



Appendix to NPDES Compendium of Next Generation Compliance Examples

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office of Water
Washington, DC 20460
September 2016

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

Shortcuts to Items in Appendix

- [Cambridge Massachusetts Final NPDES Permit \(2009\)](#)
- [Chelsea Massachusetts NPDES Permit \(2013\)](#)
- [Columbia South Carolina Consent Decree \(2013\)](#)
- [Connecticut's Act Concerning The Public's Right to Know of a Sewage Spill](#)
- [Connecticut Agencies Regulations \(2000\)](#)
- [District of Columbia Water and Sewer Authority \(DC Water\) Consent Decree \(2003\)](#)
- [Enbridge Consent Decree \(2016\)](#)
- [Fort Smith Arkansas Consent Decree \(2015\)](#)
- [General Permit for Offshore Subcategory of the Oil and Gas Extraction Point Source Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico \(2012\)](#)
- [Grace Idaho NPDES Permit \(2014\)](#)
- [Greenville Mississippi Consent Decree \(2016\)](#)
- [GSP Management Consent Decree \(2012\)](#)
- [Harrisburg Pennsylvania Consent Decree \(2015\)](#)
- [Indiana Administrative Code \(2003\)](#)
- [Jersey City Municipal Utilities Authority Consent Decree \(2011\)](#)
- [Logan International Airport \(Massport\) Final NPDES Permit \(2007\)](#)
- [Maryland General Permit for Discharges from Stormwater Associated with Industrial Activities \(2014\)](#)
- [Memphis Tennessee Consent Decree \(2012\)](#)
- [Metropolitan St. Louis Sewer District Administrative Orders for Compliance \(2007 & 2008\)](#)
- [Metropolitan St. Louis Sewer District Consent Decree \(2011\)](#)
- [Metropolitan Water Reclamation District of Greater Chicago Permits \(2002, 2004, & 2008\)](#)
- [Middle Rio Grande Watershed Based Municipal Separate Storm Sewer System Permit \(2014\)](#)
- [Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity \(2015\)](#)
- [Nevada Department of Transportation Consent Decree \(2016\)](#)
- [New Meadows Idaho NPDES Permit \(2013\)](#)
- [New York Code, Rules and Regulations](#)
- [New York State Sewage Pollution Right-To-Know Act](#)
- [Ohio Administrative Code: Generic Permit Conditions](#)
- [Payette Idaho NPDES Permit \(2014\)](#)
- [Region 1 Permits with Continuous Monitoring Requirements](#)
- [San Antonio Water System Consent Decree \(2013\)](#)
- [Sakonnet Point Club Permit \(2009 and 2013 amendment\)](#)
- [Seattle Washington NPDES Waste Discharge Permit \(2016\)](#)
- [Shreveport Louisiana Consent Decree \(2013\)](#)
- [South Carolina Code of Laws \(2012\)](#)
- [Vessel General Permit \(2013\)](#)
- [Virginia Citizen Water Quality Monitoring Program Legislation](#)

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|--|
| <p>City of Cambridge Final NPDES Permit</p> <p>return to top</p> | R1 | <p><i>Transparency</i> (standards for public notice at outfalls)</p> | <p>“5. The permittee shall maintain identification signs for all combined sewer outfall structures (NMC# 8). The signs shall be located at or near the combined sewer outfall structures and be readable by the public both from the shore and from instream locations. These signs shall be a minimum of 12 x 18 inches in size, with white lettering against a green background, and shall contain the following language, at a minimum: WARNING:* CITY OF CAMBRIDGE DEPARTMENT OF PUBLIC WORKS WET WEATHER SEWAGE DISCHARGE OUTFALL (discharge serial number)* For existing signs which otherwise meet all of the requirements of this section, the word “Warning” need not be added. . . . The permittee, to the extent practicable, shall add a universal symbol to their warning signs reflecting a CSO discharge, or place additional signs in languages other than English based on notification from the EPA and the MassDEP or on the permittee’s own determination that the primary language of a substantial percentage of the residents in the vicinity of a given outfall structure is not English.</p> <p>6. The permittee, with the collaboration of the MWRA and the City of Somerville, shall maintain informational signs at John Wald Park and other public access locations identified by the MassDEP, including the Community Sailing Program and local boathouses, to advise the public of CSO discharges and potential public health impacts and to provide contact information and website links. The text of the notice shall be subject to prior approval by the MassDEP. (NMC# 8)”</p> <p>Permit No. MA0101974, pg. 4 (2009), <i>available at</i> http://www.epa.gov/region1/npdes/permits/2009/finalma0101974permit.pdf.</p> |
| | | <p><i>Transparency</i> (email alerts of CSO discharges to regulators and web posting of CSO locations and information)</p> | <p>“7. The permittee, with the collaboration of the MWRA and the City of Somerville, shall issue a joint press release by April 15 of each year, which shall include (a) general information on CSOs, (b) their locations in the Alewife Brook/Upper Mystic River watershed, and (c) potential health risks posed by exposure to CSO discharges. This press release shall be distributed to the following, at a minimum: (NMC# 8) watershed advocacy groups; local health agents; property owners subject to flooding in the Alewife Brook watershed {as defined by the MassDEP in consultation with the U. S. Federal Emergency Management Agency (FEMA) and the DCR}); newspapers of local circulation in the Alewife Brook/Upper Mystic River watershed.</p> <p>8. The permittee, in collaboration with MWRA and the City of Somerville, shall provide email notice to EPA, MassDEP, local health agents, and the Mystic River Watershed Association of CSO discharge events in the Alewife Brook watershed within 24 hours of the onset of such discharges. The permittee may use the activation of outfall CAM401B as a general</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|--|
| | | | <p>indicator of the onset of CSO discharge which would trigger the 24 hour notice, unless there is evidence that a different CSO activated before CAM401B. (NMC# 8).</p> <p>9. The permittee shall update its website to include general information regarding CSOs, including their potential health impacts, locations of CSO discharges in the Charles River and Alewife Brook watersheds, the overall status of all CSO abatement programs, web links to CSO communities and watershed advocacy groups, and the most recent information on all CSO activations and volumes in both watersheds.”</p> <p>Permit No. MA0101974, pg. 5 (2009), <i>available at</i> http://www.epa.gov/region1/npdes/permits/2009/finalma0101974permit.pdf.</p> |
| <p>City of Chelsea NPDES Permit</p> <p>return to top</p> | R1 | <p><i>Transparency</i> (standards for public notice at outfalls)</p> | <p>“5. The permittee shall maintain identification signs for all CSO outfall structures (NMC# 8). The signs shall be located at or near the CSO outfall structures and be readable by the public both from the shore and from instream locations. These signs shall be a minimum of 12 x 18 inches in size, with white lettering against a green background, and shall contain the following language, at a minimum:</p> <p style="text-align: center;">WARNING:* CITY OF CHELSEA DEPARTMENT OF PUBLIC WORKS WET WEATHER SEWAGE DISCHARGE OUTFALL (discharge serial number)</p> <p>* For existing signs which otherwise meet all of the requirements of this section, the word “Warning” need not be added. Where easements over property not owned by the permittee must be obtained to meet is requirement, the permittee shall identify the appropriate landowners and obtain the necessary easements, to the extent practicable. The permittee, to the extent practicable, shall add a universal symbol to its warning signs reflecting a CSO outfall, or place additional signs in languages other than English based on notification from the EPA and the MassDEP or on the permittee’s own determination that the primary language of a substantial percentage of the residents in the vicinity of a given outfall structure is not English.”</p> <p>Permit No. MA0101877, pp. 4-5 (2013), <i>available at</i> http://www.epa.gov/region1/npdes/permits/2013/finalma0101877permit.pdf.</p> |
| | | <p><i>Transparency</i> (email alerts of CSO)</p> | <p>“6. The permittee shall issue a press release by April 30th of each year and update its website</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|--|--|
| | | discharges to regulators and web posting of CSO locations and information) | <p>to include general information regarding CSOs, including their potential health impacts, locations of its CSO discharges, a link to the City’s website which includes the overall status of all CSO abatement programs, and the most recent information on all CSO outfall activations and volumes, including the latest Annual Report filed under this permit as detailed in Part I.D. below. (NMC# 8)</p> <p>This press release shall be distributed to the following, at a minimum:</p> <ul style="list-style-type: none"> - local watershed advocacy groups, including the Chelsea Collaborative and the Mystic River Watershed Association - local health agents in Chelsea and adjacent communities, and - a newspaper of local circulation <p>7. The permittee shall provide an e-mail notification of CSO discharges from any of its outfalls to the entities listed above, with the exception of a newspaper of local circulation. The City will be required to provide such notification within 24 hours of the onset of such discharges, or as soon as feasible after such discharges begin. The City shall develop a plan to meet this requirement and submit it to EPA and the MassDEP within ninety (90) days of the effective date of the permit. This notification procedure shall be implemented no later than one (1) year after the effective date of the permit.”</p> <p>Permit No. MA0101877, pg. 5 (2013), <i>available at</i> http://www.epa.gov/region1/npdes/permits/2013/finalma0101877permit.pdf</p> |
| | | <i>Electronic Reporting (of DMRs)</i> | <p>“For a period of one year from the effective date of the permit, the permittee may either submit monitoring data and other reports to EPA in hard copy form or report electronically using NetDMR, a web-based tool that allows permittees to electronically submit discharge monitoring reports (DMRs) and other required reports via a secure internet connection. Beginning no later than one year after the effective date of the permit, the permittee shall begin reporting using NetDMR, unless the facility is able to demonstrate a reasonable basis that precludes the use of NetDMR for submitting DMRs and reports. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:</p> <p>a. Submittal of Reports Using NetDMR: NetDMR is accessed from: http://www.epa.gov/netdmr. Within one year of the effective date of this permit, the permittee shall begin submitting DMRs and reports required</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---------------------------------|---|
| | | | <p>under this permit electronically to EPA using NetDMR, unless the facility is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs and reports (“opt-out request”). All monthly DMRs for each calendar quarter (January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31) shall be submitted electronically to EPA no later than 15th day of the month of January, April, July, and October. The first quarterly report may have less than three (3) months of information. The Annual Report, which is due on April 30th of each year, may be attached to the quarterly DMR submittal that is due in April. All reports required under the permit shall be submitted to EPA as electronic attachments to the DMR submittal. Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to EPA and will no longer be required to submit hard copies of DMRs to MassDEP. However, permittees shall continue to send hard copies of reports other than DMRs to MassDEP until further notice from MassDEP.</p> <p>b. Submittal of NetDMR Opt-Out Requests: Opt-out requests must be submitted in writing to EPA for written approval at least sixty (60) days prior to the date a facility would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of EPA approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to EPA unless the permittee submits a renewed optout request and such request is approved by EPA. All opt-out requests should be sent to the following addresses: Attn: NetDMR Coordinator, U.S. Environmental Protection Agency, Water Technical Unit, 5 Post Office Square, Suite 100 (OES04-1), Boston, MA 02109-3912 and Massachusetts Department of Environmental Protection, Surface Water Discharge Permit Program, 627 Main Street, 2nd Floor Worcester, Massachusetts 01608</p> <p>c. Submittal of Reports in Hard Copy Form: Monthly monitoring results shall be summarized for each calendar quarter as noted above and reported on separate hard copy Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month of January, April, July, and October. All reports required under this permit shall be submitted as an attachment to the DMRs. Signed and dated originals of the DMRs, and all other reports or notifications required herein or in Part II shall be submitted to the Director at the following address: U.S. Environmental Protection Agency, Water Technical Unit (OES04-SMR), 5 Post Office Square - Suite 100, Boston, MA 02109-3912. Duplicate signed copies of all reports or notifications required above (including those in Part I.D) shall be submitted to the State at the following address:</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|---|--|
| | | | <p>Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887, Attention: Kevin Brander. Duplicate signed copies of all reports or notifications required above, with the exception of DMRs, shall be submitted to the State at the following address: Massachusetts Department of Environmental Protection, 1 Winter Street, Boston, MA 02108, Attention: David Ferris and Massachusetts Department of Environmental Protection, Surface Water Discharge Permit Program, 627 Main Street, 2nd Floor, Worcester, Massachusetts 01608. Any verbal reports, if required in Parts I and/or II of this permit, shall be made to both EPA-New England and to MassDEP. Alternatively, notifications and reports may be submitted to the State electronically using eDEP at: http://www.mass.gov/eea/agencies/massdep/service/approvals/statespecific-discharge-and-toxicity-reporting.html.”</p> <p>Permit No. MA0101877, pp. 7-9 (2013), available at http://www.epa.gov/region1/npdes/permits/2013/finalma0101877permit.pdf.</p> |
| <p>Enbridge Consent Decree</p> <p>return to top</p> | <p>R5</p> | <p><i>Advanced Monitoring</i> (advanced leak detection)</p> | <p>“G. LEAK DETECTION AND CONTROL ROOM OPERATIONS (I) Assessment of Alternative Leak Detection Technologies Within 120 Days of the Effective Date, Enbridge shall prepare and submit a report to EPA regarding the feasibility and performance of alternative leak detection technologies (“ALD Report”). The technologies discussed in the ALD Report shall include: Computational pipeline monitoring technologies that monitor the pressure wave created by different size leaks and ruptures; External leak detection technologies, including fiber-optic cable distributed temperature sensing systems, fiber-optic distributed acoustic sensing systems, vapor sensing tubes, electrochemical hydrocarbon sensing cables, and any and all other technologies assessed by Enbridge as of the Effective Date using the External Leak Detection Experimental Research (ELDER) test apparatus; and Aerial-based technologies, including (but not limited to) infrared camera-based systems, laser-based spectroscopy, flame ionization detection systems, and any and all other technologies assessed by Enbridge as of the Effective Date. With respect to each of the above technologies, the ALD Report shall describe all laboratory and field tests/evaluations that Enbridge has conducted within the past five years, as well as all laboratory and field investigations that Enbridge considered or relied upon as a basis for any conclusions in the ALD Report; summarize the findings of all such tests/evaluations; identify all reports that Enbridge has submitted to PHMSA under the Lakehead Plan regarding ALD technology and discuss developments since such submissions; and provide an assessment of the feasibility or limitations of the ALD technology in</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|--|--|
| | | | <p>different settings or environments, including underwater pipeline segments.”</p> <p>Civil Action No. 1:16-cv-00914 (pp. 84-85), <i>available at</i> https://www.epa.gov/sites/production/files/2016-07/documents/enbridge-cd.pdf.</p> |
| | | <p><i>Independent Third Party Verification</i></p> | <p>“J. INDEPENDENT THIRD PARTY CONSENT DECREE COMPLIANCE VERIFICATION</p> <p>Enbridge will retain, at its expense, an Independent Third Party to conduct a comprehensive verification of Enbridge’s compliance with the requirements set forth in this Section VII (Injunctive Measures) of the Consent Decree, except the Independent Third Party shall not be responsible for assessing Enbridge’s compliance with requirements in Subsection VII.H (Spill Response and Preparedness). In addition, the Independent Third Party shall, at Enbridge’s expense, perform the tasks set forth in this Section VII.J.</p> <p>The Independent Third Party shall act independently and objectively when performing third-party services set forth in Paragraph 125. Enbridge will provide the Independent Third Party with full access to all facilities that are part of Enbridge’s Lakehead System, and provide or otherwise make available any necessary personnel, documents, and databases to fully perform all activities and services required under Paragraph 125.</p> <p>Within 15 Days of the Effective Date, Enbridge shall submit to the United States a list of candidates to serve as Independent Third Party. If practicable, the list shall include at least three candidates, but in no event shall Enbridge propose less than two candidates. Except as set forth in Paragraph 128, Enbridge shall certify that each candidate meets the conditions set forth in Subparagraphs 127.a -e below. If requested, Enbridge shall provide resumes, biographical information, and other relevant material concerning the candidates, including information on the relationship between Enbridge and the candidates.</p> <p>The Independent Third Party and its personnel have demonstrated experience in pipeline integrity and operations, and have the appropriate education to provide the third-party services identified in Paragraph 125; The Independent Third Party and its personnel have not conducted research, development, design, construction, financial, engineering, legal, consulting or any other advisory services for Enbridge within the last three years; The Independent Third Party has not been involved in the development of Enbridge’s control room, leak detection or pipeline integrity procedures that are the subject of this Consent Decree; The Independent Third Party will not provide commercial, business or voluntary services to the Enbridge, excluding services provided in its</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---------------------------------|---|
| | | | <p>capacity as Independent Third Party, for the life of the Consent Decree and for a period of at least three years following termination of the Consent Decree; and Enbridge will not provide future employment to any of the Independent Third Party’s personnel who conducted or otherwise participated in verification services under this Consent Decree for a period of at least three (3) years following termination of the Consent Decree, In the event that Enbridge is not able to certify that a candidate meets all the conditions in Subparagraphs 127.a-e and if Enbridge is unable, after extensive efforts, to identify an alternative candidate that would satisfy such conditions, Enbridge shall submit to the United States: (a) an explanation of its efforts to find an alternative candidate, (b) the name of an alternative candidate that does not completely meet all the independence requirements in Subparagraphs 127.a -e with an explanation of specifically which conditions are not being met and the reasons why they are not being met, and (c) a Conflict of Interest Mitigation Plan for how Enbridge will ensure that such candidate, if selected as the Independent Third Party, would still have sufficient independence to objectively and competently perform the obligations set forth in this Consent Decree. Cost alone is not a reason to allow a deviation from the conditions in Paragraph 127. The United States will review each alternative candidate proposed by Enbridge to determine whether such candidate is acceptable. If the United States determines the party is not acceptable, the United States may demand that Enbridge identify another candidate, in which event Enbridge shall, within 60 Days of receipt of such demand, either comply with the demand or pursue Dispute Resolution under the terms of this decree. The United States will notify Enbridge in writing whether it approves one or more of the proposed candidates to serve as the Independent Third Party. Within 30 Days of the United States’ approval, Enbridge shall retain one of the approved candidates to serve as the Independent Third Party.</p> <p>If the United States rejects all of the candidates proposed by Enbridge to serve as the Independent Third Party, within 60 Days of receipt of the United States’ notification, Enbridge shall submit to the United States for approval another list of candidates to serve as the Independent Third Party. In submitting the new list of candidates, Enbridge shall comply with the requirements set forth in Paragraphs 127 and 128. The United States shall review the proposed replacement in accordance with Paragraph 129 and this Paragraph 130.</p> <p>Enbridge shall provide EPA with a copy of Enbridge’s agreement with the Independent Third Party within 5 Days of the execution of the agreement. In the agreement, Enbridge shall require the Independent Third Party to perform the tasks set forth in Paragraphs 132 and 133 below. The</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|---|---|
| | | | <p>retention agreement shall also include the requirements set forth in Paragraph 134 below.”</p> <p>Civil Action No. 1:16-cv-00914 (pp. 127-129), <i>available at</i> https://www.epa.gov/sites/production/files/2016-07/documents/enbridge-cd.pdf.</p> |
| <p>City of Fort Smith Arkansas Consent Decree</p> <p>return to top</p> | <p>R4, ADEQ</p> | <p><i>Advanced Monitoring</i></p> | <p>“68. Rain events will be collected by two different methods. An automated sampler will be utilized with a rain or flaw actuator to collect discrete samples. A minimum of five (5) discrete samples from each site for two separate rain events (i.e., ten (10) samples for each site per quarter) will be analyzed for the following: Turbidity, Conductivity, Total Suspended Solids (TSS), Total Phosphorous, Nitrate+Nitrite Nitrogen, Chloride, Sulfate, Total Dissolved Solids (TDS), Chemical Oxygen Demand (COD), Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Copper, Nickel, Lead, Selenium, Silver, and Zinc. A quarterly rain event manual grab sample will be collected and analyzed for the following: pH, Bisphenol-A, Estradiol, Ibuprofen, Naproxen, Sucralose, and Triclosan. If there is not a substantial rain event to cause run off or increase flow, or there is not a rain event during the quarter, this program shall be continued until the minimum samples required under this Paragraph have been taken.</p> <p>69. To ensure the samples are collected during the rain events, automated samplers will be purchased and installed at each location to collect the rain event samples. The following equipment and actions will need to be purchased and installed at each of the sample site locations:</p> <ol style="list-style-type: none"> a. Automated samplers pad and protective box, and b. Automated samplers with actuator and rain gauge.” <p>Civil Action No. 2:14-cv-02266-PKH, pg. 64 (2015), <i>available at</i> http://www2.epa.gov/sites/production/files/2015-01/documents/ftsmith-cd.pdf.</p> |
| <p>City of Grace NPDES Permit</p> <p>return to top</p> | <p>R10</p> | <p><i>Electronic Reporting (of all reports)</i></p> | <p>“The permittee must either submit monitoring data and other reports in paper form, or must report electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection. Specific requirements regarding submittal of data and reports in paper form and submittal using NetDMR are described below.</p> <p>...</p> <p>2. Electronic Copy Submissions</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|---|
| | | | <p>a) Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E of this permit, Signatory Requirements. Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit paper copies of DMRs or other reports to EPA and IDEQ.</p> <p>b) The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from http://www.epa.gov/netdmr.”</p> <p>Permit No. ID0023825, pg.15 (2014), available at http://www.epa.gov/region10/pdf/permits/npdes/id/Grace_ID0023825_FP_2014.pdf.</p> |
| | | <i>Advanced Monitoring</i> (continuous monitoring of temperature and flow) | <p>“Continuous effluent monitoring shall begin within 1 year of the effective date of the permit. Temperature data must be recorded using micro-recording temperature devices known as thermistors. Set the recording device to record at one-hour intervals. Report the following temperature monitoring data on the DMR: monthly instantaneous maximum, maximum daily average, seven-day running average of the daily instantaneous maximum.”</p> <p>Permit No. ID0023825, pg.7 (2014), available at http://www.epa.gov/region10/pdf/permits/npdes/id/Grace_ID0023825_FP_2014.pdf.</p> |
| <p>City of Harrisburg Pennsylvania Consent Decree</p> <p>return to top</p> | R3, PA DEP | <i>Advanced Monitoring</i> | <p>“CSO Monitoring Activation Pilot Study. Within three (3) months of the Date of Lodging, CRW shall develop and submit to EPA and PADEP for review and approval, pursuant to Section VI of the Consent Decree (Review and Approval of Deliverables), a CSO Activation Monitoring Pilot Study (“CAMP Study”) Plan. The CAMP Study shall include the installation and operation of selected telemetered CSO activation monitoring technologies in four (4) of CRW’s CSOs for a period of at least twelve (12) months, during which CRW shall continue to monitor the selected CSOs manually, as required pursuant to Paragraph 11(g). At a minimum, the CAMP Study Plan shall evaluate the feasibility of piloting the following technologies: Urbanalta Technologies (video-based technology); Radio Data Networks (BMT UK technology); Ultrasonic/float switch combination technology; and a CSO activation monitoring technology of CRW’s choosing.</p> <p>i. The CAMP Study shall evaluate the efficacy of the selected technologies in providing remote real-time information regarding regulator status, and in allowing CRW to more reliably detect</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|---|---|
| | | | <p>DWOs. As part of the CAMP Study, CRW shall review the data collected by each technology for quality, including comparison to manually collected activation observations, and shall characterize the data's reliability and accuracy.</p> <p>ii. The CAMP Study Plan shall identify the technologies to be piloted and the CSOs selected for installation of the technologies. If the technologies identified in Paragraph 31(d) are determined not to be feasible, the CAMP Study Plan shall identify an equivalent number of alternative monitoring technologies to be piloted. The Plan shall also set forth a schedule for completion of the CAMP Study and submission of the CAMP Study Report, to include the results of the CAMP Study, by December 1, 2016.</p> <p>iii. Once the CAMP Study Plan is approved, CRW shall implement the recommendations of the approved CAMP Study Plan."</p> <p>Civil Action No. 1:15-cv-00291-WWC, pp. 46-47 (2015), available at http://www2.epa.gov/sites/production/files/2015-02/documents/cityofharrisburg-cd.pdf.</p> |
| <p>City of New Meadows NPDES Permit</p> <p>return to top</p> | R10 | <p><i>Electronic Reporting (of all reports)</i></p> | <p>"The permittee either must submit monitoring data and other reports in paper form, or must report electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection. Specific requirements regarding submittal of data and reports in paper form and submittal using NetDMR are described below.</p> <p>...</p> <p>2. Electronic Copy Submissions</p> <p>Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit paper copies of DMRs or other reports to EPA and IDEQ.</p> <p>The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from http://www.epa.gov/netdmr."</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|--|--|
| | | | <p>Permit No. ID0023159, pp.11-12 (2013), <i>available at</i> http://www.epa.gov/region10/pdf/permits/npdes/id/new_meadows_id0023159_fp_071213.pdf.</p> |
| | | <i>Advanced Monitoring</i> (continuous monitoring of temperature and flow) | <p>“Continuous effluent monitoring shall begin within six months of the effective date of the permit. Temperature data must be recorded using a micro-recording temperature devices known as thermistors. Set the recording device to record at one-hour intervals. Report the following temperature monitoring data on the DMR: maximum daily average.</p> <p>Use the temperature device manufacturer’s software to generate (export) an Excel text or electronic ASCII text file. The file must be submitted annually to IDEQ by January 31 for the previous monitoring year along with the placement log. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies.”</p> <p>Permit No. ID0023159, pg.6 (2013), <i>available at</i> http://www.epa.gov/region10/pdf/permits/npdes/id/new_meadows_id0023159_fp_071213.pdf.</p> |
| City of Payette NPDES Permit return to top | R10 | <i>Electronic Reporting</i> (of all reports) | <p>“During the period between the effective date of the permit and six months from the effective date of the permit, the permittee must either submit monitoring data and other reports in paper form, or must report electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection.</p> <p>After six months of the effective date of the permit, the permittee must submit monitoring data and other reports electronically using NetDMR.”</p> <p>Permit No. ID0020672, pg.18 (2014), <i>available at</i> http://www.epa.gov/region10/pdf/permits/npdes/id/Payette_ID0020672_FP_2014.pdf.</p> |
| | | <i>Advanced Monitoring</i> (continuous monitoring of temperature and flow) | <p>“Surface water monitoring must begin within six months of the effective date of the permit and continue for four years. Temperature data must be recorded using a micro-recording temperature device known as a thermistor. Set the recording device to record at one-hour intervals. Report the following temperature monitoring data on the DMR: monthly instantaneous maximum, maximum daily average, seven-day running average of the daily instantaneous maximum. Use the temperature device manufacturer’s software to generate (export) an electronic spreadsheet or ASCII text file. The file must be submitted annually to the EPA and IDEQ by January 31 for the previous monitoring year along with the placement log.</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|--|
| | | | <p>The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies.” (pg. 7)</p> <p>“Temperature.</p> <p>a) Continuous temperature monitoring must begin within six months of the effective date of the permit and continue for four years.</p> <p>b) Temperature data must be recorded using a micro-recording temperature devices known as thermistors. Set the recording device to record at 30-minute intervals. Report the following temperature monitoring data on the DMR: monthly instantaneous maximum, maximum daily average, seven-day running average of the daily instantaneous maximum.</p> <p>c) Use the temperature device manufacturer’s software to generate (export) an Excel text or electronic ASCII text file. The file must be submitted annually to the EPA and IDEQ by January 31 for the previous monitoring year along with the placement log. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies.” (pg. 13)</p> <p>Permit No. ID0020672 (2014), available at http://www.epa.gov/region10/pdf/permits/npdes/id/Payette_ID0020672_FP_2014.pdf.</p> |
| <p>Seattle NPDES Waste Discharge Permit</p> <p>return to top</p> | <p>WA ECY</p> | <p><i>Transparency</i> (posting to website)</p> <hr/> <p><i>Advanced monitoring</i> (automated flow detectors)</p> | <p>“Continue to implement the public notification process to inform the citizens of when and where CSOs occur. The process must include (a) mechanism to alert persons of the occurrence of CSOs and (b) a system to determine the nature and duration of conditions that are potentially harmful for users of receiving waters due to CSOs.”</p> <p>Permit No. WA-003168-2, pg. 8 (2016), available at http://www.seattle.gov/util/cs/groups/public/@spu/@usm/documents/webcontent/01_016854.pdf.</p> <p>“The Permittee must monitor all discharges from CSO outfalls listed in Special Condition S1 using the following monitoring schedule. The Permittee must use automatic flow monitoring equipment to collect the information required below. The Permittee must calibrate flow monitoring equipment according to requirements in S3.C. The Permittee must also conduct ambient water quality and sediment monitoring at select outfalls according to the schedule and protocols detailed in condition S6.C.”</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|---|--|
| | | | <p>Permit No. WA-003168-2, pg. 9 (2016), available at http://www.seattle.gov/util/cs/groups/public/@spu/@usm/documents/webcontent/01_016854.pdf.</p> |
| <p>Columbia South Carolina Consent Decree</p> <p>return to top</p> | <p>R4 and SC DHEC</p> | <p><i>Transparency</i> (voice or text alerts of emergency situations)</p> | <p>“(iii). Public Notification of Emergencies. In addition to the reporting requirements set forth in Section IX (Reporting Requirements), Columbia shall establish, in coordination with DHEC:</p> <p>(A) criteria to be used as the basis for immediately notifying the public and other impacted entities, such as users with a downstream water intake, of an emergency situation caused by an SSO, diversion, Bypass, or effluent limit violation;</p> <p>(B) a list identifying, by name, phone number and pager number, all Columbia staff who are responsible for notifying the public;</p> <p>(C) a list identifying, by name and phone number, all public contacts, including local media outlets, who must be contacted during an emergency situation;</p> <p>(D) a list identifying Columbia staff who are authorized to make public statements during emergency situations; and</p> <p>(E) pre-scripted news releases for various types of emergency situations.”</p> <p>Case No. 3:13-cv-02429-TLW, pp. 25-26 (Sept. 9, 2013), available at https://www.epa.gov/sites/production/files/2013-09/documents/columbia-cd.pdf.</p> |
| <p>Connecticut's Act Concerning The Public's Right to Know of a Sewage Spill</p> <p>return to top</p> | <p>CT DEEP</p> | <p><i>Transparency</i> (regulator-posted map of CSOs)</p> | <p>“(b) On and after July 1, 2013, the Commissioner of Energy and Environmental Protection shall post, on the department's Internet web site, a map of the state indicating the combined sewer overflows anticipated to occur during certain storm events. The web site may include the following relevant information about the overflows: (1) Location, anticipated duration and extent; (2) reasonable public health, safety or environmental concerns; and (3) public safety precautions that should be taken.</p> <p>(c) On and after July 1, 2014, the Commissioner of Energy and Environmental Protection shall post, on the department's Internet web site, notice of unanticipated sewage spills and waters of the state that have chronic and persistent sewage contamination that represents a threat to public health, as determined by the Commissioner of Energy and Environmental Protection in consultation with the Commissioner of Public Health. Any notice posted pursuant to this subsection may contain the following relevant information as best determined from the reported sewage spill incident: (1) The estimated volume of discharge; (2) the level of treatment of the discharge; (3) the date and time the incident occurred; (4) the location of the discharge; (5) the estimated or actual time the discharge ceased; (6) the geographic area impacted by the discharge; (7) the steps taken to contain the discharge; (8) reasonable public health,</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|--|
| | | | <p>safety or welfare concerns or environmental concerns; and (9) public safety precautions that should be taken.</p> <p>(d) The Commissioner of Energy and Environmental Protection shall consult with the Commissioner of Public Health, operators of sewage treatment plant or collection systems and state and local environmental and health agencies when developing the notice required by subsection (c) of this section.”</p> <p>Public Act 12-11 (2012), <i>available at</i> http://www.cga.ct.gov/2012/ACT/PA/2012PA-00011-R00SB-00088-PA.htm.</p> |
| <p>Connecticut Agencies Regulations</p> <p>return to top</p> | CT DEEP | <i>Effective Rules and Permits</i> | <p>[These regulations establish the Wastewater Certification Program, administered by the Bureau of Water Protection and Land Reuse. Certification is obtained by meeting certain experience, education and exam criteria. There are four levels of Operator Certification, Classes I through IV (lowest to highest). In order to qualify to take a Connecticut DEEP-sponsored exam, an applicant must meet the experience and education requirements appropriate for that particular class of exam. In some instances, extra education may be applied toward a portion of the experience requirement, extra direct responsible charge experience may be applied toward a portion of the education requirement. Class I, II, and III exams may be taken if the education requirement is met but the experience requirements are not.]</p> <p>See Conn. Agencies Regs. Section 22a-416 (2000), <i>available at</i> http://www.ct.gov/deep/lib/deep/regulations/22a/22a-416-1through10.pdf.</p> |
| <p>District of Columbia Water and Sewer Authority (DC Water) Consent Decree</p> <p>return to top</p> | R3 | <i>Transparency (indicator lights at outfalls)</i> | <p>“(iii) Notification lights at boating locations: WASA shall install and operate two lights, one each on the Anacostia River and the Potomac River, to notify river users of CSO events. Lights shall be operated by a signal from a representative outfall on each river. A red light shall be illuminated during a CSO occurrence and a yellow light shall be illuminated for 24 hours after a CSO as stopped. Final colors shall be subject to approval by the Coast Guard or other agency having jurisdiction (other than WASA itself), to the extent that such approval is legally required. If such approval is denied, WASA shall utilize light colors that resemble those specified above as nearly as the approval authority will allow. The mounting and brightness of each light shall be subject to the approval of owners or agencies (other than WASA itself) having jurisdiction (e.g. private property owners, Coast Guard, National Park Service) to the extent that such approval is legally required. Each light shall be mounted at such a height and shall be of a brightness so as to be visible during daylight with the naked eye by boaters on the water having an unobstructed horizontal view of the light. If such</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|--|
| | | | <p>approval is denied, WASA shall install the lights as close to the above criteria as the approval authority will allow.</p> <ul style="list-style-type: none"> (a) The Anacostia River light shall be located at or in the immediate vicinity of CSO outfalls 010-012. The Potomac River light shall be located on an elevated post or pole at Thompson’s Boat House. The location of each light shall be subject to the approval of owners or agencies (other than WASA itself) having jurisdiction (e.g. private property owners, Coast Guard, National Park Service), to the extent that such approval is legally required. If such approval is denied as to either location, WASA shall utilize an alternative location that is as close as the approval authority will allow to the relevant location specified above. (b) The Anacostia River light shall be operated by a signal from CSO Outfall #007 (13th Street and Ridge Place SE). The Potomac River light shall be operated by a signal from CSO Outfall #021 (Northeast of Roosevelt Bridge, NW). (c) The Anacostia and Potomac Rivers lights shall be installed on the following schedule: (i) Submit Documents for Required Approvals: December 31, 2003; (ii) Place in Operation: Twenty months after receipt of all Required Approvals. (d) WASA shall include information on the purpose and description of the above-described light system: a) on the WASA website; b) in the information pamphlets or inserts referenced in subparagraph b.(ii) of this Paragraph; and (c) on signs posted at or adjacent to each warning light location and readable from both land and water.” <p>Civil Action No. 02-2511 (TFH), pp. 23-24 (2003), <i>available at</i> http://www2.epa.gov/sites/production/files/documents/dcwasa-cd.pdf.</p> |
| <p>Greenville, Mississippi Partial Consent Decree</p> <p>return to top</p> | <p>R4 and MDEQ</p> | <p><i>Transparency</i> (public comment and web posting of CD deliverables)</p> | <p>“VI. REVIEW OF DELIVERABLES/CERTIFICATION OF DELIVERABLES</p> <p>9. Public Document Repository/ Public Review Requirement. The City shall post on its website instructions to the public for receiving email notice of future Deliverables. Prior to the submission of each Deliverable to EPA and MDEQ, the City shall post a copy of the Deliverable on its website and provide notice of such action by email to all parties who have requested such notice. The City shall also send to the Reference Librarian at the William A. Percy Memorial Library located at 341 Main Street, notice of the Deliverable to be submitted, a flyer containing a brief synopsis of the Deliverable, and instructions on how to find the document on the City’s website. The City shall post on its website instructions for submitting comments, and shall allow the public a period of thirty (30) Days to comment on, the following Deliverables: (i) the Mini-System Group Evaluation Reports and Rehabilitation Plans required under Paragraph 21; (ii) the Rehabilitation Reports for Mini-Systems 1 and 2 required under</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|---|--|
| | | | <p>Paragraph 22; (iii) the Sewer Overflow Response Plan required under Paragraph 23.a; (iv) the FOG Control Program required under Paragraph 23.g; and (v) Financing and Cost Analysis Program required under Paragraph 23.h. After the 30-day period, the City shall consider public comments for a period of up to fifteen (15) Days. Within seven (7) Days after submitting a Deliverable to EPA and MDEQ, the City shall place a copy of the submitted version of the Deliverable on its website and at the library. Within seven (7) Days after EPA's approval, approval contingent upon conditions, or modification by EPA, the City shall place a copy of such final version of the Deliverable on its website and at the library. The City shall maintain on its website until termination of this Partial Consent Decree all written comments received from EPA and MDEQ along with all submitted versions of Deliverables."</p> <p>Case No. 4:16-cv-00018-DMB-JMV, pp. 7-8 (2016), available at https://www.epa.gov/sites/production/files/2016-02/documents/greenvillepartial-cd.pdf.</p> |
| <p>GSP Management Consent Decree</p> <p>return to top</p> | <p>R3 and PA DEP</p> | <p><i>Advanced Monitoring</i> (notification of DMR results to facility manager)</p> | <p>"<u>Electronic Notification</u>: Upon the Effective Date, Defendants shall implement a system that provides for electronic notification within 24 hours of all DMR Sample Results to the manager responsible for environmental compliance at the related Facility as well as any person in any way responsible for day-to-day operation, monitoring or maintenance of NPDES permitted operations. The electronic notification of DMR sample results shall include all pollutants that are regulated under effluent limits contained in Defendants' NPDES permits, and shall indicate where laboratory results show an Effluent Limit Violation, identifying the Outlet and date when the violation occurred."</p> <p>Civil Action No. 12-5553, pg. 26 (2012), available at http://www2.epa.gov/enforcement/gsp-management-company.</p> |
| <p>Indiana Administrative Code</p> <p>return to top</p> | <p>IDEM</p> | <p><i>Transparency</i> (CSO public notice)</p> | <p>"Rule 2.1. Combined Sewer Overflow Public Notification Sec. 6. (a) A CSO community shall do the following unless alternative procedures are identified by the community that are equivalently effective: (1) Provide public notice in a newspaper of general circulation in March of each year to allow the following to request receipt of CSO notification: (A) Media sources, such as newspapers, television, or radio. (B) Affected public. (C) Other interested persons in the CSO community. (2) Provide notification to those identified under subdivision (1) who request receipt of CSO notification under subdivision (1): (A) when a CSO discharge is occurring or is imminent based on predicted or actual precipitation or a related event; and (B) in a manner that is mutually agreeable to the recipient and the CSO community. If the recipient and CSO community do not reach agreement on an acceptable manner of</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|---|
| | | | <p>notification, then the CSO community shall provide notice by a reasonable, effective means.</p> <p>(b) In addition to the requirements of subsection (a), a CSO community shall post a prominent sign within the CSO community's jurisdiction:</p> <p>(1) at access points to an affected water, including boat ramps, bridges, parks, and school yards; (2) along parkways and greenways on or adjacent to affected waters at locations most likely to provide notification to persons who may come into direct contact with the water based on information available to the CSO community; and (3) with the language printed in English or any other language common in the locale (including the language necessary to fill in the blanks) that states or is equal in meaning to the following: "Caution–Sewage or Wastewater pollution. Sewage or Wastewater may be in this water during and for several days after periods of rainfall or snow melt. People who swim in, wade in, or ingest this water may get sick. For more information, please call [insert local sewer authority, telephone number, and, if available, a Web site address]."</p> <p>(c) Cautionary combined sewer overflow signs posted prior to the effective date of this rule advising that combined sewer overflows may occur at that point do not need to be replaced specifically to comply with the wording of subsection (b)(3). If, however, a cautionary combined sewer overflow sign existing prior to the effective date of this rule does need replacement due to reasons such as weathering or other reasons for replacement, then the replacement sign must comply with the language suggested in subsection (b)(3).</p> <p>(d) If an access point to an affected water is located on private property or property outside a CSO community's jurisdiction, then a CSO community shall:</p> <p>(1) annually offer to provide the sign required under subsection (b) for the owner or operator of the private or nonjurisdictional property; and (2) not be required to provide the sign required under subsection (b) provided the private or nonjurisdictional property owner or operator has refused the community's offer made according to subdivision (1)."</p> <p>327 IAC 5-2.1-6 (2003), available at http://www.in.gov/legislative/iac/iac_title?iact=327.</p> |
| <p>Jersey City Municipal Utilities Authority Consent Decree</p> <p>return to top</p> | <p>R2</p> | <p><i>Transparency (standards for public notice at outfalls)</i></p> | <p>"17. No later than sixty (60) days after the Effective Date, Defendant shall post, and continuously thereafter shall maintain, signs within 10 feet of each and every CSO point. Each such sign shall be in substantially the same form as the sign attached in Appendix B. Sign dimensions should be at a minimum 18x24inchesand made of durable weather proof material. Signs shall be visible to the unaided eye from land and water from a distance of 100 feet. In the first Quarterly Report submitted pursuant to Section VIII after the completion date for the posting of the signs required</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|--|--|
| | | | <p>by this Paragraph, an authorized representative of Defendant shall certify that all signs required by this Paragraph have been posted and remain in place.”</p> <p>Jersey City Municipal Utilities Authority Consent Decree, pp. 9-10 (2011), available at http://www2.epa.gov/sites/production/files/documents/jcmua-cd.pdf.</p> |
| | | <p><i>Advanced Monitoring (telemetry system)</i></p> | <p>“18. <u>Telemetry</u></p> <ol style="list-style-type: none"> a. Defendant has completed a telemetry feasibility study which was submitted to EPA for review and approval December 14, 2010. This feasibility study was approved by EPA on February 10, 2011. Defendant shall install a telemetry system and implement a telemetry pilot study which will utilize both depth measurement for detection of CSO discharges and tide gate closure sensors for detection of tidal intrusion at the locations within its CSS identified below b. The pilot study telemetry system shall be designed to detect Dry Weather Overflows, Combined Sewer Overflows, and tidal intrusion. The Defendant shall install and implement the pilot study telemetry system by no later than October 15, 2011. c. Defendant shall continuously implement the pilot study telemetry system and continue to detect Dry Weather Overflows, Combined Sewer Overflows and tidal intrusion until Defendant commences implementation of the telemetry system, consistent with Paragraph d., below. d. By January 15, 2013, the Defendant shall submit a report with the results of the pilot study telemetry system to EPA for review and approval ("Telemetry Report"). The Telemetry Report shall include recommendations on the telemetry system to be installed on Defendant's Combined Sewer System, and a schedule for installation of telemetry on the system. Defendant shall install and implement the telemetry system as approved by EPA. e. In the Quarterly Reports required under Section VIII (Reporting Requirements), the Defendant shall provide the following information based on data gathered from the pilot study telemetry system and approved telemetry system: <ol style="list-style-type: none"> i. indicate when a Dry Weather Overflow occurs at the regulator chambers listed in a.i.—viii, above, including the estimated volume and duration of the Dry Weather Overflow; and ii. when a CSO discharge occurs at the locations listed in a., above, during wet weather, indicate the duration (including start and stop time of the CSO event). |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|---|--|
| | | | <p>f. Based on rainfall data collected by the Defendant, the Defendant shall utilize the Storm Water Management Model ("SWMM") to estimate overflow volumes for its entire CSS, consisting of each regulator chamber location, and shall provide this information in the Quarterly Reports required under Section VIII (Reporting Requirements). For regulator chambers listed in a.i.— above, the Quarterly Report shall show the SWMM results and the viii., corresponding telemetry results for each Combined Sewer Overflow discharge.</p> <p>g. Until otherwise excused by EPA pursuant to this Paragraph, Defendant shall continuously implement the telemetry system in the approved Telemetry Report and continue to detect dry weather overflows, combined sewer overflows and tidal intrusion until termination of the Consent Decree. After Defendant has satisfactorily completed the requirements of pilot telemetry study required under this Paragraph, Defendant may request that it terminate implementation of all or a portion of the telemetry system. After review of the Defendant's request, EPA shall in writing: a) approve the request; b) approve the request upon specified conditions; c) approve part of the request and disapprove the remainder; or d) disapprove the request. The determination of whether the Defendant may terminate all or part of the telemetry system is in the sole discretion of EPA."</p> <p>Jersey City Municipal Utilities Authority Consent Decree, pp.10-12 (2011), available at http://www2.epa.gov/sites/production/files/documents/jcmua-cd.pdf.</p> |
| <p>Logan International Airport (Massport) Final NPDES Permit</p> <p>return to top</p> | R1 | <p><i>Transparency</i> (web posting of DMRs)</p> | <p>"Massport shall make the results of its monitoring available on its web site and provide a copy of each report (including all environmental reports) to the Boston Public Health Commission, City of Boston Environment Department, and the Winthrop Town Manager's office . . ."</p> <p>Permit No. MA0000787, pg. 26 (2007), available at http://www.epa.gov/region1/npdes/logan/index.html.</p> |
| | | <p><i>Advanced Monitoring</i> (increased and continuous monitoring)</p> | <p>"1. Receiving Waters Analysis and Water Quality Study Report: Massport shall conduct a Water Quality Study consisting of a biological, chemical, and toxicological analysis of Logan Airport's storm water discharges and the resultant receiving water quality in order to characterize the impacts of deicer contained in storm water discharges. The Water Quality Study shall include an analysis of quantities of deicer used and the concentration of deicer chemicals in direct and indirect surface water discharges. In performing this Water Quality Study, Massport shall develop, calibrate, verify, and use a deicer application, fate, and transport model, to predict the location and duration of ambient receiving water deicer chemical</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|--|--|
| | | | <p>concentrations based on deicer use, results of outfall sampling, tidal conditions, and the range of deicer loadings that are likely to occur at Logan Airport. The Water Quality Study shall predict ambient surface water concentrations of deicer chemicals and dissolved oxygen in the receiving waters based on measured outfall concentrations of deicer and the use of the verified application, fate, and transport model. Massport shall also assess the ability of the receiving waters to meet their designated use(s), including an assessment of impacts to aquatic life and fishing, shellfishing, and recreation. The analysis shall take into account the seasonal nature of deicer use activities and storm water flows, including the effects of snow melt. Massport shall submit a plan and schedule for the Water Quality Study to EPA and MassDEP for review and comment within 6 months of the effective date of this permit. Massport shall prepare a Water Quality Study Report presenting the data collected, methodologies, procedures and results of the Water Quality Study and submit the Water Quality Study Report to EPA and MassDEP for review and comment within 24 months of the effective date of this permit. The Water Quality Study Report shall include contour maps and cross-sections depicting the location and duration of ambient surface water concentrations of deicer compounds and dissolved oxygen based on various tidal, storm, and deicer application scenarios. Procedures, assumptions, and protocols used in the Water Quality Study shall be consistent with those of EPA and/or MassDEP, if applicable.</p> <p>2. Real-time Monitoring of Deicer: To supplement the Water Quality Study, Massport shall conduct real-time (continuous) monitoring of the outfalls, during a deicing episode, with expected contamination of deicers (Outfall 001, 002, 003, and 006) for parameters including temperature, DO, and conductivity, to be representative of a storm event discharge from each outfall. Massport shall conduct and submit the monitoring results to EPA and MassDEP within a time frame established in Massport’s plan and shall report and assess the results in the Water Quality Study Report.”</p> <p>Permit No. MA0000787, pp. 49-50 (2007), <i>available at</i> http://www.epa.gov/region1/npdes/logan/index.html.</p> |
| <p>Maryland General Permit for Discharges from Stormwater Associated with</p> | <p>MDE</p> | <p><i>Effective Permits</i> (structuring permit to avoid deficiencies)</p> | <p>“PART II. AUTHORIZATION UNDER THIS PERMIT</p> <p>A. How to Obtain Authorization</p> <p>If you are eligible for coverage under this permit, per PART I, to obtain authorization you must</p> <ul style="list-style-type: none"> •Select, design, install, and implement control measures in accordance with Part III.A and Part III.B to meet numeric and non-numeric effluent limits; •Submit a complete and accurate Notice of Intent (NOI) or Permit Transfer Request with Permit Fees indicated below; and |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|--|--|
| Industrial Activities return to top | | | <p>•Develop and submit to the Department, a Stormwater Pollution Prevention Plan (SWPPP) according to the requirements in Part III.C and, where applicable, Part III.A.2 of this permit.”</p> <p>Permit No. 12SW (NPDES No. MDR00), pg. 4 (2014), available at http://www.mde.maryland.gov/programs/Permits/WaterManagementPermits/WaterDischargePermitApplications/Documents/GDP%20Stormwater/12_SW_CompleteFinalPermit.pdf.</p> |
| Memphis Tennessee Consent Decree return to top | R4 | <i>Transparency</i> (web posting of deliverables) | <p>“13. Public Document Repository. Prior to the initial submission of a Deliverable to EPA and TDEC pursuant to Subparagraphs 10.c., 10.d., 10.e., 10.f., 10.g., 11.a., 11.b., or 11.c., Memphis shall notify the Reference Librarian at the Memphis Central Library (located at 3030 Poplar Avenue, Memphis, Tennessee 38111) and the TCWN identifying the Deliverable to be submitted and providing a one-page instruction flyer containing a brief synopsis of the Deliverable and instructions on how to navigate to Memphis’ website and shall make available a copy of each Deliverable on Memphis’ website. The Central Library in Memphis and Memphis’ website shall constitute the Public Document Repository (“PDR”). Memphis shall allow the public, including the TCWN, a period of thirty (30) Days to inspect and comment to Memphis on the Deliverable (“Public Review Requirement”). Memphis shall provide instructions to the public in the PDR for submitting comments. Thereafter, Memphis shall consider public comments for a period of up to fifteen (15) Days. Memphis shall bear the sole responsibility for depositing all Deliverables in the PDR. Within seven (7) Days after its submission to EPA and TDEC, Memphis shall place a copy of the submitted version of the Deliverable in the PDR in the same fashion as the original submission and notify the TCWN that the document has been filed. Within seven (7) Days after EPA’s approval or modification by EPA pursuant to this Section, if revised, Memphis shall place a copy of such version of the Deliverable in the PDR. This copy shall replace all previous copies of that Deliverable in the PDR and shall remain in the PDR along with all comments until termination of this Consent Decree. In addition, Memphis shall maintain in the PDR a listing of all Deliverables and comments. If Memphis resubmits a Deliverable to EPA in response to EPA comments pursuant to Paragraph 17, such resubmission is not subject to the thirty (30) Day public comment period nor is Memphis required to obtain public comment on the resubmission.” (pp. 40-41)</p> <p>Civil Action No. 2:10-cv-02083-SHM-dkv (2012) available at https://www.epa.gov/sites/production/files/documents/memphis-cd.pdf.</p> |
| | | <i>Advanced Monitoring</i> (GIS mapping) | <p>“Under this State Project B – GIS, the sanitary sewer plan/record information will begin with the scanning and geo-location of drawings and plans. Memphis will digitize paper maps of the sanitary sewer system into an electronic Geographic Information System (GIS) format. On a basin-by-</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|---|---|
| | | | <p>basin basis, the paper maps will be scanned into images which can be geo-located based on the location of the areas mapped. The sanitary sewer lines (pipes) and points (connections/manholes) will be extracted from the paper map and stored in Memphis’s Enterprise GIS. Attributes of the lines and points will be captured in an attribute data table which can be accessed by the GIS.” (see Appendix J)</p> <p>Civil Action No. 2:10-cv-02083-SHM-dkv (2012) <i>available at</i> https://www.epa.gov/sites/production/files/documents/memphis-cd.pdf.</p> |
| <p>Metropolitan St. Louis Sewer District Administrative Orders for Compliance return to top</p> | R7 | <p><i>Transparency</i> (standards for public notice at CSO outfalls and website notification of posting of signs)</p> | <p>“23. MSD shall post signs as depicted in Attachment B to this Amended Order. A schedule for installing these signs follows in Paragraph 24. The sign must be posted on all streams, creeks, drainage ditches, and swales receiving SSO discharges. Postings must be at all surface discharge locations and within one hundred (100) feet downstream of all discharge locations. Signs must be posted at approximately one hundred (100) yard intervals at public access points located within two miles downstream from the discharge. Signs must be placed on both sides of the stream and must be placed so as to be visible to the public. Any parks, golf courses or other recreation areas within the posting area must have signs prominently displayed. Inspections of all sign locations must be performed at least monthly to ensure that each sign is in place, unobstructed, and in good condition. Missing, damaged or obstructed signs must be replaced or corrected as soon as discovered. All missing, damaged and obstructed signs must be corrected within twenty-four hours of discovery. The signs must be a minimum of 18" by 24". A copy of the sign must be included annually (near the beginning of the recreation season) in customer bill inserts with an explanation of why the signs have been installed.</p> <p>24. The sign depicted in Attachment B shall be obtained by MSD and deployed as outlined in Paragraph 23 at all surface discharge locations, within five (5) weeks from the date of signing of this Amended Order. Signs for the remaining locations outlined in paragraph 23, shall be deployed as expeditiously as possible, but no later than August 31, 2007. The notice to customers required in Paragraph 23, shall be forwarded by MSD to all its customers by July 18, 2007. Additionally, MSD shall post a notice on their website within thirty (30) days of the signing of this Amended Order, advising that EPA has ordered MSD to deploy these signs. The sign shall be displayed with this notice. This notice shall include a description of where each sign will be installed in relation to the constructed SSO; why the sign is being installed and the phone number anyone observing a discharge can call to report it.”</p> <p>Docket No. CWA-07-2007-0042, pp. 5-6 (2007), <i>available at</i></p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------------|--------------------------|-----------------------------------|--|
| | | | <p>http://yosemite.epa.gov/OA/RHC/EPAAdmin.nsf/Filings/483873E4945AD10C8525764E0066C5BB/\$File/AMENDED%20FINDINGS%20OF%20VIOLATION%20AND%20ORDER%20FOR%20COMPLIANCE.pdf.</p> <p>“23. MSD shall post signs as depicted in Attachment B to this Second Amended Order. A schedule for installing these signs follows in Paragraph 24. The sign must be posted on all streams, creeks, drainage ditches, and swales receiving SSO discharges. Postings must be at all surface discharge locations and within one hundred (100) feet downstream of all discharge locations. Signs must be posted at approximately one hundred (100) yard intervals at public access points located within two miles downstream from the discharge. Signs must be placed on both sides of the stream and must be placed so as to be visible to the public from both banks. The signs must be visible to the public approaching the stream from the land. Any parks, golf courses or other recreation areas within the posting area must have signs prominently displayed. Inspections of constructed SSO locations must be performed at least monthly to ensure that each sign is in place, unobstructed, and in good condition. All missing, damaged or obstructed signs must be corrected within twenty-four hours of discovery. The signs must be a minimum of 18" by 24". Inspection of all downstream signs shall be at least three times during the recreation season in March, June and September. A copy of the sign must be included annually (near the beginning of the recreation season) in customer bill inserts with an explanation of why the signs have been installed.</p> <p>24. The sign depicted in Attachment B shall be obtained by MSD and deployed as outlined in Paragraph 23 at all surface discharge locations, within five (5) weeks from the date of signing of this Second Amended Order. The notice to customers required in Paragraph 23, shall be forwarded by MSD to all its customers by end July 2008. Additionally, MSD shall post a notice on their website within thirty (30) days of the signing of this Second Amended Order, advising that EPA has ordered MSD to deploy these signs. The sign shall be displayed with this notice. This notice shall include a description of where each sign will be installed in relation to the constructed SSO; why the sign is being installed and the phone number anyone observing a discharge can call to report it.”</p> <p>Docket No. CWA-07-2007-0042, pg. 6 (2008), <i>available at</i> http://yosemite.epa.gov/OA/RHC/EPAAdmin.nsf/Filings/4EE63D7F719DF67B8525764E0066C5BC/\$File/SECOND%20AMENDED%20CWA-07-2007-0042.pdf.</p> |
| Metropolitan St. Louis | | <i>Transparency</i> (web posting) | “MSD shall post on its website all written submissions required pursuant to this Section upon submission of report to EPA, State, and the Coalition. |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|--|---|
| <p>Sewer District Consent Decree</p> <p>return to top</p> | <p>R7 and MO DNR</p> | <p>of submissions, CD language, FOG information, and Building Backup clean-up guide)</p> | <p>The GIS layers shall not be placed on the website. Each submission shall remain on the website or by link or other accepted method for three (3) years.” (pg. 60)</p> <p>“MSD shall provide a copy of this Consent Decree to the Board of Trustees and their successors, and managers. MSD shall post the Consent Decree on its website and intranet website and direct all current employees and new employees to read the Consent Decree. MSD shall direct any contractor or consultant retained to perform work required under this Consent Decree to its website and direct them to read the Consent Decree. Any action taken by an entity retained by MSD to implement MSD’s duties under this Consent Decree shall be considered an action of MSD for purposes of determining compliance with this Consent Decree.” (pg. 5)</p> <p>“MSD shall prepare and maintain a FOG education information page on its web site;” (pg. 39)</p> <p>“A revised Building Backup clean-up guide produced in multiple languages to be made available on MSD website and distributed to property owners or residents if onsite response is given by MSD.” (pg. 44)</p> <p>Civil Action No. 4:07-CV-1120 (2011), <i>available at</i> http://www.epa.gov/region07/enforcement_compliance/msd_consent_decree.pdf.</p> |
| | | <p><i>Transparency</i> (public notice at outfalls)</p> | <p>“d. Pursuant to the above-referenced EPA’s Amended Administrative Order, MSD shall continue to perform the following measures until a Constructed SSO Outfall is eliminated:</p> <ul style="list-style-type: none"> i. MSD shall post signs as depicted in Appendix A on all streams, creeks, drainage ditches, and swales receiving Constructed SSO discharges. Postings must be at all surface discharge locations and within one hundred (100) feet downstream of all discharge locations. Signs must also be posted at approximately one hundred (100) yard intervals at public access points located within two (2) miles downstream from the discharge. Signs must be placed on both sides of stream and must be placed so as to be visible to the public from both banks. The signs must be visible to the public approaching the stream from land. Any parks, golf courses or other recreation areas within the posting area must have signs permanently displayed. ii. MSD shall perform monthly inspections of Constructed SSO locations to ensure each sign is in place, unobstructed, and in good condition. |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|---|---|
| | | | <p>iii. Inspection of all downstream signs shall be at least three (3) times during the recreation season in March, June, and September.</p> <p>iv. Missing, damaged, or obstructed signs must be replaced or corrected within 24 hours of discovery. The signs must be a minimum of 18" by 24".</p> <p>v. A copy of the sign must be included annually (near the beginning of the recreation season) in customer bill inserts with an explanation of why the signs have been installed.</p> <p>e. The EPA agrees to terminate its above-referenced Amended Administrative Order by issuing a notice of termination to MSD within thirty (30) days of the Effective Date of this Consent Decree.”</p> <p>Civil Action No. 4:07-CV-1120, pp.16-17 (2011), <i>available at</i> http://www.epa.gov/region07/enforcement_compliance/msd_consent_decree.pdf</p> |
| <p>Metropolitan Water Reclamation District of Greater Chicago Permits</p> <p>return to top</p> | <p>IEPA</p> | <p><i>Transparency</i> (email or text alerts to public, CSO map, standards for public notice at outfalls)</p> | <p>“A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification. The Permittee shall also consider posting signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting within nine (9) months of the modification date of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting. The Permittee shall submit the public information meeting documentation to the IEPA and implement the public notification program within twelve (12) months of the modification date of this Permit. The Permittee shall submit copies of the public notification program to the IEPA upon written request.”</p> <p>Special Condition 13.14 of NPDES permits IL028053, IL0028061, and Special Condition 8.14 of IL0028088 effective January 1, 2014; Special Condition 14.12 of NPDES permit IL0028070 effective February 1, 2008;</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|---|--|
| | | | and Special Condition 14.12 of NPDES permit IL0047741 effective August 1, 2004. |
| Middle Rio Grande Watershed Based Municipal Separate Storm Sewer System Permit return to top | R6 | <i>Transparency</i> (posting of SWMP and annual reports online) | “The permittee must provide public accessibility of the Storm Water Management Program (SWMP) document and Annual Reports online via the Internet and during normal business hours at the MS4 operator’s main office, a local library, posting on the internet and/or other readily accessible location for public inspection and copying consistent with any applicable federal, state, tribal, or local open records requirements. Upon a showing of significant public interest, the MS4 operator is encouraged to hold a public meeting (or include in the agenda of in a regularly scheduled city council meeting, etc.) on the NOI, SWMP, and Annual Reports. (See Part III B)” Permit No. NMR04A000, pg. 48 (2014), available at http://www.epa.gov/region6/water/npdes/sw/ms4/mrg%20ms4%20permit/mrg_ms4_final_permit_121114.pdf . |
| | | <i>Advanced Monitoring</i> (continuous monitoring of temperature and dissolved oxygen) | “(a) The revised strategy shall include: A. A Monitoring Plan describing all procedures necessary to continue conducting continuous monitoring of dissolved oxygen (DO) and temperature in the North Diversion Channel Embayment and at one (1) location in the Rio Grande downstream of the mouth of the North Diversion Channel within the action area (e.g., Central Bridge). The monitoring plan to be developed will describe the methodology used to assure its quality, and will identify the means necessary to address any gaps that occur during monitoring, in a timely manner (that is, within 24 to 48 hours).” Permit No. NMR04A000, pg. 21 (2014), available at http://www.epa.gov/region6/water/npdes/sw/ms4/mrg%20ms4%20permit/mrg_ms4_final_permit_121114.pdf . |
| 2015 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) return to top | EPA | <i>Transparency</i> (web posting of SWPPP) | “5.4.1 SWPPP Posting on the Internet. If you provide a URL in your NOI where your SWPPP can be found, and maintain your current SWPPP at this URL, you will have complied with the public availability requirements for the SWPPP. To remain current, you must post any SWPPP modifications, records and other reporting elements required for the previous year at the same URL as the main body of the SWPPP. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1. If you did not provide a SWPPP URL in your NOI, you may reopen your NOI at any time subsequent to your original NOI submittal to add a URL where your current SWPPP can be found. You are not required to post any CBI or restricted information (as defined in Appendix A) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access. CBI may not be withheld from those staff cleared for CBI review within EPA, USFWS or NMFS. |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---|---|
| | | | <p>5.4.2 SWPPP Information Provided on NOI Form. If you did not provide a SWPPP URL in your NOI, your NOI must include the information required by Part 7.3. Irrespective of this requirement, EPA may provide access to portions of your SWPPP to a member of the public upon request (except any CBI or restricted information (as defined in Appendix A)). To remain current, you must report any modifications to the SWPPP information required by Part 7.3 through submittal of a "Change NOI" form. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1." (pp. 36-37).</p> <p>Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (2015), <i>available at</i> http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp2015_finapermit.pdf.</p> |
| | | <i>Electronic Reporting (of all submittals)</i> | <p>"1.2.1.2 How to Submit Your NOI. You must submit your NOI electronically per Part 7.1, unless you have received a waiver from electronic reporting per Part 7.1, in which case you may use the paper NOI form in Appendix G." (pg. 9).</p> <p>"7.1 Electronic Reporting Requirement. You must submit all NOIs, NOTs, NOEs, Annual Reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically, unless you have received a waiver from your EPA Regional Office based on one of the following conditions:</p> <ul style="list-style-type: none"> • If your headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or • If you have limitations regarding available computer access or computer capability. <p>Waivers are only granted for a one-time use for a single information submittal, i.e., an initial waiver does not apply for the entire term of the permit. If you need to submit information on paper after your first waiver, you must apply for a new waiver. However, waivers may be extended on a case-by-case basis by the EPA Regional Office.</p> <p>If you wish to obtain a waiver from submitting a report electronically, you must submit a request to your EPA Regional Office. EPA Regional Office contact information can be found in Part 7.9.1 of this permit. In that request you must document which exemption you meet, provide evidence supporting any claims, and a copy of your completed NOI form. A waiver</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---------------------------------|--|
| | | | <p>may only be considered granted once you receive written confirmation from EPA or its authorized representative. . . .</p> <p>7.2 Submitting Information to EPA. Most information required to be submitted by this permit shall be submitted via EPA’s electronic NPDES eReporting tool (NeT), unless the permit states otherwise or unless a waiver has been granted per Part 7.1. NeT allows you to both prepare and submit required information using specific forms, found in the permit’s appendices. To access NeT, go to http://water.epa.gov/polwaste/npdes/stormwater/Stormwater-eNOI-System-for-EPAs-MultiSector-General-Permit.cfm.</p> <p>Information required to be submitted to EPA via NeT:</p> <ul style="list-style-type: none"> • Notice of Intent (Part 1.2); • No Exposure Certification (Part 1.4); • Notice of Termination (Part 1.3); and • Annual Report (Part 7.5). <p>Note: Discharge Monitoring Reports (see Part 7.4) are required to be submitted using EPA’s NetDMR system, available at www.epa.gov/netdmr.</p> <p>If you are given a waiver by the EPA Regional Office to submit information in paper form, you must utilize the required forms found in the Appendices.” (pg. 47)</p> <p>“7.4 Reporting Monitoring Data to EPA. All monitoring data collected pursuant to Part 6.2 must be submitted to EPA using EPA’s NetDMR system (available at www.epa.gov/netdmr) (unless a waiver from electronic reporting has been granted, in which case you may submit a paper DMR form) no later than 30 days after you have received your complete laboratory results for all monitoring outfalls for the reporting period. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on your electronic Discharge Monitoring Report (DMR) form based on the information you reported on your NOI form (through the NPDES eReporting tool (NeT)). Accordingly, the following changes to your monitoring frequency must be reported to EPA through the submittal of a “Change NOI” form in NeT, which will trigger changes to your monitoring requirements in NetDMR:</p> <ul style="list-style-type: none"> • All benchmark monitoring requirements have been fulfilled for the permit term; • All impaired waters monitoring requirements have been fulfilled for the permit term; • Benchmark and/or impaired monitoring requirements no longer apply because your facility is inactive and unstaffed; |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---------------------------------|---|
| | | | <ul style="list-style-type: none"> • Benchmark and/or impaired monitoring requirements now apply because your facility has changed from inactive and unstaffed to active and staffed; • For Sector G2 only: Discharges from waste rock and overburden piles have exceeded benchmark values; • A numeric effluent limitation guideline has been exceeded; • A numeric effluent limitation guideline exceedance is back in compliance. <p>Once monitoring requirements have been completely fulfilled, you are no longer required to report monitoring results using NetDMR. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to use NetDMR to report your results, but you must report a “no data” or “NODI” code for any monitoring parameters that have been fulfilled. . . .</p> <p>For benchmark monitoring, note that you are required to submit sampling results to EPA no later than 30 days after receiving your complete laboratory results for all monitored outfalls for each quarter that you are required to collect benchmark samples, per Part 6.2.1.2. If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions, climates with irregular stormwater runoff, or areas subject to snow), you are required to submit all sampling results for each storm event to EPA within 30 days of receiving all laboratory results for the event. Or, for any of your monitored outfalls that did not have a discharge within the reporting period, using NetDMR you must report using a “no data” or “NODI” code for that outfall no later than 30 days after the end of the reporting period.</p> <p>7.5 Annual Report. You must submit an Annual Report to EPA electronically, per Part 7.2, by January 30th for each year of permit coverage containing information generated from the past calendar year. You must include the following information:</p> <ul style="list-style-type: none"> • A summary of your past year’s routine facility inspection documentation required (Part 3.1.2). In addition, if you are an operator of an airport facility (Sector S) that is subject to the airport effluent limitations guidelines, and are complying with the Part 8.S.8.1 effluent limitation through the use of non-urea-containing deicers, provide a statement certifying that you do not use pavement deicers containing urea. (Note: Operators of airport facilities that are complying with Part 8.S.8.1 by meeting the |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---------------------------------|--|
| | | | <p>numeric effluent limitation for ammonia do not need to include this statement.)</p> <ul style="list-style-type: none"> • A summary of your past year’s quarterly visual assessment documentation (see Part 3.2.2 of the permit); • For any four-sample (minimum) average benchmark monitoring exceedance, if after reviewing the selection, design, installation, and implementation of your control measures and considering whether any modifications are necessary to meet the effluent limits in the permit, you determine that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice, your rationale for why you believe no further reductions are achievable (see Part 6.2.1.2 of the permit); and • A summary of your past year’s corrective action documentation (see Part 4.4). If corrective action is not yet completed at the time of submission of your annual report, you must describe the status of any outstanding corrective action(s). Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit. <p>Your Annual Report must also include a statement, signed and certified in accordance with Appendix B, Subsection 11.” (pp. 48-50).</p> <p>Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (2015), <i>available at</i> http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp2015_finalpermit.pdf.</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|---|---|
| <p>Nevada Department of Transportation Consent Decree</p> <p>return to top</p> | R9 | <p><i>Advanced Monitoring</i> (imaging and 3D modeling; continuous monitoring posted to public website)</p> | <p><u>“Making Continuous Real-time Water Quality Data Available to the Public</u></p> <ol style="list-style-type: none"> 1. Purpose. This project consists of upgrades to water quality monitoring devices to provide continuous monitoring and transmit the data to a central location to be uploaded to a publicly available platform. Real-time data from continuous monitoring can be used to improve the understanding of temporal variances in hydrology and water quality and can lead to more effective resource management, including improving the design and selection of stormwater BMPs. The purpose of this supplemental environmental project (Project) is to 1) collect continuous water quality data and make it available to the public in real-time, 2) evaluate the benefits of making this data available in real-time through an online interface, and 3) provide and evaluate the effectiveness of real-time notifications to appropriate personnel when certain monitoring data and/or equipment operational thresholds are exceeded. NDOT will evaluate the usefulness of posting the data on a publicly available website by measuring how often the webpage is visited as well as through formation of a Project Evaluation Group (PEG). NDOT will evaluate how PEG members use the data and, through the PEG, explore whether other types of data would be useful. 2. NDOT shall develop, install, and maintain: 1) hardware and software to remotely operate and calibrate monitoring equipment and to transmit monitoring data; 2) sensors and any hardware or other modifications to monitoring sites in order to provide continuous monitoring of hydrologic, hydraulic and water quality data; 3) a Data Management System (DMS) to retrieve, store and access data in order to make selected data available to the public; and 4) a publicly-available web page to display the water quality monitoring data. NDOT shall analyze and evaluate the continuous monitoring data and coordinate with other MS4s and other interested parties through formation of a PEG. NDOT shall prepare a project completion report summarizing the results of the Project including an evaluation of the Project benefits, as set forth in Appendix A, Paragraph 5. 3. Planning. By July 1, 2016, NDOT shall provide a Plan to EPA and NDEP for review and approval in accordance with Paragraph 18 (Deliverables), describing: a. At least three (3) locations where NDOT proposes to implement the Project, including a narrative justification for choosing each location. NDOT shall choose locations where the data will be most useful such as areas with sensitive or impaired waters and/or a large urban population. If the location changes during project planning, NDOT will send a revised Plan describing the new sites to EPA for review and |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---------------------------------|--|
| | | | <p>approval; b. A description of the specific data that will be collected at each monitoring location. All sites shall, at a minimum, include sensors for continuous monitoring of precipitation, flow rate and/or water level, air temperature, humidity, and water temperature. In addition, each site will contain at least one continuous monitoring sensor that will measure a water quality parameter (or its surrogate) other than temperature, such as: pH, conductivity, turbidity, dissolved oxygen, or other parameters; c. A description of which real-time data will be posted on a publicly available website; d. A description of how NDOT will determine when real-time notification of NDOT personnel will occur, describing which monitoring data and/or equipment operational thresholds will trigger the notification; e. A description, by job title, of which NDOT personnel will receive real-time notifications when monitoring data and/or equipment operational thresholds are exceeded; and f. A description of the list of the members invited to join the PEG. At a minimum, NDOT shall invite a representative from each of the regulated MS4s in Nevada and NDEP. NDOT shall consider inviting other interested parties in the watersheds of the Project locations to participate in the PEG.</p> <p>4. Project. NDOT shall operate the Project for a minimum of twelve (12) months in accordance with the Plan described in Appendix A, Paragraph 3. During the Project, NDOT shall convene the PEG at least three (3) times. NDOT shall: a. Develop and implement a Data Management System (DMS) to retrieve, store and provide access to the continuous monitoring data. The DMS shall also be capable of connecting to future water quality monitoring devices to provide wider geographic coverage. b. Develop a publicly accessible web interface to display the continuous water quality monitoring data, as described by the Plan. The webpage shall link from NDOT's webpage. c. By June 1, 2017, install and maintain hardware and software at a minimum of three (3) sites as identified in the Plan, with the following capabilities: i. Transmittal of continuous water quality data to the DMS, as identified in the Plan. Selected data, as described in the Plan, shall be available on the publicly accessible website within one (1) hour of sample collection; ii. Remote operation and calibration of monitoring equipment as needed; and iii. Providing real-time notifications to designated NDOT personnel when water quality and/or operational parameters are exceeded, as described in the Plan.</p> <p>5. Completion Report. No later than July 31, 2018, NDOT shall submit a Completion Report to EPA and NDEP which includes: a. a detailed description of the Project as implemented, including 1) the number of visits to the publicly accessible webpage that hosts</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|--|
| | | | <p>the real-time water quality data, 2) the number of alerts, if any, provided to the appropriate personnel when operational or water quality parameters were exceeded including what actions resulted, if any, from the alert; and 3) an evaluation of the overall Project, including feedback from the PEG; b. an itemized list of all eligible Project costs expended; c. certification that the SEP has been fully implemented pursuant to the provisions of this Decree; and d. a description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible)." (Appendix)</p> <p>Case No. 3:16-cv-00453 (July, 28, 2016).</p> |
| <p>New York Code, Rules and Regulations</p> <p>return to top</p> | <p>NYSDEC</p> | <p><i>Transparency</i> (standards for signage at outfalls)</p> | <p>"§750-1.12 Public Notification of Discharges</p> <p>(a) Any person possessing a SPDES Permit which allows the discharge of wastewater into the surface waters of the state shall post a sign as provided for in subdivision (b) of this section at all discharge points to surface waters, except for those sites where the discharge is composed exclusively of stormwater or those sites for which the requirements of this section have been waived in accordance with subdivisions (e) or (f) of this section.</p> <p>(b) (1) All SPDES permittees who discharge to surface waters shall erect or post a conspicuous and legible sign of not less than eighteen inches by twenty-four inches bearing the following statement: "N.Y.S. Permitted Discharge Point Permit No. (insert SPDES permit number here). For information on this discharge you can contact: (insert contact information here)" The sign shall also contain the following information: The SPDES permit number as issued by the department; the name and telephone number of the permittee that shall be the business office repository of the permittee as required by this section; and the name, address and telephone number of the regional office in which the discharge is located.</p> <p>(2) The permittee shall provide for public review at the business office repository of the permittee or at the off-premises location of its choice,</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|-------------------------|--------------------------|---------------------------------|--|
| | | | <p>provided the custodian of the off-premise location grants written permission, (such off-premise location shall be the village, town, city or county clerk's office, local library or other location accessible by the public) all the Discharge Monitoring Reports (DMR) prepared by the permittee to demonstrate compliance with the SPDES permit conditions. A copy of each DMR shall be placed on file at such location at the same time it is sent to the department, or within 60 days of preparation for DMRs not required to be submitted to the Department. This information shall be kept on file for the period of five years.</p> <p>(c) The actual appearance of the sign shall be as established in the SPDES permit and the location of the sign on the property of the permittee shall be in as close proximity to the point of discharge into the surface waters as is reasonably possible while ensuring the maximum visibility from the surface water and shore.</p> <p>(d) It shall be the responsibility of the permittee to periodically and reasonably maintain the sign to ensure that it is still legible, visible and factually correct. A good faith documented effort by permittee to maintain such sign will be an affirmative defense for its absence.</p> <p>(e) The permittee may apply to the department for a waiver from the requirements of this section, under any of the following subjective circumstances:</p> <ol style="list-style-type: none"> (1) such a sign cannot reasonably be maintained; (2) such a sign would be inconsistent with the provisions of another statute; (3) such a sign could not be so located as to provide a public purpose; (4) the nature of the discharge is temporary and of a relatively short duration; or (5) the authorization to discharge is under a general permit; <p>(f) For dischargers that are not major, significant facilities, the department may also choose to include permit provisions that allow for all the requirements of this section, including sign and repository requirements, to be waived under any of the following objective circumstances if the department is previously notified in accordance with subdivision (g) of this section:</p> <ol style="list-style-type: none"> (1) such sign would be inconsistent with any other state or federal statute; (2) when this Part would require that such sign be located in an area that is damaged by ice or flooding during a one-year storm, or less severe storms; (3) that the outfall to the receiving water is located on private or government property, which is restricted to the public through fencing, patrolling, or other control mechanisms. Property that is posted only, without additional control mechanisms, does not qualify for this provision; |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|--|---|
| | | | <p>(4) the outfall pipe or channel discharges to another outfall pipe or channel, before discharge to a receiving water;</p> <p>(5) the discharge from the outfall is located in the receiving water at a distance two-hundred or more feet from the shoreline of the receiving water; or</p> <p>(6) the discharge to the receiving water would be a temporary discharge of less than one-year duration.</p> <p>(g) If the department chooses to include the waiver criteria listed in subdivision (f) of this section in a permit, and the permittee believes that any outfall that discharges wastewater from the permitted facility meets any of those criteria, the permittee must provide written notification to the department of such fact, and, provided the department does not object, a sign for the involved outfall(s) is not required. This notification must include the facility's name, address, telephone number, contact, permit number, outfall number(s), and reason why such outfall(s) is waived from the requirements of discharge notification. The department may evaluate the applicability of a waiver at any time, and take appropriate measures to assure that the ECL and this section are complied with.</p> <p>6 NYCRR 750-1.12 (2003), available at http://www.dec.ny.gov/regs/2485.html.</p> |
| <p>New York State Sewage Pollution Right-To-Know Act</p> <p>return to top</p> | <p>NYSDEC</p> | <p><i>Transparency</i> (email or text alerts of SSO and CSO discharges by regulated entity; public notice of SSO and CSO discharges by New York state)</p> | <p>“Mandatory sewage release reporting and notification by publicly owned treatment works and operators of publicly owned sewer systems.</p> <p>1. Publicly owned treatment works or the operator of a publicly owned sewer system shall immediately, but in no case later than two hours after discovery, report discharges of untreated or partially treated sewage, including combined sewer overflows, except partially treated sewage discharged directly from a publicly owned treatment works that is in compliance with a department approved plan or permit, to the department and the local health department, or if there is none, the New York state health department. Such report shall, at a minimum, include, to the extent knowable with existing systems and models: (a) the volume and treated state of the discharge; (b) the date and time of the discharge; (c) the expected duration of the discharge; (d) a brief description of the steps being taken to contain the discharge except for wet weather combined sewer overflow discharges; (e) the location of the discharge, with the maximum level of specificity possible; and (f) the reason for the discharge.</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|---|
| | | | <p>2. In addition to subdivision one of this section, as soon as possible, but no later than four hours from discovery of the discharge, the publicly owned treatment works or the operator of a publicly owned sewer system shall notify the local health department or if there is none, the New York state health department, the chief elected official or their authorized designee of the municipality in which the discharge occurred and the chief elected official or their authorized designee of any adjoining municipality that may be affected. The same notification shall also be provided within the same timeframe to the general public, pursuant to regulations to be promulgated under subdivision four of this section through appropriate electronic media including, but not limited to, electronic mail or voice communication as determined by the department.</p> <p>3. The department, in consultation with the department of health, shall post reported information on its website expeditiously and shall prepare a report on publicly owned treatment works and sewer system discharges annually. The report shall, at a minimum, include: the total number of discharges, details of such discharges including the volume and treated state of the discharge, and the duration and location of each discharge; as well as any remedial responses taken to mitigate impacts and avoid further discharges.</p> <p>4. The department shall promulgate rules and regulations that are necessary for the implementation of this section. Such regulations as are necessary for the implementation of the public notification requirements of subdivision two of this section shall provide only for public notification of discharges that may present a threat to public health, considering the potential for exposure and other relevant factors. Such regulations may also include preconditions for notification of any discharge that is not subject to a permit issued under this title and does not present a threat to public health, considering the potential for exposure and other relevant factors.”</p> <p>NY Environmental Conservation Law Section 17-0826-a (2013), <i>available at</i> http://www.weblaws.org/new_york/laws/n.y._environmental_conservation_law_sec._17-0826-a.</p> |
| <p>Ohio Administrative Code: Generic</p> | <p>OH EPA</p> | <p><i>Transparency</i> (standards for signage at outfalls)</p> | <p>“(A) Each Ohio NPDES permit shall contain the following requirements: . . .</p> <p>(12) That all permittees meeting the requirements of this paragraph post and maintain permanent signs as follows:</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|---|--|
| Permit Conditions return to top | | | <p>(a) A sign shall be posted at each outfall under permit. Outfalls covered by this provision include, but are not limited to, discharges of process wastewater, non-contact cooling water, sewage or discharges from remediation sites, and bypass or combined sewer overflow discharges. The director may waive this requirement for outfalls discharging to municipal storm sewers if the outfall is not in close proximity to a lake, reservoir, pond, river, stream, creek or other surface water of the state. Signs are not required at in-plant sampling outfalls, or at outfalls that are not accessible to the public by land or by recreational use of the water body;</p> <p>(b) The sign shall include, at a minimum, the name of the permittee, the permit number, and the outfall number identified in the permit. The information shall be printed in letters not less than two inches high;</p> <p>(c) The sign shall be a minimum of two feet by two feet and the bottom of the sign shall be a minimum of three feet above the ground; and</p> <p>(d) The director may approve variations from these dimensions to increase the legibility or information of the sign.”</p> <p>Ohio Admin. Code 3745-33-08 (2011), available at http://codes.ohio.gov/oac/3745-33-08.</p> |
| | | <i>Electronic Reporting (of DMRs)</i> | <p>“(E) The director may require, as a permit condition or otherwise, electronic submittal of NPDES applications, reports and monitoring data using information systems compatible with those of Ohio EPA.”</p> <p>Ohio Admin. Code 3745-33-08 (2011), available at http://codes.ohio.gov/oac/3745-33-08.</p> |
| Region 1 Permits with Continuous Monitoring Requirements return to top | R1 | <i>Advanced Monitoring</i> (continuous monitoring of temperature, flow, and pH) | <p>For the continuous monitoring requirements, see tables under “Effluent Limits and Monitoring Requirements” for the following permits:</p> <ul style="list-style-type: none"> • Continuous temperature monitoring requirement <ul style="list-style-type: none"> ○ GenOn Kendall Cogeneration Station NPDES Permit No. MA0004898 (2010), available at http://www.epa.gov/region1/npdes/permits/2010/finalmodma0004898permit.pdf. • Continuous temperature and flow monitoring requirements <ul style="list-style-type: none"> ○ North Atlantic Energy Service Corporation NPDES Permit No. nh0020338 (2002), available at http://www.epa.gov/region1/npdes/permits/2002/finalnh0020338permit.pdf. ○ Lowell Cogeneration Company L.P. NPDES Permit No. MA0031071 (2008), available at |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|--|---|
| | | | <p>http://www.epa.gov/region1/npdes/permits/2008/finalma0031071permit.pdf.</p> <ul style="list-style-type: none"> ○ Wheelabrator Saugus, Inc. NPDES Permit No. MA0028193 (2010), available at http://www.epa.gov/region1/npdes/permits/2010/finalma0028193permit.pdf. ○ Brayton Point Station NPDES Permit No. MA0003654 MA0028193 (2012), available at http://www.epa.gov/region1/npdes/permits/2012/finalma0003654permit.pdf. • Continuous temperature, flow, and pH monitoring requirements <ul style="list-style-type: none"> ○ Mystic Station NPDES Permit No. MA0004740 (2001), available at http://www.epa.gov/region1/npdes/permits/2001/mysticpermit.pdf. ○ Pinetree Power, Inc. NPDES Permit No. NH0021423 (2012), available at http://www.epa.gov/region1/npdes/permits/2012/finalnh0021423permit.pdf. ○ Bridgewater Power Company NPDES Permit No. NH0022021 (2006), available at http://www.epa.gov/region1/npdes/permits/2006/finalnh0022021permit.pdf. ○ EP Newington Energy Facility NPDES Permit No. NH0023361 (2012), available at http://www.epa.gov/region1/npdes/permits/2012/finalnh0023361permit.pdf. |
| <p>San Antonio Water System Consent Decree</p> <p>return to top</p> | <p>R6, TX</p> | <p><i>Advanced Monitoring (qPCR)</i></p> | <p>“I. WATER QUALITY PROGRAM</p> <p>49. Water Quality Program Plan. Within six (6) months of the Date of Lodging of this Consent Decree, SAWS shall submit to EPA a Water Quality Program Plan designed to detect and quantify the extent of bacterial concentrations in select receiving waters within its service area by performing the actions described in Paragraph 50 of this Decree. The Water Quality Program Plan shall include a map of the locations of the proposed outfalls to be sampled, rationale for selecting these outfalls, and all field collection, analytical, and quality assurance and quality control objectives proposed for sampling and analysis. SAWS shall consider the results of past water quality studies, a review of all known data for bacterial concentrations in the respective sub-watersheds, and WTCS system age and condition in selecting the outfalls to be sampled. The Water Quality Program Plan shall describe SAWS proposed efforts to detect and quantify the extent of bacterial concentrations using <i>Escherichia coli</i> (<i>E. coli</i>) and the human Bacteroidales marker using a quantifiable polymerase chain reaction (qPCR) method. The Water Quality Program</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|---|--------------------------|--|---|
| | | | <p>Plan shall be submitted to EPA for review and comment in accordance with Section VII (Review and Approval)."</p> <p>San Antonio Water System CD, pp. 45-46 (2013), <i>available at</i> http://www2.epa.gov/sites/production/files/2013-07/documents/saws-cd.pdf.</p> |
| | | <i>Transparency</i> (web posting of deliverables) | <p>"Public Document Repository. SAWS shall post to its website all final EPA-reviewed and/or -approved plans, reports or other submissions required by Section V (Compliance Requirements) and Section VI (Reporting Requirements). Each submission shall remain on the website or by link or other accepted method for at least three (3) years."</p> <p>San Antonio Water System CD, pp. 57 (2013), <i>available at</i> http://www2.epa.gov/sites/production/files/2013-07/documents/saws-cd.pdf.</p> |
| <p>Sakonnet Point Club, Incorporated Permit</p> <p>return to top</p> | RI DEM | <i>Advance Monitoring</i> (video inspections) | <p>"The permittee must conduct a video inspection of the exposed, submerged portion of the outfall pipeline and diffuser, including the anchor block supports and pipeline joints, to ascertain the physical integrity of the outfall. If the video inspection shows evidence of damage to the outfall pipeline, diffuser, or anchor blocks, additional action, including measurement of the outfall position may be required. A video inspection must be conducted at a minimum of once every two (2) years. The results of the biennial diffuser line video inspection must be submitted to the DEM by January 15th of the year following the biennial video inspection. The first report is due on January 15, 2010."</p> <p>Permit No. RI0023558, pg. 4 (2009).</p> <p>"The permittee must conduct an annual video inspection of the internal side of the outfall pipeline to verify the physical integrity of the outfall. If the video inspection shows evidence of damage to the outfall, additional action, including measurement of the outfall position or underwater video inspection of the outfall pipeline and diffuser from the outside of the pipe may be required. The results of the outfall inspection must be submitted to the DEM by January 15th of the year following the inspection. The first report is due on January 15, 2015."</p> <p>Permit No. RI0023558, pg. 4 (2013).</p> |
| <p>South Carolina Code of Laws</p> <p>return to top</p> | South Carolina | <i>Transparency</i> (immediate public notice of spills) | <p>"SECTION 48-1-95. Wastewater utilities; procedures for significant spills. (E) The department shall require that all wastewater utilities provide public notice of any significant spill of five thousand gallons or more within twenty-four hours of the discovery. Where the responsible wastewater utility does not provide this notice, in addition to any enforcement</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|--|--|
| | | | <p>response, the department shall provide public notice of the significant spill.”</p> <p>Section 48-1-95 (Feb. 1, 2012), available at http://www.scstatehouse.gov/code/t48c001.php.</p> |
| <p>Shreveport Louisiana Consent Decree</p> <p>return to top</p> | <p>EPA, LA DEQ</p> | <p><i>Transparency</i> (posting to website)</p> | <p>“9. Public Document Repository ("PDR"). Where Deliverables are required to be submitted to EPA, Shreveport shall establish a PDR for hard copies of such Deliverables and a website for electronic versions of such Deliverables. Within seven (7) Days after a Deliverable is submitted to EPA, Shreveport shall place a copy of that Deliverable in each PDR location, along with a one (1) page instruction flyer containing a brief synopsis of the Deliverable and instructions on how to navigate to the City's website. If a Deliverable is required to be submitted and approved, within seven (7) Days after EPA's approval of all or part of the Deliverable pursuant to ¶ 12 (a). — (d)., or correction of deficiencies of a Deliverable pursuant to ¶¶ 14 and 16, Shreveport shall place a copy of such version of the Deliverable in each PDR along with the a copy of the EPA written approval or correction of the document. This copy shall replace all previous copies of that Deliverable in each PDR until termination of this Consent Decree.”</p> <p>Case No. 5:13-cv-3065, pp.12-13 (2013), available at http://www2.epa.gov/sites/production/files/2013-11/documents/shreveport-cd.pdf.</p> |
| <p>Final 2013 Vessel General Permit</p> <p>return to top</p> | <p>R1 – R10 permit</p> | <p><i>Electronic Reporting</i> (of all submittals)</p> | <p>“1.14 Electronic Reporting Requirement: All vessel owner operators must submit all NOIs, NOTs, annual reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically, unless the vessel owner/operator meets one of the following exemptions: For purposes of the VGP, temporary waivers from electronic reporting may be granted if: • EPA has not yet implemented such electronic reporting; • If the owner/operator’s headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission and the vessel never travels to any areas with adequate broadband Internet access; or • If the vessel owner/operator has issues regarding available computer access or computer capability. You may check www.epa.gov/npdes/vessels to determine whether electronic reporting for the relevant document has been implemented. If that website indicates that electronic reporting for the document to be submitted is not yet available, you do not need to seek a waiver for a paper submission. If you wish to obtain waiver for submitting your reports electronically, you must submit a request to EPA at the following address: EPA NPDES Vessels Team, Attn: Vessel Reporting Waiver Requests, Mail Code 4203M, 1200 Pennsylvania Ave. NW, Washington DC, 20004. In requesting a waiver from electronic reporting,</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples

Excerpted Language from September 2016 Version

| Example from Compendium | EPA or State Implementer | Next Gen Principle Demonstrated | Relevant Language (with web links, where available) |
|--|--------------------------|---|---|
| | | | <p>you must document which exemption you believe you meet, and provide evidence supporting these claims and a copy of your completed NOI or PARI form (as applicable). A waiver may only be considered granted once you receive written confirmation from EPA or its authorized representative. EPA intends to make any ballast water monitoring information transmitted to the Agency in electronic form available to the public in electronic form.” (pp. 19-20).</p> <p>“The vessel owner/operator shall complete the Annual Report form provided in Appendix H of this permit and submit it to EPA electronically. It can be completed online by accessing EPA’s main NPDES vessel webpage (available via www.epa.gov/npdes/vessels or through EPA’s eNOI system (www.epa.gov/npdes/vessels/eNOI). The vessel owner/operator shall respond to all questions accurately and completely, and provide the necessary information and/or data to support each response. Unless one of the exceptions in Part 1.14 is met, the vessel owner/operator must submit each Annual Report electronically in accordance with the procedures described in Part 1.14 of this permit.” (pg. 72).</p> <p>Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels (2013), available at http://water.epa.gov/polwaste/npdes/vessels/upload/vgp_permit2013.pdf.</p> |
| <p>Virginia Citizen Water Quality Monitoring Program Legislation</p> <p>return to top</p> | <p>VA DEQ</p> | <p><i>Advanced Monitoring</i> (citizen science)</p> | <p>“§ 62.1-44.19:11. Citizen water quality monitoring program.</p> <p>A. The Department of Environmental Quality shall establish a citizen water quality monitoring program to provide technical assistance and may provide grants to support citizen water quality monitoring groups if (i) the monitoring is done pursuant to a memorandum of agreement with the Department, (ii) the project or activity is consistent with the Department of Environmental Quality's water quality monitoring program, (iii) the monitoring is conducted in a manner consistent with the Virginia Citizens Monitoring Methods Manual, and (iv) the location of the water quality monitoring activity is part of the water quality control plan required under § 62.1-44.19:5. The results of such citizen monitoring shall not be used as evidence in any enforcement action.</p> <p>B. It shall be the goal of the Department to encourage citizen water quality monitoring so that 3,000 stream miles are monitored by volunteer citizens by 2010.”</p> <p>Code of Virginia § 62.1-44.19:11, available at http://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.19:11/.</p> |

Appendix to NPDES Compendium of Next Generation Compliance Examples
Excerpted Language from September 2016 Version