



NPDES Electronic Reporting Rule 40 CFR 127



CWA-NPDES
electronic reporting

ACWA Pretreatment National Meeting
18 April 2018

Overview of Final Rule



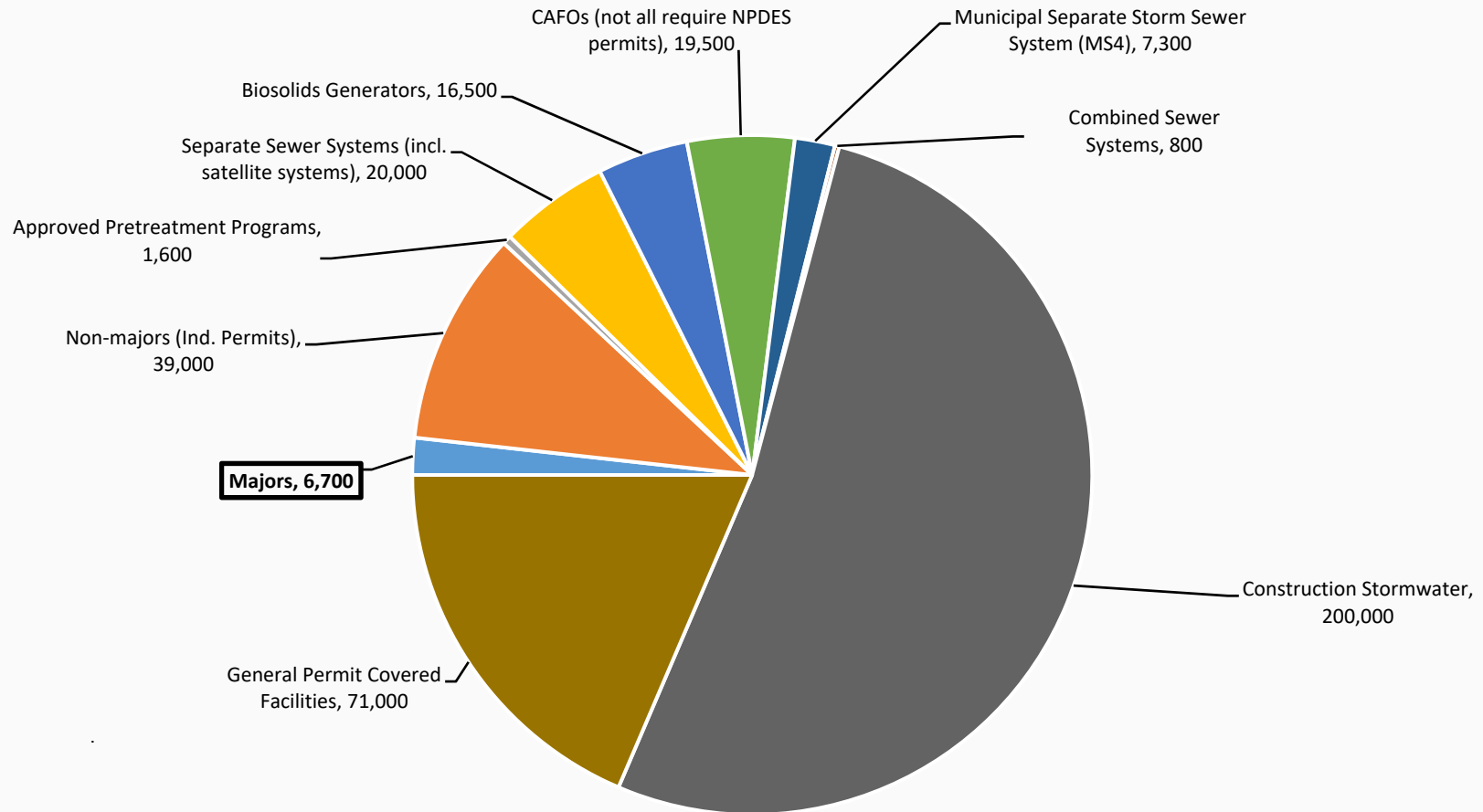
This final rule helps EPA and states clean up the nation's waters by:

- 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

Implementation Schedule



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 46 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
 - Making NeT available to states for general permits and program reports.

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

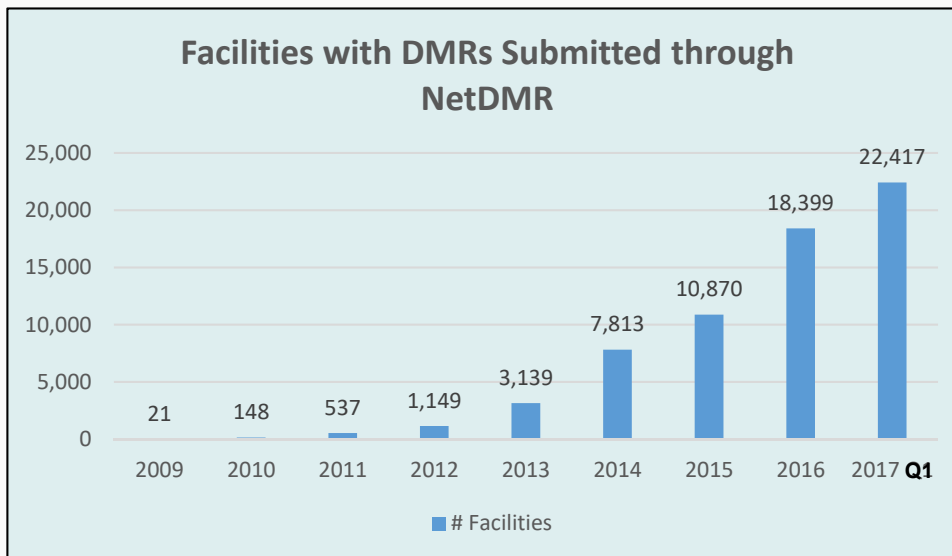
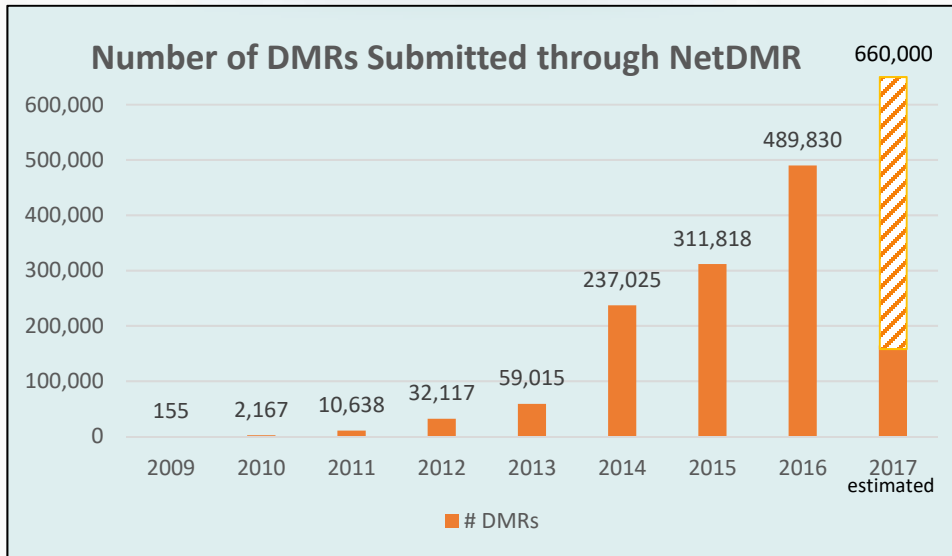
1st Year of Electronic Reporting
(2,183 electronic submissions with
640 paper submissions)



2018

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

Measuring Progress

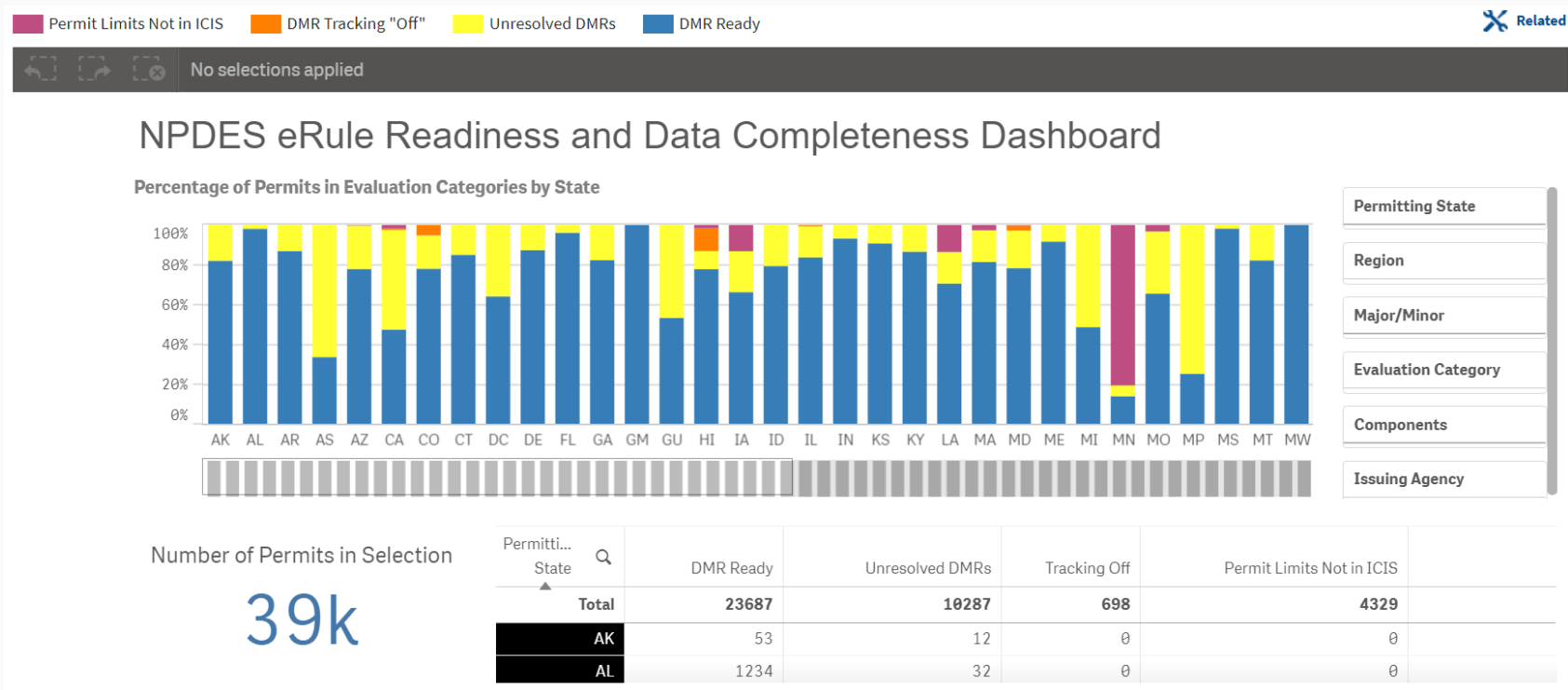


- There is a dramatic increase in the use of NetDMR since promulgation of the 2015 NPDES Electronic Reporting Rule.
- This trend will continue as more and more facilities are trained and registered with NetDMR.
- States are also making tremendous progress in transitioning DMR filers to state electronic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

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 (Appendix A to 40 CFR 127).
- EPA-state technical workgroups include: Biosolids, Pretreatment, Sewer Overflows, Concentrated Animal Feeding Operations, Stormwater (Urban, Industrial, and Construction), and CWA Section 316.
- The output from these workgroups are implementation guides that are being posted on the NPDES eReporting public website after final EPA and state review.
- EPA and states will use these technical papers to guide development and deployment of new electronic reporting tools.



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

EPA-State Collaboration



- EPA and states worked together to develop a draft set of recommendations for pretreatment data elements.
- This workgroup usually met bi-weekly from March 2017 to September 2017 and included 86 subject matter experts from EPA Headquarters, nine EPA Regions, and 30 states.
- This paper should be ready for all state review within the next week or so. EPA/OWM will help ensure that this paper gets wide distribution. Regions and states will have a month to review this paper.



DRAFT IMPLEMENTATION TECHNICAL PAPER NO. 7

TO: EPA Regional and Authorized State NPDES Permit and Enforcement Coordinators and State Information Technology Staff

FROM: Randolph L. Hill, Director
Enforcement Targeting and Data Division
US EPA/OECA

DATE: 11 April 2018

SUBJECT: Implementation Technical Paper No. 7: Data Entry Guidance for Pretreatment Data Elements

The NPDES Electronic Reporting Rule ("final rule") requires the electronic reporting and sharing of NPDES program data. As part of EPA's collaboration with the states to move forward with converting the NPDES program from paper to electronic reporting, EPA is developing a series of implementation technical papers to help EPA Regions and state NPDES programs make a smooth transition. This is the seventh of these implementation technical papers and this paper provides data entry guidance for pretreatment related information.

This paper was developed based on input from the EPA-state Pretreatment Technical Workgroup. This workgroup usually met bi-weekly from March 2017 to September 2017 and included 86 subject matter experts from EPA Headquarters, nine EPA Regions, and 30 states. EPA is distributing this second version of this draft paper to EPA Regional and state NPDES permitting and enforcement coordinators as well as

EPA-State Collaboration

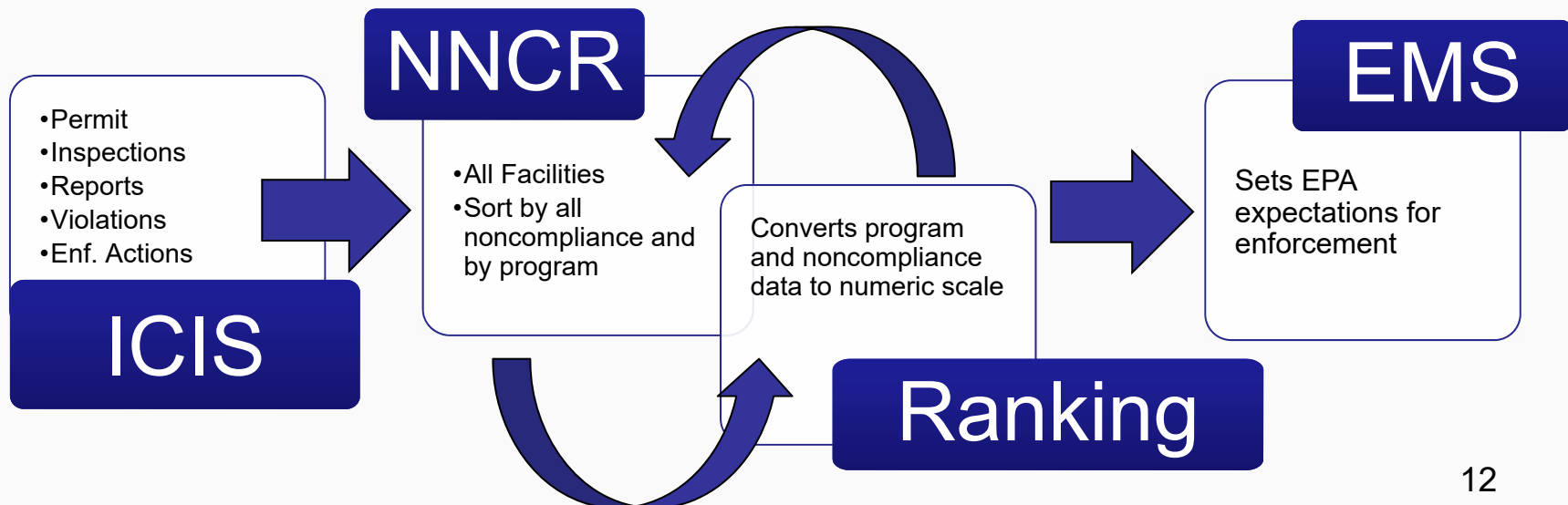


- The draft technical covers all of the required sets of pretreatment data that are collected during:
 - NPDES permit applications
 - Pretreatment Program Annual Reports [40 CFR 403.12(i)]
 - SIU/CIU Semi-Annual Reports – No Local Pretreatment Program [40 CFR 403.12(e) and (h)]
 - Approval Authority Data (inspects, audits, enforcement actions)
- This paper also provides a template for how to collect the data for these semi-annual compliance reports as well as how these semi-annual compliance reports can automatically identify violations and determine significant noncompliance [using 40 CFR 403.8(f)(2)(viii)].
- This draft technical paper also recommends new violation codes that better match the forthcoming pretreatment data.

Noncompliance Reporting



- 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. EPA will start publishing this report NLT 21 Dec 2021.
- EPA will need to ensure that the NNCR has the data necessary to support any new noncompliance scoring/sorting tools developed.



Online Demonstration



[Online demonstration of EPA’s NPDES electronic reporting tool or “NeT.”]



Sewage Sludge (Biosolids) Annual Report

EPA Regulations – 503.18, 503.28, 503.48

EPA's sewage sludge regulations require certain publicly owned treatment works (POTWs) and Class I sewage sludge management facilities to submit to a Sewage Sludge (Biosolids) Annual Report (see [40 CFR 503.18](#), [503.28](#), [503.48](#)). Facilities that must submit a Sewage Sludge (Biosolids) Annual Report include POTWs with a design flow rate equal to or greater than one million gallons per day, POTWs that serve 10,000 people or more, Class I Sludge Management Facilities (as defined by [40 CFR 503.9](#)), and facilities otherwise required to file this report (e.g., permit condition, enforcement action, state law). This is the electronic form for Sewage Sludge (Biosolids) Annual Report filers to use if they are located in one of the [states, tribes, or territories](#) where EPA administers the Federal biosolids program.

For the purposes of this form, the term '[sewage sludge](#)' also refers to the material that is commonly referred to as 'biosolids'. EPA does not have a regulatory definition for biosolids but this material is commonly referred to as sewage sludge that is placed on, or applied to the land to use the beneficial properties of the material as a soil amendment, conditioner, or fertilizer. EPA's use of the term 'biosolids' in this form is to confirm that information about beneficially used sewage sludge (a.k.a. biosolids) should be reported on this form.