



Minnesota Pollution Control Agency

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December 21, 2016

NPDES eReporting Rule
U.S. Environmental Protection Agency
NPDESReporting@epa.gov

RE: NPDES Electronic Reporting Rule Implementation Plan

To Whom It May Concern:

Please accept the attached National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule Implementation Plan for the Minnesota Pollution Control Agency (MPCA).

The MPCA is continuing to make progress towards complying with Phase I of the NPDES Electronic Reporting Rule. We are working on developing our electronic reporting tools and systems to allow us to collect and flow the Basic Facility, Basic Permit, Permitted Feature, Limit Set, and Limit Information. We recently transitioned to a new system for collecting and managing our data and we are still working through issues within that system. We are currently working to develop the flows from our system and anticipate that the flows will be actively working by September 30, 2017. We will continue to keep you updated with our regularly scheduled teleconferences with U.S. Environmental Protection Agency Region 5.

If you have any questions or require further information, please contact Steven Gorg at 651-757-2396 or steven.gorg@state.mn.us.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Flood".

Rebecca J. Flood
Assistant Commissioner

RJF/PC/TD:jdf

**NPDES Electronic Reporting Rule
Phase 2 Implementation Plan**

**for Minnesota Pollution Control Agency
December 21, 2016**

Implementation Plan Purpose

On October 22, 2015, the Environmental Protection Agency (EPA) published the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (eReporting Rule). This regulation requires the electronic reporting and sharing of Clean Water Act NPDES program information instead of the current paper-based reporting of this information.

The NPDES eReporting Rule allows states to determine what electronic reporting tools and systems work best for them and whether they would like to be the initial recipient of NPDES compliance monitoring data. The EPA does not dictate the electronic reporting tools that a state may use. Rather, the EPA sets performance requirements for states that wish to build their own electronic reporting tools. States also have the option of using and, if desired, customizing electronic reporting tools developed and maintained by the EPA. A state, tribe, or territory that is designated by the EPA as the initial recipient for an NPDES data group must submit an Implementation Plan (IP) to the EPA for review to ensure that the authorized NPDES program will meet the Phase 2 electronic reporting deadline. This plan must provide enough details (e.g., tasks, milestones, roles and responsibilities, necessary resources) to clearly describe how the program will successfully implement electronic reporting of Phase 2 data.

In accordance with the final rule [40 CFR 127.26(h)], authorized NPDES programs must submit an Implementation Plan (IP) to the EPA by December 21, 2016, for the EPA's review. The EPA will inform the authorized NPDES program if the implementation plan has enough detail to ensure successful implementation of electronic reporting for Phase 2 data. Completed IPs can be emailed to the EPA using the following email address: NPDESElectronicReporting@epa.gov.

1. Overview/Executive Summary

The Minnesota Pollution Control Agency (MPCA) is designated the initial recipient for all data elements listed in Appendix A of the NPDES eReporting Rule (40 CFR Part 127) with the exception of biosolids information. The data are collected through use of an online Regulatory Services Portal (RSP) or via hard copy. Modifications will need to be made to the MPCA's database of record (Tempo360) and RSP to include the required NPDES eReporting Rule data elements, found in Appendix A.

To this end, the MPCA, Kentucky Department of Environmental Quality (KYDEQ), Mississippi Department of Environmental Quality (MDEQ), Louisiana Department of Environmental Quality (LDEQ), and Indiana Department of Environmental Quality (IDEQ), which all use Tempo360, have partnered on a multi-state Exchange Network grant to add these missing data elements. The grant was awarded September 1, 2016, and design and development will begin by the end of the year. The MPCA is also working on expanding the RSP to capture submission of other NPDES data families.

In addition to all of the work mentioned above, the MPCA is also currently developing node flows for Basic Facility, Basic Permit, Permitted Feature, Limit Set, and Limit Information for all permitting groups. This development is being done as part of a 2012 NEIEN grant awarded to MPCA for that

purpose. The MPCA is currently testing the flow of information to the ICIS Stage environment and will have the aforementioned node flows actively working by September 30, 2017; the completion deadline for the grant. Once these flows are put into production, MPCA will create the remaining flows for all other eReporting Rule Schemas from Tempo360 to ICIS.

Overall, the MPCA believes with current staffing and financial resources, it will have complete implementation of the NPDES eReporting Rule by December 31, 2030. The MPCA will, however, work towards implementation as soon as feasible, and will keep EPA updated on any schedule changes. Any questions regarding this implementation plan should be directed to Steven Gorg.

2. MPCA NPDES Universe

As of December 1, 2016, the MPCA has the following universe of NPDES Permits:

- Concentrated Animal Feeding Operation (CAFO) Individual Permits: 52
- CAFO General Permit Coverages: 1002
- Major Individual Permits: 101
- Minor Individual Permits: 745
- Small and Medium MS4 General Permits: 233
- Industrial Stormwater General Permits: Approximately 3400
- Construction Stormwater General Permits: Approximately 23,000
- General Permits:
 - MNG49 Nonmetallic Mining: 203
 - MNG58 Stabilization Pond: 190
 - MNG64 Water Treatment Plant: 26
 - MNG79 Groundwater Pumpout: 15
 - MNG87 Pesticides: 9
 - MNG250 Untreated Noncontact Cooling Water: 22
 - MNG255 Treated Noncontact Cooling Water: 20

Basic Facility and Permit Information for the aforementioned permits have been entered into ICIS, with the exception of the Industrial and Construction Stormwater General Permits, MS4 General Permits, and CAFO General permit coverages. Once the Basic Facility, Basic Permit, Permitted Feature, Limit Set, and Limit Information flows have been completed, those permits will be pushed to ICIS.

3. Current and/or Planned NPDES Data Systems and E-reporting Tools

As mentioned in the Overview, the MPCA uses the following Data Systems and eReporting Tools:

Tempo360 - Enterprise System in use by the MPCA that will house all Permitting, Compliance, and Enforcement data for all NPDES permitting groups. It currently houses the following permit and reporting information:

- Municipal
- Industrial
- Stormwater
 - MS4
 - Construction Stormwater
 - Industrial Stormwater

- CAFO

RSP – Web-based application, and sister product to Tempo360, with services to allow for submission of the following NPDES Permit Reports:

- Discharge Monitoring Report (DMR)
- Industrial Stormwater (NOI, NOT)
- Construction Stormwater (NOI, NOT)
- MS4 reporting
- CAFO (application for General and Individual permit coverage, and annual report)

4. Key Tasks for Updating Agency Data Systems and Data Transmission Systems for Phase 2 Data Groups

The following milestones have been created with current MPCA staff resources and availability, as well as funding limitations in mind, which pushes the overall implementation date out to 2030. These limitations are discussed at greater length in section 10 of this document, along with other known risks to the implementation timeline.

NPDES Data Group	Milestones	Target Date
General Permit Reports (NOI, NOT) – Phase 2 Data	<ol style="list-style-type: none"> 1. Completion of online web application submittal services in RSP portal. 2. Full participation of all permittees in online submittals 	December 31, 2030
MS4 Program Report – Phase 2 Data	<ol style="list-style-type: none"> 1. Add new data elements to Tempo360 2. Creation of online web application submittal service in RSP 3. Completion of Node Flow 4. Full participation of all permittees in online submittals 	December 31, 2030
Pretreatment Program Report (Delegated POTWs) – Phase 2 Data	<ol style="list-style-type: none"> 1. Add new data elements to Tempo360 2. Creation of online web application submittal service in RSP 3. Completion of Node Flow 4. Full participation of all permittees in online submittals 	December 31, 2030
Sewer Overflow/SSO/Bypass Event Report – Phase 2 Data	<ol style="list-style-type: none"> 1. Add new data elements to Tempo360 2. Creation of online web application submittal service in RSP 3. Completion of Node Flow 4. Full participation of all permittees in online submittals 	December 31, 2030

CWA Section 316(b) Annual Report – Phase 2 Data	<ol style="list-style-type: none"> 1. Add new data elements to Tempo360 2. Creation of online web application submittal service in RSP 3. Completion of Node Flow 4. Full participation of all permittees in online submittals 	December 31, 2030
Sewage sludge/Biosolids Annual Report – Phase 2 Data	N/A See Below	
CAFO Annual Report – Phase 2 Data	<ol style="list-style-type: none"> 1. Add new data elements to Tempo360 2. Creation of online web application submittal service in RSP 3. Completion of Node Flow 4. Full participation of all permittees in online submittals 	December 31, 2030

A. General Permit Reports - Including NOIs, NOTs, NOEs, and LEWs; see 40 CFR 122.26(b)(15), 122.28, and 124.5

MPCA Roles and Responsibilities: The MPCA will continue development of CROMERR-compliant RSP services that allow regulated parties to electronically submit information to MPCA, which will also flow directly to Tempo360. The MPCA will add any missing data elements to the Tempo360, and will complete development of all Node Flows necessary to flow data from Tempo360 directly into ICIS. Finally, the MPCA will perform outreach and provide training to all regulated parties required to submit this information electronically prior to task completion deadlines listed in the table above.

Task Completion Timeline: See table above

B. Municipal Separate Storm Sewer System (MS4) Program Reports - See 40 CFR 122.34(g)(3) and 122.42(c)

MPCA Roles and Responsibilities: The MPCA will continue development of CROMERR-compliant RSP services that allow regulated parties to electronically submit information to MPCA, which will also flow directly to Tempo360. The MPCA will add any missing data elements to the Tempo360, and will complete development of all Node Flows necessary to flow data from Tempo360 directly into ICIS. Finally, the MPCA will perform outreach and provide training to all regulated parties required to submit this information electronically prior to task completion deadlines listed in the table above.

Task Completion Timeline: See table above

C. Pretreatment Program Reports - See 40 CFR 403.12(i)

MPCA Roles and Responsibilities: The MPCA will continue development of CROMERR-compliant RSP services that allow regulated parties to electronically submit information to MPCA, which will also flow directly to Tempo360. The MPCA will add any missing data elements to the

Tempo360, and will complete development of all Node Flows necessary to flow data from Tempo360 directly into ICIS. Finally, the MPCA will perform outreach and provide training to all regulated parties required to submit this information electronically prior to task completion deadlines listed in the table above.

Task Completion Timeline: See table above

D. Sewer Overflow/Bypass Event Reports - See 40 CFR 122.41(l)(4), (l)(6) and (7), and (m)(3)

MPCA Roles and Responsibilities: The MPCA will continue development of CROMERR-compliant RSP services that allow regulated parties to electronically submit information to the MPCA, which will also flow directly to Tempo360. The MPCA will add any missing data elements to the Tempo360, and will complete development of all Node Flows necessary to flow data from Tempo360 directly into ICIS. Finally, the MPCA will perform outreach and provide training to all regulated parties required to submit this information electronically prior to task completion deadlines listed in the table above.

Task Completion Timeline: See table above

E. CWA Section 316(b) Annual Reports - See 40 CFR 125, subpart J

MPCA Roles and Responsibilities: The MPCA will continue development of CROMERR-compliant RSP services that allow regulated parties to electronically submit information to the MPCA, which will also flow directly to Tempo360. The MPCA will add any missing data elements to the Tempo360, and will complete development of all Node Flows necessary to flow data from Tempo360 directly into ICIS. Finally, MPCA will perform outreach and provide training to all regulated parties required to submit this information electronically prior to task completion deadlines listed in the table above.

Task Completion Timeline: See table above

F. Concentrated Animal Feeding Operation (CAFO) Annual Program Reports - See 40 CFR 122.42(e)(4)

MPCA Roles and Responsibilities: The MPCA will continue development of CROMERR-compliant RSP services that allow regulated parties to electronically submit information to the MPCA, which will also flow directly to Tempo360. The MPCA will add any missing data elements to the Tempo360, and will complete development of all Node Flows necessary to flow data from Tempo360 directly into ICIS. Finally, the MPCA will perform outreach and provide training to all regulated parties required to submit this information electronically prior to task completion deadlines listed in the table above.

Task Completion Timeline: See table above

G. Sewage Sludge/Biosolids Annual Program Reports - Complete this subsection only if the agency is the authorized NPDES program for biosolids; see 40 CFR 503

EPA Roles and Responsibilities: The EPA retains primacy in this program, and will continue to receive Annual Sewage Sludge/Biosolids Program Reports from regulated parties. The MPCA has no roles or responsibilities for this program report.

Task Completion Timeline: N/A

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

The MPCA completed implementation and received EPA approval of its CROMERR solution in December 22, 2014. The solution covered information submitted under all NPDES eReporting Rule data groups.

6. State Statutes, State Regulation/Administrative Rule, and NPDES Permit Update Estimated Completion Dates

The Minnesota NPDES rules are generally complete and effective.

7. Temporary and Permanent Waiver Approval Process (127.24c)

The MPCA currently requires most NPDES facilities to submit information electronically and reviews waiver requests on a case-by-case basis. Waivers are granted for facilities that are able to demonstrate an inability to submit electronically, and not for those unwilling to do so. For any facilities that have a waiver, the MPCA will continue to manually enter the required data into Tempo360.

8. Outreach and Training

Since 2009, the MPCA staff have been promoting use of online services through trade group events, newsletters, emails, and during on-site inspections. Subsequent to the effective date of the eReporting Rule, the MPCA staff have expanded their outreach efforts with emails, phone calls, and on-site assistance visits.

The MPCA expects to perform outreach for all Phase 2 data in much the same manner. There may be slight variation from one NPDES program to the next, but a combination of the outreach methods listed above will be used. The MPCA plans to begin outreach at least one year prior to the deadlines listed in the table in Section 4 of this document, with full compliance most likely based on permit cycle. Because the collection of Phase 2 data is much more cumbersome than a simple submission of a DMR, MPCA believes that compliance with electronic submission requirements will be much slower. Quite a number of the NPDES regulated entities in Minnesota are also smaller, less technically able facilities, so there may be both financial and knowledge roadblocks to compliance.

9. Alternative Options

In the event of unforeseeable complications to the creation of a web portal detailed above, the MPCA will have all electronic services for the submission of General Permit Reports, Annual Reports, and Bypass Overflow Reports created in RSP by the vendor. If there are other financial complications, or time constraints with implementing the eReporting Rule through RSP, the MPCA will use the NeT application developed by the EPA to capture all electronic submissions.

10. Obstacles to Rule Implementation

The MPCA has the following obstacles to implementation of the eReporting Rule:

- **IT and Program Staff Limitations** – the MPCA currently has a limited number of IT and NPDES program staff, negatively affecting implementation timelines. In addition, any available staff are already working on other projects or are busy doing program work (permitting, compliance, enforcement activities). New IT business analysts and additional developers may be necessary in order to further develop Tempo360 and RSP. Furthermore, NPDES program staff will have to find a way to juggle existing job responsibilities as well as acting as subject matter experts during implementation and development. The MPCA will also have to contend with any hiring freezes that may be in place for the State or Agency as a whole when trying to add necessary staff.
- **Lack of funding** – The MPCA will need to find funding to cover the cost of upgrades and additions to the Tempo360 and RSP systems.
- **Training** – If additional staff can be hired (dependent on hiring freezes or lack of funding), there will have to be a ramp-up to train them in NPDES programs, the eReporting Rule, Tempo360, and RSP which will push back the timeline for implementation.
- **Implementation time constraints** – Historically, it has taken three or more years to implement each functional area within a regulatory program into Tempo360, and only three programs are implemented at a time. The EPA has given states six years total for all NPDES programs to be implemented into Tempo360, Node Flows created for these, RSP services created, and another new portal developed to capture everything not captured by the RSP. This is not a realistic timeline for the MPCA, given the other obstacles listed above.
- **Current NEIEN Project Completion** – In addition to other non-NPDES implementations, staff are also working on completion of various NPDES Node Flows as part of the 2012 NEIEN Grant awarded to the MPCA. There have been several extensions made to this grant, and MPCA must complete work no later than September 2017. This means that the grant takes priority, as it has a due date prior to that of the eReporting Rule, and it has already been extended.
- **Unknown Valid Values/Character Lengths/Data Types for Appendix A Data Elements – The** MPCA cannot begin to hold design sessions, draft change requests for existing systems, or create screen mock-ups without knowing the data types, character lengths, and valid values for each of the Appendix A data elements. The MPCA has been told that these will not even be discussed until after the Phase I due date has passed. This adds to the time constraints obstacle, in that it takes months for each step of the design process to get new elements implemented and/or changes made to existing elements while working with the Tempo360/RSP vendor. Lack of complete information on each data element pushes this time frame out considerably.

11. Implementation Plan Reassessment

The MPCA will contact the EPA for reassessment of this Implementation Plan if there are significant changes to the timelines, or to the tools that will be used. The MPCA plans to have regularly scheduled teleconferences with the EPA Region 5 staff on a quarterly basis to discuss progress and any issues that have developed during implementation.