

OCFO FY 2018-2019 NPM GUIDANCE RESPONSE TO EXTERNAL COMMENTS

Issue Area	Comment	Commenter(s)	NPM Response
General	<i>The Agency received multiple comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents.</i>	Association of Clean Water Administrators; Alaska Department of Environmental Conservation, Department of Water; National Association of Clean Air Agencies; Nez Perce Tribal Executive Committee; National Tribal Water Council; Region 10 Tribal Operations Committee, Tribal Caucus; United South and Eastern Tribes Sovereignty Protection Fund (USET SPF); Vermont Department of Environmental Conservation, Emily Boedecker, Commissioner; Environmental Council of the States (ECOS)	The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.
General	<i>The Agency received multiple comments regarding timing of early engagement with states and tribes, the overall timeline of the National Program Manager Guidance, and extensions for the National Program Manager Guidance public comment period.</i>	Arkansas Department of Environmental Quality, Office of Air Quality; Big Pine Paiute Tribe of the Owens Valley; Blue Lake Rancheria Tribe; Pyramid Lake Paiute Tribal Council; Redwood	The NPM Guidances follow the President's Budget and inform state and tribal grant work planning. The FY 2018 President's Budget was published late this year (May 23) and therefore the NPM Guidances process also was delayed; EPA, states and tribes already are well into FY 2018 grant planning. Any further delay in issuing the FY 2018-

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		Valley Little River Band of Pomo Indians	<p>2019 NPM Guidances would have adversely impacted the process.</p> <p>The Agency consistently has held four-week public review and comment periods for draft NPM Guidances, including FY 2016-2017 NPM Guidances. The 2016 early engagement process was not a public comment period for the final FY 2016-2017 NPM Guidances; rather, was part of the FY 2018-2019 NPM Guidance process. As articulated in our July 19, 2016 Technical Guidances (pages 3-4), the July - December 2016 engagement period was to provide early input into development of the FY 2018-2019 NPM Guidances by engaging “collaboratively with states and tribes to identify the most important areas of focus for protecting the environment and human health.”</p> <p>The agency also emphasizes that the FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>
General	<i>The Agency has received multiple comments expressing concern over programs that are proposed to be eliminated in the FY 2018 President’s Budget, and reflected in the NPM Guidances.</i>	Association of State and Territorial Solid Waste Management Officials (ASTSWMO); Big Pine Paiute Tribe of the Owens Valley; Blue Lake Rancheria Tribe; Tribal Air Monitoring Support Center Steering	The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President’s Budget. The EPA’s funding levels for FY 2018 will be determined through the annual federal appropriations process.

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		Committee & National Tribal Air Association’s Executive Committee; National Tribal Water Council (NTWC); Region 10 Tribal Operations Committee, Tribal Caucus	
General	<i>The Agency received multiple comments regarding inclusion of Tribal input in collaborative efforts of the NPM Guidance.</i>	Big Pine Paiute Tribe of the Owens Valley; Blue Lake Rancheria Tribe; Pyramid Lake Paiute Tribal Council; Region 10 Tribal Operations Committee, Tribal Caucus	<p>The 2016 early engagement process was part of the FY 2018-2019 NPM Guidance process. As articulated in our July 19, 2016 Technical Guidances (pages 3-4), the July - December 2016 engagement period was to provide early input into development of the FY 2018-2019 NPM Guidances by engaging “collaboratively with states and tribes to identify the most important areas of focus for protecting the environment and human health.”</p> <p>In addition, in response to tribal requests and others, the Agency extended the original four-week public comment period by one week, from July 28 to August 4, 2017. The Agency consistently has held four-week public review and comment periods for draft NPM Guidances.</p> <p>EPA is committed to a strong partnership with the tribes and values highly their contribution to protecting our nation’s environment and public health. We will continue to work with tribes through EPA’s Office of International and Tribal Affairs to explore additional approaches to collaborate effectively with tribes on future NPM Guidances.</p>

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General	<p><i>The ECOS Measures Project will create a small, manageable set of robust common measures that can serve as indicators of environmental quality and public health as well as economic impacts associated with protecting public health and the environment. ECOS hopes that EPA will encourage their regional staff through the NPM Guidances to cooperate with states to align with and build on this effort, and to undertake further measures innovations. ECOS appreciates the support from OCFO as well as OW, OAR, OLEM, and OECA in these discussions as well as assistance in identifying access to state reported data.</i></p>	Environmental Council of the States (ECOS)	<p>The EPA recognizes the value of ECOS' efforts in partnering with the Agency to develop and report upon a suite of robust common environmental measures. As stated in the first Key Activity of the FY 2018-2019 National Environmental Performance Partnership System (NEPPS) NPM Guidance, the Agency intends to discuss with states how to implement actions through NEPPS that align with the ECOS State Measures Project and other state documented environmental measures and trends. EPA is committed to fostering further discussions with states and ECOS to identify additional opportunities that build upon the ECOS Measures Project.</p>
General	<p><i>Through E-Enterprise for the Environment, ECOS' Innovation & Productivity Committee, and other contexts, ECOS has supported the ability of states to improve their efficiency and effectiveness in implementing environmental programs through streamlining and modernization activities. ECOS hopes that EPA program offices include guidance language wherever possible that encourages close, proactive communication between regional and state staff to identify and pursue opportunities for these activities</i></p>	Environmental Council of the States (ECOS)	<p>EPA is actively engaged in the E-Enterprise partnership and agrees that working cooperatively with States and Tribes encourages efficiency improvements through streamlining and other modernization practices. The E-Enterprise section in the NPM Guidance Overview for FY 2018-2019 supports this collaborative and proactive working model between EPA and States and Tribes.</p>

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General	<p><i>The principles outlined in ECOS' Cooperative Federalism 2.0 paper emphasized that states should have flexibility to determine the best way for their programs to achieve national minimum standards. ECOS believes that it will be beneficial to the cooperative federalism relationship for the NPM Guidance documents to include language wherever possible that encourages regional staff and states to collaboratively pursue this flexibility. States also need meaningful input on establishing and revising national minimum standards. Some effective avenues for flexibility include Performance Partnership Agreements/Grants (PPAs/PPGs), E-Enterprise Tradeoffs, Alternative Compliance Monitoring Tradeoffs (ACMS), and innovative financing models. To examine more areas for potential flexibility, please see ECOS' Field Guide to Flexibility and Results report.</i></p>	<p>Environmental Council of the States (ECOS)</p>	<p>The Agency agrees with the principles outlined in ECOS' Cooperative Federalism 2.0 paper that emphasize the need for states to utilize the flexibilities available to determine the best means for their programs to achieve national minimum standards. The FY 2018-2019 NEPPS Guidance emphasizes that it is important for Regions to encourage states and tribes to review documents such as the "Best Practices Guide for Performance Partnership Grants with States," the "Best Practices Guide for Performance Partnership Grants with Tribes," and the ECOS' "Field Guide to Flexibility and Results" to best recognize the flexibilities provided by NEPPS.</p>
Regulations	<p><i>Inasmuch as the intent to eliminate environmental protections from the easing of proper regulations without a performance review to determine the impact of regulatory application activities is unwise. A performance review can improve the functionality in both directions for the betterment of those that prefer lax regulations to those that prefer stringent regulations.</i></p>	<p>Pyramid Lake Paiute Tribal Council</p>	<p>We are working to ensuring that we are creating a more effective Agency that protects human health and the environment, while also being respectful of the American taxpayer.</p>

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US EPA's Overview to the FY2018-2019 NPM Guidance – Section IV – E-Enterprise	<i>Support shared governance, simplifying, streamlining, and modernizing environmental program implementation. Suggest that HQ provide clear guidance to obtain approval of “temporary tradeoffs in traditional workplan activities”</i>	Wyoming Department of Environmental Quality	The Agency agrees with this comment and indicates this effort is a high priority in the FY 2018-2019 NEPPS NPM Guidance, which encourages temporary tradeoffs in traditional work plan activities. Doing so will help initiate and support streamlining and modernizing business process activities. The “Guidance on E-Enterprise Workload Tradeoffs Using Performance Partnership Grants” section in the FY 2018-2019 NEPPS NPM Guidance also provides information on how to undertake temporary tradeoffs.