

# ***Meeting Future Environmental Challenges: Planning, Partnerships and Actions to Achieve Results***

A Summary of the ECOS Strategic Planning Workshop,  
June 10-11, 2008, Boston, Massachusetts

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# Meeting Future Environmental Challenges: Planning, Partnerships and Actions to Achieve Results *Summary of the 2008 ECOS Strategic Planning Workshop*

## I. OVERVIEW

ECOS and EPA have been working together to improve the way States and EPA protect the environment by:

- ✓ Fostering State strategic thinking and planning
- ✓ Making EPA's planning processes more transparent and available to States and others for their meaningful engagement
- ✓ Enhancing and aligning State and EPA planning processes so that States and EPA may better engage in them
- ✓ Encouraging the consideration of state and regional priorities into national planning and decisions, including resource allocations
- ✓ Reducing transactions costs associated with negotiating commitments, work plans, Performance Partnership Agreements (PPAs) and/or Performance Partnership Grants (PPGs)
- ✓ Improving the State/EPA relationship

*Our success as environmental regulators depends, in part, on our ability to prioritize, to use flexible approaches and strategies, and to collaborate with many and diverse partners.*

--Laurie Burt, Commissioner, MassDEP

With funding support from EPA's Office of the Chief Financial Officer, the [ECOS Planning Committee](#) and the [ECOS-EPA Performance and Partnership Workgroup](#) have sponsored three rounds of state planning pilots to test and support new approaches to state and federal planning, priority setting, and strategic planning.

## II. PURPOSE OF WORKSHOP

The 2008 strategic planning workshop followed a previous strategic planning workshop and meeting of planning pilots held in Salt Lake City, Utah, in 2006. The 2008 workshop's [agenda](#) explored meeting future environmental challenges and how priority-setting, planning, resource allocation, and other methods can help States and EPA address them. The workshop's purpose was to (1) share best practices, strategies, and ideas to meet those challenges; (2) institutionalize State and EPA best practices; (3) share experiences on innovative approaches and (4) identify additional opportunities to align and improve State and EPA planning.

*In this time of fiscal constraints, budget reductions, increased public expectations, and complex environmental problems, states and EPA are all struggling with how to support priorities, make planning "real," allocate resources, and develop ways for States and EPA to address current as well as emerging challenges.*

--Beth Graves, ECOS

## III. RESULTS—THEMES AND 'TAKE-AWAYS'

The discussions, presentations, and small group work identified several themes, issues and potential directions and actions about future environmental challenges, planning and the State/EPA relationship. While additional detail is provided in the following pages, some key themes and 'take-aways' from the workshop are summarized below.

- (1) Progress has been made in environmental protection but challenges continue. Similarly, progress has been made to improve the State/EPA relationship, EPA's planning process, and opportunities for State/EPA joint planning. It is important to recognize how much has been done by OCFO, ECOS and pilot states and regions.

### What are we trying to do?

*Align state and federal interests so that the public gets maximum benefit... Try to keep the work relevant to what the public sees as the most important environmental issues for their quality of life.*

--Ira Leighton, EPA Region 1 New England

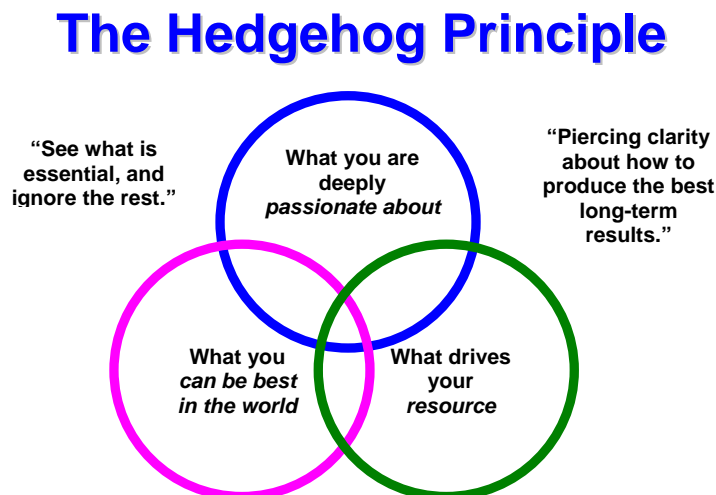
- (2) We face the challenge of making significant adaptive changes vs. minor adjustments in environmental protection and likewise in state/EPA planning and priority setting. Meeting future environmental challenges may mean planning for and making adaptive changes in how government operates rather than just ‘tweaking’ the existing system for improvements.
- (3) Just as Tufts University’s Sarah Creighton said that “awareness doesn’t equal the solution” for climate change, the same can be said about State/EPA engagement. Being aware of EPA’s planning process and opportunities to participate does not mean that states necessarily do so in a meaningful way. But states will engage when (a) they perceive that doing so will advance their issues (e.g., burden reporting); (b) state and regional issues and concerns are acknowledged; (c) their engagement makes a real and is worth the time invested.
- (4) Early communication and engagement are key, whether dealing with emerging environmental issues, work with stakeholders, strategic thinking or joint planning. Regions, states, and EPA Offices need to develop ways to identify and discuss their respective and joint priorities *early* on, way before the draft National Program Manager Guidance comes out. Early engagement on *how* to address existing and future priorities may be more important than agreement on *what* the priorities are.
- (5) Interest in and commitment to the National Environmental Performance Partnership System (NEPPS) and/or the promotion of state priorities makes a difference. EPA regions, national programs and states vary greatly in their perceived value of NEPPS and/or the promotion of their priorities through EPA’s planning process. More effort and commitment are needed to clarify, communicate and promote NEPPS, priority setting, and the evolving nature of the State/EPA relationship, including differential oversight and ‘co-governance’.
- (6) Focusing on the “big stuff” (existing and emerging environmental challenges) leads to innovation and collaboration. When states and EPA focus on a problem they jointly want to prevent or fix, people naturally figure out how to collaborate, leverage or reallocate resources, develop effective approaches and work the planning processes to meet goals.
- (7) States and EPA have had limited success in “letting go” or “dis-investing” of programs and ways of conducting business, contributing to “piling on” work rather than strategically focusing on priorities.
- (8) States working together or states working with EPA regions have greater power and influence in a region or across the country than when they go it alone. Examples have included environmental issues such as interstate air transport or mercury and EPA policy directions such as the promotion of the watershed approach. Potential new areas to explore include multi-media approaches and flexibility in inspection targeting.
- (9) Existing and future environmental challenges (as well as decreasing resources) will only be met if we move “beyond adversarial positions” and develop strong partnerships among states, EPA, other government agencies, businesses, academia, environmental interests, and individuals.
- (10) More and more environmental protection will be based on personal choices made by individuals. Programs need to recognize and design around this challenge.

- (11) Strategic thinking, priority setting, and planning only become ‘real’ when they are (a) a tool to both influence and reflect operational needs; (b) perceived by senior management (not just the planners) as valuable and integral to the agency’s work; (c) linked to budget, resource allocations and work plans; and (d) used as a management tool to check back on progress rather than just set new directions.

#### IV. REFLECTIONS ON STRATEGIC PLANNING

The following are thoughts and insights on strategic planning gleaned from the Workshop.

1. **Time and Thinking:** Figuring out how to anticipate and address the ‘next generation’ of environmental challenges means setting aside time and thinking power by senior managers, many of whom are used to (and may even relish) the day-to-day crises that keep environmental regulatory agencies in a reactive mode.
2. **Answers vs. Questions:** People expect planning to provide answers. Maybe planning is not about having the answers but it’s about having the right questions. Are we working on the right stuff in the right way? Are our strategies working? Which ones should we hold onto? Drop? Change? Are we organized to meet existing and future challenges? Who do we need to talk and work with? How can we collaborate? Leverage our resources?
3. **More vs. Evaluation:** At any given point in time, EPA and States are deeply involved in their planning, whether strategic, operational, or budget. Where in these processes do evaluations occur to assess progress and feed into the next planning activity?
4. **Partnerships:** Addressing future environmental challenges means developing new partnerships between all levels of government, business, and environmental and sustainability advocates. We can’t just talk to ourselves and believe that we are going to anticipate, prevent or address challenges by ourselves.
5. **To-Do Lists don’t necessarily = environmental protection:** Simply checking off a list of activities in a work plan doesn’t result in environmental protection is happening. Emerging and future challenges will most likely require strategies and activities that don’t ‘fit’ into current media programs, activities, and ‘beans’.
6. **Planning is “wicked hard”** but how else can we meet future environmental challenges?



Excerpted from Jim Collins’ “Good to Great and the Social Sectors – A Monograph to Accompany Good to Great,” 2005

## V. RECOMMENDATIONS AND ACTIONS

At the end of the workshop, participants developed recommendations and actions. These are grouped and summarized below.

Strategic Planning & Priority Setting	Engagement in EPA Planning	Communication & Collaboration
<ul style="list-style-type: none"> <li>• Focus senior managers on emerging environmental challenges (and what it will take to address them), not just on current ‘hot topics’.</li> <li>• <i>Evaluate</i> strategic plans (not just continue to plan), check for results, look at data and adjust as needed (Plan, Do, Check, Act)</li> <li>• Think both media and holistically.</li> <li>• Focus on “bigger picture” planning (e.g., multi-stakeholder process, all bureau sessions on planning)</li> <li>• Create infrastructure to promote and allow industry to do “the right thing”.</li> <li>• Identify obstacles to cross-media planning.</li> <li>• Work/develop partnerships with other agencies, sectors, associations, academia.</li> <li>• Force dis-investment for obviously low value activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote earlier state input into national documents (prior to drafts).</li> <li>• Find cost-effective way to influence EPA grants &amp; guidance (e.g., through regional synthesis of guidance, more concise and ‘actionable’ state comments, additional responsiveness to comments)</li> <li>• Have more face-to-face meetings between state commissioners and EPA on multi-state priorities, EPA’s Strategic Plan.</li> <li>• Monitor template, pilots (standardized work plan) to determine impacts to PPA.</li> <li>• States to review/ comment on EPA ‘change’ document/ targeted strategic plan.</li> <li>• Force dis-investment for obviously low value activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Share results and experiences across states and regions (e.g., process improvements such as NPDES permitting in Region 7; New Hampshire’s stakeholder outreach survey; Virginia’s effort to implement risk based inspection targeting; and state strategic planning and evaluation methods).</li> <li>• Continue regular meetings with States and EPA.</li> <li>• Explore holding a multi-state planning and priority-setting meeting.</li> </ul>

More detailed notes (including potential issues for States, EPA and the ECOS-EPA Performance and Partnership Workgroup to pursue), an [agenda](#), list of [participants](#) and [evaluations](#) follow.

## VI. PARTICIPANTS

Participants included representatives from 18 states, 10 EPA Regions, 5 EPA Offices, 2 businesses, 2 universities, and 1 other federal agency. [Participants](#) expressed their [expectations](#) for the workshop: (1) learn about new, innovative ideas and approaches; (2) improve planning processes; (3) identify opportunities for collaboration and leveraging resources; and (4) continue to improve the State/EPA relationship. Participants' familiarity with and experience in strategic planning, EPA's planning processes, and the National Environmental Performance Partnership System ([NEPPS](#)) varied greatly from those who had been involved in NEPPS since 1995 to those just recently hired to conduct strategic planning.

The following are summaries of themes, findings and recommendations from the workshop, by agenda topics.

**Environmental progress:** *"We've taken care of the easy stuff where government had clear authority, used one media statute, and it was a no brainer in terms of environmental benefit."*

## VII. DISCUSSIONS AND PRESENTATIONS

### A. MEETING THE "NEXT GENERATION" OF ENVIRONMENTAL CHALLENGES

Representing an academic and business perspective were **Jim Gomes**, Director, Mosakowski Institute for Public Enterprise, Clark University (formerly President of the Environmental League of Massachusetts); **Sarah Hammond Creighton**, Director, Office of Sustainability, Tufts University; **Leonard Sarapas**, Corporate Director, Environment, Health & Safety, Boston Scientific Corporation; and **Chris Scholl**, Director, Health, Safety & Environment, Saint-Gobain High Performance Materials. Representing a state and federal government perspective were: **Tom Burack**, Commissioner, New Hampshire DES; **David Paylor**, Director, Virginia DEQ; **Ira Leighton**, Deputy Regional Administrator, EPA Region 1 New England; and **Kathy Sedlak O'Brien**, Director, Office of Planning, Analysis, & Accountability, Office of the Chief Financial Officer, U.S. EPA.

#### Emerging Challenges, Identified at the Workshop

- Climate change
- Energy (energy and environment—a multi-pollutant strategy; impact of costs on economy)
- Fine particulates
- Aging water infrastructure
- Water management
- Growth , land use patterns; impervious surfaces
- Legacy contaminants & emerging contaminants (e.g., nanoparticles)
- Asthma
- Remaining competitive
- Need for leadership in product stewardship
- Risk-based inspection targeting
- Moving beyond adversarial relationships
- Sustainability & stewardship
- Toxic use reduction
- Engaging sectors in rule-making, compliance strategies
- Need for EPA to recognize “and embrace” state leadership on issues like mercury, lead, asbestos
- Trading/demand side strategy
- Finding ways to motivate individual behavior changes (e.g., Community-Based Social Marketing & [“Positive Deviance”](#)).
- “State-by-state-by-EPA” consistency
- Focus on how, not just on the what.

Also included in the discussion were other perspectives on emerging challenges, including those identified in EPA’s draft 2009-2014 draft update to EPA’s strategic plan.

<b>Innovation Action Council Perspectives Top Emerging Problems, 10/04</b>	<b>Selected State perspectives on challenges ahead, 4/05 ECOS meeting</b>	<b>EPA Draft 2009-2014 Strategic Plan Update Targeted Areas</b>
<ul style="list-style-type: none"> <li>• Water Quality and Demand</li> <li>• Climate change</li> <li>• Global air pollution</li> <li>• Energy Production</li> <li>• Biodiversity</li> <li>• Homeland Security</li> </ul>	<ul style="list-style-type: none"> <li>• Energy policy &amp; climate change:               <ul style="list-style-type: none"> <li>○ Biofuels &amp; other renewable fuels</li> <li>○ Efficient transportation technologies</li> <li>○ Deal strategically with CO2</li> </ul> </li> <li>• Contaminants               <ul style="list-style-type: none"> <li>○ New chemicals in drinking water</li> <li>○ Pharmaceuticals in wastewater</li> <li>○ Cradle to grave design with non-toxic material</li> <li>○ Unwise application of nanotechnology &amp; gene technologies</li> </ul> </li> <li>• Better monitoring and database technology</li> </ul>	<ul style="list-style-type: none"> <li>• Cross-Program Strategies               <ul style="list-style-type: none"> <li>○ Reduction of Greenhouse Gas Emissions</li> <li>○ Sustainable Agriculture</li> <li>○ Impacts of Global Climate Change</li> <li>○ Contaminants</li> <li>○ Import Safety</li> <li>○ Improving Program Implementation in Indian Country</li> </ul> </li> <li>• Improving Performance Measurement               <ul style="list-style-type: none"> <li>○ Enforcement/Compliance Measures</li> <li>○ Research Strategic Directions and Targets</li> <li>○ Environmental Indicators, Monitoring, and Related Information</li> </ul> </li> </ul>

⇒ *Advice to state and federal regulatory agencies from academia and business representatives:*

**Energy/Climate Change:**

- The “climate change train has left the station”; look for significant partnerships.
- “Be careful—don’t push aside all other issues” for energy.
- Provide incentives for fuels switching.

**Promote Transparency of information and reporting**

- Let awareness and public pressure do the work
- Take advantage of the interest in sustainability & being green

**Continue Focus on Risk but be practical**

- Focus on BIG things, not small.
- Don’t let detection limits drive standards
- Sound research is critical
- Risk Assessment methods are key
- Rebuild/restore the credibility and scientific integrity of environmental agencies
- Speak out early and loudly on an issue

*‘Beyond compliance’ has to be a way of life.*  
--Ira Leighton, EPA Region 1 New England

**Recognize the reality of operating in a global economy**

- Jobs are sustained by the U.S. economy.
- Integrate the permitting process to reduce the complexity & uncertainty about expansions.
- Regulators, be innovative to help private sector with its programs and “act as environmental stewards”
- More work to establish consistent standards, standardize reporting.
- Conduct outreach, but reduce technical assistance (“We have consultants who can do that and they do it better.”)

## B. SETTING STATE PRIORITIES

Panelists from the planning pilots were asked: “*What has been important in setting internal priorities in your agencies? What did you do? What has setting internal priorities made possible? What have been the obstacles and how did you overcome them? Is it worth the time?*”

South Carolina DHEC’s **Bob King**, Deputy Commissioner, and **Jim Joy**, Assistant Deputy Commissioner, spoke about their 3 year effort to develop internal priorities and negotiate their first PPA with EPA Region 4. The effort was driven by continuing reductions in federal and state funding resources and a desire to focus limited resources on areas that were state priorities.

They began with a review of its 2005-2010 Strategic Plan, overall and individual Bureau Operational Plans, and EPA’s Strategic Plan. “Priority focus areas”, identified in order to (1) drive internal planning, decision making and alignment of strategic and operational plans and (2) be a strong factor in PPA negotiations, were: Compliance assistance, Emergency response, Information management, Innovative strategies, Interstate/Intrastate issues, Legacy impacts, activities, Local governments/ sustainability, Public participation, Resources, Staff retention/development, and Toxics.

These were then ranked (using criteria of environmental impact, ease of implementation, budget/resource implications, potential to free up DHEC time, potential to change public perception/behavior, and environmental benefit) and sorted as ‘high’, ‘high-medium’, and ‘medium’. DHEC communicated the ‘high’ priorities (staff retention/development; local government/ sustainability, resources, emergency response/preparedness) and ‘medium high’ priorities (information management, public participation, compliance assistance, toxics, and interstate/ intrastate issues) to EPA Region 4’s Regional Administrator. DHEC reiterated the need for South Carolina and Region 4 to better utilize and share resources through: priority-driven allocations; partnering and work-sharing; training and technical assistance; innovations; flexibility. This laid the foundation for a PPA that includes cross-program commitments that would normally not have been part of media program specific work plans (e.g., local government capacity building in areas nearing potential non-attainment).

**Keys to success** included: continued involvement of Deputy Commissioner and Assistant Deputy Commissioner; changes in top management staff in program areas that allowed better focus of priorities across the agency and away from silos; grant and contractor support provided external driver to meet deadlines; and Time – Patience – Perseverance.

*If you leave them alone long enough, they go back to their trenches.*

--Jim Joy, South Carolina DHEC

**Obstacles** cited included: lack of separate planning staff; time constraints of key program management staff; day-to-day crises that squeeze out time and attention; staff reluctance to go outside their comfort zones; and the fear of giving up something in working on issues that span across media, programs, and agencies.

**Successes** include: state priorities were the focus of PPA negotiations; the acceptance by EPA of priorities not traditionally identified through grant negotiations; shift in focus to actions that can be taken before air or water quality standards are violated; the demonstration of continued commitment to staff by including staff retention and development as priorities; ‘walking the talk’ by reflecting priorities in the agency’s Strategic Plan, Operational Plan and the PPA; and the acknowledgement in the PPA that future grant work plans will reflect and complement the priority focus areas.

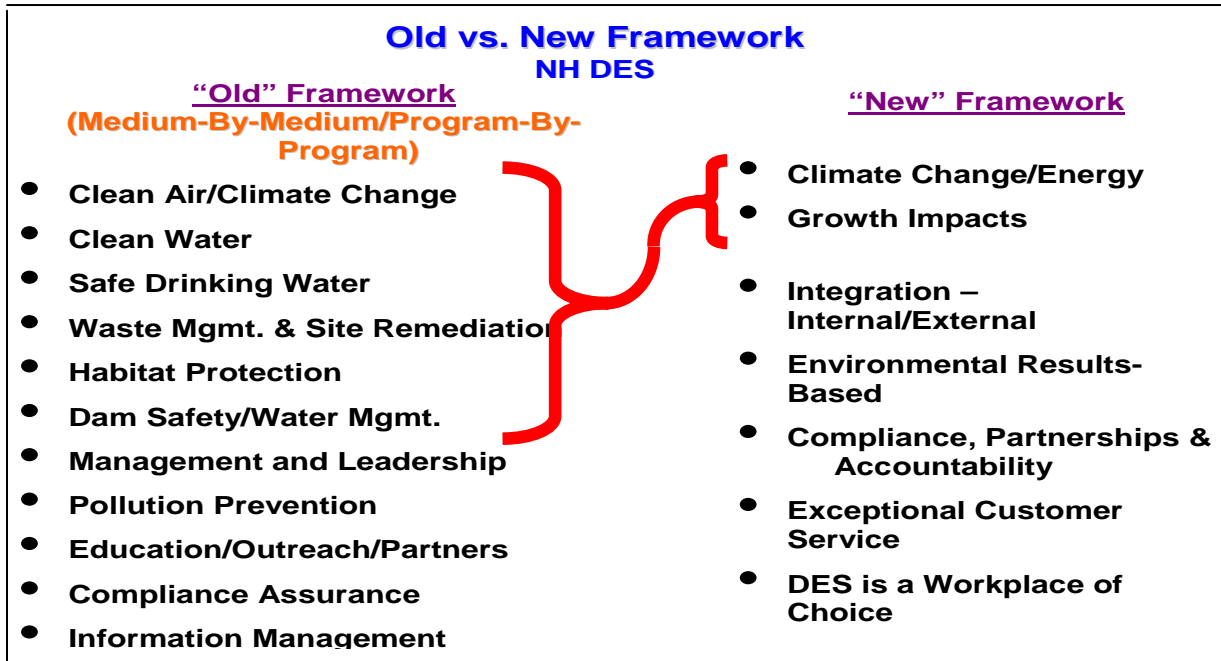
**Tom Burack**, Commissioner of New Hampshire DES, posed the questions, “*What should a 21<sup>st</sup> century environmental services agency look like? If the environment functions as a*

*How do we reinvent ourselves to be relevant to the community and others? What do we do best? What should we focus on? Spend money on what we do best and outsource the activities we are not good at.*

--Tom Burack, Commissioner,  
New Hampshire DES

complex, integrated system, and DES has been charged with safeguarding it, shouldn't we be operating in a more coordinated, holistic fashion?" He and **Vince Perelli**, Chief of Planning and Policy and QA Manager, spoke about the development of strategic directions, their priority setting process, a new framework for operations, and their "Measures Tracking and Reporting System". They also spoke about their effort to seek input from outside the organization on environmental priorities and agency operations. The survey, titled "21st Century Environmental Management in New Hampshire" drew over 1,000 responses.

<b>Strategic Directions</b> Imagine if.....
<ul style="list-style-type: none"> <li>• DES and its partners are proactively addressing the issue of climate change in NH.</li> <li>• DES and its partners are effectively protecting NH's natural resources and quality of life as the state continues to grow.</li> <li>• DES employs integrated pre-application, permitting, &amp; enforcement approaches across all of its programs and operates in a cooperative and integrated manner with its sister local, regional, state, and federal agencies.</li> <li>• NH's environment is improving, with DES remaining focused on environmental results and reporting them in a transparent manner.</li> <li>• Environmental compliance is high in NH, supported by partnerships, widespread accountability, and a broad environmental stewardship ethic.</li> <li>• DES provides high-quality customer service.</li> <li>• DES is one of the most desirable employers in state government.</li> </ul>



**THIS IS NOT A CROSSWALK!**

**Valerie Thomson**, Director of Administration, Virginia DEQ, spoke about their strategic planning process, noting that it was important to plan to: manage resources, do more with less, making things visible by writing them down, implement administration goals, and have a stronger voice when needed. DEQ uses its PPA and PPG as planning tools to address issues such as its risk-based inspection strategy, training assistance, LEAN initiative, Healthy Waters strategies, and wellhead protection program. DEQ brought its priorities to the table when it began its first PPA negotiations 3 three years ago. They became the foundation for the PPA.

**Challenges** include “piling it on”, operational vs. strategic planning, and competing internal and external priorities. **Overcoming these challenges** involves including leadership and staff in planning discussions, developing a system to prioritize, learning how to say “no”, and completing some before adding more thing. “Balanced thinking allows DEQ to make tradeoffs across 4 key performance areas (programs, community, employees, and finances.”

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
<b>Valuable management tool:</b> Looking at a state’s various plans (strategic, operational, budget) to see if and how they connect, reflect or influence one another.	<b>Read State Plans</b> (and/or ask about them) as a way to promote state priorities.	<b>Promote interest and mechanisms</b> for Regions to incorporate state priorities. <b>Articulate how EPA planning processes and documents are connected.</b>
<b>Internal development of state priorities:</b> While difficult and needs senior management commitment, it can reap benefits.	<b>Support and recognize state efforts to identify priorities</b> by using them to guide PPA, PPG and/or work plan commitments.	<b>Support vision and mechanisms</b> to reflect state priorities in work plans, regional commitments to HQ, NPM guidance, ACS.
<b>Promotion of state priorities</b> in work plans, PPAs, PPG, and in general with EPA Regional Office.	<b>Have EARLY discussions</b> about how state priorities can influence regional (and national) strategies.	Promote <b>interest and mechanisms</b> in early discussions about how to incorporate state priorities.
<b>Reach out to external stakeholders in developing priorities.</b>		
<b>Lots of planning but little evaluation of plans:</b> Spend more time evaluating progress in meeting goals in strategic and operational plans.	<b>Discuss priorities, strategies, and success/obstacles</b> with State senior managers.	<b>Promote interest and mechanisms</b> to assess progress in meeting PPAs, work plans, through discussions between states and Region (not just relying on data reporting).
<b>Challenge of PPAs as an ‘add on’</b> to existing grant commitments that do not reflect state priorities: work plans need to reflect the priorities and commitments made in the PPAs.		<b>Promote connections</b> between grant commitments and ‘high level’ PPAs that do not serve as work plans
<b>Challenge of ‘dis-investments’:</b> Can strategic reallocation of resources be made?	<b>Discuss leveraging and resource allocations.</b>	<b>Promote interest and mechanisms</b> for reallocation of resources to address priorities, emerging and future environmental challenges.
<b>Existing and future environmental challenges may not ‘fit’ in traditional programs or work plan commitments:</b> PPAs can be a management tool to promote collaboration across ‘silos’ and address state and regional priorities that would not traditionally be included in media specific grant works plans.		<b>Communicate</b> examples and successes. <b>Promote interest and mechanisms</b> in State/EPA focus on environmental challenges even if they don’t ‘fit’ in programs.

## C. REFLECTING ON THE FUTURE EPA-STATE PARTNERSHIP, CO-GOVERNANCE, JOINT GOVERNANCE

This panel addressed the questions: *What's the current and future state of the EPA/State relationship? How does it have to change? What does 'co-governance' or 'joint-governance' mean to you? What would it change and result in?*

**Winslow Ladue**, Vermont DEC's Policy and Planning Coordinator, noted that "we are in the same business", finding problems and working with laws, money, and people to change behaviors. He noted that even though problems have been addressed, emerging problems and associated programs are increasing while resources are decreasing. He asked whether we have the best system to leverage the strengths of federal, state, local, and individuals "whose behavior needs changing". He questioned whether "states are getting the services they want and need" from EPA. He commented that 'co-governance' will mean: sharing the driver's seat, simplifying "the story", funding the basics, agreeing to less costly settlements, and 'scaling' issues for national, regional, state and local focus.

**Robert Zimmerman**, Chief Operating Officer, Delaware DNREC, cited an OMB Memorandum that "Our goal must be to dramatically restructure the relationship between the Federal Government and the States and localities to create stronger partnerships. Performance partnerships provide a new opportunity to provide States and localities more flexibility to solve their problems, in return for more accountability for results."<sup>1</sup> He spoke about 'differential oversight' and the vision of an evolving oversight system<sup>2</sup> that would:

- Include the evaluation of environmental indicators
- Ensure that numerical data informs oversight, but is not mistaken for oversight
- Assess the federally authorized program within the broader context of the entire state environmental program
- Limit oversight for states which meet the goals of the federal statutes
- Reduce the need for intense oversight by using partnership mechanisms
- Select and refine oversight tools to focus on the purposes of oversight
- Ensure transparency of oversight
- Preserve accountability as the central purpose of oversight.

He concluded that after more than a decade, changes are needed to:

- Fully embrace a broader "environmental" context (e.g. more than the federal definition)
- Evolve the system of EPA's oversight consistent with the initial aspirations
- Reconsider the viability of a merger in the 'practice' of oversight and grant making
- Achieve a shift in the locus of decision-making (e.g. problems, priorities, funding allocations, etc.)
- Realign partnership system with conditions where they "work best"

### Principles for an Evolving Oversight System under NEPPS:

- Reduce the need for intense oversight by using partnership mechanisms
- Select and refine oversight tools to focus on the purposes of oversight
- Ensure transparency of oversight
- Preserve accountability as the central purpose of oversight.

*Excerpted from the Environmental Law Institute, "Federal Oversight of Authorized State Environmental Programs: Reforming the System" September 1995.*

<sup>1</sup> OMB Memorandum (M-95-08) to the Heads of Executive Departments and Agencies regarding Performance Partnerships from Alice M. Rivlin - March 28, 1995.

<sup>2</sup> Excerpted from the Environmental Law Institute, "Federal Oversight of Authorized State Environmental Programs: Reforming the System" September 1995.

**Joyce Frank**, Principal Deputy Associate Administrator, EPA’s Office of Congressional and Intergovernmental Relations, spoke about improvements made in the State/EPA relationship and EPA’s desire to increase collaboration and more partnerships to meet new challenges.

**William Rice**, Deputy Regional Administrator, U.S. EPA Region 7 spoke about senior management’s commitment to the State/EPA relationship and offered guiding principles for the work relationship between his regional office and states.

<b>Guiding Principles for the Work Relationship of Region VII EPA and Region VII States (7/11/06)</b>
<p>Region 7 states met to discuss items of common interest and issues related to the execution of their state responsibilities. States want to develop a shared vision of environmental protection with EPA.</p> <p>Common principles agreed to by the Region 7 states are:</p> <ol style="list-style-type: none"> <li>1. Region 7 states agree that they want a relationship with EPA in which:               <ol style="list-style-type: none"> <li>A. Roles are clearly defined.</li> <li>B. Core programs and core activities within programs take priority.</li> <li>C. Priorities and objectives for delegated programs are jointly established.</li> <li>D. Work expectations are guided by established priorities, not by individual staff preferences.</li> <li>E. Oversight of region states is even-handed and consistent.</li> <li>F. There is no duplication of effort (either perceived or real).</li> <li>G. EPA coordinates their oversight plans prior to conducting them (e.g., inspections).</li> </ol> </li> <li>2. States want to establish joint priorities to determine the allocation of limited resources. Meaningful collective interaction regarding regional and national priorities is important. Weaving together State and EPA priorities will increase efficient use of resources.</li> <li>3. States want EPA to recognize alternative methods to achieve environmental protection, including compliance assistance and pollution prevention. Enforcement is not always effective environmental protection.</li> <li>4. Worksharing is a means to achieve the highest priority activities and to maximize resources. Worksharing may be state to EPA, EPA to state, or state to state.</li> </ol>

Discussion about ‘**co-governance**’ or ‘**joint governance**’ revealed very different views about (1) the need for a ‘co-governance’ model; (2) what it might mean; and (3) interest in even the discussion. The discussion revealed the tension between those who see ‘alignment’ as the ability to pull information from the states into a national picture to those who want to focus on a regional or state level, splitting roles and responsibilities to meet priorities. Several offered the [Environmental Information Exchange Network](#) as a model for partnership and co-governance.

<b><i>What might this mean for future work?</i></b>		
<b><i>To other states?</i></b>	<b><i>To EPA?</i></b>	<b><i>To the Partnership and Performance Workgroup?</i></b>
<b>Go back and read</b> the original NEPPS documents	<b>Focus on Regional Offices</b> to improve view of NEPPS, partnering with states in general, and joint planning	<b>Continue work</b> on ‘co-governance’, addressing the tension within EPA (including regional offices) and with States
<b>Assess</b> the status of your individual state’s relationship	<b>Communicate</b> success stories of State/EPA partnering to address environmental challenges	<b>Continue work</b> on improvements to NEPPS
<b>Assess interest</b> in pursuing differential oversight	<b>Articulate</b> how oversight and grant-making connect	<b>Continue work</b> on differential oversight, particularly in light of standardized work plans, etc.

## D. NATIONAL AND STATE PLANNING AND JOINT PRIORITY SETTING

This session of the workshop addressed the questions, *How has EPA made EPA's planning process more transparent and easier for states to get engaged? Why engage in EPA planning? What are pros & cons? What have you heard today that affirms or changes your thinking about national and state planning?*

**Kathy Sedlak O'Brien**, Director of EPA's Office of Planning, Analysis, & Accountability in the Office of the Chief Financial Officer, first gave an overview of EPA's "clean line of sight", connecting mission, goals, objectives/sub-objectives, strategic measures, and annual measures and commitments. She reviewed improvements to joint EPA/State planning such as earlier and more frequent communication; increased transparency and understanding; improved joint planning and priority setting; improved measures and reduced reporting burden; support for state planning and pilot projects. She spoke about two opportunities for state engagement: the 2009-2014 Strategic Plan and the National Program Manager Guidance.

The 2009-2014 Strategic Plan will retain the current 5-goal and objective structure. It will have limited revisions, including 'targeted updates' to address the most significant improvements to human health and the environment and revised targets and baselines for 2009-2014. A 'change document', available for public review in the Fall of 2008, will highlight changes to existing strategies and include a side-by-side comparison of current and proposed strategic planning architecture. A draft full text of the strategic plan will be available for public review in the Spring of 2009 and will reflect public comments and advice from the new Administration. The final Strategic Plan will be available the end of September of 2009.

Used by EPA's five major programs to annually establish program priorities, strategies and measures, the National Program Manager Guidance makes operational the decisions made in the fiscal year planning and budget process. In response to state concerns about the difficulty in commenting on the draft guidance, EPA made significant changes in the FY'09 guidance to increase transparency, usability, and opportunities for stakeholder involvement.

**Improvements include:** (1) checklists and calendars that highlight opportunities for meaningful state and tribal interaction; (2) a revised schedule that allows more time for stakeholder involvement; (3) available state breakouts added to the list of annual commitments; and (4) standardized templates that display consistent information across programs, including annual commitment resources, key changes from previous years and responses to comments that had been submitted. (Note that these issues had been specifically requested by the planning pilots.) Ms. O'Brien also identified additional areas for collaboration: aligning measures and using them for multiple purposes, linking resources to results, draft annual commitments with state breakouts for review by states, and better communication of work by the States through measures.

**Doug Fine**, MassDEP's Assistant Commissioner for Planning & Policy (and co-chair of the ECOS-EPAA Performance and Partnership Workgroup), spoke about the efforts of the six New England states to (1) develop a common set of priorities; (2) use those priorities as a 'lens' through which they have reviewed, with the assistance of 3 interstate organizations, draft NPM guidance; (3) submit joint comments, signed by all 6 commissioners, on draft NPM guidance 3 years in a row; and (4) provide input on EPA's regional and national strategic plans.

### Questions to States:

- How do you want to engage in the Strategic Plan update process?
- How effective were the tools EPA developed for the NPM guidance?
- What other tools or suggestions do you have to help your review and participation in the NPM guidance process?
- Are there any other areas where we can advance our joint planning efforts?

**Small groups**, organized by EPA regions, were asked whether they engage in EPA planning, the pros and cons, and what has worked best to promote joint planning. Most regions and states responded “Yes and no.” to the question about whether states engage in EPA planning. Most states have not taken advantage of the opportunities EPA has created for greater state engagement. (Exceptions are the New England states that have submitted joint comments on draft NPM guidance each year for the past three years.) When states do comment, it is typically done through media programs and media specific professional associations.

*Flexibility we want for operations is more of a result of grant negotiations than strategic planning.*  
--Region 2 Small Group

Even with EPA’s improvements in format, consistency, and identification of changes, it is difficult to review and comment on the draft guidance. When EPA regions made an effort to ‘translate’ the guidance to states in terms of what the guidance means for their states, engagement increased. However, states actively get involved when they perceive a benefit to them by doing so (e.g., reporting burden reduction, PPA/PPG improvements).

*Regional support is strong for innovation, flexibility, supporting state practices, but only within regional limitations.*  
--Region 1 Small Group

States and EPA regional offices indicated that even though there might not be strategic or joint planning, coordination at the operational level improved when there were specific issues or challenges for EPA and a state to work on together (e.g., ethanol plants). Others noted that it is difficult to get senior state program directors involved in planning that deals with cross-program issues not strictly within their program areas and budgets.

**Best Practices** include regular face-to-face discussions between EPA/State/Tribal senior managers (all regions); scan of the draft NPM guidance and ‘translation’ for states, (Regions 1 and 3); frequent program-level coordination (Region 2 and other regions); ability to focus on unplanned priorities, e.g. floods, drought (Region 2); on-going meeting of program directors (Region 9 and others); states/EPA annual compliance assistance and enforcement planning meetings (Region 1); collaboration with interstate organizations to review and comment on NPM guidance and strategic plans (Region 1).

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
<p><b>Develop a list of shared priorities of states</b> in an EPA region to leverage interest and resources on inter-state environmental challenges or on issues the states have in common.</p> <p><b>Do not be constrained by the NPM guidance</b> in promoting state priorities or directions.</p>	<p><b>Encourage the development of state priorities</b> (individual states, group of states, and states/region).</p> <p><b>Support the implementation of priorities</b> through active EPA commitments and flexibility in state commitments.</p> <p><b>Ensure that state breakouts are included.</b></p>	<p><b>Communicate successes</b> of state regional priorities.</p> <p><b>Develop mechanisms to support</b> state regional priorities (e.g., flexibility in commitments).</p> <p><b>Promote the ‘translation’ of priorities and annual commitments</b> through mechanisms such as Region 1’s Priorities &amp; Commitments list (P&amp;C list)</p>
<p><b>Engage early to influence EPA decision-making</b> (i.e., before NPM guidance is developed)</p> <p><b>Make comments and input clear and ‘actionable’</b> so it is clear what is being asked to be changed (or kept</p>	<p><b>Develop earlier opportunities for communication and engagement</b> particularly in EPA regions.</p>	<p><b>Identify earlier opportunities</b> for engagement to promote meaningful engagement.</p> <p><b>Sponsor calls for states to review draft guidance</b> and potential joint comments/issues.</p>

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
the same)		
<b>Follow up</b> on comments submitted to see if and how they had any effect on EPA direction, resource allocation, or commitments for states.	<b>Continue to summarize responses</b> to comments received on draft NPM guidance but enlist regional offices in communicating with states on the resolution of their comments or issues.	<b>Track</b> a few key comments to see if and how they made a difference.
<b>Develop joint comments across regions</b> for greater influence.	<b>Establish expectations that EPA senior managers</b> should actively engage their state counterparts and EPA and state planners early in the process.	<b>Develop mechanism to recognize and affirm efforts</b> by EPA senior managers to promote meaningful and early state engagement
<b>Engage other partners</b> in reviewing EPA draft planning materials.	<b>Solicit input by other federal agencies</b> in planning (e.g., DOE, DOT, etc.)	<b>Clarify how national environmental data are used</b> to drive the strategic planning process as well as NPM guidance.

### **E. STATE-EPA PERFORMANCE PARTNERSHIP AGREEMENTS AND GRANTS (PPA/PPGs) AS TOOLS IN PLANNING AND PRIORITY SETTING**

This panel and discussion addressed the questions: *What have PPA/PPGs made possible? What has stood in the way of PPA/PPGs? How does the concept of a standardized work plan affect PPAs/PPGs? What do you see as the future of PPA/PPGs? NEPPS?*<sup>3</sup>

**Leah Ann Lamb**, Utah DEQ’s Assistant Director in the Division of Water Quality, spoke about the history of NEPPS and Utah’s experiences with PPAs and PPGs since 1995. She identified the “Five R’s”:

- **Respect:** EPA would acknowledge and respect state capacity. While still meeting the need for a “level playing field,” EPA would acknowledge state specific environmental needs and the Environmental Services Delivery System would mature so that states were full partners.
- **Reform:** EPA would reduce oversight of strong state programs to build capacity of state programs needing assistance. The PPA would be developed through an EPA-State joint strategic planning process establishing priorities, roles, authorities and resources to define the value-added role of partner. EPA contribution would be outlined in the PPA.
- **Results:** Improvement in the environment would accelerate under NEPPS. EPA and States would jointly evolve the accountability/measurement system from “beans” to “results” using a combination of Core Performance Measures and Environmental Indicators.

**“The Great NEPPS Hope  
“The Five R’s”**

- Respect
- Reform
- Results
- Reduction of Reporting Burden
- Reinvestment

<sup>3</sup> For additional information on NEPPS, see [Joint Policy Statement](#) on State/EPA Relations (7/14/04), [Joint Committee](#) to Reform Oversight and Create a National Environmental Performance Partnership System (5/17/95), [NEPPS: Making Good on its Promise?](#), Tellus Institute, NAPA (6/00), [NEPPS 10<sup>th</sup> Anniversary Timeline](#), and [How Well is NEPPS Working?](#) (1999).

- **Reduction of Reporting Burden:** States would only report to EPA “Core Performance Measures” resulting in significant reduction of reporting burden. “No new measures” mantra was created.
- **Reinvestment:** Planning and resource allocation flexibility from both tools – PPA and PPG – would permit reinvestment to the highest environmental priorities.

**PPA successes** include: a timeline and process for joint planning and priorities; “Unitah Basin Partnership for the Environment” with EPA, state, and local health departments; negotiation of some EPA commitments in the PPA (although not consistently); and, despite “pockets of personality challenged”, greatly enhanced overall respect and partnership attitude. PPGs have offered a ‘big picture perspective’; administrative savings (e.g., one application replace 10-15 separate ones; less detail required though still tracked); ability to maintain match requirements); carryover ability; and flexibility (e.g., Olympics funding, special projects that benefit the region, shifting carryover to higher priorities).

**Challenges** include fully developing “Priority Driven Resource Allocation”; deference to ‘silos’, the PPA not serving as a “single definitive document” (which results in other agreements and reporting requirements); a “Pavlovian response to old school reporting”; lack of feedback mechanisms with end of year reporting; and lack of attention to cross-media issues and needs.

She noted ECOS’ [recent resolution](#) on “State commitment to developing a new state/federal joint governance approach that builds upon the successes of NEPPS”, the need for oversight reform, work on grant templates and measurements; and the ‘next generation’ of NEPPS.

**Tom Lamberson**, Deputy Director, Nebraska DEQ (and co-chair of the ECOS-EPA Partnership and Performance Workgroup) offered his perspective, noting that PPA/PPGs are not “magic stuff” but tools to solve problems, address opportunities, pursue flexibility. He did not feel that standardized work plans would be a detriment. Stating that he felt NEPPS had reached its potential in Nebraska, he noted that they had made progress that might be seen as small to others but was important to them. Nebraska DEQ uses PPA/PPGs for priorities and that means success for them.

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
<b>Continue to share experiences</b> with PPAs and PPGs across states in a region and across regions.	<b>Address regional inconsistency</b> in supporting PPAs and PPGs.	<b>Continue work to develop a “new state/federal joint governance approach</b> that builds upon the successes of NEPPS”. <b>Address differential oversight</b> — what it means, examples, etc.
<b>Include EPA commitments in PPAs,</b> not just state commitments.		
<b>Begin early discussions</b> with EPA about priorities, strategies and directions.	<b>Begin early discussions</b> with states about priorities, strategies and directions BEFORE draft NPM guidance is developed.	<b>Develop mechanisms for early engagement and involvement</b> of states in EPA directions and strategies.
Continue EPA close collaboration with states on issues surrounding <b>standardized work plan</b>		
<b>AskEPA for flexibility.</b>	<b>Consider and support</b> state	

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
Continue to share experiences with PPAs and PPGs across states in a region and across regions.	Address regional inconsistency in supporting PPAs and PPGs.	Continue work to develop a “new state/federal joint governance approach” that builds upon the successes of NEPPS”. Address differential oversight— what it means, examples, etc.
	requests for flexibility.	

## F. ORGANIZING TO PROMOTE CROSS-MEDIA, MULTI-MEDIA OR WATERSHED APPROACHES

Experiences with cross-media, multi-media and/or watershed approaches were discussed in this session. **Jerry Cain**, Director of Mississippi’s DEQ’s Office of Pollution Control, spoke about their business process, sector-based approach that uses multi-media cross training and e-business for permitting, compliance and enforcement. This approach has evolved since a ‘re-engineering’ effort in 1997. They did not start out to reorganize; they wanted to accomplish certain things and the need to work in a different way followed.

Drivers in this effort included (1) the recognition of having to meet increasing resource challenges; (2) the desire to do things better and more efficiently; (3) the need to determine what is important; and (4) the desire to “position ourselves as the best agency we can be”. While they kept their media divisions, their roles changed. The vision of integrated permitting/compliance and enforcement led to:

- Permit and Compliance Managers – Single Point of Contact
- Business process/sector based organization
- Multimedia training
- Alternatives to traditional permitting/inspections
- Burden reduction
- Provide uniformity in process
- Electronic data management
- E-business/E-tools
- Data transparency
- PPA/PPG

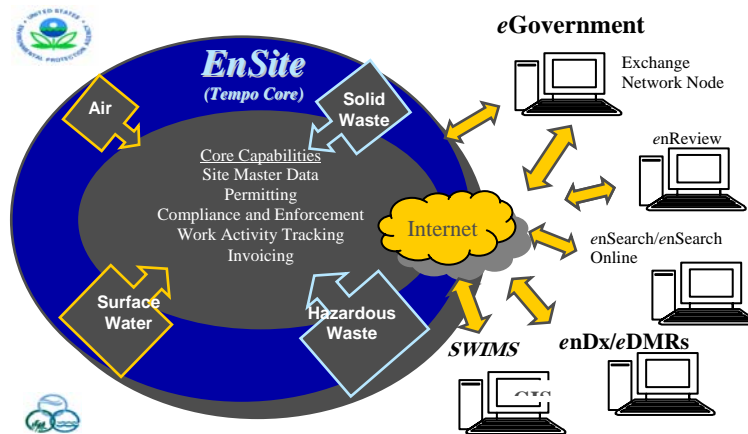
*We did a credible review of what we were doing and how we were doing it. ....a culture change to ‘stewards of the environment’.*

*We started to work on change before we began looking at our work processes*

*--Jerry Cain, Mississippi DEQ*

**Challenges** include change management, interfacing with EPA’s media based processes, data management, and maintaining media-based expertise. They started to work on the change management challenges. They have addressed these challenges with individually structured training that includes competency-based job descriptions, functional experts, mandatory multi-media training programs, written exams, and third-party reviews. Their PPGs were key tools in making the transition to a watershed, multi-media, sector based approach. **Results** include: increased productivity; reduced cycle time; better coordination; multi-media perspective; higher quality; more holistic permits/inspections; better “big picture thinking”; broad acceptance by

stakeholders; standardization of process; and better use of staff resources. Key to this shift in approach was the integration of e-tools, as illustrated below.

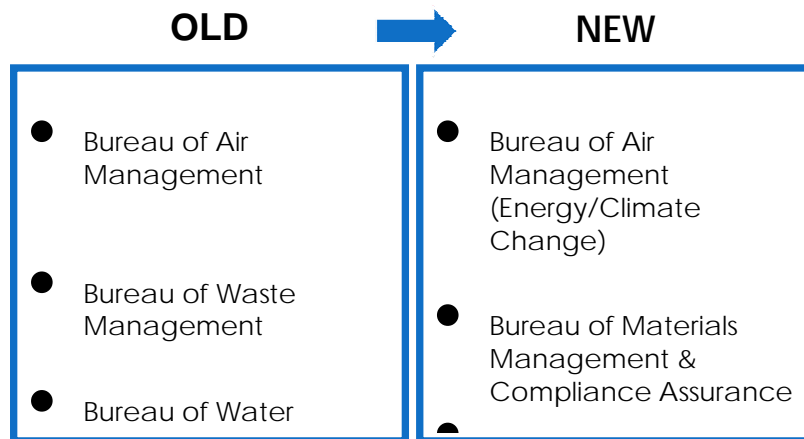


**Amey Marrella**, Connecticut DEP’s Deputy Commissioner, spoke about reorganizing to meet environmental challenges. Highlights include:

- Air Management now includes energy and climate change because “How we meet energy demands impacts whether we attain air quality goals”
- Waste Management is now Materials Management and Compliance Assistance in order to strengthen the use of permitting, compliance assistance and enforcement resources in an integrated, cross-media manner to solve environmental problems
- Water Protection and Land Reuse reflects the need to guide land use decisions in ways that preserve and protect the state’s land and water resources.

<p align="center"><b>Commissioner Gina McCarthy’s Agency Agenda</b></p> <ul style="list-style-type: none"> <li>• Making Doing the Right Thing the “Path of Least Resistance”</li> <li>• Landscape Stewardship</li> <li>• “I Have Seen the Enemy and It Is I”- POGO</li> <li>• No Child Left Inside</li> </ul>
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### Reorganization



**Ken Moraff**, Deputy Director of EPA Region 1 New England’s Office of Ecosystem Protection, gave two examples of reorganization for a more holistic approach. The successful one involved putting enforcement staff in a multi-media office (Office of Environmental Stewardship) rather than keeping them in one small unit. Region 1 found that just putting staff together created sector-oriented, holistic and integrated compliance assistance and enforcement approaches (e.g., College and University initiative). They found they could quickly mobilize to develop and implement such approaches even though they still had to work out media program “bean numbers” with EPA headquarters. The not so successful effort involved putting all media programs in one office and assigning state units. They found that under this organizational change, they lost expertise and “sharpness” so they went back to functional media units but still try to do more holistic thinking and functions.

**Anne Keller**, Chief of Planning, Innovations and Accountability Section in EPA Region 4’s Planning and Environmental Accountability Branch, spoke about Region 4’s efforts to jointly identify top priorities with Region 4 states (energy, brownfields redevelopment, TMDLs, near non-attainment, sprawl/growth, agriculture). One example is the collaboration between Tennessee DEQ, EPA’s Waste, Air, and Water divisions, and Knoxville non-profits and agencies local to develop a workshop to enhance sustainability and provide support for local efforts through partnership programs (brownfields grants, outreach about water conservation, National Partnership for Environmental Priorities, state revolving fund for utilities, watershed approach). Another example is Region 4 Water Management Division initial reorganization in 2003 to include a Watershed Management Office that had State Watershed Workgroups to implement watershed approach in each state. The Division is reconsidering the effectiveness of this approach and making possible improvements.

Other examples of topics and activities that cross program boundaries include climate change, biofuels, and ‘lifecycle construction’. A Region 4 Climate Change Conference, held to begin developing a regional climate change agenda, included energy companies, states, universities, environmental groups, federal agencies. A biofuels conference is being planned for this winter. A ‘lifecycle construction’ conference, focusing on how to use construction materials and design to facilitate sustainable building, is being planned for the fall of 2008 and will include builders, developers, non-profits, states, environmental groups, and recycling interests.

*When you focus on a topic of interest, silos naturally break down.*  
--Anne Keller, EPA Region 4

**Results** have included: more and better dialogue about areas of mutual interest; better alignment of thinking; sharing of resources; greater appreciation for others’ challenges and opportunities for collaboration; and fostering multi-media conversations within state agencies and EPA.

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
<b>Focus first on what you want to accomplish;</b> organizational structure will follow.	<b>Be open to state organizational models</b> that are not similar to EPA’s set up by media.	
<b>Continue experimenting</b> (and learning from each other) with cross-media and multi-media approaches.	<b>Make explicit in NPM guidance</b> whether media programs are promoting cross-program, multi-media inspections.	<b>Address issue of counting multi-media inspections</b> for state commitments to EPA
<b>Focus on topics, problems, issues</b> rather than programs.		

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
<b>Focus first on what you want to accomplish;</b> organizational structure will follow.	<b>Be open to state organizational models</b> that are not similar to EPA's set up by media.	
<b>Continue experimenting</b> (and learning from each other) with cross-media and multi-media approaches.	<b>Make explicit in NPM guidance</b> whether media programs are promoting cross-program, multi-media inspections.	<b>Address issue of counting multi-media inspections</b> for state commitments to EPA
	<b>Use EPA 'convening power'</b> to bring agencies and stakeholders together across media and program lines.	

### G. TARGETING COMPLIANCE INSPECTIONS FOR EFFICIENCY & EFFECTIVENESS

This session addressed the questions: *Why do states want to target inspections? What are the challenges? What are EPA's concerns?*

**James Golden**, Virginia DEQ's Deputy Director for program development, spoke about their efforts to target compliance inspections in order to (1) enhance environmental protection by focusing on higher risk facilities and adjusting to changing priorities; (2) manage decreasing resources; and (3) increase state flexibility.

Virginia DEQ had historically followed traditional EPA's Compliance Monitoring Strategy that sets inspection frequencies based on a facility's size or regulatory classification (e.g., major NPDES, Large Quantity Generator). This resulted in large, well managed facilities with excellent compliance records routinely inspected while smaller facilities with significant compliance issues might not be inspected.

Their [Risk Based Inspection Strategy](#) developed (1) five inspection criteria to prioritize inspections; (2) focused inspection that concentrate on specific facility areas or pollution control equipment and include more on-site sampling or monitoring. He noted that the process had been "a long road" despite support from EPA Region 3 in trying to get more flexibility from EPA's Office of Enforcement and Compliance Assurance. 'Lessons learned' include the need to measure success, understand the details of your own programs, involve your planning, fiscal and planning staff, "Work the details early" and have an EPA 'champion'.

- Facility Selection Criteria, VA DEQ**
- Compliance History
  - Environmental Sensitivity
  - Agency Initiatives or Sectors
  - Multi-media approach
  - [Environmental Excellence E3 E4](#)

He also found at least one instance where commitments exceeding EPA requirements were being made by staff in lower levels of the organizations. The agency wants to make sure that this 10-30% 'overage' of inspections is warranted, effective, and the best use of their resources.<sup>4</sup>

**Mary Zielinski**, EPA Region 3's Performance Partnership Coordinator, noted that EPA's culture is still media-based and

- It's about more than targeting inspections. It's about:**
- A more holistic approach to environmental management and agency management
- **Flexibility** has been the key to success in making progress on the number of inspections required by EPA.
- James Golden, Virginia DEQ

<sup>4</sup> In discussions after the workshop, Mr. Golden indicated that the only flexibility achieved today has been on the number of inspections required by EPA.

that change agents and information are needed to make organizations change. Noting that “small steps do not mean failure; they are the means to get to an overall goal”. She felt that to promote changes to a risk based inspection strategy would require a compelling argument that what is being proposed is a good idea, using data to tell a story, and developing measures for the public and EPA to understand and assess progress.

<i>What might this mean for future work?</i>		
<i>To other states?</i>	<i>To EPA?</i>	<i>To the Partnership and Performance Workgroup?</i>
<b>Consider efforts by states in several regions</b> to promote the ability to pursue risk based inspection strategies.	<b>Consider inspection strategies</b> that are based on factors other than size and regulatory classification.	<b>Support process to get ‘credit’</b> for risk based inspection strategies.
<b>Find out who and at what level in the organization is negotiating with EPA</b> about inspection numbers, type, and rationale.		<b>Communicate experiences and progress</b> of states pursuing risk based inspection strategies.
<b>If ‘overage’ is occurring</b> , affirm it makes sense to the state or if should be redirected to other priority areas or initiatives.		<b>Reduce time and transaction costs</b> involved in justifying risk based inspection strategies.

## ATTACHMENT 1



### ECOS Strategic Planning Workshop Agenda

## Meeting Future Environmental Challenges: Planning, Partnerships and Actions to Achieve Results

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*June 10 -- 8am – 5pm  
June 11 -- 8am – 12:30pm*

*Massachusetts DEP, 2nd Floor, One Winter Street,  
Downtown Crossing, Boston, Massachusetts*

#### **Purpose:**

- ✓ *Share best practices, strategies, and ideas to meet the challenges environmental regulatory agencies are facing today and will face in the future.*
- ✓ *Institutionalize State and EPA experiences and best practices in:*
  - *Using planning to solve environmental and operational problems*
  - *Improving the process of State and EPA strategic planning*
  - *Getting results from strategic planning*
  - *Engaging in and influencing EPA decision-making*
  - *Promoting multi-state/regional priorities or focus areas*
  - *Developing and promoting state priorities*
  - *Using PPAs and PPGs to promote state and multi-state issues*
  - *Developing better ways to communicate, partner and collaborate among States and with EPA*
  - *Consideration of partnering on a broad scale*
- ✓ *Learn from State experiences for adoption in other States and Regions:*
  - *Streamlining permitting processes*
  - *Inspection targeting*
  - *Multi-media and cross-media approaches*
- ✓ *Identify additional opportunities to align and improve State and EPA planning*

#### **Participants will leave the workshop with:**

- ✓ *Insights on future challenges and the role that planning can play in meeting them*
- ✓ *Information sharing from academia and business as well as government*
- ✓ *Practical and effective tools and techniques to promote state, multi-state and regional priorities*
- ✓ *An understanding of opportunities for joint planning between States and EPA*
- ✓ *Recommendations to improve internal strategic thinking and capacity*
- ✓ *Recommendations for ECOS and EPA to institutionalize practices and processes to improve NEPPS, communication, partnerships and collaboration*

**NOTE:** *After each of the following sessions—the following will be developed on flip charts so that the discussions result in concrete potential actions: Take aways; Issues; Questions; Opportunities for collaboration; Recommendation to ECOS and EPA*

- 8:00 — 8:30am Refreshments and Networking**
- 8:30 — 9:00am Welcoming Remarks (#1)**  
**Beth Graves**, Senior Project Manager, ECOS  
**Laurie Burt**, Commissioner, Massachusetts DEP  
**Ira Leighton**, Deputy Regional Administrator, U.S. EPA Region 1 New England

- 9:00 — 9:15am Introductions and Expectations (#2)**  
*What do you want to get out of this workshop?*  
*This workshop will be a success if\_\_\_\_\_.*

*Note: The term "next generation," for the purpose of this workshop, includes existing challenges that will continue to grow and/or 'emerging' challenges that are only now getting attention. Panelists in the next 2 panels, therefore, might choose one or more of the challenges as climate change, energy, nanotechnology, biofuels, aging water and wastewater infrastructure, cumulative risk, growth, sustainability, innovative regulatory and permitting approaches, stagnant or reduced funding and/or other topics.*

- 9:15 — 10:15am Meeting the "Next Generation" of Environmental Challenges – An Academic and Business Perspective (#3)**  
**Panel Discussion 1:**  
**Jim Gomes**, Director, Mosakowski Institute for Public Enterprise, Clark University;  
formerly President of the Environmental League of Massachusetts  
**Sarah Hammond Creighton**, Director, Office of Sustainability, Tufts University  
**Leonard Sarapas**, Corporate Director, Environment, Health & Safety, Boston Scientific Corporation  
**Chris Scholl**, Director, Health, Safety & Environment, Saint-Gobain High Performance Materials  
*Questions for panelists:*
- *What existing environmental challenges do you think are being adequately addressed? Which ones do you think need more attention?*
  - *What emerging challenges do you think we will be facing?*
  - *What advice do you have to state and federal regulatory agencies to help them anticipate and meet the 'next generation' of environmental challenges? (E.g., organizational changes, scientific focus, regulatory approaches, permits, engagement with public and regulated entities, communication, research)*

- 10:15 — 10:45am Break**

- 10:45 — 11:45am Meeting the "Next Generation" of Environmental Challenges – A State and Federal Government Perspective (#4)**  
**Panel Discussion 2:**  
**Tom Burack**, Commissioner, New Hampshire DES  
**David Paylor**, Director, Virginia DEQ  
**Ira Leighton**, Deputy Regional Administrator, EPA Region 1 New England  
**Kathy Sedlak O'Brien**, Director, Office of Planning, Analysis, & Accountability, Office of the Chief Financial Officer, U.S. EPA  
*Questions for panelists:*
- *When you first started your career in public service, what were the environmental issues of the day? Management issues?*
  - *What are you struggling with now?*
  - *When you retire (or 20 years from now) what do you think will be the environmental issues that haunt your agency? (I.e., what will people wonder "What were they thinking and why didn't they pay attention to this issue?")*
  - *What management issues do you think will haunt this agency? (i.e., what will future senior managers wonder "How come they didn't fix this when they could?")*

- *What stands in the way of your agencies meeting these challenges? I.e., what will have to change?*
- *What strategies are you using or have been successful in your agencies in anticipating or preventing those challenges?*

**11:45 — 12:15pm**

**Response to Panel Discussions (#5)**

**Small Group Discussion:** *What are the themes and/or ‘take-aways’ from the panel?*

**12:15 — 1:00pm**

**Lunch**

**1:00 — 1:45pm**

**Linking Resources with Priorities: Challenges and Successes (#6)**

**Full Group Discussion:** *How do we make decisions now? What are linkages between planning and decision making? How are media programs engaged? What are good and bad examples of making planning meaningful internally and externally?*

**1:45 — 2:45pm**

**Setting State Priorities (#7)**

**Bob King**, Deputy Commissioner, and **Jim Joy**, Assistant Deputy Commissioner, South Carolina DHEC

**Vince Perelli**, Chief of Planning and Policy/QA Manager, New Hampshire DES

**Valerie Thomson**, Director of Administration, Virginia DEQ

*Discussion Questions:*

- *What has been important in setting internal priorities in your agencies?*
- *What did you do to articulate internal priorities?*
- *What has that made setting internal priorities possible, result in?*
- *What have been the obstacles?*
- *How did you overcome them?*
- *Is it worth the time?*

**2:45 — 3:15pm**

**Break**

**3:15 — 4:15pm**

**Reflecting on the Future EPA-State Partnership (#8)**

**Winslow Ladue**, Policy and Planning Coordinator, Vermont DEC

**Robert Zimmerman**, Chief Operating Officer, Delaware DNREC

**Joyce Frank**, Principal Deputy Associate Administrator, Office of Congressional and Intergovernmental Relations, U.S. EPA

**William Rice**, Deputy Regional Administrator, U.S. EPA Region 7

*Discussion Questions:*

- *What’s the current and future state of the EPA/State relationship?*
- *How does it have to change?*
- *What does ‘co-governance’ or ‘joint-governance’ mean to you?*
- *What would it change and result in?*

**4:15 — 5:15pm**

**National and State Planning and Joint Priority Setting (#9)**

**Kathy Sedlak O'Brien**, Director, Office of Planning, Analysis, & Accountability, Office of the Chief Financial Officer, U.S. EPA

**Doug Fine**, Assistant Commissioner for Planning & Policy, Massachusetts DEP

*Discussion Questions:*

- *How has EPA made EPA’s planning process more transparent and easier for states to get engaged?*
- *Why engage in EPA planning? What are pros & cons?*
- *What have you heard today that affirms or changes your thinking about national and state planning?*

**5:15 — 5:30pm**

**Feedback on Day 1 (#10)**

<b>8:00 — 8:30am</b>	<b>Refreshments and Networking</b>
<b>8:30 — 8:45am</b>	<b>Insights and Reflections from Day 1 (#11)</b> <b>Full Group Discussion:</b> <i>What surprised/struck you from yesterday's discussion? How might what you heard or learned yesterday affect what you do or could do to help your agencies meet future challenges?</i>
<b>8:45 — 9:30am</b>	<b>State-EPA Performance Partnership Agreements and Grants (PPA/PPGs) as Tools in Planning and Priority Setting (#12)</b> <b>Leah Ann Lamb</b> , Assistant Director, Division of Water Quality, Utah DEQ <b>Tom Lamberson</b> , Deputy Director, Nebraska DEQ <i>Discussion Questions:</i> <ul style="list-style-type: none"> <li>○ <i>What have PPA/PPGs made possible?</i></li> <li>○ <i>What has stood in the way of PPA/PPGs?</i></li> <li>○ <i>How does the concept of a standardized work plan affect PPAs/PPGs?</i></li> <li>○ <i>What do you see as the future of PPA/PPGs?</i></li> <li>○ <i>Of NEPPS?</i></li> </ul>
<b>9:30 — 10:30am</b>	<b>Organizing to Promote Cross-Media, Multi-Media or Watershed Approaches (#13)</b> <b>Jerry Cain</b> , Director, Office of Pollution Control, Mississippi DEQ <b>Amey Marrella</b> , Deputy Commissioner, Connecticut DEP <b>Ken Moraff</b> , Deputy Director, Office of Ecosystem Protection, U.S. EPA Region 1 New England <b>Anne Keller</b> , Chief, Planning, Innovations and Accountability Section, Planning and Environmental Accountability Branch, U.S. EPA Region 4 <i>Discussion Questions:</i> <ul style="list-style-type: none"> <li>○ <i>What made you pursue cross-media, multi-media and/or watershed approaches?</i></li> <li>○ <i>What have you done?</i></li> <li>○ <i>How does federal funding support or inhibit such approaches?</i></li> <li>○ <i>What are the obstacles?</i></li> <li>○ <i>How did you overcome them?</i></li> </ul>
<b>10:30 — 10:45am</b>	<b>Break</b>
<b>10:45 — 11:30am</b>	<b>Targeting Compliance Inspections for Efficiency &amp; Effectiveness (#14)</b> <b>James Golden</b> , Deputy Director, Virginia DEQ <b>Mary Zielinski</b> , Performance Partnership Coordinator, U.S. EPA Region 3 <i>Discussion Questions:</i> <ul style="list-style-type: none"> <li>○ <i>Why do states want to target inspections?</i></li> <li>○ <i>What are the challenges?</i></li> <li>○ <i>What are EPA's concerns?</i></li> </ul>
<b>11:30 — 12:15pm</b>	<b>Reflections on Three Rounds of State Planning Pilots (#15)</b> <b>Full Group Discussion</b> <i>Discussion Questions: What's worked well? What could have worked better? What recommendations do we have for ECOS and EPA?</i>
<b>12:15 — 12:30pm</b>	<b>Feedback on Workshop</b>
<b>12:30pm</b>	<b>Adjourn</b>

## ATTACHMENT 2: LIST OF PARTICIPANTS

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**ATTACHMENT 3: PARTICIPANTS' EXPECTATIONS FOR THE WORKSHOP**

<b>Ideas and Approaches</b>	<b>Planning Processes</b>	<b>Collaboration</b>	<b>State/EPA</b>
<p>New ideas, contacts, &amp; ways to implement ideas</p> <p>Innovative approaches</p> <p>Different compliance approaches</p> <p>Different perspectives</p> <p>How states are prioritizing</p> <p>Looking at pilots and identifying new tools to help states</p> <p>New energy</p> <p>Learn about challenges and ways to turn them into successes</p> <p>Bridge gap between regulation and environmental outcomes that the public can buy into</p>	<p>Improvements to planning processes</p> <p>Aligning EPA and State resources at a time when losing resources—creating sustainability</p> <p>Balancing flexibility and accountability</p> <p>[Getting to] national suite of priorities→ environmental agenda that represents all</p> <p>Holistic approaches to planning</p> <p>Info needs and grounding research with reality</p> <p>Integrate operational and planning activities and legal staff</p>	<p>Opportunities for collaboration</p> <p>New opportunities to work together</p> <p>2-3 things we can collectively work on</p> <p>Leveraging existing resources</p>	<p>Understanding EPA and State relationship</p> <p>Break down barriers</p> <p>Learn about ECOS and Planning Committee</p> <p>Meet regional counterparts and state counterparts</p>

**ATTACHMENT 4: SUMMARY OF EVALUATIONS (23 evaluations received)**

WERE EXPECTATIONS MET?	DAY ONE					DAY TWO				
	Way more than met	More than met	Met	Not Met	No response	Way more than met	More than met	Met	Not Met	No response
States	21%	14%	<b>57%</b>	0.7%		7%	<b>47%</b>	33%		13%
EPA		<b>33%</b>	<b>33%</b>	16.6%	16.6%	14%	28%	<b>43%</b>		14%
UNKNOWN		33%	<b>66%</b>							

HOW USEFUL?	USEFULNESS (BOTH DAYS)				
	1 Not Useful	2	3 Useful	4	5 Very Useful
Panel discussions	0 %	6%	<b>33%</b>	<b>33%</b>	27%
Facilitated large group discussions	2%	4%	20%	<b>44%</b>	29%
Small group work discussions	0%	9%	30%	<b>35%</b>	25%
Sharing experiences with other states	0%		15%	34%	<b>51%</b>
Meeting EPA staff	0%	9%	26%	<b>33%</b>	31%
Other					(#6)- discussions with state counterparts

WHAT PEOPLE LIKED OR GOT THE MOST OUT OF		WHAT PEOPLE DIDN'T LIKE OR COULD HAVE BEEN IMPROVED	
STATES	EPA	STATES	EPA
<p><b>Agenda:</b>                      (3)- Mix of lectures &amp; discussion good, covered a lot of ground, well organized.                      (15)- Agenda/speakers, facilitator, networking                      (18)- Outside groups, high level of gov't presenters- Deputies, Commissioners, etc., Strategic topics- high level i.e. "watershed"                      22)- Group discussions (small &amp; large!)</p>	<p><b>Agenda:</b>                      (4)- Opening group discussion                      (1)- Not sure how this panel fit in cross media &amp; targeting compliance inspection, facilitator could have spend time before each panel and discussed briefly how this "panel" meets the objective of the overall session                      (11)- Panel discussions, group questions, discussions, breakfast                      (12)- Panels, discussions, questions                      (20)- Well facilitated, good food, more on PPA/PPG than I expected- learned useful things about what's going on in the other</p>	<p><b>Agenda/Timing:</b>                      (2)- We tried to jam too much in too little time, sometimes we are more theoretical than practical                      (6)- Monday too long, more concise presentations on panels, more audience questions to panels                      (15)- Small group discussions                      (3)- N/A</p>	<p><b>Agenda/Timing:</b>                      (8)- Needed more time for large group discussions, questions for panel members, set-up obstructions &amp; not enough seats                      (9)- First day sessions were too long</p>

WHAT PEOPLE LIKED OR GOT THE MOST OUT OF		WHAT PEOPLE DIDN'T LIKE OR COULD HAVE BEEN IMPROVED	
STATES	EPA	STATES	EPA
	states (23)- Frank discussion, great mix of state, feds., private- planners, managers, commissioners		
<p><b>Sharing Experiences:</b>            (2)- Interchanging in formation w/ states was helpful, hearing how states tackled issues was good, seeing light bulbs go off            6)- Sharing experiences, making contacts            (7) Hearing other states experiences, successes, failures, obstacles            (13)- Exchange of ideas, willingness of groups to engage, leading (extracting) questions            (14)- Open dialogue, meeting new people, return home with suggestions</p>	<p><b>Sharing Experiences:</b>            (8)- Hearing about and learning from state perspective/experiences, hearing industry perspective</p>	<p><b>Room:</b>            (14)- Space limited            (16)- My only complaint was the layout of the room. If possible, try to find a more open setting with less obstructed view.            (22)- Room (posts)            (21)- Suggest an 8' screen that is hanging from the ceiling- nothing you can do about obstructed view.</p>	<p><b>Room:</b>            (20)- A room with no pillars and more air conditioning would be nice</p>
<p><b>Presentations:</b>            (16)- Jerry Cain, Amey Marella, Ken Moraff Presentations! Open discussion in the early (8:30 a.m.) session            (21)- Amey &amp; Ken have had some nice points regarding strategies/approaches and pros/cons of re-organizing, really liked what they presented            (19)- Perspective on next generation, organizational efforts to promote cross-media</p>	<p><b>Presentations:</b>            (9)- Next generation challenges- state &amp; federal, R4/State group discussions</p>	<p><b>Other:</b>            (7)- Some panelists didn't answer questions proposed for their panel- off target            (13)- Willingness to exchange there (but still some barriers/bias), Lot of EPA there-good regions but hedges no program fillers             (19)- Emphasis on PPA/PPG as tools</p>	<p><b>Other:</b>            (1)- The connection to the broader theme of the workshop targeting compliance inspections?            (4)- 8:45 panel should have been reused to debate pros &amp; cons of PPGs</p>

INCREASE IN CAPACITY?	INCREASING UNDERSTANDING & CAPACITY (BOTH DAYS)		
	Greatly increased	Somewhat Increased	Stayed the Same
States	9%	82%	9%
EPA		60%	40%

WILL YOU APPLY LEARNING BACK HOME?	APPLYING LEARNING (BOTH DAYS)			
	Definitely	Most Likely	Likely	Not likely
States	46%	16.6%	42%	
EPA	28%		57%	14%
	<b>If so, what?</b>			
States	<p>(2)- Specific ideas I heard from several speakers. We heard from Bob Zimmerman about why they don't have PPG. I would like to hear from "non-PPG" regions about their concerns. (3)- Organizing for new initiatives (6)- Resources in other states  (13)- Look at some of VA information &amp; pull off ideas, Employee &amp; personal choice ideas, my 1990 footprint compared to today  (14)- Implementation of some ideas (15)- Try to generate more interest in having focused strategic planning  (16)- Some of the take home messages esp. Madeline's insights about how to crosswalk EPA's strategic plans with program-specific goals in own state (21)- Specific ideas for actions to include in our strategic plan- ideas for approaches! Do more to engage the public &amp; others in "big picture" thinking- make aware/ poke holes/ what did we miss</p>			
EPA	<p>(8)-Nothing very direct, but understanding the state perspective and knowing some of the challenges will inform how I do business  (9)- Strategies to deal with emerging issues (23)- New look, second look at PPA process</p>			

	DAY ONE		DAY TWO	
	States	EPA	States	EPA
<b>WHAT COULD HAVE MADE THIS WORKSHOP MORE USEFUL TO YOU?</b>	<p><b>Discussion:</b>            (#14)- More group input            (#10)- More discussion of funding            (#6)- More business perspective on organizational planning issues</p>	<p><b>Discussion:</b>            (#20)- More working discussions/ breakouts            (#16)- Artificial assignments            (#17)- More concrete best practices which could be shared across regions            (#18)- More training on (?) process so all the new people here at this conferences are operating at the same level</p>	<p><b>Discussion:</b>            (#22)- More detailed discussion of how &amp; when to access EPA's strategic planning processes- ECOS needs to take a STRONG lead on each of these opportunities today            (#19)- More trouble shooting with free-thinking solutions with visioning and steps to get there, very timely as preparatory for new administration</p>	<p><b>Discussion:</b>            (#10)- Small group discussions instead of the multi-member panels with discussions as one afterthought</p>
	<p><b>Handouts:</b>            (#9)- More handouts or websites or business cards</p>	<p><b>Handouts:</b>            (#19)- Handouts of presentations</p>	<p><b>Attendance:</b>            (#15)- More states in attendance            (#16)- Having the other region 5 states present so we could collaborate and plant seeds to further dialogue</p>	<p><b>Attendance:</b>            (#9)- Encouraged more states to attend to expand networking priorities</p>
	<p>(#13)- You did just fine.</p>		<p><b>Focus:</b>            (#2)- Really practical stuff- we had some/better than many meetings.            (#3)- Tied planning &amp; reorganized agencies to benefits</p>	<p><b>Focus:</b>            (#1) Focused more on pilot project: what worked, what was the mix of successes, failures, etc.</p>