

IPDES Electronic Reporting Waiver Policy

July 07, 2018

Per the NPDES Electronic Reporting Rule (E-Reporting Rule) (40 CFR Parts 9, 122, 123 et al.), authorized NPDES programs can issue three types of electronic reporting waivers: temporary, episodic, and permanent waivers. When waiver requests are submitted to the IPDES program the request is made for all aspects of the permit (application, permit scheduled items, NetDMR). The IPDES program will review and update the temporary waiver policy every five years or as necessary. Updates to the policy shall be provided to EPA (Jason Rodriguez and Carey Johnston) for review.

Temporary Waivers

EPA has granted authorized NPDES Programs flexibility in how they implement temporary waivers. Per subsection 127.15 of the final rule, each authorized NPDES program will describe in its individual permit how it will implement the NPDES E-Reporting Rule waiver provision.

Temporary Waiver Eligibility: E-Reporting temporary waivers can be issued for facilities which lack sufficient broadband availability. These facilities tend to be in remote areas of the state.

Temporary Waiver Process: The IPDES Program cannot grant a temporary waiver without first receiving a completed temporary waiver request. Entities requesting a temporary waiver must obtain and complete a temporary waiver form and return the completed application to the IPDES Program Manager. The IPDES Program Manager will review the request and correspond with entity informing them of the IPDES determination.

All temporary waivers approved by the IPDES Program Manager will result in IPDES staff manually entering data on the Internal User Interface (enter facility/permits/notification submittals).

Temporary Waiver Requirements: Temporary waivers shall not exceed five years, however entities may reapply. Temporary waivers are not transferrable.

Temporary Waiver Approval Status: As of July 01, 2018 there are no approved waivers for publicly/private owned treatment works (POTWs) or industrial facilities. EPA has issued three temporary waivers for the following MSGP permitted facilities due to internet connectivity: Tamarack Mill in New Meadows; Tamarack Mill in Kooskia; and Ida Pines Mill in Meridian.

Episodic Waivers

Episodic Waiver Eligibility: E-Reporting episodic waivers are issued for circumstances in large-scale emergencies involving catastrophic circumstances beyond the control of the facilities such as natural disasters. Episodic waivers can also be issued for prolonged E-Reporting system outages.

Natural disasters include: flooding, wildfires, and earthquakes. In addition, entities can request an episodic waiver if the electronic reporting system experiences an outage exceeding 96 hours.

Episodic Waiver Process: In extenuating circumstances the IPDES Program Manager can issue an episodic waiver prior to receiving a completed episodic waiver form. The IPDES Program Manager will review the request and correspond with entity informing them of the IPDES determination. DEQ must approve or reject episodic waivers as soon as possible. IPDES determination letter shall identify the

agency's determination, likely duration of the waiver, and any directions regarding how facilities should provide information.

An episodic waiver allows entities to delay their electronic submissions (no more than 60 days) or to send hardcopy submittals. Episodic waivers approved for hardcopy submittals by the IPDES Program Manager will result in IPDES staff manually entering data on the Internal UI (enter facility/permits/notification submittals).

Episodic Waiver Requirements: Episodic waivers cannot last more than 60 days and are not transferrable.

Permanent Waivers

Permanent Waiver Eligibility: E-Reporting permanent waivers are issued for IPDES regulated entities owned or operated by members of religious communities (e.g., Amish, Mennonite, and Hutterite) that choose not to use certain modern technologies (e.g., computers, electricity).

Permanent Waiver Process: Entities requesting a permanent waiver must obtain and complete a permanent waiver form and return the completed application to the IPDES Program Manager. The IPDES Program Manager will review the request and correspond with entity informing them of the IPDES determination.

All permanent waivers approved by the IPDES Program Manager will result in IPDES staff manually entering data on the Internal UI (enter facility/permits/notification submittals, etc).

Permanent Waiver Requirements: Religious communities with permanent waivers must re-apply upon any change in facility ownership and these waivers are not transferrable.