

STATE REPORTING BURDEN REDUCTION INITIATIVE

Progress Report, August 2007

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State Burden Reduction Initiative Summary Statistics

Figure 1. State Recommendations by Region

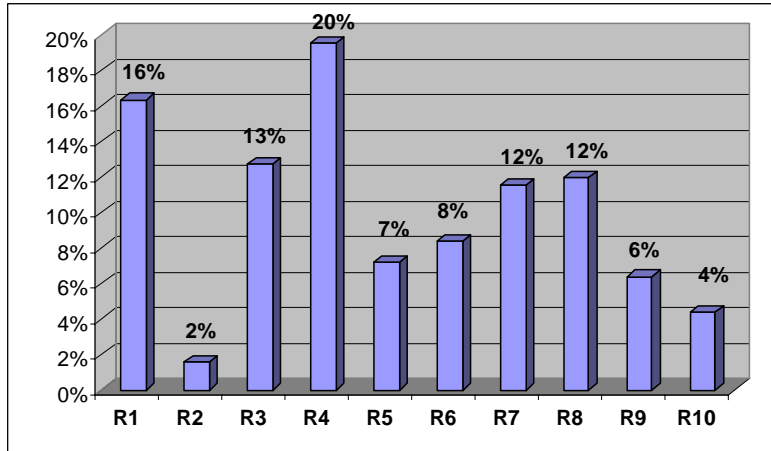


Figure 2. State Recommendations by Type

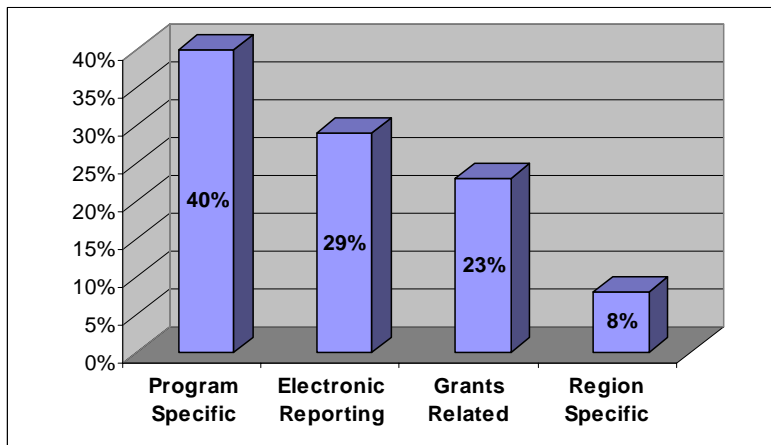


Figure 3. State Recommendations by Program

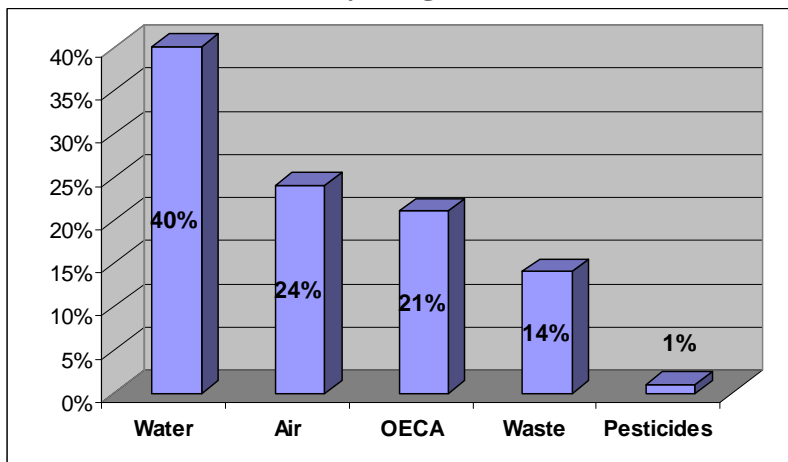


Figure 4: Implementation Status

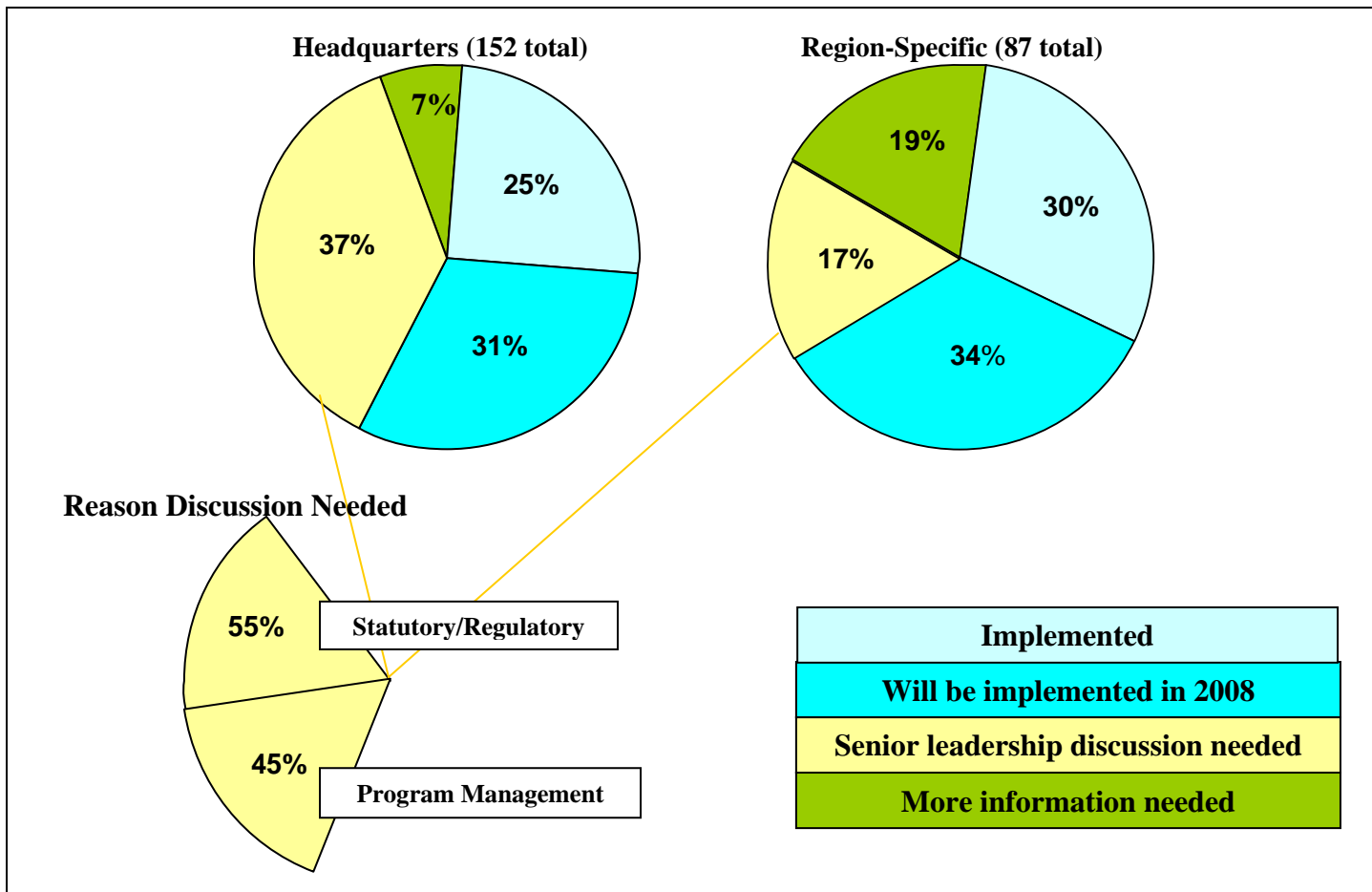


Figure 5. Implementation Status by Program

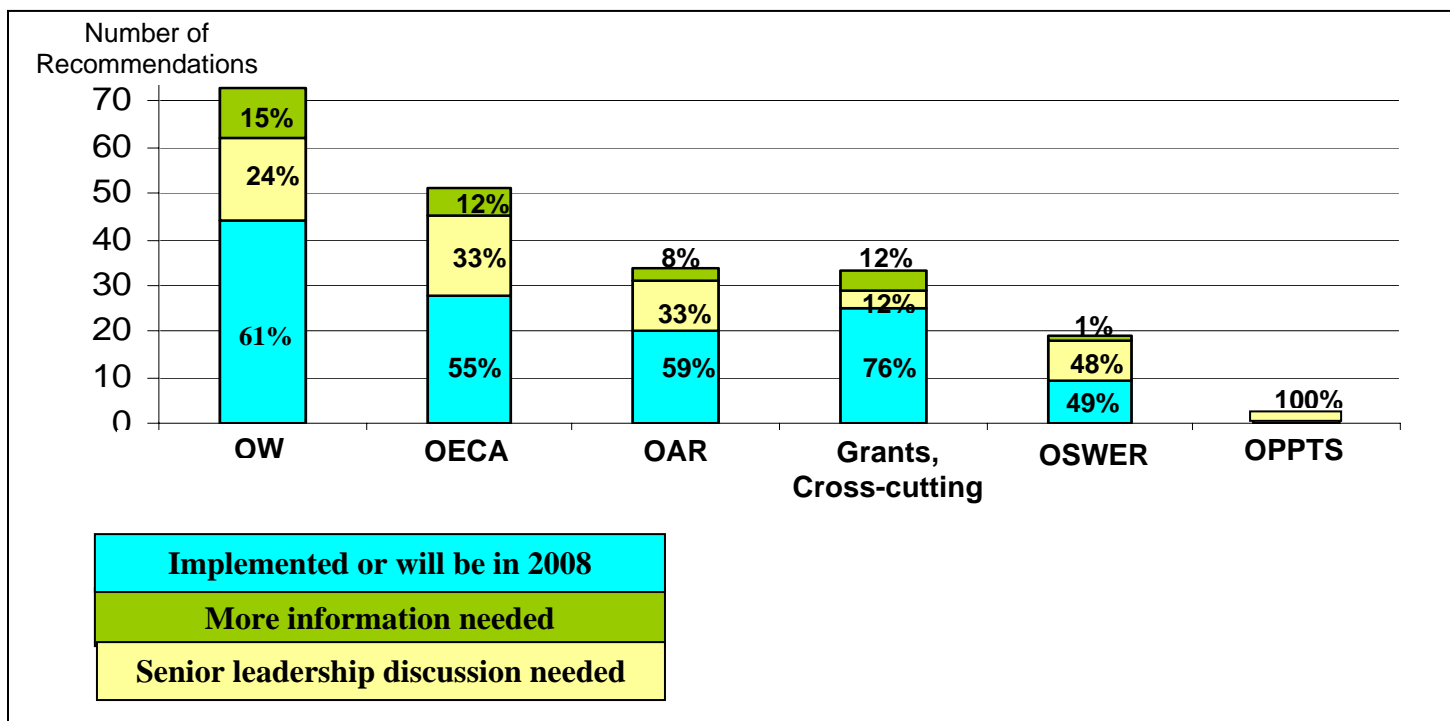


Table 1. ECOS-Identified Priorities*

Priority (# of States)	Implementation Status
Streamline regional CAA sec.105 grant reporting.	Completed.
Eliminate redundant reporting (PSD/NSR, CAA 112(g)).	Completed.
Implement region-specific recommendations	Almost two-thirds have been/will be implemented in FY08; Remainder requires decisions or schedules from the regions, and/or senior leadership discussions.
Reduce frequency of CWA 305(b) and 303(d) integrated reports (22).	Senior leadership discussion necessary as reports are statutorily mandated. Concurrently, ASIWPCA-EPA workgroup is identifying options to reduce the reporting workload (within and potentially outside of) the current regulatory framework for both states and EPA. Final recommendations are expected in December 2007.
Non-point source report: (a) Duplicative (1); (b) Expensive, time-consuming (1); (c) Change frequency (1).	(a) Senior leadership discussion necessary as report is statutorily mandated (CWA). (b) Completed: report has been streamlined and glossy version not required. (c) Decision/implementation schedule not provided.
Eliminate: annual non-compliance (ANCR) and public water system supervision (PWSS) compliance reports.	Senior leadership discussion needed for both reports.

*Specific priority issues identified by ECOS and conveyed to EPA.

Table 2. States' Priorities* (By Frequency of Recommendation)

Priority (# of States)	Implementation Status [# of Recommendations]
ICIS/PCS (13): new ICIS requirements pose significant challenges.	Completed [4]; Will be completed in FY08 [2]; Decision/implementation schedule not provided [1]; Require senior leadership discussion [7].
Miscellaneous reports (OECA) (8): eliminate various required by regions or regulation;	Completed [1]; Will be completed in FY08 [2]; Decision/implementation schedule not provided [1]; Require senior leadership discussion [5].
Database reporting (OECA) (7): improve data handling for RCRA and ECHO, data reporting for PCS and ECHO burdensome.	Completed [3]; Will be completed in FY08 [7]; Decision/implementation schedule not provided [0]; Require senior leadership discussion [0].
Reporting for PPA/PPG and categorical grants (7): should be annual; eliminate reporting to grant personnel.	Will be completed in FY08 [6]; Decision/implementation schedule not provided [2]; Require senior leadership discussion [0].
Sec. 319 grant reporting (6): eliminate; duplicative; change reporting frequency.	Will be completed in FY08 [1]; Decision/implementation schedule not provided [2]. Require senior leadership discussion [3].
MBE/WBE (7): Eliminate; report annually not quarterly.	Will be completed in FY08 [5].
UIC reports (7): change reporting frequency; eliminate.	Will be completed in FY08 [11].
National Emissions Inventory reporting (6): revise, loosen coding requirements.	Completed [1]; Will be completed in FY08 [5].
Inspection & Maintenance Program reporting under CAA and regulations (5): change reporting frequency; eliminate.	Completed [1]; Requires senior leadership discussion [5].
SDWIS (6): modify, correct, and consolidate.	Completed [4]; Will be completed in FY08 [3]; Decision/implementation schedule not provided [4]; Require senior leadership discussion [5].
Quarterly grant reports (6): eliminate, simplify, change reporting frequency	Will be completed in FY08 [3]; Decision/implementation schedule not provided [1]; Require senior leadership discussion [2].

*Implied by the number of states (5 or more) making the recommendations.

GRANTS, PLANNING AND OTHER CROSS-CUTTING

IMPLEMENTED RECOMMENDATIONS

Requirement: Quality Management Plan (QMP)

States (IN, HI): Review every 5 years instead of every 2.

EPA: EPA has the flexibility to allow this review time frame. The current requirement in EPA's R-2 Quality Requirements document allows for up to 5 years unless the national program managers or regions find significant performance problems that warrant more frequent reviews.

Requirement: Grants records retention

State (MD): Standardize 3-year period (some states have 5-year periods).

EPA: General rule: a 10-year retention period for Superfund and 3 years for all other programs. Region 3 has communicated with MD and this is no longer an issue.

Region 3: R3 will include an information brochure in every FY08 state award package clarifying grants requirements for record retention. In addition, Region 3's GMO will e-mail state grant contacts with the official records retention policy.

Requirement: TSCA grant applications

State (KY): Consolidate TSCA grant (\$39,000) with other larger grants; could also apply to resource conservation challenge.

EPA: TSCA section 404 (g) grants provided to states on a formula basis or otherwise exempt from the Agency's competition policy can be included in PPGs and also consolidated with other program grants under 40 CFR 35.109.

Requirement: Improve system for reviewing state comments on NPM guidance, regional work commitments and measures

State (MA, CT): Identify what is new from previous year; respond to state comments; transparency for all documents. **Implemented in FY07.**

RECOMMENDATIONS THAT WILL BE IMPLEMENTED

Requirement: Minority Business Enterprise/Women Business Enterprise (MBE/WBE) Reporting

States: (a) Eliminate (SC, HI); (b) report annually not quarterly (MA, NH); (c) change deadline from quarterly to annually (IN); (d) change reporting from quarterly to annual for SRF and superfund grants (NE); (e) annual reporting should be sufficient (VA).

EPA: New rule, effective FY 2008, reduces reporting from quarterly to semi-annually. HQ is implementing training and outreach with involvement of the states on requirements of new rule. Region 3 will include an information brochure in every FY08 state award package clarifying grants requirements for MBE/WBE. **Implementation in FY08.**

Requirement: Quarterly grant reports

States: (a) Eliminate for such smaller grants as (UIC, pesticides, PCBs, Pb, asbestos) (MA). (b) 104(b)(3) wetland grants: simplify these reports into one annual report (OK). (c) EPA water grants (including sec. 106, 319, 104(b)(3), 104(g), wetlands, etc.): reduce reporting to annual or less often and eliminate reporting, with the exception of a final report, on grants of \$100k or less (WI).

EPA: Frequency of progress reports is a program office decision. Regulation (40 CFR 31.40) states that progress reports should be not more than quarterly and not less than annually. OGD will provide to NPMs, for their consideration, states' recommendation that progress reports be required not more frequently than semi-annually, unless there is a documented need for more frequent reporting. **Implementation in FY08.**

Requirement: Reporting for PPA/PPG and categorical grants

States: (a) Reporting for all grants should be annual; grants for less than \$100k should only be reported when grant completed (MI). (b) Delete quarterly report for CWA 105 and accept annual report (AL).

EPA: Frequency of progress reports is a programmatic decision. The Office of Grants and Debarment (OGD) will provide to NPMs, for their consideration, states' recommendation that progress reports be required not more frequently than semi-annually, unless there is a documented need for more frequent reporting.

Implementation in FY08.

State (UT): (1) PPA end-of-year annual report should only document results for PPA workplans; (2) Manage Small Business Compliance Assistance Program in same manner as large quantity hazardous waste generator: state is requesting more flexibility to manage program.

Region 8: UT's recommendations will be addressed in the context of a multi-year PPA. UT is interested in transitioning to a multi-year PPA which would cover the same time frame as the state's existing multi-year PPG. The request for flexibility to manage Small Business Compliance and use the PPA end-of-year as the only results document are part of ongoing discussions with the state to restructure the PPA. **Implementation in FY08.**

State (SD): Originally prepared multi-year PPAs: EPA requires annual updates, which are so extensive that many streamlining benefits have been lost.

Region 8: The magnitude of the new or additional items requested by EPA in the annual updates comes from both the NPM and R8 programs. R8 has pledged to SD that it will take steps to control unnecessary requests each year from the various R8 programs. NPMs will be receiving recommendations from R8 to minimize annual updates.

State (VA): Eliminate progress reports for individual grants included in the PPA/PPG and shift from quarterly to annual reporting.

Region 3: Starting with the FY2008 grant award, Region 3 will require a semi-annual "exceptions-only" report and an annual progress report for the PPGs. This will be communicated as part of the grant award process. **Implementation by October 2007.**

Requirement: Quarterly financial status reports (FSR)

States (MD, IN): Reduce frequency as not all federal agencies require them.

EPA: FSRs will be required not more frequently than annually. A memo will be sent from Las Vegas Financial Management Center informing all regions by FY08.

Region 3: R3 only requires annual FSRs and will include an information brochure in every FY08 state award package clarifying grants requirements for FSRs.

Implementation in FY08.

Requirement: Grant application requirements

State (WI): Require less detailed explanations for travel, supplies, etc. and accept estimates of state's best judgment at the time of grant application.

EPA: Issued new cost review guidance for grants under 40 CFR 35 that streamlines this process. OGD sent a communication to ARAs and GMOs asking their assistance in broadcasting the changes in the process. States will work with EPA to disseminate informational materials via ECOS Wire. **Implementation by January 2008.**

State (TX): Documents for certifications and pre-award compliance review: Region 6 should allow the state to batch and file once/year.

EPA: OGD will develop, for consideration by states, a proposed approach to bundling of application assurances and certifications. OGD will work with states to make greater use of E-Apply which will ease the application process. **Implementation in FY08.**

States: Competitive grant requirements for pollution prevention, lead and asbestos grants: (a) States with solid track record should not have to compete for these grants (MD). (b) Treat lead, asbestos and pollution prevention grant applications as a core program – grants should not be awarded competitively (UT).

EPA: The EPA Grants Competition Advocate has set up a meeting with states and OPPTS to discuss eliminating the competition requirement or streamlining the process. **Implementation in FY08.**

Requirement: Federal cash transaction report (FCTR)

State (MD): Eliminate annual submission as data is available in EPA's ASAP database.

EPA: FCTRs will be required only at the end of the project funding period. Las Vegas Financial Management Center will issue a memo informing regions of this.

Implementation in FY08.

Requirement: Certification regarding lobbying and assurances in grant application

States (VA, HI): Eliminate and replace documentation with annual blanket assurance from the state agency to EPA.

EPA: OGD will develop, for consideration by states, a proposed approach to bundling of application assurances and certifications. **Implementation in FY08.**

MORE INFORMATION NEEDED

Requirement: Quarterly grant reports

State (ME): Target reporting to EPA national performance measures.

Requirement: Reporting for PPA/PPG and categorical grants

State (KY): Eliminate reporting to grant personnel because it is already submitted to program personnel.

Region 4: Decision and/or implementation schedule not provided.

State (AZ): Eliminate PPG workplan reporting related to state-based programs that are not federally funded and target PPG workplan reporting directly to EPA National Performance Measures.

Region 9: Decision and/or implementation schedule not provided.

Requirement: State and federal database reconciliation for data to support program operational monitoring

States (OR, MA): Implement EPA's data warehouse strategy; schedule program changes concurrently; limit changes to every 3 years; coordinate comments through ECOS; use ECHO to populate legacy system, not other way around.

EPA: Decision and/or implementation schedule not provided.

SENIOR LEADERSHIP DISCUSSION REQUIRED**Requirement: Quarterly grant reports**

States: (a) Brownfields and Superfund grants/cooperative agreements: change deadline from 30 to 60 days (**MA**). (b) Brownfields grants: move deadline from 30 to 60 days of the end of the quarter (**MD**).

EPA: Changing deadline for Brownfields from 30 days to 60 days for quarterly reports requires a grant rule change (40CFR 31.40). Changing deadline from 30 days to 60 days for Superfund cooperative agreements requires a grant rule change (40CFR 35.6650).

Requirement: Annual Monitoring Equipment Purchase Form

State (SC): Eliminate as information is provided during grant application process.

EPA/Region 4: R4 needs documentation of equipment purchases. OGD agrees with R4 that a submission by the state of a list of equipment purchased is a responsible request for information as per the equipment record-keeping and reporting requirements found in 40 CFR 31.42.

Requirement: ASAP database reporting

State (MD): Reduce amount information to be reported in ASAP when states enter financial draw requests.

EPA: The current level of information may be required by cost recovery rules.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (OSWER)

IMPLEMENTED RECOMMENDATIONS

Requirement: Quarterly Reporting

States: (a) Change frequency of Superfund Site Assessment reports from quarterly to semi-annually (**FL**). (b) Change frequency of CERCLA, PA/SI quarterly grant reporting to semi-annual (**KY**). (c) Reduce NPL oversight activities report to annual (**AL**).

EPA: Final rule published in May 2007 and went into effect July 2007 relaxes reporting frequency. Terms will be based on the particular cooperative agreement negotiated between EPA, state or tribe.

Requirement: Hazardous waste end-of-year reporting

State (SD): Change from printed reports to electronic.

Region 8: R8 and SD have come to agreement on preparing a joint end-of-year (EOY) report beginning next PPA cycle (2008-2012). EOY drafts are currently exchanged electronically between EPA and the state with the exception of the final report which requires signatures.

Requirement: Superfund and Brownfields reports (number of jobs created)

States (MD, VT): Modify requirement to report on number of jobs created under Brownfields grants: states must rely on facilities for data and cannot verify.

EPA: Providing the number of jobs leveraged at Brownfields properties is not a mandatory requirement for state and tribal 128 grantees; the grant property profile reporting form indicates that grantees are asked to provide this information "as it is available."

Requirement: Hazardous waste reporting

State (SD): State Hazardous Waste Program Authorization Updates: implement a streamlined authorization approval process (similar to processes used by Air Quality, NPDES and Solid Waste Programs).

EPA: Implemented a streamlined authorization application process in 2003. HQ will ask regional offices to promote wider use of the "Express Authorization" process by the end of 2007. The original requester believes that the SD's concerns have already been resolved.

RECOMMENDATIONS THAT WILL BE IMPLEMENTED

Requirement: RCRAInfo database

States: (a) Eliminate requests for reports that can be generated by EPA through database (**SC**). (b) Improve user interface; reduce number of corrective action codes; new EPA software (Jan '06) prevents state from uploading Waste Data System info into RCRA database: use resources to correct the problem (**MI, OR**).

EPA: RCRAInfo V4 which is scheduled for release by end of calendar year 2008 will address concerns. EPA will utilize data available in RCRAInfo for reporting rather than request the same data from the regions and states directly. **Implementation in December 2008.**

Requirement: State UST Fund Soundness data form

States (ME): Simplify form and reduce data required to most relevant.

EPA: Currently revising guidance to the regions for implementing this oversight of state funds. The new guidance will be issued by the end of 2007, and the reporting form will be modified after the revised guidance is completed. **Implementation in 2008.**

MORE INFORMATION NEEDED

Requirement: Quality Assurance Project Plans (QAPP)

State (SC): Allow umbrella QAPP for UST sites.

Region 4: Does not believe that this is a burden reduction issue--it is a program implementation item related to QA. Region 4 and SC are seeking assistance with the development of guidance on the use of programmatic QAPPs versus site specific QAPPs.

SENIOR LEADERSHIP DISCUSSION REQUIRED

Requirement: Hazardous waste reporting

State (NE): Streamline data input via direct e-manifest system reporting.

EPA: Awaiting Congressional action to authorize a new regulatory effort, called "E-Manifest," which would provide for electronic collection of some data now submitted during the Biennial Report.

Requirement: RCRA/State Hazardous Waste Management Grant and State UST Trust Fund Grants

State (KY): Eliminate all reports except for GPRA goals.

EPA: Disagree. EPA's reporting responsibilities extend beyond GPRA (e.g., sections 3002 and 3004 of RCRA require EPA to establish standards for recordkeeping and reporting of hazardous waste generation and management).

Requirement: Quality Assurance Project Plans (QAPP)

States: (a) Eliminate the requirement for Secondary Data QAPPs (used to document the quality of second generation data which can/will be used to make decisions) (**OK**). (b) Because of differences between state/EPA regarding QAPP contents, AR recommends that EPA develop a QAPP template for each project (**AR**).

Region 6: (a) Disagree. To comply with the Information Quality Act of 2001, EPA published guidelines which require Secondary Data QAPPs. (b) Disagree. All of the guidance and flexibility for expediting the development and approval of QAPPs are already in place for states to take full advantage of.

Requirement: Used Oil Program reporting

State (UT): EPA should defer to the state.

EPA: Disagrees. Information is needed to verify compliance. Used oil compliance monitoring and enforcement activities are an important part of RCRA program under Subtitle C and all states must report these to EPA.

Requirement: Hazardous waste reporting

State (MA): Since reporting is labor-intensive, review all reports and determine if consolidation of five major Hazardous Waste Program reporting burdens is possible.

EPA: Because of statutory and regulatory requirements, EPA cannot consolidate the five major reports.

Requirement: Reporting under draft guidelines for Public Record and UST/LUST Compliance provisions of Energy Policy Act of 2005 (EPACT)

States: (a) Compliance and other requested data provided in GOEPA semi-annual report to meet LUST Trust fund grant reporting: use existing data to create a national website to meet EPACT; redundant with state procedures (**ME**). (b) Reconsider time-consuming, resource-intensive reporting requirements for USTs (report on items that fail inspection, release detection, overfill protection (**MD**)). (c) Reconsider requirement to report level of compliance on all active LUSTs. Reconsider requirement to report on source of releases to groundwater, including how UST system failed (**DE**).

EPA: Comments refer to new statutory requirements imposed by the EPACT on states to maintain, update and make available to the public a record of underground storage tanks regulated under Subtitle I (Public Record). In January 2007, EPA issued final guidelines on the Public Record which is not a requirement to report to EPA. The Act requires states to make the information available to the public.

OFFICE OF WATER (OW)

IMPLEMENTED RECOMMENDATIONS

Requirement: SDWIS

State (MT): Modify SDWIS-fed to extract following data from SDWIS-state for: public water compliance report; Significant Noncompliance (SNC) list annotation; strategic performance measures; FY07 grants linked to performance (state grant template).

EPA: This is now available.

State (TX): Monthly deliverables of inventory data, chemical data, technical assistance, reports, letters, etc. to EPA in hard copy is burdensome and time-consuming. Track all information electronically via SDWIS-state instead.

Region 6: Agrees. Reporting is not required by statute or regulation and recommendation improves data collection and reporting of PWSS program activity.

State (MA): EPA should generate capacity development reporting for new systems with SNCs instead of states.

EPA: Has offered (through the regions) to generate the list if requested by the state. This would include the reasons for noncompliance. **Implementation: Available upon request.**

State (IA): Must correct and send back to EPA public water system quarterly non-compliance reports: EPA should fix database.

EPA: In 2006, EPA completed modernization of SDWIS/FED which should have addressed state correction of PWS quarterly non-compliance reports. EPA (OW) will check with the regional offices to determine whether this is still an issue and, if so, the best way to resolve it.

Requirement: NPDES permit backlog, Electronic Permit Issuing Forecasting Tool (e-PIFT)

States: (a) Submission of permit issuance forecasting tool to R4: eliminate—duplicative (MS). (b) E-PIFT (record permit backlog) duplicates information currently in PCS database (MN). (c) Permit counts, backlog and permit forecast statistics: duplicative--information that is uploaded weekly in PCS should suffice (SC).

EPA: This is not duplicative. If a state provides accurate and complete information in either PCS or ICIS, no reporting in the Permits Management Oversight System (PMOS) is needed. Facilities covered under general permits are not generally entered in PCS; PMOS, a new system, captures that information. E-PIFT has been replaced by PMOS.

Requirement: CWA 104(b)(3) Wetlands Pilot Demonstration Grants (WPD)

States: (a) Eliminate duplicative reporting and switch to one annual report (ME). (b) Change to annual reporting (RI).

EPA: ME and RI should only have to report to EPA on the schedule laid out in the signed pilot grant funding package. Region 1 indicated that it only requires annual reporting.

Requirement: Annual report on the status of SSO strategy annually

State (KS): Eliminate--can discuss same during program reviews.

Region 7: Agrees to eliminate written report in the workplan. KS and R7 agree to continue periodic discussions regarding KS' SSO strategy. **Implementation: Effective immediately.**

Requirement: Web-based Reach Indexing Tool for Watershed Assessment Tracking and Environmental Results (WebRIT)

State (DE): Upgrade to a more common program (e.g., ARCVIEW) for efficient and effective data transfers.

Region 3: R3 uses PCRIT and will eliminate WebRIT. PCRIT allows the use of ARCVIEW to spatially locate data. DE is now using PCRIT. R3 has communicated the WebRIT tool to the states during monthly calls, annual regional meetings and annual national meeting.

Requirement: Clean Water State Revolving Fund National Information Management System annual report

State (UT): Due date should be changed to end of calendar year to compensate for accounting entries completed at end of state fiscal year.

Region 8: This is a non-issue due to a misunderstanding between a new state employee and Region 8 which has since been clarified and resolved.

Requirement: Permitting for Environmental Results (PERs)

States: (a) Eliminate PERs and associated reporting (NE); (b) Duplicative of information in EnPPA (MN).

EPA: EPA is not requiring updates of the data collected for PERs strategy. However, EPA continues to monitor implementation of state action items identified in the state program profiles through a GPRA measure. No new permit data is required; states provide the status of their own commitments (action items).

Requirement: Report on percent of POTWs that are beneficially reusing biosolids

State (KS): Modify to require only percent of beneficially reused biosolids if data is useful; otherwise eliminate report.

EPA: No longer requests this information.

Requirement: States are required to develop a monitoring plan with a water quality restoration schedule

State (MA): Do not require water quality restoration results within the established schedule.

EPA: Comment pertains to a strategic measure that does not exist. The measure calls for states to implement improvements in their water quality monitoring programs within ten years. It does not ask that states submit a schedule for restoring water quality within ten years.

Requirement: Other Safe Drinking Water reporting

State (IL): Quarterly reports for arsenic rule compliance: change to annual.

EPA: Arsenic reporting has been reduced to semi-annual. At the time of IL's request, EPA made the decision to switch from quarterly to semi-annual reporting. This was communicated to the states in January and July of 2007.

Requirement: Documentation of TMDL program activities funded by CWA sec. 106 grants

State (TX): Region 6 requires state TMDL program to copy and mail contract work orders semi-annually. Eliminate as information is already provided to EPA through two summary documents.

Region 6: Resolved documentation issue and communicated with TX in July 2007.

Requirement: Duplicative reporting of TMDL project funding sources

State (TX): Region 6 requires TX to duplicate information in TMDL Quality Assurance Project Plans (QAPPs). Eliminate as R6 can review QAPPs to obtain funding source information.

Region 6: Approval authority of TMDL QAPPs has been delegated to TX. EPA will receive a single copy of the QAPP as a grant deliverable. Additional copies of the TMDL QAPPs are not required to be submitted to EPA. Resolution was communicated to TX in July 2007.

Requirement: NPDES 106 and 319 program report

State (MD): Eliminate requirement of annual summary of quarterly reports—duplicative.

Region 3: States no longer need to provide an annual summary of already submitted NPDES 106 quarterly reports. The 319 program does not require an annual summary of quarterly reports. This will be communicated as part of the grant award process.

Requirement: Biennial reporting on state water quality and provision of lists of impaired waters pursuant to CWA secs. 305(b) and 303(d)

State (MS): Allow states to keep 303d & 305b separate: integration of the two is burdensome.

EPA: Although EPA strongly encourages states to adopt an integrated report format to facilitate data compilation and comparisons, states are not required by law to submit one report. At the R4 states' meeting in March 2007, EPA presented its views to MS and other R4 states. MS has indicated that despite concerns, it intends to use the integrated report format.

RECOMMENDATIONS THAT WILL BE IMPLEMENTED

Requirement: UIC reports

States: (a)(1) Eliminate UIC measures report and quarterly 7520 forms as information not compatible with ME's UIC database; (2) 7520 form information is reported annually in PPA report. Grant is included in PPG but must be reported separately (**ME**). (b) Under UIC program, must provide information on specific well types (quarterly and annually): eliminate, too burdensome (**MA**). (c) Quarterly reports for UIC program: change to annual and incorporate report into PPA annual report (**RI**). (d)(1) UIC program reports are limited to those in UIC regulations; develop single reporting system and schedule. (2) Discontinue UIC well inventory requirement as a separate report to EPA. Regulations specify that updated well inventory is a part of annual report. (3) Change UIC report frequency to annual from quarterly. (4) Base PAMs and other reporting requirements in UIC regulations and develop single reporting system and schedule (**TX**). (e) PAMs for UIC program are duplicative of requirements of UIC program 7520 forms (**AR**). (f) Change UIC report frequency from semi-annual to annual (**CT**).

EPA: UIC paper/web-based reporting will eventually be replaced by a national database which is expected to reduce overall reporting burden. The schedule for reporting to the new data system is being developed as part of system development and is expected to be completed in 2007. **Implementation in early FY08.**

State (UT): Class V Well Inventory data collection is costly; needs more funds from EPA.

EPA: This issue will be taken into consideration during the development of the budget and included in budget discussions in FY08.

Requirement: SDWIS

States: (a) Capacity development/significant non-compliance (SNC) report. Provide SNC determinations via SDWIS-state to perform data QC before R6 requests this report (TX). (b) EPA should develop electronic reporting mechanism for non-compliance in SDWIS-state and fed (MA).

EPA: Currently developing a tool to allow states to make compliance determinations. A pilot of this tool will be available in 2007 for state use and to receive comment.

Implementation in 2007.

State (SC): Drinking water enforcement NOVs, orders, penalties assessed/collected, warning letters: eliminate as information is in SDWIS.

Region 4: Agrees. In FY08, R4 states will not be required to manually report drinking water enforcement as long as the information is reported into SDWIS on the required quarterly schedule. **Implementation in FY08.**

Requirement: Sec. 319 grant reporting

State (MD): Grant Reporting and Tracking System (GRTS) should be modified to allow data to be uploaded from spreadsheet, database, or text file in addition to manual entry.

Region 3: Will not request information contained in GRTS. An XML upload process is currently under development and should be released by October 1, 2007 and communicated to the states through the grants process. **Implementation in FY08.**

Requirement: Reports that cover different reporting periods and frequencies

State (NJ): State's water division must adhere to multiple EPA reporting requirements with different formats and deadlines (e.g., reporting in PPA, Strategic Plan Sub-objectives, PAMs, GRTS and State Non-point Source Annual Report): submit information in one format annually or semi-annually instead of multiple formats/deadlines.

Region 2: During the December 2006 meeting for the SFY 2008–2010 PPA, R2 indicated that it would work with NJ to identify opportunities to streamline reporting requirements. R2 is currently negotiating a new PPA/PPG workplan with the state to cover SFY 2008–2010. R2 hopes to finalize the new PPA by September 2007.

Implementation schedule: By the end of FY07, R2 and NJ to finalize the PPG workplan and identify areas requiring follow-up.

Requirement: Watershed permit issuance

State (NE): Eliminate--not compatible with other permit system.

EPA: EPA agrees. States will not be asked to report this measure after FY07.

Requirement: Permits providing for trading

State (NE): Eliminate.

EPA: Agrees to change but not eliminate the measure. The FY08 measure has replaced count on permits in order to focus on facilities. New measure: Number of facilities that have traded at least once plus all facilities covered by an overlay permit that incorporates trading provisions with an enforceable cap.

Implementation: Effective immediately, beginning with FY08 reporting.

Requirement: Report on inspections of CAFOs annually

State (KS): Modify to treat CAFOs as other NPDES permittees.

Region 7: Will discuss this issue with KS at the earliest opportunity (during negotiations for the calendar year 2008 workplan) and will ensure that the inspection requirements are consistent with the national draft Compliance Monitoring Strategy.

Requirement: CWA sec. 106 and 604(b) workplans and status reports

State (PA): Use spreadsheet format currently used by region for status reports as base document for workplans.

Region 3: PA is currently using R3's spreadsheet format and it is working well. R3 will further discuss this issue and need of any refinement during the FY08 grant negotiations July-September 2007.

Implementation schedule: Potential changes to secs. 106 and 604(b) reporting will be discussed as part of R3's overall FY08 workplan negotiations with PA.

Requirement: Non-point source report

State (OK): Preparation is time-consuming and glossy report that Region 6 requires is expensive to print.

Region 6: A single report from R6 states on their 319 program activities is required and due at the end of January each year. These reports have been streamlined from 150-250 pages to 20-40 pages and a glossy report is not required. R6 will continue to work with OK on the 319 program reporting to ensure it meets all regulatory requirements without being overly burdensome.

Requirement: Provide EPA with documents for review of all draft major/minor NPDES permits/applications

State (KS): Modify to include review of 10 permits/year. EPA can review others during program reviews. KS has been an authorized state since 1974 so periodic program oversight and in-depth analysis of a select group or subset of permits should provide enough insight into the state's NPDES program.

Region 7: KS over-reports (re minor permits) but R7 will accept electronic submission. The issue of minor NPDES permits is a regional requirement. The issue of major NPDES permits is a CWA regulatory requirement.

Implementation: R7 will discuss the minor permit issue w/KS during workplan negotiations for the calendar year 2008 workplan. CWA regulations require submittal of all major permits to EPA. R7 encourages electronic submission which should help reduce the reporting burden. Language in the current workplan regarding review of minor non-stormwater/non-CAFO NPDES permits will be deleted at the first available opportunity. This issue will also be addressed in a MOA currently being developed; this MOA is projected to be sent to KS early in FY08 for input. In addition, as part of R7's overall process of evaluating state oversight, this issue will be included on a list of recurring program review issues which will be elevated for discussion and resolution.

MORE INFORMATION NEEDED

Requirement: SDWIS

State (MT): Incidental requests for information/data not available in SDWIS-fed: modify it so that necessary information can be extracted from SDWIS-state.

EPA: Unclear what incidental requests are being referred to.

State (MA): (a) Strategic Plan measures and target data already reported in SDWIS. EPA should use this data for evaluation. (b) States should not be asked to re-verify data in SDWIS. (c) Report sanitary survey data in SDWIS only (now reported in SDWIS and ICIS—redundant).

EPA: (a) and (b) OW is working with Region 1 to respond to MA's concerns. (c) OECA and OW are working to consolidate the data collected about sanitary surveys.

Requirement: Sec. 319 grant reporting

State (MA): Change reporting frequency from semi-annual to annual for mid-year GRTS report on 319 implementation projects.

Region 1: Decision and/or implementation schedule not provided.

State (MT): Annual financial status reports on 319 grants: recommends issuance of guidance regarding the level necessary for meeting the reporting requirements.

EPA: Financial reports are EPA requirements in 40 CFR 31.41. The regions play an active role in aiding the states in this type of reporting.

Region 8: R8 is working with MT to reduce this reporting burden.

Requirement: Reports that cover different reporting periods and frequencies

State (IA): EPA requires reports that cover different reporting periods for no reason: reports are based on federal fiscal year, state fiscal year and calendar year.

Region 7: R7 is reviewing issue. In FY07, during grant negotiation period, R7 will enter into discussions with IA to better understand the concern.

Requirement: All data entered into federal databases are separately reported in quarterly and annual PPAs (e.g., permits, inspections, compliance events)

State (MT): Eliminate written reports since data is available to EPA in its own databases.

Region 8: Decision and/or implementation schedule not provided.

Requirement: Non-point source report

State (RI): Change from quarterly to annual.

Region 1: Decision and/or implementation schedule not provided.

Requirement: Other Safe Drinking Water reporting

State (KY): Annual public water system compliance report data already provided to EPA.

EPA: Recommendation is unclear.

Requirement: National Estuary Program (NEP) grant reporting

State (TX): Consolidate semi-annual reporting into one report.

Region 6: More discussion is necessary among HQ, R6 and NEP.

Implementation schedule: Discussions to begin during Fall 2007. Further discussion will take place at NEP National meeting in Spring 2008.

SENIOR LEADERSHIP DISCUSSION REQUIRED**Requirement: Biennial reporting on state water quality and provision of lists of impaired waters pursuant to CWA secs. 305(b) and 303(d)**

States (22): Change frequency from 2 to 5 years; offset reporting period by one or two cycles (2-4 years) from current cycle; frequency should be changed to once every four years with interim report every two years; reduce frequency to once/4 years; change from 2 year to 20% per year with complete list every 5 yrs; do 303d list every 2 years with timely regional approval; change from biennial to 3- or 4-year cycle; change cycle from 2 to 4 years; EPA should develop listing criteria separate from the standards that are not as burdensome.

EPA: Because a statutory change is required, states and EPA are pursuing an alternative path to respond to these reporting concerns. The issue was raised by EPA and states at an ASIWPCA meeting in March 2007. A workgroup was formed in April 2007, an issue whitepaper was drafted in June identifying various options which were discussed at the August 2007 ASIWPCA meeting. The workgroup is soliciting comments on the most viable options from state and EPA regional reviewers, and will present final recommendations in December 2007.

Requirement: SDWIS

State (TN): (a) Submission of Public Water System Inventory data from SDWIS-state to EPA's ODS. Only changes or modifications of required data elements should be submitted to EPA. (b) Reporting drinking water program information in SDWIS. There are too many databases—they should all be consolidated into one: SDWIS.

EPA: (a) Current approach is efficient and eliminates burden. (b) UIC reporting will not be incorporated into SDWIS because the data elements required for the UIC program differs too much from the current structure of SDWIS.

State (TX): Presenting mid-year/end-of-year PWSSP PPG report via hard copy and e-mail semi-annually to EPA results in short turn-around times and makes full analysis difficult. Also, reporting on SRF activities is not coordinated with PPG, although both support PWSS activities, resulting in dual reporting. Recommends extending turn-around time and allowing for electronic submission.

Region 6: Disagree. Biannual reporting of PPG progress for all R6 states is an important element in documenting results accomplished with the grant funding. The semi-annual report, which is submitted electronically, is typically due on November 1 and April 1 (this is 30 days from the middle and the end of the year). R6 has been flexible on the submission date but additional time could be negotiated.

State (FL): (a) Eliminate requirement for plan to conduct all sanitary surveys for the fiscal year—any information EPA needs is already in SDWIS. (b) SNC report developed for capacity development—delete, redundant.

Region 4: (a) Disagrees. This is part of setting state/regional targets for performance measures (SDW-1a). Future activities cannot be retrieved from SDWIS.

Region 4/EPA: (b) Disagrees. Florida (and other states) are responsible for identifying why a system has the history of SNC. The requirement for an explanation is not redundant because this specific requirement is not associated with any other SNC lists. Historical SNC (HSNC) lists are required of states as condition for avoiding DWSRF withholding under Section 1420(b) of the SDWA. HQ already generates the list every three years (as required) for the states to relieve some of the burden. The report covers HSNCs, which are systems that have SNC status for three quarters during a three-year period, and is a term unique to the Capacity Development program. The list is generated from SDWIS/Fed, so the origin of the data comes from the states. The states are required to tell us why the system is on the list -- which does try to get to the root cause of why the system is on the list (we give them the reason codes; they just assign a code to each system).

State (MA): Automate and include in SDWIS reporting of operator certification program currently required annually in narrative report.

EPA: EPA does not intend to add information on operator certification programs as SDWIS is not amenable to the narrative information required for this type of reporting.

Requirement: Sec. 319 grant reporting

State (MT): Nitrogen, phosphorus and sediment reduction estimates and actual reduction measurements: modeling estimated reductions not useful and actual reductions can't be well documented.

EPA: This information is needed to respond to PART and Strategic Plan measures.

States: (a) Regional requests beyond grant requirements, semi-annual reporting and dual electronic/written reporting. Recommendations: (1) regions should eliminate reporting not required by grants; (2) annual not semi-annual reports because non-point source projects will not show results in short time frames; (3) EPA should not request information already in Grants Reporting and Tracking System (GRTS) (MN). (b) Change schedule from quarterly to annually for watershed sec. 319(h) reporting (IN).

Region 5: (a and b) R5 worked with MN to refine sec. 319 reporting requests so that states need only provide the information already required in GRTS. This information is used to satisfy regional information reporting needs as provided for in 319(h)(10). R5 needs semi-annual/annual GRTS reports on section 319 funded activities in order to proactively work with the states to reduce unliquidated balances in the section 319 program. Since GRTS only covers non-point source activities and projects supported with section 319 funds, state annual written reports (that supplement and do not duplicate GRTS annual reporting) are necessary to satisfy 319(h)(11) requirements relating to the overall progress states have achieved in implementing their approved management programs.

Requirement: Reports that cover different reporting periods and frequencies

State (MD): Reduce frequency (e.g., from semi-annual to annual).

EPA: Agrees that there is a need to reduce frequency of reports; however, there are a number of statutory and regulatory requirements that we must follow for reporting purposes.

Requirement: Report on permit issuance, and compliance and enforcement measures for pre-treatment facilities

State (CT): Reduce frequency from semi-annual to annual.

EPA: Needs industrial user permit issuance information to ensure that the Pretreatment Program is being implemented appropriately. The Pretreatment Program was the recent subject of an EPA IG investigation that recommended improved measures and data collection.

Requirement: Report on environmental benefits of every SRF loan including NP loans by watershed

State (IA): Not necessary to track NP loans by watershed.

EPA: Current reporting reflects streamlined approach. The alternative to reporting using the Clean Water SRF Benefits Reporting System (CBR) referenced in the comment is to have IA provide output/outcome measures in every workplan.

Requirement: Other Safe Drinking Water reporting

State (TN): (a) Submission of public water system violations, enforcement actions, milestones to EPA's ODS: submission of violation and enforcement data within 45 days of end of each quarter not reasonable. (b) Submission of public water system actions data (special reports) to EPA's ODS: electronic reporting should not be required--paper reports should be acceptable to EPA.

EPA: (a) The 45-day time frame is necessary as EPA needs to have reasonably current data in order to effectively manage the PWSS program which is a public health program. (b) EPA cannot accept paper reporting.

Requirement: Other water reporting

State (FL): Clean Watersheds Needs Survey (CWNS) and Report to Congress: survey is useless to FL and burdensome; reduce duplicative data entry.

EPA: The CWNS directly supports a required Report to Congress. It also is the only source of information that figures into many decisions. EPA does not support the elimination of the survey. However, the Agency is updating the survey to a new internet format that will significantly simplify the survey and reduce the reporting burden.

Requirement: Non-point source report

State (MA): Information already provided—duplicative data submission.

EPA: Section 319 (a) and (b) of the Clean Water Act requires states to provide non-point source reporting. EPA focuses on those non-point source efforts that involve the use of Section 319(h) funds. Federally funded grant activities are subject to 40 CFR 31 which require not more than quarterly monitoring and not less than annual reporting.

OFFICE OF AIR AND RADIATION (OAR)

IMPLEMENTED RECOMMENDATIONS

Requirement: National Emissions Inventory (NEI) reporting

State (MD): Reporting on NEI, Area Source and Mobile Source Inventories should be streamlined to avoid duplicative inventory reporting and multiple submissions.

Region 3: R3 grantees need only enter the data into NEI once (this system encompasses both Area Source and Mobile Source Inventories). R3 has also instituted “reporting by exception” on a semi-annual basis which means that the grantee need only report when it has not met a grant commitment.

Requirement: CAA sec. 105 reporting of accomplishments under 40 CFR 35.115(b)(1)

States: (a) Annual summary report of accomplishments--submit only if grant requirements/commitments not met (**KY**). (b) Eliminate quarterly reports under 105 air program grant--redundant (report is submitted to EPA technical and administrative project officers) (**KY**). (c) Not necessary to submit report under CAA 105 grants for mobile sources (**SC and KY**).

Region 4: (a) While this is a regulatory requirement (40 CFR31.40(b)(1)), the region believes that the state's and EPA's positions are essentially the same: KY needs to report annually on only those grant commitments which were not met or were significantly delayed. (b) Section 105 grant reports need only be submitted once by a state to the administrative project officer. (c) This reporting requirement has been removed from all FY07 state and local section 105 assistance agreements.

Requirement: Misc. reports

State (SC): (a) Conduct evaluation of ambient air monitors and auxiliary support equipment and categorize condition as poor or good—eliminate requirement as SC will perform regardless. (b) Eliminate annual report on technical training for EPA air program staff.

Region 4: (a) Agrees as long as an evaluation of the monitors is covered in the SC’s annual network review. R4 told SC that for grant accountability purposes, documentation showing equipment purchases is necessary and cannot agree to eliminate same. (b) Eliminated this reporting requirement.

Requirement: Reporting in various databases

State (SC): Eliminate list of metropolitan statistical areas for which AQI is reported--it is duplicative of information submitted to AIRNOW website.

Region 4: This reporting requirement has been eliminated.

Requirement: CAA section 112(g) reports

States (SC): Eliminate reporting requirement and enter all sec. 112(g) determinations that were made in the sec. 112(g) Clearinghouse (electronic database).

Region 4: Agrees as long as state and local agencies continue to submit the information electronically to the 112(g) Clearinghouse.

Requirement: List of PSD/NSR applicability determinations resulting in non-applicability

States (SC and KY): Eliminate.

Region 4: (SC) Agrees and communicated same to SC. Negotiated with SC to be more descriptive in its public notice announcements on its permits. **(KY):** R4 communicated to KY that if it agrees to provide this information in its public notices, similar to the process used in SC, then R4 would eliminate this reporting requirement. As of this date, Kentucky has not communicated to R4 whether it will use public notices in lieu of reporting.

Requirement: Maximum Achievable Control Technology (MACT) categories for which the state has received delegation

State (MT): Eliminate because EPA incorporates MACT standards by reference and information is available on AIRS Facility Subsystem (AFS) database.

Region 8: Will drop requirement for annual reporting with November deadline. MT must continue to notify R8 re any new incorporation/automatic delegation of standards and/or other requirements. Because of MT's rulemaking process, this notification occurs every two/three years.

Requirement: Annual air monitoring report

State (NE): Eliminate as it is redundant to provide information electronically and in hard copy.

Region 7: Agrees to eliminate the hard copy of the data that is entered into the Air Quality System (AQS). There are other portions of the annual air quality report that the R7 requires and has discussed these requirements with NE.

Requirement: Inspection & Maintenance Program reporting under CAA and regulations

State (MD): Change reporting frequency to annual from semi-annual.

EPA/Region 3: There are no I/M-related semi-annual reporting requirements. R3 will contact its states to resolve any misunderstandings regarding this issue.

RECOMMENDATIONS THAT WILL BE IMPLEMENTED

Requirement: National Emissions Inventory (NEI) reporting

States (IA, HI, UT, MA, CT): Sample comments: revise, loosen coding requirements; eliminate and/or clarify inventory reporting requirements.

EPA: Currently overhauling and redesigning air emissions database system which will be operational in calendar year 2008. Air Emissions Reporting Requirements (AERR) rule (finalized in June 2007) will result in states submitting a single emission inventory. Rule and database overhaul should address various state concerns.

Implementation in FY08.

Requirement: Notification whenever state receives variance request

State (NE): Eliminate and provide same to Region 7 in semi-annual report.

Region 7: This commitment has been removed from the FY 2008-2009 CAA 105 workplan. **Implementation by the end of the first quarter of FY08.**

Requirement: Misc. reports

State (MD): Eliminate quarterly report on conformity consultations as EPA already has this information.

Region 3: The conformity reports have been eliminated from the 105 and PPGs in the FY08-FY10 workplans. **Implementation by October 1, 2007 (FY08 grant cycle).**

State (IA): Annual air staff training using PPG funds: eliminate PPG workplan report because successful completion of other workplan activities is evidence that staff is trained.

Region 7: Reporting requirement has been removed from the FY 2008-2009 PPG workplan. **Implementation in FY08.**

Requirement: Reporting in various databases

State (OR): (a) Reporting ambient air quality and toxic data to Air Quality System (AQS) every calendar year is burdensome. Make reporting of this data in AQS available through the Exchange Network and provide training for EPA regional staff. (b) Reporting PM 2.5 and ozone values every hour to AIRNOW--provide resources. Recommends that switch of AIRNOW system to Exchange Network be given a high priority and AIRNOW reporting be made more consistent with EPA's AQS system.

EPA: Nearing completion of a pilot project with NJ, DE, CT and NY where EPA has successfully demonstrated the use of the CDX to transmit real-time data to the AIRNow data management center. EPA will put this into production in early fall 2007. EPA plans to continue its extensive training and education activities so that EPA regional staff can use their own databases and the Exchange Network interfaces and queries.

Implementation in 1st quarter of FY08.

MORE INFORMATION NEEDED

Requirement: Misc. reports

States (SC and KY): Summary of mobile source outreach and voluntary program activities--eliminate as same information is in Early Action Compact progress reports

EPA/Region 4: Decision and/or implementation schedule not provided.

Requirement: Reporting in various databases

State (NY): Revise outdated methodology for reporting PM-10 data to AIRS.

EPA: In its long-term planning for AQS enhancements, EPA will consider the relative priority of an AQS modification to be able to automatically calculate the corresponding PM-10 values at standard conditions from a submittal of PM-10 data at local conditions. At present, such a change appears to be lower priority than several other changes that would benefit more state users of AQS.

Implementation: This potential change is not currently funded. EPA will include it in the FY09 budget process but as a lower priority activity.

SENIOR LEADERSHIP DISCUSSION REQUIRED

Requirement: Misc. reports

State (SC): Eliminate annual progress reports for sec. 111(d) and 119 plans.

EPA: This would require a regulatory fix since these requirements are in sec. 129 rules. By eliminating any of these reports, EPA will not be able to track regulatory compliance or report on the success of sec.111d/129 rules.

Requirement: Semi-annual summary of actions under Title V permit applications

State (MA): Duplicative as state submits information on each action taken on Title V permits to Region 1.

EPA: Disagrees; believe the reporting of information is vital to the program and supports the data requirements to meet EPA's Title V PART measure.

Requirement: (a) State Implementation Plans (SIP); (b) Federal air program rulemaking

State (NV): (a) SIP process is burdensome and needs to be streamlined. (b) Rulemaking does not allow for state participation and more funds are needed for implementing regulatory changes and new programs.

EPA: (a) SIP process is a statutory requirement of the Clean Air Act (CAA). EPA is currently taking Air Quality Management Plans (AQMP) recommendation under advisement to review the process for possible streamlining but within the constraints of the CAA. (b) Rulemaking process is not a reporting burden--states are critical partners in developing and implementing rules and policies.

Requirement: Inspection & Maintenance Program reporting under CAA and regulations

States: (a) Specific data elements in regulation should be eliminated and replaced with more general requirements (**NH**). (b)(1) Change reporting frequency from annual to every 2 years. (2) Eliminate or redefine biennial I/M program evaluations with specific cost-effective procedures (**VA**). (c) Eliminate biennial I/M report and include information in annual report (**MA**). (d) Annual and biennial reports are burdensome--requirements should be updated and streamlined (**IL**).

EPA: The biennial I/M program effectiveness evaluation requirement is a Clean Air Act requirement under section 182(c)(3)(C) and the annual reporting requirements are regulatory (40 CFR 51.366). As a result of an audit report on I/M implementation by EPA's Inspector General (10/06) which found that many states currently are not complying with existing I/M reporting requirements, EPA does not intend to revise the existing I/M requirements in the near term.

Requirement: Submit public notices for all permits

State (NE): Wants permission to revise it although required by state regulation.

Region 7: R7 cannot recommend that NE change its public notice requirements since it is a part of NE's federally-approved SIP and is considered a minimum element of a state minor source program. R7 will discuss options for reducing the burden of public noticing for minor source pre-construction permits.

Implementation: R7 will discuss with Nebraska during FY 2008. Will also include on the list of recurring issues for elevation.

Requirement: Submission of information on ethanol permit and prevention of significant deterioration (PSD) applications

State (NE): Provide only PSD public notice.

Region 7: The CAA requires states to submit a copy of the permit application/notice for every major facility. EPA also has an obligation under the national MOA to review and comment on PSD permits. As part of R7's overall process of evaluating state oversight, this issue will be included on a list of recurring program review issues which will be elevated for discussion/resolution. On ethanol, R7 will discuss the possibility of obtaining information on ethanol projects from Nebraska's website, similar to other states in R7.

Implementation: PSD: R7 is currently developing a list of recurring program review issues for elevation, which will include this issue. Ethanol: R7 will discuss with NE during FY08.

Requirement: CAA section 112(r) reports

States (SC): Document sec. 112 (r) efforts/plans; eliminate report and workplans.

Region 4: CAA 112(r) requires that delegated programs prepare and submit for review, end-of-year reports summarizing their activities and workplans documenting the planned activities/priorities for the upcoming year. R4 has not prescribed any particular format for this report. Also, because EPA does not want this reporting to be an undue burden, R4 accepts any previously documented report and workplan created for the delegated program's own purposes to satisfy the objectives of this reporting requirement. In support of its delegated program oversight accountability, R4 cannot agree to remove this reporting requirement. **Implementation: Region 4 will communicate this to SC in September 2007.**

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE (OECA)

IMPLEMENTED RECOMMENDATIONS

Requirement: ICIS-PCS

State (SC): Annual noncompliance report for non-major discharges: eliminate 30+ year-old requirements as data is now entered into PCS.

EPA: Regions require states to report non-compliance rates through ANCR on NPDES non-major permittees. For states that use Discharge Monitoring Reports (DMRs), EPA calculates these rates for the state. For those states that do not submit DMRs, the state must perform some manual calculations.

States: (a) Inputting NPDES data via ICIS-RIDE too resource-intensive; adopt an alternative summary data approach—more cost effective (NJ). (b) ICIS-required data

changes too costly; need resources from EPA to implement **(MD)**. (c) Need resources; allow requirements to be phased in over time **(OR)**.

EPA: EPA provided \$750,000 in grant funding to a coalition of 11 states to develop electronic reporting software that will allow DMR data to flow to ICIS-NPDES directly from regulated facilities. When completed, EPA will host this system for any interested state. States taking advantage of this software will be able to discontinue manual entry of DMR data (at majors and non-majors) for facilities that sign up for the service. Because most states currently report their majors data manually (and many other states also report their non-majors data manually), EPA projects that NetDMR will actually reduce state reporting burden. EPA's most recent proposal allows states to the phase in the new RIDE requirements to take advantage of electronic reporting through NetDMR.

Requirement: NPDES reports

State (TX): EPA regional office should run Enforcement and Compliance Assistance Priorities (RECAP) Report for NPDES majors from federal database instead of having state do it.

Region 6: Agrees that the report can be generated internally as it is no longer required to be submitted to EPA. Recommends R6 states retrieve the data on the same date as HQ/R6 to ensure that the same data is reviewed in order to identify and resolve discrepancies.

Requirement: Watch List reports

States: (a) Eliminate for QWLR **(NE)**. (b) Eliminate for CAA, CWA and RCRA—not useful and time-consuming to compile; or reduce from quarterly to semi-annual **(TX)**.

EPA: (a-b) States are not required to provide Watch List information. Watch Lists are generated by EPA based on information the states are already required to report into federal databases.

Requirement: Database reporting

States: (a) Improve EPA's handling of data for RCRA and ECHO databases so states are not criticized for incorrect information in databases **(MD)**. (b) Populate RCRAInfo database with hazardous waste compliance, corrective action and permitting information; improve user interface; reduce number of corrective action codes **(OR)**. (c) Modify submission of public water system violations, enforcement, etc. to ODS database as data entry is time-consuming and taxing **(TN)**.

EPA: (a) ECHO decreases the formerly lengthy process for corrections to data from states and makes this information available to the public through user-friendly Internet search capabilities. The top of each ECHO facility report has a "Report Error" link for easy access to the error correction process. Error notifications are routed to EPA and state data contacts so they are aware of possible errors and can make corrections in program databases. (b) Existing process addresses concern. Close EPA/state collaboration occurs prior to updates that only occur every 1.5-2 years. States usually have a year to complete the update to their systems in response to RCRAInfo updates. (c) States have 45 days to send public water system data to the region, the region has 15 days to respond, and states/regions receive 30 days to review/correct data, so there is a total of 90 days available for the entry, review, and correction of public water system data.

Requirement: Miscellaneous reports

State (KS): Written report (w/o format) on how state addresses chronic non-compliers with Bureau of Water policy: eliminate report format and provide information during annual or quarterly program reviews.

Region 7: This report is not required by EPA. R7 believes that this issue arose from activities included in past water 106 workplans. This issue was resolved during the 2007 workplan negotiations. No reference to a report on chronic non-compliers was found in the current year workplan. **Implementation: Effective immediately.**

RECOMMENDATIONS THAT WILL BE IMPLEMENTED**Requirement: ICIS-PCS**

State (NE): (a) For significant industrial user (SIU) semi-annual and annual reports, EPA can generate list from ICIS. No federal requirement for this report, only PPG. (b) For SIU Pre-treatment Summary Enforcement Report, use ICIS to generate report.

Region 7: R7 is currently negotiating a new workplan with NDEQ and will discuss this issue further with the state. R7 is willing to generate the report from ICIS provided procedures can be worked out with NDEQ regarding the information needed in ICIS's pretreatment indicator field.

Implementation: During the FY08 water workplan negotiations.

Requirement: Submit all enforcement-related information to Region 7

State (NE): Duplicative of information already in databases.

Region 7: An agreement was reached between R7 and NE through the FY 2008-2009 Air Section 105 grant negotiation process. This agreement reduces the hard copy enforcement action documents that are required to be submitted to R7. **Implementation in FY08.**

Requirement: NPDES reports

States: (a) Annual report on inspection of NPDES CAFOs: modify to treat CAFOs as other NPDES permittees (**KS**). (b) NPDES enforcement documents, associated correspondence and NPDES inspection reports requested by R8: eliminate and provide requirement in PPA that CO will provide e-copies for specific cases upon request (**CO**).

Implementation: (a) Region 7 will discuss issue with the KS during workplan negotiations for the calendar year 2008 workplan. (b): Region 8 will undertake effort in 2007 to evaluate reporting requirements of R8 states; discussion with R8/CO and decision by December 2007.

Requirement: Database reporting

States: (a) (1) Reduce level of detail when reporting on county/location code in AFS. (2) Reduce level of detail when reporting on minor sources (**MD**). (b) Monthly and annual reporting of air pollution monitoring data to AFS burdensome; AFS is cumbersome and difficult to use; modify and improve system (**OR, HI**). (c) AQS/AFS/AIRS system antiquated--state uses own database to track air monitoring, permitting and compliance data (**NV, HI**). (d) Reporting county codes for each air emissions source in AFS burdensome; expedite AFS modernization project or allow MA to continue using

AQCR instead of county code until AFS is modernized (MA). (e) Data reporting to AFS: stack test; Title V annual certification review; HPV criteria code. Eliminate--burdensome and resource-intensive (IL, HI).

EPA: Database modernization should address comments. EPA plans to modernize AFS through the integration and expansion of the Integrated Compliance Information System (ICIS). **Implementation in FY08.**

State (MD): Data reporting from PCS and ECHO is burdensome--EPA should retrieve data directly from its own databases instead of states reporting to region in hard copy.

Region 3: Awaiting response from MD on the types of "hardcopies" that MD suggests R3 should retrieve from its federal databases in lieu of receiving the documents from MD. R3 will work with MD to resolve this issue and is exploring whether the data exchange network might prove helpful in this situation.

Implementation by end of 2007.

Requirement: Resource flexibility and recognition credit for innovative programs

State (MA): Create easy predictable formula for trading resources from any traditional and innovative programs.

EPA: An EPA (OECA, OPEI, OCIR, Region 1) and ECOS states (CO, MA, MN, NE, TX) workgroup convened to respond to the same MA request under Element 13 of the State Review Framework (SRF). The workgroup has developed an analytical tool that when completed by a state and/or an EPA region, will provide the requisite information to demonstrate and support resource flexibility requests. State members of the workgroup are "testing" the matrix but to date, no "formula" has been developed. From the outset, the workgroup agreed that an "environmental currency" for resource flexibility would have applicability beyond SRF/E13, including in PPAs, PPGs and other MOAs.

Implementation: The workgroup will report to the ECOS Compliance Committee on September 17th.

Requirement: Asbestos Data Report

State (SC): Eliminate (inadequately funded by EPA).

Region 4: Agreed to reduce reporting from quarterly to semi-annual starting in FY08.

Implementation in FY08.

Requirement: Miscellaneous reports

State (VA): Civil docket report (updates on litigation of enforcement cases) generated by VA Attorney General's Office is outdated. EPA staff is provided updated info on case-by-case basis via meetings, telephone or correspondence.

Region 3: Working with VA to resolve this issue and determine whether an alternative way to meet NPDES regulatory requirements is more favorable to VA. R3 is exploring whether the data exchange network might prove helpful in this situation.

Implementation by end of 2007.

State (NE): Eliminate double violation semi-annual reports.

Region 7: Report required by regulation but if information is in ICIS-NPDES, report can be discontinued. This report is required by 40 CFR 123.45. R7 believes that the

information contained in the annual report may be pulled from the ICIS/NPDES database. R7 will discuss this issue with OECA to determine if state input of data into ICIS constitutes reporting as required by the regulation. If so, then the region will run the report and submit it to HQ and the requirement to have the state submit a copy of the annual report will be removed from the FY 2008/09 workplan.

Implementation by the end of FY07.

MORE INFORMATION NEEDED

Requirement: ICIS-PCS

State (NV): ICIS cumbersome, burdensome. NV will no longer input data to ICIS and will provide NPDES data through exchange network.

EPA: Decision and/or implementation schedule not provided.

Requirement: Document quarterly compliance assistance activities for minor/non-title V sources

State (SC): Eliminate.

EPA: Further clarification needed to fully respond to this comment.

Requirement: Regional enforcement oversight requiring hard copies of inspection reports, compliance documents and permits

State (CO): Reassess need for status reports and allow for annual or less frequent reporting.

Region 8: Current PPAs and original delegations with R8 states require this information for NPDES enforcement programs. R8 plans to evaluate reporting requirements of its states, review the national ones and determine if any can be eliminated. R8 will issue specific regional guidance if there are any changes. R8 continues to review reporting requirements in light of the National State Review Framework (SRF) process. The SRF is currently being evaluated and may subsequently be revised. Any changes to the SRF are planned to be made by April 2008. In May 2008, will issue revised PPA guidance to the states.

Requirement: Provide copies of all enforcement and compliance documents to Region 8

State (UT): Reduce level of reporting.

Region 8: R8 has reviewed the 1989 regional RCRA enforcement agreement (EA) with UT and concluded that it provides adequate flexibility with regard to aligning the level of reporting required with the level of oversight planned on a year-to-year basis. R8 will continue to request documents/reporting from UT that are consistent with the level of oversight being performed and will limit the reporting burden on UT to the extent possible.

Requirement: Miscellaneous reports

State (VA): Provide additional resources to implement wet weather initiative--reporting and inspection.

Region 3: Worked to reduce burden by providing R3 states the flexibility to employ a more targeted compliance assurance approach which considers risk and compliance history instead of mandatory yearly inspections at majors.

SENIOR LEADERSHIP DISCUSSION REQUIRED

Requirement: ICIS-PCS

States: (a) Upgrade of PCS database to ICIS; EPA should re-examine proposed ICIS reporting requirements and negotiate more reasonable data set parameter. New ICIS requirements pose significant challenges (**AZ**). (b) Expanded NPDES reporting in ICIS: ASIWPCA and ECOS developing position paper and EPA should consider suggested alternatives (**NY**). (c) Eliminate list of CAFO facilities with permits as info is in PCS (**AL**). (d) New reporting requirement for ICIS, including wet weather requirements, are costly, burdensome and will provide little or no benefit to states in implementing CWA (**OK**).

EPA: Existing process addresses concerns. At the December 2006 ICIS-NPDES Expanded Steering Committee meeting, EPA made proposals to the states that would reduce the required reporting elements by 20% and phase data entry requirements in order to extend the time allowed for state data entry and to take advantage of future technological efficiencies and address state burden concerns. The Expanded Steering Committee is continuing with follow-up tasks from this meeting that will address the ICIS/PCS recommendations made by the states in response to the October 11, 2006 EPA Memorandum.

State (VA): Expanded required ICIS data elements (RIDE). VA agrees to input same data to ICIS that is now inputted to PCS but notes that this will expend all available IT resources.

EPA: If all states transfer (flow) data into the proposed ICIS-NPDES database system with the Required Integrated Compliance Information System (ICIS) Data Elements (RIDE), then EPA would be willing to consider this suggestion.

States: (a) Compliance reporting on NPDES permittees—monthly report required in PCS but expanded requirements in ICIS. New ICIS requirements are too burdensome (**MI**). (b) EPA wants to add new WENDB data elements for compliance monitoring and evaluating CAFO data: disagrees with proposed data elements and current database can't handle these elements. Lack of resources for these changes (**IA**).

EPA: Existing process addresses concern. EPA is developing a governance structure to include state input involving subsequent changes to this database after FY08. States and EPA will be able to discuss the benefits of any proposed changes to ICIS-NPDES with the states.

Requirement: NPDES reports

State (TX): Annual non-compliance report (ANCR) for NPDES non-major permittees: suspend or eliminate report; change reporting cycle for ANCR to federal fiscal year.

Region 6: Understands TX's position but any suggested fixes would require a regulatory change.

Requirement: Quarterly and annual reporting in PPAs (e.g., permits, inspections, compliance events)

State (MT): Written reports are redundant since EPA can retrieve same information from its own databases (e.g., NPDES).

Region 8: Disagrees. Permit backlog continues to be a serious problem in MT. Value in reporting: provides MT w/incentive to perform QC check. If MT disagrees with data in national database, MT can provide explanation in report and update the database.

Requirement: Negotiating multiple agreements, PPA and inspection agreements in matters relating to enforcement

State (CO): Requests EPA to use one definitive document if state opts to use PPA. Asks that regions not be allowed to request any additional information on compliance program beyond the SRF.

Region 8: The PPA contains all compliance and enforcement requirements to implement the NPDES program. The Inspection Plan (which contains most of the inspection program information for NPDES enforcement) is integral to and included in the PPA. For FY07, EPA did not approve the Inspection Plan separately from the PPA.

Requirement: Report on compliance and enforcement activities at used oil handler facilities

State (UT): Requests EPA to defer to the state in administration of used oil program.

Region 8: Disagrees. States must report these activities to ensure national consistency in complying with RCRA.

Requirement: Miscellaneous reports

States: (a) Eliminate Annual Non-compliance Report (ANCR) (**NE**). (b) Modify reporting frequency from quarterly to annual for NPDES non-compliance reports (**IL**). (c) Annual public water system compliance report is duplicative; data provided to EPA regional office (**KY**). (d) Eliminate Safe Drinking Water Annual Compliance report; duplicative of data already available to public (**ND**). (e) Semi-annual statistical summary report for major dischargers: eliminate, information is duplicated on QNCR (**SC**).

EPA: (a) ANCR report required by regulation. For NE, the report is generated by OECA and sent to R7 and NE for verification. NE does not submit the report; however, NE spent considerable time working with R7 to resolve the data in the report. The ANCR is required by 40 CFR 123.45. The ANCR is pulled by OECA from ICIS every calendar year and contains numbers for seven different items. Six of the seven items are pulled directly from ICIS and one item requires manual input (DMR) by EPA. The Report is sent to the R7 which in turn sends it to NE to verify the numbers. NE is the only state in the Region to input data directly into ICIS; the other states still send in hard copies of the ANCR and EPA inputs the data. If the data is incorrect in the ANCR generated by OECA, then this is a data issue with ICIS. (b) QNCR is statutorily required as part of EPA's oversight of delegated state enforcement and compliance assurance programs. (c) Required by statute. (d) Required by statute.

Region 4: (e) The Quarterly Noncompliance Report and the Semi-Annual Noncompliance Report deal with major dischargers but use different criteria. The Annual Noncompliance Report deals with minors (or non-majors). Therefore, the two

are not duplicative. All of these reports are required by EPA regulations at 40CFR 123.45, and as such cannot be discontinued or modified without a change in regulations.

Requirement: Watch List reports

State (AL): Consider state NOV's as formal actions, and don't require additional report beyond what is annotated in QNCR.

EPA: Does not typically consider NOV's as formal enforcement actions because most state NOV's under most statutes are not enforceable/legally binding.

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES (OPPTS)

SENIOR LEADERSHIP DISCUSSION REQUIRED

Requirement: Pollution prevention semi-annual reports

States (NH, FL): Change reporting to once at end of grant period.

EPA: Reporting less than semi-annually was viewed by OMB in the PART assessments as inadequate for sound oversight of grantees, preventing identification of issues in time for timely corrective action while the grant is still in place.

Requirement: Lead, asbestos, pollution prevention grants

State (UT): Treat as core program and do not award these grants competitively.

EPA: After discussions with UT and ECOS, OPPTS will address burden issue through other innovative means. OPPTS will work with a regional workgroup to develop specific options and address this issue through possible multi-year grant vehicles instead of non-competition approach originally suggested by UT.