



NetDMR e-reporting waiver

Temporary and permanent waiver request process

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DMR data submission requirement

Unless you have applied for and been given a long-term temporary or permanent waiver of the electronic reporting requirement, you are required to submit your DMRs electronically through NetDMR. When an electronic reporting waiver has been granted, you must interact with the Division on paper.

If your permit has a discharge monitoring and reporting requirement those reports are to be submitted on DMRs. Two of the requirements of these permits are that the permittee or their duly authorized representative is required to submit their DMR data by the due date, and do so electronically. Your DMR must be submitted within 28 days of the end of each monitoring period regardless of whether there was a discharge or not and regardless of whether you have the ability to submit the DMR electronically or not.

When a permit is issued by the Division, a set of DMR forms covering the term of the permit are sent as a PDF document through email to the person listed on the permit as the DMR Cognizant Official. That PDF document is sent after the effective date on the permit and as soon as the permit can be coded into the compliance database. Please compare those DMRs with your permit or certificate to confirm that your permit was correctly coded. Use those DMRs as a temporary reporting method until you are able to report electronically through NetDMR and once you become able to report electronically, retain those “paper” DMRs as an emergency data submission method.

Terms used in this document

DMRs are the discharge monitoring reports that must be submitted on a schedule that is defined by your Clean Water discharge permit. NetDMR is an EPA owned electronic DMR submission and records keeping service that is used by the State of Colorado for officially receiving electronic DMR submissions and retaining copies of those submissions as legal proof of DMR submission. The NetDMR service is a program service module that is accessible from within the EPA's Central Data Exchange (CDX) network.

In this document, the person who signs the electronic reporting waiver request is referred to as **The Requestor**; the regulation that makes electronic reporting a requirement for permit compliance is called the **e-Rule**; the Water Quality Control Division is **the Division**; DMRs submitted electronically through NetDMR as **eDMRs** and DMRs submitted on paper forms as **paper DMRs**. A set of paper DMRs is emailed to the person described on the permit as the DMR Cognizant Official (Duly Authorized Representative of the Permittee) as a PDF file shortly after the permit is issued.

Why were you issued a PDF file containing paper DMRs

For those who have an approved electronic reporting waiver your paper DMRs are your approved reporting method. All paper documents that are submitted to the Division must be signed in ink. If you have been granted a permanent or temporary waiver of the e-Rule please contact The Colorado Water Quality Division (The Division) for additional copies of your paper DMRs if you run out. Be sure to provide your email address if you have access to email or a mailing address to mail them to if you don't.

For those who have not been granted a waiver of the e-Rule please keep the PDF file containing paper DMRs for use as a temporary/emergency reporting method. It is essential that you maintain compliance with the data submission requirement of your permit. If you are temporarily unable to submit your DMRs electronically for some reason, use the paper DMRs that you retained for this purpose to meet the data reporting requirements of your permit while you work toward coming (back) into compliance with the e-rule. If the paper DMRs that you were issued as a PDF file are out of date when you need to use them, draw a line through any incorrect information shown on the form, replace it with corrected information before mailing the report(s). Please do not expect the Division to issue new paper DMRs to you for emergency reporting just because your paper DMRs have the wrong dates on them.

About electronic reporting rule waivers in Colorado

Reporting discharges electronically is now a permit compliance requirement. If you are unable to comply with this requirement, you must request a waiver request and that the request must be approved by the Colorado Water Quality Control Division before it is effective. Waiver requests must be signed in ink by the person who is legally responsible for the permit (the Permittee). Waiver requests must be submitted as a hard copy paper document or set of documents to the Division and the waiver request must explain why it is necessary and appropriate for you to be granted a waiver of the electronic reporting requirement. Your explanation must include evidence and/or a written defense that supports your claim for exemption.

The Requestor will be notified in writing within 45 days of the date that the Division receives their request about the decision to grant or deny their electronic reporting rule waiver request. If the Requestor is not notified within 45 days a short-term temporary waiver not to exceed 90 days is automatically effective until the request can be considered. The Division's decision to grant or deny a request will be based on all of the information provided by the Requestor during the time that the request is under consideration. It is the burden of the Requestor to provide sufficient cause for granting a waiver. Information received by the Division after a waiver has been denied will not

be considered. The received date on documents submitted to the division is the date that a document is loaded to the environmental records management system and given a document ID.

If a waiver has been denied due to insufficient evidence of need. A new waiver request may be submitted. The new request must include additional information that was not submitted with any previous requests and it must either include the information previously submitted or refer to that previously submitted information.

Because the Division manages information by permit rather than organization/company, waiver requests must be submitted individually for each permit/discharge certificate and the request must state both the permit/certificate ID and the facility name that the waiver is for. If the Requestor is responsible for multiple permits/discharge certificates, their request can be made to apply to more than one permit by listing each permit ID and facility in a cover letter that is sent as part of their request. If the current request depends on previously submitted information that is associated with a previously submitted and approved electronic reporting waiver for a different permit. It is the burden of the Requestor to connect their current waiver request to any previously submitted information by listing the permit or certificate IDs of those permits that have approved waivers.

Types of waivers

The Division will only grant **permanent waivers** to facilities and entities owned or operated by members of religious communities that choose not to use certain modern technologies that are required for compliance with the electronic reporting rule (e.g., computers, electricity).

The division will grant **temporary waivers** that are effective for 12 months from the date of approval.

To retain continuous coverage of an approved temporary waiver please submit a renewal application 1 month before your current waiver expires.

Approval of all temporary waiver requests including renewal requests will be based on a consideration of the evidence submitted along with the request that provides a basis or justification for approving the request. Renewal requests must specifically address changes or lack of changes in the conditions described in their previous temporary waiver request along with any new considerations that justify the continuation of the waiver.

The division grants **short-term temporary waivers** not to exceed 90 days on a case by case basis upon a showing of good cause or a good faith effort to come into compliance with the e-rule. The division automatically grants these short-term temporary waivers for the permits associated with those individuals who are actively engaged in efforts to learn how to use NetDMR. A short-term temporary waiver can be requested by email when current NetDMR users are unable to submit their reports electronically due to a temporary loss of the key personnel who were able to submit eDMRs. Send these short

term temporary waiver requests due to loss of key personnel by email to <mailto:CDPHE.WQNetDMRhelp@state.co.us>.

We consider the following as evidence of a good faith effort to come into compliance with the e-rule: registration for one of our Colorado NetDMR training webinars, attendance at that webinar, creation of a training account in test-NetDMR, requesting the role of DMR Signatory for a particular permit from within that training account, filling out, signing, and submitting one or more sets of eDMRs (the DMRs of one monitoring period) through that training account.

The division will grant **episodic waivers** not to exceed 60 days on a case by case basis to those who are currently reporting electronically but are unable to do so due to natural disasters (e.g., floods or wildfires), or system outages lasting longer than 96 hours that overlap their DMR due date. For episodic waivers, a signed formal request will not be required but the Division must be notified by email as soon as possible and the Requestor must work with Division personnel to develop a plan for coming back into compliance as soon as possible.

Information to be submitted as part of your waiver request

- Permit or certificate number/ID of your discharge permit or certificate
- Facility name
- Facility address
- Name, address, and other contact information of the person who is legally responsible for the permit and signing the waiver request.
- The category of waiver that is being requested (permanent, temporary, short-term temporary or episodic) along with the following information as appropriate to the category of waiver requested
 1. **Permanent Waiver-** A statement that the permitted facility is owned or operated by members of a religious community that choose not to use the modern technologies that are required for compliance with the electronic reporting requirement.
 2. **Temporary Waiver-** A cover letter explaining how the documents associated with your request make the case for approval. Your argument should focus on one or both of the following: how compliance with the electronic reporting requirement is not possible or how compliance with the regulation places an unjust burden on your company/organization.
 - If compliance is not possible or places an unjust burden on your organization, your claim must include a signed statement explaining how and why. Your claim needs to provide the following kinds of information. The following list of examples of situations that would merit consideration for a temporary waiver is not intended to be an exhaustive list of potential reasons that a waiver might be granted:

- ❖ An internet service provider that can provide internet access at a speed¹ sufficient for you to attend one of the Division's training webinars is not available in any of the locations that you normally do business. Please provide maps and other documents showing the locations where you normally do business.
 - ❖ High-speed internet is available but the cost of access is prohibitive. Provide statements from potential providers.
 - ❖ No one from your organization has the computer skills necessary to access the internet in order to attend the online training that is strongly recommended to new users as the best way to learn how to use NetDMR for reporting discharges.
 - ❖ Your organization/company does not currently own or have access to a computer and do not intend to own or have access to one in the foreseeable future.
3. **Short Term Temporary Waiver-** For those who are new to electronic reporting and do not currently have an active permit in NetDMR and those who are currently submitting their DMRs through NetDMR but are unable to do so because they have recently lost all of the personnel who have the skills and authority needed for signing and submitting DMRs in NetDMR.
- New users must submit a letter describing how they plan to come into compliance with the e-rule. The plan must include the date that you, your representative, or your employee has registered for one of our NetDMR training webinars, an estimate of which set of DMRs you plan to be able to submit electronically and information about who will sign and submit those DMRs. A DMR signatory can only be, either the Permittee (the official who is legally responsible for the permit) or the Permittee's duly authorized representative, the DMR Cognizant Official. Documentation of their authority must be on file with the Division before they request the role of DMR Signatory in NetDMR.
 - Existing users who are temporarily unable to use NetDMR because they have recently lost key personnel must submit a cover letter describing how they plan to come back into compliance with the e-rule. The letter must state who was lost and whether that person deleted their access to the organization's permit or permits before they left if known. The letter must also include permission for Division personnel to delete that employee's access if they did not do so themselves. That permission must state who should have their access deleted and include a list of permits to delete them from. The letter must include information about what is being done to find a replacement. A critical aspect of this is that once a replacement is on-boarded, information about the key personnel associated with the permit must be updated to indicate who has assumed responsibility

¹ [The minimum bandwidth requirements for Zoom, the online meeting tool used by The Division in its NetDMR webinars. Screen sharing only \(no video thumbnail\): 50-75kbps \(down\)](#)

for the permit, and who that Responsible Official (RO) person will authorize to sign permit compliance documents on their behalf, before the role of DMR Signatory can be requested in NetDMR.

4. **Episodic-** For those who are existing users of NetDMR (permit is currently active in NetDMR). Describe the situation that is causing a temporary interruption in your ability to comply with the e-rule. Include a description of the problem, when it began, an estimate of duration if possible and what you are doing to prevent future occurrences.

Mail waiver requests to

Attn: Electronic Reporting Waiver Request
Colorado Department of Public Health & Environment
Water Quality Control Division
WQCD-Permits-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530