

FY 2018-2019 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS SUMMARY TEMPLATE

Issue Area: Strengthening EPA/State Collaboration and State Performance

Comment from State, Tribe, or Other Stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
We thought the State Review Framework reviews were being pushed back to FY19 and FY20 to take advantage of E-reporting requirements, but we see in the doc on pg. 4 says otherwise. Why not pushed back? NPM Guidance says it will start in FY 18.	State of Alabama; ECOS Call	Pg. 4	Thank you for your comment. EPA did not contemplate delaying the reviews until FY 2019 and 2020. However, EPA, with state input and state participation, conducted a review of SRF metrics. These metrics have been updated to incorporate data from E-reporting and will be posted for state comment in the fall 2017. EPA would not want to miss the opportunity to conduct SRF reviews in FY 2018 as these reviews are conducted only once every 5 years.	No revision to the NPM Guidance is necessary in response to this comment.
It is imperative that EPA continue to serve as a backstop to States and Locals in enforcement activities.	Knox County Department of Air Quality Management	Knox County Department of Air Quality Management	Thank you for your comment. EPA will continue to support State and local enforcement programs and will take action in authorized states and programs when it is appropriate and necessary. Please see pg. 2 of the FY 2018-2019 OECA NPM Guidance, Section I. Introduction, to read a description of under what circumstances EPA generally takes the enforcement lead in authorized states.	No revision to the NPM Guidance is necessary in response to this comment. OECA revised the NPM Guidance to clarify EPA's role on actions addressing violations across multiple state jurisdictions.
EPA should treat states in a consistent manner to the extent possible. Therefore, headquarters should work closely with regional	National Association of Clean Air Agencies	Office of Enforcement and Compliance	Thank you for your comments and OECA agrees. EPA headquarters works with its regional offices when implementing new program guidance.	No revision to the NPM Guidance is necessary in response to this

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<p>offices to implement new guidance.</p> <p>In conjunction with state and local agency input, EPA should continue to work toward global-sector settlements where appropriate. This would include continued pursuit of global settlements already in progress.</p> <p>Finally, it is important that EPA continue to act as a federal backstop and environmental presence to aid state and local agencies in enforcement activities.</p>	(NACAA)	Assurance Introduction, Page 2	EPA will continue to support State and local enforcement programs and will take action when it is appropriate and necessary.	comment. OECA revised the NPM Guidance to clarify EPA's role on actions addressing violations across multiple state jurisdictions.
<p>ECOS appreciates EPA's focus on strengthening the state-EPA partnership. ECOS' new Resolution 17-2 Requests EPA participate with states in their efforts to cultivate, design, and implement innovative compliance approaches to protect human health and the environment through pilots and shared governance, and allow proven innovative techniques to serve as true substitutes for traditional compliance activities.</p>	ECOS	Section II, A: Strengthening EPA/State Collaboration and State Performance	Thank you for your comment. OECA and ECOS are currently working on a number of collaborative efforts to identify, test, and implement innovative compliance approaches, and newly launched EPA-ECOS collaborations will likely result in additional work in this area. The Office of Compliance (OC) and ECOS, in concert with social and behavior science researchers, have launched an Innovative Compliance Webinar Series for EPA/state program managers. The webinars will present examples of social and behavioral science findings related to implementing enforcement and compliance programs. Further, OC and ECOS are promoting the opportunity for states and EPA to pilot innovative compliance approaches and evaluate their effectiveness	No revision is needed to the NPM Guidance to address this comment.

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			with the assistance of researchers. EPA and ECOS have started a new senior level state and EPA workgroup to develop national principles and best practices to foster a deeper and fuller partnership between States and EPA on our collective efforts to ensure compliance.	
OECA notes it “provides monitoring in authorized programs.” ECOS encourages EPA to more fully deploy an auditing approach rather than an individual transaction approach in its oversight of delegated or authorized states programs unless there are identified performance issues.	ECOS	Section II, B Addressing the Most Serious Noncompliance Concerns in Communities, page 5	Thank you for your comment. The NPM Guidance language in question was intended to suggest that EPA will work with authorized states and tribes to provide compliance monitoring and tools that support or complement the authorized program. It was not intended to suggest transactional oversight of authorized compliance monitoring efforts.	OECA revised the NPM Guidance language to clarify discussion is about compliance monitoring activities and tools, not oversight of state transactions.
Support EPA’s recognition of shared enforcement responsibility “with primary enforcement responsibility residing with the states”. Clear communication avoids duplicative and inconsistent compliance and enforcement efforts.	Wyoming Department of Environmental Quality	Page 2	Thank you for your comment, OECA agrees	No revision to the NPM Guidance is necessary in response to this comment.

Issue Area: Compliance Monitoring Strategies (CMSs) & Alternative Compliance Monitoring Strategies (ACMSs)

Comment from State, Tribe, or Other Stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
<p>This bullet refers to “updated” and “revised” CMSs. Which CMS has been updated or revised? The RCRA CMS has not been updated or revised. Currently EPA and the Compliance Monitoring & Enforcement Task Force of ASTSWMO are working to update the CMS. We suggest referring to the CMS for the respective medias and not describe them with the words “updated” or “revised.”</p>	<p>Arkansas Department of Environmental Quality</p>	<p>Page 5, Compliance Monitoring Strategies, 1st bullet under <u>Activities: EPA regions, states, and tribes where appropriate:</u></p>	<p>Thank you for your comment. EPA has modified the bullet in question to state the expectation is for individuals to “adhere to the CMS or approved ACMS as appropriate.” In the second sentence, we agree with the comment and EPA removed the reference to “revised” CMSs.</p>	<p>OECA revised the bullet in the NPM Guidance referring to the CMS for the various medias and no longer describes them as “updated” or “revised.”</p>
<p>States request that OECA more prominently reflect state performance under EPA approved Alternative Compliance Monitoring [Strategies] (ACMS) plans, in this document and elsewhere. On EPA’s ECHO website, a general caveat statement is reflected on the bottom of individual state dashboard pages that “...some states may have alternative inspection plans.” This important information can be easily overlooked and without it, the public may not have an accurate understanding of state performance under an EPA-approved alternate inspection plan.</p>	<p>ECOS</p>	<p>Section II, A: Strengthening EPA/State Collaboration and State Performance</p>	<p>Thank you for your comment. OECA will work with states to identify methods to flag facilities in ICIS-NPDES that are targeted for inspection under an ACMS. Such flags will permit EPA to pull and display data relative to the ACMS. Such flags are utilized in ICIS-Air for reporting on CAA ACMSs.</p>	<p>OECA revised the NPM Guidance to reference ACMSs, see bullet under Activities on pg. 5. OECA will work to identify facility flagging options and then will discuss with ECOS.</p>

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OECA notes “adhere to CMS.” ECOS recommends OECA add “adhere to CMS or approved ACMS as appropriate.”	ECOS	Key Programmatic Activities, pages 4-5	<i>Thank you for your comment. EPA has modified the bullet in question to state the expectation is for individuals to “adhere to the CMS or approved ACMS as appropriate.”</i>	OECA revised the bullet in the NPM Guidance per ECOS’ recommendation to read “adhere to CMS or approved ACMS as appropriate.” The NPM Guidance no longer describes all of the CMSs as “updated” or “revised.”
States believe that EPA must continue to streamline the process for states to gain approval of ACMS plans and must more readily recognize in state-regional grant work plans adjusted inspection priorities when data is appropriately shared with EPA. ECOS further encourages OECA to support identification of and gathering needed data associated with ACMS requests to facilitate state efforts to focus limited compliance activities in non-traditional areas.	ECOS	Section II, B Addressing the Most Serious Noncompliance Concerns in Communities	<i>Thank you for your comment. We have made many adjustments to the ACMS processes across the programs, and are not familiar with particular issues that underlie this particular comment from ECOS. OECA is open to reviewing proposals from ECOS on further streamlining the ACMS approval process. OECA’s has an important responsibility under all of the CMS policies (and the resultant ACMSs) to ensure national consistency in our compliance monitoring programs such that we have a level playing field for regulated entities.</i>	At this time, no revision to the NPM Guidance is necessary in response to this comment. We will be happy to have further discussion with ECOS on this topic.

Issue Area: Addressing the Most Serious Non-Compliance Concerns in Communities

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Support clear and consistent credentialing requirements while acknowledging the corresponding resource challenges to accomplish that objective.	Wyoming Department of Environmental Quality	Page 5	<i>Thank you for your comment and we agree with the need to have consistent credentialing requirements for inspectors and recognize resource constraints. If Wyoming has more specific ideas to share here on ways to improve this balance, we are willing to discuss them.</i>	No revision to the NPM Guidance is necessary in response to this comment.
No CWA measure is mentioned to support this effort...intentional or an oversight?	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	Serious Non-Compliance Concerns in Communities, Measures, Pg. 6	<i>Thank you for your comment. EPA has modified the bullet to include reference to measure CWA07.</i>	OECA revised the relevant bullet in the NPM Guidance to address this comment.
This bullet refers to timely and accurate entry of federal inspection and enforcement data. However, it only references ICIS but not RCRAInfo. Hazardous waste inspection and enforcement data is entered into RCRAInfo, not ICIS.	Arkansas Department of Environmental Quality	Page 6, Compliance Monitoring Strategies, <u>Activities: EPA regions, states, and tribes where appropriate: bullet at the top of the page.</u>	<i>Thank you for your comment. EPA has modified the bullet in question to include RCRAInfo.</i>	OECA revised the relevant bullet in the NPM Guidance to address this comment.

Issue Area: Implementing National Enforcement Priorities

Comment from State, Tribe, or Other Stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
<p>An off-cycle approach is problematic in terms of ensuring that the various EPA NPM Offices (OAR, OW, OLEM, and OECA) are coordinating with one another. This document should recommend that states and EPA work jointly to align the next NEI cycle starting in 2020 with a 4-year (2020-2023) period with the FY 2020-2021 NPM Guidance cycle. Through the NEPPS-Partnership & Performance workgroup, states and EPA worked during the lead-up to the FY18-19 guidance to preserve a two-year NPM cycle rather than revert to a single-year process, despite the uncertainty and changes surrounding EPA's budget in FY18 and beyond; the same can happen with a 4-year NEI approach.</p>	<p>ECOS</p>	<p>Section II, D Implementing National Enforcement Priorities</p>	<p>Thank you for your comment. OECA will take your suggestion under consideration. Further, we are considering ways to improve our engagement with states on the NEIs as part of the new ECOS EPA workgroup on enhancing our compliance assurance partnership.</p>	<p>No revision to the NPM Guidance is necessary in response to this comment.</p>

Issue Area: Implementing NPDES E-Reporting

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<p>There is tremendous variety in the nature of non-major dischargers, e.g., waste stabilization lagoons vs small activated sludge treatment plants; better to examine a small set of “near-majors”, i.e., dischargers of 0.75 MGD or more.</p>	<p>Kansas Dept. of Health & Environment – Bureau of Water (BOW)</p>	<p>Implementing NPDES E-Reporting</p>	<p>Thank you for your comment. Implementation of the 2015 NPDES Electronic Reporting Rule (NPDES eRule) will provide EPA, authorized state NPDES programs, and the public with more compliance information. In particular, the NPDES eRule now requires Discharge Monitoring Reports (or “DMRs”) to be electronically reported, and reported to EPA for both majors and non-majors. EPA has configured its national NPDES data system (ICIS-NPDES) to automatically track noncompliance for all DMR filers (majors and non-majors). Implementation of the NPDES eRule will allow EPA and authorized NPDES programs to focus on the most serious cases of noncompliance across all DMR filers.</p> <p>While wastewater discharge flow reported on DMRs can be an important factor it is not the only useful factor for ranking noncompliance and prioritizing enforcement responses. EPA is working with authorized state NPDES programs through several workgroups on how to prioritize enforcement actions to address NPDES noncompliance. EPA encourages all states that are interested in participating in these workgroups to contact Mr. Carey A. Johnston, U.S. EPA, Office of Compliance, on how to participate in these workgroups.</p> <p>EPA continues to recommend that authorized</p>	<p>No revision to the NPM Guidance is necessary in response to this comment.</p>

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			state NPDES programs go beyond the historic focus on traditional NPDES majors to include a subset of non-major facilities.	
We have found ECHO and its spinoff tools such as the DMR Pollutant Loading Tool to be fraught with errors and inaccuracies; we believe its current status is too suspect to be used to direct targeted enforcement on NPDES facilities.	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	Implementing NPDES E-Reporting	Thank you for your comment. OECA is committed to providing access to high quality environmental information. This commitment is integral to EPA’s mission to protect human health and the environment. EPA estimates a dramatic increase in ECHO data quality for the NPDES program as a result of electronic reporting. Electronic reporting will also make data correction simpler and faster. EPA’s ECHO tools also provide users with mechanisms for reporting potential data errors to EPA Regional and state water data stewards. OECA maintains the list of data stewards and ensures that reported data errors are addressed in a timely fashion. OECA also has a number of staff and contractor resources to resolve any errors that occur due to problems with state data entry or data sharing. Please contact Carey Johnston (johnston.carey@epa.gov) for more information on these resources.	No revision to the NPM Guidance is necessary in response to this comment.
It’s debatable that EPA’s electronic reporting tools save State significant amount of resources in development and O&M costs, given the difficulties they have had in accommodating the States’ data gathering systems. With close to 40% of States, like Kansas, batching some or all of their NPDES	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	Implementing NPDES E-Reporting	Thank you for your comment. As documented in the Economic Analysis for the NPDES eRule, full implementation of the NPDES eRule is expected to reduce the data entry burden on states, tribes, and territories by 25 percent compared to the prior data sharing policy. EPA acknowledges that authorized NPDES programs will initially incur costs as they begin to implement this rule and maintain electronic	No revision to the NPM Guidance is necessary in response to this comment.

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<p>information, EPA needs to provide States specific data element guidelines for batch loading State data into ICIS-NPDES.</p>			<p>reporting systems; however, these costs are greatly outweighed over time by the savings due to a more efficient process for information collection, management, and reporting. EPA holds regular meetings with states to focus on data collection, sharing, and management issues. In particular, EPA holds a regular monthly meeting with ICIS-NPDES users. EPA also coordinates the ICIS-NPDES Electronic Data Transfer (EDT) Integrated Project Team (IPT) for states that share data with EPA through EDT. Please contact Jeffrey Clark (clark.jeffreyf@epa.gov) to participate in the ICIS-NPDES users meeting and Joe Carioti (carioti.joe@epa.gov) to participate on the ICIS-NPDES EDT IPT.</p>	

Issue Area: ECHO/Data Systems

Comment from State, Tribe, or Other Stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
<p>Presentation of quality data about regulated facilities is important to communicate to the public the compliance status of facilities as well as fully reflect actions states and EPA staff take related to compliance monitoring and inspections. It is important for EPA NPM offices such as OLEM to work closely with OECA and states to ensure information is accurately</p>	<p>ECOS</p>	<p>General comment on ECHO</p>	<p>Thank you for your comment. ECHO is a valuable tool for data transparency and analysis, and OECA is committed to working with state, local, and tribal agency partners to promote data quality and accuracy. A state-EPA ECHO Case Study team organized under E-Enterprise for the Environment includes NPM office representatives and is charged with recommending a process for the communication and resolution of potential problems identified by states.</p>	<p>No revision to the NPM Guidance is necessary in response to this comment.</p>

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recorded through EPA's on-line ECHO data system. This may include identifying a process for resolution of potential problems once identified by a state/states.				
Presentation of quality data about regulated facilities is important to communicate to the public the compliance status of facilities as well as fully reflect actions states and EPA staff take related to compliance monitoring and inspections. It is important for EPA to work closely with states to ensure information from systems such as ICIS-NPDES is displayed appropriately, accurately, and timely through EPA's on-line ECHO data system. This may include identifying a process for timely resolution of potential problems once identified by a state/states, using timely data while ensuring accuracy, providing beta environments for states to view data sets before they are published, regular and in-depth training for state users, and support for development of a joint governance system as appropriate. The E-Enterprise ECHO Team comprised of states and EPA is seeking to	ECOS	General comment on ECHO/data systems	Thank you for your comment. ECHO is a valuable tool for data transparency and analysis, and OECA is committed to working with state, local, and tribal agency partners to promote data quality and accuracy. A state-EPA ECHO Case Study team organized under E-Enterprise for the Environment includes source data system representatives and is charged with proposing actions to address the comments regarding data timeliness, review environments, and training, as well as recommending a process for the communication and resolution of potential problems identified by states.	No revision to the NPM Guidance is necessary in response to this comment.

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address these priorities.				

Issue Area: General Comments

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States asked that the NPM guidance address penalty issues, specifically Clean Air Act civil penalty guidelines to provide states with a specific framework for protocols regarding emissions and pollution penalties. Will there be anything in the NPM Guidance on penalties? Past guidance documents have addressed penalties.	State of California; ECOS Call	OECA Early Engagement Summary	<p>Thank you for your comment. The NPM Guidance is a high level national program planning document and does not address the granular issues raised by the commenter concerning guidance on a particular penalty policy. To the extent that state has questions about EPA's CAA penalty policy, they should contact their EPA regional office.</p> <p>To see the CAA Stationary Source Civil Penalty Policy (October 25, 1991) please visit: https://www.epa.gov/enforcement/clean-air-act-stationary-source-civil-penalty-policy-october-25-1991</p>	No revision to the NPM Guidance is necessary in response to this comment.
Will NPM Guidance provide greater clarity/guidance to the regions on EJ issues?	State of California; ECOS Call	Pg. 5 Federal Facilities and on pg. 2 of Appendices.	Thank you for your comment. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. Under the FY 2018 President's Budget, OECA resources and FTE supporting the Environmental Justice (EJ) program were eliminated. However, EJ work involving the entire agency will continue, and will be incorporated into future policy work within the Integrated Environmental Strategy program, which is a part of the EPA's Office of the	No revision to the NPM Guidance is necessary in response to this comment.

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			Administrator. Ultimately, the EPA's funding levels and the placement of specific FY 2018 programs will be determined through the annual federal appropriations process. EPA will develop FY 2019 Addenda to the NPM Guidance to address any significant programmatic changes determined after release of the final FY 2018-2019 NPM Guidance.	
In addition to expanding electronic reporting in NPDES programs, we would encourage EPA to continue to expand and streamline electronic reporting for all media, including Air.	Wyoming Department of Environmental Quality	Page 3 at Section II. A	Thank you for your comment. EPA and states have an existing E-Enterprise for the Environment project to streamline various CAA reporting, which includes better use of electronic reporting tools. EPA also issued a Policy Statement in 2013 as part of the E-Enterprise Initiative to promote electronic reporting and make it the default expectation in all new rules.	No revision to the NPM Guidance is necessary in response to this comment.

Issue Area: FY 2018-2019 ACS Measures (Appendix A)

Comment from State, Tribe, or Other Stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
Is this measure for EPA or the states?	Connecticut; ECOS Call	Appendix A, Pg. 6: New TSCA 02OC measure	Thank you for your comment. This is a federal EPA measure. Measures in the Appendix that apply to states all end with ". s".	No revision to the NPM Guidance is necessary in response to this comment.
RCRA02.s: Consider changing the 20% LQG requirement to another measurement. This requirement	Arkansas Department of	Appendix A: FY2018-2019 NPM Guidance	Thank you for your comment. Currently EPA and the Compliance Monitoring & Enforcement Task Force of ASTSWMO are working to update	At this time, no revision to the NPM Guidance is

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<p>pulls in facilities that may not need to be inspected every 5 years. EPA should look at the entire compliance monitoring program and not focus on a percentage. Some inspections take longer than others and should, therefore be accounted for in the overall compliance monitoring program review. Additionally, the current RCRA CMS states that Corrective Action inspections do not count. The entire program should be evaluated, which includes Corrective Action inspections.</p>	<p>Environmental Quality</p>	<p>Measures</p>	<p>the RCRA CMS, and reviewing the performance measures for the RCRA compliance monitoring program.</p>	<p>necessary in response to this comment. Based on the final decisions of the EPA-ASTSWMO Compliance Monitoring & Enforcement Task Force workgroup any necessary changes to the NPM Guidance can be provided in an addendum.</p>
<p>Rather than expand the universe of targeted communities with the optional measure, why not finish the job of addressing the current universe of SSS and CSS communities indicated on the NEI website for the Raw Sewage initiative as remaining to be addressed?</p>	<p>Kansas Dept. of Health & Environment – Bureau of Water (BOW)</p>	<p>NEI Measures PBS-M106 & -M107</p>	<p>Thank you for your comment. Three regions still have large combined sewer systems (CSS) and sanitary sewer systems (SSS) that require initial action. The remaining regions have completed work to initiate action on their universes of CSS's and SSS's universes. We remain focused on completing assessments and initiation of appropriate actions on these larger systems. The modification to the strategy gives regions and states the <u>option</u> to address systems that serve smaller communities that may be discharging significant amounts of untreated sewage.</p>	<p>At this time, no revision to the NPM Guidance is necessary in response to this comment. We will be happy to engage with Kansas and any other interested states on concerns that they may have about this option to take action on smaller systems that may</p>

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				be discharging significant amounts of untreated sewage.
Rather than count the number of civil judicial referrals or addressing actions; why not push a more positive measure like the number of CSS or SSS communities addressed – that would be a real accomplishment rather than initiating enforcement.	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	NEI Measures PBS-M106 & -M107	Thank you for your comment. We do look at communities addressed, however the magnitude and duration of the remedies required for the large CSS and SSS systems that have been the focus of the Municipal Infrastructure NEI, means that it can be many years (or decades) before we would be able to say that a system is fully addressed. The initiation of enforcement action is a key step in addressing these large systems, and provides a management tool for measuring progress on the NEI.	At this time, no revision to the NPM Guidance is necessary in response to this comment. We will be happy to discuss additional measures with Kansas and any other interested states.
In light of the MS4 Remand Rule, why not count the number of approved MS4 NPDES permits that now comport to the Rule rather than the number of judicial actions taken?	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	NEI Measure PBS-M108	Thank you for your comment. We will discuss adding a measure on the MS4 permits comporting with the Remand Rule.	At this time, no revision to the NPM Guidance is necessary in response to this comment. We will discuss adding a measure on the MS4 permits comporting with the Remand Rule.
We note from the NEI website pertaining to the Animal Waste initiative that the number of CAFO inspections done in FY16 (119) is the lowest number in the past 9	Kansas Dept. of Health & Environment – Bureau of Water	NEI Measure PBS-CAF002	Thank you for your comment. We would be happy to hear the State’s ideas about how to more effectively target inspections at unpermitted CAFOs not covered by State permits..	No revision is needed to the NPM Guidance to address this comment.

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years; perhaps a targeted effort should be made toward inspecting certain unpermitted large CAFOs and medium sized CAFOs that are not covered by State permits to ensure they do not discharge.	(BOW)			
We would support development of a mid-year and end of year report on progress in addressing CAFO issues, particularly nutrient management.	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	NEI Measures PBS-CAF007 & 008	Thank you for your comment. EPA’s CAFO NEI measures currently include the submittal of a mid-year and an end-of-year progress report from EPA Regions to the CAFO SIT. In addition, HQ staff discuss CAFO issues, including nutrient management issues, with Regional staff monthly.	At this time, no revision is needed to the NPM Guidance to address this comment. We would be happy to hear the State’s ideas on how to advance improvements in CAFO nutrient management.
We note from the NEI website pertaining to the Industrial Pollutants initiative that it may be likely that the DMR Pollutant Loading Tool may be used to establish high priority facilities; as pointed out previously, we believe the Tool may not result in accurate portrayals of significant industrial non-compliance; it would be better to consult with the States and review the actual DMR data to ascertain significance and priority	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	NEI Measures PBS-ID01 & - ID02	Thank you for your comment. We use the DMR Pollutant Loading Tool as one factor in our process to identify high priority facilities to be assessed under this NEI. The targeting process is iterative, and regions review the totality of available information and manually revise the list if their analysis indicates that a facility is not appropriate for the NEI. These reviews can include consultation with states.	At this time, no revision to the NPM Guidance is necessary in response to this comment. We will encourage the regions to consult with their states when refining their high priority facility lists.

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of industrial facilities				
We support ongoing discussions with EPA Region on the development and achievement of CMS targets, including CMS alternative plans. However, Kansas conducts its inspections & CMS on a calendar year basis, and, for us, an end-of-year report would be due March 31 of each year.	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	Measure CWA07	Thank you for your comment. The CMS targeting and reporting process has been on a federal fiscal year basis since the policy was first established in 2007. We rely on the regions to work with individual states that have schedules that differ from the federal fiscal year schedule.	No revision is needed to the NPM Guidance to address this comment.
The Alternative CMS plan submittal deadline of August 15 should be extended to an agreed upon later date, given this NPMG will not be final by that date, given the uncertainty in Federal funding will affect the inspection commitments of the States and given that certain States conduct their inspections on a calendar year basis rather than the Federal Fiscal Year.	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	Measure CWA07	Thank you for your comment. We rely on the regions to work with individual states that have particular issues or difficulties with their alternative CMS schedule. As to the uncertainty over federal funding, we will provide flexibility on timing if the federal appropriations process impedes funding getting to states.	At this time, no revision to the NPM Guidance is necessary in response to this comment. We commit to discussing this timing issue with the regions at the upcoming NPDES managers meeting.
States are going to need clarification on what constitutes finalized Round 3 SRF reports, given that every report contains items for States to subsequently address and report out on a quarterly basis; the sequence of follow up actions may contradict when the Round 3 reports can be	Kansas Dept. of Health & Environment – Bureau of Water (BOW)	Measure SRF01	Thank you for your comment. SRF reports are considered final when they are published on EPA’s web site. Final reports will contain recommendations or “items” for states regarding specific performance issues. A Region may check in with the state on the status of the implementation of a recommendation on a quarterly or annual basis. Once the Region is satisfied that a recommendation has been	No revision is needed to the NPM Guidance to address this comment.

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considered final.			satisfied, it is closed out. Whether a recommendation or follow-up action is open or closed does not have any bearing on the final report.	