NPDES eRule Phase 2 Extension and NNCR

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NPDES Electronic Reporting Rule

Extension of Phase 2 Deadline

NPDES eRule

Phase 1 – Required electronic reporting of DMR Submissions & Biosolids Reports

- **Effective 21 Dec 2016**
- EPA continues to work with states to attain and maintain their state to EPA data sharing rates above 90%.

Phase 2 – General Permits and Program Reports (Currently 21 December 2020 - EPA will likely extend this deadline via a forthcoming rulemaking)

- EPA will continue to work with states to develop electronic reporting tools and data sharing protocols.

EPA assistance is be provided to states by grants (e.g., Exchange Network grants) and technical assistance (resources permitting).

Proposed Rule to extend the Phase 2 deadline

EPA will propose extending deadline for Phase 2 by three years, from December 21, 2020 to December 21, 2023.

The proposed rule would give states the additional flexibility to request up to three additional years to implement Phase 2 if needed, subject to EPA review and approval.

Proposes changes that would clarify existing requirements and eliminate some duplicative or outdated reporting requirements.

EPA expects to start the 60-day comment period for this proposed extension in February 2020.

NPDES Noncompliance Report (NNCR)

NNCR Background

1. To reduce state burden, the NPDES e-Reporting Rule removed requirements for several state-generated reports and replaced those with new set of EPA-produced reports based on NPDES eRule data.

2. NNCR is the key new report, which will contain a full national listing of all violations.

3. EPA formed workgroup with the states in 2016 to discuss NNCR development.

    1. EPA has engaged with 24 state members, 9 Regions and ACWA. Meetings are bi-weekly.

4. NNCR will not change SNC criteria used by the NCI.

Top requests from NNCR Workgroup

1. Fix Bugs in Existing QNCR/SNC processing
   - Address lingering problems that impact SNC calculations and violation categorization (e.g., NODI codes, limit types, pollutant groupings, and other technical data flow issues).
   - Develop a path forward to fix in ICIS-NPDES in 2020, therefore removing erroneous SNC determinations.

2. Modernize Compliance Processing
   - Provide more "real-time" updating and access to multiple compliance statuses

3. Produce Better Reports Tracking SNC back to Underlying Violations
   - Easier to see what is causing SNC to improve enforcement response and data clean up

How Does the NNCR Help the NCI?

1. Ensures that SNC determinations are correct by updating reference table data.

2. Provide a universal standard report starting at a high level (SNC) with easy drill-down to sub-program level and violation details.

3. Helps EPA and States see what is driving SNC for any permittee.

4. Helps EPA and States see when there are multiple violation issues underlying an SNC designation.

5. Easier to see and filter on the status of the violations.

Future Considerations

- EPA is considering delay of the public launch of the NNCR from current (Dec 2021) to Dec 2022

- EPA will incorporate comments from states on the NNCR before making the NNCR available to the public.
  - EPA will likely publish a 'beta' version of the NNCR on ECHO Gov (only accessible by EPA and states).

- EPA is evaluating a potential change of the current business rule that makes DMR Non-receipt violations (and therefore SNC) persist for 2 years.