

US EPA ARCHIVE DOCUMENT

ECOS-EPA Burden Reduction Initiative

Regional Successes in Reducing State Reporting Burden

March 2010

The U.S. Environmental Protection Agency (EPA) and the Environmental Council of the States (ECOS) launched the Burden Reduction Initiative in October 2006. This Initiative aims to reduce states' low-value, high burden reporting requirements, thus conserving both states' and EPA's valuable resources while maintaining a commitment to protecting human health and the environment.

Each of the fifty states was asked to identify their top five reporting requirements with potential for streamlining or elimination. Thirty-nine states responded, recommending ways to reduce reporting frequency and level of detail, increase electronic data entry, and, to the extent possible, standardize regional differences in reporting requirements.

EPA has been steadily working to address the states' recommendations since the Initiative began. The following recommendations were resolved on the regional level, between EPA regions and their respective states. These regional resolutions highlight the actions undertaken by EPA to address the states' recommendations and reduce reporting burden. To further strengthen the relationship between the states and EPA, and to promote the Administration's focus on transparency and open communication, the Initiative hopes these actions might be of assistance to other EPA regions and states in streamlining their own reporting processes.

If you have any questions about the recommendations below or on ways to further promote these successes in your region or state, please contact Lucinda Power at (202) 566-0356 or Power.Lucinda@epa.gov. For more information about the Burden Reduction Initiative, please visit: www.epa.gov/burdenreduction

Reduce Reporting Frequency for Clean Air Act Section 105¹ Grant Reporting

Recommendation submitted by Alabama, Kentucky, and South Carolina

States requested that EPA change Section 105 grant work plan quarterly reports to an annual report and eliminate the requirement for an annual narrative summary report comparing actual accomplishments to work plans' anticipated outputs/outcomes. In response, EPA has developed a standardized grant reporting policy that will pertain to Section 105 grants, as well as a number of other grants and assistance agreements. Region 4 only requires the narrative summary report if grant commitments are not met.

Streamline Performance Partnership Agreement (PPA)/Performance Partnership Grants (PPG)² Reporting Requirements

Recommendation submitted by Colorado, South Dakota, Utah, and Virginia

The states requested that EPA streamline PPA/PPG reporting and cease all requests for additional quarterly and semi-annual reports, as the PPA End of Year Annual Report should be the only reporting

¹ Section 105 of the Clean Air Act establishes a grant program for eligible air pollution control agencies to carry out programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.

² PPAs and PPGs are two tools available to help implement performance partnerships on the ground.

mechanism. Starting with the FY2008 grant report, Region 3 requires a semi-annual “exceptions-only” report and an annual report for the PPGs. Region 8 has pledged that it will take steps to control unnecessary requests each year from the various Region 8 programs.

Subsequent to reduced reporting frequency recommendations being presented and resolved, EPA issued a Grants Policy which applies to the issues identified. This policy identifies general reporting frequencies for grant workplan progress reports for specific EPA grants, typically semi or annual frequency. The EPA Grants Policy is attached to this document.

Harmonize Water Reports with Different Reporting Periods and Frequencies

Recommendation submitted by Iowa, Massachusetts, and New Jersey

States requested that EPA’s reporting requirements in the PPA, the Strategic Plan Subobjectives, the Program Activity Measures, and the state Nonpoint Source Annual Report be issued in one format on an annual or bi-annual basis. Some regions now request annual reports from its states on the Clean Water Act 319³ program through their PPA annual report, and have eliminated region-only reports or aligned the mandatory reporting requirements with grant reporting schedules, where appropriate.

Eliminate Report on “No Determinations” Under Clean Air Act Section 112(g)⁴

Recommendation submitted by Kentucky and South Carolina

States requested that EPA eliminate requirements to submit a notice if no Section 112(g) determinations are made in a given year. Region 4 removed this requirement for FY08 for all state and local air agencies in the Region, including Kentucky and South Carolina.

Eliminate Report on Prevention of Significant Deterioration⁵ (PSD)/New Source Review⁶ (NSR) Non-Applicability Determinations

Recommendation submitted by Kentucky and South Carolina

States requested EPA eliminate the requirement to report PSD/NSR applicability determinations resulting in non-applicability. EPA met this request and does not require reporting on non-applicability if states will note non-applicability in their public notices for permits.

Eliminate Annual Monitoring Report under Clean Air Act Section 105

Recommendation submitted by Nebraska

Nebraska requested that EPA eliminate the annual monitoring report. Region 7 has agreed through the FY 2008-2009 Air Section 105 grant negotiation process with Nebraska’s Department of Environmental Quality to reduce the hard copy enforcement action documents that are required to be submitted.

Eliminate Reporting on State-Based or Other Programs Not Federally Funded

Recommendation submitted by Arizona

Arizona requested that EPA eliminate PPG work plan requirements that are related to state-based or other programs not largely funded by Federal funds. Region 9 met this request and the information will be reported as needed by an informal exchange between the state and EPA.

Eliminate Annual Summary of Clean Water Act Section 106⁷ and 319 Quarterly Reports

³ Section 319 of the Clean Water Act establishes a national program to address non-point sources of water pollution.

⁴ The section 112(g) provision is designed to ensure that emissions of toxic air pollutants do not increase if a facility is constructed or reconstructed before EPA issues a MACT or air toxics regulation for that particular category of sources or facilities.

⁵ Prevention of Significant Deterioration applies to new major sources or major modifications at existing sources for pollutants where the area the source is located is in attainment or unclassifiable with the National Ambient Air Quality Standards.

⁶ New Source Review requires stationary sources of air pollution to get permits before they start construction.

Recommendation submitted by Maryland

States are required to submit quarterly National Pollutant Discharge Elimination System⁸ (NPDES) 106 and 319 reports, yet states are also required to do an annual report that summarizes these quarterly reports. Region 3 clarified in the FY2008 grant work plan negotiation process that states no longer need to provide an annual summary of NPDES 106 quarterly reports.

Subsequent to reduced reporting frequency recommendations being presented and resolved, EPA issued a Grants Policy which applies to the issues identified. This policy identifies general reporting frequencies for grant workplan progress reports for specific EPA grants, typically semi or annual frequency. The EPA Grants Policy is attached to this document.

Reduce Frequency of Clean Water Act Section 319 Reporting

Recommendation submitted by Indiana, Minnesota, and Rhode Island

States requested that EPA regions should eliminate additional reporting requirements for the 319 grant that are not required nationally or by grant. Region 5 refined Section 319(h)(10) reporting requirements so that the state only provides the information already reported in the Grant Reporting and Tracking System.

Streamline Nonpoint Source Report

Recommendation submitted by Oklahoma

Oklahoma requested EPA to streamline preparation of the Nonpoint Source Annual Report (under the Clean Water Act (CWA) Section 319) and eliminate the requirement of a “glossy” report. Region 6 clarified that its states are asked to provide a single report on CWA Section 319 program activities and a glossy report is not a requirement under the CWA Section 319. These reports have been streamlined in recent years from 150-250 pages to 20-40 pages.

Eliminate Reporting Enforcement and Compliance Assurance Priorities (RECAP) Report

Recommendation submitted by Texas

Texas requested that EPA’s Region 6 should run the RECAP report from the Permit Compliance System rather than requiring the state to do it. Region 6 clarified that the RECAP report is no longer required.

Eliminate Requirement to Submit NPDES Enforcement Documents

Recommendation submitted by Colorado

Colorado requested that EPA eliminate the requirement to submit NPDES enforcement documents and associated correspondence, as well as NPDES inspection reports. Colorado would prefer to provide e-copies of documents for specific cases upon request from Region 8. Region 8 agreed to have Colorado submit a subset of inspection reports and issued revised PPA guidance to the states for FY2009.

Eliminate Duplicative National Emissions Inventory⁹ (NEI) Reporting

Recommendation submitted by Maryland

Maryland requested that EPA reduce duplicative reporting/multiple submissions in the NEI. Region 3 clarified that their grantees only need to enter their data into NEI once and by a specific due date.

⁷ Section 106 of the Clean Water Act authorizes EPA to provide federal assistance to states (including territories, the District of Columbia) and Indian Tribes and interstate agencies to establish and implement ongoing water pollution control programs.

⁸ NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

⁹ EPA’s NEI database contains information about sources that emit criteria air pollutants and their precursors, and hazardous air pollutants.

Attachment I

Grants Policy Issuance (GPI) 08-05: Burden Reduction for State Grants

Purpose

This policy codifies and summarizes actions taken by EPA to address major grant-related issues identified under the Agency's State Reporting Burden Reduction Initiative. These actions cover State grant awards, as described below, in the following areas:

- A. Bundling of Assurances/Certifications
- B. Financial Status Reports
- C. Grant Workplan Progress Reports Submitted under 40 C.F.R. § 31.40
- D. Cost Reviews

Effective Date

This policy will be effective for all new awards made on and after October 1, 2008.

A. Bundling of Assurances/Certifications

As authorized by GPI-08-01, Regional Grants Management Offices (GMOs) may receive and maintain "bundled" assurances/certifications for Regionally awarded grants to State agencies under 40 C.F.R. Part 35.

B. Financial Status Reports (FSRs)

For State grants awarded under 40 C.F.R. Part 35 Subpart A, FSRs will be submitted no more frequently than annually, unless a recipient is considered "high risk" under 40 C.F.R. § 31.12.

C. Grant Workplan Progress Reports Submitted under 40 C.F.R. § 31.40

1. Attachment 1 lists general frequencies, applicable to selected State grant programs, for formal grant workplan progress reports submitted under 40 C.F.R. § 31.40 (§ 31.40 workplan progress reports). Regions and National Program Managers may require more frequent § 31.40 workplan progress reports (not to exceed quarterly reporting) only: 1) where agreed to by a State and documented in the grant award terms and conditions; or 2) where there are performance issues, including Agency concerns with the timely and appropriate expenditure of funds by the recipient. The Office of Grants and Debarment (OGD) may periodically revise Attachment 1 to add general § 31.40 workplan progress report frequencies for other State grant programs after consultation with National Program Managers, Regions and the States.

This policy applies to the frequency of §31.40 workplan progress reports; it does not affect other State reporting to EPA such as reporting to Agency data systems or reporting required by National Program Guidance or by statute or regulation. Nothing in this policy limits the ability of Regions and States to negotiate different frequencies (no more frequent than quarterly and no less frequent than annually) for § 31.40 workplan progress reports as part of the joint evaluation process under 40 C.F.R. § 35.115.

2. A number of the grants listed in Attachment 1 may be combined into Performance Partnership Grants (PPGs). For grants that are included in a PPG, unless otherwise agreed to by a State and subject to the conditions in Section C.1: 1) the Agency will require semi-annual § 31.40 workplan progress reports only for those Attachment 1 programs approved for semi-annual reporting; and 2) annual § 31.40 workplan progress reporting will be required for all programs included in the PPG.
3. The EPA Project Officer or designated technical representative will be the Agency's single point of contact for receiving § 31.40 workplan progress reports for State grants awarded under 40 C.F.R. Part 35 Subpart A.
4. On August 18, 2008, OGD approved a class deviation from 40 C.F.R. § 35.6650. Under the terms of the class deviation, State recipients of cooperative agreements under 40 C.F.R. Part 35 Subpart O will have 60 days from the end of each reporting period to submit interim progress reports.
5. On July 8, 2008, the Agency received a request from the Association of State and Territorial Solid Waste Management Agencies (ASTSWMO), on behalf of the 50 States, the District of Columbia and the Territories of the U.S. Virgin Islands, Puerto Rico, Guam, American Samoa, and the Northern Mariana Islands, regarding grants under Section 128(a) of the Comprehensive Environmental Response, Compensation and Liability Act. Specifically, ASTSWMO asked the Agency to ease the reporting burden on States receiving Section 128(a) funding by extending a semi-annual reporting requirement to 60 days rather than the current 30 days. Consistent with the flexibility provided by 40 C.F.R. § 31.40, EPA will allow Section 128(a) State recipients to submit semiannual progress 60 days after the reporting period.

D. Cost Reviews

In March 2007, OGD issued interim, streamlined cost review procedures for State grants awarded under 40 C.F.R. Part 35, Subpart A. These procedures applied to State applicants that submitted an adequate internal controls assurance concerning their personnel and travel management systems and were not deemed high-risk. GPI-08-04, issued on September 30, 2008, contains final cost review procedures, which take into account feedback on the interim policy from EPA offices and the States.

E. Review and Evaluation

In consultation with the State Grants Subgroup, OGD will review this policy periodically to ensure its effectiveness and make any necessary revisions.

G. Waivers

In response to a written request from the appropriate Senior Resource Official, the OGD Director may approve waivers to this guidance on an individual or class basis because of national security concerns, circumstances of unusual or compelling urgency, unique programmatic considerations, or because the waiver would be in the public interest.

H. Roles and Responsibilities

For covered awards, Program Offices and Grants Management Offices must ensure that the provisions of this guidance are followed, as appropriate, in the review of grant applications, in the development of grant terms and conditions and during grant oversight.

ATTACHMENT 1

This Attachment lists general frequencies for the submission of 40 C.F.R. § 31.40 grant workplan progress reports covering selected State grant programs. As noted in Section C. 1. of the GPI, for individual grants awarded under these programs, Regions may require more frequent § 31.40 workplan progress reports (not to exceed quarterly reporting) only where agreed to by a State or where there are performance issues, including Agency concerns with the timely and appropriate expenditure of funds.

General State Grant Progress Report Frequencies

NPM	CFDA	Title	Frequency	Rationale
OAR	66.001	Categorical Grant: Air Pollution Control Program Support	Annual	
OAR	66.032	Categorical Grant: State Indoor Radon Grants	Annual	
OAR	66.034	PM2.5 Air Monitoring (Sec. 103)	Variable	Frequencies may range from annual to quarterly depending on fund utilization/equipment supply status.
OW	66.460	Categorical Grant: Non-point Source Implementation Grants (Sec. 319)	Annual/ Semi-annual	Frequencies may range from annual to semi-annual depending on fund utilization and other relevant factors.
OW	66.432	Categorical Grant: State Public Water System Supervision (PWSS)	Annual	
OW	66.419	Categorical Grant: Water Pollution Control State, Interstate, and Tribal Program Support(Sec. 106)	Annual	
OW	66.461	Categorical Grant: Regional Wetland Program Development Grants	Semi-annual	Competitive grant that does not lend itself to annual reporting. The program has quantitative national measures that require semi-annual reporting.
OW	66.433	Categorical Grant: State Underground Water Source Protection(UIC)	Annual	
OW	66.472	Categorical Grant: Beach Monitoring and Notification Program Implementation Grants	Annual	
OW	66.478	Categorical Grant: Water Security Training and Technical Assistance	Semi-annual	This is a relatively new grant program and as such, more frequent reporting is needed. Demonstrated progress in funds utilization will be a key factor in moving this to annual reporting in later years.

NPM	CFDA	Title	Frequency	Rationale
OW	66.458	Infrastructure Assistance: Capitalization Grants for Clean Water State Revolving Funds	Annual	
OW	66.468	Infrastructure Assistance: Capitalization Grants for Drinking Water State Revolving Funds	Annual	
OW	66.454	Water Quality Management Planning 604(b)	Annual	
OPPTS	66.714	Categorical Grant: Pesticide Environmental Stewardship Regional Grants	Annual	
OPPTS	66.707	Categorical Grant: TSCA Title IV State Lead Grants Certification of Lead-Based Paint Professionals (404(g))	Annual	
OPPTS	66.718	Categorical Grant: National Community-Based Lead Outreach and Training Grant Program	Annual	
OPPTS	66.718	Categorical Grant: National Community-Based Lead Outreach and Training Grant Program (Vulnerable Populations)	Annual	
OPPTS	66.708	Categorical Grant: Pollution Prevention Grants Program	Semi-annual	Competitive grant that does not lend itself to annual reporting. The program has quantitative national measures that require semi-annual reporting.
OSWER	66.801	Categorical Grant: Hazardous Waste Management State Program Support	Annual	
OSWER	66.804	Categorical Grant: State and Tribal Underground Storage Tanks Program	Semi-annual	States agreed to semi-annual
OSWER	66.818	Categorical Grant: Brownfields Assessment and Cleanup Cooperative Agreements	Semi-annual	Can range from semi-annual to annual depending on regional and state agreements
OSWER	66.809	Superfund State and Indian Tribe Core Program Cooperative Agreements (under Subpart O)	Variable	Frequency will be negotiated by the Region and State and may vary depending on the nature of a State's Core Program
OSWER	66.816	Headquarters And Regional Underground Storage Tanks Program (LUST Trust Fund Grants (Part 35))	Semi-annual/ Quarterly	Reporting varies, as negotiated on a state-by-state basis
OECA	66.700	Categorical Grant: Consolidated Pesticide Enforcement Cooperative Agreements	Semi-annual	Allows the regions to assess the states progress toward meeting their compliance monitoring commitments in 49 states

NPM	CFDA	Title	Frequency	Rationale
OECA	66.701	Categorical Grant: Toxic Substances Compliance Monitoring Cooperative Agreements	Semi-annual	Allows the Regions to assess the states progress toward meeting their inspection commitments and enables the Regions to implement mid-course corrections
OECA	66.709	Categorical Grant: Multi-Media Capacity Building Grants for States and Tribes (Sector Program)	Semi-Annual	Reasonable oversight and adequate grants management for a competitive grant that does not lend itself to annual reporting
OEI	66.608	Categorical Grant: Environmental Information Exchange Network Grant Program and Related Assistance	Semi-Annual	Competitive grant that does not lend itself to annual reporting. Because of the highly technical nature of this project and the fact that each grant has only a two year life (pending no extensions), semi-annual reporting allows for closer monitoring of progress or identifying problems a grantee may have during the life of the grant
OCIR	66.605	Performance Partnership Grants	Reporting Frequency identified for each included program	Program grants requiring annual reports and those requiring semi-annual reports may be combined into a single PPG. In these cases, states will be required to submit annual reports addressing all included programs, and semi-annual reports addressing only those programs with semi-annual reporting requirements. Alternatively, at the state's discretion, states may submit semi-annual reports addressing all programs included in the PPG.