NPDES, CCEDS, and other adhoc spreadsheets or databases. Certain compliance data elements for SIUs in Municipalities Without Approved Pretreatment Programs are maintained in CCEDS and adhoc spreadsheets.

b. State and EPA Compliance Data Exchanges:

TCEQ currently utilizes the Texas Integrated Data Exchange Node (TIDEN) for the electronic transmission of all applicable NPDES compliance monitoring and enforcement from CCEDS to ICIS-NPDES via EPA Central Data Exchange Network (CDX).

C. Electronic Discharge Monitoring Reports:

NetDMR is the tool that Texas has been using since 2009 that allows regulated entities to submit discharge monitoring report (DMR) information electronically. NetDMR is compliant with Phase 1 rule requirements, with the exception of unscheduled DMRs required to be submitted under the Multi-Sector Stormwater GP.

D. Electronic Annual/Periodic Reports:

Presently TCEQ receives annual and periodic reports through paper submittal. Each of the reports are manually transcribed into compliance tracking systems. All of the applicable reports are tracked on localized spreadsheets, with exception to Sanitary Sewer Overflow (SSO) Reports, which are tracked in CCEDS.

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

A. Electronic Permitting:

Implementation Task	Target Completion Date	Status
Update STEERS to add a new electronic permitting module for the Concrete Batch GP	11/7/2016	Completed
Update STEERS to collect 4 new data elements required by Appendix A for Multi-Sector GP	8/14/2016	Completed
Update STEERS to collect 3 new data elements required by Appendix A for Construction Stormwater GP	3/5/2018	Pending
Update STEERS to collect 1 new data element required by Appendix A for Concentrated Animal Feeding Operation GP (Renewal, Notice of Change, and Change in Permittee application types)	7/20/2019	Pending

Electronic permitting modules for the following general permits are not planned for development at this time. See Section 6, relating to electronic reporting waivers, for discussion of these general permits.

- Concentrated Animal Feeding Operation GP (New, Significant Expansion, and Substantial Change application types)
- Municipal Separate Storm Sewer System GP
- Petroleum Contaminated Water GP
- Hydrostatic Test GP
- Aquaculture GP
- Petroleum Bulk Storage GP
- John Graves Scenic Riverway GP
- Harris County Onsite GP

B. Permitting Databases:

TCEQ will update the permitting databases as indicated in the table below. Please note that the completion date for several of the data elements will be completed to be aligned with the re-issuance or renewal of the general permits.

Implementation Task	Target Completion Date	Status
Update ARTS functionality to collect data elements required by Appendix A for all TPDES Master General Permits	8/14/2016	Completed
Update ARTS to collect 9 new data elements required by Appendix A for the Multi-Sector GP authorizations	8/14/2016	Completed
Update ARTS to collect 5 new data elements required by Appendix A for the Pesticide GP authorizations	11/2/2016	Completed
Update ARTS to collect 10 new data elements required by Appendix A for the Concrete Batch GP authorizations	11/7/2016	Completed
Update PARIS to collect 47 new data elements for individual permits	12/31/2016	In Progress
Update PARIS to collect 8 new data elements for MS4 individual permits (Large and Medium MS4s)	1/31/2019	Ticket Submitted and Ranked
Update PARIS to collect new data elements for Approved Pretreatment Programs	1/31/2019	Ticket Submitted and Ranked
Update ARTS to collect 10 new data elements required by Appendix A for the Petroleum Bulk Storage GP authorizations	8/31/2017	Pending
Update ARTS to collect 8 new data elements required by Appendix A for the Construction Stormwater GP authorizations	8/31/2017	Pending

Update ARTS to collect 8 new data elements required by Appendix A for the Petroleum Contaminated Water GP authorizations	8/31/2017	Pending
Update ARTS to collect 19 new data elements required by Appendix A for the Municipal Separate Storm Sewer System GP authorizations	12/13/2018	Pending
Update ARTS to collect 8 new data elements required by Appendix A for the John Graves Scenic Riverway GP authorizations	8/31/2017	Pending
Update ARTS to collect 6 new data elements required by Appendix A for the Concentrated Animal Feeding Operation GP authorizations	8/31/2017	Pending
Update ARTS to collect 10 new data elements required by Appendix A for the Hydrostatic Test Water GP authorizations	8/31/2017	Pending
Update ARTS to collect 9 new data elements required by Appendix A for the Aquaculture GP authorizations	8/31/2017	Pending
Change the permit identification system for the Stormwater Construction GP from 12 numeric characters to 9 alpha-numeric characters.	3/5/2018	Pending

C. State and EPA Permitting Data Exchanges:

Implementation Task	Target Completion Date	Status
Create a new ICIS-NPDES Permit data flow to extract TPDES individual permit, TPDES master general permit, and TPDES general permit authorization data elements from the Central Registry (CR), ARTS, PARIS databases and submit the data to EPA's CDX for entry to EPA's ICIS-NPDES database. This effort is limited to fields that exist in both EPA and TCEQ databases on June 1, 2016.	12/31/2016	Pending
Update the ICIS-NPDES permit data flow to extract data elements that were added to EPA and TCEQ databases after June 1, 2016.	8/31/2019	Pending

D. Compliance and Enforcement Database:

Implementation Task	Target Completion Date	Status
Revise the automated data flows for CCEDS to ICIS-NPDES uploads to ensure all required data elements related to compliance and enforcement activities are included.	March 2018	Pending

E. Electronic Discharge Monitoring Reports:

Implementation Task	Target Completion Date	Status
Transfer current Texas NetDMR Users to EPA's NetDMR system and EPA's CDX. This effort is time dependent on EPA's readiness to accept the transfer of Texas Users.	Before June of 2017	Pending
Create a read only version for storage of Copies of Records of electronic DMRs previously submitted to TCEQ via Texas NetDMR.	Before June of 2017	Pending

F. Electronic Annual/Periodic Reports:

TCEQ reviewed the current business and technical standards for each applicable program report to determine whether electronic reporting could be accommodated by a state system or by the federal NeT system.

Federal NeT System

TCEQ identified that the following program reports can possibly be facilitated by NeT:

- Biosolid/Sewage Sludge Annual Report
- CAFO Annual Report
- MS4 Program Report
- Pretreatment Program Annual Report
- SIU Compliance Reports in Municipalities Without Approved Pretreatment Programs
- CWA Section 316 Program Report

Currently EPA has only developed Biosolids/Sewage Sludge reporting in NeT for federal reporting. EPA is to begin the development of the remaining program reports in early 2017. TCEQ will be directly engaged and participating in the federal development workgroups.

Implementation Task	Target Completion Date	Status
Biosolid/Sewage Sludge Annual Report	December 2020	In Progress
CAFO Annual Report	December 2020	Pending EPA project initiation
MS4 Program Report		
Pretreatment Program Annual Report		
SIU Compliance Reports in Municipalities Without Approved Pretreatment Programs		
CWA Section 316 Program Report		

State Reporting System

TCEQ has identified that electronic reporting of SSOs cannot be accommodated in NeT due to the scope of the universe extending outside the standard NPDES program and additional state business requirements. Additionally technical evaluation will need to be conducted to determine whether this report can be incorporated in the state STEERS application or whether an alternative system is necessary. Due to the significant demand of the technical projects and maintenance, TCEQ will be evaluating the electronic reporting requirements in FY2018.

Implementation Task	Target Completion Date	Status
SSO Event Report	December 2020	Pending FY18 Prioritization

4. CROMERR Compliance Status for Agency Electronic Reporting Systems

- A. STEERS
CROMERR Approval Date: April 27, 2009
- B. Texas NetDMR
CROMERR Approval Date: April 16, 2009
- C. US EPA NetDMR
CROMERR Approval Date: June 2009
- D. US EPA National Electronic Tool (NeT)
CROMERR Approval Date: N/A

5. State Statutes, State Administrative Rules, and NPDES Permits Revisions

Implementation Task	Target Completion Date	Status
Revise state statutes and/or state rules	Not needed	Not Needed
Revise the individual permit shells	3/1/2016	Completed
Revise master general permits	As each master general permit is renewed (See Section 1 for expiration dates)	In Progress

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

Temporary and permanent waivers, when approved, apply to all electronic reporting tools (ie. e-permitting, NetDMR, and electronic reporting systems for periodic reports) required to be used by the permit.

Permanent waivers will be approved if the permittee has a religious objection to electronic reporting. Permanent waivers do not expire.

Temporary waivers will be approved if the permittee:

- does not have a computer;
- does not have internet access;
- has limited internet speed; or
- needs additional training on electronic reporting tools.

When the permittee indicates that the reason for the waiver is that additional training is needed on electronic reporting tools, the waiver will expire a maximum of one year from the electronic reporting waiver approval date. A permittee may not renew a waiver, if the renewal reason is that additional training was needed.

For all other reasons noted above, temporary waivers will be set to expire on the same date as the expiration date of the active permit. If an expired permit is administratively continued, the temporary waiver is also administratively continued if an electronic reporting waiver request is submitted with the renewal application. When the permit renewal is re-issued, the temporary waiver will be simultaneously approved, so that both the permit and temporary waiver expire on the same date. In the event that the permit renewal is delayed for an extended period of time, TCEQ may verify the continued need for the temporary waiver prior to re-issuing the permit and waiver.

If a permittee holds multiple permits, a waiver request must be submitted for each permit. Temporary and permanent waivers are not transferrable to another permittee. In the event that the permit is transferred to another permittee, the existing un-expired waiver will be cancelled on the date the permit transfer is completed.

Under the following conditions, TCEQ will include a temporary waiver in a master general permits that is applicable to all authorizations:

- there are fewer than 100 active authorizations; and/or
- the application review process includes a technical review and/or public notice.

If there are fewer than 100 active authorizations, it is not cost effective for TCEQ to develop and maintain electronic reporting tools. During each renewal or amendment of the master general permit, TCEQ will re-evaluate the number of active authorizations to determine if this threshold is exceeded. If there is a technical review of the general permit application, the volume of data necessary to conduct a technical review, as well as subsequent revisions to submitted data, make electronic permitting less time efficient and complicates the administrative record of having multiple submissions of technical data. If the application process includes public notice, having the administrative record in one consolidated media, rather than a combination of paper and electronic, makes it easier for the public to review and comment as well as judicial review of any contested applications.

The Texas NetDMR system is not currently designed to receive DMRs from entities authorized under the Multi-Sector General Permit. As noted above, TCEQ is transitioning from the Texas NetDMR system to EPA's NetDMR system. In August 2016, EPA Region 6 notified TCEQ that the transition should be completed by June 2017. Entities authorized under the Multi-Sector General Permit will not be able to submit DMRs electronically until the transition is completed. The delay in transitioning from the Texas NetDMR system to EPA's NetDMR system will result in these entities being non-compliant with 40 CFR Part 122.41(l)(4)(i), which requires permittees to submit DMRs electronically by December 21, 2016. This non-compliance situation cannot be alleviated by the permittee. The non-compliance can only be corrected by TCEQ and EPA completing the transition to EPA's NetDMR system. To eliminate permittee's liability for this non-compliance situation, TCEQ issued a temporary waiver to all entities authorized under the TPDES Multi-Sector General Permit (TXR050000). This temporary waiver expires on August 31, 2017.

7. Outreach and Training

The TCEQ has distributed information regarding the NPDES electronic reporting rule to regulated entities, trade associations, training providers, advisory committee members, and permittees through electronic newsletters, outreach events, workshops, and meetings throughout the state. The TCEQ provides ongoing assistance to entities impacted by the rule through the NetDMR and Small Business and Local Government Assistance hotlines. This outreach and assistance will continue throughout the implementation of Phase 2 of the electronic reporting rule. Specifically, the TCEQ will continue to provide assistance via the hotlines, distribute information to regulated entities regarding upcoming electronic reporting deadlines via electronic newsletters, and provide information to attendees at outreach events - as they are conducted.

The following outreach events have been conducted as of December 21, 2016.

Outreach Activity	TCEQ Office or Division	Date Outreach Occurred	Comments (attendance #, target audience, etc)
Water Quality Advisory WorkGroup meetings	WQD	Quarterly beginning October 2015	Averages 10 people in person also available via webcast
Advocate article	SBLGA	December 4, 2015	9,272 subscribers
Advocate article distributed to trade associations	SBLGA	December 7, 2015	13 entities
Small Business Advisory Committee Meetings	SBLGA	December 8, 2015 March 10, 2016	27 attendees
Advocate article distributed to training providers	SBLGA	January 11, 2016	68 wastewater training providers
San Antonio Manufacturers Association (SAMA) Environmental	SBLGA	January 13, 2016	16 attendees

Outreach Activity	TCEQ Office or Division	Date Outreach Occurred	Comments (attendance #, target audience, etc)
Managing Small Domestic Wastewater Systems Workshops	SBLGA	January 13, 2016 February 10, 2016 February 11, 2016 February 23, 2016 February 24, 2016 March 2, 2016 May 17, 2016	250 attendees
DMR mailouts	OCE	Jan. 15, 2016	162 recipients
Houston-Galveston Area Council - Clean Waters Initiative Workshop	SBLGA/OCE	February 16, 2016	60 attendees
Texas Water Utilities Association Annual Conference	SBLGA	February 29, 2016	50 attendees
Independent Water and Sewer Companies of Texas (IWSCOT) workshop	WQD	February 2016 and September 2016	Averages 20 attendees
Advocate article distributed to Compliance Advisory Panel and Small Business Advisory Committees (SBAC)	SBLGA	March 24, 2016	3,215 recipients
DMR mailouts	OCE	April 15, 2016	185 recipients
Trade Fair Presentation	OCE and WQD	May 2016	92 attendees
WWTP Asset Management Part II (TCEQ Trade Fair)	SBLGA	May 4, 2016	21 attendees
Annual Region VI Pretreatment Workshop	WQD	Aug 2016	Municipalities with and without approved pretreatment programs Attendance ~ 150
DMR mailouts	OCE	July 15, 2016	162 recipients
Water Quality Seminar	WQD	Sept 2016	404 attendees
DMR mailouts	OCE	October 15, 2016	169 recipients
Emails to wastewater operators	SBLGA	Oct 2016	7,417 recipients
Letters to Cognizant Officials	SBLGA	Oct 2016	816 recipients

In addition to these efforts, the TCEQ will explore other avenues to educate and train regulated entities on how to utilize the agency's electronic reporting systems. This includes:

- training videos for reporting and permitting systems that are new to TCEQ-regulated entities or for which no other guidance has been created,
- modify existing websites to provide an overview of electronic reporting, sources of training, and a list of reporting systems that are applicable to each entity type,
- distribute letters and postcards to targeted entities,
- develop guidance documents to help entities effectively utilize electronic reporting systems,
- send e-mails to licensed wastewater operators to inform them of upcoming deadlines, and
- conduct workshops to educate and inform entities of new requirements.

8. 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".)

Electronic Permitting:

Not applicable. All general permits that are proposed to be added to electronic permitting will be completed by November 2016.

Transfer of TPDES permitting data to EPA:

If the ICIS-NPDES permit data flow is delayed, TCEQ will map required data elements to the "ICIS Mapping XML Template" provided by EPA or enter data directly into ICIS.

Compliance Database:

If TCEQ is unable to modify CCEDS to meet the requirements of the electronic reporting rule, TCEQ will seek to retain the necessary information in adhoc data systems.

Electronic Discharge Monitoring Reports:

Should TCEQ encounter an obstacle to transferring the current Texas NetDMR Users to the EPA NetDMR system, those Users will continue to utilize the Texas NetDMR system, and modifications will be made to Texas NetDMR to comply with the rule.

Electronic Annual/Periodic Reports:

Should TCEQ be unable to utilize NeT for one or more program reports mentioned above, TCEQ will consider amending existing state reporting systems or develop new reporting system(s).

9. Obstacles to Rule Implementation

In this section, describe any potential obstacles to e-reporting your agency anticipates, and discuss plans for overcoming these obstacles

- TCEQ may not be able to comply with the electronic reporting percentage goal in the rule based on the regulated universe's resources to submit electronic applications and reports. Although TCEQ has had a system for entities to submit electronic applications and incentivized usage by reducing the application fee, the usage rate for some of the general permits is still not meeting the 90% goal. For example, the usage rate for the multi-sector general permit is almost 60% for applications submitted electronically.

- TCEQ has started a project to modernize its enterprise applications. The project will impact all of the applications that support implementation of the eReporting Rule in one capacity or another.

Critical Technology Upgrades and Modernization

TCEQ's enterprise applications are being converted to a different technology. TCEQ has developed a plan to ensure electronic reporting deadlines are met. We will monitor this project closely to manage risk as it becomes known.

Funding:

TCEQ has not identified funding for the upgrades to the ICIS-NPDES permitting dataflow that is projected in FY2019. If funding is not secured, TCEQ will implement the alternative options identified in Section 8. Alternative Options.

Permitting Database Upgrades:

The addition of new data elements for pretreatment and MS4 in TCEQ databases has been postponed until these data elements have been added to ICIS. Postponing these data elements allows TCEQ to pattern our database upgrades to match ICIS, which will minimize data conversions required for the dataflow upgrade. TCEQ's target completion dates are dependent on EPA's upgrades to ICIS.

10. 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.

- New legislation which will impact laws or rules for the master general permits or individual permits.
- Current proposed and future EPA rules that will impact the master general permits or individual permits.

If one or more of the conditions mentioned above is not meeting or projected not to meet compliance with the TCEQ/NPDES Electronic Reporting Phase II Implementation Plan, the agency will (pro)actively engage with both EPA Region 6 and EPA Headquarters.