

**Comments and Response to Comments Summary on FY 2010 Draft NPM Guidance
ECOS Comments to OCIR on NEPPS, 3-20-09**

Template

Comment from regions, state, tribe, or other stakeholder	Commenter	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance (changes/additions highlighted in yellow in Guidance)
Issue Area:				
Many ECOS members are committed to the continued use of PPGs . ECOS suggests that a brief report summarizing successes and obstacles in states' expanded use of PPGs through the "Maximizing PPG" initiative be developed with the ECOS-EPA Partnership and Performance Workgroup (P&P) and shared with all states.	ECOS	IV. Implementation Strategies, pg. 5	While developing such report may be a valuable project, OCIR does not believe that this document is the appropriate venue for it. A better vehicle may be the Program Implementation Summary (formerly the Status and Trends Report) which contains a substantial amount of PPA/PPG analysis.	None
ECOS members have appreciated and seen results from EPA's efforts in reducing burden reduction . ECOS suggests adding text relating to OCIR's role in reducing state reporting burden initiative, specifically 1) to continue to offer help to OPEI as it oversees this effort, 2) to facilitate communication with state partners, the P&P Workgroup and within EPA, 3) to ensure adopted changes are implemented broadly, and 4) to help elevate issues if necessary to maximize the aims of the burden reduction initiative.	ECOS	IV. Implementation Strategies, pg. 5, State Reporting Burden Reduction Initiative, pg. 17	OCIR agrees. Within the limits of its role and capacity as co-chair of the P&P Workgroup, OCIR will work with all the stakeholders—regions, states and EPA headquarters—to facilitate communication and address relevant issues to ensure the continued success of this initiative.	Language clarifying OCIR's role added (see pp. 17-18).
In the "JOINT COMMITMENT TO REFORM OVERSIGHT AND CREATE A NATIONAL ENVIRONMENTAL PERFORMANCE PARTNERSHIP SYSTEM" agreed to on May 17, 1995, it	ECOS	IV. Implementation Strategies, pg. 5	We agree that a meeting between EPA and the states to assess NEPPS progress and identify necessary adjustments and actions would be timely and appropriate in FY 2010, especially since we haven't conducted such an exercise in many years.	None

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<p>called upon the NEPPS system to be reviewed to ensure continuous improvement. This included judging the approach by "how readily it enables USEPA and the states to direct their energies to improved environmental outcomes instead of inter-agency negotiations." ECOS recommends that in FY10, EPA and states meet to assess progress and identify adjustments and additional actions that need to be taken as called for in the joint agreement and that this action be reflected in the guidance. ECOS specifically recommends that EPA address EPA regional offices' differences in their views and practices relating to PPAs and PPGs.</p>			<p>We do not believe that this guidance is the proper vehicle for addressing regional differences in PPA/PPG practices. OCIR uses this guidance to communicate program priorities to our regional counterparts, a key goal of which is to promote the use of PPAs/PPGs. We recognize that there are differences in regional views and practices relating to PPAs/PPGs. OCIR, through this guidance, encourages the regions to work with their states to use PPAs/PPGs in the most effective way possible. Finally, we will explore other avenues for advancing regional-state involvement in NEPPS.</p>	
<p>Supporting the discussion regarding the many "building blocks" of performance partnerships being in place, we recommend OCIR work with the ECOS-EPA Partnership and Performance Workgroup (P&P) to update its "Uses of Flexibility in PPGs 1997-2006" list in FY10 and provide the list to states, regions, and National Program Managers as well as post to the NEPPS website.</p>	ECOS	IV. Implementation Strategies, pg. 5	OCIR agrees and will work with the P&P Workgroup to update this list.	None necessary
<p>The 1995 Joint Agreement indicated that the proposed NEPPS system is designed</p>	ECOS	IV. Implementation Strategies, pg. 5	As part of the Maximizing PPGs Initiative, OCIR encourages all regions to work with	OCIR highlighted this goal which is an

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<p>to strengthen protection of public health and the environment by directing scarce public resources toward improving environmental results and allowing states greater flexibility to achieve those results. Critical budget issues nationally and locally make maximizing available flexibility to enhance environmental protection incumbent to both EPA and states. As such, we recommend OCIR set a goal to increase adoption of existing and new flexibilities in PPGs and PPAs negotiated for implementation in FY10, including addressing EPA regional offices' differences in their views and practices relating to PPAs and PPGs.</p>			<p>interested states to take greater advantage of the flexibility and other features of PPGs and PPAs. Language to that effect is already included in the guidance (see p. 10 where the goal and vision for performance partnerships is explicitly stated; see also new language—highlighted in yellow—on pp. 3-4 and p.10). We do not believe that this document is the proper vehicle for addressing regional differences in PPA/PPG practices. EPA's strives for national consistency and a level playing field in its relationship with the states (e.g., with respect to enforcement and compliance assurance) with the ultimate objective of strengthening and improving the state-EPA partnership. OCIR uses this guidance to communicate program priorities to our regional counterparts, a key goal of which is to promote the use of PPAs/PPGs. We recognize that there are differences in regional views and practices relating to PPAs/PPGs. OCIR, through this guidance encourages the regions to work with their states to use PPAs/PPGs in the most effective way possible. Finally, we will explore other avenues for advancing regional-state involvement in NEPPS.</p>	<p>integral part of the guidance on pp. 3-4 and p. 10. OCIR will work with the regions and our state partners through ECOS and the P&P Workgroup to identify and adopt existing and new PPA/PPG flexibilities in order to address state program implementation challenges caused by the economic downturn.</p>
<p>ECOS suggests that OCIR work with the ECOS-EPA Partnership and Performance</p>	<p>ECOS</p>	<p>State Grant Performance Measures and State</p>	<p>The Office of Grants and Debarment (OGD) and the Office of the Chief Financial Officer (OCFO) will be working</p>	<p>OCIR included a summary of the findings from</p>

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<p>Workgroup (P&P) to update this section to reflect the results of the FY07 State Grant Template Performance Measure Workgroup Lessons Learned Report. Specifically, the findings from the report "that the SGTm approach is inadequate to fulfill the objectives of accurately characterizing, delineating, and communicating results under state grants relative to EPA's mission. Further, that the workgroup recommends that alternative approaches be explored to fulfill these important objectives."</p>		<p>Grant Work Plans, Pg. 17</p>	<p>with the states through the P&P Workgroup to develop alternatives to the template for OMB's consideration.</p>	<p>Performance Measures Workgroup Lessons Learned Report on p. 18.</p>
<p>ECOS suggests that OCIR update the section on the FY09 standardized state grant workplan pilot to indicate OCIR's role 1) to facilitate communication among EPA headquarter, EPA regions, and states and 2) to help elevate issues as needed.</p>	<p>ECOS</p>	<p>State Grant Performance Measures and State Grant Work Plans, Pg. 17</p>	<p>OCIR agrees. Within the limits of its role and capacity as co-chair of the P&P Workgroup, OCIR will work with all the stakeholders—regions, states and EPA headquarters—to facilitate communication and address relevant issues to ensure the continued success of this initiative.</p>	<p>Language clarifying OCIR's role added on p. 19.</p>
<p>Under both Objectives 1 and 2, suggest adding language for OCIR to specifically seek to facilitate and increase workload sharing between and among states and EPA in order to maximize use of our shared resources among the partners. Recommend that OCIR add a goal to codify workload sharing in PPAs/PPGs including explicit commitments of EPA to the greatest extent possible and a goal to seek to increase its adoption. Workload sharing is an existing</p>	<p>ECOS</p>	<p>Objectives 1 and 2, pgs. 10 and 18</p>	<p>OCIR agrees.</p>	<p>Language added to Objective 1 and "Strategies" (p. 10) encouraging the regions, states and NPMs to support worksharing and resource flexibility in order to accomplish programmatic commitments and</p>

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benefit through NEPPS and one that can benefit states and EPA in tight budget times.				objectives.
Suggest adding under Objective 3 under "Policy Challenges" a goal for OCIR to meet with each of the five major NPM offices (OAR, OW, OPPTS, OECA, and OSWER) in FY10 to discuss opportunities to increase adoption of flexibilities in PPAs/PPGs and seek to discuss and resolve concerns over funding flexibility.	ECOS	Objective 3, Policy Challenges, pg. 23	OCIR provided comments on other NPM guidance urging the inclusion of specific language which strongly supports and encourages the regions to work closely with their states to identify opportunities for enhanced work sharing, resource flexibility, and phased implementation of program requirements.	OCIR, as an advocate for strong and effective state partnership, and in its role as NPM for NEPPS, has ongoing discussions with the other program NPMs with respect to PPA/PPG flexibility. OCIR intends to continue this dialogue in FY 2010.
Add under Objective 3 under leadership mechanisms the Partnership Council of the Office of Water and the States (PCOWS). Text should reflect OCIR's role 1) to facilitate EPA-State communication and provide support, 2) facilitate the process with ECOS, and 3) to work with participants and observers to ensure progress.	ECOS	Objective 3, "Leadership Mechanisms for Performance Partnership," pg. 23.	OCIR will continue to facilitate EPA-state communication and process with ECOS regarding PCOWS. However, according to PCOWS' charter, OCIR's role is one of "observer." Since we are not part of the "membership" of this group, it would be beyond OCIR's scope to assume the expanded role envisioned for it by this comment.	Language describing PCOWS added to p. 25.
In support of the Objective 3 strategy "raise and resolve broad policy and implementation issues related to performance partnerships...", suggest adding the establishment of a PPA/PPG Ombudsperson role in each region. This person may be the regional NEPPS Coordinator or other regional staff and	ECOS	Objective 3, first strategy, pg. 21	While we recognize the potential value of a regional PPA/PPG Ombudsperson, this request is beyond the scope of this document. NEPPS guidance communicates OCIR's priorities for regional activities to our regional counterparts a key goal of which is to promote the use of PPAs/PPGs. It is	None but see Appendix B of the guidance which enumerates typical regional NEPPS coordinator functions and responsibilities (pp. 27-28).

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<p>would be a proactive advocate for benefits of PPGs/PPAs as envisioned in NEPPS. Recommend updating the OCIR NEPPS guidance to incorporate specific roles for the ombudsperson including:</p> <ul style="list-style-type: none"> • Proactively perform regular (once or twice per year) “check-ins” with each state. • Serve as champions of EPA-State Work-Sharing. • Encourage States to establish PPAs/PPGs and facilitate state-to-state mentoring. • Encourage/facilitate Joint State-Federal strategic planning. • Identify shared priorities and areas where EPA can help the states (e.g. via training, capacity-building, etc.). • Track timeliness of State grant awards. • Serve as NPM Guidance/Program Guidance Reviewers. • Serve as primary communicators with States and regions on planning issues including State Grant Performance Measure Templates, Standardized State Grant Workplans, and federal stimulus reporting/tracking requirements. • Trouble-Shoot and facilitate federal stimulus grant management, 			<p>neither the appropriate mechanism for establishing such a position nor defining its attendant roles and responsibilities. OCIR cannot use this document to direct the regions to create such a position, but we will discuss to what extent this ombudsperson role is being performed by the NEPPS coordinators.</p>	

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reporting, and workload issues.				
ECOS suggests that EPA annually publish, for state and regions to see, each region's performance meeting EPA's new national metric for timeliness of state grant awards .	ECOS	Objective 2, "Timeliness of State Grants", pg. 21.	OGD and the P&P Workgroup manage the timeliness of state grant awards initiative. NEPPS guidance is not the proper vehicle for the issuance of such a report. OCIR will convey this suggestion to OGD for its consideration.	None
Overall, recommend that the NEPPS NPM guidance document may be more effective if the document structure were streamlined, if key points were more prominent, and if key action points were called out. The length of the Executive Summary should be adequate.	ECOS	Entire document	OCIR agrees and intends to streamline and revamp this guidance for FY 2011 by focusing on specific regional goals and actions with the ultimate objective of advancing and improving performance partnerships.	None