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# **National Environmental Performance Partnership System**

**FY 2016-2017 Guidance**

**Office of Congressional and Intergovernmental Relations  
Office of the Administrator**

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**National Environmental Performance Partnership System  
FY 2016-2017 National Program Guidance**

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## National Environmental Performance Partnership System FY 2016-2017 National Program Guidance

### EPA Overview to the FY 2016-2017 NPM Guidances

The EPA Overview to the National Program Managers (NPM) Guidances communicates Agency-wide information as well as other applicable requirements critical to effective implementation of EPA's environmental programs for FY 2016 and 2017 and should be reviewed in conjunction with this Guidance. The Overview is available at:

<http://www2.epa.gov/planandbudget/national-program-manager-guidances>

### Introduction

EPA and the states share responsibility for protecting public health and the environment. Since 1995, EPA and the states have been implementing the National Environmental Performance Partnership System (NEPPS),<sup>1</sup> an environmental performance system designed to improve the efficiency and effectiveness of state environmental programs and EPA-state partnerships.

Several fundamental concepts underlie NEPPS. Goals, priorities, and strategies should be based on information about environmental conditions, including consideration of local conditions and respecting the need for a "level playing field" across the country. Performance should be evaluated based on results that can be achieved in the environment. By taking full advantage of the unique capacities of EPA and the states and leveraging our collective resources most efficiently and effectively, we can achieve the greatest results.

The importance of strengthening and modernizing the EPA-state relationship and revitalizing and re-energizing NEPPS is a priority of the Administrator as reflected in the Cross-Agency Strategy, "A New Era of State, Local, Tribal, and International Partnerships" in the [FY 2014-2018 EPA Strategic Plan](#). Beginning in FY 2015, the Agency is transitioning to a 2-year NPM guidance cycle. Guidance development encompasses a new early engagement process which includes a cross-program coordination component to ensure an opportunity for states and tribes to identify and discuss cross-program topics with the NPMs, and ensures alignment with EPA programmatic grant guidance.

The Office of Congressional and Intergovernmental Relations (OCIR) is issuing this guidance to the regions, in conjunction with the Agency-wide process for production and review of national program guidance through the Office of the Chief Financial Officer

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<sup>1</sup> See: *Joint Commitment to Reform Oversight and Create a National Environmental Performance Partnership System* at: [http://www.epa.gov/ocir/nepps/pdf/joint\\_commit\\_create\\_nepps.pdf](http://www.epa.gov/ocir/nepps/pdf/joint_commit_create_nepps.pdf).

(OCFO), in order to advance the joint planning and priority setting that is central to Performance Partnerships.

This 2-year FY 2016-2017 guidance<sup>2</sup> sets out overarching national areas of focus and related activities for Performance Partnerships and provides a framework to advance the Agency's partnership objectives. This guidance also reflects and supports EPA's commitments and objectives outlined in the Cross-Agency Strategies and annual action plans for the following: partnerships; communities; sustainability; EPA as a high-performing organization.

## **National Areas of Focus and Related Activities for FY 2016-2017**

***National Area of Focus I: Ensure that strategic discussions between senior regional leaders and state commissioners/directors focus on priorities, resources and performance, and are effectively incorporated into PPAs/PPGs, EPA-state/tribal agreements and grant workplans.***

### **Description**

Both EPA and the states fulfill critical roles in protecting and improving human health and the environment. By law and through shared experience, EPA, the states and tribes must effectively collaborate in the planning and implementation of environmental programs and ensure compliance with statutory and regulatory requirements in order to be successful.

As part of EPA's commitment to revitalize NEPPS and strengthen the EPA-state partnership, it is important to reassess and reaffirm support for the original principles embodied in the 1995 NEPPS agreement and the substantive gains realized through NEPPS, including those achieved through the robust use of Performance Partnership Grants (PPGs), Performance Partnership Agreements (PPAs), Tribal-EPA Agreements (TEAs) and EPA-Tribal Environmental Plans (ETEPs). All of these are valuable, popular and widely used NEPPS tools which are useful for joint priority setting, leveraging resources strategically, providing administrative and programmatic flexibility, as well as in-depth assessments and/or descriptions of state/tribal environmental conditions.

### **Activities**

***1. Prior to negotiating NEPPS agreements and grant workplans, senior regional and state managers should review environmental priorities, available resources and program flexibilities to further refine priorities and commitments that reflect the most effective deployment of resources to accomplish state, regional, and national program goals.***

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<sup>2</sup> This guidance is a compilation of existing policies and initiatives. It does not impose any new legally binding requirements.

[Note: This action is a specific requirement in the FY 2015 Action Plan for the Partnerships Cross-Agency Strategy. Completing this action in FY 2015 will be an integral component of the FY 2016-2017 NEPPS process.]

To successfully implement this action and improve communications overall, the regions are asked to review their existing approaches to accomplish the key principles set forth in the original 1995 NEPPS agreement by ensuring that: (1) priorities and resources are considered and discussed together across programs based on the states' environmental conditions; and (2) the results of these discussions are captured in the priorities and commitments negotiated in PPAs, PPGs and individual grant workplans. There are different approaches to accomplishing this action which may involve, for example, convening annual meetings with state environmental commissioners/directors to identify priorities and needed flexibilities that will guide program-to-program discussions between EPA regional staff and managers and their state counterparts, or employing other comparable procedures developed by the regions.

***2. When partnering with states and tribes to implement E-Enterprise actions in the FY 2015 Action Plan for the Partnerships Cross-Agency Strategy, regions should ensure that the relationship and nexus to the FY 2016-2017 NEPPS process is considered.***

As the Agency continues to implement E-Enterprise initiatives and activities with states and tribes, several projects may be connected to and impact the NEPPS process. For example, the FY 2015 Partnerships Action Plan requires the regions and programs to embed E-Enterprise principles<sup>3</sup> in work processes and projects of EPA and state/tribal partners, and includes these milestones: (1) by September 30, 2015, state grant workplans [including PPGs] should align activities with E-Enterprise goals, as appropriate; and (2) by September 30, 2015 each program and regional office will identify management processes, projects, and/or program activities that will be adapted to align with E-Enterprise goals, including through activities such as Lean, burden reduction and rule effectiveness efforts, and early engagement and collaboration with states and tribes. Each programmatic NPM guidance identifies and describes examples of E-Enterprise projects and priority activities which align with E-Enterprise goals.

***3. When negotiating PPAs and TEAs/ETEPs, incorporate all the essential elements to the extent possible. In addition, joint priorities should be distinguished from state-, tribal-, and EPA-specific priorities, and the regions should collaborate with states to identify all available opportunities to share work.***

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<sup>3</sup> See: [http://www.epa.gov/exchangenetwork/grants/2015/E\\_Enterprise\\_Blueprint\\_Executive\\_Summary.pdf](http://www.epa.gov/exchangenetwork/grants/2015/E_Enterprise_Blueprint_Executive_Summary.pdf) for E-Enterprise design and operation principles.

The most effective PPAs contain several essential elements established by a joint EPA-state work group.<sup>4</sup> These essential elements are also helpful in structuring and organizing effective TEAs/ETEPs. The recommended essential elements are listed below.

- A description of environmental conditions, priorities, and strategies.
- Performance measures for evaluating environmental progress.
- A process for joint evaluation on how well the PPA [or TEA/ETEP] is working and an agreement to implement any needed improvements that are identified.
- A description of the structure/process for mutual accountability, including a clear definition of roles of each party in carrying out the PPA [or TEA/ETEP] and an overview of how resources will be deployed to accomplish the work.
- A description of how the priorities in the PPA [or TEA/ETEP] align with those in EPA's Strategic Plan, and/or the state's own strategic (or other related) plan.

Incorporating each of these elements still allows for a wide range of PPAs or TEAs/ETEPs, although it may not be feasible for some PPAs or TEAs/ETEPs to include all the essential elements. The essential elements may be covered at different levels of detail depending on what is appropriate for a particular state. There is also room for variation in content (e.g., PPAs or TEAs/ETEPs that cover all programs or just a few programs), as well as in organizational structure and format. In order to clarify the role of each party in carrying out the PPA or TEA/ETEP, to the extent possible, both state and EPA commitments should be delineated.

By including the elements enumerated above, a PPA or TEA/ETEP can become the unifying agreement that sets out the relationship between EPA and the state or tribe and how they expect to work together to implement the strategies for achieving the goals and objectives in the agreement. While they can be consistent with PPGs, PPAs and TEAs/ETEPs are not financial agreements and can cover issues and concerns of a wider range than PPGs. In some instances, states and tribes can choose to have PPAs and TEAs/ETEPs function as workplans.

The EPA-State Worksharing Task Force has published two reports that can guide regions in working with their states to identify and implement shared work. Both can be found on OCIR's NEPPS website.<sup>5</sup>

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<sup>4</sup> State-EPA Planning Alignment/PPA Work Group, now the Partnership and Performance Work Group. See: [http://www.epa.gov/ocir/nepps/policies\\_guidance.htm](http://www.epa.gov/ocir/nepps/policies_guidance.htm) for the Work Group's findings and recommendations.

<sup>5</sup> See: *Prohibitions, Areas of Caution, and Recommendations to Enhance Worksharing Opportunities* at: [http://www.epa.gov/ocir/nepps/pdf/task\\_force\\_report\\_prohibitions\\_areas\\_caution.pdf](http://www.epa.gov/ocir/nepps/pdf/task_force_report_prohibitions_areas_caution.pdf) and see

*Principles and Best Practices for Worksharing* at: [http://www.epa.gov/ocir/nepps/pdf/task\\_force\\_reportbstpractices.3.26.13.pdf](http://www.epa.gov/ocir/nepps/pdf/task_force_reportbstpractices.3.26.13.pdf).

**4. Regions should discuss and address requests for flexibility early in the negotiation of NEPPS agreements and, if needed, resolve any disagreements in a timely manner through the existing NEPPS issue resolution process.**

The new FY 2016-2017 NPM guidances (OW, OAR, OSWER, OCSPP) include features that affirm support for EPA, states and tribes to pursue requests for flexibility and innovation, leverage resources to more efficiently protect human health and the environment, and advance Performance Partnership principles. Specifically, these guidances will include: (1) language in the *Introduction* that affirms and articulates the intent to address flexibility issues within identified parameters and using available Agency processes; (2) language on parameters for flexibilities in sections on *National Areas of Focus and Program-Specific Guidance*; (3) guidelines for seeking approval for flexibilities and elevating issues.

The NEPPS issue resolution process for raising and resolving various policy and implementation issues related to Performance Partnerships is outlined in EPA's *Best Practices Guide for Performance Partnership Grants with States*.<sup>6</sup> The process includes various formal and informal steps culminating in a final decision by the Deputy Administrator, where needed. This is especially appropriate in situations involving denial of a state's request for flexibility and innovation in a PPG.

**5. Regions are encouraged to reach out to states and tribes about the value and benefits of PPAs, PPGs and TEAs/ETEPs as tools for implementing Performance Partnership principles.**

PPAs, PPGs and TEAs/ETEPs are valuable tools enabling states and tribes to gain greater flexibility in how they use and manage the funds they receive from EPA. PPGs and PPAs/TEAs/ETEPs serving as PPG workplans allow states and tribes to achieve significant administrative efficiencies, direct resources where they are needed most, implement strategies that cut across program boundaries, or try other innovative solutions to environmental problems. Appendices A and B provide lists of grant programs eligible for inclusion in state and tribal PPGs. For instance, through PPGs, states and tribes can:

- Use funds from one program area to address a budget shortfall in another, and meet cost-share requirements by using overmatch from one program to cover the match from another.
- Hire temporary personnel, fund emergency activities such as hurricane response, address permit backlogs, and support staff training and travel. The activities must be fundable under one or more of the included grant programs.

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<sup>6</sup> A direct link to the *Guide* can be found in the Highlights box on the NEPPS home page at: <http://www.epa.gov/ocir/nepps/>.

- Fund multi-media inspections and permitting, sector compliance/enforcement initiatives, and data system improvements such as participating in the National Environmental Data Exchange Network.<sup>7</sup>

**6. Strategically use the NEPPS process to establish mutual compliance and enforcement (C/E) priorities and ensure that they are aligned with commitments in PPGs and other categorical grant workplans.**

As a best practice, regions are encouraged to organize and articulate C/E priorities and commitments through the NEPPS process to achieve more comprehensive, integrated and flexible work planning. For example:

- Enforcement topics should be incorporated into the overall programmatic discussions about priorities, resources and annual commitments in developing PPGs, categorical grant workplans, and PPAs serving as grant workplans.
- National, regional and state enforcement priorities should be discussed with the goal of identifying the most significant sources and the most serious violations.
- Grant workplans should include a clear identification of performance expectations, commitments on targeting, inspection coverage based on the Agency's Compliance Monitoring Strategies and the flexibilities within each, and the need for timely and appropriate enforcement of the most serious violations at significant sources.
- Annual commitments should also include corrective actions that have been identified in programmatic reviews as well as the State Review Framework.

**National Area of Focus II: Support implementation of EPA's Cross-Agency Strategies<sup>8</sup> through NEPPS, where appropriate.**

Description

EPA's Strategic Plan identifies five strategic goals to guide the Agency's work in addition to the following four Cross-Agency Strategies and action plans which set clear expectations for changing the way EPA does business in achieving its results: A New Era of State, Local, Tribal, and International Partnerships; Embracing EPA as a High-Performing Organization; Working to Make a Visible Difference in Communities; Working Toward a Sustainable Future. Additionally, the *Strategy for Protecting Children's Environmental Health, FY 2015-2018* seeks to further integrate children's health into the Agency's work. The regions are encouraged to consider how to advance the goals of these strategies/action plans when negotiating NEPPS agreements. Relevant actions from the Partnerships Strategy are included in National Areas of Focus I and III.

<sup>7</sup> See: [http://www.epa.gov/ocir/nepps/speeches\\_publications.htm](http://www.epa.gov/ocir/nepps/speeches_publications.htm) for more examples of how states have used PPGs.

<sup>8</sup> EPA's Cross-Agency Strategies are articulated in the *FY 2014-2018 EPA Strategic Plan*.

## Activities

***1. The regions are encouraged to advance the principles of sustainability through ongoing partnerships with the states and tribes, using existing resources and integrating them into PPAs, PPGs and other categorical grant workplans, as appropriate.***

It is EPA's goal to consider and apply sustainability principles to Agency programs and functions on a regular basis and collaborate closely with stakeholders to the same end. To achieve this goal, EPA will routinely consider the following principles in decisions and actions, as appropriate:

1. Conserve, protect, restore and improve the supply and quality of natural resources and environmental media (energy, water, materials, ecosystems, land, and air) over the long term.
2. Align and integrate programs, tools, incentives and indicators to achieve as many positive outcomes as possible in environmental, economic and social systems.
3. Consider the full life cycles of multiple resources, processes and pollutants in order to prevent problems and pollution and to create a sustainable future.

***2. The regions are encouraged to support the Leaning business processes action in the FY 2015 Action Plan for the EPA as a High-Performing Organization (HPO) Cross-Agency Strategy by considering projects that improve efficiencies for EPA-state interactions.***

The HPO Action Plan includes a requirement to develop and/or continue to implement Lean projects Agency-wide with each NPM, in coordination with its Lead Region (and states as appropriate). To support this action, regions should consider areas of federal-state interaction and identify collaborations to improve efficiency and eliminate waste using the appropriate business process improvement techniques. Tools and resources ("how to" guides, case studies) can be found on the EPA and ECOS websites: [www.epa.gov/lean](http://www.epa.gov/lean) and [www.ecos.org](http://www.ecos.org).

***3. To better support the Agency's work with environmentally overburdened, underserved, and economically distressed communities (including tribes), the regions are encouraged to use the NEPPS process to leverage funds and activities to improve children's health outcomes and advance environmental justice (EJ).***

The Office of Children's Health Protection has developed a *Strategy for Protecting Children's Environmental Health, FY 2015-2018* and is working in close collaboration with program and regional offices to integrate children's health into all Agency activities. The children's health strategy contains the following regional measure: Number of programs, such as technical assistance programs, cooperative agreements, NEPPS agreements, such as PPAs or PPGs and tribal agreements such as TEAs/ETEPs, internal

and external to EPA with whom regional office staff coordinated to include children's health in their evaluation, activities, or objectives.

In addition, to advance EJ, the regions should work with states and tribes to promote policies, programs and activities that address risks to minority, low-income, tribal, and other overburdened communities.

**National Area of Focus III: Foster fiscally sound PPG management practices.**

**Description**

It is the Agency's policy to support the use of PPGs as a tool to balance needed flexibility with fiscal accountability to achieve program outcomes. Overall, PPGs have the same fiscal accountability requirements as other environmental program grants. These requirements apply to the entire grant process: the initial grant application, the award of grant funds, expenditure and post-award monitoring of grant funds, and close-out of the grant. EPA has additional accountability measures in place such as the environmental results order which requires each proposed grant be linked to the goals and objectives in EPA's strategic plan, and a variety of grants policy issuances (GPIs) designed to foster accountability and sound PPG management practices. These strong measures provide a proper balance between accountability and the flexibility benefits of PPGs. For example, PPG recipients must maintain accounting and financial records which adequately identify the source (i.e., federal funds and match) and application of funds provided for PPG activities. States must submit to EPA an internal controls assurance letter so that EPA project officers can complete a required cost review analysis prior to awarding funds in accord with [GPI-08-04, State Grant Cost Review](#).

**Activities**

***1. Ensure that state and tribal PPGs are managed in a manner that is consistent with the budget, workplan and progress reporting requirements of 40 CFR 35, Subparts A and B.***

The ability of a state or tribe to combine up to 18 grants in a single PPG provides administrative benefits that include streamlined paperwork and accounting procedures. It is important to note that once grants are combined in a PPG, funds do not have to be tracked by the original program source. In general, 40 CFR Part 35 only requires one budget, financial status report and a negotiated workplan that incorporates commitments for each workplan component funded by the PPG. For most grants included in a PPG, an annual performance report is required, but for some grants a semi-annual performance report is required. However, regions may require more frequent performance reports (not to exceed quarterly reporting) only where agreed to by a state or tribe or where there are performance issues, such as Agency concerns with the timely and appropriate expenditure of funds.

**2. Ensure that grantee performance in PPGs and individual state grants is assessed consistently and in compliance with relevant grant regulations.**

The regions should address grantee performance (noncompliance) issues (e.g., when deliverables are not met and funds have been expended) through existing remedies available in 40 CFR Part 31 which lists actions that EPA may take against the grantee such as temporarily withholding cash payments; disallowing the cost of the activity not in compliance; suspending, terminating or annulling the current award; and withholding further awards. Part 31 also contains pre-award (e.g., special grant conditions for “high-risk” grantees) and post-award (e.g., standards for financial management systems) requirements.

**3. Promote greater PPG utilization to improve efficiency and streamline grants management.**

In 2014, an EPA-state workgroup undertook a comprehensive analysis of PPG utilization and determined that, while 43 states currently use PPGs, only one-third of the potential savings from PPGs is currently being realized. The remaining two-thirds of grants that are eligible for inclusion in PPGs have the potential to generate significant administrative savings but are still being managed as stand-alone grants. In FY 2015, EPA will develop a grants policy issuance (GPI) related specifically to PPGs which will encourage the increased use of PPGs by communicating the availability of PPGs in grant guidance and solicitations; provide PPG training to EPA and state personnel; help develop internal processes for streamlined coordination and improved grants management; and to the extent possible, remove barriers to PPG use.

**4. Encourage the use of multi-year PPG workplans.**

Regions are encouraged to promote a shift to multi-year PPG grant workplans which should be aligned with the new 2-year NPM guidances. The Office of Grants and Debarment (OGD) engaged the State Grants Subgroup of the ECOS-EPA Partnership and Performance Workgroup to amend *GPI 12-06: Timely Obligation, Award and Expenditure of EPA Grant Funds*. The GPI includes provisions encouraging NPMs and regions to use multi-year grant workplans, enumerates the benefits of such an approach, the process for adjustments and revisions, and other pertinent topics. The State Grants Subgroup will review and address implementation considerations and OGD will provide additional guidance, as needed.

**5. Ensure that the following GPIs are implemented when developing PPGs:**

- *GPI 12-06: Timely Obligation, Award and Expenditure of EPA Grant Funds*<sup>9</sup> promotes timely and efficient award/utilization of grant funds.

<sup>9</sup> [http://www.epa.gov/ogd/grants/final\\_gpi\\_12\\_06\\_streamlining\\_state\\_grant\\_and\\_expediting\\_outlays.pdf](http://www.epa.gov/ogd/grants/final_gpi_12_06_streamlining_state_grant_and_expediting_outlays.pdf).

- *GPI 09-01: Burden Reduction for State Grants*<sup>10</sup> codifies and summarizes actions EPA has taken to address major grant-related issues identified under the Agency's State Reporting Burden Reduction Initiative.
- *GPI 11-03: State Grant Workplans and Progress Reports*<sup>11</sup> requires that workplans and associated progress reports prominently display the EPA Strategic Plan Goal; the EPA Strategic Plan Objective; and Workplan Commitments plus time frame. To further transparency, the GPI established the State Grant IT Application (SGITA)<sup>12</sup> database to electronically store workplans and progress reports.
- *GPI 11-01: Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements*<sup>13</sup> addresses the Agency's responsibilities under the Federal Managers' Financial Integrity Act (FMFIA) and *EPA Order 5700.6 A2 CHG 2, Policy on Compliance, Review and Monitoring*, and includes limits on project periods, development of indicators to assess the effectiveness of funds utilization, requirements for workplan milestones and delivery dates, and "sufficient progress" terms and conditions.

<sup>10</sup> See: [http://intranet.epa.gov/OGD/policy/GPI\\_09-01\\_final.pdf](http://intranet.epa.gov/OGD/policy/GPI_09-01_final.pdf).

<sup>11</sup> See: [http://www.epa.gov/ogd/grants/final\\_grants\\_policy\\_issuance\\_11\\_03\\_State\\_Grant\\_Workplans.pdf](http://www.epa.gov/ogd/grants/final_grants_policy_issuance_11_03_State_Grant_Workplans.pdf).

<sup>12</sup> See: <https://ofmext.epa.gov/apex/sgita/f?p=SGITA:Home>.

<sup>13</sup> See: [http://intranet.epa.gov/OGD/policy/gpi\\_11\\_01\\_12\\_02\\_10\\_final.pdf](http://intranet.epa.gov/OGD/policy/gpi_11_01_12_02_10_final.pdf).

## APPENDIX A

### GRANT PROGRAMS ELIGIBLE FOR STATE PPGs

| Grant Program                                                                      | Required State Match    |
|------------------------------------------------------------------------------------|-------------------------|
| Air Pollution Control – CAA 105                                                    | Greater of MOE** or 40% |
| Radon Assessment and Mitigation – TSCA 306                                         | 50%                     |
| Water Pollution Control – CWA 106                                                  | MOE**                   |
| Water Nonpoint Source Implementation – CWA 319                                     | 40% and MOE**           |
| Wetlands Development Grants Program – CWA 104(b)(3) ( <i>competitive</i> )         | 25%                     |
| Public Water System Supervision – SDWA 1443(a)                                     | 25%                     |
| Underground Injection Control – SDWA 1443(b)                                       | 25%                     |
| Hazardous Waste Management – SWDA 3011(a)                                          | 25%                     |
| Brownfields Response – CERCLA 128(a)*                                              | 0%                      |
| Pesticides Program Implementation – FIFRA 23(a)(1)                                 | 0%                      |
| Lead-Based Paint Activities – TSCA 404(g)                                          | 0%                      |
| Toxic Substances Compliance Monitoring – TSCA 28                                   | 25%                     |
| Pesticides Cooperative Enforcement – FIFRA 23(a)(1)                                | 0%                      |
| Environmental Information Exchange Network* – Authority in EPA Appropriations Acts | 0%                      |
| Pollution Prevention Initiatives – PPA 6605 ( <i>competitive</i> )                 | 50%                     |
| Pesticide Applicator Certification and Training – FIFRA 23(a)(2)                   | 50%                     |
| State Underground Storage Tanks – SWDA 2007 (f)(2)                                 | 25%                     |

\*Program added to list of grants eligible for PPGs after publication of the Part 35 rule.

\*\*MOE = Maintenance of Effort: (1) CAA 105 (40 CFR 35.146(a)): To receive funds under section 105, an agency must expend annually, for recurrent section 105 program expenditures, an amount of non-federal funds at least equal to such expenditures during the preceding fiscal year. (2) CWA 106 (40 CFR 35.165): To receive a Water Pollution Control grant, a State or interstate agency must expend annually for recurrent section 106 program expenditures an amount of non-federal funds at least equal to expenditures during the fiscal year ending June 30, 1971. (3) CWA 319 (40 CFR 35.266): To receive section 319 funds in any fiscal year, a State must agree to maintain its aggregate expenditures from all other sources for programs for controlling nonpoint pollution and improving the quality of the State's waters at or above the average level of such expenditures in Fiscal Years 1985 and 1986.

## APPENDIX B

### GRANT PROGRAMS ELIGIBLE FOR TRIBAL PPGs

| EPA Program                                                      | Maximum Match Percent                                  | Minimum Match Percent     |
|------------------------------------------------------------------|--------------------------------------------------------|---------------------------|
| Indian Environmental General Assistance Program (GAP)            | 0                                                      | 0                         |
| Air Pollution Control – CAA 105                                  |                                                        |                           |
| Not TAS Eligible                                                 | 40                                                     | 40                        |
| TAS Eligible                                                     | 10 (after 2-years)                                     | 5*                        |
| Water Pollution Control – CWA 106 and 518                        | 5                                                      | 5*                        |
| Wetland Development – CWA 104(b)(3)                              | 25                                                     | 25                        |
| Nonpoint Source Management – CWA 319(h) and 518(f)               | 40                                                     | 10                        |
| Pesticide Cooperative Enforcement – FIFRA 23(a)(1)               | 0                                                      | 0                         |
| Pesticide Applicator Certification and Training – FIFRA 23(a)(2) | 50                                                     | 50                        |
| Pesticide Program Implementation – FIFRA 23(a)(1)                | 0                                                      | 0                         |
| Pollution Prevention Initiatives – PPA 6605                      | 50                                                     | 50                        |
| Public Water System Supervision – SDWA 1443(a) and 1451          | 25                                                     | 10                        |
| Underground Injection Control – SDWA 1443(a)                     | 25                                                     | 10                        |
| Lead-based Paint Activities – TSCA 404(g)                        | 0                                                      | 0                         |
| Radon Assessment and Mitigation – TSCA 306                       | 40 – 2 <sup>nd</sup> Year<br>50 – 3 <sup>rd</sup> Year | 25 – 1 <sup>st</sup> Year |
| Toxic Substances Compliance Monitoring – TSCA 28                 | 25                                                     | 25                        |
| Hazardous Waste Management Program – SWDA 3011(a)                | 0                                                      | 0                         |
| Underground Storage Tanks Program – Public Law 105-276           | 0                                                      | 0                         |
| Tribal Response Program – CERCLA 128(a)                          | 0                                                      | 0                         |

\*The rules that control EPA grants to Tribes, including PPGs, are codified under 40 CFR Part 35 B. For both the Tribal Air Rules and the Performance Partnership Grant Rule, Tribes are required to provide a cost share. Tribal match would be established at 5 percent for the first two years of a grant, which then would be increased to 10 percent contingent upon a Tribe's ability to meet socio-economic criteria. The cost share could also be waived at EPA's discretion, or reduced based on socio-economic criteria (see 40 CFR Parts 35.536 and 35.515).

\*\*For these programs, the Regional Administrator may increase the maximum federal share if the Tribe or Intertribal Consortium can demonstrate in writing that fiscal circumstances within the Tribe or within the member Tribes of the Intertribal Consortium are constrained to such an extent that fulfilling the match requirement would impose undue hardship.

**APPENDIX C  
KEY CONTACTS**

| Contact Name    | Subject Area             | Phone          | Email                                                                |
|-----------------|--------------------------|----------------|----------------------------------------------------------------------|
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**APPENDIX D**  
**EXPLANATION OF CHANGES BETWEEN FY 2014-2015 AND FY 2016-2017**  
**Office of Congressional and Intergovernmental Relations**

| Change from FY 2015 Addendum and FY 2014 NPM Guidance |                                                                                                             | Reason for Change                                                                                                                                                                                             | Location of New/Modified Information                    |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>General</b>                                        | Guidance was streamlined and shortened. Added description of and rationale for each national area of focus. | Deleted superfluous and outdated text.                                                                                                                                                                        | Throughout                                              |
| <b>National Area of Focus I</b>                       | Original National Area of Focus I language stressed joint strategic planning.                               | New language is broader in scope and encompasses priorities, resources and performance.                                                                                                                       | p. 4                                                    |
| <b>National Area of Focus I</b>                       | Deleted activity on worksharing.                                                                            | Worksharing priorities and goals were completed and joint EPA-state collaboration resulted in two published reports in FY 2014.                                                                               | N/A but link to the two worksharing reports is on p. 6. |
| <b>National Area of Focus I</b>                       | N/A                                                                                                         | Added activity on reviewing priorities before negotiating NEPPS agreements. This is a specific requirement applicable to PPAs and PPGs in the FY 2015 Action Plan for the Partnerships Cross-Agency Strategy. | p. 4                                                    |
| <b>National Area of Focus I</b>                       | N/A                                                                                                         | Added activity on E-Enterprise, another requirement in the FY 2015 Action Plan for the Partnerships Cross-Agency Strategy.                                                                                    | p. 5                                                    |
| <b>National Area of Focus I</b>                       | Broadened activity on flexibility and issue resolution.                                                     | Now includes new requirement re flexibility in OCFO's technical guidance document. Added reference to Best Practices Guide regarding the NEPPS issue resolution process.                                      | p. 6                                                    |

|                                   |                                                                                                                                     |                                                                                                                                                                    |           |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>National Area of Focus I</b>   | Deleted activity on consultation with Indian tribes.                                                                                | This is addressed through the FY 2015 Action Plan for the Partnerships Cross-Agency Strategy.                                                                      | N/A       |
| <b>National Area of Focus I</b>   | Deleted activity on capacity building and innovation.                                                                               | Activity is too vague, broad and contains no guidance or direction on how to accomplish its goals.                                                                 | N/A       |
| <b>National Area of Focus II</b>  | Deleted outdated National Area of Focus II language on Cross-Cutting Fundamental Strategies.                                        | Substituted new language which references the current Cross-Agency Strategies.                                                                                     | p. 8      |
| <b>National Area of Focus II</b>  | Activities on children's health, sustainability, compliance and enforcement retained but revised.                                   | Activities were updated to reflect current priorities; added new activity from the FY 2015 Action Plan for the High-Performing Organization Cross-Agency Strategy. | pp. 7-9   |
| <b>National Area of Focus III</b> | N/A                                                                                                                                 | Added new activity on grantee performance (noncompliance) issues.                                                                                                  | p. 10     |
| <b>National Area of Focus III</b> | N/A                                                                                                                                 | Added new activity on promoting PPG utilization.                                                                                                                   | p. 11     |
| <b>National Area of Focus III</b> | N/A                                                                                                                                 | Added new activity on multi-year PPG workplans.                                                                                                                    | p. 11     |
| <b>National Area of Focus III</b> | Streamlined and consolidated all the separate activities relating to the various grants policy issuances (GPIs) applicable to PPGs. | One new activity lists all the relevant GPIs each with a brief description.                                                                                        | pp. 11-12 |

|                                   |                                                                                                         |                                                                                                                                                        |     |
|-----------------------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>National Area of Focus III</b> | Deleted activity on compliance with Title VI of the Civil Rights Act.                                   | Activity is addressed in the EPA Overview to the FY 2016-2017 NPM Guidances and in the FY 2015 Action Plan for the Partnerships Cross-Agency Strategy. | N/A |
| <b>Program-Specific Guidance</b>  | N/A                                                                                                     | N/A                                                                                                                                                    | N/A |
| <b>Annual Commitment Measures</b> | N/A                                                                                                     | N/A                                                                                                                                                    | N/A |
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