Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

October 1, 2017

MEMORANDUM

To: ENVIRONMENTAL REVIEW COMMISSION
The Honorable Trudy Wade, Chair
The Honorable Jimmy Dixon, Co-Chair
The Honorable Chuck McGrady, Co-Chair

From: Anderson Miller
Director, Legislative and Intergovernmental Affairs

Subject: Annual Sedimentation Control Program and Stormwater Program Report

Pursuant to GS 113A-67, the Department shall report to the Environmental Review Commission on the implementation of this Article on or before October 1 of each year. The Department shall include in the report an analysis of how the implementation of the Sedimentation Pollution Control Act of 1973 is affecting activities that contribute to the sedimentation of streams, rivers, lakes, and other waters of the State. The report shall also include a review of the effectiveness of local erosion and sedimentation control programs. The report shall be submitted to the Environmental Review Commission with the report required by GS 143-214.7(e) as a single report.

Pursuant to GS 143-214.7(e), the Department shall report to the Environmental Review Commission on the implementation of this Article, including the status of any stormwater control programs administered by State agencies and units of local government. The report shall include information on any integration of stormwater capture and reuse into stormwater control programs administered by State agencies and units of local government. The report shall be submitted to the Environmental Review Commission with the report required by GS 113A-67 as a single report.

If you have any questions or need additional information, please contact me by phone at 919-707-8618 or by email at anderson.miller@ncdenr.gov.

Cc: Sheila Holman, Assistant Secretary for Environment, DEQ
Tracy Davis, Director of Energy, Mineral, and Land Resources, DEQ
Jeff Hudson, ERC Counsel, NC General Assembly

Report to the Environmental Review Commission
On the Implementation of the
Sedimentation Pollution Control Act of 1973
and the State Stormwater Program
By the Department of Environmental Quality
Division of Energy, Mineral, and Land Resources

October 1, 2017

Introduction

Pursuant to Session Law 2017-10 (Senate Bill 131), the Department of Environmental Quality (DEQ) is required to submit a combined report to the Environmental Review Commission by October 1 of each year that provides an annual update on the implementation of both the State Sedimentation Pollution Control Program and the State Stormwater Program housed within the Division of Energy, Mineral, and Land Resources. This report contains two sections that outline how the Department has implemented these programs through its seven Regional Offices and Central Office as well as in coordination with multiple local government programs that implement these programs through Local, State and Federal laws, rules and permits.

Report Structure

Section 1 – Sedimentation Pollution Control Program

Section 2 - Stormwater Program

Executive Summary – Annual Sedimentation Program Report

The Department shall report to the Environmental Review Commission on the implementation of the Sedimentation Pollution Control Act (SPCA) of 1973 on or before 1 October of each year. The Division of Energy, Mineral, and Land Resources is responsible for implementing the SPCA. There are also 53 delegated SPCA programs across the state implemented by either county or municipal governments. The total number of new projects decreased slightly from 2,071 new projects in FY 2015-16 to 1,978 new projects in FY 2016-17. In addition, the total number of newly disturbed acres decreased from 26,800 acres in FY 2015-16 to approximately 23,163 acres in FY 2016-17. Sediment inspections dropped slightly from 12,120 inspections in FY 2015-16 to 11,373 inspections in FY 2016-17.

Background

“The sedimentation of streams, lakes and other waters of this State constitute a major pollution problem. Sedimentation occurs from the erosion or depositing of soil and other materials into the waters, principally from construction sites and road maintenance. The continued development of this State will result in an intensification of pollution through sedimentation unless timely and appropriate action is taken. Control of erosion and sedimentation is deemed vital to the public interest and necessary to the public health and welfare, and expenditures of funds for erosion and sedimentation control programs shall be deemed for a public purpose”.

-Preamble to the Sedimentation Pollution Control Act of 1973

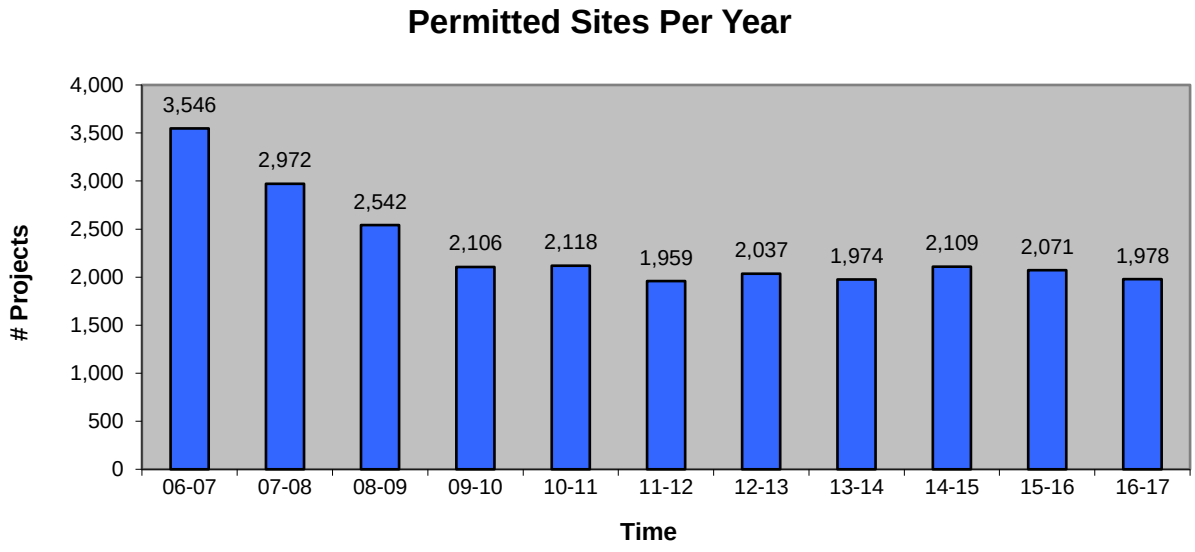
The Division of Energy, Mineral, and Land Resources (DEMLR) in the Department of Environmental Quality administers the SPCA. The Sedimentation Control Commission has also delegated administration of the SPCA to 53 county or municipal governments and the North Carolina Department of Transportation. The local program delegations do not regulate land-disturbing activities conducted by local, State or United States governments or persons with the power of eminent domain (e.g. public utilities), which remain under jurisdiction of the DEMLR.

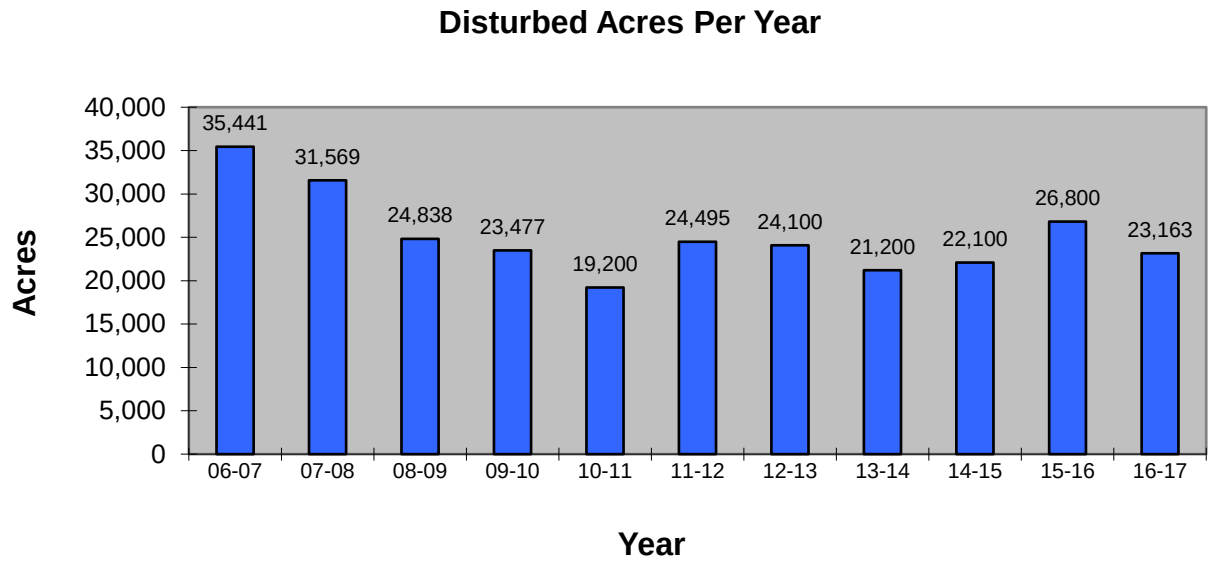
The state sedimentation program also plays a critical role in meeting federal construction stormwater permitting requirements under the Clean Water Act. The United States Environmental Protection Agency (EPA) implements federal permitting requirements for stormwater discharges from active construction sites, but also has the authority to delegate those permitting responsibilities to the states. In many ways, federal construction stormwater requirements mirror the requirements of the state Sedimentation Pollution Control Act and the intent of the federal program is the same – to prevent sedimentation damage to water bodies.

North Carolina has delegated authority that allows DEQ - rather than EPA - to issue federal construction stormwater permits in the state. Effective August 1, 2013, the Stormwater Permitting Unit of the Division of Water Resources, including 27 appropriated and receipt based positions administering the construction, industrial, municipal and post construction stormwater programs, was transferred to DEMLR. DEMLR has already incorporated cross-training of central and regional personnel and consolidation of inspection and monitoring forms between the erosion and sedimentation control program and the construction stormwater program so that one point of contact for meeting both programs' permitting, inspection and reporting requirements can be used to communicate compliance with both programs' state and federal provisions.

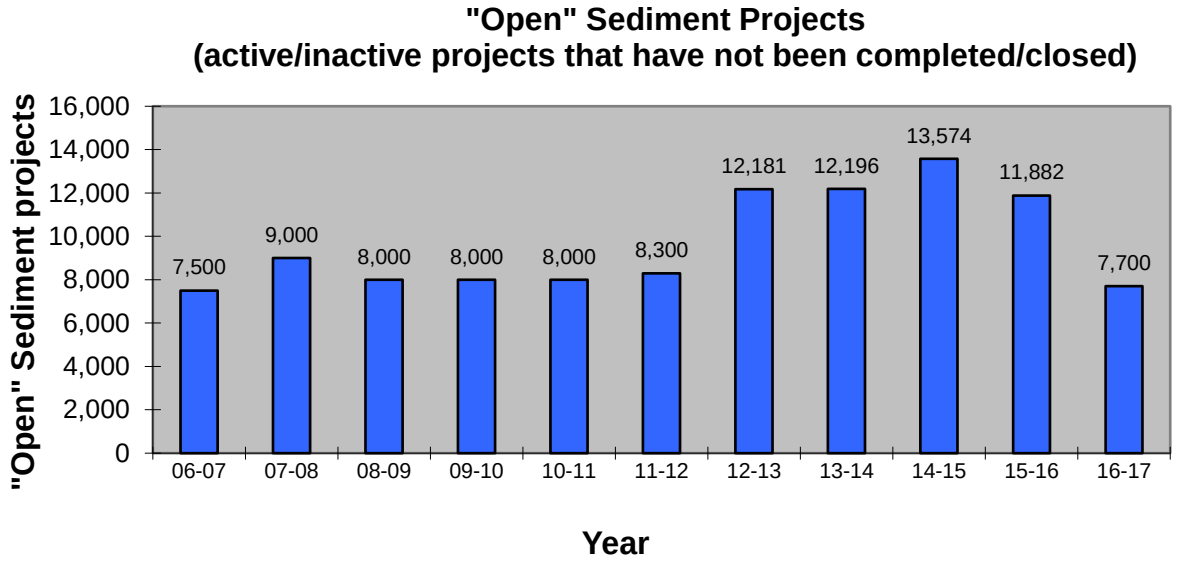
Program Implementation

The decline in the number of new projects under state jurisdiction has leveled off in recent years with 1,978 new projects received in FY 2016-17. The actual area of land-disturbance covered by new erosion and sedimentation control plans approved in FY 2016-17 decreased to approximately 23,163 acres. These totals do not include erosion and sedimentation control plans approved by local government sedimentation programs or land disturbed by the Department of Transportation under its delegated program.





The number of open sediment projects requiring inspection by the state program has been estimated at 8,000 projects for several years. However, improvements to our database reporting capabilities during FY 2012-13 resulted a more accurate estimate of 12,181 open projects at that time. Since that time, the number decreased slightly with approximately 11,882 open projects during fiscal year 2015-16 and then dropped to 7,700 open projects during fiscal year 2016-17. This 4,000 project decrease over the last fiscal year was a result of improved database management and an increased effort to inspect and close out completed and stabilized projects that had remained inactive during and following the recession. The total includes all sites that are either under active construction or are inactive and not completed.



The number of full time equivalent positions (FTE) in DEMLR's Sedimentation Control Program has continued to decline over the past nine fiscal years as follows:

Fiscal Year	Sediment FTE
2008-2009	65
2009-2010	61
2010-2011	52
2011-2012	44
2012-2013	40
2013-2014	40
2014-2015	39.6
2015-2016	36.95
2016-2017	36

Since the fee revenue for the program comes from a sedimentation plan review fee for new projects, a downturn in new construction and reduced acreage significantly affects staffing levels. The reduction in new starts, and therefore fee revenue, does not mean a reduction in total workload because of the large number of open project sites that the staff is responsible for inspecting for compliance with the plan requirements, statutes and rules until they are permanently stabilized.

Regional activities for the 2016-17 fiscal year include:

- 1,948 new erosion and sedimentation control plan reviews
- 488 sedimentation express plan reviews
- 516 revised erosion and sedimentation control plan reviews
- 11,373 sedimentation site inspections
- 194 notices of violation
- 22 enforcement case referrals

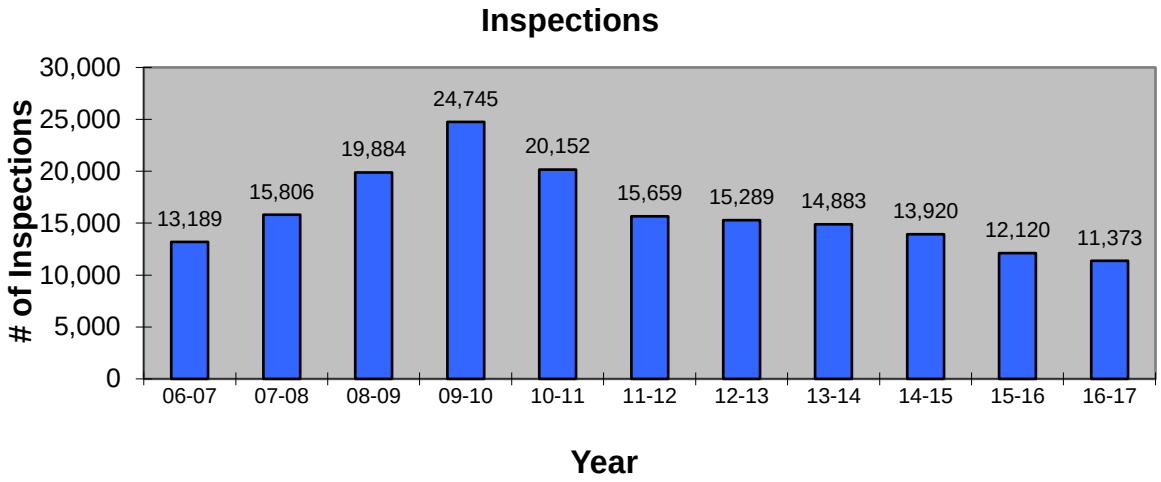
Plan Approval

The SPCA requires review of a proposed erosion and sedimentation control plan within 30 days for a new plan submittal and within 15 days for a revised plan. As mentioned above, newly disturbed acreage in North Carolina decreased last fiscal year. The number of new erosion and sedimentation control plans received was 1,978 (down slightly from 2,079 in FY 2015-16). For the past several years, the total number of new projects has fluctuated slightly but consistently remained around 2,000 plans. In addition, DEMLR encourages applicants to meet with permit review staff in advance of the initial plan submittal to resolve quality and completeness issues prior to formal submittal to reduce the overall time for plan review and approval.

The Express Permitting Program for erosion and sedimentation control plans provides for plan review within as little as three working days. During FY 2016-17, 488 Express Permit reviews were conducted. This represents a 37% decrease in express permit reviews from the 773 express reviews completed in the previous year. The Fayetteville, Winston-Salem and Mooresville regions continue to have the most express reviews, reflecting the number of Department of Defense projects and urban area development submitted for express review, including Fort Bragg, Winston-Salem and Charlotte.

Inspections

Regional staff conducted 11,373 inspections last year, a decline of 747 inspections from the previous year. Inspection reports document field observations and compliance or non-compliance with the SPCA. Based upon current staffing levels, open erosion and sedimentation control projects are inspected, on average, once every 12 to 14 months.



The following are photos of good and poor practices found on construction sites during inspections conducted over the past year. (Figures 1-8)

Figure 1 -
Unmanaged Concrete Washout Area

Figure 2 -
Construction Entrance needs maintenance

Figure 3 -
Poor Practice - No Construction Entrance

Figure 4 -
Example of Good Application of Ground Cover

Figure 5 -
No Ground Cover

Figure 6 -
Rill Erosion on side slope of the Sediment Basin

Figure 7 -
Good Vegetative Ground Cover

Figure 8 -
Silt Fence Outlet in Wrong Location

Enforcement

DEMLR documents compliance or non-compliance with the SPCA through sedimentation inspection reports. Most violations are resolved by providing an inspection report to the responsible party and requesting correction of the deficiencies. Of the 11,373 inspections conducted during FY 2016-17, 194 (1.7%) resulted in a Notice of Violation (NOV). The NOVs led to 22 requests from the regional offices for additional enforcement action (11.3% of NOVs issued or less than 0.19% of the inspections conducted). Twenty-two civil penalties were assessed, twelve of which were initial penalties of $5,000 or less.

The Attorney General's Office provides litigation support to DEQ by filing actions in state courts and federal bankruptcy court to defend the agency's civil penalty assessments, complaints for injunctive relief, and to collect unpaid civil penalties.

New Program Efforts

The Department of Information Technology has determined that the DEMLR Sedimentation Program's current project database tracking system ECLIPS (AMANDA) will be reverting to the existing IBEAM data management system by December 2017 due to technical and funding issues with ECLIPS (AMANDA). As background, the Sedimentation Program was one of three statewide programs to be selected to pilot the AMANDA based Enterprise Certification Licensing Inspection and Permitting System (ECLIPS). ECLIPS was selected to facilitate project database management and electronic permitting and to provide the public the ability to track plans, inspections, and enforcement. The program is currently piloting new software that could replace both AMANDA and IBEAM as it is based on a user fee with all programming and maintenance of the system being provided by an outside technology expert.

Local Programs

The Sedimentation Control Commission encourages local governments to administer a delegated erosion and sedimentation control program by providing a model ordinance and technical assistance. Once a program is delegated to a local government, the DEMLR provides periodic oversight to ensure that the local programs are meeting the standards for the state program. State personnel informally assist and advise the local staff on problematic sites. A review of each local program is scheduled at least every two years. DEMLR and the Attorney General's Office review the city or county ordinance to ensure that it is as stringent as state law and rules. DEMLR's Regional Engineer and State Sediment Specialist and/or their Assistants meet with the local program staff during the review. A detailed report is provided back to the local government, noting strengths, deficiencies and corrective actions. A summary report is presented to the Sedimentation Control Commission at its quarterly meetings. The Commission then acts to continue the delegation, place the program on probation, or give a 30-day notice that the Commission will assume administration and enforcement of the program.

Seven formal local program reviews were conducted during FY 2016-17. In addition, the regional offices provided 429 hours of technical assistance to the local programs during that same period.

Training and Education

DEMLR held one workshop this past year for design professionals, contractors and developers, with a total attendance of 125 participants, to assist them in preparing complete erosion and sedimentation control plans and to update them on recent administrative and legislative changes to the program over the past year. In addition, representatives from 48 delegated programs participated in DEMLR's Annual Local Program Workshop for local government erosion and sedimentation control personnel, with a total attendance of 130 participants, to ensure accurate and consistent implementation of the program across the state in accordance with the state's program.

Executive Summary – Annual Stormwater Program Report

G.S. 143-214.7(e). *On or before October 1 of each year, the Commission shall report to the Environmental Review Commission on the implementation of this section, including the status of any stormwater control programs administered by State agencies and units of local government. The status report shall include information on any integration of stormwater capture and reuse into stormwater control programs administered by State agencies and units of local government.*

Three key points about the Stormwater Program's accomplishments this past fiscal year:

#1: Designers have more flexibility in creating stormwater management plans for new development sites than ever before.

The new design standards and rules that went into effect on January 1, 2017 are more objective-based than prescriptive. This gives the design professionals working on behalf of the development community more flexibility to customize stormwater control measures to the needs of particular sites and to be creative. DEMLR has been clear that our new Stormwater Design Manual is technical guidance that advises our designers about one way to meet rule requirements, but that other ways are also possible. DEMLR staff have been working with the local governments throughout the state that implement stormwater management plans to embrace this more flexible approach.

#2: In all of DEMLR's stormwater programs, DEMLR has been using technology to better serve our permittees and the public and to use our staff time more efficiently.

DEMLR staff have developed several on-line maps that serve the various aspects of our program. The stormwater permit map indicates which stormwater program applies to any point in the State and which entity is responsible for its implementation. The MS4 and water supply map viewers provide more detailed information specifically about these two programs. DEMLR is currently developing two exciting new capabilities: one is e-reporting of stormwater outfall data to more efficiently serve the industries that are subject to stormwater requirements. The second is an on-line application for projects in the twenty Coastal Counties and projects that are subject to the High Quality Waters and Outstanding Resource Waters stormwater programs.

#3: Stormwater staff have a large workload but they still devote a significant amount of time to outreach and education.

DEMLR stormwater staff oversee 116 MS4 local government (and other entity) permittees, 286 water supply watershed communities, and 4,000 industries with stormwater permits. DEMLR also issues over 300 permits for new development projects a year. However, DEMLR still prioritizes answering the dozens of phone calls and emails from individuals seeking our guidance each day. Program staff have attended and presented at over 50 meetings and conferences this past year. DEMLR staff continues to partner with NCSU Cooperative Extension Service to teach full-day workshops for the design community and local governments. Staff also advise our DEQ colleagues in the Divisions of Water Infrastructure, Water Resources, and Mitigation Services on stormwater issues and work ardently at bringing about better consistency in the state regulatory programs regarding stormwater management.

New stormwater rules and design standards

New rules and design standards for the post-construction stormwater program and MS4 communities went into effect on January 1, 2017. DEMLR staff worked with a wide array of stakeholders over the past two and a half years to develop a more organized, clear and effective rule set. Another major focus for staff this year has been to update the Stormwater Design Manual and application materials in accordance with the new rules. Overall, the new rules offer many advantages to the professional designers and permittees who work with our stormwater program. Some of those advantages include:

1. Flood control measures can now be achieved within SCMs, which may remove the need for a separate device to meet peak flow control required by local governments.

2. Level spreaders are no longer required downslope of wet ponds and infiltration systems.

3. There are more cost-effective options for treating and discharging stormwater in SA waters compared with the current rule, which requires at least two SCMs in series.

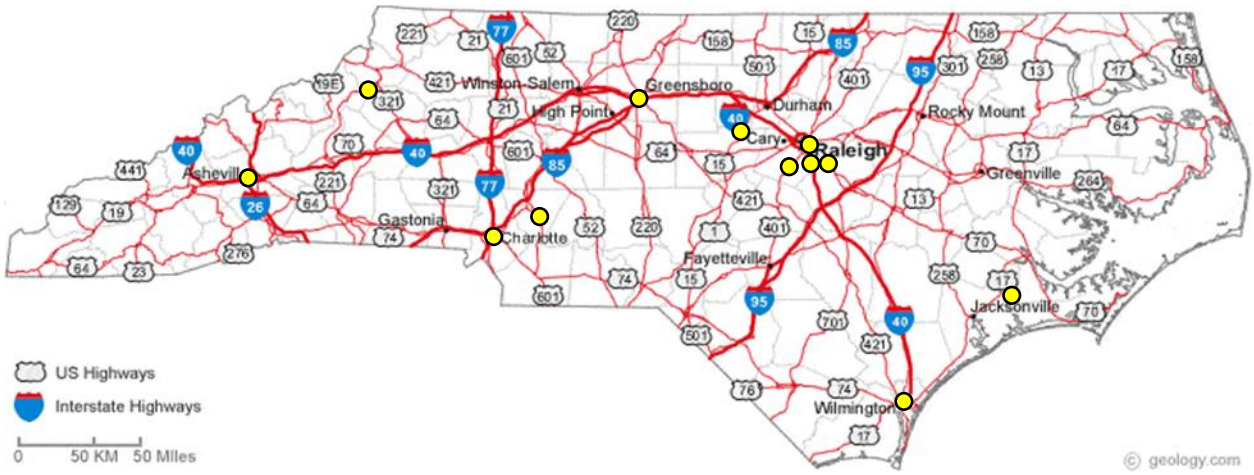
4. There is no longer a limit on the size of the drainage area that can be treated in an infiltration system.

5. Developers can be credited for disconnecting impervious surfaces. This results in a reduction of the volume of stormwater reaching the SCM, and therefore the SCM can be smaller and still meet the requirement of the rule.

6. Low density projects are encouraged to disconnect built-upon area. This reduces the cost of constructing and maintaining swales and improves water quality by encouraging infiltration of stormwater (the goal of low density development).

Stormwater staff have partnered with the NC State University Cooperative Extension Service to offer one and a half day workshops on the new rules and design standards throughout the State. Thus far, DEMLR staff have taught 14 of these workshops and each one has been sold out. Staff will continue to offer one workshop per month if the interest continues.

Figure 1: Stormwater Workshops on New Rules and Design Standards (yellow dots)



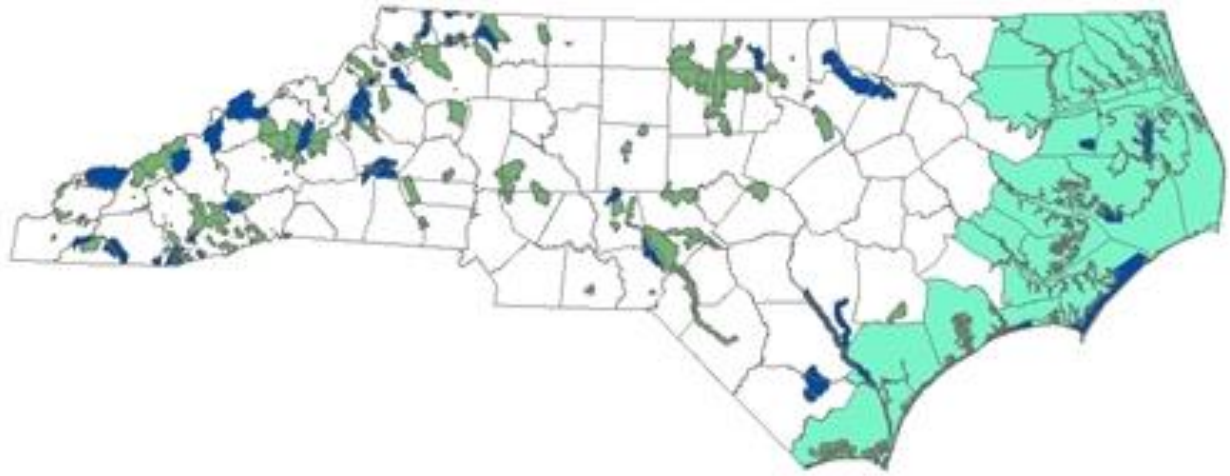
The new rules and the guidance provided in the updated Stormwater Design Manual will allow the capture and reuse of stormwater (rainwater harvesting). DEMLR now allows rainwater harvesting including many components that work together to collect, store, and use rainwater. Usually rainwater harvesting captures runoff from roofs; however, collecting runoff from other surfaces, such as parking lots, sidewalks and landscaped areas is allowed. If they are designed and operated correctly, rainwater harvesting systems can be used as a primary stormwater control measure in place of a wet pond or any of the other measures that are allowed in the updated stormwater rules. Rainwater harvesting systems can also be used in series with other stormwater control measures to reduce the footprint needed.

Figure 2: Rainwater harvesting system at the Wilkes County Rest Area (on the left)

In addition to rainwater harvesting, the new rules and Stormwater Design Manual allow many other innovative stormwater control measures that save space on projects where land costs are high. These practices include permeable pavement, underground infiltration systems, and green roofs. DEMLR is pleased to offer these options to the design community because research has demonstrated that they are effective and outperform many of our traditional stormwater control measures, such as wet ponds, in protecting streams and other receiving waters.

The implementation of the new rules and design standards has gone well in the areas where DEMLR reviews and approves stormwater management plans, mainly in the Coastal Counties, Outstanding Resource Waters (ORW) and High Quality Waters (HQW). For the past three years, DEMLR reviews an average of over 300 permits a year in our post-construction stormwater program.

Figure 3: Coastal Counties, ORW and HQW Areas



Progress by MS4 local governments and other entities

The MS4 Program covers:

- 101 Small MS4 local governments (populations less than 100,000)
- 6 Large MS4s (populations over 100,000)
- 2 non-traditional MS4 - schools in Mecklenburg County
- NCDOT
- 2 Universities (UNC and NC State)
- 4 Military bases

The Stormwater Program oversees local governments and a handful of other entities that implement their own stormwater programs under the MS4 (municipal separate storm sewer systems) program or the Water Supply Watershed Program. The MS4 program is federally mandated and requires that any local governments located within an "Urbanized Area" be issued a permit to address stormwater management within their jurisdictions. There are 17 main urbanized areas in North Carolina. The program covers these areas as well as the surrounding urban areas and counties. A few of the counties have successfully petitioned the Stormwater Program to implement the MS4 program within their jurisdictions.

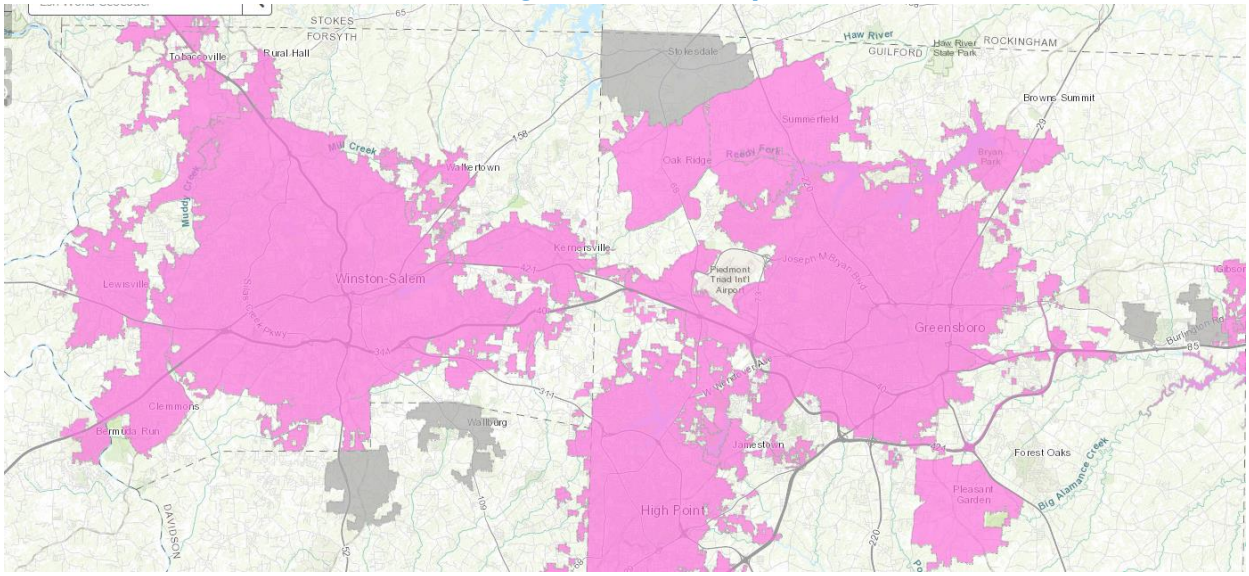
Figure 4: North Carolina's MS4 Communities

The Stormwater Program is very active in managing the entities with MS4 permits. In the past year, DEMLR has renewed 74 permits. Staff received applications from 17 new small MS4 communities. Staff has prepared the final MS4 permits and EPA has approved the draft permit language. Thus, these draft permits are currently out for Public Notice. Regarding compliance and outreach, DEMLR staff have completed the following activities in conjunction with or for MS4 communities:

- (4) three-day audits
- (18) outreach "Round Table" discussions
- (7) outreach "Lunch and Learns"
- (5) multiple-day training workshops across the state

The Stormwater Program staff used ArcGIS On-line tools to create a map viewer to support DEMLR's NPDES MS4 Program that allows users to graphically search for NC towns and cities with MS4 Permits. Links also provide access to current NPDES MS4 permits and other historical documents (for example, designation letters) to present a comprehensive overview of the status of each local jurisdiction and Phase II history of North Carolina's Phase II MS4 program.

Figure 5: MS4 Map Viewer



For the past two years, DEMLR and the MS4 entities have worked together to develop an updated compliance strategy that we are calling the “MS4 Sustainability Strategy,” or “MS6.” The MS6 addresses six elements:

1. Organizational development and commitment,
2. Environmental management systems (EMS),
3. Asset management,
4. Public and private partnership,
5. Performing gap and root cause analysis, and
6. Developing action plans to address the root cause of deficiencies identified.

MS6 is a management strategy for local governments based on common business practices that identify deficiencies and address their root causes. This contrasts with the traditional approach to compliance, which mandates resource-intensive inspections, audits and annual reports. Audits and annual reports fail to address the root cause of the deficiencies, and do nothing to improve water quality.

MS6 was the result of a voluntary Public and Private Partnership (P3) to develop strategies to address economic, social and environmental impacts from the universe of federal NPDES, state and local environmental laws, regulations and mandates. Over 30 local governments, four environmental groups, and six consulting companies participated in this two-year process. DEMLR and local governments have learned that partnerships lead to cooperative solutions, cooperative solutions lead to ownership, and ownership leads to regulatory compliance, an engaged public, as well as economic, social, and environmental benefits.

Updates to the water supply watershed program

The Water Supply Watershed Program (WSWP) covers 286 local governments whose jurisdictions contain a water supply watershed.

The Water Supply Watershed Program (WSWP), adopted in 1992, requires these local governments to adopt and implement stormwater programs. In accordance with the Rules Review and Readoption Process required by N.C.G.S. 150B-21.3A, DEMLR stormwater staff prepared draft revisions to the WSWP rules this year. The draft rules include numerous changes that bring the WSWP rules up to date with current statutes as well as current stormwater treatment technologies. In addition, the draft WSWP rules are consistent with recently-adopted revisions to the state's other stormwater rules. The WSWP rule drafts were discussed at two large stakeholder meetings. DEMLR anticipates that the draft rules will be presented to the Environmental Management Commission by the end of 2017 to formally begin the rulemaking process.

Figure 2: North Carolina's Water Supply Watersheds

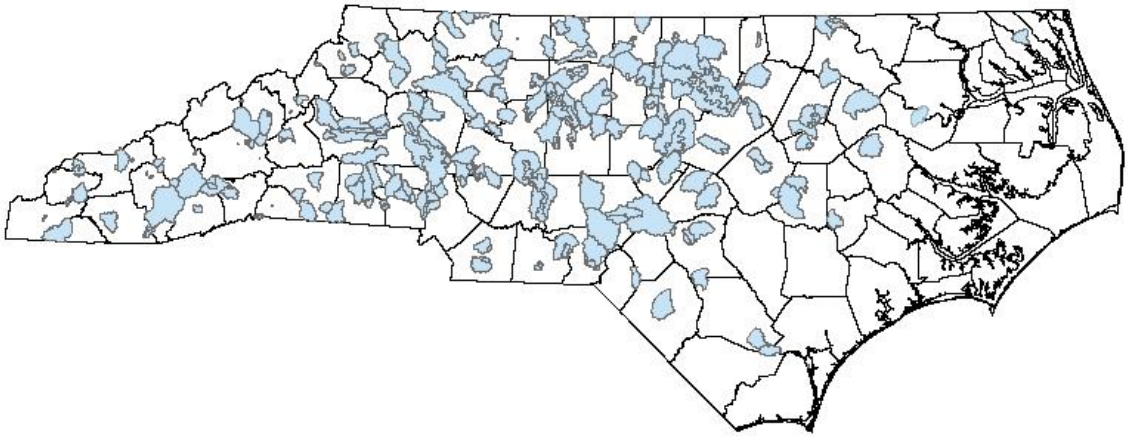
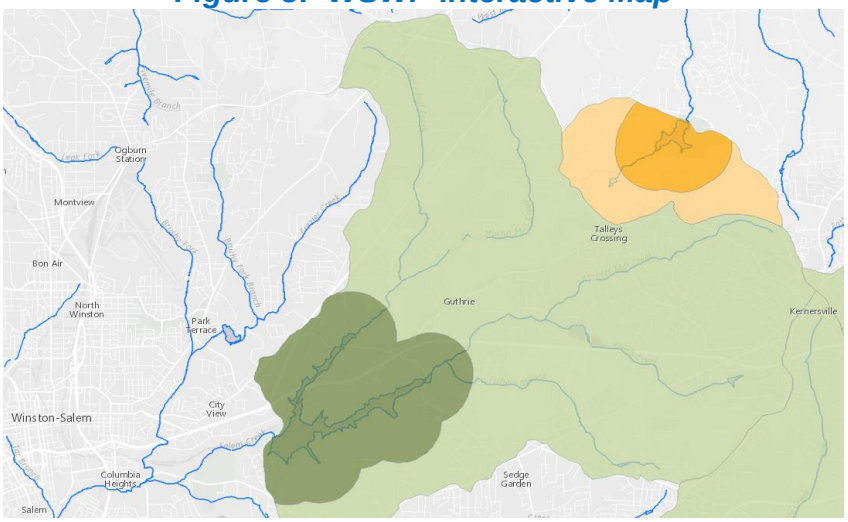


Figure 3: WSWP Interactive Map



Staff have developed a WSWP interactive map that allows visitors to our web site to input any address and determine if it is within a water supply watershed. If so, the water supply classification and the jurisdiction that is responsible for implementing the program is provided to the user. This allows individuals to better plan new development projects to protect drinking water quality. Figure 3 shows an image from the map viewer located east of Winston-Salem. Users can also navigate around the map.

Electronic reporting for the industrial stormwater program

The NPDES industrial stormwater program covers approximately:
- 3,100 certificates of coverage under general permits
- 150 individual permits
- 880 no exposure certifications

The NPDES industrial stormwater program administered by DEMLR is federally mandated. General permits are written for numerous broad categories of industrial activities[1]. Industries that do not fall under one of the general permit categories are required to seek an individual permit. An alternative to either the general or the individual permit is a "no exposure certification," which requires certifying that no industrial products or chemicals are or will be exposed to precipitation and that secondary containment is provided throughout the site. The applicant must answer a series of detailed questions to be considered for a no exposure certification.

This year, the Stormwater Program renewed the general permit for ready-mixed concrete facilities and the general permit for airports (these two general permits cover approximately 400

[1] DEMLR issues general permits for: mining, metal fabrication, apparel, printing, leather, rubber, food, stone, clay, glass, transit and transportation, paints and varnishes, used motor vehicles, treatment works, landfills, non-metal waste and scrap, ready-mixed concrete, airports, asphalt paving mixtures, blocks, textile mills, furniture manufacture, marinas, shipbuilding, scrap metal, timber products, chip mills and composting operations.

North Carolina industrial facilities). The general permit for composting facilities will be renewed later this year. During the next year, six general permits will be extended for a period of one year to allow time for the proper completion of the permit renewal process considering current staff shortages. This may delay the renewal of six other general permits due to expire in 2018, which includes the construction general permit.

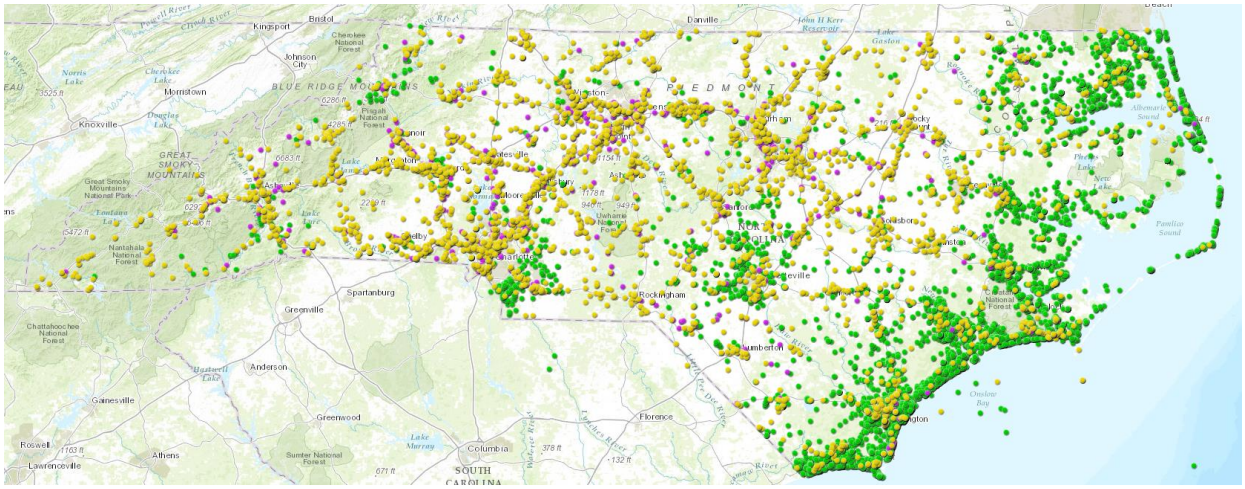
Figure 4: Asheville Ready Mix Concrete Facility

The Stormwater Program is excited about providing a platform for electronic reporting of stormwater outfall monitoring data for our industrial permittees soon. Electronic reporting will be more efficient for both the permittees and DEQ; it is also necessary for DEQ to comply with the federal Electronic Reporting Rule. This Rule requires that monitoring data for NPDES permits be reported electronically to EPA beginning in 2016. However, EPA agreed to work with DEMLR to allow us to submit such information via spreadsheets until an automated reporting system can be programmed and implemented. Some of the challenges in getting the new electronic reporting system up and running include:

1. Modifying the existing permit database to accommodate stormwater monitoring data,
2. Expanding NC's eDMR system to accept data from Stormwater Program permit-holders, and
3. Training industrial permittees on how to use the system.

Additionally, Stormwater Program staff have created an on-line Stormwater Active Permits Map tool where green dots denote individual and post-construction permits, yellow dots identify general permit certificates of coverage, and purple dots show non-exposure certifications. Web site visitors can click on any of these dots to learn the name and permit number for any active permit.

Figure 5: Stormwater Active Permits Map



The Stormwater Program has also designed an on-line collector application that allows permittees to submit outfall locations by simply filling out a form and locating an outfall on a map. By mid-2017, most of the Ready-Mix Concrete permit holders had successfully submitted outfalls, and staff continue to build electronic permit data infrastructure as it renews eight other groups of general permits so that data can eventually flow to EPA's ICIS system. This effort will involve thousands of permittees over the next year as DEMLR increases capability for the Stormwater Program to use NC's eDMR to meet federal requirements.

Over the past year, Stormwater staff also resumed progress on submitting Construction Stormwater permit data into EPA's ICIS system to comply with the same federal rule. Efforts involved cross-divisional cooperation, discussions with EPA, and a significant focus on necessary future changes to the NCG01 permit-tracking processes. It is important to note that EPA grant money allotted to DEQ for NPDES program administration is contingent upon continued progress on complying with Electronic Reporting Rule requirements.