



FY 2020-2021 Agency Priority Goal Action Plan

## Accelerate Permitting-Related Decisions

**Goal Leader:**

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# Overview

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## Goal Statement

- **Accelerate permitting-related decisions.** By September 30, 2021, EPA will reduce the backlog of new permitting-related decisions to zero from a baseline of 65;<sup>1</sup> and reduce the backlog of permit renewals by 50% from a baseline of 417.<sup>2</sup>

## Challenge

- Delays in permit issuance can be caused by factors that include incomplete information; complex technical and regulatory issues; public interest; and required consultations (endangered species, tribal/state issues).

## Opportunity

- Targeted improvements in permitting processes can improve environmental outcomes, accelerate economic growth, and save time and resources overall by reducing delay, wasted effort, and avoidable disputes.

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<sup>1</sup> This measure tracks the sum of new permit applications that are over six months old (for Clean Water Act National Pollutant Elimination Discharge System [NPDES], Safe Drinking Water Act Underground Injection Control [UIC], Resource Conservation Recovery Act [RCRA Subtitle C] and approvals to store, decontaminate or dispose of Polychlorinated Biphenyls [PCBs]) and the sum of New source Review (NSR and Title V permits under the Clean Air Act that have been pending for longer than the statutory timeframes (12 and 18 months, respectively). For all permit types listed above except for NRS and Title V, the time for a permitting-related decision is calculated from the date of receipt of an initial permit application to the date of a permit decision. For NSR and Title V, the time for a permitting-related decision is calculated from the date of receipt of a complete application (consistent with the statute) to the date of a permit decision.

<sup>2</sup> This measure applies to RCRA, NPDES, UIC, Title V, and PCB approvals. This measure tracks the following: (1) for NPDES, RCRA, PCBs, and UIC, the sum of existing permits that have passed their date of expiration and are awaiting reissuance; and (2) for Title V, the sum of existing permits that have expired and for which complete permit applications have been received and have been pending for over 18 months (timeframe allowed under the statute).

# Leadership & Implementation Team

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# Goal Structure and Strategies

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This Action Plan builds on the successful implementation of EPA's FY 2018-2019 Permitting Agency Priority Goal in which the Agency reduced the backlog of new permitting-related decisions in key programs that exceed six months by 65%. In FY 2020-2021, EPA will continue to improve the efficiency and effectiveness of its permitting programs through the following strategies and will explore additional opportunities to improve federal environmental permitting overall.

**Strategy 1 – Identify and Implement Best Practices.** Identify and develop tools, training, and guidance to assist applicants, permit writers, and EPA regional offices in facilitating permitting decisions.

**Strategy 2 – Track Results and Target Improvements.** Continue to gather, analyze and use agency-wide permitting data to track results and target areas for improvement.

# Summary of Progress – FY 2020 Q1

EPA reduced the backlog of new permit applications to 59 and the backlog of permit renewals to 415, missing the FY 2020 Q1 targets of 57 and 391, respectively.

Indicator	Jumping Off Point		FY 2020 Q1	FY 2020 Q2	FY 2020 Q3	FY 2020 Q4	FY 2021 Q1	FY 2021 Q2	FY 2021 Q3	FY 2021 Q4	Pref Dir	Trend
Number of new permit applications in backlog	65	Target	57	49	41	33	25	17	9	0	↓	
		Actual	59									
Number of permit renewals in backlog	417	Target	391	365	339	313	287	261	235	209	↓	
		Actual	415									

## Accomplishments:



- EPA processed 16 UIC permit applications (15 new permits and 1 renewal).
- EPA's UIC Program finalized and made available a Response to Comment library that EPA will use in making permitting decisions.
- EPA reduced the backlog of existing NPDES permits from 373 to 360 and prevented an increase to the new permit backlog.
- EPA hosted two webinars to assist EPA's NPDES permit applicants with permit applications and increase rates of completeness. These webinars were recorded and posted to the EPA website.
- EPA finalized and began implementing a national backlog elimination strategy.
- EPA increased content and access to the NPDES Permit Writer's SharePoint site to provide easy access to information helpful to permit writers.
- EPA began collecting Endangered Species Act consultation data to identify potential problems and provide assistance where needed.

## Challenges:

- For NPDES permit renewals, EPA Region 1 has the vast majority of the backlog work. EPA will address the backlog through contractor support and workload sharing.

# Summary of Progress – FY 2020 Q2

EPA reduced the backlog of new permit applications to 54 and the backlog of permit renewals to 413, missing the FY 2020 Q2 targets of 49 and 365, respectively.

Strategy	Jumping Off Point		FY 2020 Q1	FY 2020 Q2	FY 2020 Q3	FY 2020 Q4	FY 2021 Q1	FY 2021 Q2	FY 2021 Q3	FY 2021 Q4	Pref Direct	Trend
Number of new permit applications in backlog	65	Target	57	49	41	33	25	17	9	0	↓	
		Actual	59	54								
Number of permit renewals in backlog	417	Target	391	365	339	313	287	261	235	209	↓	
		Actual	415	413								

## Accomplishments:

- NPDES:
  - EPA processed 20 new permit applications. The NPDES program has 26 remaining backlogged applications for new permits. Of these 26, 16 have now been public noticed and four are pending outcome of litigation on jurisdiction. The remaining six permits are in preparation or awaiting policy determination.
  - EPA began analyzing the collected Endangered Species Act consultation data and coordinated with U.S. Fish and Wildlife Service (FWS) to organize a training for NPDES Regional permit writer staff. The training event was postponed due to COVID-19 and the Agency is working with FWS to reschedule this event virtually.
  - EPA began collecting more information on existing permits under the NPDES program, including schedule for issuance and reasons for delay, with increased oversight in areas with the largest permit backlog.
  - EPA drafted application completeness checklists for NPDES permit applicants to increase rates of application completeness.
- UIC:
  - EPA processed 22 new permit applications. The UIC program has 14 remaining backlogged applications for new permits. Of these 14, 5 have now been public noticed and 1 is pending outcome of litigation on jurisdiction. The remaining 8 permits are in preparation or awaiting policy determination.
  - EPA created a user's guide for the new UIC Response to Comment library that EPA now uses in making permitting decisions.
- NSR: EPA eliminated three permit applications from backlog by working with applicants to withdraw these incomplete permit applications.
- Title V: EPA eliminated eight initial permit applications from the backlog by issuing four permits and working with sources to withdraw application for another four permits due to synthetic minor NSR permits being issued for those sources.

# Summary of Progress – FY 2020 Q2 (continued)

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## Challenges:

- NPDES:
  - EPA Region 1 has the vast majority of the permit renewal backlog. EPA headquarters has increased oversight of the Region 1 program and continues to work with them to address the permit backlog.
  - EPA is exploring ways to host public meetings via web conferencing. The Agency continues to identify alternative approaches to address challenges that have resulted due to social distancing.
- NSR: Regions 1 and 6 are not able to issue a couple of new permits because they depend on environmental reviews from other federal agencies that are on schedule's outside the Agency's control. EPA will continue to communicate with the applicable agencies to advance these environmental reviews.
- Title V:
  - Six permit renewal applications were delayed due to: (1) complex public comments being received on two permits; (2) delay in the issuance of a synthetic minor construction permit by a delegated tribal permitting authority; (3) two permits delayed due to prioritization of issuing minor construction permits; and (4) one permit delayed due to work on templates for issuing permits.
  - EPA expects to have 20 backlogged new permit applications at the end of the FY 2020. Twenty-two initial permit applications will become backlogged this fiscal year due to many oil and gas sources applying for Title V permits even though they will no longer need Title V permits within one to two years. EPA began with 12 backlogged initial Title V applications and will still end up with 20 backlogged permit applications despite eliminating 14 initial Title V permit applications from the backlog. In Fall 2020, EPA plans to start working on a national rulemaking for a Title V general permit for these oil in gas sources.

# Key Milestones

## Strategy 1 – Identify and Implement Best Practices

Key Milestones	Due Date	Status	Change from Last Quarter	Comments
(UIC Permitting Program) Continue to identify / develop tools and resources to assist all regional offices in responding to comments.	Q2 FY 2020	Complete	N/A	Developed and distributed a concise user's guide for the new UIC response to comments library.
(UIC Class II) Identify minimum materials (i.e., data point) that need to be submitted by an applicant to make a permitting decision.	Q3 FY 2020	Complete	N/A	
(NPDES) Deliver trainings focused on the newly updated NPDES application forms (aimed at decreasing the submittal of incomplete information).	Q2 FY 2020	Complete	N/A	Hosted two webinars to assist EPA's NPDES permit applicants with the completion and submission of their NPDES permit application forms to increase rates of application completeness. These webinars were recorded and posted to the EPA website.
(NPDES) Implement national strategy for eliminating the backlog of EPA-Issued NPDES permits	Q2 FY 2020	Complete	N/A	Began implementation of the national backlog elimination strategy and will continue implementing to help resolve the permit backlog.
(NPDES) Increase awareness of the NPDES Permit Writers' SharePoint site among EPA NPDES permit writers	Q2 FY 2020	Complete	N/A	Continued to increase content and access to the SharePoint site and will keep expanding it moving forward.
(UIC Class II) Develop a series of checklists to support permit writers and permit applicants through each step of the permitting process.	Q3 FY 2020	On Track	N/A	Regional UIC programs provided feedback, which is currently being incorporated into checklists by contractor.
(NPDES) Develop and deliver training on the ESA consultation process to EPA regional permitting staff	Q4 FY 2020	On Track	N/A	First training was scheduled for March 2020, but was postponed due to COVID-19. EPA is exploring options for rescheduling, including possible virtual trainings.
(UIC Class II) Develop user guide to help applicants through the application process	Q4 FY 2020	On Track	N/A	
(UIC Permitting Program) Develop a letter template for regions to use to more efficiently request information from permittees on permit renewal applications.	Q4 FY 2020	On Track	N/A	Draft reviewed by OGC.



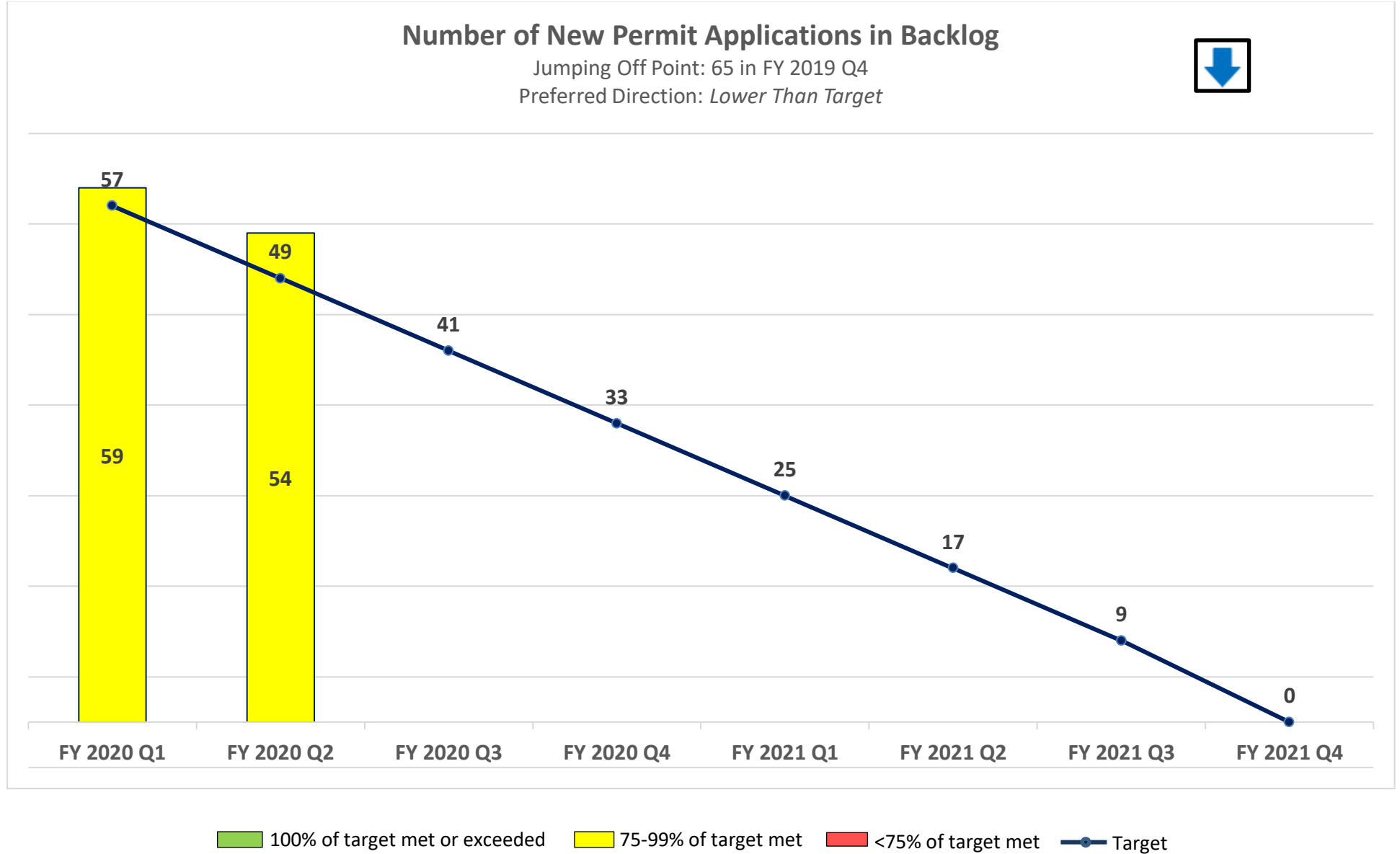
# Key Milestones (continued)

Key Milestones	Due Date	Status	Change from Last Quarter	Comments
(UIC Permitting Program) Develop permit writer training on financial assurance.	Q1 FY 2021	On Track	N/A	Story boards completed for Adobe Captivate e-learning modules.
(RCRA) Develop permit applicants' checklist for federal regulations and integrate in automated tool which will improve accuracy and completeness of permit applications.	Q4 FY 2020	On Track	N/A	
(NSR) Eliminate the backlog of new NSR permit applications.	Q4 FY 2021	On track	N/A	EPA continues to actively work to remove NSR permits from the backlog, especially incomplete permit applications that were not resubmitted.
(Title V) Develop a general permit for oil and gas sources that will phase out of Title V in a one to two years.	Q4 FY 2021	Not Yet Started	N/A	EPA expects to be able to begin work on the general permit rulemaking in Fall 2020. Currently, the same staff that would promulgate the rule are working on issuing permits.
(Title V) Issue 8 Title V renewal permits.	Q4 FY 2020	On Track	N/A	Region 8 plans to issue 3 permits by the end of April 2020. Region 8 and 9 will issue another 5 permits between then and August 2020.

## Strategy 2 – Track Results and Target Improvements

Key Milestones	Due Date	Status	Change from Last Quarter	Comments
(NPDES) Launch data collection on application completeness for newly updated NPDES application forms	Q2 FY 2020	Complete	N/A	Collected Q1 and Q2 data on applications that were incomplete to identify areas for improvement. Continuing to collect data on a quarterly basis.
(NPDES) Analyze data on application completeness for newly updated NPDES applications forms and identify areas for improvement	Q3 FY 2020	On Track	N/A	
Conduct reviews of agency-wide permitting results to identify potential areas for improvement	Quarterly	On Track	N/A	

# Key Indicators

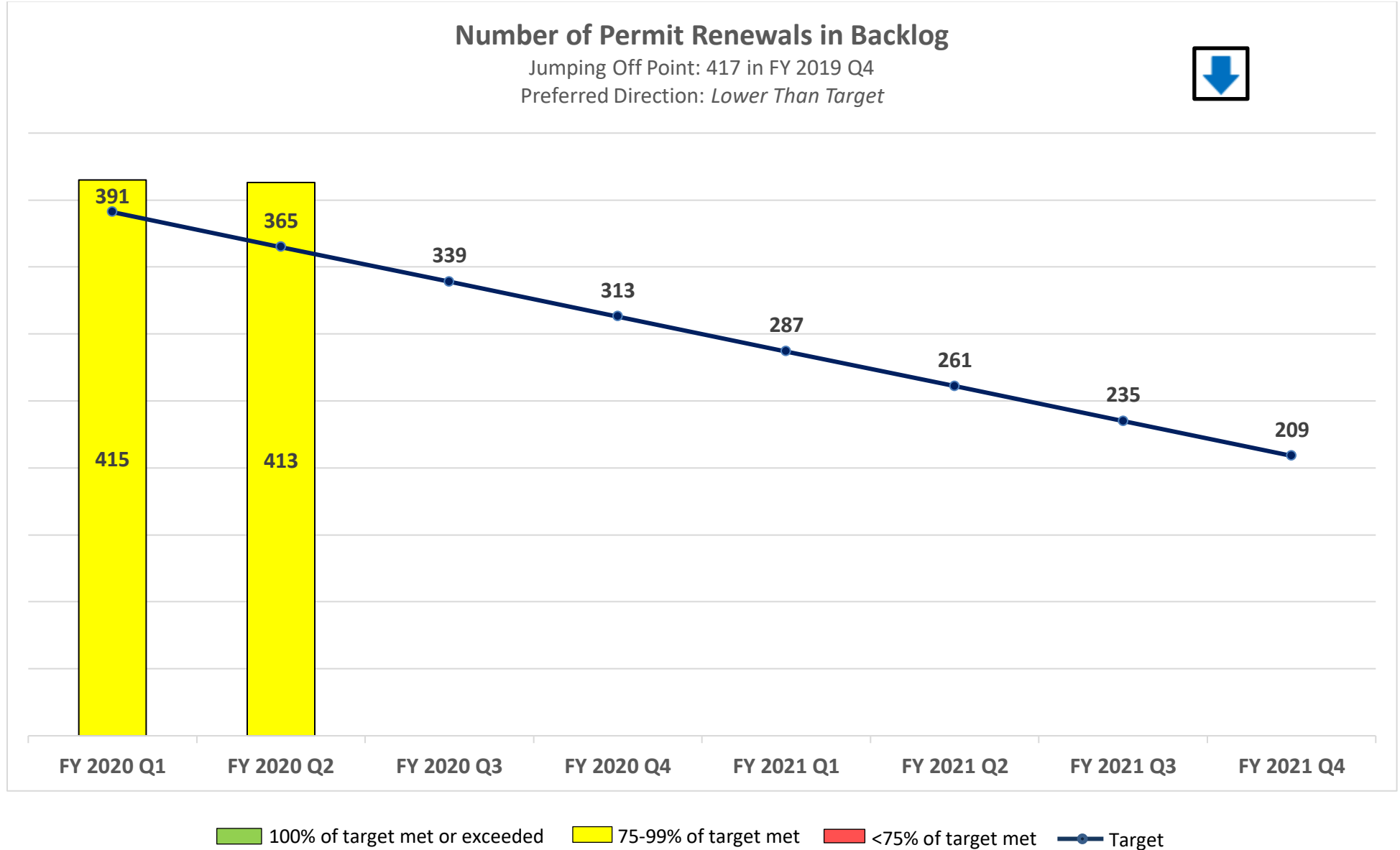


The baseline for FY 2020 (65) is higher than the total permit number reported in September 2019 (52). This increase is due to EPA adding Clean Air Act (CAA) permits to this APG. EPA did not include CAA permits in the FY 2018-2019 APG.

# Key Indicators (continued)

## Number of Permit Renewals in Backlog

Jumping Off Point: 417 in FY 2019 Q4  
Preferred Direction: *Lower Than Target*



# Additional Information

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## **Purpose of Measure**

- To inform on EPA's commitment to provide consistency and certainty to the regulated community in executing its responsibilities.

## **Methodology**

- For four types of permit categories (NPDES, UIC, RCRA Subtitle C, and approvals to decontaminate, store, or dispose of PCBs), EPA is tracking the number of applications for new permits that are over 180 days old. For Clean Air Act permits (NSR and Title V), EPA is tracking permit applications that are pending beyond statutory timeframes for permit issuance (12 months and 18 months beyond the date of receipt of complete application, respectively).
- EPA checks the accuracy of the data monthly through EPA Lean Management System (ELMS) reporting (bowling chart).

## **Performance Measure Term Definitions**

- A permit-related decision is measured from the date a permitting application is received by the respective regional permitting office to the date of a permit decision.
- A pending permit-related decision refers to a decision to approve or disapprove a permit application that has not yet been made.

A Data Quality Record has been developed for the strategic measure associated with this Agency Priority Goal:

<https://www.epa.gov/sites/production/files/2019-06/documents/dqr-3-4-permitting.pdf>.

## **Contributing Programs (U.S. EPA)**

- Office of the Administrator
  - Data collection, review of existing policies and development of new policies, as needed; facilitate Lean events and follow-up; collect mission measure data related to permitting
- Program offices (Office of Water, Office of Air and Radiation, Office of Land and Emergency Management) and regional offices
  - Participate in Lean events and implement recommended solutions; report permitting data; and make potential policy changes