



## PRIVACY IMPACT ASSESSMENT

Please submit your responses to your Liaison Privacy Official  
[http://intranet.epa.gov/privacy/pdf/lpo\\_roster.pdf](http://intranet.epa.gov/privacy/pdf/lpo_roster.pdf).

If you need further assistance contact Marilyn Aguilar, at [aguilar.marlyn@epa.gov](mailto:aguilar.marlyn@epa.gov) or (202) 566-0012.

### System Name: NPDES Withdrawal Petition Management

Preparer: \_\_\_\_\_ Office: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

Reason for Submittal: New PIA  Revised PIA  Annual Review  Rescindment

This system is in the following life cycle stage(s):

Definition  Development/Acquisition  Implementation

Operation & Maintenance  Rescindment/Decommissioned

Note: Note: New and Existing Systems require a PIA annually, when there is a significant modification to the system or where privacy risk has increased to the system. For examples of significant modifications, see [OMB Circular A-130, Appendix 1, Section \(c\) \(1\) \(a-f\)](#).

The PIA must describe the risk associated with that action. For assistance in applying privacy risk see [OMB Circular No. A-123, Section VII \(A\) \(pgs. 44-45\)](#).

### Provide a general description/overview of the system:

This system provides EPA and the public with information about petitions EPA has received to withdraw NPDES program authority from state programs, and with regard to such petitions: any records or documentation submitted by the petitioner; EPA determinations made; and the current status (e.g., pending, partially denied, denied).

### Section 1.0 Authorities and Other Requirements

#### 1.1 What specific legal authorities and/or agreements permit and define the collection of information by the system in question?

Through Clean Water Act section 402(c)(3) and implementing regulations at 40 CFR 123.63 and 123.64.

#### 1.2 Has a system security plan been completed for the information system(s) supporting the system?

**Commented [SF1]:** I'm not certain what this question is asking. What would constitute the information system(s) supporting the system?

**Unknown.** All documents within the system are public.

**1.3 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.**

The information in this system is not covered by the Paperwork Reduction Act.

## **Section 2.0 Characterization of the Information**

*The following questions are intended to define the scope of the information requested and/or collected, as well as reasons for its collection.*

**2.1 Identify the information the system collects, uses, disseminates, or maintains (e.g., data elements, including name, address, DOB, SSN).**

This system maintains and provides EPA and the public with information about petitions EPA has received to withdraw NPDES program authority from state authorized NPDES programs, and with regard to such petitions: any records or documentation submitted by the petitioner; EPA determinations made including supporting records or reports; and the current status (e.g., pending, partially denied, denied).

Petitions include the name and business address of petitioners, and likely other contact information. Also, supporting documents or records submitted with petitions may include information on NPDES covered facilities or permittees that petitioners collected either through publicly available state NPDES program information clearinghouses or databases, through direct correspondence with state NPDES program staff, or through FOIA or related state freedom of information law requests.

**2.2 What are the sources of the information and how is the information collected for the system?**

The sources of the information come from the petitions submitted to EPA by the petitioner(s) (members of the public), or are generated by EPA and state NPDES program staff and officials in the form of responses to petitions.

**2.3 Does the system use information from commercial sources or publicly available data? If so, explain why and how this information is used.**

No. However, reports, responses, or synthesized information that a state NPDES program or EPA generates in response to a petition may be based on publicly available NPDES program data.

**2.4 Discuss how accuracy of the data is ensured.**

Materials in the form of PDFs or Microsoft Word or Excel documents or e-mails are added to the system by EPA staff. These are often electronic copies of original correspondence received from the public or state NPDES program, or electronic copies of reports or determinations made by EPA.

## **2.5 Privacy Impact Analysis: Related to Characterization of the Information**

### **Privacy Risk:**

#### **Mitigation:**

**Commented [SF2]:** I assume the Privacy Office evaluates and fills out these sections?

## **Section 3.0 Uses of the Information**

*The following questions require a clear description of the system's use of information.*

### **3.1 Describe how and why the system uses the information.**

The agency uses the information to internally evaluate the petitions and their respective NPDES programs. The system also provides information on withdrawal petitions the agency has received for public awareness.

### **3.2 How is the system designed to retrieve information by the user? Will it be retrieved by personal identifier? Yes\_\_\_\_ No\_X\_\_. If yes, what identifier(s) will be used. (A personal identifier is a name, social security number or other identifying symbol assigned to an individual, i.e. any identifier unique to an individual. Or any identifier that can be linked or is linkable to an individual.)**

No. Management of the information is accessed through a unique username and password associated with each authorized user. No personal identifiers are involved. The data contained in the system (PDFs, other documents) is for public release and will be viewed via standard web browser (<https://www.epa.gov/npdes/npdes-state-program-information> - "Withdrawal Petitions" tab). The public, including EPA staff, can filter by date, state, and status, to find information about specific withdrawal petitions.

### **3.3 If the system retrieves information by personal identifier, what types/elements of information about the user are being retrieved?**

N/A

### **3.4 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?**

N/A. This system does not collect personally identifiable information.

### **3.5 Does the system use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how EPA plans to use such results.**

N/A.

### **3.6 Privacy Impact Analysis: Related to the Uses of Information**

#### **Privacy Risk:**

#### **Mitigation:**

## **Section 4.0 Notice**

*The following questions seek information about the system's notice to the individual about the information collected, the right to consent to uses of information, and the right to decline to provide information.*

#### **4.1 How does the system provide individuals notice prior to the collection of information? If notice is not provided, explain why not.**

Petitions to withdraw NPDES program authority are public by nature. Records pertaining to these withdrawal petitions are henceforth public information. By submitting a petition, an individual is consenting that their petition can and will be made publicly available. This system does not collect information from users. EPA staff upload static documents pertaining to withdrawal petitions and the public can then access them through the system's interface with EPA's public website (<https://www.epa.gov/npdes/npdes-state-program-information> - "Withdrawal Petitions" tab)

#### **4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the collection or sharing of their information?**

N/A. Petitions to withdraw NPDES program authority are public by nature. Records pertaining to these withdrawal petitions are henceforth public information. By submitting a petition, an individual is consenting that their petition, including supporting documents, can and will be made publicly available.

#### **4.3 Privacy Impact Analysis: Related to Notice**

#### **Privacy Risk:**

#### **Mitigation:**

## **Section 5.0 Access and Data Retention by the system**

*The following questions are intended to outline the access controls for the system and how long the system retains the information after the initial collection.*

#### **5.1 Do the systems have access control levels within the system to prevent authorized users from accessing information they don't have a need to**

**know? If so, what control levels have been put in place? If no controls are in place why have they been omitted?**

This system is a basic repository of public records pertaining to petitions to withdraw NPDES program authority from authorized states. It presents the files within the system to the public through an ordinary web browser on EPA's website (<https://www.epa.gov/npdes/npdes-state-program-information> - "Withdrawal Petitions" tab). Controls have been omitted as all records placed within the system are for public consumption.

**5.2 Are there other components with assigned roles and responsibilities within the system?**

No.

**5.3 Who (*internal and external parties*) will have access to the data/information in the system? If contractors, are the Federal Acquisition Regulations (FAR) clauses included in the contract (24.104 Contract clauses; 52.224-1 Privacy Act Notification; and 52.224-2 Privacy Act)?**

EPA staff, primarily within OWM/WPD/SRB.

**5.4 What procedures are in place to determine which users may access the information and how does the system determine who has access?**

Username and password for this standalone system. The system is only for EPA use. The system then displays/makes available the information and documents to the public via EPA's website (<https://www.epa.gov/npdes/npdes-state-program-information> - "Withdrawal Petitions" tab).

**5.5 Explain how long and for what reason the information is retained. Does the system have an EPA Records Control Schedule? If so, provide the schedule number.**

Through Clean Water Act section 402(c)(3) and implementing regulations at 40 CFR 123.63 and 123.64. EPA/OW/OWM/WPD/SRB has determined that keeping the files in the system, and to make them available to the public through EPA's web page, is in the public's interest. This is in accord with the intent of the CWA to make certain records, such as petitions to withdraw NPDES authority from authorized states, public; it is useful to continually provide these documents.

**5.6 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?**

Unknown.

**5.7 Privacy Impact Analysis: Related to Retention**

**Commented [SF3]:** As this system simply serves as a repository of copies of withdrawal petition records (petitions and responses), I do not believe it has a NARA retention schedule. All official copies of petitions and responses would fall under the retention schedules of staff and officials that received the petitions and responded to them.

**Privacy Risk:**

**Mitigation:**

## **Section 6.0 Information Sharing**

*The following questions are intended to describe the scope of the system information sharing external to the Agency. External sharing encompasses sharing with other federal, state and local government, and third-party private sector entities.*

**6.1 Is information shared outside of EPA as part of the normal agency operations? If so, identify the organization(s), how the information is accessed and how it is to be used, and any agreements that apply.**

It is made *publicly* available through the agency's website. Members of the public can access documents through that way (<https://www.epa.gov/npdes/npdes-state-program-information> - "Withdrawal Petitions" tab)

**6.2 Describe how the external sharing noted in 6.1 is compatible with the original purposes of collection in the SORN noted in 3.4.**

N/A. This system does not collect personally identifiable information. It was established to assist EPA staff in organizing, and making public, records related to petitions made to EPA to withdraw NPDES program authorization from states.

**6.3 Does the agreement place limitations on re-dissemination?**

No.

**6.4 Describe how the system maintains a record of any disclosures outside of the Agency.**

It does not maintain such records; the information (documents within the system) is presented to the public through EPA's website.

**6.5 How does the system review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within EPA and outside?**

This is a system for internal EPA use.

**6.6 Privacy Impact Analysis: Related to Information Sharing**

**Privacy Risk:**

**Mitigation:**

## **Section 7.0 Redress**

*The following questions seek information about processes in place for individuals to seek redress which may include access to records about themselves, ensuring the accuracy of the information collected about them, and/or filing complaints.*

### **7.1 What are the procedures that allow individuals to access their information?**

N/A. The system does not collect personally identifiable information. All NPDES records information is considered public information and public participation is encouraged. See CWA sections 101(e), 402; 40 CFR 122.7.

### **7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?**

N/A.

### **7.3 How does the system notify individuals about the procedures for correcting their information?**

N/A.

### **7.4 Privacy Impact Analysis: Related to Redress**

#### **Privacy Risk:**

#### **Mitigation:**

## **Section 8.0 Auditing and Accountability**

*The following questions are intended to describe technical and policy based safeguards and security measures.*

### **8.1 How does the system ensure that the information is used in accordance with stated practices in this PIA?**

Unknown

**Commented [SF4]:** Unsure how to answer this question. By entering documents in the system, they then become publicly available. We do not track or evaluate usage by the public other than through any existing Agency web data metrics.

### **8.2 Describe what privacy training is provided to users either generally or specifically relevant to the system/collection.**

The annual Information Security Awareness training required to be taken by EPA employees.

### **8.3    Privacy Impact Analysis: Related to Auditing and Accountability**

**Privacy Risk:**

**Mitigation:**

## **Approval Signature**

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Program Office, Liaison Privacy Official

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Marlyn Aguilar  
Headquarters, Liaison Privacy Official

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Judy Earle  
Agency Privacy Officer  
Environmental Protection Agency

**Original signed copy on file with the National Privacy Program.**