

NPOP Questions and Answers

Why is EPA issuing this policy? EPA is establishing this national policy to standardize and improve over time our process for oversight of permits and permitting authorities. The policy establishes a data-driven framework to identify emerging issues, track trends, inform national program workplans, and guide periodic adjustments to the oversight of individual permitting authorities. Our overarching goal in this policy is to improve the effectiveness and efficiency of our oversight activities.

Will this policy result in increased oversight of state and tribal permits? Under this policy, EPA will use information on permit quality, permit timeliness, and program integrity, as well as information on the effectiveness of past oversight, to inform decisions on EPA's future oversight of permitting programs. Our first step is to compile data on the current state, the baseline. This information may lead to an increase, a decrease, a shift in the type, or no change in oversight for individual permitting authorities based upon data.

Which permit programs are covered by the policy? The policy applies to New Source Review and Title V permitting under the Clean Air Act, National Pollutant Discharge Elimination System permitting under the Clean Water Act, Subtitle C permitting under the Resource Conservation and Recovery Act, and Underground Injection Control permitting under the Safe Drinking Water Act.

How will EPA judge the effectiveness and efficiency of its oversight? The early implementation of the policy will focus on establishing the current baseline. EPA will track the oversight we conduct, how timely we convey the results of that oversight to the permitting authority, and what the oversight findings are. That information will be shared with EPA program managers around the country, assessed and discussed to better understand any trends or anomalies. These discussions will form the basis of a "plan, do, check, act" cycle where program managers determine adjustments in oversight based upon professional judgement, test those adjustments, and refine them over time.

Will the changes in oversight be made public? The policy establishes and details the general expectation for an annual check-in between EPA and the permitting authority. This is meant to be an open dialogue that should result in a shared understanding between EPA and the permitting authority regarding the EPA oversight approach for the subsequent year. It is not our intent to publish this information.

Will the metrics be shared publicly? The metrics are designed to be shared with individual permitting authorities as one data source to help inform an annual dialogue between EPA and the individual permitting authorities. This dialogue allows us to jointly review the prior year and discuss plans for the upcoming year, including workload, resources, priorities, issues or needs, and any adjustments in

engagement between EPA and the permitting authority. These conversations should result in a shared understanding between EPA and the permitting authority regarding the EPA oversight approach for the subsequent year. It is not our intent to publish this information nor is it intended to be shared with other permitting authorities.

Can one state's metrics be shared with other states? In the spirit of transparency, EPA may choose to share summary aggregate information with permitting authorities. Individual state data is not intended to be shared with other states as it is not always appropriate to compare any two individual states. As our intent is continual improvement of the effectiveness and efficiency of our oversight, we will also be looking for best practices to emerge over time. We would hope to share best practices from EPA Regions and from individual permitting authorities where they may be of assistance in improving effectiveness and efficiency of oversight or of the underlying permitting process. These best practices may be shared through webinars, training, on-line documents or other means.

Will EPA compare the performance of the states? The metrics alone are insufficient to fairly compare the performance of the permitting authorities. So many factors impact the nature and implementation of an individual permitting program that such comparisons would likely be very misleading. EPA will be looking for best practices to emerge over time and acknowledges that one permitting authority's best practice may be totally inapplicable to another permitting authority. To the extent those practices may be of value, they may be shared through webinars, training, on-line documents or other means.

Why is EPA including a timeliness metric for permit decisions?

Delays in permit decisions can impact construction, expansion, or even the commencement of operation for manufacturing and critical infrastructure, even if the affected operations ultimately may be deemed suitable as proposed. Under EPA's strategic plan, the Agency is committed to speeding up the processing of permits and modifications to create certainty for the business community, leading to more jobs and increased economic prosperity. While EPA is not setting a timeliness goal for permits issued by other permitting authorities, EPA will use timeliness data to frame a discussion as to whether the permitting processes being used by a permitting authority could benefit from process improvement efforts like lean management or from augmenting resources, such as staff training or access to technical expertise

Will this policy drive changes in the permits issued to the regulated community? No. The policy does not alter nor interpret statutory or regulatory requirements implemented through permits, nor does it create non-binding guidance on the content of permits. Any changes to statute, regulation, or guidance affecting permit content would be done through the legislative or administrative procedures under which such changes must be done.

Isn't permit quality a subjective metric? How will EPA ensure comparable judgments across reviewers? This is a continual improvement process. We expect, over time, to be able to identify significant differences and better align practices through review and discussion of the results by EPA region and nationally, and by conducting review of our direct implementation. But it all starts with gathering a baseline. As we move through the “plan, do, check, act” cycle after the initial baseline, we expect to be able to make adjustments to improve our effectiveness and efficiency, gaining greater consistency in any judgments along the way.

Will there be more permit program reviews as a result of the NPOP? Under this policy, EPA will use information on permit quality, permit timeliness, and program integrity, as well as information on the effectiveness of past oversight, to inform decisions on EPA's future oversight of permitting programs. Our first step is to compile data on the current state, the baseline. This information may lead to an increase, a decrease, a shift in the type, or no change in oversight for individual permitting authorities based upon data.

Will this create an incentive for EPA to comment more frequently on our permits? It is not the intent of the policy to either “rank” or “grade” the EPA Region or the permitting authority. The early implementation of the policy will focus on establishing the current baseline: what oversight EPA is conducting, how timely we are in conveying the results of that oversight to the permitting authority, and what the oversight findings are. That information will be shared with EPA program managers around the country, assessed and discussed to better understand any trends or anomalies. These discussions will form the basis of a “plan, do, check, act” cycle where adjustments are made in oversight based upon professional judgement of program managers, tested, and refined over time to improve efficiency and effectiveness of our oversight.

Is EPA going to impose a time limit on permit renewal? Where there is a specific statutory timeframe given for issuance of new permits or renewal of expiring permits, timeliness of permit issuance will be measured against those statutory timeframes. For all other permits that have statutory provisions that limit the term of permits, EPA expects that decisions to renew the permit be made before the term of the permit expires as implied if not explicitly stated in the underlying statutes. By contrast, EPA has no specific expectations for timeliness of issuing new permits when the underlying statute does not address it. Timeliness of those new permits can be measured against the timeframe used internally by the permitting authority (if there is such a goal) or as an average.

How does this policy account for all the other pressures on states and their resources? The cornerstone of the process established by the policy is an annual check-in between EPA and the permitting authority. That check-in includes the opportunity for permitting authorities to share their priorities, issues, and concerns through an open dialogue. This dialogue is intended to ensure transparency and facilitate the identification of opportunities for EPA to improve its oversight activities *and* best support the permitting authority.

How will EPA help states improve processes to meet NPOP requirements/standards?

EPA's Office of Continuous Improvement (OCI) is open for business to help its state partners meet standards set in the new National Permitting Oversight Policy. EPA "Lean" experts have directly supported several states to help them improve their permitting process through the successful deployment of EPA's Lean Management System (ELMS). EPA continues to offer ELMS deployment training and assistance to interested state and Tribal partners in order to better protect human health and the environment. To learn more, state and Tribe deployment information can be found on OCI's internet site - <https://www.epa.gov/continuous-improvement>.

Where can I get additional information on this policy? Please visit the website at www.epa.gov/streamlining-permits/national-permitting-oversight-policy or send an email to NPOP@epa.gov for additional information.