



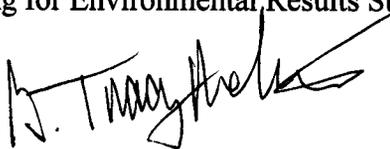
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 9 2003

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Implementing the Permitting for Environmental Results Strategy

FROM: G. Tracy Mehan, III
Assistant Administrator 

TO: Water Division Directors, Regions I - X

On August 15, 2003, I provided you a copy of the "Permitting for Environmental Results (PER) Strategy." The strategy was developed to improve the performance of the National Pollutant Discharge Elimination System (NPDES) program and describes goals, expected outcomes, and tools to help Regions and States in three key areas:

- (1) Program Results;
- (2) Program Efficiency; and
- (3) Program Integrity.

I am writing to you today to initiate one of the key elements of the PER strategy – NPDES Program Integrity – and to share the attached NPDES program integrity assessment tools with you.

Over the last six months we have been working with the Office of Enforcement and Compliance Assurance (OECA), the EPA Regional offices, the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), and many individual states to develop a management system that will enable EPA and states to assess the integrity of the NPDES program; to showcase program strengths; and to identify and address program shortfalls in a timely manner.

The NPDES Program Integrity Management System relies on several tools for the collection, reporting, and tracking of key NPDES programmatic data to assess and improve program integrity. These tools will help us focus our limited resources on achieving integrity and results as efficiently as possible. We have discussed the NPDES Program Integrity tools in numerous conference calls with you and your staff during the past year, at several National Water Division Directors' meetings, and at ASIWPCA's annual meeting in August. In addition, Mike Shapiro, Deputy Assistant Administrator for Water briefed the Environmental Council of States

on the three themes in the PER Strategy. As a result of our outreach efforts, we have received numerous suggestions on how to improve the NPDES Program Integrity tools, and have revised them, accordingly. A brief description of the NPDES Program Integrity tools and a schedule for their implementation are provided in Attachment 1.

Implementation of the NPDES Program Integrity Management System includes a number of steps over the next six months:

- Development of NPDES program assessments for each state by January 9, 2004;
- Development of EPA Regional oversight assessments by February 15, 2004;
- Development of NPDES program profiles by March 31, 2004; and
- Issuance of initial management reports in April (with subsequent updates issued every 6 months)

I appreciate your assistance in developing the NPDES Program Integrity Management System, and plan to work closely with you and your state partners as you develop the NPDES program integrity assessments and profiles. These preliminary reviews will involve the use of the NPDES Legal Authority Review Checklist that was provided to you and the Regional Branch Chiefs by Jim Hanlon in December 2002. We anticipate that the legal authority reviews will be completed in time to incorporate key findings in the state profiles. To support this effort, we are providing funding for a contractor to conduct or support the States in conducting legal authority reviews of each of the State's NPDES program. In addition, ASIWPCA will be compiling the exemplary or innovative state approaches to enhance efficiency and will disseminate this information in conference calls or via other means of technology transfer.

As a result of our combined efforts, we will have a better understanding of state permitting efficiencies and innovative NPDES program implementation methods as well as vulnerabilities and areas for additional follow-up. We will also be in a better position to identify and address any shortfalls more quickly, thus restoring public confidence in the integrity of the NPDES program.

If you have questions about the NPDES Program Integrity Management System, please contact Linda Boornazian, Director, Water Permits Division, Office of Water at 202/564-0221. For questions regarding NPDES compliance, please contact Mike Alushin, Director, Compliance Assessment and Media Programs Division, OECA, at 202/564-7137. For questions regarding NPDES enforcement, please contact Kate Anderson, Deputy Director, Water Enforcement Division, OECA, at 202/564-4016. If you have any questions about ASIWPCA's activities you

can contact Robbi Savage at 202/898-0917. A list of additional contacts is provided in Attachment 2. I realize this is an ambitious schedule, but I consider this to be critical to maintain the progress we have made in the NPDES program over the last thirty years.

Attachments

cc: J.P. Suarez, OECA
Susan Lepow, OGC
Regional NPDES Branch Chiefs
Regional Enforcement Branch Chiefs
Robbi Savage, ASIWPCA

Attachment 1

Implementation Schedule for NPDES Program Integrity Management System

Assessment Guides:

Description: There are two assessment guides, both of which can be adapted to fit State/Region specific needs. [Attachment 3]

The NPDES Program Integrity Guide for NPDES Authorities addresses program administration, program progress, NPDES program innovations, compliance monitoring, compliance assistance, enforcement actions, and environmental outcomes. This assessment guide was piloted by Oklahoma and Michigan last Summer.

The NPDES Program Integrity Guide for EPA Regions addresses EPA oversight of State NPDES programs. This assessment guide was piloted in EPA Region 3 last Spring.

Schedule: Please work closely with your states to ensure that the NPDES program assessments are completed by January 9, 2004. The Regional oversight assessments should be completed by February 15, 2004.

[Note: Please let Linda Boornazian know by October 21 if any of your states plan to conduct legal authority reviews as part of their NPDES program assessments. Otherwise, we intend to have a contractor conduct legal authority reviews for all states by February, 2004. In addition, please be aware that we may revise the Checklist to improve ease of use; thus if any of your states plan to conduct legal authority reviews, please be sure to request from HQs a copy of the current version of the Checklist.]

NPDES Management Report:

Description: This report provides an indication of NPDES program performance and is based primarily on data readily available from existing databases and reports. It provides a snapshot of state and EPA performance in four areas: (1) program administration; (2) program implementation; (3) compliance monitoring and enforcement; (4) environmental outcomes. [Attachment 4]

Schedule: A draft of the management report and definitions will be distributed to Regions to share with States on October 30, 2003 (for use by the States and Regions only). I would like you to complete a data quality review of the information for your Region and States to verify (and correct if necessary) the data contained in the report by January 15, 2004. We plan to make the management report available to the public in April, 2004.

NPDES Program Integrity Profiles:

Description: The NPDES Program Integrity Profiles summarize how well States are managing their respective NPDES programs and provide insight into state-specific programs. The profiles are based primarily on data from the NPDES Management Report and the NPDES program self-assessments. The purpose of the profiles is to capture the “stories behind the numbers,” identify any “lessons learned,” and relate “success stories” that may not be reflected in traditional data sources. The profiles also discuss whether or not the state has adequate legal authority to carry out its NPDES program responsibilities and, where program deficiencies are observed, the process that is in place to address the deficiencies. [Attachment 5]

Schedule: The NPDES Program Integrity Profiles should be completed by March 31, 2004.

Attachment 2

Staff Contacts for NPDES Program Integrity Management System

- Legal authority reviews Tom Laverty 202/564-7974
- NPDES program integrity tools Virginia Garelick 202/564-2316
- WPD Regional Liaisons - EPA HQ Contacts

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|-----------|-------------------|--------------|
| Region 1 | Tim Dwyer | 202/564-0717 |
| Region 2 | Virginia Kibler | 202/564-0596 |
| Region 3 | Tim Dwyer | 202/564-0717 |
| Region 4 | Juhi Driscoll | 202/564-0213 |
| Region 5 | Jack Faulk | 202/564-0768 |
| Region 6 | Greg Schaner | 202/564-0721 |
| Region 7 | Virginia Kibler | 202/564-0596 |
| Region 8 | Ruby Cooper | 202/564-0757 |
| Region 9 | Virginia Garelick | 202/564-2316 |
| Region 10 | Joel Salter | 202/564-0642 |

- OECA - EPA HQ Contacts

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|------------------------|--------------|
| Peter Bahor, OC | 202/564-7029 |
| Virginia Lathrop, OC | 202/564-7057 |
| Susan Johnson, ORE | 202/564-8329 |
| Kathryn Greenwald, ORE | 202/564-3252 |