



NPDES ELECTRONIC REPORTING RULE: PHASE 2 IMPLEMENTATION PLAN

Oregon Department of Environmental Quality (DEQ) - December 2017

Implementation Plan Purpose

On October 22, 2015, EPA published the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (eRule). 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 eRule 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. EPA does not dictate the electronic reporting tools that a state may use. Rather, 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 EPA.

In April 2016, Oregon opted out, so EPA is currently designated as the initial recipient for all Phase 2 NPDES data groups. However, as the delegated NPDES authorized program (except Sewage Sludge/Biosolids), DEQ must submit an implementation plan to EPA for review to ensure that the authorized NPDES program will meet the Phase 2 electronic reporting deadline of December 21, 2020. 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. This includes electronic reporting of Discharge Monitoring Reports (DMRs) for Phase 1 eRule implementation as reference to implications to the Phase 2 eRule implementation plan timeline.

In accordance with the final rule [40 CFR 127.26(h)], authorized NPDES programs must submit an Implementation Plan (IP) to EPA by December 21, 2016, for EPA's review. 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 following EPA email address: NPDESElectronicReporting@epa.gov.

1. Overview/Executive Summary

For Phase 2 required electronic reporting, DEQ will utilize EPA's NeT and ICIS-NPDES data systems until a proprietary Environmental Data Management System (EDMS) is acquired, developed, and implemented to support NPDES permit reporting needs for the entire Water Quality (WQ) Program. DEQ intends to transition from NeT to EDMS by 2022.

DEQ opted out as *initial recipient* for all NPDES electronic reporting data groups. However, as the NPDES regulatory authority (except biosolids), DEQ will continue to facilitate electronic reporting including federal biosolids reporting and permits administered by DEQ agents.

NPDES electronic reporting including eRule implementation is administered by DEQ's Water Quality Program of the Operations Division in the Headquarters Office located at the following address:

- **Department of Environmental Quality**
Headquarters, Operations Division--Water Quality Program
700 NE Multnomah St., Suite #600
Portland, OR 97232-4100

The Executive Sponsor for DEQ's eRule implementation is:

- **Lydia Emer, Interim Water Quality Program Division Administrator**
(503) 229-6411 / email: Emer.Lydia@deq.state.or.us

The primary lead for DEQ's eRule implementation is:

- **Jim Billings, WQ Compliance Specialist / ICIS-NPDES Data Steward**
(503) 229-5073 / email: Billings.Jim@deq.state.or.us

Table 1 provides lead staff for each of the Phase 1 and 2 NPDES electronic reporting data groups. Additionally, the table identifies the proposed target date for electronic reporting implementation by data group, and proposed short-term and long-term electronic reporting data system tools to be used.

Table 1. DEQ eRule Data Reporting Lead Staff Contacts

Data Group	Description	DEQ Lead Staff (Contact Info)	Target Start Date	eRule Tool (Short-term)	eRule Tool (Long-term)
1	Phase 1: Core NPDES Facility, Permitting, Compliance, and Enforcement Data [40 CFR parts 122, 123, 403, 503]	John Koestler KOESTLER.John@deq.state.or.us (503) 229-5289	12/21/16	ICIS & ACES	ICIS & EDMS
2	Phase 2: General Permit Reports [EPA Notices of Intent to discharge (NOIs) or general permit applications in Oregon; Notices of Termination (NOTs); No Exposure Certifications (NOEs); Low Erosivity Waivers and Other Waivers from Stormwater Controls (LEWs)] [40 CFR 122.26(b)(15), 122.28 and 124.5]	Stormwater General Permits: Expert withdrawn due to lack of resources (Beth Moore to cover) All other General Permits: Beth Moore Moore.Beth@DEQ.state.or.us 503-229-6402	12/21/20	ICIS & NeT	ICIS & EDMS
3	Phase 1: Discharge Monitoring Reports (DMRs) [40 CFR 122.41(l)(4)]	David Feldman FELDMAN.David@deq.state.or.us 503-229-6850	3/17/16	ICIS & NetDMR	ICIS & EDMS
4	Phase 1: Sewage Sludge/Biosolids Annual Program Reports [40 CFR 503]	Pat Heins Heins.Pat@deq.state.or.us (503) 229-5347	12/21/16	ICIS & NeT	ICIS & EDMS
5	Phase 2: Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)]	Beth Moore Moore.Beth@DEQ.state.or.us 503-229-6402 Oregon Dept of Agriculture (DEQ agent): Christy M Caldwell ccaldwell@ODA.state.or.us 503-9864708	12/21/20	ICIS & NeT	ICIS & EDMS
6	Phase 2: Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)]	Jim Billings Billings.jim@deq.state.or.us 503-229-5073	12/21/20	ICIS & NeT	ICIS & EDMS
7	Phase 2: Pretreatment Program Reports [40 CFR 403.12(i)]	Estegenet (Genet) Belete Belete.Etsegenet@DEQ.state.or.us 503-229-5586	12/21/20	ICIS & NeT	ICIS & EDMS
8	Phase 2: Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]	Inapplicable			
9	Phase 2: Sewer Overflow/Bypass Event Report [40 CFR 122.41(l)(6) and (7)]	Jim Billings Billings.jim@DEQ.state.or.us (503) 229-5073	12/21/20	ICIS & NeT	ICIS & EDMS
10	Phase 2: CWA 316(b) Annual Reports [40 CFR part 125, subparts I, J, and N]	Inapplicable			

Due to limited resources and insufficient state systems, DEQ is collaborating with EPA Region 10 including development of alternative phased implementation plans for eRule Phase 1 Group 3 (DMR) reporting via EPA's NetDMR. DEQ is utilizing eRule training and other work provided by EPA.

2. Agency NPDES Universe

This section provides a snapshot of all NPDES individual and general permits currently under the jurisdiction of Oregon DEQ. A bullet list of ICIS-NPDES setup status follows:

- Monitoring/limit or DMR data for 69 individual major permits (excluding seven MS4s) are set up in ICIS-NPDES and all have been reporting via NetDMR since October 2017;

- DMR data are setup in ICIS-NPDES for the 262 individual nonmajor (minor) permits (excluding 16 MS4s) with 29% validated, 8% testing, and 2 nonmajors are now submitting DMRs via NetDMR; and
- Only facility and permit (no monitoring/limit data) information for general permits are set up in ICIS-NPDES.

Tables 2 and 3 below provide total numbers of Oregon individual and general, federal NPDES and state Water Pollution Control Facility (WPCF) permits. The download date is provided. Permit numbers may change slightly over time except for the NPDES 1200 series general permits for discharges from construction stormwater activities that are only required during the construction project period. If needed, EPA may request current permit numbers.

Table 2. DEQ - Water Quality (WQ), Wastewater Permits: Summary of Active & Expired General Permits
(Statewide General Permit Numbers as of 11/7/2016 1:41:56 PM)

Summary	Statewide		
	Active	Expired	% Expired
General Permits (no DMR set ups in ICIS-NPDES)			
NPDES	758	602	79%
NPDES Stormwater	1,965	198	10%
WPCF (Oregon state-only no discharge permits – exempt from electronic reporting)	1,909	0	0%
Totals	4,639	807	17%
	Statewide		
NPDES General Permits	Active	Expired	% Expired
100-J: Cooling water/heat pumps	62	62	100%
200-J: Filter backwash	72	72	100%
300-J: Fish hatcheries	34	34	100%
400-J: Log ponds	24	24	100%
500-J: Boiler blowdown	12	12	100%
700PM: Suction dredges (registrants in 2016)	156	0	0%
900-J: Seafood processing	18	18	100%
1300-J: Oily storm water runoff, oil/water separators	4	4	100%
1500-A: NPDES Petroleum Hydrocarbons Cleanup	12	12	100%
1700-A: NPDES-Vehicle & equipment wash water	41	41	100%
1900-J: Non-contact geothermal heat exchange	1	1	100%
NPDES General Permit Totals	496	340	41%
	Statewide		
NPDES Stormwater General Permits	Active	Expired	% Expired
1200-A: Storm Water: Sand, gravel, and other non-metallic mining	206	16	8%
1200-C: Storm Water: Construction activities - 1 acre or more	737	5	1%
1200-C(AGENT): Storm Water: Construction activities - 1 acre or more - local agent	168	0	0%
1200-CA: Storm Water: Construction activities performed by public agencies - 1 acre or more	41	41	100%
1200-COLS: Industrial storm water discharging to Columbia Slough	133	133	100%
1200-Z: Industrial storm water	678	1	0%
NPDES General Stormwater Permit Totals	1,965	198	10%
	Statewide		
WPCF General (Oregon state-only no discharge permits – exempt from electronic reporting)	Active	Expired	% Expired
600: Off-stream placer mining	1,565	0	0%
1000: Gravel mining	99	0	0%
1400-A: Wineries and seasonal fresh pack operations whose wastewater flow does not exceed 25,000 gpd and is only disposed of by land irrigation.	164	0	0%
1400-B: Wineries and small food processors not otherwise eligible for a 1400A general permit	37	0	0%
1500-B: WPCF Petroleum Hydrocarbons Cleanup	4	0	0%
1700-B: WPCF-Vehicle & equipment wash water	30	0	0%

WPCF General Permit Totals	1,909	0	0%
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Table 3. DEQ - Water Quality, Wastewater Permits: Summary of Active and Backlogged Individual Permits

(Statewide Individual Permit Numbers as of 11/7/2016 1:53:34 PM)

Summary	Statewide			
	Permits	Active	Expired	% Expired
<i>NPDES Majors (all set up in ICIS-NPDES)</i>				
Domestic		50	38	76%
Industrial		19	17	89%
Stormwater		7	6	86%
NPDES Major Sub Totals		76	61	80%
<i>NPDES Minors (148 of 278 set up in ICIS-NPDES)</i>				
Domestic		148	89	60%
Industrial		114	92	81%
Stormwater		16	16	100%
NPDES Minor Sub Totals		278	197	71%
<i>All NPDES Individual Permits</i>				
Totals		354	258	73%
<i>WPCF (Oregon state-only no discharge permits – exempt from electronic reporting)</i>				
Domestic		139	35	25%
Industrial		55	17	31%
Stormwater		34	0	0%
WPCF Sub Totals		228	52	23%
<i>WPCF Onsite</i>				
WPCF Onsite Sub Totals		684	332	49%
<i>All Individual Permits</i>				
Totals		1266	642	51%

3. Current and/or Planned NPDES Data Systems and eRule Tools

DEQ's focus of resources is still on implementing Phase 1 of eRule. For Phase 1 of eRule, DEQ currently relays facility and permit information from DEQ's Water Quality Source Information System (WQSIG) and compliance/enforcement data from DEQ's Agency-wide Compliance and Enforcement System (ACES) data base and other state data bases to ICIS-NPDES. DEQ has completed the implementation of the first phase of NetDMR implementation. DEQ is reviewing DMRs of 69 major individual NPDES permittees using EPA's NetDMR for monitoring and limit reporting to ICIS-NPDES. Permittees attach an electronic copy of the DEQ approved DMR form. For the second phasing of NetDMR, DEQ is verifying ICIS setups for the minor individual NPDES permittees. For minor individual permittees with verified ICIS setups, DEQ is facilitating NetDMR registrations and training of nonmajor individual NPDES permit holders. Nonmajors may begin testing once they are registered and trained on NetDMR. After minor individual permits are using NetDMR, DEQ has plans to implement a third phase of implementing NetDMR for nonmajor general permit registrants that submit DMRs (general permittees with stormwater discharges and others are not required to submit DMRs).

For Phase 2 electronic reporting, DEQ will utilize EPA's NeT tools until a proprietary Environmental Data Management System (EDMS) is acquired, customized, and implemented to support state environmental permit administration/compliance and enforcement reporting requirements and maintain federal Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act electronic reporting needs. DEQ intends to transition to this agency-wide EDMS including the NPDES permit suite by 2022. DEQ will request a change in initial recipient status from EPA to DEQ for applicable data groups of eRule to coordinate with EDMS implementation (EPA will give notice in the Federal Register). **In the meantime, DEQ has participated with NeT**

workgroups for Group 4 Biosolids (although Oregon is not an authorized state), Group 5 CAFO, Group 7 Pretreatment, and Group 9 Sewer Overflow. DEQ is currently participating on the NeT tool workgroups for MS4s (Group 6) and Group 2 NOI (General Permit Applications).

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

For Phase 2 eRule, DEQ will utilize EPA’s NeT and ICIS-NPDES data systems until implementation of EDMS. See Table 1 for DEQ Lead contacts of all 10 eRule Phase 1 and 2 eRule data groups. Table 4 summarizes the major milestones and target implementation dates for each Phase 2 data groups.

Table 4. Oregon Phase 2 Implementation Plan Key Milestones and Target Dates

<i>NPDES Data Group</i>	<i>Milestones</i>	<i>Target Date</i>
Groups 2, 5-7, and 9	Lead staff to assist EPA workgroups with development of NeT and ICIS-NPDES for each eRule Group.	November 2016-December 2020
Groups 2 General Permits and 5 CAFOs	With EPA Region 10 collaboration, DEQ update agreements of two state agency and seven municipalities as agents for administering compliance and enforcement activities including eRule requirements with stormwater general permits. Develop and implement agent oversight including system to gather and convey compliance and enforcement data from agents to ICIS-NPDES.	The Oregon Department of Agriculture is DEQ’s agent for CAFO permits. DEQ and ODA updated the agent agreement with eRule considerations in 2016. DEQ is collaborating with EPA Region10 on a project for an agent oversight and compliance/enforcement data sharing plan to address this matter and other issues specified in the December 2016 EPA State Review Framework report.
Groups 2, 5-7, and 9	DEQ work with EPA to update the state’s electronic data transmission capabilities, including incorporating new data schemas and Environmental Information Exchange Network node plug-ins.	Implement as EPA develops/implements NeT tools before December 2020.
Groups 2, 5-7, and 9	DEQ facilitate CDX signups, NeT training and testing, and ECHO training.	Implement as EPA develops/implements NeT tools before December 2020.
Groups 2, 5-7, and 9	DEQ facilitate NeT implementation by Oregon permit holders.	Implement as permittees are readied before December 2020.
Groups 2, 5-7, and 9	DEQ notify EPA to change initial recipient from EPA to DEQ. EPA provide Notice in Federal Register.	If DEQ implements EDMS prior to December 2020, notify EPA at least three months in advance of changing from NeT to EDMS. EPA must publish Notice of initial recipient changes in the Federal Register to officially transfer authority.

5. CROMERR Compliance Status for Agency Electronic Reporting Systems

In the Federal Register published on December 15, 2016, EPA granted Cross-Media Electronic Reporting Rule (CROMERR) approval for Oregon to revise/modify:

- Part 123—EPA Administered Permit Programs: NPDES,
- Part 403—General Pretreatment Regulations for Existing and New Sources of Pollution, and
- Part 501—State Sludge (Biosolids) Management Program Regulations.

EPA’s CROMERR approval allows electronic reporting under 40 CFR parts 122, 125, 403, and 503.

For Phase 1 eRule implementation, DEQ currently plans to use EPA's NetDMR system for DMR submittals. Since Oregon is not authorized by EPA for the Sewage Sludge/Biosolids program, DEQ will assist Oregon permit holders with federal reporting of biosolids program data via DMRs by NetDMR and annual biosolids reporting by EPA's NeT.

For Phase 2 eRule implementation, DEQ will utilize EPA's NeT tool for electronic reporting of data and other information for Groups 2, 5-7, and 9.

DEQ is currently in the early stages of acquiring EDMS for NPDES and other state and federally delegated program reporting. DEQ plans to use EPA's NetDMR and NeT tools and ICIS-NPDES to support its programs, and meet the Phase 2 implementation deadlines because EDMS is not expected to be operational in time to meet the eRule Phase 2 deadline of December 2020.

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

Oregon's Attorney General informed DEQ that no statute updates were necessary for eRule. DEQ's Oregon Administrative Rules accommodate eRule reporting. DEQ has updated the permit templates for electronic reporting, used to issue new and renewal of existing NPDES permits. DEQ may use a compliance order to update the expired permits to direct administratively extended permittees on electronic reporting requirements. DEQ is considering rule writing and fees to address the resources needed for DEQ as the regulatory authority to gather and submit data electronically for permittees granted eRule waivers.

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

DEQ has developed an eRule waiver option with criteria, request form, and fee. DEQ is finalizing procedures and materials to implement.

8. Outreach and Training

DEQ has a web page dedicated for eRule. For Phase 2, DEQ assisted permit holders with reporting biosolids monitoring and limits as part of the DMR submittal in coordination with Phase 1 implementation utilizing NetDMR. EPA and DEQ will continue to sponsor NetDMR training events for minor individual permittees. DEQ promotes EPA's outreach and training of EPA's Enforcement and Compliance History Online (ECHO).

9. Alternative Options

DEQ currently plans to use NetDMR and NeT for electronic reporting to ICIS-NPDES. For Phase 2 electronic reporting, DEQ will utilize EPA's NeT and ICIS-NPDES data systems until EDMS is acquired, developed, and implemented to support NPDES permit reporting. DEQ intends to transition to a program-wide EDMS by 2022. The initial step of changing the initial recipient status from EPA to DEQ for this alternative option of using EDMS is given in Table 2.

10. Obstacles to Rule Implementation

In collaboration with EPA Region 10, DEQ has developed an extended implementation plan for eRule Phase 1 that may influence work and timelines for Phase 2 implementation. Additionally, corrective actions are planned for the 2016 EPA State Review Framework report that will directly affect Phase 1 and Phase 2 plans.

Inadequate staffing is an issue for Oregon NPDES data reporting. As mandated by Oregon legislation, a recent 2016 NPDES Permitting Program study was conducted. The study produced recommendations which include DEQ significantly modify permitting business processes and supporting data systems. DEQ was granted data management positions to help with eRule by the 2017 Legislature.

DEQ also struggles with outdated state systems. These systems will be replaced primarily by an Environmental Data Management System (EDMS). Planning for the EDMS has begun, and funding is before the 2017 Oregon legislature. Work on the EDMS will positively affect business processes underlying electronic NPDES reporting in Oregon. DEQ will be using EPA's NetDMR and NeT systems, since actual replacement of our electronic infrastructure by EDMS will probably not take place until after the eRule Phase-II implementation deadline.

11. Implementation Plan Reassessment

DEQ intends to revisit this implementation plan on a quarterly basis with EPA Region 10 throughout calendar year 2017 as EPA's electronic reporting tools and registration process undergoes ongoing improvements. DEQ will follow the reassessment schedule below unless unplanned engagements accomplish the same objective throughout the year:

<i>Description</i>	<i>Target Date</i>
<i>DEQ Phase 2 Implementation Plan to EPA</i>	<i>12/21/2016</i>
<i>DEQ Check-in #1</i>	<i>3/31/2017</i>
<i>DEQ Check-in #2</i>	<i>6/30/2017</i>
<i>DEQ Check-in #3</i>	<i>9/29/2017</i>
<i>DEQ Check-in #4</i>	<i>12/29/2017</i>