

Narrative of the New Process Developed

6 year planning process – with input from stakeholders and EPA

State program staff ID need for standards – this step comes from the first step

Scoping meeting state program staff and EPA – State schedules meeting with EPA program staff. Purpose is to come up with a schedule for discussing the package and set a timeline.

Science Input from EPA – follow-up from scoping meeting. EPA consults with US Fish and Wildlife. EPA works internally to explore the necessary science and policy and provides the info back to the state.

First decision – state accesses feedback from EPA on the science and policy and agrees or disagrees. If agrees, move forward to developing a game plan. If disagrees, a delay results looping back through the process again or, is elevated to senior management. The number of loops remains undefined but the states and EPA will know it when they see it.

Draft Game Plan – State defines “game plan”. The game plan will consist of background of the proposed revision, schedules and key milestones, identification of science needs, data needs and analysis. Identify policy issues, potential stakeholders, issues of national significance. Options for solving the issues identified. Who will be impacted by the game plan or changing issues. The game plan is how we are going to move the WQS through the process. Might talk about what the final product will look like. May lay out the science discussion. Who’s going to conduct the meetings, etc.

Distribute the game plan – to regional state coordinator, regional branch chief, and EPA headquarters staff.

Initiate Stakeholders Process – the states will initiate their individual stakeholder’s process. The input from stakeholders is not restricted to only this part of the process but may also occur at other times.

Review Key Action Items – The state will discuss with EPA state coordinator, branch chief and EPA headquarters any key action items that result from the stakeholder process. If any issues require changes to the package the process may loop back to the scoping meeting for further discussion. If issues remain unresolved, the states and EPA may elevate through senior staff.

State develops rule package – after consideration of all input the state develops the draft rule and consultation package and sends to EPA. The draft rule will be underlined strikeout format. Refer to consultation package checklist. EPA reviews consultation package. EPA can consult with HQ with any concerns regarding the consultation package and provides feedback regarding any concerns back to the state. For example, criteria calculations, methodologies, etc.

After receiving feedback the states consider whether to take the package forward into the formal rulemaking process. At this point the state will have a good idea as to whether or not EPA will approve the package. Options include: 1) looping back through the process if it is not likely to be approved; 2) move forward in spite of EPA's concerns; 3) reevaluation.

State goes through the formal rulemaking process

EPA Review Process

State submits formal package and refers to the EPA WQS review checklist. It is distributed to division director, regional branch chief, state coordinator, regional counsel, HQ's, and US Fish and Wildlife Service. EPA initiates internal consultation.

EPA reviews and is drafting a decision document and biological evaluation.

Draft decision document is reviewed by branch chief, state coordinator, regional counsel, HQ's program.

State coordinator finalizes draft decision document.

Branch chief, legal counsel, state coordinator brief the EPA division director.

EPA decision – If EPA decides the package includes items of national significance they brief the director of the Office of Science and Technology. If approvable, he notifies the EPA Regional Division director and the EPA Regional Division director sends out the action letter. If an assessment is made that submission does not comply with CWA requirements, EPA will communicate this to the state and, the state has the opportunity to modify the submission.

EPA Decision – If the package is NOT of national significance the EPA Regional Division Director issues an action letter, whether it is approvable or not approvable. However, if not approvable, the EPA Regional Division Director will consult with EPA HQ's regarding the disapproval.

When to roll out?

Kansas – November 07?, Scoping Meeting

Iowa – August 07?, Scoping Meeting