

NPDES Electronic Reporting Rule 40 CFR 127



Virginia Water Environment Association
2016 Industrial Waste and Pretreatment Conference
Charlottesville, VA
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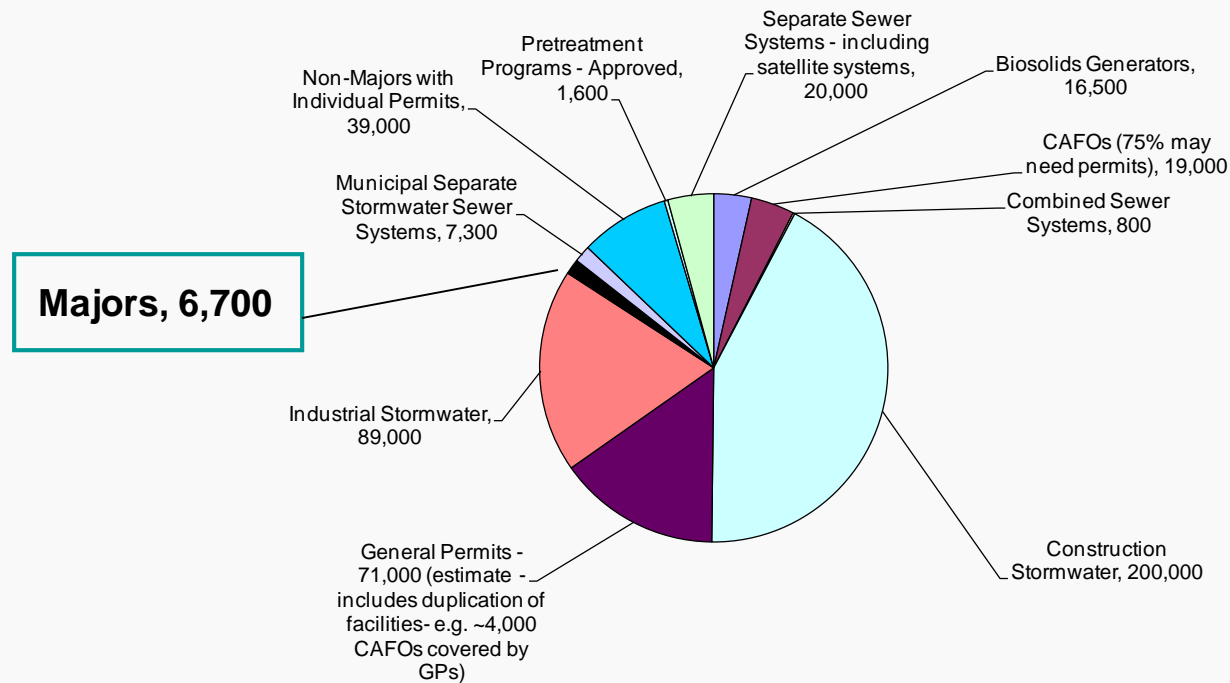
Goals of the Rulemaking

EPA recently updated its regulations to require electronic reporting of several Clean Water Act reports. This rule will help EPA and states clean up the nation's waters, by:

- Bringing the NPDES Program into the 21st Century by shifting from paper to electronic reporting. Final rule establishes no new reporting requirements for regulated entities.
- Saving money and time for the regulated community and for states (reduce data entry time, improve accuracy).
- Improving transparency and freeing resources to focus on the most important problems.
- Using technology to obtain more accurate, timely, and complete information about the NPDES program.



NPDES-Regulated Facilities



Note: This graph covers all discharge sources except for significant industrial users not under an Approved Pretreatment Program and dischargers operating under general permits for discharges from vessels and discharges from pesticide applicators.



EPA Region 9 Annual Pretreatment Reports



EPA Region 7 Annual Biosolids Reports



What Does the Rule Do?

- Replaces much of the currently-required paper-based NPDES reporting with electronic reporting, significantly reducing reporting burden.
- Obtains required information directly from the source where data is generated.
- Reduces data entry errors by instead requiring electronic data submissions.
- Provides significant cost savings for states, primarily due to streamlining the processing of DMR data.
- Proposes to eliminate several existing state reporting requirements to EPA.

Required Electronic Reporting



Existing NPDES Program Reporting		40 CFR
Data from NPDES Permittees	Discharge Monitoring Reports (DMRs)	122.41(l)(4)(i)
	General Permit Reports (NOI, NOT, NECs, LEWs)	122
	Sewage Sludge/Biosolids Annual Program Reports	503
	CAFO Annual Program Reports	122.42(e)(4)
	MS4 Program Reports	122.34(g)(3), 122.42(c)
	Pretreatment Program Annual Reports	403.12(i)
	Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs – When EPA or State is Control Authority	403.12(e) & (h)
	Sewer Overflow/Bypass Event Reports	122.41(l)(6), (7), (m)
	CWA 316(b) Annual Reports (Federally Listed Threatened or Endangered Species)	40 CFR 125 Subpart J
Data from States	Require electronic reporting by NPDES-authorized states, territories, tribes, and Regions of <u>program implementation information</u> (permits, inspections, violations, and enforcement actions)	123.41 & 123.43
	Eliminate requirements for the annual state biosolids annual report, semi-annual statistical summary report, phase out state burden for ANCR and QNCR submissions, and rename and modify terms defining Category I and Category II noncompliance to reflect the new data sources	123.45, 501.21

Implementation Approach



- **Phase 1 Data (21 December 2016):**
EPA and states would electronically receive:
 - Basic facility and permit information as well as inspections, violation determinations, and enforcement actions data from states;
 - DMR information (if required) from facilities; and
 - Sewage Sludge/Biosolids Annual Program Reports (where EPA runs the Federal biosolids program, which is 42 states, territories, and tribal lands – **includes Virginia**).
- **Phase 2 Data (21 December 2020):**
In addition to Phase 1 data, EPA and states would receive:
 - general permit reports such as information (NOIs, etc.) from general permit covered facilities; and
 - All identified program reports from facilities.
- **States can grant temporary electronic reporting waivers (up to five years, renewable upon request by permittee).**
- **Possible use of information collection requests by EPA as a means to compel NPDES regulated entities to start electronically reporting (“fill in the gaps”).**



EPA Partnering with States to Promote Electronic Reporting

Phase 1 – DMR Submissions

- EPA will work with states to bring their adoption rates above 90% through:
 - Individualized outreach plans and assistance (currently conferencing with 47 State programs); and
 - Training and assistance for states to implement EPA’s electronic reporting tools.

Phase 2 – General Permit and Program Reports

- Work with states to bring their adoption rates above 90% through:
 - Review and approval of state implementation plans (due one year after final rule)
 - Making new a new electronic reporting tool (NeT) available to states for general permits

EPA will identify financial assistance for states to implement e-reporting, pending resources.



What Does This Implementation Approach Mean for Permittees?

- Permittees will need to seek and obtain an electronic signature for use with an approved electronic reporting tools (developed by EPA, states, or third parties).
- States may seek minor modification to existing permits to require electronic reporting.
- Permittees will need to identify the designated initial recipient (state or EPA) for each NPDES submission.
- The facility's representatives will send the data to the approved electronic reporting tool; the data would then go to the state's data system or EPA's, and then be shared with the other government agency.



Temporary Waivers from Electronic Reporting

- In the final rule EPA recognized that electronic reporting could be problematic for certain facilities.
- EPA has include a process for states to grant temporary waivers from the final rule's electronic reporting requirements.
 - Temporary waivers cannot last more than five years, permittees must re-apply if they want a new waiver, and waivers cannot be transferred.
- Each State sets the conditions for approving temporary waivers and makes the final determinations.



EPA's Electronic Reporting Tools

- EPA has two tools for electronically collecting permit related documents and compliance monitoring information.
- These tools are available for states to use for their implementation of the NPDES Electronic Reporting Rule.
 - States can also elect to build and maintain their own electronic reporting tools.
- NetDMR – Used for the collection of Discharge Monitoring Report (DMR) forms.
- NPDES Electronic Reporting Tool (NeT) – Used for the collection of all other NPDES forms and information.



NetDMR



- National Installation of NetDMR
 - ❑ In Production Since June 2009
 - ❑ In production with 15 states, 8 EPA Regions, and approximately 9,000 permittees. (May 2015)
- States Hosted Installations of NetDMR
 - ❑ Texas Commission on Environmental Quality (TCEQ)
 - ❑ Nevada Division of Environmental Protection (NDEP)



NPDES e-Reporting Tool (NeT)

- What is in Production
 - EPA Region 6 – Offshore and Oil & Gas General Permit (GMG290000)
 - Office of Water – Stormwater Multi-Sector General Permit

- What is Next for 2016 and Beyond
 - Office of Water – Stormwater Construction General Permit
 - Program Reports (including pretreatment reports)
 - General Permits



Virginia eDMR System

- VPDES permittees can submit their DMRs online as an alternative to paper form submission.
- More info at:
<http://www.deq.virginia.gov/Programs/Water/PermittingCompliance/ElectronicDMRsubmissions.aspx>

The screenshot displays the Virginia Department of Environmental Quality (DEQ) eDMR System interface. The top navigation bar includes 'Home', 'Report', and 'My Profile' tabs, along with a user greeting 'Hello, Jason', a 'Help' icon, and a 'Logout' button. The main content area is divided into two sections:

Report Summary

Permit Type	Submitted within last 12 months	Past due	Due within next 6 months
Storm Water Industrial General Permit	0	0	0
VPDES-IP (Individual Permit)	0	3	19
Nutrient Trading General Permit	0	2	18

[Click here for more...](#)

System Quick Access

- Report
 - Create a New Report
 - Edit an Open Report
 - Submittals/Revisions
- My Profile
 - Basic Information
 - Password / PIN
 - Security Questions
 - Associated Facilities



Data Covered by Final Rule

- The new rule (40 CFR 127) includes Appendix A, which lists all the data elements that must be electronically collected, managed, and shared.
- EPA is using Appendix A to ensure that there is consistent and complete reporting nationwide, and to expedite the collection and processing of the data, thereby making it more timely, accurate, complete, useful, and transparent for everyone.
- States can require more data from NPDES regulated entities.
 - If EPA is the initial recipient of these state data, then EPA will automatically transmit these data to the applicable state data system.

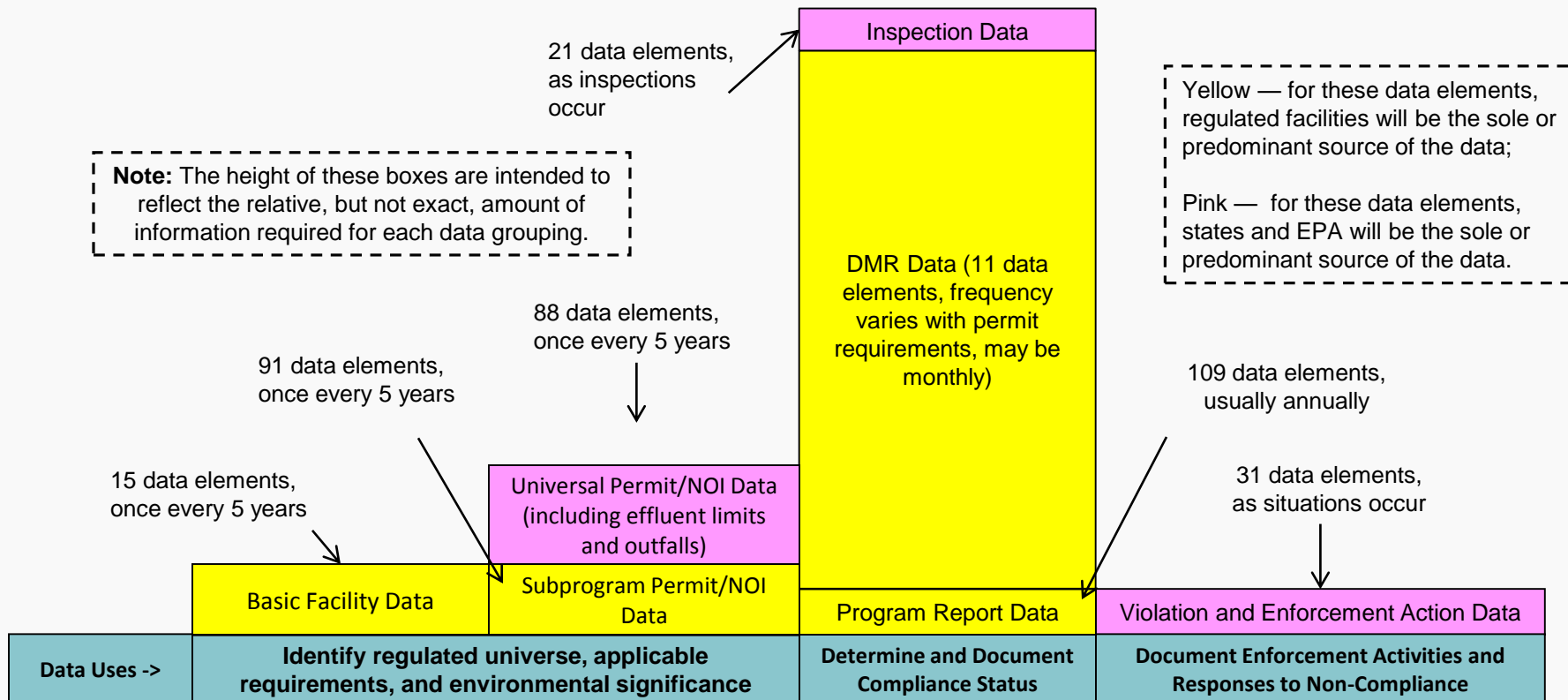


Important Considerations

- Not all data elements in Appendix A data are applicable to all facilities (e.g., POTWs do not need to report CAFO data):
- The frequency and need to update and report data depends on the data source (e.g., data derived from the NPDES permit application or NOI will need to be updated and reported to EPA/states at each permit renewal, usually a 5-year interval).



Appendix A Seven Data Groupings: Amount of Information and Number of Data Elements





Discharge Monitoring Reports (DMRs)

- These reports comprise the largest source of NPDES program data shared between permittees, states, and EPA.
- Under the final rule all DMR filers (major and non-majors) must start electronically filing their DMRs no later than 21 December 2016 (Phase 1).
- Virginia permittees will use the Virginia eDMR system.
- Virginia will then share these data with EPA.



Biosolids Annual Program Reports

- EPA has established a protective regulatory framework to manage the use and disposal of biosolids at 40 CFR Part 503. These are minimum requirements for the safe management of biosolids.
- EPA biosolids regulations require annual reports from POTWs with a design flow rate equal to or greater than one million gallons per day, POTWs that serve 10,000 people, and Class I sewage sludge management facilities.
- Virginia permittees that file these annual reports will use EPA's NeT after 21 December 2016 (Phase 1). [Virginia is not authorized to administer the Federal Biosolids Program]



Sewer Overflow/Bypass Event Reports

- EPA estimates that the annual CSO and SSO discharge volumes of untreated wastewater at 850 billion and three to ten billion gallons per year, respectively.
- POTWs must report sewer overflow events as part of the “standard conditions” applicable to all NPDES permits (see 40 CFR 122.41(l)(6) and (7), and (m)(3)) or the CSO Control Policy.
- Under the final rule NPDES permittees must start electronically submitting their Sewer Overflow/Bypass Event Reports by 21 December 2020 (Phase 2).



Pretreatment Program Annual Reports

- EPA has authorized 36 states to enforce the NPDES pretreatment program, who can further authorize pretreatment program authority to local governments (currently 1,600 local pretreatment programs overseeing ~20,000 significant industrial users (SIUs)).
- EPA regulations at 40 CFR 403.12(i) require approved pretreatment programs to submit an annual report to their Approval Authority. Virginia is authorized to administer the pretreatment program.
- Under the final rule NPDES permittees must start electronically submitting their Pretreatment Program Annual Reports by 21 December 2020 (Phase 2).



Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs

- In the absence of an approved local pretreatment program, the state or EPA functions as the Control Authority with the direct responsibility of overseeing Significant Industrial Users (SIUs).
- EPA estimates that there are approximately 1,400 industrial users located in cities without approved local pretreatment programs.
- Under the final rule SIUs must start electronically submitting their semi-annual compliance monitoring reports [see 403.12(e) and (h)] by 21 December 2020 (Phase 2).



Next Generation Compliance

- These new requirements are part of a broader Agency initiative called, “Next Generation Compliance.”
- Next Generation Compliance consists of five interconnected components, each designed to improve the effectiveness of EPA’s compliance program:
 - Shift toward **electronic reporting** to help make environmental reporting more accurate, complete, and efficient while helping EPA and co-regulators better manage information, improve effectiveness and transparency.
 - Expand **transparency** by making information more accessible to the public.
 - Develop and use **innovative enforcement approaches** (e.g., data analytics and targeting) to achieve more widespread compliance.
- The Next Generation Compliance Strategic Plan charts EPA’s path forward in the coming years:
 - <http://www2.epa.gov/compliance/next-generation-compliance>



Schedule and Next Steps

- Administrator McCarthy signed the final rule on 24 September 2015.
- The final rule was published in the Federal Register on 22 October 2015 and became effective on 21 December 2015.
- EPA is currently working with all states and EPA regions to prepare for Phase 1 electronic reporting (focus on DMRs and Sewage Sludge/Biosolids Annual Program Reports).



Questions?



Questions, comments, training requests on the NPDES Electronic Reporting Rule can be directed to:

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