

Early Input from States, Tribes and Associations for OECA's FY 2016/2017 National Program Managers Guidance

This document summarizes the process used by the Office of Enforcement and Compliance Assurance (OECA) and EPA regions to solicit early input for the Fiscal Year (FY) 2016/2017 National Program Managers Guidance and the early input received from states, tribes and associations.

OECA's Process for Soliciting Early Input

OECA and the EPA regional offices sought early input from states, tribes and associations for OECA's FY 2016/2017 National Program Mangers (NPM) Guidance.

OECA solicited early input, via electronic mail, from media specific trade associations and state and tribal associations, including the: Environmental Council of the States (ECOS), National Association of State Departments of Agriculture (NASDA), Association of American Pesticide Control Officials (AAPCO), National Tribal Caucus, Association of State and Territorial Solid Waste Management Officials (ASTSWMO), Association of State Drinking Water Administrators (ASDWA), Association of Clean Water Administrators (ACWA), National Association of Clean Air Agencies (NACAA), Association of Air Pollution Control Agencies (AAPCA), State FIFRA Issues, Research and Evaluation Group (SFIREG), National Tribal Toxics Council and National Tribal Operations Committee. OECA coordinated with EPA program offices who support media specific tribal partnership groups to solicit early input from tribal partnership groups. The invitations for early input included background information on current National Enforcement Initiatives and other priorities, an optional template for providing input, and three questions in which OECA was particularly interested: 1) What should be the focus of the FY 2017 – FY 2019 National Enforcement Initiatives (NEIs) and why?; 2) What other priorities/areas of focus, beyond the NEIs, should OECA identify in the FY 2016 – FY 2017 NPM Guidance and why?; and 3) Do states/tribes have any other comments on the existing FY 2015 NPM Guidance for OECA to consider when drafting revisions for FY 2016 – FY 2017?

In addition, the ten EPA regions sent consistent requests for early input, using standard language from OECA, to each to the states and tribes in their region.

Highlights of Early Input from States, Tribes and Associations

As of September 16, 2014, OECA received 13 sets of comments and early input for the FY 2016/2017 NPM Guidance (NPMG) from the following associations, departments and states:

- National Tribal Toxics Council;
- Association of State Drinking Water Administrators (ASDWA);
- National Steering Committee (NSC) for the Small Business Environmental Assistance Programs;
- State FIFRA Issues, Research and Evaluation Group (SFIREG);
- Four State Lead Agency (SLA) Regional representatives from SFIREG;
- District's Department of the Environment; and

- States of Washington, Indiana, South Dakota and North Carolina.

The early input submitted by states, tribes and associations focuses primarily on the following topics:

- Additional Funding for Tribes to implement OECA focus areas
- Strengthening State Performance and Oversight -- the impact of the Office of Water's NPDES strategic plan and OECA's revised CWA Compliance Monitoring Strategy on SRF reporting, timeliness of EPA's enforcement, and the timeframe for implementing the revised CAA High Priority Violators policy
- Support for continuing the Safe Drinking Water Act (SDWA) enforcement approach
- Need to define requirements and responsibilities under the Integrated Storm Water and Wastewater Planning Approach
- Provide more information and resources for Next Generation Compliance ("Next Gen") and Electronic Reporting
- Pesticides and FIFRA Areas of Focus – Priorities and areas of focus submitted for consideration varied considerably. Flexibility recommended so states/regions can identify local priorities and allocate resources accordingly
- Request for more information about TSCA regulated chemicals, exposure for Tribal members and EPA compliance monitoring. Concern expressed regarding excluded manufacturing processes and PCB products.
- Existing National Enforcement Initiatives: Comments supporting CAFOs and mineral processing and sharing state perspective on energy extraction and CAA initiatives.
- Suggested Priorities other than National Enforcement Initiatives: Assuring Safe Drinking Water; Protecting National Ambient Air Quality Standards; and Supporting Enforcement Actions by the States.
- Include state 507 Small Business Environmental Assistance Programs (SBEAP) as partners to increase compliance among small businesses as EPA develops next NEIs.

Early Input for OECA's FY 2017-2019 National Enforcement Initiatives

EPA's current National Enforcement Initiatives (NEIs) are implemented over a three year period, FY 2014 through FY 2016. EPA re-evaluates NEIs every three years to ensure federal enforcement focuses on the most important environmental problems where noncompliance is a significant contributing factor and federal enforcement can have a significant impact. The next

round of three year NEIs will cover FY 2017 – FY 2019. The early input received from states, tribes and associations on the next round of NEIs varied considerably and addressed a wide range of topics. Examples include: enforcing national effluent guidelines for industrial sectors, preventing animal waste from contaminating surface and ground waters, cutting toxic air pollution that affects communities' health using clean fuels, and returning state water programs to compliance.

Cross-Program Topics:

Two comments submitted to OECA were in the Office of Water's jurisdiction and focus on environmental justice issues in Native American communities and variations in state standards used for water quality. A different comment, also shared with OW, focuses on supporting state establishment and implementation of No Discharge Zones. Another comment shared with the Office of Chemical Safety and Pollution Prevention recommended consistency between media programs in regulating chemicals and cited a PCB example.

Next Steps:

OECA and the EPA regions will consider the early input prior to developing the FY 2016/2017 NPM Guidance and selecting NEIs for FY 2017- FY 2019. OECA's compilation of early input and detailed comments received from states, tribes and associations for the FY 2016/2017 NPM Guidance are available upon request.