



NPDES Electronic Reporting Rule 40 CFR 127



CWA-NPDES
electronic reporting

2018 National CAFO Roundtable
Boise, Idaho
27 September 2018

Overview of Final Rule



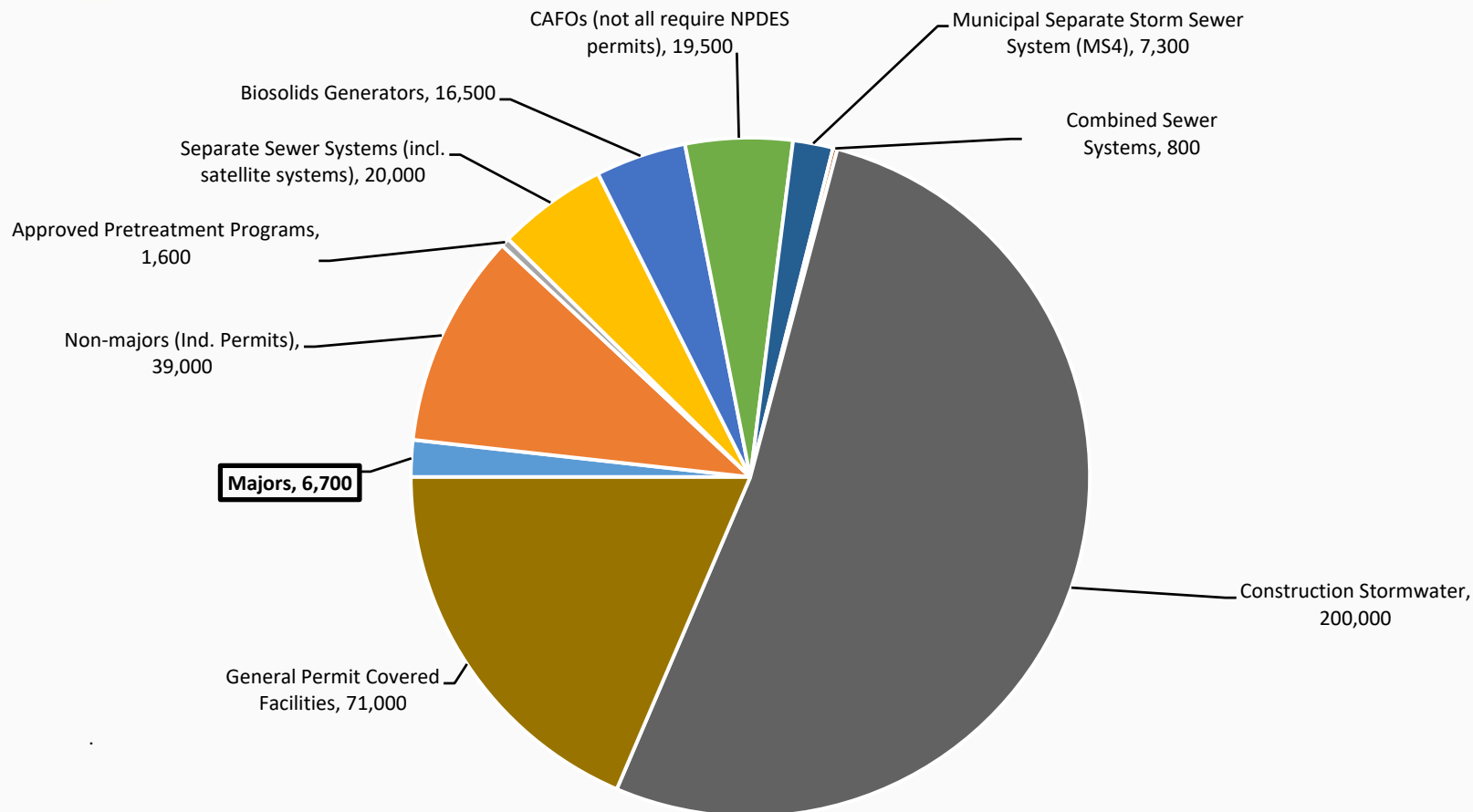
This final rule helps EPA and states clean up the nation's waters by:

- Shifting from paper to electronic reporting.
- Saving time and resources for the regulated community and for states that can be shifted to other program areas.
- Improving transparency, which serves to elevate the importance of data and environmental performance.
- Using technology to obtain more accurate, timely, complete, and consistent information about the NPDES program.



Pretreatment Program Annual Reports in one EPA Region (Region 9, 2009)

Scope of NPDES eRule: NPDES-Regulated Entities



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. General permit covered facilities category also counts facilities included in other categories (e.g., CAFOs).

Reports and Data for Electronic Submissions



	Existing NPDES Program Reporting	40 CFR
Data from NPDES Permittees	Discharge Monitoring Reports (DMRs) – Phase 1	122.41(l)(4)(i)
	General Permit Reports (NOI, NOT, NECs, LEWs) – Phase 2	122
	Biosolids Annual Program Reports – Phase 1 (EPA only) & Phase 2 (8 states w/ auth.)	503
	CAFO Annual Program Reports – Phase 2	122.42(e)(4)
	MS4 Program Reports – Phase 2	122.34(g)(3), 122.42(c)
	Pretreatment Program Annual Reports – Phase 2	403.12(i)
	Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs – When EPA or State is Control Authority – Phase 2	403.12(e) & (h)
	Sewer Overflow Event Reports (CSOs, SSOs, Bypass events) – Phase 2	122.41(l)(4), (6), (7), (m)
	CWA 316(b) Annual Reports (Federally Listed Threatened or Endangered Species) – Phase 2	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



Partnering with States: Implementation

Phase 1 – DMR Submissions & Biosolids Reports (21 Dec 2016)

- EPA will work with states to bring their adoption rates above 90% through:
 - Individualized outreach plans and assistance (currently with 47 State programs and the Virgin Islands territory); and
 - Training and assistance for states to implement EPA’s electronic reporting tools and data exchange protocols.
 - Biosolids Annual Program Reports is in Phase 1 where EPA runs the Federal biosolids program (42 states).

Phase 2 – General Permit and Program Reports (21 Dec 2020)

- Work with states to bring their adoption rates above 90% through:
 - Review and approval of state implementation plans (submitted 21 Dec 2016); and
 - EPA will work collaboratively with states to help implement Phase 2 electronic reporting in accordance with these state implementation plans.

EPA is providing financial and technical assistance for states to implement e-reporting, pending resources.

Measuring Progress



Federal Biosolids Annual Reports – 40 CFR 503 (EPA Biosolids Center of Excellence, Region 7)



2014

Before Electronic Reporting
(Approximately 2,400 paper submissions)



2017

1st Year of Electronic Reporting
(2,183 electronic submissions with
640 paper submissions)



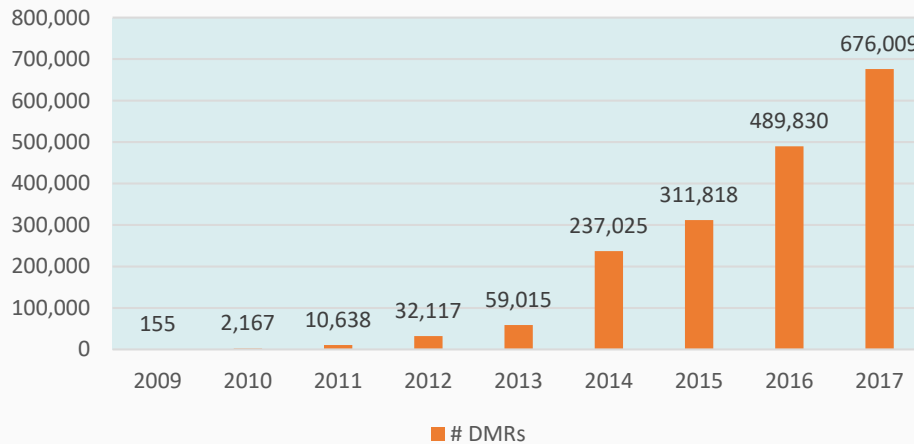
2018

2nd Year of Electronic Reporting
(2,245 electronic submissions with
94 paper submissions)

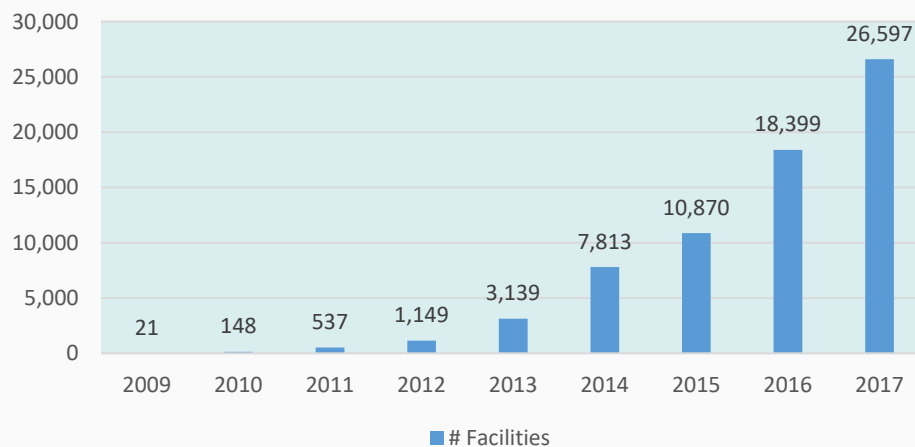
Measuring Progress



Number of DMRs Submitted through NetDMR



Facilities with DMRs Submitted through NetDMR

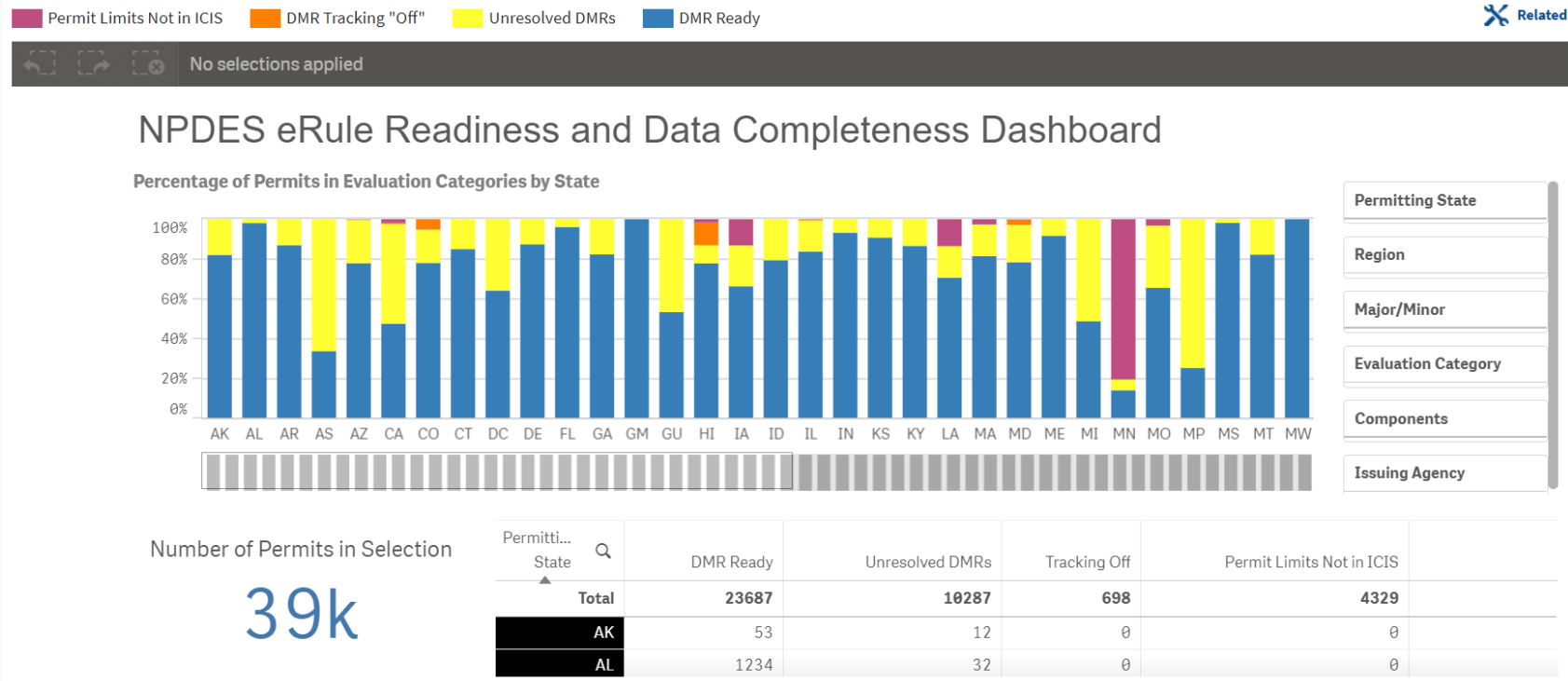


- There is a dramatic increase in the use of NetDMR since promulgation of the 2015 NPDES Electronic Reporting Rule.
- This trend will continue as more and more facilities are trained and registered with NetDMR.
- States are also making tremendous progress in transitioning DMR filers to state electronic reporting tools and sharing these data with EPA.

Measuring Progress



Working Goal: 90% Permit Limit Completeness Rate



- First version of dashboard released to states in Nov 2016.
- Now available to public at: <https://echo.epa.gov/trends/npdes-erule-dashboard-public>

EPA-State Collaboration



- As part of the implementation, EPA and states are collaborating via technical workgroups to define the reference values, business rules, and other data standards for the minimum set of NPDES program data (App. A, 40 CFR 127).
- EPA-state technical workgroups include: Biosolids, Pretreatment, Sewer Overflows, Concentrated Animal Feeding Operations, Stormwater (Urban, Industrial, and Construction), CWA Section 316, and General Permits.
- The output from these workgroups are technical papers that are being posted on the NPDES eReporting public website after final EPA and state review.
- EPA and states will use the technical papers as a basis to define clear and more detailed requirements to support development and deployment of electronic reporting tools and data sharing protocols (XML schemas).

See: <https://www.epa.gov/compliance/npdes-ereporting>

A screenshot of the EPA's NPDES eReporting website. The page features a blue header with the EPA logo and navigation links for "Environmental Topics", "Laws & Regulations", and "About EPA". A search bar is located on the right. The main content area is titled "NPDES eReporting" and includes a sub-heading "CWA-NPDES electronic reporting" with a graphic of a water drop and a leaf. Below this, there are four tabs: "Overview", "Authorized NPDES Programs", "NPDES Permits and Other Regulated Entities", and "NPDES Help". The "Overview" tab is selected. The text below the tabs states: "EPA has published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which will modernize Clean Water Act (CWA) reporting for municipalities, industries and other facilities. EPA signed the rule on September 24, 2015 and it was published in the Federal Register on October 22, 2015. The rule replaces most paper-based NPDES reporting requirements with electronic reporting." To the right of this text is a small image of a tablet displaying a reporting interface.

EPA-state CAFO Technical Workgroup



- The EPA-state CAFO Technical Workgroup brought together 85 subject matter experts from EPA Headquarters, five EPA Regions, and 24 states.
- This workgroup usually met bi-weekly from April to September 2017.
- The workgroup discussed the business rules and reference standards for the CAFO information that will be generated from:
 - NPDES permit applications;
 - EPA and state inspections;
 - CAFO Annual Report; and
 - EPA and state violation determinations.
- The workgroup also create a visual mock-up of the forms to help EPA and states build these tools during Phase 2 implementation. See Technical Paper No. 6 (Published - 20 April 2018).

EPA-state CAFO Technical Workgroup



[Walk-through of Technical Paper No. 6]

See: <https://www.epa.gov/sites/production/files/2018-04/documents/npdesereporting-implementationtechnicalpaper6.pdf>

EPA NPDES eRule Implementation



- EPA is working collaboratively with authorized NPDES programs to implement Phase 2 of the NPDES eRule. Phase 2 includes general permit reports (e.g., Notice of Intent to discharge or “NOI”) as well as certain compliance monitoring data (e.g., CAFO Annual Report).
- EPA has identified the 324 general permits and seven program reports that be collected using EPA’s NPDES Electronic Reporting Tool (“NeT”).
- There are 12 CAFO general permits that will use NeT: 2 EPA issued general permits (ID, NM) and 10 state issued general permits [IL, MS, NC (3), NE (2), OR, SD, UT].
- EPA is currently working with these states to gather requirements (information on forms, processing requirements, training needs, and other helpful information).



- EPA received many comments from the animal agricultural sector in response to the NPDES eRule.
- Separate from the rulemaking, in light of concerns raised regarding the privacy interests of an unpermitted CAFO or AFO that an authorized NPDES program or EPA has assessed and found to have not violated the Clean Water Act, EPA changed how it displayed unpermitted CAFOs on its ECHO public website (<https://echo.epa.gov>).
- EPA currently masks all data in ECHO for facilities that met the following conditions:
 - Condition #1: Facility has a CAFO permit component; and
 - Condition #2: Facility does not have an active NPDES permit (have a permit type of "Unpermitted" or permit status of "Pending", "Not Needed", "Terminated", or "Retired"); and
 - Condition #3: Facility has never had any NPDES violations (Single-Event, DMR, Compliance Schedule, or Permit Schedule) or any formal NPDES enforcement actions.
- This means that facilities that matched the above three conditions were not included in ECHO search results when the matching facility only had NPDES data (i.e., no other regulatory data such as data from the CAA, TRI, or RCRA programs).



- EPA regulations require EPA to produce an online report that summarizes noncompliance using Phase 1 and 2 data from NPDES-regulated entities and authorized programs. See 40 CFR 123.45 for content and publishing schedule.
- EPA HQ staff are working with EPA regional and state staff to develop the NPDES Noncompliance Report (NNCR) and a related project to develop a new draft tool to prioritize serious NPDES noncompliance.

