

NPDES Electronic Reporting Rule Phase 2 Implementation Plan

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION DECEMBER 16, 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.

WV DEP implemented ePermitting [web based application process with the data being validated and downloaded into DEP's Environmental Resources Information System (ERIS) client-server database] in 2003. This was prior to US EPA's CROMERR rule; therefore, company representatives still had to provide a wet ink signature through the mail. In 2009, eDMR was added to the same web-based system. In the past couple of years, the system has been expanded to include electronic reporting of many reports, and is named WVDEP's Electronic Submission System. In Phase 2, WVDEP will add the necessary electronic reporting forms and data fields to its current system to provide the Phase 2 data elements to EPA by December 21, 2020. WV DEP has only issued five-year electronic submittal waivers for less than 2% of NPDES applicants.

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: **97**
- B. Number of Active and Administratively Continued Minor Individual NPDES Permits: **2,012**
- C. Number of Active and Administratively Continued MS4 Permits: **MGP WV0116025 with 53 GPCFs**
- D. List of Agency General NPDES Permits with number of authorizations for each: **13 Total Master General Permits (including the MS4 MGP counted in C above – WV0116025)**
 - i. **WV0103110 Sewage General less than 50,000 GPD: 792**
 - ii. **WV0107000 Sewage General 600 GPD or less: 3,959**
 - iii. **WV0113727 Groundwater Remediation: 20**
 - iv. **WV0113069 Hydrostatic Testing: 138**
 - v. **WV0115754 Water Treatment Plants: 128**
 - vi. **WV0078743 Vehicle Washing Establishments: 92**
 - vii. **WVSG10000 Land Application of Sewage Sludge: 19**
 - viii. **WVSG20000 Disposal of Sewage Sludge to POTW: 69**
 - ix. **WV0116246 Wastewater Disposal from Highway or Municipal Maintenance Facility: 164**
 - x. **WV0116025 Storm Water Discharges from Small MS4s: 53**
 - xi. **WV0111457 Storm Water Associated with Industrial Activity: 1,199**
 - xii. **WV0115924 Storm Water Associated with Construction: 2,053**
 - xiii. **WV0116815 Storm Water Associated with Oil & Gas Construction: 375**

Out of the permits listed above, 3.7% are not in ICIS (basic permit data).

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.

WVDEP collects permit applications, modification, renewals, and related reports (including DMRs) through our Electronic Submission System described in #1, above. Data is validated and downloaded into WVDEPs Environmental Resources Information System (ERIS) and uploaded to ICIS. All Phase 2 requirements will be handled with the same data systems.

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.

NPDES Data Group	Milestones	Target Date
All Phase 2 data elements	Receive information electronically and upload data to ICIS	December 21, 2020

- 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: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 21, 2020**

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

Agency/Contractor/EPA Roles and Responsibilities: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 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: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 21, 2020**

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

Agency/Contractor/EPA Roles and Responsibilities: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 21, 2020**

- 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: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 21, 2020**

- 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: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 21, 2020**

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

Agency/Contractor/EPA Roles and Responsibilities: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 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: State employees to continue to develop e-reporting and the ICIS data feed.

Task Completion Timeline: **December 21, 2020**

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.

WV DEP completed/submitted a CROMERR application in 2005, and received a provisional approval. However, WV DEP submitted a revised application in June 2016, received comments back from EPA and has resubmitted a final application on December 2, 2016. WV DEP is in the process of purchasing a LexisNexis license to allow for identity verification to fully meet CROMERR compliance. WV DEP should have full compliance by the end of 2016.

A. General Permit Reports

CROMERR Approval Date: To be determined (TBD)

B. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports

CROMERR Approval Date: TBD

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: TBD

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 State of West Virginia does not need to update state statutes or rules relating to NPDES permitting in order to meet Phase 2.

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.

Currently, less than 2% of the NPDES permittees have waivers, and that is due to rural areas with no internet connectivity nearby. These are five year waivers that coincide with their permit cycle. If an issue arises that warrants a temporary or episodic waiver (natural disaster for example), WV DEP will have the ability to issue those waivers and meet the data requirements in ICIS.

8. Outreach and Training

WVDEP is utilizing its current Electronic Submission System; therefore, no particular additional training is required. Although, the agency offers periodic training each year for new permittees. WV Electronic Submittal System classes for electronic permitting and classes for electronic DMR submittal provides two Continuing Education Credit Hours each for Water and Wastewater Operators.

9. Alternative Options

None

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 biggest obstacle for planning Phase 2 is timing of EPA developing the required data fields in ICIS-NPDES.

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.

WV DEP would like to reassess once the Phase 2 data fields are available in ICIS.