



July 29, 2009

THE  
ENVIRONMENTAL  
COUNCIL OF  
THE STATES

---

444 North Capitol Street, N.W.  
Suite 445  
Washington, D.C. 20001

---

Tel: (202) 624-3660  
Fax: (202) 624-3666  
Email: [ecos@ss0.org](mailto:ecos@ss0.org)  
Webpage: [www.ecos.org](http://www.ecos.org)

---

Michael J. Linder  
Director, Nebraska Department  
of Environmental Quality  
PRESIDENT

Richard Opper  
Director, Montana Department  
of Environmental Quality  
VICE PRESIDENT

Thomas S. Burack  
Commissioner, New Hampshire  
Department of Environmental  
Services  
SECRETARY-TREASURER

David K. Paylor  
Director, Virginia Department  
of Environmental Quality  
PAST PRESIDENT

---

R. Steven Brown  
Executive Director

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Administrator Jackson:

ECOS would like to thank you and EPA for the recent opportunity to discuss alternative data exchange approaches for the Integrated Compliance Information System (ICIS). We understand that EPA has made a decision on the matter and we respectfully offer some constructive comments and suggestions for ensuring a viable and enduring design for the ICIS-NPDES data exchange.

As co-regulators with EPA, the states recognize the need to have ready and reliable access to each other's environmental information. That requirement led us to jointly embrace the Exchange Network as a more efficient and accurate way of sharing data with fellow regulators and the public. Regrettably, the process of designing the ICIS-NPDES data exchange has not been consistent with many of the Exchange Network's principles and best practices agreed to by EPA and the states.

The Exchange Network's capabilities should encourage us to rethink existing business processes and move away from designing highly customized exchanges that target the data processing needs of a single information system. Yet the alternative selected for the ICIS-NPDES data flow conflicts with this philosophy. In the long run, states and EPA would be best served by jointly building a more generic data exchange that takes full advantage of Exchange Network technologies. Such an approach would allow states and EPA the flexibility to make all of their information available in a standard format that is easy to discover and use regardless of how any other organization chooses to store and manage its data.

Moving forward, the states and EPA must partner through the Exchange Network governance structure and processes to design the details of the selected alternative so it functions as efficiently as possible. An Integrated Project Team that reflects a variety of interests, perspectives, and expertise, is the most useful and efficient next step to ensure that the NPDES exchange methodology meets the greatest possible number of business needs.

At the end of this process, each state will have to assess the cost of flowing NPDES data under the selected alternative. Unfortunately the higher costs to states that ECOS has pointed out in previous correspondence should be expected to delay many states' transition to the new system, and some states may opt to return to the days of duplicate data entry into state and federal systems if the data exchange appears too costly to build and maintain. Given today's fiscal environment, this would likely compel those states to enter only the minimum required data elements instead of sharing all NPDES program data via the Exchange Network.

Consistent with EPA's July 10, 2009 memorandum "Achieving the Promise of the National Environmental Information Exchange Network", we ask EPA to join states in ensuring that future exchanges fully embrace the Exchange Network philosophy and follow the best practices agreed to by EPA and the states. In particular, we call on EPA to engage states at the earliest stages of the planned modernization of the Air Facility System, which is to become part of the ICIS database. States have found that the most useful and efficient data exchanges typically spring from early and frequent dialogue among program and IT experts at both the state and EPA level.

We appreciate your consideration of our comments and hope to work together toward a solution for sharing our compliance and enforcement data in a way that maximizes our collective investment in the Exchange Network.


Sincerely,



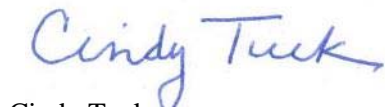
Michael Linder  
President, Environmental Council of the States  
Director, Nebraska Department of Environmental Quality



Wayne Gieselman  
Chair, ECOS Planning Committee  
Administrator, Environmental Services Division, Iowa Department of Natural Resources



Steven Chester  
Chair, ECOS Compliance Committee  
Director, Michigan Department of Environmental Quality



Cindy Tuck  
Vice-Chair, ECOS Compliance Committee  
Undersecretary, California Environmental Protection Agency



Karen Bassett  
Chair, ECOS Data Management Work Group  
Deputy Director, AR Department of Environmental Quality



Melanie Morris  
Vice-Chair, ECOS Data Management Work Group  
Chief, Data Integration Division, MS Department of Environmental Quality

cc: Cynthia Giles, U.S. EPA Office of Enforcement and Compliance Assurance  
Linda Travers, U.S. EPA Office of Environmental Information