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## Proposed NPDES Electronic Reporting Rule

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On July 15, 2013, Acting Administrator Bob Perciasepe signed the proposed National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule for publication in the Federal Register. EPA is requesting comment on the proposed rule and solicits comments and data to inform the final rule. This rule proposes to replace several paper-based Clean Water Act (CWA) NPDES permitting and compliance monitoring reporting requirements with electronic reporting.

### Purpose of the Proposed Rule

This proposed rule is designed to save authorized state, tribe, or territorial NPDES programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of NPDES general permit data between states and EPA to the public, improve better environmental decision-making, and to protect human health and the environment.

This proposed rule would require that NPDES regulated entities electronically submit the following permit and compliance monitoring information instead of using paper reports:

- Discharge Monitoring Reports (DMRs);
- Notices of Intent to discharge in compliance with a general permit; and
- Program reports.

Authorized NPDES programs will also electronically submit NPDES program data to EPA to ensure that there is consistent and complete reporting nationwide, and to expedite the collection and processing of the data, thereby making it more accurate and timely. Importantly, while the proposed rule changes the method by which information is provided (i.e., electronic rather than paper-based), it does not increase the amount of information required from NPDES regulated entities facilities under existing regulations.

### Overview of Benefits

EPA anticipates that the proposed rule will save significant resources for states, tribes, and territories as well as EPA and NPDES permittees, while resulting in a more complete, accurate, and nationally-consistent set of data about the NPDES program. With full implementation, the anticipated savings are:

- Authorized State NPDES programs: \$28.7 million annually,
- NPDES regulated entities: \$1.2 million annually, and
- EPA: \$0.5 million annually.

EPA would also incur incremental costs with full implementation of approximately \$0.82 million per year.

As an example demonstrating the benefits of electronic reporting, the State of Ohio's electronic reporting program for Discharge Monitoring Reports has resulted in a 99.9 percent adoption rate, has increased data quality and improved environmental protection, while also saving significant time and resources (e.g., Ohio was able to shift resources from five full-time staff to less than one to support the DMR program).

To promote transparency and accountability, EPA intends to make this more complete set of data available to the public, providing communities and citizens with information on facility and government performance that is not currently available. This can serve to elevate the importance of permitting and compliance information and environmental performance within regulated entities, providing opportunity for them to quickly address any potential environmental problems. The benefits of this proposed rulemaking should allow NPDES-authorized programs in states, tribes, and territories to shift precious resources from data management activities to those more targeted to solving water quality issues.

The proposed rule will also lighten the reporting burden currently placed on the states. Upon successful implementation, the proposed rule would provide states with regulatory relief from reporting associated with the Quarterly Non-Compliance Report (QNCR), the Annual Non-Compliance Report (ANCR), the Semi-Annual Statistical Summary Report, and the biosolids information required to be submitted to EPA annually by states.

### **Proposed Implementation**

EPA will phase in the requirements of the rule over a two year period following the effective date of the final rule.

#### **Phase 1 – One year after effective date of final rule**

In Phase 1 EPA would electronically receive the basic facility and permit information from the authorized states, tribes, and territories and information from facilities covered by Federal general permits [e.g., notices of intent to discharge (NOIs), notices of terminations (NOTs), no exposure certifications (NECs), and low erosivity waivers (LEWs)]. EPA would also begin to electronically receive information from states, tribes, and territories regarding inspections, violation determinations, and enforcement actions. Finally, EPA, states, tribes, and territories would electronically receive Discharge Monitoring Report (DMR) information from NPDES permittees – the largest volume of data for the NPDES program.

## Phase 2—Two years after effective date of final rule

In addition to Phase 1 data, EPA, states, tribes, and territories would receive information from state, tribal, and territorial general permit covered facilities and program reports from all facilities (i.e., all NPDES program data identified in Appendix A to the proposed rule) during Phase 2. Program reports are currently required by existing EPA regulations and include annual and episodic compliance reports from regulated entities to their permitting authority.

These program reports include: Pretreatment Program Annual Reports, Industrial Users in Cities Without Approved Pretreatment Programs Periodic Compliance Monitoring Reports, Biosolids Program Annual Reports, CAFO Annual Reports, Municipal Separate Storm Sewer Systems (MS4) Reports, and Sewer Overflow or Bypass Event Reports [Combined Sewer Overflows (CSOs), Sanitary Sewer Overflows (SSO), and Bypass Event Reports].

### **Further Information**

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